DEPARTMENT OF EDUCATION

CHAPTER 6-1 FINANCE AND ADMINISTRATION

6-1.099 Transfer of High School Credits. (Transferred to 6A-1.09941)
6-1.0996 Graduation Requirements for Certain Students with Disabilities.

6-1.0996 Graduation Requirements for Certain Students with Disabilities.

Each school board shall, pursuant to Section 232.247, Florida Statutes, prescribe special requirements for graduation for students who have been properly identified as educable mentally handicapped, trainable mentally handicapped, hearing impaired, specific learning disabled, emotionally handicapped, profoundly handicapped, physically impaired, or language impaired. The school board shall make provision for each student to use basic, vocational, and exceptional student education courses as appropriate for meeting graduation requirements. Any such student completing the special requirements shall be awarded a Special Diploma in the form prescribed by subsection 6A-1.0995(2), F.A.C.

(1) Special Diploma Options. School boards may award Special Diplomas based on two (2) options.

(a) One option shall include procedures for determining and certifying mastery of student performance standards for a special diploma for students who enter ninth grade in or before school year 1998-1999 as prescribed in subsections (3)-(11) of this rule; or higher levels of student performance standards for students with disabilities adopted by the district school board; and minimum number of course credits specified by the district school board. For students entering ninth grade in or after 1999-2000 mastery is determined as indicated in subsections (12)-(13) of this rule.

(b) The second option shall include procedures for determining and certifying mastery of demonstrated employment and community competencies in accordance with subsection (14) of this rule.

(2) Diploma procedures. Each school board shall develop procedures for ensuring that students may select and move between the Special Diploma options prescribed in subsection (1) of this rule, if both options are provided by the school district, and between courses of study leading to Standard or Special Diplomas, as appropriate.

(a) The individual educational plan (IEP) committee shall document whether the student is pursuing a course of study leading toward a Standard or Special Diploma on the IEP developed during the student’s eighth grade year, or the IEP developed during the school year of the student’s fourteenth birthday, whichever occurs first. This decision shall be reviewed annually.

(b) Nothing contained in this rule shall be construed to limit or restrict the right of student with a disability solely to a Special Diploma. The parents of each student eligible for a Special Diploma for students shall be notified through the IEP process of the options available under this rule.

(c) Special Diploma requirements shall be included in the district pupil progression plan adopted pursuant to Section 232.245, Florida Statutes.

(3) Educable mentally handicapped. Student performance standards for students identified as educable mentally handicapped shall include:

(a) Mastery of the following student performance standards at the levels of Reading, Level IV; Writing, Level V; Language, Level V; Mathematics, Level V; and Social and Personal, Level V as adopted by Rule 6A-1.0941, F.A.C.; and

(b) Completion of the minimum number of course credits prescribed by the school board for students identified as educable mentally handicapped.

(4) Trainable mentally handicapped. Student performance standards for students identified as trainable mentally handicapped shall include:

(a) Mastery of the following student performance standards at the levels of Reading, Level III; Writing, Level IV; Language, Level III; Mathematics, Level III; and Social and Personal, Level III as adopted by Rule 6A-1.0941, F.A.C.; and

(b) Completion of the minimum number of course credits prescribed by the school board for students identified as trainable mentally handicapped.

(5) Hearing impaired. Student performance standards for students identified as hearing impaired shall include:

(a) Mastery of the following student performance standards at the levels of Reading, Level V; Writing, Level V; Language, Level IV; Mathematics, Level V; and Social and Personal, Level V as adopted by Rule 6A-1.0941, F.A.C.; and

(b) Completion of the minimum number of course credits prescribed by the school board for students identified as hearing impaired.

(6) Physically impaired. Student performance standards for students identified as physically impaired shall include:

(a) Mastery of the following student performance standards at the levels of Reading, Level V; Writing, Level V; Language, Level III; Mathematics, Level V; and Social and Personal, Level V as adopted by Rule 6A-1.0941, F.A.C.; and

(b) Completion of the minimum number of course credits prescribed by the school board for students identified as physically impaired.

(7) Language impaired. Student performance standards for students identified as language impaired shall include:

(a) Mastery of the following student performance standards at the levels of Reading, Level V; Writing, Level V; Language, Level III; Mathematics, Level V; and Social and Personal, Level VI as adopted by Rule 6A-1.0941, F.A.C.; and
(b) Completion of the minimum number of course credits prescribed by the school board for students identified as language impaired.

(8) Emotionally handicapped. Student performance standards for students identified as emotionally handicapped shall include:
(a) Mastery of the following student performance standards at the levels of Reading, Level V; Writing, Level V; Language, Level V; Mathematics, Level V; and Social and Personal, Level IV as adopted by Rule 6A-1.0941, F.A.C.; and
(b) Completion of the minimum number of course credits prescribed by the school board for students identified as emotionally handicapped.

(9) Specific learning disabilities. Student performance standards for students identified as specific learning disabled shall include:
(a) Mastery of the following student performance standards at the levels of Reading, Level V; Writing, Level V; Language, Level VI; Mathematics, Level V; and Social and Personal, Level V as adopted by Rule 6A-1.0941, F.A.C.; and
(b) Completion of the minimum number of course credits prescribed by the school board for students identified as specifically learning disabled.

(10) Profoundly handicapped. Student performance standards for students identified as profoundly handicapped.
(a) Students with profound handicaps shall include students identified as profoundly mentally handicapped, dual-sensory impaired, autistic, or severely emotionally disturbed as defined by Rule 6A-6.03021, F.A.C., and
(b) The determination of the requirements for a Special Diploma for students identified as profoundly handicapped shall be consistent with the requirements for any other exceptional students identified in this rule and shall be specified in the student’s IEP.

(11) Eleventh grade student performance standards. For students defined in this rule, mastery of the eleventh grade, student performance standards, through successful completion of courses, as defined in subsection 6A-1.0941(1), F.A.C., shall be accepted in lieu of mastery of the student performance standards noted above for awarding of a special diploma.

(12) Special diploma requirements. For students entering ninth grade in or after 1999-2000, special diploma requirements shall include:
(a) Demonstration of proficiency at the independent, supported, or participatory level of each Sunshine State Standard for Special Diploma prescribed in paragraph 6A-1.09401(1)(h), F.A.C., as determined through the IEP process, and
(b) Completion of the minimum number of course credits for a special diploma as prescribed by the school board.

(13) Sunshine State Standards. For students with disabilities as defined in this rule, mastery of the Sunshine State Standards through successful completion of courses that meet graduation requirements for a standard diploma, specified in paragraphs 6A-1.09401(1)(a)-(g), F.A.C., shall be accepted in lieu of Sunshine State Standards for Special Diploma noted in subsection (12) of this rule for awarding of a special diploma.

(14) Employment and community competencies. Each school board’s requirements for demonstration of mastery of specified employment and community competencies shall ensure:
(a) The student has achieved all the annual goals and short-term objectives which were specified on the IEP related to the employment and community competencies;
(b) The student is employed in a community-based job, for the number of hours per week specified in the student’s training plan, for the equivalent of one (1) semester, and paid a minimum wage in compliance with the requirements of the Fair Labor Standards Act;
(c) The student has mastered the employment and community competencies specified in a training plan. The training plan shall be developed and signed by the student, parent, teacher, and employer prior to placement in employment and shall identify the following:
   1. The expected employment and community competencies;
   2. The criteria for determining and certifying mastery of the competencies;
   3. The work schedule and the minimum number of hours to be worked per week; and
   4. A description of the supervision to be provided by school district staff.


CHAPTER 6-2 EDUCATIONAL FACILITIES

6-2.001 Educational Facilities.

6-2.001 Educational Facilities.

Commissioner of Education requirements adopted pursuant to Chapter 120, Florida Statutes, to implement the State Uniform Building Code for Public Educational Facilities Construction in Chapter 235, Florida Statutes, are contained in the Department of Education publication titled “State Requirements for Educational Facilities, 1999 Volume I – Process and Rule and Volume II – Building Code” which is hereby incorporated by reference and made a part of this rule. All educational and ancillary facilities constructed by a school board or community college board shall comply with the State Uniform Building Code for Public Educational Facilities Construction (UBC). The UBC shall supersede any other code adopted by a board, or any other building code or ordinance, for the construction of educational and ancillary facilities and plants whether at the local, county, or state level rule. After January 1, 2001, the UBC will be merged into the Florida Building Code.

(1) In addition to “State Requirements for Educational Facilities, 1999 Volumes I and II,” all, or the specific portions cited, of the following building codes are hereby incorporated by reference and made a part of this rule. If there should be conflicting requirements between these codes and “State Requirements for Educational Facilities, 1999 Volumes I and II,” the more, or most stringent requirement shall apply.

(a) ACI 318-95, American Concrete Institute, “Building Code Requirements for Structural Concrete and Commentary” 1995, and ACI 530-92, Building Code Requirements for Masonry Structures.
(b) AHERA. Asbestos Hazard Emergency Response Act, 40 C.F.R., Part 763, as revised July 1, 1995.
(c) AISC. American Institute of Steel Construction Allowable Stress Design (Manual of Steel Construction), Ninth Edition, adopted by SBC.
(d) AISI. American Iron and Steel Institute, Specifications for the Design of Cold-Formed Steel Structure Members August 1986 Edition with December 1989 Addendum.
(e) ANSI. American National Standards Institute. References to ANSI standards shall be the 1995 edition.
(f) ASCE. American Society of Civil Engineers. References to ASCE 7-98 standards shall be the edition listed in the “State Requirements for Educational Facilities, 1999.”
(g) ASHRAE. American Society of Heating, Refrigeration, and Air Conditioning Engineers.
(i) DCA. Department of Community Affairs.
(l) NEC. National Electrical Code, 1999 (NFPA 70).
(m) NFPA. National Fire Protection Association, 1997, NFPA 101, and other NFPA codes as applicable. Exceptions are NFPA 101 Sections 10-2.27 and 10-7.2.27 “Exit Passageways” and where NFPA codes are exceeded by these State Requirements.
(n) OSHA. Occupational Safety and Health Administration, U.S. Department of Labor, 29 C.F.R. as Revised July 1, 1995.
(o) SBC. Standard Building Code, 1997 as adopted by the Department of Community Affairs, except as may be superseded by these State Requirements.
(s) TMS. The Masonry Society Standards, 1992; TMS 602-92, TMS 402-92.
(2) Copies of the publication “State Requirements for Educational Facilities, 1999 Volumes I and II” are available from the Office of Educational Facilities, Florida Department of Education, Room 1054, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, at a cost to be determined by the Commissioner, but which shall not exceed actual cost. Copies of the codes listed in subsection (1) of this rule are available from the publisher whose location and address are available from Educational Facilities. These codes are readily available to the public upon request at the cost established by the publisher.
CHAPTER 6-3 TRANSPORTATION

6-3.017  Responsibilities of School Districts for Student Transportation. (Transferred to 6A-3.0171)
6-3.029  Specifications for New School Buses. (Transferred to 6A-3.0291)
CHAPTER 6-7 SPECIAL PROGRAMS II

6-7.042 Responsibilities for the School Food Service Program.

6-7.042 Responsibilities for the School Food Service Program.

(a) To provide leadership and guidance in the overall administration and development of school food service programs.

(b) To administer federal and state school food service funds, as provided by law or regulation.

(c) To require that all programs for which federal reimbursement is granted shall meet at least the minimum standards established by the United States Department of Agriculture as provided in 7 CFR Parts 210, 215, 220, 225, 226, 227, 235, 240, 245, 250 and 252.

(d) To require that all programs meet at least the minimum standards established by Florida law and rules of the State Board. Provided, however, that under extenuating circumstances and upon written recommendation of the Deputy Commissioner for Planning, Budgeting and Management, the Commissioner shall have authority to waive any state school food service regulation for a period of time not to exceed six (6) months; provided further, that an extended waiver may be granted based upon evidence that it will contribute to the maintenance of district or school goals. Such an extended waiver shall be for no more than an additional twelve (12) months during which time the district must make periodic reports to the Department as to the impact of the waiver upon the districts food service programs. Based upon positive results the Commissioner may grant further waivers as deemed appropriate.

(e) To distribute the required state matching in such a manner as to comply with the provisions for state matching under the National School Lunch Act. The annual state matching allocation shall be distributed by computing the district’s percentage share of total federal revenue received times the state general revenue matching allocation. The federal revenue includes Sections 4 and 11 of the National School Lunch Act and Sections 4 and 5 of the Child Nutrition Act of 1966, as amended, for two (2) fiscal years prior to the current fiscal year. The state matching allocation shall be distributed to school districts in equal amounts quarterly.

(f) To prescribe an incentive plan for qualified supervision for Child Nutrition Programs.

(g) To require that when competitive food and beverage items are sold during the school day all proceeds from such sales shall accrue to the food service program or to a school organization approved by the school board.

(h) To provide facilities and equipment necessary for the efficient and effective operation of the school food service programs, in compliance with Chapter 6-2, F.A.C.

(i) To provide for the control, administration, supervision, and operation of all of the food service programs of the district. The school board may contract with a food management company to provide food service in one (1) or more schools; provided that the school board shall retain responsibility for its operation, administration, supervision and control, in compliance with the program agreement and federal regulations.

(j) To provide for the control of food and beverage items in competition with the district approved food service program, including those classified as “foods of minimal nutritional value,” listed in Code of Federal Regulations 210, Appendix B. These items may be sold in secondary schools only, with the approval of the school board, one (1) hour following the close of the last lunch period. A school board may allow the sale of carbonated beverages to students in high schools by a school activity or organization authorized by the principal at all times if a beverage of one hundred (100) percent fruit juice is sold at each location where carbonated beverages are sold. However, carbonated beverages may not be sold where breakfast or lunch is being served or eaten. Non-carbonated beverages, including one hundred (100) percent fruit juice, may be sold at all times during the day at any location. Consideration should be given to allowing only the sale of nutritious food and beverage items which meet at least United States Department of Agriculture dietary guidelines for Americans.

(k) To require that when competitive food and beverage items are sold during the school day all proceeds from such sales shall accrue to the food service program or to a school organization approved by the school board.

(l) To provide an alternative food service program for students attending double session schools. The school board, after considering the nutritional needs of all the students attending the school, shall determine the alternative program needed.

(m) To provide facilities and equipment necessary for the efficient and effective operation of the school food service programs, in compliance with Chapter 6-2, F.A.C.

(n) To provide for the control, administration, supervision, and operation of all of the food service programs of the district. The school board may contract with a food management company to provide food service in one (1) or more schools; provided that the school board shall retain responsibility for its operation, administration, supervision and control, in compliance with the program agreement and federal regulations.

(o) To adopt a policy for providing economically needy students with free and reduced price lunches and breakfasts, when breakfasts are served, that will comply with federal regulations. This policy shall include a plan for verifying economic need of students and shall be approved by the Deputy Commissioner for Planning, Budgeting and Management.

(p) To adopt policies prescribing procedures for purchases of food and nonfood items in compliance with the requirements of Rule 6A-1.012, F.A.C., of these rules, provided that such policies:

1. Shall establish procedures to assure that all foods purchased conform to the Federal Food, Drug and Cosmetic Act, the Federal Meat Inspection Act, and the Meat Inspection Law of Florida, and any other federal or state safeguards relating to wholesomeness of specific items being purchased.
2. May exempt food products except milk from the bid requirements of Rule 6A-1.012, F.A.C. Milk may be exempt under the following conditions:
   a. The district school board has made a finding that no valid or acceptable firm bid has been received within the prescribed time; or
   b. The district school board has made a finding that an emergency situation exists and may enter into negotiations with suppliers of milk and shall have the authority to execute contracts under whatever terms and conditions as the board determines to be in the best interest of the school system.

   (j) To provide optional meal service at cost to Department approved nonprofit child nutrition sponsors of federal or state nutrition programs operating within a district.

   (k) To limit, beginning with fiscal year 1984-1985, the amount of funds recovered annually for food service indirect costs to the district’s approved restricted federal indirect cost rate, multiplied by the total Food Service Fund expenditures less expenditures for capital outlay, replacement of equipment, and United States Department of Agriculture donated foods; and cash-in-lieu of donated foods.

   (l) To conduct a survey at the beginning of each school year, in each school not having a breakfast program asking parents whether their children would participate if a reimbursed breakfast program were available. Within thirty (30) days after completion of the survey, upon due public notice, the superintendent shall present the results of these surveys on a school by school basis to the school board. The survey results shall include the number of students represented by parents requesting school breakfast and recommendations from individual principals desiring a school breakfast program, based on the needs of the children within their school. Upon presentation of the survey to the school board, the school board shall determine whether or not to accept the recommendations of the individual principals and whether or not to accept the breakfast program in individual schools. If surveys have been conducted for three (3) consecutive years and the school board has not established a breakfast program, the survey may be conducted thereafter once every three (3) years.

   (3) The school principal and local school staff shall have the following responsibilities:
   (a) To comply with federal and state laws, regulations and district school board policies.
   (b) To effect, through classroom instruction and learning experiences outside the classroom, ways to increase the pupil’s knowledge concerning nutrition.
   (c) To schedule meal serving periods in such a manner as to permit and encourage maximum student participation in the food service program.

   (4) Forms ESE 156, Preaward Nondiscrimination Compliance Review Summer Food Service Program for Children; ESE 195, Monthly Claim for Reimbursement Summer Food Service Program for Children; ESE 196, Summer Food Service Program for Children Application for Participation; ESE 197, Summer Food Service Program for Children Site Information Sheet; ESE 198, Summer Food Service Program for Children Agreement; ESE 003, Food Service Special Revenue Financial Report; ESE 157, Application for Change in Food Service Program; ESE 174, Monthly Reimbursement Voucher School Lunch and Breakfast Programs; ESE 177, Monthly Reimbursement Voucher Special Milk (Only) Program; ESE 178, Private School/Institution Financial Report; ESE 491, National School Lunch, School Breakfast and Commodity School Program Application, Agreement & Policy Statement; ESE 472, Special Milk Program for Children Application, Agreement and Policy Statement; and Form ESE 080, Breakfast Program Supplement Report are hereby incorporated by reference and made a part of this rule to become effective September, 1999. These forms may be obtained from the Administrator of Information Services and Accountability, Division of Technology and Administration, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

6A STATE BOARD OF EDUCATION

CHAPTER 6A-1 FINANCE AND ADMINISTRATION

6A-1.001 District Financial Records.
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6A-1.09514 Excused Absences for Religious Instruction or Holiday.
6A-1.0952 Length of School Day for Double Sessions. (Repealed)
6A-1.09521 Minimum Length of One-Half Day Kindergarten. (Repealed)
6A-1.0953 Minimum School Day for Experimental or Innovative Programs. (Repealed)
6A-1.09532 Minimum School Year for Experimental or Innovative Programs. (Repealed)
6A-1.09533 Minimum School Term, Emergencies.
6A-1.0954 Extended School Term. (Repealed)
6A-1.0955 Education Records of Pupils and Adult Students.
6A-1.0956 Suspension on the Basis of Felony Charges.
6A-1.096 Precautions against Infectious and Contagious Diseases among School Personnel. (Repealed)
6A-1.097 Issuance of Age Certificates. (Repealed)
6A-1.098 Non-resident Tuition Fee; Definitions; Procedure. (Repealed)
6A-1.0981 Readiness Test for Early Admission to First Grade. (Repealed)
6A-1.0982 Residency for First Grade Admission. (Repealed)
6A-1.0983 Criteria for Early Entrance to First Grade. (Repealed)
6A-1.0984 Criteria for Early Entrance to Kindergarten. (Repealed)
6A-1.0985 Entry Into Kindergarten and First Grade by Out-of-State Transfer Students.
6A-1.099 Cooperative Projects and Activities.
6A-1.0991 Fees for Enrichment Classes. (Repealed)
6A-1.09911 Basic Skills and Functional Literacy Compensatory Education Program. (Repealed)
6A-1.0992 Florida Finance Program Compensatory Education Funds. (Repealed)
6A-1.0993 Energy Conservation Program. (Repealed)
6A-1.0994 Educational Alternative Programs. (Repealed)
6A-1.09941 State Uniform Transfer of High School Credits.
6A-1.0995 Form of High School Diplomas and Certificates of Completion.
6A-1.0996 Graduation Requirements for Certain Exceptional Students. (Transferred 6-1.0996)
6A-1.0997 Settlement of Area and Attendance Disputes Between County School Boards.
6A-1.0998 Standards for Indicating Progress Toward the State Education Goals.
6A-1.09981 Implementation of Florida’s System of School Improvement and Accountability.
6A-1.09982 Reporting Requirements for School Improvement and Accountability.
6A-1.09983 Fees for Programs and Classes Not Part of Required Public Schools.

6A-1.001 District Financial Records.
The superintendent of schools of each school district shall be responsible for keeping adequate records and accounts of all financial transactions in the manner prescribed by the Commissioner in the publication titled, “Financial and Program Cost Accounting and Reporting for Florida Schools, 2001” which is hereby incorporated by this rule and made a part of the rules of the State Board. Copies of the manual may be obtained from the Office of Funding and Financial Management Reporting, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner but which shall not exceed actual costs.

Specific Authority 237.01 FS. Law Implemented 237.01, 237.34 FS. History–Amended 9-17-72, Repromulgated 12-5-74, Amended 4-28-77, 8-2-79, 7-21-80, 10-7-81, 8-10-83, 9-27-84, 10-1-85, Formerly 6A-1.01, Amended 11-8-88, 7-30-91, 10-6-92, 10-18-94, 1-26-98, 10-15-01.

6A-1.0011 Data Collection Activities, Instruments, Forms and Instructions.
All forms, instructions, and data collection activities conducted by, or under the sponsorship of, the Department which request school districts to collect, maintain or report information or data elements, shall be reviewed by the information services and accountability section of the Division of Public Schools and approved by the Commissioner prior to distribution. Data collection activities conducted by, or under the sponsorship of, the Division of Public Schools which involve nonpublic schools, or public or nonpublic agencies, shall also be subject to this requirement. The Commissioner shall determine the method(s) by which school districts, or the other agencies identified above, will transmit such information or data elements to the Department.

(1) All forms, instructions, and data collection activities conducted by, or under the sponsorship of, the Department which request school districts to collect, maintain or report information or data elements, shall be reviewed by the management information services section of the division of public schools and approved by the Commissioner prior to distribution. Data collection activities conducted by, or under the sponsorship of, the division of public schools which involve nonpublic schools, or public or nonpublic agencies, shall also be subject to this requirement. The Commissioner shall determine the method(s) by which school districts, or the other agencies identified above, will transmit such information or data elements to the Department.

(2) All such forms, instructions, and data collection activities, with the exception of one-time surveys and internal management memoranda as defined by Section 120.52(4)(a), Florida Statutes, which affect the private interests of any person or affect a plan or procedure important to the public are listed below. A copy of any data collection activity listed may be obtained without cost upon request from the Administrator, Management Information Services, Division of Public Schools, Department of Education, Tallahassee, Florida 32301.

CE 125 Instructional Television Leased Programming for 19— - - (Section 229.805(1), (6), F.S.)
CE 126 Response Sheet – 19— - - Scheduling (Section 229.805(1), (6), F.S.)
CE 129 Community Instructional Services – Regional Report (Section 229.555(1)(a), F.S.)
CE 236 Environmental Education Impact Statement – A Guide for the Development of Exemplary Environmental Education Programs (Section 229.8055, F.S.)
CE 410 Refugee and Entrant Student Count (PL 96-212, 97-12, 34 C.F.R. 538)
CE 512 Instructional Television Matching Grant – Funding for Basic Equipment – Application – Category A (Section 229.805(3), F.S.)
CE 513 Instructional Television Matching Grant – Funding for Large Facility Systems Project – Application – Category B (Section 229.805(3), F.S.)
CE 541 Nonpublic School Intent to Participate in Selected Federal Programs (Section 229.555(1)(a), F.S.)
DVE 036 Applicant Registration – CAPS (Section 229.555(1)(a), F.S.)
DVE 098 Career Education Incentive Act – Statistical Report for FY 19— - -
Ending September 30, 19— (PL 95-207)

DVE 183  Review of Occupational Proficiency Performance Standards by Local Education Agency Vocational Leaders
          (Section 233.0682, 240.355, F.S., PL 94-482)

DVE 188  Educational Products Receipt (Section 233.0682, 233.255, F.S.)

DVE 229  IMTS/Vocational Handicapped FTE Report (Rule 6A-6.081, F.A.C.)

DVE 267  Analysis of V-Tecs Catalog Use (Section 229.555(1)(a), F.S.)

DVE 428  Comprehensive Employment and Training Act of 1978 – Title III, Section 303 – Project Grant Award (PL 93-203)

DVE 429  Comprehensive Employment & Training Act of 1978 – Title II, Section 204 – Project Grant Award (PL 93-203)

DVE 430  Amendment to Project Grant Award (PL 94-482)

DVE 431  Instructional Manual – Application for Federal Vocational Funds/Division of Vocational Education (PL 94-482, 45 C.F.R. 102.60)

DVE 432  Follow-up Survey of Former Students (Section 230.67, F.S., PL 94-482)

DVE 433  Follow-up Survey of Employers of Former Vocational Students (Section 230.67, F.S., PL 94-482)


DVE 441  Project Grant Award (PL 94-482)

DVE 464  Financial Status Report for 19— Funding Year for Career Education Incentive Act (CEIA) July 1, 19— – September 30, 19— (PL 95-207)

DVE 515  Comprehensive Employment and Training Act of 1978 – Title III, Section 303 – Budget/Amendment to the Project Grant Award (PL 93-203)


ESE 003  Food Service Special Revenue Interim Report (7 C.F.R. 210.116)

ESE 011  District Summary Evaluation Form for Social Studies and Other Subject Areas (Section 233.09(3)(c)3., F.S.)

ESE 013  Federal Project Application – Supplemental Adult Education Funds – Section 30 Adult Education Act (PL 93-380)


ESE 019  Annual Survey of Children in Local Institutions for Neglected or Delinquent Children or in Correctional Institutions, ESEA, Title I (PL 89-10, 45 C.F.R. 116)


ESE 021  ESEA, Title I Comparability Report OE Form 4524-A – School Level (45 C.F.R. 116a.26(F)3, PL 95-561)

ESE 022  Educational Improvement Project Statement of Intent (Section 229.59, F.S., Rule 6A-7.096, F.A.C.)

ESE 023  FY – Proposal for Educational Improvement Projects (Section 229.59, F.S., Rule 6A-7.096, F.A.C.)


ESE 030  School Summary Data (Section 229.555(1)(a), F.S., subsection 6A-1.094(9), F.A.C.)

ESE 031  Request for Funding Adjustment – Programs for Visually
ESE 032  
Course Data – Membership as of Oct. 1 – Nov. 1, 19– (Section 229.555, F.S.)

ESE 035  
Meal/Cost Disallowance – Summer Food Service Program for Children (7 C.F.R. 225)

ESE 046  
Master School Identification File Update for the Florida Education Directory (Section 229.555, F.S.)

ESE 047  
Florida Migratory Child Compensatory Program – Identification Form (PL 95-561, 7 C.F.R. 116d)

ESE 051  
ESEA, IV-C, Adopter Grant Proposal (PL 95-561)

ESE 056  
Memorandum of Agreement (Rule 6A-6.021, F.A.C.)

ESE 057  

ESE 058  
Public School Staff Survey (Section 229.565(2)(e), F.S., 45 C.F.R. 80)

ESE 059  
Florida Database Abstract Form (Section 229.555(1)(a), F.S.)

ESE 060  
FEFP Transportation Survey of Students Assigned to Ride General Purpose Transportation (City Buses) (Section 236.083, F.S.)

ESE 062  
Application and Instructions for Educational Improvement Grants – ESEA Title IV-C (PL 95-561)

ESE 065  
Preschool Handicapped Incentive Grant – Fiscal Year 19— Funds (45 C.F.R. 121a, PL 94-142)

ESE 066  
Community Education Grant – Fiscal Year 19— – 19— (Section 228.071, F.S., Rule 6A-7.095, F.A.C.)

ESE 071  
Plan for Comprehensive Health Education (Section 233.067, F.S.)

ESE 090  

ESE 091  
Solicitud Para Obtener El Diploma De Bachillerato De La Florida (Rule 6A-6.021, F.A.C.)

ESE 094  
Silver School Award – Qualification Form (Section 229.555(1)(a), F.S.)

ESE 100  
19 – Administration – Special Basic Skills Assessment – High School Exceptional Students – Test Dates May —, 19— – Count

ESE 102  
Golden School Award – Qualification Form (Section 229.555(1)(a), F.S.)

ESE 103  
19 — – District Salary Survey (Section 229.555(1)(a), F.S.)

ESE 104  
Child Care Food Program – Economically Needy Category Report (7 C.F.R. 226)

ESE 108  
Management Plan – ESEA, Title IV-B (PL 95-561, 45 C.F.R. 134.37)

ESE 115  

ESE 124  

ESE 134  
Student Funding Record (Section 236.081, F.S., Rule 6A-1.0451, F.A.C.)

ESE 135  
School Funding Certification (Section 236.081, F.S., Rule 6A-1.0451, F.A.C.)

ESE 136  
District Funding Certification (Section 236.081, F.S., Rule 6A-1.0451, F.A.C.)

ESE 138  
Preliminary Count for Students to be Administered State Student Assessment Test, Part II – March – April —, 19— (Section 232.246, F.S.)

ESE 139  
District Summary Budget Fiscal Year July 1, 19— to June 30, 19— (Section 237.041, F.S., Rule 6A-1.002, F.A.C.)

ESE 140  
Resolution to Amend District School Budget (Rule 6A-1.006, F.A.C.)

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ESE 147  
Application to Incur Obligations Under Section 237.161, Florida Statutes (Section 237.161, F.S.)

ESE 154  
Florida Student Attendance Register – School Year 19— – – (Section 232.021, F.S.)

ESE 157  
Application for Change in Food Service Program (7 C.F.R. 210, 220, 245)

ESE 160  

ESE 161  
Inter-District Surplus Textbook Exchange Program – Order Form (Section 233.38, F.S.)

ESE 174  
Monthly Reimbursement Voucher – School Lunch and Breakfast Programs (Rule 6A-7.042, F.A.C., 7 C.F.R. 210, 220)

ESE 176  
Child Care Food Program Start-Up Application/Agreement for Recruiting Day Care Homes (7 C.F.R. 226.13(c))

ESE 177  
Monthly Reimbursement Voucher – Special Milk (Only) Program (Rule 6A-7.042, F.A.C., 7 C.F.R. 215.8)

ESE 178  
Nonprofit Private School/Institution Financial Statement (45 C.F.R. 210, 220)

ESE 181  
Agreement Between Sponsoring Organization and Day Care Home – Child Care Food Program (7 C.F.R. 226.19(b))
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<td>Migrant Education – Inventory Acquisition Form (45 C.F.R. 116d)</td>
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<td>Property Transfer Form – Florida Migratory Child Compensatory Program (45 C.F.R. 116d)</td>
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<td>Monthly Claim for Reimbursement – Summer Food Service Program for Children (7 C.F.R. 225)</td>
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<td>District Nutrition Education and Training Program – Annual Project Evaluation Report – 19— (PL 95-166)</td>
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<td>FEFP Transportation Survey (Section 236.083, F.S., subsections 6A-1.0451(3), (4), F.A.C.)</td>
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<td>ESE 237</td>
<td>GED Testing Service Invoice (Rule 6A-6.021, F.A.C.)</td>
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<td>Information Regarding Blind and Legally Blind Children (PL 91-230)</td>
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<td>ESE 244</td>
<td>Clearinghouse Catalog – Florida Developed Products Listing – Abstract Format (Section 229.555(1)(a), F.S.)</td>
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<td>Law Education Grant (Section 233.0615, F.S., Rule 6A-7.097, F.A.C.)</td>
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<td>Florida Primary Education Program – FY – Annual End of Year Implementation Report – July 1, 19— – June 30, 19— (Sections 229.555(1)(a), 229.85, F.S.)</td>
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<td>Summary Evaluation Form — Preschool Handicapped Incentive Grant – FY – Funds – School Year 19— – (PL 94-142)</td>
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<td>Fall Student Survey (Section 229.575, F.S., 45 C.F.R. 80)</td>
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<td>FEFP Exceptional Student Membership Survey – February —, 19— (Section 229.555(1)(a), F.S.)</td>
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<td>P.L. 94-142 Child Count – December 1, 19— (PL 94-142)</td>
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<td>Affidavit of Member of District Instructional Materials Council (Section 233.08, F.S.)</td>
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<td>Federal Assistance for the Education of Handicapped – P.L. 89-313 Title I of ESEA, as Amended by P.L. 95-561 – State Performance Report (PL 89-313, 94-142)</td>
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<td>District Reimbursement Request for Substitute Teachers (Section 233.07(2)(c), F.S.)</td>
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<td>FY – School Volunteer Program Grant Final Evaluation Report (Section 229.555(1)(a), F.S.)</td>
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<td>Handicapped Children Transferred From State Operated Schools To Local Public Schools (PL 89-313)</td>
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<td>Application for Donated Commodities (Commodity-Only-Schools) (7 C.F.R. 210.15 &amp; 250)</td>
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<td>Exploratory Courses Final Class Report – July 1, 19— – June 30, 19— (PL 94-482)</td>
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<td>ESE 332</td>
<td>ESEA, IV-C – Educational Improvement Grant – Report (PL 95-561)</td>
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<td>ESE 333</td>
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<td>School Funding Certification – HRS Residential Clients (Section 236.081, F.S.)</td>
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<td>Discharge Form (45 C.F.R. 121c)</td>
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<td>Program Personnel (45 C.F.R. 121c)</td>
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<td>ESE 360</td>
<td>FEFP Program Roster – Alternative Method (Rule 6A-1.0451, F.A.C.)</td>
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<td>Part-Time Student Roster – Alternative Method (Rule 6A-1.0451, F.A.C.)</td>
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<td>FTE Summary by Grade – Alternative Method (Rule 6A-1.0451, F.A.C.)</td>
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<td>Monthly Reimbursement Voucher – Child Care Food Program (7 C.F.R. 226)</td>
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<td>FY 19— — Community Education Allocation Survey (Section 228.071, F.S., Rule 6A-7.095, F.A.C.)</td>
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<td>ESE 376</td>
<td>Project Proposal for School Bus Joint-Use Program (Section 229.555(1)(a), F.S.)</td>
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ESE 377 19— - — District School Calendar Information Supplement (Rule 6A-10.019, F.A.C.)
ESE 379 19— School Volunteer Program Annual Survey (Section 229.555(1)(a), F.S.)
ESE 386 Florida Permanent Record Card – Category A – Education Records (Section 228.093, F.S., Rule 6A-1.0955, F.A.C.)
ESE 392 FY – Title I Project Component Membership Count (34 C.F.R. 210.176)
ESE 411 Project Amendment Form (Section 229.555(1)(a), F.S.)
ESE 420 School Transportation Management Survey – School Bus Inventory (Section 236.0835, F.S.)
ESE 424 Occupational Proficiency Programs – Final Class Report – July 1, 19— - June 30, 19— (PL 94-482)
ESE 443 Certification Form – Title VI-C Program for the Deaf-Blind — Certification of Deaf-Blindness and Release of Information (45 C.F.R. 121c)
ESE 458 Agency Registry Form – Title VI-C Program for the Deaf-Blind (45 C.F.R. 121c)
ESE 461 Supplemental Adult Education Under Section 306 – Special Demonstration – Teacher Training Projects – Under Section 310 – Adult Education Act (PL 91-230)
ESE 462 Special Demonstration and Teacher Training Projects, Quarterly Report (PL 91-230)
ESE 463 High School Diploma Application (Rule 6A-6.021, F.A.C.)
ESE 467 Free Enterprise and Consumer Education Minigrant Program – Fiscal Year 19— - — (Section 229.555(1)(a), F.S.)
ESE 470 School Bus Joint-Use Program – Quarterly Status Report (Section 229.555(1)(a), F.S.)
ESE 473 Request for Advance Funds – 19— - — Summer Food Service Program for Children (7 C.F.R. 225.13(c))
ESE 474 Service Report – Southeast Regional Center for Deaf-Blind Children & Youth (34 C.F.R. 305)
ESE 476 Claim for Reimbursement Worksheet – (Summer Food Service Program for Children (7 C.F.R. 225))
ESE 479 Application for License to Drive a School Bus in ________ County, Florida (Section 234.101, F.S., Rule 6A-3.014, F.A.C.)
ESE 481 License to Drive School Bus (Section 234.091, F.S., Rule 6A-3.014(2)(b), F.A.C.)
ESE 482 Florida Diagnostic and Learning Resources System Associate Center – Non-ESE Personnel Summary Log Form – FY 19— (August 1, 19— - July 31, 19—) (Section 229.832, F.S., PL 94-142)
ESE 485 Deficiency Report – Summer Food Service Program for Children (7 C.F.R. 225.5)
ESE 489 Florida Diagnostic and Learning Resources System – Associate Center Project Final Report – (Fiscal Year 19—: August 1, 19— - July 31, 19—) (Section 229.832, F.S., PL 91-230)
ESE 494 Florida Diagnostic and Learning Resources System – Associate Center Project Application Packet – Fiscal Year 19—: July 1, 19— - June 30, 19— (Section 229.832, F.S., PL 91-230, 93-380, 94-142, 45 C.F.R. 121a.370, 121a.128)
ESE 499 State Compensatory Education Program Plan – 19— (Section 236.088, F.S., Rule 6A-1.09911, F.A.C.)
ESE 500 Approval Request for the Lease or Purchase of EDP Equipment or Software (Chapter 81-206, Laws of Florida)
ESE 503 High School Equivalency Testing Program – List of Persons Tested (Rule 6A-6.021, F.A.C.)
ESE 507 Title II Basic Skills Improvement Project Annual Report (PL 95-561)
ESE 523 Information Concerning Authorized Obligation Under Section 237.161, F.S. (Section 237.161, F.S., paragraph 6A-1.004(1)(c), F.A.C.)
ESE 524 District Revenue Millage Levied (Section 237.091, F.S.)
ESE 525 Section 310 Project Final Report (PL 91-320)
ESE 526 Exceptional Student Education Staff Survey Form (PL 94-142, 45 C.F.R. 121a.126)
ESE 529 Age Certificate (Section 232.08, F.S.)
ESE 531 Automated Reporting Requirements – Occupational Proficiency
Programs – Final Class Reports – ESE 531 Data Tapes (PL 94-482)
ESE 535 Child Care Food Program – Change in Food Service Program Application (7 C.F.R. 226.7(B), (E), 226.16)
ESE 536 Child Care Food Program – Renewal Application, Agreement & Policy Statement (7 C.F.R. 226.7(B), (E), 226.16)
ESE 537 Instructions for Completing the SSAT-II Student Remediation Report (Section 229.555(1), 229.565(2), F.S.)
ESE 542 Community College Reimbursement – Request for Instructional Materials Issued to an Attending Public High School Student Earning Credit Toward High School Graduation (Chapter 81-206, Laws of Florida)
FA 026 Distributive Aid – Cash Advance Reconciliation as of June 30, 19— (45 C.F.R. 74.72)
FA 191 CETA Title III Adult Migrant and Seasonal Farmworkers Program – Monthly Report of Financial Transactions (PL 93-203)
FA 396 Federal Cash Advance Forecast (45 C.F.R. 74.97)
FA 397 Expenditures of State & Local Funds for Vocational Education – Fiscal Year Ending June 30, 19— (45 C.F.R. 74.72)
FA 399 Project Budget Summary and Expenditure Report (45 C.F.R. 74, 100b)
FA 400 Monthly Report of Financial Transactions – CETA Funds (45 C.F.R. 74.72)
FA 469 Certification and Request for Authorized Indirect Cost Rate for Fiscal Year July 1, 19— to June 30, 19— (PL 90-247, 45 C.F.R. 100b.561)
IA 395 Audit Finding (Section 236.081(1)(d), F.S., paragraph 6A-1.0453 (1(c), F.A.C.)
OEFC 004 Statement of Construction (Section 235.32, F.S., Rule 6A-2.018, F.A.C.)
OEFC 044 Public Education Capital and Debt Service Trust Funds Resolution (Section 235.435, F.S.)
OEFC 045 Capital Outlay and Debt Service Funds Resolution (Section 237.161, F.S., Rule 6A-2.204, F.A.C.)
OEFC 093 Educational Plant Survey Resolution (Sections 235.15, 235.435, F.S.)
OEFC 158 Special School Maintenance Act, Progress Report (Chapter 79-583, Laws of Florida)
OEFC 207 Comprehensive Safety Inspection – Fiscal Year 19—- (Section 235.06, F.S., subsection 6A-2.076(2), F.A.C.)
OEFC 214 Prequalifications of Contractors – Certificate of Approval (Section 235.31(2), F.S., subsection 6A-2.031(6), F.A.C.)
OEFC 216 COBI Bond Amendment (Sections 229.053, 235.014, F.S., Rules 6A-2.205, 6A-2.206, F.A.C.)
OEFC 217 Request to State Board of Education for Approval of Order of Priorities for Expenditure of State Capital Outlay Funds (Section 235.435, F.S., Rule 6A-1.029, F.A.C.)
OEFC 218 School Site Inspection (Section 235.19, F.S., Rule 6A-2.039, F.A.C.)
OEFC 220 Public School Construction Application (PL 81-815)
OEFC 222 Form A – Parcel File (Section 235.435, F.S.)
6A-1.0012 Minimum Security Measures for Direct Deposit by Electronic Transfer of Funds or Other Medium.

(1) A district school board may establish policies to authorize, by electronic or other medium, the receipt, disbursement or transfer of public funds by warrant to, from, or within its official accounts in financial institutions, provided adequate internal control measures are established and maintained. Minimum security measures shall include but are not limited to the following:

(a) Each financial institution shall be specifically authorized by the school board and such financial institution shall specifically agree, in writing, to accept monetary transactions through electronic or other medium.

(b) Each authorizing agreement shall contain the official title of the bank accounts subject to the agreement, each type of transaction approved, such as deposits, disbursements or transfers, each person authorized to initiate transactions, the manual signature of each such authorized person, the manual signature of the school board chairman and the manual signature of the school superintendent.

(c) When funds are properly delivered to a receiving institution, that institution shall agree to become responsible for prompt and diligent processing of the funds.

(d) Written confirmation of all transactions forwarded to financial institutions shall be signed by both the authorized person and the person making the transaction, and shall be included and retained in the official files of the school district.

(e) Written or printed documentation from each financial institution acknowledging such transactions, including but not limited to deposit slips, debit and credit memos, trust receipts, transfer acknowledgments, or cancelled warrants, shall be kept in the official files of the school district. The files must be maintained in a manner which facilitates easy review and validation of transactions.

(2) District school boards, by agreement with individuals and financial institutions, may authorize direct deposit of funds to a payee’s account. Authorization and cancellation from each such payee shall be in writing and on file in the district office. Each authorization shall include but not be limited to the following information:

(a) Name of the individual as shown on official records of the school board, Social Security number, name and manual signature of the payee as shown on his or her bank account.

OEFC 223 Form B – Building File (Section 235.435, F.S.)
OEFC 224 Form C – Room Analysis File (Section 235.435, F.S.)
OEFC 257 Request for Waiver of Legal Requirements for Size of Educational Facility Site (Section 235.19, F.S., Rule 6A-2.039, F.A.C.)
OEFC 304 Legislative Capital Outlay Budget Request (Section 235.431, F.S.)
A&B
OEFC 316 Analysis of Insurance – Fiscal Year 19— (Section 229.555, F.S.)
OEFC 352 Six Month Capital Outlay Encumbrance Projection and Request for Encumbrance Authorization (Article IX, Section 9(a)2, Florida Constitution)
OEFC 425 Change Order (Section 235.321, F.S., Rule 6A-2.020, F.A.C.)
OEFC 442 Request for Disbursement of Public Education Bond Amendment Funds (Article XII, Section 9(a)2, Florida Constitution)
OTE 043 Distribution to Universities of Service Hour and Dollar Allocation for 19— - — (231.609, F.S.)
OTE 061 Teacher Education Center Program Continuation and Annual Report (231.600, F.S.)
OTE 206 Inservice Teacher Education – Transfer Record (Section 230.23(4)(1), F.S., Rule 6A-5.071, F.A.C.)
OTE 306 Proposal for Establishing a Teacher Education Center – 19— - — (231.611, F.S.)
OTE 323 Statement of Intent to Establish a Teacher Education Center (Section 231.611, F.S.)
OTE 385 Master Plan for Inservice Education: Annual Report of Inservice Activities and of Revenue and Expenditures (Section 230.23(4), F.S.,
OTE 508 Teacher Education Center – Service Report – 19 — (Section 231.608, F.S.)
OTE 509 Master Plan for Inservice Education: Agreement – Effective July 1, 19— through June 30, 19 — (Section 231.608, F.S.)
(b) The date an authorization or cancellation is to be effective within the schedule provided by the school board.
(c) Name, address and federal reserve bank number of the institution designated by the payee to receive deposits.
(d) Written assurance from the designated financial institution it is prepared to and will accept responsibility for funds in the form presented and on the dates authorized.
(e) Documentation of each transaction shall be maintained in the official files of the district in sufficient manner to assure internal control over the transactions.

Specific Authority 229.53(1), 237.01, 237.211(4) FS. Law Implemented 136.06, 215.85, 237.211 FS. History–New 12-4-79, Formerly 6A-1.012.

6A-1.0013 Audits of Direct-Support Organizations.
(1) The fiscal year of the Department direct-support organization shall begin on July 1 and end June 30.
(2) Following the close of each fiscal year, the Florida Education Council shall provide for an audit of the Department direct-support organization to be conducted by an independent certified public accountant in accordance with the American Institute of Certified Public Accountants auditing standards. The audit report shall include any notations of any failure to comply with requirements of Florida Statutes, State Board Rules, the direct-support organization corporate charter and bylaws, and commentary as to financial management and irregularities. The auditor shall submit a signed, written report to the director and each member of the Florida Education Council, the Auditor General and the State Board.
(3) The Department direct-support organization is authorized to use Department property, facilities and personal services as determined annually by the Commissioner to operate the direct-support organization.
(4) The fiscal year of district school board direct-support organizations shall begin on July 1 and shall end June 30.
(5) Following the close of each fiscal year, the board of directors of each school board direct-support organization shall provide for an audit of the school board direct-support organization to be conducted in accordance with the American Institute of Certified Public Accountants auditing standards by an independent certified public accountant or by qualified internal auditing staff employed by the school board. The audit report shall include any notations of any failure to comply with requirements of Florida Statutes, State Board Rules, the direct-support organization corporate charter and bylaws, and commentary as to financial management and irregularities. The auditor shall submit a signed, written report to each member of the board of directors of the direct-support organization, to each member of the school board, and to the superintendent.


6A-1.0014 Comprehensive Management Information System.
(1) Each school district and the Department shall develop and implement an automated information system component which shall be part of, and compatible with, the statewide comprehensive management information system. Each information system component shall contain automated student, staff and finance information systems and shall include procedures for the security, privacy and retention of automated records. The procedures for the security, privacy and retention of automated student records shall be in accordance with the requirements of 20 U.S.C. 1232g(b)(3), 34 C.F.R. Part 99 and Section 228.093, Florida Statutes.
(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component are prescribed in the publications entitled “DOE Information Data Base Requirements: Volume I – Automated Student Information System, 2002” “DOE Information Data Base Requirements: Volume II – Automated Staff Information System, 2002,” and “DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995.” These publications which include the Department procedures for the security, privacy and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.

(3) If any portion of this rule and reference materials is adversely affected by the courts, the affected portion should be considered, repealed and the rule shall be repromulgated.


6A-1.002 District School Budgets.
(1) Annual budgets for the district school board shall be prepared in a form distributed by the Commissioner, advertised, presented at a public hearing pursuant to the advertisement, adopted by the board, and submitted to the Commissioner according to the schedule set forth in Rule 6A-1.0071, F.A.C.
(2) When submitted to the Commissioner, the budget document shall be certified as official and correct by the original signature of the superintendent of schools.
(3) Forms ESE 139, District Summary Budget Checklist, effective October, 1988, and ESE 524, Resolution Determining Revenues and Millages Levied, effective October, 1988, are hereby incorporated by reference and made a part of this rule. These forms may be obtained from the Administrator of Information Services and Accountability, Division of Public Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.
6A-1.004 Commissioner to Review Budgets.

The Commissioner shall establish procedures and prepare plans so that the budget is reviewed by authorized representatives in his or her office.

1. The following items are subject to approval by the Commissioner in reviewing and reporting recommendations relating to the annual school budgets:
   (a) Estimated revenue federal, state and local.
   (b) Estimated non-revenue-loans, bond sales, etc.
   (c) Forms ESE 374, Schedule of Maturities of Indebtedness and ESE 523, Information Concerning Authorized Obligation Under Section 237.161, Florida Statutes, are incorporated by reference in this rule to become effective October, 1988. These forms may be obtained from the Administrator of Information Services and Accountability, Division of Public Schools, Department of Education, Tallahassee, Florida 32399.
   (d) Transfers, debt services appropriations.
   (e) Ending balances and reserves.

1. Cash balances to be carried forward shall not exceed twenty percent (20%) of the anticipated tax receipt for operational purposes; provided however, in extenuating circumstances the cash balance may exceed the twenty percent (20%) level when documented evidence justifies the need.

2. Unappropriated fund balances may not exceed ten percent (10%) of total appropriations and transfers for operational purposes; provided however, in extenuating circumstances the fund balance may exceed the ten percent (10%) level when documented evidence justifies the need.

2. A budget shall not be considered to be officially received for review and approval until all required forms, schedules, analyses and certifications have been received; provided, however, the millage certification may be submitted after the Commissioner has approved the budget as provided herein.

3. If the budget as submitted to the Commissioner is defective, a written report shall be made to the superintendent of schools within thirty (30) days of the official receipt of the budget, and the budget, with such comments as are found necessary, shall be returned for correction or completion. If any changes are required, the school board shall authorize such changes and shall resubmit the budget with the corrections within fifteen (15) days from the date of the report from the Commissioner.

6A-1.006 Budget Amendments.

No expenditures shall be authorized or obligation incurred which is in excess of a budgetary appropriation. The school board shall adopt procedures whereby adjustments to the original budget are made as needed in order to comply with this rule.

1. The school board shall approve amendments to the district school budget whenever the function and object amounts in the accounts prescribed by the State Board for the budget form are changed in the original budget approved by the school board.

2. The school board may adopt procedures whereby amendments to the Special Revenue – Other Fund are considered approved by the school board at the time the board approves an entitlement grant, if such grant application includes a budget summary. The effect of such grant shall be reflected in the next monthly district financial report to the school board.

3. No budget amendment shall be approved by the district school board after the due date for the annual financial report for that year.

6A-1.007 Execution of the Budget.

It shall be the duty of the superintendent of schools and district school board to take whatever action is necessary during the fiscal year to keep expenditures and obligations within the budgeted income, provided that:

1. Any amount appropriated for the payment of indebtedness during the fiscal year shall be paid as budgeted, or as the budget may have been officially amended. Failure to make such payment shall be deemed a violation of the school budget law.

2. Any accounts carried over from the previous year according to prescribed principles of accounting which are charged to the previous year’s business shall be paid from the first funds available which may be used for that purpose by the school board. At no time, including the close of the fiscal year, shall an overdraft be created or shown against any fund or depository account.

3. Cash balances remaining in any district interest and sinking fund or from the proceeds of any bond issue not otherwise restricted, after all obligations have been satisfied, shall be transferred to another fund or funds as authorized by resolution of the school board.

Specific Authority 229.053(1), 237.01 FS. Law Implemented 237.01, 237.101, 237.121(2) FS. History–Amended 4-11-70, 9-17-72, Repromulgated 12-5-74, Formerly 6A-1.07, Amended 8-30-88.
6A-1.0071 Fiscal Reporting Dates.
The following dates shall apply to the fiscal reporting and budgeting process of each school district.

(1) The final budget prepared under procedural steps and time intervals specified in Section 200.065, Florida Statutes, shall be transmitted to the Commissioner no later than the third business day following the day of adoption by the school board.

(2) The annual financial report and all official parts thereof must be submitted to the Commissioner no later than September 11th of each year. Forms ESE 348, Report of Financial Data to the Commissioner of Education; ESE 145 Superintendent’s Annual Financial Report; ESE 904, Automated Format for Public Schools State Cost Analysis Reporting System, and ESE 905, Automated Format for Public Schools Compensatory Data, are incorporated by reference in this rule to become effective October, 1988. These forms may be obtained from the Administrator of Information Services and Accountability, Division of Public Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

(3) Form ESE 079, District Quality Instruction Incentive Program Report, is hereby incorporated by reference and made a part of this rule to become effective October, 1988. A copy of Form ESE 079 may be obtained from the Administrator of Information Services and Accountability, Division of Public Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

(4) In the event of an emergency or when unusual circumstances exist and upon written request by the superintendent of schools, the Commissioner shall have authority to grant an extension of reporting dates not specified by statute.

Specific Authority 229.053(1), 236.02(1), (5), 237.34 FS. Law Implemented 120.55(1)(a), 200.065, 236.02(1), (5), 237.01, 237.02, 237.041, 237.061, 237.071(1), (4), 237.081(1), 237.34(1) FS. History–New 9-12-72, Amended 2-13-74, 12-5-74, 5-5-75, 10-7-75, 7-22-76, 6-7-77, 1-7-81, 7-10-85, Formerly 6A-1.071, Amended 3-12-86, 10-4-88.

6A-1.008 Financial Statements.
At least monthly the superintendent of schools shall submit, for use and consideration of the school board, a financial statement in a form prescribed by the school board.

Specific Authority 229.053(1), 237.01 FS. Law Implemented 230.32(1), 230.33(12)(d), (f), 237.01, 237.02, 237.031 FS. History–Amended 9-17-72, 12-5-74, Formerly 6A-1.08.

6A-1.011 Project or Construction Accounts for Capital Outlay Projects.
Separate project accounts or construction accounts shall be kept for all capital outlay projects which are subject to the provisions of Section 235.26(4), Florida Statutes.

Specific Authority 229.053(1), 237.01, 237.031 FS. Law Implemented 235.26(4), 237.01, 237.031 FS. History–Amended 9-17-72, Repromulgated 12-5-74, Formerly 6A-1.11, Amended 12-4-89.

6A-1.012 Purchasing Policies.
Each district school board shall establish purchasing rules which shall include but not be limited by the following:

(1) The superintendent may be authorized to purchase products or services or to enter into temporary employment contracts where the total amount does not exceed an amount prescribed by the school board, and does not exceed the applicable appropriation in the district budget. The superintendent may also be authorized to purchase instructional materials under state contract. Assistants functioning under the superintendent’s direction may be authorized to perform these purchasing tasks. No person, unless authorized to do so under rules of the school board, may make any purchase or enter into any contract involving the use of school funds; no expenditures for any such unauthorized purchase or contract shall be approved by the school board.

(2) Before making any purchase or contracting for services which the superintendent is authorized by the school board to make or before recommending any purchase to the board, the superintendent shall, insofar as possible, propose standards and specifications. He or she shall see that the purchase or contract conforms to those standards and specifications, and shall take such other steps as are necessary to see that the maximum value is being received for any money expended.

(3) In each district in which the purchasing agent for any public agency of the state is authorized by law to make purchases for the benefit of other governmental agencies within the county, the school board shall have the option to purchase under the current contracts as may be established for any of the public agencies as set forth above at the unit price stated therein, if such purchase is to the economic advantage of the school board, subject to conformance of the items of purchase to the standards and specifications prescribed by the superintendent for said district.

(4) As required by Section 230.23(10)(j), Florida Statutes, the school board shall receive and give consideration to the prices available to it under rules of the Department of Management Services, Division of Purchasing. School boards may use prices established by the Division of Purchasing through its state negotiated agreement price schedule. If school board policy provides for purchasing under this program of negotiated price agreements, the conditions for use shall be those imposed on state agencies.

(5) In lieu of requesting bids from three (3) or more sources, school boards may make purchases at the unit prices in contracts awarded by other city or county governmental agencies, other school boards, community colleges, or state university system cooperative bid agreements when the bidder awarded a contract by another entity defined herein will permit purchases by a school board at the same terms, conditions, and unit prices awarded in such contract, and such purchases are to the economic advantage of the school board.
(6) Except as authorized by law or rule, bids shall be requested from three (3) or more sources for any authorized purchase or contract for services exceeding the amount established in Section 287.017, Florida Statutes, for purchasing category two. School boards, by rule, shall set this amount or a lesser amount and shall establish purchasing policy relative to purchases of a dollar value less than this formal bid threshold. The school board shall have the authority to reject any or all bids and request new bids. In acceptance of bids, the school board shall accept the lowest and best bid from a responsive and responsible bidder. The school board is not required to request bids for purchases made from contracts of the Department of Management Services as referenced in subsection (4) of this rule. Bids are not required for purchases made through the pool purchase provisions of Section 229.79, Florida Statutes.

(7) The requirement for requesting bids from three (3) or more sources is hereby waived as authorized by Section 237.02, Florida Statutes, for the purchase of professional or educational services, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, disc or tape recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the state, a governmental agency or a recognized educational institution.

(8) Additional exemptions authorized under certain conditions.
(a) The requirements for requesting bids and making purchases for goods and services as set forth in this section, are hereby waived as authorized by Section 237.02, Florida Statutes, when the following conditions have been met by the district school board:
   1. Bids have been requested in the manner prescribed by the State Board, and
   2. The school board has made a finding that no valid or acceptable firm bid has been received within the prescribed time.
(b) When such a finding has been officially made, the school board may enter into negotiations with suppliers of such goods and services and shall have the authority to execute contracts with such suppliers under whatever terms and conditions as the board determines to be in the best interests of the school system.
(c) Insofar as practicable, all purchases shall be based on requisitions. Within limits prescribed by the school board, the superintendent shall be authorized to approve requisitions under rules of the school board; provided that in so doing, he or she shall certify that funds to cover the expenditures which would be required by the requisitions are authorized by the budget and have not been encumbered.

(10) A district school board, when acquiring, whether by purchase, lease, lease with option to purchase, rental or otherwise, information technology resources, as defined in Section 282.303(13), Florida Statutes, may make any acquisition through the bid process as described herein or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the school district as determined by the school board.

(11) Except as otherwise required by statute, a district school board, when purchasing insurance, entering risk management programs, or contracting with third party administrators, may make any such acquisitions through the bid process as described herein or by direct negotiations and contract.

Specific Authority 229.053(1), 229.79, 237.02(2) FS. Law Implemented 229.79, 230.23(4)(j), 237.02(2) FS. History–Amended 12-17-65, 5-24-67, 9-17-72, 4-19-74, 9-19-74, Repromulgated 12-5-74, Amended 2-21-77, 3-10-85, Formerly 6A-1.12, Amended 6-27-89, 7-5-90, 6-10-92, 6-29-93, 4-25-96, 4-14-97, 7-17-00.

6A-1.013 Pool Purchases.
Two or more districts may jointly pool their requirements and resources and designate one school board, or the Department of Education, to act as agent for all in the requisitioning, bidding, and purchasing of services or commodities. Each district participating in such a pool purchase shall pay its pro rata cost to the district designated as the agent district and each district shall show only the net cost of such purchases in its annual report. The superintendent of the agent district shall in each case furnish each cooperating district a statement certifying that the purchase complied with all applicable laws and rules. If the Department of Education is designated as the agent, purchases shall be made in accordance with the requirements of the Division of Purchasing of the Department of Management Services and such purchases shall be deemed to satisfy the legal requirements of each participating district.

Specific Authority 229.053, 229.79, 237.02(2) FS. Law Implemented 229.79, 230.23(4)(j), 237.02(2) FS. History–New 9-17-72, Repromulgated 12-5-74, Amended 2-21-77, Formerly 6A-1.13.

6A-1.014 Expenditure of Funds in Programs and Schools Where Generated.
Compliance with the expenditure requirements as set forth in Section 237.34(3), Florida Statutes, shall be measured by the criteria set forth in subsections (1), (2) and (3) of this rule:

(1) Revenue generated by membership represents the product of the following six (6) factors and any adjustments by the Department for program ceilings or prior year adjustments:
   (a) The number of full-time equivalent students for each program funding category,
   (b) The cost factor for each program funding category,
   (c) The base student allocation,
   (d) The district cost differential,
(e) Other components as funded by the annual appropriations item for the Florida Education Finance Program (FEFP), and

(f) The proration factor, if it is necessary to prorate program earnings to available revenue.

(2) Eligible expenditures as used herein include all school level direct and indirect expenditures of the general fund exclusive of expenditures for recreational and enrichment programs, community services not funded under the FEFP, land, land improvement, buildings, and remodeling. Eligible expenditures are also to include expenditures for food services in the special revenue funds. Eligible expenditures for food services shall be limited by the amount of state and local tax support for food services.

(3) The identification of cost is based on the dimensions of fund, function, object, and facility. School level costs are distinguished from district level costs as follows:

(a) School level costs:
1. Salaries and fringe benefits of teachers,
2. Salaries and fringe benefits of other instructional personnel,
3. Salaries and fringe benefits of substitutes,
4. Salaries and fringe benefits of principals and other administrative personnel,
5. Salaries and fringe benefits of pupil personnel staff working with pupils,
6. Salaries and fringe benefits of other support staff in the school,
7. School staff travel,
8. Supplies and materials used in the school center,
9. Maintenance for the school,
10. Utilities for the school,
11. Equipment, audio visual materials and library books for the school,
12. Library and audio visual materials, processing and film rentals,
13. Educational television for instructional purposes,
14. Staff training for school level instructional and non-instructional personnel,
15. Data processing for student oriented applications,
16. Curriculum coordinators assigned to the school,
17. School building related insurance,
18. Printing of instructional and other school use materials,
19. Warehousing and distribution of materials used at the school,
20. Transportation costs other than district level administration of the activity,
21. Food service costs other than district level administration of the activity,
22. All other costs of a school level nature.

(b) District level costs:
1. Board expense,
2. Salaries and fringe benefits of superintendent and staff,
3. Salaries and fringe benefits of other district staff including subject matter and grade level coordinators, consultants, or supervisors, as well as the district level supervisors or directors of transportation, food service, maintenance and operations,
4. Salaries and fringe benefits of other district support personnel,
5. Travel of district level personnel,
6. Supplies and materials used in district offices,
7. Bonds and general liability insurance,
8. Maintenance for district offices,
9. Utilities for district office,
10. Equipment for district level services,
11. All other costs of a district level nature.

Specific Authority 229.053(1), 237.34(1) FS. Law Implemented 237.34 FS. History–New 7-20-74, Amended 9-5-74, Repromulgated 12-5-74, Amended 4-14-76, 7-12-77, Formerly 6A-1.14, Amended 6-10-87.

6A-1.0141 Categorical Program Funds.
Categorical program funds, identified in Section 236.081, Florida Statutes, or any other ear-marked funds allocated to a school district shall be expended only in the program for which funds are provided. Any such funds, except those categorical program funds provided through contract or grant for a specific period of time, not expended by a school district as of the close of a fiscal year shall be carried forward into the following fiscal year for the same categorical purpose.

Specific Authority 229.053 FS. Law Implemented 237.01, 236.081 FS. History–New 10-31-74, Repromulgated 12-5-74, Amended 4-8-75, Formerly 6A-1.141.
**6A-1.0143 Promotion and Public Relations Funding.**

(1) Funds derived from auxiliary enterprises and undesignated gifts shall be disbursed in accordance with rules of the school board for such purposes as are deemed to be for the benefit of the district. For purposes of this rule funds from auxiliary enterprises will be defined as profits from enterprise type activities of the district, excluding food service activities, which may include, but are not limited to, vending machines, supply stores, and other internal account funds profits not specifically designated for student or school-level purposes.

(2) The rules of the school board may authorize the use of a portion of such funds for the purpose of promotion, public relations, and hospitality of business guests provided that such purpose will directly benefit or be in the best interest of the district. Promotions and public relations activities may include, but are not limited to, activities involving graduation, orientation and work conferences, recruitment of employees, official meetings and receptions, guest speakers, accreditation studies, and other developmental activities, awards or other types of recognition for meritorious performance.

(3) The rules of the school board may authorize the use of a portion of such funds for hospitality of business guests. Disbursements for any fiscal year for hospitality of business guests shall not exceed the following amounts:

<table>
<thead>
<tr>
<th>District Size (Prior Year Unweighted Full-Time Equivalent Students)</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 2,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>2001 – 5,000</td>
<td>$4,000</td>
</tr>
<tr>
<td>5001 – 10,000</td>
<td>$10,000</td>
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<tr>
<td>10,001 – 15,000</td>
<td>$20,000</td>
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<tr>
<td>15,001 – 25,000</td>
<td>$30,000</td>
</tr>
<tr>
<td>25,001 – 150,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>150,001 or more</td>
<td>$75,000</td>
</tr>
</tbody>
</table>

(4) Funds used for purposes specified in subsections 6A-1.0143(2), (3), F.A.C., shall be expended from or district fund which generated the revenue.

*Specific Authority 229.053(1), 237.046 FS. Law Implemented 237.046 FS. History–New 7-26-84, Formerly 6A-1.143, Amended 11-15-93.*

**6A-1.037 Approval of Proposals for Issuing Special Tax School District Bonds.**

The following requirements shall be observed as a basis for approval of proposals for the issuance of bonds by any special tax school district:

(1) A survey of the school plant needs of the district shall have been made within the preceding twelve (12) months in cooperation with the department of education. The report of this survey shall include recommendations of the projects needed to meet school plant needs within the foreseeable future, together with a building finance plan which shall take into consideration all state, local, and other financial resources. The school board shall have considered the report of said survey and have determined what school centers should be considered permanent before proposing the issuance of bonds.

(2) The amount of the proposed bond issue, together with other school bonds outstanding against the district shall not exceed ten (10) percent of the nonexempt assessed valuation of the district, except with specific approval of the state board. The estimated millage levy required for servicing the proposed bond issue together with the outstanding school bonds of the district shall not exceed six mills except with specific approval of the state board.

(3) The bonds shall be amortized over a period of not more than twenty years, unless otherwise specifically authorized by the state board of education.

(4) All of the above steps shall be taken, and a copy of the materials relating to the proposal for the bond issue in the form prescribed by the commissioner of education, shall be submitted to and approved by the commissioner of education before the school board approves any petitions for or acts favorably on, a proposal for a bond issue for any special tax school district. Approval of a proposal for a bond issue by the commissioner of education shall be prima facie evidence that all requirements herein prescribed have been satisfactorily observed.

(5) When a proposal for a bond issue has been approved as herein prescribed the school board shall proceed by adopting a form of resolution substantially as prescribed by the attorney general and taking such other steps as are prescribed by law.

*Specific Authority 229.053(1), 236.37(3) FS. Law Implemented 229.053(1), 236.36, 236.37 FS. History–Repromulgated 12-5-74, Formerly 6A-1.37.*
6A-1.038 Funding and Refunding of School District Indebtedness.

(1) When any unfunded or delinquent indebtedness exists against the district current school fund or when any other type of unfunded legally incurred school indebtedness exists, it shall be the duty of the superintendent to prepare and the school board to approve a plan for retiring this indebtedness in accordance with the provisions of Section 237.171, Florida Statutes, and to submit such a plan as part of the budget for any school year; provided, that if it is impossible to prepare such a plan, a complete and satisfactory explanation shall be submitted with the budget.

(2) It shall be the duty of the commissioner of education to assist and cooperate with the superintendent and school board in any district in which any unfunded or delinquent indebtedness exists in preparing plans for retiring such indebtedness and to refuse to approve the annual school budget until a satisfactory plan has been submitted, or explanation is given showing that such a plan is not practicable that year.

(3) Any district which fails and refuses to prepare a plan for retiring unfunded or delinquent indebtedness shall not be entitled to participate in the minimum foundation program until such a plan is prepared or satisfactory explanation is given as provided herein.

(4) Approval of all plans for refunding or retiring, unfunded indebtedness under Section 237.171, Florida Statutes, heretofore approved by the Commissioner or the State Board is hereby confirmed and such plans shall be valid and binding until the indebtedness is finally extinguished.


6A-1.0402 School and District Annual Reports.

(1) Beginning with school and district reports for the 1985-86 school year, each school and district report shall contain the percentage of total student attendance and the percentage of student attendance by race and sex. The method of calculating these percentages of student attendance shall be as follows: Attendance shall be summed for each of the two (2) eleven-day periods coinciding with the full-time equivalent student surveys to obtain an aggregate student attendance. Student membership shall be summed for the same periods to obtain aggregate student membership. Aggregate student attendance then shall be divided by aggregate student membership to obtain the percentage of total student attendance. The same calculation shall be made to obtain the percentage of student attendance by race; the same percentage of student attendance also shall be made to obtain the percentage of student attendance by sex. Reports shall include an analysis of the progress made toward remediating problems with low attendance rates.

(2) Beginning with school and district reports for the 1984-85 school year, student dropouts, corporal punishment, in-school and out-of-school suspensions, and expulsions shall be reported in each school and district report by race and by sex. These data shall be the same data that districts are required to report annually to the Division of Public Schools.

(3) Beginning with school and district reports for the 1985-86 school year, each school district report shall:

(a) Include an analysis of progress toward identifying potential dropouts and remediating the problem;

(b) Report separately students who leave a public school because their parents or legal guardians are part of the seasonal migrant labor force, as defined in Chapter 1 of the Education Consolidation and Improvement Act of 1981 (P.L. 97-35), and who do not transfer to another public or private school or other educational institution, and;

(c) Report separately students who leave a public school because their parents are part-time residents of Florida, and who do not transfer to another public or private school or other educational institution.


It is the responsibility of the principal of a secondary school containing any of the grades seven (7) through twelve (12) to develop and implement a security program. The security program may involve teachers, volunteers, neighborhood watch programs, school resource officers, security guards or any combination thereof. It is also the responsibility of the principal to inform all school personnel, at least annually, of the procedures and personnel included in the program and to evaluate the program annually to make any changes needed to improve procedures.

Specific Authority 228.088, 229.053(1) FS. Law Implemented 228.088 FS. History–New 1-29-86.


(1) It is essential that schools be safe and orderly to provide environments that foster learning and high academic achievement. Goal Five of the state education goals (Section 229.591(3)(e), Florida Statutes) calls for communities to provide an environment that is drug-free and protects students’ health, safety, and civil rights. The goal emphasizes the personal responsibility of students and the necessity of involving all stakeholders, including parents, in achieving this goal. Although education and prevention are the preferred means of achieving safe schools, there must be a clear statement of policy that violence in schools will not be permitted. This rule implements the State Board of Education’s zero tolerance policy on school violence, crime, and the use of weapons as part of a comprehensive approach to reducing school violence and crime. This policy requires school districts to:
(a) Invoke the most severe consequences provided for in the Code of Student Conduct (Section 230.23, Florida Statutes) in dealing with students who engage in violent criminal acts on school property, on school sponsored transportation, or during school sponsored activities;

(b) Notify a local law enforcement agency when an adult or a student commits the offenses listed in subsection (2) of this rule, on school property, on school sponsored transportation, or at school sponsored activities;

(c) Adopt a process for facilitating active communication and cooperation between schools and law enforcement agencies, the Department of Health and Rehabilitative Services, and the Department of Juvenile Justice in sharing information that will help school officials make the best decisions regarding students’ educational services and placement;

(d) Assist teachers and other school personnel, consistent with district school board policies and Code of Student Conduct, to act decisively and effectively when dealing with violent and disruptive youth.

(2) Each school district shall review its Code of Student Conduct and amend the Code, if necessary, to ensure that students found to have committed the following offenses on school property, school sponsored transportation, or during a school sponsored activity shall receive the most severe consequences provided for by school board policy:

(a) Homicide (murder, manslaughter);
(b) Sexual battery;
(c) Armed robbery;
(d) Aggravated battery;
(e) Battery or aggravated battery on a teacher or other school personnel;
(f) Kidnapping or abduction;
(g) Arson;
(h) Possession, use, or sale of any firearm; or
(i) Possession, use or sale of any explosive device.

(3) Prior to taking such action against any student, the school board shall ensure that appropriate due process procedures are followed. If a student committing one of the offenses outlined in subsection (2) of this rule is identified as disabled and participating in a program for exceptional students, then school personnel shall follow procedures in Rule 6A-6.0331, F.A.C. This provision shall not be construed to remove a school board’s discretion in cases where mitigating circumstances may affect decisions on disciplinary action.

(4) Each school board shall adopt a zero tolerance policy on school violence and ensure that all students and their families are aware of this policy. Such communications to families shall be consistent with equal access provisions of subsection (2) of Rule 6A-6.0908, F.A.C. The school board shall ensure that all school personnel are aware of the contents of this rule and the school board’s zero tolerance policy on school violence.

(5) School boards may assign more severe consequences than normally authorized for violations of the Code of Student Conduct when the offender appears motivated by hostility toward the victim’s real or perceived gender, race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability.

(6) School officials shall ensure that local law enforcement authorities are notified as soon as possible when one of the offenses listed in subsection (2) of this rule is committed on school property, on school sponsored transportation, or during a school sponsored activity. Additionally, if the offense involves a victim, school officials shall notify the victim and the victim’s parents or legal guardian if the victim is a minor, of the offense and of the victim’s right to press charges against the offender. School personnel shall cooperate in any investigation or other proceedings leading to the victim’s exercise of rights as provided by law.

(7) The school principal shall monitor the administration of discipline of students to ensure that discipline is administered equitably without regard to real or perceived gender, race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability. Annually, the principal shall review school discipline data with the school advisory council in developing school improvement plans to maintain a safe and healthy school environment that protects the civil rights of all students.

(8) The authority of the teacher and other instructional personnel to discipline violent and disruptive students shall be consistent with the provisions of the Code of Ethics (Rule 6B-1.001, F.A.C.) and the Principles of Professional Conduct of the Education Profession in Florida (Rule 6B-1.006, F.A.C.) school districts Code of Student Conduct, and schools’ policies. Goals Five and Six of Blueprint 2000 address the significance of the school providing an environment which promotes good health and is free of violence, weapons, hazards, vandalism, substance abuse, and disruptive influences. Within these parameters, the teacher and other instructional personnel shall have the authority to undertake any of the following alternatives in managing student behavior and in ensuring the safety of all students in their classes and schools:

(a) Create and maintain positive learning environments in which students are actively engaged in learning, social interaction, and self-motivation;
(b) Establish classroom rules of conduct;
(c) Make reasonable efforts to protect the student from conditions harmful to learning, mental and physical health, and safety (paragraph (3)(a) of Rule 6B-1.006, F.A.C.);
(d) Establish and implement consequences for infractions of classroom rules;
(e) Assist in enforcing the Code of Student Conduct and school rules on school property, on school sponsored transportation, and during school sponsored activities;

(f) Assist in educating students of their rights and responsibilities as contained in the Code of Student Conduct and school rules;

(g) As an early intervention, hold parent conferences to solicit support for positive behavior management;

(h) Utilize existing referral and assessment procedures to determine the violent and disruptive student’s need for additional services and special programs;

(i) If the violent and disruptive student has been identified as having disabilities and is currently enrolled in an exceptional student education (ESE) program, the teacher and other instructional personnel apply the provisions of Rule 6A-6.0331, F.A.C.;

(j) Collaborate with school resource officers, student assistance personnel, and other student services personnel in identifying services for violent and disruptive students;

(k) Have violent and disruptive students temporarily removed from the classroom or area of supervision for behavior management intervention;

(l) Inform a student’s parent or guardian within twenty-four (24) hours after the student is referred for violent or disruptive behavior;

(m) When necessary, use reasonable force to protect themselves, students and other adults from violent acts; and

(n) Press charges as authorized in Section 231.06, Florida Statutes, if a crime has been committed against the teacher or other instructional personnel on school property, on school sponsored transportation, or during school sponsored activities.

(9) Teachers and other instructional personnel have responsibilities for the safety of students and others as described in Rules 6B-1.001 and 6B-1.006, F.A.C.

(10) School board policies shall allow, and school administrators shall provide, the following upon request by school personnel:

(a) Information as to the disposition of their referrals to the administration for violation of classroom or school rules;

(b) Assistance in behavior management if student(s) becomes uncontrollable or in case of emergency; and

(c) Training and other assistance to improve skills in behavior management, violence prevention, conflict resolution, and related areas.

(11) Upon receipt of notification from law enforcement, the Department of Juvenile Justice, the Office of the State Attorney, or the court system that a public school student has had certain types of contact with the juvenile justice system, the superintendent of designee, within twenty-four (24) hours of such notice, shall provide information on the nature of the contact to the principal of the student’s school of enrollment. The principal or designee, within twenty-four (24) hours of such notice, shall provide such information to student services personnel, school resource officers, the school student assistance coordinator (if applicable), and the student’s immediate teachers. Immediate teachers are those in whose courses or classrooms the student in question is currently enrolled. The above notification is required if the public school student has:

(a) Been taken into custody for a delinquent act, a violation of law which would be a felony if committed by an adult, or a crime of violence;

(b) Been charged with a felony or a delinquent act that would be a felony if committed by an adult;

(c) Been adjudicated delinquent for an offense that would be a felony if committed by an adult;

(d) Had adjudication withheld for a delinquent act that would be a felony if committed by an adult; or

(e) Been found guilty of a felony.

(12) The principal or director of an off-site program in which the student may be assigned shall assure that the information on that student does not become a part of the student’s permanent record and is not shared with school personnel who do not have a need to know. In sharing the information, all school personnel shall adhere to confidentiality provisions contained in applicable state and federal laws and regulations.

(13) The principal or other authorized school official may use a student’s juvenile justice information, in conjunction with other relevant information, to review a student’s current educational placement and need for services, and to protect the safety of other students and school personnel. Such placement decisions shall be made in accordance with school board policies and state laws and regulations governing the placement alternative.

(14) Following appropriate due process procedures, a student charged with a felony or delinquent act that would be a felony if committed by an adult, whether it occurred on or off the school property, may be assigned to an alternative program or receive alternative educational services. Such assignment may be made upon the determination that the student is eligible according to federal or state criteria, and:

(a) The nature of the offense is such that the student poses a threat to the safety of other students or personnel at school;

(b) The student’s safety is at risk by remaining in school with other students; or

(c) An alternative education placement will better meet the educational, emotional, and social needs of the student.

(15) If a principal has reason to believe that a student may have a criminal record, the principal is authorized to request and receive information on the criminal history of a public school student from a local law enforcement agency. Procedures for the request, receipt, maintenance, retention, and use of such information shall be specified in approved school board policies and shall be included in a cooperative agreement with an appropriate local law enforcement agency.

6A-1.0421 Temporary Inability of Superintendent of Schools to Perform the Duties of Office.

(1) Where the superintendent of schools of any district is mentally capable of making decisions but because of a physical injury or handicap is unable to affix his manual signature to checks, warrants and other documents the following procedures shall be followed:

(a) Where checks and warrants are signed by facsimile signatures with the bank being furnished a list describing each check in such detail as to make it identifiable, the superintendent shall examine the list and approve the issuance of the check. The list of checks shall be prepared in the office of the superintendent who shall direct some other person to sign his name to the list. Such signing shall take place in the presence of the superintendent and the fact that he authorized some other person to affix his signature shall be attested by two (2) witnesses who shall affix their signatures.

(b) Where the superintendent has filed a facsimile signature as provided in Section 116.34(3)(a), (b), (c), Florida Statutes, he may authorize and direct a member of his staff to affix his facsimile signature by stamp. Where such facsimile signature is used in lieu of the manual signature, the name of the person authorized to affix the superintendent’s signature shall be submitted to and approved by the school board and such approval shall be duly recorded in the official minutes of the school board.

(c) Where a facsimile signature has not been filed, a duly sworn statement shall be executed by the superintendent certifying the name of the person authorized and directed by the superintendent to sign his name to be his legal signature for the purpose of authenticating, validating and making legal papers, vouchers, warrants or other documents or papers requiring his manual signature in his capacity of superintendent. The said sworn statement shall be made before a person authorized to take acknowledgments of instruments for public record and in the presence of at least a majority of the membership of the school board who shall sign the statement as witnesses. Subsequently, and prior to affixing the superintendent’s signature as prescribed in the sworn statement, the school board shall in official session approve the procedure set forth in the sworn statement and shall cause the sworn statement to be recorded in its official minutes.

(d) Pursuant to the action of the board authorizing a person to affix the superintendent’s signature as provided in paragraphs (1)(b) and (c), the board shall file a certified copy of its minutes showing the official action of the board with the Commissioner of Education, the Legislative Auditor and the Secretary of State.

(2) Where a superintendent is unable to perform the duties of his or her office due to extended illness, disability, resignation, or death, which prevents him or her from making decisions, the following procedures shall be followed:

(a) The school board, acting in formal session, shall adopt a resolution explaining the circumstances and appoint a person to assume the duties of the superintendent during the superintendent’s absence and until such time as he or she is able to perform the duties of the office or until the office is filled as provided by law.

(b) The person appointed by the board shall have no further authority if for any reason the office becomes vacant.

(c) If the superintendent is able to recommend a person to act in his or her absence, such a recommendation shall be obtained from the superintendent and shall be considered by the school board.

(d) Pursuant to the board’s action in appointing a person to act as an assistant to the superintendent as provided herein, the board shall file a certified copy of the resolution and any minutes showing the official action of the board with the Commissioner, the Legislative Auditor and the Secretary of State.

(e) After the superintendent has recovered from illness or disability, or the vacancy is filled following resignation or death, any and all actions taken by the assistant superintendent shall be reviewed, approved and ratified, unless an action, in the superintendent’s opinion, was improper or illegal.


6A-1.044 Pupil Attendance Records.

(1) Pupil attendance records shall be maintained for any student enrolled in public schools who is earning high school credit as provided in Section 232.2462, Florida Statutes, who is funded as provided in Chapter 236, Florida Statutes, and the Appropriations Act, or who is required to be in attendance by the compulsory attendance requirements as provided in Chapter 232, Florida Statutes.

(2) The automated student attendance recordkeeping system as provided for in Rule 6A-1.0014, F.A.C., shall be the attendance system as used in this rule.

(3) The presence, absence, or tardiness of each student shall be checked once each day at a time or times prescribed by the school board and all absent and tardy pupils shall be recorded daily in the Automated Student Attendance Recordkeeping System as described in the Department of Education Comprehensive Management Information Automated System Attendance Recordkeeping Handbook. The attendance recordkeeping system shall provide complete and accurate attendance data and shall make provision for maintaining auditable records for three (3) years or until applicable audits are completed. The attendance records shall also show the dates of a student’s enrollment, withdrawal or re-entry in the school for the applicable year. Data shall not be recorded in temporary records, and then transferred at a later date to attendance records, except for the first ten (10) days of each school year.
(4) Attendance of all pupils must be maintained during the one hundred eighty (180) day school year or the equivalent and summer school when applicable as provided by law and rules of the State Board shall be required, except for absence due to illness, or as otherwise provided by law.

(5) For the purpose of compliance with this rule, a pupil shall be deemed to be in attendance if actually present at school, or away from school on a school day and engaged in an educational activity which constitutes a part of the school-approved instructional program for that pupil. Any such attendance must be in accordance with the minimum time requirements specified by Section 228.041(13), Florida Statutes.

(6) For the purpose of recording attendance, attendance of pupils shall be reported as follows:

(a) Each pupil who is scheduled at a school center for the minimum required school day, and who is recorded as being present or tardy, shall be reported as present one (1) day.

(b) Each pupil who is scheduled at a school center for instructional purposes for a partial day, and at an area vocational-technical center, a vocational school, a community college, a university, or another school center for a partial day shall be reported as present or absent for the appropriate portion of the day at each center.

(c) The attendance of a pupil who is assigned to an on-the-job instructional program which does not require his or her presence at a school center for on-the-job instructional purposes shall be reported as being in attendance when documented through the use of a time card to report actual days in attendance and a time card or work schedule to report instructional or work hours. Both the time card and schedule should be signed by the employer or instructional supervisor.

(d) The attendance of a pupil who is assigned to an instructional program which does not require his or her regular presence at a school center for instructional purposes shall be reported as present or absent at an assigned school center.

(7) The Automated Student Attendance Recordkeeping System shall be retained at the school or district level as directed by the superintendent of schools.

(8) The district school board is authorized to destroy the records contained in or produced from the Automated Student Attendance Recordkeeping System after three (3) years or the completion of an audit by the state audit agency, whichever period is longer, provided that the district shall comply with the legislative intent of Chapter 257, Florida Statutes, as expressed in Section 257.37, Florida Statutes, and shall permanently preserve attendance information for each pupil as required by Rule 6A-1.0955, F.A.C. Attendance information must be permanently preserved for pupils not covered by Rule 6A-1.0955, F.A.C.

(9) The principal shall be responsible for the administration of attendance policies and procedures and for the accurate reporting of attendance in the school under his or her direction. The principal shall assure that all teachers and clerks are instructed in the proper recording of attendance, and it shall be his or her duty to see that such instructions are followed. The principal or designee shall inspect and determine the completeness and accuracy of the records contained in the Automated Student Attendance Recordkeeping System for each of the required full-time equivalent student membership periods. At the end of each school year the principal or designee shall certify the completeness and accuracy of the automated attendance records indicating that all attendance records have been kept as prescribed by law and rules of the State Board. The method used to certify the records is based on internal district procedures. The automated student attendance records shall be readily accessible in a form prescribed in subsection (12) of this rule for state auditing and monitoring purposes. An attendance record containing any material inaccuracies, resulting from willful or intentional falsification of data by or for the principal, shall be considered a false report for which the principal shall be subject to penalties as provided by law.

(10) For FTE auditing purposes, if the principal or designee failed to sign an attendance record or report, a signed and dated certified statement from the principal or designee identifying that the record was the record used to report attendance for a particular school year, that the record has not been changed since that time, and that attendance was reported as prescribed by law and rules of the State Board may be substituted for the lack of an original signature. If neither the principal nor designee is an employee of the school district when the absence of a signature on an attendance record is discovered, the superintendent or designee may sign the certified statement. If attendance records are incomplete as to verification of full-time equivalent student membership for funding purposes prior to July 1, 2001, other records maintained by the school district may be used to verify membership provided a signed and dated certified statement is appropriately attached as provided in this subsection.

(11) The Automated Student Attendance Recordkeeping System shall be prima facie evidence of the facts which it is required to show.

(12) Forms ESE 950 Automated Individual Student Attendance Record, Grades PK-12; ESE 953 Automated Individual Student Attendance by Period Record, Grades 9-12; ESE 954 Automated Individual Student Attendance by Period Summary, Grades 9-12 and ESE 981 Automated Student Attendance by Period Summary, Grades 9-12; ESE 955, Automated Multi-Day Student Attendance Register, Grades PK-12; ESE 956, Automated Multi-Day Student Attendance by Period, Grades 9-12; ESE 957, Automated Multi-Day Adult Student Attendance Register; ESE 958 Adult Student Attendance Register; and ESE 982 Adult Student Attendance Roster are hereby incorporated by reference and made a part of this rule to become effective November 2002. These forms may be obtained from Education Information and Accountability Services, Division of Technology, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

6A-1.0451 Florida Education Finance Program Student Membership Surveys.

(1) The Commissioner shall prescribe the methods for completing and reporting full-time equivalent student membership surveys and transported student membership surveys in each school district for the Florida education finance program. The methods prescribed shall include but not be limited to the following:
   (a) Uniform dates for each survey within the fiscal year.
   (b) Instructions for completing the surveys.
   (c) Instructions for reporting the data to the Department.
   (d) Instructions for maintaining student records for audit purposes.

(2) The Commissioner shall have the authority to establish for any school district or school an alternate date for a full-time equivalent membership survey or transported student membership survey within nine (9) weeks of the regular statewide survey if evidence is submitted by the school district which indicates an abnormal fluctuation in student membership has occurred at the time of the statewide survey. The alternate date shall be established by the Commissioner prior to conducting the survey. In determining what constitutes an abnormal fluctuation, the Commissioner shall examine the historical trends in student membership and limit consideration to changes in which there is a variation in excess of twenty-five (25) percent in any school, or five (5) percent in the district between the membership count at the time of the statewide membership survey and the alternate membership count due to factors such as major student boycotts; civil disturbances; in-migration or out-migration in agricultural, industrial, and federal installations or contractors; or providential causes beyond the control of the district school board.

(3) The Commissioner may approve an alternative to the instructions in paragraphs (b), (c), and (d) of subsection (1) of Rule 6A-1.0451, F.A.C., for a given district based on an emergency, a pilot study, or increased effectiveness and efficiency in data collection or reporting.

(4) During the year, at least four (4) full-time equivalent student membership surveys shall be conducted under the administrative direction of and on a schedule provided by the Commissioner. The second period and the third period full-time equivalent student membership survey for students in a program scheduled for one hundred eighty (180) school days shall each be equal to ninety, one hundred eightieths (90/180) of the school year. Students in a program scheduled for less than one hundred eighty (180) school days in any full-time equivalent student membership survey shall be a fraction of a full-time equivalent member as provided in Section 236.013(2)(c)2., Florida Statutes. The four (4) survey periods, insofar as practicable, shall be scheduled to take the extended school year, staggered school year, and other variations of the regular one hundred eighty (180) day school year into consideration. School districts may submit amendments to student membership survey data for a period of nine (9) months from the due date of the membership survey being amended, or until a membership survey audit as required by Rule 6A-1.0453, F.A.C., has been completed, whichever shall take place first. Such amendments which are submitted too late to be reviewed and included in the last membership data determining the earnings of Florida education finance program funds for the given year shall be treated as prior year adjustments.

(5) For purposes of transportation, physically handicapped students under Section 236.083, Florida Statutes, shall be those students defined by Rule 6A-6.0301, F.A.C., as trainable or profoundly handicapped, hearing impaired, visually impaired or physically impaired who have been appropriately identified under the district procedures for providing special education for exceptional students.

(6) When passengers other than public school students in membership, grades K-12 and exceptional, are transported on a school bus at the same time public school students are transported to or from school, the bus route mileage required to transport students as authorized in Section 236.083(2), Florida Statutes, shall be computed as follows:
   (a) If the number of passengers other than public school students in membership, grades K-12 and exceptional, transported on a bus route exceeds five (5) percent of the manufacturer’s rated seating capacity of the bus, the loaded bus route miles for that trip shall be adjusted by the percentage of passengers that are not public school students in membership, grades K-12 and exceptional.
   (b) Bus miles traveled over a side route to load or unload passengers other than public school students in membership, grades K-12 and exceptional, and miles traveled transporting exclusively other passengers shall not be reported to or counted by the Department for the purpose of FEFP transportation funding.

(7) For students in all special programs, a student’s full-time equivalent membership shall be reported in the respective special program cost factor prescribed in Section 236.081(1)(c), Florida Statutes, when the student is eligible and is attending a class, course, or program which has met all of the criteria for the special program cost factor. In addition, when reporting program membership, each student shall be reported in the same special program category as reported in the full-time equivalent membership survey.

(8) For a student to be reported for a special program cost factor for exceptional students, all students in membership and attending an exceptional student class, course or program shall be eligible exceptional students as defined in Rule 6A-6.0301, F.A.C.

(9) ESE 135, School Funding Certification; ESE 233, FEFP Transportation Survey; ESE 693, School Funding Certification Supplemental FTE Information; ESE 909, Automated Format for FTE Membership Survey; EJE 059, School Funding Certification, Adult FTE Information; and ELS 329, School Funding Certification, Supplemental FTE Information, effective October 1994, are hereby incorporated by reference and made a part of this rule. These forms may be obtained from the Bureau of School Business Services, Division of Public Schools, The Florida Education Center, Department of Education, Tallahassee, Florida 32399.
implementation of promotion policies shall not include remedial, enrichment or recreational activities as defined below:

(3) The eligibility for FTE membership has been determined by the superintendent, or his designee; provided, however, the implementation of promotion policies shall not include remedial, enrichment or recreational activities as defined below:

(a) Remedial is special instruction intended to overcome, completely or partially, any particular deficiency of a student without regard to promotion or graduation.

(b) Enrichment is a horizontal extension of the curriculum to provide additional educational opportunities or to improve or enhance the quality of life for students with high ability or interest without regard to accelerated promotion.

(c) Recreational is leisure time activities organized for the enjoyment and appreciation by the individual.

6A-1.04511 Full-time Equivalent Student Membership in Basic Programs Beyond the One Hundred Eighty (180) Day School Year.

FTE membership in basic programs offered beyond the 180 day school year for credit or promotion shall earn FEFP funds only when the following provisions have been met:

(1) The school board has adopted a policy, pursuant to Section 230.23(6)(a), Florida Statutes, and this rule, for awarding course credit and for promoting students.

(a) Promotion is the act of changing a pupil’s placement from a lower to a higher grade, academic level, age category, number of credits, or continuous progress level based on a matrix of factors such as physical, emotional, social, and achievement.

(b) Credit is a measure of performance indicating the satisfactory completion of a predetermined task, unit of work, or course which may be applied toward promotion or graduation.

(2) The promotion of a student has been based on satisfactory completion of, or performance in activities or courses which are included in the approved course of study as required in Section 230.23(7)(a), Florida Statutes.

(3) The eligibility for FTE membership has been determined by the superintendent, or his designee; provided, however, the implementation of promotion policies shall not include remedial, enrichment or recreational activities as defined below:

(a) Enrichment is a horizontal extension of the curriculum to provide additional educational opportunities or to improve or enhance the quality of life for students with high ability or interest without regard to accelerated promotion.

(b) Remedial is special instruction intended to overcome, completely or partially, any particular deficiency of a student without regard to promotion or non-promotion.

(c) Recreational is leisure time activities organized for the enjoyment and appreciation by the individual.

4. The student must be assigned to the mainstream program on a part-time or full-time basis for a period of time not to exceed nine hundred (900) hours per school year, provided such student is furnished special services, aids, or equipment as defined as subsection (2) of this rule.

5. The physically impaired student, in accordance with the individual educational plan, must be assigned to a basic or vocational mainstream program for a period of time which is less than nine hundred (900) hours per school year, provided such student is furnished special services, aids, or equipment as defined as subsection (2) of this rule.

6. The student has been identified as eligible and given the option of attending school beyond the 180 day school year:

(a) Because of non-promotion, which results in the student being retained if the option to attend is not accepted, or

(b) In order to complete the required course of studies at a rate in excess of that which may be accomplished through the normal 180 day term, or to earn credit or credits above the eighth grade which may be applied toward high school graduation under rules of the district school board.

6A-1.04513 Maintaining Auditable FTE Records.

Each school district shall maintain documentation adequate to support the full-time equivalent student membership of the district. Such documentation shall include, but is not limited to, all student membership survey forms, all student attendance records, and all student schedule records. These records shall be maintained in auditable condition, shall be made available to the Department of Education for auditing, and shall be kept for a period of three (3) years or until the completion of audit by the Department, whichever period is longer.

6A-1.04514 Exceptional Student Membership in Mainstream Programs.

1. Eligibility. School districts are eligible to receive funds for exceptional students (excluding gifted students) who are reported in basic and vocational mainstream programs as defined in Section 236.081(1)(f), Florida Statutes, for the time these students are enrolled in the mainstream program when the conditions below are satisfied:

(a) The student must be assigned to and reported as enrolled in a special program for exceptional students as defined in Section 236.081(1)(c), Florida Statutes; and

(b) In accordance with the individual educational plan, the student must be assigned to a basic or vocational mainstream program for a period of time which is less than nine hundred (900) hours per school year, provided such student is furnished special services, aids, or equipment as defined in subsection (2) of this rule.

(c) The physically impaired student, in accordance with the individual educational plan, must be assigned to a basic or vocational mainstream program on a part-time or full-time basis for a period of time not to exceed nine hundred (900) hours per school year, provided such student is furnished special services, aids, or equipment as defined as subsection (2) of this rule.

2. Special services, aids, and equipment. Items which qualify a student for the mainstream cost factor include:

(a) Consultative services, as defined in paragraph 6A-6.0311(1)(a), F.A.C., to provide supplementary consultation from instructional or support service professionals. The purpose of consultation shall be to enable the mainstream teacher to provide course modifications consistent with Rule 6A-6.0312, F.A.C., or to employ behavior management strategies to meet the needs of the exceptional student in the mainstream classroom. Such consultation shall be regularly scheduled, based on a written plan, and occur at least monthly, and written documentation shall be maintained.

(b) Instructional aides or other support personnel assigned to assist individual exceptional students;
(c) Interpreters or notetakers;
(d) Adaptive equipment and materials, when the cost per year to the school district exceeds one-fourth of the base student allocation per student, for purchase or maintenance; and
(e) Facility adaptations and equipment modifications, when the cost per year to the school district exceeds one-fourth of the base student allocation per student, for purchase or maintenance.

(3) This rule shall be effective starting with the 1990-91 school year.

Specific Authority 229.053(1), 230.23(4)(m) FS. Law Implemented 230.23(4)(m), 236.081(1)(f) FS. History–New 9-19-90.

6A-1.0452 Distribution of Florida Education Finance Program Funds.

(1) The entitlement of current operations and transportation funds shall be distributed in amounts as nearly equal as practicable based upon distribution schedules developed by the Department. The Department may adjust the distribution of funds to the entitlement each district may reasonably expect to receive during the fiscal year.

(2) Each district shall be provided with its estimated Florida Education Finance Program prior to July 1 of each year. The estimated program shall be based on full-time equivalent student membership data, together with appropriate estimates and other relevant data affecting a district’s entitlement.

(3) The results of the first, second and third period full-time equivalent student membership surveys shall be added to the estimated fourth period full-time equivalent student membership. A final estimate of each district’s Florida Education Finance Program for current operations and transportation shall be made by April of each year and shall be used to make adjustments to the amount of funds distributed to the district for the remainder of the fiscal year.

(4) The fourth period full-time equivalent student membership survey shall be made prior to June 30, and used to adjust the fourth period estimate utilized in subsection (3) above. As a result of this survey, any difference in the amount of a district’s entitlement and the actual funds distributed shall be adjusted in the succeeding year.

Specific Authority 229.053(1) FS. Law Implemented 236.081 FS. History–New 2-18-74, Revised 6-17-74, 10-31-74, Repromulgated 12-5-74, Formerly 6A-1.452, Amended 8-30-88.

6A-1.0453 Educational Program Audits.

Periodic examinations and audits of the accounts and programs of each school district shall be conducted by the Auditor General or the Commissioner. The Commissioner may utilize Department auditing staff as well as program staff in the Division of Public Schools and the Division of Workforce Development, in accordance with the provisions of Section 229.565, Florida Statutes.

(1) Responsibility for conducting audits is hereby assigned and delegated among organizational units of the Department as follows, provided that the Commissioner shall, whenever practicable, require coordination between such units in carrying out assigned responsibilities:

(a) The Division of Public Schools shall be responsible for:

1. Examination of educational alternative and exceptional student programs to determine compliance with law and criteria established by rules of the State Board and to ensure that assigned students have been properly classified and placed.
2. Determination of the existence and comprehensiveness of the criteria based on district goals, by which the school district evaluates basic and special programs for quality, efficiency, and effectiveness.
3. Examination of the procedures for screening, identification, and assignment of instructional strategies of the Florida Primary Education Program.
4. Examination of personnel data to verify accuracy of reported data on numbers of administrators and teachers.
5. Examination of fiscal records to verify accuracy of reported costs of all basic and special programs.

(b) The Division of Workforce Development shall:

1. Examine vocational education programs/courses to:
   a. Ensure that individual programs/courses use instructional objectives which are consistent with the criteria for qualification of individual courses as outlined in the publication titled, “Vocational Education Program Courses Standards,” incorporated by reference in Rule 6A-6.0571, F.A.C.
   b. Ensure that the grade levels of students are consistent with Rule 6A-6.065, F.A.C., and the current course code directory as required in Rule 6A-1.09441, F.A.C.
   c. Ensure that each program/course is staffed by a qualified teacher as required by Rule 6A-10.035, F.A.C., in accordance with Rule 6A-1.0503, F.A.C.
   d. Determine that the capability exists in the instructional setting to accomplish the program/course objectives as evidenced by adequate facilities, equipment and supplies, and instructional materials.
2. In those instances when a program is found to be out of compliance with law and criteria established by rules of the State Board of Education, an exception report shall be issued citing the program/course deficiencies. If the program/course is brought into compliance and a correction report is issued by August 1 of the following fiscal year, an FTE adjustment will not be made. However, if the program/course is not brought into compliance and a correction report not issued by August 1, the Department will make the appropriate FTE adjustments that will include all reported surveys for the previous fiscal year as appropriate.
3. Examine adult and community education programs to determine compliance with law and criteria established by rules of the State Board.

4. Determine the existence and comprehensiveness of the criteria based on district goals, by which the school district evaluates vocational education and adult general education programs.

   (2) The Auditor General is responsible for:

   (a) Periodically examining and evaluating programs, records and procedures in each district which requests funding under the Florida Education Finance Program.

   (b) Notifying the auditee of an upcoming audit and conducting an entrance briefing to explain the purpose, scope and schedule of the audit.

   (c) Scheduling an exit briefing with the auditee at the completion of the examination to discuss the findings.

   (d) Submitting to the auditee a list of findings which may be included in the audit report. The auditee shall submit to the Auditor General, within thirty (30) days after the receipt of the list of findings, his or her written statement of explanation or rebuttal concerning all the findings, including corrective action to be taken to preclude a recurrence of all findings.

   (e) Preparing a written report incorporating the response of the auditee. The audit report shall be transmitted to the Commissioner with copies to the Deputy Commissioner for Planning, Budgeting and Management and the Deputy Commissioner for Educational Programs. The audit report shall specifically identify instances of:

   - 1. Errors in the reported full-time equivalent membership by program category; and

   - 2. Improper classification or placement of individual students assigned to educational alternative or exceptional student programs.

   (3) Upon receipt of an official audit report, the Deputy Commissioner for Planning, Budgeting and Management shall compute the amount of adjustment to the district’s allocation of state funds necessary to compensate for the errors or deficiencies noted in subsection (2). In those instances where a student has been improperly classified or placed in an exceptional student program, and in those instances where a special program fails to meet the prescribed criteria, the adjustment shall be computed on the basis of the basic program cost factor for which each student qualifies. Except for adjustments made during the fiscal year in which the discrepancies occurred adjustments shall be limited to fund allocations and no changes shall be made in full-time equivalent membership data.

   (4) The Deputy Commissioner for Planning, Budgeting and Management, within forty-five (45) days of receipt of an official audit report and completion of any computation of adjustments required therein, shall provide an official notice to the district school board which shall include:

   - (a) A detailed analysis of the audit findings and the computation of all adjustments proposed to correct discrepancies;

   - (b) A statement citing the specific law or rule upon which the finding of each discrepancy is based, and the authority under which the adjustment is to be made; and

   - (c) An opportunity for the district to request a hearing, within sixty (60) days from date of the official notice, and prior to final action being taken. The district request for a hearing shall include the specific issues and schools.

   (5) In the event a district notifies the Department of its desire for a hearing on the proposed adjustment, the Department shall respond within thirty (30) days, and then the Commissioner shall schedule an informal conference between all parties in an effort to explain and resolve any disputed findings and to arrive at an agreement between the Department and the district. The conference hearing shall be held within twelve (12) months of initial request. If, however, the parties are unable to hold an informal conference or to arrive at a satisfactory agreement within twelve (12) months of the initial request and the school district wishes to proceed with a formal hearing, the Commissioner shall request the Division of Administrative Hearings of the Department of Administration to assign a hearing officer, and the Department shall proceed with the hearing in the manner prescribed by Section 120.57, Florida Statutes.

   (6) Following completion of the hearing, the recommended order of the hearing examiner shall be transmitted to the State Board. The State Board shall, following examination of the recommended order, adopt a final agency order as prescribed by Section 120.57, Florida Statutes.

   (7) Upon receipt of the final agency order, the Deputy Commissioner for Planning, Budgeting and Management shall compute the required adjustment, if any, to the district’s allocation of state funds, make the adjustment in the aforementioned funds, and notify the district of the final action.


6A-1.0501 Definition of Instructional Staff.

The instructional staff of a school district shall consist of:

(1) Those certificated staff members who are assigned duties which require a valid Florida teaching certificate, and which involve the provision of direct instructional services to students;

(2) Those certificated staff members who are assigned duties which require a valid Florida teaching certificate, and which consist of instructional support activities to students and teachers; and
(3) Those non-certificated personnel who are employed, pursuant to Rule 6A-1.0502, F.A.C., to render instructional services in their area of specialty.

Specific Authority 228.041(9), 229.053(1) FS. Law Implemented 228.041(9) FS. History–New 7-20-73, Amended 4-19-74, Repromulgated 12-5-74, Formerly 6A-1.501.

6A-1.0502 Non-certificated Instructional Personnel.

In each school district there are persons who possess expert skill in or knowledge of a particular subject or talent but do not hold a Florida teaching certificate. These persons constitute an invaluable community resource for the education of the pupils in that district. Each school board shall adopt such policies as are necessary to ensure that the principals and teachers of that district may utilize in an appropriate instructional capacity the services of such expert persons in the community. Such persons may serve as a non-paid volunteer or as a paid member of the instructional staff to render instructional service in the individual’s field of specialty but shall not be required to hold a Florida teaching certificate. The school board policies for non-certificated instructional personnel shall include, but are not limited to, the following:

(1) Health and age. Health and age requirements shall be the same as those required for certificated instructional personnel.

(2) Employment procedures. Employment procedures shall be the same as those followed for certificated instructional personnel, except that non-certificated instructional personnel shall not be entitled to a contract as prescribed by subsection 6A-1.064(1), F.A.C.

(3) Personnel records. The personnel records of the district shall contain information considered necessary by the school board to establish the specialty of the individual, and a statement of the instructional duties assigned to and performed by such person.

(4) Salary. The official salary scheduled for instructional personnel shall include a salary schedule for full-time and part-time employed non-certificated instructional personnel.

(5) Assignment, suspension and dismissal. Procedures for the assignment, suspension, and dismissal of non-certificated instructional personnel shall be adopted and provided in writing to each such employee at the time of employment.

(6) Assessment of performance. Procedures for assessing the performance of duties and responsibilities by all non-certificated instructional personnel shall ensure that each such person adequately performs the duties assigned.

(7) Pupil welfare. Procedures for assuring that each non-certificated instructional person who at any time is expected to assume responsibility for the health, safety, and welfare of pupils possesses, in advance of assuming the responsibility, a clear understanding of state and district rules, policies, and regulations relevant to instructional responsibilities. When assigned duties require knowledge of rules, regulations, or policies of a special nature, the policies shall specify that the person occupying a specifically named position is responsible to ascertain that the person possesses, in advance of assuming the duties, the necessary knowledge to perform such duties in a proper and reasonable manner.

(8) Instructional practices and policies. Procedures for assuring that each non-certificated instructional person who at any time is expected to assume responsibility for promoting pupil learning possesses, in advance of assuming this responsibility, a clear understanding of all state and district instructional practices and policies relevant to instructional responsibilities.

(9) In lieu of the requirements herein, the school board may adopt special policies for those part-time personnel who are employed to teach no more than one hundred sixty (160) clock hours during a fiscal year.

(10) Notwithstanding the provisions of subsections (1) through (9) of this rule, the school board may employ non-certificated persons licensed by the State of Florida as occupational therapists or as physical therapists to render services to students in those areas covered by such license. The procedures for employment shall be the same as provided by law for certificated instructional personnel, and each person so employed shall be entitled to a written contract in the form prescribed pursuant to Rule 6A-1.064, F.A.C. Provided, however, that a non-certificated person employed to render services as an occupational therapist or as a physical therapist may be assigned duties of an instructional nature that are not covered within the scope of the person’s license as defined by law.

(11) Notwithstanding the provisions of subsections 6A-1.0502(1) through (9), F.A.C., of this rule, the school board may employ persons certified as audiologists or speech pathologists under Chapter 468, Part I, Florida Statutes, to render services to students in those areas covered by such certificate of registration. The procedures for employment shall be the same as provided by law for certificated instructional personnel, and each person so employed shall be entitled to a written contract in the form prescribed pursuant to Rule 6A-1.064, F.A.C. Provided, however, that a non-certificated person employed to render services as an audiologist or speech pathologist may not be assigned duties of an instructional nature that are not covered within the scope of the person’s certificate of registration as defined by law.

(12) A non-certificated person employed pursuant to this section shall be accorded the same protection of the laws as that accorded the certificated teacher.

Specific Authority 229.053(1) FS. Law Implemented 231.141, 231.15 FS. History–New 7-20-73, Amended 4-19-74, Repromulgated 12-5-74, Amended 6-9-81, 8-16-82, Formerly 6A-1.502, Amended 5-30-94.

6A-1.0503 Definition of Qualified Instructional Personnel.

A qualified instructional person is defined as an instructional staff member who meets one (1) of the following conditions:
(1) Holds a valid Florida educator’s certificate with the appropriate coverage as provided for in the Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C., or
(2) Is a selected noncertificated person employed under the provisions of Rule 6A-1.0502, F.A.C., or
(3) Holds a valid Florida educator’s certificate with coverage other than that deemed appropriate by subsection (1) and has been approved by the school board to teach out-of-field after determination that a teacher with appropriate certification coverage is not available. All evidence of such qualifications and approval must be reflected in the individual’s official personnel record; provided, however, that such approval may be granted by the school board only under one (1) of the following conditions:
   (a) The individual is in the first year of employment in the out-of-field assignment and has not been granted, during any preceding year in the district, approval by either the school board or the Department to be employed out-of-field in an area for which specific certification is otherwise required, or
   (b) The individual has earned the following college credit or inservice training in an approved district add-on program:
      1. Out-of-field assignment other than ESOL (English to Speakers of Other Languages). A teacher out of field in a subject other than ESOL shall complete at least six (6) semester hours of college credit or the equivalent toward the appropriate certification required in subsection (1) within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all course requirements are completed for the appropriate certification;
      2. Out-of-field assignment in only ESOL. A teacher out of field in only ESOL shall complete at least three (3) semester hours of college credit or the equivalent toward the ESOL requirements within the first two (2) calendar years from date of initial assignment to a class with limited English proficient (LEP) students and three (3) semester hours or the equivalent during each calendar year thereafter until all course requirements for certification in ESOL are completed;
      3. Out-of-field assignment in ESOL and another subject. A teacher out of field in ESOL and another subject shall complete at least six (6) semester hours of college credit or the equivalent toward the appropriate certification required by subsection (1) within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all course requirements are completed for the appropriate certification. The training shall be completed in the following manner: During the first two years, at least three (3) of the required twelve (12) semester hours or the equivalent shall be completed in ESOL strategies. Beginning with the third year and each year thereafter, at least three (3) semester hours or the equivalent shall be completed in ESOL strategies and at least three (3) semester hours in the other out-of-field subject requirements. When either all ESOL or all other out-of-field subject requirements are completed, a teacher shall comply with the schedule specified in subparagraph (3)(b)1. or 2. of the rule as appropriate until all requirements are completed for both ESOL and the other out-of-field subject.

4. Waivers of college credit or inservice training in an approved district add-on program may be obtained by one of the following provisions:
   a. In lieu of college credit or the equivalent specified in subparagraph (3)(b)1., 2., or 3. of this rule, an individual shall provide a doctor’s statement certifying to medical inability to earn such credit during the prescribed time;
   b. In lieu of college credit or the equivalent specified in subparagraph (3)(b)1. of this rule, the district superintendent shall provide a statement certifying to extenuating circumstances beyond the control of the teacher to earn such credit during the prescribed time; or
   c. In lieu of college credit or the equivalent specified in subparagraph (3)(b)1. or the criteria in paragraph (3)(a) of this rule, the Commissioner of Education may grant to the district or individual school sites a waiver of the requirements for a period of one (1) year on a one-time basis. The district superintendent shall, pursuant to school board approval for such waiver, show extenuating circumstances that create a hardship for the district or teachers in meeting the specified requirements, or

(4) Is a nondegreed teacher of vocational education employed under the provisions of Section 231.1725, Florida Statutes. The requirements in Section 231.1725(1)(c)2.a. and b., Florida Statutes, must be satisfied prior to initial appointment to the position.


6A-1.052 Salary Schedules to Be Adopted for All Personnel.
Each school board shall annually adopt and spread on its minutes a salary schedule or schedules for employees of the district school system. The schedules so adopted shall be the sole instrument used in determining the annual, monthly, weekly, daily, or hourly compensation for the employees of the board. Such salary schedules shall clearly show the method of computing compensation of employees, whether paid on hourly, daily, weekly, monthly or annual rates and individual personnel records for each employee shall contain evidence of each factor used in calculating that employee’s compensation for each year. In developing such salary schedules, the superintendent and school board shall ascertain that all the provisions of law relating thereto are met. All personnel shall be paid in accordance with payroll period schedules adopted by the school board and included in the official salary schedule.

(1) Salary schedules shall make provisions for each employee classification with specified rates of compensation. When it is determined that there is a need for a classification not provided for in the official salary schedule, the schedule shall be officially amended.

(2) All regular employees of a school board employed on an hourly, daily, or monthly basis and for which payroll deductions are required shall receive all compensation, for services rendered, by school board warrants.
(3) No deductions shall be made from the salaries of the employees of a school board unless such deductions are required by law or are approved in writing by the employee to be affected. Deductions made from the salary of employees shall be promptly remitted to the agency for which such deductions were made pursuant to the requirements of such agency.

(4) No extra compensation shall be made to any employee of the board after service shall have been rendered, or the contract made as provided by Section 215.425, Florida Statutes.

(5) No salary shall be paid differing from the amount to which the employee is entitled under the salary schedule. When it is determined that an incorrect amount has been paid the differences shall be adjusted between the board and the employee to the end that each employee shall receive the amount to which he is entitled under the salary schedule.

Specific Authority 229.053(1), 236.02(4) FS. Law Implemented 236.02(4) FS. History–Amended 7-27-65, 4-11-70, 9-17-72, 2-18-74, Repromulgated 12-5-74, Formerly 6A-1.52.

6A-1.0551 Special Qualification Salary for Elected District School Superintendents.

Each elected district superintendent who completes the following described training program shall be certified eligible by the Commissioner for the annual special qualification salary authorized by Section 230.303(4), Florida Statutes.

(1) Requirements for initial special qualification certification. In order to meet initial qualification requirements, each superintendent shall meet all requirements outlined below within six (6) years after first taking office; provided, however, that all superintendent holding office on July 1, 1980 shall have until July 1, 1986 to complete such requirements.

(a) Successful completion of each of the following training institutes conducted by the Florida Academy for School Leaders:
1. “Core Concepts of Management for Florida School Superintendents” – 2 1/2 days.
2. “Florida School Law” – 2 days.
3. “Florida School Finance” – 2 days.
5. “The School Curriculum” – 2 days (required only for superintendents not holding a degree in education from an accredited institution). Successful completion of these training institutes shall be determined by satisfactory attendance at each institute required and by the satisfactory performance on a written comprehensive examination developed from the content of the courses required in paragraph (1)(a) and administered by the Department.

(b) Successful completion of at least five (5) additional training seminars or institutes of at least two (2) days duration each, approved by the Commissioner.
1. A master’s or higher level degree from an accredited institution with a major in school administration, school supervision, public administration, business administration, or management may be substituted for the five (5) items required in paragraph (1)(b).
2. College credit courses in school administration, supervision, public administration, business administration or management (not included as part of the degree in subparagraph 1. above), earned within three (3) years of initial certification may be substituted on a one-for-one basis for up to two (2) of the five (5) items required herein.

(c) Three (3) years of successful experience as an administrator in a school or school district, or three (3) years of approved comparable managerial experience in either the public or the private sector. The Commissioner must specifically approve any such service outside a school or school district.

(2) Requirements for annual renewal of special qualification certification. In order to maintain eligibility for special qualification salary, each superintendent shall annually renew certification through satisfactory completion of a program of continuing education. Such program shall be completed within twelve (12) calendar months of either initial certification or annual recertification, whichever is applicable, through one (1) of the following methods:

(a) Successful completion of a two and one-half (2 1/2) day institute entitled “Core Concepts of Management for Florida School Superintendents” conducted by the Florida Academy for School Leaders; or

(b) Successful completion of two (2) management training seminars or institutes of at least two (2) days duration each, sponsored by the Department; or

(c) Successful completion of one college course in school administration, supervision, public administration, business administration or management (not included as part of the degree or courses taken to receive the initial special qualification salary referred to in paragraph (1)(b)).

Specific Authority 229.053(1) FS. Law Implemented 230.303(4) FS. History–New 5-27-81, Formerly 6A-1.551, Amended 12-3-85.

6A-1.056 Travel and Subsistence for School Board Members, Superintendents and School Employees.

(1) The school board shall determine policies and adopt rules and regulations providing the conditions and requirements for payment of travel and subsistence expense to members of the board for travel outside the district, and for travel within and without the district by the district superintendent and employees of the district school system in accordance with general law or acts of local application.

(2) Policies determined and rules and regulations adopted by the school board relating to travel shall provide for:

(a) The greatest possible economy, the avoidance of unnecessary travel, and adequate auditing procedures.

(b) Joint travel to be required by personnel in a single vehicle whenever feasible.
(c) Limitation of such expenditures to the maximum amounts currently authorized by law to be paid employees of the state unless otherwise expressly provided by law.

(3) Policies of the school board relating to methods of reimbursement may provide for:
   (a) A flat monthly allowance for travel within the district by the superintendent and for employees whose duties require a fairly uniform amount of travel each month, or
   (b) Reimbursement on the basis of actual expenses not to exceed limitations authorized by law, or
   (c) Per diem and mileage at rates authorized by law for employees of the state.

Specific Authority 229.053(1), 230.22(5) FS. Law Implemented 112.061(2)(a), 229.053(1)(a), 230.22(5), 230.201 FS. History—Repromulgated 12-5-74, Formerly 6A-1.56.

6A-1.057 Petty Cash Funds.

(1) Petty cash funds may be authorized by the school board pursuant to adopted policy for the purpose of making small expenditures for operation of schools. Each fund must be authorized by the school board as to the amount and the specific person responsible for the fund. The amount of a petty cash fund shall be commensurate with the volume and the purpose of transactions, but in no case shall exceed one thousand (1,000) dollars.

(2) Petty cash funds shall be accounted for separately from all other funds maintained at the individual school center or other locations authorized by the school board.

(3) The school board may reimburse each authorized petty cash fund as often as necessary upon the presentation of receipts equal to the amount of the requested reimbursement. At no time shall these funds be used as a loan or advancement to any organization or person including cashing of personal checks.

(4) Each petty cash fund must be replenished prior to the closing of records for the fiscal year in order that all expenditures shall be recorded for that year; provided, however, that where school centers are completely closed for the eleventh or twelfth month, each petty cash fund may be deposited into the school’s internal funds bank account if authorized by the district school board in a rule or returned to the school board on or before the close of the school year and may be reestablished at the beginning of the subsequent school year upon authorization of the school board.

Specific Authority 229.053(1), 237.02(1)(c) FS. Law Implemented 237.02 FS. History—New 4-11-70, Amended 9-17-72, 12-18-72, Repromulgated 12-5-74, Formerly 6A-1.57, Amended 4-18-89, 8-15-94.

6A-1.064 Forms for Contracts for Instructional and Professional Administrative Personnel, and Other Personnel.

(1) Forms of contract for annual contracts and for professional service contracts entered into by school boards and instructional and professional administrative personnel as provided by law shall be prescribed by the State Board of Education. Contents of contract forms shall comply with all pertinent provisions of law and State Board Rules. No contract form shall indicate, or be altered to show, any uncertainty with reference to the amount of salary for the contract period of service, or the duration of the period of service, except as the rank, contract status, and qualifications of the teacher may change, or pursuant to a duly adopted collective bargaining agreement, or where membership in a school or program is so unstable that it might be necessary to discontinue classes because of lack of pupils, in which latter case the contract may be stated to be effective at the option of the board conditional on a minimum number of pupils. Any clause inserted in a contract form purporting to provide that the contract salary will be paid only if funds are available shall be null and void.

(2) Contracts with personnel other than instructional personnel identified in subsection 6A-1.064(1), F.A.C., shall be made as prescribed by rules of the school board.

Specific Authority 120.53(1)(e), 229.053(1), (2)(l), 231.36(1), (3)(a) FS. Law Implemented 120.53(1)(a), 230.23(5)(d), 231.36, 236.02(4) FS. History—Repromulgated 12-5-74, Amended 9-9-84, Formerly 6A-1.64. Cf. 1. Annual Contract of Employment for Instructional Personnel of the Public Schools. 2. Professional Service Contract of Employment for Instructional Personnel of the Public Schools.

6A-1.0691 Procedures for Appealing a District School Board Decision.

The procedures for filing and reviewing all appeals under the provisions of Section 231.36(4) and (6), Florida Statutes, shall be as follows:

(1) Within thirty (30) days after the date of a decision of a district school board which is adverse to an employee who is under continuing contract, said employee may file a written notice of appeal as provided in Section 231.36(4) and (6), Florida Statutes, with the Commissioner (see Rule 6A-16.016, F.A.C.). A copy of the notice of appeal shall be sent to the school board by the employee.

(a) The notice of appeal must give the name of the school board, a statement that the employee was serving under a continuing contract, the date of the school board’s decision, the name and address of the employee, and the name and address of the employee’s attorney or qualified representative, if any.

(b) If the notice of appeal does not show that the employee was serving under a continuing contract, or if the notice was not timely filed, the Agency Clerk shall notify the employee that the Department does not have jurisdiction, state the reason for an absence of jurisdiction, and notify the employee that, unless the employee presents documentation to the Agency Clerk within
twenty (20) days which shows that the Department has jurisdiction, an order dismissing the appeal will be entered. If such documentation is not received by the Agency Clerk within the stated time, the Commissioner shall present the appeal to the State Board for dismissal and give notice to the parties.

(2) Upon receipt of a timely filed notice of appeal, by an employee under a continuing contract, the Commissioner shall appoint an appeal officer, who is an attorney duly qualified by training and experience from a list of appeal officers previously approved by the State Board. A copy of the letter of appointment shall be sent to the appellant and the school board. The appeal officer shall notify the parties of a schedule for filing such papers with the appeal officer as may be necessary and appropriate to determine whether the record reflects that the decision of the school board to discontinue the continuing contract status or dismiss the appellant was supported by substantial competent evidence.

(3) A request for oral argument may be made by any party at any time prior to the last date for filing papers with the appeal officer. Oral argument shall be granted on timely request and shall be heard in offices of the Commissioner or other appropriate location.

(4) Upon receiving all papers and hearing argument, if requested, the appeal officer shall report and make recommendations to the State Board through the Commissioner. The appeal officer shall file the report, which shall include all papers filed with the appeal officer, and recommendation with the Agency Clerk. Not less than ten (10) days preceding the date the case is to be considered by the State Board, any party may file a proposed order with the Agency Clerk. The State Board shall affirm, overrule or enter such order as may be equitable based on the record and the appeal officer’s recommendation. Following the State Board’s decision, the administrative remedies of the parties shall be deemed to have been exhausted and no request for rehearing, or reconsideration, shall be filed with or accepted by the Agency Clerk.

Specific Authority 229.053(1) FS. Law Implemented 20.05(1)(b), 120.53(1)(c), 229.053(1), 231.36(4), (6) FS. History-New 6-16-72, Repromulgated 12-5-74, Amended 6-17-81, Formerly 6A-1.691.

6A-1.0692 Fidelity Bonds Required for School Officials.

Each and every official or other person who is responsible in any manner for handling or expending school funds or property shall be adequately bonded at all times. The officials who are to be bonded and the provisions for bonding such officials shall be as follows:

(1) Superintendent. Before assuming office, being commissioned, or assuming responsibility for any school funds, property or records, the superintendent shall execute with a surety company authorized to do business in Florida a bond conditioned upon the faithful performance of the duties of his/her office, including accounting for and turning over to the proper authority all school funds or properties over which he/she has supervision. The amount of the bond shall be determined in the same manner as the total bond for the chairman of the school board is determined as prescribed in subsection (2) below, except the bond of the superintendent in each district shall be one thousand (1,000) dollars in excess of the bond of the chairman of the school board.

(2) Members, chairman and vice-chairman of the school board. Each and every member of the school boards of the several districts in the state, elected or appointed to such office, before he/she is commissioned or assumes office, shall be required to execute a sufficient bond with a surety company authorized to do business in Florida, the bond to be conditioned upon the faithful performance of the duties of his/her office, including the proper safeguarding of all funds for which the school board has supervision. The bond shall be in the amount of two thousand (2,000) dollars for each member of the school board. The chairman and vice-chairman of the board shall be required to give bond in the additional amount of two thousand (2,000) dollars in districts in which the annual revenue receipts for school purposes during the year preceding his/her election as chairman and vice-chairman were more than one hundred thousand (100,000) dollars and were less than two hundred thousand (200,000) dollars, and the bond for the chairman and vice-chairman shall be increased an additional two thousand (2,000) dollars for each additional one hundred thousand (100,000) dollars or fraction thereof of receipts in the district; provided, that the maximum additional amount for which bond shall be required of the chairman and vice-chairman of the school board of any district shall be twelve thousand (12,000) dollars.

(3) School employees. It shall be the responsibility of the school board to provide for the bonding of any school employee who is responsible for school moneys or property. The amount of the bond (individual, schedule or blanket) shall be prescribed by the school board of the district in which the person is employed. The bond may be with a surety company authorized to do business in Florida, or with two (2) good and sufficient sureties.

Specific Authority 229.053(1), 237.191 FS. Law Implemented 237.191 FS. History–New 9-12-72, Repromulgated 12-5-74, Formerly 6A-1.692.

6A-1.070 Teacher Aides and Volunteers.

The following standards and procedures shall apply to teacher aides and volunteers as defined in Section 228.041(23), (24), Florida Statutes.

(1) Requirements.

(a) Health. Each teacher aide shall meet the health requirements established for certificated personnel. A district may require a volunteer to meet these requirements.
(b) Age. Any teacher aide or volunteer who is assigned the responsibility for supervising the safety and welfare of pupils, such as during the loading and unloading of buses or during lunch periods, shall meet the same age requirements as those established for certificated personnel.

(c) Knowledge of procedures and regulations. The school board shall adopt a procedure for assuring that each teacher aide or volunteer who at any time is expected to assume responsibility for the health, safety and welfare of pupils possesses a clear understanding of state and district rules, policies and regulations relevant to teacher aide or volunteer responsibilities. When a teacher aide or volunteer is assigned duties requiring knowledge of rules, regulations or policies of a special nature, it is the responsibility of the instructional staff member whom he or she is assisting to ascertain in advance that the teacher aide or volunteer possesses the necessary knowledge to perform such duties in a proper and reasonable manner.

(d) Knowledge of instructional practices and policies. The school board shall adopt a procedure for assuring that each teacher aide or volunteer who at any time is expected to assume responsibility for assisting a teacher in promoting pupil learning possesses a clear understanding of all state and district instructional practices and policies relevant to teacher aide or volunteer responsibilities. When a teacher aide or volunteer is assigned duties requiring knowledge of instructional practices and policies of a specialized nature, it is the responsibility of the instructional staff member whom he or she is assisting to ascertain in advance that the teacher aide or volunteer possesses the necessary knowledge.

(e) Supervised practice. Each time a teacher aide or volunteer is assigned to assist a staff member whom he or she has not assisted before and each time he or she is assigned a type of duty which he or she has not satisfactorily performed in earlier assignments, he or she shall complete a period of supervised practice. During the period of supervised practice, the professional staff member whom he or she is assisting shall be available continuously to provide immediate assistance to the aide or volunteer at any time he or she is working directly with pupils. The length of the supervised practice may vary depending upon the capability and prior experience of the teacher aide or volunteer. The personnel record for each teacher aide shall show the length, nature, and inclusive dates of each supervised practice assignment. The personnel record shall also include the signature of the professional staff member supervising the practice certifying its satisfactory completion. Personnel records are not required for volunteers; however, accurate records of hours of service, duties and training shall be maintained.

(f) Knowledge and understandings expected of instructional staff. The school board shall adopt procedures to assure that each instructional staff member who is assisted by a teacher aide or volunteer possesses a clear understanding of all rules, policies, and regulations which the teacher aide or volunteer is expected to understand.

(g) Knowledge of immediate objectives. When a teacher aide or volunteer is assigned to work directly with pupils, the instructional staff member whom he or she is assisting must ascertain that the teacher aide or volunteer can state clearly the type of performance or behavior which the pupils are expected to demonstrate during the time when the teacher aide or volunteer is working with pupils.

(h) Maintaining professional responsibility. On request of the principal or other authorized persons, an instructional staff member who is being assisted by a teacher aide shall describe in writing the knowledge and skills which the aide is expected to possess for any assigned responsibility. Such description shall also include procedures through which the person making the request can determine whether the aide actually possesses the requisite knowledge or skills.

(2) Restrictions limiting the duties which teacher aides or volunteers may perform. Teacher aides or volunteers shall not perform any of the following:

(a) Establish instructional objectives.
(b) Make decisions regarding the relevancy of certain activities or procedures to the attainment of instructional objectives.
(c) Make decisions regarding the appropriateness of certain teaching materials for accomplishing instructional objectives.
(d) Make judgments regarding the attainment of instructional objectives unless these judgments are based upon clear and objective criteria (such as specific achievement standards on a true-false test).

(3) Responsibility for the appropriate use of teacher aides or volunteers. It is the responsibility of the head of a school and of each instructional staff member in that school who is assisted by a teacher aide or volunteer to see that those duties assigned to each teacher aide or volunteer are consistent with Florida Statutes, rules of the State Board, and policies of the district school board.

Specific Authority 229.053(1), 231.15 FS. Law Implemented 228.041(23), (24), 231.141, 231.15 FS. History–New 4-11-70, Repromulgated 12-5-74, Amended 4-27-82, Formerly 6A-1.70.

6A-1.079 Leave to Be Used for the Purposes Set Forth in Application.

Leave granted on the request of an employee shall be for particular purposes or causes which shall be set forth in a written application for leave. The school board shall have the right to determine that the leave is used for the purposes or causes set forth in the application, and if not so used, the board shall have the authority to cancel the leave.

Specific Authority 229.053(1) FS. Law Implemented 231.39, 231.40, 231.41, 231.44, 231.45 FS. History–Repromulgated 12-5-74, Formerly 6A-1.79.
6A-1.080 Maximum Extent of Leave.
No leave, except military leave, shall be granted at one time for a period greater than one year, but the school board may adopt policies whereby a new application for leave may be filed at the expiration of leave and new leave granted at the discretion of the board. Such policies shall be based on the requirements of efficient operation of the district school system as well as on consideration of what is fair to the employee. Automatic renewals of leave shall not be allowed.

Specific Authority 229.053(1) FS. Law Implemented 231.39, 231.40, 231.41, 231.44, 231.45 FS. History–Repromulgated 12-5-74, Formerly 6A-1.80.

6A-1.081 Professional Leave and Extended Professional Leave; Definition.
Professional leave is defined as leave granted to a member of the instructional or administrative staff to engage in activities which will result in his professional benefit or advancement, including earning of college credits and degrees, or that will contribute to the profession of teaching. Extended professional leave is such leave extending for more than thirty consecutive days. Professional leave or extended professional leave ordinarily will be initiated by the employee and will be primarily for his benefit, or that of the teaching profession, and only incidentally for the benefit of the school board. Compensation during professional leave, or extended professional leave, may be allowed as provided by law, state board regulations, and policies of the school board. School boards may grant any member of the instructional or administrative staff three consecutive weeks professional leave during any fiscal year with compensation when school is not in session; such leave shall be cumulative for not more than two years.

Specific Authority 229.053(1), 236.02(3) FS. Law Implemented 231.39, 236.02(3) FS. History–Repromulgated 12-5-74, Formerly 6A-1.81.

6A-1.082 Vacation Leave for Personnel Employed on Twelve Months Contract.
School boards may allow vacation leave, exclusive of school holidays, for members of the instructional staff, who are employed on a twelve months contract. The Christmas vacation period, other than legal holidays running consecutively with vacation period, shall constitute a part of the aforesaid allowable vacation period, unless the employee is actually on duty. Vacation time for an individual employee shall be so scheduled that there will be minimum disruption of the operation of the school system.

Specific Authority 229.053(1) FS. Law Implemented 231.39, 236.02(4) FS. History–Amended 6-9-68, 1-17-72, 9-5-74, Repromulgated 12-5-74, Formerly 6A-1.82, Amended 2-16-94.

6A-1.084 Assignment of Employees for Temporary Duty.
A school board shall have authority to adopt policies whereby, when mutually agreed upon, employees may be assigned to be temporarily absent from their regular duties and places of employment for the purpose of performing other educational services, including participation in school surveys, professional meetings, study courses, workshops, etc. Such assignment to temporary duty will ordinarily be initiated by the district school administration. Employees will receive their regular pay, and may be allowed expenses as provided by law and regulations of the state and district boards. Such temporary duty shall be considered equal to the regular duties of the individual, and employees performing such assigned temporary duties shall not be considered to be on leave. Employees may not be assigned for temporary duty for the purpose of earning college credits, improving rank, or renewing certificates except when participating in a staff development program approved by the school board.

