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3-1001 Write Off of Unaccounted for Property Inventory

This regulation establishes guidelines for the proper handling of property inventory write-offs. It is the responsibility of the department or division to ensure that property that is on NCF’s inventory is disposed of appropriately with proper accountability. Occasionally property is deemed missing during the annual physical inventory. When a property inventory item is unaccounted for, then it is submitted for approval to be written off NCF’s inventory.

(1) Definitions. The following words shall have the indicated meanings for the purposes of this regulation:

(a) “Unaccounted for Property” shall mean property of a custodian which cannot be physically located by the custodian or custodian’s designee and which has not been otherwise properly disposed of or accounted for during the physical inventory.

(b) “Property” shall mean all personal property of a non-consumable and non-expendable nature, other than real estate, the value or cost of which is $5,000 or more and the normal expected life of which is one year or more.

(c) “Physical Inventory” shall mean the assessment conducted once per year by the property custodian’s designee with assistance from the Procurement Office, if needed.

(d) “Property Custodian” shall typically be the executive, dean, director, department head, or chair who has signature authority for a department or division.

(2) Criteria for Recognizing Unaccounted for Property. If, during the annual physical inventory process, an item is not located or scanned by any department or division, that item is deemed missing. The item will remain on that department or division’s college inventory records for the first year it is unaccounted for. Departments and divisions have a responsibility to continue to actively search for all items reported as unaccounted for property. During the subsequent year, if the item is still not located nor scanned by any department or division at NCF then the item will be officially deemed as unaccounted for property. Prior to finally deeming the property to be unaccounted for or missing, the custodian shall investigate whether violation of any applicable laws, regulations, or policies contributed to the loss of property, and shall consult with the NCF Police Department.

(3) Write Off of Unaccounted for Property. The Business Office will compile a list of all such unaccounted for property items for submission to the Vice President of Finance and Administration for write off. The Vice President of Finance and Administration may authorize the write off of any unaccounted for property of NCF.

(4) Review and Responsibility. The Controller shall be responsible for implementing this regulation.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulations 1.001 and 9.003

History: Adopted 11-15-07; Revised 09-11-10, 09-10-11, 11-08-14, 02-21-17 (technical amendment)
3-1002 Tuition and Fees Schedule

(1) Purpose. This regulation establishes tuition and fees to be assessed at New College of Florida for the 2017-2018 Academic Year pursuant to Florida Board of Governors’ Resolutions adopted on January 7, 2003 and July 21, 2005; Section 1009.24, Florida Statutes; and the Florida General Appropriations Act.

(2) Definitions

(a) Tuition. Tuition shall be defined as fees assessed to students for enrollment in credit courses at the College. Tuition consists of the following fees, depending on whether a student is a Florida resident or non-resident:

1. Florida resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who qualifies as a Florida resident as defined in Chapter 1009.21, Florida Statutes:
   a. Matriculation Fee
   b. Tuition Differential Fee
   c. Student Financial Aid Fee
   d. Capital Improvement Trust Fund Fee
   e. Health Fee
   f. Athletic Fee
   g. Activity and Service Fee
   h. Technology Fee
   i. Sustainability “Green” Fee

2. Non-Florida resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who does not qualify as a Florida resident as defined in Chapter 1009.21, Florida Statutes:
   a. Matriculation Fee
   b. Tuition Differential Fee
   c. Non-Resident Fee
   d. Student Financial Aid Fee
   e. Non-Resident Student Financial Aid Fee
   f. Capital Improvement Trust Fund Fee
   g. Health Fee
   h. Athletic Fee
   i. Activity and Service Fee
   j. Technology Fee
   k. Sustainability “Green” Fee

(b) Fees. Fees shall be defined as assessments for particular services provided by the College that do not relate directly to enrollment in credit courses. Fees include housing rental fees; housing room fees and damage fees; meal plan rates; parking permit rates; parking fines; course material and supply fees, including laboratory fees; off-campus fees; technology fees; and special fees, fines and penalties.
(3) Tuition for 2017-2018 Academic Year. The following tuition shall be levied and collected for the fall semester 2017 and the spring semester 2018 for each student regularly enrolled, unless otherwise provided for herein:

<table>
<thead>
<tr>
<th>Fee per Student Credit Hour (SCH)</th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Florida Resident</td>
<td>Non-Florida Resident</td>
</tr>
<tr>
<td>Matriculation</td>
<td>$105.07</td>
<td>$105.07</td>
</tr>
<tr>
<td>Tuition Differential</td>
<td>40.13</td>
<td>40.13</td>
</tr>
<tr>
<td>Non-Florida Resident Fee</td>
<td>-</td>
<td>609.23</td>
</tr>
<tr>
<td>Student Financial Aid Fee</td>
<td>5.25</td>
<td>5.25</td>
</tr>
<tr>
<td>Non-Florida Resident Student Financial Aid Fee</td>
<td>30.46</td>
<td>33.10</td>
</tr>
<tr>
<td>Health Fee</td>
<td>$6.30</td>
<td>$6.30</td>
</tr>
<tr>
<td>Athletic Fee</td>
<td>$8.71</td>
<td>$8.71</td>
</tr>
<tr>
<td>Technology Fee</td>
<td>5.25</td>
<td>5.25</td>
</tr>
<tr>
<td>Sustainability “Green” Fee</td>
<td>1.00</td>
<td>1.00</td>
</tr>
<tr>
<td><strong>TOTAL PER SCH</strong></td>
<td><strong>$192.10</strong></td>
<td><strong>$831.79</strong></td>
</tr>
</tbody>
</table>

Undergraduate Tuition Calculation Example:
- Florida Resident
  - Fall Semester – with individual study (20 SCH): $3,842.00
  - Spring Semester (16 SCH): $3,073.60
- Total Annual Tuition: $6,915.60

Note: Undergraduate tuition for students enrolled for their eighth semester contract is based on 12 SCH.

Graduate Tuition Calculation Example:
- Florida Resident
  - Total Annual Tuition (24 SCH): $11,383.92
- Non-Florida Resident
  - Total Annual Tuition: $28,067.28

(b) Each student enrolled in the same undergraduate college-credit course more than twice, shall be assessed an additional $181.12 per credit hour charge in addition to the matriculation fees outlined above for each such course.

(4) Housing Rental Rates. All housing contracts are inclusive of the Fall and Spring Terms. Rates set out below are per person.
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## Housing Room Fees Including Damage Fees:

- **(a)** Housing Deposit Fee: $100.00
- **(b)** Student Initiated Room Change Charge: $20.00
- **(c)** Improper, Check-in, Check-out Fee: $100.00
- **(d)** Failure to vacate room by designated checkout date: $200.00 plus appropriate daily rate
- **(e)** Unauthorized pet in room: $100.00 plus cleaning
- **(f)** Winter Break Housing Rates: Daily rate of current Fall/ISP room rates
- **(g)** Summer School Housing Rates: Daily rate of current Spring room rates
- **(h)** Student Employee Summer Housing Rates, plus sales tax: 13.48-25.00/person/day
- **(i)** Conference Housing Rate, plus sales tax: $25.00-40.00/person/day
- **(j)** Early Arrival Rate: $150.00/person/day
- **(k)** Grant-Funded Housing Rate: Rates will be determined on a grant by grant basis
- **(l)** Food Service Conference Rate, plus sales tax: Varies, based on menu selected and quantity
- **(m)** Occupant Induced Fumigation: $25.00-50.00 for each treatment
- **(n)** Lockout fee: $5.00/lockout
- **(o)** Replacement Key (during the academic year): $24.00
- **(p)** Replace Lock Core:
  1. Pei/Viking/Palmer B (includes 2 replacement keys): $148.00
  2. Dort/Goldstein (includes 4 replacement keys): $196.00
- **(q)** Paint Room:
  1. Whole room, prorated otherwise: $640.00
  2. High ceiling rooms: $640.00/wall
  3. Extra treatment required: Materials plus labor
- **(r)** Slats for blinds (each): $15.00
- **(s)** Damaged/Missing Furniture: Repair/Replacement Cost
  1. Waste Baskets: $25.00
  2. Smoke Detectors: $100.00
  3. Screens: $175.00
  4. Light Fixtures: $175.00-1,000.00
  5. Toilet Tissue Dispensers: $60.00

## Room Type Summary:

<table>
<thead>
<tr>
<th>Room Type</th>
<th>Fall</th>
<th>Spring</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palmer B</td>
<td>$3,617.88</td>
<td>$2,750.58</td>
<td>$6,368.46</td>
</tr>
<tr>
<td>Palmer B Preferred</td>
<td>$3,876.30</td>
<td>$2,947.05</td>
<td>$6,823.35</td>
</tr>
<tr>
<td>Palmer B Double</td>
<td>$3,346.32</td>
<td>$2,544.12</td>
<td>$5,890.44</td>
</tr>
<tr>
<td>Dort/Goldstein/New Halls</td>
<td>$4,883.70</td>
<td>$3,712.95</td>
<td>$8,596.65</td>
</tr>
<tr>
<td>New Halls Studio Single</td>
<td>$5,317.32</td>
<td>$4,042.62</td>
<td>$9,359.94</td>
</tr>
<tr>
<td>New Halls Studio Double</td>
<td>$4,076.32</td>
<td>$3,099.12</td>
<td>$7,175.44</td>
</tr>
<tr>
<td>Pei Single</td>
<td>$5,597.64</td>
<td>$4,255.74</td>
<td>$9,853.38</td>
</tr>
<tr>
<td>Pei Double</td>
<td>$3,750.74</td>
<td>$2,851.59</td>
<td>$6,602.33</td>
</tr>
<tr>
<td>Pei Triple (College Directed)</td>
<td>$2,838.24</td>
<td>$2,157.84</td>
<td>$4,996.08</td>
</tr>
<tr>
<td>Pei Triple (Student Requested)</td>
<td>$3,054.32</td>
<td>$2,322.12</td>
<td>$5,376.44</td>
</tr>
<tr>
<td>Resident Assistant, All Rooms</td>
<td>$871.62</td>
<td>$662.67</td>
<td>$1,534.29</td>
</tr>
</tbody>
</table>

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6. Robe Hooks $35.00
7. Closet Racks $100.00
8. Door Signs $25.00
9. Light Switch and Outlet Plates $15.00

(t) Damaged Carpet Repair/Replacement Cost, $50.00/carpet square
(u) Items on Doors/Windows/Mirrors (per item removed) $5.00
(v) Extra Cleaning $25.00/hour, minimum $25.00
(w) Trash Removal $10.00/hour
(x) Carpet Cleaning Cost to clean, minimum $75.00
(y) Broken/Cracked Window or Door Glass Materials plus labor
(z) Damaged Bathroom Fixtures Materials plus labor
(aa) Room Door Damage Materials plus labor
(bb) Graffiti/Art Removal – Cement/Brick Surfaces Materials plus labor
(cc) Furniture Removal
  1. Heavy $25.00/hour, $75.00 minimum
  2. Light $25.00/hour, $25.00 minimum

(6) Meal Plan Rates. All meal plan contracts are inclusive of Fall and Spring Terms.

**Mandatory Base Meal Plans**

<table>
<thead>
<tr>
<th>Meal Plan</th>
<th>Fall</th>
<th>Fall Daily</th>
<th>Spring</th>
<th>Spring Daily</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pei/B Dorm/First Year/Transfer</td>
<td>$1,504.36</td>
<td>$10.52</td>
<td>$1,157.20</td>
<td>$10.52</td>
<td>$2,661.56</td>
</tr>
<tr>
<td>Apartment Plan</td>
<td>$785.07</td>
<td>$5.49</td>
<td>$603.90</td>
<td>$5.49</td>
<td>$1,388.97</td>
</tr>
<tr>
<td>Commuter</td>
<td>$436.15</td>
<td>$3.05</td>
<td>$335.50</td>
<td>$3.05</td>
<td>$771.65</td>
</tr>
</tbody>
</table>

Students may increase their buying power above the mandatory base rates through the purchase of supplementary meal plans. The supplementary meal rates, which are in addition to the mandatory base plan rates listed above, are voluntary and are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Fall</th>
<th>Fall Daily</th>
<th>Spring</th>
<th>Spring Daily</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bronze</td>
<td>$163.02</td>
<td>$1.14</td>
<td>$125.40</td>
<td>$1.14</td>
</tr>
<tr>
<td>Silver</td>
<td>$326.04</td>
<td>$2.28</td>
<td>$250.80</td>
<td>$2.28</td>
</tr>
<tr>
<td>Gold</td>
<td>$489.06</td>
<td>$3.42</td>
<td>$376.20</td>
<td>$3.42</td>
</tr>
</tbody>
</table>

Fees include buying power in the dining hall and sales tax, if applicable

(7) Parking Permit Rates

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff – Annual</td>
<td>$75.00</td>
</tr>
<tr>
<td>Staff – Semester</td>
<td>$37.50</td>
</tr>
<tr>
<td>Student – Annual</td>
<td>$75.00</td>
</tr>
<tr>
<td>Student – Semester</td>
<td>$37.50</td>
</tr>
<tr>
<td>Motorcycle, Annual, motorcycle only spaces</td>
<td>$ 5.00</td>
</tr>
<tr>
<td>Motorcycle, Annual, regular vehicle spaces</td>
<td>$75.00</td>
</tr>
<tr>
<td>Monthly Permits</td>
<td>$10.00</td>
</tr>
</tbody>
</table>
Value Lot - Annual $25.00
Value Lot – Semester $12.50

The appropriate parking permit fee will be waived for staff and students showing proof of a currently active NCF vehicle license tag issued by the Florida Department of Motor Vehicles.

Replacement Cost for Lost or Stolen Permits
First Replacement: $10.00 or full permit price, whichever is less
Second Replacement: $10.00 or full permit price, whichever is less
Third Replacement: Full Permit Price

(8) Parking Fines

Violation Description: Amount
Unauthorized parking in disabled space $275.00
Blocking access to disabled space or ramp $275.00
Unauthorized parking in a reserved space – 1st time $35.00
Unauthorized parking in a reserved space – 2nd time, subsequent offenses $75.00, plus immediate immobilization or tow
Unauthorized parking in a service drive $25.00
Unauthorized parking on grass $25.00
No current permit displayed $25.00 w/ first citation dismissed upon permit purchase
Unauthorized parking in state vehicle space $30.00
Parking out of assigned area during restricted hours $30.00
Blocking traffic $30.00
Parking in a “no parking zone” or barricaded area $30.00

Unauthorized removal and/or damage to a clamp $125.00, plus replacement or repair cost to device and parking privileges restricted or revoked for one year.
Displaying a revoked, altered, lost, stolen or counterfeit permit $125.00, plus immediate immobilization or tow and parking restricted or revoked for one year

Blocking a ramp $75.00
Double parked or parked over the line $15.00
Overtime violation $15.00
Improper parking permit display $15.00
Parking in an angled parking space facing traffic $15.00
Late payment of violation $10.00
All bicycle parking violations $15.00

(9) Facility Licensing Fees

Venue licensing fees are established as follows:

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Sainer $150/hour, 2 hour minimum – 14 hour maximum
Isermann Gallery $150/hour, 2 hour minimum – 14 hour maximum
PepsiCo Arcade & Forum $150/hour, 2 hour minimum – 14 hour maximum

Classroom (various sizes/locations) $50 - $100/hour, 2 hour minimum

Sudakoff
Entire Facility $150/hour, 2 hour minimum – 14 hour maximum
Center Section $100/hour, 2 hour minimum – 14 hour maximum
Classroom $50/hour, 2 hour minimum – 14 hour maximum

Thatched Outdoor Classroom $100/hour

College Hall – Music Room, Living Room
Patio and Bay Front: Weddings All Times
NCF Current Student/Employee $1,150.00
NCF Alumni $3,000.00
Non-Affiliates $5,000.00
Wedding Rehearsal (all) $150 for 2 hours $150 for 2 hours

College Hall – Music Room, Living Room, Patio, Excluding Bay Front (other events)
$350/hour, 2 hour minimum – 10 hour maximum

College Hall – Living Room & Patio $120/hour, 2 hour minimum – 10 hour maximum

Furniture Removal, As Requested $700.00
Cleaning Fee, All Events $100.00
Set-Up/Reset Services
Up to 200 people $50.00
200-300 people $150.00
300-400 people $200.00

Chairs, Folding (non wedding events) $5.00 ea
Tables, 6’ (non wedding events) $10.00 ea

Equipment Fee (apply to all spaces)
Remote/Laser Pointer $25.00 ea
Podium w/Shure microflex mic $45.00 ea
Microphones/Shure microflex $30.00 ea
Handheld Sennsheiser mics $35.00 ea
Wireless Lavaliere $50.00 ea
Overhead Projector $50.00 ea
TV/VCR/DVD $50.00 ea
Multimedia cart (with LCD or DLP projector, computer, DVD/VCR combo $350.00 ea
Remote and pointer for multimedia cart $35.00 ea
Easel, metal, tripod (4 max) $5.00 ea

Services
On-site OPS personnel, parking, and support $12.00/hour
Security as Determined by NCF Police $60.00/hour
NON-PROFIT
Sainer $100/hour, 2 hour minimum – 14 hour maximum
Isermann Gallery $100/hour, 2 hour minimum – 14 hour maximum
PepsiCo Arcade & Forum $100/hour, 2 hour minimum – 14 hour maximum
Classroom (various sizes/locations) $25-$50/hour, 2 hour minimum

Sudakoff
Entire Facility $125/hour, 2 hour minimum – 14 hour maximum
Center Section $75/hour, 2 hour minimum – 14 hour maximum
Classroom $25/hour, 2 hour minimum – 14 hour maximum

College Hall – Music Room, Living Room, Patio, Excluding Bay Front (other events)
$250/hour, 2 hour minimum – 10 hour maximum
College Hall – Music Room
$90/hour, 2 hour minimum – 10 hour maximum
College Hall – Living Room & Patio $140/hour, 2 hour minimum – 10 hour maximum

Thatched Outdoor Classroom $100/hour

Furniture Removal, as requested $700.00
Cleaning Fee, All Events $100.00
Security as Determined by NCF Police $60/hour

Set-Up/Reset Services
Up to 200 people $50.00
200-300 people $150.00
300-400 people $200.00
Chairs, folding $5.00 ea
Tables, 6’ $10.00 ea

Miscellaneous Non-Wedding Events

Bay Front at College Hall, with no building or dock access $150.00/hour

STUDENT, STAFF & FACULTY FEES – COLLEGE HALL, NON-WEDDING EVENTS

College Hall – Music Room, Living Room, Patio, Excluding Bay Front (other events) $200/hour, 2 hour minimum – 10 hour maximum
College Hall – Music Room $60/hour, 2 hour minimum – 10 hour maximum
College Hall – Living Room & Patio $120/hour, 2 hour minimum – 10 hour maximum

Thatched Outdoor Classroom (Bay Front) $50/hour

Cleaning Fee, All Events $100.00
Furniture Removal, as requested $700.00
Set-Up/Reset Services
Up to 200 people $50.00
200-300 people $150.00
300-400 people $200.00
Chairs, folding $5.00 ea
Tables, 6’ $10.00 ea

Additional Services/Fee
On-site OPS personnel, parking and support $12.00/hour
Security as Determined by NCF Police $60.00/hour

Miscellaneous Non-Wedding Events
Bay Front at College Hall, no building or dock access $100.00/hour

(10) Material and Supply Fees including Laboratory Fees. The following fees are assessed per student per course.
(a) Organic Chemistry $85.00
(b) Biochemistry $135.00
(c) Physical Chemistry $50.00
(d) Field Ecology $20.00
(e) Cell Biology $150.00
(f) Organismic Biology $150.00
(g) Toxicology Lab $35.00
(h) Advanced Physics Lab $35.00
(i) Optics/Laser $35.00
(j) Drawing I $10.00
(k) Painting I $50.00
(l) Painting II $50.00
(m) Sculpture – Beginning $65.00
(n) Sculpture—Intermediate/Advanced $75.00
(o) Mold Making and Casting $75.00
(p) Woodworking $75.00
(q) Welding $50.00
(r) Printmaking $50.00
(s) Time & Movement: Stop Motion Animation $50.00
(t) Experimental Imaging $50.00
(u) Kinetic Art $50.00
(v) Plant Physiology $50.00
(w) All other labs $25.00
(x) Entomology Lab $50.00
(y) Genetics – Part 1 & 2 $75.00
(z) Neurobiology/Behavior $130.00
(aa) Organic Chemistry Inquiry Lab $75.00
(bb) Inorganic Lab $200.00
(cc) Analog Electronics Lab $80.00
(dd) Thesis/Tutorial ISP $65.00
(ee) Invertebrate Zoology $150.00
(ff) Molecular Biology $110.00
(gg) General Chemistry $35.00
(hh) Fish Biology $65.00
(ii) Modern Physics Lab (previously in Other Labs) $50.00
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(jj) Animal Behavior Lab (previously in Other Labs) $50.00
(kk) Intro to Biology – Techniques Laboratory $50.00
(ll) Biology of Sharks, Skates and Rays Laboratory $115.00
(mm) Sensory Biology of Fishes Laboratory $40.00
(nn) Biology of Climate Change $50.00
(oo) Botany Lab (previously in Other Labs) $50.00
(pp) Coral Reef Issues $50.00
(qq) Ecology Lab $40.00
(rr) Foundations of Biology I (previously in Other Labs) $20.00
(ss) Foundations of Biology II (previously in Other Labs) $20.00

(11) Special Fees, Fines and Penalties. The following special fees, fines and penalties shall be levied and collected as provided hereafter:

(a) Application Fee – Individuals who make application for admission to the College shall pay a non-refundable Application Fee of $30.00.
(b) Admissions Deposit Fee – Individuals who are accepted to the College shall pay a non-refundable admissions deposit fee of $200.00 that shall be applied to the student’s tuition upon enrollment. If the student does not enroll, the fee shall be applied to financial aid, scholarships, financial assistance or student academic and career counseling services.
(c) Late Registration Fee – Students who fail to initiate registration in the regular registration period shall be assessed a late Registration Fee of $50.00.
(d) Late Payment Fee – Students who fail to pay, or make appropriate arrangements for payment (installment payment, deferment, or third-party billing), of tuition by the deadline set by the College, which shall be no later than the end of the first week of classes, shall be assessed a Late Payment Fee of $100.00
(e) Late Contract Fee $50.00
(f) Returned Check Fee $25.00
(g) Overdue Library Book – $0.25 per book/unit, per day, to a maximum of $10.00, non-refundable (declared lost after 40 days)
(h) Overdue Reserve Library Book – $0.25 per item, per hour to a maximum of $10.00, non-refundable
(i) Overdue Recalled Book or Unit $2.50 per item, per day
(j) Lost/Damaged Book or Unit - $100.00 or the cost to replace the lost or irreparably damaged material if greater than $100, plus a $5.00 non-refundable administration fee, and the amount of the overdue fine, if any
(k) Security/Access/Identification Card
   1. Initial $10.00
   2. First and Second Duplicates within an academic year if original damaged and returned Free
   2. Third and all subsequent duplicates $15.00
(l) Overdue Laptop Computer (per hour) $5.00
(m) Lost or Damaged Laptop Computer (Repair/Replacement Cost not to exceed $2,000.00 plus $20.00 Service Charge)
(n) Lost key – (includes cylinder charge) $124.00
(o) Equipment Damage or Loss $50.00/hr labor + repair/replacement cost
(p) Interlibrary Loans (overdue out-of-state materials) At 7 days overdue: non-refundable $10.00 overdue fine. At 30 days day overdue: non-refundable replacement cost, as determined by lending library
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- **(q)** Transcript Fee: $10.00
- **(r)** Diploma Replacement Fee: $10.00
- **(s)** Failure to appear at a meeting scheduled to address student disciplinary issues or failure to follow lawful instructions of College officials: $10.00
- **(t)** Student disciplinary fines ranging from $5.00 to $100.00 may be assessed when a student fails to perform disciplinary measures directed by the Office of the Dean of Students. In determining the amount of an assessment, the Dean of Students or the Judicial Officer shall consider the extent to which the disciplinary measure related to activities that threatened the health and safety of others; resulted in property damage; insulted or threatened others on account of race, national origin, religion, gender, sexual orientation, gender identity, or gender expression; or was hostile or demeaning to another member of the College community.
- **(u)** Installment Payment Plan: $15.00
- **(v)** Library Guest Borrower Fee: $75.00 (annual)
- **(w)** Thesis Electronic Copy Fee: $25.00 + tax
- **(x)** Archives Duplication Fee: $.50 per page photocopied, with a minimum charge of $15; $5.00 per page scanned, with a minimum charge of $15; $15.00 per photograph, scanned or photocopied; $15.00 minimum charge for the creation of CDs/DVDs; $5.00 administrative processing fee; $4.00 mailing fee, if required (all fees plus tax)
- **(y)** Fitness Center Fee:
  - Daily: $2.00
  - Fall or spring semester: $50.00
  - Summer: $30.00
  - Annual: $120.00
- **(z)** Late Course Request Fine: $100.00
- **(aa)** Convenience Fee will be charged when paying for tuition and fees by credit cards. The charge will be equal to 2.5% of the transaction amount.

**Authority:** Article IX, Sec. 7, Fla. Constitution; Fla Stat. Chapters 1001 and 1009; Florida General Appropriations Act; Fla. Board of Governors Regulations 1.001, 7.001, 7.002, and 7.005

**History:** Adopted as Emergency Regulation 2005-01 and as Emergency Rule 6C-11 ER05-01; Revised and renumbered 10-30-05; Revised 06-13-09, 06-29-10, 06-18-11, 06-16-12, 06-15-13, 05-31-14, 06-13-15, 06-11-16, 02-17-17 (technical amendment), 07-10-17

NCF Regulations Manual, Chapter 3 – Administrative Affairs
Updated July 10, 2017
3-1003 Assessment, Payment, Refund, Cancelation of Registration for Nonpayment, and Waiver of Tuition and Fees

(1) Assessment of Tuition and Fees. Tuition and fees shall be assessed in accordance with State of Florida Board of Governors Regulation 7.002.

(a) Registration Procedures – In order to register:

1. The student must supply all information and satisfy all conditions of eligibility required by New College of Florida.

2. The student must pay all assessed tuition and fees or arrange payment agreement to include satisfaction of all amounts due and delinquent to the College.

(b) Registration Periods – These periods are defined in the New College of Florida catalogs and other College publications. A student who initiates registration after an applicable registration period shall incur a $50.00 late registration fee. Registration may be initiated, on an exceptional basis, after the end of a late registration period if:

1. Requested by the student;

2. Justified by extraordinary circumstances including, but not limited to, administrative error; and

3. Approved by the President or President's designee.

(c) Academic Contract Submission Period – The Academic Contract Submission Period shall begin on the first day of classes for the term and end as specified in the Undergraduate Academic Calendar, but not later than the tenth day of classes. An academic contract may be accepted on an exceptional basis after the end of the Academic Contract Submission Period if:

1. Requested by the student in the form of a petition to the Provost or the Provost’s designee;

2. Justified by extraordinary circumstances including, but not limited to, administrative error; and

3. Approved by the Provost or the Provost’s designee.

(d) Tuition and Fee Liability –

1. Tuition and fees for the term shall be based on the academic contract and independent study projects remaining on the record at the close of the Academic Contract Submission Period.

2. No tuition and fees shall be assessed, and no credit shall be awarded, for an academic contract or independent study project dropped during the Academic Contract Submission Period.
3. If a student adds an independent study project on an exceptional basis, tuition and fees for the added independent study project shall be assessed.

(2) Payment of Tuition and Fees. Tuition and fees must be paid by the end of the academic contract submission to avoid assessment of a $100.00 late payment fee unless appropriate arrangements for payment of tuition and fees have been made in accordance with this policy, i.e., installment payment and deferment respectively. Failure to satisfy this requirement will result in cancellation of the academic contract and independent study project. Payment of tuition and fees may be made in person during scheduled office hours published in the New College of Florida Catalog and other College publications for each term, or utilizing the College’s online payment gateway within the portal. Payments that are made by mail must be received by the College by the respective tuition payment deadline listed in the academic calendar in order to be considered timely paid.

(a) Payment of Tuition and Fees in Installments. When a student experiences an unexpected financial hardship that makes it impossible to make full payment of assessed tuition and fees by the payment deadline, the student may request approval to pay in installments. Approval of this request will require the payment of at least 50% of the tuition and fee liability and the execution of a promissory note by the end of the late registration period. The remaining amount shall be paid no later than the beginning of the second half of the academic term.

(b) Deferred Payment of Tuition and Fees.

1. Recipients of VA Education Benefits – Upon application by the student, the President or President’s designee may award to eligible VA education benefit recipients one 60-day payment deferment each academic year.

2. Delay of Financial Aid – Students who have completed and submitted the required documents for financial aid by the last day of the late registration period for the term and who appear to be eligible for financial aid, may request a tuition and fees deferment contract.

3. Third Party Agreements – Tuition and fees will be deferred for any student when a third party has agreed in writing to pay them. The written agreement must identify the student, the third party and billing address and amount(s) to be paid.

(c) Reinstatement of a Student’s Cancelled Academic Contract or Independent Study Project. A student whose academic contract or independent study project has been cancelled for financial reasons may request reinstatement through the fourth week of classes. Upon approval for reinstatement, tuition and fees, the late registration fee, if applicable, the late payment fee and other debts owed the College must be paid in full by cash, money order, or cashier’s check before reinstatement will be effected. After the fourth week of classes, a request for reinstatement must be made to the Provost or the Provost’s designee. Approval will be granted only when extraordinary circumstances warrant such approval.

(3) Refund of Tuition and Fee Payment. The College authorizes certain refunds of tuition and fees, less deductions for unpaid debts to the College. The late registration fee and late payment fee are non-refundable fees.
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(a) 100% of the applicable tuition and fees will be refunded if the student cancels an academic contract or drops an independent study project or causes his/her enrollment at the College to be terminated by the Office of the Registrar prior to the end of the late registration period and submits a completed Refund Request Form.

(b) 25% of tuition and fees, less capital improvement fees, will be refunded if the student cancels an educational contract or drops an independent study project or causes his/her enrollment at the College to be terminated by the Office of the Registrar prior to the end of the fourth week of classes, or at an appropriate time as designated by the College for summer sessions, and submits a completed refund request.

(c) 100% of tuition and fees will be refunded when a student withdraws or cancels an academic contract or drops an independent study project due to circumstances determined by the Office of the Registrar to be exceptional and beyond the control of the student. Determination will be based on review of a completed written refund request submitted by the student to the Office of the Registrar. These circumstances include but are not limited to:

1. Death of the student or death in the immediate family (parent, spouse, child, or sibling),
2. Orders for active military duty in accordance with Board of Governors Regulation 6.013, or
3. A situation in which the College is in error.

(d) Written request for refund must be presented to the Office of the Registrar within six (6) months of the close of the term to which the refund is applicable.

(e) Pursuant to Public Law 102-325, the Higher Education Amendments of 1992, students attending the College for the first time who withdraw are entitled to a pro rata refund of tuition, fees, room and board.

(f) A student, who receives financial aid and subsequently changes the enrollment status that results in a refund in accordance with this section, will have the appropriate share of the refund returned to the College’s financial aid programs in accordance with the Financial Aid Policy on Refunds and Repayments.

(4) Cancellation of Registration for Nonpayment of Tuition and Fees and Returned Checks in Payment of Tuition and Fees. Reasons for Cancellation:

(a) Current Term – A student’s current term registration may be cancelled for nonpayment of tuition and fees and for returned checks in payment of tuition and fees, if financial aid or VA education benefits were not received for the term.

(b) The Office of the Registrar will attempt to notify students by certified mail of possible registration cancellation for nonpayment of tuition and fees and for returned checks in payment of tuition and fees. This notification must include the specific reason for proposed cancellation and the deadline for payment before cancellation will be made. In addition, the notice of possible
cancellation must inform the student that cancellation of registration will result in his/her record appearing as if he/she had never attended the College during that term and that he/she will receive no credit for the educational activities engaged in during that term. Notice should be sent to the student’s last known address.

(5) Waiver of Tuition and Fees:

(a) New College of Florida waives tuition, non-resident tuition or associated fees for purposes that support and enhance the strategic goals of the College as authorized and limited by Board of Governors (BOG) Regulations, Florida Statutes, or New College of Florida Board of Trustees Regulations.

(b) The following general categories of tuition and fee waivers are established pursuant to BOG Regulation 7.008 and Florida Statutes Section 1009.26 that set forth specific criteria applicable to the following categories:

1. Participants in Sponsored Credit Institutes and Programs.

2. Certain educational expenses of a child or spouse of a Law Enforcement, Correctional, or Correctional Probation Officer, or Firefighter killed in the line of duty.

3. Students who earn credit in courses toward both a Florida high school diploma and an associate or baccalaureate degree, or enroll in dual enrollment or early admission programs.

4. Certain Florida Department of Children and Family Service foster care or adopted students.

5. Graduate Interns participating in the School Psychology Training Program.

6. Students enrolled in Florida Linkage Institutes Program.

7. Certain educational expenses for the child of a deceased teacher or school administrator employed by a Florida District School Board who dies as a result of an unlawful and intentional act, provided such killing is related in whole or part to the fact that the individual is a teacher or school administrator.

8. Homeless or temporary shelter residence students.

9. Students enrolled in an employment and training program under the Welfare Transition Program.

10. Purple Heart or other military combat decorated recipients.

11. State Employees - A waiver of up to 6 semester credit hour equivalents per term on a space available basis.

12. Admissions Deposit Fee - waived based on significant financial hardship as determined by the New College of Florida Office of Admissions and Financial Aid.
13. Victims of Wrongful Incarceration Compensation Act - A waiver of tuition and fees for up to 120 semester credit hour equivalents.

(c) The following additional tuition and fee waivers are authorized by the Board of Governors and may be granted for purposes that support and enhance the mission of the College:

1. Full-time University employees may be awarded a waiver of up to six (6) semester credit hour equivalents of tuition-free courses per term on a space available basis.

2. Florida residents 60 years of age or older who enroll to audit courses on a space-available basis may be awarded a waiver for all applications, tuition and associated fees. No academic credit shall be awarded.

3. Intern Supervisors may be given one non-transferable certificate (fee waiver) for each full academic term during which the person serves as an intern supervisor. This certificate shall provide for waiver of the basic fee (as defined in BOG Regulation 7.001). Certificate holders are entitled to a waiver of tuition for a maximum of six (6) semester credit hour equivalents of instruction (including credit through continuing education) during a single term.

4. Non-resident, non-degree seeking students may be granted a waiver of the out-of-state fee. The semester credit hour equivalents generated must be non-state fundable and the cost for the program of study recovered from the fees charged to all students.

5. Tuition differential may be waived for students who meet the eligibility requirements for the Florida public assistance grant (Sec. 1009.50, Florida Statutes).

6. Public School classroom teachers employed full-time by a school district who meet the academic requirements established by the College may be granted up to six semester credit hour equivalents per term on a space-available basis in undergraduate courses related to special education, mathematics or science; however, the waiver may not be used for courses scheduled during the school district’s regular school day.

7. Out of-state fees for veterans of the US Armed and Reserve Forces and the National Guard who physically reside in Florida while enrolled at the college; also, for persons entitled to and using educational assistance provided by the US Department of Veterans Affairs while enrolled at the college.

8. Out-of-state fees for a person who is an active duty member of the US Armed Forces, residing or stationed outside of the state.
9. Tuition and fees for Child Protection and Child Welfare Personnel enrolled in an accredited master’s degree in social work or a certification program, and maintaining at least a grade of ‘B’ in all courses.

10. Out-of-state fees for up to 110% of the required hours for the undergraduate degree, for students (including but not limited to undocumented students) who meet the following conditions:

   a. Attended a secondary school in Florida for three consecutive years immediately before graduating from a high school in Florida;

   b. Apply for enrollment within 24 months after high school graduation; and

   c. Submit an official Florida high school transcript as evidence of attendance and graduation.

   (d) The College Board of Trustees delegates to the President or his/her designee all authority to waive tuition and fees based on additional criteria for purposes that enhance and support the strategic goals of the College.

   (e) The amount of tuition waivers shall not exceed the total amount of waivers authorized by the College Board of Trustees in the College Budget.

   (f) The College will report the purpose, number and value of all fee waivers granted annually in a format prescribed by the Board of Governors.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. Chapter 1009; Fla. Board of Governors Regulations 1.001, 6.013, 7.001, 7.002, and 7.008

History: Adopted 01-28-04; Revised and renumbered 03-24-05; Revised 05-31-14, 10-29-16
3-1004 [Reserved]
3-1005 [Reserved]
3-1006 [Reserved]
3-1007 [Reserved]
3-1008 [Reserved]
3-1009 Cellular Telephone Acquisition and Use

Employees whose duties include using a cell phone may receive extra compensation in the form of a cell phone allowance as reimbursement for business-related costs of acquiring cell phones and paying monthly fees. All other employees may submit infrequent business-related cell phone expenses for incidental reimbursement.

(1) Definitions

(a) “Cell phone” shall mean any device that is used to make or receive wireless calls, including any device that provides e-mail and internet functions.

(b) “Authorizer” shall mean the President, Provost, or Vice President for Finance and Administration.

(2) Monetary Allowance for Employee Owned Cell Phones. NCF will provide authorized employees with a monthly allowance for the acquisition of a cell phone and payment of monthly service charges. This allowance will be provided as taxable income to the employee, but it will not be considered part of the employee’s base salary nor will it be considered in the calculation of retirement benefits.

(a) Each employee who will receive an allowance for the acquisition of a cell phone and monthly service charges must complete a Cell Phone Allowance Request Form annually.

(b) The form must be approved by the authorizer and forwarded to Procurement Services for processing. The Director of Procurement Services will forward the approved form to Human Resources.

(c) The authorizing department must maintain a copy as documentation for audit purposes.

(3) Allowances. It is the intent of this regulation to provide fair allowances to employees for the business use of their cell phones while maintaining proper budget control. Unless the employee can demonstrate no personal use, the allowance should not cover the total cost of the equipment and service plan. Allowances will be reviewed periodically for continued eligibility of the recipient. The College may elect to modify or eliminate this allowance in accordance with College needs and the availability of resources without prior notice to the employee. Allowances will be provided as a Biweekly cell phone service plan allowance. This allowance provides a biweekly payment of $20 ($520 annually) toward the cost of maintaining cell phone service and the acquisition of a cell phone for business purposes. The supplement is provided to the employee for as long as the authorizer determines that the employee qualifies for it.

(4) Authorizer Responsibilities. The authorizer is responsible for:

(a) Determining whether the employee’s position requires a cell phone based upon his or her job responsibilities and maintaining appropriate documentation to support this in the departmental files;

(b) Processing the allowance through the payroll system;
(c) Ensuring that the contractor or grantor has specifically authorized the expenditure and the Office of Research Programs and Services has approved payment if a contract or grant account is charged for cell phone charges; and

(d) Annually submitting a new Cell Phone Allowance Request Form by June 30 to the payroll office for continued payments for the new fiscal year which begins July 1.

(5) Finance Office Responsibilities. NCF’s Finance Office, in consultation with the authorizer, is responsible for ensuring that employees are familiar with the requirements of this regulation.

(6) Employee Responsibilities. Employees are responsible for:

(a) Providing the authorizer with a Cell Phone Allowance Request Form each year this benefit is warranted;

(b) Paying all amounts due as agreed between the employee and the cell phone service provider;

(c) Providing NCF with the current access number of the cell phone on the Cell Phone Allowance Request Form; and

(d) Notifying the authorizer within five (5) working days of inactivation of the device; an employee is prohibited from continuing to collect a cell phone service plan allowance when the device is no longer active or needed for the performance of the employee’s job responsibilities.

(7) NCF Provided Cell Phones. This option provides NCF-owned cell phone equipment and service to employees when a cell phone is considered a necessary business device to carry out an employee’s duties as determined by the authorizer. This is the preferred method for providing service that is associated with a very specific NCF business function (e.g. shared on-call cell phone or a cell phone handed off daily from an employee on one shift to an employee on another shift). It is expected that this option will be very limited in use. A cell phone acquired by this method is considered NCF property and is for NCF business only. The authorizer shall request assistance from the Finance Office in acquiring equipment and service.

(8) Reimbursement for Business Calls on a Personal Cell Phone. An employee may use NCF’s reimbursement process for business calls made on a personally owned cell phone for which the employee does not receive a cell phone allowance. A cell phone invoice and documentation showing the business nature of the calls must accompany the reimbursement form. This method is preferred when an employee needs to make NCF business calls on a personal cell phone of an infrequent and/or emergency nature. Since most, if not all cell phone usage plans are unlimited text and talk, the employee must show the actual per minute charge of any business call made on a personally owned cell phone.

(9) Review and Responsibility. The Controller shall be responsible for implementing this regulation.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001
History: Adopted 02-25-05, as Policy 5-019; Revised and renumbered 03-01-08; Revised 09-11-10, 10-29-16, 03-11-17 (technical amendment)
3-1010 Procurement Services

By establishing this regulation, the NCF BOT intends for NCF to acquire quality goods and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process. The process will reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services in order to preserve the integrity of public purchasing and contracting. The opportunity to bid on NCF contracts is a privilege, not a right.

(1) In order to support NCF’s mission, it is the responsibility of Procurement Services to acquire quality commodities and contractual services while promoting fair and open competition in the public procurement process. NCF purchasing officials shall be protected from improper pressures of external political or business interests.

(2) 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, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording, or in any other related field.

(b) Change Orders. The document used by Procurement Services to change items, quantities, specifications, etc. on the purchase order, as needed or as requested by the initiating department as appropriate.

(c) Commodity. Any of the various supplies, materials, goods, merchandise, food, equipment, software, or other personal property, including a mobile home, trailer, or other portable structure, which are purchased, leased, lease-purchased, or otherwise contracted for by NCF. “Commodity” also includes interest on deferred-payment contracts entered into by NCF for the purchase of other commodities. Printing of publications shall be considered a commodity.

(d) Competitive Solicitation. An Invitation to Bid, Request for Proposal, or Invitation to Negotiate to competitively select a contractor/vendor. Competitive Solicitations are required for purchases exceeding $50,000 or more, and for purchases of printing as specified in Chapter 283, Florida Statutes. The competitive solicitation documents shall contain all the legal terms and conditions necessary to protect NCF’s best interest in purchasing transactions.

(e) Contractor/Vendor. A person or firm who contracts to sell commodities or contractual services to NCF.

(f) 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 for the construction, renovation, repair, or demolition of facilities.

(g) Extension. An increase in the time allowed for the contract period.
(h) Independent Contractor. A person or firm who provides a service to NCF.

(i) Invitation to Bid. A written solicitation for competitive bids for commodities, groups of commodities, or contractual services defined, for which bids are sought.

(j) Invitation to Negotiate. A written solicitation to define the specifications, terms, and conditions of a contract for commodities or contractual services. Cost shall not be the sole consideration in the initial stages of negotiating.

(k) Lease Agreements. The Lease Agreement form is a legal document approved for lease of off-campus space. The Director of Procurement Services handles execution of the agreement with the lessors.


(m) Property Items. Comprised of two categories, those that are capitalized (have a value of $5,000 or more and a useful life of at least one year), and other property items that are not capitalized, but are tracked for insurance purposes.

(n) Purchase. An acquisition of commodities, contractual services, or licenses obtained by purchase order or contract whether by rent, lease, installment- or lease-purchase or outright purchase.

(o) Purchase for Resale. The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of NCF.

(p) Purchase Orders. A document authorizing a vendor to deliver commodities or contract services with payment to be made at a later date. Purchase Orders are required for the acquisition of commodities and/or services.

(q) Procurement Services. The NCF department or division responsible for the acquisition of commodities and contractual services.

(r) 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.

(s) Requisitions. A written request for a purchase order to be issued. Requisitions are initiated by departments or divisions and submitted to the Director of Procurement Services for the purchase of commodities and/or services. Requisitions are also used for reimbursements and prepayments.

(t) Request for Proposal. A written solicitation for competitive proposals for commodities or contractual services when the scope of work is not clearly defined.

(u) Responsive and Qualified Bidder or Offeror. A contractor/vendor who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.
(v) Sole Source Certification. A Sole Source Certification request is initiated by a department for obtaining approval from the Procurement Services Department in order to acquire a commodity or service that is available from only one vendor.

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

(x) Tax Exemption Certificate. Consumer’s Certificate of Exemption form utilized by the Director of Procurement Services as verification of NCF’s State and Federal tax exemption status, pursuant to the sales and use tax law. This tax exemption is used for purchases solely from NCF funding.

(y) Vendor Ombudsman. The position within the Finance Office whose responsibilities include, but are not limited to, review and recommendation for disposition of vendor complaints regarding NCF procurement functions.

(3) Delegation of Authority

(a) Authority is delegated to the Director of Procurement Services to act as the central procurement officer for NCF and as designee for purposes of administering NCF’s procurement process.

(b) Authorization limits to approve and execute any single procurement contract for any commodities or contractual services in a single fiscal year which is expected to fall within the range of the below listed amounts are as follows:

1. Up to and including the amount of $250,000: the level at which signature by the Director of Procurement Services is required for acquisition.

2. $250,001-$500,000: the level at which countersignature by the Vice President for Finance and Administration is required for acquisition.

3. $500,000 to $1,000,000: the level at which countersignatures by the Vice President for Finance and Administration and the President are required for acquisition.

4. In excess of $1,000,000: the level at which approval of the NCF BOT is required for acquisition.

5. Emergencies. In the event of a bona fide emergency, as declared by the Chair of the BOT, the Florida Board of Governors, or the Governor of the State of Florida.

(c) For the purposes of this section, contracts are constructed to include, but not be limited to, agreements, purchase orders, change orders, licenses, lease-purchase agreements, leases, and contract extension and renewals.

(4) Procurement Services Department Duties and Responsibilities include, but are not limited to:
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(a) Removing any contractor from NCF’s competitive vendor list that fails to fulfill any of its duties specified in a contract with NCF (or another State university) and to reinstate such contractor when satisfied that further instances of default will not occur.

(b) Planning and coordinating purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which NCF has the option to make purchases.

(c) Evaluating, approving, and utilizing contracts for commodities or contractual services entered into by any other governmental or educational entities (including the Federal Government, other state governments, political subdivisions, any public or independent college or university, educational cooperative, or educational consortium) as a result of a competitive solicitation. Approving NCF’s use of such contracts (in lieu of issuing a competitive solicitation) for the procurement of the same commodities and contractual services, when it is cost-effective and in the best interest of NCF to do so.

(d) Awarding contracts for commodities and contractual services to multiple suppliers, if determined to be in the best interest of NCF. Such awards may be made on behalf of NCF or on a university, regional, or State University System-wide basis, and the contracts may be for multiple years.

(e) Rejecting or cancelling any or all competitive solicitations when determined to be in the best interest of NCF.

(f) Authorizing payment of deposits or advance payments for a commodity or contractual services when the Director of Procurement Services determines that it is in the best interest of NCF.

(h) Managing NCF’s Property Records program, including overseeing proper disposal of surplus property.

(i) Barring any vendor from doing business with NCF for demonstrated cause, including previous unsatisfactory performance.

(j) Prohibiting College employees and participating on a procurement selection committee for commodities or services from soliciting donations from responding vendors during the selection process, except for donations or other benefits expressly stated in the procurement document.

(5) NCF Division/Department Duties and Responsibilities. Each NCF division or department is assigned responsibility for initiating procurement requests and for providing information and assistance with the procurement, as requested by Procurement Services Department. Duties and responsibilities include:

(b) Ensuring support, review, funding adequacy and approval for the procurement by the pertinent division or department authorities before a procurement request is submitted to the Procurement Services Department.

(c) Obtaining and completing all steps necessary for submission of proper documentation to the Procurement Services Department.
(d) Providing assistance and information regarding the procurement, if and as requested by Procurement Services personnel.

(e) Evaluating, monitoring, and ensuring satisfactory performance by the vendor or contractor, in accordance with the terms and provisions of the procurement documents.

(6) Standards of Conduct

(a) All NCF personnel engaged in procurement and related activities shall conduct business dealings in a manner above reproach in every respect. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of NCF and the taxpayers of Florida. All NCF personnel engaged in the procurement cycle are bound by the standard of conduct for public officers and employees set forth in Chapter 112, Part III, Florida Statutes, and shall file a Statement of Financial Interest annually.

(b) Procurement officers shall be protected from improper pressures of external political or business interests. It shall also be a breach of ethical standards for any contractor or potential contactor to offer an employee of NCF a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or contractual services. The Procurement Services Department shall adhere to the Code of Ethics of the National Association of Educational Buyers.

(c) It shall be a breach of ethical standards for any person to offer, give or agree to give any employee or former employee or for any employee or former employee to solicit, demand, accept or agree to accept from another person, a gratuity of any kind, form or type, in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase order, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any controversy or other particular matter pertaining to any program requirement or a contract or to any solicitation or proposal therefore. It shall also be a breach of ethical standards if:

1. The employee or any member of the employee’s immediate family has a financial interest pertaining to the procurement.

2. A business organization in which the employee or any member of the employee’s family, spouse, children, parents, brothers and sisters, has a financial interest pertaining to the procurement.

3. Any other person, business or organization with which the employee or any member of the employee’s immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

(7) General Procurement Provisions

(a) Procurement of commodities/services/printing of less than $50,000 shall be made in accordance with sound procurement practices as follows:
1. $10,000 and below. It shall be the Director of Procurement Services’ discretion on purchases of $10,000 or less. Additional quotations are not required but are encouraged.

2. $10,001 to $25,000. An attempt shall be made to obtain written price quotes from three or more vendors. The quotes can be obtained via documented written quotations received by mail, telephone, fax or email.

3. $25,001 to $50,000. An attempt shall be made to obtain written price quotes from three or more vendors. The quotes must be submitted on the vendors’ stationery/fax cover and signed by their authorized representative.

4. Waiver of Competition. In the event the number of quotes noted in section (7)(a) 2. and 3. above cannot be acquired, the Procurement Services Department may waive the need for competition if a “Request to Waive Additional Quotes” is properly justified. Such request must accompany the requisition. In any event, sole source justification is not required below $50,000.

5. Purchases greater than $50,000 require a formal process such as sealed Invitation to Bid, Request for Proposal, Invitation to Negotiate, or an approved exemption such as Sole Source, Sponsored Research Exemption or Emergency Purchase.

(b) Purchases of commodities/services/printing in excess of $50,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized.

1. When only one response is received to a competitive solicitation for commodities or contractual services exceeding $50,000, NCF has the option to review the solicitation responses to determine if a second call for a competitive solicitation is in the best interest of NCF. If it is determined that a second call would not serve a useful purpose, NCF can proceed with the acquisition.

2. When multiple responses that are equal in all respects are received to a competitive solicitation, NCF will give preference, in the following order of priority, to the responses: responses that include commodities manufactured in the State of Florida, responses from Florida businesses, responses from businesses with a drug-free workplace program, responses from foreign manufacturers located in the State of Florida, in order to award. If the use of these preferences does not result in a determination of who should be awarded the contract, the toss of a coin shall be used to award the contract.

3. The award of a competitive solicitation shall be publicly posted by Procurement Services, located at 5800 Bay Shore Road, PMD, for 72 hours, excluding Saturdays, Sundays or NCF holidays. The notice may also be posted on the New College of Florida website.

4. Nothing in this section shall be construed as limiting the number of bids solicited.

(c) No purchase may be divided or sub-divided for the purpose of circumventing required informal or formal competitive solicitation.
(d) Advance Payments: NCF funds cannot be used for advance payments, except for the following:

1. Rent for leased space, up to fourteen (14) days before due date.
2. Newspaper or magazine subscriptions, up to six (6) weeks in advance of renewal date.
3. Costs for reserving space for meetings or conferences that will take place in the next fiscal year, if required by the vendor.
5. Payments to state or federal agencies, if delivery of products or services will be expedited.
6. Specialized or proprietary goods or services, if the vendor requires advance payment.
7. Benefits of cost savings resulting from advance payment.
8. Purchase of real property, up to seven days before closing date, if NCF delivers the warrant on or after the closing date.
9. Library books and materials, if necessary, for efficient library operation.
10. Any other advance payment that can be justified as necessary and to further of a legitimate public purpose.

(e) The Purchase Order is the normal instrument by which goods and contractual services are acquired. It is the vendor's responsibility to ship and to invoice for the items, terms, and pricing specified on the order. The Purchase Order is a legal instrument and once accepted, establishes a mutuality of agreement. It has the force of a legal, binding contract.

1. The One Time Purchase Order. This document consists of the official Purchase Order number, the complete description shown on the requisition, and is for delivery of a one-time purchase for goods, equipment, and/or contractual services.

2. The Standing Order. This is a simplified method of filling needs for small repetitive quantities by establishing open accounts with qualified vendors. Standing Orders are used to expedite the delivery of needed items and reduce administrative costs in accomplishing small orders by eliminating the need of Issuing individual purchase orders over the course of a fiscal year period.
   
a. Standing Purchase Order. Authorizes the purchase and delivery of small dollar value commodity items as requested by the issuing department. This order cannot exceed $49,999.99, unless pricing has been based on an existing bid or contract or there is an approved sole source certification on file.
b. Standing Order Restrictions. No property items shall be purchased on a Standing Order. Special Standing Order purchases shall not be used to purchase goods or contractual services from other vendors if they are already available on State or NCF contracts.

c. Requests for increases, decreases, cancellations, etc., of a Standing Order should be submitted to Procurement Services (see the section on Change Orders). Standing Orders should be for a minimum period of six (6) months within the fiscal year and should be opened for a minimum of $500.

(f) Maintenance Agreements: Purchases for maintenance agreements are similar to Standing Orders in that the service period is for an extended period of time. However, they are not considered Standing Orders under the procedures described above because, in most instances, payment is made at one time. Maintenance agreements that have monthly or quarterly payments may be referred to as Blanket Maintenance Orders and are treated the same as a Standing Order for accounting purposes. Requisitions for maintenance agreements should include the following information.

1. Description of item(s), model number, serial number, property decal number, and location of machine.

2. Beginning and ending dates of the maintenance period.

3. Advance payment requirements are to be justified by a separate attached memorandum to the requisition.

4. A copy of the maintenance agreement is to be attached to the requisition.

5. All Purchase Orders for maintenance agreements should contain a thirty-day (30-day) cancellation clause.

(g) A Change Order is used to materially alter a Purchase Order after it has been encumbered and issued to the vendor. All Change Order notice requests must be submitted to the Procurement Services Department. A Change Order is required to:

1. Decrease or increase purchase order quantities.

2. Substitute comparable acceptable items for those on the original purchase order.

3. Make any substantial changes on a purchase order that will result in a cost differential.

4. Terminate the purchase order.

5. Adjust the purchase order price to conform to the vendor’s invoice.

6. Departments may initiate requests for Change Orders in writing stating the reasons for the change(s).
7. Signatures are required on all Change Order requests, in the same manner as the signature requirements for requisitions from which Purchase Orders are issued.

8. Unless otherwise authorized by the bid or proposal documents, Change Orders are not valid until the vendor has accepted the terms thereon.

(h) Vendors. It is NCF’s policy to utilize State Contracts and vendors, when available and appropriate. It is the intent of the Procurement Services Department to utilize vendors who are reputable and financially responsible. NCF encourages participation from any and all vendors to provide goods and services.

(i) Minority Business Enterprises. NCF is committed to seek out, identify and utilize Florida Certified Minority Businesses, and Small Businesses/Small Disadvantaged Businesses that provide services and/or commodities, which are purchased by NCF. It is also the mission of the Procurement Services Department to provide technical assistance to small and minority businesses to ensure a competent pool of vendors to address NCF’s procurement expectations.

(j) Procurement actions not subject to the competitive solicitation process include:

1. Emergency Purchases. When the President or designee determines, in writing, that: a condition exists that threatens the health or safety of person(s) or animal(s) or the preservation of property or the continuance of a vital NCF function; NCF shall proceed with an emergency purchase. The emergency purchase is limited to the purchase of only the type of items and quantities of items necessary and for only the time period necessary to meet the immediate need.

2. Sole Source Purchases. Commodities or contractual services available from a single source are exempt from the competitive solicitation process. Sole Source document shall be publicly posted by the Procurement Services Department at the NCF campus for 72 hours, excluding Saturdays, Sundays, and NCF holidays.

3. Procurement from contracts and Negotiated Annual Price Agreements established by the State of Florida, other governmental entities, other Universities in the State University System, or other independent colleges and universities are not subject to further competitive solicitation.

(k) Types of commodities and contractual services that are not subject to 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 assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided such 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. Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of section 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122.

8. Medicaid services delivered to an eligible Medicaid percipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a period not to exceed ninety (90) days after the date of delivery to the Medicaid recipient and shall not be renewed.

9. Family placement services.

10. Training and education services.

11. Advertising, except for media placement services.

12. Commodities or services provided by governmental agencies, another University in the State University System, direct support organizations of NCF, political subdivisions or other independent colleges and universities.

13. Programs, Conferences, Workshops or Continuing education events or other university programs that are offered to the general public for which fees have been collected to pay all expenses associated with the program or event.

14. Programs, conferences or events that have been specified by a grant, can include, but are not limited to items such as lodging, meeting rooms, services and food.

15. Purchases from firms or individuals that are prescribed by state or federal law or specified by granting agency.

16. Regulated utilities and governmental franchised services.

17. Extension of an existing contract Regulated public communications, except long distance telecommunication services or facilities.

18. Purchases from an Annual Certification List.

19. Purchases for resale.
20. Contracts or services provided by non-for-profit support and affiliate organizations of the College, direct support organizations, health support organizations and faculty practice plans.

21. Direct owner purchases for construction or renovation projects.

22. Leases of space by NCF for 5,000 square feet or less in a privately owned building.

23. Implementation/programming/training services available from owner of copyrighted software or its contracted vendor.

24. Purchases of materials, supplies, equipment, or services for instructional or sponsored research purposes when a director of sponsored research or designee certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project in accordance with sponsored research procedures or to attain the instructional objective.

(l) No individual or firm who performs a feasibility study for potential implementation of a subsequent contract, participates in drafting of a competitive solicitation, or develops a program for future implementation shall be eligible to contract with NCF dealing with the same subject matter.

(m) Individuals taking part in the development of criteria for evaluation, the evaluation process or the award of the contract for any purchase shall be independent of and have no conflict of interest in the entities evaluated and awarded the contract. NCF has the option to require the individuals to attest to such in writing.

(n) Items requested that are of a personal nature or for personal convenience of employees shall not be purchased. Examples include but are not limited to:

1. Coffee pots.
2. Flowers.
3. Refreshments such as coffee and doughnuts.
4. Decorative items (globes, statues, potted plants, picture frames, etc.).
5. Alcoholic beverages.
6. Christmas or other greeting cards and postage for such cards.
7. Personal subscription to magazines, trade journals, etc.
8. Desk pen sets.
9. Refrigerators.
10. Microwaves.

11. Picture frames.

12. Wall hangings.

13. Smoke/air filters.

14. Personal gifts or expenditures other than expenditures for employee service awards and/or safety awards not exceeding $50 per award.

15. Fees, taxes or professional dues, unless directly related to the job duties of NCF employee.

(o) Legal Review. Documents containing terms and conditions with legal import will be routed through the NCF’s General Counsel for legal review before execution. The Office of the General Counsel may approve uniform contracts, which, thereafter, may be used without additional review and approval by the General Counsel.

(8) Insurance Purchases. NCF has the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of NCF. Examples of insurance coverage that can be acquired by NCF include:

(a) Physical damage on vehicles and boats.

(b) Inland marine on property owned, leased, or loaned to or by NCF.

(c) Building and property damage.

(d) Equipment losses due to theft.

(e) Loss of rental income.

(f) Commercial general liability insurance for scientific equipment.

(g) Excess general liability coverage.

(h) Health Insurance.

(i) Camps Insurance.

(9) Purchase of Printing. Printing shall be purchased in accordance with Chapter 283, Florida Statutes.

(10) Bonds

(a) Competitive Solicitation Bond/Security. NCF is authorized to require a vendor to submit to NCF, as a condition for participating in the solicitation, a bid bond, certified cashier’s or treasurer’s
check or bank draft with their responses to the solicitation when NCF is reasonably uncertain
about the vendor’s ability to perform and to ensure that vendor will honor and secure any required
payment and/or Performance Bond if awarded the bid.

(b) Payment and Performance Bonds. NCF is authorized to require any contractor providing
commodities, or commodities, which include installation, to furnish a payment and performance
bond, with good and sufficient securities, to NCF prior to the issuance of the contract when the
total value of the contract is greater than $200,000. NCF has the option to require a payment and
performance bond from contractors providing commodities, or commodities that need
installation, when the total value is greater than $100,000. In either instance the reason for this
requirement is under such conditions when NCF is reasonably uncertain about the vendor’s
ability to perform and in particular, but not limited thereto, when installation of research,
scientific, medical and other like equipment is required.

(c) Competitive Solicitation Protest Bond. Any contractor that files an action pursuant to Chapter
120.57(3)(b), Florida Statutes, protesting a decision shall at the time of filing of the formal
written protest, post with NCF a bond payable to NCF in an amount equal to: 10% of the
estimated value of the protestor’s bid or proposal; 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 that can be adjudged against the contractor filing the protest action. In lieu of a bond,
NCF has the option to 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 by the time
of filing the formal written protest shall constitute a waiver of proceedings under Chapter 120,
Florida Statutes, and NCF shall summarily dismiss the petition.

(11) Purchase of Motor Vehicles

(a) The term “motor vehicle” includes any automobile, truck, watercraft, construction vehicles,
equipment, or other vehicle designed primarily for transporting person.

(b) NCF has authority to:

1. Establish standard classes of motor vehicles to be leased, purchased or used by NCF
   personnel.

2. Obtain the most effective and efficient use of motor vehicles for NCF purposes.

3. Establish and operate facilities for the acquisition, disposal, operation, maintenance, repair,
   storage, control and regulation of NCF-owned motor vehicles.

4. Acquire motor vehicles by purchase, lease, installment-purchase, or loan or by any other legal
   means and can include a trade-in. All motor vehicles purchased or leased shall be of a class
   that will safely transport NCF personnel and adequately meet the requirements of NCF.

5. Contract for specialized maintenance services.

(c) Motor vehicles owned, leased or operated by NCF shall be used for official NCF business only.
(12) Acquisition of Leases of 5,000 or More Square Feet

(a) NCF will use a competitive solicitation process when entering into lease for space of 5,000 or more square feet in a privately owned building. However, competitive bidding is not required where such a lease:

1. Is the renewal of an existing lease.

2. Has a term of less than twenty-one (21) consecutive days.

3. Is for nominal or no consideration.

4. Is for the purpose of providing care and living space for persons, provided that the President or designee certifies that the space is to be used for that purpose.

5. Is an extension of an existing lease of 5,000 square feet or more, provided that such extension is in the best interest of the State and is for a period not to exceed eleven (11) months. If at the end of the period granted by the extension, the time of all such extensions on the lease equals eleven (11) months, NCF shall proceed with a competitive solicitation.

(b) NCF shall not enter into a lease for space of 5,000 or more feet in a privately owned building when suitable space is available in a state-owned building located in the same geographic region, unless it is determined by the Procurement Services Department that lease of non-state property is in the best interest of NCF.

(13) Vendor Ombudsman and Dispute Resolution

(a) The Controller or his/her designee will act as vendor ombudsman to work with vendors and NCF division/department representatives to resolve problems and issues. Ombudsman contact information will be provided to contractors and vendors via purchase orders and/or the NCF website.

(b) Protests will be handled in accordance with Chapter 120.57(3), Florida Statues.

(14) 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, Invitations to Bid, Request for Proposals and/or Invitations to Negotiate shall be excluded from competing for such procurements.

(15) Standard of Conduct. It shall be a breach of ethical standards for any employee of NCF 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 NCF a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services.

(16) Preferences for Florida-Based Vendors.
(a) Preferences for Personal Property. When NCF 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:

1. If the responsible and responsive vendor that submits the lowest bid, the most advantageous proposal, or the best value reply is one whose principal place of business is outside of Florida and is in a state or political subdivision thereof that grants a preference for the same purchase to a vendor in such state or political subdivision, as applicable, then NCF shall grant the same preference to the responsible and responsive Resident Vendor with the lowest bid received pursuant to an Invitation to Bid, the most advantageous proposal received pursuant to a Request for Proposals, or the best value reply received pursuant to an Invitation to Negotiate.

2. 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 NCF shall grant a preference in the amount of five percent (5%) to the lowest responsible and responsive Resident Vendor.

3. 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.

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

5. For the purpose of paragraph (3)(a), “personal property” shall be defined as goods and commodities, but not real estate, intellectual property or services.

(b) Preferences for Printing. When the College purchases printed materials by competitive solicitation pursuant to paragraph (2) of this regulation, a preference shall be provided Resident Vendors as follows:

1. 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 College shall grant a preference to the lowest responsible and responsive Resident Vendor in the amount of five percent (5%) if the College 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.
2. For purposes of subparagraph 3(b)(1), the level of quality shall be determined by whether a vendor satisfies the minimum specification requirements as set forth in the Invitation to Bid.

(c) 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.

(d) Determining a Vendor’s Principal Place of Business. A vendor’s “principal place of business” is determined as follows:

1. 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.

2. 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.

(e) 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.

(17) Purchases from Contractors Convicted of Public Entity Crimes. NCF 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.

(18) Review and Responsibilities. The Controller is the party responsible for oversight and enforcement of these regulations.

Authority: Article IX, §. 7, Fla. Constitution; Fla. Board of Governors Regulations 1.001 and 18.001

History: 02-07-04 as Policy 5-001; Revised and combined with Policies 5-002, 5-003, 5-004, and 5-011, and renumbered 09-11-10; Revised 09-10-11, 03/11/17
3-1011 Central Receiving

This regulation provides guidelines and controls for all incoming and outgoing shipments and for deliveries to departments via Central Receiving on the NCF campus.

(1) Upon receipt of package(s), receiving personnel make a preliminary inspection for apparent damage and identify the shipment against the purchase order(s).

(2) NCF employees or may not use State vehicles to deliver personal packages, and personal shipments should not be addressed in care of NCF.

(3) All freight addressed to NCF is presumed to be official business unless otherwise determined on inspection.

(4) Delivery of goods is normally made within twenty-four (24) hours to the ordering department and a member of the Central Receiving staff signs the shipment’s invoice or shipping document acknowledging receipt. United Parcel Service and Roadway Parcel Service will deliver items directly to the ordering department if the package bears a complete delivery address.

(5) Central Receiving is responsible for reporting damaged shipments to the shipping service.

(6) To avoid liability issues, shipments of chemicals, radioactive materials, prescription drugs, art, scientific equipment, live animals, specimens, computers and medical equipment are not unpacked by Central Receiving personnel. These shipments are delivered intact to the ordering division or department.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as policy 5-005; Revised and renumbered 11-06-10; Revised 03-10-17 (technical amendment)
3-1012 Mail

This regulation identifies those eligible to use campus postal services; provides brief statements on mail preparation, and how postage is purchased; and places responsibility for initially redirecting mail.

(1) Eligibility to Use Campus Postal Services

(a) Campus postal services are available for conducting the business of NCF. Eligibility in this instance is defined as those departments, units or organizations which maintain an NCF account number for the purpose of carrying on official NCF business. NCF postal services are not for personal use.

(b) With the exception of dormitory residents, campus mail is not for personal use. Faculty and staff should ensure that their personal mail is addressed to their residence or post office box number.

(c) Chain letters are prohibited in campus and U. S. Postal Services mail.

(2) Preparation of Mail

(a) All outgoing mail must include NCF’s standard return address format in order to facilitate its prompt return if undeliverable and to provide accurate information for billing.

(b) Official NCF mail destined for off-campus must be accompanied by identification of the account to be charged and the classification of the mail (i.e., first class, third class, parcel post, etc.).

(c) Mail should be marked "confidential" if it is desired that it be opened by the addressee only.

(d) NCF retains the right to refuse service to any individual or group failing to follow the detailed procedures issued by the NCF Post Office.

(3) Postage

(a) The NCF Post Office will affix proper postage to outgoing official NCF mail according to a division or a department's request when picked up. Postage charges will be billed to departments via Central Billing.

(b) Stamp stock for official NCF business may be purchased by State warrant payable to the U. S. Postmaster.

(4) Forwarding of Official Mail. The NCF Post Office does not maintain a record of forwarding addresses; therefore, departments and offices must maintain forwarding addresses for faculty and staff who leave their area. The U. S. Postal Service requires that change of address records are to be kept for one year; thereafter, the forward expires and mail will be returned to sender through the NCF Post Office. Address corrections must be made by divisional or departmental secretaries or clerical staff. If the forwarding address is unknown, the secretary or clerical staff must note on the letter "Return to Sender. Forwarding address unknown at New College of Florida."
(5) Request for Change in Mail Delivery. Personnel involved in any change in mail delivery should contact the NCF Post Office prior to making the change.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 5-006; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
3-1013 Bulk Mail and Business Reply Mail Permits

This regulation identifies two NCF mail accounts and the NCF-affiliated divisions and departments entitled to use NCF’s non-profit permits. Use of these permits is an economical method of mailings printed matter.

(1) Bulk Business Mail Permit #686

(a) Bulk Business Mail covered by Permit #686 is defined as a minimum of 200 pieces or fifty (50) pounds of printed matter. It includes only publications that are not individually typed or handwritten.

(b) NCF Office of Admissions is the authorized user of Permit #686.

(c) Limitations on Use of Permit #686:

1. No authorized user may delegate or lend the use of NCF’s permit to another group.

2. No profit-making organization or individual on the campus will be allowed to use the permit.

3. Approval to use Permit #686 must be obtained prior to use by contacting the Manasota Post Office.

(2) Preparation. Upon approval to use Permit #686, all outgoing third class bulk business mail must be prepared in accordance with current Manasota Post Office memoranda and the U.S. Postal Service Regulation Article 134.43. Detailed instructions are available from the Manasota Post Office.

(3) Business Reply Mail Permit. Members of the campus community also have access to the Business Reply Mail (BRM) Permit 1407000. Each division or department that uses BRM must pay a fee for the service.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 5-007; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
3-1014 Identity Theft

(1) Pursuant to the Federal Trade Commission's Red Flags Rule (implemented by 15 U.S.C. 1681m), this Regulation will help College staff to detect, prevent, and mitigate identity theft in connection with the opening of certain accounts or existing accounts through the Identity Theft Prevention Program (Program). An identity can be stolen with nothing more than a stolen string of numbers and malicious intent. With a few pieces of personal identifying information, an identity thief can easily secure an account in someone else’s name. This information can be obtained from a variety of sources, including stolen mail, computer hacking, fraudulent address changes, and other schemes.

(2) Definitions

(a) Identity Theft - A fraud committed or attempted using the personal identifying information of another person without authority.

(b) Red Flag - A pattern, practice, or specific activity that indicates the possible existence of identity theft.

(c) Covered account – Account used mostly for personal, family, or household purposes, and that involves or is designed to permit multiple payments or transactions. A covered account is also an account for which there is a foreseeable risk of identity theft.

(d) Program Administrator - The individual designated with primary responsibility for oversight of the program. See Section (8) below.

(e) Identifying Information - Any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, student identification number, computer’s Internet Protocol address, or routing code, credit card number, credit card expiration date, pay check, pay check stub, medical information.

(3) Fulfilling Requirements of the Red Flags Rule. Under the Red Flags Rule, the College is required to establish an “Identity Theft Prevention Program” tailored to the size, complexity, and the nature of College operations. The Program must contain reasonable policies and procedures to:

(a) Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;

(b) Detect Red Flags that have been incorporated into the Program;

(c) Respond appropriately to any Red Flags that are detected to prevent and mitigate identity theft;

(d) Ensure the Program is updated periodically to reflect changes in risks to students or to the safety and soundness of the student from identity theft;
(4) Program Administration. The College must obtain approval of the initial written program by the governing body or an appropriate committee of the governing body. Annually, the designated administrator of the College’s Program is to report to the governing body on the effectiveness of the program and compliance with the regulatory requirements.

(5) Identifying Red Flags. In order to identify relevant Red Flags, the College considers the types of accounts that it offers and maintains, methods it provides to open its accounts, methods it provides to access its accounts, and its previous experiences with identity theft. The College has identified the following Red Flags in each of the five listed categories below.

(a) Notification, Alerts, and Warnings from Credit Reporting Agencies or Service Providers:
   1. Report of fraud or credit alert accompanying a credit report;
   2. Notice or report from a credit agency of a credit freeze on an applicant;
   3. Notice or report from a credit agency of an active duty alert for an applicant;
   4. Receipt of a notice of address discrepancy in response to a credit report request; and
   5. Indication from a credit report of activity that is inconsistent with an applicant’s usual pattern or activity.

(b) Presentation of Suspicious Documents:
   1. Identification document or card that appears to be forged, altered, or inauthentic;
   2. Identification document or card on which a person’s photograph or physical description is not consistent with the appearance of the person presenting the document for identification;
   3. Other information on the identification document is not consistent with existing student information on account with New College; and
   4. An application for service that appears to have been altered or forged or gives the appearance of having been destroyed and reassembled.

(c) Presentation of Suspicious Personal Identifying Information:
   1. Identifying information presented that is inconsistent with other information the person provides (ie. inconsistent birth dates);
   2. Identifying information presented that is inconsistent with other sources of information used by or on the College’s records (ie. an address not matching an address on a loan application);
   3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (i.e. an invalid phone number or fictitious billing address);

5. Social security number presented that is the same as one given by another person;

6. An address or phone number presented that is the same as that of another person;

7. A person fails to provide complete personal identifying information on an application when reminded to do so; and

8. A person’s identifying information is not consistent with the information that is on file for the student.

(d) Suspicious Covered Account Activity or Unusual Use of a Covered Account:

1. Change of address for an account followed by a request to change the person’s name, or for a replacement ID Card;

2. Payments stop on an otherwise consistently up-to-date account;

3. Account used in a way that is not consistent with prior use on the account;

4. Mail sent to the person is repeatedly returned as undeliverable, although transactions continue to be conducted in connection with the account;

5. Suspicious address changes are submitted;

6. Notice to the College that a person is not receiving mail sent by the College;

7. Notice to the College that an account has unauthorized activity;

8. Breach in the College's computer system security;

9. Unauthorized access to or use of student account information; and

10. An account that has been inactive for a reasonably lengthy period of time is used.

(e) Alerts from Others – Persons, Victims, Law Enforcement Authorities: Notice to the College from an Identity Theft victim, law enforcement, or other person that the College has opened or is maintaining a fraudulent account for a person engaged in identity theft.

(6) Detecting Red Flags

(a) Student Enrollment. In order to detect any of the Red Flags identified above associated with the enrollment of a student, College personnel will take the following steps to obtain and verify the identity of the person opening the account:
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1. Require certain identifying information such as name, date of birth, academic records, home address, or other identification and

2. Verify the student’s identity at time of issuance of student identification card (review of non-expired driver’s license or other government-issued photo identification). The identification should be scrutinized to verify that it has not been altered or forged.

(b) Existing Accounts. In order to detect any of the Red Flags identified above for an existing Covered Account, College personnel will take the following steps to monitor transactions on an account:

1. Verify the identification of students if they request information (in person, via telephone, via facsimile, via email) by ensuring that the information given is consistent with other information on file at the College;

2. Verify that the picture on the identification provided matches the appearance of the person presenting the identification (includes accepting in-person address changes);

3. Verify the validity of requests to change billing addresses by mail and provide the person a reasonable means of promptly reporting incorrect billing address changes;

4. Verify that request for information updates have not been altered or forged or that the paperwork gives the appearance of having been destroyed and reassembled;

5. Notify the Program Administrator immediately if the College is notified by a victim of identity theft, a law enforcement agency, or any other person that it has opened, discovered, or manipulated a fraudulent account for a person engaged in identity theft; and

6. Ensure that persons who call are not given information on an account if they cannot provide the NCF ID number and name. Be cautious about callers who attempt to get financial information without providing any substantive knowledge about the account.

(c) Consumer (“Credit”) Report Requests. In order to detect any of the Red Flags identified above for an employment or volunteer position for which a credit or background report is sought, College personnel will take the following steps to assist in identifying address discrepancies:

1. Require written verification from any applicant that the address provided by the applicant is accurate at the time the request for background or credit report is made; and

2. In the event that notice of an address discrepancy is received, verify that the background or credit report pertains to the applicant for whom the requested report was made and report to the consumer reporting agency an address for the applicant that the College has reasonably confirmed is accurate.

(7) Preventing and Mitigating Identity Theft. In the event College personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag.
(a) Prevention and Mitigation Protocols

1. Continue to monitor a Covered Account for evidence of Identity Theft.
2. Contact the student or applicant.
3. Change any passwords or other security devices that permit access to Covered Accounts.
4. Refuse to open a new Covered Account.
5. Provide the student with a new student identification number.
6. Notify the Program Administrator for determination of the appropriate step(s) to take.
7. Program Administrator will notify law enforcement, if appropriate.
8. Program Administrator will file or assist in filing a police report.
9. Program Administrator will determine that no response is warranted under the particular circumstances and will communicate that decision to the appropriate party.

(b) Once a potentially fraudulent activity is detected, an employee must act quickly as a rapid and appropriate response can protect persons and the College from damages and loss. The employee should gather all related documents and write a description of the situation, present the information to the designated authority for determination if fraud was committed.

(c) The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authenticated. If fraudulent, the transaction will be cancelled, law enforcement will be notified and cooperated with, the extent of liability to the College will be determined and notification to the affected person will be made of the fraudulent activity.

(d) Protecting Student Identifying Information. In order to further prevent the likelihood of identity theft occurring with respect to Covered Accounts, the College will take the following steps with respect to its internal operating procedures to protect student identifying information:

1. Make every effort to secure student information during times when their desk/office is unattended.
2. Do not leave documents or computer terminals with sensitive information (names, ID#’s, addresses, etc.) in plain view.
3. Ensure that its website is secure or provide clear notice that the website is not secure.
4. Ensure complete and secure destruction of paper documents and computer files containing student account information when a decision has been made to no longer maintain such information.

5. Ensure that office computers with access to Covered Account information are password protected.

6. Ensure the alarm, where available, is set upon leaving the office for the day.

7. Avoid use of social security numbers.

8. Ensure computer virus protection is up to date.

9. Require and keep only the kinds of student information that are necessary for College purposes.

(8) Program Administration

(a) Oversight. Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee. The Committee, appointed by the Vice President for Finance and Administration, is comprised of individuals that routinely deal with employee and student records and business transactions and is headed by the Program Administrator, also appointed by the Vice President. The Program Administrator is responsible for ensuring appropriate training of College staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating identity theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

(b) Staff Training and Reports

1. College staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags and the responsive steps to be taken when a Red Flag is detected. College staff shall be trained, as necessary, to effectively implement the Program. College employees are expected to notify the Program Administrator once they become aware of an incident of identity theft or of the College’s failure to comply with this Program.

2. At least annually or as otherwise requested by the President or his/her designee, the Program Administrator shall report to the President or his/her designee on compliance with this Program. The report should address such issues as effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening and maintenance of Covered Accounts, service provider arrangements, significant incidents involving identity theft and management’s response, and recommendations for changes to the Program.

(c) Service Provider Arrangements. In the event the College engages a service provider to perform an activity in connection with one or more Covered Accounts, the College will take the following
steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft:

1. Require, by contract, that service providers have such policies and procedures in place; and

2. Require, by contract, that service providers review the College's Program, agree to comply with it and report any Red Flags to the Program Administrator or the College employee with primary oversight of the service provider relationship.

(d) Non-disclosure of Specific Practices. For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation, and prevention practices may need to be limited to the Committee who developed this Program and to those employees who need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered “confidential” and should not be shared with other College employees or the public. The Program Administrator shall inform those employees who need to know the information of those documents or specific practices which should be maintained in a confidential manner.

(e) Program Updates. The Committee will periodically review and update this Program to reflect changes in risks to students and the soundness of the College from identity theft. In doing so, the Committee will consider the College's experiences with identity theft situations, changes in identity theft methods, changes in identity theft detection and prevention methods, and changes in the College's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program will be updated.

Authority: Article IX, Sec. 7, Fla. Constitution; 15 U.S.C. 1681m; Fla. Board of Governors Regulation 1.001

History: Adopted 09-10-11; Revised 02-26-17 (technical amendment)
3-1015 Prompt Payment and Payment Scheduling

It is the intent of the NCF Board of Trustees to ensure all payments processed by the College through its accounts payable operation are made in a timely manner. The regulation establishes criteria for what is required to process an invoice; what constitutes late payment of an invoice, if any; what is due a vendor as a result of late payment; prompt payment exemptions; and provides a process for a dispute resolution.