Specific Authority 229.053(1) FS. Law Implemented 231.39 FS. History–Amended 8-9-68, Repromulgated 12-5-74, Formerly 6A-1.84.

6A-1.085 Basic Principles of Internal Fund Accounting.
(1) Monies collected and expended within a school shall be used for financing the normal program of school activities not otherwise financed, for providing necessary and proper services and materials for school activities and for other purposes consistent with the school program as established and approved by the school board. Such funds are the responsibility of the school board and it shall be the duty of the school board to see that they are properly accounted for through use of generally recognized accounting procedures and effectively administered through adherence to internal funds policies of the school board, applicable Florida Statutes and provisions of “Financial and Program Cost Accounting and Reporting for Florida Schools” as incorporated by reference in Rule 6A-1.001, F.A.C. Funds collected in connection with summer program activities, funds derived from school athletic events, gifts, and contributions made by band or athletic booster clubs, civic organizations, parent-teacher organizations, and commercial agencies, and all other similar monies, properties, or benefits may be included in internal funds of the school based upon policies adopted by school districts or as provided in “Financial and Program Cost Accounting and Reporting for Florida Schools.”

(2) When a demand deposit balance in the fund exceeds the FDIC insurance protection, additional collateral shall be provided as required by Florida Statutes.

(3) Internal funds which are temporarily idle shall, as required by law, be invested pursuant to policies of the school board using any medium of investment legal for public funds, and may not exceed insurance protection or other legal collateral limits provided for such public funds.

Specific Authority 229.053(1) FS. Law Implemented 236.02(1), 237.02(4) FS. History–Amended 9-17-72, Repromulgated 12-5-74, Revised 6-10-75, Formerly 6A-1.85, Amended 6-20-89.
6A-1.087 School Board Responsible for Internal Funds.
The school board shall be responsible for the administration and control of the internal funds of the district school system, and in connection therewith shall:

(1) Adopt written policies governing the receipt and disbursement of all internal funds and for the accounting for property pursuant to Chapters 230, 235, and 274, Florida Statutes.

(2) Provide for an annual audit of internal funds by a person certified by the state board of accountancy as a certified public accountant or a public accountant, or qualified internal auditing staff employed by the board. The auditor shall submit a signed, written report to the school board covering internal funds which shall include any notations of any failure to comply with requirements of Florida Statutes, state board of education regulations and policies of the school board, and commentary as to financial management and irregularities. Such audit shall be presented to the school board while in session and filed as a part of the public record.

Specific Authority 229.053(1), 237.02(4) FS. Law Implemented 237.02(4) FS. History–Amended 4-11-70, 9-17-72, 10-31-74, Repromulgated 12-5-74, Amended 3-24-75, Formerly 6A-1.87.

6A-1.091 Purchases from Internal Funds.
Pursuant to Sections 237.02(1), (2) and (4), Florida Statutes, and regulations of the state board of education the requirements pertaining to purchases and securing bids on purchases made from public tax funds by the school board shall be observed when purchases are made from internal funds, except that approval by school board of internal accounts vouchers for payment is not required unless otherwise specifically provided for by school board regulation. The School board may by regulation place more strict requirements pertaining to purchases from internal funds than is required by the general or any special law relating to purchases from tax funds. The board may delegate by regulation to such individuals as it may deem appropriate the making of such purchases from internal funds and the securing of quotations and awarding of contracts. Insofar as possible, purchases of the same or a similar nature to be used in more than one school should be combined and purchased only after approval by the school board. Purchases made from funds handled in trust for individuals such as purchases of class jewelry, school annuals, cards and invitations, insignia, caps and gowns, etc., shall be exempt from the foregoing requirements relative to purchases; however, all such funds shall be deposited in the internal funds and shall be subject to the regular individual school audit.

Specific Authority 229.053(1), 237.02(4) FS. Law Implemented 237.02(4) FS. History–Amended 2-20-64, 6-20-64, 5-24-67, 8-9-68, Repromulgated 12-5-74, Formerly 6A-1.91.

6A-1.093 Florida Academic Scholars Certificate.
The Florida Academic Scholars Certificate shall be awarded by the Commissioner to any graduate from a Florida public or nonpublic high school who meets the requirements of Section 232.2465, Florida Statutes, and the requirements specified herein. A student receiving a Florida Academic Scholars Certificate or International Baccalaureate Diploma is eligible to apply for participation in the Florida Undergraduate Scholars Fund established by Section 240.402, Florida Statutes. The non-International Baccalaureate graduate shall complete a minimum of twenty-four (24) academic credits in high school. Course titles and numbers identified in the previous versions of this rule may be used to determine a student’s eligibility for the Florida Academic Scholars Certificate.

(1) The specific subject and course requirements are identified annually in the Course Code Directory and Instructional Personnel Assignments, as incorporated by reference in Rule 6A-1.09441, F.A.C. A student may substitute the International Baccalaureate Diploma curriculum for specific course requirements.

(2) Each required credit shall be based on classroom or individual instruction with no final course grade below a “C” in a course for which credit is granted.

(3) The public high school principal or head administrator of the nonpublic high school shall have the responsibility for determining the equivalency of transfer credit in accordance with subsection 6A-1.095(1), F.A.C.

(4) A course successfully completed in a university or community college accredited by a member of the Council on Postsecondary Accreditation may be substituted for any of the courses identified in subsection (1) of this rule when a determination has been made by the public school principal or head administrator of the nonpublic school that the course content and requirements substantially equal or exceed the course for which it is being substituted and credit for the course is granted by the high school.

(5) The non-International Baccalaureate graduate shall have obtained at least the equivalent of a 3.0 grade point average on an unweighted 4.0 scale for all courses taken for which high school credit may be granted.

(6) The non-International Baccalaureate graduate shall have scored 1100 or more on the combined verbal and quantitative parts on multiple administrations of the Scholastic Aptitude Test of the College Entrance Examination Board if taken before April 1, 1995, or score 1180 or more on the combined verbal and quantitative parts of Scholastic Assessment Test of the College Entrance Examination Board if taken on or after April 1, 1995, or a composite score of 26 or higher on the Enhanced ACT.
(7) The district superintendent of schools for public schools or the head administrator of the nonpublic school shall be responsible for submitting evidence, not later than thirty (30) days after the student completes the requirements for graduation, of the graduate’s achievement of the Florida academic scholars criteria which shall be based on an official transcript. Evidence shall be submitted to the Deputy Commissioner for Educational Programs, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

(8) Any student earning an International Baccalaureate diploma is eligible to receive a Florida Academic Scholars Certificate.

Specific Authority 229.053(1), 232.2465(6) FS. Law Implemented 229.814, 232.246, 232.2465, 233.011, 240.402 FS. History–New 4-5-83, Amended 2-13-84, 5-14-85, Formerly 6A-1.93, Amended 7-3-86, 8-15-87, 4-18-89, 4-3-90, 6-10-92, 3-20-96.

6A-1.09401 Student Performance Standards.

(1) Standards to benchmark student achievement serve as guides to best practices for local curriculum designers to help schools implement school improvement strategies to raise student achievement. The benchmarked standards in paragraphs (1)(a)-(g) of this rule describe what students should know and be able to do at four progression levels (grades Prek-2, 3-5, 6-8, 9-12) in the subjects of the arts, health/physical education, foreign languages, language arts, mathematics, science, and social studies. Sunshine State Standards for Special Diploma as incorporated by reference in paragraph (1)(a) of this rule describe what certain students with a disability should be able to do at three (3) proficiency levels (independent, supported, and participatory). Public schools shall provide appropriate instruction to assist students in the achievement of these standards. These standards and benchmarks are contained in the following publications and are hereby incorporated by reference and made a part of this rule.

(a) Sunshine State Standards – Language Arts, 1996,
(b) Sunshine State Standards – Mathematics, 1996,
(c) Sunshine State Standards – Science, 1996,
(d) Sunshine State Standards – Social Studies, 1996,
(e) Sunshine State Standards – Foreign Languages, 1996,
(f) Sunshine State Standards – The Arts, 1996, and
(g) Sunshine State Standards – Health/Physical Education, 1996, and
(h) Sunshine State Standards for Special Diploma, 1999. Copies of these publications may be obtained from the Division of Public Schools and Community Services, Department of Education, 325 W. Gaines St., Tallahassee, Florida 32399-0400.

(2) Each district school board shall incorporate the Sunshine State Standards contained herein into the district Pupil Progression Plan.

(3) The Sunshine State Standards shall serve as the basis for statewide assessments.


6A-1.0941 Minimum Student Performance Standards.

State adopted minimum student performance standards approved by the State Board of Education are contained in the publications listed below which are hereby incorporated by this rule and made a part of the rules of the State Board of Education. Copies of these publications may be obtained from the Educational Products Distribution Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 at a price to be established by the Commissioner but which shall not exceed actual cost.

(1) Minimum Student Performance Standards for Florida schools 1994-95 through 2002-2003, for beginning grades 3, 5, 8, and 11 – reading, writing, and mathematics and for functional communication and mathematics skills for grade 11.


Specific Authority 229.565(1), 232.245 FS. Law Implemented 229.053(2)(a), 229.565(1), 229.573(a), (c), 232.246(6)(a), (b) FS. History–New 4-28-77, Amended 5-24-79, 7-16-79, 4-10-80, 3-4-84, 5-24-84, 11-27-85, Formerly 6A-1.941, Amended 5-16-89, 5-16-90, 6-14-94, 9-28-99.

6A-1.09412 Course Requirements - Grades 6-12 Basic and Adult Secondary Programs.

A course description directs district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the “Course Code Directory and Instructional Personnel Assignments” adopted by Rule 6A-1.09441, F.A.C. Course requirements approved by the State Board of Education are contained in the publication “2002-2003 Florida Course Descriptions for Grades 6-12/Adult, Basic Education” which is hereby incorporated by reference and made a part of this rule. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course requirements of each course description. Copies of approved course descriptions may be obtained from the Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

6A-1.09414 Course Descriptions for Grades 6-12, Exceptional Student Education.
A course description is a broad guideline which directs district personnel by providing specific instructional plans for a given subject area or area of study and which is consistent with the “Course Code Directory and Instructional Personnel Assignments” adopted in Rule 6A-1.09441, F.A.C. The document, “Florida Course Descriptions for Grades 6-12, Exceptional Student Education, 1999” is hereby incorporated by reference and made a part of the rules of the State Board. Copies of these documents may be obtained from the Educational Products Distribution Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.

1. District school board variance authority. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course requirements of each course description.

2. Commissioner of Education waiver authority. The Commissioner of Education may approve a school’s waiver request submitted by a district school board, to allow the school to substitute locally approved course requirements provided that locally approved requirements specified for the state approved course adequately address the major concepts/content and Sunshine State Standards for special diploma contained in the course description, and the waiver request fulfills the provisions of and as submitted in accordance with procedures specified in Section 229.592, Florida Statutes.


A curriculum framework is a set of broad guidelines which aids educational personnel in producing specific instructional plans for a given subject area or area of study and which is consistent with the “Course Code Directory and Instructional Personnel Assignments” adopted by reference in Rule 6A-1.09441, F.A.C. Curriculum frameworks for the lifelong learning noncredit courses approved by the State Board are contained in the publication, “Curriculum Frameworks for Lifelong Learning Noncredit Courses, Adults – High School and Non-High School Graduates,” which is hereby incorporated by reference to become effective December, 1988. Copies of this publication may be obtained from the Bureau of Adult and Community Education, Department of Education, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.


6A-1.0942 State Student Assessment Test Requirements for Graduation from High School.
Mastery of minimum performance standards in reading, writing, and mathematics for the eleventh grade, and demonstrated ability to successfully apply basic skills to everyday life situations, as required by Section 232.246(1)(b), Florida Statutes, shall be determined in the manner prescribed below:

1. Mastery of minimum performance standards.
   a. Minimum performance standards in reading, writing, and mathematics for the eleventh grade are prescribed in Rule 6A-1.0941, F.A.C. For each standard, one (1) or more performance skills are prescribed. The ability of a student to perform a specific skill is measured by two (2) or more test questions. A test to be designated the State Student Assessment Test – Part I, comprising two (2) or more questions determined to be appropriate to measure each of the skills selected to be measured shall be developed under the direction and supervision of the Deputy Commissioner for Educational Programs, and shall be:
      1. Kept secured at all times,
      2. Provided to all school districts in the quantity needed for the students in the district,
      3. Administered in accordance with standard written instructions appropriate for the examination, and
      4. Revised and updated as needed.
   b. A secondary student shall be deemed to have satisfactorily mastered a minimum performance standard on Part I of the State Student Assessment Test when, previous or subsequent to the effective date of this rule, he or she on any administration of that test, correctly answers the number of questions prescribed in subparagraph 1. below:
      1. Mastery of each standard shall be determined by correctly answering the number of questions which measure that standard prescribed herein.
2. Mastery of each skill shall be determined by correctly answering the number of questions prescribed herein.

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In order to meet the minimum requirements for a high school diploma each student must demonstrate mastery of each of the eleventh grade minimum performance standards on which he or she is tested.

If a secondary student fails to master one (1) or more of the minimum performance standards on which he or she is tested, the district school board shall:

1. Provide special instructional assistance for each such student in a manner deemed most appropriate by policies of the district school board. Such special assistance may take the form of:
   a. Informal consultation between student and teacher,
   b. Tutoring of one student by another student,
   c. Structured or non-structured independent study,
   d. Special classroom study of short duration (1 to 5 days),
   e. Special classroom study of longer duration, or
   f. Such other appropriate form as determined by the district school board.

OR

2. Provide an opportunity for the student to demonstrate mastery of the standard by taking a comparable examination on similar material or by other means.

3. When the school, through the district prescribed criteria, has determined that each such student has successfully mastered the identified area or areas of deficiency, the student shall be deemed to have mastered such standard or standards and a notation of the mastery shall be recorded in the student’s cumulative record. If the student has previously been awarded a certificate of completion in lieu of a regular high school diploma by virtue of failure to pass the State Student Assessment Test – Part I, such student shall be awarded a regular high school diploma. Appropriate instructional assistance and adequate opportunity to be re-tested so as to demonstrate mastery of standards shall remain available to each student until such time as the student successfully demonstrates mastery of each standard.

The State Student Assessment Test – Part I shall not be administered to adults who have legally left the secondary school system. However, prior to awarding an adult a high school diploma the school district shall determine on the basis of appropriate school or district criteria that the adult has mastered each of the eleventh grade minimum performance standards prescribed in Rule 6A-1.0941, F.A.C.

(2) State Student Assessment Test – Part II.

(a) The student examination required by paragraph 232.246(1)(b), Florida Statutes, shall be developed and administered under the supervision of the Deputy Commissioner for Educational Programs. The examination shall be developed in consultation with teachers and other appropriate professionals and shall be approved by the Commissioner prior to being administered to students. The test shall be:

1. Designed to measure the student’s ability to successfully apply basic skills to everyday life situations.

(c) When the Number of Questions to Measure a Skill is as Follows:

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2. Composed of two (2) standards, one (1) comprising functional communications skills and one (1) comprising functional mathematics skills.

3. For the period through the 1984-85 academic year based on the following skills:
   a. Communications.
      The student will, in a real world situation, determine the main idea inferred from a selection.
      The student will, in a real world situation, find who, what, where, which, and how information in a selection.
      The student will, in a real world situation, determine the inferred cause and effect of an action.
      The student will, in a real world situation, distinguish between facts and opinions.
      The student will, in a real world situation, identify an unstated opinion.
      The student will, in a real world situation, identify the appropriate source to obtain information on a topic.
      The student will, in a real world situation, use an index to identify the location of information requiring the use of cross-references.
      The student will use highway and city maps.
      The student will include the necessary information when writing letters to supply or request information.
      The student will complete a check and its stub accurately.
      The student will accurately complete forms used to apply for a driver’s license, employment, entrance to a school or training program, insurance, and credit.
   b. Mathematics.
      The student will determine the elapsed time between two (2) events stated in seconds, minutes, hours, days, weeks, months, or years.
      The student will determine equivalent amounts of up to one hundred (100) dollars using coins and paper currency.
      The student will determine the solution to real world problems involving one (1) or two (2) distinct whole number operations.
      The student will determine the solution to real world problems involving decimal fractions or percents and one (1) or two (2) distinct operations.
      The student will determine the solution to real world problems involving comparison shopping.
      The student will determine the solution to real world problems involving rate of interest and the estimation of the amount of simple interest.
      The student will determine the solution to real world problems involving purchases and a rate of sales tax.
      The student will determine the solution to real world problems involving purchases and a rate of discount given in fraction or percent form.
      The student will solve a problem related to length, width, or height using metric or customary units up to kilometers and miles, conversion within the system.
      The student will solve a problem involving the area of a rectangular region using metric or customary units.
      The student will solve a problem involving capacity using units given in a table (milliliters, liters, teaspoons, cups, pints, quarts, gallons), conversion within the system.
      The student will solve a problem involving weight using units given in a table (milligrams, grams, kilograms, metric tons, ounces, pounds, tons), conversion within the system.
      The student will read and determine relationships described by line graphs, circle graphs, and tables.


5. Revised and updated at least annually.
   (b) The State Student Assessment Test – Part II shall be administered in cooperation with district school boards, at least four (4) times during each school year.
   1. The test shall be scheduled at least once a year for secondary students who are classified as high school sophomores and at least twice each year for secondary students who are classified as high school juniors or seniors. The division of public schools and the district school boards shall cooperate to the extent practicable in using other scheduled administrations to accommodate migrant students, transfer students, and others who are unable to be tested on the designated dates.
   2. An adult who has earned sufficient credits to be classified as a high school sophomore, junior or senior may take the examination initially at any scheduled administration. If the adult is currently enrolled in an appropriate adult education program, he or she may retake the examination at any subsequent administration. If the adult is not currently enrolled in an appropriate educational program, he or she may not retake the examination until at least the second administration next following the most recent examination taken.
   (c) In order to qualify for a high school diploma, each secondary or adult student must successfully complete both the communications standard and the mathematics standard as prescribed herein. For the tests administered in October, 1977 through and including October, 1982, a student shall be deemed to have demonstrated ability to successfully apply basic skills to everyday life situations as measured by the State Student Assessment Test – Part II when he or she on any administration of the test, correctly answers the number of questions prescribed in subparagraph 1. below:
   1. Mastery of each standard shall be determined by correctly answering the number of questions which measure that standard prescribed herein.
2. The April and October 1983 test scores shall be reported in terms of an equated score scale. The passing scaled score shall be 700 and shall be equivalent to the passing score of the October, 1978 test as determined by subparagraph 6A-1.0942(2)(c)1., F.A.C.

3. Beginning in March, 1984, students who expect to graduate from high school prior to August, 1985, shall be tested on the skills shown in subparagraph 6A-1.0942(2)(a)3., F.A.C., and the passing score shall be determined by the procedures shown in subparagraph 6A-1.0942(2)(c)2., F.A.C. Students who are expected to graduate from high school during the 1985-86 school year or thereafter shall be tested on the skills described in subparagraph 6A-1.0942(2)(a)4., F.A.C. The test scores shall be reported in terms of a score scale equated to the scale of the tests administered in October, 1978. The passing score for each of the two SSAT-II standards shall be 700. For the mathematics standard, the score of 700 shall be set equivalent to a raw score of 47 out of 75 test questions on the March, 1984, test measuring the skills described in subparagraph 6A-1.0942(2)(a)4., F.A.C. For the communications skills standard, the score of 700 shall be set equivalent to a raw score of 56 out of 75 test questions on the March, 1984, test measuring the skills described in subparagraph 6A-1.0942(2)(a)4., F.A.C.

4. Adult high school students taking the SSAT-II prior to July, 1985, shall take the test measuring the skills described in subparagraph 6A-1.0942(2)(a)3., F.A.C., scored in accordance with subparagraph 6A-1.0942(2)(c)2., F.A.C. Adult high school students taking the SSAT-II in July, 1985, or thereafter shall take the test measuring the skills described in subparagraph 6A-1.0942(2)(a)4., F.A.C., scored in accordance with subparagraph 6A-1.0942(2)(c)3., F.A.C.

5. Mastery of a skill shall be determined by correctly answering the number of questions prescribed herein.

<table>
<thead>
<tr>
<th>When the Number of Questions to Measure a Standard is</th>
<th>The Minimum Number of Questions Required to be Answered Correctly Shall be as Follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>55</td>
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<tr>
<td>74</td>
<td>52</td>
</tr>
<tr>
<td>75</td>
<td>53</td>
</tr>
</tbody>
</table>
(3) No time limit shall be established for answering the questions on Part II of the State Student Assessment Test; provided, however, that no student shall be permitted to answer test items which have been seen by the student at a time other than at the examination session in which the test questions are given to the student.

(4) If a student fails to master the communications standard and/or the mathematics standard as prescribed herein, the district school board shall provide special instructional assistance for such student in a manner deemed most appropriate by policies of the district school board.

(a) Such special assistance may take the form of:
1. Informal consultation between student and teacher,
2. Tutoring of one student by another student,
3. Structured or non-structured independent study,
4. Special classroom study of short duration (1 to 5 days),
5. Special classroom study of longer duration, or
6. Such other appropriate form as determined by the district school board.

(b) When the student successfully masters the standards, a notation of the mastery shall be recorded in the student’s cumulative record and if the student has previously been awarded a Certificate of Completion in lieu of a standard high school diploma by virtue of failure to pass the State Student Assessment Test – Part II, such student shall be awarded a standard high school diploma. Appropriate instructional assistance and adequate opportunity to be retested so as to demonstrate mastery of standards shall remain available to each student until such time as the student successfully demonstrates mastery of each standard.

(5) Definitions.

(a) The term “State Student Assessment Test – Part I” as used in this rule means the tests by which mastery of the minimum performance standards in reading, writing, and mathematics for grade 11 adopted in Rule 6A-1.0941, F.A.C., is demonstrated to implement the provisions of Sections 229.565, 229.57, 232.246, 232.247, Florida Statutes.

(b) The term “State Student Assessment Test – Part II” as used in this rule means the student examination required by Section 232.246(1)(b), Florida Statutes.

(6) Invalidity of a section of this rule shall not invalidate the remainder of the rule.

Specific Authority 120.53(1)(b), 229.053(1), 232.246(1)(a), (b) FS. Law Implemented 120.53(1)(b), 229.565(1), 229.57, 232.246, 232.247 FS. History—New 11-13-78, Amended 4-10-80, 2-4-81, 10-12-82, 3-11-84, Formerly 6A-1.942.

6A-1.09421 High School Competency Test Requirements.

The minimum student performance skills and competencies required for high school graduation by Section 229.57(3)(c)5., Florida Statutes, for the period 1994-95 through 1998-99 shall be determined in the manner prescribed below:

(1) The student examination required by Sections 232.246(5)(a) and 229.57(3)(c)5., Florida Statutes, shall be developed under the direction and supervision of the Deputy Commissioner for Educational Programs, and shall be:

(a) Kept secured at all times.
(b) Provided to all school districts in the quantity needed for the students in the district.
(c) Administered in accordance with standard written instructions appropriate for the examination.
(d) Revised and updated as needed.

(2) The test shall be developed in consultation with teachers and other appropriate professionals and shall be approved by the Commissioner prior to being administered to students. The test shall:

(a) Consist of two (2) sections; one (1) comprising communications skills, and one (1) comprising mathematical skills.
(b) Be derived from the skills adopted in subsection 6A-1.0941(1), F.A.C., for the time period from 1994-95 through 1998-99.
(3) The High School Competency Test shall be administered in cooperation with district school boards at least four (4) times during each school year.

(a) The test shall be scheduled at least twice each year for secondary students who are classified as high school juniors or seniors. The Division of Public Schools and the district school boards shall cooperate to the extent practicable in using other scheduled administrations to accommodate migrant students, transfer students, and others who are unable to be tested on the designated dates. No student shall be tested more than one (1) time in any thirty (30) day period.

(b) An adult who has earned sufficient credits to be classified as a high school sophomore, junior, or senior may take the examination initially at any scheduled administration. Adults who have taken the test previously but who have not yet earned passing scores in both sections of the test may retake the examination at any subsequent scheduled administration.

(4) To qualify for a high school diploma, each secondary or adult student must earn passing scores on both sections of the High School Competency Test. High School Competency Test scores shall be reported in terms of an equated score scale. The passing scale score shall be seven hundred (700).

(a) For the time period of October 1994 through August 1996, the passing scale scores for the communications and mathematics sections of the High School Competency Test shall be set so that the percentage of grade eleven (11) students passing each section of the test in the 1994 administration will be equivalent to the percentage of grade eleven students who passed the respective sections of the High School Competency Test in October 1993. The passing scores for the High School Competency Test specified in this rule shall be reviewed not later than August 31, 1995, and recommendations to adjust the passing scores, as appropriate, shall be presented to the State Board by the Commissioner.

(b) After August 1996, all students shall meet the following passing score requirements regardless of whether they had taken and failed to pass the High School Competency Test prior to August 1996; the mathematics section passing scale score shall be set equivalent to a raw score of forty-two (42) out of fifty-five (55) test questions on the October 1994 test; the communications section passing scale score shall be set equivalent to a raw score of fifty-five (55) out of sixty-five (65) test questions on the October 1994 test.

(c) Beginning in 1994, secondary students classified as juniors and adults who anticipate graduating after the 1994-95 academic year shall be tested on the skills adopted in subsection 6A-1.0941(1), F.A.C., for the time period from 1994-95 through 1998-99.

(d) A student who was initially tested on skills adopted in subsection 6A-1.0942(1), F.A.C., for the time period 1985-86 through 1993-94 and who expects to graduate from high school before August 1996 shall meet the High School Competency Test requirements prescribed in Rule 6A-1.0942, F.A.C.

(e) After August 1996, all students shall meet the High School Competency Test requirements described in Rule 6A-1.09421, F.A.C.

(5) No time limit shall be established for answering the questions on the High School Competency Test; provided, however, that no student shall be permitted to answer test items which have been seen by the student at a time other than the examination session in which the test questions are given to the student and provided that the examination session shall not be longer than the length of time normally scheduled for a school day.

(6) If a student fails to pass a section of the High School Competency Test as prescribed herein, the district school board shall provide special instructional assistance for such student in a manner deemed most appropriate by policies of the district school board.

(a) Such special assistance may take the form of:
1. Informal consultation between student and teachers,
2. Tutoring of one (1) student by another student,
3. Structured or nonstructured independent study,
4. Special classroom study of short duration (one (1) to five (5) days),
5. Special classroom study of longer duration, or
6. Such other appropriate form as determined by the district school board.

(b) When the student earns a passing score on a section of the High School Competency Test, it shall be recorded in the student’s cumulative record. If the student has previously been awarded a Certificate of Completion in lieu of a standard high school diploma by virtue of failure to pass the High School Competency Test, such student shall be awarded a standard high school diploma. Appropriate instructional assistance and adequate opportunity to be retested so as to earn a passing score shall remain available to each student until such time as the student earns passing scores on each section of the test.

(7) Once a student has passed a section of the test measuring skills adopted in subsection 6A-1.0941(1), F.A.C., for the time period 1985-86 through 1993-94, the student will not be required to pass that section of the test measuring skills adopted in subsection 6A-1.0941(1), F.A.C., for the time period from 1994-95 through 1998-99.

(8) Invalidity of a section of this rule shall not invalidate the remainder of the rule.

Specific Authority 120.53(1)(b), 229.053(1), 229.57(3)(c)5. FS. Law Implemented 120.53(1)(b), 229.57, 232.246, 232.247 FS. History–New 1-2-95, Amended 12-19-95.
6A-1.09422 Florida Comprehensive Assessment Test Requirements.

(1) The statewide program of educational assessment required by Section 1008.22(3)(c), Florida Statutes, shall be developed under the direction and supervision of the Commissioner of Education and shall be titled the Florida Comprehensive Assessment Test (FCAT). It shall be:

(a) Kept secured at all times.
(b) Provided to all school districts in the quantity needed for the students in the district.
(c) Administered in accordance with standard written instructions appropriate for the examination. The written instructions will be issued by the Commissioner in the form of test administration manuals and other written communications, as required, and provided to school districts in sufficient time prior to each test.
(d) Revised and updated as needed.

(2) The test shall be developed in consultation with teachers and other appropriate professionals and shall be approved by the Commissioner prior to being administered to students. The FCAT shall:

(a) Consist of four (4) sections: one (1) measuring reading skills, one (1) measuring mathematics skills, one (1) measuring writing skills, and one (1) measuring science skills.
(b) Be derived from the skills adopted in Rule 6A-1.09401, F.A.C.

(3) The FCAT shall be administered as follows:

(a) All eligible students in grades three through ten shall take the reading and mathematics tests. All eligible students in grades four, eight, and ten shall take the writing test. All eligible students in grades five, eight, and ten shall take the science test.
(b) Provisions shall be made by school districts to administer the test to students who are absent on the designated testing dates according to directions specified by the Commissioner. The directions will be issued in the form of test administration manuals and other written communications, as required, and provided to school districts in sufficient time prior to each test.
(c) Provisions shall be made by the Commissioner to permit the test to be administered to home school students and private school students under conditions which preserve the security of the test and require the public school districts to be responsible for the test administration procedures.
(d) In accordance with the requirements of Section 1008.25(4), Florida Statutes, provisions shall be made by the Commissioner to retest students the following year if they do not attain minimum performance expectations.
(e) The FCAT shall be administered to students in grades 3 through 9 not less than one time per year on a schedule approved by the Commissioner and up to three times per year for students who do not attain minimum performance expectations on the grade 10 FCAT as specified in subsection (7) of this rule.

(4) Examinee scores on FCAT reading and mathematics shall be reported on a score scale from 100 to 500 defined by the baseline test administered during January and February 1998, and a developmental scale of approximately 0 to 3000 that defines performance across grades 3 through 10. Examinee scores on FCAT Science shall be reported on a score scale from 100 to 500 defined by the baseline test administered during March 2003. Each examinee shall receive a total score for each subject area in addition to part scores that can be reliably reported.

(5) The total scores on FCAT Reading and Mathematics are also reported on an achievement-level scale. The total scores that correspond to each achievement level are shown in the following paragraphs.

(a) Beginning with the effective date of this rule, until changes are recommended by the Commissioner of Education to the State Board of Education, the achievement levels for the first phase of implementation (step 1) shall be as shown in the following tables.

Reading grade-level scale scores (100 to 500) for each achievement level – step 1:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>100-258</td>
<td>259-283</td>
<td>284-331</td>
<td>332-393</td>
<td>394-500</td>
</tr>
<tr>
<td>4</td>
<td>100-274</td>
<td>275-298</td>
<td>299-338</td>
<td>339-385</td>
<td>386-500</td>
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<tr>
<td>5</td>
<td>100-255</td>
<td>256-285</td>
<td>286-330</td>
<td>331-383</td>
<td>384-500</td>
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<td>100-266</td>
<td>267-299</td>
<td>300-343</td>
<td>344-388</td>
<td>389-500</td>
</tr>
<tr>
<td>8</td>
<td>100-270</td>
<td>271-309</td>
<td>310-349</td>
<td>350-393</td>
<td>394-500</td>
</tr>
<tr>
<td>9</td>
<td>100-284</td>
<td>285-321</td>
<td>322-353</td>
<td>354-381</td>
<td>382-500</td>
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<td>10</td>
<td>100-286</td>
<td>287-326</td>
<td>327-354</td>
<td>355-371</td>
<td>372-500</td>
</tr>
</tbody>
</table>

Reading developmental scale scores (86 to 3008) for each achievement level – step 1:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>86-1045</td>
<td>1046-1197</td>
<td>1198-1488</td>
<td>1489-1865</td>
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<tr>
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<td>295-1314</td>
<td>1315-1455</td>
<td>1456-1689</td>
<td>1690-1964</td>
<td>1965-2638</td>
</tr>
<tr>
<td>5</td>
<td>474-1341</td>
<td>1342-1509</td>
<td>1510-1761</td>
<td>1762-2058</td>
<td>2059-2713</td>
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<td>6</td>
<td>539-1449</td>
<td>1450-1621</td>
<td>1622-1859</td>
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<td>2126-2758</td>
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<td>7</td>
<td>671-1541</td>
<td>1542-1714</td>
<td>1715-1944</td>
<td>1945-2180</td>
<td>2181-2767</td>
</tr>
</tbody>
</table>
(b) The Commissioner of Education will review FCAT performance data after each test administration and make a recommendation to the State Board of Education about future implementation of the step 2 achievement levels shown in the following tables.

**Mathematics grade level scale scores (100 to 500) for each achievement level – step 1:**

<table>
<thead>
<tr>
<th>Grade</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>100-252</td>
<td>253-293</td>
<td>294-345</td>
<td>346-397</td>
<td>398-500</td>
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<td>100-259</td>
<td>260-297</td>
<td>298-346</td>
<td>347-393</td>
<td>394-500</td>
</tr>
<tr>
<td>5</td>
<td>100-287</td>
<td>288-325</td>
<td>326-354</td>
<td>355-394</td>
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<td>100-282</td>
<td>283-314</td>
<td>315-353</td>
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<td>280-309</td>
<td>310-346</td>
<td>347-370</td>
<td>371-500</td>
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<tr>
<td>9</td>
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<td>296-331</td>
<td>332-366</td>
<td>367-500</td>
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<td>100-286</td>
<td>287-314</td>
<td>315-339</td>
<td>340-374</td>
<td>375-500</td>
</tr>
</tbody>
</table>

**Mathematics developmental scale scores (375 to 2709) for each achievement level – step 1:**

<table>
<thead>
<tr>
<th>Grade</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
</tr>
</thead>
<tbody>
<tr>
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<td>375-1078</td>
<td>1079-1268</td>
<td>1269-1508</td>
<td>1509-1749</td>
<td>1750-2225</td>
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<tr>
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<td>581-1276</td>
<td>1277-1443</td>
<td>1444-1657</td>
<td>1658-1862</td>
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<td>1452-1631</td>
<td>1632-1768</td>
<td>1769-1956</td>
<td>1957-2456</td>
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<td>958-1660</td>
<td>1661-1785</td>
<td>1786-1938</td>
<td>1939-2079</td>
<td>2080-2572</td>
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<td>1998-2091</td>
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<td>1901-2022</td>
<td>2023-2141</td>
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<td>1832-1946</td>
<td>1947-2049</td>
<td>2050-2192</td>
<td>2193-2709</td>
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</tbody>
</table>

**Reading grade-level scale scores (100 to 500) for each achievement level – step 2:**

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<tr>
<th>Grade</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
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</thead>
<tbody>
<tr>
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<td>100-271</td>
<td>272-296</td>
<td>297-344</td>
<td>345-406</td>
<td>407-500</td>
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<td>399-500</td>
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<td>299-343</td>
<td>344-396</td>
<td>397-500</td>
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<td>278-308</td>
<td>309-351</td>
<td>352-399</td>
<td>400-500</td>
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<td>280-312</td>
<td>313-356</td>
<td>357-401</td>
<td>402-500</td>
</tr>
<tr>
<td>8</td>
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<td>407-500</td>
</tr>
<tr>
<td>9</td>
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<td>335-366</td>
<td>367-394</td>
<td>395-500</td>
</tr>
<tr>
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<td>300-339</td>
<td>340-367</td>
<td>368-384</td>
<td>385-500</td>
</tr>
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</table>

**Reading developmental scale scores (86 to 3008) for each achievement level – step 2:**

<table>
<thead>
<tr>
<th>Grade</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
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<tr>
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<td>86-1129</td>
<td>1130-1281</td>
<td>1282-1572</td>
<td>1573-1949</td>
<td>1950-2514</td>
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<tr>
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<td>295-1395</td>
<td>1396-1536</td>
<td>1537-1770</td>
<td>1771-2046</td>
<td>2047-2638</td>
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<tr>
<td>5</td>
<td>474-1419</td>
<td>1420-1587</td>
<td>1588-1839</td>
<td>1840-2135</td>
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<tr>
<td>6</td>
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<td>1526-1697</td>
<td>1698-1936</td>
<td>1937-2202</td>
<td>2203-2758</td>
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<tr>
<td>7</td>
<td>671-1613</td>
<td>1614-1786</td>
<td>1787-2017</td>
<td>2018-2252</td>
<td>2253-2767</td>
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<tr>
<td>8</td>
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<td>1948-2137</td>
<td>2138-2347</td>
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<tr>
<td>9</td>
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<td>1847-2046</td>
<td>2047-2220</td>
<td>2221-2372</td>
<td>2373-2943</td>
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<tr>
<td>10</td>
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<td>1926-2142</td>
<td>2143-2293</td>
<td>2294-2385</td>
<td>2386-3008</td>
</tr>
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</table>

**Mathematics scale scores (100 to 500) for each achievement level – step 2:**

<table>
<thead>
<tr>
<th>Grade</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>100-265</td>
<td>266-306</td>
<td>307-358</td>
<td>359-410</td>
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<td>273-310</td>
<td>311-359</td>
<td>360-406</td>
<td>407-500</td>
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<tr>
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<td>301-338</td>
<td>339-367</td>
<td>368-407</td>
<td>408-500</td>
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<tr>
<td>6</td>
<td>100-295</td>
<td>296-327</td>
<td>328-366</td>
<td>367-403</td>
<td>404-500</td>
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<td>288-318</td>
<td>319-356</td>
<td>357-391</td>
<td>392-500</td>
</tr>
</tbody>
</table>
Pursuant to Section 1008.22(3)(c)5., Florida Statutes, students who were enrolled in grade nine in the fall of 1999 and thereafter, shall be required to earn passing scores on the grade ten Florida Comprehensive Assessment Test in reading and mathematics.

For students in the graduating class of 2003-04 school year and beyond, the passing score for the reading and mathematics tests shall be a score equal to or greater than 300 on the 100 to 500 scale, and 1926 for the reading test and 1889 for the mathematics test on the developmental scale, unless the student had previously qualified for the passing scores required for the 2002-03 graduating class.

After July 1, 2005, and before March 1, 2006, the Commissioner of Education shall review student performance levels and recommend to the State Board of Education whether to maintain the existing passing scores and achievement levels (step 1) or to increase one or both of the requirements.

The test shall be administered according to a schedule approved by the Commissioner.

Students with disabilities may be provided test modifications or accommodations in accordance with the provisions of Rule 6A-1.0943, F.A.C.

Invalidity of a section of this rule shall not invalidate the remainder of the rule.

Specific Authority 1008.25(8)(b) FS. Law implemented 1008.25(6)(b)3. FS. History–New 5-19-03.

6A-1.094221 Alternative Standardized Reading Assessment.

Pursuant to Section 1008.25(6), Florida Statutes, relating to the statewide public school student progression law eliminating social promotion, students who score at Level 1 on the grade three reading FCAT may be promoted to grade four if the student demonstrates an acceptable level of performance on the Norm Referenced Test (NRT) portion of the FCAT or the SAT-9 alternative assessment.

The acceptable levels of performance on the alternative assessments for grade three for the 2002-2003 school year are as follows:

(a) To promote a student using the grade three reading NRT portion of the FCAT as an alternative assessment good cause exemption, the grade three student scoring at Level 1 Reading FCAT must score at or above the 51st percentile on the grade three reading NRT portion of the FCAT.

(b) To promote a student using the SAT-9 as an alternative assessment good cause exemption, the grade three student scoring at Level 1 Reading FCAT must score at or above the 51st percentile on a parallel form of the SAT-9. The SAT-9 may only be administered one (1) time.

The earliest the alternative assessment may be administered for student promotion purposes is following the receipt of the grade three student reading FCAT scores or during the last two (2) weeks of school, whichever occurs first.

6A-1.0943 Statewide Assessment for Students with Disabilities.

The Division of Public Schools and Community Education shall assure the inclusion of students with disabilities as defined by Section 228.041(18), Florida Statutes, in the statewide assessment program, develop the test instruments required herein and provide technical assistance to school districts in the implementation of the requirements of this rule including appropriate accommodations to instruments and statewide assessment procedures administered pursuant to Section 229.57, Florida Statutes. Students who are identified solely as gifted are not eligible for state assessment accommodations.

(a) The decision to exclude any student with a disability, as defined in Section 228.041(18), Florida Statutes, from statewide or district assessment programs is made by the Individual Educational Plan (IEP) team and recorded on the IEP. Students may be excluded from statewide or district assessment programs if the following criteria are met:
1. The student’s demonstrated cognitive ability prevents the student from completing required coursework and achieving the Sunshine State Standards as incorporated by reference in Rule 6A-1.09401, F.A.C., even with appropriate and allowable course modifications, and

2. The student requires extensive direct instruction to accomplish the application and transfer of skills and competencies needed for domestic, community living, leisure, and vocational activities.

(b) Students who are excluded from statewide or district assessment will be assessed through an alternate assessment procedure identified by the IEP team. The alternate assessment procedure shall be recorded on the student’s IEP.

(c) Students who are excluded from the state-required graduation test using the criteria in paragraphs (1)(a) and (b) of this rule will not be eligible for a standard high school diploma.

(2) Each school board shall utilize appropriate accommodations to the statewide assessment instruments and procedures, within the limits prescribed herein. Accommodations are defined as adjustments to the presentation of the assessment questions, method of recording examinee responses to the questions, schedule for administration of the assessment, or use of assistive devices to facilitate administration of the assessment. Statewide assessment accommodations may be used only if they do not alter the underlying content that is being measured by the assessment or negatively affect the assessment’s reliability or validity. Accommodations shall be identified for each eligible student and recorded on the student’s IEP or plan developed under Section 504 of the Rehabilitation Act. Allowable accommodations are those that have been used by the student in classroom instruction as long as the accommodations are within the limits specified in this rule. Such accommodations may include:

(a) Presentation. The student may be administered any statewide assessment through the following presentation formats:

1. Regular print versions of the test may be enlarged through mechanical or electronic means.
2. The district test coordinator may request large print versions.
3. Braille versions may be requested for students who use Braille materials. Some test items may be altered in format for Braille versions of the test as authorized by the Department. Test items that have no application for the Braille reader will be deleted as authorized by the Department. Student performance standards that cannot be assessed in the Braille format will be deleted from the requirements of Section 229.57, Florida Statutes.
4. Signed or oral presentation may be provided for all directions and items other than reading items. Reading items must be read by the student through visual or tactile means.
5. The student may use means to maintain or enhance visual attention to test items.
6. Presentation formats not covered by this rule may be requested through the Department of Education and will be provided, as appropriate, upon approval by the Commissioner of Education.

(b) Responding. The student may use varied methods to respond to the test, including written, signed and verbal response. Written responses may include the use of mechanical and electronic devices. A test administrator or proctor may transcribe student responses to the format required by the test. Transcribed responses must accurately reflect the response of the student, without addition or edification by the test administrator or proctor.

(c) Scheduling. The student may be administered a test during several brief sessions allowing frequent breaks during the testing sessions, within specifications of the test administration manual. Students may be provided additional time for the administration of the test.

(d) Setting. The student may be administered a test individually or in a small group setting. The student may be provided with adaptive or special furniture and special lighting or acoustics.

(e) Assistive devices. The student may use the following assistive devices typically used in classroom instruction.

1. If the purpose of the assessment requires complex computation, calculators may be used as authorized in the test administration manual. A calculator may not be used on assessments of basic computation as specified in the test administration manual.
2. Visual magnification and auditory amplification devices may be used. For students with visual impairments, an abacus may be used.
3. Technology may be used without accessing spelling or grammar-checking applications for writing assessments and without using speech output programs for reading items assessed. Other assistive technology typically used by the student in classroom instruction may be used provided the purpose of the testing is not violated. Implementation of assistive devices must assure that test responses are the independent work of the student. Unusual circumstances of accommodations through assistive devices must be approved by the Commissioner of Education before use.

(3) The preceding accommodations described in paragraphs (2)(a) through (e) of this rule are authorized, when determined appropriate by the school district superintendent or designee, for any student who has been determined to be an eligible student with disabilities pursuant to Section 228.041(18), Florida Statutes, and Rule 6A-6.0331, F.A.C., and has a current IEP, or who has been determined to be a student with a disability pursuant to subsection 6A-19.001(6), F.A.C. Satisfaction of the requirements of Rule 6A-1.0942, F.A.C., by any of the above accommodations shall have no bearing upon the type of diploma or certificate issued to the student for completing school.

(4) The need for any unique accommodations for use on state assessments not outlined in this rule must be approved by the Commissioner of Education.
(5) District personnel are required to implement the accommodations in a manner that ensures the test responses are the independent work of the student. Personnel are prohibited from assisting a student in determining how the student will respond or directing or leading the student to a particular response. In no case shall the accommodations authorized herein be interpreted or construed as an authorization to provide a student with assistance in determining the answer to any test item.

(6) The test scores of students with disabilities, as defined in Section 228.041(18), Florida Statutes, will be included in the state’s accountability system as determined by the Commissioner of Education.

(7) Procedures for exemption from the assessment required for graduation with a standard high school diploma due to extraordinary circumstances of a student with a disability, as defined in Section 228.041(18), Florida Statutes, are specified in Rule 6A-1.09431, F.A.C.

Specific Authority 229.57(3), (11), 232.246(8), (9) FS. Law Implemented 229.57(3), (11), 232.246(8), (9) FS. History–New 9-12-78, Amended 3-4-84, Formerly 6A-1.943, Amended 6-12-90, 9-17-01.


Students with disabilities, as defined in Section 228.041(18), Florida Statutes, are eligible for consideration of a special exemption from the graduation test requirement under extraordinary circumstances that create a situation where the results of administration of the graduation test would reflect a student’s impaired sensory, manual or speaking skills rather than the student’s achievement. Such circumstances are defined as physical conditions that affect a student’s ability to communicate in modes acceptable through accommodation of the statewide test. Extraordinary circumstances are events or conditions that prevent the student from physically demonstrating mastery of skills that have been acquired and are measured by the test. Learning process deficits and cognitive deficits do not constitute extraordinary circumstances. A request may be made for an exemption from any or all sections of the test required for high school graduation.

(1) The Commissioner may exempt a student with a disability as defined by Section 228.041(18), Florida Statutes, from meeting the testing requirement for high school graduation with a standard diploma, as specified in Section 229.57(3)(c), Florida Statutes.

(2) The procedure for consideration of this special exemption must originate with receipt of a written request from the district school superintendent at least one semester before the anticipated graduation date. This request must be due to extraordinary circumstances which would cause the results of the testing to reflect the student’s impaired sensory, manual or speaking skills rather than the student’s achievement. The Commissioner shall determine whether the exemption shall be granted based upon the documentation provided by the district school superintendent which shall include:

(a) Written description of the student’s disabling condition, including a specific description of the student’s impaired sensory, manual or speaking skills and the extraordinary circumstances for the exemption request;

(b) Written documentation of the most recent and other available re-evaluation or psychological reports and course transcript;

(c) Written description of the disability’s effect on the student’s achievement;

(d) Written description of accommodations or modifications provided in the student’s high school course of study;

(e) Written evidence that the student has had the opportunity to learn the skills being tested, has been prepared to participate in the testing program and has been provided appropriate test accommodations as defined in Rule 6A-1.0943, F.A.C.; and

(f) Written evidence that the manifestation of the student’s disability prohibits the student from responding to the written test even when appropriate accommodations are provided so that the result of the testing reflects the student’s impaired sensory, manual or speaking skills rather than the student’s achievement.

(g) Written description of academic accomplishments indicating mastery of skills assessed on the graduation test as described in Section 229.57(3), Florida Statutes.

(3) Upon receipt of the request for exemption, the Commissioner shall determine whether sufficient documentation has been provided and may request additional information.

(4) If the Commissioner determines that the criteria for an exemption have been met, the request for exemption from one or both parts of the test will be granted. Students granted a request for exemption from the graduation test must meet all other criteria for graduation with a standard diploma as outlined in Section 232.246, Florida Statutes.

(5) Students who are not granted an exemption under this rule and who have not demonstrated mastery of the skills measured by the test for graduation continue to be eligible for the provision of a free appropriate public education until the age of twenty-two (22).

(6) Students with disabilities who do not meet the graduation criteria for a standard high school diploma may be eligible for a special diploma as outlined in Rule 6-1.0996, F.A.C.


(1) All students classified as limited English proficient (LEP) must participate in the statewide assessment program, prescribed in Section 229.57, Florida Statutes. There is no categorical exemption from participation in the statewide assessment program for LEP students.
(2) An exemption from participation in any component of the statewide assessment program for an individual LEP student may only be made by specific action of a LEP committee as defined in subsection 6A-6.0901(5), F.A.C., and only for a student whose date of classification as LEP falls within one (1) year prior to the assessment date.

(a) The LEP committee, in making its decision, shall consider the following factors:
1. Level of mastery of basic competencies or skills in English and home language according to appropriate local, state, and national criterion-referenced standards;
2. Grades from the current or previous years; or
3. Other test results.

(b) The LEP committee shall exempt a LEP student from participation in a component of the statewide assessment program if it determines that the student’s participation would have an unsound instructional effect on the student.

(3) The use of LEP assessment data for school grading purposes shall be as stated in Rule 6A-1.09981, F.A.C.

(4) LEP assessment data shall be used by school districts and schools to evaluate the effectiveness of their instructional programs for LEP students and to follow-up such evaluations with appropriate adjustments, modifications, and improvements of the district’s and the school’s LEP programs. The district’s LEP plan, pursuant to Section 233.058, Florida Statutes, and Rule 6A-6.0905, F.A.C., shall be revised whenever substantive changes in the district’s LEP program are required.

(5) Assessment results of individual students shall be used by schools to evaluate the progress of individual students. When indicated, such evaluations shall result in appropriate adjustments, modifications, and improvements of each individual LEP student plan, pursuant to Rules 6A-6.0901, 6A-6.0902, and 6A-6.0903, F.A.C. A LEP committee shall be convened whenever substantive changes in an individual LEP plan are required.

(6) No promotion or retention decision may be made for any individual student classified as LEP based solely on a score on any single assessment instrument, whether such assessment instrument is part of the statewide assessment program or of a particular district’s formal assessment process. A formal retention recommendation regarding a LEP student may be made through action of a LEP committee.

Specific Authority 232.245(2)(b) FS. Law Implemented 232.245 FS. History—New 4-29-02.

6A-1.0944 Access, Maintenance and Destruction of State Student Assessment Tests and Related Materials.

(1) Access to the state student assessment tests administered pursuant to Sections 229.57, 232.245, 232.246, and 232.247, Florida Statutes, including developmental materials and work papers directly related to the tests shall be limited to the following persons:

(a) Officers and employees of the Department and persons under contract with the Department whose duties require them to have access to the tests, developmental materials and work papers directly related to the tests.

(b) At the discretion of the Commissioner and upon his or her personal determination and authorization, access may be permitted for each of the following:

1. Persons assisting the Department in developing, reviewing and validating the tests,
2. Persons assisting the Department in communicating to the public general information about the tests, and
3. Persons engaged in educational research needing the tests for legitimate research purposes.

(2) All student answer sheets and related materials shall be stored by the Department or its designee for a period of not less than two (2) years after the materials are produced or collected. At the end of two (2) years, the materials may be destroyed upon approval of the Commissioner. Test booklets may be destroyed immediately following testing in accordance with procedures established by the commissioner.

(3) At least one (1) set of final student test results on computer tape shall be retained by the Department or its designee for a period of not less than five (5) years. At the end of the five (5) years, the tapes may be destroyed.

Specific Authority 120.53(1)(b), 229.053(1), 232.248 FS. Law Implemented 120.53(1)(b), 232.248 FS. History—New 9-12-78, Formerly 6A-1.944.

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) The program in which the student is in membership shall be one of the programs listed in Section 236.081(1)(c), Florida Statutes.

(2) The course or program in which the student is in membership shall be an educational activity which constitutes a part of the instructional program approved by the district school board.

(3) The student shall be under the supervision of an instructional staff member as defined in Rule 6A-1.0501, F.A.C.

(4) The course or program shall be listed in the “Course Code Directory and Instructional Personnel Assignments” for the year in which the student is in membership.
(5) The “Course Code Directory and Instructional Personnel Assignments 2002-2003” is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.


6A-1.09512 Equivalent Minimum School Term for Compulsory Attendance Purposes.

Any child of compulsory school attendance age, who is enrolled in a non-public school pursuant to Section 232.02, Florida Statutes, shall be deemed to be in compliance with the compulsory attendance requirements of Section 232.01(1)(a), Florida Statutes, provided the child maintains regular attendance during the entire school term of either:

(1) One hundred eighty (180) actual school days determined as prescribed by Section 228.041(13), Florida Statutes, or

(2) A minimum of one hundred seventy (170) actual school days and the hourly equivalent of one hundred eighty (180) actual school days, determined as prescribed below:

(a) Kindergarten: Five hundred forty (540) net instructional hours.
(b) Grades 1-3: Seven hundred twenty (720) net instructional hours.
(c) Grades 4-12: Nine hundred (900) net instructional hours.

Specific Authority 228.041(16), 229.053(1) FS. Law Implemented 229.041(13), (17), 232.01(1)(a), 232.02 FS. History–New 4-21-80, Formerly 6A-1.9512.


(1) Each parent of a child within the compulsory attendance age shall be responsible for such child’s school attendance as required by law. Parents will not be held responsible for their child’s nonattendance at school under the conditions specified in Section 232.09, Florida Statutes. The term insurmountable condition as used in Section 232.09(4), Florida Statutes, is defined as follows:

(a) Extreme weather conditions such as, but not limited to, floods, hurricanes, tornadoes, or other acts of God which make it impracticable or inadvisable for the safety of the student to attend school.
(b) Communicable disease outbreaks such as, but not limited to, measles and chicken pox, which the state health officer or county health medical director indicates a student should be excluded from school for reasons of health and safety.
(c) Local conditions determined by the school district which, after taking into account the material circumstances, would render impracticable a student’s attendance at school.

(2) The school district shall provide a parent with a reasonable opportunity to be heard before referring a case for enforcement pursuant to Section 232.19, Florida Statutes.

Specific Authority 229.053(1), 232.09(4) FS. Law Implemented 232.09(4) FS. History–New 11-23-88.

6A-1.09514 Excused Absences for Religious Instruction or Holiday.

(1) Release time during the school day to participate in religious instruction. Each school district which chooses to permit release time during the school day for students to participate in religious instruction shall adopt rules to implement Section 232.0225(1), Florida Statutes, for students in grades 9 through 12. The school district’s rules shall include, but are not limited to, the following:

(a) Provisions establishing the procedures and time frames under which each religious institution which offers religious instruction will make its attendance records available to the school district. Such provisions shall not impair or impede the school district’s established system of attendance recordkeeping although the school district may make adjustments in its system as long as the school district continues to comply with Sections 232.021 and 232.2462, Florida Statutes, and Rule 6A-1.044, F.A.C.
(b) Provisions establishing the school district’s requirements for the acceptance by the religious institution or parents of responsibility for any liability involving students on release time. Such requirements shall as a minimum require the religious institution or parents to indemnify the school district and hold it harmless with respect to any liability arising from conduct which does not occur on property under the control or supervision of the school district, and to maintain adequate insurance for that purpose.
(c) Provisions which assure that decisions on requests for release time properly take into account the district’s pupil progression plan as stated in Section 232.0225(1)(b), Florida Statutes.
(d) Provisions which give parents and students an opportunity to be heard in connection with a decision to terminate the permission given to a student to attend religious instruction during the school day.
(2) Each school district shall adopt rules to implement Section 232.0225(2), Florida Statutes, for students in grades K through 12. The district’s rules shall provide that absences from school for observance of a religious holiday or because the tenets of a student’s religion forbid secular activity during a school day or portion thereof shall be excused subject to compliance with such rules. The district’s rules shall include, but are not limited to:

(a) Provisions for establishing and modifying a list of religious holidays which shall be included in the rules. School districts may consult with religious institutions and leaders in the community for this purpose.

(b) Provisions for the procedures and time limits to be observed by students, teachers, and administrators in making available to each student so excused an opportunity to make up any examination, study, or work assignment which has been missed.

(c) Provisions for the procedures and time limits applicable to the giving of prior notice of a student’s intended absence by the student’s parent or guardian.

(d) Provisions giving affected students and parents an opportunity to be heard in connection with the decision to excuse or not excuse an absence on a day or portion thereof which is not included in the list of religious holidays.

(3) Each school district which operates one or more postsecondary vocational education school shall adopt a policy, including a grievance procedure, as prescribed in Section 240.134, Florida Statutes, which shall be applicable to the students of the postsecondary vocational education school. The policy shall separately specify the reasonable accommodations made in regard to admissions, class attendance and the scheduling of examinations and work assignments, provided that:

(a) The school district shall not be obligated to make accommodations which impair or impede its compliance with other statutes and rules of the State Board of Education, or which adversely affect the quality of the instruction at a postsecondary vocational education school.

(b) The content of the policy shall be determined by the school district which may solicit and receive, but is not bound by, information from religious organizations, leaders, and affected students.

(c) The school district shall annually make known its policy as required in Section 240.134, Florida Statutes.

(4) For purposes of this rule, a school district may accept as prima facie proof that a student is a member of, or practices and observes the tenets of, a religious group, church, or denomination, a notarized statement to that effect from an adult student or from the parent or guardian of a minor student.


Where conditions necessitate that a school board must operate a school program at any school center within the district for less than the minimum school day as prescribed by Section 228.041(13), Florida Statutes, the commissioner of education, upon application of the school board, may reduce the minimum school day by not more than one (1) hour for 120 school days. Any application to the commissioner for a reduction of the minimum school day prescribed by Section 228.041(13), Florida Statutes, shall be in writing and shall set forth in detail the nature of the emergency and the reasons why a reduction is necessary for a certain day or days. The commissioner of education is authorized to approve, for a period not to exceed 120 school days, those applications describing emergency situations which he finds might endanger the health, safety or welfare of students in the public schools of Florida.

Specific Authority 229.053(1) FS. Law Implemented 120.53, 228.041(13) FS. History–New 12-17-71, Repromulgated 12-5-74, Formerly 6A-1.9531.

6A-1.09533 Minimum School Term, Emergencies.

The Commissioner of Education will consider written requests by district school boards to reduce the length of the school term in case of national, state or local emergencies pursuant to Section 236.02(2), Florida Statutes, and Rule 6A-1.09533, F.A.C., with or without a proportionate reduction in funding, only if one (1) of the following conditions exists:

(1) No teacher planning days, excluding a maximum of three (3) post school planning days, remain in the official school year calendar as approved by the district school board, and no school holidays, other than authorized national or state holidays, remain in the official school year calendar as approved by the district school board, or

(2) The Commissioner may reduce the school term up to a maximum of three (3) school days, for one (1) or more schools provided the net instructional time scheduled to be provided by a school for the school year as defined in Section 228.041(16), Florida Statutes, minus the hours scheduled for each day classified as a national, state or local emergency, equals or exceeds nine hundred (900) hours.

Specific Authority 229.053(1), 236.02(2) FS. Law Implemented 120.53, 228.041(16), 236.02(2) FS. History–New 10-23-79, Formerly 6A-1.9533, Amended 7-5-88.

6A-1.0955 Education Records of Pupils and Adult Students.

(1) Purposes. This rule applies to education records maintained to facilitate the instruction, guidance, and educational progress of pupils and adult students in programs operated under the authority and direction of a district school board.

(2) Definitions. For the purposes of this rule, the following definitions shall be used:
(a) Education records. The term “education records” shall mean those records, files, documents and other materials as defined in Section 228.093(2), Florida Statutes, which contain information directly related to a pupil or an adult student, which are maintained by an educational institution or by a person acting for such institution, and which are accessible to other professional personnel for purposes listed in subsection 6A-1.0955(1), F.A.C. Information contained in education records shall be classified as follows:

1. Category A – permanent information: Verified information of educational importance which shall be retained permanently in the manner prescribed by Section 230.331(2), Florida Statutes.
2. Category B – temporary information: Verified information of educational importance which is subject to periodic review and elimination, when the information is no longer useful, in the manner prescribed by Section 230.331(3), Florida Statutes.

(b) Child. A child shall mean any person who has not reached the age of majority.

c) Pupil. A pupil shall mean any child who is enrolled in any instructional program or activity conducted under the authority and direction of a district school board.

d) Adult student. Adult student shall mean any person who has attained 18 years of age and is enrolled in any instructional program or activity conducted under the authority and direction of a district school board.

(3) Content of Category A records. The information on these records shall be kept current.

(a) The following information shall be maintained for each pupil or adult student on Form ESE-386, Grades 9-12 and Adult Permanent Record Card, Category A – Education Records, and Form ESE-392, Grades Pre-K-5 Permanent Record Card Category A – Education Records, effective June, 1987 which are hereby incorporated by reference and made a part of this rule.

1. Pupil’s or student’s full legal name.
2. Authenticated birthdate, place of birth, race and sex.
3. Last known address of the pupil or student.
4. Names of the pupil’s or student’s parent or guardian.
5. Name and location of last school attended.
6. Number of days present and absent, date enrolled, date withdrawn.
7. Courses taken and record of achievement, such as grades, units, or certification of competence.
8. Date of graduation or date of program completion.

(b) Category A information listed on Form ESE-386. Grades 9-12 and Adult Permanent Record Card Category A – Education Records, shall be maintained only for students who are enrolled in grades 9-12 and students enrolled in adult education programs which lead to a high school diploma.

(c) A district desiring to maintain the content for Category A records on a form other than Forms ESE-386 and ESE-392 may do so when approved by the Deputy Commissioner for Educational Programs. To receive approval, a district must submit a copy of the proposed alternate form which shall include all data items classified as Category A information in paragraph 6A-1.0955(3)(a), F.A.C., to the Deputy Commissioner for Educational Programs, explaining the reasons for requesting the use of an alternate form. The Deputy Commissioner for Educational Programs shall approve or disapprove the request in writing.

d) One copy of Forms ESE-386 and ESE-392 may be obtained without cost from the Department of Education, The Florida Education Center, Tallahassee, Florida 32399. Each district school board shall provide the copies required for use in the public schools of the district.

e) School districts shall maintain sufficient information, to include social security number, on adult students enrolled in a postsecondary program so that they can be located after they have either withdrawn or completed a program of study.

(4) Content of Category B records. Each school board shall adopt policies which will assure accuracy of information maintained and provide for periodic review and elimination of information, no longer useful, in the manner prescribed by Section 230.331(3), Florida Statutes. These records may include but are not limited to the following information:

(a) Health information.
(b) Family background data.
(c) Standardized test scores.
(d) Educational and career plans.
(e) Honors and activities.
(f) Work experience reports.
(g) Teacher comments.
(h) Reports of student services, or exceptional student staffing committees including all information required by Section 230.23(4)(m)7., Florida Statutes.
(i) Correspondence from community agencies or private professionals.
(j) Driver education certificate.
(k) A list of schools attended.
(l) Written agreements of corrections, deletions or expunctions as a result of meetings or hearings to amend educational records.

(5) Educational records do not include the information identified in Section 228.093(2)(e)1.-8., Florida Statutes.

(6) Each school board shall adopt a policy for educational records which shall include:
(a) Provisions for an annual written notice to inform the parent or guardian of pupils and adult students of their rights as defined in Section 228.093(3), Florida Statutes. The district shall develop alternative methods of notice for informing the parent or guardian of pupils, or adult students unable to comprehend a written notice in English. This notice shall include but is not limited to the following:

1. Right of access, right of waiver of access, right to challenge and hearing, and right of privacy; and
2. Notice of the location and availability of the district’s policy on education records of pupils and adult students.

(b) Provisions for permitting the adult student or the parent or guardian of the pupil who is or has been in attendance in the school district to inspect and review the education records of the adult student or pupil. The district shall comply with a request within a reasonable period of time, but in no case more than 30 days after it has been made. The right to inspect and review education records under this paragraph includes the right to reasonable requests for explanation and interpretation of the records, and the right to obtain copies of the records. The school district shall presume that the adult student or either parent of the pupil has the right to inspect and review the education records of the pupil or adult student unless the agency or institution has been provided with evidence that there is a legally binding instrument or court order governing such matters as divorce, separation or custody which provides to the contrary.

(c) Provisions for adult students or the parent or guardian of pupils to exercise the right of waiver of access to confidential letters or statements. The waiver shall include but not be limited to access to confidential letters or statements. The waiver shall not be valid unless in writing and signed by the adult student or the parent or guardian of the pupil, as appropriate. The waiver may be revoked in writing with respect to actions occurring after the revocation. School districts may not require that adult students or the parent or guardian of pupils waive any of their rights under Section 228.093(3), Florida Statutes.

(d) A schedule of fees for copies of education records which shall not exceed the actual cost of reproduction of such records and shall not reflect the costs to retrieve the education records.

(e) A listing of the types and locations of education records maintained by the educational agency and the titles and addresses of the officials responsible for those records.

(f) Provisions for disclosure of personally identifiable information where prior written consent of the adult student or the parent or guardian of pupils is not required. Written consent is not required for disclosures authorized in Section 228.093(3)(d)1.-11., Florida Statutes.

(g) Provisions for disclosure of personally identifiable information where prior written consent of the adult student or the parent or guardian of a pupil, as appropriate, is required. These provisions shall include but are not limited to the following:

1. The written consent required must be signed and dated and shall include:
   a. Specification of the records to be disclosed;
   b. The purposes of the disclosures; and
   c. The party or class of parties to whom a disclosure is to be made.
2. Personally identifiable information shall be disclosed only on the condition that the party to whom the information is disclosed shall not disclose the information to any other party without prior written consent of the adult student or the parent or guardian of the pupil, as appropriate. Personally identifiable information which is disclosed to an institution, agency, or organization may be used by its officers, employees and agents, but only for the purpose for which the disclosure was made.
3. Whenever written consent is required, school districts shall presume that the adult student or the parent or guardian of the pupil, as appropriate, giving consent has the authority to do so unless the district has been provided with evidence that there is a legally binding instrument, or state law or court order governing such matters as divorce, separation, or custody which provides to the contrary.
4. A record shall be maintained of requests and disclosures of personally identifiable information from the education records. Records of requests and disclosures do not have to be maintained when the disclosure is to the adult student or to the parent or guardian of the pupil, when the disclosure is based on written consent, when the disclosure is directory information, or when the disclosure is to other school officials with a legitimate educational interest. The record of requests for disclosure shall include but are not limited to the following:
   a. The parties who have requested or obtained personally identifiable information; and
   b. The legitimate interests of the persons requesting or obtaining the information.

(h) Criteria for determining which parties are “school officials” and what the district considers a “legitimate educational interest.”

(i) Provisions for disclosure of personally identifiable information in health and safety emergencies. Criteria for determining the existence of emergencies involving health or safety shall include but are not limited to the following:

1. The seriousness of the threat to the health or safety of the pupil or adult student or other individuals;
2. The need for the information to meet the emergency;
3. Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and
4. The extent to which time is of the essence in dealing with the emergency.

(j) Provisions for disclosure of directory information as defined in Section 228.093(2)(e), Florida Statutes. These shall include but are not limited to the following:

1. At least an annual public notice of the categories of personally identifiable information designated as directory information;
2. The right of the adult student or the parent or guardian of a pupil to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that adult student or pupil;
3. The period of time within which the adult student or the parent or guardian must inform the district, in writing, that such personally identifiable information is not to be designated directory information with respect to that adult student or pupil; and
4. Provisions for granting requests for lists of data specified as directory information.

(k) Provisions for challenging the content of any record which the adult student or the parent or guardian of a pupil believe to be inaccurate, misleading or a violation of their privacy and for providing an opportunity for correction, deletion or expunction of such information. These provisions shall include the following:

1. Informal meetings as defined in Section 228.093(3)(c), Florida Statutes.
2. A hearing, which may be requested by either party, when agreement cannot be reached in the informal meeting. The provisions for the hearing shall include but not be limited to the provisions in Section 228.093(3)(c)1.-5., Florida Statutes.
3. An agreement which shall be reduced to writing, signed and dated by the adult student or the parent or guardian of the pupil and designated school officials if records are to be corrected, deleted or expunged. The agreement shall only indicate that the record has been corrected, deleted or expunged.
4. A right to place a statement in the education record, by the adult student or parent or guardian of the pupil, if the decision of the hearing is that the records are not inaccurate, misleading or otherwise in violation of privacy. The statement may comment on the information in the education record and set forth any reasons for disagreeing with the decision.

(7) Procedures for transfer of education records.

(a) Upon request of officials of educational institutions for transfer of an adult student’s or a pupil’s records, school officials shall make a reasonable attempt to notify the adult student or the parent or guardian of the pupil, as appropriate, of the transfer of the records at the last known address of the adult student or of the parents or guardians of the pupil. This notice shall not be necessary if the adult student or the parent or guardian of the pupil initiate the transfer request, or when the district includes in its policies that it forwards education records on request to a school in which an adult student or a pupil seeks or intends to enroll.
(b) The transfer of records shall be made immediately upon written request of an adult student, a parent or guardian of a pupil or a receiving school. The principal or designee shall transfer a copy of all Category A and Category B information and shall retain a copy of Category A information; however, student records which are required for audit purposes for programs listed in Section 229.565(3), Florida Statutes, shall be maintained in the district for the time period indicated in Rule 6A-1.04513, F.A.C.
(c) The transfer of adult student or pupil education records shall not be delayed for nonpayment of a fee or fine assessed by the school.

(8) Security of education records of pupils or adult students.

(a) The school principal or designee shall be responsible for the privacy and security of all pupil or adult student records maintained in the school.
(b) The superintendent of schools or designee shall be responsible for the privacy and security of all pupil or adult student records that are not under the supervision of a school principal.

Specific Authority 228.093(3), 229.053(1), 232.23(2) FS. Law Implemented 228.093, 229.559, 229.8075, 230.23(4)(m)7., 230.331(2), (3), 232.23, 239.113 FS. History–New 4-11-70, Repromulgated 12-5-74, Revised 6-1-75, Amended 10-7-75, 2-21-77, 3-1-78, 5-24-81, Formerly 6A-1.955, Amended 6-17-87, 1-2-95.

6A-1.0956 Suspension on the Basis of Felony Charges.

When a student is formally charged with a felony by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, but which incident is shown to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled, the principal shall, in accordance with Section 232.26(2), Florida Statutes, conduct an administrative hearing for the purpose of determining whether or not the student should be suspended pending court determination of his or her guilt or innocence, or the dismissal of the charge, is made by a court of competent jurisdiction. The following procedures shall be followed by the principal in instituting and conducting the administrative hearing; provided, however, that a school board may, upon written approval of the Commissioner, utilize its own hearing policy in lieu of this rule.

(1) Upon receiving proper notice that a student has been formally charged with a felony, the principal shall immediately notify the parent or guardian of the student, in writing, of the specific charges against the student and of the right to a hearing prior to disciplinary action being instituted under the provisions of Section 232.26(2), Florida Statutes.
(2) Such notice shall stipulate a date for hearing which shall be not less than two (2) school days nor more than five (5) school days from postmarked date, or delivery, of the notice and shall also advise the parent of the conditions under which a waiver of suspension may be granted, as prescribed in subsections (2) and (3) of Section 232.26, Florida Statutes. Pending such hearing, the student may be temporarily suspended by the principal.
(3) The hearing shall be conducted by the principal, or designee, and may be attended by the student, the parent, the student’s representative or counsel, and any witnesses requested by the student or the principal.
(4) The student may speak in his or her own defense, may present any evidence indicating his or her eligibility for waiver of disciplinary action, and may be questioned on his or her testimony. However, the student shall not be threatened with punishment or later punished for refusal to testify.

(5) In conducting the hearing, the principal or designee shall not be bound by rules of evidence or any other courtroom procedure, and no transcript of testimony shall be required.

(6) Following the hearing, the principal shall provide the student and parent with a decision, in writing, as to whether or not suspension will be made. In arriving at this decision, the principal shall consider the conditions prescribed by subsections (2) and (3) of Section 232.26, Florida Statutes, under which a waiver of suspension may be granted, and may grant such a waiver when he or she determines such action to be in the best interests of the school and the student. Provided, however, that any suspension pending adjudication of guilt shall be made only upon a finding, based upon conclusive evidence, that a felony charge has been formally filed against the student by a proper prosecuting attorney. The principal shall have authority to modify the decision to either grant or deny a waiver, at any time prior to adjudication of the student’s guilt by a court, provided that any such modification adverse to the student shall be made only following a hearing conducted in accordance with this rule.

Specific Authority 120.57(1)(a)6., 229.053(1), 232.26(2) FS. Law Implemented 232.26(2) FS. History–New 2-18-74, Repromulgated 12-5-74, Amended 9-6-78, Formerly 6A-1.956, Amended 8-30-88.

6A-1.0985 Entry Into Kindergarten and First Grade by Out-of-State Transfer Students.

(1) Any student who transfers from an out-of-state public school and who does not meet regular age requirements for admission to Florida public schools shall be admitted upon presentation of the data required in subsection (3).

(2) Any student who transfers from an out-of-state nonpublic school and who does not meet regular age requirements for admission to Florida public schools may be admitted if the student meets age requirements for public schools within the state from which he or she is transferring, and if the transfer of the student’s academic credit is acceptable under rules of the school board. Prior to admission, the parent or guardian must also provide the data required in subsection (3).

(3) In order to be admitted to Florida schools, such a student transferring from an out-of-state school must provide the following data:

(a) Official documentation that the parent(s) or guardian(s) was a legal resident(s) of the state in which the child was previously enrolled in school;
(b) An official letter or transcript from proper school authority which shows record of attendance, academic information, and grade placement of the student;
(c) Evidence of immunization against communicable diseases as required in Section 232.032, Florida Statutes;
(d) Evidence of date of birth in accordance with Section 232.03, Florida Statutes; and
(e) Evidence of a medical examination completed within the last twelve (12) months in accordance with Section 232.0315, Florida Statutes.

Specific Authority 229.053(1), 232.04 FS. Law Implemented 232.01(2), 232.04 FS. History–New 7-29-82, Formerly 6A-1.985.

6A-1.099 Cooperative Projects and Activities.

(1) District school boards are authorized to enter into cooperative or joint projects and activities as provided in Section 230.23(4)(j), Florida Statutes; provided however, that any disagreements which cannot be satisfactorily resolved by the parties to such agreements may be referred to the Commissioner whose decision shall be binding on all cooperating boards.

(2) District school boards are authorized to establish educational consortia which are designed to provide joint programs and services to cooperating school districts.

(a) Establishment of consortium. Cooperating districts shall establish the consortium by a resolution of each school board. A district school board choosing to join a consortium shall by resolution declare its participation by setting forth at least the following:

1. The specific needs of the district which will be met by consortium activities.
2. The services to be received by the district.
3. A beginning date of entry into the agreement.
4. A termination date for the agreement or an annual option renewal date when the objectives to be achieved exceed one (1) fiscal year.
5. Amounts of funds to be paid annually for the services received or the specific method of computation used to determine such amounts.

(b) District of record. Cooperating districts shall designate a district of record for contractual and reporting purposes. The school board of the district of record shall be the responsible entity for contracting for services and materials necessary for fulfillment of consortium programs and services to member districts. The district of record shall provide a monthly financial report to member districts and shall separately report on the financial status of the consortium in the annual financial report of the district to the Commissioner. The district of record shall be entitled to reasonable compensation for accounting and other services performed. It may also be compensated for use of physical facilities.
(c) Consortium board of directors. The superintendent of schools of cooperating districts or his/her designee shall constitute the consortium board of directors. The consortium board of directors shall determine the products and services to be provided by the consortium; however, in all contractual matters the school board of the district of record must act on proposed actions of the consortium. The board of directors shall establish a uniform method for participating districts to evaluate services.

(d) Settlement of disagreements. In the event a controversy arises and agreement cannot be reached after the consortium is formed and operating, the matter may be referred jointly by the cooperating school boards or by any individual board to the Commissioner. The Commissioner’s decision shall be binding on all school boards.

(e) Accounting. All financial transactions of the consortium are to be accounted for separately by the district of record in the appropriate proprietary fund as determined by generally accepted accounting principles. Income to the fund will be composed of payments from cooperating districts, including the district of record, receipts from goods and services provided non-member districts, and the receipts from grants to the consortium. Cooperating districts, including the district of record, may make payments to the consortium in advance of delivery of services and products. Disbursements from the fund shall include payments for products and services, including agreed-upon services furnished by the district of record, and any refunds due cooperating districts. All transactions with the district of record shall be recorded in the fund. Accounts used shall be those prescribed in the publication entitled, Financial and Program Cost Accounting and Reporting for Florida Schools, as incorporated by reference in Rule 6A-1.001, F.A.C.

(f) Petty cash. The school board of the district of record may authorize a petty cash fund for the consortium in an amount commensurate with the established need, but not to exceed three hundred dollars ($300).

(g) Employment of personnel. The consortium board of directors shall recommend establishment of positions and individuals for appointment to the district of record. Formal recommendation and approval of personnel shall be accomplished in accordance with statutory authority. Personnel shall be employed under the salary schedule and personnel policies of the district of record and shall be deemed to be public employees of the district of record. Where personnel are employed in an instructional capacity, contract status shall be consistent with provisions of Section 231.36(9), Florida Statutes. For the purpose of determining the ratio of administrators to teachers as required in Section 229.565(2)(f), Florida Statutes, personnel of the consortium shall be counted on a prorated basis among member districts based on previous final unweighted FTE.

(h) Physical property. Ownership and control of any physical property shall be vested in the district of record. The district of record may acquire such property and charge the consortium a negotiated use charge. The consortium may advance all or part of the acquisition price to the district of record.

(i) Allocation of common costs. Common costs are defined as those costs which are applicable to all consortium activities or to all users of certain products or services. The consortium board of directors shall recommend to the district of record equitable bases for the allocation of common costs. These bases shall be used in billing cooperative districts for common costs or in establishing pricing for products and services. The consortium board of directors shall recommend pricing adjustments as necessary to achieve break-even status.

Specific Authority 229.053(1), 230.23(4)(j), (12) FS. Law Implemented 229.053(2)(h), (i), (j), 230.23(4)(j), (12) FS. History–New 2-20-64, Amended 9-17-72, Repromulgated 12-5-74, Amended 6-9-81, 9-27-84, Formerly 6A-1.99, Amended 5-26-02.

6A-1.09941 State Uniform Transfer of High School Credits.

The purpose of this rule is to establish uniform procedures relating to the acceptance of transfer work and credit for students entering Florida’s public schools. The procedures shall be as follows:

(1) Credits and grades earned and offered for acceptance shall be based on official transcripts and shall be accepted at face value subject to validation if required by the receiving school’s accreditation. If validation of the official transcript is deemed necessary, or if the student does not possess an official transcript or is a home education student, credits shall be validated through performance during the first grading period as outlined in subsection (2) of this rule.

(2) Validation of credits shall be based on performance in classes at the receiving school. A student transferring into a school shall be placed at the appropriate sequential course level and should have a minimum grade point average of 2.0 at the end of the first grading period. Students who do not meet this requirement shall have credits validated using the Alternative Validation Procedure, as outlined in subsection (3) of this rule.

(3) Alternative Validation Procedure. If validation based on performance as described above is not satisfactory, then any one of the following alternatives shall be used for validation purposes as determined by the teacher, principal, and parent:

(a) Portfolio evaluation by the superintendent or designee;

(b) Written recommendation by a Florida certified teacher selected by the parent and approved by the principal;

(c) Demonstrated performance in courses taken through dual enrollment or at other public or private accredited schools;

(d) Demonstrated proficiencies on nationally-normed standardized subject area assessments;

(e) Demonstrated proficiencies on the FCAT; or

(f) Written review of the criteria utilized for a given subject provided by the former school.

Students must be provided at least ninety (90) days from date of transfer to prepare for assessments outlined in paragraphs (3)(d) and (e) of this rule if required.

Specific Authority 1003.25(3) FS. Law Implemented 1003.25(3) FS. History–New 8-28-00, Formerly 6-1.099, Amended 9-22-03.
6A-1.0995 Form of High School Diplomas and Certificates of Completion.
Pursuant to Sections 232.246(4) and 232.247, Florida Statutes, the form of the Standard Diploma, the Special Diploma, the Certificate of Completion and the Special Certificate of Completion shall contain the wording and be in the form prescribed herein.

(1) Standard Diploma:

Name of School  
City, State  
Florida  
Seal  
This certifies that  
(Name of Student)

having satisfactorily completed all requirements of law and standards for high school graduation as prescribed by the State Board of Education and the District School Board is hereby awarded this DIPLOMA

by order of the ________ County District School Board

_________________  
Superintendent  
of Schools

_________________  
Chairman,  
School Board

_________________  
Principal

(2) Special Diploma:

Name of School  
City, State  
Florida  
Seal  
This certifies that  
(Name of Student)

having satisfactorily completed all requirements of law and standards for high school graduation prescribed for exceptional students by the State Board of Education and the District School Board is hereby awarded this DIPLOMA

by order of the ________ County District School Board

_________________  
Superintendent  
of Schools

_________________  
Chairman,  
School Board

_________________  
Principal

(3) Certificate of Completion:

Name of School  
City, State  
Florida Seal  
This certifies that  
(Name of Student)

having completed the minimum number of credits for high school graduation and other applicable requirements prescribed by the rules of the District School Board, is hereby awarded this CERTIFICATE OF COMPLETION

by order of the ________ County District School Board

_________________  
Superintendent

_________________  
Chairman,
CERTIFICATE OF COMPLETION

(4) Special Certificate of Completion:

Name of School
City, State
Florida
Seal
This certifies that
(Name of Student)

having completed the minimum number of credits for high school graduation prescribed for exceptional students and other applicable requirements prescribed by the rules of the District School Board, is hereby awarded this

CERTIFICATE OF COMPLETION

by order of the ________ County District School Board

(Date of Award)

Superintendent
of Schools

Chairman,
School Board

Principal

(5) School boards electing to award differentiated diplomas in lieu of the Standard Diploma as authorized in Section 232.246(4), Florida Statutes, may place on the Standard Diploma a seal to indicate the type of differentiation. Seals given in recognition of outstanding scholastic achievement may also be placed on the face of the Standard Diploma.

(6) Each district school board shall produce or have produced the Diplomas and Certificates of Completion in the quantity and as needed to be awarded to the students in the public schools of that district. Any person producing copies shall, pursuant to Section 15.03(3), Florida Statutes, and Chapter 1C-5, F.A.C., secure approval from the Department of State to print the State Seal on such copies.

(7) The Commissioner is authorized, upon written request from any district school board, to approve modification in the form or format of the diplomas or certificates prescribed herein; however, such modification shall not substantively alter the content or the wording of the diplomas or certificates.


6A-1.0997 Settlement of Area and Attendance Disputes Between County School Boards.

(1) Notice and Procedures. When school boards of adjoining districts cannot come to a cooperative agreement to establish school attendance areas or other matters as described in Section 230.23(4)(d), Florida Statutes, then one (1) or both of the districts may submit the matter to the Department of Education, by letter to the Commissioner of Education, for resolution pursuant to Section 230.23(4)(d).3., Florida Statutes, under the procedures of Section 120.57, Florida Statutes.

(2) Criteria. In formulating decisions to effect attendance areas and attendance agreements between or among school districts, the Commissioner shall consider the following criteria before issuing any binding conditions of agreement:

(a) Compliance with applicable law and State Board of Education rules;
(b) Health, safety and welfare of affected students;
(c) Educational benefits of the decisions as related to the affected students;
(d) Impact upon affected parents/guardians;
(e) Impact on affected districts’ revenues and educational programs; and
(f) Impact on state revenues.

Specific Authority 230.23(4)(d)3. FS. Law Implemented 230.33(6)(a), (d), 230.23(4)(a), (d)1., 2., 3. FS. History–New 4-3-90.

6A-1.0998 Standards for Indicating Progress Toward the State Education Goals.

Standards and outcomes are specified for each state education goal in the publication entitled, “Blueprint 2000, A System of School Improvement and Accountability,” as approved by the State Board of Education. The standards identify what is required to meet the goals and the outcome statements are the components that further explain the standards. These standards and outcomes are
 hereby incorporated by reference and made a part of this rule. Copies of the publication may be obtained from the Florida Commission on Education Reform and Accountability, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.


6A-1.09981 Implementation of Florida’s System of School Improvement and Accountability.

(1) Policy Guidance. Accountability for student learning is the key focus of Florida’s system of school improvement. Results from the statewide assessment program required by Section 1008.34, Florida Statutes, shall form the basis of Florida’s system of school improvement and accountability. Student achievement data from the Florida Comprehensive Assessment Test (FCAT) in grades 3-10 shall be used to establish both proficiency levels and annual progress for individual students, schools, districts, and the state. Results shall further be used as the primary criteria in calculating school performance grades as specified in subsection (5) of this rule, school rewards and recognition, and performance-based funding and shall be annually reported. The statewide assessment program shall be used to measure the annual learning gains of each student toward achievement of the Sunshine State Standards appropriate for the student’s grade level and to inform parents of the educational progress of their public school children as specified by Section 1008.34(1), Florida Statutes.

(a) Full Implementation of Accountability System in School Year 2001-2002 and thereafter. Beginning in school year 2001-2002, the school accountability system will be considered to be fully implemented with the following accountability elements.

1. Designation of school performance grades shall be based on a combination of:
   a. Student achievement scores, based on FCAT reading and mathematics assessments in grades 3-10 and FCAT writing assessments in grades 4, 8, and 10;
   b. Annual student learning gains as measured by FCAT reading and mathematics assessments in grades three (3) through ten (10); and
   c. Improvement of the FCAT reading scores of students in the lowest twenty-five (25) percent of each grade, aggregated for each school, unless they are performing above satisfactory, defined as FCAT Achievement Levels 4 and 5.

2. School improvement ratings shall be based on the school’s performance grade in the current year compared to the previous year. School improvement ratings shall not be used in the designation of school grades.

3. Schools designated as Performance Grade “C” or above shall be required to demonstrate that adequate progress in reading, defined as annual learning gains in paragraph (5)(b) of this rule, has been made by the lowest twenty-five (25) percent of students in the school who scored at or below FCAT Achievement Level 3, based on their previous year’s FCAT score. The minimum requirement for adequate progress is deemed to be met when at least fifty (50) percent of such students make learning gains as defined in paragraph (5)(b) of this rule. If the minimum requirement for adequate progress in reading among the lowest twenty-five (25) percent of students in the school is not met, the School Advisory Council shall amend its School Improvement Plan to include a component for improving learning gains of the lowest performing students. If a school otherwise designated as Performance Grade “B” or “C” does not make adequate progress, demonstrate learning gains for at least half of the lowest performing students, in at least one (1) of two (2) consecutive years, the final Performance Grade designation shall be reduced by one (1) letter grade. No school shall be designated as Performance Grade “A” unless the adequate progress criterion in reading, learning gains for at least half of the lowest performing students, is met each year.

4. To ensure that student data accurately represent school performance, schools shall be required to assess at least ninety (90) percent of their eligible students to qualify for a School Performance Grade of D, C, or B and at least ninety-five (95) percent to qualify for an A.

5. Statewide assessment results shall be publicly reported and shall include a comparison of the achievement of Florida students to the national average through the use of norm-referenced subtests in reading and mathematics.

6. Schools designated School Performance Grade A and schools improving at least one (1) performance grade designation shall be eligible for school recognition and awards.

7. Schools designated School Performance Grade A and schools improving at least two (2) performance grades shall be eligible for deregulated status and increased budget authority.

8. Intensive assistance and intervention, including on-site assistance, preference for awarding grants, and priority for other discretionary funds as specified in subsections (9), (10), and (11) of this rule, shall be provided to schools designated School Performance Grade F and School Performance Grade D. Renegotiation of bargained contracts as specified in subsection (9) of this rule may be provided to schools designated School Performance Grade F.

(b) In an effort to promote the continuous improvement of each student and each school within the state every school year, accountability reports shall be reflective of the data available for each year.

(2) School Accountability for Student Performance. All schools shall be accountable for performance relative to the Student Performance Goal stated in Section 1008.345, Florida Statutes. Each school is accountable for the performance of its entire student population. Student achievement data from the FCAT shall be used to measure a school’s student performance for the subject areas of reading, mathematics, and writing. The FCAT levels in the performance criteria in subsection (5) of this rule are those specified in Rule 6A-1.09422, F.A.C., for the year in which achievement data are used for accountability. In addition, the FCAT assessment
shall include a norm-referenced subtest that shall be used to report student achievement as compared to national norms. Schools shall report student achievement scores on these subtests to parents. Student achievement data on norm-referenced subtests shall not represent progress toward the Sunshine State Standards and shall not be used in designating school performance grades, but may be used to validate the reasonableness of the improvements demonstrated for the purpose of designating a school performance grade as described in this rule.

(3) Reporting Student Achievement Data for School Accountability. Student achievement data shall be reported for all students in a school as specified by Section 1008.22, Florida Statutes. Each year reports of achievement data for all students shall be prepared for each school, the district, and the state. For the purpose of assigning school performance grades, each school’s aggregate achievement data shall be based on:

(a) The scores of all students enrolled in standard curriculum courses including the scores of students who are speech impaired, gifted, hospital homebound, and Limited English Proficient (LEP) students who have been in an English for Speakers of Other Languages (ESOL) program for more than two (2) years.

(b) In addition, only the scores of those students who are enrolled in the second period and the third period full-time equivalent student membership survey as specified in Rule 6A-1.0451, F.A.C., shall be included.

(c) The Commissioner is authorized to designate a single school performance grade for schools that serve multiple levels: elementary and/or middle and/or high school grade levels.

(d) The Commissioner will issue guidelines regarding which school types shall receive school performance grades. The accountability contact person, as specified in paragraph (9) of this rule, is responsible for verifying that each school is appropriately classified by type before the issuance of school grades. The Commissioner shall periodically review the criteria for including students in the calculation of School Performance Grades, including students in alternative and Department of Juvenile Justice facilities.

(4) School Performance Grades. The measure of school accountability shall be the school performance grade. The Commissioner is authorized to designate a school performance grade for each school that:

(a) Has at least thirty (30) eligible students with valid FCAT assessment scores in reading in both the current and the previous years, and

(b) Has at least thirty (30) eligible students with valid FCAT assessment scores in math in the current and previous years.

School performance grade designations shall be made in the summer of each school year. Performance designations shall be made using School Performance Grades A, B, C, D, and F, as specified in Section 1008.34(2), Florida Statutes. School performance grades shall be based on the assessments and criteria as specified in subsection (5) of this rule. The Commissioner is authorized to establish appropriate achievement level criteria in newly assessed grade levels for submission to the State Board for final approval.

(5) Criteria for Designating School Performance Grades. School performance grades shall be designated in the summer of each year and shall be based on a combination of the following three components, as specified in Section 1008.34(3), Florida Statutes:

(a) Student achievement scores, aggregated for each school, which indicate the percent of eligible students who score at or above FCAT Achievement Level 3 in reading and math and the percent of students who score “3” or higher averaged with the percent who score “3.5” or higher on the FCAT writing assessment;

(b) Annual learning gains, aggregated for each school, which indicate the percent of eligible students who have:
   1. Improved their FCAT Achievement Level from one (1) year to the next, or
   2. Maintained their Achievement Levels within levels 3, 4, or 5 from one (1) year to the next, or
   3. Remained within FCAT Achievement Levels 1 or 2, but who demonstrated more than one (1) year’s growth on the FCAT developmental scale. The Department of Education has identified the scores in the following table as representing one (1) year’s growth.

<table>
<thead>
<tr>
<th>Grade</th>
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<td>6-7</td>
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<tr>
<td>Math</td>
<td>162</td>
<td>119</td>
<td>95</td>
<td>78</td>
<td>64</td>
<td>54</td>
</tr>
</tbody>
</table>

Students whose FCAT Achievement Level declines from one (1) year to the next shall not be deemed to have made annual learning gains. The annual learning gains calculation shall be based on students who have a valid FCAT reading and/or math score in both the current and previous year, and who take a higher grade level test in the current year than in the previous year.

(c) Improvement of the lowest twenty-five (25) percent of students in reading in each grade, as defined in paragraph (5)(b) of this rule, shall be aggregated for each school, unless the students so designated are performing above proficiency, defined as FCAT Achievement Levels 4 and 5.

(6) Procedures for Calculating School Performance Grades. The overall Performance Grade of A, B, C, D or F for school years 2001-2002 and thereafter, as designated in Section 1008.34(2), Florida Statutes, shall be based on the sum of the following six (6) school grade point elements:

(a) One (1) point for each percent of students who score at or above FCAT Achievement Level 3 in reading;

(b) One (1) point for each percent of students who score at or above FCAT Achievement Level 3 in mathematics;
The percent of students reflected in each of the six (6) school grade point elements defined in paragraphs (6)(a) through (f) of this rule shall be expressed to the nearest whole number. In the event that a school does not have at least thirty (30) eligible students tested in writing, the district average in writing as defined in paragraph (6)(c) of this rule shall be substituted. In the event that a school does not have at least thirty (30) students in the lowest twenty-five (25) percent in reading as defined in paragraph (5)(c) of this rule, the lowest performing thirty (30) students at or below proficiency, defined as FCAT Achievement Levels 1, 2, and 3, will be used. In the event there are still not thirty (30) qualified students in the lowest achieving group, the grade point element defined in paragraph (6)(d) of this rule shall be substituted for the grade point element defined in paragraph (6)(f) of this rule.

(7) School Performance Grading Scale. The School Performance Grade shall be based on the sum of the six (6) grade point elements as defined in paragraphs (6)(a) through (f) of this rule and shall be scaled to reflect school performance, learning gains and improvement of the lowest twenty-five (25) percent beginning with the 2001-2002 school year, as required by Section 1008.34(1), Florida Statutes. In addition to the requirements in subsection (5) of this rule for minimum percent of students tested, the following scale shall be applied:

(a) At least 410 school grade points shall be required for a School Performance Grade of A.
(b) At least 380 school grade points shall be required for a School Performance Grade of B.
(c) At least 320 school grade points shall be required for a School Performance Grade of C.
(d) At least 280 school grade points shall be required for a School Performance Grade of D.
(e) If a school accumulates fewer than 280 school grade points, it shall be assigned a School Performance Grade of F.

(8) Planned System Enhancements. As indicated in this subsection, planned enhancements will occur in Florida’s System of School Improvement and Accountability. The Commissioner of Education will periodically recommend additional changes to the system to the State Board of Education as necessary to ensure that continuous improvements are made in the educational programs of the state.

(a) The points earned for writing defined in paragraph (6)(c) of this rule will be based on the percent of students who score “3” or higher on the FCAT writing assessment for School Performance Grades determined in 2004-05 and 2005-06. For the School Performance Grades determined in 2006-07 and beyond, the points earned for writing defined in paragraph (6)(c) of this rule will be based on the percent of students who score “3.5” or higher on the FCAT writing assessment.

(b) Beginning with the performance grades to be issued in 2004-05, the students eligible to be included in the system, described in paragraph (3)(a) of this rule, will be expanded to include all students, regardless of disability or limited English proficiency classification, with valid FCAT assessment scores in reading in both the current year and the previous year. Inclusion of these students will be applied to paragraph (1)(a)4., regarding the percent tested, and to paragraphs (6)(d), (e) and (f), regarding the determination of student learning gains, of this rule.

(c) Science will be added as an additional category of performance beginning in 2006-07. For this category of achievement, schools will earn one (1) point for each percent of students who score at or above Achievement Level 3, proficient, as will be recommended by committees of educators and approved by the State Board of Education during 2005-06.

(9) Accuracy and Representativeness of Performance Data. The Commissioner will review all information submitted by school districts to represent the performance of schools receiving a school performance grade.

(a) Each school district superintendent shall designate a school accountability contact person to be responsible for verifying that each school is appropriately classified by type, verifying student data indicators and eligibility for inclusion and exclusion in school grade calculations, and reconciling student test answer documents that do not match survey three membership records prior to the issuance of school grades. Student eligibility changes may include, but are not limited to, officially recorded test invalidations, Exceptional Student or Limited English Proficient Student status changes made prior to testing, and school withdrawals made prior to testing. All changes in student eligibility for school grade calculations shall be made prior to the issuance of school grades and must be accompanied by written documentation deemed appropriate by the Department. Each school district shall be responsible for providing all related information to the Department within the time limits specified by the Commissioner.

(b) Unless performance data can be determined to accurately represent the progress of the school, the Commissioner is authorized to withhold the designation of a school’s performance grade or designate the school in a lower performance grade. If less than ninety (90) percent of the school’s student population eligible for inclusion in the designation of the school’s performance grade were assessed, the school’s performance grade shall be designated incomplete (I) for at least thirty (30) days or until the data are determined by the Commissioner to accurately represent the performance of the school. In the event that the percent tested
remains less than ninety (90) percent, the final performance grade will be one letter grade lower than indicated by the points described in subsection (7) of this rule or will be a grade determined by the Commissioner of Education to accurately represent the performance of the school.

(c) After the initial issuance of school performance grades, the school district shall have at least thirty (30) days to review the data on which the performance grade was based. If the school district determines that a different performance grade should be assigned because of the omission of student data, a data miscalculation, or special circumstances that might have affected the grade assigned, a request for a state review of the data can be submitted. Changes to the criteria or process described in paragraph (9)(a) will not be considered as part of this review and must be addressed as described therein. Appropriate documentation of all elements and data to be reviewed by the Department must be submitted within the time limits specified by the Commissioner.

The Commissioner’s determination of a school’s performance grade shall be final.

(10) Rewards and Recognition. Schools must have a designated school performance grade to participate in the Florida School Recognition Program as authorized by Section 1008.36, Florida Statutes. Schools designated School Performance Grade A and schools that have improved at least one (1) performance grade from the previous school year are eligible for school recognition and financial awards.

(a) Schools designated School Performance Grade A and schools that have improved at least two (2) performance grades may be given deregulated status as specified in Sections 1003.63(5), (7), (8), (9), and (10), Florida Statutes. Districts shall develop guidelines for the implementation of this provision and shall provide deregulated status to eligible schools that request it. The school advisory council and principal of an eligible school seeking waivers from state statutes shall submit requests as specified in Sections 1003.63(7)(a) and (b), Florida Statutes. The school’s deregulated status shall remain in effect as long as the school abides by the provisions of Sections 1003.63(5), (7), (8), (9), and (10), Florida Statutes, or unless the school’s performance grade declines.

(b) Schools designated School Performance Grade A and schools that have improved at least two (2) performance grades shall have greater authority over the allocation of the school’s total budget. Local school boards shall adopt policies in accordance with Section 1001.42(17)(d), Florida Statutes, which grant schools greater authority over the allocation of the school’s total budget, including, but not limited to, allocation of instructional staff and the acquisition of instructional materials, equipment, and technology. The school’s total budget includes funds generated from the FEFP, state categoricals, lottery funds, grants, and local funds. The policies shall provide for approval of a school’s written proposal as long as the proposal remains within the school’s total budget, specifies the areas in which the school will have administrative and fiscal autonomy, specifies the areas in which the school will follow school district fiscal and administrative policies, and is consistent with the school’s deregulated status.

(11) Assistance and Intervention for Schools Designated School Performance Grade F or School Performance Grade D. Assistance and intervention plans shall be provided for each school designated School Performance Grade F and School Performance Grade D.

(a) Assistance for Schools Designated School Performance Grade F or School Performance Grade D. Each school designated School Performance Grade F shall develop its school improvement plan in collaboration with the school advisory council, school board and the Department. The school improvement plan shall take into account the unique demographic characteristics of the school. The school board shall have final approval of the plan. Each school designated School Performance Grade F or School Performance Grade D shall receive specific assistance and interventions, including additional resources if needed, from the district school board as provided in Section 1001.42(16)(c), Florida Statutes. The district’s two-year plan of increasing individualized assistance and intervention for each school designated School Performance Grade F or School Performance Grade D shall be approved by the school board. Assistance shall be provided to each designated school in the district at increasingly intensive levels as long as the school continues to be so designated. For the purpose of documenting compliance with Section 1001.42(16)(c), Florida Statutes, school boards shall provide to the Department annually a copy of the approved assistance and intervention plan for each school designated School Performance Grade F in the district.

(b) The Commissioner is authorized to give preference to schools designated School Performance Grade F and School Performance Grade D in awarding federal and state grants designed to improve student achievement. The Department shall give priority to School Performance Grade F and School Performance Grade D schools in providing school improvement assistance and resources. The Department will identify demographically similar, but higher performing, schools in the state for possible assistance.

(c) The local school board is authorized to declare an emergency in order to negotiate special provisions of its contract with appropriate bargaining units to implement programs and strategies needed to improve student performance as specified in Section 1001.42(19), Florida Statutes.

(12) State Board of Education Action for Schools Designated Performance Grade F. A process for invoking State Board of Education action shall be implemented if, during any two (2) years out of a four (4) year period, a school is designated School Performance Grade F. The Commissioner shall coordinate the process and ensure that members of the State Board of Education are informed of recommendations for action regarding schools failing to make adequate progress. This process shall include the following steps:
STEP 1: Within thirty (30) days after the school has been notified by the Department that it has been designated School Performance Grade F for the second year in a four-year period, the district school board chair, the superintendent, the school advisory council chair, and the school principal shall submit a written report to the Commissioner. The report shall outline the steps taken to remedy the inadequate performance and identify causes for continued failure to make adequate progress. The Commissioner shall provide the report to the State Board of Education and may include recommendations.

STEP 2: The State Board of Education shall review the school’s performance data, including data reported as required in subsection (3) of this rule and Rule 6A-1.09982, F.A.C. The State Board of Education shall, if necessary, collect additional information on which to make a decision and may require the school district superintendent to provide additional written or verbal information.

STEP 3: Based on an analysis of all reports and data including a thorough consideration of the unique characteristics of the school, and after the district and school are given an opportunity to respond to any new information, the State Board of Education shall formally determine the degree of progress made by the school. Pursuant to this determination and recommendations of the Commissioner, the State Board of Education shall take action as authorized in Section 1008.33(2), Florida Statutes.

STEP 4: If the school board fails to comply with the actions recommended by the State Board of Education, within the time specified in said action, the school district’s lottery funds shall be withheld unless the school board can justify its noncompliance to the State Board’s satisfaction. If the State Board accepts a district’s justification for noncompliance, the State Board may amend its recommended actions, or extend the time allowed for compliance.

(13) State Board of Education Review of Schools Designated Performance Grade D. A process for invoking State Board of Education review may be initiated by the Commissioner if, during any two (2) years out of a four (4) year period, a school is designated School Performance Grade D. The Commissioner is authorized to require the school and district to report to the State Board of Education for an instructional review and action as authorized in Section 1001.42(16)(d), Florida Statutes.

(14) Responsibilities of Schools Performing at School Performance Grade C and Above. Schools determined to be performing at School Performance Grade C and above shall continue identifying needs, developing school improvement plans, and defining goals for improved performance without required State Board of Education intervention and assistance. These schools shall continue to assess and report progress on the goals as required by Sections 1008.34(1) and 1001.42(16)(e), Florida Statutes, and Rule 6A-1.09982, F.A.C.

(15) Measures of Student Performance. The Department shall develop statewide assessments designed to measure student performance based on the following four standards to achieve the goal set forth in Section 1001.03(1), Florida Statutes, with special emphasis on reading, writing, and mathematics as defined in Rule 6A-1.09401, F.A.C., in the “Sunshine State Standards 1996” as incorporated by reference. Beginning in school year 2002-2003, science will be added as a subject area for special emphasis.

(a) Florida students communicate in English and other languages using information, concepts, prose, symbols, audio and video recordings, speech, graphic displays, and computer-based programs.

(b) Florida students communicate in English and other languages using information, concepts, prose, symbols, audio and video recordings, speech, graphic displays, and computer-based programs.

(c) Florida students use numeric operations and concepts to describe, analyze, disaggregate, communicate, and synthesize numeric data, and to identify and solve problems.

(d) Florida students use creative thinking skills to generate new ideas, make the best decisions, recognize and solve problems through reasoning, interpret symbolic data, and develop efficient techniques for lifelong learning.

Specific Authority 1001.02, 1008.22, 1008.33, 1008.345 FS. Law Implemented 1000.03, 1001.42, 1003.63, 1008.33, 1008.34, 1008.345, 1008.36 FS. History–New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, 12-23-03.

6A-1.09982 Reporting Requirements for School Improvement and Accountability.

(1) Each district school board is responsible for developing and implementing procedures for schools to use when issuing annual school reports. Each school must distribute a school public accountability report to all parents, guardians, and adult students and make it available to the general community upon request. Reports shall be distributed no later than December 15, 1996, and on or before November 15 in each year thereafter. The reports shall follow a uniform district-wide format that is easy to read and understand. The school advisory council report for each school shall contain data for school improvement planning and must be made available to the general public upon request.

(2) The school public accountability report must include:

(a) The key data elements contained in the report entitled Florida’s System of School Improvement and Accountability which was approved by the State Board of Education in June 1995. These data elements are hereby incorporated by reference and made a part of this rule. Data will be reported by school, district and state levels where applicable. Beginning with 1996-97 school year data and each year thereafter, the report shall provide assessment data on the school’s progress in eight goal areas by including, where applicable, school, district and state current levels of performance on the following indicators:

1.a. Goal. Readiness to start school. Communities and schools collaborate to prepare children and families for children’s success in school.
b. Indicator. Number and percentage of students meeting the expectations of the state for school readiness as determined by a formal observation of each kindergarten student using an instrument that meets guidelines developed by the Department of Education.

2. Goal. Graduation rate and readiness for postsecondary education and employment. Students graduate and are prepared to enter the workforce and postsecondary education.
   a. Indicator. Number and percentage of students who graduate from high school as defined in Section 232.2468, Florida Statutes.
   b. Indicator. Number and percentage of students sixteen (16) years or older who were reported as dropouts at the end of each school year.
   c. Indicator. Number and percentage of students who meet the state levels in reading, writing, and mathematics for placement into college-level courses.
   d. Indicator. Number and percentage of graduates who are employed, enrolled in postsecondary programs, or enlisted in the military using the most recently available data.

3.a. Goal. Student performance. Students successfully compete at the highest levels nationally and internationally and are prepared to make well-reasoned, thoughtful, and healthy life-long decisions.
   b. Indicator. Student performance results on state-designated external student assessments at various grade levels, including Florida Writes!, the High School Competency Test, and locally administered norm-referenced tests at grades four (4) and eight (8).

   a. Indicator. Results of an annual locally-administered school learning environment survey.
   b. Indicator. Number and percentage of teachers and staff who are new to the school at the beginning of each school year.
   c. Indicator. Number and percentage of students absent eleven (11) to twenty (20) days and twenty-one (21) or more days each year.
   d. Indicator. Average number of days teachers and administrators were not in attendance at the school for reasons classified as personal leave, sick leave, and temporary duty elsewhere.

5.a. Goal. School safety and environment. Communities provide an environment that is drug-free and protects students’ health, safety, and civil rights.
   b. Indicator. Number and percentage of incidents of violence, weapons violations, vandalism, substance abuse, and harassment on the bus, on campus, and at school-sponsored activities.

6. Goal. Teachers and staff. The schools, districts, and state ensure professional teachers and staff.
   a. Indicator. Number and percentage of classes taught by out-of-field teachers.
   b. Indicator. Number and percentage of teachers, administrators, and staff who receive satisfactory annual evaluations based on the district assessment system.
   c. Indicator. Number and percentage of teachers in the school who have earned degrees beyond the bachelor’s level.

7.a. Goal. Adult literacy. Adult Floridians are literate and have the knowledge and skills needed to compete in a global economy and exercise the rights and responsibilities of citizenship.
   b. Indicator. Number of adult students served by the district earning a State of Florida High School diploma either by earning credits and taking the High School Competency Test or taking and passing the General Education Development tests.

8.a. Goal. Parental involvement. Communities, school boards, and schools provide opportunities for involving parents and guardians as active partners in achieving school improvement and education accountability.
   b. Indicator. Number and percentage of school advisory council members by membership type and racial/ethnic category.
   (b) A summary of the school improvement plan results.
   (c) A notice of the availability of the school advisory council report.
   (d) The amount of Education Enhancement Trust Funds received and allocated by the district and by the school, and how and for which programs such allocations were used for educational enhancement and supporting school improvement. The total Education Enhancement Trust Funds received by a school shall also be reported on a per unweighted FTE basis.
   (e) Schools operating vocational and technical education programs will also report data as required by Section 239.233, Florida Statutes.

(3) The school advisory council report must include:
   (a) For the 1995-96 school year data, the key and available data elements disaggregated by gender and race/ethnic subpopulation where appropriate, beginning with available 1992-93 data and, where applicable, by school, district, and state levels.
   (b) Beginning with 1996-97 school year data, all of the information contained in the school public accountability report disaggregated by gender and race/ethnic subpopulation and, where applicable, by school, district, and state levels.

6A-1.09983 Fees for Programs and Classes Not Part of Required Public Schools.
Each school board may authorize fees in support of the schools and programs that are established pursuant to Section 228.061(4), Florida Statutes. Such fees shall be set in amounts which will recover the cost of providing such programs after deducting any state and federal funding provided for the programs. All fees established by the school board pursuant to this rule and to the fee authority granted by Section 228.061, Florida Statutes, shall be paid to the district school board and included with program expenditures in the board’s budgetary accounts.

Specific Authority 229.053(1) FS. Law Implemented 228.061(4) FS. History–New 8-15-94.
CHAPTER 6A-2 EDUCATIONAL FACILITIES

PART I DEFINITIONS
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6A-2.005 Preparation of Construction Documents. (Repealed)
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6A-2.010 Educational, Auxiliary and Ancillary Facilities Specifications. (Repealed)
6A-2.011 Architectural and Engineering Design and Construction Documents. (Transferred to 6-2.001)
6A-2.012 Exemption from Codes and Ordinances. (Repealed)
6A-2.013 Phase I Documents, Schematics. (Repealed)
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6A-2.031 Prequalification of Contractors for Educational Facilities Construction. (Repealed)
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6A-2.034 Fixed Instructional and Informational Aids, Minimum Requirements for New Construction. (Repealed)
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6A-2.037 Flexibility and Convertibility. (Repealed)
6A-2.038 General Storage and Custodial Spaces. (Repealed)
6A-2.039 Educational and Ancillary Facility Sites. (Repealed)
6A-2.040 School Bus Garages, Work Bay Requirements. (Repealed)
6A-2.041 Protection for Abandoned Facilities. (Repealed)
6A-2.042 Community College Student Housing. (Repealed)
6A-2.043 Educational Plant Survey. (Repealed)
6A-2.044 High Priority Facility Advance Funding. (Repealed)

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6A-2.048 Classification of Hazard of Contents. (Repealed)
6A-2.049 Segregation of and Protection from Hazards. (Repealed)
6A-2.050 Special Safety Provisions. (Repealed)
6A-2.051 Means of Egress. (Repealed)
6A-2.052 Exit Doors, Fire Doors, Smokestop Doors and Hardware. (Repealed)
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6A-2.058 Interior Finishes. (Repealed)
6A-2.059 Illumination of Means of Egress, Emergency Lighting. (Repealed)
6A-2.060 Exit Marking. (Repealed)
6A-2.061 Protective Signaling Systems, Alarm and Fire Detection. (Repealed)
6A-2.062 Automatic Sprinklers and Other Extinguishing Equipment. (Repealed)
6A-2.063 Building Service Equipment. (Repealed)
6A-2.064 Relocatable Buildings. (Repealed)
6A-2.065 Electrical: General Illumination. (Repealed)
6A-2.066 Ventilation: Natural or Mechanical. (Repealed)
6A-2.067 Thermal Insulation. (Repealed)
6A-2.068 Sanitation Facilities Serving Students and Staff. (Repealed)
6A-2.069 Sanitation Facilities Serving the Public. (Repealed)
6A-2.070 Sanitation Facilities in Food Service Areas. (Repealed)
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6A-2.072 Sewage Flow Criteria. (Repealed)
Section B Annual Comprehensive Inspection of Existing Public Educational and Ancillary Facilities
6A-2.076 General Provisions. (Repealed)
6A-2.077 Electrical. (Repealed)
6A-2.078 Flammable Materials. (Repealed)
6A-2.079 Climate Control and Ventilation Equipment. (Repealed)
6A-2.080 Structural, Material, and Sound Hazards. (Repealed)
6A-2.081 Fire Extinguishing Equipment. (Repealed)
6A-2.082 Surface Finishes, Decorations, and Hazardous Materials. (Repealed)
6A-2.083 Storage. (Repealed)
6A-2.084 Separation of Spaces. (Repealed)
6A-2.085 Fire Doors, Smoke Doors, and Smoke Partitions. (Repealed)
6A-2.086 Emergency Evacuation Drills. (Repealed)
6A-2.087 Detection of Fires. (Repealed)
6A-2.088 Alarm and Fire Notification Systems. (Repealed)
6A-2.089 Exit Access; Exit Discharge; Means of Egress; and Occupancy Loads. (Repealed)
6A-2.090 General Lighting, Illumination of Means of Egress, Emergency Lighting, and Exit Marking. (Repealed)
6A-2.091 Stairs and Fire Escapes. (Repealed)
6A-2.092 Relocatable Buildings. (Repealed)
6A-2.093 Windowless, Open and Flexible Plan Buildings. (Repealed)
6A-2.094 Places of Assembly. (Repealed)
6A-2.095 Educational Facility Site. (Repealed)
6A-2.096 Play Area and Traffic Safety. (Repealed)
6A-2.097 Safety Devices in Shops, Laboratories, and Other Process Areas. (Repealed)
6A-2.098 Toilet and Waste Disposal Facilities. (Repealed)
6A-2.099 Shower and Locker Rooms. (Repealed)
6A-2.100 Clinic Rooms. (Repealed)
6A-2.110 Food Service Area. (Repealed)
6A-2.120 Drinking Fountains and Water Supply. (Repealed)
6A-2.130 Housekeeping. (Repealed)
6A-2.140 Swimming Pools. (Repealed)
6A-2.150 Sanitation and Maintenance. (Repealed)
6A-2.160 Maintenance, Health and Sanitation, Housekeeping, and Safety. (Repealed)
6A-2.170 Depreciation Formula for Educational Facilities. (Repealed)
PART IV CAPITAL OUTLAY AND DEBT SERVICE FUNDS
6A-2.200 Establishment of District Capital Improvement Fund. (Repealed)
6A-2.201 Commissioner to Administer Capital Outlay Programs. (Repealed)
6A-2.202 All Capital Outlay Funds to be Administered Alike. (Repealed)
6A-2.203  Reimbursement of Funds Improperly Expended. (Repealed)
6A-2.204  Use of Current Capital Outlay Funds. (Repealed)
6A-2.205  Eligibility for Expenditure of Funds. (Repealed)
6A-2.206  Establishing Order of Priorities for Expenditure of Funds. (Repealed)
6A-2.207  Establishment of Priorities of Capital Outlay Projects. (Repealed)
6A-2.208  Issuance of Local Bonds Pledging CO&DS and Forestry Funds for Debt Service. (Repealed)
6A-2.209  Use of Capital Outlay Funds if There Are No Capital Outlay Needs. (Repealed)
6A-2.210  Procedure for Handling State Board Bond Proceeds. (Repealed)
6A-2.211  Duty of Board to Invest State Board Bond Proceeds. (Repealed)
6A-2.212  State Board Bond Proceeds to Be Expended Only as Authorized in Resolution. (Repealed)
CHAPTER 6A-3 TRANSPORTATION

6A-3.001 Basic Principles for Transportation of Students.

(1) Where it is practicable to provide improved transportation service and school facilities for students from an area in adjoining districts, district lines shall not interfere with the designation of a school attendance area composed of areas of two (2) or more districts. It shall be the duty of school boards and superintendents of the districts involved to develop a plan which will issue the children of the area adequate school advantages. Students shall not be transported at public expense across district lines unless an annual agreement exists between the respective school boards. This agreement shall outline the responsibility of each district for

6A-3.002 Formulation, Administration, and Enforcement of Transportation Regulations by Board and Superintendent.

6A-3.003 Certification as to Specifications of School Buses. (Repealed)

6A-3.004 Procedures for Bids for School Buses. (Repealed)

6A-3.005 Awarding Contracts for Purchase of School Buses. (Repealed)

6A-3.006 Pool Purchase Plan for Purchase of Equipment and Contractual Needs; Department of Management Services, Division of Purchasing Authorized to Negotiate Contracts.

6A-3.007 Purchase of Used School Buses. (Repealed)

6A-3.008 Sale or Disposal of Transportation Equipment. (Repealed)

6A-3.009 Transportation Survey. (Repealed)

6A-3.010 Transportation; Types of Schools and Eligible Pupils. (Repealed)

6A-3.011 Procedures for Determining Transportation Allocation. (Repealed)

6A-3.012 Transportation of Students to a District Junior College. (Repealed)


6A-3.013 Adjustment of Allocation When Pupils Are Improperly Reported. (Repealed)

6A-3.014 Employment of School Bus Drivers. (Repealed)

6A-3.0141 Employment of School Bus Drivers.

6A-3.015 School Bus Driver’s License. (Repealed)

6A-3.0151 School Bus Driver Physical Examination and Medical Examiners Certificate.

6A-3.016 Responsibilities of Deputy Commissioner for Planning, Budgeting and Management for Student Transportation.

6A-3.017 Responsibilities of School Districts for Student Transportation. (Transferred to 6A-3.017)

6A-3.0171 Responsibilities of School Districts for Student Transportation.

6A-3.018 Responsibilities of Superintendent. (Repealed)

6A-3.019 Responsibilities of Supervisor of Transportation. (Repealed)

6A-3.020 Responsibilities of the School Principal. (Repealed)

6A-3.021 Responsibilities of the School Bus Driver. (Repealed)

6A-3.022 Responsibilities of the School Bus Mechanic. (Repealed)

6A-3.023 Responsibilities of School Bus Patrol Sponsor. (Repealed)

6A-3.024 Responsibilities of the School Bus Patrol. (Repealed)

6A-3.025 Responsibilities of Transported Pupils. (Repealed)

6A-3.026 Responsibilities of Parents of Transported Children. (Repealed)

6A-3.027 Minimum Standards to Apply to All School Buses. (Repealed)

6A-3.028 All New Buses Required to Meet Minimum Standards. (Repealed)

6A-3.029 Specifications for New School Buses. (Transferred to 6A-3.029)


6A-3.030 Sizes and Pupil Capacity of Buses. (Repealed)

6A-3.031 Specific Requirements for School Buses. (Repealed)

6A-3.0311 Specific Requirements for Transit Authority Buses Used as School Buses. (Repealed)

6A-3.032 Pool Purchase Plan for School Bus Equipment; State Purchasing Commission Authorized to Negotiate Contracts. (Repealed)


6A-3.033 Use of Public School Buses for Transporting Elderly or the Physically or Mentally Handicapped Non-Student Passengers. (Repealed)

6A-3.034 Use of Liquefied Petroleum Gas as a Motor Fuel in School Buses. (Repealed)

6A-3.035 Joint-Use Program for Transporting the Disadvantaged Required for School Bus Replacement Funds. (Repealed)

6A-3.036 School Bus Driver’s License Check for Suspensions and Revocations. (Repealed)

6A-3.037 Alternate Engine Fuels for School Buses.
providing school facilities, including transportation, and specify which district shall have exclusive responsibility for providing and operating the equipment. Unless the agreement shall stipulate otherwise, the rules and regulations of the district in which the bus is traveling shall be observed.

(2) All school bus routes shall be so planned and adjusted to the capacities of available equipment and school buses should be so chosen and assigned to routes and attendance areas that insofar as practicable the full capacity of each bus will be utilized, without standees, to serve students whose homes are beyond reasonable walking distance of the assigned public school center.

(3) A reasonable walking distance for any student who is not otherwise eligible for transportation pursuant to Section 236.083, Florida Statutes, is any distance not more than two (2) miles between the home and school or one and one-half (1 1/2) miles between the home and the assigned bus stop. Such distance shall be measured from the closest pedestrian entry point of the property where the student resides to the closest pedestrian entry point of the assigned school building or to the assigned bus stop. The pedestrian entry point of the residence shall be where private property meets the public right-of-way. The district shall determine the shortest pedestrian route whether or not it is accessible to motor vehicle traffic.

Specific Authority 229.053(1) FS. Law Implemented 230.23(8), 230.33(10), 234.01, 236.083 FS. History–Amended 3-26-66, 9-17-72, Revised 7-20-74, Repromulgated 12-5-74, Formerly 6A-3.01, Amended 3-12-86, 11-15-94.

6A-3.003 Certification as to Specifications of School Buses.

(1) Before any manufacturer, distributor or dealer may offer for sale or lease any school bus chassis or bodies to be used for the transportation of students to public schools of Florida, such manufacturer, distributor or dealer shall:

(a) File with the Deputy Commissioner for Planning, Budgeting and Management complete specifications for each chassis and body model, including blueprints when requested.

(b) File with the Deputy Commissioner for Planning, Budgeting and Management a certified statement that any school bus chassis or body sold by such manufacturer, distributor or dealer will meet all Federal Motor Vehicle Safety Standards, National Standards for School Buses and Florida School Bus Specifications prescribed for school buses for use in Florida.

(c) Submit to the Deputy Commissioner for Planning, Budgeting and Management or his authorized representative upon request, for the purpose of examination, a demonstrator model, or parts thereof, of each type of chassis or body model to be offered for sale. Such examination shall be for the purpose of ascertaining whether the respective chassis or body model meets the specifications, including quality standards, required by the State Board.

(2) Upon examining the specifications or the demonstrator chassis or body model, the Deputy Commissioner for Planning, Budgeting and Management shall maintain a list of each chassis or body model that meets Florida school bus requirements. The Deputy Commissioner for Planning, Budgeting and Management or his authorized representative shall furnish, upon request, superintendents a list of all chassis and body companies offering equipment for sale in Florida that meets the minimum specifications of the State Board.

(3) Insofar as practicable, the Deputy Commissioner for Planning, Budgeting and Management or his authorized representative shall make periodic inspection of school bus chassis and bodies delivered to school boards for the purpose of determining if applicable specifications and quality standards have been met. Should it be determined that any chassis or body delivered to a school board does not meet the standards approved by the State Board, including equipment specified, the manufacturer, distributor or dealer shall make satisfactory corrections as prescribed by the Deputy Commissioner for Planning, Budgeting and Management or authorized representative. The Deputy Commissioner for Planning, Budgeting and Management and the district receiving such equipment shall refuse further approval of bids submitted by the manufacturer, distributor and dealer or representative until satisfactory corrections are made.

Specific Authority 229.053(1), 234.051 FS. Law Implemented 234.051 FS. History–Amended 7-20-74, Repromulgated 12-5-74, Formerly 6A-3.03, Amended 11-15-94.

6A-3.006 Pool Purchase Plan for Purchase of Equipment and Contractual Needs; Department of Management Services, Division of Purchasing Authorized to Negotiate Contracts.

(1) The Deputy Commissioner for Planning, Budgeting and Management is authorized and directed to coordinate a pool plan for the purchase of transportation equipment as provided by Section 229.79, Florida Statutes. Commitments to purchase school buses, equipment, supplies and contractual needs through a pool shall be solicited from school boards and such commitments, when included in the pool, shall become an obligation of the school board to buy.

(2) Form ESE 232, Pool Purchase Commitment for School Buses is incorporated by reference in this rule to become effective August, 1986. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Division of Planning, Budgeting and Management, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

(3) The Deputy Commissioner for Planning, Budgeting and Management or authorized representative shall request bids for equipment by number and size on the basis of the commitments submitted in subsection (1) above; provided, that should it appear, in the judgment of the Deputy Commissioner for Planning, Budgeting and Management after a review of the overall competitive situation, that the interest of the districts would best be served by negotiation, the Deputy Commissioner for Planning, Budgeting and Management may request the Department of Management Services, Division of Purchasing to negotiate with the industry to
establish a price or prices under Chapter 287, Florida Statutes. Special equipment not included in the bid specifications but approved by the Deputy Commissioner for Planning, Budgeting and Management shall be listed and priced separately. The Deputy Commissioner for Planning, Budgeting and Management or authorized representative shall be present at each bid opening. Invitations for bids on chassis or bodies should be sent to representatives of each chassis and body manufacturer whose products have been certified to the Deputy Commissioner for Planning, Budgeting and Management as meeting the specifications of the State Board. The invitation and bid shall be separate for body and chassis unless authorized by the Deputy Commissioner for Planning, Budgeting and Management.

(4) If requested by the Deputy Commissioner for Planning, Budgeting and Management, each dealer submitting bids under a pool plan shall enclose a certified check, bank money order, cashier’s check, or performance bond as a good faith deposit in an amount in keeping with the minimum order, drawn in favor of the State of Florida and the purchasing school districts. The good faith deposit of the successful bidder shall be held until the terms of the purchase contract have been met. The good faith deposit shall be forfeited in full or in part if the contract is not fulfilled, provided that the State Board shall have the right to grant an extension of time if the reason for not meeting the terms of the contract is beyond the control of the successful bidder and to alter the terms of the contract before the deposit is forfeited and deposited as required by law.

(5) The low bid on the complete unit shall be the f.o.b. factory cost of the chassis, plus freight to the body plant, plus f.o.b. factory cost of body, plus cost of approved chassis and body options committed for purchase, plus cost of delivery to destination.

(6) Purchase awards for school buses shall be made upon the basis of two (2) or more bona fide bids.

(7) The period covered by the contract or contracts shall be for such duration and may be renewable as may be determined by the Commissioner as is consistent with needs, availability of materials, and production schedules, and shall provide that within a reasonable period the equipment shall be made available to other school boards and state agencies in compliance with the provisions of Section 229.79 and Chapter 287, Florida Statutes.

(8) Ceiling prices, when established by the Department of Management Services, Division of Purchasing for transportation equipment may be adjusted by the Division of Purchasing based upon studies of its executive director or on data presented by the Commissioner showing that the competitive situation warrants an adjustment in prices.

(9) Upon acceptance of the pool purchase bid or establishment of a price by negotiation, each participating district shall issue a purchase order or orders for the equipment which it committed to the pool; provided the quantity of such orders may be increased by the school board.

(10) The Deputy Commissioner for Planning, Budgeting and Management shall review and approve purchase orders issued by the respective school boards and all other authorized purchasers of buses from the pool purchase bid for transmittal to the contractors.

(11) A contract for the purchase of school bus chassis, bodies, or equipment may be made upon the basis of bids received by the school board when the price quoted does not exceed the comparable ceiling price established by the most recent state pool purchase plan or bids accepted by the Deputy Commissioner for Planning, Budgeting and Management. In any case, where there is question as to whether ceiling prices are exceeded, the bids shall be forwarded to the Deputy Commissioner for Planning, Budgeting and Management for review and approval before awarding a contract. In all such cases, the Deputy Commissioner for Planning, Budgeting and Management, before approval is given, shall review bids and specifications to determine if laws and rules have been complied with.

(12) The Deputy Commissioner for Planning, Budgeting and Management shall furnish periodic information, showing the lowest prices received, to school boards for guidance in making awards.

(13) The Deputy Commissioner for Planning, Budgeting and Management, upon approval of the Office of Planning and Budgeting in the Executive Office of the Governor, may serve as agent in clearance of pool purchases in the event companies submitting successful bids will not accept purchase orders and warrants for payment of invoices issued by school boards.

Specific Authority 229.053(1), 234.301 FS. Law Implemented 229.79, 230.23(10), 234.301, 237.02(2) FS. History–Amended 3-26-66, Repromulgated 12-5-74, Amended 7-10-85, Formerly 6A-3.06, Amended 8-19-86, 11-15-94, 4-18-96.


(1) The school district shall determine what safety measures shall be used in the transportation of students with special transportation needs, as defined in Sections 236.083(1)(b), (c), and (f), Florida Statutes, including the method of securement or positioning of the student. Such safety measures shall include the designation of roads, bus turning areas, and student stop locations which shall not be left to the discretion of the bus driver or the parents of the student. The district shall provide seat belts meeting Florida School Bus Specifications on any school bus equipped with passenger securement or restraint straps.

(2) The district shall provide bus drivers and attendants instructions, in writing, as to any special conditions or non-medical care which a student may need while on the bus.

(3) School transportation shall not be provided for students with special transportation needs when parents of such students fail to assume their responsibilities as defined by district policy which shall address appropriate supervision at the bus stop.

(4) Responsibility of the school bus driver and attendants, if used, for students with special transportation needs who are transported at public expense:
(a) The driver or attendant of a bus transporting students with special transportation needs shall remain with the bus so that students aboard will be under supervision at all times, except to call for assistance in case of an emergency or accident involving the students or bus.

(b) In cases where a student with physical disabilities is unable to leave the area of a student stop without assistance, the school bus driver shall not assume responsibility for such assistance except in an emergency which threatens the safety of such student or students.

(c) The driver and attendant shall be provided training related to students with special transportation needs while being transported; however, the driver and attendant shall not give medicine and shall limit his other assistance to that which may normally be expected of a reasonable, prudent person or as specified in the student’s Individual Educational Plan.

(5) Responsibilities of parents of students with special transportation needs transported at public expense:

(a) Parents shall provide the necessary assistance and protection for their children while enroute to and from the school bus stop and comply with the school bus schedule. Parents shall provide the necessary supervision of such child at the bus stop in accordance with district policy.

(b) In cases where the physical impairment of a student renders the student unable to get on and off the bus without assistance, parents shall provide the necessary assistance for helping their student get on and off at the bus stop if required by district policy.

(6) Knowledge, skills and abilities related to student management techniques and characteristics of the students with special transportation needs shall be considered when selecting or assigning drivers and attendants for routes serving the students.

Specific Authority 229.053(1) FS. Law Implemented 228.041(19), 230.23(4)(m), 230.2316(4)(b)3., 232.01(1)(e), 234.01 FS. History—New 3-26-66, Amended 9-17-72, Repromulgated 12-5-74, Formerly 6A-3.121, Amended 11-15-94.

6A-3.0141 Employment of School Bus Drivers.

(1) School bus drivers are defined as any persons employed or contracted to the school district to transport prekindergarten through grade 12 students in school buses as defined in Section 1006.25, Florida Statutes.

(2) At the time of initial employment the school board shall assure that the driver of a school bus meets the following requirements:

(a) Has five (5) years of licensed driving experience.

(b) Has submitted to the superintendent a written application for employment in a form prescribed by the school board.

(c) Has filed a set of fingerprints for the purpose of the required background check for determining criminal record.

(3) Form ESE 479, Physical Examination for School Bus Driver and Medical Examiners Certificate is hereby incorporated by reference and made a part of this rule to become effective June 2003. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(4) Prior to transporting students on a school bus each driver shall meet the following requirements:

(a) Hold a valid commercial driver license with passenger endorsement.

(b) Successfully complete forty (40) hours of preservice training consisting of at least twenty (20) hours of classroom instruction and eight (8) hours of behind-the-wheel training based upon the Department’s Basic School Bus Driver Curriculum which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the Bureau of Career Development, Department of Education, The Florida Education Center, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution costs.

(c) Demonstrate the ability to prepare required written reports.

(d) Be physically capable of operating the vehicle as determined by physical examination, Form ESE 479, prescribed by the Commissioner and given by a physician designated by the school board and as determined by a dexterity test administered by the school district.

(e) Demonstrate physical and mental capabilities required to carry out all assigned responsibilities as a school bus driver.

(5) A certification of training provided by the Commissioner shall be issued by the district to each driver successfully completing the forty (40) hours of preservice training.

(6) Each district school board shall obtain a driver’s history record from the Department of Highway Safety and Motor Vehicles for each regular school bus driver, substitute driver, or any other individual certified to drive a school bus by the district. The schedule for reviewing these records shall be:

(a) Prior to initial employment;

(b) Prior to the first day of the fall semester.

(c) Thereafter, the district shall continuously screen driver records using the automated weekly updates, ensuring proper retrieval documentation for every week, or

(d) In the event a continuous weekly update is not performed as described in paragraph (6)(c) of this rule, school districts will perform required driving record checks prior to the first day of each semester of the regular school year, and prior to the first day of summer school for any driver who will be transporting students during summer school.
(7) Driver history records shall be requested in a manner prescribed by the Department of Highway Safety and Motor Vehicles using the Automated School Bus Driver’s License Record Check System through the Department’s data base. All school districts shall obtain and review records for school bus drivers using the automated data base system. For any driver licensed in another state, the district shall obtain and review the driver’s history record from the appropriate state.

(8) Each school district shall establish a school board policy that specifies which infractions of the traffic code deem an applicant unqualified for hire and which causes any employee to be subject to a prescribed follow-up action. At a minimum, this policy shall state that any district employee who knowingly operates a school bus with a suspended or revoked license shall be subject to dismissal by the school board.

(9) At least annually, the school district shall assure that the driver of a school bus meets the following requirements:
   (a) The requirements of paragraph (4)(a) of this rule.
   (b) Successfully complete a minimum of eight (8) hours of inservice training related to the driver’s responsibilities for transporting students.
   (c) Successfully pass a dexterity test administered by the school district and maintain a valid Medical Examiners Certificate.