(1) Statement of Policy. It is the policy of the College to process proper invoices within 30 days of receipt, or when goods and services are received and approved. This regulation shall apply to all purchase requisitions, purchase orders, contracts, and agreements.

(2) Definitions

(a) Dispute – differences of opinion held in good faith between a vendor and the College.

(b) Governmental Entity – means state agencies, county or municipal governments, or other governmental bodies.

(c) Late Payment – a payment that is distributed to a vendor after the payment due date.

(d) Out-of Pocket Purchase – a purchase of goods and services initiated and paid for by an individual in support of official College operations where circumstances preclude following normal procurement procedures.

(e) Payment Due Date – the 30th day from the start date countdown for prompt payment compliance (see Section V for details).

(f) Proper Invoice – a document presented by a vendor for prompt payment, which conforms to all College requirements.

(g) Vendor – any person who sells goods or services, sells or leases personal property, or leases real property to the College.

(h) Vendor Ombudsman – the position within the Finance Office whose responsibilities include, but are not limited to, the review and recommendation for disposition of vendor complaints involving the College’s prompt payment compliance guidelines.

(3) Invoice Information

(a) When submitting an invoice for payment, the original invoice must be submitted. If an original invoice is not available, then the copy must contain the statement “Original invoice not available. Records show that this obligation has not been previously paid.” with the signature of the person certifying the statement. No thermal copies may be submitted as the original.

(b) An invoice should contain the following:

1. Invoice date;
2. Invoice number;
3. Vendor’s mailing “remit to” name and address for payment;
4. Vendor’s mailing address for correspondence, plus phone number, fax number and/or email address of representative who can answer questions regarding the invoice;

5. College’s purchase order (where applicable), contract or other document number;

6. Name and mailing (ship to) address of the College department that received the goods or services, as indicated on the purchase order or contract;

7. Description of goods delivered or services rendered in sufficient detail to identify them as the same goods/services in the purchase order or contract; and

8. Where applicable, a breakdown of quantity, description, unit and extended prices. If a numerical code is used as a description, then a copy of the purchase order must be attached giving a description of the item procured. No payment will be made from a statement.

(c) Invoices should not include the following:

1. Payment terms that are different from those specified in the purchase order or contract;

2. Goods that have not been delivered to the College or services that have not been completed, unless the purchase order or contract contains a provision for advance payment;

3. Unit prices or quantities or total price or quantity that exceed those indicated in the purchase order or contract;

4. Charges for goods, services or freight that were not included on the purchase order or contract;

5. Taxes or fees from which the College is exempt as a non-profit, Florida public institution of higher education; or

6. Charges for late payment. Vendors must request in writing, payment for late payment penalties believed to be owed them but not yet paid by the College at the time of a suspected late payment. In no case shall the annualized penalty interest rate exceed 12%. If the interest due is under $10.00, payment will be waived.

(d) Invoices received from vendors that have failed to supply the College with a complete and accurate W-9 or other form that provides all necessary data to determine 1099 status will be deemed insufficient for payment until such information is supplied.

(e) No past due balances will be paid unless the supporting documentation for the past due amount is attached, e.g., invoice for past due amount.

(f) The determination of any potential late payment is based upon adherence to the regulations promulgated by the College, not by the vendor.

(g) All invoices are to be sent to the appropriate College “remit to” department, as detailed in the purchase order or contract, where the invoice will be stamped with the date received. If an invoice is sent elsewhere, then the received date will be the date the invoice is received by the appropriate department.
(h) Accounts Payable will give invoices that contain discounts preference in order to take advantage of the discount. College departments are to process and forward discounted invoices in a timely manner.

(4) Determination of Payment Compliance

(a) The start date for prompt payment compliance will be the most recent date of the date the proper invoice is stamped as received by the appropriate department or the receipt, inspection, and approval of the goods and services. The department has seven (7) days from the receipt of the invoice to inspect and approve the goods and services and to approve the invoice for payment and forward to Accounts Payable.

(b) For discounted invoices, the department has five (5) days from the receipt of the invoice to inspect and approve the goods and services and to approve the invoice for payment and forward it to Accounts Payable.

(c) If the invoice does not indicate the date of receipt by the department, the received date will be that of the invoice date.

(d) In the case of a dispute, the start date will not begin until the issue(s) is/are resolved. With “remit to” department’s approval, those items that are not in dispute may be paid within allotted time frame.

(e) The timeliness of the payment must allow time for resolution of disputes and accounts payable processing.

(f) The College will be deemed out of compliance after the 30th day from the start date of prompt payment compliance. The 30-day requirement is calculated from the start date to the date of the check. The 30-day requirement may be waived under extenuating circumstances, if approved by the Controller.

(g) The Finance Office will monitor the timeliness of payments and recommend corrective action, as appropriate.

(h) This section does not apply to payments made to State agencies or other governmental entities within the State of Florida.

(i) For invoices that do not meet the College’s standards, the department that reviews the invoice will take one of the following actions:

1. If the items missing from the invoice are not required to make the payment (e.g., vendor’s phone number), use the invoice to process a payment before the Net Due Date;

2. Return the invoice to the vendor for correction and re-submission by mail or fax immediately and no later than twenty-one (21) calendar days after the Invoice Receipt Date; or

3. Partially pay the invoice to the extent it is correct, and notify the vendor of the error by mail or fax immediately and no later than twenty-one (21) calendar days after the Invoice Receipt Date.
(5) Travel and Other Employee Payments. Properly completed employee travel expense or other employee reimbursement requests will be processed during the next scheduled payment cycle. The payment cycle is normally once per week.

(6) Advance Payments. The College may authorize advance payments for goods and services when it is in the best interest of the College to do so, and it has been determined there is adequate protection to ensure that such goods or services will be provided, in accordance with NCF Regulation 3-1010 Procurement Services.

(7) Vendor Ombudsman Dispute Resolution. The Controller or his/her designee will act as vendor ombudsman. This individual will perform the following duties:

   (a) Evaluate payment patterns to discern timeliness of payments both for late payment penalties and lost discounts;

   (b) Work with fiscal liaisons to help eliminate late payments and discounts lost;

   (c) Approve waivers for time extensions due to exceptional circumstances;

   (d) Work with vendors where problems are not resolved with the applicable department processors; and

   (e) Provide Ombudsman contact information to contractors and vendors via purchase orders and/or College website.

(8) Review and Responsibilities. The Controller is responsible for reviewing and implementing this Regulation.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulations 1.001 and 18.001

History: Adopted 02-07-04, as Policy 5-001; Revised and renumbered 11-17-12; Revised 02-24-17 (technical amendment)
3-1016 Fraudulent or Other Dishonest Acts

All College employees are expected to observe the provisions of the Code of Ethics for Public Officers and Employees, Part III of Chapter 112, Florida Statutes. Generally, employees abide by laws and regulations; however, incidents of fraudulent or other dishonest acts may occur. Administrators at all levels of management should set the appropriate tone by displaying the proper attitude toward complying with laws, rules, and regulations, and are responsible for establishing and maintaining proper internal controls which will provide for the security and accountability of the resources entrusted to them. In addition, administrators should be cognizant of the risks and exposures inherent in their area of responsibility, and be aware of the symptoms of fraudulent and other dishonest acts, should they occur.

(1) General

(a) Employees found to have participated in fraudulent or dishonest acts will be subject to disciplinary action pursuant to collective bargaining agreements and personnel policies and rules. Also, criminal or civil actions may be taken against employees or other individuals who participate in unlawful acts.

(b) Employees who, in good faith, report wrongful activity meeting the criteria of Section 112.3187, Florida Statutes (Florida Whistle-blower’s Act), are protected by the Florida Whistle-blower’s Act against any retaliation for making such a report.

(c) Employees are required to cooperate with any police or audit investigation, and they may be requested to keep their knowledge of the investigation confidential.

(2) Definitions

(a) The Association of Certified Fraud Examiners (ACFE) defines “fraud” as: “The use of one’s occupation for personal enrichment through the deliberate misuse or misapplication of the employing organization’s resources or assets.” (Report to the Nation on Occupational Fraud and Abuse, 1999).

(b) Occupational fraud and abuse encompasses a wide variety of conduct by employees, managers, and principals of organizations ranging from pilferage to sophisticated investment swindles. Common violations include asset misappropriation, corruptions, false statements, false overtime, petty theft and pilferage, use of company property for personal benefit, and payroll and sick time abuses. The key is that the activity:

1. is clandestine;

2. violates the employee’s fiduciary duties to the organization;

3. is committed for the purpose of direct or indirect financial benefit to the employee; and

4. costs the employing organizations assets, revenues, or reserves.
(c) Exhibit A of this Regulation includes a more detailed list of activities that constitute fraud or are considered fraudulent.

(3) Employee Responsibilities

(a) When suspected fraudulent activities are observed by an employee (including a student employee), the employee must immediately make a report to the proper authority as follows:

1. Employees shall immediately contact the New College Police Department if they observe an unlawful act in progress, such as theft or destruction of property, or if they have reasonable suspicion that an unlawful act has been committed.

2. The employee shall notify his/her supervisor, the Director of Internal Auditing, or the College President (or designee) of all suspected fraudulent or dishonest acts. College supervisors and administrators who become aware of alleged fraudulent or other dishonest acts shall ensure the Director of Internal Auditing is made aware of such. As deemed appropriate, the Director of Internal Auditing shall keep the College President (or designee) informed of reported allegations of fraudulent or other dishonest acts.

(b) The reporting employee will refrain from further examination of the incident, confrontation of the alleged violator, or further discussion of the incident with anyone other than the reporting employee’s supervisor, the College President (or designee), or the Director of Internal Auditing and/or law enforcement.

(4) College Responsibilities. It is the responsibility of the College to investigate allegations of fraudulent and other dishonest acts and act on such in accordance with internal operating procedures established in support of this Policy.

Exhibit A – Examples of Occupational Fraud and Abuse (Association of Certified Fraud Examiners, Report to the Nation on Occupational Fraud and Abuse)

(1) Corruption

(a) Conflicts of Interest – Purchasing Schemes, Sales Schemes, Other

(b) Bribery – Invoice Kickbacks, Bid Rigging, Other

(c) Illegal Gratuities

(d) Economic Extortion

(2) Asset Misappropriation

(a) Cash

1. Larceny of Cash on Hand, from the Deposit, Other
2. Fraudulent Disbursements


5. Expense Reimbursement – Mischaracterized Expenses, Overstated Expenses, Fictitious Expenses, Multiple Reimbursements

6. Check Tampering – Forged Marker, Forged Endorsement, Altered Payee, Concealed Checks, Authorized Marker

7. Register Disbursements – False Voids, False Refunds

8. Skimming
   a. Sales – Unrecorded, Understated
   b. Receivables – Write-Off Schemes, Lapping Schemes, Unconcealed
   c. Refunds and Other

(b) Inventory and All Other Assets

1. Misuse

2. Larceny – Asset Requisition and Transfers, False Sales and Shipping, Purchasing and Receiving, Unconcealed Larceny

(3) Fraudulent Schemes

(a) Financial


2. Asset/Revenue Understatements

(b) Non-Financial

1. Employment Credentials

2. Internal Documents

3. External Documents
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Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. Chapter 112; Fla. Board of Governors Regulation 1.001

History: Adopted 11-08-03 as Policy 5-018; Revised 02-03-04; Revised and renumbered 03-05-16; Revised 02-09-17 (technical amendment)
3-2001 Investments

This regulation governs the investment of funds in accordance with Chapters 1011.42(5) and 218.415, Florida Statutes. It applies to funds in excess of those required to meet current expenses for the benefit of NCF.

(1) Investment Objectives. The primary objective is to place the highest priority on the safety of principal and liquidity of funds. The optimization of investment income shall be secondary to the requirements for safety and liquidity. A secondary objective is to maximize income while providing minimal risk of market value volatility and adequate short-term liquidity to meet any cash flow demands.

(2) Prudence and Ethical Standards. Investments shall be made in accordance with the “Prudent Person” principle, which states the following:

(a) Investments shall be made with judgment and care, under circumstances then prevailing, which person of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

(b) Employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees involved in the investment process shall disclose to NCF any material financial interests in financial institutions that conduct business with NCF, and shall further disclose any material personal financial/investment positions that could be related to the performance of NCF’s investment program.

(3) Authorized Investments. Investments shall be limited to fixed income securities selected from the following types:

(a) State Treasury Investment Pool (e.g. SPIA).

(b) State Board of Administration Local Government Surplus Fund Trust Fund (SBA Pool)

(c) U.S. Treasury Bills, Notes, Bonds, and other obligations whose principal and interest is fully guaranteed by the United States of America or any of its agencies or instrumentalities.

(d) Repurchase Agreements: collateralized at 102% by U.S. Treasuries.

(e) Certificates of Deposit in state-certified qualified public depositories.

(4) Maturity and Liquidation Requirements. The investment portfolio shall be constructed in such a manner as to provide sufficient liquidity to pay obligations as they come due. To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash-flow requirements.
(5) Portfolio Composition. Recognizing that market value volatility is a function of maturity, the portfolio shall be maintained as a short-term maturity portfolio. Additionally, it is recognized that proper diversification is considered a prudent investment approach.

(6) Internal Controls. The Controller will establish a system of internal controls and operational procedures, which will be documented in writing. The controls will be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of entity.

(7) Reporting. NCF will provide quarterly reporting of the portfolio’s performance which will include the investments rate of return, average investment amount, and interest earnings.

(8) Periodic Review. It is the intention of the BOT to review this Statement of Investment Policy periodically and to amend it to reflect any changes in philosophy or objectives. However, if at any time the investment managers believe that the specific objectives defined herein cannot be met or that these guidelines unnecessarily constrict performance, the BOT shall be so notified in writing.

(9) Review and Responsibility. The Controller shall be responsible for implementing this regulation.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 1011.42 and 218.415; Fla. Board of Governors Regulation 1.001

History: Adopted 11-15-07; Revised 09-11-10, 03-11-17 (technical amendment)
3-2002 College Property and Disposal of Surplus Property

This regulation is set forth in order to comply with Florida Statutes related to State property and to observe sound management principles related to property accountability. It also provides guidelines for lawfully disposing of property declared as surplus.

(1) Definition of "Equipment" or "Property." The words "equipment" or "property" used herein are interchangeable and refer to tangible items of personal property of a non-expendable nature, the normal life of which is one year or longer and the cost of which is $1,000 or more.

(2) Regardless of source of funds, all items meeting the above definition will be considered as property. Source of funds may include items purchased from expense, operating capital outlay, state and federal surplus and construction funds. In addition, hardback-covered bound books that are circulated to students or the general public, the value or cost of which is $25 or more are considered property and will be purchased from operating capital outlay funds.

(3) Identification. All property acquired by NCF, whether by purchase, fabrication or gift which is practicable to identify by marking, will be visibly marked with a property identification number by one or more of the following methods:

(a) Bar Code Label with readable number.
(b) Indelible pencil.
(c) Etching needle.
(d) Metal tags.
(e) Steel dies.
(f) Branding irons.
(g) Paint or stencils.

(4) Physical Inventory. All College property must be physically inventoried annually and it is recommended that property be inventoried upon change of accountable officer. It is the accountable officer's responsibility to maintain definitive control over all equipment listed on his/her inventory. The Controller’s Office staff will schedule and supervise property inventory. It is the responsibility of the fiscal liaison, or his/her designee to conduct the inventory for their property custodian. The Controller’s Office has the responsibility for NCF property management and control techniques.

(5) Disposition. Relief from responsibility must be obtained by completion of New College of Florida Request for Property Removal Form whenever an item of equipment is:

(a) Excess to the needs of a department or a division – to be transferred to surplus property;
(b) Obsolete – to be transferred to surplus property;
(c) Damaged – to be scrapped;

(d) Cannibalized – to dismantle equipment for usable parts;

(e) Unlocated – due to inventory shortage;

(f) Other – transfer to other State or 501(c)(3) agency. Must include an acceptance letter from receiving 501(c)(3) agency.

(g) Stolen Property - theft or sudden disappearance. Relief from responsibility, must be obtained by completion of New College of Florida Request for Property Removal Form and include a copy of police report.

(6) Request of Property Removal Form must be completed, signed by the accountable officer, and a police report case number when equipment is stolen. It is not necessary to report inventory shortages to the University Police as they will be reported in accordance with "unlocated" items as described above. Any department experiencing a theft or sudden and mysterious disappearance of equipment shall immediately report this fact to the University Police. Upon completion of investigation, the University Police will notify the Vice President of Finance and Administration, or designee if the stolen item is not recovered. He or she will remove the item from the property record and notify the appropriate accountable officer.

(7) Off-Campus Use. When NCF property is to be removed from campus for some official purpose, an "Off Campus Equipment Use Permit", New College of Florida Form must be submitted. The form must be approved by the appropriate dean, division chair or director. No new equipment should be removed from campus prior to being decaled and having a completed and approved "Off Campus Equipment Use Permit" form.

(8) Property Transfer. Whenever property is physically relocated on a permanent basis or changes accountable officers, a Property Transfers Form must be completed and submitted to the Controller’s Office. When equipment is transferred on a temporary basis, it is recommended that the accountable officer maintain adequate internal records for locating all properties under his/her control.

(9) As departments or divisions have property items that are excess to their needs that are still usable, they should advertise on email or other means available to them to let other departments or divisions know that these items are available for transfer (New College of Florida Transfer of Property Form). If these items still remain available after three five days or if items are unusable, prepare a New College of Florida Request for Property Removal Form and forward it to the Associate Controller for approval.

(10) Surplus Property will be disposed of as follows:

(a) If the property is to be cannibalized, the Controller’s Office must approve the request for property removal form and return it to the dept. requesting cannibalization before cannibalization can begin. The approved form must be kept with the item begin cannibalized to prevent re-inventory at a later date.
(b) If the property is to be scrapped or abandoned, Physical Plant will determine the disposal of it. Scrap metal will be sold to a local company.

(c) Items may be used for trade-in by referencing the PRS Tracking NCF Property Decal Number on the New College Requisition/Purchase Order. Form 3008 when sent to the Director of Purchasing Director. A Request for Property Removal Form is to be completed and sent with the Requisition/Purchase Order.

(d) Surplus property items of any value are disposed of in one of 4 ways:

1. Electronic items are placed in an electronic recycling dumpster. This dumpster is picked up by a recycling firm that crushes all items, separate it into glass, plastic, electrical parts and recycles these items.

2. Metal items are placed in a metal recycling dumpster and this is picked up by a vendor.

3. All other items are placed in a dumpster, crushed with the College's backhoe, and picked up by the local sanitation company and is taken to the land fill.

4. Any item(s) the College deems saleable, may be sold by bid. If the amount received is $1,000 or more on a single item, the monies received will be deposited into the account that listed the sold item in its inventory minus required advertisement fees.

(11) Sale bids will be advertised in a local newspaper of general circulation two (2) weeks prior to the bid.

(12) Property cannot be donated or given to individuals, non-state agencies, non 501(c)(3) agencies, or private companies.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulations 1.001 and 9.0031
History: Adopted 04-27-02, as Policies 2-007 and 5-010; Revised and renumbered 11-06-10; Revised 03-10-17 (technical amendment)
3-2003 Signature Authorization

The Controller or his/her designee is responsible for the control of all expenditures and uses Signature Authorization Forms as a means to exercise this control.

(1) These forms are maintained in the Controller’s office.

(2) Signature Authorization Forms are required to be on file for each NCF Organization (department) prior to making expenditures.

(3) The Controller or his/her designee is responsible for determining the persons authorized to sign and for assuring that up-to-date signature forms are on file at all times.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 2-001; Revised and renumbered 09-11-10, 11-16-10; Revised 03-11-17 (technical amendment)
3-2004 Control of NCF Revenues

This regulation provides guidelines for the control and collection of funds which are required by Florida Statutes or regulations to be deposited in any of NCF’s accounts.

(1) All State-related funds collected by any department or office must be deposited in NCF’s Cashier's Office or picked up by an armored car service for direct deposit to an NCF bank account.

(2) The Vice President for Finance and Administration or his/her designee is responsible for approving new collections of revenue and for establishing procedures and systems concerning the collection of all revenues for NCF.

(3) The Controller or his/her designee is responsible for ordering, controlling and issuing prenumbered official receipts to departments to insure the proper recording of revenue and expense refunds. These receipts will be the only receipt to be used outside of the Cashier's Office for official collections and will be utilized by all offices not having mechanical receipt devices or prenumbered ticket sales as approved by the Controller.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 2-002; Revised and renumbered 09-11-10; Revised 11-06-10, 03-11-17 (technical amendment)
3-2005 Accounts Receivable

This regulation provides a means of (or procedures for) billing students, staff, and outside individuals or firms for services rendered or for fines assessed due to failure to comply with NCF policies, such as library fines for late returned library books. Since Florida Statutes do not permit NCF to extend credit, all bills are payable upon receipt.

(1) Any department desiring to initiate a program to issue charge documents must first seek the approval of the Controller to assure compliance with the Florida Statutes, and NCF’s policies and practices.

(2) The Controller’s Office may employ any of the following means of collecting monies due NCF:

   (a) Issue monthly bills;
   (b) Issue NCF collection letters;
   (c) Hold all transcripts;
   (d) Refuse registration for any future semester until the accounts receivable has been collected;
   (e) Turn delinquent accounts over to a collection agency on the ICOFA list of approved agencies;
   (f) Make payment agreements via contracts or promissory notes;
   (g) Collect funds owed by employees by means of Set-Off Procedures as defined in New College Regulation 3-4024 NCF Set-Off Procedures; and
   (h) Any other action which is not in conflict with Federal and State Law, and Florida Board of Governor’s regulations.

(3) The Business Office will compile a list of all accounts deemed uncollectible for submission to the Vice President of Finance and Administration for write off. The President or Vice President of Finance and Administration may authorize the write off of any accounts deemed uncollectable.

(4) NCF will withhold diplomas under the following circumstances:

   (a) Nonpayment of any obligation, or
   (b) Not completing the exit interview which is required by 20 USC § 1092 for all students who receive long term loans (i.e. for repayment over term of one year or more).

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 2-003; Revised and renumbered 09-11-10; Revised 11-08-14, 02-21-17 (technical amendment)
3-2006 Central Billing

This regulation documents and describes a billing mechanism through which an NCF department or division may sell services or supplies to another department or division. Through this mechanism, the buying department or division is charged and the selling department or division is credited as either revenue (if the selling department is an auxiliary enterprise) or as a reduction of expenditure (if it is a department or division operating in the General Revenue/E&G funds and simply transferring the cost of the service or supply to another department.) The Interdepartmental Expense Reclass/Refund Request is used to accomplish this transaction. Once this form is completed it is sent to the Controller’s Office for processing.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 2-004; Revised and renumbered 09-11-10; Revised 11-06-10, 03-10-17 (technical amendment)
3-2007 Debt Management

The purpose of this regulation is to confirm that NCF engages in sound debt management practices and, to that end, the BOG has formalized guiding principles for the issuance of debt by the state universities and their DSOs. Each state university shall adopt a debt management policy which is consistent with these guidelines and which shall be approved by the BOT.

(1) The following guidelines set forth guiding principles regarding NCF’s decisions related to:

   (a) The amount of debt which may prudently be issued.
   (b) The purposes for which debt may be issued.
   (c) Structural features of debt being issued.
   (d) The types of debt permissible.
   (e) Compliance with securities laws and disclosure requirements.
   (f) Compliance with federal tax laws and arbitrage compliance.

(2) These principles will facilitate the management, control and oversight of debt issuances, for the purpose of facilitating ongoing access to the capital markets which is critical to the financing of needed infrastructure.

(3) In furtherance of this objective, the provisions of this regulation shall be followed in connection with the authorization, issuance and sale of NCF debt. However, exceptions to the general principles set forth herein may be appropriate under certain circumstances. Also, additional guidelines and policies may be necessary as new financial products and debt structures evolve over time.

(4) For purposes of these guidelines:

   (a) “Debt” means bonds, loans, promissory notes, lease-purchase agreements, certificates of participation, installment sales, leases, or any other financing mechanism or financial arrangement, whether or not a debt for legal purposes, for financing or refinancing, for or on behalf of a state university or a direct support organization, the acquisition, construction, improvement or purchase of capital outlay projects;

   (b) “Capital outlay project” means (i) any project to acquire, construct, improve or change the functional use of land, buildings, and other facilities, including furniture and equipment necessary to operate a new or improved building or facility, and (ii) any other acquisition of equipment or software; and

   (c) “Financing documents” means those documents and other agreements entered into by the state university or the DSO establishing the terms, conditions and requirements of the debt issuance.
(d) “Auxiliary enterprise” means any activity defined in Chapter 1011.47(1), Florida Statutes, and performed by a university or a direct-support organization.

(5) Debt Affordability and Capital Planning

(a) Concept of Affordability. One of the most important components of an effective debt management policy is an analysis of what level of debt is affordable given a particular set of circumstances and assumptions. More comprehensive than simply an analysis of the amount of debt that may be legally issued or supported by a security pledge, the level of debt should be analyzed in relation to the financial resources available to the university and its DSOs, on a consolidated basis, to meet debt service obligations and provide for operating the university. An analysis of debt affordability should address the impact of existing and proposed debt levels on an issuer’s operating budget and offer guidelines or ranges to policymakers for their use in allocating limited resources within the guidelines.

(b) Debts That May Be Issued Without BOG Approval. The following types of financings may be engaged in by NCF, as applicable, without BOG approval:

1. NCF may finance the acquisition of equipment and software provided such financings are accomplished in accordance with the deferred-purchase provisions in Chapter 287, Florida Statutes.

2. NCF may finance the acquisition of equipment and software financings provided the overall term of the financing, including any extension, renewal or refinancings, hereof, does not exceed five years or the estimated useful life of the equipment or software, whichever is shorter.

3. NCF may issue promissory notes and grant conventional mortgages for the acquisition of real property. However, no mortgage or note shall exceed 30 years.

4. NCF debt secured solely with gifts and donations and pledges of gifts so long as the maturity of the debt, including extensions, renewals and refundings, does not exceed five years and so long as the facilities being financed have been included in the university’s five-year capital improvement plan that has been approved by the Board.

5. Refundings for debt service savings where final maturities are not extended.

6. Fully collateralized lines of credit intended to be used for temporary cash flow needs.

7. Energy Performance-Based Contracts, in accordance with the provisions of Chapter 1013.23, Florida Statutes, not to exceed $10,000,000.

8. NCF may borrow up to $20,000,000 from a university DSO on a non-recourse basis to finance a capital project. The term of the borrowing may not exceed thirty (30) years, and the interest rate, if any, may not exceed current market interest rates. The College retains legal title to any capital project financed in whole or in part by such loan irrespective of whether
the loan is repaid. The DSO is prohibited from transferring the note or any other instrument associated with the borrowing to any other entity.

(6) General Debt Issuance Guidelines. The process for submitting debt for approval is as follows:

(a) Timing. The submission of proposed debt for approval by the BOG shall be governed by the following process:

1. The College shall formally transmit to the BOG Office a request for debt approval no later than 60 days prior to the next regularly scheduled meeting of the BOG. The College shall also provide a copy to the State Division of Bond Finance (“DBF”). The formal transmittal to the BOG Office shall be in duplicate, hard copy, and bound in a three-ring binder, and include all the information required by these guidelines. Electronic copies of supporting documentation should be provided to the BOG Office and the DBF, to the extent available. The formal letter of transmission must be signed by the official point of contact for the university, and any exceptions to these Debt Guidelines shall be noted and explained. If the university board of trustees has not yet formally approved the debt being requested, the proposed BOT meeting date shall be provided.

2. During the review period, the BOG Office shall review the information submitted for compliance with these Guidelines and State law, analyze general credit issues associated with the proposed indebtedness, and review any analysis provided by DBF staff.

3. BOG and DBF staff shall jointly discuss with the College on any issues, concerns or suggestions resulting from the review during the review period. As a result of these discussions, the university may amend the information submitted or explain why the suggestions were not incorporated. The BOG Office will advise the College if it believes that any amended information is so significant that re-authorization by the BOT is required. During this period, if the debt being requested for approval is to be issued by DBF on behalf of the College, DBF shall submit to the BOG Office a form of a resolution for adoption requesting that DBF issue the debt.

4. After the review period, the BOG Office shall submit the agenda item with supporting documentation and all appropriate and required analyses to the BOG for consideration at its next meeting. Supporting documentation for the agenda item shall also include the resolution to be adopted by the BOG requesting issuance of the debt by DBF or a resolution approving issuance of the debt by the DSO.

(b) Information Required for Submission. The following information shall be submitted to the BOG Office in support of a request for approval of the issuance of debt. Additionally, the College shall complete the “Checklist of Information Required for Submission to the BOG Pursuant to Debt Management Guidelines,” and provide any additional information requested by the BOG Office or DBF staff in connection with review of any proposed debt issuance.

1. A resolution of the DSO board of directors approving the debt issuances, if applicable, and a resolution of NCF BOT approving the debt issuance and authorizing the College to request BOG approval of the debt issuance. For debt to be issued by DBF, at the request of the
College, DBF staff will work with the College to determine a not-to-exceed amount of debt to be included in the BOT requesting resolution to the BOG and in preparing required debt service and source-and-use schedules.

2. The project program, feasibility studies or consultant reports (if available), and an explanation of how the project being proposed is consistent with the mission of the university.

3. Estimated project cost, with schedules drawn by month and including start and completion dates, estimated useful life, and the date bond proceeds are required.

4. The sources-and-uses of funds, clearly depicting all costs, funding sources expected to be used to complete the project and the estimated amount of the debt to be issued.

5. An estimated debt service schedule with the assumed interest rate on the debt clearly disclosed. If the proposed debt service is not structured on a level debt service basis, an explanation shall be provided which gives the reason why it is desirable to deviate from a level debt structure.

6. One consolidated debt service schedule separately showing all outstanding debt related to or impacting the debt being proposed, the proposed debt and the new estimated total debt service.

7. A description of the security supporting the repayment of the proposed debt and the lien position the debt will have on that security. If the lien is junior to any other debt, the senior debt must be described. Furthermore, a description of why the debt is proposed to be issued on a junior lien basis must be provided. A statement citing the legal authority for the source of revenues securing repayment must also be provided.

8. If debt is to be incurred on a parity basis with outstanding debt, a schedule showing estimated compliance with any additional bonds requirement set forth in the documents governing the outstanding debt. The applicable provisions of the documents for bonds of DSOs should be provided.

9. Financial statements for five years, if available, for the auxiliary, if auxiliary revenues are pledged.

10. A five-year history, if available, and five-year projection of the revenues securing payment and debt service coverage. To the extent applicable, the projections must be shown on the individual project as well as the entire system. All revenue items securing repayment must be clearly set forth as separate line items. An explanation must be provided with regard to growth assumptions, and to the amount and status of approval of any rate increases. The effect of the rate increases on the projections and expected revenues and expenses for the new facility should be clearly set forth as a separate line item. If rate increases are necessary, a commitment must be made to increase rates to the needed levels. Major categories of any operating expenses should be set forth as separate line items with an explanation of assumptions regarding increases or decreases.
11. Evidence that the project is consistent with the university’s master plan or a statement that the project is not required to be in the master plan.

12. For variable rate debt proposals:
   
   a. the expected reduction in total borrowing costs based on a comparison of fixed versus variable interest rates;
   
   b. a variable rate debt management plan that addresses liquidity and interest rate risks and provides, at a minimum: a description of budgetary controls, a description of liquidity arrangements, a discussion of why the amount of variable rate debt being proposed is appropriate, and a plan for hedging interest rate exposure. If interest rate risks are to be mitigated by the use of derivatives, then evidence that the counterparty has a long term rating of at least an A/A2 and a swap management plan as set forth in the BOG’s Debt Management Guidelines must be submitted;
   
   c. a pro forma showing the fiscal feasibility of the project using current market interest rates plus 200 basis points;
   
   d. the total amount of variable rate debt including the proposed debt as a percentage of the total amount of NCF debt outstanding; and
   
   e. the individual or position that will be responsible for the reporting requirements for variable rate debt as set forth in these guidelines.

13. If all or any portion of the financing is contemplated to be done on a taxable basis, then evidence demonstrating that the issuance of taxable debt is in the best interest of the university must be submitted.

14. A statement explaining whether legislative approval is required, and if required, an explanation as to when legislative approval will be sought or evidence that legislative approval has already been obtained.

15. A statement that the debt issuance is in accordance with the College’s debt management policy or, if not, an explanation of the specific variances as well as the reasons supporting the variances.

16. If a request is made to employ a negotiated method of sale, an analysis must be provided supporting the selection of this method that includes a discussion of the factors set forth in section (4) of this regulation.

17. A description of the process used to select each professional engaged in the transaction, showing compliance with the competitive selection process required by this regulation. Specific contact information for each selected professional, must be included, and at a minimum, should disclose the professional’s name, firm name, address, email address, phone number and facsimile number.
18. The most recent annual variable rate debt report.

(c) Approval. The BOG will consider the following factors in connection with its review and approval of NCF debt issuance.

1. The debt is to provide funding for needed infrastructure of the College for purposes consistent with the mission of the university.

2. The debt is being issued in compliance with the principles and guidelines set forth herein.

3. The project information submitted is reasonable and supportable.

4. The five-year projection of pledged revenues available to pay debt service should provide debt service coverage of at least 1.20x for both outstanding parity debt and for the proposed new debt for all years within the five-year projection period after giving credit for any capitalized interest and other revenues available for payment.

5. Any requirements for the issuance of additional parity debt can be reasonably expected to be met.

(d) Purposes For Which Debt May Be Issued. Debt may be issued only to finance or refinance capital outlay projects as defined in this regulation, including equipment and software; debt may not be approved to finance or refinance operating expenses of the College. Refunding bonds may be issued to achieve debt service savings. Refunding bonds may also be issued to restructure outstanding debt service or to revise provisions of Financing Documents if it can be demonstrated that the refunding is in the best interest of the College.

(e) Committing University Resources for Debt Issued by Direct Support Organizations. There may be occasions where the College considers committing its financial resources on a long-term basis in support of debt issued by a DSO or other component unit. While the nature of the commitment may not constitute a legal debt obligation of the university, it may affect the College’s debt position and its available financial resources. Therefore, the College should evaluate the long-term fiscal impact upon the NCF’s debt position and available resources before authorizing any such financial commitment. Additionally, the debt of any DSO may not be secured by an agreement or contract with the College unless the source of payments under such agreement or contract is limited to revenues that the College is authorized to use for the payment of debt service. Any such contract or agreement shall also be subject to the requirements set forth under “Security Features – Pledged Revenues” herein.

(f) Credit Ratings. In order to access the credit markets at the lowest possible borrowing cost, it is recognized that credit ratings are critical. Therefore, for all publicly offered debt:

1. For existing bond programs, NCF and DSOs shall strive to maintain or improve current credit ratings without adversely impacting the amount of debt which may be issued for any particular program.
2. For all new financings, the College shall seek to structure the transaction to achieve a minimum rating of “A” from at least two nationally recognized rating agencies. Credit enhancement may be used to achieve this goal.

(g) Tax Status. The College has traditionally issued tax exempt debt which results in significant interest cost savings compared with the interest cost on taxable debt. Accordingly, the College debt should be issued to take advantage of the exemption from federal income taxes unless the university demonstrates that the issuance of taxable debt is in NCF’s best interest. With respect to debt which has a management contract with a private entity as part of the security feature, the management contract should comply, to the greatest extent practical, with tax law requirements to obtain tax exemption for the debt.

(h) Security Features. Pledged Revenues. The debt issued by NCF and DSOs may only be secured by revenues (including fund balances and budget surpluses) authorized for such purpose. The revenues which may secure debt include the following:

1. Activity and Service Fee, subject to the limitation that annual debt service payable from these fees does not exceed five percent of the revenues derived therefrom.

2. Athletic Fee, subject to the limitation that annual debt service payable from these fees does not exceed five percent of the revenues derived therefrom.

3. Health Fee.

4. Transportation Access Fee.

5. Licenses and Royalties for facilities that are functionally related to the College operation or DSOSS reporting such royalties and licensing fees.

6. Gifts and Donations for debt not longer than five years.

7. Overhead and indirect costs and other monies not required for the payment of direct costs of grants.

8. Assets of NCF Foundation and DSOs and earnings thereon.

9. Auxiliary Enterprise Revenues, e.g., housing, parking, food service, athletic, retail sales, research activities.

Revenues which are not enumerated above may not be pledged to secure debt unless authorized by law for such purpose. In the case of College-issued debt, the pledge of revenues which secures debt should specifically identify the sources pledged and not use general or vague terms such as “lawfully available revenues.” Specifically identifying revenues used to secure debt will provide certainty and transparency as to the revenues that are encumbered and avoid ambiguity or uncertainty as to the issuer’s legal liability and NCF and their DSOs should take this into consideration when determining the nature of the security it will provide in connection with a debt issuance. The guidelines for pledging revenues and securing debt shall also apply to debt...
structures which involve an agreement, contract or lease with the College or its DSOs, i.e., the revenues being pledged to secure debt must be specifically identified and lawfully available for such purpose. It is preferable, whenever possible, to secure debt with system pledges comprised of multiple facilities within a system, e.g., housing and parking, rather than stand-alone project finances.

(i) Functional Relationships. Revenues from one auxiliary enterprise (a “Supporting Auxiliary Enterprise”) may not be used to secure debt of another auxiliary enterprise unless the BOG, after review and analysis, determines that the facility being financed (the “Facility”) is functionally related to the Supporting Auxiliary Enterprise’s revenues being used to secure such debt. The BOG must determine whether a functional relationship exists whenever revenues from a Supporting Auxiliary Enterprise will be used to pay or secure the debt of a Facility or when proceeds of bonds issued by a Supporting Auxiliary Enterprise will be used, directly or indirectly, to pay costs relating to a Facility. When a functional relationship is established between a Facility and a Supporting Auxiliary Enterprise, only that portion of the Supporting Auxiliary Enterprise’s revenues that exceed its operating requirements and debt service, if any, may be pledged to secure such debt; provided that such pledge may be on parity with outstanding debt if permitted by the covenants and conditions of the outstanding debt.

A functional relationship exists when a nexus is established between the Facility and the Supporting Auxiliary Enterprise’s revenues. Whether a Facility is functionally related to the Supporting Auxiliary Enterprise’s revenues must be determined on a case by case basis, taking into consideration the unique facts and circumstances surrounding each individual situation.

Examples of functional relationships include, but are not limited to, a parking facility intended to provide parking to residents of a student housing facility and located within reasonably close proximity to a student housing facility; a food services facility intended to serve residents of a student housing facility and located within reasonably close proximity to a student housing facility; or shared infrastructure (e.g. water lines, sewer lines, utilities, plaza areas) located within reasonably close proximity to both the Facility and the Supporting Auxiliary Enterprise. While representations that a Facility will provide general benefits to or enhance the experience of the student body are desirable, this factor alone is not determinative in and of itself to establish a functional relationship between the Facility and the Supporting Auxiliary Enterprise’s revenues.

(j) Lien Status. All bonds of a particular program should be secured by a first lien on specified revenues. Additionally, bonds should generally be equally and ratably secured by the revenues pledged to the payment of any outstanding bonds of a particular bond program. However, the creation of a subordinate lien is permissible if a first lien is not available or circumstances require.

(k) Reserve Fund. Debt service reserve requirements may be satisfied by a deposit of bond proceeds, purchase of a reserve fund credit facility, or funding from available resources over a specified period of time. In the submission of a request for debt issuance, it is preferred, though not required, that the bond size for the proposed debt include provisions for funding a reserve from bond proceeds. This will ensure that in the event the university is unable to obtain a reserve fund credit facility it will still have an authorized bond amount sufficient to fund its needs. Debt service reserve requirements may also be satisfied with cash balances.
Credit Enhancement. Credit enhancement is used primarily to achieve interest cost savings. Accordingly, the College and their DSOs should consider the cost effectiveness of bond insurance or other credit enhancements when evaluating a debt issuance and the overall cost thereof. Any bond insurance or credit enhancement should be chosen through a competitive selection process analyzing the cost of the insurance or credit enhancement and the expected interest cost savings to result from their use. The primary determinant in selecting insurance or other credit enhancement should be price and expected interest cost savings; however, consideration may also be given to the terms of any arrangement with the provider of insurance or other credit enhancement.