(10) At the time of reemployment, the school board shall assure that each school bus driver meets all of the requirements of subsections (2) and (3) and paragraph (4)(a) of this rule. If not more than a twelve continuous calendar month break in service has occurred, a driver shall be required to complete eight (8) hours of inservice training related to their responsibilities for transporting students prior to driving a school bus with students. If a period exceeding twelve (12) calendar months has occurred, the driver shall be required to successfully complete all of the requirements of subsections (2) through (5) of this rule.

(11) All school bus drivers, including those drivers employed by school districts with fifty (50) or fewer covered employees under the authority provided in this rule, shall be subject to the Federal requirements of 49 C.F.R., Parts 382 and 391 related to substance abuse testing and alcohol detection program.

Specific Authority 316.615(3), 1001.02(1), 1006.22, 1012.45 FS. Law Implemented 112.044(3), 322.03(1), (3), 1006.22, 1012.32(2)(a), 1012.45 FS. History–New 8-1-86, Amended 7-5-89, 11-15-94, 4-18-96, 6-24-03.

6A-3.0151 School Bus Driver Physical Examination and Medical Examiners Certificate.

(1) The physical standards established by the Federal Motor Carrier Safety Administration pursuant to 49 C.F.R. sections 391.41 and 391.43 shall be applicable to all school bus drivers within the state. Any individual who has been performing as a school bus driver who is disqualified as a result of the enactment of this rule shall be afforded a priority in reemployment with the school district in another capacity as positions become available for such employment.

(2) Resolution of conflicts of medical evaluations. In the event that the approved school board medical examiner’s determination of noncertification of a school bus driver is inconsistent with a second medical examination administered by a qualified medical examiner chosen by the school bus driver the conflict shall be resolved as follows:
   (a) A third medical examiner will be chosen by the two (2) medical examiners in disagreement and shall be a licensed physician who is a specialist in the field of medicine related to the condition(s) in question.
   (b) The third physician shall be given copies of both medical examiners’ forms and the test results upon which the findings are based, and a complete description of the requirements of the bus driver’s responsibilities.
   (c) The third physician shall conduct any applicable tests as are necessary.
   (d) The findings of the third physician shall be the basis of determination for certification or noncertification.

(3) Waiver of certain physical conditions. A person who is not physically qualified under 49 CFR section 391.41(b)(1) or (2) and other standards which may be included in Federal Code and who is otherwise qualified to drive a motor vehicle, may drive a school bus if granted a waiver using 49 CFR section 391.41 as a guideline for evaluation by the Chief Financial Officer or designee. Applications for waiver shall be made following the procedures and requirements contained in 49 CFR section 391.49 except that applications shall be made to and administered by the Chief Financial Officer or designee.

(4) Form ESE 479, Physical Examination for School Bus Driver and Medical Examiners Certificate, as adopted in subsection 6A-3.0141(3), F.A.C., shall be used for recording the results of the physical examination. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(5) The physical examination shall be performed according to the School Bus Driver Physical Standards: Medical Regulatory Criteria for Physical Examinations which is hereby incorporated by reference and made a part of this rule to become effective November 1994. This document may be obtained from the Bureau of Career Development, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. This document is a compilation of physical evaluation criteria and guidelines which have been published in the Federal Register and which contain specific instructions for medical examiners performing examinations. The procedures for obtaining a waiver referenced in the document shall be consistent with those found in subsection (2) of this rule.

(6) The Medical Examiners Certificate shall be valid until the date of expiration on the certificate and shall be carried on the driver in person while the bus is in operation.

6A-3.016 Responsibilities of Deputy Commissioner for Planning, Budgeting and Management for Student Transportation.

It shall be the duty of the Deputy Commissioner for Planning, Budgeting and Management, acting under rules and regulations of the State Board and with the assistance of the professional staff of the Deputy Commissioner for Planning, Budgeting and Management, to exercise all powers and to perform all duties related to the responsibilities listed below:

1. Formulation and enforcement of law and regulations.
   a. To propose such laws or changes in laws as are necessary to assure safe, adequate and economical transportation in each district of the state where transportation is needed.
   b. To apportion and distribute state aid for transportation.
   c. To require adherence to the minimum standards in the field of student transportation adopted by the state board, including standards for the design and equipment of school buses.
   d. To interpret statutory and regulatory provisions for student transportation and encourage adherence thereto.

2. Transportation personnel. To sponsor such training programs from the state level as may be needed to improve the efficiency of persons responsible for the operation and maintenance of school buses.

3. Transported students. To cooperate with and furnish technical assistance to district school authorities with a view to the promotion of safety, comfort, and convenience for transported students.

4. Purchase, lease, and use of equipment.
   a. To develop specifications for physical equipment subject to the approval of the state board.
   b. To encourage plans and procedures in the ownership and operation of buses that will insure a maximum of economy, efficiency and safety.
   c. To ascertain and ensure that plans of district school systems for purchasing school buses are administratively sound and that procedures are such as to assure that standards and specifications are met and buses are purchased in accordance with law and regulations of the state board.

5. Insurance. To advise with school boards with reference to their responsibilities for provision for insurance covering liability for damages on account of bodily injury or death suffered as a result of the transportation service, and to conduct periodic insurance studies.

6. Routes and schedules. To furnish upon request when practicable, advice and assistance to district school officials in planning school bus routes and schedules.

7. Operating principles. To furnish technical assistance to district school authorities with a view to the promotion of economy and efficiency of operation of school buses.

8. Maintenance of buses. To provide assistance in planning for garages, bus shelters and equipment, and to approve plans and specifications for bus repair shops.

9. Transportation records, reports, and accounting.
   a. To prescribe records to be kept and reports to be made by the district school authorities in order to assure adequate and comparable transportation information.
   b. Form ESE 420, Additions to School Bus Inventory is hereby incorporated by reference and made a part of this rule to become effective November 1994. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Division of Public Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399. On or before January 1, 1995, all school districts shall report inventory additions using the Automated School Bus Inventory System utilizing the Department’s data base.
   c. To conduct research, investigations and surveys of various phases of transportation, make the findings and results of such studies available, and encourage district school boards to make practical application of such results.

10. Interagency relationships. To cooperate with other state and federal agencies in improving the student transportation service.

Specific Authority 229.053(1), 234.02(13) FS. Law Implemented 229.053(1), 230.23(8), 230.33(10) FS. History–Amended 9-17-72, 7-20-74, Repromulgated 12-5-74, Formerly 6A-3.16, Amended 11-15-94.

6A-3.0171 Responsibilities of School Districts for Student Transportation.

Each school district shall exercise specific powers and responsibilities, as follows:

1. Responsibilities of Superintendent. It shall be the duty of the superintendent, acting as executive officer for the school board to exercise functions and to perform duties listed below:
   a. To recommend to the school board such policies, rules and regulations, plans and procedures as the superintendent shall deem desirable or necessary for provisions of satisfactory transportation facilities and equipment in the district, and as executive officer of the board, to administer the transportation service and to make sure that all policies and actions approved by the board are properly executed.
   b. To recommend to the school board for employment such assistants as are, in his or her judgement, necessary to supervise transportation operation and maintenance and to provide essential records, maps and studies of the service.
(c) To recommend in writing to the school board for employment qualified bus drivers, attendants and mechanics as may be necessary for efficient functioning of the service.

(d) To develop safety regulations and promote proper safety practices for all drivers.

(e) To prepare and recommend to the school board plans for purchase of or contract for safe school buses to transport students to and from school or school activities.

(f) To organize or approve an inspection, maintenance and repair service for publicly owned or contracted buses designed to ensure that the condition of each bus is maintained to meet or exceed accepted school bus industry and state standards, and which will be adequate to provide for quick and economical repair of any bus, and to make sure that this service functions efficiently.

(g) To propose garages at which buses shall be inspected, when arrangements for this service have not been made to use school board employed mechanics, and to see that inspections are systematically made at least once each month at garages approved by the board.

(h) To make periodic, objective surveys of school bus and garage equipment, routes, safety practices, repair and operating costs, and when unsatisfactory conditions are discovered, to recommend corrective measures to the school board.

(i) To recommend a medical examiner or medical examiners to give physical examinations to bus drivers and to ascertain and ensure that all examinations are carried out as required. A medical examiner shall be defined as a medical physician or physician assistant licensed pursuant to Chapter 458, Florida Statutes; an osteopathic physician or physician assistant pursuant to Chapter 459, Florida Statutes, a chiropractic physician licensed pursuant to Chapter 460, Florida Statutes; and an Advanced Registered Nurse Practitioner licensed pursuant to Chapter 464, Florida Statutes.

(2) The school district shall exercise additional specific powers and responsibilities, as follows:

(a) Enforcement of law and rules and formulation of policies.

(b) To make sure that State Board rules are known, understood and observed by all who have responsibility for student transportation.

(c) To assure that all transportation rules and statements of policy are in harmony with rules of the State Board and are fully observed.

(d) To assure that no state funds for transportation are used for transportation of students to schools which cannot qualify for recognition by the Department under the provisions of State Board rules.

(e) To adopt, after considering recommendations of the superintendent statements of policy in harmony with law and with rules of the State Board necessary for maintaining the requirements of adequate transportation. Such policies shall include at least the following responsibilities of the director or supervisor of transportation, the school principal or other designated staff and the bus driver for uniform school bus operating procedures:

1. Responsibilities of the director or supervisor of transportation:
   a. To counsel with school bus drivers regarding safety and efficiency of service to schools and to make recommendations to them for improvement in service.
   b. To confer with the superintendent or the superintendent’s designee regarding drivers and to recommend such personnel for employment.
   c. To instruct school bus drivers in procedures to be followed in conducting school bus emergency evacuation drills and to confer with each school principal regarding scheduling, conducting and documenting school bus evacuation drills.
   d. To counsel with bus drivers regarding driver responsibility and authority.

2. Responsibilities of the school principal or other designated school staff:
   a. To assume responsibility under the direction of the superintendent for all student disciplinary cases which arise in connection with transportation.
   b. To plan the program of the school so that transported students who arrive early or remain late will be under school supervision at all times.
   c. To plan and assign places for students to get on and off school buses at the school, and to ensure the safety of the loading/unloading zone and to provide supervision of students.
   d. To direct school bus emergency evacuation drills on each bus serving the school during the first six (6) weeks of each semester, and to maintain documentation for all students.
   e. To provide instruction for all transported students in safe practices on and off the bus during the first six (6) weeks of the first semester of the school year.
   f. To request authority in writing for transportation of students on field trips and activity trips, or other special trips, and to plan such trips in accordance with policies approved by the school board.

3. Responsibilities of the school bus driver:
   a. To pass all required physical examinations and meet such requirements as may be prescribed by law or rules.
   b. To be clean and neat in appearance, and to refrain from wearing shoes which are not securely held on the foot.
   c. To refrain from use of tobacco while operating the bus, and to use no profane language in the presence of the students.

Drivers shall not use or be under the influence of alcohol, illicit drugs, or any substance which may impair the driver’s alertness or performance while on duty. Drivers shall not carry firearms while on school board property.

d. To prescribe, in cooperation with the principals, the seating arrangements of students on all buses.
e. To report needed changes in school bus transportation to the director or supervisor of transportation including bus loads, bus
deficiencies, road hazards, routes and schedules.

f. To study and observe all laws and rules of the State Board and the school board relating to the service of transportation.

g. To attend and participate in conferences and training classes for school bus drivers and to be prepared at any time to pass
successfully a reasonable examination concerning traffic laws, state and local transportation rules and driving skills.

h. To ascertain and ensure that transported students observe all rules prescribed by law and by the state and local board.
i. To maintain order and discipline, under the direction of the school principal, on the part of every passenger.
j. To permit a student to leave the bus only at their assigned stop, except upon written authorization of the school principal or
other district designee.

k. To observe all procedures incorporated in the Florida Department of Education Basic School Bus Driver’s Curriculum, as
incorporated by reference in paragraph 6A-3.0141(4)(b), F.A.C.

l. To instruct transported students in safe riding practices.
m. To require all passengers to remain seated and to keep aisles and exits clear.
n. To participate in emergency evacuation drills at least once each school semester under the direction of the school principal
or the principal’s designee.

o. To use the bus, if it is publicly owned, only to transport students to and from school, except upon specific direction of the
superintendent or from the principal upon written authorization by the superintendent.
p. To prepare immediately after every accident involving the bus or a school bus passenger an accident report to be filed with
the director or supervisor of transportation.
q. To ascertain and ensure that all persons are off the bus before filling fuel tank.
r. To drive always at a safe speed and never in excess of the legally posted speed limit in business or residential districts or
fifty-five (55) miles per hour outside business or residential districts.
s. To cooperate with duly authorized school officials, mechanics and other personnel in the mechanical maintenance and repair
of bus in overcoming hazards which threaten the safety or efficiency of service.
t. To inspect the bus at least daily prior to the beginning of the first daily trip or more often as required by the school district
and to report any defect affecting safety or economy of operation immediately to authorized service personnel. The inspection shall
include all items identified in the procedures related to the mandatory daily inspection in the Basic School Bus Driver Curriculum.
u. To keep the bus clean and neat at all times and not affix any stickers or other unauthorized items to the interior or exterior of
buses.
v. To prepare reports, keep all records required, and otherwise assist school officials in mapping bus routes, planning schedules
and in obtaining information for a continuous study of all phases of transportation service.
w. To wear a seat belt at all times when the bus is in operation.
x. To use roof-mounted white flashing strobe lights (if equipped) at a minimum, whenever headlights are required to be used
due to reduced visibility conditions pursuant to Section 316.217(1)(b), Florida Statutes, except that insufficient light due only to the
time of day or night shall not require use of the strobe light.
y. To report immediately to the director or supervisor of transportation, school principal or other designated officials:
[1] Misconduct on the part of any student while on bus or under the driver’s immediate supervision,
[2] Complaints requiring attention of school authorities,
[3] Any hazards arising which would offer either an actual or a potential threat to the safety of students in the driver’s care,
[4] Causes for failure to maintain school bus time schedule, and
[5] Overloaded conditions on the bus which exceed the rated capacity of the bus.
z. To maintain as far as practicable by patient and considerate treatment of parents a feeling of security in the safety of students
transported.

(3) Transportation personnel.
(a) To employ such assistants as may be recommended by the superintendent and as are necessary in the judgment of the board
to supervise operation and maintenance of school buses and to provide records and maps for a continuous study of transportation
routes and needs within the district.
(b) To employ or contract only for services of school bus drivers who meet the requirements of Rule 6A-3.0141, F.A.C., and
who possess a valid Medical Examiner’s Certificate.
(c) To officially maintain, after considering recommendations of the superintendent, an approved, current list of properly
licensed physicians or medical facilities staffed by licensed physicians other than members of the school board or superintendent,
eligible to examine all school bus drivers and driver applicants, in accordance with Form ESE 479, Physical Examination for
School Bus Drivers and Medical Examiners Certificate, and School Bus Driver Physical Standards: Medical Regulatory Criteria for
Physical Examinations, as adopted by reference in Rule 6A-3.0151, F.A.C.

(4) Transported students.
(a) To consider, and as nearly as possible to provide for, the transit, safety, and comfort of each student who will be transported
to and from school.
(b) To approve, after considering recommendations of the superintendent, policies relating to and governing the conduct of transported students during the time they are riding on the school bus, and during the time spent on the school grounds awaiting the opening of school or in the afternoon hours waiting for the school bus.

(c) To suspend for a period exceeding ten (10) days, upon recommendation of the superintendent, any student who willfully and persistently violates school board policies.

(5) Purchases, lease and use of school buses.

(a) To provide, by purchase or contract, safe, comfortable and adequate transportation facilities and school buses which meet minimum standards of law and State Board rules.

(b) To purchase transportation equipment in accordance with all provisions of law and State Board rules.

(c) To assure that contracts entered into by school boards for operation of school buses are in accordance with law and rules of the State Board.

(d) To adopt policies governing the use of publicly owned and contracted school buses for transportation of students to school and school activities, and to ascertain and ensure that buses and bus bodies are used only after policies have been adopted and upon written instructions signed by the superintendent or designee. Such district policies shall include the provision that any equipment carried in a school bus which could shift on impact or sudden stop shall be securely fastened and shall not block any aisle or exit at any time.

(6) Routes and schedules.

(a) To designate school bus routes, following consideration of data and recommendations presented by the superintendent, to provide for students eligible for transportation when transportation by school bus is economical and practicable.

(b) To propose minimum distances from school centers within which no bus stops will be scheduled except for students with special transportation needs; to propose minimum distances from transportation routes as residence zones within which students must arrange to meet the bus at regularly scheduled stops; and to plan and arrange routes, schedules, and student capacities in accordance with policies adopted by the school board.

(c) To plan routes, so far as practicable, so that no elementary student shall be on a bus more than fifty (50) minutes or secondary school student more than one (1) hour during the morning or evening, and so that no more than an hour and one-half will elapse between the time the student boards the bus and the time school begins, or the time school closes and the student leaves the bus in the afternoon, and to arrange proposed routes which, insofar as possible, are free from major hazards.

(d) To assure that county and city officials are advised of hazards on bus routes and hazards involving students walking to and from school.

(7) School bus operating principles. To assure that all buses are operated in accordance with municipal, county and state traffic requirements and that every precaution is taken to assure the safety of students.

(8) Inspection and maintenance of school buses.

(a) To provide, after considering recommendations of the superintendent, adequate storage, maintenance and inspection procedures for all buses owned by the school board, and to assure that all contract buses in use in the district are properly inspected and maintained in accordance with law and rules of the State Board.

(b) The inspection shall be conducted in accordance with procedures and include all items listed in the State of Florida School Bus Safety Inspection Manual, 2003 Edition which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the Bureau of Career Development, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution cost.

(c) Inspection of buses shall be scheduled and performed at a maximum interval of thirty (30) school days. Any bus that is removed from service or deadlined so as to disrupt the safety inspection schedule shall be inspected prior to being returned to service. All deficiencies discovered during the safety inspection shall be noted on the inspection form. Follow-up repairs of all safety related items shall be made before the bus is returned to service and shall be documented.

(d) School bus inspections shall be conducted by technicians certified as school bus inspectors in accordance with the State of Florida School Bus Safety Inspection Manual, 2003 Edition. The requirement that inspections be performed by a certified school bus inspector may be waived for a period not to exceed six (6) months when an emergency condition exists, upon written notification to the Commissioner by the district superintendent.

(e) No person shall knowingly render inoperative or reduce compliance of any school bus equipment required to meet Federal Motor Vehicle Safety Standards applicable at the time of manufacture.

(9) Transportation records, reports and accounting.

(a) To ascertain and ensure that all prescribed records are kept and reports made which are required by law, rules or the Commissioner.

(b) To assure that all records and reports prescribed by the Commissioner are properly completed and are furnished on the dates due to those designated to receive them.

1. To file with the Deputy Commissioner for Planning, Budgeting and Management after each accident in which a school bus or a transported student is involved or in which total damages to property exceeds five hundred (500) dollars a report on Form ESE 256, School Bus Accident Report Form which is hereby incorporated by reference in this rule to become effective April 1996. This
requirements applicable to multipurpose passenger vehicles. C.F.R., Part 571 applicable to passenger cars on the date of manufacture, except that window tinting, if equipped, shall meet Specifications for the specific purpose of limited pilot testing to determine if such equipment provides substantive improvements in current at the time of the upgrade.

necessary or practical. Such transportation shall be provided in a passenger car or in a multipurpose passenger vehicle, as defined in

opportunity for such students and an economical administration of the service.

extent practical that the equipment will not compromise safety.

safety or cost effectiveness. Pilot testing of equipment shall not be approved until the Chief Financial Officer has determined to the

isolated, physically disabled or other students with special transportation needs as may be compatible with an adequate educational

whose houses are within a reasonable walking distance of the assigned school or bus routes.

1. Agreements to share the cost of operating such conveyance shall be set forth in the minutes of the board including the amount, mileage to bus route or school, names of students and school attended.

2. The board shall not expend funds to share in the expense of operating such vehicle to provide transportation to students whose houses are within a reasonable walking distance of the assigned school or bus routes.

3. Vehicles of the type commonly called passenger cars need not meet the requirements for specifications of school buses.

(b) To make such other arrangements, after considering recommendation of the superintendent, for the transportation of isolated, physically disabled or other students with special transportation needs as may be compatible with an adequate educational opportunity for such students and an economical administration of the service.

(c) To provide for transportation of students in vehicles owned or operated by a school board, other than school buses, when necessary or practical. Such transportation shall be provided in a passenger car or in a multipurpose passenger vehicle, as defined in 49 C.F.R., Part 571. Such multipurpose passenger vehicle shall meet all of the Federal Motor Vehicle Safety Standards in 49 C.F.R., Part 571 applicable to passenger cars on the date of manufacture, except that window tinting, if equipped, shall meet requirements applicable to multipurpose passenger vehicles.

Specific Authority 1003.31, 1006.21, 1006.22 FS. Law Implemented 316.183(3), 316.189, 1003.31, 1006.21(3), 1006.22 FS. History–Amended 9-4-64, 3-25-66, 1-17-72, Revised 7-20-74, Repromulgated 12-5-74, Amended 11-24-76, 10-1-81, Formerly 6A-3.17, Amended 9-30-87, 6-26-89, 11-15-94, 8-28-95, 4-18-96, Formerly 6-3.017, Amended 6-11-00, Formerly 6-3.017, Amended 4-21-03.


(2) Any school district may, at its option, upgrade any school bus or buses with equipment meeting specifications which are current at the time of the upgrade.

(3) The Chief Financial Officer may approve special equipment differing from or not prescribed in Florida School Bus Specifications for the specific purpose of limited pilot testing to determine if such equipment provides substantive improvements in safety or cost effectiveness. Pilot testing of equipment shall not be approved until the Chief Financial Officer has determined to the extent practical that the equipment will not compromise safety.
6A-3.037 Alternate Engine Fuels for School Buses.

(1) Alternate engine fuels for school buses. School districts may use school buses equipped to operate on Compressed Natural Gas (CNG) or Liquefied Natural Gas (LNG) as an engine fuel provided the district complies with the requirements of the Florida School Bus Alternate Fuel Manual, 1992 which is hereby incorporated by reference and made a part of this rule. Copies of this manual are on file and available from the Administrator of the School Transportation Management Section, The Florida Education Center, Tallahassee, Florida 32399.

(2) Pilot projects. Alternate fueled school buses may be used on a pilot project basis not exceeding ten (10) percent of the district’s school bus fleet or more than twenty (20) buses, whichever is greater. Pilot project proposals must be submitted with copies of all related documents as required within the manual to the Administrator of the School Transportation Management Section, The Florida Education Center, Tallahassee, Florida 32399 and the Department of Insurance L.P. Gas Division for review and approval. All pilot projects must be submitted or resubmitted for each twelve month period. All buses originally equipped, converted or repowered to run on alternate fuels shall meet Florida School Bus Specifications applicable for the year of manufacture of the vehicle, including horsepower and torque requirements otherwise applicable to diesel engines. After the completion of each alternate fuel system installation, each school bus shall be inspected in accordance with the requirements outlined in the manual prior to the use of the bus to transport school students.

Specific Authority 229.053(1), 234.02(13), 234.051(2) FS. Law Implemented 234.051 FS. History—New 10-6-92.
CHAPTER 6A-4 CERTIFICATION

6A-4.001 Instructional Personnel Certification.
6A-4.0011 Forms and Instructions. (Repealed)
6A-4.0012 Application Information.
6A-4.0021 Florida Teacher Certification Examinations.
6A-4.003 Degrees, Programs, and Credits.
6A-4.004 Florida Educator’s Certificates with Academic, Administrative, Degreed Vocational, and Specialty Class Coverages.
6A-4.0047 Raymond B. Stewart Career Achievement Program. (Repealed)
6A-4.0051 Renewal and Reinstatement of a Professional Certificate.
6A-4.006 General and Professional Preparation.
6A-4.007 Specialization Requirements. (Repealed)
6A-4.008 Specialization Requirements for Certification in Administration of Adult Education - Administrative Class.
6A-4.0081 Florida School Principal Certification.
6A-4.0082 Specialization Requirements for Certification in Educational Leadership - Administrative Class.
6A-4.00821 Florida Educational Leadership Examination.
6A-4.0083 School Principal - Administrative Class.
6A-4.0084 Professional School Principal - Administrative Class.
6A-4.0085 Provisions for Persons Certified in Administration, Supervision, or Administration and Supervision.
6A-4.009 Specialization Requirements for Certification in General Agriculture (Grades 7-12). (Repealed)
6A-4.010 Specialization Requirements for Certification in Art (Grades K-12) - Academic Class Until July 1, 1990. (Repealed)
6A-4.0101 Specialization Requirements for Certification in Art (Grades K-12) - Academic Class.
6A-4.01011 Specialization Requirements for Certification in Bible (Grades 7-12). (Repealed)
6A-4.012 Specialization Requirements for Certification in Business Education (Grades 6-12) - Vocational Class Until July 1, 1990. (Repealed)
6A-4.0121 Specialization Requirements for Certification in Computer Science (Grades K-12) - Academic Class.
6A-4.0123 Specialization Requirements for Certification in Dance (Grades K-12) - Academic Class.
6A-4.013 Specialization Requirements for Certification in Driver Education. (Repealed)
6A-4.0131 Specialization Requirements for the Endorsement in Driver Education - Academic Class.
6A-4.014 Specialization Requirements for Certification in Primary Education (Grades K-3) - Academic Class. (Repealed)
6A-4.0141 Specialization Requirements for Certification in the Area of Preschool Education (Birth Through Age Four) - Academic Class.
6A-4.0142 Specialization Requirements for Certification in the Area of Prekindergarten/Primary Education (Age Three Through Grade Three) - Academic Class.
6A-4.015 Specialization Requirements for Certification in Elementary Education (Grades 1-6) - Academic Class. (Repealed)
6A-4.0151 Specialization Requirements for Elementary Education (Grades K-6) - Academic Class.
6A-4.016 Specialization Requirements for Certification in English (Grades 6-12) - Academic Class Until July 1, 1990. (Repealed)
6A-4.0161 Specialization Requirements for Certification in Middle Grades English (Grades 5-9) - Academic Class.
6A-4.0162 Specialization Requirements for Certification in English (Grades 6-12) - Academic Class.
6A-4.017 Specialization Requirements for Certification in Separate Areas of Exceptional Student Education (Grades K-12) - Academic Class Until July 1, 1992. (Repealed)
6A-4.0171 Specialization Requirements for Certification in the Area of Emotionally Handicapped (Grades K-12) - Academic Class. (Repealed)
6A-4.0172 Specialization Requirements for Certification in the Area of Hearing Impaired (Grades K-12) - Academic Class.
6A-4.0173 Specialization Requirements for Certification in the Area of Mentally Handicapped (Grades K-12) - Academic. (Repealed)
6A-4.0174 Specialization Requirements for Certification in the Area of Physically Impaired (Grades K-12) - Academic Class. (Repealed)
6A-4.0175 Specialization Requirements for Certification in the Area of Specific Learning Disabilities (Grades K-12) - Academic Class. (Repealed)
6A-4.0176 Specialization Requirements for Certification in the Area of Speech-Language Impaired (Grades K-12) - Academic Class.
6A-4.01761 Specialization Requirements for Certification in the Area of Speech-Language Impaired/Associate - Academic Class.
6A-4.0177 Specialization Requirements for Certification in the Area of Varying Exceptionalities (Grades K-12) - Academic Class. (Repealed)

6A-4.0178 Specialization Requirements for Certification in the Area of Visually Impaired (Grades K-12) - Academic Class.

6A-4.0179 Specialization Requirements for the Endorsement in Gifted - Academic Class Until July 1, 1992. (Repealed)

6A-4.01791 Specialization Requirements for the Gifted Endorsement - Academic Class Beginning July 1, 1992.

6A-4.01792 Specialization Requirements for the Prekindergarten Disabilities Endorsement - Academic Class.

6A-4.01793 Specialization Requirements for Endorsement in Severe or Profound Disabilities - Academic Class.

6A-4.01794 Specialization Requirements for Certification in Exceptional Student Education (Grades K-12) - Academic Class.

6A-4.01795 Specialization Requirements for Endorsement in Autism - Academic Class.

6A-4.01796 Specialization Requirements for Certification in Exceptional Student Education (Grades K-12) - Academic Class.

6A-4.018 Specialization Requirements for Certification in Guidance and Counseling (Grades PK-12) - Specialty Class Until July 1, 1990. (Repealed)

6A-4.0181 Specialization Requirements for Certification in Guidance and Counseling (Grades PK-12) - Specialty Class Beginning July 1, 1990.

6A-4.019 Specialization Requirements for Certification in Health (Grades K-12) - Academic Class Until July 1, 1990. (Repealed)

6A-4.0191 Specialization Requirements for Certification in Health (Grades K-12) - Academic Class.

6A-4.020 Specialization Requirements for Certification in Home Economics (Grades 6-12) - Vocational Class Until July 1, 1990. (Repealed)

6A-4.021 Specialization Requirements for Certification in Industrial Arts-Technology Education (Grades 6-12) - Vocational Class Until July 1, 1990. (Repealed)

6A-4.022 Specialization Requirements for Certification in Journalism (Grades 6-12) - Academic Class Until July 1, 1990. (Repealed)

6A-4.0221 Specialization Requirements for Certification in Journalism (Grades 6-12) - Academic Class.

6A-4.023 Specialization Requirements for Certification in Industrial Arts-Technology Education (Grades 6-12) - Vocational Class Until July 1, 1990. (Repealed)

6A-4.0231 Specialization Requirements for Certification in Middle School. (Repealed)

6A-4.0232 Specialization Requirements for the Endorsement in Middle Grades - Academic Class. (Repealed)

6A-4.0233 Specialization Requirements for Certification in the Area of Middle Grades Integrated Curriculum (Grades 5-9) - Academic Class.

6A-4.024 Specialization Requirements for Certification in a Language Other than English (Grades K-12) - Academic Class Until July 1, 1990. (Repealed)

6A-4.0241 Specialization Requirements for Certification in Bilingual Education (Grades K-12). (Repealed)

6A-4.0242 Specialization Requirements for Certification in English to Speakers of Other Languages (Grades K-12). (Repealed)

6A-4.0243 Specialization Requirements for Certification in Foreign Language (Grades K-12) - Academic Class.

6A-4.0244 Specialization Requirements for the Endorsement in English to Speakers of Other Languages - Academic Class.

6A-4.0245 Specialization Requirements for Certification in English for Speakers of Other Languages (Grades K-12) - Academic Class.

6A-4.025 Specialization Requirements for Certification in Educational Media Specialist (Grades PK-12) - Specialty Class Until July 1, 1992. (Repealed)

6A-4.0251 Specialization Requirements for Certification in Educational Media Specialist (Grades PK-12) - Specialty Class.

6A-4.026 Specialization Requirements for Certification in Mathematics (Grades 6-12) - Academic Class Until July 1, 1990. (Repealed)

6A-4.0261 Specialization Requirements for Certification in Middle Grades Mathematics (Grades 5-9) - Academic Class.

6A-4.0262 Specialization Requirements for Certification in Mathematics (Grades 6-12) - Academic Class.

6A-4.027 Specialization Requirements for Certification in Music (Grades K-12) - Academic Class Until July 1, 1990. (Repealed)

6A-4.0271 Specialization Requirements for Certification in Music (Grades K-12) - Academic Class.

6A-4.028 Specialization Requirements for Certification in Physical Education (Grades K-8) and Physical Education (Grades 6-12) - Academic Class. (Repealed)

6A-4.0281 Specialization Requirements for the Endorsement in Adaptive Physical Education - Academic Class. (Repealed)

6A-4.0282 Specialization Requirements for the Endorsement in Athletic Coaching - Academic Class.

6A-4.0283 Specialization Requirements for Certification in Physical Education (Grades K-12) - Academic Class.

6A-4.029 Specialization Requirements for Certification in Reading (Grades K-12) - Academic Class Until July 1, 1990. (Repealed)

6A-4.0291 Specialization Requirements for Certification in Reading (Grades K-12) - Academic Class.

6A-4.0292 Specialization Requirements for the Reading Endorsement - Academic Class.

6A-4.030 Specialization Requirements for Certification in School Food Service (Grades PK-12) - Specialty Class. (Repealed)
6A-4.031 Specialization Requirements for Certification in School Psychologist (Grades PK-12) - Specialty Class Until July 1, 1992. (Repealed)

6A-4.0311 Specialization Requirements for Certification in School Psychologist (Grades PK-12) - Specialty Class Beginning July 1, 1992.

6A-4.032 Specialization Requirements for Certification in Separate Areas of Science (Grades 6-12) - Academic Class Until July 1, 1990. (Repealed)

6A-4.0321 Specialization Requirements for Certification in Middle Grades General Science (Grades 5-9) - Academic Class.

6A-4.0322 Specialization Requirements for Certification in Separate Areas of Science (Grades 6-12) - Academic Class.

6A-4.0323 Specialization Requirements for Certification in Science (Grades 6-12) - Academic Class. (Repealed)

6A-4.033 Specialization Requirements for Certification in Social Science (Grades 6-12) and Separate Areas of Social Science (Grades 6-12) - Academic Class Until July 1, 1990. (Repealed)

6A-4.0331 Specialization Requirements for Certification in Middle Grades Social Science (Grades 5-9) - Academic Class.

6A-4.0332 Specialization Requirements for Certification in Social Science (Grades 6-12) and Separate Areas of Social Science (Grades 6-12) - Academic Class. (Repealed)

6A-4.03321 Specialization Requirements for Certification in Social Science (Grades 6-12) - Academic Class.

6A-4.034 Specialization Requirements for Certification in Speech (Grades 6-12) - Academic Class Until July 1, 1990. (Repealed)

6A-4.0341 Specialization Requirements for Certification in Speech (Grades 6-12) - Academic Class.

6A-4.0342 Specialization Requirements for Certification in Drama (Grades 6-12) - Academic Class.

6A-4.0343 Specialization Requirements for Certification in Humanities (Grades K-12) - Academic Class.

6A-4.035 Specialization Requirements for Certification in School Social Worker (Grades PK-12) - Specialty Class.

6A-4.036 Teacher Examinations Equivalent Scores and Conditions for Meeting Examination Requirements. (Repealed)

6A-4.0361 Junior Reserve Officers' Training Corps. (Repealed)

6A-4.037 Revocation or Suspension of Certificates.

6A-4.038 Certification Covering Vocational or Adult Education. (Repealed)

6A-4.039 General Adult Education. (Repealed)

6A-4.040 Vocational Agriculture (Grades 7-12). (Repealed)

6A-4.0401 Exploratory Agriculture. (Repealed)

6A-4.041 Vocational Homemaking Education. (Repealed)

6A-4.042 Agricultural, Distributive, Industrial, Health Occupations, and Public Service Education. (Repealed)

6A-4.0421 Occupational Specialist. (Repealed)

6A-4.043 Specialization Requirements for Certification in Marketing (Grades 6-12) - Vocational Class Until July 1, 1990. (Repealed)

6A-4.044 Specialization Requirements for Certification in Local Director of Vocational Education - Vocational Administrative Class.

6A-4.045 Evaluation of Services of Instructional Personnel. (Repealed)

6A-4.046 State Master Teacher Program. (Repealed)

6A-4.050 Florida Educator's Certificates with Degreed Vocational Class Coverages. (Repealed)

6A-4.052 General and Professional Preparation for a Professional Certificate with Degreed Vocational Class Coverages. (Repealed)

6A-4.054 Specialization Requirements for Certification in Agriculture (Grades 6-12) - Vocational Class.

6A-4.056 Specialization Requirements for Certification in Business Education (Grades 6-12) - Vocational Class.

6A-4.058 Specialization Requirements for Certification in Home Economics (Grades 6-12) - Vocational Class.

6A-4.060 Specialization Requirements for Certification in Industrial Arts-Technology Education (Grades 6-12) - Vocational Class.

6A-4.062 Specialization Requirements for Certification in Marketing (Grades 6-12) - Vocational Class.

6A-4.066 Florida Educator's Certificates with Nondegree Vocational Class Coverages. (Repealed)

6A-4.068 Professional Preparation for a Professional Certificate with Nondegree Vocational Class Coverages. (Repealed)

6A-4.070 Specialization Requirements for Certification in Areas of Agriculture, Business, Health Occupations, Home Economics, Industrial, Marketing, and Public Service Education - Vocational Class. (Repealed)

6A-4.072 Specialization Requirements for Certification in Occupational Specialist - Vocational Class Beginning July 1, 1988. (Repealed)

6A-4.074 Specialization Requirements for Certification in Junior Reserve Officer's Training Corps - Vocational Class. (Repealed)

6A-4.076 Specialization Requirements for the Endorsement in Teacher Coordinator of Cooperative Education - Vocational Class.

6A-4.078 Specialization Requirements for the Endorsement in Teacher Coordinator of Work Experience Programs - Vocational Class.
6A-4.001 Instructional Personnel Certification.

(1) The purpose of instructional personnel certification is to provide evidence that educators in the State of Florida are professionally qualified in order to protect the educational interests of students, parents, and the public at large. Instructional personnel who obtain certification in the State of Florida shall possess adequate pedagogical and relevant subject matter knowledge and demonstrate an acceptable level of professional performance.

(2) The certificates are issued by the Florida Department of Education in accordance with Chapter 231, Florida Statutes, and these rules. Other statutory provisions may have an impact on the educator certification process. Persons should refer to both the statutes and the rules for complete information regarding the legal basis of the instructional personnel certification process.

(3) Certification is administered and implemented by the Bureau of Educator Certification, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400. Communications to the Department should be directed to that office. The office of the superintendent of schools for each district school system may also be contacted for information regarding the educator certification process.

Specific Authority 229.053(1), 231.15(1), 231.17(11) FS. Law Implemented 231.02, 231.15, 231.17 FS. History–Amended 4-20-64, 4-11-69, Revised 7-19-72, Repromulgated 12-5-74, Amended 5-11-76, 7-1-79, 12-11-79, 3-17-81, 9-30-84, Formerly 6A-4.01, Amended 12-25-86, 10-31-88, 10-15-01.

6A-4.0012 Application Information.

(1) Application process. To apply for a Florida Educator’s Certificate, an individual shall submit to the Bureau of Educator Certification the following:

(a) A completed Form CG-10 and a nonrefundable application fee. Form CG-10, Application for Florida Educator’s Certificate, effective September 2001, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application fee is prescribed below:

1. Request for a professional certificate – $56.00,
2. Request for a temporary certificate – $56.00,
3. Request for an addition of a coverage or endorsement to a valid certificate – $56.00,
4. Request for a name change only – $20.00,
5. Request for a duplicate certificate/subject deletion – $20.00; or
(b) A completed Form CG-10R and a nonrefundable application fee. Form CG-10R, Application for Renewal or Reinstatement of a Professional Florida Educator’s Certificate effective September 2001, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application fee is $56.00. An application for renewal of a professional certificate that is received by the Bureau of Educator Certification or by a district school board office after the expiration of the professional certificate as specified in Rule 6A-4.0051, F.A.C., shall be submitted with a $30.00 late fee in addition to the nonrefundable application fee.

(2) College transcripts. Each college transcript filed for certification purposes shall bear the seal of the institution and the signature of the registrar or other official designated by the president of the institution and shall include descriptive titles, credits, and grades for all courses listed. Transcripts from institutions outside the United States shall include an English translation. Transcripts shall not be returned after the application has been processed and the applicant has been advised regarding eligibility for certification.

(3) Completed applications.

(a) A completed application shall consist of the completed application form, fee, official transcripts, and other documents required by rule or law to process the application. The applicant shall be advised of additional information that is required to complete the application.

(b) If the information required to complete the application has not been received in the Bureau of Educator Certification, Florida Department of Education, or in the district school board office within twelve (12) months from the date of receipt of the application, the application shall expire and the fee shall be forfeited.

(4) Funding for the recovery network program for educators. Two (2) dollars of each fifty-six (56) dollar certification fee shall be designated to fund the recovery network program for educators.

(5) Each district school board office shall issue certificates for employees of the school district as follows:

(a) An application for renewal of a professional certificate,
(b) An application for an addition of a subject to a valid professional certificate based upon a passing score earned after July 1, 2002, on the bachelor’s degree level Florida subject area test,
(c) An application for an addition of an endorsement area to a valid certificate based on the completion of approved inservice core components or a district add-on endorsement program,
(d) An application for a certificate issued solely to reflect a change in name, and
(e) An application for a duplicate of a valid certificate.

(6) The employing school district shall remit on a monthly basis to the Department of Education twenty (20) dollars of each fifty six (56) dollar fee and seven (7) dollars of each twenty (20) dollar fee collected for the issuance of certificates for costs to maintain the technology system, web-based application, and the printing and mailing of certificates.

Specific Authority 1001.02, 1012.55, 1012.56, 1012.586, 1012.59 FS. Law Implemented 943.0585, 943.059, 1012.32, 1012.54, 1012.55, 1012.56, 1012.586, 1012.59, 1012.798 FS. History–New 7-6-82, Amended 9-27-83, Formerly 6A-4.012, Amended 12-25-86, 10-26-88, 5-2-90, 4-24-91, 7-7-92, 5-3-94, 7-18-95, 9-17-01, 11-25-03.


(1) Educator’s certificates.

(a) Types of certificates. The types of certificates are the professional certificate, the nonrenewable professional certificate, the temporary certificate, and the athletic coaching certificate. Requirements for obtaining all types of certificates are specified in Rule 6A-4.004, F.A.C.

(b) An applicant for a Florida educator’s certificate shall be governed by Florida Statutes and rules for the temporary and professional certificates that are in effect at the time of application and qualification for the initial certificate provided successive certificates are issued for consecutive school fiscal years. An individual who permits a temporary certificate to expire for at least one (1) school fiscal year may secure another full-time certificate in accordance with Florida Statutes and rules for temporary and professional certificates which are in effect at the time the most recent application is received in the Bureau of Educator Certification, Florida Department of Education.

(c) Effective date of certificates. Each certificate shall bear an effective date of July 1 of the school fiscal year for which it is issued.

(d) Definition of coverage. The term “coverage” as used in Florida State Board of Education rules for educator certification purposes shall be defined as the designation on a Florida educator’s certificate which indicates the area in which an individual has a content knowledge base. The term “coverage” shall be used synonymously with the terms “subject,” “area,” or “field.”

(e) Definition of endorsement. The term “endorsement” as used in Florida State Board of Education rules for educator certification purposes shall be defined as a rider on a Florida educator’s certificate with a designated coverage. An endorsement shown on a certificate with a coverage signifies a pedagogical knowledge base which targets particular levels, stages of development, or circumstances.

(f) Classification of coverages and endorses shown on certificates. Each coverage or endorsement shown on a certificate shall be identified as an academic class, administrative class, specialty class, or vocational class. The classification is specified in the specialization rule for each coverage or endorsement.

(g) Authority of the Commissioner of Education. Under extenuating circumstances not covered in these rules, the Commissioner is authorized to issue a certificate to an individual upon the request of a Florida district school superintendent.

(h) Responsibility to qualify for and maintain a valid certificate. It shall be the responsibility of each applicant to complete all requirements for the temporary and professional certificates and to file with the Bureau of Educator Certification, Florida Department of Education, evidence of such completion within the specified timelines. For renewal of the professional certificate, it shall be the responsibility of each applicant to obtain current information regarding renewal requirements and complete such requirements prior to expiration of the professional certificate. Information regarding renewal of the professional certificate may be obtained by contacting the employing Florida district school board or nonpublic school, or by contacting the Bureau of Educator Certification, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(i) Classification of endorses shown on certificates. Each coverage or endorsement shown on a certificate shall be the standard educator’s certificate issued by that state which is comparable to a Florida Professional Certificate.

1. Certificates from other states. Certificates from other states shall not be valid for teaching in Florida.

a. Be the standard educator’s certificate issued by that state which is comparable to a Florida Professional Certificate, and

b. Be issued in a subject comparable to a Florida certification subject, and

c. Require the same or higher level of training required for certification in that subject in Florida.

2. Official documentation of another state’s certificate shall be a photocopy of the front and back of the original certificate.

(j) Alteration of certificates. The alteration of any certificate with the intent to mislead or defraud shall be sufficient ground for revocation of the certificate. It shall be incumbent upon the certificate holder to establish evidence of the absence of intent to mislead or defraud.

(2) Degree major.

(a) A degree major used in Florida State Board of Education rules for educator certification purposes is defined as the major field of study as identified by the degree granting institution. A degree major completed at an accredited or approved institution as defined in Rule 6A-4.003, F.A.C., in an area in which Florida offers certification may be utilized to satisfy the specialization requirements specified in Rules 6A-4.008 through 6A-4.035 and 6A-4.054 through 6A-4.062, F.A.C., for the subject to be shown on the certificate.

(b) The Commissioner is authorized to deny acceptance of a major for educator certification purposes if the courses completed for the major are not comparable in quantity and content to the specific course requirements listed in Florida State Board of Education rules for certification in that subject.
(3) College credit. College credit used for educator certification purposes shall be undergraduate or graduate credit earned at an accredited or approved institution as specified in Rule 6A-4.003, F.A.C. Credit used to satisfy vocational education course requirements shall be completed at an accredited or approved institution approved by the State Board for Vocational Education. All college credit shall be computed by semester hours. One (1) quarter hour of college credit shall equal two-thirds (2/3) of one (1) semester hour. Community and junior college credit used for educator certification purposes shall parallel those of the first and second years of course work at an accredited or approved institution and shall be comparable to courses offered at Florida community and junior colleges which have been approved by the Florida Department of Education.

(4) Waiver of college credit.
   (a) Course exemption. Exemption from a college course as verified in writing by the institution of higher education shall be accepted the same as credit earned in that course to meet a specific course requirement for certification.
   (b) College teaching experience. Teaching a college course at an accredited or approved institution or an accredited community or junior college as described in Rule 6A-4.003, F.A.C., shall be accepted the same as credit earned in that course to meet a specific course requirement for certification. A written statement from the registrar or other official designated by the president verifying the college teaching experience shall be filed with the Bureau of Educator Certification, Florida Department of Education.

(5) Teaching experience.
   (a) Definition of teaching experience. Teaching experience as used in Florida State Board of Education rules for educator certification purposes shall be defined as full-time teaching, administrative, or supervisory service.

1. Teaching experience used for academic, administrative, vocational, and specialty class subjects shall be gained in a public or state supported elementary or secondary school; or in a prekindergarten (ages three [3] and four [4]) school as defined in Section 228.041(5), Florida Statutes; or in a birth through age two (2) school which is a public or state supported school or is a contractor for a public school system. However, teaching experience in a nonpublic school shall be acceptable provided the applicant held a valid full-time teaching certificate issued by the state department of education in the state where the teaching experience was acquired.

2. Teaching experience used for vocational class subjects shall be gained in an elementary or secondary school as specified in subparagraph (5)(a)1. of this rule, in a public or state supported vocational or technical school, or in an accredited community or junior college as described in Rule 6A-4.003, F.A.C.
   (b) Utilization of teaching experience. A year of full-time teaching experience may be accepted in lieu of three (3) semester hours of college credit. A maximum of three (3) years of teaching experience may be used in lieu of nine (9) semester hours of college credit. Not more than two (2) years of teaching experience may be used in lieu of six (6) semester hours of college credit toward satisfying requirements in general preparation, professional preparation, or a specialization area. When teaching experience is used to satisfy a course requirement in a specialization area or to satisfy a methods course requirement in professional preparation, the teaching experience shall be comparable to the course requirement acquired in the subject or field and at the appropriate instructional level to which it is applied.

   (c) Limitations on the use of teaching experience. Teaching experience shall not be accepted in lieu of college credit to satisfy the following certification requirements:
   1. Renewal or reinstatement of a professional certificate,
   2. Reissuance of a temporary certificate,
   3. Satisfaction of a graduate credit requirement,
   4. Satisfaction of an entire certification subject.

(6) Noncitizens. A noncitizen may be issued an Official Statement of Status of Eligibility or a certificate as specified below:
   (a) An Official Statement of Status of Eligibility shall be issued when the applicant meets requirements specified in Section 231.17(1)(b), Florida Statutes.
   (b) The certificate may be issued when the applicant meets requirements specified in Rule 6A-4.004, F.A.C., and an official of the employing Florida public, state supported, or nonpublic school submits documentation of appropriate immigration status. The documentation shall be a photocopy of the completed United States Immigration and Naturalization Form I-9, Employment Eligibility Verification, accepted for employment in compliance with the United States Immigration Reform and Control Act of 1986.
   (c) Exchange teachers.

1. An exchange teacher is defined as a teacher from a country other than the United States teaching as the result of a reciprocal arrangement with the United States government or a nationally recognized organization in the United States and another country.

2. A temporary certificate valid for three (3) years may be issued to an exchange teacher. The certificate shall reflect the designation of exchange teacher and shall not reflect a subject. Only one (1) certificate may be issued under this provision when an applicant meets the following requirements:
   a. Submits an application form and fee as specified in Rule 6A-4.0012, F.A.C.
   b. Submits verification of participation in an exchange program. Verification shall be provided by the employing school district, state supported or nonpublic school, and
   c. Submits a request for issuance of the temporary certificate from the employing Florida school superintendent or chief administrative officer of the state supported or nonpublic school which has a Department of Education approved system for documenting the demonstration of required professional education competence.
6A-4.0021 Florida Teacher Certification Examinations.

(1) Scope. This rule governs the written examinations for teacher certification. Additional requirements for certification are specified in Chapter 6A-4, F.A.C.

(2) Description of the examinations and competencies to be demonstrated.

(a) The Florida Teacher Certification Examinations shall be developed by the Commissioner of Education.

(b) The written examinations shall include subtests of reading, writing, mathematics, professional skills, and subject area specialty. These examinations may contain multiple choice questions and questions requiring the examinee to write an answer or demonstrate a proficiency.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. Beginning with the July 2004 test administration, the general knowledge competencies and skills as contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Ninth Edition.”

2. Before July 1, 2004, the professional competencies and skills contained in the publication, “Competencies and Skills Required for Teacher Certification in Florida, Eighth Edition” which is hereby incorporated by reference and made a part of this rule. Beginning July 1, 2004, the professional competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Ninth Edition” which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from the Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 at a price to be established by the Commissioner not to exceed actual cost, and

3. Before July 1, 2004, the subject area competencies and skills contained in the publication, “Competencies and Skills Required for Teacher Certification in Florida, Eighth Edition” which is hereby incorporated by reference and made a part of this rule. Beginning July 1, 2004, the subject area competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Ninth Edition” which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)2. of this rule.

(d) Before July 1, 2002, the College Level Academic Skills Test or the Praxis I: Academic Skills Assessment as described in subsection (13) of this rule shall be used to demonstrate mastery of general knowledge for an individual who holds a bachelor’s or higher degree as specified in Rules 6A-4.004, 6A-4.050, and 6A-4.066, F.A.C.

(3) Administration of the examinations.

(a) The examinations shall be administered by a test administration agency or agencies under contract with the Florida Department of Education.

(b) The examination shall be administered at least four (4) times each year. The Commissioner of Education shall establish the examinations dates each year which may include supplemental test administrations. The Commissioner of Education shall designate the registration deadlines, administration sites, and examinations available for the supplemental administrations.

(c) The examinations shall be administered at centers designated by the Commissioner of Education.

(d) An examinee may retake a failed examination provided at least thirty (30) days have elapsed since the previous administration of the failed examination.

(4) Registration, late registration and refunds.

(a) Registration for the examinations shall be for the initial examinations or for one (1) or more examinations not previously passed. To register to take the examinations, an applicant shall submit a completed application which shall be received by the test administration agency at least thirty (30) days preceding the examination date.

1. Before October 1, 2003, a complete application shall consist of the following:

   a. A completed application Form CG-20-03, Registration Application: Certification Examinations for Florida Educators, which includes the applicant’s signature. Form CG-20-03, Registration Application: Certification Examinations for Florida Educators is hereby incorporated by reference and made a part of this rule to become effective July 2003. This form may be obtained without cost from the Bureau of Educator Certification, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

   b. A twenty-five (25) dollar fee for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination, for each registration for the professional skills examination, and for each registration for the general knowledge test or any combination of subtests for the general knowledge test.

   c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.0021(4)(a)1.b., F.A.C., for certification applicants taking a supplemental examination.

2. Beginning October 1, 2003, a completed application shall consist of the following:

   a. A completed application Form CG-20-03A, Registration Application: Certification Examinations for Florida Educators, which includes the applicant’s signature. Form CG-20-03A is hereby incorporated by reference and made a part of this rule to become effective October 1, 2003. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.
b. A twenty-five (25) dollar fee for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination, each registration for the professional skills examination, and each registration for the general knowledge test or any combination of subtests for the general knowledge test.

c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.0021(4)(a)2.b., F.A.C., for certification applicants taking a supplemental examination.

3. An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in paragraph 6A-4.0021(4)(b), F.A.C.

(b) Late registration for the examinations shall be for the initial examinations or for one (1) or more examinations not previously passed. An applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in subparagraph 6A-4.0021(4)(a)1., F.A.C., and submitting a fifteen (15) dollar late charge for each registration for a subject area specialty examination; each registration for the professional skills examination and each registration for any combination of the General Knowledge Test subtests. Beginning October 1, 2003, an applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examinations by completing the requirements listed in subparagraph 6A-4.0021(4)(a)2., F.A.C., and submitting a fifteen (15) dollar late charge for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination; each registration for the professional education examination; and each registration for the general knowledge examination or any combination of the general knowledge subtests. All items shall be received by the test administration agency at least thirty (30) days preceding the examination date. Late registrations shall be accepted on a space available basis.

(c) Refunds. Fees shall be refunded provided written requests for refunds are received by the test administration agency at least thirty (30) days preceding the examination date. Failure to appear for or to complete an examination shall result in forfeiture of fees.

(5) Admission. The test administration agency shall provide each applicant with an admission ticket specifying the examination center and the time of the examination. The admission ticket and other identification are required for entrance into the examination center. The other identification shall be specified on the admission ticket. An applicant who arrives after the examination has begun shall not be admitted until the start of the next examination or subtest.

(6) Examinee with a disability. An applicant who is unable to complete the examinations under standard testing conditions because of a disability may request special arrangements. Such a request shall be made when the examination application is submitted. Lack of proficiency in the English language shall not alone be acceptable as a justifiable reason for requesting a reader for an examinee. Special arrangements shall be provided for applicants with disabilities.

(a) Definition of terms.
1. A person with a disability means any person who:
   a. Has a physical or mental impairment which substantially limits one (1) or more major life activities;
   b. Has a record of such an impairment; or
   c. Is regarded as having such an impairment.

2. The definitions for the phrases used in paragraph (6)(a) of this rule – physical or mental impairment, major life activities, has a record of such an impairment and regarded as having an impairment – are the same as in the definition of disability included in the Americans With Disabilities Act, Section 35.104(1)(2)(3)(4).

(b) Persons requesting special arrangements must be certified as having a disability by a licensed psychologist or physician. Such documentation shall have been completed within the previous three (3) years and must be received on official letterhead stationery. In the absence of such certification, the applicant may submit documentation of accommodations provided for a disability during the applicant’s baccalaureate or graduate degree program. Any documentation submitted must describe the disability and the accommodations made necessary by the disability.

(c) Special test arrangements may include but are not limited to the following:
1. Flexible scheduling. The person may be administered an examination during several brief sessions, so long as that examination is completed on the test administration date. Double time may be allowed.
2. Flexible setting. The person may be administered an examination individually or in a small group setting by a proctor rather than in a classroom or auditorium setting.

3. Recording of answers. The person may mark answers in a test booklet, type the answers by machine, or indicate selected answers to a test proctor. The proctor may then transcribe the person’s responses onto a machine-scoreable answer sheet. In instances where the proctor is required to mark the responses on behalf of the examinee, there will be a tape recording of the examinee’s selected responses. A large-block answer sheet may be provided. The person may use a word processor or typewriter to prepare any required essay or other written response. Technical support to operate the word processor or typewriter will be provided.
4. Revised format. The person may use a large-print booklet, a Braille test booklet, or a magnifying device.
5. Auditory aids. A tape recorded version of the examination may be provided, the examination may be read by a narrator, or the examination may be provided via video tape with a narrator using oral language or sign language.

6. Assistive personnel. Test personnel may be provided by the test administrator to record answers, sign test instructions, or read instructions and text.
(d) Appropriate special arrangements for testing shall be provided, where necessary, to afford an individual with a disability an equal opportunity to participate. In determining the type of special arrangement to be provided, primary consideration shall be given to the requests of the individual with the disability. However, if it can be demonstrated that special arrangements that are equally effective as those requested are available at less cost or are more readily available, the Department may provide the less expensive or more readily available means of special arrangements for testing.

(e) In no case shall the modifications authorized herein be interpreted or construed as an authorization to provide a person with assistance in determining the answer to any examination item.

(f) Nothing in this rule shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under this rule which the individual chooses not to accept.

(g) This rule does not require the Department to provide individuals with disabilities with personal devices, such as wheelchairs, individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use for study; or services of a personal nature including assistance in eating, toiletry, or dressing.

(h) Appeals procedure. An examinee who is denied test accommodations may appeal the denial to the Commissioner of Education. Such appeal may necessitate a later test date.

(7) Scoring the general knowledge subtests. Effective January 2004, the passing scores for the general knowledge subtests listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the July 2002 test administration:

(a) General Knowledge Reading Subtest: 25 correct items.
(b) General Knowledge English Skills Subtest: 29 correct items.
(c) General Knowledge English Essay Subtest: A total raw score of six (6).
(d) General Knowledge Mathematics Subtest: 26 correct items.

(8) Scoring the professional skills examination. Effective July 2003, the passing score for the professional education test shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to an examination raw score that results in an examinee passing rate of ninety-one (91) percent, which was the passing rate of teacher candidates who took the Professional Education examination for the first time during the 2001-2002 examination administration year. In the event that fewer than fifty (50) examinees are tested in the July 2003 administration, the passing score shall be sixty (60) percent of the items.

(9) Scoring of the subject area specialty examinations.

(a) The Commissioner of Education shall recommend to the Florida State Board of Education for its approval a passing score or scores required for each subject area specialty examination. Such required scores shall take effect when designated by the State Board.

(b) For subject area specialty examinations listed below, a score earned prior to May 1, 1990, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective August 1, 1990, a passing score for these subject area examinations will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the October, 1988 test administration:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biology 6-12</td>
<td>70 correct items</td>
</tr>
<tr>
<td>Computer Science K-12</td>
<td>72 correct items</td>
</tr>
<tr>
<td>Earth-Space Science 6-12</td>
<td>70 correct items</td>
</tr>
<tr>
<td>Emotionally Handicapped K-12</td>
<td>87 correct items</td>
</tr>
<tr>
<td>Geography 6-12</td>
<td>105 correct items</td>
</tr>
<tr>
<td>Guidance and Counseling PK-12</td>
<td>83 correct items</td>
</tr>
<tr>
<td>History 6-12</td>
<td>89 correct items</td>
</tr>
<tr>
<td>Journalism 6-12</td>
<td>89 correct items</td>
</tr>
<tr>
<td>Mentally Handicapped K-12</td>
<td>63 correct items</td>
</tr>
<tr>
<td>Physical Education K-8</td>
<td>66 correct items</td>
</tr>
<tr>
<td>Physical Education 6-12</td>
<td>72 correct items</td>
</tr>
<tr>
<td>Physically Impaired K-12</td>
<td>79 correct items</td>
</tr>
<tr>
<td>Political Science 6-12</td>
<td>84 correct items</td>
</tr>
<tr>
<td>Reading K-12</td>
<td>69 correct items</td>
</tr>
<tr>
<td>School Psychologist PK-12</td>
<td>61 correct items</td>
</tr>
<tr>
<td>Specific Learning Disabilities K-12</td>
<td>78 correct items</td>
</tr>
<tr>
<td>Speech-Language Impaired K-12</td>
<td>79 correct items</td>
</tr>
<tr>
<td>Varying Exceptionalities K-12</td>
<td>80 correct items</td>
</tr>
</tbody>
</table>
(c) For subject area specialty examinations listed below, a score earned prior to October 1, 1990, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective October 1, 1990, a passing score for these subject area examinations will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the April, 1989 test administration:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art K-12</td>
<td>63 correct items</td>
</tr>
<tr>
<td>Elementary Education 1-6</td>
<td>84 correct items</td>
</tr>
<tr>
<td>English 6-12</td>
<td>71 on a scale that weights the multiple choice section eighty (80) percent and the essay section twenty (20) percent</td>
</tr>
<tr>
<td>Hearing Impaired K-12</td>
<td>66 correct items</td>
</tr>
<tr>
<td>Mathematics 6-12</td>
<td>60 correct items</td>
</tr>
<tr>
<td>Music K-12</td>
<td>64 correct items</td>
</tr>
<tr>
<td>Primary Education K-3</td>
<td>88 correct items</td>
</tr>
<tr>
<td>Social Science 6-12</td>
<td>102 correct items</td>
</tr>
</tbody>
</table>

(d) For subject area specialty examinations listed below, a score earned prior to May 1, 1991, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. After May 1, 1991, a passing score for these subject area examinations will be a scaled score of at least two hundred (200). The scaled score shall be equivalent to the following scores on the October 1989 test administration:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chemistry 6-12</td>
<td>57 correct items</td>
</tr>
<tr>
<td>Drama 6-12</td>
<td>96 correct items</td>
</tr>
<tr>
<td>Economics 6-12</td>
<td>70 correct items</td>
</tr>
<tr>
<td>Educational/Media Specialist PK-12</td>
<td>102 correct items</td>
</tr>
<tr>
<td>Health K-12</td>
<td>71 correct items</td>
</tr>
<tr>
<td>Latin K-12</td>
<td>70 correct items</td>
</tr>
<tr>
<td>Middle Grades General Science 5-9</td>
<td>70 correct items</td>
</tr>
<tr>
<td>Middle Grades Mathematics 5-9</td>
<td>59 correct items</td>
</tr>
<tr>
<td>Middle Grades Social Science 5-9</td>
<td>87 correct items</td>
</tr>
<tr>
<td>Physics 6-12</td>
<td>51 correct items</td>
</tr>
<tr>
<td>French K-12</td>
<td>87 on a scale that weights the multiple choice section fifty (50) percent, the speaking section forty (40) percent, and the writing section ten (10) percent.</td>
</tr>
</tbody>
</table>

German K-12
A score of Intermediate High or more on the oral interview and a score of 82 on a scale that weights the multiple choice section eighty (80) percent and the writing section twenty (20) percent. 

Middle Grades English 5-9
57 on a scale that weights the multiple choice section seventy (70) percent and the essay section thirty (30) percent.

Speech 6-12
Prior to October 1, 1996, 119 on a scale that weights the multiple choice section fifty (50) percent and the speech section fifty (50) percent. Beginning October 1, 1996, a score of fifty-six (56) on the multiple choice section and a score of four (4) or more on the speech section based on the summed ratings of two (2) trained judges using a scale of one (1) low to four (4) high.

(e) For subject area specialty examinations listed below, a score earned prior to January 1, 1992, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective January 1, 1992, a passing score for these subject area examinations will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the April 1990 test administration:
For the subject area specialty examination listed below, a score earned prior to January 1, 1992, shall be considered a passing score and shall be valid for certification in the subject area for a period of two (2) years from the test administration date. Effective January 1, 1992, through September 30, 1993, a passing score for this subject area examination will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following score on the April 1990 test administration:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Humanities K-12</td>
<td>88 correct items</td>
</tr>
<tr>
<td>Psychology 6-12</td>
<td>94 correct items</td>
</tr>
<tr>
<td>Sociology 6-12</td>
<td>95 correct items</td>
</tr>
<tr>
<td>Visually Impaired K-12</td>
<td>99 correct items</td>
</tr>
</tbody>
</table>

For the subject area specialty examination listed below, a score earned prior to April 1, 1992, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective September 1, 1992, a passing score for these subject area examinations will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the October 1990 test administration:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preschool Education N-PK</td>
<td>94 correct items</td>
</tr>
</tbody>
</table>

For the subject area specialty examination listed below, a score earned prior to April 1, 1995, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective April 1, 1995, a passing score for these subject area examinations will be a scaled score of at least two hundred (200). English to Speakers of Other Languages K-12
Prekindergarten/Primary PK-3
For the subject area specialty examination listed below, this scaled passing score will be equivalent to the following score on the October 1992 test administration:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>English to Speakers of Other Languages K-12</td>
<td>54 correct items</td>
</tr>
</tbody>
</table>

For the subject area specialty examination listed below, this scaled passing score will be equivalent to the following score on the October 1993 test administration:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prekindergarten/Primary PK-3</td>
<td>73 correct items</td>
</tr>
</tbody>
</table>

For the subject area specialty examinations listed below, a score earned prior to October 1, 1996, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture 6-12</td>
<td></td>
</tr>
<tr>
<td>Industrial Arts-Technology Education 6-12</td>
<td></td>
</tr>
<tr>
<td>Marketing 6-12</td>
<td></td>
</tr>
<tr>
<td>Preschool Education Birth – Age 4</td>
<td></td>
</tr>
</tbody>
</table>
Effective October 1, 1996, a passing score for these subject area examinations will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the April 1995 test administration:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture 6-12</td>
<td>83 correct items</td>
</tr>
<tr>
<td>Industrial Arts-Technology</td>
<td></td>
</tr>
<tr>
<td>Education 6-12</td>
<td>83 correct items</td>
</tr>
<tr>
<td>Marketing 6-12</td>
<td>72 correct items</td>
</tr>
<tr>
<td>Preschool Education</td>
<td></td>
</tr>
<tr>
<td>Birth – Age 4</td>
<td>81 correct items</td>
</tr>
</tbody>
</table>

(j) For the subject area specialty examination listed below, passing for a score earned prior to August 1, 2000, shall be a scaled score of at least two hundred (200). This scaled passing score shall be equivalent to the following score on the October 1989 test administration:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spanish K-12</td>
<td>87 on a scale that weights the multiple choice section seventy-five (75) percent and the speaking section twenty-five (25) percent.</td>
</tr>
</tbody>
</table>

Effective August 1, 2000, a passing score for this examination will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following score on the October 1998 and January 1999 test administrations:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spanish K-12</td>
<td>88 on a scale that weights the multiple choice section sixty (60) percent, the speaking section twenty-five (25) percent, and the writing section fifteen (15) percent.</td>
</tr>
</tbody>
</table>

(k) Effective January 2004, the passing scores for the subject area specialty examinations listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the July 2002 test administration:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptional Student Education K-12</td>
<td>72 correct items</td>
</tr>
<tr>
<td>Kindergarten-Grade Six</td>
<td>138 correct items</td>
</tr>
</tbody>
</table>

(l) After sufficient data have been collected, the Commissioner of Education shall review examinee performance levels for the Exceptional Student Education K-12 Examination and determine whether to recommend to the State Board of Education to maintain or change the above passing scores.

(m) Effective July 2003, the passing scores for the subject area specialty examinations listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the raw scores on the July 2003 test administration as defined below:

1. Middle Grades Integrated Curriculum 5-9 Examination. An examination raw score that results in an examinee passing rate of sixty-eight (68) percent, which was the average of the passing rates of teacher candidates who took the Middle Grades English 5-9, Middle Grades General Science 5-9, Middle Grades Mathematics 5-9, and Middle Grades Social Science 5-9 specialty examinations for the first time during the 2001-2002 examination administration year. In the event that fewer than fifty (50) examinees are tested in the July 2003 administration, the passing score shall be fifty-nine (59) percent of the items.

2. Physical Education K-12 Examination. An examination raw score that results in an examinee passing rate of seventy-five (75) percent, which was the average of the passing rates of teacher candidates who took the Physical Education K-8 and Physical Education 6-12 specialty examinations for the first time during the 2001-2002 examination administration year. In the event fewer than fifty (50) examinees are tested in the July 2003 administration, the passing score shall be sixty (60) percent of the items.

(n) Not later than September 1, 2004, the Commissioner of Education shall review examinee performance levels for the Professional Education Examination, the Middle Grades Integrated Curriculum 5-9 Examination, and the Physical Education K-12 Examination and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

(o) The Commissioner of Education shall review the passing score for each of the General Knowledge Subtests, each of the subject area specialty examinations, and the Professional Education Examination not less than once every five (5) years and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

(p) Before July 1, 2004, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication, “Competencies and Skills Required for Teacher Certification in Florida, Eighth Edition.”

(q) Beginning July 1, 2004, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication “Competencies and Skills Required for Teacher Certification in Florida, Ninth Edition.”

(10) Scoring of the College Level Academic Skills Test before July 1, 2002.
(a) The scoring of the College Level Academic Skills Test is described in subsection 6A-10.0311(3), F.A.C.
(b) The passing standards for the College Level Academic Skills Test are described in Rule 6A-10.0312, F.A.C.
(c) The College Level Academic Skills Test scores shall be reported through a score report mailed to the examinee and through a report to the Department of Education.
(d) If an individual has met the passing standards for the College Level Academic Skills Test, the individual will not be required to retake this examination to meet the requirements of paragraph 6A-4.0021(2)(d), F.A.C.

(11) Score reports for the reading, writing, mathematics, professional skills, and subject area examinations.
(a) A properly authenticated score report is defined as the original score report issued directly by the test administration agency without any qualification, reservation, or irregularity.
(b) The examinee shall be sent two (2) authenticated score reports as described in paragraph 6A-4.0021(10)(a), F.A.C. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on either the CG-20-02, Registration Application: Certification Examinations for Florida Educators or the CG-20-03, Registration Application: Certification Examinations for Florida Educators.
(c) Official documentation of scores earned on each examination for a temporary or for a professional certificate shall be the original authenticated score report as described in paragraph 6A-4.0021(10)(a), F.A.C., or a duplicate authenticated score report as described in paragraph 6A-4.0021(10)(e), F.A.C.
(d) Scores shall be reported as Pass or Fail for each subtest of the examination. The Commissioner of Education may provide additional score information to the examinee.
(e) An examinee may obtain a duplicate authenticated score report for a test administration by filing a written request and a fee. A fee is required for each duplicate score report that is requested. The fee shall be that amount necessary for the test administration agency to perform the service as agreed in the contract between the agency and the Florida Department of Education.

(12) Review.
(a) An examinee who fails one (1) or more examination(s) may file a written request with the test administration agency for handscoring of the examination(s) failed. The request shall be filed within thirty (30) days of the date the score report was mailed by the test administration agency. The fee for handscoring one (1) or more examinations shall be that amount necessary for the test administration agency to perform the service as agreed in the contract between the agency and the Florida Department of Education. The test administration agency shall notify the examinee of the results of the handscoring within thirty (30) days of receipt of the request and fee.
(b) An examinee who fails one (1) or more examination(s) may review each examination that was failed and bring to the Florida Department of Education’s attention any scoring errors which may result in a passing score. The procedures for test review are listed below:
1. The examinee shall file a written request with Florida Teacher Examinations, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, within sixty (60) days of the date the score report was mailed by the test administration agency. The Florida Department of Education shall notify the examinee when a date has been scheduled for the examinee’s review of the materials in Tallahassee. On the review day, the examinee shall file with the Florida Department of Education a statement of specific scoring errors which may result in a passing score.
2. The Commissioner of Education shall notify the individual of the action on the statement of scoring errors not later than thirty (30) days from receipt of the statement.

(13) Administration of the Praxis Series: Professional Assessments for Beginning Teachers before July 1, 2002. These examinations shall be administered as described in the Praxis Series Registration Bulletin which may be obtained from Educational Testing Service, Post Office Box 6051, Princeton, New Jersey 08541-6051.

(14) Scoring of the Praxis Series: Professional Assessments for Beginning Teachers.
(a) The scores listed below shall be considered minimum passing scores for the following tests of the Praxis I: Academic Skills Assessments. Passing scores on the examinations may be used to satisfy the requirement of mastery of general knowledge, including the ability to read, write, and compute. Passing scores are required on one (1) subtest from each of the general knowledge areas of reading, writing, and mathematics. The list below shows the general knowledge areas, followed by the names of the subtests and the minimum passing scale scores. A passing score on either subtest for the area will meet the requirement.
(b) The scale score listed below shall be considered the minimum passing score for the following examination of the Praxis II: NTE Programs Core Battery. A passing score on this examination may be used to satisfy the requirement of mastery of professional skills as referenced in Section 231.17(5), Florida Statutes.

<table>
<thead>
<tr>
<th>Area/Subtest</th>
<th>Scale Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td></td>
</tr>
<tr>
<td>Praxis I Pre-Professional Skills:</td>
<td></td>
</tr>
<tr>
<td>Reading #5710 or 10710</td>
<td>172</td>
</tr>
<tr>
<td>Praxis I Computer-Based Academic Skills:</td>
<td></td>
</tr>
<tr>
<td>Reading #0711</td>
<td>321</td>
</tr>
<tr>
<td>Writing</td>
<td></td>
</tr>
<tr>
<td>Praxis I Pre-Professional Skills:</td>
<td></td>
</tr>
<tr>
<td>Writing #5720 or 20720</td>
<td>171</td>
</tr>
<tr>
<td>Praxis I Computer-Based Academic Skills:</td>
<td></td>
</tr>
<tr>
<td>Writing #0721</td>
<td>318</td>
</tr>
<tr>
<td>Mathematics</td>
<td></td>
</tr>
<tr>
<td>Praxis I Pre-Professional Skills:</td>
<td></td>
</tr>
<tr>
<td>Mathematics #5730 or 10730</td>
<td>175</td>
</tr>
<tr>
<td>Praxis I Computer-Based Academic Skills:</td>
<td></td>
</tr>
<tr>
<td>Mathematics #0731</td>
<td>317</td>
</tr>
</tbody>
</table>

(15) Score reports for the National Teacher Examination Praxis examinations. A properly authenticated score report is defined as the original score report issued directly by the Educational Testing Service without any qualification, reservation, or irregularity.
6A-4.003 Degrees, Programs, and Credits.

Degrees, programs, and credits shall be determined acceptable for educator certification purposes based on the following:

1. Accredited institutions. Degrees and credits awarded by an institution of higher learning accredited by one (1) of the accrediting associations listed below shall be acceptable for educator certification purposes.

   a. Regional accrediting associations. The regional accrediting associations are as follows:
      1. The Southern Association of Colleges and Schools,
      2. The Middle States Association of Colleges and Secondary Schools,
      3. The New England Association of Colleges and Secondary Schools,
      4. The North Central Association of Colleges and Secondary Schools,
      5. The Northwest Association of Secondary and Higher Schools, and
      6. The Western Association of Colleges and Schools.
   
   b. Accrediting agencies approved by the United States Department of Education.
      2. Nonaccredited approved institutions. A non-accredited approved institution of higher learning shall be identified as having a quality program resulting in a bachelor’s or higher degree by one (1) of the following criteria:
         a. The institution is accepted for certification purposes by the state department of education where the institution is located,
         b. The institution holds a certificate of exemption pursuant to Section 246.085(1)(b), Florida Statutes,
         c. The institution is a newly created Florida public college or university that offers a bachelor’s or higher degree program,
         d. The institution is located outside the United States and awards a degree that is the equivalent to a bachelor’s or higher degree awarded by an accredited or approved institution in the United States. Isolated credit will be acceptable for certification purposes provided the credit is the equivalent of college credit earned in the United States, or
         e. The degree from the institution was accepted by an accredited or approved institution either in transfer or as a basis for admission into the graduate program which resulted in the conferral of a higher degree.

   An applicant who holds a valid standard educator’s certificate issued by a state other than Florida which may be used to satisfy the eligibility requirements for a professional certificate as described in Sections 231.17(1) and (2), Florida Statutes, or to demonstrate mastery of subject matter knowledge as in Section 231.17(4), Florida Statutes, is considered to have met the requirements of this rule.

   3. Highest acceptable degree level of training.
      a. The highest degree which has been awarded by an accredited or approved institution as described in subsections (1) and (2), of this rule, shall be recognized for certification. The degree level shall be determined by the criteria listed below.
      1. Bachelor’s degree. An earned bachelor’s degree, such as the bachelor of arts, bachelor of science, or bachelor of education degree which normally required four (4) years of higher education; or a foreign degree that required sixteen (16) years of combined pre-university and university education; or a foreign degree that has been evaluated by an education credential evaluation agency or an accredited or approved institution as the equivalent to a bachelor’s degree from an institution as described in subsections (1) and (2) of this rule shall be recognized as the bachelor’s degree level of training.
      2. Master’s degree. An earned master’s degree or an earned advanced bachelor’s degree of a professional nature, such as library science, in combination with an earned four-year bachelor’s degree; or a post-bachelor’s foreign degree that required at least five (5) years of higher education; or a foreign post-bachelor’s degree that has been evaluated by an education credential evaluation agency or an accredited or approved institution as the equivalent to a master’s degree from an institution as described in subsections (1) and (2) of this rule shall be recognized as the master’s degree level of training.
      3. Specialist in education degree. An earned sixth-year post-master’s level degree in education, such as specialist in education degree shall be recognized as the specialist’s degree level of training.
      4. Doctor’s degree. An earned academic or professional doctor’s degree, or an earned Bachelor of Laws (LLB) or higher law degree granted by an institution of higher learning in the United States, or a foreign doctor’s degree that required at least seven (7) years of higher education, or a foreign doctor’s degree that has been evaluated by an education credential evaluation agency or an accredited or approved institution as the equivalent to a doctor’s degree from an institution as described in subsections (1) and (2) of this rule, shall be recognized as the doctor’s degree level of training.
      b. A certificate, diploma, or other award shall not be recognized as an earned degree.
   
   4. Accreditation and acceptance of teacher education programs for specific certification purposes.
      a. Teacher education programs approved by the Florida Department of Education. A teacher education program approved by the Florida Department of Education shall fulfill the general and professional preparation requirements and the specialization requirements in the major subject of the approved program. The teacher education program shall have been approved at the time the program was completed.
(b) Inservice components in a Florida District Inservice Plan approved by the Florida Department of Education. A core of inservice components prescribed for a specific endorsement and approved by the Department of Education in the master inservice plan shall satisfy the professional preparation and specialization requirements for the designated endorsement. Successful completion of the components in the approved master inservice plan shall be verified by the Florida district superintendent.

c) Teacher education programs in states other than Florida. A teacher education program at the bachelor’s or higher degree level shall fulfill the general and professional preparation requirements and the specialization requirements for an academic class subject or a degree vocational class subject in accordance with the following provisions:

1. The teacher education program shall have been approved for the initial regular certificate at the time of completion by the state department of education in the state where the institution is located, or by the National Council for the Accreditation of Teacher Education; and
2. The major subject of the approved program shall be in a subject in which Florida offers certification; and
3. The instructional level of the major subject of the approved program shall be comparable to or broader than the instructional level at which Florida offers certification in the subject; and
4. When a master’s or higher degree is required for Florida certification in a subject, the program must have been completed at the same or higher level.

Specific Authority 229.053(1), 231.15(1), 231.17(11) FS. Law Implemented 229.053, 231.15, 231.17 FS. History–Amended 4-20-64, 3-26-66, 4-8-68, 7-7-68, 4-11-70, 1-17-72, Repromulgated 12-5-74, Amended 6-22-76, 11-9-76, 1-3-82, 4-30-85, Formerly 6A-4.03, Amended 12-25-86, 9-12-89, 4-15-91, 11-25-97, 10-15-01.

6A-4.004 Florida Educator’s Certificates with Academic, Administrative, Degree Vocational, and Specialty Class Coverages.

A Florida educator’s certificate is issued to an applicant with academic, administrative, degree vocational, and specialty class coverages as specified below.

1. (1) Temporary certificate.
   a) The three-year nonrenewable temporary certificate may be issued to an applicant who does not qualify for the professional certificate but meets the following requirements:
   1. Holds a valid Official Statement of Status of Eligibility as specified in Section 231.17(1)(b), Florida Statutes, which reflects that the applicant has satisfied specialization requirements for the subject requested,
   2. Obtains full-time employment in a position for which a Florida educators’ certificate is required in a Florida public, state supported, or nonpublic school which has a Department of Education approved system for documenting the demonstration of required professional education competence. Verification of employment shall be submitted by a Florida district superintendent or designee or the chief administrative officer, and
   3. Satisfies the fingerprint requirement as follows:
      a. Submits the original fingerprint reports which have been processed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation as specified below:
         (i) Original fingerprint reports shall be provided by the employing district, state supported school, or nonpublic school. A name and description search shall be acceptable in lieu of a technical fingerprint search after two (2) sets of fingerprints are declared illegible by the Florida Department of Law Enforcement or the Federal Bureau of Investigation or when an individual is unable to provide fingerprints because of a physical disability, and
         (ii) Fingerprints shall have been submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation within the two-year period immediately preceding the date of employment for which the certificate is required, or
      b. Holds a Florida educator’s certificate which has not expired for more than one (1) school fiscal year from the date the application for a certificate is received by the Bureau of Educator Certification.
   b) Expired temporary certificates. A three-year nonrenewable temporary certificate may be issued to an applicant who held a temporary certificate but did not hold a temporary certificate for the school year immediately preceding the school fiscal year for which the certificate is requested and meets all requirements specified in paragraph (1)(a) of this rule.
   2. Professional certificate. The professional certificate is the highest type of full-time certificate issued. The professional certificate is issued to an applicant who meets the requirements as specified in Sections 231.17(1) and (2), Florida Statutes. However, if a subject area test has not been developed and the absence of such test prohibits an individual from obtaining a professional certificate or adding a subject to a professional certificate, the employing Florida district superintendent or chief administrative officer of a state supported or nonpublic school may verify the attainment of the essential subject matter competencies. When the Praxis I: Academic Skills Test is used for the general knowledge test, the score must meet the score established in Rule 6A-4.0021, F.A.C.
   3. Nonrenewable certificates covering speech-language impaired.
      a) One nonrenewable temporary certificate valid for two (2) school fiscal years shall be issued to an applicant who meets the following requirements:
         1. Completes the application requirements as specified in Rule 6A-4.0012, F.A.C.,
         2. Obtains full-time employment as specified in subparagraph (1)(a)2., of this rule,
3. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule, and
4. Holds a bachelor’s degree in speech-language impairment from an accredited or approved institution as specified in Rule 6A-4.003, F.A.C.,
   (b) One nonrenewable professional certificate valid for five (5) school fiscal years shall be issued to an applicant who meets the following requirements:
   1. Meets requirements for a temporary certificate covering speech-language impaired as specified in paragraph (3)(a) of this rule,
   2. Demonstrates mastery of general knowledge by one of the options specified in Section 231.17(3), Florida Statutes,
   3. Demonstrates mastery of professional preparation and education competence by one of the options specified in Section 231.17(5), Florida Statutes, and
   4. Submits verification of acceptance and enrollment into a graduate degree program in speech-language impaired at an accredited or approved institution as prescribed in Rule 6A-4.003, F.A.C. Verification of admission to the program shall be an official transcript or a letter from an official of the college or university.
   (4) Certificates covering only athletic coaching (grades K-12).
      (a) A certificate valid for three (3) school fiscal years reflecting only athletic coaching may be issued to an applicant who does not meet the requirements specified in paragraph (4)(b) of this rule. The certificate may be issued one (1) time to an applicant who meets the following requirements:
         1. Completes the application requirements as specified in Rule 6A-4.0012, F.A.C., and
         2. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule.
      (b) A certificate valid for five (5) school fiscal years reflecting only athletic coaching may be issued to an applicant who meets the following requirements:
         1. Completes the application requirements as specified in Rule 6A-4.0012, F.A.C.,
         2. Satisfies specialization requirements as specified in subsection (2) of Rule 6A-4.0282, F.A.C.,
         3. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule.
   (5) Addition of subjects to a professional certificate. A subject may be added to a valid professional certificate when an applicant meets the following requirements:
      (a) Completes application requirements as specified in Rule 6A-4.0012, F.A.C., and
      (b) Demonstrates mastery of the subject matter as specified in Section 231.17(4), Florida Statutes, for each subject to be added to a professional certificate.
   (6) Addition of endorsements. An endorsement may be added to a valid temporary or professional certificate when an applicant meets the following requirements:
      (a) Completes the application requirements as specified in Rule 6A-4.0012, F.A.C., and
      (b) Satisfies the specialization requirements specified in the rules of the Florida State Board of Education for each endorsement to be added to the certificate.
   (7) Expired certificates.
      (a) Certificates which have expired are invalid.
      (b) An applicant who held a professional certificate which has expired may secure another professional certificate provided all requirements for the professional certificate in effect at the time the application is filed have been completed. Completion of requirements for issuance of a professional certificate which has expired shall not be considered as satisfaction of requirements for subsequent professional certificates.
      (c) An applicant who does not qualify for the professional certificate may be issued a temporary certificate as specified in subsection (1) of this rule.
      (d) An applicant whose professional certificate has been expired for less than five (5) years may reinstate the professional certificate if requirements are completed as specified in subsection 6A-4.0051(6), F.A.C.

Specific Authority 229.053(1), 231.15(1), 231.17(11) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–Amended 4-20-64, 4-8-68, 7-7-68, 4-11-69, 4-11-70, 9-17-72, 8-17-74, Repromulgated 12-5-74, Amended 11-9-76, 7-1-79, 8-27-80, 1-3-82, 4-26-84, 11-18-84, 6-18-85, Formerly 6A-4.04, Amended 12-25-86, 10-18-88, 9-12-89, 12-4-89, 4-15-91, 10-10-91, 5-3-94, 10-15-01.

**6A-4.0051 Renewal and Reinstatement of a Professional Certificate.**

A professional certificate is renewed or reinstated and certification coverages retained on the certificate in accordance with the following provisions:

(1) Professional certificate. A professional certificate may be renewed for the individual who meets the requirements specified below:
   (a) Completes six (6) semester hours of college credit or the equivalent as described below or an amount as specified in subsection (2) of this rule for retention of certificate covers:
      1. College credit. College credit earned at an accredited or approved institution or community or junior college as specified in Rule 6A-4.003, F.A.C., may be used to renew the professional certificate.
2. Inservice training. Inservice points earned through inservice education activities which were part of a District Master Plan for Inservice Education developed and approved by a Florida school district in accordance with Rule 6A-5.071, F.A.C., may be used to renew the professional certificate. Twenty (20) inservice points shall be equal to one (1) semester hour of college credit. The inservice training shall be verified by the Florida district school superintendent or chairperson of the governing board and shall include the number of inservice points earned in each area of certification.

(b) Subject area tests. A passing score on a subject area test in the certification area shown on the certificate may be used to renew the coverage on the professional certificate. A subject area test shall be approved by the Florida State Board of Education and shall be in a certification area shown on the certificate. One (1) test shall be equal to three (3) semester hours of college credit. Official documentation of a passing score on each subject area test used for renewal of the certificate shall be submitted to the Bureau of Educator Certification, Florida Department of Education and shall be the original score report issued by the test administration agency.

(c) National board certification. A certificate issued by the National Board for Professional Teaching Standards is deemed to meet state renewal requirements for the life of the educator’s national certificate in the subject shown on the national certificate. Official documentation shall be a photocopy of the national certificate.

(2) Retention of certification coverages. When renewing a professional certificate, certification coverages shall be retained on a professional certificate in accordance with the following:

(a) To retain one (1) certification coverage on a professional certificate, at least three (3) semester hours of college credit or the equivalent shall be completed in the specialization area or an appropriate category in accordance with Section 231.24(3)(a), Florida Statutes. Three (3) additional semester hours or sixty (60) additional inservice points may be completed in any area.

(b) To retain two (2) coverages on a professional certificate, at least three (3) semester hours of college credit or the equivalent shall be completed for each subject in the specialization area or an appropriate category in accordance with Section 231.24(3)(a), Florida Statutes. When requirements have not been satisfied for the retention of a certification coverage on the certificate, the coverage shall be deleted from the certificate when the certificate is renewed.

(c) To retain more than two (2) certification coverages on a professional certificate, the applicant shall be permitted two (2) successive validity periods for renewal of all specialization areas, but must earn no fewer than six (6) semester hours or the equivalent in any one (1) validity period. A coverage shall not continue to be retained on a certificate unless three (3) semester hours or the equivalent is completed in the specialization area or an appropriate category in accordance with Section 231.24(3)(a), Florida Statutes, during one (1) of two (2) successive validity periods. When requirements specified herein have not been satisfied for the retention of a certification coverage or coverages on a certificate, the coverage or coverages shall be deleted from the certificate when the certificate is renewed.

(3) General requirements.

(a) All requirements necessary for the renewal of a certificate shall be completed during the last validity period of the certificate to be renewed and prior to the expiration date of the certificate. Requirements for the first renewal shall be completed subsequent to the date that the application for the certificate was received in the Bureau of Educator Certification, Florida Department of Education, or subsequent to the beginning validity date shown on the certificate, whichever is later.

(b) Application and appropriate fee as specified in Rule 6A-4.0012, F.A.C., for renewal of a certificate shall be submitted to the Bureau of Educator Certification, Florida Department of Education or the employing Florida school district, during the last year of the validity period of the certificate and prior to the expiration date of the certificate. However, if the renewal application form is not received by the Bureau of Educator Certification or the employing Florida school district, before the expiration of the professional certificate, the application form, application fee, and a thirty (30) dollar late fee shall be submitted prior to July 1 of the year following expiration of the certificate in order to retain the professional certificate.

(c) The validity period of the renewed certificate shall be for a period not to exceed five (5) years from July 1 of the school fiscal year following the date that the application was received in the Bureau of Educator Certification, Florida Department of Education or the employing Florida school district. However, if the renewal application is received by the Bureau of Educator Certification or the employing Florida school district after expiration of the professional certificate as specified in paragraph (3)(b) of this rule, the validity period of the renewed certificate shall be for a period not to exceed five (5) years from July 1 following the expiration of the last professional certificate.

(d) A grade of at least “C” or the equivalent shall be earned in each course used for the renewal of a certificate. A grade of pass shall be acceptable under the pass or fail grading system.

(e) A certification coverage which has been deleted from a professional certificate shall be added to the certificate when requirements specified in subsection 6A-4.004(5), F.A.C., have been completed.

(f) A one (1) year extension of the validity period of a professional certificate shall be granted by the Florida Department of Education in the event of serious illness, injury, or other extraordinary extenuating circumstances beyond the control of the applicant. The extension shall be granted only upon written request of the applicant or the superintendent of the local school district or of the chief administrative officer of a state supported or nonpublic school. The written request shall explain the extenuating circumstances. In case of illness or injury, a physician’s written verification shall be submitted.
(4) Special provisions for military service. An individual who holds a valid professional certificate and who is called into or volunteers for actual wartime military service or required peacetime military service may renew the professional certificate and retain all certification coverages shown on the certificate for the period of time equal to the time spent in military service. To qualify for the renewal of the certificate, the individual shall complete the application requirements as specified in Rule 6A-4.0012, F.A.C., and submit a notarized copy of the military separation papers.

(5) Special provisions for teachers of limited English proficient students.

(a) An educator who holds a professional certificate may use college credits or inservice points completed in English-for-Speakers-of-Other-Languages training in excess of six (6) semester hours during one certificate-validity period toward renewal of the professional certificate during the subsequent validity periods.

(b) An educator who holds a temporary certificate may use college credits or inservice points completed in English-for-Speakers-of-Other-Languages training toward renewal of the educator’s first professional certificate. Such training must not have been included within the degree program, and the educator’s temporary and professional certificates must be issued for consecutive school years.

(c) These provisions supersede the requirements in paragraph (3)(a) of this rule for the individuals noted in paragraphs (5)(a) and (b) of this rule.

(6) Reinstatement of a professional certificate. The Department may reinstate an expired professional certificate within five (5) years after the date of expiration if the certificate holder:

(a) Completes the application requirements as specified in Rule 6A-4.0012, F.A.C.,

(b) Satisfies the fingerprint requirement as specified in subparagraph 6A-4.004(1)(a)3., F.A.C.,

(c) Documents completion of six (6) semester hours of college credit during the five (5) years immediately preceding reinstatement of the expired certificate, completion of one hundred twenty (120) inservice points, or a combination thereof, as specified in paragraph (1)(a) of this rule, and

(d) During the five (5) years immediately preceding reinstatement of the certificate, achieves a passing score on the subject area examination for each subject to be shown on the reinstated certificate. Only subjects currently issued by the Department may be shown on a reinstated certificate.


6A-4.006 General and Professional Preparation.

Credit in general and professional preparation as listed below shall be required for the professional certificate unless exemption for a specific certification subject is provided in State Board Rules.

(1) General preparation. A graduate with a bachelor’s or higher degree from an accredited or approved institution as described in Rule 6A-4.003, F.A.C., shall be considered to have met the general preparation requirements.

(2) Professional preparation. Twenty (20) semester hours in professional preparation as specified below:

(a) Course requirements in education.

1. Six (6) semester hours in foundations of education with credit in both sociological and psychological foundations as described below:

   a. Sociological foundations include courses such as school and society, introduction to education, history of education, and principles and philosophy of education.

   b. Psychological foundations include courses such as educational psychology, child psychology, adolescent psychology, psychology of learning, and growth and development of the individual.

2. Six (6) semester hours in general methods of teaching, administration, and curriculum in the elementary school or secondary school. Courses should provide an overview of the entire school program and give specific help with respect to the principles of teaching, general curriculum, instructional design, testing and measurement, evaluation of the school program, general methods, school organization and administration needed by teachers in the public schools.

3. Special methods.

   a. Grades K-12. Four (4) semester hours in methods of teaching the subject to include credit at the elementary and secondary levels for each of the following subjects: art, computer science, foreign languages, health, humanities, and music.

   b. Middle grades (5-9) and secondary (6-12). Two (2) semester hours in methods of teaching the subject at the appropriate level for each middle grade or secondary subject.

   c. Home Economics (6-12). Six (6) semester hours in home economics education to include two (2) semester hours in methods of teaching home economics at the secondary level. The six (6) semester hours shall be earned at one (1) institution which is approved by the State Board of Vocational Education.

(b) Practical experience in teaching. Practical experience in teaching may be satisfied by one (1) of the plans listed below:

1. Six (6) semester hours earned in a college student teaching program or in a supervised internship completed in an elementary or secondary school, or

2. Two (2) years of full-time teaching experience as specified in paragraph 6A-4.002(5)(a), F.A.C.
(3) Professional preparation for agriculture. Twenty (20) semester hours in professional preparation to include credit in each of the following areas: psychological foundations of education as specified in sub-subparagraph (2)(a)1.b. of this rule, secondary school curriculum, basic principles or philosophy of vocational education, general methods or techniques of teaching vocational education, program planning in vocational agriculture education, methods of teaching vocational agriculture, and practical experience in teaching. The practical teaching experience requirement may be satisfied as specified in paragraph (2)(b) of this rule.

(4) Exemptions.

(a) Requirements which are specified in paragraphs (2)(a) and (b) of this rule shall be waived for issuance of a professional certificate covering only school food service.

(b) Requirements which are specified in paragraph (2)(a) of this rule shall be waived for issuance of a professional certificate covering only prekindergarten/primary education, preschool education, school social worker, and speech-language impaired.

(c) Special methods of teaching the subject which are specified in subparagraph (2)(a)3., of this rule shall be waived for the following coverages: educational leadership, educational media specialist, elementary education, English to speakers of other languages, exceptional student education coverages, guidance and counseling, physical education, reading, school principal, and school psychologist.

Specific Authority 229.053(1), 231.15(1), 231.17(5) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—Amended 4-20-64, 4-8-68, 7-7-68, 4-11-69, 6-17-73, Repromulgated 12-5-74, Amended 10-12-76, 7-1-79, 11-5-84, Joint Administrative Procedures Committee Objection Filed – See FAW Vol. 12, No. 11, March 14, 1986, Formerly 6A-4.06, Amended 9-12-89, 5-30-94, 7-17-00, 10-15-01.

6A-4.008 Specialization Requirements for Certification in Administration of Adult Education - Administrative Class.

To be eligible for certification in administration of adult education, an applicant shall complete the requirements specified below:

(1) Hold a professional certificate.

(2) Submit verification of three (3) years of full-time teaching experience as specified in paragraph 6A-4.002(5)(a), F.A.C., and

(3) Complete one (1) of the following plans:

(a) Plan One. Hold a master’s or higher degree with a graduate degree major in administration of adult education, or

(b) Plan Two. Hold a master’s or higher degree with a graduate degree major in educational administration, administration and supervision, or educational leadership, and complete at least six (6) semester hours of graduate credit as specified below:

1. Three (3) semester hours in organization and administration of adult education, and

2. Three (3) semester hours in principles of adult education, adult education curriculum, supervision of adult education, or methods and materials in adult instruction, or

(c) Plan Three. Hold a master’s or higher degree and complete graduate credit as specified below:

1. Nine (9) semester hours in school administration which includes at least three (3) semester hours in organization and administration of adult education,

2. Three (3) semester hours in basic school supervision or supervision of adult education, and

3. Six (6) semester hours in curriculum which includes at least three (3) semester hours in adult education curriculum, or

(d) Plan Four. Hold a professional certificate covering elementary or secondary administration or educational leadership and complete at least six (6) semester hours of graduate credit as specified below:

1. Three (3) semester hours in organization and administration of adult education, and

2. Three (3) semester hours in principles of adult education, adult education curriculum, supervision of adult education, or methods and materials in adult instruction.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—Amended 4-20-64, 4-8-68, 7-7-68, 4-11-70, 6-17-74, Revised 8-17-74, Repromulgated 12-5-74, Amended 7-1-79, Formerly 6A-4.08, Amended 10-31-88.

6A-4.0081 Florida School Principal Certification.

The Florida school principal certification program shall be performance-based and shall include three (3) levels of certification based on demonstrated knowledge, performance, and results. The subject area examination required for issuance of the professional certificate as specified in subparagraph 6A-4.004(1)(a)11., F.A.C., shall be a requirement for Level 1 Certification.

(1) Level 1 Certification shall be designated Educational Leadership. Requirements for certification in educational leadership are listed in Rule 6A-4.0082, F.A.C., and include successful demonstration of knowledge in each of eight (8) areas of public school administration as described in paragraph 6A-4.0082(3)(a), F.A.C. Documentation of knowledge in each of the areas shall be by comprehensive written examination administered under the direction of the Department.

(2) Level 2 Certification shall be designated School Principal. Requirements for certification as school principal are listed in Rule 6A-4.0083, F.A.C., and include successful performance of the duties of the school principalship as described in Rule 6A-4.0083, F.A.C. Documentation of successful performance shall be by a comprehensive performance appraisal system approved by the district school board and the Department.

(3) Level 3 Certification shall be designated Professional School Principal. Requirements for certification as professional school principal are listed in Rule 6A-4.0084, F.A.C., and require the applicant to achieve superior results for a period of three (3) years or more in the same district as described in Rule 6A-4.0084, F.A.C. Documentation of superior results shall be by a comprehensive performance appraisal system approved by the district school board and the Department.
The term principal as used in Rules 6A-4.0081 through 6A-4.0085, F.A.C., means a person assigned responsibility for administrative direction and instructional leadership and supervision at an individual school as prescribed in Section 228.041(10)(b)1., Florida Statutes. This does not include persons assigned these responsibilities in the role of assistant, intern, or interim principal.

Educational Leadership may be shown on a temporary or professional certificate. School Principal and Professional School Principal may be shown on a professional certificate with other areas of certification or shown individually without other areas of certification.

Certification coverage of school principal and professional school principal shall cover all positions covered by certification in administration, supervision, administration and supervision and educational leadership.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.0861, 231.087(3)(e), 231.15, 231.17 FS. History–New 7-1-86, Formerly 6A-4.081, Amended 7-1-86, 10-31-88.

6A-4.0082 Specialization Requirements for Certification in Educational Leadership - Administrative Class.

1. Verification of three (3) years of successful teaching experience in an elementary or secondary school. Verification shall be by the chief executive officer of the school district, state supported school, or nonpublic school in which the teaching experience occurred.

2. A master’s or higher degree awarded by a standard institution as defined in subsection 6A-4.003(1), F.A.C.

   (a) Leadership core curriculum consists of the eight (8) areas of educational administration specified below:
   1. Public School Curriculum and Instruction.
   2. Organizational Management and Development.
   4. Leadership Skills.
   6. Technology.
   (b) Documentation of successful completion of the Florida Educational Leadership Core Curriculum shall be by one (1) of the following plans:
   1. Successful completion of an approved Florida preservice program in educational leadership offered by a standard institution.
   2. A graduate degree major in educational administration, administration and supervision, or educational leadership awarded by a standard institution as defined in subsection 6A-4.003(1), F.A.C.
   3. A graduate degree with a major in a subject other than educational administration, administration and supervision or educational leadership, and successful completion of an approved modified Florida program in educational leadership offered by a standard institution.
   4. A graduate degree with a major in a subject other than educational administration, administration and supervision, or educational leadership and thirty (30) semester hours of graduate credit which includes credit in each of the eight areas of educational administration specified in paragraph (3)(a) of this rule.
   (4) Using the objective screening, selection, and appointment procedures of the district school board approved under Section 231.0861(2), Florida Statutes, persons holding certification in educational leadership, administration, or administration and supervision may be appointed to perform the duties of an intern assistant principal, assistant principal, intern principal or interim principal. A person holding the certification coverages listed above, school principal or professional school principal, may be appointed under district school board procedures to administrative positions which are not assigned to a school.
   (5) Out-of-state experienced educational administrators who have a master’s degree or higher in educational administration and supervision from a standard institution and who are employed for a district level position by a Florida school board shall be eligible for a temporary certificate covering educational leadership.

Specific Authority 229.053(1), 231.15(3), 231.17(1), 236.0811(2)(a) FS. Law Implemented 231.02, 231.0861, 231.087(3)(e), 231.145, 231.15, 231.17, 236.0811 FS. History–New 7-1-86, Formerly 6A-4.082, Amended 10-31-88, 9-12-89, 7-17-00.

6A-4.00821 Florida Educational Leadership Examination.

1. Scope. This rule governs the written examination for certification in Education Leadership. Additional requirements for certification in Educational Leadership are specified in Rule 6A-4.0082, F.A.C.

2. Description of the examination.
   (a) The Florida Educational Leadership Examination shall be developed by the Commissioner of Education.
   (b) The written examination shall contain questions in the areas of:
   1. School communications. This subtest shall contain an essay and multiple choice questions in communications.
   2. School management. This subtest shall contain multiple choice questions covering management, leadership, and personnel.
   3. School operations. This subtest shall contain multiple choice questions covering law, finance, curriculum, and technology.
(c) The competencies to be demonstrated by means of a written examination are contained in the publication “Competencies and Skills Required for Certification in Educational Leadership in Florida, Second Edition 2002,” which is hereby incorporated by reference and made a part of this rule. Copies of this publication may be obtained from the Department of Education, Assessment and Evaluation Section, 325 West Gaines Street, Tallahassee, Florida 32399 at a price to be established by the Commissioner not to exceed actual cost.

(3) Administration of the examination.
(a) The examination shall be administered by a test administration agency or agencies under contract with the Florida Department of Education.
(b) The examination shall be administered at least two (2) times each year. The Commissioner of Education shall establish the examination dates each year which may include additional test administrations.
(c) The examination shall be administered at centers designated by the Commissioner of Education.

(4) Registration, late registration, and refunds.
(a) Registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. To register to take the examination, an applicant shall submit a completed application to the test administration agency. The completed application shall be received by the test administration agency at least fifty (50) days preceding the examination date.
  1. Before October 1, 2003, a completed application shall consist of the following:
     a. A completed application Form CG-20-03, Registration Application: Certification Examinations for Florida Educators, which includes the applicant’s signature. Form CG-20-03 is hereby incorporated by reference and made a part of this rule to become effective July 2003. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.
     b. A fifty (50) dollar registration fee.
     c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.00821(4)(a)1.b., F.A.C., for certification applicants taking the examination on a supplemental administration date.
  2. Beginning October 1, 2003, a completed application shall consist of the following:
     a. A completed application Form CG-20-03A, Registration Application: Certification Examinations for Florida Educators, which includes the applicant’s signature. Form CG-20-03A is hereby incorporated by reference and made a part of this rule to become effective October 2003. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.
     b. A fifty (50) dollar registration fee.
     c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.0021(4)(a)2.b., F.A.C., for certification applicants taking a supplemental examination.
  3. An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in paragraph 6A-4.00821(4)(b), F.A.C.
     (b) Late registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. Before October 1, 2003, an applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in subparagraph 6A-4.00821(4)(a)1., F.A.C., and submitting a thirty (30) dollar late charge. Beginning October 1, 2003, an applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in subparagraph 6A-4.00821(4)(a)2., F.A.C., and submitting a thirty (30) dollar late charge. All items shall be received by the test administration agency at least thirty (30) days preceding the examination date. Late registration shall be accepted on a space available basis.
     c. Refunds. Fees shall be refunded provided written requests for refunds are received by the test administration agency at least thirty (30) days preceding the examination date. Failure to appear for or to complete an examination shall result in forfeiture of fees.
  5. Admission. The test administration agency shall provide each applicant with an admission ticket specifying the examination center and the time of the examination. The admission ticket and other identification are required for entrance into the examination center. The other identification shall be specified on the admission ticket. An applicant who arrives after the examination has begun shall not be admitted until the start of the next subtest of the examination.
  6. Examinee, handicapped. An applicant who is unable to complete the examination under standard testing conditions because of a handicap may request special arrangements. Such a request shall be made when the examination application is submitted. Lack of proficiency in the English language shall not be acceptable as a justifiable reason for requesting a reader for an examinee. Special arrangements shall be provided for applicants with handicapping conditions.
  7. Scoring.
     (a) The examination shall be scored on a measurement scale which has an overall mean scale score of five hundred (500) and a standard deviation of one hundred (100). The Commissioner of Education shall designate the administration of the examination which shall be used as the base year for statistical calculations.
(b) The essay portion of the school communications subtest shall be scored by (2) trained judges using a scale of one (1) which is an unsatisfactory score to four (4) which is an outstanding score. In the event the two (2) ratings are two (2) or more points different, or in the event the summed ratings equal three (3), the writing sample will be rated by a referee and the referee’s score will replace the most discrepant of the original ratings.

(c) Prior to July 1, 1988, a score earned on the Florida Educational Leadership Examination shall be considered a passing score and shall be valid for Educational Leadership certification application for a period of two (2) years from the test administration date. Applicants for the Educational Leadership certificate shall be required to present a score report to the Florida Department of Education when applying for the certificate.

(d) Beginning July 1, 1988, a passing score for each subtest of the Florida Educational Leadership Examination shall be:

1. School Communications. Examinee scores for the school communications subtest shall be reported as an average scaled score combining the scaled score from the essay test and the scaled score from the multiple choice questions. The passing score shall be the scaled score equivalent to the combination of the essay total raw score of four (4) and a multiple choice total raw score of fifteen (15) on the November, 1987 administration of the subtest.

2. School Management. Examinee scores for the school management subtest shall be reported as a scaled score. The passing score shall be the scaled score equivalent to a total raw score of sixty-nine (69) on the November, 1987 administration of the subtest.

3. School Operations. Examinee scores for the school operations subtest shall be reported as a scaled score. The passing score shall be the scaled score equivalent to a total raw score of ninety-one (91) on the November, 1987 administration of the subtest.

(e) The subtest score scales for administrations of the examination after July 1, 1988, shall be equated to the November, 1987 subtest administration.

(8) Essay performance standards.

(a) Judges. The test scoring agency shall appoint persons to judge the essay portion of the school communications subtest who have the following minimum qualifications:

1. Academic preparation. At least a bachelor’s degree with an emphasis in English, writing, and composition.

2. Experience. A minimum of two (2) years of experience in teaching and evaluating writing. Examples of qualifying experience are: teaching English or language arts in secondary schools, teaching college composition courses, serving as a teaching assistant for college classes in composition or working as a professional copy editor.

3. Specific training. Successful completion of a training program provided by the Florida Department of Education or its contractors.

(b) Referees. The referees shall be judges who have demonstrated in the training program and through prior experience unusual success as composition teachers or raters.

(c) Rating scale. The four-level scale for judging the written essays is defined as follows:

1. A rating of one (1) indicates the essay lacks unity and focus. It is distorted or ambiguous, and it fails to treat the topic in sufficient depth and breadth. There is little or no discernible organization and only scant development of ideas, if any at all. The essay betrays only sporadically a sense of paragraph and sentence structure, and it is syntactically slipshod. Usage is irregular and often questionable or wrong. There are serious errors in spelling, capitalization, and punctuation.

2. A rating of two (2) indicates the essay has some degree of unity and focus, but each could be improved. It is reasonably clear, though not invariably so, and it treats the topic with a marginal degree of sufficiency. The essay reflects some concern for organization and for some development of ideas, but neither is necessarily consistent nor fully realized. The essay reveals some sense, if not full command of paragraph and sentence structure. It is syntactically bland and, at times, awkward. Usage is generally accurate, if not consistently so. There are some errors in spelling, capitalization, and punctuation that detract from the essay’s effect if not from its sense.

3. A rating of three (3) indicates the essay is focused and unified, and it is clearly if not distinctly written. It gives the topic an adequate though not always thorough treatment. The essay is well organized, and much of the time it develops ideas appropriately and sufficiently. It shows a good grasp of paragraph and sentence structure, and its usage is generally accurate and sensible. Syntactically, it is clear and reliable. There may be a few errors in spelling, capitalization, and punctuation, but they are not serious.

4. A rating of four (4) indicates the essay is unified, sharply focused, and distinctively effective. It treats the topic clearly, completely, and in suitable depth and breadth. It is clearly and fully organized, and it develops ideas with consistent appropriateness and thoroughness. The essay reveals an unquestionably firm command of paragraph and sentence structure. Syntactically, it is smooth and often elegant. Usage is uniformly sensible, accurate, and sure. There are very few, if any, errors in spelling, capitalization, and punctuation.

(9) Score reports.

(a) A properly authenticated score report is defined as the original score report issued directly by the test administration agency without any qualification, reservation, or irregularity.

(b) The examinee shall be sent two (2) authenticated score reports. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on either the CG-20-02, Registration Application: Certification Examinations for Florida Educators or the CG-20-03, Registration Application Certification Examinations for Florida Educators.
(c) Official documentation of scores earned on each subtest of the examination for an Educational Leadership certificate shall be the original authenticated score report or a duplicate authenticated score report as described in paragraphs 6A-4.00821(9)(a) and (e), F.A.C.

(d) After July 1, 1988, scores shall be reported as Pass or Fail for each subtest. The Commissioner of Education may provide additional score information to the examinee.

(e) An examinee may obtain a duplicate authenticated score report for a test administration by filing a written request and a fee. A fee is required for each score report that is requested. The fee shall be that amount necessary for the test administration agency to perform the service as agreed in the contract between the agency and the Florida Department of Education.

(10) Review.

(a) An examinee who fails one (1) or more subtests of the examination may file a written request with the test administration agency for handscoring of the subtest which was failed with the exception of the essay part of the communications subtest. The request shall be filed no later than thirty (30) days after the date the score report was mailed by the test administration agency. The fee for handscoring one (1) or more subtests shall be that amount necessary for the test administration agency to perform the service as agreed in the contract between the agency and the Florida Department of Education. The test administration agency shall notify the examinee of the results of the handscoring within thirty (30) days of receipt of the request and fee.

(b) An examinee who fails one (1) or more subtests of the examination may review each subtest that was failed and bring to the Florida Department of Education’s attention any scoring errors which may result in a passing score. The procedures for test review are as follows:

1. The examinee shall mail a written request to the Florida Educational Leadership Examination Program, Assessment, Testing, and Evaluation Section, Florida Department of Education, The Florida Education Center, Tallahassee, Florida 33299 within sixty (60) days of the date the score report was mailed by the test administration agency. The Florida Department of Education shall notify the examinee when a date has been scheduled for the examinee’s review of the materials in Tallahassee. On the review day, the examinee shall file with the Florida Department of Education a statement of specific scoring errors which may result in a passing score. The procedures for test review are as follows:

   1. The examinee shall mail a written request to the Florida Educational Leadership Examination Program, Assessment, Testing, and Evaluation Section, Florida Department of Education, The Florida Education Center, Tallahassee, Florida 33299 within sixty (60) days of the date the score report was mailed by the test administration agency. The Florida Department of Education shall notify the examinee when a date has been scheduled for the examinee’s review of the materials in Tallahassee. On the review day, the examinee shall file with the Florida Department of Education a statement of specific scoring errors which may result in a passing score.

   2. The Commissioner of Education shall notify the individual of the action on the statement of scoring errors no later than thirty (30) days from receipt of the statement.

Specific Authority 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History–New 12-25-86, Amended 1-11-89, 5-19-98, 10-6-99, 7-17-00, 7-16-01, 3-24-02, 7-21-03.

6A-4.0083 School Principal - Administrative Class.

To be eligible to receive certification as a school principal, an individual shall satisfy each of the following requirements:

(1) Hold a valid professional certificate covering educational leadership, administration, or administration and supervision.

(2) Document successful performance of the duties of the school principalship. These duties shall be performed in an approved district management training and development program designed and implemented consistent with the program described in the publication titled, Preparing New Principals, 1985, approved by the Florida Council on Educational Management, which is hereby incorporated and made a part of this rule. In addition, these duties shall:

   (a) Be performed as a full-time employee of a district school board and assigned to perform the duties of an assistant principal, intern principal, or an interim principal for a period of not less than one (1) full school year which is ten (10) months or more in length.

   (b) Be a formally planned professional development program designed and implemented to prepare the individual to become a school principal.

   (c) Be comprehensive of all the duties of the school principalship.

   (d) Be performed under the direct supervision of a currently practicing school principal or district manager who has been approved by the district school board to serve as the supervising principal or manager for this program.

(3) Demonstrate successful performance of the competencies of the school principalship which shall be documented by the Florida district school superintendent based on a performance appraisal system approved by the district school board and the Department. The performance appraisal system shall be consistent with Guidelines for District Performance Appraisal Systems, January, 1985, approved by the Florida Council on Educational Management, which is hereby incorporated and made a part of this rule. A comprehensive performance appraisal system:

   (a) Has clearly stated purposes.

   (b) Promotes individual and organizational growth.

   (c) Is used for personnel decisions.

   (d) Is fair, equitable and legally sound.

   (e) Provides for negotiation of expectations in relation to situations.

   (f) Values appraisee input.

   (g) Requires planning, feedback, and coaching.

   (h) Has procedures for collection and retrieval of data for decision making.

   (i) Links rewards to performance.
school board, apply for vacancies of intern assistant principal, assistant principal, intern principal, interim principal, and other

Principals and Assistant Principals, September, 1984, approved by the Florida Council on Educational Management, which is selection, and appointment shall be consistent with Criteria for School District Screening, Selection, and Appointment Process for hereby incorporated and made a part of this rule.

successful performance of the duties as required by Section 231.0861, Florida Statutes. The objective-based process for screening, appointed using an objective-based process which documents that the applicant possesses the competencies necessary for positions for which this certification coverage is valid.

(6) Individuals who do not meet the requirements for certification as school principal but who hold valid certificates covering educational leadership, administration, or administration and supervision may, subject to the procedures established by each district school board, apply for vacancies of intern assistant principal, assistant principal, intern principal, interim principal, and other positions for which this certification coverage is valid.

(7) All principals, intern principals, and assistant principals appointed by each district school board shall be selected and appointed using an objective-based process which documents that the applicant possesses the competencies necessary for successful performance of the duties as required by Section 231.0861, Florida Statutes. The objective-based process for screening, selection, and appointment shall be consistent with Criteria for School District Screening, Selection, and Appointment Process for Principals and Assistant Principals, September, 1984, approved by the Florida Council on Educational Management, which is hereby incorporated and made a part of this rule.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.0861, 231.087(3)(e), 231.15, 231.17 FS. History–New 7-1-86, Formerly 6A-4.083, Amended 7-1-86, 10-31-88.

6A-4.0084 Professional School Principal - Administrative Class.

Certification as professional school principal is a voluntary certification. This level of certification shall be awarded only to those Florida school principals who through the appropriate application of leadership, managerial, and instructional skills consistently produce superior results in the schools of which they perform the duties of the principalship. To be eligible to receive certification as a professional school principal, an individual shall satisfy each of the following requirements:

(1) Hold a valid professional certificate as a school principal.
(2) Document at least three (3) years of superior results as a principal in the same Florida public school district. This service must be performed subsequent to July 1, 1986.
(3) Superior performance of the principal shall be documented by the district school superintendent based on a comprehensive performance appraisal and performance management system approved by the district school board and the Department. The performance appraisal system and the performance management system shall be consistent with Guidelines for District Performance Appraisal Systems, January, 1985, and Prototype Performance Management System, May, 1984, approved by the Florida Council on Educational Management which are hereby incorporated and made a part of this rule.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.0861, 231.087(3)(e), 231.15, 231.17 FS. History–New 7-1-86, Formerly 6A-4.084, Amended 10-31-88.

6A-4.0085 Provisions for Persons Certified in Administration, Supervision, or Administration and Supervision.

(1) Individuals with at least one (1) year of successful experience as a Florida elementary or secondary school principal prior to July 1, 1986, shall retain all rights and privileges provided for by Florida certification in administration, supervision, or administration and supervision. All persons in this category who have served successfully for at least one (1) year as a principal and who are recommended for employment as a principal for 1986-87 or thereafter may apply to have school principal certification shown on the individual’s valid professional certificate. District level administrators in this category may apply to have school principal certification if appointed to a principalship. The certificate renewal date shall be within the last validity period of the certificate on which the certification coverage is shown.
(2) Teachers, intern assistant principals, assistant principals, other school-based assistants, and district level administrators without principal experience, who hold valid certificates in administration, supervision, or administration and supervision may continue as school-based assistants or under school board procedures be appointed to serve as school-based assistants and in nonschool administrative positions.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.0861, 231.087, 231.15, 231.17 FS. History–New 7-1-86, Formerly 6A-4.085, Amended 7-1-86, 11-8-88.

6A-4.0101 Specialization Requirements for Certification in Art (Grades K-12) - Academic Class.

(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in art, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in art to include credit in the areas specified below:
(a) Two-dimensional art such as drawing, painting, design, graphics, and photography,
(b) Three-dimensional art such as sculpture, ceramics, metals, textiles, woods, and plastics, and
(c) Art history.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 7-1-90, Amended 7-17-00.

6A-4.0121 Specialization Requirements for Certification in Computer Science (Grades K-12) - Academic Class.
(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in computer science or computer science education, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in computer science or computer science education to include credit in the areas specified below:
(a) Computer applications, and
(b) Computer programming.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 10-10-89, Amended 7-17-00.

6A-4.0123 Specialization Requirements for Certification in Dance (Grades K-12) - Academic Class.
(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in dance or dance education, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in dance to include the areas specified below:
(a) Credit in studio techniques to include:
1. Ballet;
2. Modern dance; and
3. Either jazz dance, folk dance, ethnic dance, character dance, tap dance, square dance, or musical theater dance.
(b) Credit in creative studio studies to include:
1. Dance composition or choreography;
2. Performance or repertory;
3. Dance production or stagecraft; and
4. Rhythmic analysis or music for dance.
(c) Credit in biomechanical analysis of movement or kinesiology; and
(d) Credit in history of dance or theory and philosophy of dance.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 11-10-92, Amended 7-17-00.

6A-4.0131 Specialization Requirements for the Endorsement in Driver Education - Academic Class.
(1) A bachelor’s or higher degree with certification in another subject, and
(2) Nine (9) semester hours in driver education to include the areas specified below:
(a) Three (3) semester hours in basic driver education,
(b) Three (3) semester hours in advanced driver education, and
(c) Three (3) semester hours in administration and supervision of driver traffic safety education.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 10-10-89.

6A-4.0141 Specialization Requirements for Certification in the Area of Preschool Education (Birth Through Age Four) - Academic Class.
Competencies for the specialization requirements are listed in the publication “Competencies for Specialization Requirements for Educators’ Certification in Florida, First Edition” which is hereby incorporated by reference and made a part of this rule. Copies of this publication may be obtained from the Bureau of Teacher Certification, Florida Department of Education, The Florida Education Center, Tallahassee, Florida 32399.
(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in preschool education (birth through age four [4]), or
(2) Plan Two. A bachelor’s or higher degree with forty-five (45) semester hours in preschool education (birth through age four [4]) to include the areas specified below:
(a) Three (3) semester hours in child growth and development from conception to age eight (8) with emphasis on infants, toddlers, and preschoolers;
(b) Three (3) semester hours in the historical, philosophical, and sociological perspectives in early childhood education with emphasis on infants, toddlers, and preschoolers;
(c) Eighteen (18) semester hours in developmentally appropriate integrated curriculum and practices in programs serving infants, toddlers, and preschoolers which include integrated field experiences;
(d) Six (6) semester hours in issues and practices to promote family and community involvement in programs serving infants, toddlers, and preschoolers which include integrated field experiences;
(e) Three (3) semester hours in health, nutrition, and safety in programs serving infants, toddlers, and preschoolers;
(f) Three (3) semester hours in diagnosis, assessment, and evaluation of infants, toddlers, and preschoolers which include integrated field experiences;
(g) Six (6) semester hours in special needs of all infants, toddlers, and preschoolers which include integrated field experiences; and

(h) Three semester hours in child guidance and management of the physical settings for programs serving infants, toddlers, and preschoolers which include integrated field experiences; or

(3) Plan Three. A bachelor’s or higher degree with an undergraduate or graduate degree major in early childhood education or primary education (kindergarten through grade three [3]); or a bachelor’s or higher degree with the specialization and professional preparation requirements completed for the prekindergarten (age three [3] through grade three [3]) certification coverage; and completion of twelve (12) semester hours to include integrated field experiences as specified below:
(a) Credit in developmentally appropriate integrated curriculum and practices in programs serving infants, toddlers, and preschoolers;
(b) Credit in diagnosis, assessment, and evaluation of infants, toddlers, and preschoolers;
(c) Credit in the special needs of all infants, toddlers, and preschoolers; and
(d) Credit in child guidance and management of the physical settings for programs serving infants, toddlers, and preschoolers; or

(4) Plan Four. A bachelor’s or higher degree with specialization and professional preparation requirements completed for the early childhood education or the primary education (kindergarten through grade three [3]) certification coverage; and completion of twenty-four (24) semester hours to include integrated field experiences as specified below:
(a) Three (3) semester hours in child growth and development from conception to age eight (8) with emphasis on infants, toddlers, and preschoolers;
(b) Credit in the historical, philosophical, and sociological perspectives in early childhood education with emphasis on infants, toddlers, and preschoolers;
(c) Nine (9) semester hours in developmentally appropriate integrated curriculum and practices in programs serving infants, toddlers, and preschoolers;
(d) Credit in issues and practices to promote family and community involvement in programs serving infants, toddlers, and preschoolers;
(e) Credit in health, nutrition, and safety in programs serving infants, toddlers, and preschoolers;
(f) Three (3) semester hours in diagnosis, assessment, and evaluation of infants, toddlers, and preschoolers;
(g) Six (6) semester hours in special needs of all children and their families which include integrated field experiences; and
(h) Credit in child guidance and management of the physical settings for programs serving infants, toddlers, and preschoolers.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 5-30-94.

6A-4.0142 Specialization Requirements for Certification in the Area of Prekindergarten/Primary Education (Age Three Through Grade Three) - Academic Class.
Competencies for the specialization requirements are listed in the publication “Competencies for Specialization Requirements for Educators’ Certification in Florida, First Edition” which is hereby incorporated by reference and made a part of this rule. Copies of this publication may be obtained from the Bureau of Educator Certification, Florida Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in prekindergarten/primary education (age three [3] through grade three [3]), or
(2) Plan Two. A bachelor’s or higher degree with forty-five (45) semester hours in prekindergarten/primary education (age three [3] through grade three [3]) to include the areas specified below:
(a) Three (3) semester hours in child growth and development from conception to age eight (8);
(b) Three (3) semester hours in the historical, philosophical, and sociological perspectives in early childhood education;
(c) Eighteen (18) semester hours in developmentally appropriate integrated curriculum and practices in programs serving age three (3) through grade three (3) which include integrated field experiences;
(d) Six (6) semester hours in issues and practices to promote family and community involvement which include integrated field experiences;
(e) Three (3) semester hours in health, nutrition, and safety;
(f) Three (3) semester hours in diagnosis, assessment, and evaluation which include integrated field experiences;
(g) Six (6) semester hours in special needs of all children and their families which include integrated field experiences; and
(h) Three (3) semester hours in child guidance and classroom management which include integrated field experiences.
(3) Plan Three. A bachelor’s or higher degree with an undergraduate or graduate degree major in the area of preschool education (birth through age four [4]); or a bachelor’s or higher degree with the specialization and professional preparation requirements completed for the area of preschool education (birth through age four [4]); and completion of twelve (12) semester hours in prekindergarten/primary education to include integrated field experiences as specified below:

(a) Credit in developmentally appropriate integrated curriculum and practices in programs serving children age five (5) through grade three (3);
(b) Credit in diagnosis, assessment, and evaluation for children age five (5) through grade three (3);
(c) Credit in special needs of children (age five [5] through grade [3]) and their families; and
(d) Credit in child guidance and classroom management for children (age five [5] through grade three [3]).

(4) Plan Four. A bachelor’s or higher degree with an undergraduate or graduate degree major in the area of primary education (grades kindergarten through grade three [3]) and twelve (12) semester hours in prekindergarten/primary education to include integrated field experiences as specified below:

(a) Credit in developmentally appropriate integrated curriculum and practices in programs serving children ages three (3) and four (4);
(b) Credit in issues and practices to promote family and community involvement;
(c) Credit in diagnosis, assessment, and evaluation for children ages three (3) and four (4); and
(d) Six (6) semester hours in special needs of all children and their families.

(5) Plan Five. A bachelor’s or higher degree with an undergraduate or graduate degree major in elementary education (grades one [1] through six [6]); or a bachelor’s or higher degree with the specialization and professional preparation requirements completed for elementary education (grades one [1] through six [6]) or primary education (grades kindergarten through grade three [3]); and fifteen (15) semester hours in prekindergarten/primary education to include integrated field experiences as specified below:

(a) Six (6) semester hours in developmentally appropriate integrated curriculum and practices in programs serving children ages three (3) through five (5);
(b) Credit in health, nutrition, and safety for children;
(c) Credit in diagnosis, assessment, and evaluation of young children;
(d) Credit in the education of young children with special needs and their families; and
(e) Credit in child guidance and management of classrooms with young children.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 5-30-94, Amended 7-17-00.

6A-4.0151 Specialization Requirements for Elementary Education (Grades K-6) - Academic Class.

(1) Plan One. A bachelor’s or higher degree with a major in elementary education which includes teaching reading at the K-6 level, or

(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in elementary education to include the areas specified below:

(a) Courses in teaching reading in grades K-6 to include each of the following:
   1. Understanding the reading process and effective reading instruction,
   2. Recognition and assessment of reading problems, and
   3. Prescription and utilization of appropriate methods and materials to increase reading performance; and
(b) Courses in each of the areas specified below:
   1. Content and methods for teaching writing and language arts in grades K-6,
   2. Content and methods for teaching science for grades K-6,
   3. Content and methods for teaching social science for grades K-6,
   4. Content and methods for teaching health education and physical education for grades K-6,
   5. Content and methods for teaching art for grades K-6,
   6. Content and methods for teaching music for grades K-6,
   7. Content and methods for teaching mathematics for grades K-6, and
   8. Materials for use in grades K-6 such as children’s literature, multi-media materials, library materials, and the computer as an instructional tool.

(3) This rule is to become effective July 1, 2002, and supersedes the provisions of Rules 6A-4.014 and 6A-4.015, F.A.C., as of that date.

Specific Authority 229.053, 231.15(1), 231.17(6) FS. Law Implemented 229.053, 231.145, 231.15, 231.17(6) FS. History–New 7-1-02.

6A-4.0161 Specialization Requirements for Certification in Middle Grades English (Grades 5-9) - Academic Class.

(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in English or middle grades English, or

(2) Plan Two. A bachelor’s or higher degree with eighteen (18) semester hours in English to include the areas specified below:
(a) Credit in English composition and grammar beyond freshman English,

6a-4.0162 specialization requirements for certification in english (grades 6-12) - academic class.

(1) plan one. a bachelor’s or higher degree with an undergraduate or graduate major in english, or
(2) plan two. a bachelor’s or higher degree with thirty (30) semester hours in english to include the areas specified below:
(a) credit in english composition and grammar beyond freshman english,
(b) credit in speech or oral interpretation, and
(c) fifteen (15) semester hours in literature.

specific authority 229.053(1), 231.15(1), 231.17(1) fs. law implemented 231.02, 231.145, 231.15, 231.17, 236.088 fs. history–new 7-1-90, amended 7-17-00.

6a-4.0172 specialization requirements for certification in the area of hearing impaired (grades k-12) - academic class.

(1) plan one. a bachelor’s or higher degree with an undergraduate or graduate major in hearing impaired, or
(2) plan two. a bachelor’s or higher degree with thirty (30) semester hours in exceptional student education to include credit in the areas specified below:
(a) foundations of exceptional student education to include historical perspectives, student characteristics, and trends and issues;
(b) educational management of exceptional students to include classroom organization, behavior management, and consultation skills;
(c) audiology, anatomy and physiology of human speech and auditory mechanisms, including assessment, amplification, and assistive listening devices;
(d) introduction to education of students who are hearing impaired to include the nature and needs of hearing impaired and multi-handicapped students, trends and issues, family support and intervention, and community resources;
(e) language development to include the application of english linguistics, psycholinguistics, and sociolinguistics to the education of hearing impaired students, including ages birth to five (5) years;
(f) auditory development and learning to include methods of auditory learning, assessment, and techniques for evaluating the acoustic environment;
(g) manual communication to include manually coded english and american sign language;
(h) instructional strategies for teaching students who are hearing impaired to include credit in the following:
1. teaching language to include instructional procedures to effect language learning to students who are hearing impaired including ages birth to age five (5) years;
2. speech development to include production and transmission of speech and instructional and assessment strategies to facilitate the development of speech skills for students who are hearing impaired including ages birth to age five (5) years;
3. teaching reading to students who are hearing impaired to include theories, curricular adaptations, and assessment;
4. teaching mathematics, science, and social studies to students who are hearing impaired to include procedures for curricular adaptations; and
5. teaching social and personal skills for students who are hearing impaired to include employability skills, career awareness, and transition planning for adult living.

specific authority 229.053(1), 231.15(1), 231.17(1) fs. law implemented 229.053, 231.145, 231.15, 231.17 fs. history–new 7-1-92, amended 7-17-00.

6a-4.0176 specialization requirements for certification in the area of speech-language impaired (grades k-12) - academic class.

(1) completion of the following education courses to satisfy the courses required in paragraph (2)(a) of rule 6a-4.006, f.a.c.
(a) three (3) semester hours in survey of exceptional student education, and
(b) three (3) semester hours in school organization or general curriculum which includes the elementary and secondary instructional levels.

(2) completion of specialization requirements by one of the following plans:
(a) plan one. a master’s or higher degree with a graduate major in speech-language pathology,
(b) plan two. a valid license in speech-language pathology issued pursuant to chapter 468, part i, florida statutes.
appropriate documentation to the department shall be a letter of verification of licensure from the issuing agency,
(c) plan three. a valid certificate of clinical competence issued by the american speech-language hearing association.
appropriate documentation to the department shall be a letter of verification from the issuing agency, or
(d) Plan Four. A master’s or higher degree with a minimum of sixty (60) semester hours of college credit in speech-language pathology, and three hundred (300) clock hours of supervised clinical practice to include one hundred fifty (150) clock hours at the graduate level. The supervised clinical practice shall include each of the following areas: evaluation of speech and language problems; management of language disorders in children; management of disorders of articulation, fluency, and voice; and assessment and management of auditory disorders. Appropriate documentation to the Department shall be a letter of verification from a designated official of the training institution. Thirty (30) semester hours of the minimum required college credit in speech-language pathology shall be graduate credit and shall include the following:

1. Three (3) semester hours of graduate credit in each of the following:
   a. Evaluation of speech, language, and hearing disorders;
   b. Management of articulation disorders;
   c. Management of fluency disorders;
   d. Management of voice disorders; and
   e. Management of auditory disorders; and

2. Six (6) semester hours of graduate credit in management of language disorders of children.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 10-3-91.

6A-4.01761 Specialization Requirements for Certification in the Area of Speech-Language Impaired/Associate - Academic Class.
A bachelor’s degree with an undergraduate major in speech-language pathology or speech-language impaired. This coverage is limited to a period of not more than three (3) years for the provision of services in school districts that qualify for the sparsity supplement as described in Section 236.081(6), Florida Statutes. This coverage shall be identified on the temporary certificate when requested by the superintendent of an eligible school district. This rule shall be reviewed by the Florida Board of Education by October 1, 2003.

Specific Authority 231.15(1), 231.167, 231.17 FS. Law Implemented 231.02, 231.15, 231.17 FS. History–New 9-17-01.