Capitalized Interest. Capitalized interest from bond proceeds is used to pay debt service until a revenue producing project is completed or to manage cash flows for debt service in special circumstances. Because the use of capitalized interest increases the cost of the financing, it should only be used when necessary for the financial feasibility of the project.

Structural Features

1. Length of Maturity. In addition to any restriction on the final maturity imposed by the constitution or laws of the State, as a general guideline, the final maturity on bonds should not exceed thirty years. Debt secured by gifts and donations shall not be considered long-term financing but may be used as a temporary or construction loan to accelerate construction of facilities. Accordingly, the maturity of debt secured by gifts and donations shall not exceed five years, including roll-overs or refinancings except refinancings to implement permanent financing. Debt issued to finance equipment and software may not be longer than five years or the useful life of the asset being financed, whichever is shorter. Lastly, the final maturity of the debt should not exceed the estimated useful life of the assets being financed.

2. Debt Service Structure. Generally, debt should be structured on a level debt basis, i.e., so that the annual debt service repayments will, as nearly as practicable, be the same in each year. A deviation from these preferences is permissible if it can be demonstrated to be in the university’s best interest, such as restructuring debt to avoid a default and not to demonstrate feasibility of a particular project.

3. Redemption Prior to Maturity. A significant tool in structuring governmental bonds is the ability to make the bonds callable after a certain period of time has elapsed after issuance. This provides the advantage of enabling the issuer to achieve savings through the issuance of refunding bonds in the event interest rates decline. Although the ability to refund bonds for a savings is advantageous, there may be situations where a greater benefit of lower interest rates may be realized by issuing the bonds as non-callable. Accordingly, there is a strong preference that bonds issued by NCF or DSOs be structured with the least onerous call features as may be practical under then prevailing market conditions. Bonds of a particular issue may be sold as non-callable if it is shown to be in the best interest of the College or DSOs.

4. Debt Issued With a Forward Delivery Date. Debt issued by NCF or DSOs may be issued with a delivery date significantly later than that which is usual and customary. This debt typically carries an interest rate penalty associated with the delay in delivery. There are also additional
risks that delivery will not occur. Debt with a forward delivery date may be issued if the advantages outweigh the interest rate penalty which will be incurred and the College and DSOs are protected from adverse consequences of a failure to deliver the debt.

(o) Interest Accrual Features

1. Fixed Rate, Current Interest Debt. Fixed rate debt will continue to be the primary means of financing infrastructure and other capital needs. However, there may be circumstances where variable rate debt is more appropriate, in which case, the College or DSOs shall provide documentation as noted in these guidelines for such debt.

2. Derivatives. Alternative financing arrangements, generally referred to as derivatives, are available in the market as an alternative to traditional bonds. Under certain market conditions, the use of alternative financing arrangements may be more cost effective than the traditional fixed income markets. However, these alternative financing instruments, such as floating to fixed swap agreements, have characteristics and carry risks peculiar to the nature of the instrument which are different from those inherent in the typical fixed rate financing. Although the College and their DSOs should normally continue issuing conventional fixed rate bonds, alternative financing instruments may be used when the inherent risks and additional costs are identified and proper provision is made to protect the BOG, the College, and the DSOs from such risks. In determining when to utilize alternative financing arrangements, the availability of the requisite technical expertise to properly execute the transaction and manage the associated risks should be evaluated along with any additional ongoing administrative costs of monitoring the transaction. Also, a comprehensive derivatives policy should be established by the College or their DSOs and approved by the BOG prior to approving transactions using derivatives products.

3. Capital Appreciation Bonds. Normally capital appreciation bonds, which do not require current debt service payments, should not be used. However, when a compelling NCF interest is demonstrated, capital appreciation bonds may be issued.

4. Variable Rate Bonds. Variable rate debt may be issued where, considering the totality of the circumstances, such bonds can reasonably be expected to reduce the total borrowing cost to the university or the DSOs over the term of the financing. The availability of the requisite technical expertise to properly manage the risks and execution of the variable rate transaction should be evaluated along with any additional ongoing administrative costs of monitoring the transaction. There should be a solid understanding of the liquidity risk and interest rate risks associated with variable rate debt. Further, there should be a debt management plan that mitigates, to the extent possible, these risks over the life of the debt. The following guidelines should apply to the issuance of variable rate debt:

   a. Expected reduction in total borrowing cost. In determining reasonably expected savings, a comparison should be made between a fixed rate financing at then current interest rates and a variable rate transaction, based on an appropriate floating rate index. The cost of the variable rate transaction should take into account all fees associated with the borrowing which would not typically be incurred in connection with fixed rate bonds, such as tender agent, remarketing agent, or liquidity provider fees.
b. Limitation on variable rate debt. The amount of variable rate debt and interest derivative exposure is dependent on several factors associated with these types of debts. Included in the factors associated with these instruments are NCF’s/DSOs operating flexibility and tightness of budget, access to short and long term capital, the likelihood of a collateral call or termination payment, and NCF’s/DSOs financial expertise. The level to which the College may utilize variable rate debt obligations (“VRDO”) and interest derivatives (like swaps, collars, and caps) is subject to an understanding of the risks associated and a debt policy that adequately addresses the additional risks.

c. Budgetary controls. To avoid a situation in which debt service on variable rate bonds exceeds the annual amount budgeted, the following guidelines should be followed in establishing a variable rate debt service budget:

i. A principal amortization schedule should be established, with provisions made for payment of amortization installments in each respective annual budget;

ii. Provide for payment of interest for each budget year using an assumed budgetary interest rate which allows for fluctuations in interest rates on the bonds without exceeding the amount budgeted. The budgetary interest rate may be established by: (1) using an artificially high interest rate given current market conditions; or (2) setting the rate based on the last 12 months actual rates of an appropriate index plus a 200 basis point cushion or spread to anticipate interest rate fluctuations during the budget year. The spread should be determined by considering the historical volatility of short-term interest rates, the dollar impact on the budget and current economic conditions and forecasts; or, (3) any other reasonable method determined by the College or DSOs and approved by the BOG;

iii. The amount of debt service actually incurred in each budget year should be monitored monthly by the College or DSOs to detect any significant deviations from the annual budgeted debt service. Any deviations in interest rates which might lead to a budgetary problem should be addressed immediately; and

iv. As part of the effort to monitor actual variable rate debt service in relation to the budgeted amounts and external benchmarks, the College or DSOs should establish a system to monitor the performance of any service provider whose role it is to periodically reset the interest rates on the debt, i.e., the remarketing agent or auction agent.

d. Establish a hedge with short-term investments. In determining the appropriate amount of variable rate debt which may be issued by the College or DSOs, consideration should be given to mitigating the variable interest rate risk by creating a hedge with short-term investments. This “hedge” mitigates the financial impact of debt service increases due to higher interest rates because, as debt service increases, the College or DSOs earnings on short-term investments also increases. Appropriate personnel should monitor the hedge monthly. Short-term investment as a hedge is one of several methods of mitigating interest rate risk. The ratio of such short-term investments to variable debt needs to be
examined in conjunction with other interest rate risk hedging, striking an overall balance to minimize interest rate risk.

e. Variable interest rate ceiling. The bond documents should include an interest rate ceiling of no greater than 12%.

f. Mitigating interest rate risks with derivatives. The College or DSOs are allowed to use various derivatives to mitigate the risk of rising interest rates on variable rate debt. However, the introduction of these derivatives also presents other risks for which the university must mitigate. These risks include rollover risk, basis risk, tax event risk, termination risk, counterparty credit risk and collateral posting risk. At a minimum, NCF/DSOs engaging in this type of interest rate risk mitigation must provide:

i. Evidence that the counterparty has a long term rating of at least an A/A2; and

ii. A swap management plan that details the following:

1) Why the university is engaging in the swap and what the objectives of the swap are.

2) The swap counterparty’s rating.

3) An understanding by the issuer of the cash flow projections that detail costs and benefits for the swap.

4) The plan of action addressing the aforementioned risks associated with swaps.

5) The events that trigger an early termination (both voluntary and involuntary) under the swap documents, the cost of this event and how such would be paid.

6) The method for rehedging variable rate exposure should early termination be exercised.

7) A list of key personnel involved in monitoring the terms of the swap and counterparty credit worthiness.

g. Liquidity. One of the features typical of variable rate debt instruments is the bondholder’s right to require the issuer to repurchase the debt at various times and under certain conditions. This, in theory, could force the issuer to repurchase large amounts of its variable rate debt on short notice, requiring access to large amounts of liquid assets. There are generally two methods for addressing this issue. With the first method, issuers that do not have large amounts of liquid assets may establish a liquidity facility with a financial institution which will provide the money needed to satisfy the repurchase. The liquidity provider should have a rating of A1/P1 or higher. The liquidity agreement does
not typically run for the life of long-term debt. Accordingly, there is a risk that the provider will not renew the agreement or that it could be renewed only at substantially higher cost. Similar issues may arise if the liquidity provider encounters credit problems or an event occurs which results in early termination of the liquidity arrangement; in either case the issuer must arrange for a replacement liquidity facility. With the second method, issuers with significant resources may choose to provide their own liquidity. This approach eliminates the costs that would be charged by a third party liquidity provider and could mitigate the renewal/replacement risk. If the College/DSOs chose to provide its own liquidity, the institution must maintain liquid assets or facilities equal to 100% of the outstanding VRDOs.

h. Submission of periodic reports. The College will prepare and submit to the BOT and the BOG an annual variable rate debt report showing the position during the previous period of the College or DSOs variable rate debt with respect to the following: (1) the total principal amount of variable rate debt to principal amount of total debt; (2) the amount of debt service accrued during the reporting period in relation to the pro-rata amount of annual budgeted debt service for the reporting period. If the amount of debt service which accrued during the reporting period exceeded the pro-rata amount of annual budgeted debt service for the period, the university shall explain what actions were taken to assure that there would be sufficient revenues and budget authority to make timely payments of debt service during the subsequent years; (3) the amount of variable rate debt in relation to the amount of NCF’s/DSOs’ short-term investments, and any other strategies used to hedge interest rate risk.

5. Other Types of Financings

a. Refunding Bonds. Generally, refunding bonds are issued to achieve debt service savings by redeeming high interest rate debt with lower interest rate debt. Refunding bonds may also be issued to restructure debt or modify covenants contained in the bond documents. Current tax law limits to one time the issuance of tax-exempt advance refunding bonds to refinance bonds issued after 1986. There is no similar limitation for tax-exempt current refunding bonds. The following guidelines should apply to the issuance of refunding bonds, unless circumstances warrant a deviation therefrom:

i. Refunding bonds should be structured to achieve level annual debt service savings.

ii. The life of the refunding bonds should not exceed the remaining life of the bonds being refunded.

iii. Advance refunding bonds issued to achieve debt service savings should have a minimum target savings level measured on a present value basis equal to 5% of the par amount of the bonds being advance refunded. The 5% minimum target savings level for advance refundings should be used as a general guide to guard against prematurely using the one advance refunding opportunity for post-1986 bond issues. However, because of the numerous considerations involved in the
6. Certificates of Participation and Lease-Type Financing. The College or DSOs may utilize these financing structures for all purposes, but it shall be considered as debt for the purposes of these guidelines and the universities shall always budget and make available monies necessary to pay debt service, notwithstanding the right to cancel the lease. Additionally, for lease purchase financings of equipment, the College or DSOs should consider using the State’s consolidated equipment financing program if it will reduce costs and ensure a market interest rate on the financing.

7. Conversions of existing variable rate debt. A conversion between interest rate modes pursuant to the provisions of variable rate financing documents does not require BOG approval. However, ten days prior to the conversion, the College or DSOs must notify the BOG Office of a conversion and provide a summary of the terms of (i.e. interest rate, debt service schedule, etc.) and reasons for the conversion. The College or DSOs should answer all questions and provide any additional information that the Board deems necessary to fully understand the conversion.

(7) Method of Sale and Use of Professionals

(a) Analysis of Method of Sale. It is in the best interests of the College or DSOs to use the method of sale for their debt that is expected to achieve the best sale results. Based upon the facts and circumstances with regard to each individual financing, it may be more appropriate to sell debt through either a competitive sale or through negotiation. Accordingly, the College or DSOs may utilize either a competitive or negotiated sale. If, however, a request is made for DSOs to sell debt using a negotiated sale, the university must provide the Board with an analysis showing that a negotiated sale is desirable. The analysis should include, but not necessarily be limited to, a consideration of the following factors:

1. Debt Structure

   a. pledged revenues – strong revenue stream vs. limited revenue base;

   b. security structure – conventional resolution, cash flow, rate and coverage covenants vs. unusual or weak covenants;

   c. debt instrument – traditional serial and term bonds vs. innovative, complex issues requiring special marketing; and

   d. size – a smaller transaction of a size which can be comfortably managed by the market vs. a large size which the market cannot readily handle.
2. Credit Quality
   a. ratings – “A” or better vs. below single “A”; and
   b. outlook – stable vs. uncertain.

3. Issuer
   a. type of organization – well-known, general purpose vs. special purpose, independent authority;
   b. frequency of issuance – regular borrower vs. new or infrequent borrower; and
   c. market awareness – active secondary market vs. little or no institutional awareness.

4. Market
   a. interest rates – stable; predicable vs. volatile;
   b. supply and demand – strong investor demand, good liquidity vs. oversold, heavy supply; and
   c. changes in law – none vs. recent or anticipated

Bonds may also be sold through a private or limited placement, but only if it is determined that a public offering through either a competitive or negotiated sale is not in the best interests of the College or DSOs.

(b) Allocation of Bonds. In the event a negotiated sale by DSOs is determined by the College to be in NCF’s best interest, syndicate rules shall be established which foster competition among the syndicate members and ensure that all members of the syndicate have an opportunity to receive a fair and proper allocation of bonds based upon their ability to sell the bonds.

(c) Report on Sale of Bonds. The College or DSOs shall prepare a report on the sale of bonds or anytime it incurs debt. The report shall be prepared and provided to the BOG as soon as practicable but in no event later than one month after closing the transaction, in the format and manner provided by the BOG, which at a minimum shall include the following:

1. The amount of the debt.
2. The interest rate on the debt.
3. A final debt service schedule or estimated debt service schedule if a variable rate debt or the interest rate is subject to adjustment.
4. Any aspect of the transaction that was different from the transaction submitted for approval.
5. Itemized list of all fees and expenses incurred on the transaction, including legal fees.

6. For negotiated sale of bonds:
   a. the underwriters’ spread detailing the management fee;
   b. takedown by maturity and aggregate takedown;
   c. any risk component and an itemized list of the expense component;
   d. orders placed by each underwriter and final bond allocation;
   e. total compensation received by each underwriter; and
   f. any report or opinion of the financial advisor.

7. Final official statement for publicly offered bonds.

8. Bond insurance or any other form of credit enhancement and the terms thereof.

(d) Credit rating reports. Selection of Financing Professionals. The use of underwriters for
negotiated financings and the use of financial advisors for negotiated and competitive offerings is
necessary to assist in the proper structuring and sale of debt. To assure fairness and objectivity in
the selection of professionals and to help select the most qualified professional, the selection of
underwriters and financial advisors should be accomplished through a competitive selection
process. A competitive selection process allows the College or DSOs to compare more
professionals and obtain the best price and level of service.

(8) Disclosure

(a) Primary Disclosure. The College and DSOs shall use best practices in preparing disclosure
documents in connection with the public offer and sale of debt so that accurate and complete
financial and operating information needed by the markets to assess the credit quality and risks of
each particular debt issue is provided.

The disclosure recommendations of the Government Finance Officers Association’s “Disclosure
for State and Local Governments Securities,” and the National Federation of Municipal Analysts’
“Recommended Best Practices in Disclosure for Private Colleges and Universities” should be
followed to the extent practicable, specifically including the recommendation that financial
statements be prepared and presented according to generally accepted accounting principles.

(b) Continuing Disclosure. DSOs shall fulfill all continuing disclosure requirements set forth in the
transaction documents and as required under Rule 15c2-12 of the Securities and Exchange
Commission.

(9) Post-Issuance Considerations. Investment of Proceeds of Debt Issued by DSOs.
(a) Construction Funds. Funds held for payment of debt service and all other funds held as required by the documents of any financing shall be invested consistent with the terms of the Financing Documents.

(b) Arbitrage Compliance. The College will comply with federal arbitrage regulations. Any arbitrage rebate liabilities should be calculated and funded annually.

(10) Effect. The foregoing guidelines shall be effective immediately and may be modified from time to time by the BOG as circumstances warrant. The guidelines are intended to apply prospectively to the College or DSOs, and not to adversely affect the College or DSOs debt currently outstanding or projects approved by the BOG or BOT prior to, or existing, as of January 26, 2006.

*Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001*

*History: Adopted 02-03-07; Revised and renumbered 11-06-10; Revised 03-10-17 (technical amendment)*
Electronic Funds Transfer (EFT) is defined as the transmission of an electronic message to a financial institution instructing it to make an electronic entry reflecting the transfer of ownership of funds from one depositor to another. This Regulation is adopted pursuant to the requirements of Chapter 1010.11, Florida Statutes, and sets forth the College’s written policies prescribing the accounting and control procedures under which any funds under its control are allowed to be moved by electronic transaction for any purpose, including direct deposit, wire transfer, withdrawal, or investment.

The execution of this Regulation, which concerns the handling of College funds, is delegated to administrative agents who act under the President’s supervision. The College’s Business Office is responsible for the daily management of College bank balances and the general oversight of EFT activity. The College Controller is specifically designated to assist the Board in matters concerning funds handling. Periodically, the College Controller designates staff authorized to initiate and approve EFTs on the College’s behalf.

EFT can be accomplished via the Automated Clearing House (ACH) or wire transfer. ACH is the College’s preferred mechanism, but wire transfer is acceptable when conditions do not support the use of ACH. Except in rare circumstances, both ACH and wire transfers are processed through online banking software provided by the College’s banking partner.

To promote the safety of College funds in the electronic funds transfer environment, the following EFT procedures apply.

1. The procedure to initiate an EFT is subject to the same financial policies, procedures, and controls that govern disbursement by any other means.

2. EFT transactions will not be made without proper authorization of affected parties in accordance with federal and state statute and accepted business practices.

3. The College will provide to the disbursing bank a list of the names and titles of persons authorized by the College to initiate EFT Requests (authorized representatives), as well as associated transfer limits. The disbursing bank will be notified in a timely fashion of any changes to this list.

4. All EFTs should be initiated by computer-based systems when possible. Phone wire transfers should be used only as back-up in an emergency. Phone transfers, except for transfers between College accounts and payroll transfers to the State, will require approval by an authorized representative other than the initiator.

5. The mechanism by which EFT requests are communicated to the disbursing bank will have adequate controls to prevent unauthorized access to both the system and to its various functionalities. These controls should include password protected user accounts, Personal Identification Numbers (PINs), and a designated security administrator(s) role. The security administrator(s) shall ensure that adequate separation of duties exists in accordance with accepted internal control standards and will protect the integrity of system user profiles. This includes assigning system IDs to users, changing user IDs as necessary, and assisting users with technical problems related to the EFT system.
addition, the Security Administrator(s) will assign users access to functions and is authorized to lock out personnel as directed by the Controller.

(6) Requests for the electronic transfer of funds other than transfers among the College’s various bank accounts within the same financial institution require approval by an authorized representative other than the initiator. In no case will an individual have the capability to initiate, approve, and record an EFT to the General Ledger.

(7) Because EFTs between College bank accounts has reduced risk, the Business Office may use EFT on a routine basis to concentrate funds for payment and investment purposes. Although risks are minimal for transfers between College accounts, reasonable controls should exist with regard to authorization, reconciliation, and review of these transactions.

(8) Where EFT’s are recurring, the security administrator(s) will initiate the establishment of a template with receiving and disbursing bank information that may not be altered by those assigned to its use. The set-up of and modifications to these templates will require the signature of two authorized College signatories.

(9) Bank balances will be monitored daily for unusual or unexpected transactions.

(10) Reconciliation of banking activity to the General Ledger will be accomplished in a timely manner with investigation and resolution of reconciling items.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 1010.11; Fla. Board of Governors Regulation 1.001

History: Adopted 05-14-11; Revised 02-26-17 (technical amendment)
3-3001 Environmental Health and Safety

The personal health and safety of students, faculty, staff, and the visiting public is of primary concern to the State University System and NCF. A safe and healthy environment in which faculty, staff, and students may pursue their activities is of such importance that it will be given a high priority for implementation. A program is hereby provided to minimize injury and hazards to health and damage to property. Toward this goal, NCF adopts the current version of the OSHA Standards, 29 CFR 1910 and 29 CFR 1926 as the minimum safety guidelines in accordance with Governor’s Executive Order 2000-292.

(1) The responsibility for establishing an environmental health and safety program, for leadership of the program and for its maintenance, improvement and effectiveness rests ultimately upon the President.

(2) A formal statement of policy on environmental health and safety and written procedures for carrying out the program are hereby promulgated. NCF recognizes that a complete environmental health and safety program adequately funded and staffed with professional personnel is an essential ingredient in maintaining a safe environment at NCF.

(3) The Director of Environmental Health and Safety has the responsibility for identification, evaluation, control and correction of hazards in the core areas of fire protection, industrial hygiene, occupational safety, hazardous waste management, biosafety, environmental management, ergonomics, and accident prevention and investigation.

(4) Operational surveillance of these activities is so varied and diverse that regular preventive health and safety surveys are required throughout the NCF campus to maintain compliance with applicable rules and regulations.

(5) The responsibilities of the various officials accountable for NCF’s Environmental Health and Safety program are as follows:

(a) President
   1. Responsible for all matters pertaining to Environmental Health and Safety, provides the assurance that NCF moves toward compliance with all state and federal regulations related to health and safety.
   2. The President delegates operational authority for Environmental Health and Safety to the Vice President for Finance and Administration.

(b) Vice President for Finance and Administration
   1. Assumes institutional responsibility through the Director of Environmental Health and Safety for overall health and safety practices and their effective administration at all NCF facilities.
   2. Works with deans, directors, division chairs and all units at NCF through the Director of Environmental Health and Safety.
   3. Assures there is a strong working liaison between Environmental Health and Safety and all other units at NCF.
4. Reviews the nominations submitted for appointment to NCF committees related to environmental health and safety.

5. Reviews agreements that NCF may utilize during emergency operations with the counties' Division of Emergency Management and American Red Cross as appropriate.

(c) The Director of Environmental Health and Safety. The Director of Environmental Health and Safety is responsible for:

1. Developing and maintaining written safety standards and procedures necessary to protect the health and safety of NCF’s community. These procedures are based on applicable federal and state laws, codes, standards and regulations.

2. Developing, coordinating, and conducting training seminars aimed at promoting safety awareness, increasing proficiency in safe practices, and explaining NCF’s safety standards and procedures.

3. Administering a Fire Safety Program. This includes Life Safety Code compliance, liaison with State Fire Marshall, and fire safety training.

4. Inspecting NCF facilities to detect existing or potential accident and health hazards and develops corrective or preventive measures where indicated.

5. Coordinating an accident, injury and occupational health investigation program.

6. Coordinating the NCF College-wide Emergency Operation Plan and Continuity of Operations Plan (COOP) with the NCF Police Department, and works closely with the County and State Emergency Management as appropriate. Serve as COOP liaison with the BOG Emergency Coordinating Officer (ECO) as per BOG Regulation 3.001.

7. Administering an Industrial Hygiene Program. This includes asbestos program management, respiratory protection, indoor air quality monitoring, confined space entry, lockout/tagout, hearing conservation, personal protective equipment and workplace monitoring.

8. Administering a Hazardous Waste Management and Occupational Health Program. This includes biosafety, chemical hygiene, and chemical hazard communication, community right-to-know, disposal of chemical/biomedical waste, and blood borne pathogen, maintenance of underground/aboveground storage tanks, as well as managing environmental audits and contingency plans.

9. Administering an Environmental Sanitation/Water Quality Program. This includes food service inspections and water collection and analysis as deemed necessary, and monitoring Department of Health inspection reports on food service and water programs.

10. Administering a General Safety Program. This includes ergonomics, workstation reviews and equipment safety.
11. Providing assistance in all areas of Environmental Health and Safety to any unit of the College requesting the same.

12. Maintaining contact with the federal, state and local regulatory agencies to be aware of all environmental health and safety rules and regulations that apply to College operations.

13. Serve as the designated Safety Coordinator as liaison with the Department of Management Services as per Chapter 284.50, Florida Statutes.

(d) Deans, Directors, and Division Chairs. Divisions and/or departments at all College facilities and campuses shall assign safety responsibility as required and designate building supervisors and safety representatives to assist the Director of Environmental Health and Safety when unusual problems are encountered or when safety consultation is required.

1. Assume responsibility for enforcement and dissemination of Environmental Health and Safety policies and operational procedures pertinent to the personnel and facilities under their direction.

2. Disseminate Environmental Health and Safety policies of the various applicable safety committees to all employees in their unit.

3. Notify all faculty members, supervisors, principal investigators and staff that they are responsible for implementation and enforcement of health and safety regulations in their areas of responsibility.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 284.50; Fla. Board of Governors Regulations 1.001 and 3.001

History: Adopted 04-27-02, as Policy 6-006; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
3-3002 Emergency Operations, Continuity of Operations, and Emergency Notifications

(1) The Office of Environmental Health and Safety and the NCF Police Department will together maintain an Emergency Operation Plan (EOP) to assist the campus in preparation and response to emergencies and crisis situations.

(2) The Office of Environmental Health and Safety will coordinate the development of the NCF Continuity of Operations Plan (COOP) in accordance with Chapter 252.365, Florida Statutes, and BOG Regulation 3.001.

(3) Emergency notifications to the NCF community will be established through the Emergency Operations Plan, the Continuity of Operations Plan, and protocol established NCF Police Department as warranted by the given event.

(4) In the event of an emergency, Faculty, staff and students will be appropriately directed by Campus Police, Public Affairs, or other College officials, depending on the nature of the event, via multiple modes of communications. Communications may include but are not limited to e-mail, text messaging, pre-recorded voice scripts, VOIP Announcements, web page updates, and external mass notification speakers.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 252.365; Fla. Board of Governors Regulations 1.001 and 3.001

History: Adopted 04-27-02, as Policy 6-008; Revised and renumbered 11-06-10; Revised 03-10-17 (technical amendment)
3-3003 Accident/Injury and Loss Control Prevention

This regulation establishes the proper procedures for the reporting, investigating, and prevention of injuries and illnesses to the faculty, staff, students and the public at NCF, in addition to processing claims.

(1) The Director of Environmental Health and Safety (EH&S) and the Director of Human Resources will co-manage the Workers’ Compensation Program for NCF. Both individuals have liaison responsibility with the State Division of Risk Management for this program. It is essential that both directors maintain liaison with each other within their respective areas of responsibility so that accidents to NCF personnel can be minimized.

(a) The Director of EH&S’s Responsibilities:

1. Serves as a resource to all areas and personnel of NCF to minimize accident or illness through various programs.

2. Develops, coordinates and conducts training in the following programs: Accident Prevention and Investigation, Laboratory Safety, Chemical Safety (OSHA Hazard Communication and Laboratory Chemical Hygiene), Fire Safety, BioSafety, Office Safety (Ergonomics and Workstation Reviews), Back Safety and Lifting, Respiratory Protection, Personal Protective Equipment, Industrial Hygiene, Emergency Preparedness and other programs requested or identified through need or risk assessments.

3. Serves as the Department of Financial Services’ Division of Risk Management liaison for the purpose of coordinating and reporting Workers' Compensation claims for NCF, including maintenance of all Workers’ Compensation files and work status reports for NCF.

4. Implements return to work and stay at work programs as required by the Division of Financial Services' Loss Prevention Standards by working closely with the Workers’ Compensation Carrier and Division, and helping injured or ill employees of NCF meet the modified duty restrictions established by Workers’ Compensation Physicians.

(b) The Director of Human Resources’ Responsibilities

1. Monitors Workers’ Compensation claims and lost-time injuries.

2. Advises department and division supervisors and employees about return-to-work requirements, and assists in accommodating the injured worker in the modified workplace.

3. Verify appropriate leave, attendance, and Family Medical Leave related to Workers’ Compensation.

(2) General Liability. NCF, through the State Risk Management Trust Fund, maintains limited liability coverage for negligent acts of employees as defined in Chapters 284 and 768, Florida Statutes. Known accidents or injuries to the general public or students must be reported to the NCF Police Department or to the Director of EH&S.
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Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 6-009; Revised and renumbered 06-29-10; Revised 11-06-10, 03-10-17 (technical amendment)
3-3004 Environmental Regulatory Compliance Procedures

This regulation provides procedures for compliance and corrective action associated with environmental health and safety reviews.

(1) The Vice President of Finance and Administration is responsible for regulating environmental compliance and corrective action activities at NCF. He or she may delegate that responsibility to the Director of Environmental Health and Safety.

(2) The Vice President of Finance and Administration or his or her designee is responsible for conducting environmental health and safety reviews to ensure compliance with federal, state and local rules as they pertain to NCF activities.

(3) The Vice President for Finance and Administration or his or her designee will conduct environmental health and safety reviews on a scheduled basis or as needed in departments and divisions within the NCF community.

(4) Reviews may either be announced or unannounced, but in either case are designed to be informative and non-punitive; however, should flagrant and egregious problems continue, problems will be referred to the appropriate authority for further action.

(5) A report of findings and recommendations will be submitted to the division chair or department director with a copy to the Provost and the Vice President for Finance and Administration.

(6) NCF is subject to unannounced inspections and enforcement from the Florida Department of Environmental Protection (DEP) and the US Environmental Protection Agency (EPA).

(7) The Director of Environmental Health and Safety will serve as liaison on all regulatory compliance inspections conducted by the DEP and the EPA.

(8) Enforcement action resulting from citations from the DEP or the EPA typically result in monetary fines as derived from a penalty matrix. Such fines, or portions of fines, will be the responsibility of the department or division responsible for the violation.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 6-014; Revised and renumbered 09-11-10; Revised 03-11-17
(technical amendment)
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3-3005 OSHA Hazard Communication Standard and Chemical Hygiene Standard

The following regulation facilitates compliance by establishing guidelines regarding the administration of OSHA’s Hazard Communication Standard and Chemical Hygiene Standard for Laboratories.

1. OSHA’s Hazard Communication Standard imposes an obligation on NCF to inform all employees of the listed toxic substances to which they are exposed in the workplace and to provide training in safe handling practices and emergency procedures.

2. The Chemical Hygiene Standard for Laboratories requires all laboratories using hazardous chemicals to develop safety and health plans specific to their operations and the chemicals that they use.

3. The role, scope and program responsibilities to comply with the intent of these standards are as follows:

   (a) Director of Environmental Health and Safety

   1. Coordinate implementation of the Hazard Communication Standard and the Chemical Hygiene Standard, ensuring that departments comply with the requirements under the law.

   2. Provide guidelines for employee training and assist in training a department trainer.

   3. Provide the local fire department and/or the College’s Public Safety Department with a complete list of toxic substances, by location, for the entire campus.

   (b) Individual Departments

   1. Inventory the workplace for all chemicals, following established inventory procedures and send the completed inventory to the Division of Environmental Health and Safety.

   2. Maintain a file containing Material Safety Data Sheets (MSDS) on all chemicals to serve as a ready source of information for employee inquiries. Select one location within the department to house the MSDS file. Update the MSDS file as new toxic substances are introduced in the workplace and send copies of all sheets to the Division of Environmental Health and Safety.

   3. Upon request, provide a copy of the MSDS to the employee for any toxic substance to which the employee has been, is or may be exposed. This request must be complied with within five working days.

   4. Instruct, within the first thirty (30) days of employment, and at least annually thereafter, on the adverse health effects of each listed toxic substance with which the employee works, how to use each substance safely and what to do in case of emergency. Each training session should be documented and a copy forwarded to the Director of EH&S.

   5. Actively seek out the use of less toxic substitutes that are equivalent in effectiveness. Restrict the use of toxic substances by personnel until properly trained and stop the improper use of any toxic substance.
6. All laboratories using chemicals must develop a chemical hygiene plan meeting the requirements of OSHA Regulations (29 CFR 1910.1450).

(c) Coordinator of Purchasing. Incorporate wording within the College’s purchase orders and bid specifications requiring vendors to list any listed toxic substance and to provide a Material Safety Data Sheet (MSDS) for each, at the time of delivery. Providing this information is the vendor's duty under the law. If the vendor does not include an MSDS in the shipment for each substance, notify the vendor of the same or contact the manufacturer of the substance.

(d) Director of Human Resources. Include information on employee rights under the Hazard Communication Standard in the new employee orientation program. This may be used to supplement more detailed training to be provided, as necessary, by the new employee's department or division.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 6-003; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
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3-3006 Animals on Campus

This regulation provides guidelines for the management of animals on the NCF campus. Its language is intended to protect the health, safety, and welfare of students, faculty, staff, and the general public.

(1) Definitions

(a) Service Animal: Under the Americans with Disabilities Act Amendment Act (ADAAA) a service animal is defined as a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by the service animal must be directly related to the individual’s disability. Examples of such work or tasks include guiding individuals who are blind, alerting individuals who are deaf, calming an individual with Post Traumatic Stress Disorder during an anxiety attack, or other related duties. A service animal is a working animal, not a pet. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals.

(b) Assistance Animal: Under the Fair Housing Act an assistance animal is defined as an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or animals that provide emotional support that alleviates one or more identified symptoms or effects of a person’s disability. For the purposes of reasonable accommodation requests the Fair Housing Act does not require an assistance animal to be individually trained or certified. Examples of such work or tasks include guiding individuals who are blind, alerting individuals who are deaf, providing emotional support to persons with disabilities who have a disability-related need for such support, or other related duties. An assistance animal is a working animal, not a pet. Assistance animals are permitted in residential areas but not public spaces, administrative buildings or classrooms. When being transported to or from permitted residential areas the animal must be in an animal carrier or controlled by a leash or harness.

(2) Animals, except for service animals, are not permitted in NCF patio areas adjacent to swim facilities, in recreational facilities such as racquet ball and tennis courts, natural beaches and shorelines, in food or dormitory facilities, inside College buildings, or at special events such as flea markets and open air concerts.

(3) In all parts of the campus where animals may be permitted, such animals must be kept securely tied by a line or leash not to exceed ten (10) feet in length. Animals are not permitted to run at large on any streets, unimproved lots or premises within the boundaries of NCF and should not be tethered and left unattended.

(4) Exceptions

(a) Executive administration, deans, or division chairs may restrict animals within any building within their responsibility based on building use, personnel conflict with the animal, animal aggressiveness toward individuals, or for other purposes that restrict the academic mission and the work processes of NCF.
(b) NCF will seek to grant reasonable accommodations to members of the College community for service animals under the Americans with Disabilities Act Amendment Act and assistance animals under the Fair Housing Act.

(5) Accommodation Procedures

(a) Requests for accommodation by employees should be made to the Director of Human Resources. Requests for accommodation by students should be made to Student Disability Services.

(b) NCF officials will determine, on a case-by-case basis, and in accordance with applicable laws and regulations, whether a requested animal is a reasonable accommodation on campus.

(c) For more information on ADAAA accommodation procedures please see NCF Regulation 1-1016 ADA.

(d) For accommodation requests under the Fair Housing Act, the Student Disability Services Office may require documentation from qualified professionals confirming:

1. the existence of a medically diagnosed disability;

2. that the animal is necessary to afford the person with a disability an equal opportunity to use and enjoy the dwelling; and

3. there is an identifiable relationship or nexus between the disability and the assistance the animal provides.

(e) If an accommodation has been granted by Disabilities Services, then the Housing Coordinator will be notified. However, it shall be the responsibility of the student to follow up with Residence Life staff for appropriate room assignment.

(f) The Housing Coordinator will maintain a list of all animals authorized to live in the dorms and will provide the NCF Police Department with this list.

(6) All animals on campus must be current on vaccinations, have valid rabies inoculation and county registration certificates/tags, and not display aggressive behavior toward others.

(7) Consequences for Violations

(a) Student violators will be referred to the Office of Student Affairs for disciplinary action in accordance with the Student Code of Conduct.

(b) Staff violators will be referred to their supervisor.

(c) Non-College violators will be referred to the NCF Police Department. The first violation will result in a warning; further violations will result in a charge of trespass.
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CHAPTER 3 - Administrative Affairs

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 6-004; Revised and renumbered 09-11-10; Revised 05-31-14, 02-21-17 (technical amendment)
3-3007 Operation of Boats

This regulation applies to the operation of any boat purchased from State funds or any boat acquired by other methods but which is operated and maintained by NCF. This regulation also applies to any boat not owned by NCF but operated in part or wholly with State funds, and used for official NCF business.

(1) Boats for Official New College of Florida Business

(a) Such boats will be operated only by staff so designated in writing by the administrative official having the responsibility for their supervision.

(b) Staff so designated will be fully aware of the liability, current operating and safety requirements of the law. Such requirements will be complied with during all operations. Any operation will be conducted with the awareness of the staff member's immediate superior.

(c) Boats owned and operated by the College are to be used for specific purposes and must not be utilized for any other use without written authority.

(d) Such boats are to be considered as registered vehicles of the College and will be afforded the same safe stowage applying to such vehicles.

(e) Workers' compensation coverage will only apply during authorized use of boats.

(f) Boats may only be operated by employees or registered volunteers of NCF, with specific position descriptions describing such operation.

(g) Boats may only be operated by individuals who have the appropriate license, training and certifications to operate any given vessel, and must have all appropriate safety gear and equipment on-board and operational by law.

(h) State liability insurance will not provide liability coverage to anyone operating a vessel outside of course and scope of their employment.

(2) Boats used in the Student Activities Program

(a) Boats may be used only during daylight hours unless written permission is received from the College’s administration.

(b) Boats must have safety equipment as specified and required by law.

(c) Boats must always have at least one experienced and qualified operator aboard.

(d) Boats may not be used when small craft warnings are in effect.

(e) The Dean of Students is responsible for this program and persons using boats must follow the specific rules and regulations as established by the department.
(f) All individuals operating boats as part of the Student Activities program assume personal liability for the operation of the vessel for damage to other property and or persons as this is considered outside the course and scope of the State’s liability program.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 6-007; Revised and renumbered 11-06-10; Revised 03-10-17 (technical amendment)
3-3008 NCF (State) Vehicles

All operators of NCF (State) vehicles (excluding electric carts, boats, boat motors/engines, turf equipment, construction equipment) must follow the following regulations.

(1) NCF (State) vehicles are to be used for official NCF business only.

(2) Drivers

   (a) Only an NCF employee, registered volunteer, or student employee with a current valid Florida Driver's license (non-Florida if student and out-of-state resident), will be allowed to an NCF (State) vehicle. If driving is a duty of an NCF employee, the employee’s position descriptions should reflect this fact. If the vehicle falls into the classification that requires a Commercial Driver's License (C.D.L.), the operator will have the C.D.L. with the proper endorsements appropriate to the type of vehicle operated in accordance with section 322.10, Florida Statutes.

   (b) Driver shall not permit riders except those directly involved in the purpose for which vehicle is being used.

   (c) Vehicles may only be used in course and scope of employment activities as related directly to NCF business. Other use or operation of vehicles, and use by unapproved individuals will render the State’s Auto liability invalid and may result in personal liability exposure.

(3) Rental Vehicles. The State of Florida maintains a vehicle rental contract that NCF employees may use for official business.

(4) A Centralized Repair and Inspection Station is established under the management of the Director of the Physical Plant, and the responsibilities of same include:

   (a) Establishing procedures for repairs, etc.

   (b) Establishing and enforcing preventative maintenance guidelines.

   (c) Routinely evaluating vehicles as to usefulness, efficiency, and safety of operation.

   (d) Establishing priorities for repairs and services.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 6-011; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
3-3009 Fire and Security Monitoring Systems

This regulation provides guidelines, and approval procedures for the installation and operation of the NCF fire and security alarm systems, as well as to insure uniformity and maintenance compatibility throughout the NCF Campus.

(1) The Director of Environmental Health and Safety, as the designated Fire Safety Officer for the campus, will develop policy regarding fire alarm monitoring systems, fire safety devices, and fire drills in accordance with applicable fire codes and the Office of the State Fire Marshal.

(2) The Chief of the NCF Police Department will develop policy in coordination with the Director of Physical Plant and consult on the installation of all security alarms.

(3) The Director of Physical Plant is responsible for and has the authority to maintain the NCF Fire and Security alarm systems.

(4) The Director of Physical Plant is responsible for approving the installation of all new fire alarm systems and security systems, or the modification of existing systems, including those designed via major and minor projects by the Director of Facilities Planning.

(5) The NCF Police Department will electronically monitor all fire and security alarms unless other means or parties authorized by The NCF Police Department, Environmental Health and Safety, and the State Fire Marshal have been approved and authorized.

(6) Alarm monitoring fees may be charged to the department or division receiving the service as appropriate.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 6-012; Revised and renumbered 11-06-10; Revised 03-10-17 (technical amendment)
3-3010 Fireworks

The following regulations are promulgated regarding the authorized use, storage, or handling of fireworks and explosive pyrotechnics as defined below on all NCF property, to minimize the hazard potential for accidents, injuries and legal liabilities to students, employees, and visitors.

(1) Definition of Fireworks and Explosive Pyrotechnics. The term “fireworks” and “explosive pyrotechnics” as defined by Chapter 791.01, Florida Statutes, shall mean and include a combustible or explosive mixture or any substance or combination of substances except sparklers or toy pistol caps, prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges (except those under NCF Police control). Devices used for signaling at sporting events (i.e., 22 or 32 caliber revolver starting pistols) are exempt.

(2) All campus organizations or individuals considering contractual agreements requesting the use and/or storage of fireworks or other explosive pyrotechnics as defined above on the NCF campus shall request approval in writing from the Vice President for Finance and Administration or his or her designee, the NCF Police Department, and the local fire authority prior to entering into said contractual arrangement. Fireworks displays shall be conducted only by pyrotechnics companies licensed by the State Fire Marshall. Notice shall be given at least thirty (30) days prior to any planned pyrotechnics display.

(a) The application must be submitted to the local fire department for review and approval at least sixty (60) days in advance of the event.

(b) Copies of Fire Department approved applications shall be delivered to the Vice President for Finance and Administration and NCF Police Department no later than thirty (30) days in advance of the event.

(c) Rescheduling of the event must be approved by the Vice President for Finance and Administration, the NCF Police Department and the local fire authority.

(3) All contracts with firms/individuals must state that displays will meet the requirements of any and all applicable state, county, and city laws or safety standards pertaining to licensure and permits, certificates of competency, and display methods.

(4) The Vice President for Finance and Administration or his or her designee or the NCF Police Department are authorized to suspend or terminate a pyrotechnics display at any time at their discretion or at the advice of the event sponsor or local fire safety officials.

(5) Sponsors of pyrotechnic events or contractors shall furnish a certificate of liability insurance in the amount of $1,000,000, naming NCF and the Board of Governors as additional insureds.

(6) All fireworks displays shall be conducted by licensed and insured pyrotechnics vendors following the Standards of NFPA 1123, Code for Fireworks Display, and all state, local, and federal regulations and ordinances governing fireworks displays in Florida and the City of Sarasota.
(7) The display contractor is required to conduct an on-site safety assessment prior to and at the termination or the end of the display. Criteria will be utilized to ensure the safety of spectators.

(8) Handling and launching of pyrotechnics shall only be done by the contractor. The contractor and/or sponsor shall provide adequate personnel to monitor perimeters of discharge and landing sites before exhibits begin, and continue monitoring until sites have been inspected after displays and an "all clear" signal has been given.

(9) Use of remote ignition systems which are not under direct control of on-site operators shall not be permitted.

(10) Discharge sites shall be positioned at distances meeting current National Fire Protection Association criteria. All displays shall be set up using methods for interrupting firing in the event any unforeseen safety problem arises.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 6-013; Revised and renumbered 11-06-10; Revised 03-10-17 (technical amendment)
3-3011 Cart/Utility Vehicle Operation

This regulation provides guidelines for the use of electric or gas-powered carts and/or similar utility type vehicles at NCF. The intent is to establish proper safety procedures and practices, as well as to promote and provide for a safer environment for students, faculty and staff.

(1) All members of the NCF community are governed by this regulation (students, staff, faculty and contractors/vendors). All operators of carts must meet the following criteria before operating a cart on property under the jurisdiction of NCF:

(a) Possess a valid Florida driver's license.

(b) Know and adhere to the State of Florida motor vehicle laws.

(c) Successfully complete Cart Safety Training Program (operator's training will include a signing of a statement of understanding).

(2) NCF employees who will be operating carts are required to obtain a Florida driver's license within thirty (30) days after commencement of such employment or notice that they will be operating a cart as part of their job duties. Full-time out-of-state students who have a valid driver's license from their state of residence are exempted from the requirement of obtaining a Florida driver's license for only that period of time allowed by Florida law.

(3) The safe operation of carts is paramount. Failure to follow these regulations, render common practices or courtesies, or follow rules of the road for the State of Florida could result in citation, appropriate disciplinary action, and/or suspension of operator's cart driving privileges.

(4) All new cart acquisitions must meet the minimum safety features found in National Highway Safety and Traffic Administration (NHSTA), Standard 500 (49 CFR Part 571.500), hereafter "Standard 500." As of the effective date of this regulation, the purchase of used, remanufactured, or transferred (from another NCF department or division) carts not meeting Standard 500 is prohibited. Carts belonging to and operated by contractors and other non-affiliated departments/companies, corporations, etc. must meet Standard 500.

(5) Standard 500 carts must be maintained so that all original equipment safety features are kept in good working order.

(6) Minimum Safety features for carts not Standard 500 (acquired by Department prior to effective date of this policy) are to include:

(a) Carts must be four-wheeled vehicles. No three-wheeled vehicles are allowed to be operated on campus.

(b) All original equipment safety features must be kept in good working order.

(c) All carts and trailers (pulled by carts) must have clearly displayed on the exterior of the cart and trailer the slow moving vehicle reflective triangle.
(7) The following outlines procedures for the safe operation of carts:

(a) Supervisors must monitor and ensure that all persons operating carts have been instructed in the safe operation of carts and have attended the Cart Safety Training Program.

(b) The speed limit for carts off standard roadways is 15 mph.

(c) Carts meeting Standard 500 criteria may operate on NCF roadways, but must adhere to posted speed limits on NCF roadways. All other carts are prohibited from operating on the roadways of the campus except when crossing from one side of the street to another or utilizing a roadway where no sidewalk exists. In most cases, sidewalks are to be used while right-of-way is to be rendered to all pedestrians. Note: Operators are to use due caution in crosswalks. Carts using pedestrian crosswalks do not have the right-of-way.

(d) Modification or tampering with a cart's governor is prohibited and is a violation of Federal Law.

(e) The operator must report any accidents to the NCF Police Department and to the operator's supervisor. The NCF Police Department will forward cart accident information to the Vice President for Finance and Administration for processing.

(f) Cart operators are to use extreme caution at all times.

(g) Operators may not wear headsets while operating carts.

(h) With the exception of Bay Shore Road from Caples Drive to 58th Street, operators are prohibited from operating carts on roadways outside the boundaries of NCF.

(i) With the exception of garages, carports, port cocheres, workshops specifically designed to accommodate motor vehicles, operators are prohibited from operating carts inside, under, or through the confines of NCF buildings.

(j) Pedestrians have the right-of-way on campus. Carts must yield to pedestrians on sidewalks. Speed is to be reduced to a minimum when driving along or crossing sidewalks so as to avoid accidents with pedestrians.

(k) Cart operators are to be diligent and pay particular attention to the needs of disabled persons, as limitations in vision, hearing or mobility may impair their ability to see, hear, or move out of the way of carts.

(l) Carts are not to be overloaded, i.e. carrying more passengers than seating provided or overloading the cart's recommended carrying or load capacity.

(m) The name and telephone number of the College department, and NCF identification number (provided by Physical Plant at the Department's expense) must be displayed prominently on NCF-owned carts. Contractors and other non-affiliated departments/companies, corporations, etc. must display company name and vehicle identification number (VIN) on their carts at the owner's expense.
(n) Cart operators are responsible for ignition keys for the period of time in which they are using the vehicle. Keys shall not be left in carts.

(o) Operators must park carts away from heavily traveled pedestrian areas or in designated cart parking areas.

(p) Cart operators are not to block the path nor limit pedestrian access on walkways.

(q) NCF-owned carts are to be used for NCF business only.

(8) All cart operators must attend the Cart Safety Training Program prior to operating a cart.

(9) NCF-owned carts are to be maintained in accordance with manufacturer and Physical Plant's recommended service schedule.

(a) Repairs and regular maintenance are the responsibility of the department or the division owning the cart. Departments or divisions are financially responsible for all repair and maintenance costs (labor, parts, and supplies) for the carts. The Department or division is required to keep all preventative maintenance and repair records related to the cart; however, for those services provided by Vehicle Maintenance, Vehicle Maintenance will keep such records.

(b) Departments are responsible for keeping all original equipment and safety features in good working order.

(10) With the exception of street-legal carts with valid license plates and registration used for commuting purposes, personally-owned carts are prohibited from operating on NCF property; however, special consideration will be given to community members needing ADA accommodations.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 6-016; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
3-3012 Risk Management and Insurance Programs

The following regulation is issued to facilitate internal and external communications regarding the administration of NCF’s risk management and insurance programs.

(1) The role, scope and program responsibilities of the various personnel accountable for the College’s risk management and insurance programs are as follows:

(a) Director of Environmental Health and Safety

1. Responsible for overall coordination and effectiveness of all insurance loss control programs in terms of minimizing costs to the College through accident investigation and training programs.
2. Responsible for coordination of the correction of all physical hazard conditions that may have caused injury or illness in order to prevent further injury or liability.

(b) Coordinator of Purchasing and Director of Facilities Planning

1. Responsible for providing the State of Florida comprehensive general liability insurance certificate to vendors/lessors when required by agreement.
2. Responsible for administration of any contractual requirements that contractors or subcontractors (when applicable for services performed on College property) furnish as evidence of the required Worker's Compensation, Property Damage and Public Liability, Automobile Liability, and Products Liability Insurance with New College of Florida, the BOT, the State of Florida, the BOG, as additional named insured on such liability insurance policies.
3. Responsible for administration of any contractual requirements when contractors who perform services on NCF property furnish a Performance and Payment Bond, when applicable.
4. Responsible for NCF premium assessments and payments.

(c) Controller. Responsible for NCF premium assessments and payments.

(d) Director of Human Resources in coordination with the Director of Environmental Health and Safety

1. Responsible for processing of all Worker's Compensation claims including both medical and salary compensation. This also includes maintaining attendance records submitted by the department for time loss days.
2. Responsible for receiving and processing all Notice of Injury forms before sending copies to the Division of Risk Management. Sends copies of the Injury Investigation Report to the Director of Environmental Health and Safety for review and appropriate investigation and correction of occupational hazards.
3. Responsible for developing and implementing a Worker's Compensation program which assists departments in returning injured employees to work, provides training to NCF staff, and encourages reduction in the cost of claims and resulting insurance premiums.

(e) General Counsel

1. Responsible for representing the NCF’s interests in legal proceedings arising from general liability, workers' compensation liability or contracts and lease liability.

2. Responsible for assuring that request for accident reports and other information in connection with liability claims involving students are properly processed according to Federal and State privacy laws.

3. Responsible for handling inquiries from lawyers representing clients with general liability or workers' compensation claims and suits against NCF.

4. Responsible for interpreting statutes, rules and insurance polices as they pertain to NCF.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 5-009; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
3-4001 Employment Classification

This section of the Regulations Manual, numbered in the 3-4000s, contains regulations applicable to one or more groups of NCF employees. Provisions of this section are subject to collective bargaining agreements. To the extent this section contradicts or is inconsistent with a ratified collective bargaining agreement, the collective bargaining agreement will be the controlling authority for those covered employees.

(1) The Board of Trustees is responsible for establishing and the president is responsible for administering and maintaining the personnel programs. The president may delegate the authority and responsibility for personnel actions within the area for which the designee is responsible.

(2) College employment consists of the following defined classes of employment:

(a) Executive Service Employees: Executive Service positions ordinarily report directly to the President, unless otherwise specified, and may include the vice presidents and other positions responsible for policy-making at the executive level. Employees in the Executive Service serve at the will of the President; however, faculty members who serve in positions designated as Executive Service shall retain their earned tenure as a faculty member.

(b) Faculty employees: Assigned the principal responsibility of teaching, research, or public service activities or for administrative responsibility for functions directly related to the academic mission.

(c) Administrative and Professional Employees (A&P): A & P employees are assigned administrative and management responsibilities or professional duties.

(d) University Support Position Services Employees (USPS): USPS employees include positions assigned paraprofessional, clerical, secretarial, technical, skilled crafts, service, or maintenance duties.

(e) Other Personnel System Employees (OPS): OPS positions are temporary, not established positions. OPS employees receive no annual leave, sick leave, or other employment benefits beyond salary.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 01-28-04, as Rule 6C11-8.001; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
3-4002 Conflict of Interest

This regulation applies to all NCF employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

NCF employees are bound to observe, in all official acts, the highest standards of ethics consistent with the code of ethics of the State of Florida, Chapter 112, Part III, Florida Statutes, and the advisory opinions rendered with respect thereto. Other provisions of State law govern obligations and responsibilities of employees who receive State compensation in addition to their annual salary.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. Chapter 112; Fla. Board of Governors Regulation 1.001

History: Adopted 01-28-04, as Rule 6C11-8.002; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
3-4003 Employee Security Checks and Screenings

This regulation specifies the protocols and responsibilities in conducting security checks on Administrative and Professional (A&P), University Support Personnel System (USPS), Executive Service (ES), Faculty and Other Personnel Services (OPS) job candidate(s) to whom an offer of employment has been extended but employment has not yet begun. Security checks on volunteers are also required in certain situations. Security checks involving current employees are also addressed. This regulation supplements the employment and education verification process performed in support of NCF’s hiring process.

(1) Requirement for Security Background Checks

(a) A&P, USPS, ES, Faculty and OPS Job Candidates. Security background checks will be conducted on all A&P, USPS, ES, Faculty and OPS job candidate(s) to whom an offer of employment has been made. The post offer, pre-employment background check will include:

1. Name and address verification.
2. Social Security Number verification.
3. Potential criminal history through fingerprint search (state and national).

(b) Designated Positions of Special Trust. A security background check shall apply to current employees in designated positions of special trust and accepted volunteers in positions whose duties may include one or more of the following:

1. Directly working with minors or children attending any district school system or university lab school as defined in Chapter 1012.32, Florida Statutes.
2. Access to cash, credit card numbers and/or checks.
3. Access to campus buildings as a result of being assigned building master keys that remain in the employee’s possession while off-duty.
4. Ability to complete final processing of payroll, investments or purchase orders.
5. Ability to access underlying codes or processing protocol supporting NCF ERP computer systems applications or complete final processing of ERP security access transactions.

(2) Driver’s License Verification. A security background check to verify that a candidate possesses a valid driver’s license and verification of the candidate’s driving history will be performed on candidates offered positions whose duties include, but are not limited to, operating licensed motor vehicles owned by NCF at least one time per week. Driver’s license and driving record checks may be performed annually at the discretion of NCF management.

(3) Grounds for Denying Employment. If the security background check reveals any felony or first degree misdemeanor convictions or adverse driving history (where applicable), the following factors
will be considered to determine whether the convictions are grounds for denying employment or acceptance as a volunteer:

(a) The nature and gravity of the offense.

(b) The time period that has lapsed since the conviction.

(c) The nature of the position being considered.

(d) Other statutory requirements.

(4) Responsibility of Current Employees. Current employees and volunteers shall notify NCF management of any felony or first degree misdemeanor of which they are convicted or, if applicable to their position, if their driver’s licenses is suspended subsequent to their employment or volunteer work with NCF. Such notification must be made within three (3) working days of the conviction or driver’s license suspension. Factors identified in Section (3) will be considered in determining the individual’s continued employment disposition.

(5) Background Checks of Current Employees. In addition to requirements noted in Section (1)(b), a security background check may be conducted on a current employee if NCF management has reason to believe an employee falsified his or her employment application, or for other justifiable reasons. Except for ongoing police investigations, the Department of Human Resources will be responsible for conducting any security background checks on current employees. Should a security background check reveal any felony or first degree misdemeanor convictions not previously divulged by an employee/volunteer, Human Resources will consult with the appropriate department regarding the individual’s continued employment disposition.

(6) Applicable Collective Bargaining Agreements. This regulation applies to all NCF employees and volunteers, provided, however that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of employees who are members of a duly recognized collective bargaining unit.

(7) Review and Responsibility. The Director of Human Resources shall be responsible for implementing this regulation.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 11-05-05; Revised 09-11-10, 03-11-17 (technical amendment)
3-4004 Employment of Relatives

Employment of related persons in a single organizational unit or in work-related organizational units is permitted, provided that such employment will not involve a conflict of interest, including but not limited to participation by the relative as a supervisory employee in making recommendations or decisions specifically affecting the appointment, retention, tenure, work assignments, evaluation, promotion, demotion, or salary of the related person.

(1) Definitions

(a) A “Supervisory Employee” is a College employee or public officer who has or could have direct or indirect administrative, evaluative, or decision-making authority over a Related Person; whose decisions or actions may affect the evaluation or compensation of a Related Person; or whose decisions or actions may affect other College decisions or actions concerning a Related Person.

(b) A “Related Person” means an individual who is related to the Supervisory Employee, the Supervisor Employee’s spouse, or the Supervisor Employee’s domestic partner as father, mother, son, daughter, grandson, granddaughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father, step-mother, step-son, step-daughter, step-grandson, step-granddaughter, step-brother, step-sister, half-brother, or half-sister, or a person living in the same household as the Supervisory Employee.

(2) The employment of a Related Person and/or Supervisory Employee must be specifically approved in writing by the Provost or, for non-academic units, the Vice President for Finance and Administration. Conditions may be imposed on such employment. If the Related Person is a relative of the Provost or Vice President, as applicable, the President must approve the employment and any conditions placed on the employment. Requests for approval should be submitted through the Director of Human Resources for processing prior to the offer of employment to the Related Person or Supervisory Employee, or prior to the time that a current College employee will become a Related Person or Supervisory Employee under this Regulation.

(3) In all cases, current College employees must promptly disclose if a relative has been hired by the College or if a current College employee is about to become a relative under this Regulation.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. Chapter 112; Fla. Board of Governors Regulations 1.001 and 1.006

History: Adopted 01-28-04, as Rule 6C11-8.003; Revised and renumbered 09-11-10; Revised 09-08-12, 02-24-17 (technical amendment)
3-4005 Seeking or Holding Elective Public Office

This regulation applies to all NCF employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(1) Any employee who intends to seek election to and hold public office shall notify the President or President’s designee of their intentions in writing.

(2) The President or President’s designee shall consider whether the employee’s candidacy for holding public office will interfere with the full discharge of the employee’s duties.

(3) If it is determined that the candidacy will interfere with the full discharge of the employee’s duties, the employee shall be advised in writing that if he/she chooses to continue to pursue the candidacy, he/she will be required to take a leave of absence or submit a resignation, as determined by the President or President’s designee.

(4) Sworn law enforcement officers must take a leave of absence without pay during the period of office seeking, pursuant to Chapter 99.012(7), Florida Statutes.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 99.012 and 104.31; Fla. Board of Governors Regulation 1.001

History: Adopted 01-28-04, as Rule 6C11-8.004; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
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3-4006 Outside Activity

This regulation applies to all NCF employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(1) General

(a) An employee shall not engage in any outside activity which interferes with the full and competent performance of the employee’s duties in the public interest. Nothing in this rule is intended to discourage an employee from engaging in outside activity in order to increase their professional reputation, service to the community, or income, subject to the conditions stated herein.

(b) “Outside Activity” shall mean any private practice, private consulting, or other activity, compensated or uncompensated, which is not part of the employee’s NCF duties and for which NCF has provided no compensation.

(c) An employee engaging in any outside activity shall not use the facilities, equipment, or services of NCF in connection with such outside activity without prior written approval of the Vice President/Provost responsible for the employee’s organizational unit. Such approval may be conditioned upon reimbursement for the direct costs resulting from the use thereof.

(d) An employee engaging in outside activity shall take reasonable precautions to ensure that the outside employer or other recipient of services understands that they are engaging in such outside activity as a private citizen and not as an employee, agent, or spokesperson of NCF.

(2) Reporting Requirement

(a) Any General Faculty or Administrative and Professional employee who proposes to engage in any outside activity which the employee should reasonably conclude may create a conflict of interest, or which may otherwise interfere with the full performance of the employee’s professional or institutional responsibilities, shall submit a complete written report of outside activity to their supervisor prior to engaging therein.

(b) The reporting provisions shall not apply to activities performed wholly during a period in which the employee has no appointment with the State University System.

(c) In the event the proposed outside activity is determined to constitute a conflict of interest or other interference with the employee’s NCF duties, the supervisor shall discuss the matter with the employee within two weeks of receipt of the employee’s written notification.

(d) If the matter is unresolved following this discussion, the employee may refer the matter to the responsible Vice President/Provost, who shall determine whether the outside activity creates a conflict of interest or otherwise interferes with the employee’s NCF duties. The employee shall be notified in writing of NCF’s final action on the determination no later than three weeks from the date the matter was referred to the Vice President/Provost.
(e) The employee may engage in such outside activity pending the decision of the Vice President/Provost. If the Vice President/Provost determines that there is a conflict of interest or other interference with the employee’s NCF duties, the employee shall cease such activity immediately and turn over to NCF any compensation earned therefrom.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. Chapter 112; Fla. Board of Governors Regulation 1.001

History: Adopted 01-28-04, as Rule 6C11-8.005; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
3-4007 Misconduct

(1) Applicability. This rule applies to all College employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(2) College employees who intentionally act to impair, interfere with, or obstruct the mission, purposes, order, operations, processes, and functions of the College shall be subject to appropriate disciplinary action by College authorities as set forth in the applicable rules and laws governing such actions. Misconduct shall include, but not be limited to, the following:

(a) Violence or threat of violence to others or against one’s self.

(b) Theft, conversion, misuse, damage or destruction of College property or of the property of members of the College community.

(c) Unauthorized interference with the freedom of movement of any member or guest of the College.

(d) Unauthorized interference with or impeding the rights of others to carry out their activities or duties at or on behalf of the College or in entering, using, or leaving any College facility or scheduled activity.

(e) Interference with academic freedom and freedom of speech of any member or guest of the College.

(f) Non-compliance with written or oral requests or orders of authorized College personnel in the performance of their official duties.

(g) Providing false information to College officials, withholding required information from College officials or others, or misusing College documents.

(h) Possession or use of fireworks, explosives, dangerous chemicals, ammunition, or weapons on campus without the written approval of the appropriate College authority.

(i) Creating or in any way initiating a false alarm.

(j) Misuse of, or interference with, firefighting equipment.

(k) Disturbing the peace.

(l) Violation of the College policy concerning the use of alcoholic beverages on campus.

(m) Illegal possession or misuse of drugs and other controlled substances.

(n) Unauthorized solicitation of funds.
(o) Violation of the Laws of Florida or of the United States – any act that could constitute a violation of the laws of this state or nation will establish cause for legal and/or disciplinary action by the College.

(p) Endangering the health, safety, and welfare of members or guests of the College.

(q) Sexual harassment or other forms of illegal discrimination.

(r) Misuse or duplication of any College key.

(s) Violation of the College policy concerning smoking in buildings.

(t) Fabrication, falsification, plagiarism, misrepresentation of findings or other deviation from accepted practices in carrying out research or reporting the results of research, or failure to comply with legal requirements governing research.

(3) This rule shall apply to acts conducted on or off campus when relevant to the orderly conduct, processes, and functions of the College.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 1006.60; Fla. Board of Governors Regulation 1.001

History: Adopted 01-05-02, as Rule 6C11-8.004; Revised and renumbered 01-28-04, as Policy 0-010; Revised 03-11-17 (technical amendment)
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CHAPTER 3 - Administrative Affairs

3-4008 Employee Selection and Appointment

This Regulation applies to all General Faculty and Administrative and Professional employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of General Faculty and Administrative and Professional employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(1) Search and selection

(a) The selection of General Faculty and Administrative and Professional employees shall be the responsibility of the appropriate administrative officer having supervisory responsibility over the position and applicable State University System and NCF policies and procedures.

(b) The appropriate administrator shall secure reliable and detailed information on candidates and reach decisions on their relative merits. Candidates selected for final consideration should be provided with information such as: title and nature of position, approximate salary, type of contract, basic assignment, and other duties inherent in the position. The candidate should also be provided with information concerning NCF and the State University System.

(c) If practicable, the candidate reaching the final stages of the search should be invited for personal interviews with appropriate personnel.

(d) In making preliminary contacts with candidates, it should be made clear that no offer of employment is being made.

(2) Appointments

(a) The hiring authority shall verify and document education and experience of the recommended candidate.

(b) After deciding to recommend a candidate for appointment, the official in charge of the employment unit should transmit the recommendation to the appropriate administrative officers.

(c) The responsible Vice President/Provost may then offer the candidate employment by means of a contract or letter of appointment, subject to the provisions of Chapter 216.311, Florida Statutes.

(d) No contract or letter of appointment shall be for a term exceeding one year.

(e) All contracts shall be signed by the President, the responsible Vice President/Provost, and the employee.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 216.311; Fla. Board of Governors Regulation 1.001

History: Adopted 01-28-04, as Rule 6C11-8.007; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
3-4009 Grievances

(1) General Faculty and Administrative and Professional Employees. This rule applies to all General Faculty and Administrative and Professional employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of General Faculty and Administrative and Professional employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(a) All problems shall be resolved whenever possible before the filing of a grievance, and open communication is encouraged so that resort to the grievance procedure will not normally be necessary.

(b) The burden of proof shall be on the College in a grievance alleging a violation of NCF Regulation 3-4010 Discipline. In all other grievances, the burden of proof shall be on the grievant.

(c) It is the intent of this rule to provide a complete response to a grievance but not to encourage multiple processing of the same issue. If, prior to or while seeking resolution of a dispute under this rule, a grievant seeks resolution of the matter in any other forum, whether administrative or judicial, the College shall have no obligation to entertain or proceed further with the matter pursuant to this rule. The College’s response to other individuals or groups having appropriate jurisdiction in any other procedure shall not be an act or omission giving rise to a grievance under this procedure.

(d) All time limits contained in this rule may be extended by agreement of the parties. Upon failure of the grievant to file an appeal within the time limits provided in this rule, the grievance shall be deemed to have been resolved at the prior step.

(e) Definitions

1. The term “grievance” shall mean a dispute concerning the grievant’s rights regarding the terms and conditions of employment.

2. The term “grievant” shall mean a non-unit Administrative and Professional or General Faculty employee who has been directly affected by an act or omission of the College and who has filed a written grievance under this rule.

3. The term “days” shall mean calendar days. In the event an action falls due on Saturday, Sunday, or a state holiday, the action will be considered timely if it is accomplished by 5:00 p.m. on the following business day.

4. The term “counsel” shall mean a lawyer or lay advisor.

(f) Step 1
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1. All grievances shall be filed in writing with the person designated by the President as Step 1 Representative for the unit of the College in which the grievant performs duties, with a copy to the Office of the General Counsel, within 25 days following the act or omission giving rise thereto, or the date the grievant knew or reasonably should have known of such act or omission if that date is later. The identification of applicable designated Step 1 Representatives may be obtained from the Clerk of the College.

2. The written grievance shall contain the following information: grievant’s name; name and address of counsel, if any; specific provision(s) of College or Board of Governor’s rule or regulation claimed to have been violated; a statement of the grievance, including the acts or omissions which are claimed to have given rise to the grievance; the remedy sought; and signature. The College will dismiss a grievance that is not in substantial compliance with this section or that is untimely filed. The dismissal shall be without prejudice to the grievant’s right to file a timely amended grievance curing the defect, unless it conclusively appears from the face of the grievance that the defect cannot be cured. If the College dismisses a grievance, it shall immediately notify the grievant of the dismissal, all defects, and how such defects can be cured. The grievant shall have ten (10) calendar days from the date of dismissal to file an amended grievance curing the defect. If the grievance is dismissed for untimely filing, the amended grievance must demonstrate that the untimely filing was the result of excusable neglect. The grievant may, in the written grievance that is filed, request the postponement of any action in processing the grievance formally for a period of up to 25 days, during which period efforts shall be made to resolve the grievance informally.

3. Upon the grievant’s written request, additional extensions of up to 25 days should be liberally granted unless to do so would impede resolution of the grievance. During such postponement period(s), upon request, the Step 1 Representative may, at his/her discretion, arrange an informal conference between the appropriate administrator and the grievant.

4. The grievant may at any time terminate a postponement period by giving written notice to the Step 1 Representative that the grievant wishes to proceed with the Step 1 meeting provided for below. If the initial postponement period, or any extension thereof, expires without such written notice, the grievance shall be deemed informally resolved to the grievant’s satisfaction and need not be proceeded further.

5. The Step 1 Representative shall conduct a meeting no later than 15 days following receipt of the grievance, if no postponement is requested, or receipt of written notice that the grievant wishes to proceed with the Step 1 meeting.

6. At the Step 1 meeting the grievant shall have the right to present any evidence in support of the grievance.

7. The Step 1 Representative shall issue a written decision, stating the reasons therefor, within 25 days following the conclusion of the Step 1 meeting. The decision shall include a finding...
as to whether the grievance concerns a substantial interest of the grievant and/or whether there are any disputed issues of fact material to the grievance. In the event the decision at Step 1 refers to documents not presented by the grievant at the Step 1 meeting, copies of such documents shall be attached to the decision.

(g) Step 2

1. If the grievance is not satisfactorily resolved at Step 1 the grievant may request review by the responsible Vice President/Provost by delivering a written request within 10 days of receipt of the Step 1 decision. The Step 2 review must state the reason(s) for the grievant’s dissatisfaction with the Step 1 decision.

2. The responsible Vice President/Provost may schedule a Step 2 meeting with the grievant and/or other appropriate persons or may issue a decision on review of the documents alone, at his/her discretion.

3. The responsible Vice President/Provost will issue a written decision, stating the reasons therefore, within 25 days following the conclusion of the Step 2 meeting or within 25 days of receipt of the Step 2 review request if no meeting is held. At the time of issuance of the Step 2 decision, the responsible Vice-President/Provost shall give the grievant notice of the Step 2 decision pursuant to Chapter 120.569, Florida Statutes.

4. If the Step 2 decision determines the grievant’s substantial interests, the grievant may request a hearing under Chapter 120.57, Florida Statutes, by submitting a petition to the Clerk of the College with a copy to the President, within twenty-one (21) days of receipt of notice of the Step 2 decision. The petition shall conform to the requirements of Rule 28-106.201, F.A.C. if the requested hearing involves disputed issues of material fact, or Rule 28-106.301, F.A.C. if it does not. Proceedings conducted pursuant to NCF Regulation 3-4010 Discipline, shall be conducted in accordance with Chapters 120.569 and 120.57, Florida Statutes, and Chapter 28-106, F.A.C.

(2) University Support Personnel Staff Employees

(a) Applicability. The following grievance procedures apply to all University Support Personnel Staff employees; provided, however, that their application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of University Support Personnel Staff employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(b) Definition of grievance. A grievance is defined as the dissatisfaction that occurs when an employee believes that any condition affecting the employee’s terms and conditions of employment is unjust, inequitable, or creates a problem, except that an employee shall not have
the right to file a grievance concerning performance appraisals unless it is alleged that the appraisal is based on factors other than the employee’s performance.

(c) Suspensions, involuntary reductions in pay, transfers, layoffs, involuntary demotion and dismissals shall not be grievable under this process, and review of such actions may be handled in accordance with the provisions of Board of Education Rule 6C-5.760, F.A.C., which governs arbitration appeals or other actions in accordance with grievance procedures contained in applicable collective bargaining agreements.

(d) Procedures for filing grievances (permanent employees)

1. Step 1 – Any USPS employee, regardless of the source of funds from which the position is funded, who has a grievance must file either orally or in writing the grievance with his or her immediate supervisor within seven (7) calendar days from the date the employee becomes aware of the act or condition that is the basis of the grievance.

2. Step 2 – If the grievance is not resolved, the grievance shall be filed in writing within seven (7) calendar days to the College dean or director, a copy to the employee’s immediate supervisor, and a copy to the Assistant Director of Personnel acting as Chief Administrative Officer responsible for local administration of these grievance provisions.

3. Step 3 – If the grievance is not resolved at Step 2, the Chief Administrative Officer, upon request by the grievant, shall review and furnish the employee a written decision within 30 calendar days from the date the grievance is filed at Step 3. The decision is final and binding on all parties, except for grievances referenced below.

4. Procedural review. If it is alleged that the College failed to comply with Board of Education Rules, an employee shall have the right to file the grievance with the Chancellor within five (5) work days of receipt of the College’s decision.

(e) Procedures for filing grievances (non-permanent employees)

1. Step 1 – Any USPS employee without permanent status, regardless of the source of funds from which the position is funded, who has a grievance, may file the grievance either orally or in writing with the immediate supervisor who shall attempt to resolve the grievance.

2. Step 2 – If the grievance is not resolved, the grievance shall be filed in writing with the next-level supervisor, the original to the immediate supervisor. The decision made by the next-level supervisor will be considered final. Employees who do not have permanent status in the USPS shall not have the right to proceed with a grievance to the Chief Administrative Officer.

(f) Grievability of performance appraisals alleging factors other than performance
1. Any USPS employee who alleges that factors other than job performance were used by the supervisor in determining the Below Performance rating received shall file the grievance at Step 2.

2. The review of the grievance at any step shall be solely to determine whether the performance was done in an arbitrary and capricious manner.

3. If a reviewer determines that the performance appraisal was done in an arbitrary and capricious manner, the reviewer shall have the authority to order that the appraisal be marked “NOT VALID” and direct that another performance appraisal be conducted.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 01-28-04, as Rules 6C11 8.008 and 6C11 8.015; Revised 03-11-17 (technical amendment)
3-4010 Discipline

(1) Applicability. This rule applies to all General Faculty and Administrative and Professional employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of General Faculty and Administrative and Professional employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(2) Just cause shall be defined as:

(a) Incompetence, or

(b) Misconduct.

(3) Suspension and Termination. The appointment of a College employee may be suspended or terminated during its term for just cause. When the President or the responsible Vice President/Provost has reason to believe that suspension or termination should be imposed, the President/Vice President/Provost shall provide the employee with a written notice of the proposed suspension or termination and the reasons thereof. The employee shall be given at least ten days in which to respond to the President/Vice President/Provost before the proposed action is taken. After considering the employee’s response, or after the expiration of the response period should the employee fail to respond, the President/Vice President/Provost shall issue a written notice of action.

(4) Notice of Suspension or Termination. All notices of disciplinary action shall include a statement of the reasons for the action and the effective date and shall be sent by registered mail, return receipt requested. During the period following notice, the employee may, at the discretion of the President/Vice President/Provost, be reassigned.

(5) Other Disciplinary Action. The responsible Vice President/Provost retains the right to impose probation, counseling, psychiatric treatment, community service, restitution, drug or alcohol rehabilitation for just cause. Counseling and psychiatric treatment shall not be considered disciplinary action. In determining such disciplinary action the Vice President/Provost shall consider the severity of the violation, the harm caused, fiscal loss, the employee’s employment record and the employee’s length of service.

(6) Leave Pending Investigation. Notwithstanding the provisions above, the Vice President/Provost may immediately place an employee on paid leave pending investigation when the Vice President/Provost has reason to believe that the employee’s presence on the job would adversely affect the functioning of the College, impede investigation of the alleged act warranting disciplinary action, or jeopardize the safety or welfare of other employees or colleagues. Within two working days, excluding weekends and designated holidays, the employee shall be sent a written statement of reasons for the leave by certified mail, return receipt requested.
3-4011 Administrative and Professional Employment Contract Cancellation

(1) Applicability. This regulation applies to all Administrative and Professional (A&P) employees and those appointed to Executive Service within the A&P pay plan provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of A&P employees who are represented by a collective bargaining unit.

(2) Notice of Cancellation / Buyout Option. At its option, the College may elect at any time to cancel the employment contract without cause by providing advanced written notice of cancellation to the employee. Such advance notice of cancellation period (“ANCP”) will be:

(a) Four (4) weeks for employees having less than one (1) year of A&P service,

(b) Twelve (12) weeks for employees who have one (1) to five (5) years of College A&P service,

(c) Sixteen (16) weeks for employees who have five (5) to ten (10) years of A&P service, and

(d) Twenty (20) weeks for employees who have more than ten (10) years of College A&P service.

(3) In addition, at any time during the ANCP, the College may, at its option, immediately cancel the employment contract without cause by providing written notice to the employee that it will pay, within fourteen (14) business days, an amount equal to the salary for the remainder of the ANCP as of the date of such notice, less applicable taxes/withholding. Employment will cease at the time of such notice of payment, notwithstanding any other date(s) of appointment indicated below or elsewhere. No retirement or other benefits will attach to such payment. In no instance will such payment exceed an amount greater than twenty (20) weeks of compensation. Such payment is prohibited when the employee has been terminated by the College for misconduct. For employees holding visiting, acting, or provisional appointments, the ANCP will be as set forth above or for the remainder of the appointment period, whichever is less.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 215.425; Fla. Board of Governors Regulation 1.001

History: Adopted 01-28-04; Revised 06-11-16, 02-17-17 (technical amendment)
3-4012 Employee Recognition Program

(1) The New College of Florida Employee Recognition Program shall provide for recognition of eligible employees.

(2) The College is authorized to expend State funds for recognition and awards to employees in compliance with this rule. Any award will be contingent upon the availability of funds. Nothing in this rule is intended to govern the expenditure of private funds to which the College may have access.

(3) The awards provided for herein shall acknowledge employee achievement in the following components:

   (a) Superior Accomplishment – Exemplary performance by faculty members, Administrative and Professional (A&P), or USPS employees that is deemed to have significantly contributed to their respective field, thereby reflecting positively on the caliber of the State University System.

   (b) Service – Sustained satisfactory service with the State University System by faculty members, A&P, or USPS employees.

      1. Eligible employees may be recognized for service upon retirement.

      2. Eligible employees will be recognized upon achieving increments of five continuous years of satisfactory service at the College.

(4) Superior Accomplishment Component

   (a) Awards for superior accomplishment may be presented to eligible employees on an individual basis or collectively for outstanding group performance. The Human Resources Director coordinates the selection process for the College-wide Outstanding Staff Awards. The Equal Opportunity Affairs officer coordinates the selection process for the Affirmative Action awards. Divisional awards may be presented by Deans or Directors.

   (b) Awards for superior accomplishment, whether College-wide or division, shall be in accordance with the following provisions:

      1. No cash award granted under the superior accomplishment component shall exceed $1,000, excluding applicable taxes. Savings Bonds or other items in lieu of cash may be awarded, provided the cost of such item does not exceed $1,000.

      2. Certificates, pins, plaques, letters of commendation, or other appropriate tokens of recognition of superior service may be awarded, provided the cost of the token does not exceed $50.
3. Lump sum bonuses based solely on performance will not be awarded.

4. All divisional award activity must be reported to the Human Resources Director.

(5) Service Award Component

(a) Divisions may recognize retiring employees or appointed members of a state board or commission upon the expiration of his or her term whose service has been satisfactory. Awards may take the form of suitable framed certificates, pins, or other tokens of recognition and appreciation, provided such awards do not cost in excess of $50 each. All service awards shall be reported to the Human Resources Director.

(b) The Human Resources Director shall be responsible for the administration and coordination of the continuous satisfactory service awards program. The College shall recognize employees who have attained continuous satisfactory service in increments of five years.

(6) The College shall prepare an annual report to be presented to the Board of Education for outlining the level of participation in the employee recognition program.

(7) New College of Florida shall submit to the Board a calendar year report that includes at least the following items:

(a) The number of employees recognized for superior accomplishments;

(b) The number of employees recognized for continuous satisfactory service to the College; and

(c) The College’s Human Resources Director shall be responsible for regularly gathering data regarding the number of individual employees being recognized under any component of this program.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 01-28-04, as Rule 6C11 8.012; Revised 03-11-17 (technical amendment)
3-4013 University Support Personnel Staff (USPS) Personnel Files

(1) Applicability. This rule applies to all University Support Personnel Staff employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of University Support Personnel Staff employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(2) Contents of Files – Normally, a personnel file would contain, but is not limited to, the following:

   (a) Information gathered as part of employment procedure, including applications, letters of reference, letters of appointment, acceptance of appointment, contracts, employment test results, loyalty oath, approvals of special hiring rates, substitutions or training and experience.