6A-4.0178 Specialization Requirements for Certification in the Area of Visually Impaired (Grades K-12) - Academic Class.
(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in visually impaired, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in exceptional student education to include credit in the areas specified below:
   (a) Foundations of exceptional student education to include historical perspectives, student characteristics, and trends and issues;
   (b) Educational management of exceptional students to include classroom organization, behavior management, and consultation skills;
   (c) Methods and materials for teaching reading to include:
      1. Sequential developmental skills and concepts of reading,
      2. Recognition and diagnosis of reading problems, and
      3. Prescription and utilization of appropriate methods and materials to increase reading performance; and
   (d) Specialized courses for the education of students who are visually impaired to include three (3) semester hours in each of the following:
      1. Introduction to visual impairments including psychological, social, and emotional implications; history of educational services; and current delivery models;
      2. Introduction to orientation and mobility to include theories, concepts, and the impact of mobility on the individual, the family, and the community;
      3. The teaching of reading and writing of English Braille;
      4. Functions of the eye and educational implications to include interpretation of medical eye reports, structure of the eye, disease and impairments, low vision training, and the use and care of optical aids; and
     (e) Instructional strategies for teaching students who are visually impaired to include each of the following:
      1. Teaching and assessing personal and social skills to include personal hygiene, self care, interpersonal relationships, career awareness, and social interaction with peers;
      2. Teaching and assessing communication skills and reading including the use of specialized equipment; and
      3. Teaching and assessing mathematics, science, and technology to include Nemeth code, abacus, specialized science materials, adapted technology, and computer access devices.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 7-1-92, Amended 7-17-00.

6A-4.01791 Specialization Requirements for the Gifted Endorsement - Academic Class Beginning July 1, 1992.
(1) A bachelor’s or higher degree with certification in an academic class coverage, and
(2) Fifteen (15) semester hours in gifted education to include three (3) semester hours in each area specified below:
(a) Nature and needs of gifted students to include student characteristics; cognitive, social, and emotional needs; and history and current research;
(b) Curriculum and instructional strategies for teaching gifted students to include modification of curriculum content, instructional process, student products, and learning environment;
(c) Guidance and counseling of gifted students to include motivation, self-image, interpersonal skills, and career options for gifted students;
(d) Educating special populations of gifted students such as minorities, underachievers, handicapped, economically disadvantaged, and highly gifted to include student characteristics and programmatic adaptations; and
(e) Theory and development of creativity to include elements of creativity such as fluency, flexibility, originality, and elaboration.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 7-1-92.

6A-4.01792 Specialization Requirements for the Prekindergarten Disabilities Endorsement - Academic Class.
(1) A bachelor’s or higher degree with certification in any exceptional student education area, preschool education, primary education, prekindergarten/primary education, or early childhood education, and
(2) Twelve (12) semester hours in prekindergarten disabilities education to include the areas specified below:
(a) Six (6) semester hours in the development and implementation of individualized educational programs for the prekindergarten child with disabilities to include formal and informal evaluation techniques; developmentally appropriate curriculum, methods, and intervention strategies; teaming approaches to facilitate inclusion in appropriate learning environments; and multidisciplinary approaches and techniques for serving the child and the family;
(b) Three (3) semester hours in child development to include theories of the atypical child, the stages and sequences of development, and the impact of disabilities and biomedical risk factors on learning; and
(c) Three (3) semester hours in family collaboration and support to include family systems theory and interaction; community resources; service coordination; and transition.

Specific Authority 229.053(6), 231.15(1), 231.17(6) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 10-3-91, Amended 5-7-02.

6A-4.01793 Specialization Requirements for Endorsement in Severe or Profound Disabilities - Academic Class.
(1) A bachelor’s or higher degree with certification in any area of special education; and
(2) Twelve (12) semester hours in the education of students with profound disabilities to include the areas specified below:
(a) Coursework in atypical child development and assessment of students with profound disabilities to include use of student assessment for individual educational planning and program planning;
(b) Coursework in interdisciplinary teaming to include available resources; the recognition of the role of parents, teachers, and other professionals; functional community-based curriculum; employability skills; and transition planning; and
(c) Completion of one of the areas as follows:
1. Six (6) semester hours to include:
   a. Coursework in nature of autism and intervention strategies for educating students who are autistic to include student characteristics, appropriate learning goals, teaching approaches, and environmental arrangements; and
   b. Three (3) semester hours of supervised field-based experience with students who are autistic; or
2. Six (6) semester hours to include:
   a. Coursework in nature of profound mental disabilities and intervention strategies for educating students with profound mental disabilities to include student characteristics, appropriate learning goals, teaching approaches, and environmental arrangements, and
   b. Three (3) semester hours of supervised field-based experience with students with profound mental disabilities; or
3. Six (6) semester hours to include:
   a. Coursework in nature of deaf-blindness and intervention strategies for educating students who are deaf-blind to include student characteristics, appropriate learning goals, teaching approaches, and environmental arrangements, and
   b. Three (3) semester hours of supervised field-based experience with students who are deaf-blind.

Specific Authority 229.053(1), 231.15(1), 231.17(6) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 10-3-91, Amended 4-17-02.

6A-4.01794 Specialization Requirements for the Orientation and Mobility Endorsement - Academic Class.
(1) Plan One. A bachelor’s or higher degree with certification in visually impaired and nine (9) semester hours to include three (3) semester hours in each of the following:
   a. Beginning orientation and mobility skills to include experience and observation of behaviors under conditions simulating visual impairments;
(b) Advanced orientation and mobility skills focusing on increasingly complex environments and applications to multi handicapped preschool, school-age, and adult populations; and
(c) Applied skills in orientation and mobility to include observation and assessment, and planning and delivery of orientation and mobility services to students with visual impairments; or

(2) Plan Two. A bachelor’s or higher degree with certification in an academic class subject and twenty-four (24) semester hours to include the areas specified below:
   (a) Three (3) semester hours in each of the following:
      1. Foundations of exceptional student education to include historical perspectives, student characteristics, and trends and issues;
      2. Introduction to visual impairments including psychological, social, and emotional implications; history of educational services; and current delivery models;
      3. Functions of the eye and educational implications to include interpretation of medical eye reports, structure of the eye, disease and impairments, low vision training, and the use and care of optical aids;
      4. Introduction to orientation and mobility to include theories, concepts, and the impact of mobility on the individual, the family, and the community;
      5. Beginning orientation and mobility skills to include experience and observation of behaviors under conditions simulating visual impairments;
      6. Advanced orientation and mobility skills focusing on increasingly complex environments and applications to multi handicapped preschool, school-age, and adult populations; and
   (b) Six (6) semester hours in applied skills in orientation and mobility to include observation and assessment, and planning and delivery of orientation and mobility services to students with visual impairments.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 10-3-91.

6A-4.01795 Specialization Requirements for Certification in Exceptional Student Education (Grades K-12) - Academic Class.

(1) Plan One. A bachelor’s or higher degree with a major in exceptional student education, special education, mental disabilities, specific learning disabilities, emotional disabilities, physically impaired or varying exceptionalities; or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in exceptional student education to include the areas specified below:
   (a) Foundations of special education to include educational practices and development and characteristics of children with disabilities;
   (b) Assessment and evaluation to include interpretation, analysis, and application of assessment results and alternate assessment strategies;
   (c) Evaluation of student progress in acquiring, generalizing, and maintaining skills related to participation in educational settings;
   (d) Instructional practices in special education to include selection and implementation of instructional practices and strategies and identification of accommodations and modifications;
   (e) Relevant general education and special skills curricula selection;
   (f) Assessing, designing, and implementing positive behavioral supports;
   (g) Language development and communication skills to include normal sequence of expressive and receptive language development and identification of communication deficits and appropriate interventions;
   (h) Skills to teach interpersonal interactions to include criteria for selecting instructional procedures for teaching personal care, interpersonal skills, self-advocacy skills, and adaptive life skills;
   (i) Transition process to include development of desired postschool outcomes; and
   (j) Effective methods of communication, consultation, and collaboration with students, families, administrators, and other education professionals.

(3) This rule is to become effective July 1, 2002, and supersedes the provisions of Rules 6A-4.0171, 6A-4.0173, 6A-4.0174, 6A-4.0175, and 6A-4.0177, F.A.C., as of that date.

Specific Authority 229.053(1), 231.15(1), 231.17(6) FS. Law Implemented 229.053, 231.145, 231.15(1), 231.17(6) FS. History–New 7-1-02.

6A-4.01796 Specialization Requirements for Endorsement in Autism - Academic Class.

(1) A bachelor’s or higher degree with certification in any exceptional student education area; and
(2) Twelve semester hours to include:
   (a) Nature of autism (to include student characteristics, appropriate learning goals, teaching approaches, environmental arrangements, etc.);
   (b) Use of assistive and instructional technology and natural, alternative and augmentative communication systems for students with autism;
   (c) Behavior management and positive behavior supports for students with autism;
(d) Assessment and diagnosis of autism; and
(e) Field-based experience with students with autism.
(3) This rule is to become effective July 1, 2002.

Specific Authority 229.053(1), 231.15(1), 231.17(6) FS. Law Implemented 229.053, 231.145, 231.15(1), 231.17(6) FS. History–New 7-1-02.

6A-4.0181 Specialization Requirements for Certification in Guidance and Counseling (Grades PK-12) - Specialty Class
Beginning July 1, 1990.
(1) Plan One. A master’s or higher degree with a graduate major in guidance and counseling or counselor education which includes three (3) semester hours in a supervised counseling practicum in an elementary or secondary school, or
(2) Plan Two. A master’s or higher degree with thirty (30) semester hours of graduate credit in guidance and counseling to include the areas specified below:
   (a) Three (3) semester hours in principles, philosophy, organization and administration of guidance,
   (b) Three (3) semester hours in student appraisal including administration and interpretation of standardized tests,
   (c) Three (3) semester hours in education and career development information practices and systems,
   (d) Three (3) semester hours in learning, personality theory, and human development,
   (e) Three (3) semester hours in counseling theories and individual counseling techniques,
   (f) Three (3) semester hours in group counseling and guidance techniques,
   (g) Three (3) semester hours in consultation skills and techniques for conferring with groups such as agencies, teachers, and parents,
   (h) Three (3) semester hours in legal, ethical, and current issues affecting school counselors,
   (i) Three (3) semester hours in specialized counseling techniques for use with elementary or secondary level special populations such as exceptional students, dropouts, and minorities, and
   (j) Three (3) semester hours in a supervised counseling practicum in an elementary or secondary school.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 7-1-90.

6A-4.0191 Specialization Requirements for Certification in Health (Grades K-12) - Academic Class.
(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in health, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in health to include credit in each of the areas specified below:
   (a) Mental and emotional health,
   (b) Substance abuse which includes alcohol, tobacco, and other drugs,
   (c) Advanced first aid and cardiopulmonary resuscitation training as specified below:
      1. Credit in advanced first aid and cardiopulmonary resuscitation, or
      2. A valid instructor’s first aid certificate and a valid instructor’s cardiopulmonary resuscitation certificate issued by the American Heart Association or the American Red Cross,
   (d) Personal, community, or environmental health,
   (e) Human anatomy and human physiology,
   (f) Nutrition,
   (g) Human sexuality, and
   (h) Disease control for diseases such as Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV), and Sexually Transmissible Diseases (STDs).

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17, 233.067 FS. History–New 7-1-90, Amended 7-17-00.

6A-4.0221 Specialization Requirements for Certification in Journalism (Grades 6-12) - Academic Class.
(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in journalism, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in journalism or English to include credit in the areas specified below:
   (a) Journalistic writing,
   (b) Legal aspects of mass media, and
   (c) Layout and design.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 7-1-90, Amended 7-17-00.
6A-4.0233 Specialization Requirements for Certification in the Area of Middle Grades Integrated Curriculum (Grades 5-9) - Academic Class.

(1) A bachelor’s or higher degree with a degree major in middle grades education which includes a minimum of twelve (12) semester hours in each of the following areas: English, mathematics, science, and social science, or

(2) A bachelor’s or higher degree with a degree major in a subject other than middle grades education and fifty-four (54) semester hours in English, mathematics, science, and social science. Eighteen (18) semester hours shall be completed in one of the four (4) subject areas. These eighteen (18) hours shall be the same as those required for middle school certification in that area. At least twelve (12) semester hours shall be completed in each of the remaining subject areas.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02(1), 231.15(1), 231.17(1) FS. History–New 4-25-96.

6A-4.0243 Specialization Requirements for Certification in Foreign Language (Grades K-12) - Academic Class.

(1) Specialization requirements for the following modern languages: Chinese, French, German, Greek, Hebrew, Italian, Japanese, Portuguese, Russian, and Spanish.

(a) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in one of the modern languages listed in subsection (1) of this rule, or

(b) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in one of the modern languages listed in subsection (1) of this rule to include credit in the areas specified below:

1. History or culture of the people who speak the language as their native language;
2. Literature in the language, and
3. Applied linguistics or second language acquisition, or

(c) Plan Three. A bachelor’s or higher degree with specialization requirements completed in one (1) of the modern languages as specified in paragraph (1)(a) or (b) of this rule, and twenty-one (21) semester hours in another one of the modern languages listed in subsection (1) of this rule to include credit in the areas specified below:

1. History or culture of the people who speak the language as their native language, and
2. Literature in the language.

(2) Specialization requirements for Latin.

(a) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in Latin, or

(b) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in Latin to include credit in the areas specified below:

1. Latin vocabulary, grammar, and composition,
2. Latin literature, and
3. Roman culture, or

(c) Plan Three. A bachelor’s or higher degree with specialization requirements completed in one (1) of the modern languages as specified in paragraph (1)(a) or (b) of this rule, and twenty-one (21) semester hours in Latin to include credit in the areas specified below:

1. Latin vocabulary, grammar, and composition,
2. Latin literature, and
3. Roman culture.

Specific Authority 229.053(1), 231.15(1), 231.17(6) FS. Law Implemented 229.053, 231.145, 231.15(1), 231.17(6) FS. History–New 7-1-90, Amended 7-17-00, 4-17-02.

6A-4.0244 Specialization Requirements for the Endorsement in English to Speakers of Other Languages - Academic Class.

(1) Plan One.

(a) A bachelor’s or higher degree with certification in another subject, and

(b) Fifteen (15) semester hours in English to speakers of other languages (ESOL) to include credit in each of the areas specified below:

1. Methods of teaching English to speakers of other languages (ESOL),
2. ESOL curriculum and materials development,
3. Cross-cultural communication and understanding,
4. Applied linguistics, and
5. Testing and evaluation of ESOL.

(2) Plan Two.

(a) The endorsement in English to speakers of other languages will be added to a valid temporary or professional certificate when an individual completes the following:

1. Holds a valid Florida educator’s certificate with a coverage specified as appropriate in the 1989-90 Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C., for teaching English to limited English proficient students.
2. Documents at least two (2) years of successful teaching of English to limited English proficient students using ESOL strategies. The successful teaching shall have been gained prior to July 1, 1990, and verified in writing by a Florida district school superintendent.

(b) The endorsement will be retained on the professional certificate when an individual completes three (3) semester hours of college credit or sixty (60) inservice points which are part of a district master plan for inservice education. The college credit or inservice points shall be completed for the first certificate renewal after July 1, 1990, and must be completed from the area(s) specified below.

1. Methods of teaching English to speakers of other languages (ESOL),
2. ESOL curriculum and materials development,
3. Cross-cultural communication and understanding,
4. Applied linguistics, and
5. Testing and evaluation of ESOL.

In the event the college credit or inservice points are not completed during the first renewal period, the endorsement will be deleted from the certificate.


6A-4.0245 Specialization Requirements for Certification in English for Speakers of Other Languages (Grades K-12) - Academic Class.

A bachelor’s or higher degree with an undergraduate or graduate major in English to speakers of Other Languages shall satisfy the specialization requirements for certification in English to speakers of Other Languages (Grades K-12).

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 10-30-90.

6A-4.0251 Specialization Requirements for Certification in Educational Media Specialist (Grades PK-12) - Specialty Class.

(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in educational media or library science, or

(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in educational media or library science to include credit in the areas specified below:

(a) Management of library media programs;
(b) Collection development. Courses in this area include: evaluation, selection, and maintenance of library media resources in print and nonprint formats;
(c) Library media resources. Courses in this area include: literature in both print and nonprint formats for both children and adolescents;
(d) Reference sources and services. Courses in this area include: print and electronic resources and techniques for providing information services;
(e) Organization of collections. Courses in this area include: classification and cataloging principles and techniques; and
(f) Design and production of educational media.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 7-1-92, Amended 7-17-00.

6A-4.0261 Specialization Requirements for Certification in Middle Grades Mathematics (Grades 5-9) - Academic Class.

(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in mathematics or middle grades mathematics, or

(2) Plan Two. A bachelor’s or higher degree with eighteen (18) semester hours in mathematics to include credit in the areas specified below:

(a) Calculus, precalculus, or trigonometry,
(b) Geometry, and
(c) Probability or statistics.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 9-1-92, Amended 7-17-00.

6A-4.0262 Specialization Requirements for Certification in Mathematics (Grades 6-12) - Academic Class.

(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in mathematics, or

(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in mathematics to include the areas specified below:
(a) Six (6) semester hours in calculus,
(b) Credit in geometry,
(c) Credit in probability or statistics, and
(d) Credit in abstract or linear algebra, or

(3) Plan Three. A bachelor’s or higher degree with specialization requirements completed for physics and twenty-one (21) semester hours in mathematics to include the areas specified below:
(a) Six (6) semester hours in calculus,
(b) Credit in geometry,
(c) Credit in probability or statistics, and
(d) Credit in abstract or linear algebra.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 7-1-90, Amended 7-17-00.

6A-4.0271 Specialization Requirements for Certification in Music (Grades K-12) - Academic Class.
(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in music, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in music to include the areas specified below:
(a) Credit in applied music at the upper-division level,
b) Credit in music theory,
(c) Credit in conducting,
(d) Credit in survey of music history,
(e) Credit in group performance such as band, orchestra, or chorus.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 7-1-90, Amended 7-17-00.

6A-4.0282 Specialization Requirements for the Endorsement in Athletic Coaching - Academic Class.
(1) Certification in another subject, and
(2) Nine (9) semester hours in athletic coaching to include the areas specified below:
(a) Three (3) semester hours in care and prevention of athletic injuries,
(b) Three (3) semester hours in coaching theory, and
(c) A course in theory and practice of coaching a specific sport.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 12-4-89.

6A-4.0283 Specialization Requirements for Certification in Physical Education (Grades K-12) - Academic Class.
(1) Plan One. A bachelor’s or higher degree with a teacher education major in physical education, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in physical education to include the areas specified below:
(a) Twelve (12) semester hours in instructional design and content of physical education,
b) Motor development,
(c) Kinesiology,
(d) Administration of physical education,
(e) Applied exercise physiology,
(f) Adaptive physical education or physical education for exceptional students,
(g) Care and prevention of human injuries, and
(h) Theory and practice in coaching.
(3) This rule is to become effective July 1, 2003, and supersedes the provisions of Rule 6A-4.028, F.A.C., as of that date.

Specific Authority 229.053, 231.15(1), 231.17(6) FS. Law Implemented 229.053, 231.145, 231.15(1), 231.17(6) FS. History—New 7-1-03.

6A-4.0291 Specialization Requirements for Certification in Reading (Grades K-12) - Academic Class.
(1) Plan One. A master’s or higher degree with a graduate major in reading, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in reading to include the areas specified below:
(a) Six (6) semester hours in foundations of reading instruction to include the elementary and secondary levels,
(b) Six (6) semester hours in diagnosis of reading disabilities and techniques of corrective or remedial reading,
(c) Three (3) semester hours in educational measurement,
(d) Three (3) semester hours in literature for children or adolescents,
(e) Three (3) semester hours in methods of teaching language arts at the elementary or secondary level,
(f) Three (3) semester hours in administration and interpretation of instructional assessments with instructional strategies and materials based upon scientifically based reading research for the prevention and remediation of reading difficulties, and
(g) Three (3) semester hours in a supervised reading practicum to obtain practical experience in increasing the reading performance of a student(s) with the prescription and utilization of appropriate strategies and materials based upon scientifically based reading research to address the prevention, identification, and intervention of reading difficulties.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 7-1-90, Amended 7-30-02.

6A-4.0292 Specialization Requirements for the Reading Endorsement - Academic Class.

(1) A bachelor’s or higher degree with certification in an academic, degreed vocational, administrative, or specialty class coverage, and

(2) Fifteen (15) semester hours in reading coursework based upon scientifically based reading research with a focus on both the prevention and remediation of reading difficulties to include the areas specified below:
   (a) Six (6) semester hours in understanding reading as a process of student engagement in both fluent decoding of words and construction of meaning;
   (b) Three (3) semester hours in the administration and interpretation of instructional assessments to include screening, diagnosis, and progress monitoring with purposes of prevention, identification, and remediation of reading difficulties;
   (c) Three (3) semester hours in understanding how to prescribe, differentiate instruction, and utilize appropriate strategies and materials based upon scientifically based reading research in order to address the prevention, identification, and remediation of reading difficulties in order to increase reading performance; and
   (d) Three (3) semester hours in a supervised practicum to obtain practical experience in increasing the reading performance of a student(s) with the prescription and utilization of appropriate strategies and materials based upon scientifically based reading research to address the prevention, identification, and remediation of reading difficulties.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15(1), 231.17(1) FS. History–New 7-30-02.

6A-4.0311 Specialization Requirements for Certification in School Psychologist (Grades PK-12) - Specialty Class Beginning July 1, 1992.

(1) Plan One. A specialist’s or higher degree with a major in school psychology at the specialist’s or higher degree level which includes six (6) semester hours of graduate credit in a year-long supervised school psychology internship in an elementary or secondary school, or

(2) Plan Two. A master’s or higher degree and completion of a graduate program in school psychology which includes sixty (60) semester hours of graduate credit in school psychology to include the areas specified below:
   (a) Credit in each of the following six core competency areas:
      1. Psychological foundations;
      2. Educational foundations;
      3. Psychoeducational assessment;
      4. Interventions and specialized techniques;
      5. Statistics, measurement, and research design; and
      6. Professional school psychology.
   (b) Three (3) semester hours in a supervised practicum in school psychology in addition to the internship in paragraph (2)(c) of this rule; and
   (c) Six (6) semester hours in a year-long supervised school psychology internship in an elementary or secondary school. No more than twelve (12) semester hours of credit in the internship shall be accepted; or

(3) Plan Three. A master’s or higher degree with completion of a graduate program in school psychology and three (3) years of full-time experience as a school psychologist in an elementary or secondary school. The experience shall be acceptable provided the applicant held a valid full-time school psychologist certificate issued by the state where the experience was gained, or

(4) Plan Four. A master’s or higher degree with sixty (60) semester hours of graduate credit in school psychology to include the areas specified below:
   (a) Twelve (12) semester hours in psychological foundations. Courses in this area include: abnormal psychology, biological bases of behavior, cultural diversity, child psychology, adolescent psychology, psychology of exceptional students, human learning, personality, and social bases of behavior;
   (b) Six (6) semester hours in educational foundations. Courses in this area include: education of exceptional learners, instructional and remedial techniques, and organization and operation of schools;
   (c) Nine (9) semester hours in psychoeducational assessment to include three (3) semester hours in individual intellectual assessment. Courses in this area include individual intellectual assessment, psychoeducational assessment, and personality or behavior assessment;
   (d) Nine (9) semester hours in interventions and specialized techniques. Courses in this area include consultation, counseling, applied behavioral analysis, behavior management, and prescriptive intervention;
   (e) Six (6) semester hours in statistics, measurement, and research design. Courses in this area include: statistics, testing and measurement, research design, and program evaluation;
(f) Three (3) semester hours in professional school psychology. Courses in this area include: history and foundations of school psychology, legal and ethical issues, professional issues affecting school psychologists, and rules and functions of the school psychologist;

(g) Three (3) semester hours in a supervised practicum in school psychology in addition to the internship in paragraph (4)(h) of this rule. Three (3) years of full-time experience as a school psychologist in an elementary or secondary school will satisfy the supervised practicum requirement. The experience shall be acceptable provided the applicant held a valid full-time school psychologist certificate issued by the state where the experience was gained; and

(h) Six (6) semester hours in a year-long supervised school psychology internship in an elementary or secondary school. The internship shall total at least twelve hundred (1200) clock hours with at least six hundred (600) clock hours in an elementary or secondary school. The internship shall be completed at an institution which offers a master’s or higher degree major in school psychology. No more than twelve semester hours of credit in the internship shall be accepted. Three (3) years of full-time experience as a school psychologist as described in paragraph (4)(g) of this rule will satisfy the internship requirement, or

(5) Plan Five. A valid certificate as a Nationally Certified School Psychologist issued by the National School Psychology Certification System.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 7-1-92.

6A-4.0321 Specialization Requirements for Certification in Middle Grades General Science (Grades 5-9) - Academic Class.

(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in general science or middle grades general science, or

(2) Plan Two. A bachelor’s or higher degree with eighteen (18) semester hours in science to include credit in the areas specified below:
   (a) Biological science,
   (b) Chemistry or physics, and
   (c) Earth-space science or earth science.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 9-1-92, Amended 7-17-00.

6A-4.0322 Specialization Requirements for Certification in Separate Areas of Science (Grades 6-12) - Academic Class.

(1) Specialization requirements for biology.
   (a) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in biology, or
   (b) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in science, to include twenty-one (21) semester hours in biological science with associated laboratory experiences,
   (c) Plan Three. A bachelor’s or higher degree with specialization requirements completed for chemistry, earth-space science, or physics and eighteen (18) semester hours in biological science.

(2) Specialization requirements for chemistry.
   (a) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in chemistry, or
   (b) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in science to include twenty-one (21) semester hours in chemistry with associated laboratory experiences,
   (c) Plan Three. A bachelor’s or higher degree with specialization requirements completed for biology, earth-space science, or physics and eighteen (18) semester hours in chemistry.

(3) Specialization requirements for earth-space science.
   (a) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in earth-space science or earth science, or
   (b) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in science to include twenty-one (21) semester hours in earth-space science or earth science with associated laboratory experiences, or
   (c) Plan Three. A bachelor’s or higher degree with specialization requirements completed for biology, chemistry, or physics and eighteen (18) semester hours in earth-space science.

(4) Specialization requirements for physics.
   (a) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in physics, or
   (b) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in science to include twenty-one (21) semester hours in physics with associated laboratory experiences, or
   (c) Plan Three. A bachelor’s or higher degree with specialization requirements completed for biology, chemistry, or earth-space science and eighteen (18) semester hours in physics.
6A-4.0331 Specialization Requirements for Certification in Middle Grades Social Science (Grades 5-9) - Academic Class.

(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in social science, middle grades social science or middle grades social studies, or
(2) Plan Two. A bachelor’s or higher degree with eighteen (18) semester hours in social science or social studies to include the areas specified below:
   (a) Six (6) semester hours in United States history,
   (b) Credit in western civilization; or, European, Asian, African, Latin American, or Middle Eastern history,
   (c) Credit in economics,
   (d) Credit in United States government, and
   (e) Credit in geography.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 9-1-92, Amended 7-17-00.

6A-4.03321 Specialization Requirements for Certification in Social Science (Grades 6-12) - Academic Class.

(1) Plan One. A bachelor’s or higher degree with a major in social science, social studies, history, political science, geography, sociology, economics, or psychology.
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in social science or social studies to include:
   (a) Six (6) semester hours in United States history,
   (b) Courses in the areas specified below:
      1. Western civilization or European history,
      2. Asian, African, Latin American, or Middle Eastern history,
      3. Economics,
      4. United States federal government,
      5. Geography, and
      6. Sociology or psychology.

Specific Authority 229.053, 231.15(1), 231.17(6) FS. Law Implemented 229.053, 231.145, 231.15(1), 231.17(6) FS. History–New 7-1-03.

6A-4.0341 Specialization Requirements for Certification in Speech (Grades 6-12) - Academic Class.

(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in speech, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in speech or English to include credit in the areas specified below:
   (a) Fundamentals of speech,
   (b) Discussion or debate,
   (c) Dramatics or oral interpretation, and
   (d) Mass media.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 7-1-90, Amended 7-17-00, 7-1-03.

6A-4.0342 Specialization Requirements for Certification in Drama (Grades 6-12) - Academic Class.

(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in drama, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in drama to include credit in the areas specified below:
   (a) Theater history,
   (b) Acting,
   (c) Theory and practice of directing,
   (d) Technical theater or stagecraft, and
   (e) Theater management, production or performance.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 12-4-89, Amended 7-17-00.

6A-4.0343 Specialization Requirements for Certification in Humanities (Grades K-12) - Academic Class.

A bachelor’s or higher degree with an undergraduate or graduate major in humanities shall satisfy the specialization requirements for certification in humanities (grades K-12).

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 12-4-89.
6A-4.035 Specialization Requirements for Certification in School Social Worker (Grades PK-12) - Specialty Class.
A bachelor’s or higher degree with an undergraduate or graduate major in social work. The program shall be accredited by the National Council on Social Work Education or the institution shall be accredited in accordance with the provisions of Rule 6A-4.003, F.A.C.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 4-20-64, Amended 7-7-68, Revised 8-17-74, Repromulgated 12-5-74, Joint Administrative Procedures Committee Objection Filed – See FAW Vol. 11, No. 51, December 20, 1985, Formerly 6A-4.35, Amended 12-4-89, 11-13-96.

6A-4.037 Revocation or Suspension of Certificates.
(1) When a superintendent, school board member or principal has cause to believe that a holder of a Florida teacher’s certificate is guilty of any offense for which the penalty is revocation or suspension of a teacher’s certificate, it shall be the duty of said superintendent, school board member or principal to file a complaint. Any individual may file a complaint. The complaint shall include the name of the educator charged and the alleged acts being reported. Complaints shall be filed with the Professional Practices Services Section, Department of Education, The Florida Education Center, Tallahassee, Florida 32399. Filed complaints will be processed in accordance with Section 231.262, Florida Statutes, and Rule 6A-16.015, F.A.C.

(2) Before an administrative complaint is filed with the Education Practices Commission the certificate holder will be advised in general terms of the nature of the offense being investigated, and warned that any statement made may be used as evidence in the investigation. The individual will be given an opportunity to make a statement personally or by counsel or qualified representative.
   (a) The notice and opportunity provided by this subsection shall be in accordance with the requirements of Section 120.60(6), Florida Statutes, and the prehearing conference provisions of Section 231.262(3), Florida Statutes.
   (b) Inability to deliver notice or the failure of the certificate holder to make a statement after notice will not preclude a finding of probable cause.

(3) The Commissioner is hereby delegated the authority to act in behalf of the Department when the Department is a party pursuant to Section 231.262(5), Florida Statutes, to remand complaints pursuant to Section 231.262(1), Florida Statutes, and to act upon complaints remanded pursuant to Section 231.262(6), Florida Statutes.

(4) Section 231.262(4), Florida Statutes, allows the public to have access, within ten (10) days after probable cause has been established, to a complaint and all appropriate information obtained pursuant to the investigation. “Appropriate information” is the package of materials upon which the Commissioner relied in finding probable cause.

Specific Authority 229.053(1), 231.262, 231.28 FS. Law Implemented 120.60(6), 120.62(2), 229.053(1), 231.262 FS. History–New 4-10-64, Amended 7-24-67, 4-11-70, 6-16-72, 12-19-74, 5-24-77, 8-20-81, Formerly 6A-4.37.

6A-4.044 Specialization Requirements for Certification in Local Director of Vocational Education - Vocational Administrative Class.
(1) A master’s or higher degree or the advanced occupational level of training,
(2) Verification of completion of three (3) years of teaching experience in vocational education as specified in paragraph 6A-4.002(5)(a), F.A.C.,
(3) A valid professional certificate with certification in a vocational class coverage, and
(4) Thirty (30) semester hours of graduate or upper level credit in administration and supervision to include the following:
   (a) Three (3) semester hours in organization, administration and management of vocational programs,
   (b) Three (3) semester hours in administration and supervision of secondary education,
   (c) Three (3) semester hours in instructional programs and curriculum,
   (d) Three (3) semester hours in supervision and development of the vocational education staff, and
   (e) Three (3) semester hours in school-community employee-employer relationships, interpretation of school programs, and socio-economic foundations of school policies.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 4-20-64, Amended 4-8-68, 4-19-74, Repromulgated 12-5-74, Amended 7-1-79, 6-27-85, Formerly 6A-4.44, Amended 10-10-89.

6A-4.054 Specialization Requirements for Certification in Agriculture (Grades 6-12) - Vocational Class.
(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in agriculture, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in agriculture to include credit in four of the areas specified below:
   (a) Soil science,
   (b) Agricultural mechanics,
   (c) Food and resource economics,
   (d) Animal science,
   (e) Agronomy,
   (f) Horticulture.
   (g) Entomology, and
(h) Forestry and natural resources.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 10-10-89, Amended 7-17-00.

6A-4.056 Specialization Requirements for Certification in Business Education (Grades 6-12) - Vocational Class.
(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in business education or business administration, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in business education or business administration to include credit in the areas specified below:
(a) Accounting,
(b) Economics,
(c) Computer Science,
(d) Business communication or composition above the freshman level, and
(e) Business law.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 10-10-89, Amended 7-17-00.

6A-4.058 Specialization Requirements for Certification in Family and Consumer Science (Grades 6-12) - Vocational Class.
(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in family and consumer science or home economics, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in family and consumer science or home economics to include credit in the areas specified below:
(a) Clothing construction,
(b) Textiles,
(c) Food preparation,
(d) Nutrition,
(e) Child development,
(f) Family relations,
(g) Housing and home furnishings,
(h) Home management, and
(i) Family economics and consumer education.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 10-10-89, Amended 7-17-00.

6A-4.060 Specialization Requirements for Certification in Industrial Arts-Technology Education (Grades 6-12) - Vocational Class.
(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in industrial arts or technology education, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in industrial arts or industrial technology education to include credit in four (4) of the ten (10) areas specified below:
(a) Materials and manufacturing processes technology to include credit in woods, metals, and man-made materials,
(b) Drafting and design technology,
(c) Energy and power technology,
(d) Graphic communications technology,
(e) Electronics technology,
(f) Construction technology,
(g) Transportation technology,
(h) Biomedical technology,
(i) Information technology, and
(j) Industrial systems technology such as robotics, laser technology, fiber optics, or other feedback controlling systems.

Specific Authority 229.053(1), 231.15(1), 231.17(6) FS. Law Implemented 229.053, 231.145, 231.15(1), 231.17(6) FS. History–New 10-10-89, Amended 11-13-96, 7-17-00, 4-17-02.

6A-4.062 Specialization Requirements for Certification in Marketing (Grades 6-12) - Vocational Class.
(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in marketing or distributive education, or
(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in marketing to include the areas specified below:
(a) Fifteen (15) semester hours in theories and practices of marketing,
(b) Credit in economics,
(c) Credit in finance, and
(d) Credit in accounting or personnel management.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 10-10-89, Amended 7-17-00.

6A-4.076 Specialization Requirements for the Endorsement in Teacher Coordinator of Cooperative Education - Vocational Class.

(1) Certification in a vocational class subject; and
(2) Two (2) years of full-time occupational experience or the equivalent in part-time experience shall be completed as follows:
(a) Occupational experience shall be gained as a wage earner after age sixteen (16), and
(b) The occupational experience shall be verified by former employers; or for self-employment, experience in a family-owned business, or experience at a firm no longer in business, the experience shall be verified by an individual knowledgeable of the applicant’s service. Employment verification shall not be accepted from the applicant or family members. The verification shall be provided on business stationery or a notarized affidavit(s) and specify the dates of employment, job title(s), and full-time or part-time employment. When employment was part-time, the number of hours worked per week shall be included, and
(3) Recency of occupational experience or training shall be required as follows:
(a) At least six (6) weeks of occupational experience gained within the five (5) year period immediately preceding the date of receipt of the application for the endorsement or the date the endorsement is added to the valid certificate, or
(b) One (1) year of teaching experience as specified in paragraph 6A-4.002(5)(a), F.A.C., in a cooperative program during the five (5) year period immediately preceding the date of application for the addition of the endorsement, and
(4) Twelve (12) semester hours in professional vocational education to include the areas specified below:
(a) Three (3) semester hours in organization and coordination of the cooperative method of vocational education,
(b) Three (3) semester hours in principles and philosophy of vocational education,
(c) Three (3) semester hours in general methods of teaching vocational education, and
(d) Three (3) semester hours in vocational or occupational guidance.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 10-10-89, Amended 5-4-93.

6A-4.078 Specialization Requirements for the Endorsement in Teacher Coordinator of Work Experience Programs - Vocational Class.

(1) A bachelor’s or higher degree with certification in an academic, vocational, administrative, or specialty class coverage; and
(2) Two (2) years of full-time occupational experience or the equivalent in part-time experience shall be completed as follows:
(a) Occupational experience shall be gained as a wage earner after age sixteen (16), and
(b) The occupational experience shall be verified by former employers; or for self-employment, experience in a family-owned business, or experience at a firm no longer in business, the experience shall be verified by an individual knowledgeable of the applicant’s service. Employment verification shall not be accepted from the applicant or family members. The verification shall be provided on business stationery or a notarized affidavit(s) and specify the dates of employment, job title(s), and full-time or part-time employment. When employment was part-time, the number of hours worked per week shall be included, and
(3) Recency of occupational experience or training shall be required as follows:
(a) At least six (6) weeks of occupational experience gained within the five (5) year period immediately preceding the date of receipt of the application for the endorsement or the date the endorsement is added to the valid certificate, or
(b) One (1) year of teaching experience as specified in paragraph 6A-4.002(5)(a), F.A.C., in a cooperative program during the five (5) year period immediately preceding the date of application for the addition of the endorsement, and
(4) Nine (9) semester hours in professional vocational education to include the areas specified below:
(a) Three (3) semester hours in organization and coordination of the cooperative method of vocational education,
(b) Three (3) semester hours in principles and philosophy of vocational education, and
(c) Three (3) semester hours in vocational or occupational guidance.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 10-10-89, Amended 5-4-93.
CHAPTER 6A-5  APPROVING PROGRAMS OF TEACHER EDUCATION

6A-5.051 Approval of Teacher Education Programs. (Repealed)
6A-5.052 Purposes for Approving Teacher Education Programs. (Repealed)
6A-5.053 Relationship Between Teacher Education Program Approval and Teacher Certification. (Repealed)
6A-5.054 Responsibilities for Teacher Education Program Approval. (Repealed)
6A-5.055 Definitions. (Repealed)
6A-5.060 Eligibility for Approved Preservice and Inservice Teacher Education Programs. (Repealed)
6A-5.0601 Standards for Approving Preservice and Inservice Teacher Education Programs. (Repealed)
6A-5.061 Procedures for Approving Preservice and Inservice Teacher Education Programs. (Repealed)
6A-5.062 Administration and Organization of Preservice Teacher Education Programs. (Repealed)
6A-5.0621 Approval of Programs With Specific Criteria. (Repealed)
6A-5.0622 The Florida Teacher Certification Examination for Education Majors Prior to Graduation. (Repealed)
6A-5.063 Resources for Preservice Teacher Education Programs. (Repealed)
6A-5.064 Evaluation of Preservice Teacher Education Programs. (Repealed)
6A-5.065 The Educator Accomplished Practices.
6A-5.066 Approval of Preservice Teacher Preparation Programs.
6A-5.070 Eligibility for Approved Inservice Teacher Education Programs. (Repealed)
6A-5.071 Master Inservice Plan Requirements.
6A-5.072 Procedures for Approving District Master Plans for Inservice Education Programs. (Repealed)
6A-5.073 Resources for Inservice Teacher Education Programs. (Repealed)
6A-5.074 Teacher Education Centers. (Repealed)
6A-5.075 Florida Beginning Teacher Program. (Repealed)
6A-5.0752 Experimental Alternate Certification Program for Secondary Education. (Repealed)
6A-5.076 Inservice Institutes. (Repealed)
6A-5.077 Subject Area Councils. (Repealed)

6A-5.065 The Educator Accomplished Practices.
The twelve essential practices of effective teaching are:

(1) Accomplished Practice One – Assessment.
   (a) Accomplished level. The accomplished teacher uses assessment strategies (traditional and alternate) to assist the continuous development of the learner.
   (b) Professional level. The professional teacher continually reviews and assesses data gathered from a variety of sources. These sources can include, but shall not be limited to, pretests, standardized tests, portfolios, anecdotal records, case studies, subject area inventories, cumulative records, and student services information. The professional teacher develops the student’s instructional plan that meets cognitive, social, linguistic, cultural, emotional, and physical needs.
   (c) Preprofessional level. The preprofessional teacher collects and uses data gathered from a variety of sources. These sources will include both traditional and alternative strategies. Furthermore, the teacher can identify and match the student’s instructional plan with their cognitive, social, linguistic, cultural, emotional, and physical needs.

(2) Accomplished Practice Two – Communication.
   (a) Accomplished level. The accomplished teacher uses effective communication techniques with students and all other stakeholders.
   (b) Professional level. The professional teacher constantly seeks to create a classroom that is accepting, yet businesslike, on task, and produces results. She/he communicates to all students high expectations for learning, and supports, encourages and gives positive and fair feedback about their learning efforts. This teacher models good communication skills and creates an atmosphere in the classroom that encourages mutual respect and appreciation of different cultures, linguistic backgrounds, learning styles, and abilities.
   (c) Preprofessional level. The preprofessional teacher recognizes the need for effective communication in the classroom and is in the process of acquiring techniques which she/he will use in the classroom.

(3) Accomplished Practice Three – Continuous Improvement.
   (a) Accomplished level. The accomplished teacher engages in continuous professional quality improvement for self and school.
   (b) Professional level. The professional teacher recognizes the need to strengthen her/his teaching through self reflection and commitment to life-long learning. The teacher becomes aware of and is familiar with the School Improvement Plan. The teacher’s continued professional improvement is characterized by participation in inservice, participation in school/community committees, and designing and meeting the goals of a professional development plan.
(c) Preprofessional level. The preprofessional teacher realizes that she/he is in the initial stages of a life-long learning process and that self reflection is one of the key components of that process. While her/his concentration is, of necessity, inward and personal, the role of colleagues and school-based improvement activities increase as time passes. The teacher’s continued professional improvement is characterized by self reflection, work with immediate colleagues and teammates, and meeting the goals of a personal professional development plan.

(4) Accomplished Practice Four – Critical Thinking.
(a) Accomplished level. The accomplished teacher uses appropriate techniques and strategies which promote and enhance critical, creative, and evaluative thinking capabilities of students.

(b) Professional level. The professional teacher will use a variety of performance assessment techniques and strategies that measure higher order thinking skills in students and can provide realistic projects and problem solving activities which will enable all students to demonstrate their ability to think creatively.

(c) Preprofessional level. The preprofessional teacher is acquiring performance assessment techniques and strategies that measure higher order thinking skills in students and is building a repertoire of realistic projects and problem solving activities designed to assist all students in demonstrating their ability to think creatively.

(5) Accomplished Practice Five – Diversity.
(a) Accomplished level. The accomplished teacher uses teaching and learning strategies that reflect each student’s culture, learning styles, special needs, and socio-economic background.

(b) Professional level. The professional teacher establishes a risk-taking environment which accepts and fosters diversity. The teacher must demonstrate knowledge of varied cultures by practices such as conflict resolution, mediation, creating a climate of openness, inquiry and support.

(c) Preprofessional level. The preprofessional teacher establishes a comfortable environment which accepts and fosters diversity. The teacher must demonstrate knowledge and awareness of varied cultures. The teacher creates a climate of openness, inquiry, and support by practicing strategies as acceptance, tolerance, resolution, and mediation.

(6) Accomplished Practice Six – Ethics.
(a) Accomplished level. The accomplished teacher adheres to the Code of Ethics and Principles of Professional Conduct of the Education Profession in Florida.

(b) Professional level. The professional teacher adheres to the Code of Ethics and Principles of Professional Conduct of the Education Profession in Florida.

(c) Preprofessional level. The preprofessional teacher adheres to the Code of Ethics and Principles of Professional Conduct of the Education Profession in Florida.

(7) Accomplished Practice Seven – Human Development and Learning.
(a) Accomplished level. The accomplished teacher uses an understanding of learning and human development to provide a positive learning environment which supports the intellectual, personal, and social development of all students.

(b) Professional level. Drawing upon well established human development/learning theories and concepts and a variety of information about students, the professional teacher provides learning opportunities appropriate to student learning style, linguistic and cultural heritage, experiential background and developmental level.

(c) Preprofessional level. Drawing upon well established human development/learning theories and concepts and a variety of information about students, the preprofessional teacher plans instructional activities.

(8) Accomplished Practice Eight – Knowledge of Subject Matter.
(a) Accomplished level. The accomplished teacher demonstrates knowledge and understanding of the subject matter.

(b) Professional level. The professional teacher has a basic understanding of the subjects she/he teaches and is beginning to understand that her/his subject is linked to other disciplines and can be applied in real world integrated settings. The teacher seeks out ways/sources to expand her/his knowledge. The commitment to learning about new knowledge includes keeping abreast of sources which will enhance teaching. The teacher’s repertoire of teaching skills includes a variety of means to assist student acquisition of new knowledge.

(c) Preprofessional level. The preprofessional teacher has a basic understanding of the subject field and is beginning to understand that the subject is linked to other disciplines and can be applied to real world integrated settings. The teacher’s repertoire of teaching skills includes a variety of means to assist student acquisition of new knowledge and skills using that knowledge.

(9) Accomplished Practice Nine – Learning Environments.
(a) Accomplished level. The accomplished teacher creates and maintains positive learning environments in which students are actively engaged in learning, social interaction, cooperative learning and self-motivation.

(b) Professional level. The professional teacher understands the importance of setting up effective learning environments and begins to experiment with a variety of them, seeking to identify those which work best in a particular situation. The teacher provides the opportunities for student input into behavioral expectations by helping students develop a set of shared values and beliefs, by encouraging them to envision the environment in which they like to learn, by providing occasions for reflection upon the rules and consequences which would create such an environment, and by honoring dissent.
(c) Preprofessional level. The preprofessional teacher understands the importance of setting up effective learning environments and has techniques and strategies to use to do so, including some that provide opportunities for student input into the processes. The teacher understands that she/he will need a variety of techniques and is working to increase her/his knowledge and skills.

10) Accomplished Practice Ten – Planning.
(a) Accomplished level. The accomplished teacher plans, implements, and evaluates effective instruction in a variety of learning environments.
(b) Professional level. The professional teacher sets high expectations for all students and uses concepts from a variety of concept areas, and plans individually with students and with other teachers to design learning experiences that meet students’ needs and interests. The teacher continues to seek advice/information from appropriate sources including feedback, interprets the information, and modifies plans. Comprehensible instruction is implemented in a creative environment using varied and motivating strategies and multiple resources. Outcomes are assessed using traditional and alternative approaches. Upon reflection, the teacher continuously refines learning experiences.
(c) Preprofessional level. The preprofessional teacher recognizes the importance of setting high expectations for all students and works with other professionals to design learning experiences that meet students’ needs and interests. The teacher candidate continually seeks advice/information from appropriate resources including feedback, interprets the information, and modifies her/his plans appropriately. Planned instruction will incorporate a creative environment and utilize varied and motivational strategies and multiple resources for providing comprehensible instruction for all students. Upon reflection, the teacher continuously refines outcome assessment and learning experiences.

11) Accomplished Practice Eleven – Role of the Teacher.
(a) Accomplished level. The accomplished teacher works with various education professionals, parents, and other stakeholders in the continuous improvement of the educational experiences of students.
(b) Professional level. The professional teacher establishes open lines of communication and works cooperatively with families, educational professionals and other members of the student’s support system to promote continuous improvement of the educational experience.
(c) Preprofessional level. The preprofessional teacher communicates and works cooperatively with families and colleagues to improve the educational experiences at the school.

12) Accomplished Practice Twelve – Technology.
(a) Accomplished level. The accomplished teacher uses appropriate technology in teaching and learning processes.
(b) Professional level. The professional teacher uses technology (as appropriate) to establish an atmosphere of active learning with existing and emerging technologies available at the school site. She/he provides students with opportunities to use technology to gather and share information with others, and facilitates access to the use of electronic resources.
(c) Preprofessional level. The preprofessional teacher uses technology as available at the school site and as appropriate to the learner. She/he provides students with opportunities to actively use technology and facilitates access to the use of electronic resources. The teacher also uses technology to manage, evaluate, and improve instruction.

Specific Authority 231.17, 231.546 FS. Law Implemented 231.17, 231.546 FS. History–New 7-2-98.

6A-5.066 Approval of Preservice Teacher Preparation Programs.

(1) General Criteria.
(a) The Department of Education is authorized to approve preservice teacher preparation programs and to grant extensions of approvals in accordance with the provisions of this rule. Each approval or extension shall be for the period of time determined by the Department of Education but shall not exceed five (5) years.
(b) Each institution seeking initial approval of a teacher preparation program shall submit a request in writing from the chief executive officer to the Commissioner and include documentation of all components prescribed in subsection (3) of this rule. The request shall specify the certification areas and levels for which approval is sought.
(c) Public and nonpublic colleges and universities requesting approval of a preservice teacher preparation program(s) shall meet the following conditions:
1. Have legal authority to grant appropriate baccalaureate or post-baccalaureate degrees for an area of certification specified in Chapter 6A-4, F.A.C., and meet requirements for recognition as prescribed in subsection 6A-4.003(1), F.A.C.
2. State the qualitative and quantitative requirements for graduation and provide an endorsement of transcripts for students who complete an approved teacher preparation program.
3. Submit annually to the Department a list of students admitted to each teacher preparation program which documents that at least ninety (90) percent of the students admitted to a teacher preparation program meet the following admission requirements:
a. Have a grade point average of at least 2.5 on a 4.0 scale for the general education courses of the undergraduate studies, or have completed requirements and been awarded a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association as defined in Rule 6A-4.003, F.A.C., and
b. Demonstrate mastery of general knowledge, including the ability to read, write, and compute by passing the College Level Academic Skills Test (CLAST) or the Praxis I: Academic Skills Test. Passing standards for the College-Level Academic Skills Test are prescribed in Rule 6A-10.0312, F.A.C. Passing standards for the Praxis I are prescribed in Rule 6A-4.0021, F.A.C. For graduate level teacher preparation programs, a total Quantitative-Verbal Graduate Record Examination (GRE) score of one thousand (1000) may be accepted.

4. Submit annually to the Department a list of the program graduates of each teacher preparation program.

5. Provide each program participant a clinical program which includes, as a minimum, instruction in the subject matter content standards and the educator accomplished practices prescribed in paragraph (3)(b) of this rule. Completion of the program shall require demonstration of the subject matter content standards and the educator accomplished practices as prescribed in paragraph (3)(b) of this rule.

6. Designate to a college, school, department, or division, the responsibility for coordinating the planning and administering of all teacher preparation programs offered by the institution.

7. Be responsible for travel, food, and lodging expenses for members of the evaluation committee, as necessary.

2. Relationship of teacher preparation program approval and teacher certification.

(a) Programs may be approved only in areas and levels for which state certification coverage is available.

(b) Requirements and activities in an approved teacher education program may vary significantly from the descriptions contained in Chapter 6A-4, F.A.C.

(c) A candidate who completes an approved preservice program shall be eligible for the appropriate teaching certificate of the type and coverage for which the program has been approved provided that the candidate meets other requirements for teacher certification as specified in Section 231.17, Florida Statutes, and Chapter 6A-4, F.A.C.

(3) Components of each approved program shall include, but not be limited to, the following:

(a) Program philosophy and objectives which respond to needs projected for Florida teachers.

(b) Curricular offerings in general education, professional education, and subject specialization designed to enable program participants, as a minimum, to demonstrate the competencies contained in the subject matter content standards specified by the Education Standards Commission in the document “Subject Matter Content Standards for Florida Teachers,” which is hereby incorporated by reference and made a part of this rule, and the educator accomplished practices at the preservice level contained in Rule 6A-5.065, F.A.C. In those specialization areas for which the Education Standards Commission has not specified subject matter content standards, the subject area competencies in the “Competencies and Skills Required for Teacher Certification in Florida, Sixth Edition,” pursuant to Rule 6A-4.0021, F.A.C., shall be used. Curricular offerings shall address the importance of democratic values and institutions, the contributions of various ethnic groups to society and stress character development which encourages appreciation of diversity in a pluralistic society. The following curricular requirements are in effect for approved teacher education programs.

1. Education major program requirements for students entering their freshman year of college in or after the 2001-2002 academic year shall include the following:

   a. Nine (9) semester hours in English to include writing, literature, and speech.
   b. Nine (9) semester hours in science to include earth science, life science, and physical science, with a minimum of one associated laboratory.
   c. Nine (9) semester hours in mathematics to include college algebra or above and geometry.
   d. Twelve (12) semester hours in social sciences to include American history and general psychology.
   e. Six (6) semester hours in humanities to include philosophy and fine arts.

2. Subject area specialization requirements for students entering their freshman year of college in or after the 2000-2001 academic year shall include the following:

   a. A degree major or thirty (30) semester hours in the specialization area.
   b. Content preparation to demonstrate mastery of the subject matter content standards as specified in paragraph (3)(b) of this rule.

3. Professional education requirements for students entering their freshman year of college in or after the 2000-2001 academic year shall include the following:

   a. Reading-literacy acquisition.

   (I) Students in prekindergarten-primary education and elementary education teacher preparation programs shall successfully complete twelve (12) semester hours to include at least six (6) semester hours in understanding the reading process, beginning reading instruction, assessment, problem identification and prescription, instruction, and teaching reading across the content areas for primary and intermediate grades.

   (II) Students in middle and secondary teacher preparation programs shall successfully complete three (3) semester hours in methods of teaching reading to include strategies, assessment, and teaching reading in the content area.

   (III) Students in grades K-12 teacher preparation programs shall successfully complete twelve (12) semester hours as specified in sub-sub-subparagraph (3)(b)3.a.(I) of this rule for those areas that are the primary providers of reading instruction. Students in other grades K-12 teacher preparation programs shall successfully complete three (3) semester hours as specified in sub-sub-subparagraph (3)(b)3.a.(II) of this rule.

   b. Three (3) semester hours which integrates classroom management, school safety, professional ethics, and educational law.
c. Three (3) semester hours in human development and learning.


d. Three (3) semester hours in assessment to include understanding of the content measured by state achievement tests, reading and interpreting data, and using data to improve student achievement.

(c) A planned series of clinical experiences beginning early in the program and culminating with a final internship. The final internship shall:
   1. Provide a full-time field based experience of at least ten (10) weeks in duration.
   2. Be conducted under the supervision of high-performing educators.
   3. Provide the prospective teacher with experiences of progressive responsibility for student learning and classroom management.

   4. Require demonstration of competency at the preprofessional level on the twelve (12) educator accomplished practices specified in Rule 6A-5.065, F.A.C.

(d) A cohesive program delivery system and a variety of instructional procedures. Courses and school-based experiences shall include instruction, observation, practice and competency demonstration in the following:
   1. Instructional strategies that address various learning styles, exceptionalities, achievement levels, and other specialized circumstances.
   2. Assessment of student learning.
   3. Appropriate use of technology in instruction and record-keeping.
   4. Teaching strategies for the instruction of Limited English Proficient (LEP) students which meet the requirements set forth in the ESOL Consent Decree for instructional personnel who teach Limited English Proficient students.

(e) Allocated resources and facilities which are sufficient to support the program.

(f) Admission standards and procedures which promote the acceptance of quality teacher education candidates. Strategies shall be implemented to ensure that students admitted under a waiver of the conditions specified in subparagraph (1)(c)3., of this rule receive assistance to demonstrate competencies to meet requirements for certification.

(g) Continuous screening processes.

(h) Program completion requirements, including competency assessment processes. Program completion requirements shall include:
   1. Passing the basic skills, professional knowledge and subject area tests which are required for teacher certification.
   2. Demonstration of competency at the preprofessional level on the educator accomplished practices.
   (i) Student services, including at least academic counseling and placement.
   (j) A process for internal program evaluation that makes use of performance data gathered from interns, beginning teachers, and school system supervisors used for program improvement.

(k) Mechanisms for teacher preparation program decision-making and problem resolution.

(l) Sufficient faculty with educational background, training, and recent prekindergarten through grade 12 experience appropriate for the roles to which they are assigned. Effective July 1, 2001, criteria for state-approval shall specify that teacher preparation faculty who have responsibility for professional preparation of students must have recent experience working in prekindergarten through grade 12 schools at no less than five (5) year intervals beginning with the 2001-2002 academic year. Such criteria shall be based upon recommendations developed by the Education Standards Commission, which shall be submitted to the Commissioner of Education by November 1, 2000. The criteria shall include the acceptable experience necessary for satisfying this requirement including the nature of the experience as well as a minimum amount of time to be engaged in the experience during each five (5) year period. School districts are expected to collaborate with colleges and universities to provide opportunities for teacher preparation faculty to engage in meaningful experiences.

(m) A governance structure that involves faculty and students.

(n) A process for the delivery of support and assistance to graduates in the first year of employment.

(4) Program documentation must be available for appropriate review to include, but not be limited to, the following:
   (a) Overall program description, structure, content, sequence, delivery system, and operational procedures.
   (b) Evidence of the relationship of program components to professional literature on teacher preparation program development.

   (c) Evidence of the relationship of program components to standards recommended by professional teacher education associations.

   (d) Evidence of collaboration with school system personnel in program planning, delivery and evaluation.

   (e) Descriptions of program clientele.

   (f) Staffing requirements.

   (g) Teacher preparation program budget by object classification.

   (h) Faculty preparation.

   (i) Facilities, instructional equipment and materials.

   (j) Faculty assignments.

   (k) Faculty-student ratio.

   (l) Evaluation of faculty performance, including student evaluation.

   (m) Established priorities of the chief executive officer.
(n) Current list of students admitted to an approved program.
(o) Evidence of competency demonstration and verification process.
(p) Description of a formal governance structure.

(5) Each teacher preparation program shall be measured against quality indicators related to the components cited in subsection (3) of this rule and the program documentation cited in subsection (4) of this rule. These indicators of quality shall be logically derived from empirical study and professional consensus related to teacher preparation program design, pedagogical practice and subject specialization.

(6) Based on the recommendation of a review team, the Commissioner shall notify the institution of the approval or denial of approval for each teacher preparation program included in the request. A denial of approval shall include identification of specific areas of program weakness that must be corrected prior to reconsideration of approval. For approved programs, the institution shall be apprised of the requirements for continued approval.

(7) Continued program approval criteria.

(a) Continued approval of a teacher preparation program is contingent upon the results of annual reviews of the program conducted by the institution of higher education using procedures and criteria outlined in an institutional program evaluation plan that must be approved by the Department. The institutional program evaluation plan must be submitted to the Department annually and include provisions for involving primary stakeholders in the evaluation process. The plan must document continuous improvement of graduates’ performance and program processes and provide evidence that the following standards for continued program approval are met:

1. Standard One – Demonstration of knowledge and skills at the point of preservice program completion. All students who complete the program will demonstrate the 12 educator accomplished practices at the preprofessional level as described in the institutional evaluation plan.

2. Standard Two – Performance on the Florida Teacher Certification Examination. Ninety (90) percent of the students in each program will pass the college level academic skills test, and the professional education and subject matter subtests of the Florida Teacher Certification Examination.

3. Standard Three – Inclusion of program components mandated by Section 240.529, Florida Statutes, and subsection (3) of this rule. The unit will have complied with program components mandated by Section 240.529, Florida Statutes, and subsection (3) of this rule.

4. Standard Four – Diversity of student population. The diversity of student population enrolled in each program will, over each five (5) year period, increase in both the number of minority students and the number of students in underrepresented groups appropriate to an institution’s mission.

5. Standard Five – Satisfaction of employing districts. Feedback from employing Florida school districts will verify that ninety (90) percent of the program graduates who complete their first year of teaching will be rehired or in the case of downsizing will be eligible for rehiring.

(b) The institutional program evaluation plan shall include, but shall not be limited to, the following sections:

1. Evaluation section. This section includes the institution’s methods for evaluating compliance with the continued program approval standards.

2. Data section. The data section reports the evidence accumulated through the annual review process to document that the standards for continued program approval are met.

3. Improvement section. This section provides a report of improvements and plans for continuing improvement of program processes and graduates’ performance.

(c) The Department shall review the institutional program evaluation plan annually and may provide recommendations for program and plan improvements. The Department shall provide notification to the institution of non-compliance with the ninety (90) percent criterion specified in Standard Two. An institution upon receipt of notification of non-compliance shall include in the next institutional program evaluation plan a description of the action taken to determine the causes of the poor performance and the actions taken by the institution to correct the problems identified. If the passing rate falls below ninety (90) percent for two (2) years in succession, the Department will, based on its review of the institution’s report of actions taken and problems identified, report to the Commissioner who will make a decision concerning continued approval.

(d) During the last year of the program approval period, the Department shall examine the results of the institution’s annual reviews for each year of the approval period and recommend to the Commissioner continued approval or denial of approval for each teacher preparation program. The institution shall be notified in writing of the continued approval decision. A denial of approval shall include identification of specific areas of program weakness.

(8) Reinstatement of Program Approval. The approval of a program may be reinstated by the Department at the request of the chief executive officer of the institution upon documentation of compliance with the requirements for initial approval of teacher preparation programs, as provided in this rule.

Specific Authority 231.546, 240.529 FS., Chapter 97-4, Laws of Florida, Law Implemented 231.546, 240.529 FS., Chapter 97-4, Laws of Florida History–New 7-2-98, Amended 8-7-00.
6A-5.071 Master Inservice Plan Requirements.

(1) Pursuant to Sections 230.23 and 236.081, Florida Statutes, each district school board shall develop and maintain an inservice education and training program for all employees based on an assessment of training needs in the district and local schools as described in Sections 231.600 and 236.0811, Florida Statutes. The inservice education and training program shall be planned, developed, and administered consistent with the law and rules of the State Board and the Commissioner of Education. The program shall be described in a district’s master plan for inservice education.

(2) The master plan for inservice educational training shall be updated annually by September 1, and approved each year by the district school board, director of a developmental research school, or governing authority of an eligible state education agency or organization of nonpublic schools pursuant to the criteria and procedures as follow in subsections (3) through (7) of this rule.

(3) The plan shall include all inservice educational components for all employees from all fund sources including, but not limited to, the following areas:

(a) Professional development and staff development activities for implementation of school improvement plans for the current fiscal year pursuant to Section 236.0811, Florida Statutes,
(b) Specific components as prescribed in Section 236.0811, Florida Statutes,
(c) Inservice training for school reform and accountability pursuant to Sections 229.591 and 229.592, Florida Statutes,
(d) Approved add-on certification programs pursuant to Section 231.174, Florida Statutes,
(e) District management training program pursuant to Section 231.087(5), Florida Statutes, and
(f) Professional and technical updating for vocational instructional personnel pursuant to Section 231.614, Florida Statutes.

(4) Each component shall remain in the plan for a period of at least five (5) years and shall include:

(a) Title,
(b) An identifying number assigned in accordance with DOE Information Data Base Requirements: Volume II Staff Information System as incorporated by reference in Rule 6A-1.0014, F.A.C., in accordance with Section 229.555(2), Florida Statutes,
(c) The maximum number of inservice points to be awarded for successful completion of the component,
(d) A description of general and specific objectives and activities to be completed,
(e) Component evaluation criteria for determining:
   1. Successful participant completion,
   2. The degree to which specific objectives have been addressed by the component activities as determined by the participants and component leaders, and
   3. The effect of the inservice education and training in the educational setting.

(5) A component developed after the annual approval of the plan shall be approved as an amendment to the plan by the school board, director of the developmental research school, or governing authority of an education agency or a nonpublic school organization and shall meet the criteria in subsection (4) of this rule.

(6) Inservice points awarded for successful completion of a component shall be assigned as follows:

(a) One (1) inservice point shall be equivalent to one (1) clock hour of participation,
(b) Points awarded for completion of college credit shall equate to inservice participation as follows:
   1. One (1) semester hour shall equal twenty (20) inservice points,
   2. One (1) quarter hour shall equal thirteen (13) and one-third inservice points.

(7) An annual review of the previous year’s program operations shall be made and shall include a determination of the program’s effectiveness and the carry-over effects of the inservice education and training into the educational settings.

(8) By October 1 of each year, a letter verifying that the school board, director of the developmental research school, or governing authority of an education agency or nonpublic school organization has approved the master inservice educational training plan and that the plan meets the criteria pursuant to this rule shall be sent to the Commissioner.

(9) Master inservice plan records shall be maintained and data shall be reported as follows:

(a) Each school district shall report data information for all approved inservice education and training components as required by the DOE Information Data Base Requirements: Volume II Staff Information System in accordance with Section 229.555(2), Florida Statutes. Other education agencies and organizations of nonpublic schools with approved master inservice plans without Department of Education automatic data reporting capabilities shall report by October 1 of each year the required inservice component data information using nonautomated equivalent means;
(b) Information shall be maintained for each component to include the following:
   1. Dates the component was delivered,
   2. Names of component leaders,
   3. Names of participants and performance records,
   4. Evaluation of the component,
   5. Criteria for successful completion; and
(c) Information shall be maintained for each component participant to include the following:
   1. Title and number of the component,
   2. Dates of participation,
   3. Satisfactory or unsatisfactory completion, and
4. Number of inservice points to be awarded, the eligibility of the points to be used for certification, and expiration date of the educator’s certificate(s) if applicable. All requirements for renewal of a Professional Certificate on the basis of completion of inservice points pursuant to Section 231.24, Florida Statutes, and Rule 6A-4.0051, F.A.C., shall be met.

(10) A developmental research school operated under the control of the State University System, an eligible state education agency, or an organization of nonpublic schools that meets criteria specified in Section 236.0811(2), Florida Statutes, may develop and submit a master plan for inservice education and training to the Department for initial approval by the Commissioner. The initial plan shall be developed meeting all criteria in subsections (3) through (7) of this rule. After initial approval of a plan, the continued approval of the master plan shall be in accordance with the criteria and procedures in subsections (2) through (8) of this rule and requirements for reporting and data maintenance as required in subsection (9) of this rule.

Specific Authority 231.600, 236.0811(2) FS. Law Implemented 230.23(4)(l), 231.087(5), 231.600, 236.081(3), 236.0811, 237.34(3)(b). (c) FS. History–New 11-25-75, Formerly 6A-5.72, Amended 4-10-79, 6-28-83, 7-15-84, 12-26-85, Formerly 6A-5.71, Amended 8-28-95, 7-2-98. Cf. DOE Information Data Base Requirements: Volume II Staff Information System.
### CHAPTER 6A-6 SPECIAL PROGRAMS I

6A-6.001 Basic Principles for Use of Special Teacher Service Units. (Repealed)

6A-6.002 Application for STS Service Units. (Repealed)

6A-6.003 Adjustment for STS Units Not Used According to Law. (Repealed)

6A-6.004 Types of Service to Be Provided by Use of STS Units. (Repealed)

6A-6.005 Types of Personnel Not to Be Employed by Use of STS Units. (Repealed)

6A-6.006 Qualification of STS Personnel. (Repealed)

6A-6.007 Use of Funds Allotted for Period beyond Ten Months (Summer Program). (Repealed)

6A-6.0071 Reports of Services Rendered in Period beyond Ten Months. (Repealed)

6A-6.009 Adult Individualized Literacy Instruction Program. (Repealed)

6A-6.010 General Adult Education.

6A-6.011 Definition of Adult Student.

6A-6.012 Plans of Organization and Administration of Local Adult General Education Program.

6A-6.013 Curriculum of Adult General Education.

6A-6.0131 Responsibilities of Local Sponsors for Implementing the Education for the Handicapped Adult Program.

6A-6.0132 Education for Handicapped Adult Program.

6A-6.014 General Requirements for Adult General Education Program.

6A-6.015 Professional Requirements for Administrators and Supervisors of Adult General Education Program.

6A-6.016 Computation of Instruction Units for Adult General Education. (Repealed)

6A-6.0161 Determination of Adult General Education Funds. (Repealed)

6A-6.017 Accreditation of Adult High Schools. (Repealed)

6A-6.018 Obtaining State Approval of District Adult Education Programs for the Enrollment of Veterans and Eligible Dependents. (Repealed)

6A-6.019 Establishment of Special Programs of Education and Training for Veterans and Eligible Dependents. (Repealed)

6A-6.020 Granting High School Credits and Diplomas to Adults.


6A-6.0211 Secondary Level Subject Area Examinations. (Repealed)

6A-6.022 Required Instruction in Florida History and Government.

6A-6.023 Comprehensive Health Education. (Repealed)

6A-6.024 School Entry Health Examination.

6A-6.025 Disbursement of Driver Education Funds. (Repealed)

6A-6.026 Minimum Standards for Program Approval. (Repealed)

6A-6.027 Forms and Records. (Repealed)

6A-6.030 Purpose and Basic Principles of Programs for Exceptional Children. (Repealed)

6A-6.0301 Eligible Exceptional Students. (Repealed)

6A-6.03011 Special Programs for Students who are Mentally Handicapped.

6A-6.03012 Special Programs for Students who are Speech and Language Impaired.

6A-6.03013 Special Programs for Students who are Deaf or Hard-of-Hearing.

6A-6.03014 Special Programs for Students who are Visually Impaired.

6A-6.03015 Special Programs for Students who are Physically Impaired.

6A-6.03016 Special Programs for Students who are Emotionally Handicapped.

6A-6.03017 Special Programs for Students who are Socially Maladjusted. (Repealed)

6A-6.03018 Special Programs for Students with Specific Learning Disabilities.

6A-6.03019 Special Instructional Programs for Students Who Are Gifted.

6A-6.03020 Special Programs for Students who are Homebound or Hospitalized.

6A-6.03021 Special Programs for Students who are Profoundly Handicapped.

6A-6.03022 Special Programs for Students who are Dual-Sensory Impaired.

6A-6.03023 Special Programs for Students who are Autistic.

6A-6.03024 Special Programs for Exceptional Students who Require Physical Therapy.

6A-6.03025 Special Programs for Exceptional Students who Require Occupational Therapy.

6A-6.03026 Special Programs for Prekindergarten Children with Disabilities.

6A-6.03027 Special Programs for Children Three Through Five Years Old who are Developmentally Delayed.

6A-6.03028 Development of Individual Educational Plans for Exceptional Students.


6A-6.03030 Special Programs for Children Birth Through Two Years Old who have Established Conditions.

6A-6.03031 Special Programs for Children Birth Through Two Years Old who are Developmentally Delayed.


6A-6.031 Definitions of Terms in Exceptional Child Program. (Repealed)
6A-6.0311 Eligible Special Programs for Exceptional Students.
6A-6.0312 Course Modifications for Exceptional Students.
6A-6.032 Identification and Placement of Exceptional Children. (Repealed)
6A-6.0321 Personnel Employed in Special Programs for Exceptional Students. (Repealed)
6A-6.033 Requirements for Approval of Exceptional Child Education Units. (Repealed)
6A-6.0331 Identification and Assignment of Exceptional Students to Special Programs.
6A-6.03311 Procedural Safeguards for Exceptional Students.
6A-6.0332 Impartial Review by the Commissioner of a Local Hearing. (Repealed)
6A-6.0333 Surrogate Parents.
6A-6.034 Temporary Assignment of Transferring Exceptional Students.
6A-6.034 Organization and Operation of Exceptional Child Program. (Repealed)
6A-6.0341 District Procedures for Special Programs for Exceptional Students. (Repealed)
6A-6.03411 Special Programs and Procedures for Exceptional Students.
6A-6.0342 Assignment of Full-time Equivalent Student Membership for Special Programs for Exceptional Students. (Repealed)
6A-6.035 Types of Programs Which may be Approved for Exceptional Child Units. (Repealed)
6A-6.0351 Multi-District Programs. (Repealed)
6A-6.036 Proper Certification of Teachers Required. (Repealed)
6A-6.0361 Contractual Arrangements With Nonpublic Schools.
6A-6.037 Exceptional Child Regional Institutes. (Repealed)
6A-6.0371 Transitional Categorical Programs for the Severely and Profoundly Mentally Retarded. (Repealed)
6A-6.038 Approval of Projects and Allocation of Funds for Capital Outlay Expenditures for Specialized Equipment. (Repealed)
6A-6.0381 Utilization of Funds. (Repealed)
6A-6.0382 Criteria for Equipment Items. (Repealed)
6A-6.0383 Items of Equipment Allowable. (Repealed)
6A-6.0384 Fund Accountability. (Repealed)
6A-6.0385 Approval. (Repealed)
6A-6.045 Approval of Plan for Kindergarten Program. (Repealed)
6A-6.046 Allocation of Kindergarten Units. (Repealed)
6A-6.047 Qualifications of Kindergarten Teachers. (Repealed)
6A-6.048 Responsibilities of Kindergarten Teachers. (Repealed)
6A-6.049 Physical Facilities for Kindergartens. (Repealed)
6A-6.050 Transportation of Kindergarten Pupils. (Repealed)
6A-6.052 Dropout Prevention Programs.
6A-6.0521 Definitions and Requirements Which Apply to All Dropout Prevention Programs.
6A-6.0522 Requirements for Mixed and Mainstreamed Dropout Prevention Programs. (Repealed)
6A-6.05221 Student Support and Assistance Component.
6A-6.0523 Comprehensive Dropout Prevention Plans.
6A-6.0524 Educational Alternatives Programs.
6A-6.0525 Teenage Parent Programs.
6A-6.0526 Substance Abuse Programs.
6A-6.0527 Disciplinary Programs.
6A-6.0528 Youth Services Programs.
6A-6.05281 Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment, or Early Delinquency Intervention Programs.
6A-6.0529 Dropout Retrieval Programs. (Repealed)
6A-6.05291 Course Modification.
6A-6.05292 Common Objective Criteria and Evaluation of Dropout Prevention Programs.
6A-6.055 Definitions of Terms Used in Vocational Education Program.
6A-6.056 General Requirements for Vocational Education Instruction Funds. (Transferred to 6A-10.035)
6A-6.057 Determination and Allocation of Vocational Education Funds. (Repealed)
6A-6.0571 Vocational and Workforce Development Standards and Industry-Driven Benchmarks.
6A-6.0572 Fees for Students in Postsecondary Adult Vocational Programs and Courses in School Districts. (Repealed)
6A-6.058 Special Provisions for Certain Vocational Areas. (Repealed)
6A-6.0581 Occupational Specialists and Placement Specialists Funds. (Repealed)
6A-6.059 Duties of Industry Services Advisory Board. (Repealed)
6A-6.060 Industry Defined. (Repealed)
6A-6.061 Programs of Training Under Industry Services Training Program. (Repealed)
6A-6.062 Drug Abuse Education. (Repealed)
6A-6.0621 Comprehensive Vocational Education Program; Definition. (Repealed)
6A-6.063 Scope of Vocational Education. (Repealed)
6A-6.064 Types of Vocational Education Courses and Activities. (Repealed)
6A-6.065 Instructional Components of Vocational Education.
6A-6.066 Responsibilities at District Level for Vocational Education. (Repealed)
6A-6.067 Coordinating Council for Vocational Education, Adult General Education, and Community Instructional Services. (Repealed)
6A-6.068 Business and Industrial Community Support. (Repealed)
6A-6.069 Administrators of Vocational Education Required. (Repealed)
6A-6.070 Direct Job Related Vocational Offerings Required for Each School District. (Repealed)
6A-6.071 Student Services. (Repealed)
6A-6.0711 Teachers as Advisors Program. (Repealed)
6A-6.0712 Dropout Reduction Program. (Repealed)
6A-6.0713 Habitual Truancy: Inter-Agency Agreements.
6A-6.072 Occupational and Placement Specialists. (Repealed)
6A-6.073 Vocational Education Improvement Fund. (Repealed)
6A-6.0731 Career Education. (Repealed)
6A-6.074 Duties and Responsibilities of the Division of Vocational Education. (Repealed)
6A-6.075 State Council on Vocational Education. (Repealed)
6A-6.076 Special Teacher Service Units and Supervisor Units for Vocational Education. (Repealed)
6A-6.077 Apprenticeship Programs.
6A-6.078 Area Vocational Education Schools. (Transferred to 6A-2.003)
6A-6.079 Area Vocational Technical Center. (Transferred to 6A-2.002)
6A-6.080 Certification of Nursing Assistants. (Repealed)
6A-6.081 Use and Reporting of Funds for Vocational Education. (Repealed)
6A-6.082 Contractual Arrangements with Nonprofit Agencies Offering Educational Alternatives. (Repealed)
6A-6.083 Missing Florida School Children.
6A-6.084 Adult Fees in School Districts.
6A-6.090 Programs for Limited English Proficient Students.
6A-6.0901 Definitions Which Apply to Programs for Limited English Proficient Students.
6A-6.0902 Requirements for Identification, Assessment and Programmatic Assessment of Limited English Proficient Students.
6A-6.0906 Monitoring of Programs for Limited English Proficient Students.
6A-6.0907 Inservice Requirements for Personnel of Limited English Proficient Students.
6A-6.0908 Equal Access for Limited English Proficient Students to Programs Other Than ESOL.
6A-6.0909 Exemptions Provided to Limited English Proficient Students.
6A-6.0910 School-Age Child Care.

6A-6.010 General Adult Education.
School boards are hereby authorized to establish schools, classes, or courses or otherwise provide for the general educational needs of adults, utilizing existing public school facilities and other appropriate facilities available for such purposes locally. School district adult education programs which meet the applicable criteria established pursuant to Section 236.081(1)(c), Florida Statutes, are deemed to be accredited for the following purposes: awarding of Veterans Administration educational benefits; acceptance of student transfer credits by non-Florida programs; and validity of high school diplomas awarded in meeting entrance requirements established by institutions of higher learning. Lifelong learning as specified in Section 236.081(1)(c), F.S., is excluded.

Specific Authority 228.061(4)(a)3., 229.053(1) FS. Law Implemented 228.061(4)(a)3., 239.115 FS. History–Repromulgated 12-5-74, Amended 7-2-79, Formerly 6A-6.10, Amended 10-17-89.

6A-6.011 Definition of Adult Student.
An adult student is one who is beyond the compulsory school age and who has legally left the elementary or secondary school or a high school student who is taking an adult course required for high school graduation.
6A-6.012 Plans of Organization and Administration of Local Adult General Education Program.

The organization and administration of local adult general education programs shall be such as will assure that the kind and extent of general education services needed by adults in the community will be identified and provided in an effective and economical manner. Local programs shall be organized and administered according to one (1) of the following plans, or some other plan of local determination which is submitted to and approved by the Director of the Division of Applied Technology and Adult Education.

(1) Plan 1 operates under immediate direction of the superintendent. The adult general education program is operated under the immediate direction of the superintendent. Administrative responsibilities at the community level are assigned to part-time or full-time principals appointed by the school board upon recommendation of the superintendent. General supervision of the program from the district level is assigned to the general supervisor of instruction who works with local principals and teachers in the planning of programs and in the improvement of instruction for adults.

(2) Plan 2 operates under a director of adult general education. The adult general education program represents an enlargement and extension of the educational program and services of individual community schools throughout the district; it utilizes the appropriate physical facilities available in several community school centers, and is administered and supervised at the community level by qualified principals (either the regular day school principals, or depending upon the size of the adult school, separate full-time or part-time adult school principals) who coordinate their work closely with the regular day faculties, especially in the use of common school facilities. Over-all direction and coordination of the program from the district level are provided under this plan by a qualified director of adult general education.

(3) Plan 3 operates under a director of vocational and adult education. The adult general education program is administered in conjunction with the vocational education program of the district, and utilizes the appropriate physical facilities of existing vocational schools and other community schools of the district. Over-all direction is assigned to a director of vocational and adult education who is certificated in administration or supervision of secondary education in addition to his qualifications as a vocational director. Where the size and scope of the adult general education program is such that the director cannot give adequate supervision to it, a qualified full-time or part-time supervisor of adult general education is employed to give immediate supervision to the adult general education program.

(4) Plan 4 operates under the direction of a community college. The program is under the general administrative control and direction of the president of the college, with immediate responsibility for the administration and supervision of the program being assigned to a qualified person. The physical facilities of the community college, augmented by those of community schools throughout the district, according to local need, are utilized for the adult general education program.

6A-6.0131 Responsibilities of Local Sponsors for Implementing the Education for the Handicapped Adult Program.

(1) Local plan. Prepare and submit, for approval by the Department of Education, a plan for a program for handicapped adult students to include:

(a) Statement of need. A statement of need which describes the target population in terms of numbers to be served and handicapping conditions.

(b) Program description. A description of the program shall include a listing of classes from the following programs:
   1. Adult general education,
   2. Vocational job preparatory,
   3. Vocational supplemental, and
   4. Vocational preparatory.

Instructional goals for these classes shall be related to improving daily living skills, academic skills, or economic independence and shall be in accordance with Rule 6A-6.0132, F.A.C.

(c) Individual handicapped adult education plan. The local plan shall include a description of the components of the individual handicapped adult education plan and procedures for developing the plan and periodically evaluating student progress. The local plan shall include procedures for assuring that, notwithstanding funding for segregated classes, students who do not require a segregated setting shall be served in a mainstreamed educational setting with nonhandicapped students.

(d) Memoranda of agreements. The plan shall include memoranda reflecting agreements among agencies identified to provide services to handicapped adult students in the program. Memoranda shall reflect coordination among the following local agencies or programs:
   1. Adult education;
   2. Vocational education;
   3. Exceptional student education;
   4. Department of Health and Rehabilitative Services;
5. Department of Labor and Employment Security, Division of Vocational Rehabilitation; and
6. Each local organization, whether public or private, for profit or not for profit, whose adult handicapped clients participate in
the program.

(e) Program administrator. The identification of a single administrator for the program.
(f) Regional approval. The submitted plan shall reflect the approval of the appropriate regional coordinating council.
(2) Reporting requirements. Each local sponsor shall prepare and submit an annual report on or before August 31 of each year
to the Department of Education which includes:
(a) The number of students enrolled during the school year.
(b) The full-time equivalent student membership reported during the fiscal year.
(c) The number and location of courses conducted during the school year.
(d) The number of clock hours in each course provided by program area.

Specific Authority 228.061(4)(a), 229.053(1), 239.301(10) FS. Law Implemented 228.061, 236.081, 239.301 FS. History–New 9-19-90.

6A-6.0132 Education for Handicapped Adult Program.
(1) Definition. For the purpose of this rule, the following definitions shall be used:
(a) Handicapped adult student. Notwithstanding the provisions of Rule 6A-6.011, F.A.C., a handicapped adult student is one
who has a learning, mental, physical, emotional, sensory, or other disability(s) that requires modifications to the educational
program(s), adaptive equipment, or specialized instructional methods and services.
(b) Local sponsor. The term “local sponsor” means a public school district, a public community college, or both.
(2) Entrance criteria. Handicapped adult students shall be eligible for enrollment in the approved local program for
handicapped adults when each of the following conditions are met:
(a) The local sponsor shall verify the handicapping condition(s) of the adult student. Such verification shall consist of the most
recent written individual plan from the Departments of Health and Rehabilitative Service, Labor and Employment Security,
Education, Division of Blind Services or from public schools. When such verification is unavailable, medical or psychological
records shall be required, and
(b) An individual handicapped adult education plan is completed, consistent with the approved local plan, and reviewed in a
meeting with the handicapped adult student and, as appropriate, the student’s parent(s).
(3) Individual handicapped adult education plan. An individual handicapped adult education plan shall be prepared by the local
sponsor for each handicapped adult student prior to reporting that student for funding under the education for handicapped adult
program. It shall be reviewed at least annually with the handicapped adult student and, as appropriate, the student’s parent(s). It
shall include:
(a) Expected program outcomes for the adult student related to daily living skills, academic skills, training for employment or
transition.
(b) A statement of the handicapped adult student’s present performance level.
(c) Annual goals, instructional objectives and procedures for monitoring student progress.
(d) A statement of the specialized educational or vocational training services, aids, or equipment to be provided by the local
sponsor.
(e) Projected dates for the initiation of services.
(f) A schedule for the periodic evaluation of progress.
(g) Identification of support services and support service providers.
(h) Identification of the specific job(s) for which the handicapped adult student is being prepared if enrolled in a vocational job
preparatory program.
(4) Curriculum. Any curriculum framework and performance standards adopted by the State Board of Education, excluding
Lifelong Learning, may be used in the education for the handicapped adults program.
(5) Exit criteria. Each handicapped adult student shall exit the program when expected program outcomes indicated in the
individual handicapped adult education plan are achieved.
(6) Coordination. In each region in which both the community college and one or more school districts have approved
programs for handicapped adult students, provisions for coordinating the two or more programs to share resources and avoid
competition or unwarranted duplication shall be specified.

Specific Authority 228.061(4)(a), 229.053(1), 239.301 FS. Law Implemented 236.013(2)(c)1.b., (v), 236.081, 239.301 FS. History–New 9-19-90.

6A-6.014 General Requirements for Adult General Education Program.
In the operation of adult general education programs, the following general requirements shall apply:
(1) Facilities. Instructional facilities should be consistent with the number and nature of adults served, as well as instructional
methods and objectives. They should provide program accessibility for persons with disabilities as required by Section 504, Florida
Statutes, of the Rehabilitation Act and the Americans with Disabilities Act.
(2) Enrollment. Enrollment shall be limited to individuals who have legally left the elementary or the secondary school as specified in Section 232.01(1)(c), Florida Statutes; provided, however, that the school may temporarily assign individual students of compulsory school age to one (1) or more classes offered in the adult general education program where such students exhibit an educational need which can more effectively be served by the adult general education program when such courses are required for high school graduation.

(3) Teacher qualifications. Adult general education classes for which state funds are earned shall be taught by qualified teachers as defined in Rule 6A-1.0503, F.A.C., or as approved by a community college board of trustees as defined in Rule 6A-14.0247, F.A.C.

(4) Academic skills tests for adults.
(a) The following tests, English language versions only, are approved to be used for placement of a student enrolled in the adult general education program and shall be used according to standards established for test administration and interpretation set forth in Standards for Educational and Psychological Testing (APA, AERA, NCME, 1992) and with appropriate modifications for students with disabilities as specified in Rule 6A-1.0943, F.A.C.

1. Adult Measure of Essential Skills (AMES) 1997;
2. Tests of Adult Basic Education (TABE), Complete Battery or Survey Form, Forms 7 & 8, 1994;
3. Tests of Adult Basic Education – Work Related (TABE-WR) 1994; and
(b) If the testing instruments in paragraph (4)(a) of this rule do not meet the assessment needs of the adult student, one of the following alternative assessment instruments may be used for placement in an adult general education program:
1. Adult Language Assessment Scales (A-LAS, 1991);
2. Brigance Employability Skills, 1995;
3. Brigance Life Skills, 1994;
4. Comprehensive Test of Adaptive Behaviors (CTAB), 1986;
5. Comprehensive Adult Student Assessment System (CASAS), 1996 (reading and listening);
6. Comprehensive Adult Student Assessment System – STRETCH (CASAS), 1996;
7. Comprehensive Adult Student Assessment System – Test for Special Populations (CASAS), 1996;
8. Kaufman Functional Academic Skills Test (K-FAST), 1994; and

(5) Student progress will be measured by progression through Literacy Completion Points (LCPs) using one or more of the following:
(a) Grade level/scale score improvements measured by an approved test;
(b) Improvement of literacy or workforce readiness skills;
(c) Successful completion of curriculum frameworks and course performance standards; or
(d) Attainment of GED or Adult High School Diploma.

Specific Authority 228.061(4)(a)3., 229.053(1), 239.30 FS. Law Implemented 228.061(4)(a)3., 239.115, 239.301 FS. History–Amended 2-20-64, 4-11-70, 11-17-73, 2-18-74, 6-17-74, Repromulgated 12-5-74, Amended 12-6-84, Formerly 6A-6.15, Amended 12-28-86, 10-17-89, 12-29-98.

6A-6.015 Professional Requirements for Administrators and Supervisors of Adult General Education Program.

District directors, coordinators, or supervisors who are assigned administrative or supervisor responsibilities in adult general education, and full-time principals of adult general education schools, shall hold a professional certificate covering administration of adult education. Part-time principals, or administrative assistants to the district director, shall hold a professional certificate at the master’s or higher degree level of training at the time of appointment to such positions, and after five years of service in such part-time work shall hold a professional certificate covering administration of adult education.

Specific Authority 229.053(1), 231.15 FS. Law Implemented 231.15 FS. History–Amended 2-20-64, Repromulgated 12-5-74, Amended 10-17-89, 12-29-98.

6A-6.020 Granting High School Credits and Diplomas to Adults.

The award of high school credits to adults on the basis of prescribed work completed in the adult education program of the district school board or community college board of trustees shall be based on demonstrated mastery of the student performance standards in the course of study, as provided by rules of the district school board or community college board of trustees. Such requirements shall be consistent with the needs of the adult students, the purposes of the schools, and the requirements of Florida Statutes.

(1) Limitation on graduation date. No individual, except one assigned to the adult program for acceleration purposes as provided by subsection 6A-6.0614(2), F.A.C., shall be permitted under these rules to qualify for high school graduation at an earlier date than that on which he or she would normally have been graduated through regular attendance in high school.

(2) Granting credit on the basis of examinations. High school credit examinations for adults shall be administered as prescribed in Rule 6A-6.0211, F.A.C.

(3) Granting credit for educational experiences in the armed forces. High school credit may be awarded for educational experiences in the armed forces of the United States under the following conditions:
(a) Two (2) units of elective subject credit, recorded as military training, may be granted to any individual who has satisfactorily completed a minimum of one (1) full year of service in the armed forces, as evidenced by documentation provided by the armed forces.

(b) Correspondence courses in high school subjects taken under the auspices of the United States Armed Forces Institute, may be accepted for credit, provided bona fide certificates of course completion are presented showing the necessary information for proper evaluation of the credit to be awarded.

(c) Organized courses of instruction completed in special schools operated by the armed forces may be accepted for credit, provided documentary evidence of course completion is submitted, and provided further that the amount of credit awarded in each case shall be in accordance with recommendations of the American Council on Education, as contained in the Council’s publication, “A Guide to the Evaluation of Educational Experience in the Armed Services.”

(d) Local school officials may not award more than eight (8) credits toward high school graduation based on military experiences and course work completed while in the armed forces.

(4) Graduation requirements. Except as indicated in subsection 6A-6.020(4), F.A.C., the graduation requirements for adult students shall be those prescribed in Section 232.246, Florida Statutes. For purposes of interpretation of the modified graduation requirements indicated in Section 232.246(7)(c), Florida Statutes, continuous enrollment is defined as enrollment in one or more adult high school courses during each term, except for the summer terms.

Specific Authority 228.061(4), 229.053(1), 230.23(7)(a), 232.246(7)(c) FS. Law Implemented 228.061(4), 230.23(7)(a), 232.246, 232.2462 FS. History—Amended 2-20-64, 11-17-73, Repromulgated 12-5-74, Amended 6-6-78, 7-2-79, 12-26-85, Formerly 6A-6.20.


The Commissioner shall award a State of Florida high school diploma to a candidate who meets all of the requirements prescribed herein and has attained a standard score of forty-two (42) or above on each of the five (5) General Educational Development tests, with an average of forty-five (45) effective July 1, 1998; forty-four (44) or above on each of the five (5) General Educational Development tests, with an average of forty-five (45) effective July 1, 1999; and forty-five (45) or above on each of the five (5) General Educational Development tests, with an average of forty-five (45) effective July 1, 2000.

(1) The Department, shall designate testing centers in the state which are authorized to act as agents of the state in administering the GED Tests. The Department shall provide tests and test materials to the designated centers, provide test scoring and reporting services, maintain a perpetual record of individual test results, and issue state high school diplomas to successful candidates.

(2) Each designated testing center shall establish a schedule for testing which adequately meets the needs of the public within its service area.

(3) Each district shall establish a fee of not less than the total national and state required fees nor more than fifty (50) dollars for each applicant taking the entire test battery consisting of the five (5) GED Tests. This fee shall be paid at the time the application is filed. A fee of not less than the total national and state required fees nor more than the ten (10) dollars shall be paid by each applicant for each retake of the Social Studies, Science, Interpreting Literature and the Arts, and Mathematics tests. A fee of not less than the total national and state required fees nor more than twelve (12) dollars shall be paid for each retake of the Writing Skills Test. However, the school board or agency administering the testing center may authorize the waiver, on a uniform or, on an individual basis, of all or any portion of the fees prescribed herein. It is recommended that districts identify and access funding sources such as the additional fees placed on vocational courses for the purpose of financial aid for use as a source of scholarships for students.

(4) In order to defray state costs for the testing program, each school board, college, or agency administering the GED Tests shall remit to the Department the following fees:

(a) Entire battery of five (5) tests: seventeen (17) dollars.
(b) Retake of the Social Studies, Science, Interpreting Literature and the Arts, and Mathematics tests: four (4) dollars.
(c) Retake of the Writing Skills test: five (5) dollars.
(d) Duplication of diploma: four (4) dollars.
(e) Duplication of transcript: four (4) dollars.
(f) Conversion of scores from applicants who have taken the GED in the military: seven (7) dollars.
(g) Annual contract fee as directed by the American Council on Education.

(5) The following requirements shall govern eligibility of candidates to take the GED Tests.

(a) Be at least eighteen (18) years of age at the time of examination. However, under extraordinary circumstances, according to rules of the local school board, persons who are at least sixteen (16) years of age may be permitted to take the tests. Additionally, incarcerated youth above the age of sixteen (16) years of age at the time of examination may be permitted to take the test based on the written approval of the Department of Corrections Chief Examiner.

(b) Submit an application to an approved testing center on Form DVE 090, Application for State of Florida High School Diploma, effective July, 1985, which provides essential personal and educational data. This form is hereby incorporated as a part of this rule and may be obtained from any approved GED testing center or from the GED Testing Office, Department of Education, Turlington Building, Tallahassee, Florida 32399.
(c) Reside in the State at the time application is made.

(d) Present a valid social security card, social security number or taxpayer identification number properly listing the name and associated number of the examinee. Additionally, the examinee must present a valid Florida Driver’s License, or Florida Identification Card.

(6) Upon successful completion of the GED Tests as prescribed herein, a candidate shall be awarded a State of Florida high school diploma and shall be considered a high school graduate. A district may, in addition, also award a district diploma to the successful candidate.

(7) A candidate who fails to attain the required minimum scores on the initial GED testing may retake the tests at any subsequent testing session. After the second testing a candidate shall be eligible to retake the tests at any subsequent session if an overall minimum standard score of two hundred twenty (220) has been achieved and the candidate has made a standard score of forty five (45) or more on at least three (3) of the tests. A candidate who fails to achieve a standard score of forty five (45) or more on three (3) or more of the tests after the second testing shall not be eligible to retake the tests for a period of six (6) months.

Specific Authority 229.053(1), 229.814(1), (2), (3) FS. Law Implemented 229.814(1), (2), (3), 230.23(6)(a) FS. History–Amended 2-20-64, 4-11-70, 6-7-70, 6-17-74, Repromulgated 12-5-74, Amended 5-4-76, 6-7-77, 1-1-79, 9-1-79, 12-7-82, 7-10-85, Formerly 6A-6.21, Amended 12-21-87, 3-1-98.

6A-6.022 Required Instruction in Florida History and Government.

(1) Beginning with the 1972-73 school year each school which includes all or part of grades eight (8) or nine (9) shall provide instruction in the history and government of Florida which shall include, but not be limited to:

(a) Basic concepts, and

(b) Objectives.

(2) The purposes of such instruction shall be:

(a) Developing proficiency in participatory citizenship;

(b) Learning about and considering contemporary and historical political, economic and social development of the State of Florida; and

(c) Applying new knowledge and skills in the developing of value judgments about the affairs of the state in the context of community, state, nation and world concerns.

(3) The division of public schools shall be responsible for encouraging the development of suitable study materials and for the adoption of such materials, using procedures prescribed for textbook adoptions.

Specific Authority 229.053(1) FS. Law Implemented 20.15(4)(a), 233.061 FS. History–New 4-17-72, Repromulgated 12-5-74, Formerly 6A-6.22.

6A-6.024 School Entry Health Examination.

This rule implements the school entry health examination required by Section 232.0315, Florida Statutes.

(1) Any health professional who is licensed in Florida or in the state where the student resided at the time of the health examination and who is authorized to perform a general health examination under such licensure shall be acceptable to certify that health examinations have been completed.

(2) Certification that a health examination has been completed may be documented on the State of Florida, Department of Health and Rehabilitative Services, HRS-H Form 3040, “Student Physical Examination,” which is incorporated by reference in this rule, or a signed statement by authorized professionals that indicates the results of the components included in the health examination. HRS-H Form 3040 may be obtained from ASCAGJ Warehouse, 5107 University Boulevard, West, Jacksonville, Florida 32216.

(3) Transfer of all student health records shall be in accordance with paragraphs 6A-1.0955(7)(a), (b), F.A.C.

Specific Authority 229.053(1), 232.0315(2) FS. Law Implemented 232.0315 FS. History–New 7-1-81, Amended 12-6-84, Formerly 6A-6.24.

6A-6.03011 Special Programs for Students Who Are Mentally Handicapped.

(1) Mentally handicapped. A mental handicap is defined as significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period. Mentally handicapped students shall be classified as:

(a) Educable mentally handicapped. An educable mentally handicapped student is a student who is mildly impaired in intellectual and adaptive behavior and whose development reflects a reduced rate of learning. The measured intelligence of an educable mentally handicapped student generally falls between two (2) and three (3) standard deviations below the mean and the assessed adaptive behavior falls below that of other students of the same age and socio-cultural group.

(b) Trainable mentally handicapped. A trainable mentally handicapped student is a student who is moderately or severely impaired in intellectual and adaptive behavior and whose development reflects a reduced rate of learning. The measured intelligence of a trainable mentally handicapped student generally falls between three (3) and five (5) standard deviations below the mean and the assessed adaptive behavior falls below that of other students of the same age and socio-cultural group.
(c) Profoundly mentally handicapped. A profoundly mentally handicapped student is a student who is profoundly impaired in intellectual and adaptive behavior and whose development reflects a reduced rate of learning. The measured intelligence of a profoundly mentally handicapped student generally falls below five (5) standard deviations below the mean and the assessed adaptive behavior falls below that of other students of the same age and socio-cultural group.

(2) Criteria for eligibility. A student is eligible for a special program for the mentally handicapped if there is evidence that the student meets all of the following criteria:

(a) The measured level of general intellectual functioning is two (2) or more standard deviations below the mean as prescribed in paragraphs 6A-6.03011(1)(a)-(c), F.A.C. The standard error of measurement may be considered in individual cases. The profile of intellectual functioning shows consistent sub-average performance in a majority of areas evaluated;
(b) The assessed level of adaptive behavior is below that of other students of the same age and socio-cultural group; and
(c) The demonstrated level of performance in academic, preacademic, or developmental achievement is sub-average.

(3) Procedures for Referral. Prior to referral for student evaluation, screenings for vision, hearing, speech and language functioning shall be required for all students with referral for complete evaluations where the need is indicated. In addition, prior to referral of a student who has been enrolled in basic education programs for more than six (6) weeks, the student’s learning problem shall be addressed at the school level through the following minimum procedures:

(a) Two (2) or more conferences concerning the student’s specific problem which shall include the parents or guardian and administrative personnel, teaching personnel or student services personnel;
(b) Anecdotal records or behavioral observations made by more than one (1) person and in more than one (1) situation which cite the specific behaviors indicating the need for the referral;
(c) A minimum of two (2) interventions or adjustments have been tried with the student. These interventions may include: change in student’s class schedule or teacher; change in student’s curriculum; change in techniques of instruction; interventions provided by student services personnel; or state or community agency intervention;
(d) Review of social, psychological, medical and achievement data in the student’s educational records; and
(e) Review of attendance records, and where appropriate, investigation of reasons for excessive absenteeism.

(4) Procedures for student evaluation.

(a) The minimum evaluation for determining eligibility shall include all of the following:
1. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with paragraph 6A-6.071(6)(a), F.A.C.;
2. A standardized assessment of adaptive behavior;
3. An individually administered standardized test of academic or preacademic achievement. A standardized developmental scale shall be used when a student’s level of functioning cannot be measured by an academic or preacademic test; and
4. A social-developmental history which has been compiled directly from the parent, guardian, or primary caregiver.
(b) For students being considered for eligibility in the program for profoundly mentally handicapped, a report of a medical evaluation by a licensed physician may be required by the school district.

(5) Students eligible for and enrolled in a special program for mentally handicapped prior to the effective date of this rule may continue in a special program for mentally handicapped and, as appropriate, subsequently be dismissed from the special program for mentally handicapped based on dismissal criteria contained in the approved Special Programs and Procedures for Exceptional Students as provided in Rule 6A-6.03411, F.A.C., at the time of dismissal.

Specific Authority 229.053(1), 230.23(4)(m), 228.041(18) FS. Law Implemented 228.041(18), (19), 229.565(3)(b), (c), 230.23(4)(m)4., 232.01(1)(e), 236.081(1)(c) FS. History–New 7-1-77, Amended 7-2-79, Formerly 6A-6.3011, Amended 5-17-88.

6A-6.03012 Special Programs for Students Who Are Speech and Language Impaired.

(1) Definition. Speech and language impairments are defined as disorders of language, articulation, fluency, or voice which interfere with communication, preacademic or academic learning, vocational training, or social adjustment.

(a) An impairment in the language system is abnormal processing or production of:
1. Form including phonology, syntax, and morphology,
2. Content including semantics, or
3. Function including pragmatics.
(b) An impairment in articulation is substitutions, distortions, or omissions of speech sounds which are of a nonmaturational nature.
(c) An impairment in fluency is abnormal flow of speech which impairs rate and rhythm and may be accompanied by struggle behavior.
(d) An impairment in voice is absence or abnormal production of voice quality, pitch, loudness, resonance, or duration.

(2) Criteria for eligibility. A student is eligible for special programs in speech and language if the student meets criteria as determined by the procedures in Rules 6A-6.0331 and 6A-6.0341, F.A.C., and if a disorder exists in one (1) or more of the following:

(a) Language. A language disorder is present when:
1. For students below age five (5), there is a significant language delay based on criteria presented in the test or evaluation manual and at least one (1) of the following is met:
   a. There is a significant difference between language performance and other developmental behaviors; or
   b. There is a significant difference between receptive and expressive language abilities.
2. For students ages five (5) and above, the language scores on standardized tests are more than one (1) standard deviation below the mean for the student’s chronological age and at least one (1) of the following is met:
   a. There is a significant difference between language performance and nonverbal performance; or
   b. There is a significant difference between receptive and expressive language abilities;
   c. Two (2) or more, but not all, components of the language system are moderately or severely impaired on a language severity rating scale.

   (b) Articulation. An articulation disorder is present when at least one (1) of the following is met:
   1. Based on normative data, the frequency of incorrect sound production and the delay of correct sound production are significant; or
   2. The error pattern is characteristic of disordered rather than delayed acquisition; or
   3. Articulation is rated as moderately or severely impaired on an articulation severity rating scale.

   (c) Fluency. A fluency disorder is present when:
   1. Fluency is rated as mildly, moderately, or severely impaired on a fluency severity rating scale, and
   2. There are supportive data presented by a primary caregiver, a teacher-educator, or the student when appropriate, in addition to a speech-language pathologist, that a disorder exists.

   (d) Voice. A voice disorder is present when:
   1. Voice is rated as moderately or severely impaired on a voice severity rating scale, and
   2. There are supportive data presented by a primary caregiver, a teacher-educator, or the student when appropriate, in addition to a speech-language pathologist, that a disorder exists.

   (3) Procedures for screening.
   (a) Students being considered for language or speech programs shall be screened for hearing and vision.
   (b) Students being considered for exceptional student programs, excluding gifted and homebound or hospitalized who may be screened on a referral basis, shall be screened for language, articulation, fluency and voice disorders prior to staffing for eligibility.

   (4) Procedures for student evaluation.
   (a) Speech-language pathologists shall be responsible for implementing and conducting diagnostic assessments of language, articulation, fluency, or voice disorders.
   (b) A case history shall be included as part of the assessment data when determined appropriate by the speech-language pathologist.
   (c) Medical and psychological evaluations shall be requested by the speech-language pathologist when appropriate.

   (5) Procedures for determining eligibility and educational assignment.
   (a) A speech-language pathologist shall be a member of any eligibility staffing committee reviewing speech and language evaluation data.
   (b) A speech-language pathologist shall be involved in the development of the individual educational plans for eligible speech and language impaired students.

   (6) Instructional Program.
   (a) The instructional program shall be based on the student’s individual educational plan or family support plan.
   (b) Speech-language services shall be provided by a speech-language pathologist, pursuant to Rule 6A-4.0176, F.A.C., a licensed speech-language pathologist pursuant to Section 468.1185, Florida Statutes, or a speech-language associate, pursuant to Rule 6A-4.01761, F.A.C.

   1. Speech-language services provided by an associate, as specified in Rule 6A-4.01761, F.A.C., must be under the direction of a certified or licensed speech-language pathologist with a master’s degree or higher. Services under this subsection can be provided for a period of no more than three (3) years as described in Section 231.167, Florida Statutes, in districts that qualify for the sparsity supplement as described in Section 236.081(6), Florida Statutes.

   2. Districts shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
      a. The model specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction;
      b. The rationale for using this model;
      c. The manner in which the associate will demonstrate competency;
      d. The process for monitoring the quality of services; and
      e. The measurement of student progress.

   This plan must also describe the process for changing the intensity of direction for the associate based upon the associate’s demonstrated competencies and their students’ needs and progress.

   (c) This rule shall be reviewed by the Florida Board of Education by October 1, 2003.
6A-6.03013 Special Programs for Students who are Deaf or Hard-of-Hearing.

(1) Definition. A student who is deaf or hard-of-hearing has a hearing impairment aided or unaided, that interferes in processing linguistic information and which adversely affects communication, developmental skills, academic achievement, vocational-career skills, or social-emotional adjustment. The degree of loss may range from mild to profound.

(2) Criteria for eligibility. A student is eligible for a special program for students who are deaf or hard-of-hearing if both criteria in paragraphs (2)(a) and (2)(b) of this rule are met.

(a) Evidence of a documented permanent or fluctuating hearing threshold level of:
   1. 25dB ± 5 dB or greater based on pure tone average of average of 500, 1000, and 2000 Hz (re: ANSI, 1989) unaided in the better ear; or
   2. A high frequency hearing threshold level of 25 dB ± 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz (re: ANSI, 1989) unaided in the better ear; or
   3. A unilateral hearing threshold level of 50 dB ± 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz (re: ANSI, 1989) unaided.

(b) Evidence that the hearing threshold level interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills, and that the student requires special education and/or related services in order to benefit from education.

(3) Procedures for student evaluation.

(a) Tests to determine cognitive functioning and learning abilities shall be selected from non-verbal performance scales standardized on, or adapted for, students who are deaf or hard-of-hearing. Evaluation of academic achievement and communication skills shall take into consideration the student’s intellectual functioning, degree of hearing loss and method of communication.

(b) The minimum evaluation shall include:
   1. Audiological evaluation,
   2. Evaluation of developmental skills or academic achievement, including information on the student’s academic strengths and weaknesses,
   3. Evaluation of social development,
   4. Evaluation of receptive and expressive communication, and
   5. Individual assessment of intellectual functioning, or developmental scales if more appropriate for students under age seven (7).

(c) Re-evaluation shall occur at least every three (3) years and shall include a minimum of an audiological evaluation, and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with subparagraph 6A-6.03411(2)(i)1., F.A.C.

(d) A screening for Usher’s Syndrome shall be administered to each student who is deaf or hard-of-hearing at least once during grades 6-12.

(4) Instructional programs.

(a) The district shall implement a written course of study for the program, updated as necessary, with sufficient scope and depth needed for individual educational plans.

(b) Classes shall be taught by teachers using communication skills appropriate to meet individual needs of students. Each student who is deaf or hard-of-hearing shall have the opportunity to learn speech and to learn to use residual hearing through modern amplification equipment.

(c) Districts shall implement daily monitoring procedures for ensuring proper functioning of personal hearing aids and district auditory amplification equipment.

(d) The grouping of students who are deaf or hard-of-hearing for special and resource room classes shall facilitate each student’s development of appropriate methods of communication.

(5) Supportive services. The district shall have or purchase the services of professionals in the areas of audiology, school psychology, guidance, educational assessment, social services and interpreting. These services shall support the instructional program.

(6) Facilities and Equipment.

(a) The program shall be established in conjunction with a regular school appropriate to the age and grade level of students who are deaf or hard-of-hearing.

(b) Each special class and resource classroom shall be acoustically treated.

(c) Each special class and resource classroom shall have auditory amplification equipment available.

(d) Auditory equipment shall be calibrated annually, maintained, and considered for replacement on a five (5) year cycle.

(e) Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing; i.e., group toilet rooms, corridors, specific areas designated for the deaf, etc., in accordance with paragraph 6A-2.088(6)(d), F.A.C.
Continued eligibility. Students eligible for and enrolled in a special program for students who are deaf or hard-of-hearing prior to the effective date of this rule may continue in the special program and, as appropriate, subsequently be dismissed based on dismissal criteria contained in the approved Special Program and Procedures for Exceptional Students Document as provided in Rule 6A-6.03411, F.A.C.

Specific Authority 229.053(1), 230.23(4)(m), 228.041(18) FS. Law Implemented 228.041(18), (19), 229.565(3)(b), (c), 230.23(4)(m), 232.01(1)(e), 236.08(1)(c) FS. History–New 7-1-77, Amended 9-11-84, Formerly 6A-6.3013, Amended 7-1-94.

6A-6.03014 Special Programs for Students who are Visually Impaired.
(1) Visually impaired. Visual impairments are defined as disorders in the structure and function of the eye that, even with the best correction and treatment, interfere with learning.
   (a) The blind student is one who after the best possible ocular correction has no vision or has little potential for using vision and relies on tactual or auditory senses for learning.
   (b) The partially sighted student is one who after the best possible adjustments and ocular corrections uses remaining vision for learning.
(2) Criteria for eligibility. A student is eligible for a special program for the visually impaired if the following medical and educational criteria are met:
   (a) Medical. There is a documented eye impairment as manifested by at least one of the following:
      1. A visual acuity of 20/70 or less in the better eye after best possible correction;
      2. A peripheral field so constricted that it affects the student’s ability to function in an educational setting;
      3. A progressive loss of vision which may affect the student’s ability to function in an academic setting; or
      4. For children birth to five (5) years of age, bilateral lack of central, steady, or maintained fixation of vision with an estimated visual acuity of 20/70 or less after best possible correction; bilateral central scotoma involving the perimacula area (20/80-20/200); bilateral grade III, IV, or V Retinopathy of Prematurity (ROP); or documented eye impairment as stated in paragraph (2)(a) of this rule.
   (b) Educational. There is a documented functional vision loss which:
      1. Inhibits optimal processing of information through the visual channel; and
      2. Requires the use of specialized techniques, textbooks, materials, or equipment.
(3) Procedures for screening.
   (a) Vision screening is done solely for the purpose of referring students to an ophthalmologist or optometrist for further evaluation. A medical eye report shall take the place of a vision screening report.
   (b) Screening shall be in accordance with Section 402.32, Florida Statutes. In addition students being considered for exceptional student programs, excluding gifted and homebound or hospitalized who may be screened on a referral basis, shall receive vision, hearing, speech, and language screenings prior to being considered for eligibility.
(4) Procedures for student evaluation.
   (a) The minimum evaluations necessary for determining eligibility shall include:
      1. A medical eye examination describing: etiology, diagnosis, treatment regimen, prognosis, near/distance, corrected/uncorrected acuity measures for left eye, right eye and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate. For children birth to five (5) years of age, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
      2. Documented observation of functional vision to include daily living skills and mode of reading by a teacher of students with visual impairments or an appropriately trained diagnostian, and
      3. Evaluation of developmental or academic functioning.
   (b) Additional information including vocational and orientation and mobility evaluations may be gathered to assist in determining the appropriate educational program and necessary environmental adjustments for the student.
   (c) Reevaluation shall occur at least every three (3) years and shall include evaluations in accordance with paragraph (4)(a) of this rule. The medical aspect of reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.
(5) Instructional program. Instruction in orientation and mobility shall be included when appropriate.
(6) Supportive services.
   (a) The district shall make available the professional services needed to support the program. These shall include registration of all students for services of the Florida Instructional Materials Center for the Visually Handicapped.
   (b) Other support services may include, but not be limited to:
      1. Provision of specialized textbooks, learning materials and equipment; and
      2. Cooperative planning with the Division of Blind Services, including parent involvement activities.

Specific Authority 228.041(18), (19), 229.053(1), 230.23(4)(m), 233.056 FS. Law Implemented 229.053(1), 229.565(3)(b), (c), 236.08(1)(c) FS. History–New 7-1-77, Amended 7-13-83, Formerly 6A-6.3014, Amended 2-12-91.
6A-6.03015 Special Programs for Students who are Physically Impaired.

(1) The term physically impaired as used in this rule includes students who are orthopedically impaired, students who are other health impaired, and students with traumatic brain injury.

(2) Students who are orthopedically impaired. Orthopedically impaired means a severe skeletal, muscular, or neuromuscular impairment which adversely affects a child’s educational performance. The term includes impairments resulting from congenital anomaly, disease and other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

(a) Criteria for eligibility. A student is eligible for a special program for the physically impaired if the student has an orthopedic impairment which:
   1. Significantly limits the student’s ability to move about, sit or manipulate the materials required for learning; or
   2. Affects ambulation, posture or body use necessary in school work.

(b) Procedures for student evaluation. The minimum evaluation for a student shall be:
   1. A report of a medical examination within the previous twelve-month period, from a physician(s) qualified to assess the student’s physical problems, giving a description of the impairment and any medical implications for instruction.
   2. An educational evaluation which identifies educational and environmental adjustments needed; and
   3. When determined by the administrator of exceptional student education or designee, a psychological evaluation, a speech and language screening, visual and hearing screening, or a social history.

(3) Students who are other health impaired. Other health impaired means having limited strength, vitality or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes that adversely affect a child’s educational performance.

(a) Criteria for eligibility. A student is eligible for a special program for the physically impaired if the student has a health impairment which results in reduced efficiency in school work because of temporary or chronic lack of strength, vitality or alertness.

(b) Procedures for student evaluation. The procedures for student evaluation are the same as in paragraph (2)(b) of this rule.

(4) Students with traumatic brain injury. A traumatic brain injury is an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term includes open or closed head injuries resulting in impairments in one (1) or more areas as listed in subparagraph (4)(a)2., of this rule. The term does not include brain injuries that are congenital or degenerative or brain injuries induced by birth trauma.

(a) Criteria for eligibility. A student is eligible for a special program for the physically impaired if the student:
   1. Has acquired an external injury to the brain as documented by a medical report, and
   2. Has significant difficulty requiring an adaptation to the school routine, school environment, or curriculum in one (1) or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech.

(b) Procedures for student evaluation. The procedures for student evaluation under the category of traumatic brain injury. The minimum evaluation for a student shall include:
   1. A medical examination report within the previous three (3) month period from a physician qualified to assess the student’s injury verifying a diagnosis of brain injury with a medical description of the impairment;
   2. A report of observations by more than one (1) person including the parent, guardian, or primary caregiver, in more than one (1) situation. The report shall document a deficit in one (1) or more of the areas listed in subparagraph (4)(a)2. of this rule which is evidenced through marked contrast of pre- and post-injury capabilities;
   3. A report of screenings or evaluations in each of the following areas: cognitive and information processing strengths and deficits, academic functioning, fine and gross motor skills, communication abilities, behavior and emotional status, and adaptive skills. The report shall be completed post-injury and no more than three (3) months prior to the eligibility staffing; and
   4. A neuropsychological evaluation when requested by the administrator of exceptional student education or designee.

(5) Instructional program. A student who meets the criteria specified in this rule shall be served in any program or combination of programs for students with or without disabilities as determined by the student’s strengths and goals recorded on the individual educational plan (IEP).

Specific Authority 229.053(1), 230.23(4)(m), 228.041(18), (19) FS. Law Implemented 228.041(18), (19), 230.23(4)(m), 232.01, 236.081(1)(c) FS. History–New 7-1-77, Amended 8-16-82, 7-13-83, Formerly 6A-6.3015, Amended 2-12-91, 7-13-93.

6A-6.03016 Special Programs for Students who are Emotionally Handicapped.

(1) An emotional handicap is defined as a condition resulting in persistent and consistent maladaptive behavior, which exists to a marked degree, which interferes with the student’s learning process, and which may include but is not limited to any of the following characteristics:

(a) An inability to achieve adequate academic progress which cannot be explained by intellectual, sensory, or health factors;

(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) Inappropriate types of behavior or feelings under normal circumstances;

(d) A general pervasive mood of unhappiness or depression; or
(e) A tendency to develop physical symptoms or fears associated with personal or school problems.

(2) Criteria for eligibility. Students with disruptive behavior shall not be eligible unless they are also determined to be emotionally handicapped. A severe emotional disturbance is defined as an emotional handicap, the severity of which results in the need for a program for the full school week and extensive support services.

(3) A student is eligible for a special program for emotionally handicapped if there is evidence that:
(a) The student, after receiving supportive educational assistance and counseling services available to all students, still exhibits an emotional handicap;
(b) An emotional handicap exists over an extended period of time, and in more than one situation;
(c) The emotional handicap interferes with the student’s own learning, reading, arithmetic or writing skills, social-personal development, language development or behavioral progress and control; and
(d) When intellectual, sensory or physical deficits exist, they are addressed by other appropriate interventions or special programs.

(4) Criteria for eligibility for programs for severely emotionally disturbed. A student is eligible for a special program for severely emotionally disturbed if the student meets the criteria in subsection 6A-6.03016(2), F.A.C., above and there is evidence that the student requires a program which:
(a) Serves the student for the full school week in a special class;
(b) Provides a highly structured academic and affective curriculum, including but not limited to art, music and recreation services which are specifically designed for severely emotionally disturbed students;
(c) Provides for a lower adult to pupil ratio than programs for emotionally handicapped are designed to accommodate;
(d) Provides extensive support services specifically designed for severely emotionally disturbed students. These services include but are not limited to:
1. Individual or group counseling,
2. Parent counseling or education, and
3. Consultation from mental health, medical or other professionals; and
(e) Cannot be provided in a less restrictive environment.

(5) Procedures for referral. Prior to the referral for student evaluation, the following procedures are required for students enrolled in public school programs. If a student is transferring from an agency which provides services to emotionally handicapped students, the requirements in paragraphs 6A-6.03016(4)(a), (b), (c), (d), and (e), F.A.C., shall be waived.
(a) Conferences concerning the student’s specific problem. These conferences shall include the parents or guardian, administrative personnel, teaching personnel and student services personnel, as appropriate;
(b) Anecdotal records or behavioral observations made by more than one (1) person and in more than one (1) situation which cite the specific behaviors indicating the need for the referral;
(c) A minimum of two (2) interventions and adjustments that have been tried with the student. These interventions shall include, but not be limited to, change in student’s class schedule or teacher; change in student’s curriculum; change in techniques of instruction; interventions provided by student services personnel; community agency intervention; or health and rehabilitative services agency intervention;
(d) Review of social, psychological, medical and achievement data in the student’s educational records;
(e) Review of attendance records, and where appropriate, investigation of reasons for excessive absenteeism; and
(f) Screening for vision, hearing, speech and language functioning.

(6) Procedures for student evaluation.
(a) The minimum evaluation for determining eligibility for emotionally handicapped or severely emotionally disturbed shall include all information collected in subsection 6A-6.03016(4), F.A.C., and the following:
1. A medical evaluation when determined by the administrator of the exceptional student program or designee that the behavioral problem may be precipitated by a physical problem;
2. A comprehensive psychological evaluation conducted in accordance with subsection 6A-6.071(5), F.A.C., or by a psychiatrist which shall include the following information: an individual evaluation of intellectual ability and potential, an evaluation of the student’s personality and attitudes, and behavioral observations and interview data relative to the problems described in the referral;
3. An educational evaluation which includes information on the student’s academic strengths and weaknesses; and
4. A social or developmental history which has been compiled directly from the parent or guardian.
(b) For students enrolled in programs for emotionally handicapped, the minimum evaluation for determining eligibility for special programs for severely emotionally disturbed shall include evidence of the following procedures:
1. Conferences concerning the student’s specific problem in the program for emotionally handicapped;
2. Anecdotal records or behavioral observations made by more than one (1) person in more than one (1) situation which cite the specific problems causing the need for a program for severely emotionally disturbed;
3. Interventions and adjustments that have been tried with the student while enrolled in the program for emotionally handicapped;
4. An update of the social history required by subparagraph 6A-6.03016(5)(a)4., F.A.C.; and
5. Additional psychological, psychiatric or other evaluations deemed appropriate by the administrator of the exceptional student education programs.

(7) Parent education. Each district shall make provisions for a parent education program for all parents of students placed in full-time special classes for emotionally handicapped and severely emotionally disturbed.

Specific Authority 229.053(1), 230.23(4)(m), 228.041(18) FS. Law Implemented 228.041(18), (19), 229.565(3)(b), (c), 230.23(4)(m), 236.081(1)(c) FS. History–New 7-1-77, Amended 10-23-79, 11-25-80, 1-6-83, 9-27-84, 3-10-85, Formerly 6A-6.3016.

6A-6.03018 Special Programs for Students with Specific Learning Disabilities.

(1) Definition. Specific learning disabilities refers to a heterogeneous group of psychological processing disorders manifested by significant difficulties in the acquisition and use of language, reading, writing, or mathematics. These disorders are intrinsic to the individual and may occur across the life span. Although specific learning disabilities may occur concomitantly with other handicapping conditions or with extrinsic influences, the disabilities are not primarily the result of those conditions or influences.

(2) Criteria for eligibility. A student is eligible for special programs for specific learning disabilities if the student meets all of the following criteria as determined by the procedures prescribed in Rules 6A-6.0331 and 6A-6.03411, F.A.C.

(a) Documented evidence which indicates that general education interventions have been attempted and found to be ineffective in meeting the student’s educational needs.

(b) Evidence of a disorder in one (1) or more of the basic psychological processes required for learning. A psychological process is a set of mental operations that transform, access, or manipulate information. A disorder in a psychological process is a relatively enduring and stable feature of an individual’s cognitive skills that limits the ability to perform specific academic or developmental learning tasks. Processing deficits may manifest themselves differently at different developmental levels.

1. Documentation of process disorder must include one (1) standardized instrument in addition to the instrument used to determine the student’s level of intellectual functioning.

2. In addition, a district may establish criteria for the use of more than one (1) instrument to determine a process disorder and other criteria which will assist in determining a process disorder.

(c) Evidence of academic achievement which is significantly below the student’s level of intellectual functioning.

1. For students below age seven (7), evidence must be presented that the student exhibits a significant discrepancy between levels of intellectual functioning and achievement on tasks required for basic reading skills, reading comprehension, oral expression, listening comprehension, mathematics calculation, mathematics reasoning, or written expression.

2. For students ages seven (7) through ten (10), evidence must be presented that the student exhibits a discrepancy of one (1) standard deviation or more between an intellectual standard score and achievement standard score in basic reading skills, reading comprehension, oral expression, listening comprehension, mathematics calculation, mathematics reasoning, or written expression.

3. For students ages eleven (11) and above, evidence must be presented that the student exhibits a discrepancy of one and one-half (1 1/2) standard deviations or more between an intellectual standard score and achievement standard score in basic reading skills, reading comprehension, oral expression, listening comprehension, mathematics calculation, mathematics reasoning, or written expression.

4. A district may establish criteria for the use of more than one (1) instrument to determine a deficit area, and other criteria which will assist in determining an academic deficit.

(d) Evidence that learning problems are not due primarily to other handicapping conditions.

1. For students with intellectual deficits, evidence that intellectual functioning is no more than two (2) standard deviations below the mean on an individual test of intellectual functioning or evidence that a score below two (2) standard deviations below the mean is not a reliable indicator of the student’s intellectual potential.

2. For students with inadequate performance on learning tasks involving visual input deficits, evidence that visual acuity is at least 20/70 in the better eye with best possible correction or evidence that the student’s inability to perform adequately on learning tasks is not primarily due to poor visual acuity.

3. For students with inadequate performance on learning tasks involving auditory input, evidence that loss of auditory acuity is no more than thirty (30) decibels in the better ear unaided or evidence that the student’s inability to perform adequately on learning tasks is not primarily due to poor auditory acuity.

4. For students with a physical impairment, evidence that their inability to perform adequately on learning tasks is not primarily due to the physical impairment.

5. For students with an emotional handicap, evidence that their inability to perform adequately on learning tasks is not primarily due to their emotional handicap.

6. For students who are determined to be environmentally deprived, culturally different, or economically disadvantaged, evidence that their inability to perform adequately on learning tasks is not due primarily to environmental deprivation, cultural difference, or economic disadvantage.

(3) Procedures for student referral. Prior to referral for student evaluation, the student’s learning problem shall be addressed at the school level.

(a) The minimum procedures shall include:

1. Identification of the student’s learning problem and current functioning level in school;
2. At least two (2) conferences concerning the student’s specific problem. These conferences shall include the parents or guardian and administrative personnel, student services personnel or teaching personnel;
3. At least two (2) observations of the student’s behavior which indicate the learning problem. At least one (1) of the observations shall be conducted by a member of the multidisciplinary evaluation team other than the child’s regular classroom teacher;
4. At least two (2) educational interventions at the school level appropriate for the learning problem at the student’s current level of functioning;
5. Screening for vision, hearing, speech and language functioning with referral for complete evaluations where the need is indicated;
6. Review of social, psychological, medical, and achievement data in the student’s cumulative record; and
7. Review of attendance record, and where applicable, investigation of reasons for excessive absenteeism.
(b) Documentation of these efforts shall be incorporated with the written referral and shall show these efforts to have been ineffective in meeting the student’s educational needs.

(4) Procedures for student evaluation. Instruments selected for use in the evaluation of psychological processes, intellectual functioning and academic achievement shall be administered and interpreted in conformance with instructions provided by their producers. The following evaluations and procedures are required to determine a student’s eligibility and educational placement:
(a) A review of all documentation and data required by subsection (3) of this rule;
(b) A standardized individual test of intellectual functioning administered by a professional person qualified in accordance with subsection 6A-6.071(6), F.A.C.;
(c) An evaluation to determine the student’s level of functioning in the basic psychological process areas; and
(d) An individually administered evaluation of academic achievement.
(5) The multidisciplinary evaluation team.
(a) For students suspected of having a specific learning disability, the multidisciplinary evaluation team shall include the following personnel:
1. The student’s regular teacher, or
   a. If the student does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or
   b. For a student of less than school age, an individual qualified to teach a child of his or her age; and
2. At least one (1) person qualified to conduct individual diagnostic examinations.
(b) The team must meet to consider the evaluation findings. If all members cannot be present, their findings may be presented by representatives of their disciplines.
(c) A written report shall be prepared which reflects the findings of the multidisciplinary evaluation team. The report shall include the following components:
1. Whether or not the student has a specific learning disability;
2. The basis for making the determination;
3. The relevant behavior noted during the observation of the student;
4. The relationship of that behavior to the student’s academic functioning;
5. The educationally relevant medical findings, if any;
6. The determination of the team concerning evidence that the student’s learning problems are not primarily due to other handicapping conditions;
7. The determination of the team concerning the effects of environment, cultural difference, or economic disadvantage;
8. Whether there is a severe discrepancy between achievement and ability which requires exceptional student education and related services; and
   (d) Each team member shall certify in writing whether or not the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.
(6) This rule shall take effect July 1, 1994, for all school districts.

6A-6.03019 Special Instructional Programs for Students who are Gifted.
(1) Gifted. One who has superior intellectual development and is capable of high performance.
(2) Criteria for eligibility. A student is eligible for special instructional programs for the gifted if the student meets the criteria under paragraph (2)(a) or (b) of this rule.
(a) The student demonstrates:
1. Need for a special program.
2. A majority of characteristics of gifted students according to a standard scale or checklist, and
3. Superior intellectual development as measured by an intelligence quotient of two (2) standard deviations or more above the mean on an individually administered standardized test of intelligence.
(b) The student is a member of an under-represented group and meets the criteria specified in an approved school district plan for increasing the participation of under-represented groups in programs for gifted students.

1. For the purpose of this rule, under-represented groups are defined as groups:
   a. Who are limited English proficient, or
   b. Who are from a low socio-economic status family.
2. The Department of Education is authorized to approve school district plans for increasing the participation of students from under-represented groups in special instructional programs for the gifted, provided these plans include the following:
   a. A district goal to increase the percent of students from under-represented groups in programs for the gifted and the current status of the district in regard to that goal;
   b. Screening and referral procedures which will be used to increase the number of these students referred for evaluation;
   c. Criteria for determining eligibility based on the student’s demonstrated ability or potential in specific areas of leadership, motivation, academic performance, and creativity;
   d. Student evaluation procedures, including the identification of the measurement instruments to be used;
   e. Instructional program modifications or adaptations to ensure successful and continued participation of students from under-represented groups in the existing instructional program for gifted students;
   f. An evaluation design which addresses evaluation of progress toward the district’s goal for increasing participation by students from under-represented groups.

(3) Procedures for student evaluation. The minimum evaluations for determining eligibility are the following:
(a) Need for a special instructional program,
(b) Characteristics of the gifted,
(c) Intellectual development, and
(d) May include those evaluation procedures specified in an approved district plan to increase the participation of students from under-represented groups in programs for the gifted.

(4) This rule shall take effect July 1, 1977.

Specific Authority 229.053(1), 230.23(4)(m) FS. Law Implemented 228.041(18), (19), 229.565(2)(b), (c), 230.23(4)(m) FS. History–New 7-1-77, Formerly 6A-6.3019, Amended 10-10-91, 5-19-98, 7-14-02.

6A-6.03020 Special Programs for Students who are Homebound or Hospitalized.

(1) Homebound or hospitalized. A homebound or hospitalized student is a student who has a medically diagnosed physical or mental condition which confines the student to home or hospital and whose activities are restricted for an extended period of time. The medical diagnosis shall be made by a licensed physician.

(2) The term licensed physician, as used in Rule 6A-6.03020, F.A.C., is one who is qualified to assess the student’s physical or mental condition.

(3) Criteria for eligibility. A student is eligible for special programs for homebound or hospitalized if the following criteria are met:
   (a) Certification by a licensed physician(s) as specified in subsection 6A-6.03020(2), F.A.C., that the student is expected to be absent from school due to a physical or mental condition for at least fifteen (15) consecutive school days, or due to a chronic condition, for at least fifteen (15) school days which need not run consecutively, and will be able to participate in and benefit from an instructional program; and
   (b) Student is under medical care for illness or injury which is acute or catastrophic in nature; and
   (c) Certification by a licensed physician as specified in subsection 6A-6.03020(2), F.A.C., that the student can receive an instructional program without endangering the health of the instructor or other students with whom the instructor may come in contact; and
   (d) Student is enrolled in a public school prior to the referral for the homebound or hospitalized program, unless the student meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.03015, 6A-6.03016, 6A-6.03018, 6A-6.03019, 6A-6.03021, 6A-6.03022, 6A-6.03023, 6A-6.03024, and 6A-6.03025, F.A.C.; and
   (e) A parent, guardian or primary caregiver signs parental agreement concerning homebound or hospitalized policies and parental cooperation.

(4) Procedures for student evaluation.
   (a) The minimum evaluation for a student to determine eligibility shall be a medical statement from a licensed physician(s) as specified in subsection 6A-6.03020(2), F.A.C., including a description of the handicapping condition with any medical implications for instruction. This report shall state the student is unable to attend school and give an estimated duration of condition.
   (b) A physical reexamination and a medical report by a licensed physician(s) as specified in subsection 6A-6.03020(2), F.A.C., may be requested by the administrator of exceptional student education or the administrator’s designee on a more frequent basis than required in subsection 6A-6.0331(1)(c), F.A.C., and shall be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule.

(5) Procedures for determining eligibility.
(a) For a student who is medically diagnosed as chronically ill or who has repeated intermittent illness due to a persisting medical problem, staffing as required in subsections 6A-6.0331(2) and (4)(b), (c), (d), and (e), F.A.C., shall be held annually to establish continuing eligibility for homebound or hospitalized services.

(b) A student may be alternately assigned to the homebound or hospitalized program and to a school-based program due to a severe, chronic or intermittent condition as certified by a licensed physician, as specified in subsection 6A-6.03020(2), F.A.C.

(6) Procedures for providing an individual educational plan.

(a) For the homebound or hospitalized student who meets the eligibility criteria for programs as listed in paragraph 6A-6.03020(3)(d), F.A.C., the individual educational plan shall be developed or revised prior to assignment to the homebound or hospitalized program placement.

(b) For the homebound or hospitalized student who does not meet the eligibility criteria for programs as listed in paragraph 6A-6.03020(3)(d), F.A.C., whose physician expects the placement in the homebound or hospitalized program to exceed thirty (30) consecutive school days, the individual educational plan shall be developed prior to assignment but may be developed without a formal meeting, as required in Rule 6A-6.0331, F.A.C.