   (b) Information required to substantiate salary transactions, including appointment papers, contracts, salary adjustments and differentials.

   (c) Performance evaluations, including performance appraisal forms, reprimands, letters of dismissal, suspension, reduction in pay, layoff, request and approvals to take appealable disciplinary actions, letters of grievance, responses to letters of grievance or appeal, findings, recommendations and results of grievances or appeals.

   (d) Medical records which address the employee’s ability to do the job.

(3) Access to Files

   (a) Individuals Wishing to Review Their Personnel Files – Employees wishing to review their files may do so during normal business hours. Files shall be reviewed in the presence of a representative of the Personnel Office who will answer questions or offer other assistance as necessary. Any employees who are unable to review their files during the time period indicated should contact the Director of Personnel and every effort will be made to make special arrangements to meet the employee’s request.

   (b) Access by College Officials – Personnel files shall be open to officials of the College who are responsible for the supervision of the employee or who are considering an employee for employment or promotion, and by officials and employees of the College in the performance of their official duties, if such duties reasonably require their having access to the files. Files should be reviewed in the presence of a representative of the Personnel Office who will answer questions or offer other assistance as necessary.

   (c) Access by Others – Access to the personnel files of College employees by persons other than those covered above shall be governed by the Florida Public Records Law, Chapter 119, Florida Statutes, and Chapter 1012.91, Florida Statutes. Others wishing to review the files of College employees may do so during normal business hours. Copies of any document or file will be...
provided in accordance with the law and any material not covered by the public records law will be removed prior to inspection or copying unless otherwise approved for same. The Director of Personnel shall have the authority to establish additional requirements as is administratively necessary to carry out this policy and to insure the orderly transaction of College business. Files shall be reviewed in the presence of a representative of the Personnel Office who will answer questions or offer other assistance as necessary.

(d) A log of who reviews the file and the date reviewed will be maintained in each personnel file.

(4) Inclusion of Materials in Personnel Files

(a) The majority of the material found in a personnel file enters that file through the normal course of activities, including the original employment procedure and salary transactions procedures. Other information may enter an employee’s file by being placed there by College officials in the course of carrying out their responsibilities. Since all employees have a right to know what is being placed in their files, items of a non-routine nature shall require either that the employee has acknowledged the contents of the material being placed in the file by signing the material which is to be placed in the file, or the document(s) will show that the employee was given a copy (through the appropriate indication at the end of the document which is being placed in the file). In either case, the document should clearly indicate that it is to be placed in the employee’s file.

(b) Employees should have the right to place information or documentation into their personnel files by forwarding the information to the Director of Personnel for that purpose. Examples of the types of information employees may place in their files are updating of education or training and clarification or rebuttal of information placed in their files by College officials.

(c) Items received by the Personnel Office will be reviewed for compliance with this rule and for appropriateness and shall be placed in the file or returned to the sender on that basis.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 119.07, 1012.91; Fla. Board of Governors Regulation 1.001

History: Adopted 01-28-04, as Rule 6C11 8.013; Revised and renumbered 05-31-14; Revised 03-11-17 (technical amendment)
3-4014 Disciplinary Action

The following guidelines for disciplinary action apply to all University Support Personnel Staff employees; provided, however, that their application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of University Support Personnel Staff employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(1) Offenses – Guidelines for Disciplinary Action

(a) On the job offense and deficiencies

1. Misuse of property or equipment (including chemicals, etc.) in a manner which endangers life or property
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.
   c. Third occurrence – Dismissal.

2. Sleeping
   a. First occurrence – Written reprimand.
   b. Second occurrence – Suspension.
   c. Third occurrence – Dismissal.

3. Leaving work station which must be attended without authorization
   a. First occurrence – Oral to written reprimand.
   b. Second occurrence – Written reprimand to suspension.
   c. Third occurrence – Suspension to dismissal.
   d. Fourth occurrence – Dismissal.

4. Reporting to work under the influence of intoxicants or drugs
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.
c. Third occurrence – Dismissal.

5. Willful destruction of property or equipment
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.
   c. Third occurrence – Dismissal.

6. Fighting or creating a disturbance which adversely affects morale, production, or maintenance of proper discipline
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.
   c. Third occurrence – Dismissal.

7. Insubordination (refusal to obey orders, or like behavior)
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.
   c. Third occurrence – Dismissal.

8. Horseplay (rough or boisterous play or pranks which do or may cause injury or embarrassment to others)
   a. First occurrence – Oral to written reprimand.
   b. Second occurrence – Written reprimand to suspension.
   c. Third occurrence – Suspension to dismissal.
   d. Fourth occurrence – Dismissal.

9. Willful falsification of records (false statements, misrepresentation or fraud of official documents, such as applications, leave slips, or work and production records)
   a. First occurrence – Written reprimand to dismissal.
b. Second occurrence – Dismissal.

10. Theft (regardless of whether articles are owned by individuals, the College or the State)
   a. First occurrence – Suspension to dismissal.
   b. Second occurrence – Dismissal.

11. Malicious use of profane or abusive language (directly to or in the presence of others)
   a. First occurrence – Oral to written reprimand.
   b. Second occurrence – Written reprimand to suspension.
   c. Third occurrence – Suspension to dismissal.
   d. Fourth occurrence – Dismissal.

12. Unauthorized distribution of written or printed material of any kind
   a. First occurrence – Oral to written reprimand.
   b. Second occurrence – Written reprimand to suspension.
   c. Third occurrence – Suspension to dismissal.
   d. Fourth occurrence – Dismissal.

13. Chronic or excessive absenteeism – a pattern of absence in a 30-day period which adversely affects employees’ work or management’s ability to transact business
   a. First occurrence – Oral to written reprimand.
   b. Second occurrence – Written reprimand to suspension.
   c. Third occurrence – Suspension to dismissal.
   d. Fourth occurrence – Dismissal.

14. Abuse of Sick Leave (includes the intentional use of leave for reasons other than personal or family illness or injury or exposure to contagious disease)
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a. First occurrence – Written reprimand to suspension.

b. Second occurrence – Suspension to dismissal.

c. Third occurrence – Dismissal.

15. Inattention to duty (includes loafing, loitering, and wasting time during working hours) within any six-month period

a. First occurrence – Oral to written reprimand.

b. Second occurrence – Written reprimand to suspension.

c. Third occurrence – Suspension to dismissal.

d. Fourth occurrence – Dismissal.

16. Habitual tardiness (reporting late for work, over-extending breaks or meal periods) within any six-month period

a. First occurrence – Oral to written reprimand.

b. Second occurrence – Written reprimand to suspension.

c. Third occurrence – Suspension to dismissal.

d. Fourth occurrence – Dismissal.

17. Absence without authorized leave (during any six-month period) for period less than three consecutive workdays

a. First occurrence – Oral to written reprimand.

b. Second occurrence – Written reprimand to suspension.

c. Third occurrence – Suspension to dismissal.

d. Fourth occurrence – Dismissal.

18. Gambling

a. First occurrence – Oral to written reprimand.
b. Second occurrence – Written reprimand to suspension.

c. Third occurrence – Suspension to dismissal.

d. Fourth occurrence – Dismissal.

19. Willful violation of written rules, regulations and policies

a. First occurrence – Written reprimand to suspension.

b. Second occurrence – Suspension to dismissal.

c. Third occurrence – Dismissal.

20. Negligence (careless workmanship, slovenliness in performance of duty)

a. First occurrence – Oral to written reprimand.

b. Second occurrence – Written reprimand to suspension.

c. Third occurrence – Suspension to dismissal.

d. Fourth occurrence – Dismissal.

21. Sub-standard work (includes failure to carry out assigned work or instructions within reasonable time or by a specified deadline)

a. First occurrence – Oral to written reprimand.

b. Second occurrence – Written reprimand to suspension.

c. Third occurrence – Suspension to dismissal.

22. Violation of any provision of law or College rule, including prohibitions of unfair labor practices and discrimination. First occurrence – Oral reprimand to dismissal.

23. Sexual Harassment as defined by the College’s Sexual Harassment Policy Statement incorporated by reference herein

a. First occurrence – Suspension to dismissal.

b. Second occurrence – Dismissal.
24. Engaging in concerted activities to commit an offense (e.g., work stoppage, slow-down, mass call-in alleging sickness)
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.
   c. Third occurrence – Dismissal.

25. Revealing privileged information
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.
   c. Third occurrence – Dismissal.

26. Use of corporal punishment, mishandling, verbal or physical abuse of client
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.
   c. Third occurrence – Dismissal.

27. Failure to report any mistreatment of a client in a timely manner
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.
   c. Third occurrence – Dismissal.

28. Failure to report lost or stolen property
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.

29. Inefficiency or inability to perform assigned duties and/or substandard (below) performance of assigned duties
   a. First occurrence – Written reprimand to dismissal.
b. Second occurrence – Dismissal.

(b) On or off the job offenses

1. Under the influence of or possession of non-prescribed drugs or the sale and/or distribution of a drug or narcotic while on duty
   a. First occurrence – Suspension or dismissal.
   b. Second occurrence – Dismissal.

2. Violation of the Code of Ethics for public employees, Chapter 112, Florida Statutes
   a. First occurrence – Written reprimand to dismissal.
   b. Second occurrence – Dismissal.

3. Conviction of any crime other than traffic violations
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.

4. Conviction of a misdemeanor, under Chapter 110.1127, Florida Statutes
   a. First occurrence – Suspension to dismissal.
   b. Second occurrence – Dismissal.

5. Conviction of a felony
   a. First occurrence – Suspension to dismissal.
   b. Second occurrence – Dismissal.

(2) Types of Disciplinary Action

(a) Nonappealable. Nonappealable disciplinary actions include written and oral reprimands.

(b) Appealable. Appealable disciplinary actions include suspension, dismissal, demotion and reduction in pay.
(3) Procedure for Nonappealable Disciplinary Action

(a) Oral reprimands. An employee’s immediate supervisor shall have the authority to issue oral reprimands.

(b) Written reprimands. Written disciplinary actions must be reviewed by the appropriate department head before they are given. A copy of the letter containing the action shall be forwarded to the Division of Personnel Services for inclusion within the employee’s personnel folder.

(4) Procedure for Appealable Disciplinary Action

(a) Prior to initiating any appealable disciplinary action, the department head shall review the action and procedures with the Chief Administrative Officer of Personnel Services or his designee. The Chief Administrative Officer of Personnel Services or his designee shall delegate to the appropriate department head the authority to take appealable disciplinary action if it has been determined that the action to be taken is in accordance with established disciplinary procedures.

(b) All appealable disciplinary actions must be communicated to the employee in writing by certified mail with return receipt requested within five (5) working days from the date the action is taken. This communication must contain a statement of the reason for the disciplinary action, the nature of the action taken and a notice of the employee’s right to a “predetermination conference” as well as the employee’s right to arbitration appeals under Chapter 447.209, Florida Statutes.

(c) A copy of the official letter taking disciplinary action shall be made a part of the Division of Personnel Services personnel folder. Any related information regarding the action taken shall also be included in this folder.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 447.209; Fla. Board of Governors Regulation 1.001

History: Adopted 01-28-04, as Rule 6C11 8.014; Revised 03-11-17 (technical amendment)
3-4015 Limited-Access Personnel Records

Pursuant to Section 1012.91, Florida Statutes, and except as required for use by the President or his/her designee in the discharge of his/her official responsibilities, the following records are confidential and exempt from the provisions of Chapter 119.07(1), Florida Statutes, and will only be released upon the written authorization of the employee or upon order of a court of competent jurisdiction.

(1) Evaluative information created prior to July 1, 1995. Any and all information, wherever maintained, which reflects an evaluation of an employee’s performance and was created prior to July 1, 1995 shall be confidential and shall not be disclosed (except to the evaluated employee, or the College officials whose duties to supervise or evaluate the employee require access to the records).

(2) Records containing information reflecting academic evaluations of employee performance.

(3) Records maintained for the purposes of an investigation of employee misconduct, but only until:
   
   (a) The investigation is no longer active;

   (b) The College gives written notice to the employee that the investigation is concluded; or

   (c) A letter of discipline issues. In addition, for sexual harassment investigations, portions of the records which identify the complainant, a witness, or information which could reasonably lead to the identification of either remain confidential after the completion of the investigation.

(4) Records maintained for the purposes of any disciplinary proceeding brought against an employee, but only until a final decision is made in the proceeding.

(5) Records maintained for the purposes of any grievance proceeding brought by an employee for enforcement of a collective bargaining agreement or contract, but only until a final decision is made in the proceeding.

(6) Any records or portions thereof which are otherwise confidential by law.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 1012.91; Fla. Board of Governors Regulation 1.001

History: Adopted 01-28-04, as Rule 6C11 8.016; Revised 03-11-17 (technical amendment)
3-4016 Appointment, Employment and Removal of University Police

(1) General. This chapter implements Chapter 1012.97, Florida Statutes, and shall apply to the appointment, employment and removal of New College of Florida University Police officers. These rules are supplemented by Chapter 6C11-8.017, Florida Administrative Code, and applicable collective bargaining agreements. Any person employed or appointed as a university police officer shall meet the minimum standards established by the State of Florida Criminal Justice Standards and Training Commission and chapter 943, Florida Statutes.

(2) Appointment of University Police Officer. New College of Florida shall appoint university police in accordance with the following standards and procedures:

(a) In order to qualify for consideration for appointment or employment by the College as a university police officer, an applicant must:

1. have graduated high school or passed the General Education Development Test in accordance with Chapter 6A-6.021, Florida Administrative Code, and attained, at minimum, an Associates degree or transcript verification of successful completion of one (1) year of college work from an accredited institution as defined in Chapter 943.22(1), Florida Statutes, or licensed by the Florida Board of Independent Colleges and Universities, or shall have attained a certificate issued by the United States Armed Forces Institute prior to December 31, 1974, showing successful completion of high school equivalency.

2. demonstrate, based on psychological testing administered by the College, that he or she is psychologically fit to discharge the duties and responsibilities of a university police officer; and

3. meet the minimum requirements of Criminal Justice Standards and Training Commission and Chapter 943, Florida Statutes.

(b) Prior to appointment of any university police officer, the College shall conduct a thorough background investigation in accordance with the procedures and standards established in Chapters 11B-27.0011, 11B-27.0021, and 11B-27.0022, Florida Administrative Code, to determine whether an applicant meets the minimum standards established by the Criminal Justice Standards and Training Commission and Chapter 943, Florida Statutes.

(c) If an applicant qualifies under paragraph (2)(a)(1.)-(2.) and meets the minimum standards established by the Criminal Justice Standards and Training Commission and Chapter 943, Florida Statutes, he or she shall be eligible for consideration for appointment and employment. If appointed, and before entering into the performance of his or her duties, an applicant shall:
1. take and subscribe in writing to the oath of office as set forth in New College of Florida University Police Department General Order I-102, which shall be administered by the Chief of University Police; and

2. subscribe in writing to the Law Enforcement Code of Ethics as set forth in New College of Florida University Police Department General Order I-102.

3. The College shall obtain and approve a bond on each university police officer in the amount of Five Thousand Dollars ($5,000.00) or such other amount as may be determined by the College based on the amount of money or property likely to be in the custody of the officer at any one time. The bond shall be payable to the Governor of the State of Florida or his or her successor in office, and shall be conditioned upon the faithful performance of the duties of such officer.

4. Appointment or Employment of Uncertified Applicants. Applicants who are not currently certified by the Criminal Justice Standards and Training Commission and who are otherwise eligible for consideration for appointment or employment may be temporarily appointed or employed in accordance with Chapter 943.131, Florida Statutes and Chapter 11B-27.002, Florida Administrative Code, provided that:

   a. the Chief of University Police first certifies in writing that:

      (i) a critical need to appoint or employ the applicant exists

      (ii) the critical need is documented; and

      (iii) the applicant is or will be enrolled in the next approved basic recruit training program available in Sarasota or Manatee County; and

   b. the requirements of section 943.131, Florida Statutes are complied with.

(3) Pursuant to Chapter 943.133, Florida Statutes, the Chief of University Police shall be responsible for the collection, verification, and maintenance of documentation establishing that applicants appointed or employed comply with the requirements of Chapters 943.13 and 943.131, Florida Statutes, and rules adopted pursuant thereto. Prior to the employment or appointment of any university police officer, the Chief shall execute and maintain a Criminal Justice Standards and Training Commission registration affidavit of compliance form as required by Chapter 943.133, Florida Statutes, attesting to compliance with Chapter 943.133(1), Florida Statutes.

(4) Requirements for Continued Employment of University Police Officer. In addition to any other conditions of employment established by rule or policy of the State of Florida Board of Education or the College and applicable to University Support Personnel, or by collective bargaining agreement, each university police officer as a condition of continued employment or appointment as university
police officers, shall continue to meet the minimum standards established by the Criminal Justice Standards and Training Commission and Chapter 943, Florida Statutes; shall maintain in good standing his or her certification pursuant to Chapter 943, Florida Statutes and Rule 11B-27.0023, Florida Administrative Code; and shall receive periodic Criminal Justice Standards and Training Commission-approved continuing training or education pursuant to Chapter 943, Florida Statutes.

(5) Notification of Employment, Appointment and Separation. The Chief of University Police shall be responsible for notifying Criminal Justice Standards and Training Commission of the appointment, employment and separation of university police officers in accordance with Chapters 11B-27.002(1) and 11B-27.002(4), Florida Administrative Code, and for submitting affidavits of separation as required by Rule 11B-27.002(5), Florida Administrative Code.

(6) Requirements for Certification. The Chief of Police shall be responsible for annually filing with the Criminal Justice Standards and Training Commission, in accordance with Chapter 11B-27.002(2), Florida Administrative Code, documentation verifying that all officers employed or appointed by the College as of June 30th of that year have satisfied the requirements of Chapter 943.13, Florida Statutes.

(7) Duty to Report, Investigations and Procedures. When the allegation is made or the College has cause to suspect that a university police officer it employs does not comply with Chapter 943.13(4) or (7), Florida Statutes, or Chapter 11B-27.0011(4), Florida Administrative Code, or if an act of conduct of the officer has resulted in the officer’s arrest, the President or his designee, or the Chief of Police, as appropriate, shall:

(a) conduct and conclude an internal investigation, including an official disposition, pursuant to New College of Florida University Police Department General Order I-109;

(b) take, in connection with the conduct and disposition of such investigation, such other action, including, but not limited to, the reassignment, suspension, or removal of the officer as is consistent with General Order I-109, Chapter 6C11-8, Florida Administrative Code, Board of Education Rule, Systemwide Personnel Matters, and applicable collective bargaining agreements; and

(c) satisfy the investigative reporting requirements and procedures of Chapters 11B-27.003 and 11B-27.0011(5), Florida Administrative Code.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 1012.97; Chapter 6C11-8.017 Fla. Administrative Code; Fla. Board of Governors Regulation 1.001

History: Adopted 01-05-02, as Policy 6-019; Revised 10-27-02; Revised and renumbered 06-18-11; Revised 02-17-17 (technical amendment)
3-4017 Reprisals

(1) This policy has been established to provide a statement upholding the right of College students and employees to engage in grievance proceedings and the like and committing the College to a position of not taking adverse action against individuals who file such complaints or those who assist them in doing so.

(2) The New College of Florida recognizes the right of its employees and students to voice their concern on campus issues or personal issues of concern to them. The College provides its employees and students with grievance processes described in College policy, collective bargaining agreements, state statutes, and federal law.

(3) The College respects the right of its employees and students to participate in the grievance process and will not take any negative, retaliatory, or reprisal action as a result of an employee or student electing to lodge a grievance, appeal, or claim, whether filed before a campus body or officer or before an external regulatory board or commission.

(4) Any employee or student who believes that adverse actions may have been taken against them because they participated in lodging a grievance, appeal, or claim against the College or one of its employees should file a written statement of their complaint with the Office of the President. An appropriate review and response to the complaint will be rendered to each employee or student who files a claim that adverse action has been taken against them as a reprisal.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 0-006; Revised and renumbered 06-29-10; Revised 03-11-17
(technical amendment)
3-4018 Sexual Discrimination / Harassment

The College shall actively promote a community in which diversity is valued. The College is committed to promoting an environment free from discrimination and harassment based on race, color, religion, age, disability, sex, sexual orientation, gender expression, gender identity, national origin, marital status, veteran status or any other protected characteristic under the law. This regulation pertains specifically to discrimination and harassment based on gender.

This regulation applies to all employees and students of NCF. It also covers harassment involving patrons, vendors, and other individuals with whom employees or students of the College have interaction as a condition of their employment or educational experience.

(1) Definitions

(a) Sexual discrimination, as defined by Title IX of the Education Amendments, includes:

1. Sexual Misconduct: Sexual violence, including rape, sexual assault, sexual battery and sexual coercion, are physical sexual acts, perpetrated against a person’s will or while a person is incapable of giving legal consent.

   a. Sexual assault: Sexual conduct that constitutes sexual abuse, conduct or contact either by force, incapacitation or threat.

   b. Domestic violence: Violence committed by a current or former spouse, co-parent or person similarly situated.

   c. Dating violence: Violence committed by a person who is or has been in a social relationship of an intimate or romantic nature with the victim.

   d. Stalking: Conduct directed at a specific person that could cause a reasonable person to fear for the person’s safety or safety of others or suffer substantial emotional distress.

2. Sexual Harassment: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

   a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment or educational experience;

   b. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting that individual; or

   c. Such conduct is so pervasive or severe that it has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or limiting participation in College programs by creating an intimidating, hostile, or offensive working or
educational environment.

d. Sexual harassment does not include verbal expression or written material that is relevant and appropriately related to the subject matter of a course/curriculum or to an employee’s duties. This policy is not intended to abridge academic freedom or the College’s educational mission.

(b) Consent: An understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. The lack of a negative response is not consent. An individual incapacitated by alcohol and/or drugs, whether voluntarily or involuntarily consumed, may not give consent. Effective consent also may not be given by minors or the mentally disabled.

(2) It is the policy of New College of Florida to take immediate and corrective action to eliminate harassment or discrimination, prevent their recurrence and address their effects.

(3) Prohibited Conduct. The following actions are prohibited:

(a) Sexual discrimination/harassment by or between any faculty member, staff member or student, including individuals of the same sex;

(b) Sexual discrimination/harassment by any faculty member, staff member or student against any individual who is not a faculty member, staff member or student while assigned to duties or academic programs of the College regardless of their work location;

(c) Sexual discrimination/harassment by any vendor or individual external to the College against any faculty member, staff member or student during the transaction of business with the College;

(d) Discrimination/harassment may include displays or circulation of written or electronic materials or pictures degrading on the basis of gender, and verbal abuse or insults directed at or made in the presence of an individual on the basis of gender;

(e) Retaliation by any faculty member, staff member or student against any individual who, in good faith, has made any allegation of discrimination or sexual harassment, or who has testified, assisted, or participated in any way in any investigation, proceeding, or hearing conducted under this policy or any federal or state law;

(f) Knowingly making false accusations or allegations of discrimination or sexual harassment, or making false statements in any inquiry or investigation of alleged discrimination or sexual harassment.

(4) Potential Participants. Potential participants in a sexual harassment situation include, but are not limited to:

(a) faculty--faculty
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(b) faculty--student

c) faculty assistant--student

d) supervisory staff--subordinate staff

e) staff--faculty

(f) staff--staff

g) staff--student

(h) student--student

(i) faculty—staff

(j) patrons, vendors or other individuals that interact with members of the campus

(5) New College of Florida recognizes that not every advance or action of a sexual nature constitutes harassment. Whether a particular action or incident constitutes harassment depends on an examination of all available and relevant facts and circumstances. Such facts and circumstances may include the degree to which the conduct affected one or more student’s education, the type, frequency, and duration of the conduct, and the identity of and relationship between the two parties. Examples of prohibited conduct may include, but are not limited to the following when they meet the definitions of sexual misconduct or harassment, as listed above:

(a) Displaying or telling of sexually oriented or discriminatory jokes, statements, photographs, drawings, computer images, web sites, videos, slides, graphics, calendars, cartoons, e-mails or other communications;

(b) Making sexually explicit or discriminatory gestures or sounds based upon gender;

(c) Making actual or implied promises of an employment or educational opportunity or benefit in exchange for sexual activity;

(d) Making actual or implied threats to impede or interfere with employment or educational opportunities or benefits for failing to agree to or engage in sexual activity;

(e) Inappropriate and unwelcome touching, including but not limited to, patting, fondling, pinching, attempted or actual kissing;

(f) Requesting or coercing sexual intercourse or sexual favors;

(g) Attempting to or actually engaging in a sexual assault;

(h) Continuing to ask someone for a date after being told "no;"
(i) Continuing any of the conduct listed in the above examples after being told or being otherwise made aware that the conduct is unwelcome;

(j) Retaliation by any faculty member, staff member or student against any individual who, in good faith, has made any allegation of discrimination/harassment, or who has testified, assisted, or participated in any way in any investigation, proceeding, or hearing conducted under this regulation or any federal or state law;

(k) Knowingly making false accusations or allegations of discrimination/harassment, or making false statements in any inquiry or investigation of alleged discrimination/harassment;

(l) Prohibited conduct does not include verbal expression or written material that is relevant and appropriately related to the subject matter of a College course/curriculum or to an employee's duties.

(6) Consensual Amorous or Sexual Relationships. New College of Florida strives to create and maintain a professional, collegial environment for work and study. Professional and collegial relationships are based on mutual respect and trust. When persons in positions of unequal power engage in amorous or sexual relationships they should be aware that they may be at risk of being accused of sexual harassment, either during the relationship or after the relationship ends, or being accused of having a conflict of interest. For additional information concerning conflicts of interest please refer to Ch. 112, Part III, Florida Statutes, the applicable collective bargaining agreement, and State of Florida Board of Education and College rules.

The College recognizes that consensual, amorous or sexual relationships between two people of unequal position or power (e.g., between a supervising staff member and a subordinate staff member, faculty member and student, or staff member and student) may become exploitative or lead to charges of sexual harassment. Accordingly, the College encourages its staff, faculty and students to refrain from such relationships.

(7) Reporting Discrimination or Sexual Harassment. If you believe you have been discriminated against or sexually harassed, you may:

(a) Tell your supervisor or another higher level administrator or the head of the department in which you are enrolled or employed, of the offensive behavior; and/or

(b) Contact Director of Human Resources (if a faculty or staff member) or the Dean of Students (if a student) or any other management individual with whom you may feel comfortable discussing the matter;

(c) Contact the Title IX Coordinator;

(d) Report online using the NCF Sexual Violence Reporting Form.

(8) Procedures for Internal Handling of Complaints or Allegations of Discrimination or Sexual Harassment.
(a) Authority to Investigate. When the College receives notice of conduct which appears to be discrimination or harassment, it will promptly investigate the allegation in a fair, expeditious, and equitable manner.

(b) If the College knows about possible sexual harassment or sexual violence, the Title IX Coordinator or its designee shall promptly investigate to determine what occurred and then take appropriate steps to resolve the situation even if no complaint has been filed. In the event that no complaint has been filed, the investigator shall follow the same procedures for formal investigations except that there will be no complainant.

(c) Filing of Complaints. The following persons may file complaints or allegations of sexual harassment:

1. Any person protected under section (3) who believes that he/she has been sexually harassed.

2. On behalf of any person protected under section (3), any person having knowledge of instances of sexual harassment of such protected person by any student, faculty or staff member, or vendor, or individual external to the College during the transaction of business with the College.

3. Any faculty or staff member, who is in a supervisory position, and who is aware of possible instances of sexual harassment by any student, faculty or staff member.

(d) Mandatory Reporting of Alleged Sexual Discrimination. All employees, faculty and staff, must promptly report incidents of sexual/gender assault to the Title IX Coordinator or its designee. However:

1. Faculty and Residence Assistants may initially omit personally identifiable information about those involved in the report. However, these employees may be required to provide further detail if required by the Title IX Coordinator or its designee.

2. Counselors and other confidential employees maintain their professional discretion regarding whether to report based on the best interest(s) of the reporting party.

(e) Review of Complaints of Alleged Sexual Harassment. Complaints of alleged sexual harassment shall be reviewed by the Title IX Coordinator or its designee to determine if an investigation is required. If the Title IX Coordinator or its designee determines to conduct an investigation, the complaint shall be investigated and resolved in accordance with appropriate procedures.

(f) Timeframe. The Title IX Coordinator or its designee shall render a decision within sixty (60) calendar days of initiating the investigative process. In certain situations, the facts and circumstances may require a longer investigative process. In the event that an investigation cannot be completed within sixty (60) calendar days, the Title IX Coordinator or its designee will notify the parties in writing.

(g) Complaint and Investigation Procedures
1. Any person who wishes to file a complaint of discrimination or harassment may do so by submitting a complaint to the Title IX Coordinator or its designee, the Director of Human Resources, the Dean of Student Affairs, or the General Counsel. The complaint should contain:

   a. A detailed description of the alleged discriminatory conduct or incident(s), sexual harassment, sexual misconduct or sexual violence including dates, times, locations, etc.;
   b. Names of any witnesses to the alleged violation; and
   c. Any documentation in support of the allegation(s).

2. The Title IX Coordinator or its designee may assist the complainant in preparation of the complaint, identifying witnesses and clarifying the relief sought by the complainant. The complainant may also submit additional information and evidence at any time during the investigation.

3. In cases of sexual assault, dating violence, domestic violence or stalking, students and employees will be provided with written explanations of their rights and options. This will include information on how to preserve evidence; options to report or not report to law enforcement; and court orders that the student or staff member may be able to obtain for protection.

4. The Title IX Coordinator, in coordination with other departments and College personnel as necessary, may take immediate remedial actions as required.

5. Remedial Action

   a. Remedial action consists of interim measures that are implemented to remedy a situation that has led to a complaint. The purposes of interim measures are to:

      i. Prevent serious and immediate harm to the complainant or others;
      ii. Prevent retaliation against the complainant, respondent and/or witnesses;
      iii. End discriminatory or harassing behavior and prevent its recurrence; and
      iv. Provide appropriate training in issues related to discrimination.

   b. At any time during the complaint process, the Title IX Coordinator and/or other
appropriate administrators may take appropriate remedial action to ensure that these purposes are achieved. Respondents may not appeal interim measures.

c. Interim measures may include, but are not limited to:

i. Altering the complainant’s or respondent’s work or academic environment;

ii. Conducting workshops on discrimination or harassment for the unit, division, or department;

iii. Meeting with the respondent and his or her supervisor to discuss ways in which the behavior about which the complaint has been brought can be changed;

iv. Reassigning or transferring one or more of the parties to another course, advisor, work location or reporting relationship;

v. Moving students to different rooms in the residence halls or to different halls;

vi. Transferring students or faculty to different course sections;

vii. Assigning alternate advisors, mentors, supervisors, or evaluators and providing academic support services such as tutoring;

viii. Issuing an informal, verbal reprimand;

ix. Providing counseling and medical services;

x. Providing an escort to ensure that the complainant can move safely between classes and activities;

xi. Arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant’s record;

xii. Issuing “no contact” orders;

xiii. Suspending an employee with pay pending investigation.

d. The complainant and respondent shall be informed of any remedial action taken by the College.
6. Confidentiality

   a. The confidentiality and privacy of all parties involved during the investigative process will be maintained to the fullest extent possible.

   b. The Title IX Coordinator may disclose confidential information to the complainant, the respondent, potential witnesses, appropriate supervisors and administrators and other College officials or agents, SUS officials, state and federal agencies, and the courts as necessary in order to:

      (1) Give the respondent fair notice of the charges;

      (2) Conduct a prompt, thorough and impartial investigation; and

      (3) Take any appropriate remedial or disciplinary actions.

   c. If a complainant insists that his or her name or other identifiable information not be disclosed to the respondent, the College will inform the complainant that its ability to respond may be limited. Additionally, the College may still respond by taking steps to protect the overall campus environment.

7. Each complaint will be promptly investigated to determine what occurred.

8. Investigation Procedures

   a. The parties have the right to an adequate, reliable, and impartial investigation; a right to an equal opportunity to identify witnesses and supporting evidence; and a right to appeal the College’s final decision. The parties will be notified of the time frame for the investigation, the outcome of the investigation, and their rights to appeal.

   b. The Title IX Coordinator or its designee may investigate a complaint. The investigator shall:

      i. Consult with the complainant to review the complaint, clarify the allegations, discuss desired outcomes from the investigation, and obtain detailed information about the allegation(s);

      ii. Inform the respondent of the complaint, summarize the allegation(s) to be investigated, and provide respondent with a written Notice of the Complaint that includes a summary of the allegations of the complaint;
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iii. Collect and review written documents related to the complaint, interview the complainant and respondent, identify and interview witnesses, and collect other such evidence as may be relevant to the investigation; and

iv. Upon completion of the investigation, prepare a written report.

c. The respondent shall be given an opportunity to respond to the allegation(s) during interviews with the investigator and may submit a written response, names of witnesses and documentary evidence at the interview or at any time during the investigation.

d. The complainant may provide names of witnesses and additional materials at any time during the investigation.

e. Both complainant and respondent have the right to have an attorney or non-attorney advisor present during interviews with the investigator, at their own expense. Attorneys and advisors may be present only to advise the parties and may not participate directly in the interview or other proceedings. If a party will be represented by counsel during the investigative process, the party shall provide advance notice to the Title IX Coordinator five (5) business days before any scheduled interview.

9. Upon completion of the investigative process, both parties will receive a copy of the Report of Findings. The Report of Findings shall:

a. Present the contentions of the parties;

b. Summarize the general testimony of witnesses;

c. Determine whether the allegation(s) of the complaint are supported by the preponderance of credible evidence;

d. Determine whether any College policies have been violated; and

e. If appropriate, recommend disciplinary and/or remedial action.

10. Appealing the Report of Findings

a. If neither party appeals the Report of Findings, the report will constitute the final College decision.

b. If either party disputes the Report of Findings, he or she may appeal to the Title IX Coordinator within ten (10) business days. The appeal shall identify the specific findings
that the appellant disputes and an explanation of the reasons each finding is disputed.

c. The appeal must be based on evidence that:

i. The investigation was not conducted in compliance with the procedures and the non-
compliance materially affected the outcome of the investigation;

ii. The findings were not based on the preponderance of the credible evidence; or

iii. The appellant has discovered new evidence, not previously available, which would
have materially affected the outcome of the investigation.

d. The appeal must be a written statement setting forth with particularity the basis for the
appeal.

e. Upon receipt of the appeal, the Title IX Coordinator shall appoint an Appeals Committee
or Hearing Officer to consider the appeal and submit a report. The non-appealing party
will be provided a copy of the appeal and may respond to the appeal.

f. No member of the Committee, nor the Hearing Officer, shall be a member of the original
complainant’s or respondent’s department or work unit.

g. The Committee or Hearing Officer shall review the written appeal and determine if there
are sufficient grounds for appeal. If the appeal is sufficient, the Committee or Hearing
officer shall:

i. Read and review the Report of Findings;

ii. Examine the evidence and documentation obtained through the investigation and
hearing; and

iii. Determine if the appellant’s basis for appeal has been established and issue a
decision. The Committee or Hearing Officer shall deliver its written decision to the
President, appellant, and non-appealing party within twenty (20) business days of
appointment.

11. Disciplinary Action

a. Any employee or student found to be responsible for violating this policy will be subject
to disciplinary actions in accordance with College regulations, collective bargaining
agreements or the Student Code of Conduct, as appropriate. Such action may range from
counseling to termination of employment or academic dismissal, and may include such other forms of disciplinary action as appropriate.

b. Any employee or student in a supervisory capacity who has actual knowledge by direct observation or by receipt of a complaint of discrimination or harassment involving any of those employees whom he or she supervises, and who does not promptly report verbally or in writing the complaint to the Director of Human Resources or the Dean of Students, as appropriate, will be subject to disciplinary actions in accordance with College regulations, bargaining agreements or the Student Code of Conduct, as appropriate. Such action may range from counseling to termination of employment or academic dismissal, and may include such other forms of disciplinary action as appropriate.

c. If after completion of the investigation, any finding of discrimination is made, a record of the complete findings will be placed in the offending employee's personnel file. If no finding of discrimination/harassment on any charge or complaint is made, no record of the charge or complaint will be placed in the employee's personnel file unless the employee requests in writing that the record of the completed investigation be placed in the employee's personnel file.

(9) Procedures External to New College of Florida. Complaints of alleged sexual harassment may also be filed with the following external agencies:

(a) U.S. Equal Employment Opportunity Commission, Tampa, 1-800-669-4000

(b) U.S. Department of Education, Office for Civil Rights, Atlanta, 404-562-6350

(c) Office of Federal Contracts Compliance Programs, Orlando, (407) 648-6181

(d) Florida Commission on Human Relations, Tallahassee, 850-488-7082

(10) The College prohibits retaliation against anyone who makes a complaint of harassment or discrimination based upon an honest perception of the events, or for cooperating in the investigation of a complaint. No hardship, no loss of benefit, and no penalty may be imposed on an individual as punishment for:

(a) Filing or responding to a bona fide complaint of discrimination or harassment;

(b) Appearing as a witness in the investigation of a complaint; or

(c) Serving as an investigator.

Retaliation or attempted retaliation is a violation of this Regulation and anyone who does so will be subject to disciplinary actions up to and including termination or dismissal in accordance with College regulations, bargaining agreements or the Student Code of Conduct.
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CHAPTER 3 - Administrative Affairs

Authority: Article IX, Sec. 7, Fla. Constitution; 34 CFR Part 106; Fla. Board of Governors Regulations 1.001 and 6.0105

History: Adopted 04-27-02, as Policy 0-007; Revised and renumbered 11-04-11; Revised 05-31-14, 11-08-14, 03-05-16, 10-29-16
3-4019 Observance of Religious Holidays by College Employees

The College will reasonably accommodate the religious observance, practice, and belief of employees with regard to attendance and scheduling of work. Employees wishing to observe a holy day of their religious faith shall, upon notifying their supervisor, be allowed to take accrued leave or, in its absence, leave without pay to observe a religious holy day of their faith. Each employee is responsible for work missed and will be permitted a reasonable amount of time to make up the work. Faculty will make appropriate class arrangements to accommodate such absences.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 1006.53; Fla. Board of Governors Regulations 1.001 and 6.0115

History: Adopted 04-27-02, as Policy 0-600; Revised and renumbered 06-29-10; Revised 09-08-12, 02-24-17 (technical amendment)
3-4020 Smoking in Buildings

The Florida Clean Indoor Air Act prohibits the designation of smoking areas inside any educational facility, government building, or other common area as defined in Chapter 386.203, Florida Statutes. Because the law's prohibition of designation of indoor smoking areas applies to all New College of Florida buildings, smoking cannot be permitted in any indoor location on any New College of Florida campus.

In order to protect the health, comfort and environment of the College community, smoking is not permitted in any indoor area or building on the New College of Florida campus. Designation of indoor smoking areas (meeting rooms, dining rooms, work places, etc.) is not possible at any time or location on campus. Chapter 386.208, Florida Statutes, provides that smoking in a public building is a non-criminal violation punishable by a fine of not more than $100.00 for the first violation and $500.00 for each subsequent violation. Jurisdiction rests with the appropriate county court.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. Chapter 386; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 0-601; Revised and renumbered 06-29-10; Revised 03-11-17 (technical amendment)
3-4021 Drug- and Alcohol-Free Workplace

NCF is a drug-free workplace in accordance with Chapter 112.0455, Florida Statutes. The unlawful manufacture, distribution, possession or use of alcohol or a controlled substance is prohibited on New College of Florida property or in connection with any of its activities. No employee is to report to work while under the influence of illegal drugs or alcohol. Any New College of Florida employee determined to have violated this policy shall be engaged in misconduct as defined in NCF Regulation 3-4007 Misconduct, and will be subject to disciplinary procedures and actions under NCF Regulation 3-4010 Discipline. Possible action may include, but not limited to, probation, counseling, psychiatric treatment, drug or alcohol evaluation/treatment, suspension, and termination.

Under provisions of Chapter 775.16, Florida Statutes, a person who has been convicted in Florida during or since October 1990 of a drug-related felony is disqualified from obtaining employment at New College of Florida unless he/she provides proof of completion of all sentences of imprisonment or supervisor/probation sanctions imposed by the court, by the Parole Commission or by law. This law applies to all applicants including faculty, A&P, USPS, and OPS employees.