(c) For the homebound or hospitalized student who does not meet the eligibility criteria for programs as listed in paragraph 6A-6.03020(3)(d), F.A.C., whose physician expects the placement in the homebound or hospitalized program not to exceed thirty (30) consecutive school days, the individual educational plan may be developed after assignment and without the formal meeting required in Rule 6A-6.0331, F.A.C.

(7) Instructional program. The following settings and instructional modes are acceptable for this program:

(a) Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits.

(b) Instruction in a hospital. The hospital administrator shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits. Instruction through telecommunications devices. When instruction is by telephone, the parent, guardian, or primary caregiver shall provide an open, uninterrupted telephone line during the instructional period and shall ensure that the student is prepared to actively participate in learning.

(8) Funding. Students shall be counted for the homebound or hospitalized cost factor when instruction is by any of the following methods: individual instruction on a one-to-one basis, group-instruction when all students in the group are members of the same family, and instruction provided through telecommunications.

Specific Authority 229.053(1), 230.23(4)(m), 228.041(18), (19) FS. Law Implemented 228.041(18), (19), 229.565(3)(b), (c), 230.23(4)(m)4., 232.01(1)(e), 236.081(1)(c) FS. History–New 7-1-77, Amended 7-2-79, 4-27-82, Formerly 6A-6.3020, Amended 5-18-86.

6A-6.03021 Special Programs for Students who are Profoundly Handicapped.

(1) For purposes of funding, profoundly handicapped students shall be classified as:

(a) Profoundly mentally retarded as defined in Rule 6A-6.03011, F.A.C.;

(b) Deaf-blind as defined in Rule 6A-6.03022, F.A.C.;

(c) Autistic as defined in Rule 6A-6.03023, F.A.C.; or

(d) Severely emotionally disturbed as defined in paragraph 6A-6.03016(1)(b), F.A.C.

(2) School districts may utilize the weighted cost factor for the profoundly handicapped when a student meets the criteria in (1)(a), (b), (c) or (d) above and is in a course for the profoundly handicapped, profoundly mentally retarded, deaf-blind, autistic, or severely emotionally disturbed. The district may also use the weighted cost factor for the profoundly handicapped for an individual student who meets the criteria in (1)(a), (b), (c), or (d) above and is in other courses for exceptional students consistent with the student’s individual educational plan.

Specific Authority 229.053(1), 230.23(4)(m), 228.041(18), (19) FS. Law Implemented 228.041(19), (20), 229.565(2)(b), (c), 230.23(4)(m)4., 232.01(1)(f), 236.081(1)(c) FS., Item 315, Section 1, Chapter 79-212, Laws of Florida. History–New 7-2-79; Amended 10-23-79, Formerly 6A-6.3021.

6A-6.03022 Special Programs for Students who are Dual-Sensory Impaired.

(1) Dual-Sensory Impaired. A student who has dual-sensory impairments affecting both vision and hearing, the combination of which causes a serious impairment in the abilities to acquire information, communicate, or function within the environment, or who has a degenerative condition which will lead to such an impairment.

(2) Criteria. A student is eligible for a special program for students with dual-sensory impairments if the student has:

(a) One or more of the following visual impairments:

1. A visual acuity of 20/70 or less in the better eye after best correction;

2. A peripheral field loss;

3. A progressive vision loss; or

4. Other documented visual conditions including but not limited to extreme light sensitivity or lack of contrast sensitivity; and

(b) One or more of the following hearing impairments:
1. Hearing impairment of 30db or greater unaided in the better ear;
2. Other documented auditory conditions including but not limited to monaural loss or an inability to screen out auditory background sounds; or
3. A progressive hearing loss; and
   (c) A combination of the visual and auditory impairments as specified above which adversely effects, or has the potential to adversely effect, the student’s abilities to acquire information, communicate, or function within the environment, unless special instruction, materials, adaptations, or counseling are provided; or
   (d) A diagnosed degenerative condition or syndrome which will lead to dual-sensory impairment and is likely to adversely affect the areas listed above.

(3) Procedures for student evaluation. The minimum evaluations which must be conducted to determine eligibility shall include:
   (a) For students with a suspected degenerative condition or syndrome which will lead to dual-sensory impairment; a medical statement confirming the existence of such a condition or syndrome and its prognosis;
   (b) For students who are under the age of three (3) years:
      1. A medial eye exam describing etiology, diagnosis, and prognosis,
      2. Documented observation of functional vision which includes possible impediments to visual use,
      3. An audiological exam, and
      4. Documented observation of auditory functioning.
   (c) For students who are over the age of three (3) years:
      1. All items included in paragraph (3)(b) of this rule,
      2. An assessment of speech and language functioning which includes a differential diagnosis of the student’s linguistic abilities and of modality strengths and preferences, and
      3. An assessment of intellectual functioning, developmental level, or academic functioning.

(4) Re-evaluation. Re-evaluation shall occur at least every three (3) years and shall include a minimum of the evaluations required in paragraph (3)(b) of this rule, and any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent re-evaluations of the student in accordance with subparagraph 6A-6.03411(2)(i)1., F.A.C. The medical aspect of re-evaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

(5) Instructional Program. Each individual student who is dual-sensory impaired shall be served in any program or combination of programs for handicapped or non-handicapped students where the student can receive appropriate services. The district shall establish procedures to ensure that each student’s program is adequately met.

(6) Registry. Information on all students who are dual-sensory impaired shall be submitted to the state’s registry of students with dual-sensory impairments and to the Florida Instructional Materials Center for the Visually Handicapped, as required for access to certain specialized services.

(7) Funding. Students eligible for programs for students with dual-sensory impairments may be reported for FTE generation purposes at the weight for profoundly handicapped students any time they are served in classes with other handicapped students.

Specific Authority 229.053(1), 230.23(4)(m), 228.041(18), (19) FS. Law Implemented 228.041(18), (19), 229.565(3)(b), (c), 230.23(4)(m)4., 232.01(1)(e), 236.081(1)(c) FS. History–New 7-2-79, Formerly 6A-6.3022, Amended 10-3-91.

6A-6.03023 Special Programs for Students who are Autistic.

(1) Autistic – one who has a disability reflected in severe disorders of communication, behavior socialization and academic skills, and whose disability was evident in the early developmental stages of childhood. The autistic child appears to suffer primarily from a pervasive impairment of cognitive and perceptual functioning, the consequences of which are manifested by limited ability to understand, communicate, learn, and participate in social relationships.

(2) Criteria for eligibility. The following criteria, consistent with the definition, shall be used to determine each student’s eligibility for a special program:
   (a) Evidence of onset of disorder at birth or during the first three (3) years of life;
   (b) Evidence of severely delayed or absent speech and language skills;
   (c) Evidence of impaired or complete lack of emotional/social relationships;
   (d) Evidence of abnormal responses to stimuli which may involve any or all of the sensory modalities; and
   (e) Evidence of a severe functional retardation which may be accompanied by normal or superior abilities in some areas.

(3) Procedures for student evaluation. The minimum evaluation for determining eligibility shall include the following:
   (a) Documented and dated anecdotal records for behavioral observations, if required by the district program administrator, based on criteria specified in the district procedures document;
   (b) Documental evidence that a social and developmental history has been compiled directly from the parent or guardian;
   (c) A comprehensive psychological evaluation conducted by a certified school psychologist, licensed psychologist or psychiatrist, which shall include an individual evaluation of intellectual ability and potential, behavioral observations, and an educational evaluation, if appropriate;
(d) A physical evaluation which will include a neurological evaluation if deemed necessary by the examining physician or psychologist;
(e) An evaluation of sensory functioning including vision and hearing; and
(f) An evaluation of speech and language development.

Specific Authority 229.053(1), 230.234(m), 228.041(18), (19) FS. Law Implemented 228.041(19), (20), 229.565(2)(b), (c), 230.234(m)4., 232.01(1)(f), 236.081(1)(c) FS. History–New 7-2-79, Formerly 6A-6.3023.

6A-6.03024 Special Programs for Exceptional Students who Require Physical Therapy.
(1) Definition. An exceptional student who requires a specially prescribed program directed toward the development, improvement, or restoration of neuromuscular or sensorimotor function, relief of pain or control of postural deviations to attain the exceptional student’s functional performance in an educational setting is eligible to receive physical therapy.
(2) Criteria for eligibility. An exceptional student is eligible for a specially directed program for physical therapy if the exceptional student has:
   (a) Identified physical impairments, motor deficits or developmental delays which significantly interfere with the achievement of learning; or
   (b) Muscular or neuromuscular conditions, skeletal deformities, trauma or physically debilitating conditions which limit the student’s ability to attain functional performance within the educational setting.
(3) Procedures for student evaluation. The minimum evaluation for the student shall include an evaluation by a physical therapist licensed in this state.
(4) Medical prescription. Prior to the determination of eligibility and in the event of a change in medical condition of the student, the school district shall have a written medical prescription for physical therapy signed by a health care practitioner, pursuant to the provisions of Section 486.021, Florida Statutes.
(5) Individual Educational Plan (IEP). Annually a physical therapist shall evaluate the student’s progress in meeting those short term objectives stated in the IEP related to physical therapy.
(6) Instructional program.
   (a) The instructional program shall be based on the student’s individual educational plan and the plan of treatment developed by a physical therapist.
   (b) Physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant pursuant to the provisions of Section 486.021, Florida Statutes.

Specific Authority 229.053(1), 230.234(m), 228.041(19) FS. Law Implemented 228.041(19), 230.234(m), 232.01, 236.081(1)(c) FS. History–New 11-25-80, Amended 2-4-81, Formerly 6A-6.3024, Amended 2-12-91, 9-30-96.

6A-6.03025 Special Programs for Exceptional Students who Require Occupational Therapy.
(1) Definition. An exceptional student whose physical motor or neurological deficits result in significant dysfunction in daily living skills, academic learning skills or adaptive social or emotional behaviors is eligible to receive occupational therapy.
(2) Criteria for eligibility. An exceptional student is eligible for a special program of occupational therapy if the exceptional student has identified significant developmental deficits, dysfunctions, or disabilities to a degree not otherwise provided for in the exceptional student education instructional environment.
(3) Procedures for student evaluation. The minimum evaluation for the student shall include an evaluation by an occupational therapist licensed in this state. Although a medical prescription is not required, appropriate medical records and social history may be reviewed as a part of the evaluation process.
(4) Individual Educational Plan (IEP). Annually an occupational therapist shall evaluate the student’s progress in meeting those short term objectives in the IEP related to occupational therapy.
(5) Instructional Program.
   (a) The instructional program shall be based on the student’s individual educational plan and the plan of treatment developed by an occupational therapist.
   (b) Occupational therapy may be provided by either a licensed occupational therapist or a licensed occupational therapy assistant pursuant to the provisions of Section 468.203, Florida Statutes.

Specific Authority 229.053(1), 230.234(m), 228.041(19) FS. Law Implemented 228.041(19), 230.234(m), 232.01, 236.081(1)(c) FS. History–New 11-25-80, Formerly 6A-6.3025, Amended 2-12-91.

6A-6.03026 Special Programs for Prekindergarten Children with Disabilities.
(1) A prekindergarten child with disabilities is a child who is below five (5) years of age on or before September 1 and has a sensory, physical, mental, or emotional condition which significantly affects the attainment of normal developmental milestones.
(2) Criteria for eligibility.
   (a) A child is eligible for prekindergarten exceptional programs according to the following criteria:
1. The child is below three (3) years of age and meets criteria for eligibility specified for hearing impaired in Rule 6A-6.03013, F.A.C.; visually impaired in Rule 6A-6.03014, F.A.C.; physically impaired in Rule 6A-6.03015, F.A.C.; trainable mentally handicapped in Rule 6A-6.03011, F.A.C.; established condition in Rule 6A-6.03030, F.A.C.; or profoundly handicapped as specified in Rule 6A-6.03021, F.A.C. In addition, the child meets criteria for eligibility in subparagraph (2)(a)1. of this rule may be eligible for additional programs if the child meets criteria for eligibility specified for speech and language impaired in accordance with Rule 6A-6.03012, F.A.C.; physical therapy in accordance with Rule 6A-6.03024, F.A.C.; or occupational therapy in accordance with Rule 6A-6.03025, F.A.C.


3. The child is age five (5) or older on September 1 of the school year and is eligible for programs listed in subparagraphs (2)(a)1. and 2. of this rule, and is assigned to a prekindergarten program in accordance with the student’s individual educational plan (IEP) or family support plan.

(b) Meetings held to recommend eligibility for special programs for children ages birth through five (5) shall be conducted in accordance with paragraph 6A-6.0331(2)(c), F.A.C.

(3) Procedures for evaluation.

(a) An evaluation of the child shall be conducted in accordance with requirements of applicable special program rules listed in subparagraphs (2)(a)1. and 2. of this rule, except the prereferral activities shall not be required.

(b) Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet the requirements of subparagraphs (2)(a)1. and 2. of this rule.

(4) Individual educational plan (IEP) or family support plan.

(a) For children ages birth through two (2), a family support plan in accordance with Rule 6A-6.03029, F.A.C., shall be developed.

(b) For children ages three (3) through five (5), a family support plan in accordance with Rule 6A-6.03029, F.A.C., may be developed in lieu of an IEP.

(c) To the maximum extent appropriate, the educational assignment of prekindergarten children with disabilities shall be provided in the least restrictive environment which ensures interaction with children without disabilities or those with milder delays, or in natural environments. The opportunity for integration shall be specified in the IEP or family support plan.

(5) Instructional program.

(a) The family support plan or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03028 and 6A-6.03029, F.A.C., and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge which will enable them to enhance the child’s cognitive, physical, social, communication, and adaptive behavior.

(b) In the provision of an appropriate educational program for eligible children with disabilities below age three (3), home instruction may include direct instruction of the parent, guardian, or primary caregiver.

(6) Funding. Prekindergarten children with disabilities who are being served in the home or hospital on a one-to-one basis in accordance with paragraph 6A-6.0311(1)(g), F.A.C., shall be funded at the homebound and hospitalized program cost factor. When receiving instruction in a group setting, in accordance with paragraphs 6A-6.0311(1)(b)-(f), F.A.C., children with disabilities in this program shall be funded at the program cost factor for the applicable special program.

Specific Authority 228.041(18), (19), 229.053(1), 232.01(1)(e) FS. Law Implemented 232.01(1)(e), 236.081(1)(c) FS. History–New 5-18-86, Amended 7-13-93, 1-4-94.

6A-6.03027 Special Programs for Children Three Through Five Years Old who are Developmentally Delayed.

(1) Definition. A child who is developmentally delayed is three (3) through five (5) years of age and is delayed in one (1) or more of the following areas:

(a) Adaptive or self-help development,

(b) Cognitive development,

(c) Communication development,

(d) Social or emotional development,

(e) Physical development including fine, or gross, or perceptual motor.

(2) Criteria for eligibility. A child is eligible for the special program for children who are developmentally delayed when the following criteria are met:

(a) The child is three (3) through five (5) years of age.

(b) Documentation of one of the following:
1. A score of two (2) standard deviations (SD) below the mean or a twenty-five (25) percent delay on measures yielding scores in months in at least one (1) area of development; or
2. A score of 1.5 standard deviations (SD) below the mean or a twenty (20) percent delay on measures yielding scores in months in at least two (2) areas of development; or
3. Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed.

(c) The eligibility staffing committee in accordance with paragraph 6A-6.0331(2)(b), F.A.C., has made a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

(3) Procedures for referral. Before a child is referred for evaluation, the following activities shall occur:
(a) A review of existing social, psychological, and medical data with referral for a health screening when need is indicated; and
(b) A screening for vision, hearing, and communication functioning with referral for complete evaluations when need is indicated.

(4) Procedures for evaluation.
(a) Delay is documented by a multidisciplinary team in accordance with paragraph 6A-6.0331(2)(c), F.A.C., utilizing multiple measures of assessment which include:
1. Standardized instruments, judgement based assessments, criterion referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
2. Informed clinical opinion utilizing qualitative and quantitative information to determine the need for early intervention services; and
3. Parent report which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
(b) When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of a typical functioning in any one (1) or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

(5) Instructional program.
(a) The family support plan or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
(b) Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for family support plans or IEP modifications.

(6) Continued eligibility. Continued eligibility for special programs shall be determined before the child is six (6) years old.

Specific Authority 229.053(1), (2)(i), 230.23(4)(m), 232.01(1)(e), 236.081(1)(c) FS. Law Implemented 228.041(18), (19), 232.01(1)(e), 229.053(2)(i), 230.23(4)(m), 236.081(1)(c) FS. History–New 7-13-93.

6A-6.03028 Development of Individual Educational Plans for Exceptional Students.

Procedures for individual educational planning shall be set forth in each district’s Special Programs and Procedures of Exceptional Students document consistent with the following requirements.

(1) Contents. Each district shall develop an individual educational plan (IEP) for each student with a disability. For children with disabilities ages birth through five (5) years, districts may develop an IEP or a family support plan in accordance with Rule 6A-6.03029, F.A.C. An IEP consists of written statements including:
(a) A statement of the student’s present levels of educational performance;
(b) A statement of annual goals, including short term instructional objectives;
(c) A statement of the specific special education and related services to be provided to the student and the extent to which the student will be able to participate in regular educational programs;
(d) The projected dates for initiation of services and the anticipated duration of the services;
(e) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved; and
(f) A statement of the needed transition services in accordance with subsection (2) of this rule including, if appropriate, a statement of each school district’s and each participating agency’s responsibilities or linkages, or both, for each student beginning no later than age sixteen (16) or at a younger age if determined appropriate.

(2) Definition. Transition services means a coordinated set of activities for a student with a disability designed within an outcome-oriented process that promotes movement from school to post-school activities which may include postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

(a) The coordinated set of activities described in subsection (2) of this rule must be based on the student’s needs and take into account the student’s preferences and interests and shall include:
1. Needed activities in the areas of instruction, community experiences, the development of employment, and other post-school adult living objectives; and

2. If appropriate, acquisition of daily living skills and functional vocational evaluation.

(b) If the IEP team determines that the transition services are not needed in one (1) or more of the areas listed in subparagraph (2)(a)1. of this rule, the IEP shall include a statement to that effect and the basis upon which the determination was made.

(3) Timelines. Timelines for IEP meetings for students with disabilities shall include the following:

(a) An IEP which has been reviewed and revised if appropriate, within the past year, must be in effect at the beginning of each school year for each student with a disability who is continuing in a special program.

(b) An IEP must be developed prior to assignment in special programs and within thirty (30) calendar days following the determination of eligibility for new students with a disability assigned to a special program.

(c) Meetings shall be held to develop, review and revise the IEP. A meeting shall be held at least once a year to review each IEP and, as appropriate, revise its provisions.

(4) Participants. IEP meetings for students with disabilities shall include the following participants:

(a) A representative of the district school system, other than the student’s teacher, who is qualified to provide or supervise the provision of special education;

(b) The student’s teacher;

(c) One (1) or both of the student’s parents as provided in subsection (7) of this rule;

(d) The student, when appropriate;

(e) Other individuals at the discretion of the parent or district school system;

(f) In addition, for an exceptional student who has been evaluated for the first time, a member of the evaluation team or some other person who is knowledgeable about the evaluation procedures used with the student and is familiar with the results of the evaluation; and

(g) If the purpose of the IEP meeting is to consider transition services for a student, the school district shall invite the student and a representative of any other agency that may be responsible for providing or paying for transition services. If the student does not attend, the school district shall take other steps to ensure that the student’s preferences and interests are considered. If an agency invited to send a representative to a meeting does not do so, the school district shall take steps to obtain the participation of the other agency in the planning of any transition services.

(5) Agency responsibilities for transition for students with disabilities.

(a) If a participating agency fails to provide agreed-upon transition services contained in the IEP of a student with a disability, the school district shall, as soon as possible initiate a meeting for the purpose of identifying alternative strategies to meet the transition objectives and revise the student’s IEP, if necessary.

(b) Nothing in subsection (5) relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

(6) Nonpublic schools for students with disabilities.

(a) If through a contractual arrangement with a nonpublic school, meetings are initiated and conducted by the nonpublic school, the district school system representative and the parents shall be involved in decisions about the IEP and shall agree to proposed changes in the plan prior to those changes being implemented.

(b) If a student with a disability is enrolled in a nonpublic school and receives special education from a school district, the school district shall:

1. Initiate and conduct meetings to develop, review and revise an IEP for the student, in accordance with subsections (1) through (4) of this rule; and

2. Ensure the attendance of a representative of the nonpublic school at each meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the nonpublic school including individual or conference telephone calls.

(7) Parent participation for students with disabilities. Each school board shall establish procedures which shall provide for parents, guardians, surrogate parents or persons acting in loco parentis to participate in decisions concerning the IEP. Such procedures shall include the following:

(a) Each district shall take the following steps to ensure that one (1) or both of the parents of a student with a disability is present at each meeting or is afforded the opportunity to participate at each meeting:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

2. Scheduling the meeting at a mutually agreed on time and place.

(b) A written notice to the parent must indicate the purpose, time, and location of the meeting and who will be in attendance. If a purpose of the meeting is to consider transition services, the notice must also indicate this purpose, identify any other agency that will be invited to send a representative, and note that the district will invite the student.

(c) If neither parent can attend, the school district shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parents. In this case, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:
1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; and
3. Detailed records of visits made to the parents home or place of employment and the results of those visits.

   (e) The district shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, which may include arranging for an interpreter for parents who are deaf or whose native language is a language other than English.
   (f) The district shall give the parent, on request, a copy of the IEP.

(8) Procedure for parental involvement in alternative assignment. When appropriate school district personnel determine that a student’s exceptionality is so profound or complex, or otherwise unique, and the school district cannot provide an appropriate educational program for the student, the parent shall have an opportunity to be involved in the decision concerning possible alternative assignment.

(9) Integration of the IEP or family support plan developed by the school district and the family support plan or support plan developed by the local Health and Rehabilitation Services (HRS) district for students with disabilities.

   (a) The IEP or family support plan developed by the school district and the family support plan or support plan developed by HRS shall be developed in a joint meeting with local school district personnel, in accordance with subsections (3) and (4) of this rule. A copy of the IEP or family support plan shall be provided to the HRS district with the permission of the parent or guardian. The joint meeting shall include representatives of the HRS district serving the following students:

   1. Students entering the school district for the first time;
   2. Students exiting the school district at age sixteen (16) or older prior to graduation; and
   3. Students in residential care who are receiving or are eligible for services from the school district.

   (b) In the event that a representative from HRS cannot attend the IEP or family support plan meeting, other methods to obtain participation, such as telephone calls or correspondence, shall be used.

   (c) For students entering the school district, the meeting shall be initiated by HRS. For students exiting the school district prior to graduation, the meeting shall be initiated by the school district. For students entering or exiting the school district, the joint meeting will address the transition of the student between programs provided by the school district and HRS.

   (10) Educational plans for gifted students. Districts shall be responsible for developing educational plans for students who are gifted. Each district’s Special Programs and Procedures for Exceptional Students document shall specify the contents of the plans, timelines, and required participants for development and review. These procedures shall ensure parental participation.

Specific Authority 229.053(1), (2)(i), 230.23(4)(m) FS. Law Implemented 120.53(1)(b), 228.041(18), (19), 229.053(2)(i), 230.23(4)(m), 236.081(1)(c) FS. History--New 7-13-93.


Procedures for developing family support plans shall be set forth in each district’s Special Programs and Procedures for Exceptional Students document consistent with the following requirements:

(1) Definitions: An individualized family support plan is a written plan identifying the specific concerns and priorities of a family related to enhancing their child’s development and the resources to provide early intervention services. A planning process involving the family, professionals, and others shall be used to prepare the document.

(2) Use of family support plans. For children with disabilities ages birth through two (2) years, a family support plan consistent with the requirements of subsections (3), (4), (6), (8), and (9) of this rule shall be used. For children with disabilities ages three (3) through five (5) years, school districts may utilize a family support plan, consistent with the requirements of subsections (3), (5), (7), and (9) of this rule, with parental consent, in lieu of an individual educational plan.

(3) Contents. The family support plan shall be in writing and include:

   (a) A statement of the child’s present levels of physical development, (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive development based on objective criteria;
   (b) With the concurrence of the family, statement of the family’s resources, priorities, and concerns related to enhancing the development of the family’s child with disabilities;
   (c) A statement of the major outcomes expected to be achieved by the child and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary;
   (d) A statement of the specific early intervention services necessary to meet the unique needs of the child and the family including the frequency, intensity, and the method of delivering services;
   (e) A statement of the natural environments in which early intervention services are to be provided;
   (f) The projected dates for initiation of services and the anticipated duration of such services; and
   (g) The name of the service coordinator from the profession most immediately relevant to the child’s or family’s needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the district may assign the same service coordinator who was appointed at the time that the child was initially referred for evaluation to be responsible for implementing a child’s and family’s support plan or appoint a new service coordinator.
(h) Family support plans developed for children with disabilities ages birth through two (2) years shall also include:
1. The frequency, intensity, and method of delivery of the early intervention service;
2. The location of the early intervention services;
3. The payment arrangements, if any;
4. Other services to the extent appropriate;
5. The steps to be taken to support the transition of the child, upon reaching age three (3), to preschool services for children with disabilities ages three (3) through five (5), to the extent that those services are considered appropriate or other services that may be available, if appropriate. The steps required for transition shall include:
   a. Discussions with an assistance to parent(s) regarding future placements and other matters related to the child’s transition;
   b. Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
   c. With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of family support plans that have been developed and implemented.

(4) Timelines for family support plans for children with disabilities ages birth through two (2) years. These timelines shall include the following:
   (a) For a child who has been evaluated for the first time and determined to be eligible, a meeting to develop the initial family support plan must be conducted within forty-five (45) days from referral;
   (b) A review of the family support plan for a child and the child’s family must be conducted every six (6) months, or more frequently if conditions warrant, or if the family requests such a review. The purpose of the periodic review is to determine:
      1. The degree to which progress toward achieving the outcomes is being made; and
      2. Whether modifications or revision of the outcomes or services is necessary.
   (c) A meeting must be conducted on at least an annual basis to evaluate the family support plan for a child and the child’s family, and as appropriate, to revise its provisions. The results of any current evaluations, and other information available from the ongoing assessment of the child and family, must be used in determining what services are needed and will be provided.
   (d) Family support plan meetings must be conducted:
      1. In settings and at times that are convenient to families; and
      2. In the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.
   (e) Meeting arrangements must be made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.
   (f) The contents of the family support plan must be fully explained to the parent(s) and informed written consent from the parent(s) must be obtained prior to the provisions of early intervention services described in the plan. If the parent(s) does not provide consent with respect to a particular early intervention service, that service may not be provided. The early intervention services to which parental consent is obtained must be provided.

(5) Timelines for family support plans for children with disabilities ages three (3) through five (5). These timelines shall be consistent with the requirements of subsections 6A-6.03028(3)-(8), F.A.C.

(6) Participants for family support plans for children with disabilities ages birth through two (2) years. The participants shall include the following:
   (a) Each initial meeting and each annual meeting to evaluate the family support plan must include the following participants:
      1. The parent or parents of the child;
      2. Other family members, as requested by the parent(s) if feasible to do so;
      3. An advocate or person outside of the family, if the parent(s) requests that the person participate;
      4. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or who has been designated to be responsible for implementation of the family support plan;
      5. A person or persons directly involved in conducting the evaluations and assessments; and
      6. As appropriate, persons who will be providing services to the child or family.
   (b) If a person listed in paragraph (6)(a) of this rule is unable to attend a meeting, arrangements must be made for the person’s involvement through other means, including:
      1. Participating in a telephone conference call;
      2. Having a knowledgeable authorized representative attend the meeting; or
      3. Making pertinent records available at the meeting.
   (c) Each periodic review must provide for the participation of persons in subparagraphs (6)(a)1.-4. of this rule. If conditions warrant, provisions must be made for the participation of other representatives.

(7) Participants for family support plan meetings for children with disabilities ages three (3) through five (5) years shall include those listed in subsection 6A-6.03028(4), F.A.C.

(8) Provision of services before evaluation and assessments are completed. Early intervention services for a child with disabilities ages birth through two (2) years and the child’s family may commence before the completion of the evaluation and assessments if the following conditions are met:
(a) Parental consent is obtained;
(b) An interim family support plan is developed that includes:
   1. The name of the service coordinator who will be responsible, consistent with paragraph (3)(g) of this rule, for implementation of the interim family support plan and coordination with other agencies and persons; and
   2. The early intervention services that have been determined to be needed immediately by the child and the child’s family; and
(c) The evaluation and assessments are completed within the time period required in paragraph (4)(a) of this rule.
(9) Nonpublic schools and integration of plans. For children with disabilities ages birth through five (5), the procedures described in subsections 6A-6.03028(6) and (8)-(9), F.A.C., shall be followed.
(10) Financial responsibility. For children ages birth through two (2) years, the school district shall only be responsible for the early intervention services specified and agreed to through the family support plan process. For children ages three (3) through five (5) years, the school district shall only be responsible for the provision of the special education and related services necessary for the child to benefit from special education.

6A-6.03030 Special Programs for Children Birth Through Two Years Old who have Established Conditions.
(1) Definition. A child with an established condition is defined as a child from birth through two (2) years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay or disability. Such conditions shall include genetic disorders, metabolic disorders, neurological abnormalities and insults, or severe attachment disorder.
(2) Criteria for eligibility. A child is eligible for the special program for children who have established conditions when the following criteria are met:
(a) The child is below the age of thirty-six (36) months; and
(b) A licensed physician(s), qualified to assess the child’s physical or mental condition, makes a diagnosis or suspected diagnosis of a condition that has a high probability of resulting in developmental delay or disability.
(3) Procedures for evaluation. Before eligibility determination, the following activities shall be completed:
(a) A review of existing medical, psychological, and social information and other related data;
(b) A screening for vision and hearing;
(c) A report of a medical examination within the previous six month period, from a licensed physician(s) qualified to assess the child’s physical or mental condition. Such a report shall include a written statement of the child’s diagnosis or suspected diagnosis.
(d) A developmental assessment conducted by the multidisciplinary team that includes the parent to determine the unique needs of the child. Such an assessment shall include the parent’s report of the child’s development and behavior and will assist in determining the early intervention services needed.
(e) When determined necessary by the multidisciplinary evaluation team, and in consultation with the parent, the evaluation may also include, but not be limited to, an audiological evaluation, psychological evaluation, speech and language evaluation, physical therapy evaluation, additional medical evaluations, social work evaluation, and/or an occupational therapy evaluation.
(f) For a child with a severe attachment disorder, a psychological evaluation completed by a licensed psychologist or certified school psychologist must be included in the evaluation.
(a) The family support plan shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
(b) Because of the rapid development of young children and the changing needs of families, ongoing observations and/or assessments shall be conducted at least every six (6) months for the purpose of completing the periodic review of the family support plan.
(5) Continued eligibility. Continued eligibility for exceptional student education programs shall be determined before the child’s third birthday.
(6) For the purpose of reporting FTE, this rule becomes effective October 1, 1993.

6A-6.03031 Special Programs for Children Birth Through Two Years Old who are Developmentally Delayed.
(1) Definition. A child who is developmentally delayed is defined as a child from birth through two years of age who has a delay in one (1) or more of the following areas:
(a) Adaptive or self help development;
(b) Cognitive development;
(c) Communication development;
(d) Social/emotional development;
(e) Physical/motor development;
(2) Criteria for eligibility. A child is eligible for the special program for children who are developmentally delayed when the following criteria are met:
   (a) The child is below the age of 36 months; and
   (b) There is documentation of one of the following:
       1. A score of 1.5 standard deviations below the mean in at least one (1) area of development. For children below the age of twenty-four (24) months, the delay shall be defined in accordance with the child’s corrected age; or
       2. A twenty-five (25) percent delay on measures yielding scores in months in at least one area of development. For children below the age of twenty-four (24) months, the delay shall be defined in accordance with the child’s corrected age; or
       3. Based on informed clinical opinion and the observation of atypical functioning, the multidisciplinary team makes a recommendation that a developmental delay exists and exceptional student educational services are needed.
   (c) The multidisciplinary team, in accordance with paragraph 6A-6.0331(2)(b), F.A.C., has considered the effects of the environment, cultural differences, or economic disadvantage in determining that a developmental delay exists.

(3) Procedures for evaluation. Before eligibility determination the following activities shall be completed:
   (a) A review of existing medical, psychological and social information and other related data;
   (b) A screening for vision and hearing;
   (c) Documentation of a delay by a multidisciplinary team in accordance with paragraph 6A-6.0331(2)(c), F.A.C., utilizing at least one (1) measure of assessment which includes, standardized instruments, judgement based assessments, criterion referenced instruments, functional skills assessments, or other procedures selected in consultation with the parent(s);
   (d) A parent report of the child’s development and behavior to assist in determining the early intervention services needed;
   (e) When determined necessary by the multidisciplinary evaluation team, and in consultation with the parent, procedures for evaluation may also include, but not be limited to, a speech and language evaluation, physical therapy evaluation, additional medical evaluations, psychological evaluation, audiological evaluation, social work evaluation and/or occupational therapy evaluation; and
   (f) When a developmental delay cannot be verified by use of a standardized instrument, the delay(s) may be established through informed clinical opinion and the observation of atypical functioning in one (1) or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, and the basis for recommending eligibility.

   (a) The family support plan shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.030326, 6A-6.03029, and 6A-6.0331, F.A.C.
   (b) Because of the rapid development of young children and the changing needs of families, ongoing observations and/or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the family support plan.

(5) Continued eligibility. Continued eligibility for exceptional student education programs shall be determined before the child’s third birthday.

(6) For the purpose of reporting FTE, this rule becomes effective October 1, 1993.

Specific Authority 229.053(1), (2)(i), 230.23(4)(m), 232.01(1)(e), 236.081(1)(c) FS. Law Implemented 228.041(18), (19), 229.053(2)(i), 230.23(4)(m), 232.01(1)(e), 236.081(1)(c) FS. History–New 11-29-93.

The school board policy and procedures for procedural safeguards shall be set forth in district’s Special Programs and Procedures for Exceptional Students document and shall include adequate provisions for the following:
   (1) Prior notice. The procedures described in subsection 6A-6.03311(1), F.A.C., shall be followed.
   (2) Content of notice. The procedures described in paragraphs 6A-6.03311(2)(a)-(b), F.A.C., shall be followed. The content of the notice shall include:
       (a) A full explanation of all the procedural safeguards available to the parents as provided in Rules 6A-6.0333 and 6A-6.03032, F.A.C., and Section 230.23(4)(m)5., Florida Statutes.
       (b) A description of the action proposed or refused by the district and the reasons for taking the action.
   (3) Parent consent. The procedures described in paragraphs 6A-6.03311(3)(a)-(e), F.A.C., shall be followed except that the procedures described in subparagraph 6A-6.03311(3)(c)1.-2., F.A.C., may be initiated by the school district only if the parent has refused to consent to the initial evaluation.
   (4) Due process hearings. The procedures described in subsection 6A-6.03311(5), F.A.C., shall be followed.
   (5) Examination of records. The procedures described in subsection 6A-6.03311(7), F.A.C., shall be followed.

Specific Authority 120.53(1)(b), 228.041(18), (19), 230.23(4)(m), 232.01(1)(e) FS. Law Implemented 120.53(1)(b), 228.041(18), (19), 230.23(4)(m), 232.01(1)(e) FS. History–New 1-4-94.
6A-6.0311 Eligible Special Programs for Exceptional Students.
Special programs for exceptional students encompass instruction and related services which provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual learning needs of exceptional students.

(1) Continuum of placements. Special programs shall be organized so that an exceptional student shall receive instruction in one or more of the following ways:

(a) Supplementary consultation or related services. Supplementary consultation or related services is the provision of assistance to school staff in basic, vocational or exceptional classes.

(b) Resource room. Resource room special instruction is supplemental instruction to exceptional students who receive their major educational program in other basic, vocational or exceptional classes.

(c) Special class. Special class is the provision of instruction to exceptional students who receive the major portion of their educational program in special classes located in a regular school.

(d) Special day school. A special day school is a school which is administratively separate from regular schools and is organized to serve one or more types of exceptional students.

(e) Residential school. A residential school is a special school which in addition to providing special education and related services, provides room and board.

(f) Special class in a hospital or facility operated by a noneducational agency.

(g) Individual instruction in a hospital or home.

(h) In addition, districts may provide supplementary instructional personnel to public or nonpublic preschool or day care programs for the instruction of pre-kindergarten exceptional students.

(2) Varying exceptionalities. A varying exceptionalities class is a setting which may provide for assignment of students of more than one (1) exceptionality to one (1) teacher per instructional class period, or more than one (1) exceptionality to one (1) teacher during a school week.

(a) If a school district establishes varying exceptionalities classes, procedures for this program shall be set forth in Special Programs and Procedures for Exceptional Students as required by Rule 6A-6.03411, F.A.C.

(b) Eligible exceptional students served in varying exceptionalities classes shall be reported for full-time equivalent membership in accordance with subsections 6A-1.0451(7), and (8), F.A.C.

(3) Written agreements for out-of-district placements.

(a) When multi-district programs are established, school districts shall develop a written agreement approved by all participating school boards, which includes but is not limited to:

1. Designating responsibilities for the implementation of Special Programs and Procedures for Exceptional Students, pursuant to Rule 6A-6.03411, F.A.C.;
2. Providing transportation;
3. Providing program and staff supervision;
4. Funding programs; and
5. Dissolving the agreement.

(b) When a district provides a special program for exceptional students by assigning instructional personnel to a facility operated by another agency or organization, a written agreement shall be developed outlining the respective duties and responsibilities of each party. The written agreement shall include information requirements as in paragraph (3)(a) of this rule.

(c) Prior to reporting full-time equivalent membership for students in a program as in paragraphs (3)(a) and (b) of this rule, the school districts shall have in effect a written agreement which has been identified pursuant to paragraph 6A-6.03411(4)(a), F.A.C.

6A-6.0312 Course Modifications for Exceptional Students.
School boards shall modify basic courses, as necessary, to assure exceptional students the opportunity to meet the graduation requirements for a standard diploma. School Board shall modify vocational courses and programs of study, as necessary, to assure handicapped students the opportunity to meet graduation requirements for a standard or a special diploma.

(1) Modifications to basic courses shall not include modifications to the curriculum frameworks or student performance standards. When modifying vocational courses, the particular outcomes and student performance standards which a student must master to earn credit must be specified on the student’s individual educational plan.

(2) Modifications to basic or vocational courses may include any of the following:

(a) The instructional time may be increased or decreased.

(b) Instructional methodology may be varied.

(c) Special communications systems may be used by the teacher or the student.

(d) Classroom and district test administration procedures and other evaluation procedures may be modified as specified in Rule 6A-1.0943, F.A.C., to accommodate the student’s handicap.

(3) When modifying basic courses, the school board shall use one of the following strategies:
(a) Assignment of the exceptional student to an exceptional education class for instruction in a basic course with the same student performance standards as those required of nonexceptional students in the district pupil progression plan, or
(b) Assignment of the exceptional student to a basic education class for the instruction which is modified to accommodate the student’s exceptionality.

(4) The district shall determine which of these strategies to employ based on an assessment of the student’s needs and shall reflect this decision in the student’s individual educational plan.

(5) Exceptional students enrolled in basic courses utilizing the strategy described in paragraph 6A-6.0312(3)(a), F.A.C., shall be counted at exceptional student special program cost factors only if the class is being taught in a special program for exceptional students, by a qualified teacher in accordance with Rule 6A-1.0503, F.A.C.

(6) The school board’s provisions for course modifications shall be incorporated in the district’s pupil progression plan.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 232.246(5), 232.247 FS. History–New 4-30-85, Formerly 6A-6.312, Amended 4-23-87.

6A-6.0331 Identification and Assignment of Exceptional Students to Special Programs.

Procedures and criteria for diagnosis, evaluation, assignment, and discipline of exceptional students shall be set forth in the district’s special programs and procedures document for the exceptional student program consistent with the following requirements:

(1) Student evaluation.

(a) The school board shall be responsible for the medical, physical, psychological, social and educational evaluations of students, who are suspected of being exceptional students, by competent evaluation specialists. Evaluation specialists shall include, but not be limited to, persons such as physicians, psychologists, audiologists, and social workers with each such person licensed in the professional’s field as evidenced by a valid license or certificate to practice such profession in Florida. Educational evaluators not covered by a license or certificate to practice a profession in Florida shall either hold a valid Florida teacher’s certificate or be employed under the provisions of Rule 6A-1.0502, F.A.C. Tests of intellectual functioning shall be administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, Florida Statutes.

(b) The district’s evaluation procedures shall provide for the use of valid tests and evaluation materials, administered and interpreted by trained personnel, in conformance with instructions provided by the producer of the tests or evaluation materials. For children and students not proficient in the English language, the district’s evaluation procedures shall provide for the use of the language or other mode of communication commonly used by the child or student.

(c) The district shall provide a reevaluation of each student with a disability at least every three (3) years, in accordance with the requirements prescribed in subsection (1) of this rule, or more frequently if conditions warrant or if required by Rules 6A-6.03011 through 6A-6.03025, F.A.C.

(2) Staffing committees.

(a) A staffing committee utilizing the process of reviewing student data including but not limited to diagnostic, evaluation, educational or social data shall recommend student eligibility for special programs.

(b) A minimum of three (3) professional personnel, one (1) of whom shall be the district administrator of exceptional students or designee, shall meet as a staffing committee. Additional personnel may be involved in the eligibility recommendation by providing information or by attending staffing meetings. In the case of homebound or hospitalized students, the district administrator may receive recommendations of the staffing committee without a formal meeting.

(c) Parents shall be invited to participate in eligibility staffing meetings for children ages birth through five (5) years as provided in subsection 6A-6.03028(7), F.A.C.

(3) Each district shall designate a staff member as a program administrator of special programs for exceptional students who shall be responsible for the following:

(a) Coordinating all district programs for exceptional students;

(b) Reviewing the recommendations of the evaluation specialists and the staffing committee;

(c) Determining student eligibility for special programs defined in these rules and in the criteria outlined in the district procedures developed pursuant to Rule 6A-6.03411, F.A.C.;

(d) Assuring that parents have been appropriately informed of the student’s recommended educational assignment and of their due process rights;

(e) Informing, in writing, the appropriate school principal of the student’s eligibility for a special program; and

(f) Implementing the district procedures as required by Rule 6A-6.03411, F.A.C.

(4) The program administrator is authorized to delegate responsibilities in paragraphs (3)(b) through (e) of this rule.

(5) Each district shall provide for supervision of instructional personnel in special programs for exceptional students. Such supervision may be from a district, multi-district or other cooperative arrangement.

(6) Discipline. The School board shall establish policies and procedures for the discipline of a student with disabilities and for informing a student with disabilities parent or guardian of the policies and procedures for discipline. Such policies and procedures shall include provisions for expulsion, which is a change in placement invoking the procedural safeguards ensured for individual
educational plan meetings, staffings, and change of placement provisions in accordance with subsection (2) of this rule, Rules 6A-6.03028 and 6A-6.03311, F.A.C. Where the student’s behavior could warrant expulsion consistent with the district’s policies, the following provisions shall apply:

1. A full explanation of all the procedural safeguards available to the parents as provided in Rules 6A-1.0955, 6A-6.03311, 6A-6.0333, F.A.C.; and Section 230.23(4)(m)4., Florida Statutes.
2. That the notice is translated to the parent in his or her native language or mode of communication;
3. That the notice is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.
(c) The notice shall include:
   1. That the notice is translated to the parent in his or her native language or mode of communication;
   2. That the parent understands the content of the notice; and
   3. That there is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.
2. Prior written notice shall be given to the parent a reasonable time before any proposal or refusal to initiate or change the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student.
3. That there is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.

(1) Prior notice. Prior written notice shall be given to the parent a reasonable time before any proposal or refusal to initiate or change the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student.

(2) Content of notice.
   (a) The prior notice shall be written in language understandable to the general public; and shall be in the language or other mode of communication commonly used by the parent unless such communication is clearly not feasible.
   (b) If the mode of communication is not a written language, the school district shall ensure:
      1. That the notice is translated to the parent in his or her native language or mode of communication;
      2. That the parent understands the content of the notice; and
   3. That there is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.

(3) Parental consent.
   (a) Written parental consent shall be obtained prior to formal, individual preplacement evaluation to determine eligibility for special programs for exceptional students.
   (b) Parental consent shall be obtained prior to initial placement of the student into a special program for exceptional students.
   (c) Attempts to secure consent from the parent prior to preplacement evaluation or initial placement shall be documented.
      1. If consent is not obtained, school district personnel may request a hearing as provided in subsection (5) of this rule.
      2. If the hearing officer upholds the district, the district may evaluate or initially provide special education and related services to the child without the parent’s consent subject to the parent’s rights under subsection (5) of this rule.
   (d) Parental consent is voluntary and may be revoked at anytime.
   (e) Parents shall be fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication.
   (f) Except for formal, individual preplacement evaluation and initial placement, consent may not be required as a condition of any benefit to the parent or child. Any changes in the child’s special program after the initial placement are not subject to parental consent but are subject to prior notice as defined by subsection (1) of this rule.
   (g) Surrogate parents shall be appointed pursuant to the requirements of Rule 6A-6.0333, F.A.C.

(4) Independent evaluation.
   (a) The school district shall notify the parent of an exceptional student of the right to an independent evaluation and provide to the parents, on request, information about where an independent educational evaluation may be obtained.
   (b) A parent has the right to an independent evaluation at public expense if the parent disagrees with an evaluation obtained by the school district.
   (c) The school district shall consider the results of such evaluation in any decision regarding the student.
   (d) The school district may initiate a due process hearing to show that its evaluation is appropriate.
   (e) The independent evaluation may be presented as evidence at a hearing as described in subsection (5) of this rule.

6A-6.03311 Procedural Safeguards for Exceptional Students.

The school board policy and procedures for procedural safeguards shall be set forth in Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

1. That the notice is translated to the parent in his or her native language or mode of communication.
2. If the hearing officer upholds the district, the district may evaluate or initially provide special education and related services to the child without the parent’s consent subject to the parent’s rights under subsection (5) of this rule.
3. That the notice is translated to the parent in his or her native language or mode of communication.

6A-6.0333 Procedural Safeguards for Exceptional Students.

The school board policy and procedures for procedural safeguards shall be set forth in Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

1. That the notice is translated to the parent in his or her native language or mode of communication.
2. That the notice is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.

6A-6.03311 Procedural Safeguards for Exceptional Students.

The school board policy and procedures for procedural safeguards shall be set forth in Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

1. That the notice is translated to the parent in his or her native language or mode of communication.
2. That the notice is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.

6A-6.03311 Procedural Safeguards for Exceptional Students.

The school board policy and procedures for procedural safeguards shall be set forth in Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

1. That the notice is translated to the parent in his or her native language or mode of communication.
2. That the notice is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.

6A-6.03311 Procedural Safeguards for Exceptional Students.

The school board policy and procedures for procedural safeguards shall be set forth in Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

1. That the notice is translated to the parent in his or her native language or mode of communication.
2. That the notice is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.

6A-6.03311 Procedural Safeguards for Exceptional Students.

The school board policy and procedures for procedural safeguards shall be set forth in Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

1. That the notice is translated to the parent in his or her native language or mode of communication.
2. That the notice is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.

6A-6.03311 Procedural Safeguards for Exceptional Students.

The school board policy and procedures for procedural safeguards shall be set forth in Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

1. That the notice is translated to the parent in his or her native language or mode of communication.
2. That the notice is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.

6A-6.03311 Procedural Safeguards for Exceptional Students.

The school board policy and procedures for procedural safeguards shall be set forth in Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

1. That the notice is translated to the parent in his or her native language or mode of communication.
2. That the notice is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.

6A-6.03311 Procedural Safeguards for Exceptional Students.

The school board policy and procedures for procedural safeguards shall be set forth in Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

1. That the notice is translated to the parent in his or her native language or mode of communication.
2. That the notice is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.

6A-6.03311 Procedural Safeguards for Exceptional Students.

The school board policy and procedures for procedural safeguards shall be set forth in Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

1. That the notice is translated to the parent in his or her native language or mode of communication.
2. That the notice is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.

6A-6.03311 Procedural Safeguards for Exceptional Students.

The school board policy and procedures for procedural safeguards shall be set forth in Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

1. That the notice is translated to the parent in his or her native language or mode of communication.
2. That the notice is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.

6A-6.03311 Procedural Safeguards for Exceptional Students.

The school board policy and procedures for procedural safeguards shall be set forth in Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

1. That the notice is translated to the parent in his or her native language or mode of communication.
2. That the notice is written documentation that the requirements of subparagraphs (2)(b)1. and 2. of this rule have occurred.
(f) If the final decision from the hearing is that the district evaluation is appropriate, the independent evaluation will be at the parent's expense.

(g) Whenever an independent evaluation is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria prescribed by subsection 6A-6.03311(1), F.A.C., for use by the school district when it initiates an evaluation.

(h) The independent evaluation shall be conducted by a qualified evaluation specialist as prescribed in paragraph 6A-6.03311(1)(a), F.A.C., who is not an employee of the district school board.

(5) Due process hearings.

(a) Such hearings may be initiated by a parent or a school district on the proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

(b) The school district shall inform the parent of any free or low cost legal and other relevant services which are available, if the parent requests this information or if the parent or school district initiates a hearing.

(c) The school district shall keep a list of persons who service as hearing officers including a statement of the qualifications of each of these persons.

(d) A decision made in a hearing conducted under subsection (5) of this rule is final unless a party to the hearing brings civil action as provided in Section 230.23(4)(m)4., Florida Statutes, or brings civil action in federal court. In the alternative, any party aggrieved by the final decision shall have the right to request an impartial review of the hearing officer’s order by the District Court of Appeals as provided by Section 120.68, Florida Statutes.

(e) A hearing shall be conducted by a hearing officer from the Division of Administrative Hearings, Department of Administration.

(f) Hearing officers shall use subsection (5) of this rule for any such hearings.

(g) Duties and responsibilities of a hearing officer shall be:
1. To conduct the hearing in a fair and impartial manner;
2. To summarize the facts and findings of the case and to arrive at an impartial decision based solely on information presented during the hearing;
3. To mail to all parties copies of the facts, findings and decision regarding the hearings;
4. To be accountable for all deadlines and procedures in the statutes and rules for such hearings;
5. To maintain confidentiality of all information; and
6. To rule on requests for specific extensions of time beyond the periods set forth in subsection 6A-6.03311(5), F.A.C., at the request of either party.

(h) Any party to a hearing has the following rights:
1. To be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of exceptional students or both;
2. To present evidence and confront, cross-examine, and compel the attendance of witnesses;
3. To prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) days before the hearing;
4. To obtain written or electronic verbatim records of the hearing; and
5. To obtain written findings of fact and decisions.

(i) Parents involved in hearings must be given the right to have the student who is the subject of the hearing present and to open the hearing to the public.

(j) The superintendent or designee shall make arrangements for conducting the hearing which shall include:
1. Notifying the hearing officer;
2. Determining the need for an interpreter for the parents and, if needed, making appropriate arrangements;
3. Establishing a time and place which are reasonably convenient to the parent and student involved, and notifying all parties;
4. Arranging for clerical assistance, cost of the hearing, availability of facilities, and a verbatim transcript of the hearing;
5. Notifying all parties regarding information, rights and responsibilities before, during, and after the hearing;
6. Determining parental wishes concerning the attendance of the student at the hearing and whether they wish the hearing to be opened or closed, and making appropriate arrangements by notifying all parties;
7. Assuring that the hearing meets the required timelines as required in subsection 6A-6.03311(5), F.A.C.;
8. Transmitting the findings and decisions, after deleting any personally identifiable information, of any such hearings to the Commissioner for review by the state advisory committee for the education of exceptional students; and
9. Completing other responsibilities specified by the school board.

(k) The district shall ensure that not later than forty-five (45) days after the receipt of a request for a hearing a final decision is reached in the hearing and a copy of the decision is mailed to each of the parties and the Division of Public Schools.

(l) During the time that an administrative or judicial proceeding regarding a complaint is pending, unless the district and the parent of the student agree otherwise, the student involved in the complaint must remain in the present educational assignment. If the complaint involves an application for an initial admission to public school, the student, with the consent of the parent, must be placed in a public school program until the completion of all proceedings.
(6) Attorneys’ Fees. The court may award reasonable attorneys’ fees as part of the costs to the parents or guardian of a handicapped child if they are the prevailing party.

(7) Examination of Records.

(a) The parents of exceptional students shall be afforded, in accordance with Rule 6A-1.0955, F.A.C., and this rule, an opportunity to inspect and review all educational records with respect to the identification, evaluation, educational placement of the child, and the provision of a free appropriate education to the child.

(b) The right to inspect and review education records under this rule includes the right to have a representative of the parent inspect and review the records.

Specific Authority 120.53(1)(b), 228.041(18), (19), 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 120.53(1)(b), 228.041(18), (19), 229.053(1), 230.23(4)(m) FS., P.L. 94-142, 20 USC 1415. History–New 7-13-83, 12-20-83, 4-26-84, Formerly 6A-6.3311, Amended 7-17-90.

6A-6.0333 Surrogate Parents.
This rule is adopted to implement the requirements of Section 1415(b)(1)(B), 20 USC and Regulation 300.514, CFR. A surrogate parent is an individual appointed to act in the place of a parent in safeguarding a child’s rights in the special education decision-making process, when the child’s parent, after diligent inquiry, remains unknown, or the child is a ward of the state or court, or the whereabouts of a parent cannot be discovered, and when the child is an exceptional student or is suspected of being an exceptional student. A “parent” shall mean any person meeting the definition described in Section 228.041, Florida Statutes.

(1) Minimum qualifications of a surrogate parent. The person qualified as a surrogate parent shall at a minimum:

(a) Be a citizen of the United States, a resident of the State of Florida and above the age of eighteen (18);

(b) Be a non-employee of the local school board or other public or private agency involved in the education or care of the child;

(c) Have knowledge, skills and experience through successfully completed training to ensure adequate representation of the child;

(d) Have no interest which conflicts with the interest of the child whom the surrogate represents; and

(e) Be appropriately trained utilizing training materials developed and approved by the Division of Public Schools.

(2) Appointment of surrogate parent.

(a) Surrogate parents for students who are eligible for or who are suspected of being eligible for special programs made available through a local school board or agency under contract with the local school board shall be appointed by the district school superintendent. Surrogate parents for students who are eligible for or who are suspected of being eligible for special programs made available through a contract from the Department of Education shall be appointed by the individual specified in the contract.

(b) The surrogate parent shall continue in the appointed role until one of the following circumstances occurs:

1. The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested;

2. The legal guardianship for the child is assigned to a person who is able to carry out the role of the parent;

3. The parent, who was previously unknown becomes known; or the whereabouts of a parent which was previously undiscovered, is discovered;

4. The appointed surrogate parent no longer wishes to represent or is unable to represent the child;

5. The superintendent or Department of Education contract designee determines that the appointed surrogate parent no longer adequately represents the child; or

6. The child moves to a geographic location which is not reasonably accessible to the appointed surrogate.

(c) The appointments and termination of appointments of surrogate parents shall be in writing. Terminations initiated by the superintendent, or Department of Education contract designee, or request for termination initiated by the surrogate shall list the reasons for such request.

(d) Either party may request a hearing under Chapter 120, Florida Statutes, regarding the termination of a surrogate.

(e) Nothing in this rule shall prohibit the continuance of a surrogate parent appointment when the child’s support for an educational placement moves among and between public and private agencies.

(3) Responsibilities of a surrogate parent. The person appointed as a surrogate parent shall:

(a) Become acquainted with the child and be knowledgeable about his or her handicapping condition and educational needs;

(b) Represent the child in all matters relating to the identification, evaluation, and educational placement of the child;

(c) Represent the interests and safeguard the rights of the child in educational decisions which affect the child; and

(d) Represent the child in all matters relating to the provision of a free, appropriate public education for the child.

(4) Limits to the surrogate parent’s responsibilities. The responsibilities of a person appointed as a surrogate parent shall not extend to:

(a) The care, maintenance, custody, residential placement or any other area not specifically related to the education of the child, or

(b) The identification or evaluation of the child that does not relate specifically to special education.

(5) Rights of the surrogate parent. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation and placement of an exceptional student or a child who is suspected of being exceptional as prescribed in Rule 6A-6.0331, F.A.C.
6A-6.0334 Temporary Assignment of Transferring Exceptional Students.  

(1) Transferring exceptional student. A transferring exceptional student is one who was previously enrolled as an exceptional student in another Florida public school or private school or agency program or an out-of-state public or private school or agency program and who is enrolling in a Florida school district or in an educational program operated by the Department through grants or contractual agreements pursuant to Section 230.23(4)(n), Florida Statutes.

(2) An exceptional student who is transferring from one (1) Florida public school district to another and who has a current individual educational plan (IEP) shall be placed in the appropriate educational program(s) consistent with the plan. The IEP may be reviewed and revised if determined necessary by the receiving district in accordance with Rule 6A-6.0331, F.A.C.

(3) An exceptional student who is transferring from an out-of-state public school who has a current IEP and evaluation data necessary to determine that the student meets Florida’s eligibility criteria for special programs or does not meet the district’s dismissal criteria, may be placed immediately in the appropriate educational program(s), without temporary assignment. The receiving district may review and revise the current IEP, as necessary. Procedures for placement shall be in accordance with Rule 6A-6.0331, F.A.C.

(4) Temporary assignment. A transferring exceptional student may be temporarily assigned to a special program for exceptional students for a period not to exceed six months.

(5) The school board shall establish policies and procedures for temporary assignment of transferring exceptional students, including but not limited to the following:

(a) Verifying and documenting the student’s previous program eligibility or assignment in the sending school or agency;

(b) Conducting an eligibility staffing which provides for the administrator of special programs to receive recommendations of the eligibility staffing committee without a formal meeting;

(c) Recommending, determining and documenting the student’s eligibility or ineligibility for temporary assignment to a special program for exceptional students based on verified information regarding the student’s previous program eligibility or assignment;

(d) Informing the parent in writing of ineligibility in accordance with Rule 6A-6.03311, F.A.C., if the student is determined ineligible for a special program based on the verified information regarding the student’s previous program assignment;

(e) Developing a temporary individual educational plan for eligible exceptional students in accordance with Rule 6A-6.0331, F.A.C.; and

(f) Providing notice and obtaining parental consent for temporary assignment, in accordance with Rule 6A-6.03311, F.A.C. If there is evidence of the parent’s consent to the student’s initial placement in a special program, or for those exceptional students who are adjudicated and placed in commitment programs, awaiting assignment to commitment programs for delinquent dependents, or detained awaiting adjudication, only informed parental notice of temporary assignment is required.

(g) Within six (6) months of temporary assignment, a staffing committee shall meet and a decision on eligibility for permanent assignment shall be made and an IEP committee shall determine placement in accordance with Rules 6A-6.0331 and 6A-6.03311, F.A.C., except that the district shall not be required to document anecdotal records, observations, conferences, interventions and adjustments required by Rules 6A-6.03011 through 6A-6.03025, F.A.C., and notice and consent for previous evaluations or other placements, if such data are not transferred from the sending school or agency.

(6) A student’s eligibility for permanent assignment may be based on the following, as appropriate:

(a) Evidence of previous program eligibility or assignment in the sending school district or agency which meets the receiving district’s eligibility criteria, or

(b) The student does not meet the dismissal criteria set forth in the special programs and procedures document of the district to which the student has transferred. The special programs and procedures document is a completed Form ESE-017 as incorporated by reference in Rule 6A-6.03411, F.A.C.

Specific Authority 120.53(1)(b), 228.041(18), (19), 229.053(1), 230.23(4)(m), (n) FS. Law Implemented 120.53(1)(b), 228.041(18), (19), 230.23(4)(m), (n) FS. History–New 6-28-83, Formerly 6A-6.334, Amended 3-9-92.

6A-6.03411 Special Programs and Procedures for Exceptional Students.  

This rule shall apply beginning with the proposed special programs and procedures documents submitted for the 1985-86 school year, as referenced in subsection 6A-6.03411(5), F.A.C. For a district or agency under contract to the Department to utilize the cost factors for special programs for exceptional students to generate funds it shall: develop a written statement of procedures for providing an appropriate program of special instruction, as required by Section 230.23(4)(m), Florida Statutes; submit its written statement of special programs and procedures to the Deputy Commissioner for Educational Programs for approval; and report to
the Deputy Commissioner for Educational Programs, the total number of students in the district receiving instruction in each special program for exceptional students in the manner prescribed by the Department. State Board Rules relating to special programs for exceptional students shall serve as criteria for the review and approval of special programs and procedures documents. The document shall be submitted in accordance with timelines required by the division of public schools for approval prior to the 1985-86 school year and each subsequent year, and shall include the following:

1. Provision for Special Programs. Special programs are required for each type of exceptional student and may be provided directly, in cooperation with other school districts or agencies, or through contractual arrangements with nonpublic schools.

2. General Procedures.
   a. Procedures shall ensure that segregation of exceptional students occurs only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily and shall show a continuum of alternative placements consistent with Rule 6A-6.0311, F.A.C.
   b. Procedures for screening. Screening is that process by which a rapid assessment is made to identify candidates for formal evaluation. Minimum requirements are:
      1. Screening for vision and hearing problems shall be in accordance with the district’s school health plan.
      2. Speech, language, hearing, and vision screening shall be required prior to considering the eligibility of a student for any special program except gifted, occupational or physical therapy, and homebound or hospitalized.
      c. Procedures for prereferral activities. Prereferral activities are those activities which address student learning problems at the school level prior to referral, whenever appropriate, or as required by Rules 6A-6.03011 through 6A-6.03031, F.A.C.
      d. Procedures for referral. Referral is the process whereby a written request is made for a formal evaluation of students who are suspected of needing special programs.
      e. Procedures for student evaluation. Student evaluation is the systematic examination of the medical, physical, psychological, social, or educational characteristics of the student by evaluation specialists.
      f. Procedures for determining eligibility. Determining eligibility is the process in accordance with subsections 6A-6.0331(2), (3), F.A.C., whereby professionals review student data to determine whether or not the student meets the criteria for eligibility for a special program.
      g. Procedures for providing an individual educational plan or family support plan, in accordance with Rules 6A-6.03028 and 6A-6.03029, F.A.C.
      h. Procedures for temporary assignment of transferring exceptional students, in accordance with Rule 6A-6.0334, F.A.C.
      i. Procedures for re-evaluation. Re-evaluation is the process whereby information about a student is gathered and reviewed to determine the need for continuation in the special program. The following steps are required:
         1. An evaluation specialist and an exceptional student teacher shall examine available information in all areas addressed in the initial evaluation or in subsequent re-evaluations of the student and shall make the appropriate referral(s) for one or more formal evaluations based on their examination and the requirements of Rules 6A-6.03011 through 6A-6.03031, F.A.C. When necessary, another member of the instructional or supervisory staff may substitute for the exceptional student teacher.
         2. A meeting of the individual educational plan committee or the staffing committee shall be convened to review all available information about the student including reports from the additional evaluations, and to consider the need for continuation in the special program. If the student is to continue in the special program(s), the student’s individual educational plan or family support plan shall be reviewed in accordance with Rules 6A-6.03028 and 6A-6.03029, F.A.C.
         3. If the re-evaluation indicates that the special program is no longer needed or that program changes may be warranted, the applicable dismissal or eligibility staffing procedures shall be followed.
      j. Procedures for dismissal. Dismissal is the process whereby a student is removed from a special program.
     k. Procedures for procedural safeguards for exceptional students, in accordance with Rule 6A-6.0331, F.A.C.
     l. Plan for evaluation of the special programs.
     3. Procedures for each special program, in accordance with Rules 6A-6.03011 through 6A-6.03031, F.A.C., including:
        b. Any procedures for screening, referral, student evaluation, determination of eligibility, development of the individual educational plan, re-evaluation, or dismissal which are different from or in addition to the procedures in the general section.
        c. Instructional program. Philosophy, curriculum, and instructional support.
     4. Assurances. Assurances of the district school board or agency for meeting requirements for:
        a. Written agreements in accordance with paragraphs 6A-6.0311(3)(a)-(b), F.A.C.,
        b. Contractual arrangements with nonpublic schools in accordance with Rule 6A-6.0361, F.A.C.,
        c. Surrogate parents in accordance with Rule 6A-6.0333, F.A.C.,
        d. Discipline in accordance with subsection 6A-6.0331(6), F.A.C.
     5. Form ESE 017, Special Programs and Procedures for Exceptional Students, effective September, 1985, which is incorporated by reference and made a part of this rule. This form may be obtained from the Administrator of Information Services and Accountability, Division of Public Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.
6A-6.0361 Contractual Arrangements With Nonpublic Schools.

(1) Each district school board shall provide special educational programs through contractual arrangements with approved nonpublic schools or community facilities when the board has determined that no special educational program offered by it, a cooperating district school board, or a state agency can adequately provide the educational program for the student.

(2) Each school district may provide special educational programs with approved nonpublic schools or community facilities through contractual arrangements under the following circumstances:

(a) For the provision of a non-residential interagency program for an exceptional student(s) which includes the provision of educational programming in accordance with the individual educational plan (IEP) developed for each student(s) placed in the program, or

(b) For the provision of the educational component of a residential placement for an exceptional student(s) when such a placement is made by another public agency for the primary purpose of addressing residential or other non-educational needs. The student’s IEP shall reflect that the placement is not required in order for the student to benefit from special education which could otherwise be provided by the district during the day.

(3) Each district school board is responsible for assuring that the proposed programs at the nonpublic school or community facility are appropriate to meet the educational needs of a student(s) placed through contractual agreements. This subsection shall not be construed to limit the responsibility of agencies other than the district school boards in the state from providing or paying some or all of the cost of a free appropriate public education to be provided handicapped children.

(4) Before a contract with a nonpublic school or community facility is executed by the district school board, the Department of Education shall assist the district school board in determining that the school or community facility meets the following criteria for the specific program provided to the student or group of students through the contract.

(a) The school or facility program is staffed by qualified personnel as defined in Rule 6A-1.0503 and paragraph 6A-4.002(1)(b), F.A.C., or appropriate licensing entities. Personnel in an out-of-state school or facility shall be certified or licensed in accordance with the standards established by the state in which the school or facility is located.

(b) For the appointment of persons as noncertificated instructional personnel, the governing body of the nonpublic school or community facility may adopt the policies required in Rule 6A-1.0502, F.A.C.

(c) The school’s or facility’s instructional school day and year shall be consistent with Sections 228.041(13) and (17), Florida Statutes, taking into account the number of school hours or school days provided the student by the district.

(d) The school or facility maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

(e) The school or facility fully complies with the district’s procedures to protect the confidentiality of student records and information and assures it will provide the parent, or the student if beyond age eighteen (18), the right of access, copies, amendments and hearings as specified in Rule 6A-1.0955, F.A.C.

(f) The school or facility will designate a staff member to be responsible for the administration of the provisions of the contract and for the supervision of the educational program provided to each student under the contract.

(g) The school or facility has written procedures for admission, dismissal and separation of students.

(h) The school or facility has written philosophy, curriculum and methodology for each special program to be provided to each student placed under a contract.

(i) The school or facility has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each students’ IEP.

(j) The school or facility has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

(k) The school district has determined that the school or facility is in compliance with the Office for Civil Rights requirements with respect to nondiscrimination on matters related to race, sex, handicap or age.

(l) The school or facility has filed with the Department of Education reports as prescribed in Section 229.808, Florida Statutes.

(m) For contractual agreements with facilities which are licensed or verified by the Department of Health and Rehabilitative Services, the requirements of paragraphs (4)(d), (j) and (k) of this rule may be waived.

(5) Contents of contract. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student shall not extend beyond the school fiscal year and shall include at least the following:

(a) Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by Rule 6A-1.0503 and paragraph 6A-4.002(1)(b), F.A.C., or by an appropriate and identified licensing entity.

(b) A description of the educational program to be provided, the educational objectives to be met, and how they relate to the student’s IEP.

(c) Provision for at least quarterly reports to appropriate school district personnel on the student’s progress in meeting educational goals, and a summary evaluation prior to renewal of the contract.

(d) Provision for appropriate district personnel to review the program provided by the school or facility and to confer with the staff of the school or facility at reasonable times.

(e) Provision for reporting to appropriate school district personnel any non-attendance of the student.

(f) The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the district.

(g) Identification of financial responsibility.

(h) Method of resolving interagency disputes. These may be initiated by district school boards to secure reimbursement from other agencies.

(i) A schedule for review of the program being provided the student through the contract.

(j) Provision for terminating the contract.

(k) Written assurance that the school or facility is in compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and section 504 of the Rehabilitation Act of 1973.

(6) When contracting with a nonpublic school or community facility, the school district shall be responsible for at least the following:

(a) Selecting an appropriate school or facility in consultation with the parent and other appropriate agency personnel.

(b) Providing for transportation.

(c) Maintaining a case file including progress reports and periodic evaluations of the student.

(d) Verifying that the student is a resident of the school district and is enrolled in, or has made application for admittance to, a district school educational program.

(e) Providing for the cost of the student’s educational program as specified in the contract.

(f) Maintaining documentation of the qualifications of personnel in nonpublic schools or facilities as required in this rule or by the appropriate licensing entity.

(g) Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student’s IEP.

(h) Maintaining copies of the IEPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education.

(7) When an exceptional student is enrolled in a nonpublic school or community facility program under a contractual arrangement for providing a special educational program as provided herein, the school shall generate Florida Education Finance Program funds for the school district in the appropriate cost categories as established in Section 236.081(1)(c), Florida Statutes, under the following conditions:

(a) The nonpublic school or community facility program meets the criteria established in subsection (4) of this rule.

(b) The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Florida Statutes.

(c) The student is appropriately classified as an exceptional student by the school district as required by law, State Board Rules, and criteria and procedures adopted by the district school board.

(d) An individual educational plan for the student has been developed as required by subsection 6A-6.0331(3), F.A.C.

(e) Full-time equivalent student membership for each student under a contractual arrangement is included in the school district's report.

(f) Annually and prior to the first report of full-time equivalent membership for a student in a nonpublic school or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Education for Exceptional Students, The Florida Education Center, Tallahassee, Florida 32399.

(8) When a district contracts an education program for a group of students, one (1) contract with student names or individual contracts shall be filed.

(9) When an exceptional student is offered an appropriate educational program by the school district and the parent waives this opportunity in favor of a program selected by the parent, the parent shall assume full financial responsibility for the student’s education.


6A-6.052 Dropout Prevention Programs.

(1) This rule references the rules which establish uniform guidelines for the submission, review and approval of comprehensive dropout prevention plans and the operation and evaluation of district dropout prevention programs. Dropout prevention programs differ from traditional programs in scheduling, instructional strategies, philosophy, curricula, learning activities and assessment. These positive comprehensive programs shall provide courses leading to the achievement of a standard or special high school diploma, and shall ensure that coordination of services and activities with other programs and agencies exists. Each school that establishes or continues a dropout prevention program at that school site shall reflect that program in the school improvement plan as required under Section 230.23(18), Florida Statutes.
Listed below are the rules which comprise these guidelines:

(a) Rule 6A-6.0521, F.A.C., Definitions and Requirements Which Apply to All Dropout Prevention Programs.
(b) Rule 6A-6.05221, F.A.C., Student Support and Assistance Component.
(c) Rule 6A-6.0523, F.A.C., Comprehensive Dropout Prevention Plans.
(d) Rule 6A-6.0524, F.A.C., Educational Alternatives Programs.
(e) Rule 6A-6.0525, F.A.C., Teenage Parent Programs.
(f) Rule 6A-6.0526, F.A.C., Substance Abuse Programs.
(g) Rule 6A-6.0527, F.A.C., Disciplinary Programs.
(h) Rule 6A-6.0528, F.A.C., Youth Services Programs.
(i) Rule 6A-6.05291, F.A.C., Course Modification.

Specific Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History–New 11-6-90, Amended 1-2-95.

6A-6.0521 Definitions and Requirements Which Apply to All Dropout Prevention Programs.

(1) Definitions.

(a) Program category means the broad eligibility area appropriate for the delivery of dropout prevention services and includes: educational alternatives, teenage parents, substance abuse, disciplinary, and youth services programs.

(b) Individual program means a specific program within a program category which has an identifiable set of goals, objectives, and strategies. An individual program is designed for a particular student population and is implemented according to an approved plan. A district may have more than one (1) individual program within a program category.

(c) Positive program means that a program includes provision for student success, regular feedback on academic and behavioral progress, counseling and other student services, evaluation strategies and special educational strategies that differ from the traditional approach.

(d) A high school diploma or its equivalent means a diploma that meets all the requirements of Sections 232.246(1)-(6) and (8)-(10) or 232.247, Florida Statutes.

(e) Standard dropout prevention class means the class in which all students are dropout prevention students.

(f) Course modification means lengthening or shortening time in class, alternative ways of measuring student performance, or the integration of curriculum frameworks or performance standards in an interdisciplinary approach.

(g) Student services personnel means guidance counselors, psychologists, social workers, visiting teachers, occupational placement specialists, health services providers, school administrators, district level dropout prevention coordinators, teachers, or parents.

(h) Emancipated minor means a minor who is released from the control of parents or guardians.

(i) Student support and assistance component means the delivery of academic assistance and coordination of support services to students enrolled full-time in a regular classroom who are eligible for educational alternative programs.

(j) In-school suspension means the temporary removal of a student from the student’s regular school program and placement in an alternative program.

(k) Out-of-school suspension means the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal’s designee for a period not to exceed ten (10) school days.

(2) Requirements.

(a) Credits. Students served in all individual dropout prevention programs shall retain their right to earn the number and type of credits required for a standard or special diploma pursuant to Sections 232.246(1)-(6) and (8)-(10) or 232.247, Florida Statutes.

(b) Coordination. All dropout prevention programs shall demonstrate coordination with appropriate agencies and other school programs that provide services to participating students in order to fully utilize human and financial resources. A part of this coordination shall be to ensure that procedures for postsecondary transition include child care referral, career counseling and academic and vocational training options. Appropriate agencies are defined as but are not limited to: the Department of Health and Rehabilitative Services, the Department of Juvenile Justice, the Department of Law Enforcement, the Department of Corrections, the Department of Labor, Employment and Security, and the district’s local Pre-K Interagency Coordinating Council.

(c) Exceptional student education referral. An exceptional student referred for placement into a dropout prevention program shall have an individual educational plan review prior to that placement. A staff representative of the dropout prevention department in the district shall participate in that review. This requirement shall not apply to students served in youth services programs, agencies based substance abuse programs, or in-school suspension programs.

(d) Limited English proficient students. Limited English proficient students, meeting the eligibility criteria for individual dropout prevention program categories, shall be considered for placement and enrollment in the appropriate dropout prevention program based on student needs. Limited English language proficiency shall not be used as a criterion for placement.
(e) Parent notification. Parents shall be notified annually in writing as specified in Section 230.2316(8), Florida Statutes, of their child’s placement into any dropout prevention program and of their right to review any action relating to such placement. For educational alternatives of choice, which are voluntary and for which a student’s parent or guardian has requested participation, such notification of administrative review shall not be required.

(f) Student records. Records of students participating in dropout prevention programs shall contain the following:
1. The students’ dropout prevention program category.
2. Students’ entry and exit dates in the dropout prevention program.
3. Documentation of the eligibility of each student and any required interventions that is dated prior to each placement in a dropout prevention program. Eligibility for multi-year programs shall be documented annually.
4. Number of instructional periods or hours of participation.
5. Evaluation of each student’s academic and behavioral progress.
6. Annual written documentation of parent notification and evidence of involvement in the placement decision prior to the date of the student’s membership in a voluntary program. Parents shall be notified in writing within five (5) school days of the student’s initial membership in an assigned program. Judicial and agency records shall satisfy this requirement in youth services programs and agency based substance abuse programs. Notification shall be in the parent’s native language or the language most understood. For educational alternatives of choice, which are voluntary and for which a student’s parent or guardian has requested participation, such notification of administrative review shall not be required.
7. Documentation of the academic assistance and support services provided students and teachers in student support and assistance components.

(g) Student eligibility for full-time equivalent (FTE). Eligible dropout prevention students may be reported for dropout prevention full-time equivalent student membership in the Florida Education Finance Program in the following dropout prevention settings:
1. Standard dropout prevention class, or
2. Student support and assistance component.

(h) Criteria for eligibility. Districts shall establish and implement eligibility criteria and procedures for each individual dropout prevention program.

(i) Certification. Any certification is appropriate for teachers in dropout prevention programs. Dropout prevention teachers shall be instructional staff members as defined in Rule 6A-1.0501, F.A.C.

(j) Students served in all individual dropout prevention programs shall retain their right to have access to a school day as defined by Section 228.041(13), Florida Statutes.

6A-6.05221 Student Support and Assistance Component.
Students served through this component shall generate dropout prevention funding for the classes in which they receive direct services or benefits due to the auxiliary services being provided to the student, teacher, or both. This component may be delivered through a course in which intended outcomes of the course framework include affective skills or remediation for students who have failed or are at risk of failing the High School Competency Test. Students may be reported for dropout prevention full-time equivalent (FTE) in the Florida Education Finance Program (FEFP) provided the following conditions are met:

1. Student support assistance plan. A student support and assistance plan shall be developed annually by a student services team for each dropout prevention student served through a student support and assistance component. The plan shall identify the students’ academic and behavioral needs, annual goals, instructional objectives, educational and related services to be provided, evaluation procedures and schedule for determining on an annual basis progress toward meeting goals and instructional objectives. This plan shall be developed for each student reported for dropout prevention FTE while in membership in a non-dropout prevention class. The plan shall specify the correlation between services and student performance for each period the student is reported for dropout prevention FTE.

2. Criteria. Any student who meets the eligibility criteria for any dropout prevention program may be served through the student support and assistance component.

3. Academic assistance and support services shall be provided and documented for each eligible student reported as dropout prevention FTE in this component. Those services for which districts shall submit dropout prevention FTE shall be specified in the student support and assistance plan and include at least one (1) of the following:
   a. Supplemental materials or alternative strategies provided to assist with course modification, behavior management, or alternative assessment.
   b. Instructional aides, case manager, student services personnel, or other support personnel assigned to assist eligible dropout prevention students and their teachers.

Specific Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History–New 10-30-90, Amended 6-19-91, 7-7-92, 9-5-93, 1-2-95.
6A-6.0523 Comprehensive Dropout Prevention Plans.
(1) The local school board shall approve the dropout prevention plan and all subsequent amendments prior to reporting students for dropout prevention funding.
(2) Program categories. Each comprehensive plan shall include descriptions of individual dropout prevention programs for the following categories:
   (a) Educational alternative programs.
   (b) Teenage parent programs.
   (c) Substance abuse programs.
   (d) Disciplinary programs.
   (e) Youth services programs.
(3) Individual program plan. For individual programs listed in subsection (2) of this rule reporting dropout prevention full-time equivalent student membership (FTE), the following headings and subheadings shall be included in the comprehensive plan. For teenage parent programs, please refer to Rule 6A-6.0525, F.A.C., for specific requirements for plan format.
   (a) Agency coordination.
   (b) Specific outcome objectives.
   (c) Evaluation.
   (d) Specific student eligibility criteria.
   (e) Student admission procedures.
   (f) Program operating procedures to include:
      1. Curriculum,
      2. Special strategies,
      3. Equal access for eligible exceptional and limited English proficient students,
      4. Student services,
      5. Grade levels of students served,
      6. Implementation sites.
   (g) Total dropout prevention FTE student membership projected based on:
      1. Number and length of class periods,
      2. Average class size,
      3. Length of stay,
      4. Total number of students served.
   (h) Personnel qualifications.
   (i) Staff development activities.

Specific Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History–New 10-30-90, Amended 1-2-95.

6A-6.0524 Educational Alternatives Programs.
Educational alternatives programs are programs designed to serve students who are unmotivated or unsuccessful and shall have strong emphasis on appropriate agency coordination as specified in paragraph 6A-6.0521(2)(b), F.A.C.
(1) Voluntary or assigned participation. Participation is voluntary and means that the student is not assigned to the program without parental or adult student permission.
(2) Criteria for eligibility.
   (a) Student has been retained;
   (b) Student has failing grades or grades not commensurate with documented ability levels;
   (c) Student has high absenteeism;
   (d) Student has low achievement test scores;
   (e) Student has performed successfully in an educational alternative program and wishes to remain enrolled in such programs; or
   (f) According to district criteria, student exhibits behavior of a non-disciplinary nature which interferes with school success. This behavior shall be documented by student services personnel.
(3) Instructional periods. Instruction shall be provided for a minimum of two (2) instructional periods per day unless the student participates in a student support and assistance component rather than standard dropout prevention classes.
(4) Service delivery models. Educational alternatives programs may be offered at alternative sites, regular school campuses, or any location approved by the district school board as a school center. Educational alternatives programs may be offered full-time or part-time.
(5) Where the student in the program is a volunteer the notice of requirements in subsections (6) and (7) of this rule does not apply.
(6) Referral for evaluation of eligibility for exceptional student education. Any student assigned to an alternatives education program for unsuccessful or disinterested students, which is designed to return the student to the conventional educational program, shall be referred for an evaluation of eligibility for exceptional student educational services if not returned to the regular program.
after a specified period of time. Students identified according to Rule 6A-6.0524, F.A.C., as unsuccessful or disinterested shall be referred after a total of one hundred twenty (120) days of participation. Participation applicable to this provision must occur within any two (2) consecutive school semesters. These provisions shall not apply to students in other eligibility categories or to students in programs designed to offer a comprehensive multi year alternative to conventional public schools and for which student participation is entirely optional.

(7) Notification of parents. Upon the first placement in any school year of a student into any alternatives education program for unsuccessful or disinterested students, the district shall give the student’s parents written notification of their right to request an evaluation to determine eligibility for exceptional student education.

Specific Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History–New 10-30-90, Amended 1-2-95.

6A-6.0525 Teenage Parent Programs.
Pregnant and parenting students and their children shall be entitled to participate in Teenage Parent (TAP) Programs designed to provide comprehensive educational and ancillary services to facilitate the parents’ completion of high school. Students participating in teenage parent programs shall be eligible for all services afforded to students enrolled in programs pursuant to Section 230.2316, Florida Statutes and Rules 6A-6.05221 and 6A-6.05291, F.A.C.

(1) Requirements.

(a) Credits. Students served in teenage parent programs shall retain the right to earn the number and type of credits required for a standard or special diploma pursuant to Sections 232.246(1)-(5) and (8)-(10) and 232.247, Florida Statutes.

(b) Exceptional student education referral. An exceptional student referred for enrollment in a teenage parent program shall have an individual educational plan review prior to enrollment. A staff representative of the teenage parent program in the district shall participate in the review.

(c) Limited English proficient students. Limited English proficient students meeting the eligibility criteria for the teenage parent program shall be considered for enrollment in the teenage parent program based on student needs.

(d) Parent notification. Parents shall be notified annually in writing as specified in Section 230.2316(8), Florida Statutes, of their child’s enrollment in a teenage parent program and of their right to review any action relating to such enrollment.

(e) Student records. Records of students participating in a teenage parent program shall contain the following:

1. The students’ entry and exit dates in the teenage parent program.
2. Documentation of the eligibility of each student and child prior to enrollment in a teenage parent program. Eligibility for multi-year programs shall be documented annually.
3. Number of instructional periods or hours of participation.
4. Evaluation of each student’s academic and behavioral progress.
5. Annual written documentation of parent notification and involvement in the enrollment decision prior to the date of the student’s participation in this voluntary program. Notification shall be in the parent’s native language or in the language most understood.
6. Documentation of the academic assistance and support services provided students and teachers in student support and assistance components.

(f) Student eligibility for full-time equivalent (FTE). Eligible pregnant and parenting students shall be reported for teenage parent full-time equivalent student membership in the Florida Education Finance Program in the following settings:

1. Standard teenage parent program in which all students are teenage parent program participants.
2. Student support and assistance component.

(g) Certification. Any certification is appropriate for teachers in teenage parent programs. Teenage parent program teachers shall be instructional staff members as defined in Rule 6A-1.0501, F.A.C.

(h) Students served in teenage parent programs shall retain their right to have access to a school day as defined by Section 228.041(13), Florida Statutes.

(2) Student eligibility. Districts shall implement student eligibility criteria and establish enrollment procedures for each teenage parent program.

(a) Voluntary participation. Participation in a teenage parent program is voluntary. Pregnant students, teenage parent students, and their children shall not be assigned to the program without annual parental or adult student permission.

(b) Criteria for eligibility.

1. Pregnant students.
2. Parenting students.
3. Children of parenting students and teenage parent program completers.

(c) Documentation of eligibility includes:

1. A county public health unit or private physician’s certification of pregnancy;
2. A child’s birth certificate, copy of application of birth certificate, hospital records, or a notarized affidavit of fatherhood signed by mother and father.
3. Evidence of parent’s program completion and documentation of child’s birth.
(3) Instructional periods. The program shall consist of instruction to participants full-time, part-time or on a variable schedule as needed to deliver the pregnancy- or parenting-related curriculum as specified in Section 230.23166(3)(b), Florida Statutes. Children of teenage parent students enrolled in teenage parent programs shall be served during the time that the parent student is earning credit towards a standard or special diploma pursuant to Sections 232.246(1)-(5) and (8)-(10) and 232.247, Florida Statutes.

(4) Service delivery models. Teenage parent programs may be offered at any location approved by the district school board as a school center.

(5) Ancillary services. School districts shall develop and implement procedures for the provision or coordination of the four ancillary services of child care, social services, health services and transportation for pregnant and parenting students who are currently enrolled or have completed a teenage parent program and their eligible children. Program completers are those students who have successfully completed a teenage parent program as described in the district’s approved teenage parent program plan. Ancillary services are described as:

(a) Child care. Child care includes developmentally appropriate learning activities for the children of teenage parent program participants and completers during the hours when the child’s teenage parent is earning credit pursuing a standard or special diploma as defined by Sections 232.246(1)-(5) and (8)-(10) and 232.247, Florida Statutes. Districts choosing to operate school-based child care for children birth through age three must be licensed by the Department of Health and Rehabilitative Services pursuant to Section 402.3025(1), Florida Statutes, or by the local licensing agent.

1. Districts may report children of teenage parent program participants and completers for teenage parent full-time equivalent student membership in the Florida Education Finance Program when the district provides or contracts for child care for the child and the following criteria are met:
   a. The child is assigned a student identification number and all appropriate data for reporting is collected;
   b. The parent is currently enrolled in a teenage parent program or is a program completer and enrolled in courses that meet the graduation requirements pursuant to Sections 232.246(1)-(5) and (8)-(10) and 232.247, Florida Statutes;
   c. The teenage parent has not graduated or legally withdrawn from school;
   d. The child has not attained the age of five or is not eligible to enroll in kindergarten according to Section 232.045, Florida Statutes, whichever comes last;
   e. The child is not served in a preschool program supported by other state or federal funds such as Prekindergarten Early Intervention, Head Start, or other subsidized child care.

(b) Health services. Health services include health and nutrition education and routine prenatal and postnatal health checkups during the time that the teenage parent student is reported for FTE in the teenage parent program. Routine check-ups for the children of teenage parent program participants and completers, including immunizations, shall be provided or coordinated during the time those children are reported for FTE in a teenage parent program.

(c) Social services. Social services include counseling assistance or case coordination related to economic assistance, during the time that the teenage parent students or their children are reported for FTE in a teenage parent program.

(d) Transportation. Transportation includes transportation for pregnant and parenting teenage parent program participants, program completers who have returned to their home schools, and their children regardless of distance from school pursuant to Section 236.083(1)(b), Florida Statutes. Transportation shall be provided for teenage parents and their children to and from home and the child care facility and for the teenage parents to and from the child care facility and the school, as required for the parent’s educational activities in credit earning hours.

(6) The local school board shall approve the teenage parent program plan and all subsequent amendments prior to reporting students and their children for teenage parent program funding. The individual program description of the teenage parent program plan shall include:

(a) Agency coordination.
(b) Specific outcome objectives.
(c) Evaluation.
(d) Specific student eligibility criteria.
(e) Student admission procedures.
(f) Program operating procedures to include:
   1. Pregnancy- and parenting-related curriculum.
   2. Special strategies.
   3. Equal access for eligible exceptional and limited English proficient students.
   4. Student services.
      a. Description of child care services.
      b. Description of health services.
      c. Description of social services.
      d. Description of transportation.
      e. Other services which may be provided to participants.
   5. Implementation sites.
   7. Total teenage parent program FTE projected for students and their children.
(7) Program Evaluation. Each district receiving state funding for teenage parent programs through the Florida Education Finance Program shall submit an annual report to the Department documenting the extent to which each of the individual teenage parent programs has met the objectives established by the district. These objectives, developed by the district, are based upon the following required common objective criteria:
   (a) Remaining in school or earning a high school diploma.
   (b) Improving parenting skills.
   (c) Giving birth to babies weighing 5.5 pounds or greater.

*Specific Authority 229.053(1), 230.23166 FS. Law Implemented 230.23166 FS. History–New 10-30-90, Amended 1-2-95, 3-20-96.*

6A-6.0526 Substance Abuse Programs.

Substance abuse programs are programs designed to serve students who have a documented substance abuse problem and shall include strong emphasis on appropriate agency coordination as specified in paragraph 6A-6.0521(2)(b), F.A.C. The problem shall be a documented substance abuse of either the student, parent, or an immediate family member who is or was living in the same household. Such problems shall be documented in agency or school records.

(1) Voluntary or assigned participation. Participation in a substance abuse program is assigned but may be voluntary. Assigned participation means that the placement is required by the school district, courts, or other agencies. Voluntary participation means that the student is not assigned to the program without parental or adult student permission.

(2) Criteria for eligibility.
   (a) Student has documented drug-related or alcohol-related problem; or
   (b) Student has immediate family members who have documented drug-related or alcohol-related problems that adversely affect student’s performance in school.

(3) Instructional periods. The instructional program shall be provided to participants a minimum of five (5) hours per day and may be offered on a variable schedule as needed to deliver the curriculum. The program shall include instruction designed to deter substance abuse.

(4) Service delivery models. Substance abuse programs may be offered in a nonschool-based residential or day substance abuse treatment program facility, alternative sites, regular school campuses, or in any location approved by the district school board as a school center.

*Specific Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History–New 10-30-90, Amended 1-2-95.*

6A-6.0527 Disciplinary Programs.

Disciplinary programs are programs that are longer than ten (10) days in duration and are designed to serve students who are disruptive in the traditional school environment. However, in-school suspension programs may be less than ten (10) days in duration as specified in Sections 230.2316(4)(c)3., 5., Florida Statutes. These programs must place strong emphasis on appropriate agency coordination as specified in paragraph 6A-6.0521(2)(b), F.A.C.

(1) Voluntary or assigned participation. Participation in a disciplinary program is assigned but may be voluntary. Assigned participation means that the placement is required by the school district, courts, or other agencies. Voluntary participation means that the student is not assigned to the program without parental or adult student permission.

(2) Criteria for eligibility.
   (a) Student has a history of disruptive behavior which interferes with his own or others’ educational program(s) or results in frequent conflicts of a disruptive nature in or out of the classroom while the student is under the jurisdiction of the school;
   (b) Student severely threatens the general welfare of others;
   (c) Student requires assistance in behavior modification beyond that which can be provided in the traditional class; or
   (d) Student has committed an offense which would warrant out-of-school suspension or expulsion.

(3) Instructional periods. The instructional program shall consist of instruction and counseling to participants full-time, part-time or on a variable schedule as needed to deliver the curriculum. Whether the program is full-time or part-time, all students should receive a minimum of five hours of instruction per day.

(4) Service delivery model. Disciplinary programs may be offered in in-school suspension, alternative sites, regular school campuses, or in any location approved by the district school board as a school center. The program may be planned and operated in collaboration with local law enforcement or other community agencies. If an in-school suspension model is used, the program is subject to all requirements specified in Sections 230.2316(4)(c)3., and 5., Florida Statutes. Prior to assigning the student to a disciplinary program, the district shall attempt a variety of educational and student services unless the student has committed an offense which would warrant expulsion.

(5) Evaluation. The district shall determine procedures for evaluating students who are returning from detention or court adjudicated placement prior to assigning them to a disciplinary program.

(6) Where the student in the program is a volunteer, the notice of requirements in subsections (7) and (8) of this rule does not apply.
(7) Referral for evaluation of eligibility for exceptional student education. Any student assigned to an alternative education program for disruptive students which is designed to return the student to the conventional educational program shall be referred for an evaluation of eligibility for exceptional student educational services if not returned to the regular program after a specified period of time. Students identified as disruptive according to Rule 6A-6.0524, F.A.C., shall be referred after a total of ninety (90) days of participation in an alternative education program. Participation applicable to this provision must occur within any two (2) consecutive school semesters. These provisions shall not apply to students in other eligibility categories or to students in programs designed to offer a comprehensive multイヤear alternative to conventional public schools and for which student participation is entirely optional.

(8) Notification of parents. Upon the first placement in any school year of a student into any alternative education program for disruptive students, the district shall give the student’s parents written notification of their right to request an evaluation to determine eligibility for exceptional student education.

(9) School annual report. In each school which has implemented a dropout prevention in-school suspension program, the school principal shall prepare an annual report provided to all members of the school advisory council which delineates:
   (a) Number of students in-school suspended,
   (b) Number of students out-of-school suspended,
   (c) Proportion of populations represented in in-school and out-of-school suspension groups, and
   (d) Quantification of the various bases for suspension.

(10) Program maintenance. Each district shall establish a process for determining in-school suspension program’s effect on rate of expulsion and out-of-school suspension. After providing assistance, the district shall disapprove any school based in-school suspension programs that continually fail to directly reduce the school’s expulsion or out-of-school suspension rate.

Specific Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History–New 10-30-90, Amended 1-2-95.

6A-6.0528 Youth Services Programs.

Youth services programs are programs designed to serve students who are assigned to a detention, commitment or rehabilitation program operated by a state or community-based agency or through the Department of Health and Rehabilitative Services or the Department of Juvenile Justice. These programs must place strong emphasis on appropriate agency coordination as specified in paragraph 6A-6.0521(2)(b), F.A.C.

(1) Voluntary or assigned participation. Participation in a youth services program is assigned. Assigned participation means that the placement is required by the school district, courts or other agencies pursuant to Chapter 39, Laws of Florida.

(2) Criteria for eligibility.
   (a) Student is neglected, delinquent or dependent; or
   (b) Student is assigned by the court to a detention, commitment or rehabilitation program. Commitment means any facility where the courts have adjudicated youths.

(3) Instructional periods. The instructional program shall be provided a minimum of five (5) hours per day and shall consist of intensive counseling, conflict resolution training, behavior modification, therapy, appropriate academic, vocational or exceptional curricula and related services under the supervision of a qualified teacher as specified in Rule 6A-1.0501, F.A.C. These educational services may be delivered at times of the day most appropriate for a youth services program. However, youth services programs of less than forty (40) days duration which take place in a park or wilderness setting may be limited to tutorial and vocational employability activities. The instructional program shall provide the opportunity for attainment of a high school diploma and support rehabilitation goals.

(4) Service delivery model. Programs may be offered in residential or nonresidential detention facilities, community-based agency facilities, facilities operated or contracted by the Department of Juvenile Justice or Department of Health and Rehabilitative Services, or commitment settings such as county, state or federal correctional institutions.

(5) School entry. Districts are encouraged to implement transition support systems to assist students returning to school from youth services programs.

(6) Cooperative agreements. To receive funding through the Florida Education Finance Program for the operation of youth services programs, school districts shall submit to the Department evidence of cooperative agreements with the Secretary of Juvenile Justice or the Secretary’s designee for delinquent programs and Secretary of Health and Rehabilitative Services or the Secretary’s designee for other programs. The cooperative agreement shall address, at a minimum, the following subjects: purpose, enabling legislation, definitions, inter/intra agency linkages, roles and responsibilities, administration, allocation of resources, interagency disputes, assessment, curriculum, instruction, planning, classroom management, attendance, certification, licensure, staff development, and transition.

Specific Authority 229.053(1), 230.2316(17) FS. Law Implemented 230.2316 FS. History–New 10-30-90, Amended 1-2-95.
6A-6.05281 Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment, or Early Delinquency Intervention Programs.

School districts must provide instruction to prepare all students to demonstrate proficiency in the skills necessary for successful grade-to-grade progression and high school graduation. For students placed in Department of Juvenile Justice (DJJ) programs, collaboration between the DJJ, the Department of Education, school districts, and private providers is essential in order for these students to attain this goal and become productive members of the community.

(1) Student Eligibility.
(a) Students who do not attend a local public school due to their placement in a DJJ detention, commitment, day treatment, or early delinquency intervention program shall be provided high quality and effective educational programs by the local school district in which the DJJ facility is located or by a Juvenile Justice provider through a contract with the local school district.
(b) If any student in these DJJ facilities has filed an intent to terminate school enrollment, the local school district shall notify these students of the option of enrolling in a program to attain a general education diploma (GED).
(c) Exceptional Student Education. All students placed in a DJJ program, who meet the eligibility criteria for exceptional student education, shall be provided a free appropriate public education consistent with the requirements of Chapter 6A-6, F.A.C. Students with disabilities, as defined by Section 504 of the Rehabilitation Act, shall be provided the necessary aids and services.
(d) Limited English Proficient Students. All limited English proficient students placed in a DJJ program shall have equal access to entitled services, including assessment and appropriate instructional strategies consistent with the requirements of Chapter 6A-6, F.A.C.

(2) Student Records.
(a) Content. Each school district shall maintain educational records for students in DJJ programs as required by Section 232.23, Florida Statutes. The content of these records shall be as defined in subsections 6A-1.0955(2)-(5) and 6A-1.0014(2), F.A.C., Section 228.081(3)(c)1.-5., Florida Statutes, and paragraph (5)(d) of this rule.
(b) Transfer of Educational Records. Each school district shall transfer records of students entering or exiting DJJ programs as provided in paragraph 6A-1.0955(7)(b) and subsection 6A-1.0014(2), F.A.C. Beginning with the 2000-2001 school year, each school district shall provide these students’ educational records no later than five (5) school days after the receipt of the request. Each school district shall make available a copy of the student’s transcript record, including pertinent exceptional student education information, to designated DJJ staff for inclusion in the DJJ file when the student exits the program. DJJ staff shall provide this information to the receiving school district.
(c) Protection of Privacy. The requirements of Section 228.093, Florida Statutes, and applicable rules of the State Board of Education apply to the Department of Juvenile Justice’s maintenance and transfer of these records as described in paragraphs (2)(a) and (b) of this rule.

(3) Student Assessment.
(a) To ensure high quality and effective educational programs for youth in DJJ detention, commitment, day treatment, or early delinquency intervention programs, the school district shall provide for the review of the student’s educational records and conduct assessments, consistent with the requirements of this subsection, in order to identify the students’ functioning levels, provide appropriate educational programs, and report the learning gains of the student.
(b) All students in DJJ commitment, day treatment, or early delinquency intervention programs, who have not graduated from school, shall be assessed within seven (7) calendar days of the student’s commitment. The entry assessments shall include:
1. Academic measures that provide proficiency levels in:
   a. Reading,
   b. Mathematics,
   c. Writing,
2. Vocational interest and/or aptitude measures.
(c) For the students referenced in paragraph (3)(b) of this rule, exit assessments shall include, at a minimum, the academic measures.
(d) Students placed in a detention center and not transferring to a commitment program shall be assessed only upon entry for academic measures. Assessment information for students in detention centers, transferring to commitment programs, shall be sent directly to the commitment program with the transfer of the student.
(e) Entry and exit assessment measures shall be selected that are appropriate for the age, grade, and language proficiency, and program length of stay of the students and shall be non-discriminatory with respect to culture, disability, and socioeconomic status.
(f) All students in DJJ detention, commitment, day treatment, or early delinquency intervention programs shall also participate in the state and district-wide assessments required by Sections 229.57, 232.245, 232.246 and 232.247, Florida Statutes.
(g) The results of the academic measures, as required by paragraphs (3)(b)-(d) of this rule shall be reported in the format prescribed by Rule 6A-1.0014, F.A.C., to the Department of Education via the Automated Student Data System. The format for the reporting of the results of the academic measures may include:
1. Grade equivalent scores,
2. Percentiles,
3. Scaled scores.
(h) Beginning in the 2000-2001 school year, the Department of Education shall include the results of these assessments in applicable statewide and school reports.

(4) Individual Academic Plans.
(a) An individual plan for educational progress shall be developed within twenty-two (22) calendar days of student entry to DJJ detention programs and within fifteen (15) school days of entry to DJJ commitment, day treatment, or early delinquency intervention programs. This plan shall be based upon the student’s entry assessments and past educational history and must address the areas of academic, literacy, and life skills. The plan shall include:
   1. Specific and individualized long-term goals and short-term instructional academic and vocational/technical objectives;
   2. Remedial strategies and/or tutorial instruction;
   3. Evaluation procedures;
   4. A schedule for determining progress toward meeting the goals and instructional and vocational/technical objectives.
(b) Academic improvement plans, required by Section 232.245, Florida Statutes, or individual educational plans (IEPs) developed for eligible exceptional students, 504 plans developed for eligible students with disabilities, or individual plans developed for limited English proficient students may incorporate the requirements of subsections (4) and (5) of this rule.

(5) Transition Services.
(a) For all students in DJJ commitment, day treatment, or early delinquency intervention programs, an individual transition plan based on the student’s post-placement goals shall be developed cooperatively with the student, his/her parents, school district and/or contracted provider personnel and DJJ program staff. Re-entry counselors, probation officers, and personnel from the student’s “home” school district shall be involved in the transition planning to the extent practicable.
(b) The transition plan must address, at a minimum:
   1. Academic re-entry goals,
   2. Career and employment goals,
   3. The recommended educational placement for the student.
(c) Key personnel who must be involved in entry transition activities for students in juvenile justice programs shall include: appropriate personnel responsible for student assessment, a guidance counselor from the school district and/or program personnel who are responsible for providing guidance services under the supervision of the school district’s guidance counselor, a registrar or a designee of the school district who has access to the district’s MIS system, and instructional personnel.
(d) Exit portfolios shall be created for each student prior to exit from a commitment, day treatment, or early delinquency intervention program and provided to DJJ personnel for inclusion in the DJJ file. DJJ shall provide this information to the home school district. The exit portfolio shall include the records required by Sections 228.081(3)(c)1.-5., Florida Statutes, and include at a minimum:
   1. Transition plan;
   2. Results of district and state-wide assessments;
   3. Individual academic plan, 504 plan, and/or individual educational plan for exceptional students;
   4. Academic record or transcript; and
   5. Work and/or project samples.

(6) Instructional Program and Academic Expectations.
(a) School Day and Year. The instructional program shall consist of 250 days of instruction, ten (10) of which may be used for teacher planning, distributed over twelve (12) months as required by Section 228.041(43), Florida Statutes. Each school district shall collaborate with private providers and the DJJ, as appropriate, to develop a school calendar for these programs to be adopted by the local school board.
(b) Requirements. The instructional program shall meet the requirements of Sections 232.245, 232.246, 232.247, 232.248, 233.061 and 230.23161, Florida Statutes, and include:
   1. Curricular offerings, consistent with the Florida Course Code Directory and Instructional Personnel Assignments as adopted in Rule 6A-1.09441, F.A.C., that reflect the students’ assessed educational needs and meet the students’ needs as identified by the individual plan as required by paragraph (4)(a) of this rule. Students shall receive vocational/technical training, workplace readiness training, or career awareness and exploration instruction while in the juvenile justice program.
   2. GED preparation shall meet GED course requirements specified in Rules 6A-6.0571 and 6A-6.021, F.A.C., and adult education course descriptions and/or the school district’s approved GED/HSCT Exit Option must meet the requirements specified by the Department of Education.
   3. Tutorial activities that are based on the students’ assessed academic needs. Such activities shall be designed to assist students in advancing to their age appropriate grade level or to assist students in meeting their goals for reentry into the public school system, alternative schools, adult education, vocational/technical education, employment, or post secondary education.
   4. Instruction shall be individualized to address the academic and vocational/technical goals and objectives that are outlined in each student’s individual academic plan.
   5. Instruction shall be delivered through a variety of instructional techniques to address students’ academic levels and learning styles.

(7) Qualifications and Procedures for Selection of Instructional Staff.
(a) The school district shall ensure that only qualified instructional staff members, consistent with the requirements of Rules 6A-1.0502 and 6A-1.0503, F.A.C., are employed to provide instruction to students in DJJ programs. Any use of non-certificated instructional staff must be approved by the school board.

(b) School districts shall recruit and train teachers who are interested, qualified, and experienced in educating students in DJJ programs as required by Section 230.23161(11), Florida Statutes. Teachers assigned to educational programs, operated by local school districts, in DJJ facilities shall be selected by the school district in consultation with the director of the DJJ facility, as required by Section 230.23161(11), Florida Statutes.

(c) The school district’s substitute teacher pool shall also be available for these educational programs.

(8) Funding.

(a) To implement the Full-Time Equivalent (FTE) funding for students in DJJ programs based on direct instructional time:
   1. Student attendance shall be taken once per class period or during each course reported for FTE purposes.
   2. Time students spend participating in school activities such as field trips, performances, or receiving school-based services such as counseling may be counted as direct instructional time.
   3. Certain interruptions to the education program, over which the teacher and student have no control, do not have to be deducted from the direct instructional time reported for FTE. These include:
      a. Fire drills;
      b. Lockdowns of the classroom or program for security purposes;
      c. Bomb scares;
      d. Court hearings; and
      e. Meetings students have with law enforcement personnel during school hours.
   4. Direct instructional time shall not be counted for students who choose not to attend class or who are not present at school due to illness, or other non-school related activity other than those listed above.

(b) As required by Sections 228.081(2)(g) and 237.34(3)(a), Florida Statutes, at least eighty (80) percent of the FEFP funds generated by students in DJJ programs must be spent on instructional costs for these students and one-hundred (100) percent of the formula-based categorical funds generated by these students must be spent on appropriate categoricals such as instructional materials and public school technology for these students.

(c) Compliance with the expenditure requirement in Section 237.34(3)(a), Florida Statutes, for programs provided directly by local school boards shall be verified by the Department of Education through the review of the district’s cost report as required by Section 237.34, Florida Statutes. If school districts enter into contracts with private providers for these educational programs, an accounting of the expenditures, as specified in paragraph (8)(b) of this rule shall be required by the local school board.

(9) Contracts with Private Providers.

(a) School districts may provide services directly or may enter into a contract with a private provider to provide educational services to these youth. Beginning in 2000-2001, such contracts with private providers shall address the responsibilities of the school district and the private provider for implementing the requirements of this rule. The private provider shall have, at a minimum:
   1. Documented experience in providing high quality educational services or a detailed plan for providing high quality educational services that meets applicable state and federal requirements.
   2. Sufficient financial stability and resources to hire an adequate number of certified or qualified instructional personnel.

(b) Prior to contracting with a private provider, the school district shall:
   1. Review and consider the provider’s past performance history, including the results of prior Quality Assurance Reviews.
   2. Review the private provider’s contract, if any, with DJJ for the care and custody of the youth in the commitment, detention, day treatment, or early delinquency intervention program to ensure that services and resources are coordinated and not duplicative.

(c) Contracts with private providers, as described above, shall be submitted to the Department of Education prior to the October FTE Reporting Survey for review to verify compliance with this rule.

(d) The provider(s) of workforce development programs in the district in which the DJJ facility is located shall be responsible for notifying the DJJ program of the requirements for enrollment and completion of these programs. The inclusion of DJJ students in the school district’s workforce development program may be included in the contract referenced above and the cooperative agreement required by Section 230.23161(14), Florida Statutes.

(10) Interventions and Sanctions.

(a) If the educational program in a DJJ detention, commitment, day treatment, or early delinquency intervention program has received an unsatisfactory rating on the educational component of the Quality Assurance Review, does not meet the minimum standards for a designated priority indicator of the Educational Quality Assurance Review, or has demonstrated noncompliance with state and federal requirements, the Department of Education shall initiate a series of interventions and graduated sanctions. Sanctions shall be initiated against programs that have not taken appropriate corrective actions within six months.

(b) Interventions shall include:
   1. The provision of technical assistance to the program.
   2. The development of a corrective action plan with verification of the implementation of the corrective actions within ninety (90) days.
   3. A follow-up review of the educational program.
Sanctions shall include:
1. Public release of the unsatisfactory findings, the interventions, and/or corrective actions proposed.
2. Assignment of a monitor, master, or management team to address identified deficiencies paid for by the local school board or private provider if included in the contract.
3. Reduction in payment or withholding of state and/or federal funds.

If the sanctions proposed in paragraph (10)(c) of this rule are determined by the Department of Education and DJJ to be ineffective in correcting the deficiencies in the educational program and improving the quality of the program, the State Board of Education shall have the authority to require further actions, which shall include:
1. Requiring the school board to revoke the current contract with the private provider, if applicable;
2. Requiring the school board to contract with the private provider currently under contract with DJJ for the facility; or
3. Requiring the school board to transfer the responsibility and funding for the educational program to another school district.

Each school district is responsible for ensuring that appropriate educational services are provided to students in the district’s juvenile justice programs, regardless of whether the services are provided directly by the school district or through a contract with a private provider.

Coordination. The cooperative agreement between the local school district and DJJ, required by Section 230.23161(14), Florida Statutes, shall be submitted to the Department of Education prior to the October, FTE Reporting Survey. The timelines and responsibilities, as required by Section 235.1975, Florida Statutes, for the notification by DJJ to the local school board of the siting of new facilities and the awarding of a contract for the construction or operation of such a facility shall be included in the agreement.

Specific Authority 228.051(2) FS. Law Implemented 228.051, 230.23161 FS. History–New 4-16-00.

6A-6.05291 Course Modification.

(1) Districts implementing approved comprehensive dropout prevention plans may make modification to courses listed in the Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C. Modifications in courses may take one or more of the following forms:
   (a) The amount of in-class instruction required for a student to earn a credit may be lengthened or shortened. Less than one hundred fifty (150) hours may be offered for a particular course if it is determined that the essential content can be learned in a shorter period of time pursuant to the requirements of Section 232.2462, Florida Statutes. Students may be allowed to spend more than one hundred fifty (150) hours in a course if it is determined that additional time is needed. Instructional time must be sufficient to allow students to master curriculum frameworks and district adopted performance standards.
   (b) Alternative methods for assessing student mastery of performance standards may be utilized in dropout prevention programs.
   (c) Interdisciplinary units of study may be developed by combining two (2) or more courses of study.

(2) Course modification proposals must be approved by the Commissioner prior to implementation of the modification. These modifications shall be approved for programs that generate dropout prevention full-time equivalent student membership only.

Specific Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History–New 10-30-90, Amended 1-2-95.

6A-6.05292 Common Objective Criteria and Evaluation of Dropout Prevention Programs.

(1) Common objective criteria. The following are the required objective criteria for the specific outcome objectives developed by the districts. Districts may include additional objectives.
   (a) Educational alternatives.
      1. Staying in school or earning a high school diploma.
      2. Academic improvement.
      3. Improved attendance.
      4. Promotion.
   (b) Teenage parent.
      1. Staying in school or earning a high school diploma.
      2. Continuation of academic program during placement in the teenage parent program.
      3. Improved parenting skills.
      4. Reduced repeat pregnancies.
      5. Improved numbers of babies with birth weights at or above 5.5 pounds.
   (c) Substance abuse.
      1. Staying in school or earning a high school diploma.
      2. Increased awareness of the hazards of substance abuse.
      3. Continuation of academic program during placement in substance abuse program.
      4. Decreased substance abuse.
   (d) Disciplinary.
      1. Staying in school or earning a high school diploma.
6A-6.055 Definitions of Terms Used in Vocational Education and Adult Programs.

(1) Definitions of terms necessary for managing a uniform coordinated system of vocational education for all levels of the state system of public education shall be published by the Commissioner in a document titled, “Applied Technology and Adult Education Acronyms and Definitions, Second Edition”. These definitions are hereby incorporated in this rule and made a part of the rules of the State Board.

(2) Student membership hour. A student membership hour is defined as one (1) student in membership for sixty (60) minutes exclusive of time for change of class when engaged in on-campus laboratory, shop or classroom instruction, or at an approved on-the-job training station to which he or she has been assigned by proper authority, or away from school and engaged in an educational activity which constitutes a part of the school approved instructional program for that student.

(3) Maximum funding hours for cooperative education. In no case shall a secondary student enrolled in a secondary job preparatory program utilizing the cooperative education method of instruction or other types of programs incorporating on-the-job training be counted for more than twenty-five (25) clock hours per week of combined membership as prescribed by subsection 6A-6.055(2), F.A.C.

Specific Authority 239.205 FS. Law Implemented 228.061(4), 229.551(1)(g), 233.068, 239.205 FS. History–Amended 8-9-68, 4-11-70, 9-17-72, Revised 4-19-74, Repromulgated 12-5-74, Amended 5-25-82, Formerly 6A-6.55, Amended 7-20-89, 9-28-99.

6A-6.0571 Vocational and Workforce Development Standards and Industry-Driven Benchmarks.

Section 239.229, Florida Statutes, requires the Department of Education to develop program standards and industry-driven benchmarks for vocational, adult and community education programs. The criteria for qualification of individual courses for inclusion in the classification of secondary career education programs prescribed in Section 236.081(1)(c), Florida Statutes, or Workforce Development Education programs as prescribed in Section 239.115, Florida Statutes, are annually adopted by the State Board and shall be published by the Commissioner in a document titled, “Vocational Education Program Courses Standards, July 1999”, or in the document “Adult Education Program Courses Standards, July 1999.” These criteria are hereby incorporated by this rule and made a part of the rules of the State Board. Copies of these publications may be obtained from the Division of Workforce Development, Department of Education, The Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399 at a cost to be established by the Commissioner but which shall not exceed actual cost.

(1) District school boards and community college boards of trustees variance authority. District school boards of education and community college boards of trustees are authorized, to vary up to ten (10) percent of the intended outcomes of each framework included in the document “Vocational Education Program Courses Standards, July 1999”, and the “Adult Education Program Courses Standards, July 1999.” The variance does not apply to frameworks identifying occupations requiring state or federal licensure, certification or registration.

(2) Commissioner of Education waiver authority. The Commissioner of Education may approve a school’s waiver request submitted by a district school board to allow the school to substitute locally approved intended outcomes for State Board approved outcomes included in the document “Vocational Education Program Courses Standards, July 1999” provided that:

(a) The framework does not identify occupations requiring state or federal licensure, certification or registration;

(b) Locally approved outcomes specified for the state approved program adequately address the major concepts/content contained in the curriculum framework;

(c) The waiver request fulfills the provisions of Section 229.592(9), Florida Statutes.

Specific Authority 236.081(1)(c), 239.205, 239.229 FS. Law Implemented 229.565(1), 229.592, 232.2454, 236.081(1)(c), 239.115, 239.205, 239.229 FS. History–New 10-30-78, Amended 10-23-79, 5-29-80, 7-9-81, 7-6-82, 5-29-83, 6-14-84, 7-10-85, Formerly 6A-6.571, Amended 7-9-86, 7-22-87, 8-30-88, 7-31-90, 7-31-91, 7-31-92, 7-31-93, 7-31-94, 4-30-96, 1-23-00.
6A-6.065 Instructional Components of Vocational Education.
The comprehensive vocational education program shall be offered in components organized as follows:

1. Instruction in grades 1 through 5 to familiarize pupils, including those considered to be disadvantaged or handicapped, with the world of work. Emphasis is placed on the relationship of the world of work to the ongoing instructional program.
2. Instruction in grades 6 through 12 to pupils, including those considered to be disadvantaged or handicapped, in the following areas:
   a. To provide occupational exploratory experiences, including technology education and vocationally oriented home economics.
   b. To provide direct job related instruction for potential school leavers and others if essential in meeting their educational needs.
   c. To assist students in planning a complete four (4) year program of secondary studies.
3. Instruction in grades 9 through 12 to pupils, including those considered to be disadvantaged or handicapped, in the following areas:
   a. To provide direct job related instruction, including registered preapprenticeship training, for pupils planning to graduate and for pupils who may leave school before graduation.
   b. To provide technology education for those planning to enroll in an advanced or highly skilled vocational or technical program at the postsecondary level.
   c. To provide instruction in vocationally oriented home economics.
4. Instruction, including registered preapprenticeship training, at the postsecondary level to provide youth under nineteen (19) years of age who have completed high school or left school before high school graduation, who are unemployed and underemployed, including those considered to be disadvantaged or handicapped, with organized programs of instruction to prepare them for gainful employment.
5. Instruction at the postsecondary level to provide persons nineteen (19) years of age and older, who have completed high school or left school before high school graduation, including those considered to be disadvantaged or handicapped, with organized programs of instruction, leading to a certificate or an associate degree in a community college to prepare them for gainful employment.
6. Instruction at the adult level to provide training or retraining to insure stability or advancement in employment to adults who have already entered the labor market and who are employed or seeking employment, including those considered to be disadvantaged or handicapped or vocationally oriented home economics designed to prepare adults for the role of homemaker, or to contribute to the employability of such adults in the dual role of homemaker and wage earner.
7. To provide appropriate special vocational education programming for disadvantaged and handicapped students at appropriate levels of education.
8. To provide activities for students in vocational student organizations as an integral part of the instruction offered in components (2), (3), (4) and (5) above. When vocational student organization activities are conferences, workshops or meetings which require participating students to travel outside their home school district, each such activity shall be approved by the Director, Division of Workforce Development, Department of Education, and placed annually on a published calendar. All vocational student organization conferences, workshops or meetings requiring students to travel outside their home district shall comply with the following rules:
   a. One-day meetings shall be scheduled on any weekday or Saturday. Registration shall not begin before 8:00 a.m. on the date of the meeting.
   b. Two-day meetings shall be held on Thursday, Friday or Saturday except that registration may begin anytime after 6:00 p.m. on the day prior to the opening meeting.
   c. Three-day meetings shall be held on Thursday, Friday, Saturday or Sunday, except that registration may begin anytime after 6:00 p.m. on the day prior to the opening meeting.
   d. No meeting shall be scheduled for more than three (3) days.
   e. No students shall attend a meeting unless the school administration has made arrangement for their chaperonage by responsible adults.
   f. Any secondary school which permits unchaperoned students to participate in a vocational youth organization meeting without reporting the case and its circumstances to the Director, Division of Workforce Development, Department of Education, shall not be approved by the Director to participate in approvable activities for a period of up to one (1) year.
   g. No meeting shall be scheduled unless the sponsor has made adequate arrangements for housing and meeting spaces.
   h. When an unsatisfactory written report of any meeting is filed by the hotel or a participant with the Director, he or she may withhold further approval of meetings of the involved vocational student organization until, in his or her judgment, the situation has been resolved or will not reoccur.
   i. The Director may refuse a place on the published calendar of any vocational student organization activity if the organization fails to provide the information called for on the application form. Copies of the programs or agendas of the organization’s meetings of the previous year are essential information which shall be filed with the application.
   j. The Division Director may assign dates other than those requested when, in the Director’s opinion, the best interests of the entire vocational student organization program will be served.
(k) School principals or teachers shall not permit any student in their school or class to attend any vocational student organization meeting outside the student’s home school district unless that meeting has been approved by the Director, Division of Workforce Development, Department of Education, and is sponsored or conducted by one (1) of the following organizations:

2. Florida Association, Distributive Education Clubs of America.
3. Florida Association, Future Farmers of America.
5. Florida Association of the Vocational Industrial Clubs of America.
7. Florida State Chapter, Phi Beta Lambda.
10. Florida Association of Public Service Students.

Specific Authority 229.053, 233.068, 239.229 FS. Law Implemented 228.041(22), 233.068 FS. History–New 8-18-71, Amended 9-17-72, 10-31-74, Repromulgated 12-5-74, Amended 5-4-76, Formerly 6A-6.65, Amended 8-12-91.

6A-6.0713 Habitual Truancy: Inter-Agency Agreements.

(1) Each district school board and the district office of the Department of Health and Rehabilitative Services shall develop a written agreement to include procedures to be followed by each of these agencies prior to filing with the circuit court a petition for dependency due to habitual truancy.

(2) The procedures shall include at least the following: All requirements of Section 232.19, Florida Statutes, identification of responsibilities for each agency, timeline for completing assigned responsibilities, and provisions for an annual review and necessary revisions of the procedures.

(3) The written agreement shall be approved by the local district administrator of the Department of Health and Rehabilitative Services or designee and the district school superintendent.

Specific Authority 229.053(1) FS., Section 18, Chapter 84-311, Laws of Florida. Law Implemented 39.01(33), 39.403, 232.19 FS. History–New 1-9-85, Formerly 6A-6.713.

6A-6.077 Preapprenticeship Programs.

(1) District school boards and community college boards of trustees shall be authorized to develop and establish preapprenticeship programs when approved by the Director of the Division of Applied Technology and Adult Education and registered with the department of commerce. Such programs:

(a) Shall conform with the uniform preapprenticeship standards established by the Department of Commerce in cooperation with the Division of Applied Technology and Adult Education.

(b) Shall be developed where needed to serve existing and potential registered apprenticeship programs.

(c) Shall be a part of a regular or adult high school program and shall be available to students sixteen (16) years of age and over who have reached an appropriate level of education for entry into an apprenticeship program or a part of a post-secondary program for high school graduates.

(d) Shall have a craft advisory committee composed of representatives of employers and employees of the trade, utilizing available joint apprenticeship committees or approved apprenticeship sponsors.

(e) Shall be established for the number of hours of instruction necessary to meet the requirements of the uniform state standards.

(f) Shall provide facilities and equipment for preapprenticeship programs which conform to criteria prescribed by the Division of Applied Technology and Adult Education.

(g) Shall meet the certification requirements for teachers of industrial education, provided that:

1. Teachers shall have completed an apprenticeship program in the craft for which certification is sought and have worked a minimum of two (2) years as a journeyman in that craft, or

2. Shall have the written endorsement of a majority of the approved apprenticeship sponsors for which the preapprenticeship training is established.

(2) The Division of Applied Technology and Adult Education shall cooperate with the Department of Commerce in establishing uniform preapprenticeship standards, including curricula, standards of admission, training standards and goals, and to provide for a uniform objective standard to measure successful completion of such program.

Specific Authority 229.053(1), 446.052 FS. Law Implemented 446.052 FS. History–New 9-17-72, Repromulgated 12-5-74, Formerly 6A-6.77, Amended 10-18-94.


The procedures for filing and reviewing all appeals to the State Board of Education under provisions of Chapter 96-186, Laws of Florida, shall be as follows:
(1) Within thirty (30) days after the date of a decision of a district school board which denies an application for a Charter School, the applicant may file a written notice of appeal with the Agency Clerk for the Department of Education in Room 1702, The Capitol, Tallahassee, Florida. Copy of the notice of appeal shall be sent to the school board and to each member of the State Board of Education by the applicant on date of filing with the Agency Clerk.

(a) The notice of appeal must include: name and address of applicant; name and address of the school board; date of the school board decision; name and address of applicant’s attorney, if any; precise identification of alleged errors of the school board in rejecting the Charter School application; and written argument limited to specific alleged errors of the school board.

(b) The Charter School application together with available transcripts of all meetings before the district school board in which the application was considered shall be filed as exhibits to the notice of appeal.

(c) Within ten (10) days after filing notice of appeal the school board shall file with the Agency Clerk and submit to each member of the State Board of Education its written arguments limited to the specific alleged errors of the school board as identified in the notice of appeal. Such written arguments required from both parties shall not exceed twenty (20) pages exclusive of any addendum. Information provided in an addendum shall be limited to the actual Charter School application presented to the local board and the transcripts of meetings of the local boards’ actions. Written arguments may be produced by any duplicating or copying process which produces a clear black image on white paper. All written arguments shall be on 8 1/2 × 11 inch paper, double spaced, except quoted material and footnotes, and bound at the top left corner. Typewritten text, including footnotes must be no smaller than ten (10) pitch spacing, and there must be no more than twenty-six (26) lines of text per page. Margins shall be no less than one inch at the top, bottom, left and right.

(d) Failure to meet the requirements herein specified may cause rejection of the submission by the State Board.

(e) The Charter School application, transcripts of meetings before the district school board, and written arguments of the parties shall constitute the record on appeal.

(2) Upon receipt of a timely filed notice of appeal by a Charter School applicant, in accordance with accelerated appeal time constraints as set forth in Chapter 96-186, Laws of Florida, the Agency Clerk shall immediately schedule the matter on the next public meeting agenda of the State Board of Education to be considered within thirty (30) days after filing notice of appeal, with notice to the applicant and the school board of that hearing date.

(a) At the hearing before the State Board of Education, each party will be given a maximum of thirty (30) minutes to allow representative(s) to summarize the written arguments previously submitted to the State Board. No evidence or testimony, only oral argument, will be heard by the State Board at this time.

(3) Upon reviewing the record and hearing oral summaries of written arguments, if presented, the State Board shall then proceed by majority vote to either accept or reject the decision of the district school board and shall then remand the application to the district school board with its written recommendation that the district board approve or deny the application consistent with the State Board’s decision.


6A-6.083 Missing Florida School Children.

(1) The Department shall provide a list of missing Florida school children to school districts on a monthly basis which shall contain the following information, when available: name, date of birth, color of eyes, color of hair, race, sex, height, weight, age, originating agency, incident type, date reported missing, control number, case number, last address, occupation, social security number, drivers’ license number, license plate number, vehicle identification number, known aliases and any remarks. The monthly information shall be provided to the school districts by the Department on either a computer tape or printed form.

(2) Upon determining that information relating to a student matches the information on the most current missing child list, it shall be the responsibility of the school district to contact the local law enforcement agency immediately and provide written notification within seventy-two (72) hours to the Deputy Commissioner for Educational Programs, Department of Education, The Florida Education Center, Tallahassee, Florida 32399, on a form provided by the Department.

(3) The information provided by the school district to the local law enforcement agency and the Department regarding missing children shall be the following: student’s name, race, sex, date of birth, originating agency, case number, school name and address and current home address.

(4) The school district shall follow existing school board policy regarding release of further information in the student’s educational record to law enforcement agencies.

Specific Authority 229.053(1), 973.023(1) FS. Law Implemented 973.023 FS. History–New 3-4-84, Formerly 6A-6.83.

6A-6.084 Adult Fees in School Districts.

(1) The term, fee, as used in this rule means matriculation and tuition fees as defined in Sections 228.041(32) and (33), Florida Statutes, unless otherwise specified.

(2) Each district school board shall establish a fee schedule for students enrolled in adult basic, adult high school, adult job preparatory, adult vocational preparatory, adult vocational supplemental or other adult programs who are reported for funding through the Florida Education Finance Program. A schedule of all fees to be charged by a district school board shall be published annually. The fee shall be paid to the district school board and shall be included in its budget.
(3) Each district school board shall collect a fee for each adult student reported for funding through the Florida Education Finance Program, except an adult student classified as exempt or when the fee is waived. Each school district shall establish a fee for each program which shall vary no more than ten (10) percent from the fee amount established in the General Appropriations Act. Nonresident fees shall be twice the amount of resident fees. A fee shall be charged each adult student based on applicable current fiscal year statutes and rules if the course of instruction began on or after July 1 of the current fiscal year or if the course began prior to July 1 of the current fiscal year and extends through at least the first day of the October full-time equivalent student membership survey period for the current fiscal year. A fee shall be charged each adult student based on applicable prior fiscal year statutes and rules if the course began prior to July 1 of current fiscal year and instruction ended prior to the first day of the October full-time equivalent student membership survey period for the current fiscal year.

(4) An adult student shall be exempt from the payment of a fee provided:

(a) The student does not have a high school diploma or its equivalent and is enrolled in adult basic, adult high school, or vocational preparatory instruction for the purpose of achieving basic literacy or receiving a high school diploma or its equivalent. For the purposes of this exemption, the student who does not have a high school diploma or its equivalent and is enrolled in credit earning vocational job preparatory courses which are to be used by the student to meet the requirements of receiving a high school diploma or its equivalent are considered to be receiving adult high school instruction; or

(b) The student has a high school diploma or its equivalent and is enrolled in adult basic, adult high school, or vocational preparatory instruction and has basic skills which have been determined to be at or below the eighth grade level as provided for by subsection 6A-6.014(4), F.A.C.; or

(c) The student is enrolled in vocational preparatory courses as defined in Section 228.072(4)(a), Florida Statutes; or

(d) The student is a dependent of a deceased or disabled veteran pursuant to Section 295.01 or 295.016, Florida Statutes, and is enrolled in adult basic, adult high school, vocational job preparatory, vocational preparatory or vocational supplemental courses; or

(e) The student is a dependent of a special risk member as defined in Section 121.021(15), Florida Statutes, and is enrolled in adult basic, adult high school, vocational job preparatory, vocational preparatory or vocational supplemental courses; or

(f) The student is enrolled in adult basic, adult high school, vocational job preparatory, vocational preparatory or vocational supplemental courses and meets the criteria of mentally retarded as prescribed in Rule 6A-6.03011, F.A.C.

(g) The student is enrolled in approved apprenticeship programs defined in Section 446.021, Florida Statutes, provided the contributions of facilities, personnel, or equipment made on behalf of the students equal or exceed the value of the fee exemptions.

(h) The student for whom the state is paying a foster care board payment pursuant to Section 409.145(3), Florida Statutes, or Parts III and IV of Chapter 39, Florida Statutes, for whom the permanency planning goal pursuant to Part V of Chapter 39 is long-term care or independent living.

(5) A school district shall waive the fee for the spouse of a deceased state employee, when the spouse is eligible for the payment of a postsecondary student fee by the state as an employer pursuant to Section 440.16, Florida Statutes, for up to 1,800 classroom hours of instruction in any area vocational-technical center established under Section 230.63, Florida Statutes.

(6) A school district may waive adult student fees up to the maximum amount allowed in the General Appropriations Act under criteria established by the district school board for a waiver, including in-kind contributions as provided for in Section 230.645, Florida Statutes.

(7) A school district may charge an audit fee of up to one hundred (100) percent of the established fee for any adult program or course. An adult student auditing a course shall be admitted on a space available basis and shall not be included in full-time equivalent student membership survey for funding under the Florida Education Finance Program. An adult audit student shall not earn credit for degree, diploma, certificate, or other credentialing purposes.

(8) Fees may be deferred from the date of registration or the first day of class, whichever is the later, for those students receiving financial aid, other than veterans benefits, from federal or state assistance programs, where the receipt of such aid by the student is delayed through circumstances beyond the control of the student. Failure by the student to make timely application for such aid shall not be a reason for granting such deferral.

(9) A veteran and other student eligible for benefits under Chapters 30, 31, 32, 34, or 35, Title 38, U. S. Code, or Chapter 106, 10 U. S. C. upon his or her request, shall receive a deferment each time there is a delay in the receipt of their benefits for the payment of tuition fees from the date of registration or the first day of class, whichever is the later.

(10) Charges for fees, books and supplies may be deferred and held in accounts receivable from the date of registration or the first day of class, whichever is the later, for a student for whom the district board has received a written authorization for payment from a business, industry, governmental unit, nonprofit organization or civic organization which is approved by the board or its designee as an authorized organization for underwriting such an obligation.

(11) Fees may be deferred for a student from the date of registration or the first day of class, whichever is the later, up to the next full-time equivalent student membership survey based on district school board adopted criteria of need or an adopted uniform installment payment schedule with the initial payment scheduled at the time of registration or the first day of class.

(12) If a deferred fee has not been collected, the school district shall not earn full-time equivalent student membership for a subsequent course in which a student registers. Each district school board shall adopt rules prescribing the procedures to be followed for the application and approval of deferments. A list of persons for whom fees are deferred and the amount of the fee deferred and collected shall be maintained.
(13) Districts shall report for each full-time equivalent student membership survey period a duplicate count of fee exempt, resident and nonresident fee nonexempt, fee waived, and fee deferred full-time equivalent student membership for each adult program. Districts shall also report the total amount of fees collected from students as required by Section 230.645, Florida Statutes. The value of in-kind contributions accepted in lieu of fees, deferred fees and fees collected from students auditing a course shall not be added to and made a part of the total fee collection amount reported by the district. The district shall also provide a duplicate count of the full-time equivalent student membership for students counted in the July survey for membership in an adult course which begin before July 1 of the current fiscal year and ended prior to the first day of the October full-time equivalent student membership survey period of the current fiscal year.

(14) In calculating the required adult fee requirements as provided in Section 236.081(4)(e), Florida Statutes, the fee collection credit amount as specified in Section 236.081(4)(e)3.e., Florida Statutes, shall include the amount of fees collected as specified in subsection 6A-6.084(13), F.A.C., and the amount of fees deferred in accordance with subsections 6A-6.084(8), (9) and (10), F.A.C., beyond the current full-time equivalent student membership survey period which the reported fee collection amount represents. However, a school district shall collect all deferred fees for a fiscal year prior to the last calculation of Section 236.081(4)(e), Florida Statutes. August 1 subsequent to the end of the fiscal year shall be the final reporting date for a district to amend its reported fee collection dollar amount for the fiscal year. Nothing in this subsection shall be interpreted to negate the requirement of subsection 6A-6.084(12), F.A.C.

(15) Beginning in 1987-88, the formula to be used in calculating the course work, waiver, and deferred fee penalties as prescribed in Section 230.645, Florida Statutes, is as follows: The district’s unweighted full-time equivalent student membership subject to penalty multiplied by the applicable program cost factor in which the student was reported for funding, multiplied by the base student allocation for the year the student was reported for funding, multiplied by the district’s cost differential for the year the student was reported for funding, multiplied by two.

(16) Fees collected annually for recreation and leisure time programs shall be equal to, but not exceed, the cost of providing such programs by a school district.

Specific Authority 228.061(4), 229.053(1), 239.117 FS. Law Implemented 228.061(4), 236.081(4)(e), 239.117, 239.301, 440.16(1)(c) FS. History–New 12-31-86, Amended 8-30-88, 5-2-89.

6A-6.0900 Programs for Limited English Proficient Students.

(1) The education of limited English proficient students is tailored to the student needs through design, scheduling, instructional strategies, philosophy, or learning activities; by the identification, assessment, and the classification process. Programs for limited English proficient students shall utilize either English for Speakers of Other Languages (ESOL) or home language instructional strategies in approach; provide courses leading to English language proficiency; ensure the student’s identification and assessment, classification and reclassification; ensure access to appropriate ESOL/Home language programming and to categorical programming; ensure qualified instructional personnel and monitoring for program compliance, equal access, and program effectiveness.

(2) The education and related services as described above shall be provided in accordance with the rules listed below:

(a) Rule 6A-6.0901, F.A.C., Definitions Which Apply to Programs for Limited English Proficient Students.

(b) Rule 6A-6.0902, F.A.C., Requirements for Identification, Assessment and Programmatic Assessment of Limited English Proficient Students.

(c) Rule 6A-6.0903, F.A.C., Requirements for Classification, Reclassification, and Post Reclassification.


(g) Rule 6A-6.0907, F.A.C., Inservice Requirements for Personnel of Limited English Proficient Students.

(h) Rule 6A-6.0908, F.A.C., Equal Access for Limited English Proficient Students to Programs Other Than ESOL.


(j) Rule 6A-4.0245, F.A.C., Specialization Requirements for Certification in English for Speakers of Other Languages (Grades K-12) – Academic Class.

(k) Rule 6A-1.0503, F.A.C., Definition of Qualified Instructional Personnel.

(l) Rule 6A-4.0244, F.A.C., Specialization Requirements for the Endorsement in English to Speakers of Other Languages – Academic Class.

(m) Rule 6A-1.09441, F.A.C., Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

6A-6.0901 Definitions Which Apply to Programs for Limited English Proficient Students.

1. Limited English Proficient Student means a student whose home language is one other than English as determined by a home language survey and whose English aural comprehension, speaking, reading, or writing proficiency is below the average English proficiency level of English speaking students of the same age and grade.

2. LEP means limited English proficient.

3. ESOL means English for Speakers of Other Languages.

4. Home or native language, when used with reference to an individual of limited English proficiency, means the language normally used by such individuals, or in the case of a student, the language normally used by the parents of the student.

5. LEP Committee means a group composed of ESOL teachers and home language teachers, and an administrator or designee plus guidance counselors, social workers, school psychologists or other educators as appropriate for the situation.

6. LEP student plan means a written document which contains the student’s name, instruction by program, including programs other than the ESOL provided, amount of instructional time or the instructional schedule, the date the student’s limited English proficiency is identified, and assessment data used to classify or reclassify the student as limited English proficient, date of exit and assessment data used to exit students as English proficient. The plan may be included in or attached to an existing student plan, individual educational plan, or may be a separate document for a given student or students, provided; however, if for “students,” an individual copy of the plan shall be maintained in each student’s file.

7. Basic ESOL means the teaching of English to persons whose native language is other than English using English language as the medium of instruction.

8. Basic subject areas means instruction in computer literacy, mathematics, science and social studies.

9. Other subject areas means instruction in courses other than basic ESOL and basic subject areas, such as music, physical education and vocational courses.

10. Student supportive services means services provided by guidance counselors, psychologists, social workers, visiting teachers, occupational placement specialists, health service providers, school administrators, district level program coordinators, teachers as advisors, or parents.


6A-6.0902 Requirements for Identification, Assessment and Programmatic Assessment of Limited English Proficient Students.

1. Requirements for identification. Beginning with the 1990-91 school year, each student shall be surveyed upon initial enrollment in a school district, with questions specified in this rule. Students whose initial enrollment in the school district was prior to the 1990-91 school year shall be surveyed unless they have been surveyed previously with the questions provided in this rule. The survey shall contain the following questions:

   a. Is a language other than English used in the home?
   b. Did the student have a first language other than English?
   c. Does the student most frequently speak a language other than English?

The questions may appear on the registration form or a separate survey form. The home language and the national origin of each student shall also be collected and retained in the district’s data system.

2. Assessment to determine eligibility for appropriate services and funding.

   a. Each student who responded “yes” to any question on the home language survey shall be assessed to determine if the student is limited English proficient based on one of the standards set forth in subsection (2) of this rule. Any student identified by the home language survey who also meets one of the standards in subparagraphs (2)(a)1., 2. and 3. of this rule shall be determined to be limited English proficient and shall receive appropriate instruction and funding as specified in Section 233.058, Florida Statutes, as amended by Chapter 90-288, Laws of Florida.

1. Any student who scores within the limited English proficient range as determined by the publisher’s standards on a Department of Education approval aural and oral language proficiency test shall be determined limited English proficient and shall be provided appropriate services.

2. Any student in grade 4 or above, who scores at or below 32nd percentile on reading and writing subparts of a norm referenced test shall be determined to be limited English proficient and shall be provided appropriate services.

3. Any student who is determined not to be limited English proficient or any student determined to be limited English proficient based solely on standards in subparagraph (2)(a)2. of this rule may be referred to a LEP Committee to determine eligibility for appropriate services as a limited English proficient student based upon a parent’s or a teacher’s request. The LEP Committee may determine a student to be limited English proficient or not to be limited English proficient according to consideration of at least two of the following criteria in addition to the test results from subparagraph (2)(a)1. or 2. of this rule:
   a. Extent and nature of prior educational and social experience, and student interview;
   b. Written recommendation and observation by current and previous instructional and supportive services staff;
   c. Level of mastery of basic competencies or skills in English and home language according to appropriate local, state and national criterion-referenced standards;
(b) Each school district shall seek to document the prior schooling experience of limited English proficient students by means of school records, transcripts and other evidence of educational experiences, and take such experiences into account in planning and providing appropriate instruction to such students.

(c) In lieu of the standards in subparagraph (2)(a)1. and 2. of this rule, a school district may use a district-developed or adapted test procedure to assess a student’s limited English proficiency. The procedure must be approved by the Department of Education prior to implementation including an affirmative determination that the instruments and standards utilized are valid and reliable measures of whether or not a student is limited English proficient.

(d) Assessment of each student’s aural and oral proficiency should be completed as soon as possible after the student’s initial enrollment and shall be completed within four weeks unless documented in the following manner:

1. The reason for the delay, evidence that the child is accorded the programming required for limited English proficient students pending the delay, and a specific timetable for completing the assessment.
2. This documentation shall be mailed to the parents in their primary language no later than eight weeks after initial enrollment.
3. A copy shall be retained in the student’s files for a minimum of one year.

(e) Assessment of each student’s reading and writing proficiency shall be completed within one year after the date of enrollment for those students who are not identified as limited English proficient. For students transferring into the school district, assessments completed within one year prior to the date of the student’s transfer may be used. For students enrolled in the district prior to 1990-91 who responded “yes” on the home language survey, assessments, completed within one year of the date the district administered the home language survey may be used.

(f) Assessment of a student’s English proficiency as specified in subparagraphs (2)(a)1. and 2. of this rule shall be completed as rapidly as possible. The student shall receive services until assessment is completed. In the interim, from enrollment to eight weeks, the student shall be eligible for English for Speakers of Other Languages funded services based on a school district interim assessment procedure which shall be described in the school district LEP Plan approved by the Department of Education.

(g) A LEP Committee, after notification to the parent of the opportunity to participate, shall conduct assessments referred to in subsections (2) and (3) of this rule and recommend a limited English proficient student plan for such student.

(h) An eligible student shall be reported for ESOL funding as specified in Section 233.058, Florida Statutes, as amended by Chapter 90-288, Laws of Florida.

(3) Programmatic Assessment.

(a) Each student determined to be limited English proficient shall be further assessed in basic subject areas so as to aid the student’s teacher in developing an appropriate instructional program.

(b) Each school district shall seek to document the prior schooling experience of limited English proficient students by means of school records, transcripts and other evidence of educational experiences, and take such experiences into account in planning and providing appropriate instruction to such students.

(c) Any limited English proficient student’s teacher, administrator, parent or parent’s designee may request the convening of a LEP Committee to review the student’s progress in attaining necessary subject area competencies or in overcoming persistent deficiencies in overall student performance. The LEP committee may be reconvened at any time after a student has been served for a semester. The LEP Committee shall make recommendations for appropriate modifications in the student’s programming to address problems identified and shall document such modifications in the student’s plan.


(1) Classification and reclassification for limited English proficient students.

(a) Each student identified as limited English proficient shall continue to receive appropriate instruction and be reported for funding until such time as the student is reclassified as English proficient. English proficiency shall be determined by reassessing the student utilizing the same or comparable assessment instruments, procedures and standards, adjusted for age and grade level, used to determine the student’s eligibility assessment.

(b) A student who has been classified as limited English proficient and enrolled in an English for speakers of other languages program may be reassessed utilizing additional information upon the request of an English for speakers of other languages teacher, counselor, administrator or parent. The LEP Committee may use other assessment information to determine that the student should be exited from the ESOL program if the committee determines that another instructional program or combination of instructional programs better meets the needs of the student. The documentation of the assessment instruments used and the justification for such action shall be retained in the student’s records.
(c) A limited English proficient student shall be enrolled in one or more programs other than English for speakers of other languages programs based on eligibility and need. The amount of time the student is assigned to such a program(s) shall be comparable to that assigned non-limited English proficient students under similar conditions, provided; however, the student assigned full time to a program other than ESOL shall be provided English and basic subject area instruction as required by Rule 6A-6.0904, F.A.C., as soon as possible.

(d) A limited English proficient student may only be reclassified as English proficient utilizing the procedures in paragraphs (1)(a) and (b) of this rule.

(e) Extension of time in the ESOL program for limited English proficient students shall be determined by applying the multiple criteria for entry as specified in Rule 6A-6.0902, F.A.C., and the LEP Committee procedure. This extension of instruction shall be provided to all limited English proficient students not satisfying the standards in this subsection and to all other limited English proficient students on an individualized basis whose aural and oral proficiency testing and achievement results in English are not consistent. A LEP Committee considering the extension of programming for such students shall refer the students as necessary, for appropriate compensatory, special and supportive services evaluations, and programs.

(f) Limited English proficient students provided ESOL or home language instruction may be reported for funding in the Florida Educational Finance Program as specified in Section 233.058, Florida Statutes, as amended by Chapter 90-288, Laws of Florida.

(2) Post Reclassification.

(a) The performance of former limited English proficient students shall be reviewed periodically to ensure parity of participation once they have been classified as English proficient. These reviews shall take place automatically at the student’s first report card and semi-annually during the first year after exiting. Any consistent pattern of either under-performance on appropriate tests or failing grades shall result in the convening of a LEP Committee, with parental participation, to assess the student’s need for additional appropriate programming such as ESOL or other needed programs. Special consideration shall be given to any decline in grades and decline in test performance and to parent preference.

(b) The LEP Committee shall recommend an appropriate student LEP Plan for students reclassified as limited English proficient. The basis and nature of such recommendations shall be in writing and maintained in the student’s file. Any such plan shall be reevaluated for continued appropriateness after one year, and each year thereafter as necessary.

(c) Any student who is reclassified as limited English proficient shall be provided appropriate instruction on the basis of an annual extension pursuant to a documented determination of the student’s needs.

(d) A student who exits the program and is later reclassified as limited English proficient, may be reported in the ESOL program, as specified in Section 233.053, Florida Statutes, as amended by Chapter 90-288, Laws of Florida.

(e) Lack of a students’ ESOL funding eligibility does not relieve a school district of any obligation it may have under state or federal law to continue to provide appropriate services to limited English proficient students beyond the state ESOL program funding limits.


(1) Each limited English proficient student shall be enrolled in programming appropriate for his or her level of English proficiency and academic potential. Appropriate programming includes enrollment in programs other than ESOL funded programs as provided in Rule 6A-6.0908, F.A.C. Such programs shall seek to develop each student’s English language proficiency and academic potential.

(a) Limited English proficient students shall have equal access to appropriate programs which shall include state funded ESOL instruction and instruction in basic subject areas which are understandable to limited English proficient students and equal and comparable in amount, scope, sequence and quality to that provided to English proficient students. Programming shall be documented in the form of a limited English proficient student plan.

(b) Limited English proficient students with special needs and in need of additional services shall be provided equal and comparable services to those provided to English proficient students on a timely basis and appropriate to the level of English proficiency.

(c) Limited English proficient students who, by the end of grade 12 fail to meet the 10th grade statewide assessment, shall be provided appropriate programming as specified in Rule 6A-6.0909, F.A.C.

(d) Limited English proficient students shall be given credit toward fulfilling graduation requirements in English for each basic ESOL course completed satisfactorily. Credit shall be given toward fulfilling graduation requirements for each basic subject area course completed satisfactorily through ESOL or home language.

(2) Basic ESOL instruction.

(a) Basic ESOL programs shall include instruction to develop sufficient skills in speaking, listening, reading and writing English to enable the student to be English proficient.
(b) Limited English proficient students shall be classified according to their levels of English language proficiency, academic achievement, and special needs, and shall be placed in programming appropriate for these levels. Basic ESOL instruction may be provided in heterogeneous classroom settings, such as multiple language groups.

(c) A limited English proficient student shall be provided basic ESOL programming for the minimum number of hours per day or week, as specified in the individual limited English proficient student plan. Such plans shall specify that each student receive, at minimum, the amount of basic ESOL instruction which may include special or alternative language arts necessary to attain parity of participation with non-limited English proficient students in language arts. The limited English proficient student shall not receive less than the total amount of instruction received by a non-limited English proficient student at the same grade level.

(d) Basic ESOL services shall seek to prepare students for reclassification as soon as the student has attained a sufficient level of English language proficiency and academic achievement according to the entry and exit standards set forth in Rules 6A-6.0902 and 6A-6.0903, F.A.C.

(e) A student’s ESOL teacher, parent or parent’s designee, or other school personnel may request the convening of a LEP Committee at any time after the end of the student’s first semester in the program to identify any special problems which may be hindering a student’s progress in ESOL. A LEP Committee shall make appropriate recommendations, as necessary, for the modification of the student’s LEP Plan. The nature and basis of such modification, if any, shall be documented in each student’s LEP Plan.

(f) The Commissioner of Education shall develop or identify standards and criteria for evaluating the appropriateness of basic ESOL instruction in each district. These standards shall be consistent with state-required curriculum frameworks and student performance standards.

(g) Basic ESOL instruction shall be provided by appropriately qualified personnel.

(3) ESOL instructional and home language instructional strategies in basic subject areas.

(a) School districts shall provide appropriate home language instruction or ESOL content instruction or a combination of the two in basic subject areas in addition to basic ESOL instruction. Examples of appropriate ESOL instruction in basic subject areas include “ESOL content,” “sheltered,” “structured” and similar ESOL strategies.

(b) School districts are encouraged to use grouping, clustering, and transporting of students where practical and feasible within and between districts to achieve compliance with these standards.

(4) ESOL instruction in basic subject areas.

(a) A district that provides instruction, in whole or in part, through ESOL strategies shall assure and be able to document that:

1. Each course has been structured in conformity with ESOL strategies for teaching limited English proficient students basic subject matter;
2. Each course is taught by qualified personnel and that appropriate instructional materials are available to such personnel; and
3. Limited English proficient students are learning and progressing towards completion of requirements as specified in the school district’s pupil progression plan.

(b) The focus of instruction shall be substantive subject matter knowledge parallel and comparable to that provided to non-limited English proficient students in basic subject areas, consistent with state curriculum frameworks, and student performance standards.

(c) Limited English proficient students in ESOL basic subject area classrooms shall have access to an individual proficient in their languages in addition to a trained ESOL subject area teacher. Schools with at least fifteen students speaking the same home language shall provide at least one aide or teacher who is proficient in the same home language and who is trained to assist in ESOL basic subject area instruction.

(d) The Commissioner of Education shall develop or identify standards and criteria for evaluating the appropriateness of the ESOL instruction in basic subject areas.

(5) Home language instruction in basic subject areas.

(a) A district that provides instruction, in whole or in part, through home language instruction shall assure and be able to document that:

1. Each course has been structured in conformity with bilingual strategies for teaching limited English proficient students basic subject matter;
2. Each course is taught by qualified personnel and that appropriate instructional materials are available to such personnel; and
3. Limited English proficient students are learning and progressing towards completion of requirements as specified in the district’s pupil progression plan.

(b) The focus of instruction shall be substantive subject matter knowledge parallel and comparable to that provided to non-limited English proficient students in basic subjects, consistent with state curriculum frameworks, and student performance standards. Such instruction shall incorporate appropriate instructional materials and comparable home language texts when available.

(c) The Commissioner of Education shall develop or identify standards and criteria for evaluating the appropriateness of the home language instruction in basic subject areas.

(6) Interim measures.

(a) Limited English proficient students shall receive an instructional program which includes basic ESOL instruction and understandable instruction in basic subject areas.
(b) In recognition that appropriately trained personnel might not be available to each student to provide each component, an action plan shall be developed at each school and for each district setting forth the following:

1. The number of students by language group who are denied any one or more of the programming required herein;
2. The documentation of the district’s efforts and lack of success in recruiting, hiring, or training appropriately qualified staff for such programs;
3. Specific activities and timelines for recruiting, hiring and training needed staff; and
4. A plan of interim measures which must include inservice training programs, utilization of native speaking aides, active language materials and other elements designed to assure that each student’s English language barrier is addressed in an instructionally sound manner.

(7) Parental involvement.

(a) Parental involvement and participation in limited English proficient students’ educational programming and academic achievement shall be promoted, among other ways, by establishing parent leadership councils at each school, or at the district level, composed in the majority of parents of limited English proficient students.

1. Parent leadership council should be promoted.
2. Parents shall be provided training and orientation regarding program monitoring procedures and involvement procedures available to parents of limited English proficient students.

(b) Parents shall be informed of the opportunity to be represented on existing school and district advisory committees.

(c) Parents shall be notified in writing of the student’s initial membership in an assigned program. Notification shall be in language that the parent understands.


(1) Each school district shall submit a school district LEP plan to the Department of Education describing the district’s proposed procedures and methodologies for serving limited English proficient students and must receive the Commissioner of Education’s approval prior to program implementation.

(2) Councils representing parents of limited English proficient students shall be consulted prior to the submission of the school district LEP plans to the Department of Education.

(3) The Department of Education shall review the school district LEP plan and approve, disapprove, or return for clarification or further elaboration within sixty days of submission.

(4) A school district LEP plan shall be updated and resubmitted every three years. Interim changes in the plans shall be submitted as amendments to the Department of Education and must be approved by the Commissioner prior to implementation.

(5) School district LEP plan format. The school district LEP plan shall include at least the following information.

(a) Introduction.

1. A description of the school district’s philosophy of limited English proficient programs, which shall include information on the district and school-level procedures and methodologies, the number of students, identification of languages involved and strategies intended to provide equal educational opportunities to limited English proficient students.

2. An overview of the school district’s LEP plan that summarizes the contents of the plan and specifies appropriate programming.

(b) General section.

1. A general section to include descriptions of district strategies regarding:
   a. Standards for entry, exit and post reclassification monitoring including test and scores to be used;
   b. Instructional categorical and student services such as counseling; and
   c. Statement of procedures to employ qualified staff, including procedures used to monitor the oral language proficiency of teachers of limited English proficient students in math, science, social studies or computer literacy courses in limited English proficient student’s home language using criteria specified in Rule 6A-6.0904, F.A.C., as well as, all relevant provisions.

2. A summary of evidence of consultation with the district’s parent leadership council composed of parents of limited English proficient students or other parent advisory body representative of parents of limited English proficient students; and

3. Interim measures for providing instructional services to limited English proficient students when appropriate personnel are not available to provide basic ESOL instruction and understandable instruction in basic subject areas as set forth in Rule 6A-6.0904, F.A.C. Measures shall be developed at each school.

(6) A school district LEP plan shall incorporate home language instruction in basic subject areas such as transitional or development bilingual education or ESOL instruction in basic subject areas, such as “structured” or “sheltered” instructional strategies, in addition to basic ESOL instruction. The plan shall describe how the district intends to provide each limited English proficient student with the opportunity to learn the academic English subject matter vocabulary necessary for academic success.

(a) The school district shall specify how it will meet the needs of students in the home language using teachers, aides, parents, volunteers and students proficient in the language.
(b) The school district LEP plan shall include a statement of assurance for compliance with Federal and state laws and regulations.

(c) The school district LEP plan shall include a statement which addresses credit towards graduation requirements for basic ESOL courses and ESOL and home language basic subject areas courses.


6A-6.0906 Monitoring of Programs for Limited English Proficient Students.
The Florida Department of Education shall monitor districts to ensure compliance with Rules 6A-6.0900 through 6A-6.0909, F.A.C., and all applicable federal and state laws and regulations including Sections 229.565 and 228.2001, Florida Statutes. Monitoring shall include periodic reviews of the following areas:

(1) Program compliance.
   (a) Monitoring shall be in conjunction with and reports shall be consistent with the comprehensive monitoring system of the Division of Public Schools in accordance with Rule 6A-1.0453, F.A.C.
   (b) Compliance shall be determined and documented in the following areas:
      1. Identification, assessment and programmatic assessment of limited English proficient students as defined in Rule 6A-6.0902, F.A.C.;
      2. Provision for and implementation of basic ESOL instruction, ESOL instruction in basic subject areas, or home language instruction in basic subject areas as defined in Rule 6A-6.0904, F.A.C.;
      3. Employment of qualified personnel as defined in Rules 6A-6.0907 and 6A-1.09441, F.A.C.; and
      4. Parental involvement as defined in Rule 6A-6.0904, F.A.C.
   (c) When applicable, compliance with the following categorical program and supportive service area requirements as provided in law and rule:
      1. Compensatory education;
      2. Exceptional student education;
      3. Dropout prevention;
      4. Pre-kindergarten;
      5. Chapter 2;
      6. Pre-first grade classes;
      7. Vocational;
      8. Adult;
      9. Student services; and
      10. Extended day.
   (d) Periodic reviews of local district compliance with the Florida Educational Equity Act shall include a review of requirements in Chapter 6A-19, F.A.C., with regard to equal access to categorical programming for eligible national minority students. Reviews will be conducted in accordance with Rules 6A-19.010 and 6A-1.0453, F.A.C.
   (e) Data shall be collected annually for all students by the school district and the Department of Education in the following areas:
      1. Student’s home language,
      2. Student’s national origin, and
      3. Student classified as limited English proficient.
   (f) Data shall be collected annually for limited English proficient students by the school district and the Department of Education in the following areas:
      1. Student classified as English proficient,
      2. Student reclassified as limited English proficient,
      3. Student reclassified as limited English proficient but not receiving programming as required in Rule 6A-6.0904, F.A.C.,
      4. Student in Chapter I Program,
      5. Student passing competency test,
      6. Student not passing competency test,
      7. Student in compensatory education program,
      8. Student in exceptional student education program,
      9. Student in dropout prevention program,
      10. Student in prekindergarten program, and
      11. Student in Chapter II Program.
   (2) Program effectiveness evaluation.
      (a) The Department of Education shall design an evaluation system containing output measures by October 1, 1991. The state data system shall be amended to include needed data items between October 1, 1991, and June 30, 1992. The evaluation shall be implemented in the 1992-93 school year.
(b) The goals of program effectiveness evaluations are to more effectively measure outcomes and to substitute, where appropriate, outcome measures for measures contained elsewhere in rules.

(c) The Department of Education shall conduct an equal access data review of all school districts within a three year period in order to ascertain any major deviation from expected data patterns. Where deviations are noted, the school district shall be informed and shall be required to address the issue and report action taken. The district profiles shall include a comparison of (1) national origin minority students, (2) students who are not national origin minorities, and (3) limited English proficient students on the following indicators such as participation in categorical programs, participation in special programs in the Florida Education Finance Program, and participation in targeted academic courses.

(d) Data shall be analyzed to determine program effectiveness in such areas as, but not limited to:
   1. Acquisition of English language skills by limited English proficient students sufficient for parity of participation with non-limited English proficient students within a reasonable period of time;
   2. Progression toward completion of requirements specified in each district’s pupil progression plan as evidenced by a comparison of limited English and non-limited English speaking students;
   3. Comparison of limited English and non-limited English speaking students by race/ethnic, national origin and district by the data identified in this subsection; and
   4. Comparison of student identification and student exit data from ESOL programs of limited English proficient students and by home language by district and state.

(e) Data shall be collected annually for all students by school district and the Department of Education in the following areas:
   1. Retention rates,
   2. Graduation rates,
   3. Dropout rates,
   4. Grade point average,
   5. State assessment test scores, and
   6. Students classified as LEP exiting the ESOL program by home language by year.

(3) Monitoring procedures.

(a) The Department of Education shall develop annually a summary report of the results of the monitoring review or the program evaluation.

(b) Each district shall retain documentation to verify compliance with the requirements of law and rules applicable to programs for limited English proficient students.

(c) The Department of Education shall prepare and distribute to the school district a report of findings and recommendations or corrective actions on monitoring compliance or effectiveness evaluation. Copies of all reports shall be retained in the individual districts as well as by the Department.

(d) The Department of Education monitoring activities shall be planned and undertaken with appropriate consultation and participation of councils representing parents of limited English proficient students. Each district shall be responsible for making a copy of any monitoring report available to councils representing parents of limited English proficient students.

(e) The Department of Education shall designate employees to provide technical assistance to those school districts which data suggest that inadequate or inappropriate services are being provided to limited English proficient students. Such technical assistance shall include:
   1. Joint determination of practices to be investigated by the local school district,
   2. Involvement of the limited English proficient parent group and school district personnel in determining actions to improve the situation, and
   3. A summary report to the Division of Public Schools. The data for school districts receiving technical assistance as described above shall be reviewed the following year to identify the impact of any changes made.

(f) Any documented major deviation from expected data patterns or compliance criteria shall require that the district submit to the Department of Education a written explanation of the situation and any action taken.

(g) Technical assistance shall be made available to any district with data which indicates that inadequate or inappropriate services are being provided to limited English proficient students.

(h) Districts shall be subject to the procedures and sanctions as set forth in Section 229.565(4), Florida Statutes.


6A-6.0907 Inservice Requirements for Personnel of Limited English Proficient Students.

(1) Inservice standards for teachers of math, science, social studies, or computer literacy using ESOL instructional strategies who do not hold a valid certificate with ESOL endorsement or coverage:
a) Any teacher using ESOL strategies to teach math, science, social studies, or computer literacy assigned to instruct limited English proficient students on September 15, 1990, or for the first time in any given school year thereafter shall complete at least sixty points of inservice training or three semester hours of college credit in methods of teaching English to speakers of other languages, ESOL curriculum and materials development, cross-cultural communications and understanding, or testing and evaluation of ESOL by September 15 of the following year, or

b) Teachers who had appropriate certification as specified in the 1989-90 Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C., for the subjects and grades taught and have completed prior to the 1990-91 school year, at least two years of successful teaching using ESOL strategies to teach math, science, social studies or computer literacy to limited English proficient students as verified in writing by the superintendent, shall complete sixty points of inservice training or three semester hours in methods of teaching English to speakers of other languages, ESOL curriculum and materials development, cross-cultural communications and understanding or testing and evaluation of ESOL. The sixty points of inservice training or the three semester hours of college credit shall be completed for the first certificate renewal after July 1, 1990. The school district shall maintain records on how the teacher was evaluated as successful. The experience in a basic subject area ESOL class, acceptable as provided herein, shall have been taught using ESOL strategies.

c) Inservice points or credit earned in fulfillment of this subsection may be used toward meeting three of the six semester hours renewal requirements for that validity period.

2. Inservice standards for teachers of math, science, social studies, or computer literacy using home language instructional strategies who do not hold a valid certificate with ESOL endorsement or coverage:

a) Any teachers using home language strategies to teach math, science, social studies or computer literacy assigned to instruct limited English proficient students on September 15, 1990, or for the first time in any given school year thereafter shall complete at least sixty points of inservice training or three semester hours of college credit in methods of teaching home language, home language curriculum and materials development, or testing and evaluation in the home language by September 15 of the following year, or

b) Teachers who had appropriate certification as specified in the 1989-90 Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C., for the subject and grades taught and have completed, prior to the 1990-91 school year, at least two years of successful teaching of math, science, social studies or computer literacy through the home language strategies, as verified in writing by the superintendent, shall complete sixty points of inservice training or three semester hours of college credit in methods of teaching home language, home language curriculum and materials development, or testing and evaluation in the home language. The sixty points of inservice training or three semester hours of college credit shall be completed for the first certificate renewal after July 1, 1990. The school district shall maintain records on how the teacher was evaluated as being successful. The experience in a basic subject area class acceptable as provided herein shall have been taught using home language strategies.

c) Inservice points or credit earned in fulfillment of this subsection may be used toward meeting three of the six semester hours renewal requirements for that validity period.

d) Teachers who are instructing limited English proficient students in math, science, social studies, or computer literacy in the student’s home language on September 15 of any given school year shall have met by September 15 of the subsequent year the following:

1. A passing grade on a language examination designed to determine whether a person has a language proficiency necessary to teach elementary or secondary students in that language. The Florida Department of Education shall develop by October 1, 1990, a list of approved tests. A district which wishes to use an alternative examination shall submit it to the Florida Department of Education for approval prior to its utilization, or

2. A Florida foreign language certification coverage in the language which the teacher will utilize to instruct limited English proficient students.

3) Inservice standards for teachers of limited English proficient students in subjects other than English, math, science, social studies or computer literacy who did not hold a valid certificate with ESOL endorsement or coverage:

a) Any teacher assigned to instruct limited English proficient students in subjects other than English, math, science, social studies or computer literacy on September 15, 1990, or for the first time in any given school year thereafter shall complete at least eighteen points of inservice training or three semester hours of college credit methods of teaching English to speakers of other languages, ESOL curriculum and materials development, cross-cultural communications and understanding, or testing and evaluation of ESOL by September 15 of the following year. Inservice training shall be provided during three full planning days or by other means approved in the district’s LEP plan, or

b) Teachers who had appropriate certification as specified in the 1989-90 Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C., for the subject(s) and grades taught and have completed, prior to the 1990-91 school year, at least one year of successful teaching of other subject areas, to limited English proficient students, as verified in writing by the superintendent, shall complete sixty hours of inservice training or three semester hours of college credit in methods of teaching English to speakers of other languages, ESOL curriculum and materials development, cross-cultural communications and understanding, or testing and evaluation of ESOL. The sixty hours of inservice training or three semester hours of college credit shall be completed for the first certificate renewal after July 1, 1990. The school district shall maintain records on how the teacher was evaluated as being successful.
(c) Inservice points or credit earned in fulfillment of this subsection may be used toward meeting three of six semester hours renewal requirement for that validity period.

(4) Implementation schedule for this rule.
(a) Principles of Implementation.
1. Except as set forth in this subsection, any teacher required to have an endorsement or training pursuant to this rule shall complete such training within one year of his or her initial assignment.
2. Exceptions to subsection (4) of this rule.
   a. A beginning teacher shall complete the in-service requirements within two years of initial assignment.
   b. A teacher required to have an ESOL endorsement on a certificate pursuant to this rule shall complete course work required for such endorsement within three calendar years of his or her initial assignment.
(b) Interim measures. In recognition that this rule will require large numbers of teachers to be trained for the first time and that this poses a burden for school districts, the following interim measures will be in effect until 1993-94, except as specified herein:
1. During the 1990-91 school year, the following steps shall be taken to provide for a phase-in of the requirements of this rule:
   a. Each school district shall conduct a survey of its limited English proficient students and based on the survey shall determine the number of teachers by school who need to be trained under this rule. Such survey will be completed by February, 1991.
   b. Each school district shall establish a program to assure that all ESOL basic teachers needing training shall initiate training by the beginning of the 1991-92 school year and shall complete such training by the beginning of the 1994-95 school year.
   c. Each school district shall project the number of ESOL subject matter teachers and home language basic subject matter teachers needed by the district and shall initiate a program which will assure that the grouping of teachers with the largest number shall begin training by the beginning of the 1991-92 school year and complete such training by the beginning of the 1993-94 school year and that the grouping of teachers with the lesser number shall begin training by the beginning of the 1991-92 school year and complete such training by the beginning of the 1994-95 school year.
   d. Each school district shall also develop and implement a training and informational program for administrators, including principals, concerning this rule and the educational needs of limited English proficient students.
2. Beginning in the 1991-92 school year those teachers requiring inservice training pursuant to rule shall complete such training within a school year. Each year thereafter those teachers who have not already completed the training shall complete the requisite training.
3. Those teachers who must complete specified credit or inservice points for certification renewal pursuant to this rule shall complete such training by the following time periods: Those whose validity period ends prior to July 1, 1993, shall complete requirements by June 1992; those whose validity period ends July 1, 1994, shall complete requirements by June 1993; those whose validity period ends July 1, 1995, shall complete requirements by June 1994.

(5) Inservice training program standards. Programs set forth herein which enable teachers to meet requirements through inservice points shall meet the following standards:
(a) The inservice time shall be divided between contact time and supervised practicum.
(b) The inservice training time allotted for methods of teaching English to speakers of other languages, ESOL curriculum and materials development, cross-cultural communications and understanding, and testing and evaluation of ESOL as set forth in subsections (1) and (3) of this rule shall be appropriately divided, or
(c) The inservice training time allotted for methods of teaching home language, home language curriculum and materials development, and testing and evaluation in the home language as set forth in subsection (2) of this rule shall be appropriately divided.
(d) A set of performance competencies with post-tests shall be developed by each district in their master inservice plan for all the inservice training provided in fulfillment of this rule.
(e) Trainers of home language teachers, where possible, shall be persons who speak the targeted home language.
(f) Each inservice program developed to meet the requirements of this rule shall be approved by the Florida Department of Education and shall be monitored at least once every three years to assure that the standards set forth herein are met.
(g) Up to sixty inservice points or three semester hours earned in meeting the requirements as specified in subsections (1), (2) or (3), F.A.C. of this rule may be used by a teacher for certificate renewal.
(h) Each district shall retain records for each teacher and aide that successfully completed the inservice requirements.
(i) Each school district shall develop and implement an inservice program for teacher aides who work with limited English proficient students.
(j) Each school district shall develop and implement the inservice requirements contained in this rule in the district’s master inservice plan.

(8) Each district shall develop and implement training components, in addition to the requirements in this rule, needed to increase the effectiveness and efficiency of the program(s) provided to limited English proficient students.

(9) The Department of Education shall provide technical assistance, including technological assistance where feasible, to school districts in the implementation of the inservice training.

(10) During the 1992-93 school year, the Department of Education shall conduct an evaluation of the system of inservice provided in this rule, and shall make recommendations for revising the system based on analysis of student outcome measures.
6A-6.0908 Equal Access for Limited English Proficient Students to Programs Other Than ESOL.

(1) Limited English proficient students, including refugees and other immigrants, racial and national origin minority students, shall be entitled to equal access to programs and services other than ESOL, such as, but not limited to compensatory, exceptional, early childhood, pre-first grade, vocational, adult education, Chapter 2, dropout prevention, extended day, and supportive services regardless of the funding sources.

(2) Home-school communication. All written and oral communication between a school district’s personnel and parents of current or former limited English proficient students shall be in the parents’ primary language or other mode of communication commonly used by the parents unless clearly not feasible.

(3) National origin minority or limited English proficient students shall not be subjected to any disciplinary action because of their use of a language other than English.

(4) Any person or organization may file a complaint alleging violation of Rules 6A-6.0900 through 6A-6.0909, F.A.C., with the Florida Department of Education.

(a) Complaints shall be specific and in writing.
(b) Findings shall be reported to the district and complainant within sixty days after receipt of the complaint.
(c) Corrective actions shall be required for any confirmed violation.
(d) The complaint process is independent of an individual’s rights under state and federal laws.

(5) Exceptional student education referral. The school district shall ensure that an exceptional student referred for placement into programs for limited English proficient students shall have an individual educational plan, IEP, review prior to that placement. A staff representative of the IEP Committee shall be invited to participate in that review.


6A-6.0909 Exemptions Provided to Limited English Proficient Students.

(1) Students in grades 4 and 7, who have been in an ESOL program for two or fewer years may be exempted from participation in the statewide assessment program.

(2) Each school district shall offer alternatives to the statewide assessment program for the measurement of minimum standards in grades 4 and 7.

(a) The alternatives shall measure the same minimum standards as those measured by the statewide assessment program provided, however, that methods appropriate for the limited English proficient student are used.

(b) Remedial programming shall be provided to those students who do not meet the performance standards of the statewide assessment program.

(3) Limited English proficient students who have completed the credits required for graduation and who have failed to meet the 10th grade standards as measured by SSAT-I and II or alternative statewide assessment program shall be eligible for compensatory education for “a thirteenth year” as provided in Section 232.246(10), Florida Statutes.

(a) Alternative methods of meeting the standards of the SSAT-I or alternative statewide assessment program standards shall be used, where feasible, for limited English proficient students who are unable to demonstrate mastery of the standards due to deficiencies in language proficiency.

(b) Limited English proficient students who failed to meet the standards after completing the “thirteenth year” may be eligible to be reported for FTE funding in the appropriate courses in the adult education program of the Florida Education Finance Program.

(4) The Department of Education shall assist the district in identifying or developing the alternative methods referenced in subsections (2) and (3) of this rule.

(5) If the number of limited English proficient students in a district is fewer than ten within a radius of twenty miles of a given school or within the school attendance zone, whichever is larger, a district may apply to the Florida Department of Education for an exemption from the delivery of basic ESOL through an ESOL teacher for this group of students. Exemptions shall be granted on a one year basis, are renewable, and may be granted only if the district documents specific efforts to address the English language needs of its students.

(6) The Florida Department of Education shall review annually the personnel utilized in teaching limited English proficient students by program for the purpose of identifying the areas of need as “critical teacher shortage” areas. The State Board of Education shall take all necessary steps to assure that the benefits set forth in Sections 240.4062 and 240.4064, Florida Statutes, shall be made available to teachers in critical teacher shortage areas.

(7) Upon verification by a superintendent that the district has been unsuccessful in recruiting ESOL basic, ESOL subject matter, or home language instructors, and that certain positions at given schools cannot be filled during any school year with a person who meets the certification requirements in the Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C., or the inservice requirements as specified in Rule 6A-6.0907, F.A.C., a teacher who does not meet the requirements may be assigned to such a classroom on conditions that meet the terms of Rule 6A-1.0503, F.A.C.


1. The Department of Education shall provide accommodations for limited English proficient (LEP) students to enable them to fully participate in the statewide assessment program as defined in Section 229.57, Florida Statutes.

2. Each school board shall utilize appropriate test accommodations within the limits prescribed herein. School district personnel are required to implement the accommodations in a manner that ensures the test responses are the independent work of the student. Personnel are prohibited from assisting a student in determining how the student will respond or directing or leading the student to a particular response.

3. School districts shall offer test accommodations to LEP students who currently are receiving services in a program operated in accordance with an approved district LEP plan. The assessment tests may be administered with any one or a combination of the accommodations authorized herein that are determined to be appropriate for the individual student. Accommodations for statewide assessment tests shall include:

   a. High School Competency Test and Florida Comprehensive Assessment Test.
   1. Students may be given additional time to complete each test section, and the entire test may be administered over one or more days. Students who begin any individual section of the test shall complete it in the same school day.
   2. Students may be given access to English-to-heritage language/heritage language-to-English dictionaries such as those made available to LEP students in an instructional setting. A dictionary written exclusively in the heritage language or in English shall not be provided.
   3. Students may be given the opportunity to be tested in a separate room with the English for Speakers of Other Languages (ESOL) or heritage language teacher serving as test administrator. If the student is not of legal age, the parents of said student shall be informed of this particular accommodation and shall be given the opportunity to select the preferred method of test administration.
   4. Students taking the mathematics test section may be provided limited assistance by the ESOL or heritage language teacher using the student’s heritage language. This assistance shall be as follows:
      a. The teacher may answer student inquiries related to any of the test directions.
      b. The teacher may answer specific inquiries concerning a word or phrase in a particular test question that is confusing the student because of limited English proficiency. In no case shall assistance be given the student in actually solving the mathematics questions.
      c. Questions for clarification posed by individual students must be answered on an individual basis by the test administrator to prevent interference with another student’s ability to concentrate.
   5. Students taking the communications or reading test sections may be provided limited assistance by the ESOL or heritage language teacher using the student’s heritage language. This assistance shall be as follows:
      a. The teacher may answer student inquiries related to any of the general test directions as long as the student is not unmistakably led to infer the correct answer to any of the questions.
      b. The teacher shall not answer students’ inquiries about the reading passages, the question stems, or answer alternatives.
      c. The students may have access to the dictionary specified in subparagraph (3)(a)2., F.A.C., of this rule, but the student is expected to read the reading passage, the question stems, and the answer alternatives in English.

   b. Writing Assessment Test.
   1. Flexible setting. Students may be given the opportunity to be tested in a separate room with the ESOL or heritage language teacher serving as test administrator. If the student is not of legal age, the parents of said student shall be informed of this particular accommodation and shall be given the opportunity to select the preferred method of test administration.
   2. Assistance in the heritage language. The ESOL or heritage language teacher may answer student questions about the general test directions in their heritage language, but the teacher is prohibited from answering questions about the writing prompt.
   3. Flexible scheduling. Students may take the test during several brief sessions within one school day. All testing must be completed within the prescribed testing period shown in the test administration manual.
   4. Flexible timing. Students may be provided additional time beyond the time limit specified in the test administration manual for administration of the test to non-LEP students.
   5. Dictionary. LEP students may have access to English-to-heritage language/heritage language-to-English dictionaries, such as those made available to LEP students in an instructional setting. A dictionary written exclusively in the heritage language or in English shall not be provided.

4. Each school board shall establish procedures whereby training shall be provided to the ESOL or heritage language teacher who is administering any of the statewide assessment tests. The training shall be designed to teach the teacher how to administer the statewide assessment tests within the limits prescribed in this rule.

5. Limited English proficient students who otherwise are classified as exceptional education or handicapped students shall be afforded the additional test accommodations specified in Rule 6A-1.0943, F.A.C.

Specific Authority 229.57(14) FS. Law Implemented 229.57(3), 232.246(8) FS. History–New 10-17-00.
6A-6.0910 School-Age Child Care.
School districts are hereby authorized to establish school-age child care programs, utilizing existing public school facilities and other appropriate facilities available for such purposes. The following principles apply for such programs:

(1) School based programs. By agreement between the Department of Education and the Department of Health and Rehabilitative Services where school age child care programs utilize facilities and employees of the school board, the operation of the child care facility shall be in accordance with the rules and regulations of the State Board of Education and the district school board. Such programs are not required to comply with the requirement of the Department of Health and Rehabilitative Services.

(2) Contracted services. School age child care facilities that are provided by a school district by contracting with a private agency must comply with all the rules and regulations of the Department of Health and Rehabilitative Services relating to child care facilities. Such facilities must be licensed pursuant to Section 402.305, Florida Statutes.

Specific Authority 228.0617(10), 229.053(1) FS. Law Implemented 228.061, 228.0617 FS. History–New 10-16-91.
CHAPTER 6A-7 SPECIAL PROGRAMS II

6A-7.001-.015 (Repealed)
6A-7.016 Critical Teacher Shortages. (Transferred to 6A-20.0131)
6A-7.0161 Teacher Scholarship Loan Program. (Transferred to 6A-20.010)
6A-7.0162 Student Loan Forgiveness Program. (Transferred to 6A-20.013)
6A-7.0163 Critical Teacher Shortage Tuition Reimbursement Program. (Transferred to 6A-20.012)
6A-7.017 Participation in the College-Level Communication and Computation Skills Testing Program as a Requirement for State Student Financial Aid Awards. (Transferred to 6A-20.005)
6A-7.019 Forms and Instructions. (Repealed)
6A-7.020 Approved Institutions for General Scholarship Loans for Teachers. (Repealed)
6A-7.021 Allocation of General Scholarship Loans for Teachers. (Repealed)
6A-7.022 Payment of Grants to Scholarship Loan Holders. (Repealed)
6A-7.023 Leave of Absence from College for Scholarship Holders. (Repealed)
6A-7.024 Discontinuance of Scholarship Loans. (Repealed)
6A-7.025 Forfeiture of Scholarship Loans. (Repealed)
6A-7.026 Voluntary Relinquishment of Scholarship. (Repealed)
6A-7.027 Cancellation of Scholarship Notes. (Repealed)
6A-7.028 Deferment from Teaching of Scholarship Holders. (Repealed)
6A-7.029 State Scholarship Committee. (Repealed)
6A-7.0291 Florida Academic Scholars’ Fund. (Transferred to 6A-20.008)
6A-7.0292 Seminole and Miccosukee Indian Scholarships. (Transferred to 6A-20.020)
6A-7.0293 College Career Work Experience Program. (Transferred to 6A-20.016)
6A-7.030 Approved Institutions for Nursing Scholarships. (Repealed)
6A-7.031 Awarding of Nursing Scholarships. (Repealed)
6A-7.032 Responsibilities of Nursing Scholarship Holders. (Repealed)
6A-7.0321 Leave of Absence from Nursing Training. (Repealed)
6A-7.033 Responsibilities of Nurse Training Institution. (Repealed)
6A-7.0331 Forfeiture of Scholarship Loans. (Repealed)
6A-7.0335 Regional Centers for Implementing Services to Individuals with Autism, Pervasive Developmental Disorders, Autistic-like Disabilities, Dual Sensory Impairments, or Sensory Impairment with Other Disabling Conditions.
6A-7.034 Practical Nursing Scholarship Loans. (Repealed)
6A-7.035 Approved Institutions for Training Grants Exceptional Child Education. (Repealed)
6A-7.036 Awarding of Grants to Teachers for Special Training in Exceptional Child Education. (Repealed)
6A-7.037 Payment of Grants to Recipients. (Repealed)
6A-7.038 Florida Exceptional Child Education Summer Fellowship Grants. (Repealed)
6A-7.039 Scholarship Loans for the Preparation of Exceptional Child Teachers. (Repealed)
6A-7.0391 Florida Student Loans. (Repealed)
6A-7.0392 Florida Regents Scholarships. (Repealed)
6A-7.0393 Florida Student Assistance Grants. (Transferred to 6A-20.009)
6A-7.0394 Florida Insured Student Loan. (Repealed)
6A-7.0395 Collection and Settlement of Delinquent Loan Accounts. (Transferred to 6A-20.024)
6A-7.0396 Interim Short-term Loan Program. (Repealed)
6A-7.0397 Florida Tuition Vouchers. (Transferred to 6A-20.007)
6A-7.0398 Forms and Instructions for State Tuition Voucher Fund. (Repealed)
6A-7.0399 College Level Examination Fee Waiver Program. (Repealed)
6A-7.040 Purposes of School Food Service Rules.
6A-7.041 Objectives of the School Food Service Program.
6A-7.042 Responsibilities for the School Food Service Program. (Transferred to 6A-7.042)
6A-7.0422 Procedures for Food Service Companies to Qualify as Child Care Food Service Providers.
6A-7.0424 Child Care Food Program Day Care Home Sponsoring Organizations.
6A-7.043 District Responsibilities for School Food Service Program. (Repealed)
6A-7.044 Local School Responsibilities for School Food Service Program. (Repealed)
6A-7.045 Supervision and Administration.
6A-7.046 Qualifications of School Food Service Personnel. (Repealed)
6A-7.047 Facilities for School Lunch Programs. (Repealed)
6A-7.048 Special Requirements for Receiving Federal or State School Food Service Subsidies. (Repealed)
6A-7.0481 Area School Food Service Programs. (Repealed)
6A-7.049 Formula for Distribution of State and Federal School Food Service Subsidies. (Repealed)
6A-7.055 General Qualifications for All Supervisors of Instruction. (Repealed)
6A-7.056 Qualifications for Supervisors of Special Areas. (Repealed)
6A-7.057 Duties of Supervisors Employed on Supervisory Units. (Repealed)
6A-7.058 Procedure for Employment of Supervisors on Supervisory Units. (Repealed)
6A-7.059 Dismissal of Persons in Supervisory Positions. (Repealed)
6A-7.060 Application for Supervisory Units under Minimum Foundation Program. (Repealed)
6A-7.061 Plans for Use of Supervisory Units. (Repealed)
6A-7.062 Salaries of Supervisors. (Repealed)
6A-7.063 Travel Expenses for Supervisors. (Repealed)
6A-7.065 Adoption Period for Instructional Materials Requiring Frequent Revision. (Repealed)
6A-7.070 Textbook Allocation. (Repealed)
6A-7.0701 District Instructional Materials Plan. (Repealed)
6A-7.0702 Instructional Materials Survey. (Repealed)
6A-7.071 Substitute Editions of Textbooks. (Repealed)
6A-7.072 Textbooks Authorized for Special Schools. (Repealed)
6A-7.073 Requisition of Textbooks. (Repealed)
6A-7.074 Disposing of Instructional Materials.
6A-7.075 Sales of State Department Bulletins. (Repealed)
6A-7.077 Exchange of Textbooks. (Repealed)
6A-7.078 Inventory Records of Textbooks. (Repealed)
6A-7.079 Sale of Textbooks to the Public. (Repealed)
6A-7.080 Rebinding and Rehabilitation of Textbooks.
6A-7.081 Textbook Charges. (Repealed)
6A-7.090 Retention of Title to and Disposal of Equipment by Division of Vocational Rehabilitation. (Repealed)
6A-7.095 Community Education Grants. (Repealed)
6A-7.096 Educational Improvement Projects.
6A-7.097 Law Education Program. (Repealed)
6A-7.098 Metric System. (Repealed)
6A-7.099 Challenge Grant Program for the Gifted.

6A-7.0335 Regional Centers for Implementing Services to Individuals with Autism, Pervasive Developmental Disorders, Autistic-like Disabilities, Dual Sensory Impairments, or Sensory Impairment with Other Disabling Conditions.

(1) Eligibility. Individuals of all ages with significant communication or significant behavior problems are eligible for regional center services if an individual has been diagnosed as having autism, pervasive developmental disorder, autistic-like disability, dual sensory impairment, or sensory impairment with other disabling conditions. The centers shall verify the disabling condition(s) of the individual. Such verification may consist of the most recent information from state and local agencies and individuals, and may include, but not be limited to, medical and psychological records. However, the center shall not defer services to the individual and family while awaiting receipt of such information.

(2) Direct services. The primary focus of the regional centers is to provide individualized, direct assistance to individuals and their families who are eligible under this rule. These services shall include nonresidential assistance; outreach programs to school districts, families, and agencies; dissemination of referral and resource information; and professional training materials and programs.

(3) Regional center plan. Each center shall prepare and submit, for approval by the Department, a project plan for services to include:

(a) Project description. A description of the project shall include the following components:

1. A staffing plan with, as a minimum, individuals with expertise in autism or autistic-like behaviors and individuals with expertise in sensory impairments;
2. A direct service plan that shall address individual and family assistance in the home, community, and school. A regional center shall not supplant responsibilities of other state and local agencies. Each school district shall be responsible for providing appropriate educational services for clients of a center who are school age;
3. A technical assistance and consultation services plan for providing specific intervention and assistance, utilizing all available community resources, to clients of the regional center, the clients’ family, school districts, and other service agencies and individuals as appropriate;
4. A professional training program plan that includes developing, providing, and evaluating preservice and inservice training in state-of-the-art practices for personnel who work with the populations served by the regional centers and their families; and
5. A public education plan to increase awareness of the public about autism, autistic-like disabilities of communication and behavior, pervasive developmental disorders, dual sensory impairments, and sensory impairments with other handicapping conditions.

(b) Coordination of services. The regional center plan shall include a description of coordination of services with other regional centers, other state agencies, school districts, private providers, and other entities, as appropriate. The plan shall also include a description of how the center will interface with the medical community to ensure the appropriate use of medical consultation in the provision of services.

(c) Coordination with constituency boards. Each regional center plan shall include a description of its working relationship with and support of the constituency board, as defined in Section 393.0697, Florida Statutes. It shall be the responsibility of the center director to communicate regularly with the chair of the constituency board on issues affecting the operation and delivery of services by the center.

(d) Review of plan. Each center director shall submit the regional center plan to the appropriate constituency board for review and comment.

(4) Referral. Referrals are requests for assistance (e.g., training, consultation) for a particular individual. Referrals may be made by any person (e.g., family member; teacher; administrator; appropriate persons in the Departments of Education, Health and Rehabilitative Services, Labor and Employment Security; providers of services for those departments; or the identified individual) who is responsible for or involved with the individual. In order for the centers to provide direct assistance, including program planning and direct consultation, the individual or the individual’s family or legal guardian must provide a request or consent for such assistance. A preliminary screening will be conducted to determine eligibility. If the individual referred meets the eligibility criteria, assistance will be provided by the regional center within available resources. If the individual referred does not meet the eligibility criteria, the referred individual will be matched with alternative services. The centers will respond to three (3) basic referrals and requests within available resources:

(a) Crisis. Referrals for immediate assistance for individuals with severe problematic behaviors and potentially dangerous or abusive situations.

(b) Seeking resources and information. Referrals made by families, educators, and staff or providers to state departments and other agencies who are involved in identifying all avenues of support and assistance available to them. This may include specific identified areas of concern that are other than a crisis situation.

(c) Specific requests for training, assistance, or materials. Requests for specific assistance from a family or family member, state agency, school district, or a private provider requesting in-service training for a particular topic area.

(5) Constituency boards. Each regional center shall have a constituency board of no fewer than six (6) members who are selected by each university president from a list that has been developed by the Autism Society of Florida and other relevant constituency groups that represent individuals as defined in Subsection (1) of this rule. This board shall meet quarterly with the center staff to provide advice on policies, priorities, and activities. Each board shall elect a chairperson and secretary. It shall be the responsibility of the chairperson to communicate regularly with the regional center director on pertinent issues affecting the operation and delivery of services by the center. Each board member shall be appointed for a three (3) year term, with two (2) members being appointed each year. The initial term rotation will be determined by lot, with one-third of the members serving for one (1) year, one-third of the members serving for two (2) years, and one-third of the members serving for three (3) years. A board member may serve for only two (2) consecutive full terms, but shall continue to serve until his/her successor is named. Whenever possible, the appointment of a new member shall be from the same constituency group as the member retiring from the board. The procedure for appointing an individual to fill an unexpired term is the same as that used to make regular appointments. Members of the constituency boards shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in Section 112.061, Florida Statutes. Payment may be authorized for pre-approved expenses such as mailing, telephone, or photocopying. Chairs of the constituency boards shall meet twice a year to coordinate board activities. One of these meetings shall be with regional center staff to plan the annual conference and the other meeting shall be at the conference. Each constituency board, after review and comment from regional center staff, shall submit by September 1 to the respective university president and the Department an annual report that evaluates the activities and accomplishments of its center during the preceding year.

(6) Annual conference. To promote statewide planning and coordination, an annual conference shall be held for staff from each regional center and representatives from each center’s constituency board. This conference shall include networking opportunities, cross-training, and feedback among staff and constituency board representatives. The conference shall be open to the public.

(7) Census. Each regional center will be responsible for gathering information for the statewide census of individuals who are eligible for services of these centers. Census information will include: county, date of birth, sex, disabling conditions which make the individual eligible for center services, and other information determined by the centers as necessary to maintain an accurate census.

(8) Reporting. Each regional center, after review and comment by the appropriate constituency board, shall submit to the Department by September 1 an annual report which shall include the following:

(a) The number of individuals served, the type of disability served, and the type and extent of services offered to the individuals;
(b) The type of training offered to regional center staff, constituency board members, and individuals and the total number by category of individuals trained.

(9) Budget. Each regional center shall submit to its university and the Department an annual budget which has been reviewed by its constituency board. The budget shall reflect the service component of the centers. Line items for travel shall represent necessary travel to provide or coordinate services and training. Equipment and research budget items shall be limited to those amounts necessary to support the service component of the center.

Specific Authority 229.053(1), 393.0697(5) FS. Law Implemented 393.0697 FS. History–New 10-18-94.

6A-7.040 Purposes of School Food Service Rules.

School food service rules have the following purposes:

(1) To comply with the National School Lunch Act (P.L. 79-396 and amendments), Child Nutrition Act (P.L. 89-642 and amendments), Omnibus Reconciliation Act (P.L. 97-35 and amendments) and Section 228.195, Florida Statutes.

(2) To provide standards and procedures for operating the school food service programs, the child care food program and the summer food program.

Specific Authority 228.195(2), 229.053(1) FS. Law Implemented 228.195, 229.053(2)(i), (n) FS. History–Amended 4-19-73, Repromulgated 12-5-74, Formerly 6A-7.40, Amended 5-3-88.

6A-7.041 Objectives of the School Food Service Program.

The school food service program has the following objectives:

(1) To provide school food services consistent with the nutritional needs of students. Such services shall include a reimbursable lunch or breakfast, priced as a unit, and supplemental nourishment as needed.

(2) To provide school food services that contribute to the student’s educational experiences.

Specific Authority 228.195(2), 229.053(1) FS. Law Implemented 228.195 FS. History–Amended 3-22-66, 4-11-70, 4-19-73, Repromulgated 12-5-74, Amended 6-28-83, Formerly 6A-7.41. Cf. 7 CFR Parts 210 and 220.


(1) In determining eligibility of children for free and reduced price meals in the national school lunch program, school breakfast program, child care food program, and commodity schools, and for free milk in the special milk program during each state fiscal year, participating schools and institutions shall use the income level provided by the Deputy Commissioner for Educational Programs in the manner prescribed herein.

(2) Federal law requires that the state establish an income level for family size by applying a specified percentage to “Income Eligibility Guidelines” promulgated each year by the Secretary of the U. S. Department of Agriculture. This ministerial act shall be performed by the Deputy Commissioner for Educational Programs, who is directed to make the calculations in accordance with 42 U. S. C. s. 1758(b) and 7 C. F. R. s. 245.1. The calculations are to be made and transmitted to participating schools and institutions within ten (10) work days from the date the “Income Eligibility Guidelines” are published in the Federal Register. The income levels established by law are to be calculated as follows:

(a) For free meals and free milk: One hundred thirty percent (130%) multiplied by the poverty level of income corresponding to a family size as specified in the applicable “Income Eligibility Guidelines.”

(b) For reduced price meals: One hundred eighty-five percent (185%) multiplied by the poverty level of income corresponding to a family size as specified in the applicable “Income Eligibility Guidelines.”

(3) The income level specified above is the maximum income a family may receive and the children be eligible for free and reduced price lunch or breakfast or free milk.

(4) Reduced price for lunch shall be forty (40) cents or less and for breakfast thirty (30) cents or less.

(5) “Income” as used in this rule shall be determined in accordance with the federal statutes, regulations and directives that are applicable to the particular federal program.


6A-7.0422 Procedures for Food Service Companies to Qualify as Child Care Food Service Providers.

In order to bid on contracts with sponsoring organizations to provide meals reimbursed under the Child Care Food Program, food service management companies must be registered and approved by the Department. The Department shall annually publish announcements concerning the availability of food service contracts. The registration and approval process involves:

(1) Registration. A food service management company shall complete and file an application for approval to bid on contracts. The application shall include a permit to operate or other certificate issued by the county health unit and a current balance sheet.
(2) Approval. The Department shall schedule an on-site inspection of the production site within thirty (30) days of receipt of the complete application to, (a) determine if the company has resources to fulfill the requirements for the meal contract; (b) inspect the facility for suitability to provide sanitary, nutritious food; (c) ensure that procurement procedures comply with Federal Regulations, specifically 7 CFR Part 226, Sections 226.6, 226.20, and 226.21. Each approved food service company shall be inspected annually to ensure continued compliance with these requirements.

(3) Appeal Process. If an application to be an approved bidder is denied, or a company’s qualification is withdrawn upon annual inspection, the food service management company shall be notified within ten (10) days of such an action by the Department. The company shall be notified of the right to appeal using procedures established in Federal Regulations in 7 CFR, Section 226.6(j).

(4) Publication of Approved Bidders. Sponsoring organizations shall be notified of qualified food service management companies by publication of a list of such companies by the Department.

Specific Authority 228.195(2), 229.053(1) FS. Law Implemented 228.195 FS. History–New 5-3-88. Cf. 7 CFR Part 226, Sections 226.6, 226.20 and 226.21.

6A-7.0424 Child Care Food Program Day Care Home Sponsoring Organizations.

(1) Sponsoring organization approval. In order to be eligible for participation in the Child Care Food Program in Florida, a sponsoring organization must:
(a) Be located in Florida;
(b) Show evidence of capabilities to administer and manage a sponsoring organization. Such evidence may include a history of work experience including but not limited to:
1. Working with children,
2. Providing family services,
3. Managing funds under other state or federal programs,
4. Findings of audits of state and federal programs managed.
(c) Maintain an office which is staffed with administrative personnel and which is located in the county of primary operations.

(2) Jurisdiction. The area(s) of jurisdiction in which a sponsoring organization is permitted to operate day care homes must be established by the Food and Nutrition Management Section, Department of Education, based on need and existing day care home sponsoring organizations.

(3) Change in sponsorship. Unless a sponsoring organization ceases to function, thirty (30) days must elapse between the time a day care home may transfer from one sponsoring organization to another sponsoring organization. The change in sponsorship must be approved by the Food and Nutrition Management Section, Department of Education.

Specific Authority 228.195(2), 229.053(1) FS. Law Implemented 228.195 FS. History–New 10-17-89. Cf. 7 CFR Part 226, Sections 12, 16, 18.

6A-7.045 Supervision and Administration.

There shall be an incentive plan to provide for qualified supervision and administration of school food service programs. A district approved to sponsor food service programs under the National School Lunch Act Regulation 7 CFR 210 shall be eligible to participate in the incentive plan as prescribed in Rule 6A-7.042, F.A.C., provided all of the following conditions are met:

(1) The number of food service certificated program administrators/supervisors shall be in accordance with the applicable pattern:
(a) Districts with less than ten (10) food service sites shall provide supervision on at least a part-time cooperative or dual-assignment basis.
(b) Districts with ten (10) or more food service sites shall provide a full-time administrator and supervisory services which equal the total number or major fraction thereof, calculated by summing the applicable parts 1., 2., 3., and 4. as follows:
1. The number of sites with lunch program only, divided by thirty-three (33).
2. The number of sites with lunch and breakfast programs, divided by twenty-four (24).
3. The number of sites with additional child nutrition programs such as: The Summer Food Service Program for Children, Child Care Programs, Feeding the Elderly, Evening Meal Program, Headstart, Migrant, or other approved programs, divided by fifteen (15).
4. The total number of schools in the school district divided by fifty (50).

(2) A food service district administrator shall hold a master’s degree. A food service supervisor shall hold as a minimum, a bachelor’s degree. Both shall meet the qualifications for food service certification as prescribed by Rule 6A-4.030, F.A.C. Food service administrators and supervisors employed by the district prior to December 5, 1974, shall be exempt from the requirement contained herein.

(3) Each manager of a food service operation at the site level shall have at least a high school equivalency diploma and three (3) years of experience in school food service or related work; provided that in the event acceptable personnel meeting the educational requirement are not available, the school board may employ a manager on the condition that the educational
requirements be met within one (1) year from the date of employment. A manager so employed, who fails to meet the educational requirement within the prescribed time limits shall not be continued in employment. Managers employed by a district prior to December 5, 1974, shall be exempt from the requirement contained herein.


(1) Publishers and manufacturers of instructional materials currently in adoption in Florida may request permission to substitute for any such instructional materials on a current contract a revised edition which corrects or updates content; provided, that the revised edition can be used satisfactorily with the currently adopted edition simultaneously in the same classroom, is identical, equal, or superior to the physical specifications of the currently adopted edition, and is available at no increase in price.

(2) Each request shall be accompanied by four (4) copies of the currently adopted edition; four (4) copies of the revised edition; and four (4) copies of a detailed analysis of each change in the revised edition, citing page references. This analysis shall include all changes in content, illustrations, pagination, and manufacturing specifications.

(3) Each request shall be filed in writing with the Deputy Commissioner for Educational Programs, who shall forward it with a recommendation to the Commissioner.

(4) Any substitution which is approved shall be effective on the date the action is taken by the Commissioner.

Specific Authority 229.053(1), 233.16(3) FS. Law Implemented 233.25(3), (6), (8), (9) FS. History–New 10-30-78, Formerly 6A-7.711, Amended 7-29-92.

6A-7.074 Disposing of Instructional Materials.

(1) Usable surplus and obsolete instructional materials no longer under contract to the state shall be carried on inventory for at least one (1) year in order to permit full utilization of state adopted instructional materials. Instructional materials when declared surplus may be disposed of, provided the Deputy Commissioner for Educational Programs has been notified of the available surplus so that every effort may be made to provide those available materials to other districts in the state of Florida. The Deputy Commissioner for Educational Programs shall make each district’s listing of surpluses available to all the other districts for a period of thirty (30) days. Any material which cannot be utilized in inter-district exchange programs may be:

(a) Given to other public education programs within the district or state.
(b) Given to the teachers to use in developing supplementary teaching materials.
(c) Given to students or others.
(d) Given to any charitable organization, governmental agency, private school or state.

(2) If disposal of surplus or obsolete material cannot be accomplished as outlined above, the superintendent may then use the procedures as prescribed in subsection (3) below.

(3) State adopted instructional materials determined by the superintendent to be in such physical condition as to make them unserviceable or unsuitable for further use may be:

(a) Disposed of to recycling plants, pulp mills, paper manufacturers, junk dealers, or other persons, firms or corporations upon such terms as are most economically advantageous to the district school board.
(b) Given to governmental agencies, charitable organizations or individuals.
(4) If disposal cannot be completed as prescribed in subsection (3) above, then the instructional materials may be destroyed in a manner prescribed by school board policies.

(5) All monies received by reason of sale, exchange or other disposition of instructional materials shall be deposited in the district school fund and added to the district appropriation for instructional materials.

Specific Authority 233.37 FS. Law Implemented 233.37, 233.38, 233.44 FS. History–Amended 4-8-68, 4-11-70, Revised 10-31-74, Repromulgated 12-5-74, Formerly 6A-7.74.


Official minimum manufacturing standards shall be those currently approved for textbook specifications by The Book Manufacturers’ Institute.

Specific Authority 229.053(1) FS. Law Implemented 233.14(1)(e), 233.25 FS. History–Amended 4-8-68, 10-31-74, Repromulgated 12-5-74, Formerly 6A-7.76.

6A-7.080 Rebinding and Rehabilitation of Textbooks.

The Commissioner of Education shall initiate contracts based on competitive bids for rebinding of state textbooks in accordance with Section 233.39, Florida Statutes. Contracts shall be governed by the following requirements:

(1) Rebinding shall be optional with each district. In each district which elects an option to rebind textbooks, the superintendent shall determine which books are to be rebound.
(2) All expense for and incident to packing and transportation of books from a central bookroom in the district which elects an option to rebind, to the bindery and return to the district, shall be paid by the binder.

(3) The contract period shall not exceed one (1) year beginning on the date of contract award. The contract shall also provide for a maximum of two (2) one-year extensions if agreed upon by mutual consent of both parties at least sixty (60) days prior to current termination date. The contract shall not be assigned by the binder to another bindery or binderies without approval of the Commissioner.

(4) Payment shall be made to the binder by the district after the binder delivers the books to the district provided that the rebound books have been approved as to quality and quantity by the district superintendent or an authorized representative.

(5) All materials, supplies, equipment and workmanship used in the repair and rebinding of textbooks must conform fully to specifications of the library binding institute for class “A” binding.

(6) Any rebinding firm which is awarded a contract to repair and rebind textbooks shall be responsible for books consigned to the care of the firm and must insure the same against loss or damage by fire, hurricane, water or other causes. Such insurance shall be carried in an amount not less than sixty (60) percent of the cost value of the books. The cost value of the books shall be the price paid to the publisher at the time of original purchase.

(7) A performance bond in the amount of five thousand (5,000) dollars executed by the rebinding firm and payable to the State of Florida, to ensure completion of the contract, shall be attached to and made a part of any contract for rebounding entered into by the state. At such time as all provisions of the contract have been met or at such time as the contract is terminated by mutual agreement, the said performance bond shall be returned to the binder.

(8) The rebinding firm must rebind, rehabilitate and return textbooks to the district within a maximum of sixty (60) days, exclusive of Saturdays, Sundays and holidays, after books have been received by the rebinding firm.

(9) Whenever any material, process, composition or thing used by a rebinding firm pursuant to a contract with the State of Florida is covered by patent or copyright, the rebinding firm must secure, before using such material, process, composition or thing the assent in writing of the owner or licensee of such patent or copyright, guaranteeing the protection to the state from all suits or claims which may arise from the use thereof and file the same with the Deputy Commissioner for Educational Programs.

(10) The district superintendent shall maintain accurate and complete records regarding the inventory, shipment and cost of rebound books.

Specific Authority 233.39 FS. Law Implemented 233.39 FS. History—Amended 2-20-64, 4-8-68, Amended 10-31-74, Repromulgated 12-5-74, Formerly 6A-7.80, Amended 7-29-92.

**6A-7.096 Educational Improvement Projects.**

The following provisions are established for administering educational improvement grants as provided in Section 229.59, Florida Statutes.

(1) Educational improvement proposals may be submitted from a school district, two (2) or more school districts, an individual school, or two (2) or more schools. Each proposal shall be submitted to the Department through a district school board.

(2) Project proposals to be considered for funding shall be developed with the assistance of a district or school advisory committee and shall address one (1) or more of the following:

(a) School management improvement,
(b) District or school advisory committee improvement,
(c) School volunteers, and
(d) Any other educational area which would be improved through a closer relationship between school and community.

(3) Priority shall be given to proposals which best demonstrate the following:

(a) Evidence of need,
(b) Potential for improvement,
(c) Appropriateness of project emphasis,
(d) Adequacy of project evaluation,
(e) Involvement of community in project, and
(f) Utilization of existing resources.

(4) Each project and each amendment to an approved project funded under Section 229.59, Florida Statutes, shall be approved by the Commissioner. The Commissioner shall appoint a committee, with membership including appropriate citizens, to assist in the review and evaluation of proposals to be approved for funding. The Commissioner or a designee may negotiate with the proposal sponsor on the amount of funding required and on the content of any proposed project to better meet the requirements and intent of the law.

(5) The district’s approved fiscal control and accounting procedures shall apply to all funds received and expended. Eligible expenditures from projects shall be limited to direct operating expenses for activities directly related to the objectives of the projects and may include salaries and benefits for those employees who render service beyond their normal contract period. Such salaries and benefits shall not exceed fifty (50) percent of the total funds approved for any one project or one thousand five hundred (1,500) dollars per project, whichever is less.

(6) Each project funded shall contain provisions for the submission of an evaluation upon completion of the project.
(7) Forms and instructions necessary to carry out this program are as follows: Form ESE 022, Educational Improvement Project Statement of Intent; ESE Form 023, FY – Proposal for Educational Improvement Projects; and Form ESE 024, FY – Educational Improvement Projects Final Evaluation Report. These forms and instructions are incorporated by reference into this rule. Copies of these forms and instructions may be obtained from the Administrator, Information Services and Accountability, Division of Public Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

Specific Authority 120.53(1)(b), 229.053(1), 229.59(1) FS. Law Implemented 229.59 FS. History–New 10-30-78, Amended 11-18-84, Formerly 6A-7.96.

6A-7.099 Challenge Grant Program for the Gifted.

(1) The purpose of the Challenge Grant Program for the Gifted shall be to encourage public schools to implement exemplary programs which challenge gifted students.

(2) As provided by Section 236.1225(2), Florida Statutes, the Commissioner shall cooperate and consult with associations and organizations concerned with the education of the gifted in administering this grant program. Such associations and organizations shall include at least the Florida Association for the Gifted and the Florida Federation Council for Exceptional Children.

(3) Annually the Commissioner shall invite district school boards to submit a program proposal consistent with the requirements of Section 236.1225, Florida Statutes. The proposals shall be judged by the following criteria:
   (a) The proposed program will improve the quality of existing programs;
   (b) The proposed program will initiate a model or demonstration program; or
   (c) The proposed program will expand student participation in existing programs.

(4) Each project funded shall, as provided by Section 236.1225(3)(d), Florida Statutes, contain provisions for the submission of an evaluation of the program and shall meet all requirements of law.

(5) Each project funded shall contain provisions for the submission of an evaluation of the program and shall meet all requirements of law.

Specific Authority 229.053(1), 230.23(4)(m), 236.1225 FS. Law Implemented 236.1225 FS. History–New 1-6-83, Amended 5-3-83, Formerly 6A-7.99.
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6A-10.006 Rules and Procedures for Cabinet Review and Approval of Appointees to Membership on the Board of Regents.

Prior to taking official action to approve or disapprove an appointee for membership on the Board of Regents, the Cabinet shall follow the rules and procedures prescribed below.

(1) Record of qualifications. An appointee to membership on The Board of Regents of the State University System shall take office after his appointment by the Governor has been approved by three (3) members of the Cabinet and his commission has been issued by the Governor. The review of the qualifications of each appointee shall be conducted by the Cabinet as expeditiously as possible. In making its review of each appointee, the Cabinet may consider the following items:

(a) The geographical area of the state to be represented on the Board of Regents by the appointee.
(b) Citizenship and address of each place of residence during the ten (10) year period immediately preceding his appointment.
(c) Educational background.
(d) Membership in all organizations, clubs, church, societies, etc.
(e) Employment history.
(f) Ownership, offices held presently and past, employment, and any other direct or indirect connection with any business, corporations, firms, etc. (Chapter 839, Florida Statutes).
(g) Appointee’s interest and willingness to serve as an effective member of the Board of Regents.

(2) Procedures for conducting review.

(a) As soon as practicable following the nomination of each appointee to membership on the Board of Regents, the Governor should transmit in writing to the members of the Cabinet the name of the appointee together with any data the Governor wishes to provide which will assist the Cabinet in reviewing the background and qualifications of the appointee.

(b) If after reviewing all documented data relative to the qualifications of the appointee, three (3) or more members of the Cabinet advise the Governor they wish to personally meet and interview the appointee, the Governor shall notify the appointee of time and place of the scheduled meeting of the Cabinet and respectfully request him to attend the meeting to discuss the duties and responsibilities of the Board of Regents and his qualifications to serve as an effective member.

(c) After reviewing the data provided on an appointee, any member of the Cabinet who desires further information about the qualifications of the appointee may notify the Governor in writing, stating the specific information he desires. The Governor shall attempt to secure the additional information and shall provide a copy of such to each member of the Cabinet.

(d) If the accompanying data provided by the Governor satisfies the requirements of subsection 6A-10.006(1), F.A.C., above, the Commissioner of Education shall call a meeting of the Cabinet at the earliest practicable time to approve or disapprove the appointee to membership on the Board of Regents.

(e) Approval of the appointee shall be affirmed when at least three (3) members of the Cabinet present and voting cast an affirmative vote on the motion to approve the appointee.
(f) Immediately following affirmative action by the Cabinet approving the appointee, the Commissioner of Education shall deliver to the Office of the Governor and the Office of the Secretary of State written notification. Upon receipt, the Secretary of State shall prepare the commission of appointment and deliver it to the Office of the Governor for his signature. Thereafter, the appointee shall assume the official duties of his office as a member of the Board of Regents. If three (3) members of the Cabinet fail to approve the appointee, he shall not be eligible to take office. The Governor should then select another appointee for the vacancy on the board. The same rules and procedures shall be applicable for the review and approval of each appointee to membership on the Board of Regents.

Specific Authority 20.15(6), 120.53(1)(a), 229.053(1) FS. Law Implemented 20.15(6), 120.53(1)(a), 240.207 FS. History–New 4-11-70, Repromulgated 12-5-74, Formerly 6A-10.06. Cf. Appointees to the Board of Regents must be confirmed by the Senate.

6A-10.007 Rules and Procedures for State Board of Education Review and Approval of Appointees to Membership on a Community College Board of Trustees.

Prior to taking official action to approve or disapprove an appointee for membership on a community college board of trustees, the State Board of Education shall follow the rules and procedures prescribed below:

(1) Record of qualifications. The review of the qualifications of each appointee shall be conducted by the State Board of Education as expeditiously as possible. In making its review of each appointee, the State Board of Education may consider the following items.

(a) County of the state in which the appointee is legal resident.
(b) Citizenship and address of each place of residence during the ten (10) year period immediately preceding appointment.
(c) Educational background.
(d) Membership in all organizations, clubs, church, societies, etc.
(e) Employment history.
(f) Ownership, offices held presently and past, employment and any other direct or indirect connection with any business, corporations, firms, etc. (Chapter 839, Florida Statutes).
(g) Appointee’s interest and willingness to serve as an effective member of the community college board of trustees.

(2) Procedures for conducting review.

(a) At least ninety (90) days prior to the expiration date of the term of each member of the board of trustees for each community college district, the school board of each school district within the community college district may by official action nominate two (2) or more individuals considered to be qualified, to serve as an effective member of the board of trustees for the specified community college. The names of the individuals nominated by the school board shall be immediately forwarded to the state Board of Community Colleges and to the Governor. If the members of a school board within a community college district do not wish to nominate individuals for appointment to membership on the community college board of trustees they shall by official action adopt a resolution to this effect and forward it to the State Board of Community Colleges and to the Governor. In the event of an interim vacancy on a community college board of trustees, the school boards within the district should forward the names of two (2) nominees or a resolution that they do not wish to nominate as soon as practicable following knowledge of the actual or potential interim vacancy.

(b) After reviewing the data provided on an appointee, any member of the State Board of Education who desires further information about the qualifications of the appointee may notify the Governor in writing, stating the specific information desires. The Governor shall attempt to secure the additional information and shall provide a copy of such to each member of the State Board of Education.

(c) If the accompanying data provided by the Governor satisfies the requirements of subsection (1) above, the State Board of Education at the earliest practicable time shall approve or disapprove the appointee to membership on the Board of Trustees for the specified community college.

(d) As soon as practicable following the nomination of each appointee to membership on the Board of Trustees for a specifically named community college, the Governor should transmit in writing to the members of the State Board of Education, the name of the appointee together with any data the Governor wishes to provide which will assist the Cabinet in reviewing the background and qualifications of the appointee.

(e) If after reviewing all documented data relative to the qualifications of the appointee, four (4) or more members of the State Board of Education advise the Governor they wish to meet and interview the appointee, the Governor shall notify the appointee of the time and place of the scheduled meeting of the State Board of Education, and respectfully request the appointee to attend.

(f) Immediately following affirmative action by the State Board of Education approving the appointee, the Commissioner shall deliver to the Office of the Governor and the Office of the Secretary of State written notification. Upon receipt, the Secretary of State shall prepare the commission of appointment and deliver it to the Office of the Governor for his signature. Thereafter, the appointee shall assume the official duties of office as a member of the community college board of trustees. The same rules and procedures shall be applicable for the review and approval of each appointee to membership on the community college board of trustees.
Specific Authority 20.15(6), (7), 120.53(1)(a), 229.053(1) FS. Law Implemented 20.15(6), (7), 120.53(1)(a), 240.313(3) FS. History–New 4-11-70, Repromulgated 12-5-74, Formerly 6A-10.07, Amended 10-26-94. Cf. Appointees to a Community College Board of Trustees must be confirmed by the Senate.

6A-10.014 Distribution of Schools Laws and Regulations of the State Board.
The Commissioner of Education is authorized to distribute copies of Florida School Laws and copies of the Compiled Regulations of the State Board of Education. Subject to the availability of funds he shall distribute copies without charge to those persons and agencies which he shall determine have use for them for official and public purposes. In addition, he shall make copies available for purchases at a uniform sale price for each publication; provided, that such price shall include the cost of printing and amount for postage and handling. Specific Authority 229.053(1) FS. Law Implemented 120.53(2)(a), 229.512(13) FS. History–New 5-20-71, Repromulgated 12-5-74, Formerly 6A-10.14.

6A-10.015 Appointment of Committees.
The Commissioner of Education is authorized to appoint such councils, committees or task forces as may be necessary and desirable to carry out the functions of the Department of Education unless appointment is otherwise provided by law or regulations of the State Board of Education. A division director of the Department of Education may appoint such councils, committees or task forces as may be necessary and desirable to carry out the functions of his division. Specific Authority 229.053(1) FS. Law Implemented 229.053(1), (2)(m) FS. History–New 5-20-71, Repromulgated 12-5-74, Formerly 6A-10.15.

6A-10.019 Required Annual Calendar for Schools and Colleges.
Each district school board, each community college district board of trustees, and the Board of Regents shall prior to the beginning of each fiscal year adopt an annual calendar which shall be observed by all schools or post high school educational institutions operated by said board.

(1) Each board shall adopt a calendar which supports the following objectives:
(a) Minimal loss of time between student exit from one public institution and entry into another. Students who complete a phase of their education in one public institution and who need to transfer to another public institution to continue their education should be able to do so without prolonged delay.
(b) Opportunity for students to move through the educational system at their respective paces. Calendars should not be based on the assumption that all students will initiate and complete learning activities at the same pace.
(c) Opportunity for school personnel to utilize in-service and continuing education.
(d) Opportunity for effective and efficient utilization of resources. School plants and school personnel should not have prolonged periods during which they are idle.
(e) Opportunity for family activities.
(f) Flexibility in implementation of calendar decisions.
(2) The calendar adopted by each community college board of trustees and the Board of Regents shall include at least the following statewide requirements:
(a) Three (3) common entry periods shall be established so that the first day of classes will fall within each of the three (3) periods listed below:
1. The period from the next to last Monday in August through August 31.
2. The period from January 3 through January 10.
3. The period from May 6 through May 13.
(b) Effective August, 1985, the common entry periods shall be:
1. The first three (3) weekdays after August 22.
2. The first three (3) weekdays after January 4.
3. The first three (3) weekdays after May 5.
(c) In addition to the three (3) common entry periods prescribed in this section, each calendar shall include the following:
1. Pre-established dates for issuing certificates, diplomas, or degrees which will permit students to utilize the entry period which minimizes the loss of time to students in completing the transfer between programs or institutions.
2. A summer program for teachers and other school personnel scheduled to begin no earlier than June 15 and close no later than August 15; provided, however, that this requirement shall apply only to each postsecondary educational institution offering programs for in-service teachers.
3. As many additional periods throughout the fiscal year in which a student can begin a program as can be feasibly provided.
(3) An official copy of the annual calendar adopted by each school board, community college board of trustees, and the board of regents for each school or institution operated by said boards shall be filed with the Department in the manner prescribed by the Commissioner.
Specific Authority 229.053(1), 240.325 FS. Law Implemented 229.053(2)(c), 230.23(4)(f), 240.203(2), 240.227(17), 240.319(3)(e), 240.325 FS. History–New 6-17-74, Repromulgated 12-5-74, Amended 3-27-80, 7-7-83, 2-19-84, Formerly 6A-10.19.
6A-10.023 Procedures for Contracting for Professional Services.
The following procedures shall be followed by the Department of Education in selecting firms to provide professional services, and
in negotiating contract for professional services pursuant to the Florida “Consultants’ Competitive Negotiation Act.” This rule shall
in no way be construed to apply to the responsibilities of the Department of Management Services.

(1) Definitions.
(a) Professional services means those services within the scope of practice of architecture, professional engineering or
registered land surveying as defined by the laws of the State of Florida or those performed by any architect, professional
employment or practice or other professional services that may be required.
(b) Department means the Florida Department of Education.
(c) Firm means any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice
architecture, engineering, or land surveying in the State of Florida.
(d) Compensation means the total amount paid by the Department for professional services.
(e) Committee means the certification and competitive selection committee appointed by the Commissioner.
(f) Commissioner means the Commissioner of Education for the State of Florida.
(2) Public advertisement and qualification procedures.
(a) The Department shall publish a legal advertisement in four (4) newspapers of general circulation and in appropriate
professional publications for architecture, engineering and land surveying, providing a general description of the project or projects
requiring professional services and defining procedures on how interested professional firms may apply for consideration by the
Department. A listing of the project or projects will be sent to each firm having a qualification form on file with the Department and
which has expressed an interest in being notified.
(b) Pursuant to Section 287.055, Florida Statutes, the procedures of this section shall apply in all cases except in cases declared
to be valid public emergencies as certified by the Commissioner.
(c) The Department shall set forth, in each public advertisement, that all parties interested in providing professional services to
the Department shall submit experience and qualification data to the Department annually on forms provided by the Department.
The Department will request supplemental current experience and qualification data as needed on each firm being considered for
services for each project when selection is ready to commence.
(3) Certification and competitive selection.
(a) There shall be a certification and competitive selection committee comprised of five (5) members appointed by the
Commissioner.
(b) The committee shall review the statement of qualifications and performance data submitted by each firm requesting
certification and determine if the firm is fully qualified to render the required services according to law and policies of the
Department. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record and
experience of the firm. The finding of the committee shall indicate that the firm has been found to be fully qualified to render
professional services to the Department.
(c) For each project for which professional services of more than five thousand (5000) dollars are required the committee shall
evaluate current statements of qualifications and performance data for each firm which has requested to be considered for that
project, and may conduct discussions with, and may require presentations by, no less than three firms regarding their qualifications,
approach to the project and ability to perform the required services.
(d) The certification and competitive selection committee shall determine the relative ability of each firm to perform the
services required for each project. Determination of ability shall be based on staff, experience, training and capabilities. Each firm
determined to be able to provide the services for the project will be so certified by the committee and shall be eligible for
consideration.
(e) The certification and competitive selection committee shall select no less than three firms in order of preference, deemed to
be most highly qualified to perform the required services, after considering such factors as the ability of professional personnel;
past performance; willingness to meet time and budget requirements; demonstrated approach to the project; interest; location;
recent, current and projected work loads of the firm and the volume of work previously awarded to the firm by the department, with
the object of effecting an equitable distribution of contracts among qualified firms, provided however, that such distribution does
not violate the principle of selection of the most highly qualified firm. The committee shall report its selections to the
Commissioner for approval or disapproval.
(4) Competitive negotiation.
(a) The Commissioner or his designee shall negotiate a contract in full accordance with the procedures set forth hereafter for
professional services for a project with the firm which has been determined to be most qualified, at compensation determined to be
fair, competitive, and reasonable. For all lump sum or cost-plus-a-fixed fee professional services contracts over fifty thousand
(50,000) dollars the Department shall require the firm receiving the award to execute a truth-in negotiation certificate as required in
subsection (5)(a) of Section 287.055, Florida Statutes.
(b) Should the commissioner or his designee be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price determined to be fair, competitive and reasonable, negotiations with that firm shall be formally terminated. The Commissioner or his designee shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the Commissioner or his designee shall terminate negotiations. The Commissioner or his designee shall then undertake negotiations with the third most qualified firm.

(c) Should the Commissioner or his designee be unable to negotiate a satisfactory contract with any of the selected firms, additional firms shall be selected in accordance with subsection 6A-10.023(3), F.A.C. Negotiations shall continue in accordance with this section until an agreement is reached.

(5) Prohibition against contingent fees. Each contract for professional services shall contain a prohibition against contingent fees, as required by subsection 287.055(6), Florida Statutes.

(6) Nonexclusion of public. Pursuant to Section 287.055, Florida Statutes, the public shall not be excluded from any proceedings under these regulations.

Specific Authority 229.053(1), 287.055(3)(d) FS. Law Implemented 287.055 FS. History–New 4-8-75, Formerly 6A-10.23.

6A-10.024 Articulation Between Universities, Community Colleges, and School Districts.

(1) Each state university president, community college board of trustees, and district school board shall plan and adopt policies and procedures to provide articulated programs so that students can proceed toward their educational objectives as rapidly as their circumstances permit. Universities, community colleges, and school districts shall exchange ideas in the development and improvement of general education, and in the development and implementation of student acceleration mechanisms. They shall establish joint programs and agreements to facilitate articulation, acceleration, and efficient use of faculty, equipment, and facilities.

(2) Articulation Coordinating Committee. The Commissioner shall establish an Articulation Coordinating Committee which shall report to the Commissioner and consist of fifteen (15) members appointed by the Commissioner: three (3) members representing the state university system; three (3) members representing the state community college system; one (1) member representing vocational education; three (3) members representing public schools; two (2) members representing nonpublic postsecondary institutions; one (1) member representing students; one (1) member from the Commissioner’s staff who shall serve as chairman; and one (1) additional member. The Committee shall:

(a) Function as the statewide pre-kindergarten through university, or K-16, council and accept continuous responsibility for community college-university-school district relationships, including recommending to the Commissioner plans for school district articulation relationships with community colleges and universities, including coordination of cooperative plans required by Section 229.814(5), Florida Statutes.

(b) Establish articulation accountability measures. Further, the Committee shall annually collect, analyze, and make recommendations to the Commissioner of Education on the accountability measures. Such report, at a minimum, shall address the provisions set forth in Section 240.1162, Florida Statutes. The articulation accountability report shall be included in the Commissioner’s annual report on the status of education to the State Board of Education and the Legislature.

(c) Develop suggested guidelines for interinstitutional agreements between public schools, community colleges, and universities to facilitate interaction, articulation, acceleration, and the efficient use of faculty, equipment, and facilities.

(d) Establish groups of university-community college-school district representatives to facilitate articulation in subject areas.

(e) Conduct a continuing review of the provisions of Rule 6A-10.024, F.A.C.

(f) Review instances of student transfer and admissions difficulties among universities, community colleges, and public schools. Decisions shall be advisory to the institutions concerned.

(g) Recommend resolutions of issues and recommend policies and procedures to improve articulation systemwide.

(h) Recommend the priority to be given research conducted cooperatively by the Divisions of Community Colleges, Universities, and Public Schools with individual institutions. Such research shall be encouraged and conducted in areas such as admissions, grading practices, curriculum design, and follow-up of transfer students. Research findings shall be used to evaluate current policies, programs, and procedures.

(i) Review and make recommendations to institutions for experimental programs which vary from official transfer policy.

(j) Develop procedures to improve articulation systemwide.

(k) Collect and disseminate information on successful cooperative programs under subsection 6A-10.024(1), F.A.C.

(l) Perform such other duties as may be assigned in law or by the State Board or the Commissioner.

(3) General education.

(a) Each state university and community college shall establish a general education core curriculum, which shall require at least thirty-six (36) semester hours of college credit in the liberal arts and sciences for students working toward a baccalaureate.

(b) After a state university or community college has published its general education core curriculum, the integrity of that curriculum shall be recognized by the other public universities and community colleges. Once a student has been certified by such an institution on the official transcript as having completed satisfactorily its prescribed general education core curriculum, regardless of whether the associate degree is conferred, no other state university or community college to which he or she may transfer shall require any further such general education courses.
(c) If a student does not complete a general education core curriculum prior to transfer, the general education requirement becomes the responsibility of the new institution.

(4) The associate in arts degree is the basic transfer degree of the community colleges. It is the primary basis for admission of transfer students from community colleges to upper division study in a state university. Every associate in arts graduate of a Florida community college shall be granted admission to an upper division program offered by a state university institution except to: a limited access program; a teacher certification program; or a major program requiring an audition or portfolio. After admission has been granted to associate in arts graduates as specified above and to state university students who have successfully completed sixty (60) credit hours of course work and met the requirements of Section 240.107, Florida Statutes, admission shall then be granted to state university system and Florida community college students who have successfully completed sixty (60) credit hours of work.

(5) The associate in arts degree shall be awarded upon:
(a) Completion of at least sixty (60) semester hours of college credit courses exclusive of courses not accepted in the state university system, and including a general education core curriculum of at least thirty-six (36) semester hours of college credit in the liberal arts and sciences;
(b) Achievement of a grade point average of at least 2.0 in all courses attempted, and in all courses taken at the institution awarding the degree, provided that only the final grade received in courses repeated by the student shall be used in computing the average. The grade of “D” shall transfer and count toward the baccalaureate in the same way as “D” grades obtained by students in the state universities. Whether courses with “D” grades in the major satisfy requirements in the major field may be decided by the university department or college;
(c) Completion of the requirements in Rule 6A-10.030, F.A.C.; and
(d) Achievement of the minimum standards in Rule 6A-10.0312, F.A.C.

(6) The associate in science degree is the career education degree of the community colleges. It is a two-year degree intended to prepare students for the workforce. The following provisions allow for articulation from an associate in science to a baccalaureate degree.
(a) The associate in science degree shall be awarded upon:
  1. Completion of the minimum number of semester hours of college credit courses as required in paragraph 6A-14.030(2)(a), F.A.C., including,
  2. Completion of at least fifteen to eighteen (15-18) semester hours in the general education core curriculum in the liberal arts and sciences comprised of courses which meet the Southern Association of College and Schools Commission on Colleges criteria. English and math courses must meet the requirements of Rule 6A-10.030, F.A.C. No physical education credit will be included in the general education block of credit.
  3. Achievement of the minimum standards in Rule 6A-10.0312, F.A.C., will be required by the time the student earns 36 semester hours at the senior institution in upper division work.
  4. Completion of common prerequisites will be required for the baccalaureate degree or as otherwise outlined in program-specific statewide agreements.
  5. Courses taken as part of the associate in science degree to meet the general education requirements will transfer and apply toward the 36 credit hours required for the baccalaureate degree. No additional general education credit hours can be required except to complete the total 36 general education hours or for remediation.
(b) The Interdisciplinary Capstone Agreement. Every associate in science degree graduate of a Florida community college program that articulates with an interdisciplinary capstone degree program in a Florida public or private university shall be guaranteed admission to that program except for limited access programs and those requiring specific grades on particular courses for admission. All associate in science degree graduates who articulate under the interdisciplinary capstone agreement shall be treated equally, regardless of the community colleges from which they receive their degrees.
  1. The general education component of the A.S. degree will maintain its integrity upon transfer to the interdisciplinary capstone program.
  2. The Articulation Coordinating Committee shall maintain a current listing of interdisciplinary capstone programs which will be published on an annual basis.
(c) The Career Ladder Agreement – Beginning fall term 2000, all graduates of a Florida community college associate in science degree program listed in the Statewide Articulation Manual shall be granted admission to any of the universities in the State University System in the program designated to articulate with their degree, except for limited access programs and those requiring specific grades on particular courses for admission. Each State University System institution shall develop admissions criteria to ensure that associate in science degree students are evaluated on an equal basis with associate in arts degree graduates and native university students for admission into programs designated as limited access and those requiring specific grades on particular courses for admission.
  1. The associate in science degree shall be awarded based on all of the requirements contained in paragraph (6)(a) of this rule and in accordance with the articulation agreement provisions contained in the Statewide Articulation Manual.
  2. General education courses not taught in accordance with the Southern Association of Colleges and Schools Commission on Colleges criteria for programs designed for college transfer shall not be included in the associate in science degree.
3. The associate in science to bachelor of arts/bachelor of science articulation agreements between the State Board of Community Colleges and the State University System shall be documented and maintained in a Statewide Articulation Manual. The State Board of Education and the Board of Governors, in consultation with their member institutions, shall review periodically, as necessary, but no more than once a year, the provisions of the state articulation agreements and the prescribed curricula to ensure the continued effectiveness of the articulation between the A.S. and B.A./B.S. programs. Any recommendations for revisions to the state articulation agreements will be forwarded to the Articulation Coordinating Committee for review and approval.

(7) The Applied Technology Diploma (ATD) consists of a course of study that is part of an associate in science (A.S.) or an associate in applied science degree (A.A.S.), is less than sixty (60) credit hours, is approximately fifty (50) percent of the technical component (non-general education), and leads to employment in a specific occupation. An applied technology diploma program may consist of either vocational credit or college credit.

(a) Students must have a high school diploma or the equivalent to be admitted to an applied technology diploma program. Within six (6) weeks of entry, students must be tested pursuant to Rule 6A-10.040, F.A.C., and, if below minimum standards for completion from the program as defined in the program standards document adopted in Rule 6A-6.0571, F.A.C., must receive remedial instruction. The minimum standards must be at least the equivalent of a score of ten (10) on all sections of any basic skills test approved in Rule 6A-10.040, F.A.C. Students must successfully complete all remedial instruction before completing the Applied Technology Diploma.

(b) Community colleges may offer either college or vocational credit toward the applied technology diploma. Vocational-technical centers may offer only vocational credits.

(c) All faculty providing instruction must have at least an associate degree in the specific instructional program area or meet the criteria for “exceptional cases” as defined by the Southern Association of Schools and Colleges.

(d) The information related to the guaranteed transfer of credit between an applied technology diploma program and associate in science or an associate in applied science degree must be documented and maintained in the Statewide Articulation Manual and the Vocational Education Program Courses Standards, which is incorporated by reference in Rule 6A-6.0571, F.A.C. The Statewide Articulation Manual and the Vocational Education Program Courses Standards shall include the following:

1. The total number of clock or credit hours within the program.
2. The associate degree into which the applied technology diploma is guaranteed to transfer.
3. The number of college credit hours guaranteed to transfer.
4. An effective date.

(e) The transfer of the applied technology diploma to an associate degree is guaranteed for a period of three (3) years following the date of the award of the applied technology diploma.

(f) Applied technology diploma students entering an associate degree program shall meet the admissions standards stipulated in Section 240.321, Florida Statutes. Additional admissions requirements for limited access programs may be established by the community college boards of trustees.

(8) Credit by examination.

(a) For examination programs listed in subsections (9) through (14) of this rule, examination specifications and content information shall be submitted to the Statewide Course Numbering System for course equivalency recommendations.

(b) A list of examinations, minimum scores for guaranteed transfer credit, maximum credits guaranteed to transfer, and recommended course equivalents shall be maintained by the Articulation Coordinating Committee and reviewed annually.

(c) Transfer of credit by examination is guaranteed for up to forty-five (45) credits, provided that credit was awarded in accordance with the Articulation Coordinating Committee’s recommended minimum scores and course equivalents.

(d) Transfer of examination credit over forty-five (45) credits is at the discretion of the receiving institution.

(e) Credit by examination may not duplicate ordinary credit, dual enrollment credit or other credits earned through examination.

(f) No grades or grade points shall be assigned for credit by examination.

(g) Institutions may award credit for examinations that are not listed in this rule or that do not have recommended course equivalents, minimum scores, and maximum credits. Acceptance of transfer credit so awarded is at the discretion of the receiving institution.

(9) The College Board College Level Examination Program (CLEP).

(a) The transfer of credit awarded on the basis of scores achieved on examinations in the College Level Examination Program is protected by this rule only for examinations taken in an administration authorized by CLEP.

(b) For examinations taken after July 2001, transfer of credit is mandatory for all CLEP examinations, except for foreign languages, on which students achieved a scale score of fifty (50).

(c) For examinations taken prior to July 1, 2001, transfer of credit under the terms of this rule is mandatory provided that the institution awarding the credit did so on the basis on CLEP recommendations or scaled scores determined to represent student achievement at or above the fiftieth (50) percentile on the combined men-women sophomore norms in use prior to 1978, with no letter grade or grade points assigned.

(d) For foreign language CLEP examinations, transfer of credit for examinations taken after July 1, 2001, is mandatory provided that credit was awarded on the basis of the Articulation Coordinating Committee’s recommended minimum scores and maximum credit guaranteed to transfer.
(10) College Board Advanced Placement Program (AP). Transfer of Advanced Placement credit under terms of this rule is mandatory, provided that the institution awarding the credit did so on the basis of the Articulation Coordinating Committee’s recommended minimum scores and maximum amount of credit guaranteed to transfer.

(11) International Baccalaureate (IB) Diploma Program. The award of credit based on scores achieved on IB Diploma program examinations and the transfer of such credit are mandatory under the provisions herein.

(a) Students who have not been awarded the IB Diploma shall be awarded six (6) semester credits in the subject areas of each IB higher level examination on which they scored five (5) points or above.

(b) Students who have been awarded the IB Diploma shall be awarded up to thirty (30) semester credits in the subject areas in which they scored four (4) or above on IB Diploma program examinations. The credits shall be awarded as follows:
   1. Six (6) semester credits for each IB examination on which they scored five (5) or above.
   2. Three (3) semester credits for each IB examination on which they scored four (4).
   (c) For students who completed IB Diploma program examinations before April 1993:
   1. Three (3) semester credits shall be awarded in the subject areas of each IB higher level examination on which they scored four (4).
   2. Six (6) semester credits shall be awarded in the subject areas of each IB higher level examination on which they scored five (5) or above.
   3. One (1) semester credit shall be awarded in the subject areas of each IB subsidiary level examination on which they scored four (4).
   4. Three (3) semester credits shall be awarded in the subject areas of each IB subsidiary level examination on which they scored five (5) or above.

(12) Excelsior College Examinations, formerly known as the Regents College Examinations or the Proficiency Examination Program (PEP). Transfer of credit under terms of this rule is mandatory provided that the institution awarding the credit did so on the basis of the Articulation Coordinating Committee’s recommended minimum scores and maximum amount of credit guaranteed to transfer with no letter grades or grade points assigned.

(13) Defense Activity of Non-Traditional Education Support (DANTES) Subject Standardized Tests (DSSTs). Transfer of credit under terms of this rule is mandatory provided that the institution awarding the credit did so on the basis of the Articulation Coordinating Committee’s recommended minimum scores and maximum amount of credit guaranteed to transfer with no letter grades or grade points assigned.

(14) Advanced International Certificate of Education Program (AICE). Transfer of Advanced International Certificate of Education credit under terms of this rule is mandatory, provided that the institution awarding the credit did so on the basis of the Articulation Coordinating Committee’s recommended minimum scores and maximum amount of credit guaranteed to transfer.

(15) United States Armed Forces Institute (USAFI).

(a) Credit earned through correspondence courses sponsored by USAFI may, but need not, be included under standard policies of the institutions. The standard policies of the institution prohibiting credit for overlapping courses shall apply.

(b) Credit may be awarded for tests of General Education Development (GED) only when verified by CLEP scores.

(c) Credit awarded on the basis of subject tests (USST) in collegiate subjects may be included provided that the scores are at the fiftieth (50th) percentile or above.

(d) The institution awarding credit on the work sponsored by USAFI may, but need not, specify the course for which credit is being awarded. The standard policies of the institution prohibiting credit for overlapping courses shall apply.

(e) No grade or quality points are to be assigned for credit awarded on the basis of work sponsored by USAFI.

(f) No credit is to be awarded on work sponsored by USAFI which is duplicative of credit awarded by CLEP, College Board AP, or courses taken in the institution or received in transfer.

(16) Alternatives to the College-Level Academic Skills Test. For purposes of Section 240.107(9)(a), Florida Statutes, the recentered Scholastic Achievement Test (SAT-I) or its equivalent on the original SAT, and the Enhanced American College Testing Program (ACT), or its equivalent on the original ACT, may be used to exempt the College-Level Academic Skills Test, as specified in Rule 6A-10.0311, F.A.C.

(17) Pre-professional course responsibility. Lower division programs in state universities and community colleges may offer introductory courses to enable students to explore the principal professional specializations available at the baccalaureate level. Such courses shall be adequate in content to count toward the baccalaureate for students continuing in such specialization. However, deciding major course requirements for a baccalaureate, including courses in the major taken in the lower division, shall be the responsibility of the state university awarding the degree.

(18) Limited access programs. Community college transfer students shall have the same opportunity to enroll in university limited access programs as native university students. University limited access program selection and enrollment criteria shall be established and published in catalogs, counseling manuals, and other appropriate publications. A list of limited access programs shall be filed annually with the Articulation Coordinating Committee.

(19) A state university may accept non-associate in arts degree credit in transfer based on its evaluation of the applicability of the courses to the student’s program at the university.
(20) State universities and community colleges shall publish with precision and clarity in their official catalogs the admission, course, and prerequisite requirements of the institution, each unit of the institution, each program, and each specialization. Any applicable duration of requirements shall be specified. The university catalog in effect at the time of a student’s initial collegiate enrollment shall govern upper division prerequisites, provided the student maintains continuous enrollment as defined in that catalog.

(21) Standard transcript. The Articulation Coordinating Committee shall maintain a standard format for universities and community colleges to record the performance and credits of students. Each such transcript shall include all courses in which a student enrolls each term, the status in each course at the end of each term, all grades and credits awarded, College-Level Academic Skills Test scores, and a statement explaining the grading policy of the institution. The Articulation Coordinating Committee shall collaborate with the Division of Public Schools in the development of a standard format on which district school systems shall record the performance and credits of students.

(22) By December 1, 1991, the Department and all public universities, community colleges, and school districts shall have implemented the electronic exchange of student transcripts and associated educational records, including acquisition of and access to test scores of students, using the Florida Information Resource Network and following the procedures in the Florida Automated System for Transferring Educational Records section in “DOE Information Data Base Requirements: Volume I – Automated Student Information System,” which is incorporated by reference in Rule 6A-1.0014, F.A.C.

(23) When a student transfers among postsecondary institutions that are fully accredited by a regional or national accrediting agency recognized by the United States Department of Education and that participate in the common course designation and numbering system, the receiving institution shall award credit for courses satisfactorily completed at the previous participating institutions when the courses are judged by the appropriate common course designation and numbering system faculty task forces to be academically equivalent to courses offered at the receiving institution including equivalency of faculty credentials regardless of the public or nonpublic control of the previous institution. The award of credit may be limited to courses that are entered in the course numbering system. Credit so awarded shall satisfy institutional requirements on the same basis as credits awarded to native students.

(24) All postsecondary courses offered for college credit, vocational credit, or college preparatory credit, as they are defined in Rule 6A-10.033, F.A.C., shall be entered in the common course designation and numbering system. Each course shall be assigned a single prefix and a single identifying number in the course numbering system.

6A-10.02412 Foreign Language Competence and Equivalence.

The provisions herein shall be used by community colleges and universities to determine equivalency in the university admission requirement in Section 240.233(1), Florida Statutes, for two (2) credits in one (1) foreign language at the secondary level or the equivalent at the postsecondary level.

(1) The competence to be demonstrated by students upon successful completion of two (2) credits of secondary instruction in one (1) foreign language is:

(a) Modern languages.
1. The ability to understand, with some repetition, simple questions and statements.
2. The ability to read and understand the information presented in a simple paragraph.
3. The ability to pronounce the language well enough to be intelligible to native speakers.
4. The ability to ask and answer questions and maintain a simple conversation in areas of immediate need on very familiar topics.
5. The ability to deal with everyday situations such as greetings, leave-takings, buying food, and asking directions.
6. The ability to write a short paragraph on a familiar topic.
7. The ability to demonstrate limited social competence in the foreign culture by showing comprehension of common rules of etiquette, customs and sensitivities, and a knowledge of contributions to the arts and humanities by the people who speak the target language.

(b) Classical languages.
1. The ability to read and understand materials ranging from low to medium levels of difficulty; that is, adapted text.
2. The ability to give a reasonably accurate account of the contents of the reading material by answering questions, paraphrasing, translating, or summarizing.
3. The ability to demonstrate knowledge of history, culture, and contributions to the arts and humanities of ancient civilizations.

(2) Eight (8) to ten (10) semester credits in one (1) foreign language at the postsecondary level shall be considered to produce the competence specified in subsection (1) herein. Therefore, students who have earned at least eight (8) semester credits in one (1) foreign language at the postsecondary level shall have met the foreign language requirement for university admission. Credit
awarded on the basis of scores on the foreign language subject matter examinations in the College Level Examination Program (CLEP) pursuant to paragraph 6A-10.024(6)(b), F.A.C., shall count toward the eight (8) to ten (10) semester credits. The examination, minimum scores for awarding credit, and maximum credit to be awarded are:

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<thead>
<tr>
<th>Examination</th>
<th>Minimum Score</th>
<th>Maximum Credit</th>
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<tbody>
<tr>
<td>French</td>
<td>50</td>
<td>12</td>
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<td>46</td>
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<td>9</td>
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(3) An alternate method for students to demonstrate equivalent foreign language competence is by means of a minimum score of four hundred forty-three (443) on the Latin examination published under the title of MAPS by The College Board, which represents the 1985 national mean of college bound seniors minus one (1) standard deviation. For students to demonstrate equivalent foreign language competence by examination in foreign languages not listed herein, the examinations and standards may be determined by the institution.

Specific Authority 229.053(1), 240.2333 FS. Law Implemented 229.053(2)(c), 240.233(1), 240.2333 FS. History—New 2-23-88, Amended 10-17-89, 11-13-90, 10-4-93.

6A-10.0242 Procedures for Determining the Level at Which Courses Shall be Classified.

(1) Baccalaureate upper-lower divisions. The following procedure shall be followed to distinguish lower division (freshman or sophomore) courses from upper division (junior or senior) courses. University and community college curriculum committees shall deliberate course proposals. Institutional procedures for study, review, and decision making shall be followed. The procedures shall include deciding the level at which the courses shall be classified.

(a) Criteria to identify baccalaureate lower division shall include:
   1. General education courses required to earn an associate of arts degree and for which there is consensus that the courses should be offered within the first two (2) years of baccalaureate programs.
   2. Introductory courses open to all students.
   3. First course in a sequence and in which nonmajors may enroll.
   4. General survey courses open to all students.
   5. Courses designated to meet requirements of Rule 6A-10.030, F.A.C.
   6. Courses designated to teach the skills identified in Rule 6A-10.0316, F.A.C.
   7. Physical education activity courses.
   8. Courses offered in the first two (2) years of a required four-year sequence program major and the first year of a required three-year sequence program major.

(b) While not exhaustive, the criteria establish intent, which further guides decision making. The institution’s decision regarding upper and lower division classification shall be indicated in the submission of the course for entry in the uniform course numbering and designation system. Should another institution object to the level designated, it may appeal to the Articulation Coordinating Committee after first attempting resolution directly with the subject institution.

Specific Authority 229.053(1), 229.551, 240.115(2) FS. Law Implemented 229.053(2)(c), 240.115(2), 240.203(2), 240.301, 240.325(3), (4) FS. History—New 7-13-83, Formerly 6A-10.242, Amended 1-4-94.

6A-10.02422 Procedures for Determining the Level at Which Vocational Education Programs Shall be Offered.

(1) The level at which programs shall be offered will be determined by the Postsecondary Vocational Program Leveling Committee, a subcommittee of the Standing Committee on Vocational Education, of the Articulation Coordinating Committee.

(2) The committee shall use the following criteria to determine the level at which postsecondary vocational programs and postsecondary adult vocational programs shall be offered.

(a) Postsecondary vocational instruction:
   1. The majority of the instruction is theory based.
   2. Licensing or accrediting agency requires the associate degree.
   3. Prepares individuals for occupations that require a preponderance of analysis, evaluation or design.

(b) Postsecondary adult vocational instruction:
1. Programs that prepare individuals for occupations which generally require more manipulative skill development than theory.
2. Postsecondary adult vocational instruction is generally not as theoretical in content as instruction at the postsecondary vocational level, but may be highly technical in nature and require components in academic and employability skills.

(c) Changing levels. Program level assignments should be changed only when the occupation(s) for which students are being prepared can be related to one (1) of the conditions described in subparagraph (2)(a)1., 2., 3., or 4., of this rule in the guidelines for postsecondary vocational education.

(3) The Postsecondary Vocational Program Leveling Committee.

(a) Annually, the Postsecondary Vocational Program Leveling Committee shall publish and disseminate to local education agencies a list of programs, by level, which shall include the effective date of program changes.

(b) The Postsecondary Vocational Program Leveling Committee procedures for study, review, and decision making shall include deciding the level at which the programs should be classified, with the understanding that programs are assigned at the lowest possible level commensurate with sound professional practice.

(4) Appeal. Should there be an objection to the level designated by the Postsecondary Vocational Program Leveling Committee, the institution filing the objection can appeal in a two (2) step process. First appeal is to the Standing Committee on Vocational Education. Final appeal is to the Articulation Coordinating Committee.

(5) Each school district and community college that conducts vocational education at the postsecondary level shall report each such program according to the program title, number, and level specified in the Vocational Education Program Courses Standards.

(6) To achieve uniform classification of all postsecondary vocational and postsecondary adult vocational programs, the vocational program review process of the Division of Applied Technology and Adult Education shall include the specification of level, program by program.

Specific Authority 229.053(1) FS. Law Implemented 239.205(1), (2) FS. History–New 3-22-94.


Funds which are available pursuant to Chapter 78-142, Laws of Florida, and which become available pursuant to Section 489.109(3), Florida Statutes, shall be allocated and expended by the Commissioner of Education as prescribed herein.

(1) The Commissioner shall appoint a Building Construction Industry Advisory Committee. The committee membership shall be broadly representative of the building construction industry and shall consist of not less than ten (10) persons. The Commissioner shall designate the chairman annually. The terms of membership shall be two (2) years and members may be reappointed at the discretion of the Commissioner. Members of the advisory committee shall not be eligible for compensation; however, each member may receive travel and per diem in the amounts prescribed in Section 112.061, Florida Statutes, for state employees. Payment of travel and per diem shall be from the funds available pursuant to the introductory paragraph of this rule.

(2) The advisory committee shall have the following duties:

(a) To advise the Commissioner on any policies or procedures needed to implement the provisions of Section 489.109(4), Florida Statutes.

(b) To recommend areas of priority for which research and continuing education funds should be expended.

(c) To review all proposed research and continuing education projects and recommend to the Commissioner those projects which should be funded and the amount of funds to be provided for each.

(3) Each biennium, upon receipt of funds from the Construction Industry Licensing Board as provided by Section 489.109(3), Florida Statutes, the Commissioner shall take the following action:

(a) Determine the name and location of each Florida university which has a graduate program in building construction.

(b) Determine the name and location of each accredited, private university, state university, and community college, in Florida which is offering approved courses in building construction and the number of full-time equivalent students enrolled in such approved courses during the prior fiscal year.

(c) Allocate fifty percent (50%) of the available funds to support research projects in a graduate program and fifty percent (50%) to support research or continuing education projects. One-half (1/2) of the research funds and one-half (1/2) of the continuing education funds shall be allocated to fund projects in each fiscal year of the biennium.

(d) Determine each accredited institution’s pro rata share of the funds allocated for research and continuing education projects. The pro rata share shall be based on the number of full-time equivalent students enrolled in approved courses.

(e) Notify each eligible institution of the following:

1. The amount of funds allocated for research projects in a graduate program and the amount of funds allocated for research and continuing education projects.

2. The areas of priority for which funds allocated for research and for continuing education are to be expended.

3. Instructions and procedures for each accredited institution wishing to do so to prepare and submit a proposal for conducting research or for carrying out continuing education. The Commissioner shall establish the deadline for submitting proposed projects.

4. All proposed projects shall be reviewed by the Building Construction Industry Advisory Committee. Only those proposals receiving a favorable recommendation by a majority vote of the advisory committee may be approved by the Commissioner for funding.
5. Each proposed research project submitted shall contain detailed information on the specific activities to be carried out, the principal investigator, the specific objectives sought, and a detailed proposed budget to show how the requested funds will be expended.

6. Each continuing education project submitted shall contain detailed information about the number of persons to be served, the type and amount of instruction to be provided, the time and location of the actual training sessions, and a detailed proposed budget to show how the requested funds will be expended.

(4) If an accredited institution does not file a request for funds for continuing education, or if the application from an institution does not address one of the required priorities, the Commissioner, upon recommendation of the advisory committee, may reallocate these funds for projects at institutions which are deemed to be providing continuing education in the areas of greatest benefit to the building construction industry in Florida.

(5) If requests for research grants in any year do not require the use of all available funds, the unused funds shall be carried forward and allocated for use in the following fiscal year.

(6) Two (2) or more accredited institutions may submit a joint proposed project with one (1) of the institutions designated as the fiscal agency for the joint project.

(7) For the purposes of implementing this rule and Section 489.109(3), Florida Statutes, the following terms shall have the meaning prescribed herein.

(a) Research project means an academic research effort to seek original answers to or original information about a single question or a group of related questions. Generally, a research project has a person responsible for its direction, a scientifically prescribed methodology, a detailed budget, and a written report of research findings.

(b) Approved courses in building construction means courses in building construction as defined and included in the official statewide Common Course Numbering System of the Department of Education for each accredited institution.

(c) Accredited institution means a private or state college, university, or community college in Florida accredited by the Southern Association of Colleges and Schools.

(d) Approved courses means courses offered by an accredited institution for which college credit is granted, which are acceptable for use toward a college degree, and which are accepted as satisfactory for the training of veterans and eligible persons under Title 38 USC by the Department of Education.

(e) Continuing education means non-credit courses designed to improve the skills and competencies of and to assist in keeping current with state-of-the-profession those persons to whom Section 489.109, Florida Statutes, is applicable.

Specific Authority 229.053(1) FS. Law Implemented 229.512(2), (11), 489.109(3) FS. History–New 9-16-80, Formerly 6A-10.29.


(1) In addition to tests that may be adopted by the State Board to measure student achievement in college-level communication and computation skills, pursuant to Section 229.053(2)(d), Florida Statutes, other assessment procedures shall be measured by completion of coursework in English and mathematics.

(2) Prior to receipt of an Associate of Arts degree from a public community college or university or prior to entry into the upper division of a public university, a student shall complete successfully the following:

(a) Twelve (12) semester hours of English coursework in which the student is required to demonstrate writing skills. For the purposes of this rule, an English course is defined as any semester-length course within the general study area of the humanities in which the student is required to produce written work of at least six thousand (6,000) words.

(b) Six (6) semester hours of mathematics coursework at the level of college algebra or higher. For the purposes of this rule, applied logic, statistics and other such computation coursework which may not be placed within a mathematics department may be used to fulfill three (3) hours of the six (6) hours required by this section. For the purposes of this rule, a grade of C or higher shall be considered successful completion.

(c) Students awarded college credit in English based on their demonstration of writing skills through dual enrollment, advanced placement, or international baccalaureate instruction pursuant to Rule 6A-10.024, F.A.C., and students awarded college credit based on their demonstration of mathematics skills at the level of college algebra or higher through one (1) or more of the acceleration mechanisms in Rule 6A-10.024, F.A.C., shall be considered to have satisfied the requirements in subsection 6A-10.030(2), F.A.C., to the extent of the college credit awarded.

(3) Exemptions and waivers.

(a) Any student who completes the first six (6) hours of the English coursework required by this rule with a grade point average of 4.0 may waive completion of the remaining six (6) hours until after entry into the upper division of a university and shall be considered eligible for an Associate of Arts degree, notwithstanding the provisions of paragraph 6A-10.030(2)(a), F.A.C.

(b) Any public community college or university desiring to exempt its students from the requirements of subsection 6A-10.030(2), F.A.C., shall submit an alternative plan to the State Board of Community Colleges or Board of Regents, respectively. Upon approval of the plan by the respective board, the plan shall be submitted to the State Board. Upon approval by the State Board, said plan shall be deemed effective in lieu of the requirements of subsection 6A-10.030(2), F.A.C.

6A-10.0311 Assessment of Student Attainment of College-Level Communication and Computation Skills.

(1) The skills in Rule 6A-10.0316, F.A.C., shall be used by the Articulation Coordinating Committee as the basis for the development of specifications for test items.

(2) The specifications shall be used by the Articulation Coordinating Committee as the basis for the development of tests and other assessment procedures to measure the level of student attainment of the skills.

(3) The College-Level Academic Skills Test, an achievement test developed by the Department pursuant to Section 229.551(3)(i), Florida Statutes, to measure the level of attainment of college-level communication and computation skills listed in Rule 6A-10.0316, F.A.C., is approved and designated for use in community colleges and state universities. Scores on the reading, writing, and computation subtests shall be reported on the score scale which was established by the Department in the October, 1982 test administration. From October 1, 1982 through September 30, 1991, scores on the essay shall be reported on a four (4) point score scale established by the Department in the October, 1982 test administration. Beginning October 1, 1991, scores on the essay shall be reported on a six (6) point scale established by the Department in the October, 1991 test administration. For purposes of the requirements of Section 240.107(4), Florida Statutes, a total score of four on a four point score scale shall be considered equivalent to a total score of five on a six point score scale for students retaking the essay portion of the examination.

(4) Admission criteria for the College-Level Academic Skills Test shall be specified by the Commissioner in the Test Administration Plan.

(5) A person required to take the College-Level Academic Skills Test who has a record of physiological disorder(s) which substantially impairs that person’s visual, auditory, manual or speaking abilities or who has a record of a learning disability shall be deemed to have satisfied any requirement to present a score on any subtest which has not been modified in administration so as best to ensure that the performance of the person on the subtest accurately reflects the person’s achievement of the skill being measured, rather than the person’s impaired abilities. The test modifications may include but are not limited to the following:

(a) Flexible scheduling. The person may be administered a subtest during several brief sessions, so long as all testing is completed on the test administration date.

(b) Flexible setting. The person may be administered a subtest individually or in a small group setting by a proctor rather than in a classroom or auditorium setting.

(c) Recording of answers. The person may mark answers in a test booklet, type the answers by machine, or indicate selected answers to a test proctor. The proctor may then transcribe the person’s responses onto a machine-scoreable answer sheet.

(d) Revised format. The person may use a large print booklet, a Braille test booklet, or a magnifying device.

(e) Auditory aids. The person may use audio devices. A tape recorded version of appropriate portions of the test may be used, along with a printed copy. Appropriate portions of the test may be read to the student by a narrator.

(6) Each college and university shall establish a committee for the purpose of evaluating requests for exemption from the testing requirements of this rule which are submitted by students with specific learning disabilities. Each institution shall adopt its own procedures for implementing the provisions of this Subsection and Section 240.107(5), Florida Statutes. The student shall have the right to appeal the findings of the committee directly to the president of the institution. Once a waiver is granted by an institution, the waiver is transferable to other institutions.

(7) Each community college president and university president shall establish a committee to consider requests for waivers from the testing requirements of this rule for students other than those with specific learning disabilities. The committee shall be chaired by the chief academic officer of the institution and shall have four (4) additional members appointed by the president which shall include a member of the mathematics department, a member of the English department, the institutional test administrator, and a fourth faculty member from a department other than English or mathematics. The terms of office of the committee members and the meeting times and conditions shall be established by the president. However, as part of the process of determining whether to recommend a waiver from the provisions of Section 240.107(3), Florida Statutes, the committee shall conduct a personal interview with each student requesting a waiver.

(8) Any student who has taken any of the four (4) subtests of the College-Level Academic Skills Test at least four (4) times and has not earned a passing score on the subtest but has otherwise earned a minimum grade point average of 2.0 in all college credit courses in that same subject area and met the requirements defined in Rule 6A-10.030, F.A.C., for that area may appeal to the committee described in subsection (7) of this rule for a waiver from that subtest. In considering the request, the committee shall review the student’s academic records and such other information as may be appropriate.

(9) The committee described in subsection (7) of this rule shall determine whether the student’s inability to pass the reading, English language skills, or essay subtest is due to the student having English as second or foreign language. If the student has completed instructional programs for English as a second language or English as a foreign language with a minimum grade point average of 2.0, and has otherwise earned a minimum grade point average of 2.0 in all college credit courses in the subtest area as that for which a waiver is being considered, and has met the requirements of Rule 6A-10.030, F.A.C., for that area, then a waiver may be considered.

(10) In considering a request for a waiver from any subtest, the committee described in subsection (7) of this rule shall determine whether the student has demonstrated sufficient effort to pass the subtest and has satisfactorily completed remediation studies related to the failed subtest in addition to meeting the requirements in subsections (8) and (9) of this rule. Waivers shall not be granted under any circumstance unless the student first has demonstrated effort to learn the required skills to the level required by the subtest.
(11) If the committee described in subsection (7) of this rule recommends by majority vote that a waiver be given for a specified subtest, such recommendation shall be accompanied by documentation that the student has acquired the skills to the level required by the subtest and statements of explanation or justification to be considered by the president who then may approve or disapprove the recommendation. If a waiver is granted, the student’s official college or university transcript shall include a statement that the student did not meet the requirements of Section 240.107(3), Florida Statutes, for an identified subtest, and a waiver was granted.

(12) Each institution granting waivers to students under the provisions of this rule shall provide information about the students receiving waivers to the Department of Education in accordance with procedures established by the Commissioner of Education. This information shall include documentation of the student’s name and social security number, the test section waived, and the reasons for the waiver.

(13) A community college shall not grant a waiver unless it is in conjunction with the awarding of the associate in arts degree.

(14) Pursuant to Section 240.107(9)(a), Florida Statutes, any student fulfilling one or more of the following requirements before completion of the associate in arts degree requirements or baccalaureate degree requirements is exempt from the testing requirements of this rule:

(a) Students may present scores from the Scholastic Achievement Test (SAT-I) as follows:
   1. Quantitative. Students who have earned a quantitative score of five hundred (500) or above on the recentered score scale of the Scholastic Achievement Test (SAT-I), or its equivalent on the original score scale, shall be exempt from the computation section of the College-Level Academic Skills Test.
   2. Verbal. Students who have earned a verbal score of five hundred (500) or above on the recentered score scale of the Scholastic Achievement Test (SAT-I), or its equivalent on the original score scale, shall be exempt from the Reading, English Language Skills, and Essay sections of the College-Level Academic Skills Test.

(b) Students may present scores from the American College Testing Program (ACT) as follows:
   1. Mathematics. Students who have earned a score of twenty-one (21) or above on the Enhanced American College Testing Program in mathematics, or a score of twenty-one (21) or above on the original ACT, shall be exempt from the Computation section of the College-Level Academic Skills Test.
   2. English. Students who have earned a score of twenty-two (22) or above on the Enhanced American College Testing Program in Reading, or a score of twenty (20) or above on the Composite of the original ACT, shall be exempt from the Reading section of the College-Level Academic Skills Test. Students who have earned a score of twenty-one (21) or above on the American College Testing Program in English, or a score of twenty (20) or above on the original ACT, shall be exempt from the English Language Skills and Essay sections of the College-Level Academic Skills Test.

(c) Students who have earned a grade point average of 2.5 or above on a 4.0 grade scale in selected postsecondary level courses shall be exempted from one or more sections of the College-Level Academic Skills Test, as specified below. Each postsecondary institution shall establish its own policies for the evaluation of students’ coursework when that student earned credits from an institution other than a Florida public community college or university.

1. To exempt the English Language Skills, Reading and Essay sections of the College-Level Academic Skills Test, the student must have earned a 2.5 grade point average in two (2) courses for a minimum of six (6) semester hours of credit from: ENC 1101, English I and ENC 1102, English II or other equivalent college-level English course.

2. To exempt the Computation section of the College-Level Academic Skills Test, the student must have earned a 2.5 grade point average in two (2) courses for a minimum of six (6) semester hours of credit from:
   a. Option 1. The student shall complete any two (2) of the following: MAC*102 College Algebra or any other MAC course with the last three digits being higher than 102; MGF*106 Liberal Arts Mathematics I, MGF*107 Liberal Arts Mathematics II, MGF*202 Finite Mathematics or any other MGF courses with the last three digits being higher than 202; or STA*014 Statistical Methods or any other STA course.
   b. Option 2. The student shall complete any two (2) of the following: MGF*106 Liberal Arts Mathematics I and MGF*107 Liberal Arts Mathematics II; MGF*113 Topics in College Mathematics I; MGF*114 Topics in College Mathematics II; or MGF*118 Mathematics CLAST Review.
   c. Option 3. MGF*106 Liberal Arts Mathematics I or MGF*113 Topics in College Mathematics I, and MAC*102 College Algebra or MAC*105 College Algebra.

(15) Students who do not initially earn passing scores on the Scholastic Achievement Test (SAT-I) or the American College Testing Program may submit scores earned on other administrations of the tests as long as subsequent scores are not earned within thirty (30) days of the preceding score.

(16) Pursuant to Section 240.107(9), Florida Statutes, any student denied a degree based on the failure of at least one (1) subtest of the CLAST may use any of the alternatives specified in this rule for receipt of a degree if such student meets all degree program requirements at the time of application for the degree under the exemption provisions of this rule. This provision does not require a student to take the CLAST before being given the opportunity to use any of the alternatives specified in this rule. The exemptions provided herein do not apply to requirements for teacher certification as provided in Section 231.17, Florida Statutes.

(17) For purposes of evaluating student grade point averages to implement the provisions of subsection (14) of this rule, each postsecondary institution may determine how to make allowances for students who have earned credits in Advanced Placement, College-Level Examination, and International Baccalaureate Programs.

(1) The following scale scores on the College-Level Academic Skills Test define the minimum levels of attainment of the communication and computation skills included in Rule 6A-10.0316, F.A.C., that are required on each subtest during each of the designated periods of time to satisfy the minimum standards of the State Board.

(a) Reading. From August 1, 1984, through July 31, 1986, the scale score shall be 260. From August 1, 1986, through July 31, 1989, the scale score shall be 270. Beginning August 1, 1989, the scale score shall be 295.

(b) Writing. From August 1, 1984, through July 31, 1986, the scale score shall be 265. From August 1, 1986, through July 31, 1989, the scale score shall be 270. Beginning August 1, 1989, the scale score shall be 295.

(c) Computation. From August 1, 1984, through July 31, 1986, the scale score shall be 260. From August 1, 1986, through July 31, 1989, the scale score shall be 275. From August 1, 1989, through September 30, 1991, the scale score shall be 285. From October 1, 1991, through September 30, 1992, the scale score shall be 290. Beginning on October 1, 1992, the scale score shall be 295.

(d) Essay. From August 1, 1984 through September 30, 1991, the scale score shall be a total of 4. From October 1, 1991 through September 30, 1992, the scale score shall be a total of 5. Beginning on October 1, 1992, the scale score shall be a total of 6.

(e) The scale scores described in this rule shall be equivalent to those specified in subsection 6A-10.0311(3), F.A.C.

(2) The Commissioner shall approve procedures for reviewing the minimum standards and shall recommend changes in the minimum standards to adjust to changes in the level of attainment of communication and computation skills being achieved by students in community colleges and state universities and to changes in the definition of the college-level skills included in Rule 6A-10.0316, F.A.C.


(1) The communication and computation skills included in Rule 6A-10.0316, F.A.C., shall be taken into account by each state university and community college awarding an associate of arts degree in the establishment of student performance standards for the award of that degree; provided, however, that no associate of arts degrees shall be awarded after the October 1982 administration of the College-Level Academic Skills Test to students who do not present scores earned on that test; and provided, further, that beginning August 1, 1984, student scores on that test must satisfy the minimum standards of the State Board.

(2) Each state university with a lower division and each community college shall assure that all students in college-credit programs have opportunity to acquire the skills included in Rule 6A-10.0316, F.A.C.

(3) Except as provided in subsection 6A-10.0314(4), F.A.C., beginning with the October 1982 administration of the College-Level Academic Skills Test, each state university shall require all applicants for upper division status, including students who were admitted to the university as freshmen or sophomores, to present scores which have been earned on the College-Level Academic Skills Test; and for any term beginning on or after August 1, 1984, the admission of all students to upper division status shall require presentation of scores on the College-Level Academic Skills Test which satisfy the minimum standards of the State Board. Students who are otherwise qualified for admission to upper division status at a state university and who have satisfied the minimum standards of the State Board on only three (3) of the four (4) subtests of the College-Level Academic Skills Test may enroll for up to an additional thirty-six (36) semester credits in upper division courses in a state university before they are required to satisfy the minimum standards of the State Board on all four (4) subtests. However, the implementation of this rule shall be applied uniformly to native university students and to students who transfer from other institutions in which the College-Level Academic Skills Test is required.

(4) Students required to present scores on the College-Level Academic Skills Test who have not had opportunity to take the test may be enrolled in a state university only until the end of the next semester in which the test is available to them. Students who have not had an opportunity to take the test are students (1) who completed their sophomore year without receiving an associate of arts degree in a community college or state university in Florida before October, 1982; (2) who are transferring from an institution where the test is not administered; (3) who are prevented from taking the test (i) for religious or medical reasons, (ii) by reason of a duty assignment while on active or temporary (TDY) duty in military service; or (4) who were registered to take the test but failed to report for testing for a reason beyond the student’s control. In response to a student’s written petition, the university president or community college president or designee shall make a written finding as to whether the student had the opportunity to take the test. Written findings shall be filed with the Agency Clerk of the university.

(5) A student may exempt these requirements according to subsections 6A-10.0311(5) and (6), F.A.C.
6A-10.0315 College Preparatory Testing, Placement, and Instruction.