(1) Notification Requirement and Procedures Upon Conviction of Violation of Criminal Drug Statute

(a) In accordance with 41 U.S.C. 8103 and 41 U.S.C. 81, and New College of Florida Regulations, a College employee engaged in the performance of work under a grant or contract from a federal agency must notify the College of his/her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) days after such conviction, and the College must notify the Federal agency of such conviction within 10 days after receiving such notice from an employee or otherwise receiving actual notice of such conviction. The purpose of this policy is to provide clear guidelines for the submission of these required notifications.

(b) Procedures for Reporting Workplace Drug Convictions. Within five (5) calendar days following the conviction, the employee shall report in writing a drug conviction to his/her department chair or other immediate supervisor. The appropriate supervisory official, as determined above, will promptly send copies of the employee's written notification to his/her area Vice President, and to the President.

(c) Procedures for Notifying Federal Contracting Agency. The President is the administrative official responsible for notification of Federal contracting or granting agencies. The President, or his designee, shall notify, in writing, the appropriate Federal contracting agency within ten (10) calendar days of having received notice than an employee engaged in the performance of such contract or grant has had a criminal drug statute conviction for a violation occurring in the workplace. The written notification shall include the employee's name, position title, and the identification number(s) of such affected grant.
(d) Unless the Federal agency has designated a central point for the receipt of such notices, the President, or his designee, shall provide written notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working.

(2) Alcohol and Drug Testing of Employees Requiring Commercial Drivers’ License

(a) The purpose of this policy is to comply with the Federal Omnibus Transportation Employee Testing Act of 1991 which mandates testing for alcohol and controlled substances of all employees in and applicants for positions requiring a commercial drivers’ license as a condition of employment. The policy applies to all applicants for employment and all New College of Florida employees (hereafter referred to as employees), including faculty, staff, OPS, and graduate assistants applying for or holding positions requiring a commercial drivers license as a condition of employment.

(b) Statement of Policy. The Omnibus Transportation Employee Testing Act of 1991 mandates testing for alcohol and controlled substances of all employees in and applicants for positions requiring a commercial drivers’ license as a condition of employment. Testing is conducted under the following circumstances: pre-employment (controlled substances only) random, reasonable suspicion, post-accident, and return-to-work. Testing is conducted at approved sites and in accordance with Federal law. The employee/applicant's department is responsible for the costs associated with the alcohol and/or controlled substances testing and the medical review officer, including any follow-up/return-to-work tests.

(c) An employee whose test confirms prohibited alcohol concentration levels (.02 or greater) or the presence of a controlled substance will be terminated from employment. Applicants for employment with like test results will be denied employment. An employee is required to comply with all testing requirements; refusal to take a test is considered to be a positive test and will result in termination. The College will make available to applicants and provide to employees educational materials that explain the requirements and procedures of the College policy. Employees shall sign a statement acknowledging receipt of the policy, procedures, and specific program information. A copy of the signed and dated receipt will be placed in the employee's official personnel file.

(d) The President or his or her designee will maintain all records relating to the alcohol and controlled substances testing programs according to Federal requirements.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 112.0455; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 0-603; Revised and renumbered 06-29-10; Revised 05-31-14, 03-11-17 (technical amendment)
3-4022 Equal Education and Employment Opportunity

NCF is committed to the principles of equal educational and employment opportunities for, and non-discrimination towards applicants and employees with respect to race, color, religion, age, disability, sex, marital status, national origin, sexual orientation, gender identity, gender expression, and veteran status, as provided by law, and in accordance with NCF’s respect for personal dignity. It is NCF’s goal to create and maintain a work and study environment that is positive and free of unlawful discrimination. Further, NCF encourages the recognition of diversity of its population and seeks to promote delivery systems, curricula activities, and programs that reflect this diversity in all facets of life at NCF.

(1) Unlawful discrimination is unacceptable conduct that will not be tolerated at NCF.

(2) No faculty member, student, administrator, supervisor or other employee or official of NCF shall unlawfully discriminate or take any other retaliatory action against an individual who, in good faith, has opposed an alleged unlawful discriminatory practice or has made a charge, testified, assisted or participated in any manner in an investigation or proceeding, under provisions of applicable law, relating to an alleged unlawful discriminatory practice.

(3) NCF shall establish specific goals and strategies to promote equal educational and employment opportunities for members of minority groups, women, persons with disabilities and veterans.

(4) Any applicant or employee who believes he or she has not been treated in accordance with this Regulation may file a complaint with the President or his designee.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 05-13-06; Revised and renumbered 06-29-10; Revised 09-11-10, 03-11-17 (technical amendment), 03-07-18 (technical amendment)
3-4023 Payroll

This regulation informs employing departments and divisions of fundamental policies concerning the payment of NCF employees and the payroll systems, developed in compliance with guidelines established by the State of Florida for compensating hourly and salaried employees.

(1) Biweekly Payroll. NCF pays wages to its employees on a biweekly basis.

(2) Methods of Wage Payments. All persons will be paid by NCF warrant, Electronic Fund Transfer (EFT) or NCF check. There will be no cash payments. The Payroll Department is responsible for the issuance of all payroll warrants and EFT deposits. No wage payments will be made off-cycle unless approved by the Controller.

(3) Post-Certified Payrolls. The NCF policy is to post-certify salaried and hourly employees.

(4) Employee Records and Withholding Tax Statements (W-2 Forms). Employee records are maintained and stored in the Payroll Department. W-2 statements are prepared for all employees by the NCF Payroll Department during the month of January. An individual will receive one tax statement which includes wages received during the calendar year from all employing departments and/or divisions.

(5) Set-Off Procedures. NCF may collect funds owed by employees by means of NCF Regulation 3-4024 NCF Set-Off Procedures.

(6) Wage Assignments. Under no circumstances will an employee’s salary be deducted from a warrant to be issued to a creditor without the employee’s written consent or legal process.

(7) Distribution of Payroll Warrants. All payroll EFT will be distributed directly to the employee by his or her own NCF email. A warrant will be picked up directly by the employee at the Department of Human Resources.

(8) Direct Deposit by Electronic Fund Transfer (EFT). Employees may elect to have their net pay directly deposited to their bank through EFT. Employees electing EFT will have their net pay available at their bank by 2:00 p.m. of the payday. The EFT agreement (available through the Department of Human Resources is between the employee, their bank and the NCF Payroll Department.

(9) Payroll Advices. Payroll advices are prepared each payday for every employee who receives a warrant/EFT. These advices reflect earnings and deductions for both the current payroll period and cumulative earnings to date for the calendar year. Individuals receiving payment from more than one department will normally receive one advice stub reflecting the total of all earnings and deductions.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 2-005; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
3-4024 NCF Set-Off Procedures

This regulation provides guidelines and procedures for the collection of funds owed to NCF by its employees, including final action determination and set-off procedures. Under the provisions of Chapter 1010.03, Florida Statutes, NCF, through its Controller's Office, is directed to exert every effort to collect all delinquent accounts. This legislative directive includes the duty of collecting all monies owed NCF by its employees. Recognizing the difficulties that may arise in repaying debts to NCF, the Controller's Office has established a policy that affords NCF personnel ample time and opportunity to clear their debts. However, in light of NCF’s statutory duty to clear delinquent accounts, this policy also recognizes that at some terminal point in the collection process there is the necessity for final action to be taken on effecting repayment. Under this regulation, final action may include deducting a percentage of the employee's debt to NCF from his/her paycheck each pay period until the entire debt is cleared.

(1) Categories of Debts. There are four main categories of employee debts, grouped according to the department which has responsibility for their collection:

(a) Travel advance repayment

(b) Student Financial Services
   1. National Direct Student Loans
   2. New College of Florida Student Loans
   3. Short-term Loans
   4. Scholarship and/or grant repayments

(c) Cash Collections
   1. Returned checks and Service Fees
   2. Accounts Receivable, to include:
      a. Tuition and Fees, and
      b. Physical Education Equipment
      c. Keys
      d. Library fines
      e. Learning Technologies Fines/Sales
      f. Graduation Fee
      g. Health Services
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h. Food Services

i. Rental Fees

j. Housing

k. Traffic Fines

l. Overpayments

m. Copy Charges

n. Miscellaneous

(d) Payroll/Salary Overpayments

(2) Preliminary Collection Procedures. The following policies and procedures are followed in effecting repayment prior to the terminal point at which time set-off procedures may be instituted:

(a) Travel (travel advance repayment)

1. All employees who receive travel advances must complete and return a Reimbursement Voucher immediately upon returning from the trip for which the advance was made.

2. If no voucher is filed within ten (10) calendar days from the employee's date of return, a letter of notice that the employee has ten (10) days to file a travel reimbursement voucher will be sent to the employee's campus address.

3. If no travel voucher is received by Travel at the end of this ten (10) day period, set-off procedures will be implemented.

(b) Student Financial Services

1. New College of Florida Student Loans and Health Profession Loans

   a. Repayment on the above loans is made through a billing service employed by NCF.

   b. The billing service will send each employee a past-due notice at the following intervals after payment is due: fifteen (15) days, forty-five (45) days, sixty (60) days and seventy-five (75) days.

   c. At ninety (90) days the delinquent account is turned over to NCF and the borrower is contacted by telephone and advised that repayment must be made. If no contact is made, or no reasonable repayment agreement can be made, employee debtors will be sent a letter at their residence informing them that set-off procedures may be implemented.
d. If Student Financial Services is not contacted within ten (10) days after receipt of the above letter, set-off procedures will be implemented.

2. Short-Term Loans and Scholarships and/or Grants

   a. Repayment of the above accounts are handled entirely by the College. The employee responsible for the delinquency will be sent past-due notices at the following intervals after payment is due: 5 days, 10 days, and 2 weeks.

   b. The past due notice sent two (2) weeks after payment is due will include a warning that if payment is not received within thirty (30) days, set-off procedures will be implemented.

(c) Cash Collections

1. Returned Checks and Service Fees. When a check is returned to the College, the following notice will be sent:

   a. A Notice Letter will be sent to the employee's home address immediately upon receipt of the bad check advising the employee of the situation and requesting a response within ten (10) days.

   b. If the account is not cleared at the expiration of this ten (10) day period, set-off procedures will be implemented.

2. Accounts Receivable

   a. Employees will be placed on the accounts receivable system after conventional attempts by the College to obtain payment are unsuccessful (example, no response to fine notice from Library).

   b. Once the charges are put on the accounts receivable system, the employee will be billed monthly if the outstanding debt is $5 or more.

   c. If payment is not received within six (6) months of the date of the first billing, the employee will be notified that if arrangements are not made in ten (10) days, set-off procedures will be implemented on his/her debt.

(d) Payroll/Salary Overpayments

1. Department personnel shall notify the Payroll Department when a salary overpayment has occurred. The Payroll Department calculates the exact amount of the overpayment and sends a letter to the employee notifying them of the overpayment, that they have ten (10) days before set-off begins, their right to an administrative review, and that they can make repayment arrangements.

2. If no repayment arrangement has been made by the end of the ten (10) day period, the Payroll Department will take the next step in the set-off procedure.
(3) Set-Off Procedures

(a) When the procedures above have been exhausted and no satisfactory arrangements for repayment have been made by the employee, set-off procedures will be implemented. This process includes the following steps:

1. The employee is advised by certified letter (return receipt) that he/she has ten (10) calendar days to either clear the account, make satisfactory payment arrangements, or submit documentary evidence disputing his/her debt. The employee is also advised of his/her right to administrative review of the decision to set-off his/her debt and deduct sums from the employee's paycheck (Chapter 120.57, Florida Statutes).

2. If no arrangements have been made at the end of ten (10) days, all evidence of the employee's debt is reviewed.

3. If, upon review, a determination is made that the debt is in fact due and owing, set-off procedures are implemented and the employee is advised in writing of the amount and duration of the deductions from his/her salary warrant.

(4) Amount of Payroll Deduction

(a) In the event that the total amount of the debt is less than ten percent (10%) of the employee's biweekly gross salary, the full amount of the employee's debt will be deducted in the first or second pay period after the decision to set-off the debt is made.

(b) If the amount of the debt is greater than ten percent (10%) of the employee's biweekly gross salary, the amount deducted each pay period will be at least ten percent (10%) of the employee's gross salary and will not exceed twenty percent (20%) of the employee's net salary after mandatory deductions.

(c) In the event that an employee-debtor is terminated or voluntarily leaves the College’s employ, the entire amount of the debt will be deducted from the employee's final paycheck. However, at no time shall the amount deducted from an employee-debtor’s final paycheck result in the employee being paid below the current minimum wage threshold.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 1010.03; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 2-008; Revised and renumbered 09-11-10; Revised 10-29-16, 03-11-17 (technical amendment)
3-4025 Off-Cycle Accounts Payable (AP) Payroll

This regulation provides the guidelines used for issuing an accounts payable (AP) check when an NCF employee does not receive an NCF payroll warrant.

(1) NCF requires that the use of Off-Cycle/AP payroll for wage payments is limited to emergencies.

(2) The Director of Human Resources and Controller or their designees must both approve the request for an emergency check from the NCF Payroll Department.

(3) Emergency wage payments should have a minimum value of $50.

(4) Overtime or wage advances cannot be paid using the Off-Cycle/AP Payroll process.

(5) If an employee is receiving an NCF warrant and an AP check for an additional amount, the AP check will not be issued to the employee unless the check is a substantial part of the employee’s pay, i.e. 45% or more. An AP check will not be issued if it is 10-15% of the employee’s pay. The area between 15% and 45% will be dealt with on an individual basis.

(6) A minimum of 10% will be deducted from the AP check for taxes.

(7) AP wage payments to an employee must not be recurring in nature.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 2-006; Revised and renumbered 09-11-10; Revised 03-11-17 (technical amendment)
3-4026 Education Assistance Program

NCF strongly encourages its employees to pursue educational opportunities for professional growth and development. The Education Assistance Program (EAP) is designed to provide eligible employees tools to enhance their jobs skills and further their education by providing assistance in meeting the expenses of continuing education.

(1) Monetary Assistance. Vocational, undergraduate or graduate course work is eligible for tuition reimbursement. NCF will reimburse tuition costs at the actual semester credit hour rate charged up to the cost of a resident undergraduate semester credit hour charged by New College of Florida. Total semester credit hours eligible for reimbursement will not exceed a maximum of six (6) semester credit hours per term.

(2) Eligibility. In order to participate in EAP, eligible employees must have their request for monetary assistance approved in accordance with this Regulation, and must demonstrate that the following criteria are met:

(a) The employee must be a degree seeking or non-degree seeking student at an accredited vocation/technical institute, community college, four-year college, or university prior to applying to participate in EAP. EAP does not provide monetary assistance for enrollment in thesis, dissertation, internships, directed individual study, individual performance courses, non-credit courses, sponsored credit programs, or off-book programs.

(b) The employee must be a regular employee in the Administrative and Professional (A&P), University Support Personnel System (USPS), or Faculty categories the day before classes begin for the semester through the end of that semester.

(c) Employees assigned to acting, temporary, visiting or OPS positions are not eligible to participate in EAP.

(d) The employee must have completed six (6) months full-time, continuous, satisfactory, and regular service with NCF prior to applying to participate in EAP.

(e) Enrollment in EAP is contingent upon approval by the employee’s supervisor and the Vice-President for Finance and Administration or the Provost, and verification of eligibility status by the Department of Human Resources.

(f) Participation in EAP is to be conducted on the employee’s own time.

(g) Employees are encouraged to take classes during off-duty hours. However, if that is not possible, supervisors may approve leave (annual leave, accrued comp leave, or leave without pay) or adjust the employee’s work schedule, as long as this does not conflict with departmental or divisional operations.

(h) The employee must receive a grade of C or better to receive reimbursement if a grading scale is utilized at the institute, college, or university attended.
(i) Employees will not receive reimbursement if they withdraw or drop from a course whether before or after the official Drop/Add period of the institute, college, or university attended.

(3) Supervisors’ Responsibilities. The employee’s supervisor shall be responsible for approving or denying the employee’s request to participate in EAP and for making necessary adjustments in the employee’s work schedule.

(4) Enrollment Procedures. The employee is responsible for properly registering for classes, securing needed approvals and completing all required forms, for satisfactorily completing class work, and for verifying satisfactory completion of class work. In order to meet these responsibilities, the following steps must be taken:

(a) Prior to registering for a class, the eligible employee shall obtain the required Education Assistance Form from the Department of Human Resources. The form is also available at the NCF website.

(b) The employee shall complete the Education Assistance Form, obtain necessary approvals, and return the Form to be returned to the Human Resources Department for verification and final approval.

(c) The Department of Human Resources will process all forms and inform the employee of action taken.

(d) After approval, it is the employee’s responsibility to register for class, and initially pay for the courses by the published deadline of the institute, college, or university attended.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 11-05-05; Revised and renumbered 06-29-10; Revised 09-11-10, 03-11-17 (technical amendment)
3-4027 Discrimination / Harassment

The College shall actively promote a community in which diversity is valued. The College is committed to promoting an environment free from discrimination and harassment based on race, color, religion, age, disability, sex, sexual orientation, gender expression, gender identity, national origin, marital status, veteran status, or any other protected characteristic under the law. For information specific to discriminatory conduct in the form of sexual misconduct/harassment, please see NCF Regulation 3-4018 Sexual Discrimination/Harassment. This regulation applies to all employees and students of NCF. It also covers harassment involving patrons, vendors, and other individuals with whom employees or students of the College have interaction as a condition of their employment or education experience.

(1) The Following Actions Are Prohibited:

(a) Discrimination and/or harassment by any College employee or student against any individual(s) or group(s) within the College.

(b) Discrimination and/or harassment by any College employee or student while assigned to duties or academic programs of the College against any individual(s) or group(s) that is not an employee or student.

(c) Discrimination and/or harassment by any vendor or individual external to the College against any College employee(s), student(s), or program invitee(s) during the transaction or business with the College, during any program or activity coordinated through the College, and/or while on College property.

(d) Retaliation by any College employee or student against any individual(s) or group(s) who, in good faith, made any allegation of discrimination and/or harassment, or who testified, assisted, or participated in any way in any investigation, proceeding, or hearing conducted under this policy or any federal or state law.

(e) Knowingly making false accusations of discrimination and/or harassment or retaliation, or knowingly making false statement regarding alleged discrimination and/or harassment or retaliation.

(2) Conduct Outside the Scope of This Regulation

(a) This regulation is not intended to abridge academic freedom or the College’s educational mission.

(b) This regulation is not violated by actions that amount to expression protected by the state or federal constitutions.

(3) Filing Complaints

(a) Any employee, student or invitee of the college may file a claim regarding discrimination and/or harassment. Please note that the opportunity to file a complaint, or the filing of a complaint, does
not prevent the complainant from telling the individual whose action the complainant finds offensive that such behavior or conduct must stop and/or that it is unwelcome.

(b) Location of filing a complaint

1. If the complaint is against a College employee or invitee, the complaint should be submitted to the Director of Human Resources. Complaints filed with Human Resources shall be investigated and handled according to standard procedures within Human Resources.

2. If the complaint is against a College student, the complaint should be submitted to the Dean of Student Affairs. Complaints filed with Student Affairs shall be investigated and handled according to standard procedures within Student Affairs such as hearing by the Community Board.

3. If it is unclear who should receive the complaint or if the complainant has questions, then the complainant should contact the General Counsel or Ombudsperson.

4. A complainant may also contact Campus Police or Sarasota Police. This does not prevent the complainant from also filing a complaint with the College.

(4) Reporting

(a) Any student, employee, or other person who has direct or indirect knowledge of alleged discrimination and/or harassment should report it to the Dean of Student Affairs, Director of Human Resources, or General Counsel.

(b) Mandatory Reporters. The following individuals are mandatory reporters for instances of discrimination and/or harassment:

1. Employees who supervise one or more individual employees;

2. Employees who supervise or oversee students, including but not limited to, all members of the faculty, advisors, residential assistants, and student activity coordinators

(c) Failure to report by mandatory reporters may result in disciplinary action.

(d) Counselors and other confidential employees maintain the professional discretion regarding whether to report based on the best interest(s) of his/her client.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulations 1.001 and 2.003

History: Adopted 11-04-11; Revised 05-31-14, 02-21-17 (technical amendment)
3-5001 Use of NCF Space

This regulation governs the scheduling and use of campus facilities by faculty, staff, and students, as well as non-affiliated individuals and groups. Scheduling will be centralized through the use of one software system serving the NCF community.

(1) Definitions

(a) Auxiliary Space – Areas of campus that are not supported through State of Florida Plant Operation and Maintenance appropriations.

(b) Education & General (E&G) Space – Assignable space used for academic instruction, research, and support of the institution’s mission. It does not include auxiliary space. E&G space is supported primarily from State of Florida Plant Operation and Maintenance appropriations.

(c) Event Management System (EMS) – The space scheduling software used to manage and track campus space reservations of classrooms and general meeting/event space and provide readily accessible on-line, real time reservation status for faculty, staff and students.

(d) General Purpose Classrooms – Classrooms used for academic instruction that are not otherwise assigned to a specific department for special purpose instruction or use. They may accommodate classes in more than one discipline.

(e) Institution Users – NCF or USF S-M, as to the Library and Sudakoff Conference Center, faculty, staff, students, student government and officially constituted divisions and departments conducting business on behalf of the institution.

(f) Institution Affiliated Users – NCF or USF S-M, as to the Library and Sudakoff Conference Center, student organizations registered with Student Affairs, honor societies, alumni groups, employee councils, employee bargaining units and other affiliated groups and organizations.

(g) Non-Affiliated Users (non-profit) – Non-profit groups or organizations, including other State agencies.

(h) Non-Affiliated Users (profit) – Persons, groups or organizations that exist primarily for the purpose of carrying on commercial activity for private gain or benefit.

(i) Outdoor Space – All exterior acreage not covered by buildings.

(j) Reservation Agent – Designated individuals with responsibility to confirm a request to reserve a specific campus room or outdoor space for use by an institution user or an affiliated or non-affiliated user.

(k) Special Purpose Classrooms – Laboratory, studio, theater and other classrooms containing specialized equipment and/or materials or those reserved for operations associated with a specific academic program. Such spaces are managed exclusively by the appropriate academic division or unit to whom the space is assigned.
(2) Role of the Office of the Registrar. The Office of the Registrar is responsible for scheduling general-purpose classrooms. The responsibility for coordination of all class schedules as to time and place of class meetings shall rest with the Office of the Registrar.

(3) Role of Campus Space Scheduling Staff. Staff responsibilities include:

(a) Scheduling and coordinating arrangements for meetings, conferences, workshops, social functions and other events held in campus space including coordinating and supporting special events associated with campus space rented to non-affiliated individuals or organizations.

(b) Insuring the campus space scheduling software (Event Management System) is functioning properly, room characteristics and room inventory data is updated on a routine basis.

(c) Recommending and implementing campus space scheduling policies and procedures.

(d) Coordinating set-up and teardown of event requirements (tables, chairs, audio/visual equipment, etc.) with assistance from Physical Plant, Educational Technology Services, Parking Services and the NCF Police Department, as appropriate.

(e) Recommending and applying appropriate fee schedules for space usage.

(f) Coordinate USF S-M’s requests for usage of Sudakoff Conference Center, Library (both are shared facilities) as well as other campus locations designated for such use.

(4) General Meeting/Event Space Setup and Scheduling

(a) Guidelines regarding use, standardized request forms for the use of rooms on campus and a master calendar of space assignments will be available online and readily accessible to all campus constituents.

(b) Use of general meeting/event space will be scheduled on a first-come, first-served basis according to the following priorities:

1. NCF or USF S-M’s (Sudakoff and Library Only) faculty, staff, students, student government and officially constituted divisions and departments who conduct business on behalf of the institution.

2. Student organizations registered with Student Affairs, honor societies, alumni groups, employee councils, employee bargaining units and other NCF affiliated groups and organizations.

3. Non-NCF affiliated users (non-profit).

(c) Except as scheduled in accordance with this section, as a general rule, recurring reservations should not be scheduled more than six (6) months in advance. It is recognized that major events may require more extensive planning time than others. It is not intended that this flexibility be applied to normal meetings or occasional events of a minor nature.

(d) When a prospective user requests general meeting/event space, the actual reservation for the room will only be placed if the room request is approved by the reservation agent.

(e) Inter-Campus “bumping” whereby one institution requests the use of space previously reserved by another institution will necessitate the mutual agreement of both NCF and USF-SM.

(f) Intra-Campus “bumping” whereby an entity within a single institution requests the use of space previously reserved by another entity with the same institution will be governed by each institution’s internal operating procedures.

(g) Meeting rooms in various locations on campus available for general use will be identified and special equipment, capacities, and uses will be defined.

(h) Special arrangements of furniture, podiums, and audiovisual/technical services will be coordinated by CSS, with assistance from Educational Technology Services or Physical Plant.

(5) Special Events Space Setup and Scheduling

(a) CSS coordinates and supports special events associated with campus space rented to all users. CSS’s scope of authority focuses on Sainer, Sudakoff, College Hall and open areas within campus that can be used as event venues.

(b) CSS coordinates and supports special events as requested by institutional users and institution affiliated users. “Coordination” will include assuring that all service departments which may be affected are involved, and suggesting “best practices” which may assist the sponsoring department in effecting a successful event, etc.

(c) All non-affiliated users, whether sponsored or not, must complete a Facilities Request and Use Agreement Form (Addendum A [to be developed]) for review and processing by CSS. Requests for use of campus space must allow at least a fourteen-hour window for scheduling.

(d) All non-affiliated users, whether sponsored or not, are subject to paying a rental fee for space usage, unless a waiver is granted.

(e) All campus spaces, premises, equipment, or services identified as available for rental shall be listed together with the corresponding rental rate(s).

(f) Additional costs (e.g., onsite personnel, Physical Plant, Media Center, Parking Services, Utilities or Police) required to support special events shall be reimbursed to the appropriate unit(s), unless a waiver is granted.

(6) Special Events Limitations for Non-Affiliated Users
NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL

CHAPTER 3 - Administrative Affairs

(a) Facilities may not be used in ways that interfere with or are detrimental to NCF’s teaching, research, public service or support programs.

(b) Campus facilities may not be used for private or commercial purposes such as solicitation, sales, advertising, or promotional activities unless such activities clearly serve educational purposes and are sponsored by or undertaken at the request of an appropriate NCF unit or are by contractual agreement with NCF.

(c) Fundraising groups other than those sponsored by the New College Foundation or as otherwise noted in this section are strictly prohibited. Likewise, events determined to be detrimental to the purpose and image of the campus are prohibited. The United Way is recognized as the fundraising venue for community-based organizations and charities to solicit on campus.

(d) CSS must review scope of all rentals including catering, decorations, entertainment, staging, and any tents in advance. CSS will coordinate reviews of lighting, floor plans, and tent setup concepts and coordinate placement with Physical Plant to guard against misplacement that may result in damage to underground utilities or other damage.

(e) Candles and open flames are prohibited inside all facilities due to fire code regulations.

(f) Caterers are to be reminded of the following:

1. All spills are to be cleaned up immediately.

2. No food shall be poured down any sink, especially grease or hot oil.

3. All garbage must be removed at the conclusion of the event. The facilities do not provide garbage sites for caterers.

4. Instructions from Events Assistants and Campus Police must be followed.

5. Caterers will ensure that facilities are returned to their original conditions.

6. All activities must be coordinated with CSS.

(g) If entertainment is contracted for events, CSS must be made aware of the name and nature of the entertainment. CCS reserves the right to seek the opinion of designated senior management of NCF or USF S-M if questions arise on the number of musicians, and the volume of the music played. All outdoor music must end at 11:00 p.m.

(h) CSS shall normally determine which priority category the proposed use of a given space falls. Designated NCF senior management shall resolve appeals of any such decisions.

(i) Sponsors of all events that are not directly related to NCF business will be charged for the use of the facilities in accordance with the schedule of charges mutually approved by NCF and published by CSS.
(j) Special services (e.g., extra janitorial, security, audiovisual equipment) related to the special event will be charged to the user.

(7) Facility Use Agreements for Non-Affiliated Groups and Organizations

(a) Use of campus space by non-affiliated individuals or groups, whether sponsored or not, must be authorized by a written agreement. Such agreements are to provide for:

1. Full cost recovery.

2. Confirmation that the use does not constitute institution or state endorsement of the using organization, its views or objectives.

3. Certification that such use does not interfere with primary institution uses for which the facilities are intended.

(b) The agreement must specifically protect the institution from any liability or property loss exposures that may or do result from the non-affiliate’s activities or occupancy.

(c) Institution users (including individuals or groups) who use campus facilities or institution users who sponsor non-affiliated users’ use of campus facilities, are responsible for the behavior of their members and guests, and will be held liable for any damage or theft to campus facilities or property.

(8) Facility Use Fees

(a) Non-affiliated users, whether sponsored or not, holding events at NCF will be responsible for paying a rental fee, unless a waiver has been granted.

(b) Fee Waivers

1. E&G room rental fees may be waived if the event has clear, measurable benefits to NCF. Requests for E&G rental fee waivers must be submitted, in writing, through the appropriate NCF administrator designated to review such waivers to CSS. If prior documented approval is not obtained, the entity reserving the space may be held responsible for all or a portion of the fees.

2. Auxiliary space fees may be waived at the discretion of the auxiliary authority.
3-5101 Campus Master Plan

The Campus Master Plan, which is updated on an annual basis, provides for the orderly and systematic growth of the physical facilities at the College.

(1) The Chairman of the Space Committee has the authority and the responsibility to coordinate the College’s efforts in the compilation of data and the production of maps, plans, and charts required to complete the Campus Master Plan. The Campus Master Plan will be updated and sent to the Board of Education on an annual basis.

(2) It is the responsibility of the Provost to provide enrollment projections by discipline; the responsibility of the Vice President for Finance and Administration to provide information on the staffing requirements based on the enrollment projections; the responsibility of Director of Facilities Planning to determine the square footage of space required by using the Board of Education formulae using the enrollment and staffing projections; and, the responsibility of the Director of Facilities Planning, using the abovementioned data, to determine the number, size, and type of buildings required. It is also the responsibility of the Director of Facilities Planning to locate these buildings on the Campus Master Planning Map, project and locate future roads, parking, and utility requirements on the map. Upon completion of a draft of the Campus Master Plan, it is submitted to the Space Committee for its comments and suggestions. After these comments and suggestions have been incorporated into the plan, it is then submitted to the President and the Board of Trustees for approval. Upon approval, the plan then becomes the official Campus Master Plan of the College.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. Chapter 1013; Fla. Board of Governors Regulations 1.001 and 21.202

History: Adopted 04-27-02, as Policy 3-003; Revised and renumbered 06-29-10; Revised 03-11-17 (technical amendment)
3-5102 College Land Use Planning and Utilization Policy

This regulation establishes an orderly process for determining and implementing a College-wide land use and utilization policy and related procedures.

(1) The authority and responsibility for development of the College’s formal land use plan shall rest with the Director of Facilities Planning who shall recommend through the Vice President for Finance and Administration, such plan or plans for review and approval by the Space Committee, the President, and the Board of Trustees. The Space Committee will consult with other College constituencies as appropriate.

(2) Upon approval by the Board of Trustees, the plan shall be adopted as the authoritative statement for College land usage. All amendments or variations to the plan will require approval by the Space Committee, the President, and the Board of Trustees.

(a) The Director of Facilities Planning, through the Vice President for Finance and Administration, shall prepare and recommend to the Space Committee and the President a long range master plan for land usage. The plan may consist of a map or maps and narrative that delineates broad land uses to include dedicated areas for:

1. Academic or educational facilities
2. Administrative support facilities
3. Residential facilities
4. Student facilities
5. Recreational/athletic facilities
6. Restricted green space
7. Parking and roadways
8. Facilities for external entities

(b) The Director of Facilities Planning shall review and recommend, through the Vice President for Finance and Administration, to the Space Committee and the President all requests for:

1. Amendments or variations to the adopted land use plan.
2. New buildings or other physical facilities which would require a dedication of College property.
3. Memorials, building dedication markers, outdoor signage, fencing and other fixtures which might be erected on College property.
4. Modifications, additions or deletions of physical facilities or other uses which impact the dedication of College property.

(c) The Vice President for Finance and Administration shall review all rezoning or modification of zoning of property of interest to the College. The College has no formal authority in rezoning actions but regularly requests consideration of its recommendations regarding such actions by the appropriate governmental body.

(d) The Director of Facilities Planning shall review and recommend, through the Vice President for Finance and Administration, all requests for dedication and use of College land for external entities to the Space Committee and the President. These requests must meet all requirements of Florida Statutes, Board of Education and Department of Education rules and regulations and be a direct complement and of significant benefit to the academic programs and the educational mission of the College in order to receive approval.

(e) The above policies and procedures pertain to all College properties.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 3-004; Revised and renumbered 06-29-10; Revised 03-11-17 (technical amendment)
3-5103 Campus Signage

The purpose of this policy is to specify the methods and responsibilities for administrating a signage program to provide a consistent signage policy based on the Campus Master Plan. The signage will enhance the visual environment and aid communication and direction to visitors, students, faculty and staff. Also, this program is established to eliminate the proliferation of signs (both permanent and temporary) that are contrary to the established standards described herein. This policy applies to all entities located on all campuses unless specifically stated otherwise.

(1) Permanent Sign Policy

(a) Exterior Signs. All requests for exterior permanent signs must be sent to College’s Physical Plant Division for approval. The College’s Physical Plant shall review the requests with the Director of Facilities Planning for coordination with the Campus Master Plan and for coordination with ongoing projects. All requests must conform to the Campus Master Plan signage program. Any request for an exception to this program must be approved by the Vice President for Finance and Administration. Signage types will be broken down into a hierarchy of sizes and functions. Hierarchy is determined by the importance of the sign to the overall system and its scale relationship to the intended user.

1. Main Entry Features. The major entrance to the campus shall be identified to the outside user with a major site feature which will include the main entry signs. The features themselves will be site specific and relate to the main entries intended in the adopted campus master signage plan. The site features may be different to specifically relate to the surrounding scale and location.

2. Campus Identity Signs. These signs shall be used to mark the boundaries of the campus to the general public and are scaled to be readable from the automobile. There shall be two types of identity signs -- identity pylon or identity pylon with reader board. Both sign types shall be illuminated and shall carry logo and campus location. The identity sign shall be a monolithic slab with reader board eleven feet (11’) high and eight feet (8’) wide, with a four feet (4’) by eight feet (8’) removable module. The identity pylon shall be four feet (4’) wide by ten feet (10’) high.

3. Directional Signs. These signs shall be used to direct the vehicle user through the campus roadways and parking areas. Their major goal will be to direct traffic to particular points of interest in the simplest and shortest direction. All signs will typically show the College logo and location and all information will be set with a reflective copy type. Due to the requirements of certain campuses, two types of directional signs shall be provided. Primary directional signs and illuminated signs with removable message strips (for flexibility). These signs are approximately six feet (6’) wide by ten feet (10’) high. Secondary signs are intended to support primary signs as well as to aid and direct campus vehicular traffic. Secondary signs are designed to be non-illuminated with non-reflective copy types.

4. Building Identification Signs. These signs shall carry the logo of the campus only and shall be used to specifically identify a building, groups of buildings or a specific college on the
campus. There are two types of signs for this category -- one type if primary relationship is to
the automobile and a different type if primary relationship is to the pedestrian.

5. Automobile Signage. Automobile signage shall be a four feet (4') by three feet (3') high
panel on a three foot (3') high base. The pedestrian oriented identification sign shall be non-
illuminated and made up of a three feet (3') by one foot (1') high panel on an eighteen inch
(18") high base.

6. Information Signage. In order to control the orderly flow of information necessary for proper
movement throughout the campus, signage elements shall provide information such as
restrictions, parking lot locations and requirements, street names, maps, etc. In most cases,
these signs are intended for the vehicle user and shall be a three feet (3') by two feet (2') high
panel on a post reaching six feet (6') high overall. These signs shall be non-illuminated and
used with reflective copy.

7. Pedestrian Kiosks. These shall be specifically scaled to the pedestrian, shall include a map or
directory of the campus and have an appropriately sized lockable board for changing campus
information. These signs shall be strategically located along major pedestrian corridors.

8. Regulatory Signage. Traffic control signs shall meet all required specifications of the
Uniform Traffic Control System (UTCS) set forth by the Department of Transportation.
These signage elements shall be set on a post and panel system using international symbols
whenever possible. Regulatory signs will be used by individual campuses to safely control
vehicular circulation throughout roadways and parking lots as deemed necessary.

(b) Interior Signs

1. Existing Interior. All requests to add, delete, or alter any permanent interior building sign
shall be approved by the Physical Plant Division.

2. New Interior. Signs will be provided as part of a building project as administered by the
Director of Facilities Planning.

(2) Temporary Sign Policy – Exterior, Interior. Signs and notices are to be placed only on authorized
boards, A-frames, or in door card holders, except as provided herein. No signs are to be attached to
any College building, tree, or light post, except as specified below.

(a) Directional Signs. Directional signs for meetings and conferences being held on the Campus may
be posted at specific locations.

(b) Temporary Interior Signs. Small signs are limited to bulletin boards and A-frames.

(c) Student Activities. For any major student related activity, non-electrical signs, not to exceed four
feet (4') in width and not to have an overall height of more than eight feet (8') may be displayed.
Non-fabric signs that are more than four feet (4') by eight feet (8').
(d) Student Government election posters or signs not exceeding four feet (4') by eight feet (8') may be utilized 15 days before election day plus an additional seven days for runoffs. They must not block any passageway, obstruct any College buildings, signs, or other structures or otherwise unreasonably distract or interfere with members of the College community in carrying out their normal functions. Signs should not be placed in a manner which would block a driver's view at an intersection. Signs placed along the roadway must be placed a minimum of 30 feet (30') from an intersection. The College’s Physical Plant Division may be consulted when there are any questions concerning the desired location of a sign. These posters or signs must be removed immediately following the scheduled event.

(3) When signs are improperly constructed, placed, or allowed to deteriorate into a state of disrepair, they will be removed immediately by the Division of Physical Plant.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 3-005; Revised and renumbered 06-29-10; Revised 03-11-17 (technical amendment)
3-5301 Building Maintenance

This regulation articulates the need for maintenance of buildings at NCF. It recognizes that some maintenance at NCF is the budgetary responsibility of Physical Plant, while other requests must be funded by the department or division requesting the work.

(1) Physical Plant shall receive an E&G appropriation each fiscal year and shall be responsible for funding routine building maintenance to protect the State's investment in its physical facilities.

(2) Other building work, service, and charges of specific benefit to a department or division shall be that department or division's responsibility.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 3-001; Revised and renumbered 06-29-10; Revised 09-11-10, 03-11-17 (technical amendment)
3-5302 Equipment Construction and Installation

This policy has been established to ensure that facilities are not improperly altered and that the addition of equipment requiring electrical and/or mechanical work is properly installed.

(1) No fixed equipment shall be attached in any manner to a building without an approved space request.

(2) Any movable equipment (i.e., equipment not fixed to walls or floors) will be constructed by Physical Plant or by an outside vendor on the recommendation of Physical Plant.

(3) Specialized departmental movable equipment used for teaching and/or research may be constructed in college or departmental shops provided such construction has been approved in advance by the Controller. Such equipment must be properly decaled in order to meet physical property audits.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. Chapter 1013; Fla. Board of Governors Regulations 1.001 and 14.020

History: Adopted 04-27-02, as Policy 3-002; Revised and renumbered 06-29-10; Revised 03-11-17 (technical amendment)
3-6001 Parking

This regulation describes how faculty, staff, students, visitors, and guests can appropriately drive and park on the NCF campus. All members of the NCF community holding a valid operator’s license are privileged to use properly registered motor vehicles, motor scooters, bicycles, and other mechanical conveyances on the campus of NCF in accordance with the terms of these regulations.

(1) Definitions

(a) Disabled Parking. Specifically designated parking for anyone legally qualified to use disabled parking.

(b) Holidays. Official NCF holidays only. Academic breaks and weekends are not holidays.

(c) Licensee. A person or entity that is present on the grounds of NCF because they have entered into an agreement with NCF for use of NCF’s facilities.

(d) Loading/Unloading Zones. Spaces specifically designated for vehicles making deliveries and pick-ups.

(e) Parking. Stopping a vehicle on the side of the road, on the road, or off the road when not required to do so by law or regulation. The parked condition is not altered by occupancy of the vehicle, leaving the vehicle’s motor running, or engaging the vehicle’s flashing hazard light.

(f) Parking Services. NCF’s parking office.

(g) Permit. A distinctive adhesive decal or hangtag issued by Parking Services.

(h) Registered Vehicle. Any vehicle that is registered with Parking Services by filing an application that provides the necessary vehicle/owner/driver identification information and paying the appropriate fee.

(i) Reserved Space. Individually marked space reserved for the specified user.

(j) Service Drive. Areas of campus that provide access for delivery service and emergency vehicles only.

(k) Staff. Faculty, adjuncts, A & P, USPS, full-time, part-time and non-student OPS employees.

(l) Student. All persons other than “staff” as defined above, who are enrolled at NCF regardless of whether they are attending classes.

(m) Temporary Permit. A permit issued by Parking Services or other authorized persons for visitors, persons temporarily incapacitated, non-enrolled students, persons on special NCF assignment, and persons temporarily using another vehicle.
(n) Timed Spaces. Parking spaces specifically designated for vehicles making short term stops of no greater than the time posted for the space.

(o) Vendor/Contractor. Any person/company that has entered into a contract with NCF to provide a service to NCF, regardless of the length of the contract.

(p) Visitor. Any person who is not a member of the NCF community (student, staff, faculty, vendor/contractor or licensee) on the NCF campus.

(q) Volunteer. Any person who provides volunteer services and receives no compensation from NCF for those services.

(r) Retired. Faculty and staff who have retired from NCF and are not currently employed by NCF.

(2) Driving and Parking on Campus

(a) Authorization

1. The NCF Police Department and Parking Services are responsible for enforcing parking regulations at NCF. Parking Services is also responsible for vehicle registration and administration of parking citations, payment, and appeals.

2. NCF strives to provide adequate parking for its employees, students, and visitors, and must charge fees for use of parking spaces in order to pay for the operation of Parking Services and the maintenance of campus parking facilities. Due to the size of the staff and student bodies, NCF does not guarantee parking to all students and staff paying for spaces.

3. For those community members parking on campus, NCF provides but does not guarantee the safety and security of vehicles, property, and persons within NCF parking facilities.

(b) Enforcement

1. Parking Services and the NCF Police Department are authorized to directly and immediately enforce these regulations on the NCF campus. The NCF Police Department is authorized to make arrests and issue moving traffic citations on campus. For further description of the NCF Police Department’s authority and jurisdiction, see NCF Regulation 3-6101 NCF Police Department.

2. NCF Police and staff of Parking Services are authorized to issue parking citations for parking and registration violations in accordance with these regulations twenty-four hours a day.

(3) Registration Regulations

(a) Vehicles used on campus by staff and enrolled students, regardless of number of hours or days, night or day, full time or part time, must be registered and must bear a valid NCF permit.
(b) Vehicles may be registered during business hours Monday through Friday, at Parking Services, First Floor, Palmer D Building, 5800 Bay Shore Road, Sarasota, Florida 34243.

(c) Upon request by Parking Services, the person registering a vehicle must present a valid NCF faculty, staff, or student ID card, or a letter from the employer, which justifies the type of permit requested. Disabled registrants must present a copy of their disabled registration. All registrants are responsible for providing Parking Services with a current address and current information on vehicle ownership.

(d) All vehicles on campus must be registered prior to parking in any non-visitor spaces.

(e) There is no grace period for registration of vehicles and acquisition of NCF permits. New and returning employees may obtain a temporary permit for fourteen (14) calendar days from the start date of their employment. Proof of employment is required.

(f) Marked delivery trucks or commercial vehicles (driven by commercial representatives), telephone and power service vehicles, limousine service automobiles, taxis and buses making brief stops in the appropriate spaces or zones at one or more points on campus are not required to pay a parking fee or display a permit unless the vehicles will be parked. When parked, these vehicles shall utilize designated loading/unloading zones for a period of no more than thirty (30) minutes.

(4) Permit Regulations

(a) When the vehicle is parked, hangtags must be hung from the rearview mirror bracket with the registration number plainly visible through the front window of the vehicle. Having tinted windows or using a sunscreen or a car cover does not preclude the necessity of ensuring the hangtag is plainly visible.

(b) Hangtags may not be transferred from the registrant to another vehicle operator who would otherwise be required to register his or her vehicle.

(c) Hangtags are transferable to any vehicle owned by the registrant.

(d) Adhesive decals are only issued to those registrants with convertibles or other open vehicles. The decal must be permanently affixed to the left rear bumper and/or the left side rear windshield of the vehicle (outside only). Improper display of the decal may result in a citation being issued and a fine being charged.

(e) Adhesive decals for all two-wheeled vehicles must be displayed on the rear fender of the vehicle unless otherwise approved by Parking Services.

(f) NCF permits may not be reproduced, altered, or transferred by anyone other than Parking Services.

(g) The person who owns or registers a vehicle is responsible for assuring that the vehicle, regardless of who drives it, is parked in compliance with the rules and regulations, and for knowing when the issued permit expires.
(h) All citations issued to a permit will be the registrant’s responsibility regardless of which vehicle the permit is on at the time of the infraction, unless a lost/stolen affidavit form regarding that permit has previously been submitted to Parking Services.

(i) Any vehicle parked on campus is parked at the risk of the operator. Permits declared lost or stolen will immediately become invalid. An affidavit must be completed for lost or stolen permits or in the event that the permit was sold with the car. If recovered, the permit will be reclaimed by Parking Services and destroyed. Any vehicle bearing a lost/stolen permit is subject to immediate tow, even if the person who has reported the permit as lost/stolen owns the vehicle bearing the permit.

(j) All NCF staff, students, and visitors who own, register, and have more than one vehicle on campus at the same time are required to have a valid permit displayed on each vehicle.

(k) NCF students, faculty, and staff have the option of purchasing a State of Florida issued New College of Florida Vehicle License Tag in lieu of purchasing a parking permit. A permit appropriately identifying that the vehicle was registered in this manner will be given to the vehicle owner/operator free of charge and must be displayed at all times for the vehicle to be considered registered with Parking Services.

(l) According to the NCF Faculty Handbook, faculty who have been officially awarded the honorary title of Emeritus/a are entitled to free parking. Retired faculty with Emeritus/a status must still register with Parking Services and display a hang tag when parked on campus.

(5) Vehicle Registration Fees

(a) Refunds. No full refunds are issued for permits, including replacement permits, unless the refund is requested within fourteen (14) calendar days of the initial date of validity of the permit. Refund requests must be submitted to Parking Services. Refund requests received after fourteen (14) calendar days of the initial date of validity of the permit are pro-rated.

(b) Permits for change of status, student to staff, or hangtag to adhesive, are issued free of charge upon presentation of the old permit and proof of status change.

(c) Coins are not accepted for payment of registration or citations unless the coins are properly rolled in bank wrappers and identified with payee’s name and student ID/Driver’s License number.

(6) Parking Regulations

(a) The absence of “No Parking” signs or curb markings does not mean that parking is allowed. Parking is permitted only within marked spaces or areas with mulch or shell surfaces.

(b) Parking on or over a marker line is prohibited. Vehicles parked parallel to a curb shall be within one foot of the curb and inside parking markers.
(c) Vehicles shall not be parked facing traffic in those lots with angled parking. For those lots with straight-in parking (90 degree), a vehicle may also be parked with the rear of the vehicle towards the closed end of the parking space.

(d) Where parallel parking is permitted, vehicles must be parked facing the flow of traffic.

(e) Vehicles shall not be parked in such a manner as to obstruct vehicular/pedestrian traffic or wheelchair ramps, interfere with normal NCF operational activities, or to create a hazard.

(f) Double parking is prohibited at all times.

(g) Parking on grass, sidewalks, crosswalks, service drives, loading zones, truck spaces, or on streets, except where specifically marked for parking, is prohibited.

(h) Parking on grass is prohibited except in the case of overflow parking for events and where bumper blocks indicate parking is allowed on mulch or grass.

(i) Major repairs to non-NCF owned vehicles shall not be performed on campus.

(j) Unauthorized parking in RESERVED spaces is prohibited.

(k) A vehicle parked and remaining at the same unloading zone or timed space will not receive more than two tickets for overtime violations in the same calendar day.

(l) Campus map and parking lot signs indicate where staff and students shall park according to the type of permit displayed on the vehicle. Vehicles may only be parked in the appropriate lots and spaces.

(m) Unless otherwise marked, all loading/unloading zones have a 30-minute time limit.

(n) Only authorized vehicles may be parked in disabled spaces.

(o) Oversized vehicles such as trucks, trailers, motor homes, or any vehicle that occupies more than one standard car space or extends beyond the space shall be parked in an area designated by Parking Services or the NCF Police Department. The maximum allowance time for parking in this manner is seven (7) calendar days.

(p) Vehicles may not be used as overnight domiciles, except under emergency conditions and only with the prior approval of Parking Services.

(q) Special Events and Maintenance. Parking Services has authority to close streets, lots and parking spaces to facilitate NCF special events, and to perform necessary maintenance. Contact Parking Services when planning a special event at NCF to receive proper parking permits and assignments. No department has the authority to close any lots prior to 5:00 p.m. without first seeking permission from Parking Services.

(7) Visitor/Temporary Parking Permits
(a) A person who is currently registered with Parking Services and temporarily not in possession of his/her permit must obtain a temporary parking permit before parking on campus.

(b) On request to Parking Services, permits may be issued to park out of assigned areas for extraordinary reasons (such as temporary incapacitation or for security reasons).

(c) Students, faculty, or staff sponsoring or co-sponsoring an event on campus shall request temporary parking permits at least two (2) weeks in advance from Parking Services for the event participants.

(d) Visitors not using reserved “visitor spaces” must obtain daily permits from Parking Services, or the NCF Police Department.

(8) Disabled Parking

(a) Any staff member or student with a physical disability (temporary or permanent) that impedes walking may apply with authorized documentation to Parking Services for a special disabled parking permit.

(b) Wheelchair-bound registrants are entitled to a special disabled parking space.

(c) All spaces designated for the disabled are reserved twenty-four (24) hours a day.

(d) Holders of special disabled permits are required to advise Parking Services when assigned special disabled spaces are no longer required.

(9) Traffic Regulations

(a) Traffic rules, regulations, and directive signs governing the use of motor vehicles are in effect twenty-four (24) hours a day, all year long. Inclement weather does not bar their enforcement.

(b) Motorists shall yield the right-of-way to pedestrians within a crosswalk.

(c) The campus speed limit is 20 mph unless otherwise posted. Speed limit in parking lots is 10 mph.

(d) It is unlawful to drive in the opposite direction of the normal flow of traffic.

(e) It is unlawful to remove, alter, or change any traffic control device, sign, barricade, or traffic cone. It is also unlawful to drive around barricades, traffic cones in the roadway, or parking lots that are closed by Parking Services.

(f) All Florida traffic laws are enforceable on campus.

(10) Regulations Governing Scooters, Motorcycles, Bicycles, and Mopeds
(a) Drivers of scooters, motorcycles, bicycles, and mopeds are responsible for observing the same traffic regulations as those governing larger motor vehicles.

(b) Drivers may not drive, ride, or park scooters, mopeds, or motorcycles on grass, sidewalks, or in the confines of a building.

(c) It is unlawful for more than one person to ride on a vehicle at the same time, unless the vehicle is designed for and equipped with a seat for each person.

(d) Drivers of two- or three-wheeled motorized vehicles shall use designated motorcycle spaces; however, if all designated spaces are occupied they may park in vehicle parking spaces.

(e) Holders of motorcycle or bicycle permits are entitled to a maximum of five (5) days, annually, of temporary parking permits for four-wheeled vehicles.

(f) All two- or three-wheeled motor vehicles must be registered with Parking Services.

(g) Motorcycles cannot display automobile permits at any time; therefore, registered owners of four-wheeled vehicles who have motorcycles are required to register and purchase permits for each vehicle or motorcycle they wish to park on campus.

(h) NCF Police will ticket bicyclists for moving violations on streets or sidewalks. Bicycle Regulations are outlined in Chapter 316.2065, Florida Statutes.

(i) A person propelling a bicycle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances, but the cyclist shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(11) Towing/Immobilizing of Vehicles

(a) Vehicles are subject to being immobilized by a mechanical boot or towed away at the operator’s expense under any of the following conditions:

1. Unauthorized parking in reserved or disabled spaces;

2. Parking without a valid permit or displaying a counterfeit, stolen, altered, lost, or revoked permit;

3. Abandoning a vehicle (disabled or otherwise) for three (3) consecutive days or more. In order to avoid having their vehicle towed, the operator of a disabled vehicle must notify Parking Services between 8:00 am and 5:00 pm or the NCF Police Department after 5:00 pm on weekdays and on weekends and holidays;

4. Parking in such a way as to disrupt normal NCF operational activities;

5. Obstructing traffic;
6. Creating a hazardous condition;

7. Having five (5) or more outstanding citations; and

8. Attempting to remove and/or damage an immobilization device.

(b) Vehicles that have been immobilized by a mechanical boot are towed at the owner’s expense. The owner is required to pay for the outstanding citations, the immobilization fee, and applicable towing charges prior to claiming his or her vehicle. The fact that a previously immobilized vehicle has been removed from the area without authorization from Parking Services shall be prima facie evidence that the registered owner has tampered with the immobilized vehicle. Owners of immobilized vehicles may make restitution during office hours at Parking Services. Such payments will not be accepted after hours or through the weekend/holidays. Vehicles will remain immobilized until restitution is made on one of the next business days.

(c) A signed release slip must be obtained from Parking Services before owner’s towed vehicle may be reclaimed from the towing company. The release slip will be issued after vehicle registration fees and outstanding citation fees are paid at Parking Services. In addition, the owner/operator of the towed vehicle must provide proper identification to the towing company and pay the towing charges in cash to the towing company before reclaiming the vehicle from the towing company.

(12) Violations, Penalties, and Fines

(a) Operators of vehicles are subject to fines in accordance with the schedule of fines as approved by the NCF BOT through Regulation 3-1002 Tuition and Fees Schedule.

(b) Permission to operate a vehicle on campus may be revoked for a period of up to twelve (12) months and the operator so notified by Parking Services under the following circumstances:

1. The person falsifies or misrepresents information on any documents completed for Parking Services;

2. The person lends his/her vehicle to another person when the latter is not entitled to driving privileges;

3. The person required to register a vehicle does not respond to citations;

4. The person demonstrates actions that show a willful disregard for public safety or the NCF community; or

5. The person owes a delinquent debt to NCF.

(c) Any violation not cleared at the end of twenty-one (21) days shall be referred to the Business Office for collection. Outstanding student accounts may also result in student records and registration being placed on hold until the debt is settled.
(13) Citation Payment and Appeal Process

(a) Unless otherwise specified in these regulations, all persons who are cited for non-moving violations may make payment to Parking Services in person or mail payment in the envelope provided. If payment is mailed it shall not be made using cash.

(b) Appeal Process

1. Only those persons or departments responsible for incurring the citation or the registrant of the vehicle cited may appeal to Parking Services or the Parking Citation Appeal Committee.

2. Any person or department who wishes to appeal a citation shall do so within fourteen (14) calendar days from the date of issuance on the citation (Note: Warning citations may not be appealed). Appeals may be submitted in writing, in person, or online. The NCF Parking Services Parking Citation Appeal form (Rev. 7/20/09), incorporated by reference herein, is available at Parking Services, and on the Parking Services website. A copy may also be obtained by calling (941) 487-4626. The person appealing the decision must explain the circumstances existing at the time of the citation in the appeal for review of the citation.

3. If an appeal is not submitted within fourteen (14) calendar days from the date the citation was issued, the right of appeal is forfeited.

4. The written appeal will be reviewed by the Appeals Mediator/Staff, adjudicated based on the current Parking Services Regulations, and a letter or an email of the decision will be issued.

5. If the person or department is dissatisfied with the decision of the Appeals Mediator/Staff, they may appeal the Appeals Mediator/Staff’s decision to the Parking Citation Appeal Committee. Such appeal requests must be made within fourteen (14) calendar days from the date of the Appeals Mediator/Staff’s letter of decision. The Parking Citation Appeal Committee will review the matter and may excuse, reduce or uphold the citation, but the Committee may not contradict the prevailing parking and registration regulations. The Parking Citation Appeal Committee is the final appeal authority. Such appeals must be requested in one of the following ways:

   a. in writing, or

   b. by appearing in person or by having the original appeal forwarded.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 1006.66; Fla. Board of Governors Regulation 1.001

History: Adopted 01-05-02, as Rule 6C11-4.001; Revised and renumbered 04-27-02; Revised 04-23-05; Revised and renumbered 06-10-06; Revised 09-11-10, 06-13-15, 03-11-17 (technical amendment)
3-6002 Opening of Rooms and Other Facilities

This regulation intends to ensure that NCF buildings and facilities, including contents, are adequately secured as required by NCF and consistent with the best interests of NCF.

(1) Access to NCF offices, classrooms, and other areas is available to authorized persons. To ensure that other persons do not unlawfully gain access to these areas, requests for opening of locked areas will be handled as follows:

(a) Offices

1. Monday through Friday, 8:00 a.m. to 5:00 p.m. The person requesting entry should contact the appropriate Vice-President, Dean, Director, Chair, or other available supervisor. If not available, the custodial staff shall be contacted at Physical Plant: 4240 (campus phone) or 941-487-4240 (off-campus phone).

2. Other Times. Before and after 8:00 am to 5:00 pm, the NCF Police Department should be contacted to request the opening of locked areas. Prior to allowing entry to any facility the NCF Police will require authorization from the Vice President for Finance and Administration, Provost, or the accountable dean, director, or chair specifying the area(s) which may be entered. Under no circumstances will students be admitted to faculty or staff office areas unless authorized by the faculty or staff member to whose office admission is sought. This does not prevent an accountable office from issuing keys to students if necessary for the performance of assigned duties.

(b) Classrooms

1. Monday through Friday, 7:00 a.m. to 4:00 p.m. The custodial staff will open locked spaces unless it has been requested by the occupying department or division not to open the space (in the case of certain labs, etc.).

2. Monday through Friday, 4:00 p.m. to 10:00 p.m. The custodial staff will open all classrooms in accordance with the schedule provided by the Director of Physical Plant.

3. Special Purpose Rooms (music practice rooms, photo lab, etc.). Areas designated as special purpose rooms normally contain expensive, easily removed items. The custodial staff will allow access to these facilities only upon written authorization of the Provost, dean, division chair, or appropriate faculty member. Such authorization shall include the specific days and hours that the room shall be available to general use and a statement as to whether or not a monitor shall be present during such hours.

(c) Scheduled Events

1. The custodial staff are responsible for opening locked spaces Monday through Friday, 7:00 a.m. to 4:00 p.m for special events.

2. At all other time the NCF Police Department should be contacted to open locked spaces.
(d) Special Considerations (non-duty hours). Renovations, installation of equipment, or repairs should be performed during normal working hours. If this is not possible, the following procedures shall be followed:

1. Telephone Installation/Repair. All work to be performed shall be coordinated between Information Technologies and the department involved prior to the initiation of the work. Emergency repairs may require a deviation from this policy.

2. Carpet Installation or Other Work Performed by an Off Campus Vendor. All work performed by an off-campus vendor shall be done during normal working hours unless under the direct supervision of a member of that department or division. The NCF Police Department shall be informed of the name of the vendor, the date and times of such work, and the name of the department or division member who will be present during such times prior to the scheduling of the work.

3. Security Alarm Malfunctions. Upon discovery of a malfunction in the alarm system of a facility having a security alarm system monitored by the NCF Police, the NCF Police will contact Physical Plant (4240) between 8:00 a.m. and 5:00 p.m., or after normal duty hours, refer to the Physical Plant Problem & Emergency Call Procedures. Lateness of the hour or other undesirable factors are not justification for failure of NCF Police to respond.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 6-001; Revised and renumbered 06-29-10; Revised 09-11-10, 03-10-17 (technical amendment)
3-6003 Bomb Threat Policy

The increasing incidence of bomb threats made against College buildings and activities necessitates the creation of a policy designed to cope with such activity. While the vast majority of threats received are false and intended to disrupt the normal activities scheduled at the facility; one cannot assume that the caller does not have definite knowledge of an explosive device and is sincere in his desire to minimize personal injury.

(1) The Penalty. Chapter 790.164, Florida Statutes provides that It shall be unlawful for any person to make a false report with the intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, or deadly explosive, or concerning any act of arson or other violence to property owned by the State. Any person violating the provisions of this subsection shall be guilty of a felony of the second degree, punishable as provided in Chapter 775, Florida Statutes.

(2) There shall be a $5,000 reward for the giving of information to any law enforcement agency in the State, which information leads to the arrest and conviction of any person violating the provisions of this section. Any person claiming such reward shall apply to the law enforcement agency developing the case and be paid by the Department of Law Enforcement from the deficiency fund.

(3) In an effort to deal with this problem in a coordinated manner whereby the potential for life or property loss is minimized, the following procedure is established.

(4) Procedure

(a) Receipt of Bomb Threat called directly to College Building or College Switchboard

1. Secretary/Operator Responsibility. The most important single factor to keep in mind upon receipt of a bomb threat is to remain calm - the information gathered at this point is absolutely essential.

2. Complete the checklist for bomb threats. Retain a copy as it will be used by the University Police.

3. Immediately after the caller hangs up, the person receiving the call should report this information to their supervisor and call the University Police. The supervisor should at this point inform the appropriate Dean, Chairperson, as well as, the Vice President of Finance and Administration.

(b) These procedures should be followed immediately, as any delay would only serve to increase the risk factor.

(5) Threat Evaluation. Unfortunately, there is little reliable information to assist in differentiating between a bomb hoax and legitimate warning. As the primary responsibility and authority for handling bomb threats rests with the University Police, the following guidelines will be in effect:
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(a) The Senior University Police Official, or his designee, shall immediately gather and evaluate all available facts and information to determine the most reasonable course of action to be followed. In arriving at this decision, the Senior University Police Official shall discuss the need for evacuation of the building with the administrative official in charge of the building.

(b) If, in the opinion of the administrative official in charge of the building, an evacuation is necessary, such action will be implemented immediately.

(c) If the Police Department has information or knowledge which might substantiate the threat, immediate evacuation shall be required. This decision will be final.

(d) In all cases where total evacuation is NOT ordered, the Senior University Police Official, or his designee, shall immediately communicate this decision to the Vice President for Finance and Administration for review and concurrence.

(6) Evacuation

(a) If the recommendation is to evacuate the threatened structure, all occupants will be advised of the threat by Police personnel and advised to immediately leave the building.

1. All occupants should, prior to leaving, look for any unusual or suspicious objects, activities or persons and report same to Police personnel arriving on the scene.

2. Personal possessions such as attaché cases, purses, or other handbags should be removed by the owner when departing the building.

3. Persons evacuating from a building will be required to remain at least 100 yards from the building until an approved reentry is announced.

4. Police personnel will conduct a search for an explosive or incendiary device.

(b) If the recommendation is not to evacuate the threatened structure, the following shall apply.

1. The building supervisor, or his/her designee, shall immediately notify or cause to be notified, all building occupants of the receipt of the threat and offer an opportunity for each individual to make a decision as to remaining or leaving the building.

2. All occupants will make a visual inspection of their rooms and will immediately notify the University Police of any unusual, suspicious or unidentifiable object. Any such object being located will cause a reevaluation of the need for mandatory evacuation.

3. Police personnel will search the exterior of the building, the basement, stairwells, elevator shafts, closets, restrooms, and all areas readily accessible to the public.

(7) The Search
(a) Cooperation between the Police Officer on the scene and the facility personnel should be utilized in the search for an explosive device. This will serve to expedite the search.

(b) The search will be coordinated by the Senior University Police Official on the scene.

(c) Areas housing critical equipment/machinery should be searched by personnel most familiar with the areas and the equipment. Staff members should be designated to search areas within their respective buildings.

(d) It is imperative that building personnel involved in the search be instructed that their job is only to search for and report suspicious objects; they should not move, jar, or touch the object or anything attached thereto. If any suspicious device is found, the Senior University Police Official on the scene should be contacted immediately.

(e) If the building has been ordered evacuated, all search procedures should be discontinued 15 minutes prior to the time of the threatened detonation and not resumed until 30 minutes thereafter.

(f) The Senior University Police Official will determine when the building is to be reopened. After reentry occupants of assigned areas should be alert for unusual objects and report immediately if such an item is found.

(8) Reassignment of Space for Disrupted Classes. The Registrar will assist in every way possible in relocating classes which are evacuated because of bomb threats. Should some faculty feel their needs are unique, they may call the Registrar no earlier than one week prior to an exam, and an attempt will be made to secure some alternate space, on a space available basis. At the actual time of the bomb threat, calls may be made directly to the University Police for information and possible relocation. Every effort will be made to provide for classes and those involved in final exams shall be given priority wherever possible. The Registrar would appreciate being notified of any scheduled classrooms not being used during the final week of the quarter.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 790.164; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 6-002; Revised and renumbered 06-29-10; Revised 03-11-17 (technical amendment)
3-6004 Transportation of Medical Emergencies

To provide assistance to individuals who sustain injury on College property or in College facilities, and who may need transportation to off-campus medical facilities.

(1) Major Injuries. Persons who are identified as having sustained major injuries (unconscious or not ambulatory, i.e., unable to walk) shall be transported by ambulance to the nearest hospital.

(2) Minor Injuries. In the event a person sustains minor injuries and retains rational consciousness and is ambulatory (able to walk), the mode of transportation shall be left to their discretion, i.e. call EMS, a taxi, friend, or transport self.

(3) Reporting Procedures. In the event a person(s) sustains a major injury, those present on the scene shall immediately call the University Police who shall provide emergency first aid, secure the area, and arrange for the appropriate transportation in accordance with (1) and (2) above. The College extension to call is 4210.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 6-005; Revised and renumbered 06-29-10; Revised 03-11-17 (technical amendment)
3-6005 Possession of Firearms and Weapons on NCF Property

In order to maintain the peace and protect public safety at NCF, it is necessary to establish NCF’s policy with regard to possession of firearms and weapons on NCF property. This regulation applies to all students, faculty, staff, invitees, and guests of NCF.

(1) Pursuant to Federal and State law, the possession of firearms is prohibited on NCF property and/or property under the control of NCF, except as provided by Florida law, including Chapter 790.115(2), Florida Statutes. Additionally, fireworks of any description, explosives, chemical weapons, or any lethal weapon, as defined by Chapter 790.001, Florida Statutes, other than a common pocket knife is prohibited on NCF property and/or property under the control of NCF. Personal chemical protection devices with 10% or less active ingredients are exempt from this rule.

(2) Sworn peace officers who are required by their employment to be armed, and are in uniform, are exempt from this regulation.

(3) Pursuant to Chapter 790.06(12), Florida Statutes, persons possessing concealed weapon permits are not exempt from this regulation and may not possess a firearm or other weapon on NCF property, except as permitted by Florida law, including Chapter 790.115(2), Florida Statutes.

(4) Any student or employee found to be in violation of this regulation shall be subject to discipline under NCF policies and/or prosecution under Chapter 790.06(12), Florida Statutes. Any other person found to be in violation of this policy shall be subject to arrest and prosecution under section 790.06(12), Florida Statutes.


History: Adopted 04-27-02, as Policy 6-017; Revised and renumbered 06-29-10; Revised 09-11-10, 11-04-11, 03-08-14, 02-24-17 (technical amendment)
3-6006 Bicycles

In the State of Florida, the bicycle is legally defined as a vehicle. Bicyclists have the same rights to the roadways as automobiles, and must obey the same traffic laws as the operators of other vehicles. These laws, described below, apply on the NCF campus, and are enforceable by the NCF Police Department. The following Regulation incorporates and supplements Chapter 316, Florida Statutes.

(1) Moving regulations for bicyclists

   (a) A bicyclist must obey all traffic controls and signals.

   (b) A bicyclist must use a fixed, regular seat for riding.

   (c) No bicycle may be used to carry more persons at one time than the number for which it is designed or equipped. An adult bicyclist may carry a child in a backpack while bicycling.

   (d) At least one hand must be kept on the handlebars while riding.

   (e) Parents and guardians must not knowingly allow a child or minor ward to violate any provision of this section.

   (f) Every bicycle must be equipped with brakes that allow the rider to stop within 25 feet from a speed of 10 miles per hour on dry, level, and clean pavement.

   (g) When riding on sidewalks or in crosswalks, a bicyclist has the same rights and duties as a pedestrian.

   (h) A bicyclist riding on sidewalks or in crosswalks must yield the right of way to pedestrians and must give an audible signal before passing.

   (i) A bicycle operated between sunset and sunrise must be equipped with a white lamp on the front visible from 500 feet and both a red reflector and a red lamp on the rear visible from 600 feet to the rear. Additional lighting is permitted and recommended.

   (j) A bicyclist must ride at the right hand curb or edge of the roadway except when making a left turn, when reasonably necessary to avoid a hazard, or when a lane is too narrow for a bicycle and a car to share it safely.

   (k) Bicyclists must ride no more than two abreast except on bicycle paths or parts of roadways set aside for the exclusive use of bicycles.

   (l) A bicyclist may dismount and walk through an intersection in the crosswalk as a pedestrian.

(2) Signaling
(a) A bicyclist intending to make a left turn is entitled to full use of the lane from which the turn is made. After scanning, signaling, and moving to the right portion of that lane, the bicyclist must check the traffic signal, then proceed when it is safe to do so.

(b) In addition to the normal left turn, a bicyclist may proceed through the right-most portion of the intersection and turn as close to the curb or edge as possible at the far side. After complying with any official traffic control device the bicyclist may proceed in the new direction of travel.

(c) A turn signal must be given during the last 100 feet traveled by the vehicle before turning. If a bicyclist needs both hands for control, the signal need not be given continuously.

(d) A bicyclist may signal intent or turn right either by extending the left hand and arm upward or by extending the right hand and arm horizontally to the right side of the bicycle.

(3) Headsets. A bicyclist may not wear a headset, headphone, or other listening device other than a hearing aid when riding. Wearing a headset blocks out important audio cues needed to detect the presence of other traffic.

(4) Civil Penalties. Since bicycles are considered motor vehicles, the following actions may result in fines that are the same as those assessed for traffic violations according to Chapter 318.18, Florida Statutes:

(a) Moving violations, such as disregarding a traffic control device, running a stop sign, riding against traffic, or traveling the wrong way on a one way street;

(b) Non-Moving violations, such as riding or driving while wearing a headset;

(c) Violation of laws specific to bicycles, such as failure to use required lighting equipment at night, failure to have at least one hand on the handlebars, or failure to have working brakes; and

(d) Violation of Florida’s Bicycle Helmet Law which requires children 16 years of age or younger to wear a bicycle helmet while riding a bicycle.

(5) Local Ordinances. Local governments may adopt ordinances regulating bicycle riding. Some areas may also have registration and licensing requirements. Sidewalk riding may be prohibited entirely or limited to certain areas. Local law enforcement agencies can provide copies of any such local ordinances.

(6) Bicycle Parking

(a) Bicycles should only be parked in designated bicycle parking areas on campus. NCF Police have the authority to issue citations and remove illegally parked bikes.

(b) Parking in the following areas may result in the impoundment of your bicycle and the assessment of a fine:

1. Parking on the sidewalks;
2. Parking in service drives or roadways;

3. Parking obstructing an entrance, exit, ramp, or breezeway;

4. Parking within an NCF building;

5. Parking in an area designated for motor vehicles; and

6. Leaving bicycles on campus over summer break.

(c) Parking a bicycle on a sidewalk, walking surfaces, chaining to a hand rail, or other unapproved area impedes pedestrian traffic and may be in violation of State Fire Codes or Accessibility Codes under the Americans with Disabilities Act (ADA).

(d) Bikes found unsecured in suspicious locations on campus may be impounded for safe keeping by the NCF Police until the owner can be identified. All bikes impounded by the Campus Police for safe keeping will also be required to be registered at no charge before they are returned to the owner.

(e) Owners of bicycles impounded for violations must pay the appropriate fine and register the impounded bike at no charge before it will be released.

(f) All bikes left on campus after the end of the school year will be impounded as abandoned property. NCF and its agents are not responsible for cut locks or other damage resulting from the removal of illegally parked bicycles.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. Chapter 316; Fla. Board of Governors Regulation 1.001

History: Adopted 09-11-10; Revised 09-10-11, 02-26-17 (technical amendment)
3-6007 Access to Campus and Trespass Warnings

The President, as chief executive officer of the College, is responsible for the safe operation and administration of the College. The President, or authorized personnel designated by the President, may issue trespass warnings as set forth herein.

(1) Definitions

(a) College personnel: Currently enrolled students, faculty, staff, or other employees or Board of Trustee members of the College or the Foundation; volunteers, agents, and persons fulfilling contractual obligations.

(b) Nonaffiliated persons: All other persons who are not defined as College personnel.

(c) College officials: College employees responsible for the control, supervision or operation of a building, classroom or College property.

(d) Authorized College business: Activity which furthers the mission and purpose of the College and business that has been approved by the appropriate College officials.

(e) President’s designated personnel: For the purpose of issuing trespassing warnings, any Campus Police Officer may issue such. The Provost, Vice President, Deans, Division Chairs and Department Directors may request the Campus Police to consider issuing a trespass warning.

(f) Trespass warning: A written warning that a person is not authorized to be on College property, or a portion thereof, and may be subject to arrest without further warning if he or she refuses to leave the property or returns at any time in the future. Trespass warnings remain in full force and effect unless revoked by the appeal or reconsideration process delineated herein.

(g) College property: All locations, buildings and grounds managed by the College.

(h) Public areas: College facilities that are generally open or accessible to the public during normal business or operational hours; including, but not limited to: the library, food and vending areas open to the public, bookstore/retail areas and campus grounds, except in the immediate area of residence halls or unless otherwise restricted. The Bayfront and seawall area is open to the public from sunrise to one-half hour after sunset, unless otherwise posted.

(i) Non-public areas: Classrooms, laboratories, offices, auditoriums, theaters, athletic fields and facilities, residence halls, and other areas within buildings and grounds of the College that are not normally open to the public unless there is an event to which the public is invited, or the nonaffiliated person is an authorized guest of College personnel.

(2) Campus access

(a) Nonaffiliated persons are permitted access to the public areas of the College only during normal College business hours or the operating hours of the public area facility. Nonaffiliated persons are permitted in offices or administrative and instructional areas of the College only when
accompanied by College personnel as guest, or to conduct official College business. Nonaffiliated persons are strictly prohibited from being in student residential areas unless providing authorized contractual vendor services, or as the authorized guest of a student in accordance with Residential Life visitation and guest policies. Nonaffiliated persons are otherwise not allowed on College property except as authorized by this regulation. Identification may be requested for access to any of the aforementioned facilities.

(b) College personnel may access all College property that is open and available for authorized activities or business. Non-student College personnel members should not be in campus student residential areas unless they are performing authorized duties or are the guest of a residential student in a manner consistent with current Residential Life policies. Identification may be requested to ascertain authorization for access.

(c) Under administrative sanction, College personnel may have their access to certain areas of campus restricted. Violation of these restrictions may result in further sanctions consistent with applicable disciplinary procedures or other College regulations or policies.

(d) Alumnae/i (“alumni”) of the College are an integral part of campus life. The College provides for special access to campus for alumni, in addition to that provided to the general public. This special access is governed by campus visitation/access guidelines established by the New College Alumnae/i Association (NCAA) and endorsed by the College’s administration. Alumni should contact the NCAA office regarding these special guidelines.

(3) Enforcement. Any person who, in the opinion of College officials is violating or has violated any law, College regulation, or policy; including as applicable, the Student Code of Conduct or employee standards and disciplinary procedures, is creating a disturbance, acting in a threatening manner, or creating an atmosphere not conducive to use of facilities by others, or otherwise found in an area at a time that causes concern for the safety of persons or property, may be immediately reported to Campus Police or may be directed to leave College property by the College official. In the event the person does not leave as requested, Campus Police may respond to provide a verbal warning and/or issue a trespass warning. Pursuant to Florida Statutes, Campus Police jurisdiction is within 1000 feet from any portion of College property, and Campus Police may issue warnings against future trespass on College property to those meeting the above criteria within that jurisdiction.

(4) Appeals Process

(a) Individuals who have been warned not to trespass on College property and wish to have the warning lifted must first appeal to the Campus Police Chief. The appeal may be made in writing, via email, telephonically during normal business hours, or in person by appointment. In the appeal, the individual should explain why the trespass was unwarranted at the time of issuance or is no longer warranted. The Campus Police Chief will review all appeals and reply to appellants in writing in a timely fashion. If the warning is revoked, the Chief will ensure that the lifting of the warning has been properly documented in the Campus Police records system.

(b) Should the Campus Police Chief decline to revoke the warning, the appellant may then appeal to a Trespass Appeals Board appointed by the President. The Board will be composed of at least three and no more than five appointees, including one student. The student appointee will be
selected from a list provided to the President by the Student Alliance. This appeals board has the authority to revoke, amend, or leave in place the trespass warning. The appeals board decision is final and will be communicated in writing to the appellant and the Campus Police Chief. Should the appeals board decide to revoke or amend an appellant’s trespass warning, the Campus Police Chief will take appropriate action to document such in the Campus Police records system.

(5) Reconsideration. Unless revoked by the aforementioned appeals process, or the person warned is permitted by College officials to become a student or employee of the College, trespass warnings shall remain in full force and effect and may only be lifted or revoked after reconsideration by the Trespass Appeals Board. Requests for reconsideration of revocation may only be made annually. The passing of time, in and of itself, shall not serve as a basis for lifting the trespass warning. The lifting of the warning shall be based upon the totality of circumstances alone.

(6) Nothing in this regulation shall be interpreted to preclude or diminish the exercise of statutory authority by the Campus Police to arrest in accordance with state law any person for violation of state law or applicable county or city ordinance when such violations occur on any property or facilities which are under their jurisdiction.

(7) It is not the intent of the College, nor does the College create any additional rights by the implementation of this Regulation or any changes thereto, that are not otherwise available by law.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 06-18-11; Revised 02-26-17 (technical amendment)
3-6101 NCF Police Department

(1) Pursuant to Chapter 1012.97, Florida Statutes, the NCF Police Department has been established to provide general police services to New College of Florida and, by agreement, to the University of South Florida Sarasota-Manatee Regional Branch Campus, including protection of their population, buildings, grounds and equipment, and the maintenance of peace and order within the college/university community, and at their functions. The NCF Police Department is authorized to enforce the laws of the State of Florida, the ordinances of the City of Sarasota and Sarasota County, and the rules and policies of New College of Florida and the University of South Florida Sarasota-Manatee, as appropriate, including all traffic and parking rules and regulations.

(2) NCF police are law enforcement officers of the State of Florida. They shall meet the minimum standards established by the Criminal Justice Standards and Training Commission, Chapter 943, Florida Statutes., and the rules and regulations promulgated there under, and any other criteria established by state law or rule or by the terms of any applicable collective bargaining agreements.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla Stat. Chapter 1012; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 6-018; Revised and renumbered 09-11-10; Revised 03-10-17 (technical amendment)
3-6102 Key Control and Rekeying of Buildings and Facilities

This regulation sets forth procedures to provide for the security of campus buildings, facilities, personnel and property, insofar as keys and rekeying are concerned; and, to establish a program of accountability and responsibility for secure key control.

1. All academic and administrative buildings shall be locked other than during normal working hours or during officially scheduled events.

2. Before an employee is issued a College key, the employee’s Vice President, Director, or Chairperson must approve issuance through Physical Plants’ key issuance process.

3. Individuals issued a College key are responsible for the security and proper use of their keys as follows:
   
   a. Safeguarding and using the key to access assigned areas for official College business only.
   
   b. Not loaning the key to any other person.
   
   c. Preventing the duplication of any key assigned to them.
   
   d. Locking doors, files, cabinets, etc., for which a key is issued.
   
   e. Reporting to campus police any condition the employee may observe which may jeopardize College property or personnel, including, but not limited to, doors that are taped open.
   
   f. Immediately notifying employee’s supervisor, or when appropriate the campus police, when a key is lost or stolen.
   
   g. Returning keys to the employee’s supervisor when no longer needed.

4. Violations. Violations of this regulation due to negligent behavior shall result in appropriate disciplinary action and/or a financial offset as laid out in Regulation 3-1002 Tuition and Fees Schedule.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 04-01-05, as Policy 6-010; Revised and renumbered 03-05-16; Revised 03-11-17 (technical amendment)