(1) For admissions after October 1, 1991, for enrollment for the academic terms beginning January 1992 through July 31, 1995, first-time-in-college applicants for admission to community colleges and universities who apply to enter degree programs shall be tested for reading, writing, and mathematics proficiency prior to the completion of registration, using one (1) or more of the tests listed in this subsection, and shall enroll in college preparatory communication and computation instruction if the test scores are lower than those listed below.

(a) ACT Assessment, American College Testing Program.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Composite</td>
<td>14</td>
</tr>
<tr>
<td>English</td>
<td>15</td>
</tr>
<tr>
<td>Mathematics</td>
<td>13</td>
</tr>
</tbody>
</table>

(b) Enhanced ACT, American College Testing Program.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td>16</td>
</tr>
<tr>
<td>English</td>
<td>16</td>
</tr>
<tr>
<td>Mathematics</td>
<td>16</td>
</tr>
</tbody>
</table>

(c) SAT, The College Board.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verbal</td>
<td>340</td>
</tr>
<tr>
<td>TSWE</td>
<td>31</td>
</tr>
<tr>
<td>Mathematics</td>
<td>400</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Subject</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verbal</td>
<td>340*</td>
</tr>
<tr>
<td>Mathematics</td>
<td>400</td>
</tr>
<tr>
<td>Verbal</td>
<td>420*</td>
</tr>
<tr>
<td>Mathematics</td>
<td>440</td>
</tr>
</tbody>
</table>

*Students with scores below the cut score on the verbal subtest of the SAT I shall be considered to have fallen below the cut score in both reading and writing for placement and reporting purposes.

(e) MAPS, The College Board.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading Comprehension</td>
<td>13</td>
</tr>
<tr>
<td>TSWE</td>
<td>31</td>
</tr>
<tr>
<td>Elementary Algebra</td>
<td>209</td>
</tr>
</tbody>
</table>

(f) New MAPS, The College Board.

Reading Comprehension 109
Conventions of Written
English 311
Elementary Algebra 613

(g) CPT, Computerized Placement Tests, The College Board.

Reading Comprehension 72
Sentence Skills 78
Elementary Algebra 51

(h) ASSET, American College Testing Program.

Reading Skills 22
Language Usage 43
Elementary Algebra 12

(i) New ASSET, American College Testing Program.

Reading Skills 37
Writing Skills 37
Elementary Algebra 37
For admissions beginning August 1, 1995, first-time-in-college applicants for admission to community colleges and universities who apply to enter degree programs shall be tested for reading, writing, and mathematics proficiency prior to the completion of registration, using the Florida College Entry-Level Placement Test. Students earning scores less than those listed below shall enroll in college preparatory communication and computation instruction:

<table>
<thead>
<tr>
<th>Standard Score</th>
<th>Reading Comprehension</th>
<th>Sentence Skills</th>
<th>Elementary Algebra</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>72</td>
<td>78</td>
<td>51</td>
</tr>
</tbody>
</table>

For admissions beginning with the academic term in the fall 1996, first-time-in-college applicants for admission to community colleges and universities who apply to enter degree programs shall be tested for reading, writing, and mathematics proficiency prior to the completion of registration, using the Florida College Entry-Level Placement Test. Students earning scores less than those listed below shall enroll in college preparatory communication and computation instruction:

<table>
<thead>
<tr>
<th>Standard Score</th>
<th>Reading Comprehension</th>
<th>Sentence Skills</th>
<th>Elementary Algebra</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>83</td>
<td>83</td>
<td>72</td>
</tr>
</tbody>
</table>

Community colleges and universities shall have the option of delaying implementation of the provisions of Subsection (3) of this rule upon notification by the president of the institution to the Commissioner. No institution shall be permitted to exempt the provisions of subsection (3) of this rule for more than one (1) academic year, and no exemptions may be in effect past June 30, 1997.

Community colleges and universities may identify optional placement tests to supplement those listed in subsection (2) of this rule that may be useful. If such optional tests are identified, each institution shall be responsible for designating the scores that will be used for placement purposes and the courses into which the student will be placed.

For admissions prior to the fall 2000 academic term, students who present scores on either the College Board’s SAT-I or the American College Testing Program’s Enhanced ACT test that meet or exceed the scores shown below, may be exempted from taking the Florida College Entry-Level Placement Test at the option of the president of the community college or university:

<table>
<thead>
<tr>
<th>Standard Score</th>
<th>SAT-I, The College Board</th>
<th>Enhanced ACT, American College Testing Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verbal</td>
<td>420</td>
<td>Reading</td>
</tr>
<tr>
<td>Mathematics</td>
<td>440</td>
<td>English</td>
</tr>
<tr>
<td>Enhanced ACT</td>
<td>16</td>
<td>Mathematics</td>
</tr>
</tbody>
</table>

For admissions beginning with the academic term in the fall of 2000, students who present scores on either the College Board’s SAT-I or the American College Testing Program’s Enhanced ACT test that meet or exceed the scores shown below, may be exempted from taking the Florida College Entry-Level Placement Test at the option of the president of the community college or university:

<table>
<thead>
<tr>
<th>Standard Score</th>
<th>SAT-I, The College Board</th>
<th>Enhanced ACT, American College Testing Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verbal</td>
<td>440</td>
<td>Reading</td>
</tr>
<tr>
<td>Mathematics</td>
<td>440</td>
<td>English</td>
</tr>
</tbody>
</table>

Community colleges and universities may negotiate agreements with local school districts to permit, on a voluntary basis, high school students to take the Florida College Entry-Level Placement Test at the beginning of the tenth grade before enrollment in the eleventh grade for the purpose of obtaining remedial instruction prior to entering postsecondary education.

Each community college president shall negotiate agreements with its local service area school district to permit the Florida College Entry-Level Placement Test to be administered to high school students. The agreement shall provide the opportunity for students to have the option of taking the Placement Test at the beginning of the tenth grade for the purpose of obtaining counseling regarding future college and career planning and for the purpose of providing remedial instruction that may be appropriate. High school eleventh or twelfth grade students also may be given the option of taking the Placement Test.

Each state public university president may negotiate an agreement with local school districts to permit the Florida College Entry-Level Placement Test to be administered to high school students. The negotiations with the school district shall take into consideration any previous or anticipated agreement negotiated by the community college president as described in subsection (9)
of this rule to minimize any confusion in the administration of the test to high school students. The agreement negotiated by a university president shall be subject to the conditions of subsections (11) and (12) of this rule except that the test administration responsibilities would be assumed by the university.

(11) The agreement shall provide for the administration of the Placement Test under the control and supervision of the community college. The agreement shall incorporate plans to administer the Placement Test according to specifications developed by the Commissioner. These specifications shall include how the test is to be administered, when, to whom, at what cost, how the costs will be paid, and how the test results will be reported.

(12) The agreement shall be sent to the Commissioner for review and approval prior to implementation. If the agreement does not adhere to the specifications defined in subsection (11) of this rule, it shall not be approved.

(13) Nothing provided in subsection 6A-10.0315(1), F.A.C., shall be construed to prevent the enrollment of a student in college preparatory instruction if the community college or university determines that such enrollment would enhance the student’s opportunity for future academic success. The determination of enrollment would be made after counseling with the student and the analysis and consideration of other assessment techniques and measurements, which may include transcripts, grade evaluations, diagnostic, placement or psychological instruments, or other proven indicators or predictors of academic performance. Students who are initially placed in college preparatory instruction and subsequent performance indicates the students have been misplaced may be moved into college level courses if they meet the requirements of paragraph (19)(b) of this rule.

(14) Students whose first language is not English may be placed in college preparatory instruction prior to the testing required herein, if such instruction is otherwise demonstrated as being necessary. Such students shall not be exempted from the testing required herein.

(15) Test modifications and exemptions in subsection 6A-10.0311(5), F.A.C., shall apply in the case of applicants with records of physiological disorders.

(16) Institutions affected by this rule shall accept test scores on any one of the tests identified in subsection 6A-10.0315(1), F.A.C., Individual student scores shall be valid for two (2) years.

(17) During their first term, full-time students who are registered for at least twelve (12) credits, shall begin competency-based preparatory instruction based on the placement test results. Part-time students shall enroll prior to completing twelve (12) credits.

(18) Students shall not enroll for more than three (3) attempts in each course to complete college preparatory instruction. Students who withdraw from a course under major extenuating circumstances may be granted an exception. Such exceptions require approval under guidelines established by the boards of trustees or the Board of Regents. Students enrolled in English as a second language may be exempted from this limitation based on a plan submitted by the institution and approved by the Board of Regents or the State Board of Community Colleges for their respective institutions.

(19) Uniform standards for completion of competency-based college preparatory instruction shall correspond to those listed herein for placement in college credit instruction. Once competence has been certified, other public community colleges and universities shall accept the certification upon student transfer. Competence shall be certified upon:

(a) Successful completion of courses in which the competencies specified in subparagraph 6A-10.033(1)(c)1., F.A.C., are taught, and

(b) Passing a criterion-referenced assessment which tests the competencies specified in subparagraph 6A-10.033(1)(c)1., F.A.C., or

(20) Students enrolled in college preparatory instruction shall be permitted to take courses concurrently in other curriculum areas for which they are qualified. Pursuant to Section 240.117(4), Florida Statutes, students who test into college preparatory instruction and subsequently enroll in college preparatory instruction must successfully complete the required college preparatory studies by the time they have accumulated twelve (12) hours of college credit coursework or they must maintain continuous enrollment in college preparatory coursework each semester until the requirements are completed while performing satisfactorily in the degree earning coursework.

(a) College preparatory students may not enroll in the following categories of college credit courses while completing their college preparatory coursework:

1. College preparatory students who are deficient in mathematics may not enroll in any mathematics courses that meet the requirements of Rule 6A-10.030, F.A.C., or other courses that require mathematics skills that are beyond the skill level of the student.

2. College preparatory students who are deficient in English and/or reading skills may not enroll in English or humanities courses that meet the requirements of Rule 6A-10.030, F.A.C., or other courses that require communication skills that are beyond the skill level of the student.

3. College preparatory students who are deficient in all three (3) areas may enroll in college-level courses such as orientation courses, college success courses, or other courses that are not dependent on college-level computation and communication skills.

(21) The Commissioner shall report to the State Board of Education by November 30 each year the results of the common placement testing.

Specific Authority 229.053(1), 239.301(10), 240.117(1) FS. Law Implemented 239.301, 240.117 FS. History–New 7-15-84, Amended 6-6-85, Formerly 6A-10.315, Amended 5-17-88, 7-25-91, 10-18-94, 8-28-95, 6-25-96, 3-28-00.

The communication and computation skills identified herein, pursuant to Section 229.053(2)(d), Florida Statutes, are associated with successful performance of students in college programs through the baccalaureate level.

(1) The following skills, by designated category, are defined as college-level communication skills:

(a) Reading with literal comprehension includes all of the following skills:
   1. Recognizing main ideas in a given passage.
   2. Identifying supporting details.
   3. Determining meaning of words on the basis of context.

(b) Reading with critical comprehension includes all of the following skills:
   1. Recognizing the author’s purpose.
   2. Identifying the author’s overall organizational pattern.
   3. Distinguishing between statement of fact and statement of opinion.
   4. Detecting bias.
   5. Recognizing author’s tone.
   6. Recognizing explicit and implicit relationships within sentences.
   7. Recognizing explicit and implicit relationships between sentences.
   8. Recognizing valid arguments.
   9. Drawing logical inferences and conclusions.

(c) Listening with literal comprehension includes all of the following skills:
   1. Recognizing main ideas.
   2. Identifying supporting details.
   3. Recognizing explicit relationships among ideas.
   4. Recalling basic ideas, details, or arguments.

(d) Listening with critical comprehension includes all of the following skills:
   1. Perceiving the speaker’s purpose.
   2. Perceiving the speaker’s organization of ideas and information.
   3. Discriminating between statements of fact and statements of opinion.
   4. Distinguishing between emotional and logical arguments.
   5. Detecting bias.
   6. Recognizing the speaker’s attitude.
   7. Synthesizing by drawing logical inferences and conclusions.

(e) Composing units of discourse providing ideas and information suitable for purpose and audience includes all of the following skills:
   1. Selecting a subject which lends itself to development.
   2. Determining the purpose and the audience for writing.
   3. Limiting the subject to a topic which can be developed within the requirements of time, purpose, and audience.
   4. Formulating a thesis or statement of main idea which focuses the essay.
   5. Developing the thesis or main idea statement by all of the following:
      a. Providing adequate support which reflects the ability to distinguish between generalized and specific evidence.
      b. Arranging the ideas and supporting details in a logical pattern appropriate to the purpose and the focus.
      c. Writing unified prose in which all supporting material is relevant to the thesis or main idea statement.
      d. Writing coherent prose and providing effective transitional devices which clearly reflect the organizational pattern and the relationships of the parts.

(f) Transmitting ideas and information in effective written language which conforms to the conventions of standard American English includes all of the following skills:
   1. Demonstrating effective word choice by all of the following:
      a. Using words which convey the denotative and connotative meanings required by context.
      b. Avoiding inappropriate use of slang, jargon, cliches, and pretentious expressions.
      c. Avoiding wordiness.
   2. Employing conventional sentence structure by all of the following:
      a. Placing modifiers correctly.
      b. Coordinating and subordinating sentence elements according to their relative importance.
      c. Using parallel expressions for parallel ideas.
      d. Avoiding fragments, comma splices, and fused sentences.
   3. Employing effective sentence structure by all of the following:
      a. Using a variety of sentence patterns.
      b. Avoiding overuse of passive construction.
   4. Observing the conventions of standard American English grammar and usage by all of the following:
a. Using standard verb forms.
b. Maintaining agreement between subject and verb, pronoun and antecedent.
c. Using proper case forms.
d. Maintaining a consistent point of view.
e. Using adjectives and adverbs correctly.
f. Avoiding inappropriate shifts in verb tenses.
g. Making logical comparisons.
5. Using standard practice for spelling, punctuation, and capitalization.
6. Revising, editing, and proofreading units of written discourse to assure clarity, consistency, and conformity to the conventions of standard American English.

(g) Speaking involves composing the message, providing ideas and information suitable to topic, purpose, and audience which includes all of the following skills:
1. Determining the purpose of the oral discourse.
2. Choosing a topic and restricting it according to purpose and audience.
3. Fulfilling the purpose by the following:
   a. Formulating a thesis or main idea statement.
   b. Providing adequate support material.
   c. Organizing suitably.
   d. Using appropriate words.
   e. Using effective transitions.

(h) Speaking involves transmitting the message, using oral delivery skills suitable to the audience and the occasion by all of the following skills:
1. Employing vocal variety in rate, pitch, and intensity.
2. Articulating clearly.
3. Employing the level of American English appropriate to the designated audience.
4. Demonstrating nonverbal behavior which supports the verbal message with eye contact and appropriate posture, gestures, facial expressions, and body movements.

(2) The following skills, by designated category, are defined as college-level computation skills:
(a) Demonstrating mastery of all of the following arithmetic algorithms:
1. Adding, subtracting, multiplying, and dividing rational numbers.
2. Adding, subtracting, multiplying, and dividing rational numbers in decimal form.
3. Calculating percent increase and percent decrease.
4. Solving the sentence a percent of b is c, where values for two of the variables are given.
(b) Demonstrating mastery of all of the following geometric and measurement algorithms:
1. Rounding measurements to the nearest given unit of the measuring device used.
2. Calculating distances, areas, and volumes.
(c) Demonstrating mastery of all of the following algebraic algorithms:
1. Adding, subtracting, multiplying, and dividing real numbers.
2. Applying the order-of-operations agreement to computations involving numbers and variables.
3. Using scientific notation in calculations involving very large or very small measurements.
5. Solving linear inequalities.
6. Using given formulas to compute results, when geometric measurements are not involved.
7. Finding particular values of a function.
8. Factoring a quadratic expression.
10. Solving a system of two (2) linear equations in two (2) unknowns.
(d) Demonstrating mastery of all of the following statistical algorithms, including some from probability:
1. Identifying information contained in bar, line, and circle graphs.
2. Determining the mean, median, and mode of a set of numbers.
3. Using the fundamental counting principle.
(e) Demonstrating mastery of logical-reasoning algorithms by deducing facts of set inclusion or set non-inclusion from a diagram.
(f) Demonstrating understanding of arithmetic concepts by all of the following skills:
1. Recognizing the meaning of exponents.
2. Recognizing the role of the base number in determining place value in the base-ten numeration system.
3. Identifying equivalent forms of positive rational numbers involving decimals, percents, and fractions.
4. Determining the order relation between real numbers.
5. Identifying a reasonable estimate of a sum, average, or product of numbers.
(g) Demonstrating understanding of geometric and measurement concepts by all of the following skills:
1. Identifying relationships between angle measures.
2. Classifying simple plane figures by recognizing their properties.
3. Recognizing similar triangles and their properties.
4. Identifying appropriate units of measurement for geometric objects.
(h) Demonstrating understanding of algebraic concepts by all of the following skills:
1. Using properties of operations correctly.
2. Determining whether a particular number is among the solutions of a given equation or equality.
3. Recognizing statements and conditions of proportionality and variation.
4. Inferring regions of the coordinate plane which correspond to specified conditions and vice versa.
(i) Demonstrating understanding of statistical concepts including probability by all of the following skills:
1. Recognizing properties and interrelationships among the mean, median, and mode in a variety of distributions.
2. Choosing the most appropriate procedure for selecting an unbiased sample from a target population.
3. Identifying the probability of a specified outcome in an experiment.
(j) Demonstrating understanding of logical-reasoning concepts by all of the following skills:
1. Identifying statements equivalent to the negations of simple and compound statements.
2. Determining equivalence or non-equivalence of statements.
3. Drawing logical conclusions from data.
4. Recognizing that an argument may not be valid even though its conclusion is true.
(k) Inferring relations between numbers in general by examining particular number pairs.
(l) Generalizing and selecting applicable generalizations in geometry and measurement by both of the following skills:
1. Inferring formulas for measuring geometric figures.
2. Selecting applicable formulas for computing measures of geometric figures.
(m) Generalizing and selecting applicable generalizations in algebra by using applicable properties to select equivalent equations and inequalities.
(n) Generalization and selecting applicable generalizations in statistics, including probability, by inferring relations and making accurate predictions from studying statistical data.
(o) Generalizing and selecting applicable generalizations in logical reasoning by both of the following skills:
1. Recognizing valid reasoning patterns as illustrated by valid arguments in everyday language.
2. Selecting applicable rules for transforming statements without affecting their meaning.
(p) Demonstrating proficiency for solving problems in the area of arithmetic by the following skills:
1. Solving real-world problems which do not require the use of variables and which do not involve percent.
2. Solving real-world problems which do not require the use of variables and which do require the use of percent.
3. Solving problems that involve the structure and logic of arithmetic.
(q) Demonstrating proficiency for solving problems in the area of geometry and measurement by both of the following skills:
1. Solving real-world problems involving perimeters, areas, or volumes of geometric figures.
2. Solving real-world problems involving the Pythagorean property.
(r) Demonstrating proficiency for solving problems in the area of algebra by both of the following skills:
1. Solving real-world problems involving the use of variables, aside from commonly used geometric formulas.
2. Solving problems that involve the structure and logic of algebra.
(s) Demonstrating proficiency for solving problems in the area of statistics, including probability, for both of the following skills:
1. Interpreting real-world data involving frequency and cumulative frequency tables.
2. Solving real-world problems involving probabilities.
(t) Demonstrating awareness of the ways in which logical reasoning is used to solve problems by drawing logical conclusions when facts warrant them.

(3) The Articulation Coordinating Committee shall file with the Commissioner and the State Board, on or before November 30 of each odd-numbered year, its recommendations for changes, if any, in the above definitions of college-level communication and computation skills.

Specific Authority 229.053(1), (2)(d) FS. Law Implemented 229.053(2)(d), 229.551(3)(h) FS. History–New 8-1-92.

**6A-10.0317 Participation in the College-Level Communication and Computation Skills Testing Program by Nonpublic Postsecondary Institutions.**

(1) Test participation. The College-Level Academic Skills Test may be administered to students enrolled in nonpublic, postsecondary institutions. Such institutions shall offer the test to students who apply for state student financial aid in accordance with Rule 6A-20.005, F.A.C., or may offer it to or require it of other students as well, as determined by the institution. The institution shall pay the Department of Education a fee of twenty (20) dollars per student who takes one or more parts of the test for the cost of scoring and reporting the results of the test.

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(2) Reports and services. For any nonpublic, postsecondary institution whose students participate in the College-Level Academic Skills testing program, the Department of Education shall provide the same testing program reports and services as provided to public institutions.

Specific Authority 120.53(1)(b), 229.053(1), (2)(d), 240.107(7) FS. Law Implemented 229.053, 240.107, 240.233, 240.239, 240.3215, 240.325 FS. History–New 4-1-91.

6A-10.032 Postsecondary Education Contract Programs and Facilities.

(1) Purpose. The authorization for the State Board to contract with independent postsecondary education institutions for the provision of those educational programs and facilities which will meet needs unfulfilled by the state system of postsecondary education is based upon the principles of efficiency, effectiveness, and economy. The State Board may contract for a program or for the use of an existing facility if it can be demonstrated that the state needs for the program or facility may be met at lower cost or more effectively through contracting. In all cases, the program or facility obtained through contract must be of equal quality as similar programs and facilities in the state system of postsecondary education.

(2) Conditions for contract programs.

(a) Financial limitation. The state subsidy for any contract program shall be determined on an individual contract basis. Florida students enrolled in contract programs shall be required to pay no more in tuition and laboratory fees than is charged in comparable programs in state institutions. No cost overruns shall be recognized in the case of contract programs.

(b) Accreditation. Any institution proposing a contract program shall be accredited as provided by Section 229.053(2)(o), Florida Statutes.

(c) Enrollment limit. There shall be a maximum enrollment specified in the contract and certified by the contract institution during the term of the contract. If enrollment in a contract program falls below the maximum enrollment specified, the state subsidy shall be reduced proportionally during the contract period based on the actual enrollment in the program. State support shall be limited to those students enrolled in the contract program who have been bona fide Florida residents for the preceding year. Residency status shall be the same as the residency requirement established by the Board of Regents for students enrolled in the State University System. (See Rule 6C-7.005, F.A.C.)

(d) Extension. Contracts shall be subject to annual appropriation of funds by the Florida Legislature. The provisions of Chapter 216 of the Florida Statutes related to executive reduction of budgets shall apply. The State Board, subject to the appropriation of adequate funds by the Florida Legislature and the recommendation of the Postsecondary Education Planning Commission as specified in paragraph (3)(e) hereof, shall provide each student once admitted into a contract program sufficient time to complete the program in full-time status.

(3) Review process.

(a) Any proposed contract program shall be presented to the Postsecondary Education Planning Commission for review and recommendation to the State Board. In conducting its review the Commission shall consider the following:

1. Unmet needs to be addressed by the contract program;
2. Evidence of adequate resources of the contracting institution;
3. Demand for graduates from the contract program;
4. Any specialized accreditation held by the contract program, if appropriate;
5. The state subsidy for the contract program. In determining the state subsidy for any contract program, the following items shall be considered:
   a. The state operating costs for comparable programs;
   b. Additional state fixed capital outlay costs or start-up costs necessitated by expansion or creation of state programs;
   c. Qualitative differences between programs;
   d. Price level adjustments for contract renewals.
6. The capability of state institutions located nearest the potential contractor to furnish all or part of the program;
7. Consistency of the program with the state master plan for postsecondary education; and
8. The Impact Study required by the State Plan for the Equalization of Educational Opportunity.

(b) The Department, other institutions, postsecondary licensing and governing boards and other appropriate external consultants may be involved in assisting the Commission in making a determination as to program quality and need.

(c) Based on the recommendation of the Commission, prior to contracting for a program, the Department shall include the contract program in its legislative budget request as a separate, identifiable item, subject to approval by the State Board.

(d) Each contract program shall be administered by the Department and shall be subject to periodic review by the Department in cooperation with the Postsecondary Education Planning Commission. In addition to the items specified in paragraph (3)(a) above, the review shall consider the ratio of students enrolled under the contract to the number of graduates produced.

(e) The Commission shall provide the State Board with a recommendation on the annual renewal of each contract.

Specific Authority 229.053(1) FS. Law Implemented 229.053(2)(o), 240.147(3) FS. History–New 4-18-82, Formerly 6A-10.32, Amended 10-18-94, 3-3-97.
6A-10.033 Postsecondary Credit Definitions.
The definitions herein apply to instruction in postsecondary area vocational-technical centers, community colleges, and universities.

(1) Credit. Credit is a unit of measure assigned to courses or course equivalent learning. Credit is awarded if the learning activity represents part of, or preparatory for, an organized and specified program leading to a postsecondary certificate or degree. Credit is a device which indicates to the learner, to educational institutions, to employers, and to others how much of the program the learner has completed. The credit awarded may be independent of where the learning occurs. If a learning activity does not meet these requirements, credit shall not be awarded. The only types of postsecondary credit authorized are:

(a) College credit. College credit is the type of credit assigned to courses or course equivalent learning that is part of an organized and specified program leading to a graduate, baccalaureate, or associate degree. One (1) college credit is based on the learning expected from the equivalent of fifteen (15) fifty-minute periods of classroom instruction; with credits for such things as laboratory instruction, internships, and clinical experience determined by the institution based on the proportion of direct instruction to the laboratory exercise, internship hours, or clinical practice hours.

(b) Vocational credit. Vocational credit is the type of credit assigned to courses or course equivalent learning that is part of an organized and specified program leading to a vocational certificate. It applies to postsecondary adult vocational courses. One (1) vocational credit is based on the learning expected from the equivalent of thirty (30) hours of instruction.

(c) Preparatory credit.

1. College preparatory credit. College preparatory credit is the type of preparatory credit assigned to courses that provide high school graduates who wish to enroll in college credit courses with additional academic preparation determined to be needed pursuant to Rule 6A-10.0315, F.A.C. One (1) college preparatory credit is based on the learning expected from the equivalent of fifteen (15) fifty-minute periods of classroom instruction, with credit for such things as laboratory instruction and individualized study determined by the institution based on the proportion of direct instruction to the laboratory exercise or individualized program. College preparatory courses provide competency-based instruction to develop college entry competencies in the communication and computation skills described herein.

a. College preparatory reading competencies are distinguished from college-level reading competencies based on the criteria in subsection 6A-10.0315(1), F.A.C. College preparatory reading instruction includes the recognition of main ideas, supporting details, meanings of words in context, author’s purpose, tone, valid arguments, explicit and implicit relationships within and between sentences; and the ability to detect bias, to distinguish fact from opinion, and to draw logical inferences and conclusions.

b. College preparatory writing competencies are distinguished from college-level writing competencies based on the criteria in subsection 6A-10.0315(1), F.A.C. College preparatory writing instruction includes word choice, sentence structure, grammar, spelling, and punctuation.

c. College preparatory mathematics competencies are distinguished from college-level mathematics competencies in that the college-level competencies begin with intermediate algebra or general mathematics skills which build upon the preparatory competencies defined in subsection 6A-10.0315(1), F.A.C. College preparatory mathematics instruction includes arithmetic and introductory algebra including real numbers and their properties, basic operations with linear expressions, factoring of algebraic expressions, and solutions of linear equations and inequalities.

2. Vocational preparatory credit. Vocational preparatory credit is the type of preparatory credit assigned to courses that provide students who wish to enroll in vocational credit courses with additional academic preparation. One (1) vocational preparatory credit is based on the learning expected from the equivalent of fifteen (15) fifty-minute periods of classroom instruction, with credit for such things as laboratory instruction and individualized study determined by the institution based on the proportion of direct instruction to the laboratory exercise or individualized program.

(2) Noncredit. Noncredit is a term indicating that credit, as defined herein, is not awarded. It applies, in the case of universities, to the instructional classifications of noncredit continuing education; in the case of community colleges, to the instructional classifications of supplemental, adult basic and secondary, citizenship, and recreational; and in the case of postsecondary area vocational-technical centers, to the instructional classifications of supplemental, adult basic and secondary, community education, and community instructional services. The unit of measure is hours of instruction.

Specific Authority 229.053(1), 240.115(2), 240.117(1) FS. Law Implemented 228.041(1), 229.053(2)(c), 229.551(1), 239.301, 240.115, 240.117, 240.203(2), 240.301, 240.325(3), (4) FS. History–New 7-13-83, Amended 5-14-85, Formerly 6A-10.33.

6A-10.0331 Deletion of Courses from Catalogs and Common Course Designation and Numbering System.

(1) Effective with the 1987-88 academic year, each university in the State University System and each community college in the State Community College System shall adopt, as part of the procedure for the preparation of its institutional catalog, a rule to ensure that courses which have not been taught for five (5) years, or less if desired, are deleted from the catalog. Each institution shall also notify the Office of the Common Course Designation and Numbering System to delete these courses.

(2) Courses not taught in the preceding five (5) years or less in keeping with institutional requirements, which an institution wishes to continue shall be reviewed in the same manner that the institution reviews courses which are proposed for addition to the catalog and Common Course Designation and Numbering System. A course may be continued in the catalog if the institution plans to offer it during the next five (5) years.
The president of each university shall annually certify to the Board of Regents and the president of each community college shall annually certify to the board of trustees for that college that the institution has complied with the law.

Specific Authority 229.053(1), 233.015 FS. Law Implemented 229.053(1), 233.015 FS. History–New 12-31-86, Amended 4-7-87, 8-30-88.

6A-10.0341 Vocational Education Student Follow-Up Requirements.

(1) To meet public information requirements of Section 239.245, Florida Statutes, school districts; independent postsecondary vocational, technical, trade and business schools; and community colleges shall determine a postsecondary vocational student’s placement status using one (1) or more of the following procedures:

(a) The written questionnaire outlined in this rule;
(b) State-level computerized employment data collected by the Florida Education and Training Placement Information Program (FETPIP);
(c) Written verification from the employer.

(2) The written questionnaire process shall collect post-instruction outcome data and shall not include information from exit interviews. For written questionnaires, documentation for audit purposes shall be kept on file for three (3) years and include at least:

(a) Student name and social security or identification number.
(b) Student address and telephone number.
(c) Whether continuing in postsecondary education.
(d) If continuing postsecondary education, the name and address of the institution where enrolled.
(e) If employed other than in the military, employer’s name and address and the occupational title for the job in which the student is employed.
(f) The student’s signature and date to verify the information.
(3) When state-level computerized employment data are used, documentation shall consist of the data tape or hard copy.
(4) Written verification from the employer shall include student name, social security number, and occupational title under which the student is employed.

5 A notice of intent to conduct a local follow-up survey must be provided by the local educational agency or independent school to the appropriate division of the Department.

(6) The written notification must indicate that the local education agency or independent school intends to conduct a local follow-up of its vocational completers and leavers; the program(s) on which the local follow-up will be conducted; reason(s) for the local follow-up; and, may request technical assistance.

(7) Anytime a local education agency or independent school publishes program performance measures that are based at least partially on local follow-up data, a notice of the inclusion of those data must be made in writing as part of the publication. The following statement must be displayed prominently in the publication: “As a result of a vocational program review, locally collected vocational student follow-up data have been used to compile this information. The methods used to collect this information are specified by state laws and rules. These data are available for inspection upon request.”

Specific Authority 239.233(1)(b), 239.245 FS. Law Implemented 239.233(1)(b), 239.245(2)(b)3. FS. History–New 6-23-87, Amended 11-24-87, 10-4-93, 6-18-96.

6A-10.0342 Vocational Education Program Performance Reporting.

(1) The Department will annually calculate and publish secondary and postsecondary program improvement targets for each of the performance measures for which job-preparatory/occupational programs are to be accountable. Methods for the calculation of the program improvement targets will include the following:

(a) The program performance measures that are expressed as percentages or rates (the placement rate, productivity rate, more advanced academic skills rate, and the targeted population enrollment reporting rate) will have targets that will require greater performance improvement when the rates are lower in value and lesser performance improvement when the rates are higher in value. Program improvement targets will be calculated specifically for programs within each educational level.
(b) The program performance measures that are expressed as amounts (the program full-time/full-quarter earnings measure and the institutional full-time/full-quarter earnings measure) will have targets that will be based on the range of full-time/full-quarter earnings for all comparable programs and all institutions at the same educational level across the state.
(c) The basic skills measure is self-targeting inasmuch as it requires one hundred (100) percent of the program completers to receive or be eligible for a high school diploma.

(2) Minimum performance standards for the placement rate and productivity rate will be seventy (70) percent and twenty (20) percent, respectively, for postsecondary programs. Minimum program improvement targets will equal or exceed these minimum performance standards.

(3) The Department will calculate placement, productivity, and institutional earnings measures for all enrolled students and for enrolled targeted population students. The measures based on enrolled targeted students will use the same program improvement targets as were calculated based on all enrolled students for these measures.
(4) Exceptional education students (except gifted) and students enrolled in state-approved drop-out prevention programs under modified curriculum or standards and/or without a certified vocational teacher are not included in the calculation of the more advanced academic skills performance measure.

(5) Beginning in the 1994-95 school year, and annually thereafter, the Department will conduct a program review of a postsecondary program anytime three (3) or more of the performance measures fail to meet or exceed established targets.

(6) Beginning in the 1994-95 school year, and annually thereafter, school districts and community colleges will develop an improvement plan of a postsecondary program anytime a performance measure fails to meet or exceed minimum performance standards.

(7) Beginning in the 1996-97 school year, and annually thereafter, school districts and community colleges will develop an improvement plan for a postsecondary program whenever the program fails to meet or exceed any three or more of the performance improvement targets for three (3) consecutive years.

(8) Beginning in the 1994-95 school year, and annually thereafter, the Department will report to the State Board for Vocational Education; boards of trustees; school boards; and the State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools the results of program reviews and improvement plans implemented by affected schools as prescribed in Section 239.233(1)(b)5., Florida Statutes.

Specific Authority 239.233(1)(b)5. FS. Law Implemented 239.233(1)(c), 239.233(1)(d) FS. History—New 10-4-93, Amended 2-16-94.

6A-10.0371 Model Noninstructional Adult Literacy Centers.
(1) Model noninstructional adult literacy centers may be established in school districts and community colleges.

(2) The role of the center is to identify, contact, counsel and refer adults considered to be lacking in basic or functional literacy skills to appropriate private and public agencies, including human service agencies, providing adult basic education services.

(3) Each center shall meet the following requirements:

(a) Maintain records that:
1. Describe the methods used for client identification and contact.
2. Describe the methods used for client counseling and referral.
3. Contain base data for each client including: name; sex; race; date of birth; address; date of client initial contact; the results of that contact; the agency the client was referred to; date of follow-up with that agency to determine if client inquired about educational services, if the client enrolled and date of enrollment, academic level of enrollment, and current participation status of the client.

(b) Develop and maintain a publication listing the adult literacy providers within the service area; the phone number, address, and name of the contact for each provider; subjects and grade levels taught by each provider; the methods of instruction used by each provider.

(c) Retain copies of cooperative agreements developed for the purpose of carrying out the role of the center.

(d) Establish and maintain fiscal controls and accounting procedures for reporting and evaluating purposes through which the conduct of the center is kept separate and distinct.

(e) School districts shall follow the accounting procedures prescribed in “A Manual . . . Financial and Program Cost Accounting and Reporting for Florida Schools.”

(f) Community colleges shall follow the accounting procedures prescribed in the “Accounting Manual for Florida’s Public Community Colleges.”

(4) The performance of each center shall be evaluated annually by the Department of Education. Such evaluation shall be presented to the State Board for use in submitting its final report to the Legislature. The evaluation shall be based upon a review and assessment of the documentation that supports compliance with the provisions of subsections 6A-10.0371(2) and (3), F.A.C.

Specific Authority 229.053(1), 239.309(4) FS. Law Implemented 239.309 FS. History–New 8-30-88.

6A-10.038 Postsecondary Feedback of Student Information to High Schools.
(1) From data provided by the state universities, community colleges, and state-supported vocational-technical centers, the Divisions of Universities, Community Colleges, and Public Schools shall maintain information on the performance of Florida's public high school graduates on the entry-level placement tests, pursuant to Rules 6A-10.0315 and 6A-10.040, F.A.C.

(2) By October 31 each year, the Divisions of Universities and Community Colleges shall provide the Commissioner of Education the following information on students enrolled during the most recent academic year, beginning with the summer session and ending with the spring semester, who were prior year graduates of Florida public high schools:

(a) Legal name,
(b) Social security number,
(c) Florida student identifier when available,
(d) Gender,
(e) Racial/ethnic group,
(f) Name and number of school and school district from which student graduated,
(g) Year of graduation from high school,
state-supported vocational-technical centers, community colleges, and state universities in Florida during the previous summer, from which students graduate. The summary reports shall indicate the number of prior year graduates who enrolled in state as a whole, for each school district, and for each public high school. Student level reports shall be provided to the high schools in public postsecondary institutions within one (1) year after graduation. The Commissioner shall provide summary report for the districts and high schools by January 31, summary reports on the performance of Florida's public high school graduates who enroll in postsecondary education or the need for remediation through basic skills instruction or college-preparatory instruction pursuant to Sections 239.213 and 240.117, Florida Statutes.

The implementation plan to improve student readiness for the public postsecondary level based on annual analysis of the feedback report data. Sections 239.213 and 240.117, Florida Statutes.

Division of Public Schools, the Commissioner shall provide to the State Board and Legislature by November 30, and to the school from which the student graduated. From information data bases maintained by the Division of Universities, the Division of Community Colleges, and the Division of Public Schools, the Commissioner shall provide to the State Board and Legislature by November 30, and to the school districts and high schools by January 31, summary reports on the performance of Florida's public high school graduates who enroll in public postsecondary institutions within one (1) year after graduation. The Commissioner shall provide summary report for the state as a whole, for each school district, and for each public high school. Student level reports shall be provided to the high schools from which students graduate. The summary reports shall indicate the number of prior year graduates who enrolled in state-supported vocational-technical centers, community colleges, and state universities in Florida during the previous summer, fall, and spring terms and the number of those students whose scores on the entry-level placement tests indicate readiness for postsecondary education or the need for remediation through basic skills instruction or college-preparatory instruction pursuant to Sections 239.213 and 240.117, Florida Statutes, and shall be released without the written consent of the student only to the superintendent of the school district or principal of the school from which the student graduated.

From information data bases maintained by the Division of Universities, the Division of Community Colleges, and the Division of Public Schools, the Commissioner shall provide to the State Board and Legislature by November 30, and to the school districts and high schools by January 31, summary reports on the performance of Florida’s public high school graduates who enroll in public postsecondary institutions within one (1) year after graduation. The Commissioner shall provide summary report for the state as a whole, for each school district, and for each public high school. Student level reports shall be provided to the high schools from which students graduate. The summary reports shall indicate the number of prior year graduates who enrolled in state-supported vocational-technical centers, community colleges, and state universities in Florida during the previous summer, fall, and spring terms and the number of those students whose scores on the entry-level placement tests indicate readiness for postsecondary education or the need for remediation through basic skills instruction or college-preparatory instruction pursuant to Sections 239.213 and 240.117, Florida Statutes, and shall be released without the written consent of the student only to the superintendent of the school district or principal of the school from which the student graduated.

Pursuant to Section 240.118, Florida Statutes, each school district and high school shall include strategies in its school improvement plan to improve student readiness for the public postsecondary level based on annual analysis of the feedback report data.

Specific Authority 229.053(1), 240.118 FS. Law Implemented 240.118 FS. History–New 9-24-84, Formerly 6A-10.38, Amended 11-7-89, 1-2-95.

6A-10.0381 Registration of Adult Students.

1) Introduction. Beginning on July 1, 1993, as part of the registration of adult students, each school district and community college shall be required to collect and maintain on file sufficient information for two purposes. First, to locate students upon the termination of instruction and second, to determine the appropriateness of student placement in specific instructional programs. Registration information may be collected and maintained in electronic or manual format.

2) Required information. The following information shall be collected and maintained for each student enrolled in an adult general education program, adult postsecondary vocational program, or supplemental vocational courses funded through the Florida Education Finance Program or the Community College Program Fund:

(a) Name, permanent address, date of birth, social security number if available, and/or Florida student number identifier, and whether, except for lifelong learners, the student has a high school diploma or equivalent certificate, and
(b) The course title and course number.

3) School district requirement – adult. In addition to the data required in subsection (2) of this rule, information on the reason for enrolling shall be collected and maintained for each student enrolled in an adult basic or adult secondary course. The reason for attending shall include:

(a) To achieve literacy, or
(b) Prepare for the General Educational Development (GED) Test, or
(c) Earn a high school diploma.

4) School district requirement – job preparatory. In addition to the data required in subsection (2) of this rule, information on the reason for enrolling shall be collected and maintained for each student enrolled in an adult vocational job preparatory course. Job preparatory students are students who do not have a history of employment in the occupation and seek to acquire entry-level occupational skills in order to obtain employment.
5. School district requirement – supplemental. In addition to the data required in subsection (2) of this rule, information on the reason for enrolling shall be collected and maintained for each student enrolled in an adult vocational supplemental course. The reason for enrolling shall include:
   (a) Currently holds employment and is taking a course to enhance or upgrade skills related to that employment, or
   (b) Has an employment history and enrolls in a course related to that employment history with the intent to seek employment in an occupation directly related to the course and that employment history, or
   (c) Has an employment history and wants to develop competence in the English language in order to secure employment related to that employment history.

6. Record retention requirement. Each school district and community college shall maintain on file the data required by this rule in electronic format or hard copy for a period of three (3) years or until the completion of all audits for the period during which the course is offered, whichever occurs later.

7. Other data requirements. School districts are to ensure that they comply with the information data base requirements of the Comprehensive Management Information System as specified in Rule 6A-1.0014, F.A.C., and colleges shall comply with the Community College Data Elements Dictionary, for elements required by other state and federal laws and regulations.

8. Reduction of data elements. All other information and data elements formerly required by Section 229.132, Florida Statutes, Registration of Adult Students, which was replaced by Section 239.113, Florida Statutes, and no longer needed to meet the requirements of this rule, may be eliminated from the adult registration process beginning with the 1993-94 school year.

Specific Authority 229.053(1), 239.113 FS. Law Implemented 239.113 FS. History–New 12-23-92.

6A-10.039 Planning and Coordination of Postsecondary Educational Programs.
The following provisions are established for the planning and coordination of the postsecondary educational program reviews.

1. The Division of Applied Technology and Adult Education, the Division of Community Colleges, and the Division of Universities shall each submit to the Postsecondary Education Planning Commission on July 1 of each year a five-year program review plan or an annual update of the current five-year plan. These plans shall provide a schedule of the programs or groups of programs to be reviewed and the criteria by which the programs are to be evaluated. For the purpose of this rule, a program is defined as a series of courses leading to a college degree or a postsecondary adult vocational certificate, or classified as college preparatory or vocational preparatory. Community Instructional Services is also defined as a program.

2. Periodic program reviews relating to other institutional activities may be conducted as needed.

3. The Postsecondary Education Planning Commission shall examine the program review plans to determine that:
   (a) The scheduling of the program reviews is coordinated among sectors,
   (b) The plans are in conformity with the program review criteria listed in the state master plan for postsecondary education prepared pursuant to Section 240.147(2), Florida Statutes, and
   (c) The criteria address the distinctive institutional roles as defined by the state master plan for postsecondary education prepared pursuant to Section 240.147(2), Florida Statutes.

4. Subsequent to review and discussion of the divisions’ plans with the divisions, the Postsecondary Education Planning Commission shall forward comments on any areas of conflict or issues of particular concern to the State Board within sixty (60) days of receipt of the plans.

5. The results of the program reviews shall be related to the budgeting process in the following manner:
   (a) The program reviews shall include an assessment of the fiscal impact of each recommendation. These assessments may include recommendations to increase or decrease funding levels.
   (b) For each program or group of programs the divisions shall develop resource measures and related standards which will determine an adequate level of support for an effective and efficient program. The results of the application of the resource measures in program review shall be related to the budget requests for program growth and improvement.
   (c) The divisions’ budget requests shall designate adjustments in funding level designed to implement program review recommendations. Such budget requests shall support program decisions that are in conformity with the distinctive institutional roles as defined by the state master plan for postsecondary education prepared pursuant to Section 240.147(2), Florida Statutes.

6. The effect of appropriations made in conjunction with the provision of paragraph 6A-10.039(5)(c), F.A.C., shall be evaluated by the divisions as a specific component of the next five-year review.

Specific Authority 229.053(1), 240.147(2), (5), (8), 240.209(5)(b), 240.312 FS. Law Implemented 229.053(2)(c), 240.147(2), (5), (8), 240.209(5)(b), 240.312 FS. History–New 12-6-84, Formerly 6A-10.39.

6A-10.040 Basic Skills Requirements for Postsecondary Vocational Certificate Education.

1. Students who are enrolled in a postsecondary vocational certificate program shall complete a basic skills examination within the first six (6) weeks after admission into the program. The assessment instruments listed in paragraphs (1)(a) through (1)(e) of this rule (English version only) are designated to assess student mastery of basic skills and shall be used according to standards established for test administration and interpretation set forth in Standards for Educational and Psychological Testing (APA, AERA, NCME, 1992) and with appropriate modifications for students with disabilities as specified in Rule 6A-1.0943, F.A.C.
(a) Adult Measure of Essential Skills (AMES) 1997;
(b) Computerized Placement Test (CPT) or Multiple Assessment Placement Service (MAPS), where authorized;
(c) Tests of Adult Basic Education (TABE), Complete Battery or Survey Form, Forms 7 & 8, 1994;
(d) Tests of Adult Basic Education – Work Related (TABE-WR), 1994; or
(e) Wonderlic Basic Skills Test (WBST), 1994.

(2) Scale scores corresponding to the minimum basic skills grade levels in each vocational program description adopted under Rule 6A-6.0571, F.A.C., and published annually by the Commissioner in the document entitled, “Vocational Education Program Courses Standards” shall be used to determine basic skills levels required for completion of the vocational program. Scale score comparison charts are available from the Division of Workforce Development, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) Students deemed to lack the required minimal level of basic skills as measured by one of the designated examinations shall be provided with instruction specifically designed to correct the deficiencies.

(4) After a student completes the remediation prescribed for basic skills deficiencies, the student shall be retested using an alternative form (if possible) of the same examination that was used for initial testing. No student shall be awarded a vocational certificate until the student achieves the minimum level of basic skills required for that program by the Department of Education. However, students with disabilities, as defined in Section 239.105, Florida Statutes, may be exempted from meeting the vocational basic skills required in subsection (2) of this rule.
(b) Visual Impairment. Disorders in the structure and function of the eye as manifested by at least one of the following: visual acuity of 20/70 or less in the better eye after the best possible correction, a peripheral field so constricted that it affects one’s ability to function in an educational setting, or a progressive loss of vision which may affect one’s ability to function in an educational setting. Examples include, but are not limited to, cataracts, glaucoma, nystagmus, retinal detachment, retinitis pigmentosa, and strabismus.

(c) Specific Learning Disability. A disorder in one or more of the basic psychological or neurological processes involved in understanding or in using spoken or written language. Disorders may be manifested in listening, thinking, reading, writing, spelling, or performing arithmetic calculations. Examples include dyslexia, dysgraphia, dysphasia, dyscalculia, and other specific learning disabilities in the basic psychological or neurological processes. Such disorders do not include learning problems which are due primarily to visual, hearing, or motor handicaps, to mental retardation, to emotional disturbance, or to an environmental deprivation.

(2) The policies and procedures shall include at least the following:
   (a) A mechanism to identify persons eligible for reasonable substitutions due to vision impairment, hearing impairment, dyslexia or other specific learning disability,
   (b) A mechanism for identifying reasonable substitutions for criteria for admission to the institution, admission to a program of study, entry to upper division, or graduation related to each disability,
   (c) A mechanism for making the designated substitutions known to affected persons,
   (d) A mechanism for making substitution decisions on an individual basis, and
   (e) A mechanism for a student to appeal denial of a substitution or a determination of eligibility.

(3) The policies shall provide for articulation with other state institutions which shall include, at a minimum, acceptance of all substitutions previously granted by a state postsecondary institution.

(4) The Commissioner of Education shall provide for coordination of the provision of technical assistance in the implementation of this rule.

(5) Each public university, community college and postsecondary vocational education center operated by a school district shall maintain records on the number of students granted substitutions by type of disability, the substitutions provided, the substitutions identified as available for each documented disability and the number of requests for substitutions which were denied.


6A-10.042 Maintenance of Test Security.

(1) Tests implemented in accordance with the requirements of Sections 229.053(2)(d), 229.57, 231.087, 231.0861(3), 231.17, 233.011, 239.301(10), 240.107(8), and 240.117, Florida Statutes, shall be maintained and administered in a secure manner such that the integrity of the tests shall be preserved.

(a) Test questions shall be preserved in a secure manner by individuals who are developing and validating the tests. Such individuals shall not reveal in any manner, verbally or in writing, the test questions under development.

(b) Tests or individual test questions shall not be revealed, copied, or otherwise reproduced by persons who are involved in the administration, proctoring, or scoring of any test.

(c) Examinees shall not be assisted in answering test questions by any means by persons administering or proctoring the administration of any test.

(d) Examinees’ answers to questions shall not be interfered with in any way by persons administering, proctoring, or scoring the examinations.

(e) Examinees shall not be given answer keys by any person.

(f) Persons who are involved in administering or proctoring the tests or persons who teach or otherwise prepare examinees for the tests shall not participate in, direct, aid, counsel, assist in, or encourage any activity which could result in the inaccurate measurement or reporting of the examinees’ achievement.

(g) Each person who has access to tests or test questions during the development, printing, administration, or scoring of the tests shall be informed of specifications for maintaining test security, the provisions in statute and rule governing test security, and a description of the penalties for breaches of test security.

(h) During each test administration, school district and institutional test administration coordinators and contractors employing test administrators and proctors shall ensure that required testing procedures are being followed at all test administration sites. Officials from the Department are authorized to conduct unannounced observations of test administration procedures at any test administration site to ensure that testing procedures are being correctly followed.

(2) Test materials, including all test booklets and other materials containing secure test questions, answer keys, and student responses, shall be kept secure and precisely accounted for in accordance with the procedures specified in the examination program administration manuals and other communications provided by the Department. Such procedures shall include but are not limited to the following:

(a) All test materials shall be kept in secure, locked storage prior to and after administration of any test.

(b) All test materials shall be precisely accounted for and written documentation kept by test administrators and proctors for each point at which test materials are distributed and returned.
(c) Any discrepancies noted in the number or serial numbers of testing materials received from contractors shall be reported to the Department by designated institutional or school district personnel prior to the administration of the test.

(d) In the event that test materials are determined to be missing while in the possession of an institution or school district, designated institutional or school district personnel shall investigate the cause of the discrepancy and provide the Department with a report of the investigation within thirty (30) calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence. Officials from the Department are authorized to conduct additional investigations.

(e) In those cases where the responsibility for secure destruction of certain test materials is assigned by the Department to designated institutional or school district personnel, the responsible institutional or school district representative shall certify in writing that such destruction was accomplished in a secure manner.

(f) In those cases where test materials are permitted by the Department to be maintained in an institution or school district, the test materials shall be maintained in a secure manner as specified in the instructions provided by the Department. Access to the materials shall be limited to the individuals and purposes specified by the Department.

(3) In those situations where an employee of the educational institution, school district, or contractor, or an employee of the Department suspects a student of cheating on a test or suspects other violations of the provisions of this rule, a report shall be made to the department or test support contractor, as specified in the test administration procedures, within ten (10) calendar days. The report shall include a description of the incident, the names of the persons involved in or witness to the incident, and other information as appropriate. Officials from the Department are authorized to conduct additional investigations.

(4) Violations of test security provisions shall be subject to penalties provided in statute and State Board Rules.

Specific Authority 120.53(1)(b), 228.301, 229.053(1) FS. Law Implemented 120.53(1)(b), 228.301, 229.053(2)(d), 229.57, 231.087, 231.0861, 231.17, 233.011, 239.301, 240.107, 240.117 FS. History–New 7-5-87, Amended 10-26-94.

6A-10.043 Nonpublic College Participation in the Common Course Numbering and Designation System.

Nonpublic colleges may participate in the common course numbering and designation system pursuant to Section 246.013, Florida Statutes.

(1) Eligibility Requirements. In order to participate an institution must:

(a) Be eligible pursuant to Section 246.013(1), Florida Statutes,

(b) Agree to abide by the system’s requirements and responsibilities, and

(c) Unless exempt from paying by Section 246.013, Florida Statutes, pay the required fees.

(2) Fee Schedule. The fees charged to participating institutions shall be:

(a) Application fee. A nonrefundable application fee of one thousand (1000) dollars must accompany each nonpublic institution’s initial application for participation in the common course numbering and designation system.

(b) Entry Fee. The unit cost per course of entering, modifying, or terminating courses in the course numbering and designation system, including administrative, personnel, expense, and capital costs of the system.

(c) Maintenance Fee. The unit cost of maintaining courses in the system, including computing, programming, and printing costs.

(d) Fiscal Year. The period for which fees are calculated shall be from July 1 through June 30.

(e) Payment. An invoice detailing entry and maintenance fees shall be sent to each participating nonpublic institution annually, within sixty (60) days after the close of the fiscal year. The fees incurred by each college shall be payable to the Department within sixty (60) days of the invoice. An institution which fails to pay shall be withdrawn from the system.

(f) Special Review/Site Visit Fee. If a special review or site visit is requested by an institution not exempt from fees, or, in the judgement of the Department, a special review or site visit is required to assure compliance, a fee of three hundred (300) dollars will be assessed for a review. If a site visit is required, a fee of three hundred (300) dollars per day will be assessed for each Department representative conducting the site visit.

(g) Reinstatement Application Fee. Within twelve (12) months following termination of participation in the system, an institution may apply for reinstatement without having to go through the application process. All outstanding fees plus a reinstatement application fee of three hundred (300) dollars must be paid to be eligible for reinstatement. In the event that reinstatement is denied, the reinstatement application fee shall be refunded.

(h) All fees and other funds collected by the common course numbering and designation system shall be deposited into the Institutional Assessment Trust Fund created by Section 246.31, Florida Statutes, and shall be available for the authorized expenses of the system.

(3) Any nonpublic college or school which has not been accepted as a participant in the common course numbering and designation system under the conditions of this rule or has been withdrawn from participation in the system shall not use the system’s course classification and identification system to record courses on student transcripts or otherwise document courses offered by the college or school using the system. Any college or school deemed to be in violation of this section shall be subject to denial, probation, or revocation of license or certificate of exemption pursuant to Section 246.111, Florida Statutes, or disciplinary action pursuant to Section 246.228, Florida Statutes.

Specific Authority 229.053(1), 246.013, 246.31 FS. Law Implemented 246.013 FS. History–New 9-6-88, Amended 3-13-95.
6A-10.044 Residency for Tuition Purposes.
The State Board of Community Colleges and the Board of Regents shall maintain consistent policies and practices for the classification of students as residents for tuition purposes to facilitate the transfer of students among institutions. The policies and practices may vary to accommodate differences in governance, but the determinations of classification shall be consistent to assure students of being classified the same regardless of the institution determining the classification.

(1) The classification of a student as a Florida resident for tuition purposes by a public Florida community college or university shall be recognized by other public postsecondary institutions to which the student may later seek admission, unless the classification was erroneous or the student did not then qualify as a resident for tuition purposes.

(2) Once a student has been classified by a public institution, institutions to which the student may transfer are not required to re-evaluate the classification unless inconsistent information suggests that an erroneous classification was made or the student’s situation has changed.

(3) Changes the State Board of Community Colleges and the Board of Regents intend to make in the policies and practices for the classification of students as residents for tuition purposes shall be filed with the Articulation Coordinating Committee.

(4) Non-U.S. citizens such as permanent residents, parolees, asylees, refugees, or other permanent status persons (e.g., conditional permanent residents and temporary residents), who have applied to and have been approved by the U.S. Immigration and Naturalization Service with no date certain for departure shall be considered eligible to establish Florida residency for tuition purposes. In addition, nonimmigrants holding one of the following visas shall be considered eligible to establish Florida residency for tuition purposes. Persons in visa categories not listed herein shall be considered ineligible to establish Florida residency for tuition purposes.

(a) Visa category A – Government official.
(b) Visa category E – Treaty trader or investor.
(c) Visa category G – Representative of international organization.
(d) Visa category H-1 – Temporary worker performing professional nursing services or in a specialty occupation.
(e) Visa category H-4 – Only if spouse or child of alien classified H-1.
(f) Visa category I – Foreign information media representative.
(g) Visa category K – Fiance, fiancee, or a child of United States citizen(s).
(h) Visa category L – Intracompany transferee (including spouse or child).
(i) Visa category N – Parent or child of alien accorded special immigrant status.
(j) Visa category O-1 – Workers of “extraordinary” ability in the sciences, arts, education, business, or athletics.
(k) Visa category O-3 – Only if spouse or child of O-1 alien.
(l) Visa category R – Religious workers.
(m) Visa category NATO 1-7 – Representatives and employees of NATO and their families.

(5) Non-U.S. citizens who fall within the following categories shall also be considered eligible to establish Florida residency for tuition purposes:

(a) Citizens of Micronesia.
(b) Citizens of the Marshall Islands.
(c) Beneficiaries of the Family Unity Program.
(d) Individuals granted temporary protected status.
(e) Individuals granted withholding of deportation status.
(f) Individuals granted suspension of deportation status or cancellation of removal.
(g) Individuals granted a stay of deportation status.
(h) Individuals granted deferred action status.
(i) Individuals granted deferred enforced departure status.
(j) Applicants for adjustment of status.
(k) Asylum applicants with INS receipt or Immigration Court stamp.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.1201 FS. History–New 10-6-92, Amended 10-17-00.

6A-10.045 Tuition and Fees Exemptions for Florida National Guard.
Annually, up to two hundred fifty (250) members in good standing of the active Florida National Guard may be exempted from the payment of one-half of the cost of all tuition and fees assessed on a per student credit hour (SCH) basis at Florida's public community colleges and State University System institutions for credit courses in which they register on a space available basis. In order to be eligible for this benefit, National Guard members must be admitted to the community college or university on the basis of the institution’s regular admission requirements. National Guard members receiving exemptions may use them to attend as part-time or full-time students.

(1) Definition. For purposes of this rule, tuition and fees at the community colleges means matriculation fees, tuition fees, student financial aid fees, activity and service fees, and capital improvement fees.
(2) Certification of eligibility. The Office of the Adjutant General of the Florida National Guard shall determine which two hundred fifty (250) National Guard members shall receive half tuition and fees exemptions annually and shall certify each selected member to the community college or university attended. Such certification shall be in the form of a letter from the Adjutant General to the registrar of the institution attended, or to be attended, by the Guard member receiving the exemption. The first certification letter shall be postmarked at least thirty (30) days prior to the beginning of the term during which the Guard member plans to first use the exemption. The first certification shall be effective from the date of the letter through June 30 of each year. Annually thereafter, the Adjutant General shall recertify each exempt Guard member who maintains eligibility for the exemption. The annual recertification shall be postmarked no later than May 1 of each year, and shall be effective for the following July 1 through June 30 fiscal year. The Adjutant General shall notify the registrar by letter within thirty (30) days when it is determined that an exempt Guard member is no longer eligible for the exemption.

(3) Application requirements. The Office of the Adjutant General shall set forth application requirements and procedures for Florida National Guard members seeking one of the two hundred fifty (250) exemptions. These application requirements and procedures shall be updated annually and distributed to the active National Guard members. Such requirements shall include, but are not limited to, requirements that the applicant shall:

(a) Be seventeen (17) years of age or older,
(b) Be presently domiciled in the State,
(c) Be a member in good standing in the active Florida National Guard at the beginning of and throughout the entire academic term for which benefits are received,
(d) Agree in writing to serve in the active Florida National Guard for three (3) years after completion of the studies for which an exemption is granted, and
(e) Be admitted as a degree seeking student to the community college or university at which the half tuition and fees exemption will be used.

(4) Ineligible Guard members. The Adjutant General shall define those members of the active Florida National Guard eligible and ineligible to participate in this program. Ineligible members shall include, but are not limited to:

(a) Any member, commissioned or warrant officer or enlisted, who has a baccalaureate degree,
(b) Any member who has fifteen (15) years or more of total military service creditable toward retirement, and
(c) Any member who has not completed basic military training.

(5) Unauthorized courses of study. The Adjutant General, in coordination with the appropriate college or university, shall determine which courses of study are not authorized for this program. Such unauthorized courses shall include, but are not limited to, noncredit courses, courses which do not meet degree requirements, and courses which do not meet requirements for completion of a program of vocational-technical training being pursued by a National Guard member receiving a half tuition and fees exemption. The Adjutant General shall notify the public community colleges and universities by May 1 annually of those courses of study which are not authorized for this program.

(6) Duration and notification of eligibility. Once a half tuition and fees exemption is awarded to an eligible National Guard member, the exemption may be used by the member, as long as eligibility is maintained, for a period not to exceed ten (10) years from the date of the first certification letter from the Adjutant General, or until the member’s completion, graduation, or termination from an authorized course of study, whichever occurs earlier. A statement of eligibility given to the National Guard member by the Adjutant General shall state the beginning and ending dates of the ten-year period in which the exemption may be used. The statement of eligibility shall include the following minimum information: the Guard member’s name, the program of study to be undertaken, the member’s social security number and birth date, and the Adjutant General’s signature. The guard member shall present this document upon registration. It is the responsibility of the Adjutant General to notify the institution attended by the National Guard member immediately if eligibility is terminated prior to the end date of the ten-year period. By May 1 of each year, the Adjutant General shall provide to all the public community colleges and state universities a list of those new Guard members eligible for exemptions for the fall term and a list of those guard members still holding eligibility from earlier years. Combined, the two lists shall not exceed two hundred fifty (250) Guard members.

(7) Guard member’s agreement. Before receiving a half tuition and fees exemption, each selected Guard member shall sign an agreement certifying his/her respective qualifications to enter the program and acknowledging obligations assumed if the exemption is granted and utilized. The agreement shall include the Guard member’s permission for the community college or university attended by the Guard member under the half tuition and fees exemption to release grade reports and transcripts to the National Guard for use in determining the Guard member’s continuing eligibility to receive the exemption. The agreement also shall include the Guard member’s personal obligation to repay the public community college or state university should the student cease to meet the eligibility requirements. A copy of the agreement, signed by the Guard member receiving the exemption, shall be forwarded to the community college or university attended, along with the first certification from the Adjutant General that the Guard member is eligible to receive a half tuition and fees exemption.

(8) Reports. The community college or university attended by a Guard member utilizing a half tuition and fees exemption shall forward an official copy of the Guard member’s transcript to the Adjutant General at the end of each term. Likewise, the community college or university shall notify the Adjutant General if the Guard member is dismissed from the university or community college for any reason.

(9) Penalties. The program shall include, but not be limited to, the following penalties:
(a) When a member of the active Florida National Guard receives an exemption from tuition and fees for any academic term and fails to maintain satisfactory participation in the Florida National Guard during such academic term, the exemption shall be forfeited immediately and the member shall be required to pay to the institution all tuition and fees for such academic term. If, after a period of thirty (30) days, the National Guard member has failed to pay to the institution the appropriate tuition and fees, the institution shall notify the Adjutant General who shall, if the member is still active in the National Guard, place command emphasis on the Guard member’s payment to the institution. The institution shall not release any transcripts concerning the delinquent Guard member until the debt is paid.

(b) When a member of the active Florida National Guard leaves the Florida National Guard during the three-year period such member had agreed to serve after completing the courses for which exemptions were granted, the member shall be required to reimburse the community college or state university for all tuition and fees for which such member received exemptions, unless the Adjutant General determines there are justifiable extenuating circumstances. Where there are no justifiable extenuating circumstances, it is the responsibility of the Adjutant General to place command emphasis on the collection of all owed tuition and fees.

(c) If the service of a member of the active Florida National Guard is terminated or the member is placed on scholastic probation while receiving exemption benefits, the exemption shall be forfeited immediately and the member shall pay to the institution all tuition and fees for the current academic term for which the member received an exemption.

(10) Contact persons. The Adjutant General of the Florida National Guard shall designate a National Guard officer to coordinate this program at the Florida National Guard and to serve as a contact person in dealings concerning the program with community college, university, and state officials. Likewise, the registrars at the community colleges and universities shall serve as institutional contacts for the Adjunct General or designated officer.

(11) State funding. The student credit hours (SCHs) generated at community colleges and universities by Guard members utilizing half tuition and fees exemptions shall be state fundable. They shall be counted in full-time equivalent (FTE) student enrollment calculations for funding purposes and shall be identified in enrollment reports.

6A-10.050 The Recovery Network Program.

(1) Rules 6A-10.050 through 6A-10.053, F.A.C., implement Section 231.263, Florida Statutes, which establishes the Recovery Network Program to assist educators, who are impaired as a result of alcohol abuse, drug abuse or a mental condition, in obtaining treatment to permit their continued contribution to the education profession.

(2) The administrator employed by the Department shall be responsible for the operations of the Recovery Network Program. The administrator may delegate authority to staff or to professionals who have contracted with the Department or a combination thereof. If the Department delegates by contract supervisory responsibility regarding the day-to-day operations of the Recovery Network Program to a professional, the professional shall have as minimum qualifications a master’s degree in an area of mental health or a psychiatric specialty, and at least five (5) years of experience working with clients who have been diagnosed with substance abuse and mental health difficulties.

(3) Other non-clerical staff, or other professionals with whom the Department contracts shall consist of persons meeting one (1) or more of the following criteria:

(a) A license in good standing issued by the State of Florida as a mental health counselor, psychologist or psychiatrist.
(b) Certification from a state-approved certification board as an alcohol/drug specialist.
(c) Experience in managing employee assistance programs.
(d) Demonstrated exceptional written and verbal communication skills.
(e) Demonstrated skill in presenting effectively to large and small audiences.
(f) Experience in consultation in the areas of substance abuse and mental health difficulties.
(g) Demonstrated administrative skills in the areas of policy and program development and implementation, organizational development, strategic planning, goal setting, budget preparation, and personnel management.
(h) Experience as a certificated educator.

6A-10.051 Approval of Treatment Programs and Treatment Providers.

(1) The Recovery Network Program administrator shall approve treatment providers and shall designate the particular type(s) of impairment problem(s) for which each treatment provider is approved; shall provide for ongoing monitoring and evaluation of approved treatment providers including site visits; and shall investigate and rescind the approval of any treatment provider who fails to meet the criteria for initial and continuing approval. The Recovery Network Program administrator shall compile and maintain lists of approved treatment providers for each type of impairment problem.

(2) The minimum qualifications for approval of treatment providers and treatment programs are:

(a) Approved treatment providers shall be individuals who are certified by a state-approved certification board, state licensed, or nationally certified, with the certification or licensure being in treatment for the specific impairment identified, and must have at least three (3) years of experience treating that specific impairment.
(b) Approved treatment programs must be state licensed clinical settings comprising of at least two (2) approved treatment providers or, if not located in the State of Florida, must be nationally accredited, must meet all requirements for licensure in the state where located and must comprise of at least two (2) approved treatment providers.

(c) Approved treatment programs must submit the following to the Recovery Network Program:
1. Proof of accreditation by the Joint Commission on Accreditation of Health Care Organizations (JCAHCO) including the JCAHCO report of the program, proof of financial ability to operate in accordance with Chapters 394, 395, or 397, Florida Statutes, and proof of liability insurance coverage; or
2. Proof of accreditation by the Council on Accreditation of Rehabilitation Facilities, proof of financial ability to operate in accordance with Chapter 397, Florida Statutes, and proof of liability insurance coverage; or
3. Proof of licensure, appropriate for the specific impairment identified for treatment, under Chapter 394, 395, or 397, Florida Statutes.

(3) Treatment providers and programs which wish to become approved must agree to the following:
(a) A program must designate one (1) treatment program director responsible for prompt responses to information requests concerning educator/patients made by the Recovery Network Program.
(b) A provider or program must provide monthly progress reports to the Recovery Network Program unless more frequent reporting is specified by the Recovery Network Program.
(c) A program must refrain from using or mentioning the treatment program’s name as one which the Recovery Network Program approves for advertisements or other public correspondence.
(d) A provider or program must inform the Recovery Network Program immediately when an educator who has been referred by Recovery Network Program has chosen to be evaluated and treated by that provider or program.
(e) A provider or program must provide no less than five (5) percent of its total inpatient population services to the indigent.
(f) A provider or program must not charge an Impaired educator as fees and charges for the services provided an amount which exceeds the reasonable, prevailing fees and charges for the same or similar services in the provider’s or program’s local area.

(4) In order to retain approval, a provider or program shall ensure that:
(a) It maintains all qualifications required for approval, as specified in subsections (2) and (3) of this rule.
(b) Impaired educators are evaluated and treated fairly, equitably, and uniformly without reference to race, religion, national origin, sexual preference, gender or social status.
(c) Impaired educators receive treatment which meets or exceeds the standard of care required by law and by professional standards of practice.
(d) If the administrator determines that the approval of a provider or program shall be rescinded, the Administrator shall provide written notice which states the grounds for the determination, the effective date of recision, and a reasonable period within which the affected provider or program must request proceedings pursuant to Section 120.57, Florida Statutes.

Specific Authority 229.053(1), 231.263(12) FS. Law Implemented 231.263 FS. History–New 1-9-95.

6A-10.052 Participation in the Recovery Network Program.

(1) An educator shall be temporarily admitted to participate in the Recovery Network Program upon the administrator’s receipt of a written statement, in any form, which identifies the educator as a person who holds certification issued by the Department, pursuant to Section 231.17, Florida Statutes, including the certification number and dates of coverage, which identifies the type or nature of the impairment problem, and which requests admission.

(2) If the Commissioner enters into a deferred prosecution agreement as a result of a complaint alleging only impairment due to mental illness or misuse of or addiction to a chemical substance with dependency liability pursuant to Section 231.262(3), Florida Statutes, all information concerning the complaint shall be forwarded to the Recovery Network Program.

(3) If the Education Practices Commission files a final order pursuant to Sections 231.262(6) and 231.28, Florida Statutes, requiring an impaired educator to participate in the Recovery Network Program, the Education Practices Commission shall forward a copy of the final order to the Recovery Network Program who shall advise the educator on how to comply with conditions of the final order that pertain to participation in the program.

(4) An educator who has been temporarily admitted to the program pursuant to Section 231.263(8), Florida Statutes, shall be entitled to receive the full benefits and services of the Recovery Network Program when she or he has:
(a) Provided all information needed for a complete screening to determine the nature and extent of the impairment and the indicated treatment and services.
(b) Executed a limited waiver of confidentiality allowing the Recovery Network Program and the treatment provider(s) to discuss the educator’s participation in the program and to discuss such participation with the educator’s current or future employers and relatives. The limited waiver of confidentiality shall apply only to the educator’s participation in the Recovery Network Program.
(c) Agreed to follow a plan of treatment appropriate to the length and severity of the impairment which recognizes and incorporates the requirements of the Recovery Network Program, and which:
1. In the case of those impaired due to chemical dependency, includes a thorough initial evaluation and treatment plan, structured continuing care groups, appropriate self-help twelve (12) step groups, and impaired educator support groups; or
2. In the case of those impaired due to conditions other than chemical dependency, includes a thorough initial evaluation, treatment plan, and follow up care (as needed) which addresses the need for rehabilitation and monitoring of those conditions as outlined by the treatment provider(s) in cooperation with the Recovery Network Program; and
   (d) Agreed to participate in the Recovery Network Program for a period of time as determined by the Recovery Network Program in consultation with the treatment provider(s). The length of time for this participation is a minimum of twenty-four (24) months unless determined otherwise by the treatment provider(s) in consultation with the Recovery Network Program.
   (e) Agreed to monitoring of treatment and continued care by the Recovery Network Program.
   (5) Prior to being evaluated for purposes of determining a treatment plan, educators who are participating in the Recovery Network Program shall be provided with a list of those approved treatment providers and treatment programs which are capable of providing appropriate evaluation, thereby enabling educators to make a free and fully informed decision regarding the provider program they choose and strengthening their commitment to succeed by involving them in the selection process, except when the involuntary treatment provisions of Chapter 397, Florida Statutes, otherwise require.
   (6) Educator/patients shall not be denied access to approved treatment providers or treatment programs located in states outside of Florida.
   (7) The Recovery Network Program shall obtain from the treatment provider(s) a written evaluation including a history, examination and test results, diagnosis and prognosis as well as an opinion as to the severity of the impairment and treatment plan.
   (8) The Recovery Network Program, after discussion with the treatment provider(s), shall determine the level of participation of the educator in the program based upon the length and severity of the impairment, satisfaction of the terms of participation, and need for further treatment.
   (9) Based upon the treatment provider’s education and the Recovery Network Program’s determination of the educator’s level of participation, a written agreement shall be signed by the treatment provider or program, the educator, and the Recovery Network Program which specifies the plan of treatment and requires the educator to fulfill the responsibilities set forth in subsection (8) of this rule.
   (10) As a responsibility of participation in the Recovery Network Program, the educator shall:
      (a) Make satisfactory progress in the original or amended treatment plan accepted by the Recovery Network Program;
      (b) Immediately submit to unannounced random blood or urine screens as directed by the Recovery Network Program as requested by the treatment provider(s) or the employer. The educator shall pay for these laboratory examinations;
      (c) Be responsible for the submission of progress reports as determined by the Recovery Network Program;
      (d) Agree to perform professional activities within the employment situation and practice limitations, if any, under the treatment plan developed through the Recovery Network Program, taking into account decisions of the school district pertaining to leave and scope of employment;
      (e) Comply with any requirements imposed in accordance with Section 231.263, Florida Statutes, pertaining to practicing his or her profession in a manner that does not endanger the health, safety, and welfare of students, colleagues, or the general public.
      (f) Remain free from alcohol and other substances with dependency liability except when such substances are prescribed by the educator’s primary physician in consultation with the treatment provider(s) and Recovery Network Program;
      (g) Have a primary care physician while a participant in the Recovery Network Program who is authorized by the educator to confer with the treatment provider in regard to treatments of the impaired educator at or about the time of such treatment.
      (h) Agree to the Recovery Network Program’s notification to the employer if there is an immediate, serious danger to the health, safety, or welfare of the general public.

Specific Authority 229.053(1), 231.263(12) FS. Law Implemented 231.263 FS. History–New 1-2-95.

6A-10.053 Evaluating Participating Educators.
(1) Bimonthly reevaluations and status updates on each educator’s progress shall be provided by the treatment provider(s) to the Recovery Network Program. These documents, along with related evaluation and treatment documents, shall be retained by the Recovery Network Program. Should the educator fail to satisfactorily progress or fail to complete treatment, or should the educator’s impairment constitute an immediate, serious danger to the health, safety, or welfare of the general public, these documents may be provided to the Commissioner if the educator has entered into a deferred prosecution agreement with participation in the program as a condition of the agreement, or to the Education Practices Commission if participation in the program is a condition of a final order issued by the Commission for a determination of ineligibility pursuant to subsection (2) of this rule or other action pursuant to Section 231.262, Florida Statutes.
(2) The Recovery Network Program shall be responsible for providing the Commissioner with program utilization reports concerning those individuals referred to the program by either the Commissioner or the Education Practices Commission or by self-referral. These reports shall include a monthly listing of approved treatment programs including the number of educators referred during the preceding month and the demographic information concerning the educator’s professional and employment status. Confidential case numbers shall be assigned to each referral in reporting utilization data to avoid identification of individual client educators.
(3) The Recovery Network Program administrator may designate a professional who has contracted with the Department as the official record custodian for some or all of the records maintained by the Recovery Network Program on participating educators.
(4) The educator is subject to a determination of ineligibility for continued participation in the Recovery Network Program by the Commissioner pursuant to Section 231.263(10), Florida Statutes, if the Recovery Network Program in consultation with the treatment provider(s) determines that the educator:

(a) Is inappropriate for the program in that the educator is diagnosed as not being in need of treatment as a result of alcohol abuse, drug abuse, or a mental condition; or

(b) Is failing to satisfactorily progress with the conditions of the program, or leaves a prescribed program or course of treatment without the approval of the treatment provider(s).

Specific Authority 229.053(1), 231.263(12) FS. Law Implemented 231.263 FS. History–New 1-2-95.

6A-10.060 The Excellent Teaching Program.

(1) The repayment of the certification fee subsidy paid to the National Board for Professional Teaching Standards on behalf of a teacher by the state of Florida shall be required when the recipient fails to complete the certification program or fails to teach for one (1) year in a public school in the state of Florida after completion of the certification program.

(a) The Department shall forgive the repayment of the certification fee subsidy paid by the state of Florida to the National Board for Professional Teaching Standards pursuant to Section 236.08106, Florida Statutes, for reasons of death of the recipient, of a total and permanent disability which renders the recipient unable to work, or of a reassignment of a military spouse to active duty outside the state of Florida.

(b) Death shall be verified by submission of a copy of the certificate of death. A total and permanent disability shall be verified in writing by a Florida licensed medical physician. An active military assignment outside the state of Florida shall be verified by a copy of the order of reassignment.

(c) A recipient of the certification fee subsidy desiring to make multiple payments to satisfy the total amount due to the state of Florida may establish a repayment schedule agreeable to the Department which shall not exceed a period of two (2) years from the date of the written notice from the Department requesting repayment of the fee.

(d) Repayment of the certification fee subsidy may be deferred for a period not to exceed one (1) year from the date of the written notice from the Department requesting repayment of the fee for a temporary disability which renders a recipient unable to work or for other hardships as determined by the Department to render the recipient unable to work or to make repayment. A written request shall be submitted to the Department for consideration of a deferment of the repayment. The Department may request documentation of the conditions supporting the request for a deferment.

(e) Repayment of the certification fee shall be to the Florida Department of Education.

(2) A Florida educator certified by the National Board for Professional Teaching Standards shall not be eligible to receive payment of the certification and mentoring salary bonuses, pursuant to Section 236.08106, Florida Statutes, if upon conclusion of an investigation by the Department of Education, a finding of probable cause to take disciplinary action against the educator’s certificate is found and if:

(a) The allegations are proven or admitted to and result in a penalty, or

(b) If the individual enters into a settlement agreement with the Department of Education resulting in a penalty.

Specific Authority 236.08106 FS. Law Implemented 236.08106 FS. History–New 7-12-99, Amended 5-29-00.
CHAPTER 6A-11 THE FLORIDA PUBLIC SCHOOL COUNCIL

6A-11.001 Supervision of the Florida Public School Council. (Repealed)
6A-11.002 Location of Office of Record. (Repealed)
6A-11.003 Membership. (Repealed)
6A-11.004 Compensation and Expenses of Members. (Repealed)
6A-11.005 Duties of the Florida Public School Board. (Repealed)
6A-11.006 Meetings. (Repealed)
6A-11.007 Notice of Meetings. (Repealed)
6A-11.008 Quorum. (Repealed)
6A-11.009 Agenda. (Repealed)
6A-11.010 Order of Business. (Repealed)
6A-11.011 Individual or Group Hearings. (Repealed)
6A-11.012 Chief Administrative Officer. (Repealed)
6A-11.013 Appointment of Staff. (Repealed)
CHAPTER 6A-14 COMMUNITY COLLEGES

6A-14.001 Limitations of Rules. (Repealed)
6A-14.003 Uniform Policy. (Repealed)
6A-14.004 Calendar.
6A-14.005 Requirements for Participation in Community College Program Fund. (Repealed)
6A-14.006 Area Served. (Transferred to 6H-1.017)
6A-14.007 Forms to be Provided. (Repealed)
6A-14.0071 Forms and Instructions. (Repealed)
6A-14.008 Facsimile Signatures. (Repealed)
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6A-14.010 Reproduction and Destruction of Records. (Repealed)
6A-14.020 Responsibilities of Division of Community Colleges. (Repealed)
6A-14.021 Sanitation, Safety, Plant Maintenance and Operations. (Repealed)
6A-14.022 Organization of the State Community College Council. (Repealed)
6A-14.0221 Responsibilities of the State Community College Council. (Repealed)
6A-14.0222 Financing the Activities of the Council. (Repealed)
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6A-14.024 Composition of Boards of Trustees.
6A-14.0241 Board to Constitute a Corporation. (Repealed)
6A-14.0242 Reports of Annual Meetings of Boards of Trustees. (Repealed)
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6A-14.032 Report on Instructional Programs. (Repealed)
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6A-14.034 Vocational Education Definitions. (Repealed)
6A-14.0341 Responsibilities of Community Colleges for Vocational Education.
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6A-14.0413 Form and Content of Contracts for Instructional and Administrative Personnel and Other Personnel. (Repealed)
6A-14.0414 Certification of Personnel. (Repealed)
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6A-14.0416 Revocation of Certificates. (Repealed)
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6A-14.046 Salary Schedules. (Repealed)
6A-14.048 Employment of Professional Services. (Repealed)
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6A-14.0912 Guidelines for Implementation of Community College Accountability Standards. (Repealed)
6A-14.0913 Guidelines for Staff and Program Development Plans and Activities. (Repealed)

(1) College personnel or employees means people employed by a community college district board of trustees.
   (a) Administrative personnel means employees in positions designated by the board of trustees as administrative according to Community College Management Information System reporting requirements.
   (b) Instructional personnel means employees in positions designated by the board of trustees as instructional according to Community College Management Information System reporting requirements.
   (c) Other personnel means employees other than those in paragraphs (1)(a) and (b) herein, and employees of other boards and agencies who have been assigned by their employers to serve the board of trustees.
(2) Commissioner means the Commissioner of Education.
(3) Executive director means the executive director of the community college system.
(4) President means the president of a community college.
(5) College means a public educational institution operated by a community college district board of trustees and defined in Sections 228.041(1)(b) and 240.301, Florida Statutes.
then at least one but not more than two trustee positions will expire each year. Where less than eight trustee positions will exist, expiration dates as equal in number as possible in each succeeding year for each county. In such cases, where eight or more trustee positions are required by law, the governor may appoint an adviser from the county with the approval of the State Board of Education. The adviser shall be recognized by the board of trustees as the official adviser to the board from the newly appointed county until the appointment of a trustee from the county.

6A-14.0243 Meetings of Boards of Trustees.
(1) Regular meetings of a board of trustees shall follow a regular schedule adopted by the board.
(2) Special meetings of a board of trustees can be called by the chairperson, by the president when requested by a majority of the board, or by the majority of the board itself. Actions at special meetings, including emergency meetings, have the same force and effect as actions at regular meetings.
(3) Notice of meetings and workshops shall follow the requirements of Section 120.53(1)(d), Florida Statutes.
(4) A majority of the board membership shall constitute a quorum.

6A-14.0247 Powers and Duties of the Boards of Trustees.
This rule supplements the powers and duties specified in Section 240.319, Florida Statutes. Each board of trustees shall:
(1) Require minutes and other records to be kept to set forth clearly all actions and proceedings of the board. Minutes of board meetings shall be signed by the chairperson and the president immediately after approval by the board and shall be kept as a public record in a permanently bound book in the custody of the president. Minutes shall show the vote of each member present on all matters on which the board takes action. It is the duty of each member to see that each motion and the vote thereon are properly recorded in the minutes. Unless otherwise shown in the minutes, it is presumed that the vote of each member present supported action by the board in either the exercise, violation, or neglect of the powers and duties imposed upon the board by law or rule, whether such action is recorded in the minutes or otherwise established. It is presumed that the policies, appointments, programs, and expenditures not recorded in the minutes but made and actually in effect were made and put into effect according to rules of the board. The president shall obtain board approval for exceptions to rules of the board.
(2) Be responsible for property acquired by the board; managing and disposing of such property to the best interest of the college; receiving, purchasing, acquiring through condemnation, leasing, selling, holding, transmitting and conveying title to real and personal property; contracting and suing regarding real and personal property; basing all contracts on resolutions previously adopted and recorded; receiving, holding in trust, and administering for the purpose designated, money, real and personal property, and other things of value granted, conveyed, devised, or bequeathed for the benefit of the college.
(3) Assemble data and conduct surveys to identify the educational needs of the district. Based on the identified needs, the board shall develop and adopt a college program for the entire district as the basis for operating the college. There shall be a long range program plan and an annual program plan.
(4) Establish rules for the bonding, at college expense, of its members and of employees who are responsible for money or property. The rules shall specify the employee positions that require bonding, the types of bonds required, and the amounts required, sufficient to protect the college and its funds. Each board member shall file with the secretary of state a ten thousand dollar ($10,000) surety bond for the faithful performance of the duties of the office. The obligee shall be the governor.

(5) Adopt rules for the reproduction and destruction of records according to Section 267.051, Florida Statutes.

(6) Establish rules relating to the employment of personnel which shall provide for appointment, employment, and removal of personnel. Such rules shall also include compensation, salaries, fringe benefits, employee leave and other conditions relating to the employment of personnel.

(7) Enter into contractual agreements with the federal government or any of its departments or designated agencies; with other institutions, departments, agencies, districts, or political subdivisions of the State of Florida and other states of the United States; and with private individuals, organizations, and corporations, when it deems appropriate.

(8) Enforce the collection or settlement of delinquent accounts.

(9) Provide opportunity for employment by the college and for the use of instructional and other services of the college without regard to race, color, age, national origin, religion, or sex and shall not discriminate against any qualified handicapped person.

(10) Designate which documents, agreements, contracts, and instruments of payment and conveyance reflecting action by the board that the president or a designated representative is authorized to sign.

(11) Nothing herein shall prohibit the board of trustees from taking action if the president fails to make a recommendation as required by law.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 113.05, 116.34, 240.311, 240.319, 240.339, 240.345 FS. History–Formerly 6A-8.066, Repromulgated 12-19-74, Amended 10-28-75, 7-6-76, 2-14-77, 12-26-77, 9-26-78, 4-10-79, 10-23-79, 2-4-81, 4-27-82, 7-26-84, Formerly 6A-14.247, Amended 8-13-96.

6A-14.026 Employment of a President.

Boards of trustees shall notify the State Board of Community Colleges of the appointment, suspension, or dismissal of presidents immediately upon such action.

(1) Selection. Boards of trustees, in appointing presidents, shall select persons qualified for the position and competent to perform the duties and responsibilities of the position. The minimum basic qualification is an earned doctorate or the equivalent. If a board chooses to recognize an equivalency, it shall specify the education, experience, and other elements deemed to constitute equivalency, and notify the State Board of Community Colleges of the equivalency. The boards shall seek and interview persons with the highest qualifications for educational leadership. The boards shall consider particularly the candidates’ education, experience in community colleges and related fields, understanding of community college programs, and demonstrated leadership ability.

(2) Contract. The president shall be provided a contract. The contract shall be for at least one year, but no more than four years.

(3) Evaluation. At the time the contract is issued, the board of trustees shall inform the president of duties and responsibilities, of the procedure by which performance shall be evaluated, and of the criteria for evaluation. Evaluations shall cover each duty and responsibility, whether assigned by the board of trustees or specified in law or rule. The board shall evaluate the president annually. The evaluation and the findings shall be in writing, and shall be submitted, immediately after acceptance by the board of trustees, to the State Board of Community Colleges for review.

(4) Suspension. The responsibility for suspending and dismissing the president remains with the board of trustees, except that the Commissioner, with State Board of Education approval, may suspend a president for cause; in which case, the board of trustees shall meet immediately to review the evidence establishing cause and to continue the suspension, or dismiss or reinstate the president. The board of trustees shall report immediately its action and rationale to the State Board of Education.

(5) When the position of president becomes vacant, the board of trustees may appoint an acting president. The term of the acting president shall be for no more than six (6) months. There may be one reappointment for a like term.


6A-14.0261 General Powers of the President.

The president shall:

(1) Exercise general oversight of the college to determine needs and recommend improvements.

(2) Advise and counsel the board of trustees and recommend board action.

(3) Recommend and enforce rules of the board of trustees.

(4) Recommend and enforce minimum standards for the operation of college programs and for student completion of instructional programs.

(5) Perform duties and exercise responsibilities assigned by law, by rules of the State Board of Education, and by the board of trustees.

(6) Delegate authority necessary to insure that laws and rules are executed efficiently.

6A-14.0262 Duties and Responsibilities of the President.

The president shall:

(1) Advise and counsel the board of trustees and seek the advice and counsel of the board. Recommendations, nominations, proposals, and reports to the board from the president shall be recorded in the minutes or be made in writing, noted in the minutes, and filed in the public records of the board. In the absence of such record, the recommendations, nominations, proposals, and reports shall be presumed consistent with action by the board.

(2) Attend, but not vote at, all meetings of the board of trustees except when on authorized leave or when excused for official travel.

(3) Keep minutes of all official actions and proceedings of the board of trustees and keep such other records, including records of property held or disposed of by the board, as may be necessary to provide complete information regarding the college.

(4) Act for the board of trustees as custodian of all college property. Recommend plans for contracting, receiving, purchasing, acquiring through condemnation, leasing, selling, holding, transmitting and conveying title to real and personal property. Recommend plans for holding in trust and administering real and personal property, money, and other things of value, granted, conveyed, devised, or bequeathed for the benefit of the college.

(5) Recommend to the board of trustees a long-term program concerned with the location and development of college buildings, transportation, personnel, instruction, student development services, and other educational features involving the interest and welfare of the students and citizens of the district over a period of years. Recommend to the board an annual program concerned with the budget, sites to be purchased, buildings to be constructed, personnel, instruction, student development services, and all other phases of the college program developed in harmony and conformity with the long-term program.

(6) Recommend to the board of trustees the establishment, organization, and operation of programs, classes, and services, including but not limited to: holidays and vacation periods, plans and procedures for cooperating with other colleges and agencies, plans for the establishment, maintenance, and operation of a food services program.

(7) Be responsible for college personnel and:

(a) Recommend to the board of trustees positions to be filled, minimum qualifications required for each position, and persons to fill the positions.

(b) Recommend to the board a salary schedule or schedules for paying employees.

(c) Recommend to the board terms of employee contracts and prepare such contracts as are approved.

(d) Recommend to the board the transfer of employees. During emergencies, transfer employees as necessary and report the transfers to the board at its next regular meeting.

(e) Recommend to the board the suspension of employees. During emergencies, suspend employees until the end of the day of the next regular or special meeting of the board. Notify the board immediately of such suspension. When authorized, notify suspended employees of the charges and the date of hearing. Dismiss employees according to law, rule, and board policy.

(f) Direct the work of and provide leadership for the improvement of employees. Provide for the supervision and improvement of instruction.

(g) Designate an administrator to act for the president during the temporary absence or incapacity of the president and during emergencies.

(8) Recommend to the board of trustees rules to account for students, including admission, classification, attendance, control, discipline, promotion, suspension, expulsion, and graduation.

(9) Provide for the development and improvement of instructional programs.

(10) Be responsible for the college plant:

(a) Recommend to the board of trustees a physical facilities acquisition and utilization program.

(b) Recommend to the board physical facilities alterations, repairs, plans, specifications, furnishings, and equipment.

(c) Provide for the maintenance of the plant and grounds, assuring safety and sanitation.

(d) Recommend to the board adequate insurance coverage of college property.

(e) Recommend to the board the condemnation and removal of buildings when appropriate.

(11) Be responsible for administration of financial matters and:

(a) Determine the funds necessary to operate the college.

(b) Propose to the board of trustees an annual budget. After action by the board, submit the budget to the Division of Community Colleges.

(c) Recommend to the board the borrowing of money when necessary.

(d) Maintain accurate records of all financial transactions as prescribed by the Division of Community Colleges.

(e) Submit financial reports to the Division of Community Colleges as required, with copies to the board.

(f) Bond employees as provided by law and board rules.

(g) Recommend to the board the terms, conditions, and specifications for contracts for supplies, materials, and services, including audits. See that materials, supplies, and services are provided according to contract.

(12) Submit reports to the Division of Community Colleges as required.

(13) Enforce laws, rules of the State Board of Education, and rules of the board of trustees.

(14) Attend meetings of presidents called or scheduled by the Division of Community Colleges and participate in professional and general development activities.
(15) Leave with the board of trustees and make available to the successor a complete inventory of college property, together with all official records and such other records as may be needed in supervising instruction and administering the college.

(16) Have or designate custody of the college seal and authenticate true copies of decisions, acts, and documents when required by law, rules of the State Board of Education, or rules of the board of trustees.

(17) Cause complete and accurate records of absences of college personnel to be kept. Records shall include exact date(s) and the nature of the cause of absences.


6A-14.029 Staff and Program Development.

(1) Each community college shall adopt policies on staff and program development. Effective July 1, 1996, based on its policies, each community college shall allocate from its resources available for current operations during the fiscal year, an amount not less than two percent (2%) of the previous year’s allocation from the state community college program fund to fund staff and program development activities. The allocation of each community college for staff and program development shall be spent according to a plan developed by the college and updated annually. Each community college shall identify within its annual operating budget funding to support staff and program development activities as defined herein, as well as activities to achieve its goals for implementation of its 1985-88 Educational Equity Act plan and other related EA/O activities. In the event of appropriations shortfall during the fiscal year, the board of trustees may approve a recommendation of the president to reduce the two percent minimum and shall provide an explanation for this action to the State Board of Community Colleges.

(2) Staff and program development plans and activities shall follow the definitions herein.

(a) Staff development is the improvement of staff performance through activities which update or upgrade competence specified for present or planned positions. Staff includes all college employees.

(b) Program development is the evaluation and improvement of existing programs, including the design of evaluation instruments to establish bases for improvements, as well as the designing of new programs. It is program initiation or improvement rather than maintenance or expansion. Development may be in any of the community college functions: instruction, organized research, public service, academic support, student support, institutional support, physical plant operations and maintenance, student financial assistance. Program development includes researching, planning, designing, and evaluating; salary payment; and purchasing of equipment for program initiation.

(3) Each community college shall submit a report to the State Board of Community Colleges on funds expended for staff and program development pursuant to their annual plan. The report shall be due on a date and in a format approved by the executive director. The report shall include information relating to: (1) the number of participants and activities in staff development; (2) a description of programs improved and initiated; and (3) an evaluation of the effectiveness of staff and program development expenditures relative to college policies.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.311(2), 240.319(1), 240.349(1), 240.363 FS. History—Formerly 6A-8.761, Repromulgated 12-19-74, Amended 12-26-77, 7-2-79, 7-6-82, 3-8-83, 8-10-83, 7-26-84, 8-29-85, Formerly 6A-14.29, Amended 8-19-86, 9-16-87, 1-8-91, 7-30-91, 10-6-92, 9-5-93, 7-19-94, 8-28-95.

6A-14.030 Instruction and Awards in Community Colleges.

Community colleges are authorized to provide instruction and to confer degrees, certificates, and diplomas only as prescribed herein. Any degree program, certificate, or diploma program offered at a community college shall be offered at the established standard credit hour length. Revisions to the standard credit hour lengths and the lengths of new programs added to the Statewide Program Inventory list must be approved by the State Board of Community Colleges.

(1) Associate in arts degree. Each community college shall provide programs of instruction consisting of courses offered to freshmen and sophomores in baccalaureate programs. The courses shall be classified in the Community College Management Information System as advanced and professional courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. The associate in arts degree shall be awarded upon satisfactory completion of a planned program of sixty (60) college credits, unless otherwise provided by law, after demonstration of the attainment of predetermined and specified performance requirements. Courses not accepted in the State University System shall not be included in the sixty (60) credits required for the degree.

(2) Associate in science degree. Each community college is authorized to provide programs of instruction consisting of college-level courses to prepare for entry into employment. The courses shall be based in theory and of sufficient complexity, rigor, and theory to be college level. The courses shall be classified in the Community College Management Information System as advanced and professional courses or postsecondary vocational courses. The programs shall not include courses classified as postsecondary adult vocational courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. Effective with the Fall Term 2000, the associate in science degree shall be awarded upon satisfactory completion of a planned program of study comprised of the standard credit hour length established, including demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule. Courses not
accepted in the State University System shall not be included in the general education core required for the degree. Associate in science degrees that articulate with baccalaureate degrees under the provisions of paragraph 6A-10.024(6)(c), F.A.C., shall meet the specific provisions contained therein. The standard credit hour length is:

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<tr>
<th>Program Name</th>
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<td>Business, Marketing and Hospitality Discipline</td>
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<td>Business Administration &amp; Management</td>
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<td>Marketing Management</td>
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<td>Construction Technologies Discipline</td>
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<td>Air Conditioning, Refrigeration &amp; Heating Systems Technology</td>
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<td>Building Construction Technology</td>
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<td>Engineering (Manufacturing) Technologies Discipline</td>
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<td>Plastics Engineering Technology</td>
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Veterinary Technology 73
Funeral Services Discipline
Funeral Services 72
Dietetic Technician Discipline
Dietetic Technician 64
Legal Assistant Discipline
Legal Assisting 64
Legal Assisting (ABA Accredited) 68
Cardiopulmonary (Cardiovascular) Technology Discipline
Cardiovascular Technology 77
Cardiopulmonary Technology 83

(3) Associate in Applied Science Degree. Each community college is authorized to provide programs of instruction consisting of college-level courses to prepare for entry into employment. The courses shall be based in theory and be of sufficient complexity, rigor, and theory to be college level. The courses shall be classified in the Community College Management Information System as advanced and professional courses or postsecondary vocational courses. The programs shall not include courses classified as postsecondary adult vocational courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. Effective with the Fall Term 2000, the associate in applied science degree shall be awarded upon satisfactory completion of a planned program of study comprised of the standard credit hour length established, including demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule. The standard credit hour length is:

<table>
<thead>
<tr>
<th>Program Name</th>
<th>Required Standard</th>
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<tr>
<td>Business, Marketing and Hospitality Discipline</td>
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<td>Accounting Technology</td>
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<td>Customer Service Technology</td>
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<td>Business Administration &amp; Management</td>
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<td>Financial Services</td>
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<td>Fashion Marketing Management</td>
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<td>Marketing Management</td>
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<td>Travel &amp; Tourism Industry Management</td>
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<td>Restaurant Management</td>
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<tr>
<td>Hospitality &amp; Tourism Management</td>
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<td>Culinary Management</td>
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<tr>
<td>Diving Business &amp; Technology</td>
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<tr>
<td>Agricultural &amp; Natural Resources Technologies Disc</td>
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<td>Agribusiness Technology</td>
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<tr>
<td>Agricultural Production Technology</td>
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<td>Aquaculture Management</td>
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<td>Citrus Production Technology</td>
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<td>Forest Technology</td>
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<td>Irrigation Management</td>
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<td>Landscape Technology</td>
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<td>Marine Environmental Technology</td>
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<td>Pest Control Technology</td>
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<td>Golf Course Operations</td>
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<tr>
<td>Turf Equipment Management</td>
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<tr>
<td>Zoo Animal Technology</td>
<td>66</td>
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<tr>
<td>Construction Technologies Discipline</td>
<td></td>
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</tbody>
</table>
Theater & Entertainment Technology 64
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(4) A Technical Certificate consisting of a program of instruction of less than sixty (60) credits of college-level courses, which is part of an associate in applied science degree (A.S.) or an associate in applied science degree (A.A.S.) program offered in the State of Florida and which prepares students for entry into employment, may be awarded to students who evidence satisfactory completion of the program.

(5) An Applied Technology Diploma consisting of a course of study that is part of an associate in science degree (A.S.) or an associate in applied science degree (A.A.S.), is less than sixty (60) credit hours, and leads to employment in a specific occupation may be awarded to students who have met the requirements of that diploma. An applied technology diploma program may consist of either vocational credit or college credit.

(6) An Advanced Technical Certificate consisting of a program of instruction of nine (9) hours or more but less than forty-five (45) credit hours of college-level courses may be awarded to students who have already received an associate in science degree and are seeking an advanced specialized planning program of study to supplement their associate degree.
(7) Vocational Certificate. Each community college with a department designated as an area vocational education school, shall provide programs of instruction consisting of noncollege-level courses to prepare for entry into employment, as do the postsecondary area vocational-technical centers assigned to public school boards. The courses shall be classified in the Community College Management Information System as postsecondary adult vocational courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called vocational credit. Upon satisfactory completion of a planned program, including the demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule, the vocational certificate shall be awarded. A community college without a department designated as an area vocational education school may provide vocational certificate programs of instruction under an agreement with a public school board in the community college district.

(8) Supplemental instruction. Each community college shall provide, within the limits of its assigned responsibility for vocational education and according to the needs for job skills improvement by people employed in its service area, continuing vocational instruction tailored to individual needs and designed to improve job performance. Such instruction shall be classified in the Community College Management Information System as supplemental, a noncredit classification.

(9) High school diploma. Each community college assigned responsibility for adult basic and secondary instruction, shall provide, within the limits of the assignment, adult basic and secondary instruction as defined in Section 239.105, Florida Statutes. Such instruction shall be classified in the Community College Management Information System as adult basic and secondary, a noncredit classification. Upon satisfactory completion of a planned high school program, including the demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule, the high school diploma shall be awarded.

(10) Preparatory instruction. Each community college shall provide, according to the needs of its students, instruction to remedy deficiencies in the knowledge and skills judged necessary upon entry into a degree or certificate program of instruction in order to progress satisfactorily through the program. Such instruction shall be classified in the Community College Management Information System as preparatory. Satisfactory completion of such instruction shall be recognized by the award of units of measure called preparatory credit.

(a) College preparatory. Preparatory instruction for students to enroll in college credit instruction shall be classified in the Community College Management Information System as college preparatory. Satisfactory completion of such instruction shall be recognized by the award of units of measure called college preparatory credit.

(b) Vocational preparatory. Preparatory instruction for students to enroll in vocational credit instruction shall be classified in the Community College Management Information System as vocational preparatory. Satisfactory completion of such instruction shall be recognized by the award of units of measure called vocational preparatory credit.

(11) Lifelong learning instruction. Each community college shall provide instructional activities to address community social and economic issues related to health and human relations, government, parenting, consumer economics, and senior citizens. Such instructional activities shall be classified in the Community College Management Information System as lifelong learning, a noncredit classification.

(12) Recreational and leisure time instruction. Each community college shall provide instructional activities to develop recreational or leisure time skills. Such instructional activities shall be classified in the Community College Management Information System as recreational and leisure time, a noncredit classification.

(13) These provisions shall not prevent community colleges from conferring honorary degrees, certificates, or diplomas.


**6A-14.0301 Withdrawal and Forgiveness.**

Community colleges shall adhere to the following procedures relating to student withdrawal from courses and to conditions under which forgiveness for grades earned will be granted to the student.

(1) Withdrawal.

(a) The student may withdraw without academic penalty from any course by the mid-point in the semester. Withdrawals after that date would be granted only through established institutional procedures.

(b) The student will be permitted a maximum of two (2) withdrawals per course. Upon the third attempt, the student will not be permitted to withdraw and will receive a grade for that course.

(2) Forgiveness. Each college shall publish in the catalog or student handbook, a statement which:

(a) Limits forgiveness to courses where D and F grades were earned.

(b) Limits to two (2) the number of times a course grade may be forgiven.

(c) Advises students regarding the potential impact of forgiven courses in the computation of a student’s grade point average in transferring to other institutions, either public or private, and the need to consider the impact of retaking a course on their specific financial aid package.

(d) Courses may be repeated if they are designated as repeatable, such as choir, music, or journalism or are individualized courses of study; or if they are required to be repeated by a regulatory agency; or are being repeated as part of a regulatory requirement for continuing education to stay current in a field, such as teacher certification.
(3) Total attempts. A student may have only three (3) attempts per course including the original grade, repeat grades, and withdrawals at any point in the semester. A fourth attempt may be allowed only through an academic appeals process based on major extenuating circumstances.

(4) Audit enrollments shall not count as attempts unless such enrollment is declared after the end of the drop/add period. College preparatory students, who are required to be certified as completing competency-based college preparatory instruction, shall not be enrolled as audits.

(5) Exceptions to the above provisions may be granted through an academic appeals process in accordance with the policies of the local board of trustees.

(6) Effective date. These procedures shall be implemented by the community college no later than the Fall 1997 academic term.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.325 FS. History–New 8-13-96, Amended 8-17-98, 1-23-00.

6A-14.031 Acceleration Mechanisms for Program Completion.
(1) Each community college degree and certificate program shall provide students opportunity to complete at least twenty-five percent (25%) of the program requirements, exclusive of transfer credit, through:
   (a) Satisfactory performance on standardized, institutional, or departmental examinations;
   (b) Satisfactory performance in secondary school Advanced Placement Programs of the College Entrance Examination Board;
   (c) Dual enrollment in a community college or university prior to graduation from high school or community college;
   (d) Demonstration of competence achieved through experiential learning; or
   (e) Any combination of the above.

(2) Community colleges shall award credit for courses for which competence has been demonstrated by satisfactory performance on an examination. Institutions shall not exempt students from courses without awarding credit if competence has been so demonstrated.

(3) Community colleges shall provide for early admission according to subsection 6A-1.095(2), F.A.C.

(4) Community colleges shall report each year the number of students involved in and the credit awarded through the acceleration mechanisms identified herein.

(5) Community colleges shall describe the acceleration options available and the criteria governing such options in their catalogs and related publications and advisement materials.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.115 FS. History–Formerly 6A-8.59, Repromulgated 12-19-74, Amended 4-8-75, 7-26-84, Formerly 6A-14.31.

6A-14.034 Responsibilities of Community Colleges for Vocational Education.
(1) Each community college with a department designated as an area vocational education school by the State Board of Education has primary responsibility for vocational instruction specified in subsections 6A-14.030(3) and (4), F.A.C., for persons age nineteen (19) or older within the limits of the designation.

(2) All community colleges are responsible for vocational instruction specified in subsections 6A-14.030(2) and (4), F.A.C., within their districts.

(3) Community colleges with departments designated as area vocational education schools, upon request of school boards in their districts, may provide vocational instruction specified in subsection 6A-14.030(3), F.A.C., for persons under age nineteen (19), including students in grades ten (10) through twelve (12). In such case, the board of trustees shall file with the Commissioner its plan for providing such instruction.

(4) A board of trustees may enter into an agreement with a public school board for either to use the facilities of the other, or with public school board or another board of trustees to provide instructional services.


6A-14.039 Drug Abuse Education.
Community colleges shall advise the Department of Education in its administration of the public school comprehensive health education program as specified in Section 233.067(4), Florida Statutes, and shall instruct teachers about drug abuse as needed.


(1) Contract forms for full-time instructional and administrative personnel shall be prescribed by the Commissioner. Contract forms for part-time instructional and administrative personnel and for other personnel shall be prescribed by the board of trustees. Counselors and librarians shall be considered instructional personnel for contract purposes.
(2) Periods of service. Contracts shall specify definite terms of service, indicating beginning and ending dates. Contracts for full-time personnel shall meet requirements of the Division of Retirement for a full year of retirement service credit. Full-time administrative personnel may be given multi-year contracts not to exceed three (3) years, but other contracts, except for the president, shall not exceed twelve (12) months, which may include parts of two (2) fiscal years.

(3) Payment. Contracts shall specify definite amounts, according to the appropriate salary schedule, to be paid in regular installments. No payment shall be made to contract personnel until the provisions of this rule are met.

(4) Instructional personnel contracts may be conditioned on a minimum number of students. Only in personnel contracts funded by grants or special project funds may the payment of salary be conditioned on the availability of funds.

(5) Anyone who accepts in writing a written offer of position, then reneges without board of trustees approval, shall be reported to the executive director, who shall notify presidents. The person shall be ineligible for Florida community college employment for one year from the date of the infraction.

(6) Beginning with Term I, 1986-87, a retired employee may be reemployed as an instructor on a noncontractual basis during the first year of retirement when reemployed under the provisions of Section 121.091(9)(b)2., Florida Statutes. The employee of the time and place of the public hearing on the charges which shall not be less than fourteen (14) days from the service of the notice unless a different time is agreed to by all parties. The hearing shall proceed in accordance with the provisions of Chapter 120, Florida Statutes, and should be in substantial compliance with the model rules of procedure, Title 28, F.A.C., unless the parties mutually agree to an alternative hearing procedure. In the event the employee does not request a public hearing the board shall proceed to take appropriate action. Any decision adverse to the employee shall be made by a majority vote of the full membership of the board.

(5) Should the board have to choose from among its personnel who are on continuing contracts as to which should be retained, among the criteria to be considered shall be educational qualifications, efficiency, compatibility, character and capacity to meet the educational needs of the community. Whenever a board is required to or does consolidate or reduce its program, the board may determine on the basis of the foregoing criteria from its own personnel and any other instructional personnel, which college
employees shall be employed for service at the college and any employee no longer needed may be dismissed. The decision of the board shall not be controlled by any previous contractual relationship. In the evaluation of these factors, the decision of the board shall be final.

(6) Any employee classified under the provisions of paragraphs 6A-14.002(1)(a), (b), F.A.C., may be suspended or dismissed by the board upon recommendation of the president at any time during the college year, provided that no such employee may be dismissed during the college year without opportunity to be heard at a public hearing after at least fourteen (14) days notice of the charges against the employee and of the time and place of hearing; and provided further that the charges must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness or conviction of any crime involving moral turpitude. A petition conforming to the requirements of the model rules of procedure, Title 28, F.A.C., specifying the charges and notifying the employee of his or her hearing rights shall be filed with the board and a copy served upon the employee. Whenever such charges are made against any such employee, the board may suspend such employee without pay, pending a speedy, informal hearing, if requested by the employee. At any such informal hearing the board shall determine the necessity to suspend and withhold pay, and whether probable cause exists to support the charges. If the board determines that probable cause exists to support the charges and there exists a necessity of continuing the suspension without pay then it may do so, but if the charges are not sustained upon final hearing the employee shall be immediately reinstated and back salary shall be paid. If the board determines that there is no necessity to suspend without pay, then it shall reinstate the employee with pay and, further, it may dismiss the charges if it determines that probable cause does not exist to support same. In cases where a petition for dismissal of an employee has been filed with the board, the board shall hold a public hearing in accordance with the provisions of Section 120.57, Florida Statutes, and the model rules of procedure, Title 28, F.A.C., unless the parties mutually agree to an alternative hearing procedure. If a hearing is requested by the employee, after notice as provided above, the board shall determine upon the evidence as submitted whether the charges have been sustained and if the charges are sustained, either to dismiss said employee or fix the terms under which said employee may be reinstated. If such charges are sustained by a majority vote of the full membership of the board and such employee is discharged, the contract of employment shall be thereby canceled. Nothing in this rule shall preclude a board from utilizing the services of a hearing examiner to conduct either formal or informal hearings.

(7) Any employee who is employed in a cooperative education program in this state may be immediately placed on continuing contract with the board wherein the cooperative education program is produced if, at the time of employment, such person is on a continuing contract in a college which is participating in support of the particular cooperative education program in which the person is employed; provided that if at the time of reappointment of personnel, during the first three (3) years, said person is not recommended for continued employment in the cooperative education program, he or she shall automatically revert to continuing contract status in the college of immediate prior employment; and provided further that in meeting the requirements for a continuing contract prescribed herein, prior successive years of service rendered in any college participating in the support of the particular cooperative education program may be counted as years of probationary service for a continuing contract with the board wherein the cooperative education program is produced.

(8) Any employee holding a continuing contract who accepts an offer of annual employment in a capacity other than that in which the continuing contract was awarded shall lose continuing contract status, unless said employee has been granted an administrative leave of absence pursuant to board rules that recognize the interim assignment and provide for returning to the original contractual status at the end of the annual appointment.


Any employee who is otherwise entitled to receive a continuing contract may be issued an annual contract provided that the board, upon the recommendation of the president, shall by majority vote find that such employee does not meet the required standards for a continuing contract or that the required duties and responsibilities of that position have been restricted or will be needed for a limited time. Among the criteria to be considered by the board in making this determination shall be educational qualifications, efficiency, capability, and capacity to meet the educational requirements of the community or the length of time the duties and responsibilities of this position are expected to be needed. A recommendation to issue such annual contract shall be made by the president and submitted to the board on or before April 1 preceding the college year for which the contract is to be effective, giving good and sufficient reasons for such recommendation; provided, further, that the board shall act on the president’s recommendation at least sixty (60) days before the ending date of the employee’s current contract.


6A-14.0432 Military Leave.

(1) Leave shall be granted to employees who are ordered to:

(a) Federal active or inactive duty training due to membership in military reserves, including the National Guard. The first seventeen (17) days of such leave per year shall be with pay. Leave beyond the seventeen (17) days shall be without pay.
(b) State active duty due to membership in the Florida National Guard. Such leave not exceeding seventeen (17) days at any one time shall be with pay. Leave beyond the seventeen (17) days at one time shall be without pay.

(2) Leave granted to employees for extended active military service shall be according to Sections 115.09, 115.14, and 295.09, Florida Statutes.


(1) Personnel records shall contain information for efficient personnel administration which shall include dates of appointment, periods of employment, contract status, duties performed, absences from duty, and evidence for each factor used to calculate salary. Certifications from previous employers may be included.

(2) Records about employee performance shall be released only according to Section 240.337, Florida Statutes.

(3) Record of leave shall be determined from college records or:

(a) Retirement system records.

(b) An authentic document, contemporary with the time of leave, showing the leave was authorized and granted.

(c) Affidavits from the president and two other college employees in positions of authority and responsibility enabling them to certify that leave was authorized and granted. Such affidavits shall be considered only when no other proof is available, shall be used only to establish that leave was authorized and granted, and shall not be employed to grant leave retroactively.

(4) Personnel records shall be kept in locked containers certified against damage from fire for at least one hour. The president or designee shall have sole custody of the keys.


6A-14.054 Student Fees.

Each board of trustees shall establish, publish, collect, and budget student fees, and shall establish dates for paying fees. The dates shall be not later than the last day of the drop and add periods established by the boards.

(1) The percentage of the cost of education to be paid by students shall be computed annually from the Community College Program Fund by the State Board of Community Colleges for three (3) categories of instructional classifications: (1) advanced and professional, postsecondary vocational, and college preparatory; (2) postsecondary adult vocational; and (3) supplemental vocational. The full cost of each category shall be calculated by applying the percentage factors from the most recent annual cost analysis of the general current fund to the Community College Program Fund of the prior year. Support costs shall be allocated to each category based on a uniform amount per credit hour or credit hour equivalent, and added to the direct instructional costs to determine the full cost of each category. Student fee revenue for each category shall be calculated from the assigned enrollment in the annual appropriations act. Standard fee rates shall be multiplied by the assigned enrollment to determine the student fee revenue for each category. Student fee revenue divided by full cost shall determine the percentage of the cost of education paid by students for each category.

(2) Tuition shall be defined as fees assessed to students for enrollment in college credit courses and postsecondary education programs specified in Section 239.117(1), Florida Statutes, at any of the community colleges. Tuition consists of the following fees, depending on whether a student is a resident or a non-resident:

(a) Resident tuition shall be defined as the matriculation fee charged an enrolled student who qualifies as a Florida resident.

(b) Non-resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who does not qualify as a Florida resident:

1. Matriculation fee.

2. Non-resident fee.

(3) Standard fee schedule. The standard matriculation and non-resident fees per credit hour or credit hour equivalent effective beginning with the fall term 1997 are:

<table>
<thead>
<tr>
<th>Category</th>
<th>Matriculation</th>
<th>Non-resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced and professional, postsecondary vocational, and college preparatory</td>
<td>$32.02</td>
<td>$96.08</td>
</tr>
<tr>
<td>Postsecondary adult vocational</td>
<td>$13.23</td>
<td>$52.91</td>
</tr>
<tr>
<td>Supplemental vocational</td>
<td>$28.93</td>
<td>$102.57</td>
</tr>
</tbody>
</table>

(4) Matriculation fees. Each board of trustees shall establish a matriculation fee for each category in subsection (1) that shall not vary more than ten (10) percent from the standard matriculation fees in subsection (2) or from superseding fee ranges established in an appropriations act. Each board of trustees shall establish the same matriculation fees for adult basic, adult secondary, and vocational preparatory as established for postsecondary adult vocational.
(5) Non-resident fees. Each board of trustees shall establish a non-resident fee for students who do not qualify as residents for tuition purposes for each category in subsection (1) that shall not vary more than ten (10) percent from the standard non-resident fees in subsection (2) or from superseding fee ranges established in an appropriations act. Each board of trustees shall establish the same non-resident fees for adult basic, adult secondary, and vocational preparatory instruction as established for postsecondary adult vocational. Non-resident fees shall be charged in addition to matriculation fees.

(6) Tuition fees shall be charged only for instruction provided by the college. Tuition fees shall not be charged for the assessment of prior learning or the awarding of credit based on prior learning, regardless of whether the prior learning was acquired through instruction provided by the college or through instruction or experience external to the college.

(7) Each board of trustees may allow a discount or charge a premium to matriculation or non-resident fees for the purpose of resource management. The resultant matriculation and non-resident fees shall be within the ranges specified in Florida Statutes.

(8) Lifelong learning instruction. Each board of trustees shall establish fees for lifelong learning instruction to supplement state appropriations for such instruction.

(9) Recreational and leisure time instruction. Each board of trustees shall establish fees for recreational and leisure time instruction which generate annual revenue at least equal to the full cost of such instruction as provided for in Section 239.117(6), Florida Statutes.

(10) Audit fees. Students who audit courses shall pay the same fees as required of students enrolled for credit.

(11) Each board of trustees may establish fees in addition to tuition fees for courses and other instructional and noninstructional services that incur unusual costs. Such fees shall not exceed the estimated unusual costs, and shall not be charged to students not in the courses or to persons or agencies not receiving the other services. Such fees may include, but are not limited to, laboratory, application, graduation, parking, examination, and transcript fees.

(12) Each board of trustees shall have the authority to negotiate tuition fees for courses and programs contracted by external agencies and companies which vary from the tuition fee provided for in this rule. Such negotiated fees may exceed the full cost of instruction. The courses and programs of instruction funded from these negotiated fees shall not be reported for state funding purposes.

(13) Each board of trustees may establish other fees, specifically:
   (a) A student financial aid fee for college credit instruction pursuant to Section 240.35(10), Florida Statutes, and for noncollege credit instruction pursuant to Section 239.117(7), Florida Statutes.
   (b) A student activity and service fee for college credit instruction pursuant to Section 240.35(9), Florida Statutes, and budgeted pursuant to subsection 6A-14.057(1), F.A.C.
   (c) A capital improvement fee for college credit instruction pursuant to Section 240.35(13), Florida Statutes, and for noncollege credit instruction pursuant to Section 239.117(16), Florida Statutes.

(14) Veterans and other eligible students under Section 240.345(2)(b)1., Florida Statutes, shall receive, upon request, one (1) deferment per academic year for the payment of registration fees. Upon request, such persons shall receive an additional deferment each time there is a delay in receipt of such benefits. Such deferments shall be for sixty (60) days, except they shall not extend beyond the end of the term.

(15) When institutional, state, or federal financial aid other than veterans’ benefits is delayed in being transmitted to students through circumstances beyond their control, registration fees may be deferred up to sixty (60) days, but not beyond the end of the term, unless the institutions, state, or federal rules or regulations require additional time, events, or documentation that cannot be completed within the prescribed sixty (60) day period. Failure to make timely application for such aid shall not be a reason for granting deferral. The deferment shall be in accordance with rules adopted by the board of trustees setting forth the conditions under which the deferment shall be granted. A list of persons for whom fees are deferred and the amount of fees deferred shall be maintained.

(16) When Florida Prepaid Postsecondary Education Expense Program benefits are delayed in being paid from the program to the community college through circumstances beyond the control of the student, registration fees covered by the benefits shall be deferred until the benefits are paid. The community college shall notify the State Board of Community Colleges if the benefits are not paid on a timely basis.

(17) When the college has a written promise of payment from business, industry, government unit, nonprofit organization, or civic organization, fees may be deferred as determined by the board of trustees.

(18) Registration fees are defined as matriculation, non-resident, student financial aid, activity and service, capital improvement, laboratory, and all other fees collected during the registration process.

(19) Exemptions and Waivers.
   (a) Exemptions. Registration fees shall not be assessed for:
       1. Students without high school diplomas or the equivalent enrolled in adult basic skills education, adult secondary education, or vocational preparatory instruction.
       2. Students with high school diplomas or the equivalent who demonstrate on tests approved in subsection 6A-6.014(4) or Rule 6A-10.040, F.A.C., that their academic skills are limited to the eighth grade level or below and are enrolled in adult basic skills education, adult secondary education, or vocational preparatory instruction.
       3. Students engaged in dual enrollment, including early admission, pursuant to Sections 239.117 and 240.116, Florida Statutes.
       4. Students enrolled in apprenticeship programs defined in Section 446.021, Florida Statutes.
5. Students for whom the state is paying foster care board payments and who are enrolled under provisions in Sections 239.117 and 240.35, Florida Statutes.

6. Students enrolled in employment and training programs pursuant to Section 409.029, Florida Statutes, under provisions in Sections 239.117 and 240.35, Florida Statutes.

7. Students who are homeless pursuant to and enrolled under provisions in Section 239.117, Florida Statutes.

(b) Exemptions. One-half of the matriculation fees, non-resident fees, student financial aid fees, activity and service fees, and capital improvement fees shall not be assessed for designated students who are members of the Florida National Guard enrolled in college credit courses pursuant to Section 250.10(6), Florida Statutes, and Rule 6A-10.045, F.A.C.

(c) Waivers. Registration fees shall be waived for:

1. Students who are spouses of deceased state employees and eligible for workers’ compensation death benefits and are enrolled pursuant to Section 440.16, Florida Statutes.

2. Students who are children of law enforcement officers killed in the line of duty and are enrolled pursuant to Section 112.19, Florida Statutes.

3. Students who are children of firefighters killed in the line of duty and are enrolled pursuant to Section 112.191, Florida Statutes.

4. Students enrolled in postsecondary adult vocational instruction, supplemental vocational instruction, or vocational preparatory instruction and granted fee waivers authorized in a General Appropriations Act.

5. Students enrolled in college credit instruction and granted fee waivers authorized in Section 240.35(14), Florida Statutes.

(20) When registration fees are waived by a board of trustees, a list of persons for whom fees are waived, documentation supporting the waivers, and the amount of fees waived shall be maintained.


6A-14.0541 Student Fee Refunds.

Each community college board of trustees shall establish a rule for the refund of matriculation, tuition, and other fees assessed pursuant to Rule 6A-14.054, F.A.C. Such rule shall include the following:

(1) A one hundred percent (100%) refund of matriculation and tuition fees when official drop notification is received and approved prior to the end of the college’s published drop/add period.

(2) Criteria for refunds when a student drops a course due to circumstances determined by the college to be exceptional and beyond the control of the student which may include but not be limited to serious illness, death, involuntary call to active military duty, or other emergency circumstance or extraordinary situations identified by college rule.

(3) Exceptions to the hundred percent (100%) refund provision in subsection (1) shall be made pursuant to federal rules for prorated refunds.

(4) Notwithstanding the provisions of subsection 6A-14.076(3), F.A.C., refunds made pursuant to subsections (2) and (3) shall not affect the calculation of full-time equivalent students.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 228.072, 240.301(5), 240.319, 240.325, 240.345, 240.35, 240.363 FS. History–New 3-24-92, Amended 5-16-94.

6A-14.057 Student Activities.

(1) Expenditures from student activity and service fees shall be according to a budget prepared jointly by students and college staff and approved by the president. Each board of trustees shall adopt procedures for student participation in the development of the budget for expenditures funded from the student activity and service fee. Such procedures shall require the budget to be based upon an estimate of total funds generated from this fee as well as an estimate of funds carried forward from the prior year. All lawful expenditures which benefit the student body in general may be funded from the student activity and service fee fund if such expenditures are included in the approved budget for this fee. Sponsors shall be appointed for student activities so financed.

(2) Student organizations not so financed may be permitted on campus with faculty or staff advisors and under rules of the board of trustees. A college as a service to the organizations, or if necessary for the protection of student members, may provide that organization funds be placed with the college business office, to be held in a custodial account and to be withdrawn and expended upon requisition according to the organization’s approved budget.

Specific Authority 1001.02(9), 1009.23(7), 1010.02 FS. Law Implemented 1001.64, 1009.23(7), 1010.02 FS. History–Formerly 6A-8.19. Repromulgated 12-19-74, Amended 12-26-77, 4-17-85, Formerly 6A-14.57. Amended 12-18-94, 6-24-03.

6A-14.058 Athletics.

Athletics are authorized student activities, and, if conducted, shall be consistent with the basic purposes of the community college. Intercollegiate football shall not be conducted.
6A-14.060 Accountability Standards.
The standards herein provide a basis for quality improvement and for accountability. Each community college shall:

1. Adopt and follow a periodic needs assessment process to determine the educational services needed within the community college district. The process shall use accurate and current information about the educational services which could be provided by the college pursuant to its purpose. Needs assessment shall be conducted in cooperation with other institutions and agencies serving the district.

2. Provide a system to enable its students to set educational goals for themselves and to use its services to attain the goals. The system shall recognize that many students establish their goals without direct assistance from the institution. Consideration of student goals shall be an important part of the institutional planning process.

3. Establish a process to select and retain employees who are successful in helping the college accomplish its purpose. The process shall involve selection, evaluation, development, and retention procedures related to successful performance of the responsibilities for which the personnel are employed.

4. Provide equal access to and equal opportunity in employment, programs, and services without regard to race, color, age, national origin, religion, marital status, or sex and shall not discriminate against any qualified handicapped person.

5. Develop a comprehensive, long-range program plan, including program and service priorities. Statements of expected outcomes shall be published, and facilities shall be used efficiently to achieve such outcomes. Periodic evaluations of programs and services shall use placement and follow-up data, shall determine whether expected outcomes are achieved, and shall be the basis for necessary improvements.

6. Establish adequate and sound control of expenditures, efficient operations including energy conservation, and a budget process producing the greatest benefits to the service area. Efficiency is the economical use of resources to support programs. The emphasis is the operation of an effective program at a reasonable cost.

7. Differentiate between the policy making responsibility of the board of trustees and the management responsibility of the president.


6A-14.063 Accreditation.

1. Community colleges are authorized and encouraged to seek and maintain accreditation by the regional accrediting association of colleges and schools for this region. The executive director or designee shall maintain liaison with the regional accrediting process and inform the State Board of Community Colleges of the accreditation status of each college.

2. Community colleges are authorized to obtain specialized accreditation of individual programs from accrediting bodies recognized by the Council on Postsecondary Accreditation.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.325, 240.349 FS. History—New 10-28-75, Amended 4-7-85, Formerly 6A-14.63.

6A-14.0715 Transfer of Funds.
Transfer of funds from the debt service funds to other funds is not authorized. Transfer of funds from the unexpended plant fund to other funds is not authorized except when approved by the State Board of Community Colleges to return funds temporarily advanced to encumber projects authorized and budgeted to be funded from state allocations of construction funds including proceeds from the sale of bonds in accordance with Article XIII, Section 9(d), Florida Constitution. Such funds shall be returned the same fiscal year the funds against which the advance was made are received.


6A-14.0716 Community College Budgets.
Each fiscal year, each community college shall prepare a budget in such form as prescribed by the State Board of Education for the Current Unrestricted Fund. Two copies of the budget approved by the board of trustees shall be submitted to the executive director by June 30 or on a later date established by the executive director. The original or facsimile signature of the president on both copies shall certify board approval.

1. The executive director shall have each community college budget examined for completeness, correctness, conformity with law and rule, State Board of Community Colleges’ guidelines and preparation according to accepted educational and fiscal principles.

(a) Anticipated budgeted revenues shall be reasonable and transfers from general current funds shall not handicap current operations.

(b) A contingency reserve not exceeding two (2) percent of the total available for appropriation is authorized in the general current fund.
(2) Within thirty (30) days after the executive director receives a community college budget, the State Board of Community Colleges shall approve it or disapprove it and point out deficiencies. The board of trustees shall submit a corrected budget within thirty (30) days after the date on the deficiency notice.

(3) Until a budget is approved, ordinary expenses may be paid at the same monthly rate as budgeted for the preceding year.

(4) In the execution of budgets, no expenditures or obligations shall exceed the amount budgeted in any class in any fund.

(5) Boards of trustees are authorized to amend budgets. Amended budgets are required to be in compliance with laws, rules and accepted educational and fiscal principles.

(a) Budget amendments approved by the board of trustees may reallocate funds between organizational units of a fund and between object codes.

(b) The following budget amendments require approval by the State Board of Community Colleges:
   1. Transfer of appropriations from the Current Unrestricted Fund.
   2. Amendments which cause the unencumbered fund balance to be inconsistent with the statutory guidelines specified in Section 240.359(3)(e), Florida Statutes.

(c) Overdrafts, or expenditures, shall not be created in any fund or depository account. If cash on hand is insufficient to pay salaries, a current loan shall be negotiated and repaid from the first funds available for that purpose.

(d) Salary deductions shall be made as required by law or as authorized by the board of trustees and approved in writing by the employee, and shall be remitted promptly.

(e) Each fiscal year, as a part of the official budget, each community college board of trustees shall adopt a capital outlay budget for the capital outlay needs of the college for the entire fiscal year. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. Separate project accounts shall be kept in the Unexpended Plant Fund for all capital outlay projects.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 116.34, 235.18, 240.311(5), 240.359, 240.361, 240.363 FS. History–New 9-30-96.

6A-14.072 Financial Records and Reports.

(1) Each community college shall keep financial records according to the Department of Education publication, “Accounting Manual for Florida’s Public Community Colleges, 2002,” incorporated herein by reference. Copies may be obtained from the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400.

(2) Enrollment related financial records shall be kept for all instruction so as to facilitate verification, confirmation, and comparison.

(3) If financial reports are not received from a community college when due, the State Board of Education may withhold apportionments of state funds to the college until the reports are received.

Specific Authority 1001.02(1), (9), 1001.03(9) FS. Law Implemented 1001.02(9) FS. History–Formerly 6A-14.72, Amended 11-12-91, 12-26-94, 12-18-94, 11-27-95, 11-13-96, 12-9-97, 5-18-99, 2-29-00, 7-30-01, 5-19-03.


6A-14.073 Expenditures.

(1) The board of trustees shall approve all purchases exceeding the amount specified in Section 287.017, Florida Statutes, for Category Five unless the item is exempt from the bid requirements of Rule 6A-14.0734, F.A.C., and the board has delegated such approval to the president. The president, or designee, shall approve normal operating purchases that do not require the approval of the board of trustees.

(2) The president shall assure that purchases conform to predetermined standards and specifications and that maximum value is received.

(3) Institutional memberships in professional organizations may be purchased with college funds.

(4) Statements of accounts of purchases, called vouchers, shall be filed for easy reference by college personnel and the auditor general. Financial records shall remain open, if necessary, for two weeks after each June 30 to complete the recording of expenditures the previous fiscal year.

(5) At each regular meeting of the board of trustees, the president shall present a list of warrants issued during the months or accounting periods ending since the last regular meeting.


6A-14.0732 Travel.

Boards of trustees shall establish rules governing travel of board members, employees, and other authorized persons and the payment of costs associated with travel. The rules shall be consistent with Section 112.061, Florida Statutes.

**6A-14.0734 Bidding Requirements.**

(1) Colleges shall request bids from at least three (3) sources, or solicit a request for proposals as defined in Section 287.012(16), Florida Statutes, when purchasing services or commodities exceeding the amount as specified in Section 287.017, Florida Statutes, for Category Two. Boards of trustees may adopt smaller amounts beyond which to require bidding. Colleges may reject bids or proposals and request new bids or proposals. When accepting bids or proposals, colleges shall accept the lowest or best bid or proposal. If other than the lowest bid or best proposal meeting specifications is accepted, the college shall maintain a public record of the justification. Bids for purchases not exceeding the Category Five threshold as specified in Section 287.017, Florida Statutes, may be approved or rejected by the president or a designee if such authority is delegated in policy adopted by the board of trustees. Bids for purchases exceeding the Category Five threshold as specified in Section 287.017, Florida Statutes, shall be approved or rejected by the board of trustees.

(2) Exceptions to the three-bid requirement are:

(a) Purchases under Sections 946.515 and 946.519, Florida Statutes.

(b) Educational tests, textbooks, printed instructional materials, films, filmstrips, video tapes, disc or tape recordings or similar audio-visual materials, artistic services as defined in Section 287.012(3), Florida Statutes, including, but not limited to, film, video and television production services, and computer-based instructional software.

(c) Library books, reference books, periodicals, and other library materials and supplies.

(d) Purchases at the unit prices in county contracts, district school board contracts, Department of Management Services state term contracts/state negotiated agreement for price schedules (SNAPS), state university system cooperative bid agreements, cooperative contracts with other community colleges, and bid agreements of other community colleges.

(e) Food.

(f) Noncompetitive items available from one source, items for resale, and used books.

(g) Professional services, including, but not limited to, health services as defined in Section 287.057(3)(f), Florida Statutes, attorneys, legal services, auditors, management consultants, architects, engineers, and land surveyors. Services of architects, engineers, and land surveyors shall be selected and negotiated according to Section 287.055, Florida Statutes.

(h) Information technology resources as defined in Section 282.303(10), Florida Statutes. Acquisitions of data processing equipment or software shall be in accordance with the college’s long-range Information Resource Technology plan.

(3) The executive director may waive bidding requirements in emergencies when requested and justified by the board of trustees.

(4) When a board of trustees finds that no valid or acceptable bid has been received for petroleum or paper products within the prescribed time for bidding, it may purchase such products under the best terms it can negotiate.


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**6A-14.0735 Petty Cash Fund.**

Boards of trustees may establish petty cash funds not exceeding two thousand five hundred dollars ($2,500.00) at each campus and one thousand dollars ($1,000.00) at each site or center, to be maintained on the imprest system. The board shall specify the amount and use. The president shall designate the custodian of the fund and shall provide for adequate internal controls. Fund expenditures shall follow normal purchasing procedures.

**Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.363 FS. History–Formerly 6A-8.16, Repromulgated 12-19-74, Amended 10-28-75, 5-14-85, Formerly 6A-14.735, Amended 12-21-87.**

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**6A-14.075 Receipt and Deposit of Funds.**

A record of all funds received by a community college shall be kept to identify the payer, the amount, and the purpose. Such funds shall be deposited intact in a designated depository as soon as practicable. Funds received from federal sources shall be accounted for separately, but may be deposited in a bank account with other college funds except when the terms of such receipt require a separate depository account.

**Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.363 FS. History–Formerly 6A-8.131, Repromulgated 12-19-74, Amended 5-14-85, Formerly 6A-14.75.**

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**6A-14.0751 Bank Depository.**

Boards of trustees shall designate bank depositories and shall deposit therein, in accounts in the name of the board of trustees, all funds of the board.

(1) Depository means a bank or savings association according to Section 136.01, Florida Statutes.

(2) Funds means gold and silver coin, United States Treasury and bank notes, legal tender, and all other forms of currency, except numismatic collections; every deposit which the board is entitled to withdraw in money on demand; and all funds held or administered by the board including all undistributed payroll account and savings account funds.

(3) Upon acceptance of a deposit by a depository, the deposit shall be deemed to be funds as defined herein, and the burden of proof shall be upon the depository to show that the deposit is not funds as defined herein.
6A-14.0752 Depository Transactions.
Depository withdrawals shall be on prenumbered checks signed by two (2) persons authorized by the board of trustees and bonded. Transfers of funds by electronic, telephonic, or other medium shall be according to rules of the board of trustees, shall provide adequate internal controls, and shall be confirmed in writing and signed by the designee of the board.


6A-14.076 FTE Calculation for the Community College Program Fund.
(1) The number of full-time equivalent students for the community college program fund is the college credits for which students register divided by forty (40) plus the hours of instruction for which students register in other instruction divided by nine hundred (900).

(2) A student is registered in instruction that is subject to matriculation and tuition fees upon payment, waiver, or deferment of the fees, pursuant to law and rule, and the recording of the transaction. A student is registered in instruction that is not subject to matriculation and tuition fees when the institution records the enrollment.

(3) When any fee refund results from a withdrawn registration, the credits or hours of instruction shall not be included in the calculation of full-time equivalent students.


6A-14.0765 Investment of Funds.
The investment of funds by community colleges shall be in accordance with the classification of funds in the accounting manual incorporated in Rule 6A-14.072, F.A.C.

(1) Current funds, plant funds, and agency funds may be invested as authorized in Section 218.415, Florida Statutes. These funds may also be invested with the State Board of Administration.

(2) Boards of trustees shall have authority to designate that funds due it be placed for investment in its account with the State Board of Administration, rather than be deposited, and the board of trustees may direct those persons having money due to the board of trustees to pay such funds to the State Board of Administration to make authorized investments for its accounts.

(3) Loan, endowment, annuity, and life income funds may be invested in securities in which the State Board of Administration is authorized to invest retirement funds pursuant to Sections 215.45 and 215.47, Florida Statutes. To make such investments, the board of trustees shall adopt and adhere to an investment plan as described in Section 215.475, Florida Statutes. The investment plan shall be submitted to the State Board of Administration for review and comment. The college shall make all records of the entire investment operation available to the Auditor General for annual audit. Loan, endowment, annuity, and life income funds also may be invested pursuant to subsection (1) herein.


Boards of trustees may operate or contract for auxiliary enterprises as defined in the accounting manual incorporated in Rule 6A-14.072, F.A.C., as a service to, and incidental to, their instructional programs.


6A-14.0771 Use of Auxiliary Enterprise Funds and Undesignated Gifts.
Auxiliary enterprise funds and undesignated gifts shall be spent according to rules of the board of trustees for the benefit of the college.

(1) The board of trustees may authorize a portion of such funds to be disbursed at the discretion of the president for:
(a) Promotion and public relations including, but not limited to: graduation, visiting committees, orientation and work conferences, personnel recruitment meetings, receptions, guest speakers.

(b) Hospitality of business guests at the college and elsewhere, not to exceed $1.00 times the number of full-time equivalent students the previous year to a maximum of 5,000 full-time equivalent students, and $.25 times the number of full-time equivalent students above 5,000. For this purpose, full-time equivalent students shall be computed by dividing the number of credits for which registered by thirty (30) and the number of noncredit hours for which registered by nine hundred (900). People receiving per diem from the state shall not be considered business guests.

(2) Funds used for purposes under subsection (1) herein shall be transferred to the general current fund and included in the approved budget of the college.


6A-14.0772 Auxiliary Funds and Funds Received in Trust.

Purchases from auxiliary funds shall adhere to the requirements in law and rule for purchases from tax funds. Purchases from funds received in trust, such as for class jewelry, college annuals, cards and invitations, insignia, and caps and gowns, are exempt from such requirements. Both kinds of funds are subject to the required annual audit.


6A-14.078 Delinquent Accounts.

Boards of trustees may charge off delinquent accounts after these accounts have been determined and approved by the board to be uncollectible.

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6A-16.022 Final Orders Required to be Indexed.
6A-16.023 Listing of Final Orders.
6A-16.024 Numbering of Final Orders.
6A-16.026 Reporting Information to the State Board of Education.

(1) Report for subject matter index. The FLORIDA ADMINISTRATIVE LAW REPORTS (FALR) is hereby designated the official reporter for the purpose of publishing and indexing by subject matter all Department final orders required to be indexed by Rule 1S-6.004, F.A.C.
(2) The Agency Clerk shall determine the final orders required to be indexed.
Specific Authority 120.533(1) FS. Law Implemented 120.53(4) FS. History–New 7-7-92.

Rules 6A-16.018 through 6A-16.026, F.A.C., regarding the indexing, management, and availability of final orders are issued pursuant to Section 120.533, Florida Statutes, and Chapter 1S-6, F.A.C., and have been approved by the Department of State pursuant to Section 120.53(2)(c), Florida Statutes.
Specific Authority 120.533 FS. Law Implemented 120.53(2), (3), (4) FS. History–New 7-7-92.

6A-16.020 Purpose.
The purpose of Rules 6A-16.018 through 6A-16.026, F.A.C., is to provide public access to final orders by providing for the indexing of final orders, listing of final orders which are not indexed, and permanent retention of all final orders.
Specific Authority 120.533 FS. Law Implemented 120.53(2), (3), (4) FS. History–New 7-7-92.

6A-16.021 Plan.
(1) The Department shall enhance the accessibility of final orders by sequentially numbering final orders that are required to be indexed and listed, pursuant to the provisions of Rule 6A-16.022, F.A.C. The Department shall make the final orders, subject matter index, and the list available to the public.
(2) The Agency Clerk shall assist the public in obtaining information pertaining to final orders. The Office of the Agency Clerk is located in Room 1702, The Capitol, Tallahassee, Florida 32399-0400. The office is open to the public between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays and weekends.
(3) Final orders required to be indexed may be found by utilizing the Commissioner’s Official Reporter, FLORIDA ADMINISTRATIVE LAW REPORTS (FALR). The official reporter is found at most county law libraries and is available by subscription at FLORIDA ADMINISTRATIVE LAW REPORTS (FALR), Post Office Box 385, Gainesville, Florida 32602, telephone number (352)375-8036. A subscription to FALR is maintained at the Office of the Agency Clerk. A subscription to the FALR is also maintained at the Office of the General Counsel of the Department of Education.

(4) Final orders which are listed, but not indexed and published, are maintained at both the Office of the Department’s Official Reporter and at the Office of the Agency Clerk and are available for public inspection and copying at cost.

(5) The list of final orders not indexed and published is maintained at both the Office of the Department’s Official Reporter and the Office of the Agency Clerk and is available for public inspection and copying at cost.

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a) FS. History–New 7-7-92.

6A-16.022 Final Orders Required to be Indexed.
For purposes of this part, final orders as defined in Rule 1S-6.002, F.A.C., which are required to be indexed pursuant to Rule 1S-6.004, F.A.C., shall be indexed. Final orders which do not resolve a substantial legal issue of first impression, establish for the first time a rule of law, principle, or policy; alter, modify, or clarify a prior final order; resolve conflicting final orders, or harmonize decisions of appellate courts shall be listed, but not indexed in the following categories:

(1) Final orders resulting from informal proceedings under Section 120.57(2), Florida Statutes.
(2) Final orders closing cases on the basis of settlements, consent orders, or stipulations under Section 120.57(3), Florida Statutes.

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)3., (d) FS. History–New 7-7-92.

6A-16.023 Listing of Final Orders.
(1) The Department shall maintain a list of all final orders excluded from indexing under Rule 6A-16.022, F.A.C., by name of party and final order number.
(2) Final orders not resulting from a proceeding under Chapter 120, Florida Statutes, as set forth in Rule 1S-6.002, F.A.C., shall be neither listed nor indexed.
(3) Final orders resulting from a challenge to the validity of a rule under Section 120.54(4) or 120.56, Florida Statutes, shall be neither listed nor indexed by the Department. Such orders shall be listed or indexed by the Division of Administrative Hearings.

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)4. FS. History–New 7-7-92.

6A-16.024 Numbering of Final Orders.
(1) All final orders that are required to be indexed or listed shall be sequentially numbered at the time of rendition, pursuant to Rule 1S-6.007, F.A.C.
(2) The sequential numbers shall be a two-part number separated by a dash with the first part indicating the year and the second part indicating the numerical sequence of the order as rendered for that year, beginning with number one each new calendar year. The assigned agency designation prefix, DOE, shall precede the two-part number.
(3) The applicable order category shall be added as a suffix following the agency designation prefix and two-part number. The order categories are as follows:

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<tr>
<th>Code</th>
<th>Description</th>
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<tr>
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<td>FOI</td>
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<tr>
<td>S</td>
<td>Stipulation</td>
</tr>
<tr>
<td>AS</td>
<td>Agreed Settlement</td>
</tr>
<tr>
<td>CO</td>
<td>Consent Order</td>
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</tbody>
</table>

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)4. FS. History–New 7-7-92.

Final orders that comprise final agency action and that must be indexed or listed pursuant to this chapter shall be maintained by the Agency Clerk, 1702 Capitol, Tallahassee, Florida 32399-0400 and by the Department’s Official Reporter, FLORIDA ADMINISTRATIVE LAW REPORTS, Post Office Box 385, Gainesville, Florida 32602, telephone number (352)375-8036.

Specific Authority 120.533(1)(j) FS. Law Implemented 119.041(2) FS. History–New 7-7-92.

6A-16.026 Reporting Information to the State Board of Education.
The Commissioner of Education, as head of the Department of Education, shall report to the State Board, as chief policy making body, actions involving the following:

(1) Claims settlement, actions, causes of action and legal proceedings brought against the Department or its employees acting within the scope of his/her employment.
(2) Donations accepted and gifts of property or grants of money on behalf of the Department in compliance with the law, provided such gifts are unencumbered and have no impact on any other agency of the state.

(3) Leases of real property for departmental operations.

(4) Proposed legal action to be taken by, or on behalf of the Board for Board ratification, except in defense of litigation instituted against the Board or where the emergent nature of a matter requires immediate action.

(5) Controversial or major policy issues as determined by members of the State Board arising in the Department of Education.

*Specific Authority 229.053(1) FS, Law Implemented 229.053(1), 229.75, 229.76 FS, History–New 3-28-00.*
### CHAPTER 6A-17 COMMUNITY HOSPITAL EDUCATION PROGRAM

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6A-19.001 Scope, Coverage and Definitions.
Chapter 6A-19, F.A.C., implements Section 228.2001, Florida Statutes, which prohibits discrimination on the basis of race, sex, national origin, marital status or handicap against a student or employee in the state system of public education, as defined in Section 228.041(1), Florida Statutes. The following definitions shall apply:

(1) Activity. Any organized academic, vocational, athletic, co-curricular or extracurricular pursuit, undertaking or assignment conducted under the authority or direction of an institution within the state system of public education.

(2) Admission. Selection for part-time, full-time, special, associate, transfer, exchange or any other enrollment, participation or matriculation, in or at, an education program or activity conducted under the authority or direction of an institution within the state system of public education.

(3) Department. Florida Department of Education.

(4) Discrimination.

(a) Discrimination shall include:

1. Limiting, segregating or classifying students, employees, applicants for admission, or applicants for employment, in such a way as to deprive individuals of educational or employment opportunities or otherwise adversely affect individuals because of their race, sex, national origin, marital status or handicap;

2. Denying educational or employment opportunities to individuals because of their race, sex, national origin, marital status or handicap;

3. Providing unequal educational or employment opportunities to individuals because of their race, sex, national origin, marital status or handicap;

4. Providing unnecessarily separate educational programs or activities for individuals because of their race, sex, national origin, marital status or handicap;

5. Entering into contractual or other arrangements which utilize criteria or administrative methods which have the effect of subjecting individuals to discrimination or which otherwise adversely affect individuals because of their race, sex, national origin, marital status or handicap;

6. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a qualified handicapped person as a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on their handicap;

7. The application of any policy or procedure, or taking of any admission or employment action concerning the potential or actual marital status of a student, employee or applicant for admission or employment that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students or a group of employees on the basis of potential or actual marital status, or on the basis of head of household or principal wage earner status; however, reasonable practices prohibiting nepotism shall not constitute marital status discrimination;

8. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on ancestry or place of birth or of cultural, or linguistic characteristics of a national origin group;

9. The application of any policy or procedure, or taking of an admission action, that adversely affects a student, or applicant for admission, belonging to a national origin minority group, unnecessarily based on limited-English-language skills;

10. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on their race/ethnic category;

11. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on their gender.

(b) Any policy or procedure, or any admission or employment action, which can be shown to be predictive of, or significantly correlated with, essential elements of work behavior or program participation shall not constitute discrimination. See subsections 6A-19.002(2) and 6A-19.009(8), F.A.C.
(c) Efforts or measures developed by institutions to correct patterns of segregation, patterns of nonparticipation or underrepresentation among a race, sex, marital status, national origin or handicap group shall not constitute discrimination. Quotas, however, shall not be used.

(5) Disproportionate Enrollment. The actual enrollment of students of a particular race, sex, national origin or handicap differs from the appropriate pool of potential students, as determined by the governing board, by race, sex, national origin or handicap by more than two standard deviations.

(6) Handicapped Person. Any person who has a physical or mental impairment which substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.
   (a) Physical or mental impairment.
      1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or
      2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
   (b) Major life activities. Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
   (c) Has a record of such an impairment. Has a history of, or has been incorrectly classified as having, a mental or physical impairment that substantially limits one or more major life activities.
   (d) Is regarded as having an impairment.
      1. Has a physical or mental impairment that does not substantially limit major life activities but that is treated by an institution as constituting such a limitation;
      2. Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others and, therefore, is treated by an institution as having such an impairment.

(7) Institution. An individual school, as defined in Section 228.041(5), Florida Statutes, or the school district, as the context may require; a community college; a university or any other state-supported entity primarily of an educational nature, e.g., the Florida School for the Deaf and the Blind.

(8) Minority. Any individual belonging to one of the following race/ethnic categories: Black, Not of Hispanic Origin; Hispanic; Asian or Pacific Islander; American Indian or Alaska Native.

(9) Office of Equal Educational Opportunity. The Department of Education work unit, otherwise known as the Equal Educational Opportunity Program, specifically designated to administer the Department's implementation activities as defined in Section 228.2001(6), Florida Statutes, except to the extent those duties may be delegated by the Commissioner of Education to the Chancellor of the State University System pursuant to Section 228.2001(7), Florida Statutes.

(10) Qualified Handicapped Person.
   (a) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question;
   (b) With respect to public preschool, elementary, secondary or adult programs, services and activities, a handicapped person of an age during which nonhandicapped persons are provided services, or of any age during which it is mandatory under federal or Florida law to provide services to handicapped persons;
   (c) With respect to postsecondary programs, services and activities, a handicapped person who meets the academic and nonacademic admissions criteria requisite to participation.

(11) Race/Ethnic Categories. A person may be included in the race/ethnic group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. No person shall be included in more than one race/ethnic group. The race/ethnic categories to be used are:
   (a) White, Not of Hispanic Origin – All persons having origins in any of the original peoples of Europe, North Africa or the Middle East.
   (b) Black, Not of Hispanic Origin – All persons having origins in any of the Black racial groups of Africa.
   (c) Hispanic – All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
   (d) Asian or Pacific Islander – All persons having origins in any of the original people of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.
   (e) American Indian or Alaska Native – All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

(12) Reasonable Accommodation. Changes in the work environment which allow a qualified handicapped employee to perform the essential tasks of the job if making those changes does not impose an undue hardship on the operation of the institution. Reasonable accommodation may include: making facilities used by employees readily accessible to and usable by handicapped persons, job structuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions. In determining whether an accommodation would impose an undue hardship on
the operation of an institution’s program, factors to be considered include: the overall size of the institution with respect to number of employees, number and type of facilities, and size of budget; the type of operation, including the composition and structure of the workforce; and the nature and cost of the accommodation needed.

(13) Selection Criteria. Any measure, combination of measures, or procedure used as a basis for any decision on eligibility for admission, for participation in programs, services or activities, or for employment and promotion. Selection criteria include the full range of assessment techniques including course grades; performance tests; paper and pencil tests; training programs; probationary periods; physical, education and work experience requirements; formal or informal interviews; evaluation by prior teachers or employers; and scored or unscored applications.

(14) Student. Any person who is enrolled in any instructional program or activity conducted under the authority or direction of an institution which is a part of the state system of public education.

Specific Authority 228.2001(5), 229.053(1) FS. Law Implemented 228.2001, 229.053(1) FS. History–New 4-17-85, Formerly 6A-19.01.

All guidance, counseling, financial assistance, academic, career and vocational programs, services and activities offered by each institution shall be offered without regard to race, sex, national origin, marital status or handicap. There shall be no discrimination in recreational, athletic, co-curricular or extracurricular activities.

(1) Guidance and Counseling. Each institution shall assure that, in guidance and counseling practices, there is no discrimination on the basis of race, sex, national origin, marital status or handicap. Factors of race, sex, national origin, marital status or handicap shall not be used to encourage or discourage a student’s enrollment in a particular program or participation in a particular activity or to measure or predict a student’s prospects for success in any career, occupation, program, course or activity.

(a) If particular programs or disciplines have disproportionate enrollments of male or female students, minority or nonminority students, or handicapped students, the institution shall examine its policies, procedures and practices to determine whether the disproportion is the result of discriminatory counseling activities.

(b) Qualified handicapped students shall not be counseled toward more restrictive career or academic objectives than nonhandicapped students with similar abilities and interest. This requirement does not preclude the providing of factual information, at the postsecondary level, about licensing or certification requirements that may present obstacles to handicapped persons in their pursuit of particular careers.

(c) Counselors shall communicate with national origin minority students having limited-English-language skills and with students having hearing impairments. This requirement may be satisfied by having interpreters available.

(d) Counseling materials and other publications used by the institution shall not state or imply through text or illustration, that applicants, students or employees are treated differently on the basis of race, sex, national origin, marital status or handicap. This does not prohibit the inclusion of information designed to meet the needs of national origin minority students with limited-English-language skills, handicapped students needing special services or as may be appropriate for affirmative action purposes.

(e) Appraisal instruments selected by the institution shall not discriminate based on race, sex, national origin, marital status or handicap. Counseling tests and instruments, which result in disproportionate enrollment in any course or program, shall be examined by the institution for discrimination in the instrument or in its application. Institutions are not required to conduct additional examination of state-required instruments.

(f) Institutions which use testing or other materials for appraising or counseling students shall not use different materials for students on the basis of sex or use materials which permit or require different treatment of students on this basis unless these different materials cover the same occupations and interest areas and the use of these different materials is shown to be essential to eliminate sex bias.

(g) Promotional efforts, including activities of school officials, counselors, instructional staff, school-related parent groups, school-related community or business groups, shall not be conducted in a manner that states or implies that the institution restricts access to its programs, activities or services on the basis of race, sex, national origin, marital status or handicap. Promotional efforts include, but are not limited to, career awareness activities, open houses, parent programs, shop and laboratory demonstrations, student visits and summer camps.

(h) Promotional or counseling materials and activities shall not state or imply, through text or illustration, that access to those programs, services or activities is restricted on the basis of race, sex, national origin, marital status or handicap.

(i) Student recruitment activities shall be conducted so as not to exclude or limit opportunities on the basis of race, sex, national origin, marital status or handicap.

(2) Admission to Courses, Programs and Activities. Institutions shall not base admission decisions on race, sex, national origin, marital status or handicap. Special selection criteria for admission within the institution for participation in programs or courses shall be related to program standards or requirements. If it has been empirically demonstrated that a selection criterion which has an adverse impact is predictive of success during the program, course or activity, and that there has been a reasonable search for equally valid criteria which do not have a disproportionate adverse impact, or if the criterion is required by law, then the criterion shall not be considered discriminatory. Selection criteria for admission, which are in use on the effective date of this rule, shall not be considered discriminatory if demonstrated to be predictive of success within one year from the effective date of this rule.
(a) Race or National Origin. No person, on the basis of race or national origin, shall be excluded from participation in, denied benefits of, or subjected to discrimination in any course, program, service or activity operated under the authority or direction of an institution within the state system of public education.

1. Institutions shall not unnecessarily restrict admission to vocational, career or academic programs solely because the applicant, as a member of a national origin minority with limited-English-language skills, cannot participate in and benefit from instruction to the same extent as a student whose primary language is English, except as provided in subsection 6A-19.002(2), F.A.C.

2. If there is a concentration of national origin minority students with limited-English-language skills, as determined by the institution, in particular programs, services or activities, then the institution shall examine its policies, procedures and practices to determine whether the concentration is the result of discrimination at the institution.

(b) Sex or Marital Status. No person, on the basis of sex or marital status, shall be excluded from participation in, denied benefits of, or subjected to discrimination under any course, program, service or activity operated under the authority or direction of an institution within the state system of public education.

1. Preference shall not be given to one person over another on the basis of sex by establishing numerical limitations of the number or proportion of persons of either sex. Exempt from this provision are membership practices of YMCA, YWCA, YMHA, YWHA, Girl Scouts, Boy Scouts, Camp Fire Girls, social fraternities and social sororities at institutions of higher education, and the membership practices of voluntary youth service organizations whose membership has traditionally been limited to persons of one sex and principally to persons of less than 19 years of age.

2. Students shall not receive different treatment based on their parental, family or marital status. Students shall not be excluded from any course, program, service or activity because of pregnancy, parental, family or marital status.

3. Participation in any separate program of instruction for pregnant students shall be voluntary on the part of the student. Any such separate program of instruction provided to pregnant students shall be comparable to the regular program of instruction and in no way limit the student’s academic, career, vocational or extracurricular options.

4. Pregnancy and childbirth shall be treated in the same manner as temporary disabilities with respect to, but not limited to, requirements for a physician’s certificate to return to the institution, medical and hospital benefits, or policies and procedures of the institution.

5. In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, no preadmission inquiry as to the marital or family status of an applicant for admission, including number of dependents and whether such applicant is “Miss” or “Mrs.”, shall be made.

6. In determining whether a person satisfies any policy or criterion for admission, no rules shall be applied concerning the actual or potential parental, family or marital status of a student or applicant.

(c) Handicap. No qualified handicapped person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any course, program, service or activity, operated under the authority or direction of an institution within the state system of public education solely on the basis of handicap. Each program, service and activity shall be operated so that the program, service or activity, when viewed in its entirety, is readily accessible to handicapped persons.

1. Qualified handicapped persons shall not be denied access to vocational, career or academic programs, courses, services or activities because of architectural or equipment barriers, or because of the need for auxiliary aids or related aids and services. Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Institutions need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

2. Access to vocational and academic programs or courses shall not be denied to qualified handicapped students on the basis that employment opportunities in any occupation or profession may be more limited for handicapped persons than for nonhandicapped persons.

3. In administering admissions policies, each institution shall assure that admissions tests are selected and administered so as to avoid imposing an unreasonably length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.
5. Institutions shall not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the institution’s education program or activity.

6. In course or program examinations, or other procedures for evaluating students’ academic achievement in its program, the institution shall provide methods for evaluating the achievement of students who have a handicap that impairs sensory, manual or speaking skills which will ensure that the results of the evaluation represents the student’s achievement in the course or program, rather than reflecting the student’s impaired sensory, manual or speaking skills, except where those skills are the factors that the test purports to measure.

7. A postsecondary institution shall not make preadmission inquiry as to whether an applicant is a handicapped person except when the institution is taking remedial steps to increase the participation of handicapped persons in programs and courses in which handicapped students have been traditionally underrepresented as specified in Section 228.2001(4), Florida Statutes, and under those conditions all written and oral inquiries must make clear that the information requested is intended for use solely in connection with remedial steps; the information is being requested on a voluntary basis; the information will be kept confidential as required by federal law; and that refusal to provide such information will not subject the applicant to any adverse treatment. However, after admission, an institution may make inquiries on a confidential basis as to handicaps that may require accommodation.

8. Nonacademic, co-curricular, extracurricular and physical education services and activities shall be provided in such a manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.

9. An institution that offers physical education or that operates or sponsors interscholastic activities, clubs, intercollegiate or intramural athletics shall provide an equal opportunity for participation to qualified handicapped students.

10. Physical education and athletic activities that are separate or different from those offered to nonhandicapped students may be offered only if the institution can show that this is necessary to meet the needs of the handicapped students. Qualified handicapped students shall be provided the opportunity to compete for teams or to participate in physical education courses or activities that are not separate or different.

11. In choosing among available methods to ensure that programs, services and activities are accessible, priority shall be given to those methods that offer programs, services and activities to handicapped persons in the most integrated setting appropriate.

12. Any facilities, services or activities that are identifiable as being for handicapped persons shall be comparable to other facilities, services and activities.

13. Access to information regarding admission to programs, courses and activities shall be provided to handicapped persons.

14. Any activity or program which is not operated by the institution but which is considered a part of, or equivalent to, an institution’s program, shall be operated in a manner which provides equal opportunities to qualified handicapped persons.


6A-19.003 Health Services.

When health services or other related services are provided for students, the services shall be provided in a manner which does not discriminate on the basis of race, sex, national origin, marital status or handicap. Institutions are not required to provide specialized services and aids to handicapped persons in health programs. If, for example, an infirmary treats only simple disorders such as cuts, bruises and colds, its obligation to handicapped persons is to treat such disorders for them.

1. If health services are provided for students, handicapped students shall be provided the opportunity to participate in the services at no greater cost than to nonhandicapped.

2. If comprehensive health care services are provided, said services shall be available for maternity or pregnancy related reasons and for handicapped students in the same manner and at the same cost as for other students.

3. Handicapped students who receive health or other related services need not receive those general health screenings which would be duplicative or less intensive than screenings or evaluations they have already received in the development of their educational plans.

Specific Authority 228.2001(5), 229.053(1) FS. Law Implemented 228.2001(2), 229.053(1), 240.203(2), 240.325(8) FS. History–New 3-11-85, Formerly 6A-19.03.

6A-19.004 Interscholastic, Intercollegiate, Club and Intramural Athletics.

The Commissioner shall require that governing boards include all factors identified in Section 228.2001(3), Florida Statutes, in the plans for implementation required of governing boards under subsection 6A-19.010(1), F.A.C., and shall require that those factors be included in the periodic reviews conducted under subsection 6A-19.010(2), F.A.C.

1. Gender equity in athletics at all levels of public education shall be defined as: Gender equity in athletics is the fair distribution of overall athletic opportunity and resources, substantially proportionate to the enrollment of males and females, so that no student athlete, coach or athletic administrator is discriminated against in an athletic program on the basis of gender.

2. Accommodation of interest and abilities. The level of participation for male and female students shall be provided in numbers substantially proportionate to their enrollment in the institution.
(a) The level of intercollegiate participation for male and female students shall be provided in numbers substantially proportionate to their undergraduate enrollments. Participation shall include all varsity roster positions available, but shall not include club or intramural opportunities. When participation is not substantially proportionate, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(b) Each level of interscholastic participation for male and female students shall be provided in numbers substantially proportionate to their respective enrollments. Participation opportunities shall include all varsity, junior varsity, or freshman roster positions available, but shall not include club or intramural opportunities. When participation is not substantially proportionate, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(c) Where the members of one sex are not, and have not been, substantially proportionate among intercollegiate or interscholastic athletes, the institution may defend the participation rates by showing a history and continuing practice of athletic program expansion which can be demonstrated to be responsive to the developing interests and abilities of that sex. Any defense on this basis shall be included in a correction action plan in compliance with subsection (17) of this rule.

(d) Where the members of one sex are not substantially proportionate among intercollegiate or interscholastic athletes, and the institution cannot show a history and continuing practice of athletic program expansion, the institution may show its commitment to gender equity in athletics if it can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated. Any demonstration on this basis shall be included in a corrective action plan in compliance with subsection (17) of this rule.

(3) Athletic financial assistance and scholarship. The amount of scholarship money and grants-in-aid made available in intercollegiate varsity sports shall be in substantial proportion to the number of students of each sex participating in athletic programs. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17) of this rule.

(4) Equipment and supplies. Educational institutions shall ensure equality in the provision of and funding for the equipment and supplies for athletic programs to include: the quality, suitability, amount, maintenance and replacement and availability of equipment and supplies. Disparities in equipment and supplies that cannot be justified by a nondiscriminatory explanation shall be included in a corrective action plan developed in compliance with subsection (17) of this rule.

(5) Scheduling of games and practice times. Educational institutions shall ensure equality in scheduling of games and practice times for athletic programs to include: the number of competitive events per sport, number and length of practice opportunities, time of day competitive events are scheduled, time of day practice opportunities are scheduled, and opportunities for pre-season and post-season competition. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17) of this rule.

(6) Travel and per diem allowances. Educational institutions shall ensure equality in the provision of and funding for travel and per diem allowances for athletic programs to include: modes of transportation, housing furnished during travel, length of stay before and after competitive events, per diem allowances and dining arrangements. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17) of this rule.

(7) Opportunities to receive coaching. Educational institutions shall ensure equality in the provision of and funding for the opportunities to receive coaching for intercollegiate and interscholastic sports to include: availability, training, experience, professional standing and other professional qualifications of coaches, and compensation of coaches. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17) of this rule.

(a) Athletic administrators and coaches in the same or comparable sports, subject to consideration of factors such as experience, training and success shall be compensated equally regardless of gender or race, while ensuring that male and female athletes receive equal and comparable coaching.

(b) Athletic administrative and coaching opportunities shall be made available to men and women without regard to sex or race. Employment of athletic personnel will exhibit the institutional obligation to equal employment opportunity.

(8) Locker rooms, practice and competitive facilities. Educational institutions shall ensure equality is maintained in the provision of and funding for locker rooms, and practice and competitive facilities for athletic programs to include: quality and availability for the practice facilities and competitive facilities; exclusivity of use of the facilities provided for practice and competitive events; availability and quality of locker rooms; maintenance of practice and competitive facilities; and preparation of facilities for practice and competitive events. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(9) Medical and training facilities and services, including weight training. Educational institutions shall ensure equality in the provision of and funding for medical and training facilities and services, including weight training for athletic programs to include: availability of medical personnel and assistance; health, accident and injury insurance coverage; availability and quality of weight and training facilities; availability and quality of conditioning facilities; and availability and qualifications of athletic trainers. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.
(10) Publicity and promotion. Educational institutions shall ensure equality in the provision of and funding for publicity and promotion for athletic programs to include: availability and quality of sports information personnel; access to other publicity resources for male and female programs; quantity and quality of publications; and other promotional devices featuring male and female teams. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(11) Support services. Educational institutions shall ensure equality in the provision of and funding for support services for athletic programs to include: the amount and quality of administrative assistance provided to male and female programs, and the amount and quality of clerical assistance provided to the male and female programs. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(12) Housing and dining facilities and services. Educational institutions shall ensure equality in the provision of and funding for housing and dining facilities and services for intercollegiate sports to include: housing, special services as part of housing arrangements, and meal plans. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(13) Recruitment of student athletes. Education institutions shall ensure equality in the provision of and funding for the recruitment of student athletes for intercollegiate sports to include: whether coaches and other professional athletic personnel in the programs serving male and female athletes are provided with substantially equal opportunities to recruit; whether the financial and other resources made available for recruitment in male and female athletic programs are equivalently adequate to meet the needs of each program; and whether the differences in benefits, opportunities, and treatment afforded prospective student athletes of each sex have a limiting effect upon the recruitment of students of either sex. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(14) Recruitment, assignment and compensation of tutors. Educational institutions shall ensure equality in the provision of and funding for the recruitment, assignment and compensation of tutors for athletes to include: amount of time tutors are available for athletes, qualifications and experience of tutors, rates of pay for tutors, and employment conditions of tutors. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(15) Club and intramural sports. The participating opportunities, funding, facilities and other resources available for club and intramural sports shall be substantially proportionate to the respective enrollments of males and females in the educational institution. Where the members of one sex in club or intramural sports are not substantially proportionate to their respective enrollment in the educational institution, the institution may show its commitment to gender equity if it can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated.

(16) Funding for athletic programs. Funding for athletic programs, including revenues from direct support organizations established pursuant to Sections 237.40, 240.299, and 240.363, Florida Statutes, shall be disbursed in a manner that ensures equivalent benefits and services to male and female athletes. Appropriate consideration may be taken of the actual costs and emphasis of particular athletic programs, but no disproportionate funding based upon gender shall exist between the same or similar sports in the overall funding of the entire athletic program.

(17) Institutions shall develop and implement corrective action plans for equity in athletics components described in subsections (2)-(16), of this rule, that are determined to be not in compliance. The corrective action plan shall be developed and submitted consistent with the standards prescribed in this rule. The corrective action plan may cover a period of up to three (3) years and shall be submitted in the format and on the date prescribed by the Commissioner or the Chancellor of the State University System as appropriate. Information describing format and date of submission is available from the Office of Equal Educational Opportunity, Department of Education, The Florida Education Center, Tallahassee, Florida 32399 or from the Office of Equal Opportunity Programs, Board of Regents, The Florida Education Center, Tallahassee, Florida 32399. The corrective action plan shall be updated at least annually and compliance shall be monitored on an annual basis.

(18) The Department shall administer graduated penalties to ensure the enforcement of the athletic requirements of Title IX of the Educational Amendments of 1972 and Section 228.2001, Florida Statutes. Depending on the severity of the violation, penalties shall include the following:

(a) When a corrective action plan is not complete or not submitted in a timely manner, notification of the violation shall be made to the appropriate district or postsecondary administrative staff. If an acceptable corrective action plan is not submitted within thirty (30) days from the date of notification, the Commissioner shall notify the district or postsecondary institution that athletic teams of the particular institution will not be allowed to compete until such time as an acceptable plan is approved.

(b) Depending on the severity of violations of this rule, the Department shall issue a public letter of censure concerning the violation, designate the institution ineligible to participate in championship or post season events or prohibit the institution from participating in one (1) or more sports until the institution has come into compliance or has submitted an acceptable corrective action plan.
(c) If the institution is found out of compliance with no acceptable plan for coming into compliance, the Commissioner, or the Chancellor of the State University System as appropriate, shall implement the requirements of Section 228.2001(6)(h), Florida Statutes, and declare the educational agency ineligible for competitive state grants, and direct the Comptroller to withhold general revenue funds sufficient to obtain compliance.

(d) In cases of implementation of the penalties imposed in Section 228.2001(6)(h), Florida Statutes, the Commissioner shall make available a review mechanism composed of a panel of three (3) people, appointed by the Commissioner, to allow for appeal of the imposed penalty. The panel shall include one (1) representative of the appropriate athletic association, a representative of a district or postsecondary institution not associated with the disputed violation, and one (1) additional person not associated with the disputed violation. Within thirty (30) days, the panel shall review the case and make recommendations to the Commissioner.


6A-19.005 Student Financial Assistance.
Financial assistance administered in whole, or in part, by the institution in the form of loans, grants, scholarships, fellowships, special funds, services, benefits, waivers of fees, subsidies, compensation for work or prizes to students shall be awarded in a manner that does not discriminate on the basis of race, sex, national origin, marital status or handicap. This does not preclude awards made to overcome the effects of past discrimination. Institutions shall package financial assistance in such a way that minority students do not receive awards composed primarily of loans or work-study in lieu of scholarships or grants for which they are qualified.

(1) Restricted financial assistance may be administered where the assistance and restriction are established by statute, gift, will, trust, bequest or any similar legal instrument, if the overall effect of all financial assistance awarded by the institution does not discriminate on the basis of race, sex, national origin, marital status or handicap.

(2) Students shall not be discriminated against on the basis of race, sex, national origin, marital status or handicap when making available opportunities in cooperative education, work-study, job placement, apprenticeship programs, teaching assistantships, research assistantships, laboratory assistantships or other work programs for which they are qualified.

Specific Authority 228.2001(5), 229.053(1) FS. Law Implemented 228.2001(2), 229.053(1), 240.203(2), 240.325(5), (8) FS. History–New 3-11-85, Formerly 6A-19.05.

6A-19.006 Housing.
If housing opportunities are provided, opportunities shall be extended without discrimination based on race, sex, national origin, marital status or handicap. This obligation includes the provision of on-campus housing and the provision of off-campus housing when an institution makes agreements with other providers.

(1) If on-campus or off-campus housing is provided to nonhandicapped students, then comparable, convenient and accessible housing shall be provided, at the same cost and under the same conditions, to handicapped students. Housing opportunities shall be available to handicapped students in sufficient quantity that living accommodations for handicapped students are, as a whole, comparable to those for nonhandicapped students.

(2) Housing provided to students of either sex shall be proportionate in quantity to the number of students of that sex applying for such housing and shall be comparable in quality and cost to the student.

(3) Institutions may designate housing for married students and students with custody of or joint custody of minor children.

Specific Authority 228.2001(5), 229.053(1) FS. Law Implemented 228.2001(2), (3), 229.053(1), 240.203(2), 240.325(8) FS. History–New 3-11-85, Formerly 6A-19.06.

6A-19.007 Student Employment.
All decisions concerning employment and job placement of students under any program or activity shall be made in a manner which ensures that discrimination does not occur based on race, sex, national origin, marital status or handicap, except where sex or national origin constitute a bona fide occupational qualification under section 703 of Title VII of the Civil Rights Act of 1964, as amended. Reasonable accommodation shall be provided for qualified handicapped student employees.

(1) Each written agreement for the referral or assignment of students to an employer shall contain an assurance from the employer that students shall be accepted and assigned to jobs, and otherwise treated, without regard to race, sex, national origin, marital status or handicap.

(2) Assistance in making employment available to students shall only be given to agencies, organizations or persons who do not discriminate on the basis of race, sex, national origin, marital status or handicap. Any requests by prospective employers which have the effect of excluding students of a particular race, sex, national origin, marital status or handicap shall not be honored. This does not preclude prospective employers from specifying necessary job skills.
(3) No agreement for the provision or support of apprentice training for students shall be entered with sponsors that discriminate against its members, or applicants for membership, on the basis of race, sex, national origin, marital status or handicap. Each written agreement with a sponsor providing for apprentice training shall contain an assurance from the sponsor that it does not engage in such discrimination against its members, or applicants for membership, and that apprentice training shall be offered and conducted in a manner free from such discrimination.

(4) Students seeking to participate in any student employment opportunity including, but not limited to, cooperative education, work study, teaching assistant or aide, research assistant or aide, library or laboratory assistant or aide, trainer, tutor, interpreter, service worker, and student assistant, shall not be discriminated against by employers, prospective employers, instructors or staff on the basis of race, sex, national origin, marital status or handicap in recruitment, hiring, placement, assignment to work duties, hours of employment, levels of responsibility or pay.


It is the policy of the State of Florida, and institutions have an affirmative duty, to create an educational and work environment free of harassment on the basis of race, sex, national origin or handicap. An institution is responsible for all acts of harassment regardless whether the institution knew or should have known of the acts if the harassment is committed by a person in a position of authority. If, however, the harassment is between fellow employees, fellow students or by nonemployees, an institution is only responsible if it knew or should have known of the harassment and failed to take corrective action. Harassment includes:

(1) Any slurs, innuendos or other verbal or physical conduct reflecting on an individual’s race, ethnic background, gender or handicapping condition which has the purpose or effect of creating an intimidating, hostile or offensive educational or work environment; has the purpose or effect of unreasonably interfering with the individual’s work or school performance or participation; or otherwise adversely affects an individual’s employment or educational opportunities.

(2) The denial of or the provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment on the basis of sexual advances or requests for sexual favors.

(3) Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational career; submission to or rejection of such conduct is used as a basis for educational or employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual’s work or educational performance or creating an intimidating, hostile or offensive working or educational environment.


6A-19.009 Personnel.

Equal employment opportunities shall be provided to all applicants and employees without regard to race, sex, national origin, marital status or handicap.

(1) Policies and Practices. Policies, practices and collective bargaining agreements shall not discriminate against an employee, or applicant for employment, on the basis of race, sex, national origin, marital status or handicap. Each governing board shall provide that the cost of providing reasonable accommodation be borne by the governing board, or in the case of state universities by the institution. An institution may not deny employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the employee or applicant.

(2) Fringe Benefits. All fringe benefits provided under the authority or direction of an institution shall be provided without discrimination on the basis of race, sex, national origin, marital status or handicap.

(3) Pregnancy. Pregnancy and childbirth shall be treated in the same manner as temporary disabilities with respect to all job-related purposes, including commencement, duration and extension of leave, reinstatement, payment of disability income, accrual of seniority, insurance and other fringe benefits provided under the authority or direction of an institution.

(4) Reasonable Accommodation. Reasonable accommodation shall be provided for the known handicaps of a qualified handicapped applicant or employee unless it can be demonstrated that the accommodation would impose an undue hardship on the institution. An institution may not deny employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the employee or applicant.

(5) Contractual Agreements. Institutions shall not participate in any contractual or other agreements that have the effect of subjecting an applicant or employee to discrimination on the basis of race, sex, national origin, marital status or handicap. Contractual or other agreements shall include, but are not limited to, collective bargaining agreements, insurance contracts, training contracts, research projects and studies, food services and transportation.

(6) Recruitment. Recruitment and hiring of employees shall be conducted without discrimination on the basis of race, sex, national origin, marital status or handicap. This shall not affect recruitment, employment and promotion activities conducted under a legally sufficient affirmative action plan adopted by the governing board or institution.
(a) Employment advertisements shall not indicate or imply preference or discrimination based on race, sex, national origin, marital status or handicap.

(7) Preemployment Inquiries. Preemployment inquiries shall not solicit information with respect to an applicant’s marital or parental status, or the existence or severity of handicapping conditions.

(a) No preemployment medical examination shall be conducted nor shall any preemployment inquiry be made of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. Inquiry into the applicant’s ability to perform job-related functions is permissible. Conditioning an offer of employment on the results of a medical examination conducted prior to the employee’s entrance on duty is permissible if all entering employees in the particular job classification are subjected to such an examination.

(b) Preemployment inquiries as to the race and sex of an applicant for employment may be made only if such request is voluntary and only if the results of such inquiry are not used in a discriminatory manner.

(c) No preemployment inquiry regarding marital or family status, including number of dependents or whether an applicant is “Miss” or “Mrs.”, shall be made.

(8) Employment Criteria. Selection criteria for employment shall not discriminate against employees or applicants for employment on the basis of race, sex, national origin, marital status or handicap. Selection criteria that relate to standards or requirements of the job may be used. If it can be demonstrated that selection criteria with adverse impact have been validated as essential to the job, and that there has been a reasonable search for equally valid criteria which do not have a disproportionate adverse impact, the criteria shall be considered nondiscriminatory.

(a) Employment tests shall be selected and administered so as to ensure that the test results accurately reflect the applicant’s or employee’s job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant’s or employee’s impaired sensory, manual or speaking skills, except where those skills are the factors that the tests purport to measure.

(9) Job Classification. Jobs shall not be classified as being for persons of a particular race, sex, national origin, marital status or handicap, except where sex or national origin constitute a bona fide occupational qualification under Section 703 of Title VII of the Civil Rights Act of 1964, as amended.


6A-19.010 Strategies to Overcome Underrepresentation.

(1) Plans for Implementation. Each governing board within the state system of public education shall submit a three (3) year plan, in the format and on the date prescribed by the Commissioner of Education, to the Office of Equal Educational Opportunity. Plans shall be designed to implement the Florida Educational Equity Act, Section 228.2001, Florida Statutes, and Rules 6A-19.001, .010, F.A.C., and shall be updated annually. The initial three year plan may include the program and employment analyses required by paragraphs 6A-19.010(1)(c), and (d), F.A.C., on a staggered schedule which shall provide for responsible and expeditious implementation. The staggered schedule and the programs, courses, services and activities to be analyzed and included for each of the first three years shall be prescribed by the Commissioner of Education. Priority shall be assigned, however, to mathematics, science, computer technology, electronics, communications technology, engineering, athletics and vocational education, as specified in Section 228.2001(3), (4), Florida Statutes. The plans need not be separate documents but may be portions of plans prepared by the governing board for other purposes, including current actions taken to implement judicial orders, if they contain at least the following information.

(a) Description of Plan Development. The plan shall identify, by title and organizational location, the persons involved in the development of the plan; a description of the participation of any advisory groups or persons; and the date of adoption of the plan by the governing board.

(b) Policy and Procedure Review. A description of the process used by the governing board to review policies and procedures used by the institutions under its jurisdiction to assure that all policies and procedures comply with the requirements of Section 228.2001, Florida Statutes, and Rules 6A-19.001-.010, F.A.C., and the conclusions reached.

1. The description of the review shall include a list of topic areas examined, which shall include, but not be limited to: student services, including counseling; financial assistance; student housing; accessibility and comparability of facilities in terms of sex and handicap; selection criteria for admission to the institution and program and course admission requirements by program area or discipline; criteria for participation in and funding of recreational, athletic, co-curricular and extracurricular activities; provision of auxiliary aids and services; transportation; employment policies and practices for staff and students including selection criteria for employment and methodology for providing reasonable accommodation.

2. The description of the review shall summarize conclusions, include plans for appropriate modifications with timelines, identify staff designated to coordinate the plan for modifications, and describe procedures for maintaining compliance with Section 228.2001, Florida Statutes, and Rules 6A-19.001-.010, F.A.C.

(c) Program Analyses. Implementation plans shall include a summary of the results of analyses of student participation in programs or disciplines. The plans shall identify those programs or disciplines which have disproportionate enrollment of students of a particular race, sex, handicap, or national origin minority having limited-English-language skills. The governing board shall specify the pool of potential students utilized in calculating disproportionate enrollment, as defined in subsection 6A-19.001(5),
F.A.C., in each program or discipline. It is not expected that these analyses will be conducted at a course level unless the governing board determines that it is necessary for the development of strategies to overcome underrepresentation. The Commissioner of Education may designate selected programs, courses, services and activities for analysis.

1. For those programs or disciplines and those selected programs, courses, services or activities designated by the Commissioner of Education, which are found to have disproportionate enrollment, the institution shall develop and implement methods and strategies to increase the participation of students from those underrepresented groups.

2. The plans of implementation shall summarize the results of the analyses of student participation and identify the methods and strategies, including goals adopted by the governing board, and timetables for the implementation of those strategies to increase student participation.

(d) Employment Analyses. Implementation plans shall include a summary of the analyses of employment data by race and sex. Particular attention shall be given to employment patterns in mathematics, science, computer technology, electronics, communications technology, engineering, athletics and vocational education.

1. Plans for implementation shall summarize the results of the employment analyses and describe methods and strategies to increase employment of persons from underrepresented groups.

(e) The annual updates to the implementation plans shall include all modifications, additions, or deletions to the current three year plan for implementation and shall include an evaluation of each of the methods and strategies developed to increase student participation or employment of individuals from underrepresented groups.

(f) Regular Notification. The implementation plan shall include a copy of the policy of nondiscrimination adopted by the governing board and a description of the procedures utilized to regularly notify staff, students, applicants for employment and admission, parents, collective bargaining units and the general public of this policy.

(g) Equity Coordinator. The implementation plan shall identify the person(s), by name and title, designated to coordinate the institution’s compliance with Section 228.2001, Florida Statutes, and Rules 6A-19.001-.010, F.A.C. The identity of the Equity Coordinator shall be included in the regular notification of the policy of nondiscrimination.

(h) Grievance or Complaint Procedures. The implementation plan shall include a copy of the grievance or complaint procedures for use by students, applicants, and employees who allege discrimination.

1. Procedure(s) shall be available to all students and their parents, employees, and applicants for admission or employment.

2. Notification of these procedures shall be placed in prominent and common information sources.

3. Procedure(s) shall be designed to encourage prompt and equitable resolution of student, employee and applicant complaints but shall not prohibit individuals from seeking redress from other available sources.

(i) Plans and annual updates submitted by district school boards shall include all schools; vocational, adult and community education centers; vocational skills centers; and special education schools, centers or annexes operated by the board. The program analyses and employment analyses portions of the plan shall include school level and district level data.

(j) Plans and annual updates submitted by the Board of Regents shall include a plan for each university. Each university plan shall include all colleges, schools, campuses, annexes, centers, research centers and service centers operated under the authority or direction of the university.

(k) Plans and annual updates submitted by the community college boards of trustees shall include all departments, campuses, annexes and centers operated under the authority or direction of the board of trustees.

(l) The plan and annual updates submitted by the Board of Trustees of the Florida School for the Deaf and the Blind shall include all departments, units and schools operated under the jurisdiction of the Board of Trustees of the Florida School for the Deaf and the Blind.

(2) Periodic Reviews. The Office of Equal Educational Opportunity of the Department of Education shall plan, coordinate and direct or conduct periodic reviews of public education institutions to determine compliance with Section 228.2001, Florida Statutes, and Rules 6A-19.001-.010, F.A.C.

(a) The Division of Public Schools, the Division of Applied Technology and Adult Education, the Division of Community Colleges and the Division of Universities shall submit to the Commissioner of Education through the Office of Equal Educational Opportunity on September 1, 1985, procedures for including the appropriate provisions of Section 228.2001, Florida Statutes, in each of its regularly scheduled program review activities which shall be subject to approval by the Commissioner of Education. Any revisions or updates to those procedures shall be submitted to the Commissioner of Education for review prior to September 1 each year. Following each program review, a summary of all findings pertinent to determining compliance with Section 228.2001, Florida Statutes, shall be transmitted to the Commissioner of Education through the Office of Equal Educational Opportunity.

(b) State Level Review. The Office of Equal Educational Opportunity shall conduct a state level review of a sampling of the public educational entities, including school districts, community colleges, universities and the Florida School for the Deaf and the Blind.

(c) On-Site Review. The Office of Equal Educational Opportunity shall conduct annual on-site reviews of a sampling of the public educational entities which participated in state level reviews during the previous twelve months under the provision of paragraph 6A-19.010(2)(b), F.A.C. Written notice of on-site reviews shall be provided to presidents and superintendents at least ten (10) working days prior to the review.
(3) Technical Assistance. The Department shall have responsibility for providing technical assistance for compliance with Section 228.2001, Florida Statutes. Technical assistance materials and services shall be provided to assist in the development, modification and monitoring of the plans for implementation described in Rule 6A-19.010, F.A.C.

(4) Studies of Effectiveness. The Office of Equal Educational Opportunity shall analyze data and evaluation information to identify common elements of policies, practices, procedures and implementation strategies which contribute to, or present barriers to, the effectiveness of methods and strategies designed to increase participation of students in programs and courses in which students of a particular race, sex, national origin, marital status or handicap have been traditionally underrepresented. As common elements are identified, the Office of Equal Educational Opportunity shall recommend studies to the Commissioner of Education for statewide evaluation and review.

CHAPTER 6A-20 STUDENT FINANCIAL ASSISTANCE

6A-20.001 Definitions of Terms for State Student Aid Programs.
6A-20.002 Postsecondary Educational Institution Administrative Responsibilities for State Student Aid Programs.
6A-20.0021 Program Compliance Audits of State Student Financial Aid and the Florida Resident Access Grant Program.
6A-20.003 Florida Residency as a Requirement for the Receipt of State Student Aid.
6A-20.004 Academic Progress as a Requirement for the Receipt of State Student Aid. (Repealed)
6A-20.005 Participation in the College-Level Communication and Computation Skills Testing Program as a Requirement for State Student Financial Aid Awards. (Repealed)
6A-20.006 Selective Service Registration as a Requirement for the Receipt of State Student Aid. (Repealed)
6A-20.008 Florida Undergraduate Scholars’ Fund. (Repealed)
6A-20.009 State Student Assistance Grant Fund. (Repealed)
6A-20.010 Critical Teacher Shortage Scholarship Loan Program. (Repealed)
6A-20.011 “Chappie” James Most Promising Teacher Scholarship Loan Program. (Repealed)
6A-20.012 Critical Teacher Shortage Tuition Reimbursement Program.
6A-20.013 Critical Teacher Shortage Student Loan Forgiveness Program.
6A-20.0131 Critical Teacher Shortages.
6A-20.014 Florida Graduate Scholars’ Fund. (Repealed)
6A-20.015 Masters’ Fellowship Loan Program for Teachers. (Repealed)
6A-20.016 College Career Work Experience Program. (Repealed)
6A-20.017 Public School Work Experience Program. (Repealed)
6A-20.018 Ex-Confederate Soldiers’ and Sailors’ Home Endowment Trust Fund. (Repealed)
6A-20.019 Children of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships.
6A-20.020 Seminole and Miccosukee Indian Scholarships.
6A-20.021 Medical Education Loan Reimbursement Program. (Repealed)
6A-20.022 Challenger Astronauts Memorial Undergraduate Scholarship Program. (Repealed)
6A-20.023 Jose Marti Scholarship Challenge Grant Fund.
6A-20.024 Collection and Settlement of Delinquent State Loan Accounts.
6A-20.025 Grants for Teachers for Special Training in Exceptional Student Education.
6A-20.026 Virgil Hawkins Fellows Scholarships.
6A-20.027 Rosewood Family Scholarship Fund.
6A-20.029 Mary McLeod Bethune Scholarship Program and Trust Fund.
6A-20.030 Mary McLeod Bethune Scholarship Challenge Grant Fund. (Repealed)
6A-20.031 Florida Public Student Assistance Grant.
6A-20.032 Florida Private Student Assistance Grant.
6A-20.033 Florida Postsecondary Student Assistance Grant.
6A-20.034 Vocational Gold Seal Endorsement Scholarship Program. (Repealed)
6A-20.035 Vocational Achievement Grant Program. (Repealed)
6A-20.036 Fee Generated Adult and Vocational Student Financial Aid.
6A-20.037 Applicant’s Right to Appeal. (Repealed)
6A-20.0371 Right to Appeal Eligibility Determination.
6A-20.038 Florida Work Experience Program.
6A-20.039 Florida Teacher Scholarship and Forgivable Loan Program.
6A-20.040 Occupational Therapist or Physical Therapist Tuition Reimbursement Program.
6A-20.041 Occupational Therapist or Physical Therapist Student Loan Forgiveness Program.
6A-20.042 Occupational Therapist or Physical Therapist Scholarship Loan Program.
6A-20.043 Access Grant for Community College Graduates. (Repealed)
6A-20.044 Limited Access Competitive Grant.
6A-20.099 Florida Federal Family Education Loan Program.
6A-20.100 Definitions of Terms for the Florida Guaranteed Loan Programs. (Repealed)
6A-20.101 Florida Guaranteed Loan Programs, General. (Repealed)
6A-20.102 Florida Guaranteed Loan Programs, Participation. (Repealed)
6A-20.103 Florida Guaranteed Loan Programs, Program Compliance. (Repealed)
6A-20.104 Florida Guaranteed Loan Programs: Limitation, Suspension, and Termination. (Repealed)
6A-20.105 Florida Guaranteed Loan Programs, Loan Origination and Proceeds. (Repealed)
6A-20.106 Florida Guaranteed Loan Programs, Interim Period Servicing. (Repealed)
6A-20.107 Florida Guaranteed Loan Programs, Note Transfers. (Repealed)
6A-20.001 Definitions of Terms for State Student Aid Programs.

These definitions apply to Rules 6A-20.001 through 6A-20.099, F.A.C.

(1) Academic term. A semester, trimester, quarter, or a summer session(s) which is equal to a semester, trimester, or a quarter, or to the equivalent of four hundred fifty (450) full-time clock hours during the school year.

(2) Academic year. A period of time, from one fall term to the next, in which a full-time student is expected to complete the equivalent of two (2) semesters, two (2) trimesters, or three (3) quarters at institutions using credit hours or nine hundred (900) clock hours for each program at institutions using clock hours.

(3) Allocation. Funds designated by the Department for a postsecondary educational institution for the administration of a state student aid program for which the institution determines the student’s eligibility and makes student awards.

(4) Associate in applied science and associate in applied arts degrees. Terminal degrees which are consistent with the definition accepted by the State Board of Independent Colleges and Universities and the State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools which are awarded for study which is occupationally oriented, requires a minimum of sixty (60) semester credits, or the equivalent, requires a percentage of the total credits to be in general education, and which require a minimum 2.0 grade point average on a 4.0 scale.

(5) Associate in arts degree. A degree awarded for study which is the primary basis for admission of transfer students to upper division study in a baccalaureate program, which requires a minimum of sixty (60) semester credits, or the equivalent, of academic work exclusive of occupational courses, requires a minimum of thirty-six (36) semester credits, or the equivalent, to be in general education, and requires a minimum 2.0 grade point average on a 4.0 scale.

(6) Associate in science degree. A terminal degree which is consistent with the definition accepted by the state universities and community colleges, State Board of Independent Colleges and Universities, and State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools which is awarded for study which prepares a student for employment, requires a minimum of sixty (60) semester credits, or the equivalent, requires a percentage of the total credits to be in general education, and which requires a minimum 2.0 grade point average on a 4.0 scale.

(7) Award. A monetary commitment made to a student applicant for a specific student aid program, contingent upon the availability of funds and the student’s eligibility.

(8) Baccalaureate degree or bachelor’s degree. A degree which is consistent with the definition accepted by the state universities and State Board of Independent Colleges and Universities which requires a minimum of one hundred twenty (120) semester credits, or the equivalent, requires a percentage of the total credits to be in general education, and which requires a minimum of a 2.0 grade point average on a 4.0 scale.

(9) Bona fide self-supporting student. An independent student who can provide evidence of financial support from sources other than parents, legal guardian, relatives, or student aid.

(10) College-level program. A program of academic study which leads to the awarding of a graduate degree, a bachelor’s degree, an associate in arts degree, an associate in science degree, an associate in applied arts degree, or an associate in applied science degree.

(11) College preparatory course. A course as defined by the state universities and community colleges as necessary for a student to acquire the skills or knowledge to perform successfully in college-level courses.

(12) Cost of education. The average cost for a student to attend a postsecondary educational institution for one academic year, which includes the cost of tuition and fees, books and supplies, room and board, transportation, and personal expenses.

(13) Default. The condition of a borrower of an educational loan when the borrower’s payments are one hundred twenty (120) days or more past due.

(14) Department. Florida Department of Education.

(15) Early admission student. Early admission student is a full-time college level student who is counted as FTE only by the college or university and who is responsible for payment of all fees and instructional materials.

(16) Enroll or enrollment. Registered for credit instruction.

(17) Full-time enrollment. For undergraduate students, enrollment in twelve (12) or more credit hours, or four hundred fifty (450) or more clock hours, during an academic term. For graduate students, enrollment in nine (9) or more credit hours during an academic term.

(18) General education credits. Courses in the areas of language, humanities, mathematics, natural science, and social science.

(19) Half-time enrollment. For undergraduate students, enrollment in six (6) to eight (8) credit hours, or two hundred twenty-five (225) to three hundred forty-nine (349) clock hours, during an academic term.

(20) Minority. Any individual belonging to one of the following race/ethnic categories: Black, not of Hispanic Origin; Hispanic; Asian or Pacific Islander; American Indian or Alaska Native.

(21) Net financial need. The difference between the student’s cost of education and the expected family contribution and other financial resources available to the student to meet this cost.
(22) Refund. State aid funds for which the educational institution shall be responsible for returning to the Department.

(23) Reinstatement student. A student who was eligible for a specific state aid program but did not receive an award during the previous academic year(s) and wishes to reestablish use of the scholarship.

(24) Remedial course. A course defined by a college or university as necessary for a student to acquire the necessary skills or knowledge to perform successfully in college-level courses.

(25) Renewal student. A student who received an award the previous academic year and who met the program eligibility requirements for a specific state aid program.

(26) Repayment. Money received from state aid which a student is required to return to the educational institution; or an amount of money received from a state scholarship loan which a student is required to return to the state.

(27) Residency. The legal status which a person acquires as the result of establishment of a domicile with the intent to permanently remain in that domicile other than for temporary absences. However, any domicile established solely or primarily for the purpose of obtaining an education or of obtaining financial aid from the state shall not constitute residency.

(28) Restoration student. A student who lost eligibility for a specific state aid program that provided for restoration due to a low renewal grade point average, but earned the required grade point average in a subsequent academic year.

(29) School year. The period of time beginning with the academic year from one fall term to the next fall term.

(30) Three-quarter-time undergraduate enrollment. Undergraduate enrollment in nine (9) to eleven (11) credit hours, or in three hundred fifty (350) to four hundred forty-nine (449) clock hours during an academic term.

(31) Undergraduate student. A student who is in the process of attaining a first bachelor’s or baccalaureate degree.


These responsibilities apply to all Rules 6A-20.001 through 6A-20.099, F.A.C.

(1) Institutions enrolling students who receive state financial aid funds shall:

(a) Develop written procedures for institutional administration of state aid programs,

(b) Provide adequate staff to administer state student aid program funds in an effective, efficient, and accountable manner,

(c) Provide the coordination of institutional, state, and federal student aid awards to students,

(d) Maintain complete, accurate, and auditable student records documenting the institution’s administration of state student aid funds,

(e) Retain required records for five (5) years or until audited and any audit exceptions are resolved,

(f) Verify and certify student enrollment and eligibility, determination of total educational cost, and calculate financial need,

(g) Disburse state aid funds to eligible students,

(h) Secure and maintain student acknowledgment of receipt of funds,

(i) Complete and return to the Department in the format and by the date established by the Department all reports for the administration of state funds,

(j) Complete and return institutional applications for state aid funds in the format and by the date established by the Department, and

(k) Refund to the Bureau of Student Financial Assistance, Department of Education, any funds for students who fail to meet eligibility criteria. Refunds are to be made within sixty (60) days of the end of the regular registration period or within sixty (60) days of the date the student’s ineligibility is determined, whichever is earlier. The amount of refund due the Department shall be:

1. An amount equal to one hundred (100) percent of any state aid disbursed by the institution to ineligible students, or

2. An amount equal to one hundred (100) percent of any state aid received by the institution but not disbursed to students, or

3. An amount of state funds, excluding loans, disbursed to eligible students who subsequently withdraw which is consistent with the percentage of refund as defined by the institution’s refund policy.

(2) Institutions enrolling students who are eligible to receive state aid and who are enrolled in courses at more than one (1) institution and earning credits toward an associate or bachelor’s degree shall notify the Department which institution is the responsible institution for the administration and delivery of state aid.

Specific Authority 229.053(1) FS. Law Implemented 229.053 FS. History–New 12-9-86.

6A-20.0021 Program Compliance Audits of State Student Financial Aid and the Florida Resident Access Grant Program.

The Commissioner shall require the performance of a program compliance audit (also called examination) on a biennial basis for each state student financial aid and Florida resident access grant program administered by a private independent college, university, or school (hereafter called institution) in accordance with Florida Statutes and State Board of Education Administrative Rules. The purpose of such audits shall be to determine whether the institution has administered the state student financial aid and Florida resident access grant programs in substantial compliance with applicable statutes and rules. This rule shall be effective for audits beginning with the 1989-90 school year.
(1) Designation of auditors. It shall be the responsibility of the institution receiving state student financial aid and Florida resident access grant programs to secure an audit from an independent certified public accounting (CPA) firm at the institution’s expense. The CPA firm shall agree to:
  (a) Conduct the audits in accordance with the instructions of the Department’s Inspector General.
  (b) Provide four (4) or more audit report copies and management letters to the Department.
  (c) Allow the state officials or representatives access to review the audit workpapers.
(2) Responsibilities of the Department. It shall be the responsibility of the Department to coordinate each program compliance audit performed by a certified public accounting firm and to ensure that the results of such audits are provided to the Department in accordance with the provisions of subsection (1) of this rule. Instructions for the audits are to be provided by the Department.
(3) Responsibilities of the institution. Responsibilities of the institution shall include:
  (a) Submitting, when required, a refund check to the Bureau of Student Financial Assistance within thirty (30) calendar days from the date on the audit determination letter sent to the institution by the Office of Student Financial Assistance, as provided for in subsection (7) of this rule, or
  (b) Notifying the Bureau of Student Financial Assistance that it desires either to appeal the examination findings or to have a one hundred (100) percent examination, as provided for in subparagraph (6)(b)2. of this rule.
(4) Instances of noncompliance. The certified public accounting firm shall report instances of noncompliance with applicable statutes and rules found during the examination in accordance with the following provisions:
  (a) Students shall be classified as ineligible, if the examination of supporting documentation discloses instances of noncompliance with eligibility criteria specified by applicable statutes and rules.
  (b) Awards shall be classified as questioned costs, if the examination discloses one (1) or more of the following conditions:
    1. Awards, or the portions thereof, not properly paid or delivered to students, or not properly credited to students’ accounts,
    2. Awards made to ineligible students, and
    3. Awards for which supporting documentation, necessary to establish eligibility, is missing and cannot be located.
  (c) Instances of noncompliance which do not affect student eligibility or cause the classification of awards as questioned costs shall be reported with the auditor’s findings, but shall have no impact on determining the amount of refunds or whether to expand a sample as provided in subsection (5) of this rule.
(5) Sample selection. For each program administered by the institution, the certified public accounting firm shall select a random sample of fifty (50) award recipients, or twenty-five (25) percent of the total number of award recipients, whichever is less, but no less than ten (10) award recipients; however, if there are less than ten (10) award recipients, then all award recipients shall be selected. If the error rate determined for the initial random sample is equal to or greater than ten (10) percent of the monetary value of the sample, the sample shall be expanded to become statistically valid and representative of the entire award population.
(6) Refunds. Refunds shall be determined in accordance with the following provisions:
  (a) For each program with an error rate of less than ten (10) percent of the monetary value of the sample awards, the institution shall refund specific awards which are classified in the final audit report as questioned costs.
  (b) For each program with an error rate equal to or greater than ten (10) percent, the institution shall either:
    1. Refund an amount calculated by multiplying the sample error rate times the total awards in the program population, or
    2. Engage a CPA firm, at the institution’s expense, to audit one hundred (100) percent of the awards in the program population, and refund the sum of the specific awards classified as questioned costs.
(7) Audit determination letter. Within ten (10) working days after receipt of a final audit report, the Office of the Inspector General will complete a desk review and submit the audit to the Bureau of Student Financial Assistance who will write the audit determination letter to the President of the institution. The audit determination letter to the concerned institution shall include:
  (a) A reference to the final audit report and the authority under which a refund, if any, is being requested;
  (b) A computation of the requested refund, if any, and
  (c) Notice to the institution that it may appeal the audit determination letter, within fifteen (15) calendar days from the date of the audit determination letter, by requesting an informal hearing. The Commissioner, or designee, shall schedule the informal hearing to be held between representatives of the institution and Bureau of Student Financial Assistance within ninety (90) calendar days of the institution’s request. If these parties are unable to arrive at a satisfactory agreement or are unable to hold an informal hearing within the ninety (90) calendar days period, the institution may request a formal hearing by submitting a letter to the Commissioner. The Commissioner shall request the Division of Administrative Hearings of the Department of Administration to assign a hearing officer, and the Department shall proceed with the hearing as prescribed by Section 120.57, Florida Statutes.

Specific Authority 229.053(1), 240.4095(7), 240.4097(8), 240.424(1), 240.605(2) FS. Law Implemented 240.4095(5)(d), 240.4097(5)(d), 240.424(7), 240.605 FS. History—New 9-19-90, Amended 2-15-95, 11-16-97.

6A-20.003 Florida Residency as a Requirement for the Receipt of State Student Aid.
(1) Students attending Florida postsecondary educational institutions shall show proof of Florida residency for purposes of establishing their eligibility to receive funds from state student financial assistance programs which specify minimum residency requirements. Such residency shall be determined in a manner consistent with the provisions of Section 240.1201, Florida Statutes, and this rule.
(2) Students shall have established and maintained residency for a minimum of twelve (12) consecutive months immediately preceding the first day of classes for the first term of the academic year for which state aid is requested.

(3) Determination of student residency shall first require the determination of dependency status pursuant to the following criteria. Dependent students are those who meet the federal definition of dependent students and who are eligible to be claimed as a tax exemption by a parent whether or not they are living with the parent. Independent students are those students who are ineligible to be claimed as a tax exemption by their parents, who meet the federal definition of independent students, and who have gained independent status as bona fide self-supporting students.

(4) Dependent students, regardless of age, shall be considered to have the residence of either parent.

(5) A parent is defined as a natural parent, a legal adoptive parent, a legal guardian, or an adult relative if the student has lived with the adult relative for the past five (5) years during which time the relative has exercised day-to-day care, supervision, and control of the student.

(6) Students who claim Florida residency shall sign a statement attesting to the fact that they have been a bona fide resident for purposes other than education for the required time as specified in subsection 6A-20.003(2), F.A.C. The statement shall be a part of the application for state student aid programs. Institutions shall be responsible for determining the students’ residency status.

(7) Non Florida resident students shall remain so classified for the duration of the enrollment unless the institution determines that the student has become a Florida resident pursuant to this rule on the basis of sufficient proof provided by the student.

(8) The residency of a married student is determined by the residency of the student, not by the residency of the student’s spouse.

(9) A student classified as a Florida resident who subsequently established residence in another state, shall retain status as a Florida resident for student aid purposes for one (1) year after the date residency in another state began.

(10) Active duty members of the armed services of the United States stationed in this state, their spouses, and dependent children shall be considered residents.

(11) Full-time instructional and administrative personnel employed by the state public schools, community colleges, institutions of higher education, and other state supported institutions as defined in Section 228.041, Florida Statutes, and their spouses and dependent children shall be considered residents.

(12) Individuals exempted from Florida residency requirements in Section 240.1201, Florida Statutes, shall be exempt for the purposes of state student financial assistance.

(13) Non-U.S. citizens such as resident aliens, parolees, asylees, or other permanent status persons (e.g., persons who married U.S. citizens and temporary permanent residents), who have applied to and have been approved by the U.S. Immigration and Naturalization Service for indefinite stay and employment, shall be considered eligible to establish Florida residency for state student financial aid purposes. In addition, non-immigrants holding one of the following visas shall be considered eligible to establish Florida residency for state student financial aid purposes. Persons in visa categories not listed shall be considered ineligible to establish Florida residency for state student financial aid purposes.

(a) Visa Category A – Government official.
(b) Visa Category E – Treaty trader or investor.
(c) Visa Category G – Representative of international organization.
(d) Visa Category I – Foreign information media representative.
(e) Visa Category K – Fiance, fiancee or a child of U.S. citizen(s).

(14) Evidence of Florida residency may include but is not limited to:

(a) Voter registration,
(b) Driver license,
(c) Automobile registration,
(d) Location of bank account,
(e) Rent receipts,
(f) Home mortgage,
(g) Tax returns,
(h) Need analysis documents,
(i) Guaranteed student loan notes,
(j) Financial aid and admissions applications,
(k) Employment documents.

(15) Verification of Florida residency shall be the responsibility of the postsecondary institution.

Specific Authority 229.053(1), 240.437(4) FS. Law Implemented 229.053, 240.404, 240.437 FS. History–New 12-9-86, Amended 2-18-93.


(1) Eligibility Criteria for Awards. To receive aid, a student shall meet the provisions of Sections 240.605, 240.404, and 240.404, Florida Statutes, and Rules 6A-20.001, 6A-20.003, and 6A-20.0371, F.A.C., and:

(a) Meet the application procedures established by the participating institution.
(b) Not have previously received a bachelor’s degree.
(c) Be enrolled in a degree program in an eligible institution, pursuant to Section 240.605(3), Florida Statutes.

(d) Not be enrolled in a degree program which has the primary purpose of advancing or impeding religion.

(e) Be enrolled for a minimum of twelve (12) credits at the end of the regular registration period, inclusive of the drop-add period, for each academic term in which aid is received.

(f) Have been a bona fide Florida resident, pursuant to Section 240.1201, Florida Statutes, and Rule 6A-20.003, F.A.C., for twelve (12) months prior to the first day of class for the first academic term for which funds are being requested.

(g) Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state grant or scholarship program.

(h) Not be in default on any federal or state student loan program, unless satisfactory arrangements to repay the loan have been made.

(i) Eligibility for the renewal of awards pursuant to Section 240.404(1)(b), Florida Statutes, shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

1. Have earned, at the last institution attended, a minimum cumulative grade point average of 2.0 on a 4.0 scale, and

2. Have earned during the previous summer and two (2) semesters or three (3) quarters, if a renewal applicant, twelve (12) credit hours per term, or the equivalent, for the number of terms for which the award was received. A student who has received the funds through this program who fails to earn the required credits shall be ineligible for a renewal award.

3. A student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for two (2) semesters or three (3) quarters. To be eligible for renewal the following year, each such student shall have earned the required credits and a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period.

4. A student who fails to meet the renewal requirements stated in subparagraphs (1)(k)2. and 3. of this rule shall, after two (2) semesters or three (3) quarters, be eligible to apply for restoration. Each such student may be eligible for a reinstatement if he has an earned grade point average of 2.0 on a 4.0 scale at the end of the second semester or third quarter of the academic year for which he was ineligible for an award.

5. Reinstatement awards. A student who met the requirements for a renewal award, but did not receive an award during a full year of eligibility and wishes to reestablish use of the grant may apply for reinstatement in any subsequent year provided the student has earned a cumulative grade point average of 2.0 on a 4.0 scale as of the end of the second semester or third quarter of the academic year preceding the year the award is sought.

(2) Appeals. An applicant may appeal decisions of ineligibility made due to failure to meet academic progress requirements or errors made by the Office of Student Financial Assistance under the provisions of Rule 6A-20.0371, F.A.C.

(3) Maximum Terms of Eligibility. A student shall be eligible to receive financial aid for a maximum of nine (9) semesters or fourteen (14) quarters. However, pursuant to Section 240.404(3), Florida Statutes, a student participating in college preparatory instruction, a student requiring additional time to complete the college-level communication and computation skills testing program, or a student enrolled in a five-year undergraduate degree program shall be eligible to receive financial aid for a maximum of ten (10) semesters or fifteen (15) quarters. Five-year eligibility does not extend to a program of study which leads to the simultaneous award of a graduate and undergraduate degree.

(4) Amount of Awards. The amount of the annual award may be no more than forty (40) percent of the full cost to the state per academic year of an undergraduate student in public postsecondary education established pursuant to Section 240.209, Florida Statutes, or as specified in the General Appropriations Act. Awards for the first academic term shall be one-half of the annual award for semester schools and one-third of the annual award for quarter schools. However, should the funds requisitioned by participating institutions, in accordance with subsection (5) of this rule, exceed the appropriation, the Department shall prorate awards for the second semester or second and third quarters accordingly.

(5) Institutional Responsibilities. The institution each academic term shall determine the eligibility of students and notify students of their award eligibility. The institution shall certify to the Department utilizing the State Student Financial Aid Database, no later than October 30 and February 28 for first and second semesters or quarters respectively, and April 15 for third quarter, each student’s enrollment and eligibility status. This certification shall include a list of eligible students awarded and official certification of each student’s eligibility. When awarding and requisitioning funds for a student receiving other aid designated for tuition and fees, the institution shall assure that the amount of the grant, when combined with such aid, does not exceed the cost of the student’s tuition and fees. Refunds shall be received by the Department within sixty (60) days of the end of the institution’s regular registration period, inclusive of the drop-add period.

(6) Supplemental Requisitions for Payment. Institutions submitting supplemental requisitions for additional students may receive payment for such students at the end of the academic year. Supplemental requisitions will be honored by the Department to the extent that funds are available after all regular requisitions have been funded.

(7) Payments of Awards. The Department shall provide for the delivery of funds to students by transmitting the funds each academic term to the institutions for distribution.

6A-20.012 Critical Teacher Shortage Tuition Reimbursement Program.
(1) To receive aid, teachers shall meet the provisions of Section 240.4064, Florida Statutes, and Rule 6A-20.001, F.A.C., and:
   (a) Submit, Form FFAA-2, Florida Financial Aid Application for Teachers, Form CPSI-1, Postsecondary Institution Certification, and Form CEMP-1, Employment Certification Form by September 15. Forms FFAA-2, CPSI-1, and CEMP-1 are hereby incorporated by reference and made a part of this rule to become effective October 2002. A copy of Forms FFAA-2, CPSI-1, and CEMP-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.
   (b) Have as a minimum a valid temporary Florida teacher’s certificate or license.
   (c) Intend to gain or renew certification, or to earn a graduate degree, in a designated critical teacher shortage area.
   (d) Not receive reimbursement from other sources sufficient to pay the full cost of tuition and registration fees for a course(s) for which reimbursement is being sought.
   (e) Not owe a repayment of a grant received under the Pell Grant, Supplemental Educational Opportunity Grant, or any state scholarship or grant program.
   (f) Not be in default on a National Defense Loan, Perkins National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay the loan have been made.
(2) By October 15 of each year, the Department shall distribute to Florida publicly funded school district superintendents applications and a description of the program and application process utilizing the State Student Financial Aid Database.
(3) Publicly funded schools shall be responsible for providing teachers with information regarding the Tuition Reimbursement Program and the necessary forms.
(4) An applicant may receive aid for a maximum of nine (9) credit hours during a period beginning with the fall term and ending with the close of the summer term.
(5) The Department may prorate awards if funds are not available to make full awards.
(6) The Department shall notify applicants of their award eligibility and shall provide for the delivery of funds to eligible applicants on a funds available basis.


6A-20.013 Critical Teacher Shortage Student Loan Forgiveness Program.
(1) Eligibility criteria for initial awards. To receive aid, an initial applicant shall meet the provisions of Section 231.621, Florida Statutes, and shall:
   (a) Have, as a minimum in the first year of application, a valid temporary Florida Educator’s Certificate or license which indicates certification or licensure in the critical teacher shortage subject area in which employed for the academic year for which funds are requested;
   (b) Have taught a full school year, as defined in Section 228.041(16), Florida Statutes, in a Florida publicly-funded school or developmental research school, in a designated critical teacher shortage subject area. If an otherwise eligible applicant completes eligible teaching service for at least ninety (90) days during a school year and does not complete one (1) full year of teaching service, the Department may provide up to one-half of a full award;
   (c) Not owe a repayment of a state or federal student grant or scholarship unless satisfactory arrangements have been made;
   (d) Not be in default on a National Defense Loan, Perkins National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay the loan have been made;
   (e) Not have received a Paul Douglas Teacher Scholarship, Critical Teacher Shortage Scholarship Loan, “Chappie” James Most Promising Teacher Scholarship Loan, Masters’ Fellowship Loan Program for Teachers, or Critical Teacher Shortage Forgivable Loan under the Florida Teacher Scholarship and Forgivable Loan Program; and
   (f) Submit by July 15:
      1. After the end of the academic year in which the applicant taught for the first time as a full-time certified teacher in a critical teacher shortage subject area for at least ninety (90) days, Form FFAA-2, Florida Financial Aid Application for Teacher Program, as incorporated by reference in Rule 6A-20.012, F.A.C.,
      2. An academic transcript from each postsecondary educational institution which the applicant attended in order to complete an education program,
      3. Form CEMP-1, Employment Certification, as incorporated by reference in Rule 6A-20.012, F.A.C., and
      4. Form CLON-1, Loan Certification, which is hereby incorporated by reference in this rule to become effective October 2002. A copy of Form FFAA-2, Form CEMP-1, and Form CLON-1 may be obtained by contacting the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.
(2) Eligibility criteria for renewal awards. Eligibility for renewal shall be evaluated at the end of the renewal year of teaching. As a condition for renewal, a teacher shall meet the provisions of Section 231.621, Florida Statutes, and shall:
(a) Have, each academic year, a valid Florida Educator’s Certificate or license which indicates certification or licensure in the subject area for which an initial award was made or in a current critical teacher shortage subject area for the academic year for which funds are being requested;

(b) Have taught a full school year in a Florida publicly-funded school, or developmental research school, in the subject area for which the original loan repayment was made or in a current critical teacher shortage area in which the applicant is certified. If an otherwise eligible renewal applicant completes eligible teaching service for at least ninety (90) days and does not complete a full year of teaching service, the Department may provide up to one-half of a full award;

(c) Not owe a repayment of a grant received under the Pell Grant, Supplemental Educational Opportunity Grant, or any state grant or scholarship program;

(d) Not be in default on a National Defense Loan, Perkins National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay have been made;

(e) Not have received a Paul Douglas Teacher Scholarship, Critical Teacher Shortage Scholarship Loan, “Chappie” James Most Promising Teacher Scholarship Loan, Masters’ Fellowship Loan Program for Teachers, or Critical Teacher Shortage Forgivable Loan under the Florida Teacher Scholarship and Forgivable Loan Program; and

(f) Submit by July 15 of each academic year, Form CEMP-1, Employment Certification.

(3) Amount of award. The annual amount of student loan repayment shall be a maximum of twenty five hundred (2,500) dollars for undergraduate loans and a maximum of five thousand (5,000) dollars for graduate loans for up to a combined total of five thousand (5,000) dollars annually. The amount of the award is based on the principal balance outstanding on the applicant’s loan as of the June 30 prior to the beginning date of teaching as a certified teacher in a critical teacher shortage subject area.

(4) Maximum terms of eligibility. A teacher shall be eligible to receive student loan forgiveness for either a maximum of four (4) academic years or a total repayment of ten thousand (10,000) dollars, whichever comes first.

(5) Award procedures. The Department shall determine eligibility and make awards. Awards may be prorated if funds are not available to make full awards. Renewal applicants will be given priority upon timely receipt of all required forms and documentation. The Department shall notify applicants of their award eligibility.

(6) Payment of awards. The Department shall provide for the delivery of funds to teachers by issuing warrants made payable to the teachers and the lending institutions for all loans held by lending institutions. The Department will forward the warrants to the teachers for submission to the lending institutions; however, a teacher who submits documentation from all lenders that all principal balances which were due as of the June 30 prior to the beginning date of teaching, pursuant to subparagraph (1)(f)1. of this rule, have been paid by the teacher may have the warrant made payable directly to the teacher. If the loan was a National Direct Student Loan, National Defense Loan, or Perkins Loan, each lending institution must also indicate that the repayment was not a result of teaching service cancellation.


6A-20.0131 Critical Teacher Shortages.

(1) On or before December 1 of each year, the Commissioner shall recommend to the State Board for approval the specific teaching areas and high priority locations in which critical teacher shortages are projected for the public schools during the year following the academic year in which approval is made.

(2) In accordance with procedures approved by the Commissioner, a list of critical teacher shortage areas shall be prepared based on consideration of current supply and demand information related to Florida public school instructional personnel including but not limited to:

(a) The number and percentage of vacant positions in each teaching discipline;

(b) The number and percentage of positions in each discipline filled by teachers not certified in the appropriate field;

(c) The projected annual supply of graduates of state approved Florida teacher education programs for each discipline; and

(d) Critical teacher shortage areas which may be identified pursuant to rules adopted by district school boards. Such areas shall be identified based on consideration of at least the information specified in paragraphs (2)(a) and (b) of this rule and shall be submitted to the Department no later than June 1 of each year.

(3) Based on data submitted annually by each school district, the Commissioner shall rank all public schools in accordance with the criteria provided in Section 231.62, Florida Statutes, and shall select from this ranked list those schools to be identified as high priority locations.

(4) Based on the recommendations of the Commissioner, the State Board shall adopt a list of approved critical teacher shortage areas and high priority locations to be used in conjunction with the programs described in Rules 6A-20.012 and 6A-20.013, F.A.C.

6A-20.019 Children of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships.

(1) Eligibility criteria for awards. To receive aid, a student shall meet the provisions of Sections 240.404, 240.4042, 295.01, 295.02, 295.03, 295.04, and 295.05, Florida Statutes, and Section 295.015, or 295.016, or 295.017, or 295.018, or 295.019, or 295.0195, Florida Statutes, and Rules 6A-20.001 and 6A-20.0371, F.A.C., and:

(a) Submit, for each academic year on or before April 1, Form FFAA-1, Florida Financial Aid for Students, as incorporated by reference in Rule 6A-20.020, F.A.C., and Form CDDV-1, Scholarships for Children of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Certification Form. Form CDDV-1 is hereby incorporated by reference and made a part of this rule to become effective October 2002. A copy of Forms FFAA-1 and CDDV-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(b) Be enrolled at a state university, state community college, state postsecondary vocational-technical school, or any postsecondary institution pursuant to Section 240.40204, Florida Statutes.

(c) Be enrolled for a minimum of six (6) credit hours, or one hundred eighty (180) clock hours, at the end of the regular registration period, inclusive of the drop-add period, for each academic term in which aid is received.

(d) Not have previously received a bachelor’s degree if in undergraduate study.

(e) Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state scholarship or grant program.

(f) Not be in default on a National Defense Loan, National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay the loan have been made.

(g) Eligibility for the renewal of awards shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

1. Have earned, at the last institution attended, a minimum cumulative grade point average of 2.0 on a 4.0 scale; and

2. Have earned during the previous summer and two (2) semesters or three (3) quarters, if a renewal applicant, six (6) credit hours or one hundred eighty (180) clock hours per term or the equivalent for the number of terms for which the award was received. A student who has received funds through this program who fails to earn the required credits shall be ineligible for an award the following year. However, such student may be considered for restoration after one year, if the student has an earned cumulative grade point average of 2.0 on a 4.0 scale.

3. Pursuant to Section 240.404(1)(b)2., Florida Statutes, a student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for two (2) semesters or three (3) quarters. To be eligible for renewal the following academic year, each such student shall have earned the required credits and a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period.

4. Reinstatement awards. A student who met the requirements for a renewal award but did not receive an award during a full year of eligibility and wishes to reestablish use of the scholarship may apply for reinstatement in any subsequent year provided that the student has earned a cumulative grade point average of 2.0 on a 4.0 scale as of the end of the second semester or third quarter of the academic year preceding the year the award is sought.

(2) Appeals. A student who receives state student aid and subsequently fails to meet state academic progress requirements due to verifiable illness or other emergencies may, pursuant to Section 240.404(1)(b)4., Florida Statutes, be granted an exception from the academic requirements. An applicant may appeal the denial of an award pursuant to Sections 240.404 and 240.4042, Florida Statutes, and Rule 6A-20.0371, F.A.C.

3. Maximum terms of eligibility. A student shall be eligible to receive financial aid for a maximum of eight (8) semesters or twelve (12) quarters. However, pursuant to Section 240.404, Florida Statutes, a student participating in college preparatory instruction, a student requiring additional time to complete the college-level communication and computation skills testing program, or a student enrolled in a five (5) year undergraduate degree program shall be eligible to receive financial aid for a maximum of ten (10) semesters or fifteen (15) quarters. Five-year eligibility does not extend to a program of study which leads to the simultaneous award of a graduate and undergraduate degree.

(4) Verification of student eligibility. The Department shall be responsible for verifying applicant’s eligibility.

(5) Period of award. Scholarships shall be awarded annually for the following academic year.

(6) Amount of award. The maximum amount of a scholarship shall be the amount of tuition and registration fees assessed the student at the end of regular registration, inclusive of the drop-add period. However, the amount of the scholarship in combination with other student aid shall not exceed the student’s cost of education. A student who receives a Children of Deceased or Disabled Veterans Scholarship, who is enrolled in a nonpublic postsecondary institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, shall receive a fixed award calculated by using the average matriculation and fee calculation for full-time attendance at a public postsecondary education institution at the comparable level. A student enrolled part-time shall receive a reduced award by either one-half or three-fourths of the maximum award, depending on the level or fees assessed.
(7) Award procedures. The Department shall, if funds are insufficient to award all eligible applicants, first award renewal applicants and then rank initial applicants according to the postmark or electronic receipt dates of the applications. Students applying pursuant to subparagraph (1)(j)(3), of this rule shall be considered for awards after all eligible renewal and initial students are awarded. The Department shall notify students and institutions of the student’s award eligibility.

(8) Institutional responsibilities. Participating institutions shall verify the continued eligibility of awarded students, provide for the disbursement of funds to students, comply with the Department’s reporting requirements, and refund to the Department any undisbursed funds. Institutions shall certify to the Department, each academic term within thirty (30) days of the end of the regular registration period, the student’s enrollment, continued eligibility, and the award amount. Refunds shall be received by the Department within sixty (60) days of the end of the institution’s regular registration period, inclusive of the drop-add period.

(9) Payment of awards. The Department shall provide for the delivery of funds to students by transmitting the funds to the institution for distribution.


6A-20.020 Seminole and Miccosukee Indian Scholarships.

(1) General Eligibility Criteria. To receive aid, a student shall meet the provisions of Sections 240.404 and 240.413, Florida Statutes, Rules 6A-20.001 and 6A-20.006, F.A.C., and:
(a) Submit, for each academic year by the date established by the Department, Form FFAA-1, Florida Financial Aid Application for Students and Form CSMT-1, Tribal Certification Instructions and Worksheet for Tribal Use Only. Forms FFAA-1 and CSMT-1 are hereby incorporated by reference and made a part of this rule to become effective October 2002. A copy of Forms FFAA-1 and CSMT-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(b) Demonstrate financial need as defined by the Department and as defined by the respective tribe. Financial need is the student's cost of education, less the family contribution and Federal Pell Grant as determined by the federal need analysis methodology or by the respective tribe in the event of extenuating circumstances.

(c) Annually submit to the respective tribe written evidence of extenuating family financial circumstances within time limits specified by the tribe.

(d) Have been a bona fide Florida resident for twelve (12) months prior to the first day of classes for the first academic term of the academic year for which funds are being requested.

(e) Be enrolled in a degree program in a state university or community college authorized by Florida law; a nursing diploma school approved by the Board of Nursing; any Florida college, university, or community college which is accredited by a member of the Council on Postsecondary Accreditation; or any Florida institution the credits of which are acceptable for transfer to state universities.

(f) Enroll each semester either full-time, three-quarter time, half-time, or less than half-time for the number of credit hours as described below:

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<tr>
<th>Enrollment</th>
<th>Undergraduate</th>
<th>Graduate</th>
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<tbody>
<tr>
<td>Full-time</td>
<td>12 or more</td>
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<td>Three-quarter time</td>
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<td>Half-time</td>
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<td>Less than half-time</td>
<td>1-5</td>
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For the purpose of disbursement of an award, enrollment shall be determined at the end of the regular registration period inclusive of the drop-add period for each academic term in which aid is received.

(g) Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state scholarship or grant.

(h) Not be in default on any federal Title IV loan program or any state loan program, unless satisfactory arrangements to repay the loan have been made.

(i) Be a member or eligible for membership in the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida.

(2) Eligibility for Initial Awards. To be eligible for an initial award a student must meet the general eligibility requirements of this rule in subsection (1) of this rule.

(3) Eligibility for renewal awards. Eligibility for renewal of an award shall be evaluated at the end of the second semester or third quarter of each academic year. A renewal award shall be made, to the extent funds are available, to an applicant who accepted a disbursement for an award during the academic year immediately preceding the academic year for which applying, and who:
(a) Meets the general eligibility requirements of this rule in subsection (1) above.
(b) Has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.
(c) Has earned the minimum number of credit hours per term for full-time, three-quarter time, half-time, or less than half-time enrollment, or the equivalent, for the number of terms for which the scholarship was awarded. The number of credit hours earned will be determined at the end of the second semester or third quarter of the academic year, and shall, if to the benefit of the student, include credit hours earned during the previous summer.

(4) Eligibility for reinstatement awards. A reinstatement award is an award made to an applicant who was previously eligible for an award but did not accept any disbursements for an award during the academic year immediately preceding the academic year for which applying, and who:
   (a) Meets the general eligibility requirements of this rule in subsection (1) above.
   (b) Has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale for previous college work.

(5) Probationary awards. A student who has received funds through this program and who fails to earn a minimum cumulative grade point average of 2.0 on a 4.0 scale is granted a probationary award for one (1) academic year, not to exceed two (2) semesters or three (3) quarters. Probationary awards will be made to the extent that funds are available. To be eligible for renewal the following year, each such student shall have earned the required credits and an institutional cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period.

(6) Restoration awards. A student who fails to meet the provisions of paragraphs (3)(a), (b), and (c) or subsection (5) of this rule shall be eligible to apply for restoration during a subsequent application period. Each such student may be eligible for restoration if the student has earned an institutional cumulative grade point average of 2.0 on a 4.0 scale.

(7) Appeals. A student who receives state student aid and subsequently fails to meet state academic progress requirements due to verifiable illness or other emergencies may file a written appeal with the respective tribal education office. The appeal shall include a description and verification of the circumstances. Verification of illness or other emergencies include the written statement of a physician, parent, college official or other responsible adult. The tribal education office shall recommend exceptions with necessary documentation to the Department. The Department may accept or deny such recommendations for exceptions. The Department shall determine if an exception is to be granted, dependent upon the recommendation of the tribe and the relevance of the students’ documented circumstances for the failure to meet academic progress standards. A student who is successful in an appeal for an exception shall be granted an award.

(8) Maximum terms of eligibility.
   (a) Undergraduate students shall be eligible to receive financial aid for a maximum of eight (8) semesters or twelve (12) quarters, or the equivalent for less than full-time enrollment, or until receipt of a first baccalaureate degree, whichever occurs first. However, pursuant to Section 240.404(3), Florida Statutes, an undergraduate student participating in college preparatory instruction, a student requiring additional time to complete the College-Level Academic Skills Test (CLAST), or a student enrolled in an approved five-year undergraduate degree program shall be eligible to receive financial aid for a maximum of ten (10) semesters or fifteen (15) quarters. An eligible five-year degree program is a program of study which requires the completion of at least one hundred thirty two (132) semester hours or one hundred ninety two (192) quarter hours for an undergraduate degree. Five-year eligibility also applies to a program which leads to the simultaneous award of a graduate and an undergraduate degree. Additional terms of eligibility for five-year programs will be allowed based on the number of credit hours required by the institution for completion of the program of study as follows:

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<tr>
<th>Semester Hours Required</th>
<th>Terms of Eligibility</th>
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<td>132-143</td>
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<th>Quarter Hours Required</th>
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<td>204-215</td>
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<td>216 or more</td>
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   (b) Graduate students shall be eligible to receive financial aid for a maximum of four (4) semesters or six (6) quarters, or the equivalent for less than full-time study.

   (c) A student who used any terms of eligibility as an undergraduate student may subsequently apply for an award for graduate study. However, such student will be considered as an initial applicant for purposes of eligibility determination and award distribution.

(9) Amount of awards. The tribe shall recommend an annual award amount to the Department on Form CSMT-1. The amount of the scholarship in combination with other student aid shall not exceed the student’s cost of education for full-time or less than full-time study.

(10) The respective tribes shall submit annually to the Department a written description of the criteria to be used in making their respective award recommendations.

(11) The respective tribes shall designate a scholarship coordinator to act as liaison with the Department.

(12) The Department shall provide each tribe with an annual report that will show the distribution of scholarship funds.
(13) Award procedures. The Department shall allocate the appropriation annually based on the proportionate percentage of the tribal membership populations each year. Priority for awards will first be given to renewal applicants, and then to initial, reinstatement and restoration applicants. The tribes will submit to the Department applications for renewal, initial, reinstatement and restoration awards in priority order for consideration. The Department shall be responsible for verifying the applicants’ eligibility, and will make awards to eligible applicants of each tribe in priority order up to the maximum amount of each tribe’s allocation. In the event that awards for one tribe are less than the tribe’s annual allocation, the Department may make additional awards to applicants from the other tribe until all funds are committed. The Department shall provide for the delivery of funds to students by transmitting funds each academic term to the institutions for distribution.

(14) Institutional responsibilities. Participating institutions shall verify the continued eligibility of awarded students, provide for the disbursement of funds to students, and comply with the Department’s reporting requirements. The institution will notify the Department of the eligibility status of awarded students within thirty (30) days of the date that the warrant was mailed by the Department, or within thirty (30) days of the end of the regular registration period each term, whichever is later. Refunds and accompanying documentation shall be received by the Department within sixty (60) days of the date that the warrant was mailed by the Department, or within sixty (60) days of the end of regular registration, whichever is later.


6A-20.023 Jose Marti Scholarship Challenge Grant Fund.

(1) General eligibility criteria. To receive aid, a student shall meet the provisions of Sections 240.404 and 240.412, Florida Statutes, Rules 6A-20.001, 6A-20.003, and 6A-20.0371, F.A.C., and:

(a) Be a person of Spanish culture who was born in, or whose natural parent was born in, either Mexico or Spain, or a Hispanic country of the Caribbean, Central America or South America, regardless of race.

(b) Complete and submit annually, a need analysis form specified by the Department in time to be processed error-free by May 15.

(c) Have been a bona fide Florida resident for twelve (12) months prior to the first day of classes for the fall term of the academic year for which funds are being requested pursuant to Section 240.1201, Florida Statutes, and Rule 6A-20.003, F.A.C.

(d) Be a United States citizen or permanent resident pursuant to regulations established by the U.S. Congress or the U.S. Department of Education for the receipt of federal financial assistance.

(e) Be enrolled in a degree program in a state university or community college authorized by Florida law, or any Florida college, university, or community college which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

(f) Be enrolled for a minimum of twelve (12) credits for undergraduate study, or nine (9) credits for graduate study, at the end of the regular registration period inclusive of the drop-add period for each academic term in which aid is received.

(g) Demonstrate sufficient financial need to receive a full two thousand (2,000) dollar scholarship. Student financial need is the student’s cost of education less the family contribution as determined by the need analysis service.

(h) Not owe a repayment of a state or federal student grant or scholarship unless satisfactory repayment arrangements have been made.

(i) Not be in default on a state or federal student loan unless satisfactory repayment arrangements have been made.

(2) Eligibility for initial awards. To be eligible for an initial award a student must:

(a) For undergraduate study, submit Form FFAA-1, Florida Financial Aid Application for Students, as incorporated by reference in Rule 6A-20.020, F.A.C., and Form CHS-1, High School Certification, which is hereby incorporated by reference and made a part of this rule to become effective October 2002, postmarked or electronically dated by April 1 during the applicant’s last year in high school. For graduate study, submit Form FFAA-1 and Form CPSI-1, Postsecondary Institution Certification, as incorporated by reference and made a part of this rule to become effective October 2002, postmarked or electronically dated by April 1 immediately prior to the academic year for which funds are being requested. A copy of Form FFAA-1, Form CHS-1, and Form CPSI-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(b) For undergraduate study, have earned by the end of the seventh semester of high school, a 3.0 unweighted grade point average on a 4.0 scale for high school subjects creditable towards a diploma. For graduate study, have earned a 3.0 cumulative grade point average on a 4.0 scale for undergraduate college level course work completed by the date of application. Eligibility determinations shall not be influenced, positively or negatively, by grade point averages calculated subsequent to the application period. Unweighted grade point averages shall be computed to three (3) decimals and shall not be rounded.

(c) Meet the general eligibility requirements in subsection (1) of Rule 6A-20.023, F.A.C.

(3) Eligibility for renewal awards. Eligibility for renewal of an award shall be evaluated at the end of the second semester or third quarter of each academic year. A renewal award may be made to an applicant who used one (1) or more terms of eligibility for an award during the academic year immediately preceding the academic year for which applying, and who:

(a) Meets the general eligibility requirements in subsection (1) of Rule 6A-20.023, F.A.C.

(b) Has earned, at the last institution attended, a minimum cumulative grade point average of 3.0 on a 4.0 scale.
(c) For undergraduate study, has earned during the previous summer and two (2) semesters or three (3) quarters, at least twelve (12) credit hours per term or the equivalent for the number of terms for which the award was received. For graduate study, has earned during the previous summer and two (2) semesters or three (3) quarters, at least nine (9) credit hours per term or the equivalent for the number of terms for which the award was received. An undergraduate or graduate student who does not earn the required credits shall be ineligible to continue on the program, except as provided in subsection (5) of Rule 6A-20.023, F.A.C.

(4) Probationary awards. A student who has received funds through this program and who fails to earn a minimum grade point average of 3.0 on a 4.0 scale may be granted a probationary award for one (1) academic year, not to exceed two (2) semesters or three (3) quarters. A student who does not earn a 3.0 grade point average on a 4.0 scale by the end of the spring semester or third quarter of the probationary academic year shall be ineligible to continue under this program.

(5) Appeals. A student who receives state student aid and subsequently fails to meet state academic progress requirements described in paragraph (3)(d) of Rule 6A-20.023, F.A.C., due to verifiable illness or other emergencies may be granted an exception from the academic requirements, pursuant to Section 240.404(1)(b)4., Florida Statutes.

(6) Maximum terms of eligibility.

(a) An undergraduate student shall be eligible to receive financial aid for a maximum of eight (8) semesters or twelve (12) quarters, or until receipt of a first baccalaureate degree, whichever occurs first. However, pursuant to Section 240.404(3), Florida Statutes, an undergraduate student participating in college preparatory instruction, a student requiring additional time to complete the college-level communication and computation skills testing program, or a student enrolled in an approved five-year program of study as follows:

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(b) A graduate student shall be eligible to receive financial aid for a maximum of four (4) semesters or six (6) quarters.

(c) A student who used any terms of eligibility as an undergraduate student may subsequently apply for an award for graduate study. However, such student will be considered as an initial graduate applicant for purposes of eligibility determination and award distribution.

(7) Amount of awards. The amount of each annual award is two thousand (2,000) dollars.

(8) Award distribution. The Department shall make awards based on the annual appropriation and the amount of contributions received by the Department. Priority in the distribution of funds will be as follows:

(a) Eligible renewal applicants shall be given priority,

(b) Initial undergraduate applicants shall first be ranked by the least family contribution as determined by the nationally recognized need analysis report,

(c) Then by high school grade point average,

(d) And, if necessary, by the postmarked or electronic receipt date of Form FFAA-1,

(e) From funds remaining, initial graduate applicants shall be ranked and awarded, based on the least family contribution and then by undergraduate grade point average and, finally, on the postmark date of the Form FFAA-1.

(9) Institutional responsibilities. Participating institutions shall verify the continued eligibility of awarded students, provide for the disbursement of funds to students, and comply with the Department’s reporting requirements. Within thirty (30) days of the end of the regular registration period each term, the institution shall notify the Department of the eligibility status of each awarded student. The institution shall remit refunds and submit accompanying documentation to the Department within sixty (60) days of the end of the institution’s regular registration period. For supplemental awards, the institution will notify the Department of the eligibility status of awarded students within thirty (30) days of the date that the warrant was mailed by the Department. Refunds and accompanying documentation shall be received by the Department within sixty (60) days of the date that the warrant was mailed by the Department.

(10) Reserve funds for renewal awards. The Department shall reserve in the trust fund sufficient state and matching dollars to ensure the availability of funds to renew each eligible applicant for the necessary number of years to complete the educational objective stated on the initial application, Form FFAA-1.

(11) Award procedures. The Department shall notify students and institutions of the students’ eligibility for awards, and shall provide for the delivery of funds to students by transmitting funds each academic term to the institutions for distribution.
(12) Contributions from private sources. Scholarship contributions to the Jose Marti Scholarship Challenge Grant Fund from private sources may be accepted by the Department and deposited in the Jose Marti Scholarship Challenge Grant Trust Fund.


6A-20.024 Collection and Settlement of Delinquent State Loan Accounts.

The Commissioner shall exercise every reasonable effort to collect all amounts due on student loan agreements. When such effort has not resulted in the collection of a loan and it is determined that an account is severely delinquent, the Commissioner is authorized to implement the following procedures:

(1) For those accounts determined to be severely delinquent, the Commissioner is authorized to contract for commercial collection services to assist in collecting the amount due. The terms of the contract shall include a detailed description of all obligations and procedures of both parties.

(a) To be classified as severely delinquent, an account must have a minimum of four (4) payments past due.

(b) Accounts assigned to a commercial collection agency shall be assigned and settled in the following manner:

1. Interest shall continue to accrue.
2. The principal balance, plus accrued interest to date of assignment, shall be the amount assigned.
3. The account shall be considered paid in full when the borrower pays the collection agency the assigned amount plus accrued interest.
4. The Commissioner or designee shall provide the collection agency all appropriate information from Department files about the account.

(c) The collection agency shall provide services pursuant to a written contract; provided, however, that no contract shall provide for and no agency shall be paid a commission in excess of thirty-five (35) percent of the amount collected on an assigned account.

(C) The collection agency shall return to the Commissioner without charge or claim to any future commission any assigned account for which:

1. The borrower has proven that the account was entitled to deferment or cancellation provisions during the period of delinquency for which the account was assigned.
2. Notice of the death of the borrower has been received.
3. Notice of bankruptcy of the borrower has been received.
4. Notice of the total and permanent disability of the borrower has been received.
5. The collection agency has been unable to contact the borrower for a period of six (6) months.

(d) The collection agency shall maintain complete and accurate records of assigned accounts and shall provide the Commissioner or designee with monthly reports on the status of each assigned account.

(e) The collection agency shall provide services pursuant to a written contract; provided, however, that no contract shall provide for and no agency shall be paid a commission in excess of thirty-five (35) percent of the amount collected on an assigned account.

(2) The Commissioner shall have the authority to charge off unpaid and uncanceled scholarship loan notes or student loan agreements which are deemed to be uncollectible; provided, however, that no account of any borrower determined to have known assets subject to suit shall be uncollectible.

(a) To be charged off as uncollectible, an account shall be at least three (3) years past due.

(b) A record of the historical collection effort shall be fully and uniformly documented on a form designed for the purpose.

(c) The charge off action shall be recommended by the Director of the Office of Student Financial Assistance and approved by the Commissioner.

(d) The balance of all accounts charged off as uncollectible shall be placed in a recovery account as provided in subsection 6A-20.024(3), F.A.C.

(e) The local credit reporting agency in the last known city of permanent residence of the borrower shall be notified of the charge off action, as well as the agency in the city in which the charge off action takes place.

(3) The Commissioner is authorized to establish a recovery account for the purpose of maintaining accurate records on accounts charged off as uncollectible or otherwise settled.

(a) The account number, balance, date of last payment and date of settlement of each account settled for death, bankruptcy, total disability or uncollectible small balance shall be entered.

(b) The account number, balance, date of last payment and date of charge off of each account charged off as uncollectible shall be entered.

(c) Provision shall be made for credit of any payment received after the date of the charge off.

(d) Totals of amounts settled or charged off as uncollectible in each type of scholarship or loan program account shall be maintained.

6A-20.025 Grants for Teachers for Special Training in Exceptional Student Education.

(1) Eligibility criteria. To be eligible to receive a tuition reimbursement grant for special training in exceptional student education, the applicant shall:

   (a) Hold a full-time contract to teach in a district school system, a state operated or a state supported program, or an agency or organization under contract with the Department.

   (b) Hold a valid Florida educator’s certificate that does not reflect an exceptional student education coverage or endorsement which is appropriate for the assignment.

   (c) Complete specialization course(s) needed for certification in the area in which he or she is assigned to teach with a minimum grade of 3.0 on a 4.0 scale.

   (d) Submit completed Form FFAA-2, Florida Financial Aid Application for Teachers, Form CPSI-1, Postsecondary Institution Certification, and Form CEMP-1, Employment Certification, as incorporated by reference in Rule 6A-20.012, F.A.C. These forms may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(2) Review agency. Pending review of the application by the Department of Education, the applicant shall receive notification of award eligibility.

(3) Reimbursement. Eligible applicants may receive tuition reimbursement not to exceed nine (9) semester hours, or the equivalent quarter hours, per term. Reimbursement shall be at a rate consistent with that established for programs authorized by Section 240.4064, Florida Statutes. No special fees charged by the universities or colleges shall be included in the payment to a recipient nor shall payments be made if tuition has been paid, waived or assumed, in full, through other sources. For each fiscal year, grants are awarded to the extent of funds appropriated for this program. Awards may be prorated if funds are not available to make full awards.

(4) Fiscal agency. The Office of Student Financial Assistance, Department of Education, upon receipt of eligible applicants, shall provide for payment of eligible applicants to the extent of funds appropriated for the program.

Specific Authority 229.053(1), 240.405(4) FS. Law Implemented 240.405 FS. History–New 4-13-87, Amended 3-6-94, 10-15-02.

6A-20.026 Virgil Hawkins Fellows Scholarships.

(1) General Eligibility Requirements. To receive aid, a student shall meet the provisions of Sections 240.4045 and 240.4069, Florida Statutes, and Rule 6A-20.006, F.A.C.

(2) Eligibility for Initial Awards. To be eligible for an initial award a student must:

   (a) Be admitted to the law school at the University of Florida or Florida State University.

   (b) Be a member of an ethnic group as defined in Section 240.4069(1), Florida Statutes.

   (c) Be recommended to receive the scholarship by the dean of each respective law school.

(3) Eligibility for Renewal Awards. To be eligible for renewal of the scholarship:

   (a) A student must be continuing his or her studies toward completion of a Juris Doctor degree and be considered by the law school to be in good standing.

   (b) A student may receive the scholarship for a maximum of six (6) semesters.

   (c) A student must continue to be recommended to receive the scholarship by the dean of each respective law school.

(4) Appeals. Participating institutions will establish procedures for student appeal of grievances regarding institutional financial aid awards or administration in accordance with Section 240.4042(2) and (3), Florida Statutes.

(5) Amount of award. The amount of an annual award shall be five thousand (5,000) dollars.

(6) Number of scholarships. Each law school may recommend annually ten (10) students in the first year law class, ten (10) students in the second year law class, and ten (10) students in the third year law class to receive scholarships.

(7) Additional scholarships.

   (a) Funds appropriated to this program which exceed the amount required to fully fund the scholarships specified in Section 240.4069(1), Florida Statutes, and subsection (5) of this rule, may be used to award additional eligible applicants provided funds from private sources are raised by the institutions to match state funds.

   (b) The amount of matching funds required to make one award is two thousand five hundred (2,500) dollars.

   (c) Each institution shall report to the Department by August 1 each year the number of additional scholarships for which pledges or private contributions have been received. The Office of Student Financial Assistance will determine the amount of general revenue required to fund the additional scholarships at both institutions and request that amount in the appropriation for the academic year beginning the following August.

   (d) The Department will notify each institution of the amount of general revenue funds available to be matched for additional awards by June 1 of the year the award is to be made. The institution will submit to the Department by August 1 matching funds for the additional award(s) along with the name(s) of the student(s) to receive the award(s).

   (e) After receiving matching funds from the institution, the Department will transmit funds for these additional awards on a term by term basis to the appropriate university financial aid office.

   (8) Record-Keeping Requirements. Each law school shall retain the necessary records to document the eligibility of each student recommended for the scholarship.
(9) Payment of Awards. Each semester, the names of students recommended by the respective law schools will be submitted to the Department by August 1. The Department shall subsequently transmit the necessary funds on a term by term basis to the appropriate university financial aid office.


6A-20.027 Rosewood Family Scholarship Fund.

(1) General eligibility criteria for awards. To receive aid, a student shall meet the provisions of Sections 240.404 and 240.4126, Florida Statutes, and Rules 6A-20.001 and 6A-20.0371, F.A.C., and:

(a) Be a minority individual belonging to one (1) of the following race/ethnic categories: Black, not of Hispanic origin; Hispanic; Asian or Pacific Islander; American Indian or Alaskan native.

(b) If an initial, reinstatement, or restoration applicant, submit a completed application to the Department, Form FFAA-1, Florida Financial Aid Application for Students, as incorporated by reference in Rule 6A-20.020, F.A.C., by the established April 1 deadline. A copy of Form FFAA-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(c) Submit to the appropriate processor a completed need analysis document which is designed to use the need analysis methodology currently approved by the U.S. Congress:

1. A Florida resident must submit the need analysis document in time for it to be processed by the U.S. Department of Education no later than May 15.

2. A non-Florida resident must postmark a copy of the SAR received from the need analysis agency to the Department no later than May 15.

(d) Be enrolled in an undergraduate degree or certificate program at a state university, state community college, or state postsecondary vocational-technical school. A certificate-seeking student must be enrolled in a program that requires a minimum of nine hundred (900) clock hours to complete.

(e) At the end of the regular registration period, inclusive of the drop add period for each academic term for which aid is received, an eligible student shall be:

1. Enrolled for a minimum of twelve (12) credits for a degree program, or

2. Enrolled for a minimum of twenty-four (24) clock hours per week for a certificate program, to include the Associate in Applied Science (A.A.S.) Degree.

(f) Not have previously received a baccalaureate degree.

(g) Not owe a repayment of a federal Title IV grant, or any state grant or scholarship unless satisfactory arrangements have been made to repay.

(h) Not be in default on any state or federal student loan program unless satisfactory arrangements have been made to repay.

(2) Academic criteria for renewal awards. Academic eligibility is determined at the end of the second semester or third quarter of each academic year. To be eligible for a renewal award, a student shall:

(a) Have earned a minimum cumulative institutional grade point average of 2.0 on a 4.0 scale for postsecondary work.

(b) If degree-seeking, have earned during the previous summer and two (2) semesters, a minimum of twelve (12) credit hours per term or the equivalent for the number of terms for which the award was received.

(c) If certificate-seeking, have completed eighty (80) percent of the clock hours for which the student was enrolled during the terms for which the award was received. A student who earns less than the required clock hours will be eligible for renewal if the institution certifies that the student successfully completed all competencies on an accelerated basis and that the student was unable to continue full-time enrollment because there were no courses available in the program of study.

(3) Probationary awards. A student who earns the minimum number of credit or clock hours, but who fails to earn the minimum cumulative 2.0 grade point average, may be granted a probationary award for two (2) semesters. To be eligible for renewal the following year, the student must earn the required credit or clock hours for the probationary award year and a cumulative grade point average of 2.0 on a 4.0 scale.

(4) Restoration and reinstatement awards. A student who failed to earn the minimum number of credit or clock hours required for renewal, or who failed to meet the requirements for renewal of a probationary award, is eligible to apply for restoration after one (1) academic year if the student has earned a cumulative grade point average of 2.0 on a 4.0 scale as of the end of the second semester or third quarter of the academic year preceding the year the award is sought. A student who met the requirements for a renewal award but did not receive an award during a full year of eligibility and wishes to reestablish use of the scholarship may apply for reinstatement in any subsequent year provided that the student has earned a cumulative grade point average of 2.0 on a 4.0 scale as of the end of the second semester or third quarter of the academic year preceding the year the award is sought.

(5) Maximum terms of eligibility. A student will be eligible to receive an award for a maximum of eight (8) semesters or twelve (12) quarters or until receipt of the first baccalaureate degree, whichever is less. However, a student who is required to participate in college preparatory or remedial courses, who needs additional time to meet the minimum standards of the CLAST, or who is enrolled in a five (5) year undergraduate degree program may receive an award for a maximum of ten (10) semesters or
fifteen (15) quarters. Five (5) year eligibility does not extend to a program of study that leads to the simultaneous award of a graduate and an undergraduate degree. Additional terms of eligibility for five (5) year degree programs will be based on the number of credit hours required by the institution for completion of the program of study as follows:

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(6) Appeals. An applicant may appeal decisions of ineligibility made due to failure to meet academic progress requirements or errors made by the Office of Student Financial Assistance under the provisions of Rule 6A-20.0371, F.A.C.

(7) Amount of award. The amount of each annual award may not exceed four thousand (4,000) dollars; the amount of tuition and fees in the state university system, the public community colleges or the public postsecondary vocational-technical schools for the equivalent of fifteen (15) semester hours or four hundred fifty (450) clock hours per term of undergraduate study; or the amount established in the General Appropriations Act, whichever is less. If the appropriation is insufficient to provide the maximum award to each of the twenty-five (25) recipients, the amount of each award will be prorated.

(8) Award procedures. The Department will make awards based on the annual appropriation, not to exceed twenty-five (25) scholarship awards per year.

(a) A direct descendant of an African-American Rosewood family is an applicant whose ancestor is a member of a family identified as an affected Rosewood resident as provided in Section 240.4126, Florida Statutes. The applicant shall provide the Department proof sufficient to establish eligibility as a Rosewood descendant as defined by this rule. The Department may verify eligibility by using records already in possession of the State of Florida. Among eligible Rosewood family descendant applicants:

1. First priority will be given to renewal applicants.
2. Second priority for awards will be given to initial applicants. If the number of awards remaining is insufficient to award all such applicants, they will be ranked and selected first by the least family contribution as specified on the need analysis report and second by the earliest postmark or electronic receipt date of the application. If the number of awards remaining is insufficient to award all equally ranked applicants, the tie will be broken through random selection.
3. Third priority for awards will be given to reinstatement applicants. If the number of awards remaining is insufficient to award all such applicants, they will be ranked and selected first by the least family contribution as specified on the need analysis report and second by the earliest postmark or electronic receipt date of the application. If the number of awards remaining is insufficient to award all equally ranked applicants, the tie will be broken through random selection.

(b) Other minority applicants. If awards remain after all eligible applicants who are direct descendants of Rosewood families have received awards, all other eligible minority applicants will be divided into renewal, initial and reinstatement applicants. Among eligible minority applicants:

1. First priority for awards will be given to renewal applicants. If the number of awards remaining is insufficient to award all renewal applicants, they will be ranked and selected by the least family contribution as specified on the need analysis report. If the number of awards remaining is insufficient to award all equally ranked applicants, the tie will be broken through random selection.
2. Second priority for awards will be given to initial applicants. If the number of awards remaining is insufficient to award all initial applicants, they will be ranked and selected using the procedures specified in subparagraph (8)(a)2., of this rule.
3. Third priority for awards will be given to reinstatement applicants. If the number of awards remaining is insufficient to award all reinstatement applicants, they will be ranked and selected using the procedures specified in subparagraph (8)(a)3., of this rule.

(9) Payment of awards. The Department will provide for the delivery of funds to students each academic term by transmitting the funds to the institution for distribution to students. To be eligible for payment, the student must be enrolled full time at the end of the institution’s drop/add period. After disbursement of funds to a student or to the student’s account, the student may not return part or all of the award for the purpose of restoring a term of eligibility.

(10) Institutional responsibilities. Participating institutions must verify the continued eligibility of awarded students, provide for the disbursement of funds to students, comply with the Department’s reporting and refund requirements as specified in Rules 6A-20.002 and 6A-20.0021, F.A.C.


6A-20.029 Mary McLeod Bethune Scholarship Program and Trust Fund.

(1) General eligibility criteria for awards. To receive aid, a student must meet the provisions of Sections 240.4125, 240.404 and 240.4042, Florida Statutes, and Rules 6A-20.001, 6A-20.003, and 6A-20.0371, F.A.C., and:
(a) Be enrolled as a degree-seeking undergraduate student at either Florida Agricultural and Mechanical University, Bethune-Cookman College, Edward Waters College, or Florida Memorial College.

(b) Have been a bona fide Florida resident, pursuant to Section 240.1201, Florida Statutes, and Rule 6A-20.003, F.A.C., for twelve (12) months prior to the first day of class of the fall term of the academic year for which funds are being requested.

(c) Be enrolled for a minimum of twelve (12) credits at the end of the regular registration period, inclusive of the drop-add period, for each academic term in which aid is received.

(d) Not owe a repayment of a federal Title IV grant, or any state grant or scholarship program unless satisfactory arrangements to repay have been made.

(e) Not be in default on any state or federal student loan program, unless satisfactory arrangements to repay the loan have been made.

(2) Eligibility for initial awards.

(a) The application procedure shall be established and communicated to students by each participating institution.

(b) To be eligible for an initial award, a student must have earned a minimum, unweighted, cumulative grade point average of 3.0 on a 4.0 scale, or the equivalent, for high school subjects creditable towards a diploma.

(3) Eligibility for renewal awards. An applicant who receives the scholarship in one year will be considered for renewal the following year. All applicants for renewal of scholarships will be considered for awards in accordance with the following academic progress standards and the rating system established under subsection (8) of this rule. To be eligible for renewal of the scholarship, a student shall have met the following conditions of academic progress at the end of the second semester or third quarter of each academic year:

(a) Have earned a minimum institutional cumulative grade point average of 3.0 on a 4.0 scale;

(b) Have earned a minimum of twelve (12) credit hours each term for the number of terms for which the award was received; and

(c) Have filed a renewal application, if required by the institution.

(4) Reinstatement awards. A reinstatement applicant is a student who received the scholarship during one academic year and met the academic progress requirements for renewal of the scholarship, but did not receive the scholarship in the following year. To be eligible for reinstatement a student must:

(a) File an application for reinstatement within the deadlines established by the institution, if required by the institution;

(b) Apply for reinstatement within three (3) years of filing an initial application;

(c) Have maintained, at the end of the second semester or third quarter of each academic year, a cumulative grade point average of 3.0 on a 4.0 scale for all college work attempted.

(d) Applicants for reinstatement will be considered for awards in accordance with the rating system established under subsection (8) of this rule.

(5) Appeals. An applicant may appeal decisions of ineligibility made due to failure to meet academic progress requirements or errors made in determining student eligibility pursuant to Sections 240.404 and 240.4042, Florida Statutes, respectively.

(6) Amount of award. The full amount of the Mary McLeod Bethune Scholarship is three thousand (3,000) dollars annually. However, this institution may prorate its scholarship allocation equally among all eligible initial, renewal and reinstatement students as allowed under paragraph (8)(c) of this rule.

(7) Period of award. Awards are made annually for the first and second semesters of an academic year.

(8) Award procedures. The institution shall rank students prior to the beginning of the fall term each year based on the following rating system:

(a) The institution shall first determine that the applicant meets the general eligibility criteria pursuant to subsection (1) of this rule, and either the initial, renewal or reinstatement eligibility criteria, pursuant to subsections (2), (3) and (4), respectively, of this rule.

(b) The institution shall then rank all eligible applicants on the basis of financial need using the institution’s financial need policy pursuant to paragraph (16)(a) of this rule. Students having the greatest financial need shall receive the highest rank. In the event that there are more eligible applicants with financial need than there are scholarships available, the institution shall further rank such applicants on the basis of those having the highest grade point averages.

(c) Based on the number of awards allocated to the institution by the Department, the institution shall make full awards to eligible applicants who have the highest rank based on their financial need and grade point averages. The institution may, however, elect to provide partial scholarships to all applicants who meet the minimum eligibility criteria for an award by prorating the institution’s full scholarship allocation equally among all eligible initial, renewal and reinstatement applicants, without regard to ranking by financial need or grade point averages.

(d) The institution shall notify each applicant in writing of the status of the student’s application. The institution shall also notify each student in writing who receives a scholarship of the award amount.

(9) Number of awards to be allocated to each institution. The Department will notify each institution annually of the total number of scholarships made available through the General Appropriations Act. Each institution shall notify the Department, no later than June 1 annually, of the maximum number of scholarships for which the institution pledges matching contributions. In the event that the total number of scholarships pledged by all institutions exceeds the number of scholarships appropriated, the Department shall allocate scholarships on the basis of the institution’s request, or on the basis of each institution’s proportionate
number of full-time equivalent (FTE) students to the FTE of all institutions, whichever is less. FTE is the total number of semester hours attempted by Florida residents enrolled at the eligible institution during the fall term divided by fifteen (15) credit hours. The Department will send to each institution a final allocation notice no later than July 1 of each year which describes the number of scholarships allocated to the institution for the academic year and the amount of matching contribution in increments of one thousand (1,000) dollars that must be paid by each institution.

(10) Maximum terms of eligibility. A student is eligible to receive the award for eight (8) semesters or twelve (12) quarters over a period of six (6) consecutive years, or until the student receives a baccalaureate degree, whichever occurs first. A student may receive the award for up to ten (10) semesters or fifteen (15) quarters when: the student has enrolled in college preparatory course work required by the institution; the student needs additional terms of eligibility to meet the requirements of the College Level Academic Skills Testing (CLAST) Program; or the student is enrolled in a five (5) year undergraduate degree program. Five (5) year eligibility does not apply to a program of study which leads to the simultaneous award of a graduate and an undergraduate degree. Additional terms of eligibility for five (5) year programs will be allowed based on the number of credit hours required by the institution for completion of the program of study as follows:

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(11) Matching contributions. Each institution shall submit to the Department the total matching contribution for its scholarship allocation no later than August 1 prior to the academic year for which funds are being matched.

(12) Other contributions. The Department shall deposit in the trust fund any moneys contributed by private sources for use toward Mary McLeod Bethune Scholarships. Contributions received by May 31 of each year shall be used to meet the cost of institution matching contributions for the following academic year. The Department shall allocate any such monies for use by all institutions or earmark the contribution for use by a specific institution, in accordance with the request of the private source contributor.

(13) Disbursement procedures. The Department shall disburse scholarship funds to the institution on a term-by-term basis. The Department shall disburse an amount each term equal to one-half (1/2) of the annual scholarship amount for semester institutions multiplied by the total number of scholarships allocated to the institution. The institution shall disburse the funds to eligible students each term upon confirming each student’s continued eligibility at the end of the regular registration period each term, inclusive of the drop-add period. Notwithstanding the provisions of paragraph 6A-20.002(1)(k), F.A.C., the institution shall remit, no later than April 1 of each year, full refunds for any term awards not disbursed during the academic year and full refunds for any disbursements made in error to ineligible students. Refunds for disbursements made to eligible recipients who withdraw during a term shall be submitted to the Department within sixty (60) days of the date that the student’s enrollment terminated. Such refunds will be in amounts consistent with the percentage of refund as defined by the institution’s refund policy.

(14) Transfer of awards during the academic year. A student may request a transfer of the award from one (1) eligible institution to another during an academic year. To be eligible for transfer during the academic year, the student must notify the Department in writing no later than November 15 of the student’s transfer to another eligible institution. The Department will transfer the student’s term award, including matching contribution, to the new institution. A student who changes from one eligible institution to another eligible institution between academic years must comply with the renewal application procedures and deadlines established by the institution the student plans to attend.

(15) Annual report. Each institution shall file an annual report due to the Department no later than April 1 of each academic year. The annual report shall contain, at a minimum, the following information:

(a) A list which includes the social security number, last name, first name, race, sex, and disbursement amount by term for each student, a summary count of the total number of students and total amount of disbursements by term, and a certification that each student listed met all of the eligibility criteria as described in Section 240.4125, Florida Statutes, and this rule.

(b) A reconciliation of funds received and utilized during the academic year including: the total number of scholarship allocations received from the Department; the amount of funds received by the institution each term; the total number of students who received disbursements each term; the amount of dollars disbursed to students each term; and any refunds paid to the Department as described under subsection (13) of this rule.

(c) The institution’s method for determining a student’s financial need pursuant to paragraph (16)(a) of this rule.

(16) Other institutional responsibilities.

(a) The institution shall develop a written policy which describes the institution’s method of determining the financial need of students who apply for Mary McLeod Bethune Scholarships. The institution shall use this policy consistently in the ranking of all eligible initial, renewal and reinstatement applicants for scholarships as described in paragraph (8)(b) of this rule.
(b) All institutions shall comply with all administrative responsibilities described in Rule 6A-20.002, F.A.C., including the provisions of any reports of demographic or directory information on awarded students as needed by the Department. Bethune-Cookman College, Edward Waters College and Florida Memorial College shall comply with Rule 6A-20.0021, F.A.C.


6A-20.031 Florida Public Student Assistance Grant.

(1) General Eligibility Requirements. To receive aid, a student shall meet the provisions of Sections 240.1201, 240.404 and 240.409, Florida Statutes, and Rules 6A-20.001, 6A-20.003, and 6A-20.0371, F.A.C., and:

(a) Be enrolled in an associate or baccalaureate degree program and not have previously received a baccalaureate degree.

(b) Be enrolled for a minimum of twelve (12) credits for a full-time award, or nine (9) credit hours for a three-quarter time award, or six (6) credit hours for a half-time award at the end of the drop-add period for each academic term in which the award is received.

(c) Be a United States citizen, permanent resident, or eligible noncitizen pursuant to regulations established by the U.S. Congress or the U.S. Department of Education for the receipt of federal student financial assistance.

(d) Meet the measurable progress standards of the institution.

(e) Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state grant or scholarship program, unless satisfactory arrangements to repay the grant have been made.

(f) Not be in default on any state loan program or any federal Title IV loan program, unless satisfactory arrangements to repay the loan have been made.

(2) Reinstatement awards. A student who met the requirements for renewal provided in Section 240.404, Florida Statutes, but did not receive an award for a full academic year shall be eligible to apply for reinstatement during a subsequent application period. Each such student may be eligible for reinstatement if the student has earned a cumulative grade point average of 2.0 on a 4.0 scale at the last institution attended.

(3) Restoration awards. A student who fails to meet the renewal provisions of Section 240.404, Florida Statutes, shall be eligible to apply for restoration during a subsequent application period. Each such student may be eligible for restoration if the student has earned an institutional cumulative grade point average of 2.0 on a 4.0 scale.

(4) Appeals. An applicant may appeal the denial of an award pursuant to Sections 240.404 and 240.4042, Florida Statutes, and Rule 6A-20.0371, F.A.C.

(5) Period of the award. An award is made for the two (2) semesters or three (3) quarters or the equivalent of an academic year.

(6) Award procedures. The institution shall make preliminary determinations of applicant eligibility based on information it receives from the need analysis processor, cumulative grade point average, and earned credit information. The institution shall rank applicants who meet preliminary eligibility criteria by the expected family contribution cut-off established by the Department and estimate individual award amounts, taking into consideration a standard cost of education budget, expected family contribution, and estimated Pell Grant award amounts. Each institution shall verify the eligibility of such students and provide individual award notices to the students.

(7) Institutional responsibilities. Each institution shall report to the Department each term within thirty (30) days of the end of the institution’s regular drop/add period the social security number and award amount of each awarded student. Each institution shall report to the Department each term within thirty (30) days of the end of the institution’s regular drop/add period the social security number of each eligible but not awarded student. Institutions will remit refunds and will submit accompanying notices to the students.

(8) Student responsibilities. Each student receiving aid under the scholarship program, unless satisfactory arrangements to repay the loan have been made.

6A-20.032 Florida Private Student Assistance Grant.

(1) General eligibility requirements. To receive aid, a student shall meet the provisions of Sections 240.1201, 240.404 and 240.4095, Florida Statutes, and Rules 6A-20.001, 6A-20.003, and 6A-20.0371, F.A.C., and:

(a) Be enrolled in an associate or baccalaureate degree program and not have previously received a baccalaureate degree.

(b) Be enrolled for a minimum of twelve (12) credit hours for full-time award at the end of the drop-add period for each academic term in which the award is received.

(c) Be a United States citizen or permanent resident, or eligible non-citizen pursuant to regulations established by the U.S. Congress or the U.S. Department of Education for the receipt of federal student financial assistance.

(d) Meet the measurable progress standards of the institution.

(e) Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state grant or scholarship program, unless satisfactory arrangements to repay the loan have been made.

(f) Not be in default on any state loan program or any federal Title IV loan program, unless satisfactory arrangements to repay the loan have been made.
(2) Reinstatement awards. A student who met the requirements for renewal provided in Section 240.404, Florida Statutes, but did not receive an award for a full academic year shall be eligible to apply for reinstatement during a subsequent application period. Each such student may be eligible for reinstatement if the student has earned a cumulative grade point average of 2.0 on a 4.0 scale at the last institution attended.

(3) Restoration awards. A student who fails to meet the renewal provisions of Section 240.404, Florida Statutes, shall be eligible to apply for restoration during a subsequent application period. Each such student may be eligible for restoration if the student has earned an institutional cumulative grade point average of 2.0 on a 4.0 scale.

(4) Appeals. An applicant may appeal the denial of an award pursuant to Sections 240.404 and 240.4042, Florida Statutes, and Rule 6A-20.0371, F.A.C.

(5) Period of the award. An award is made for the two (2) semesters or three (3) quarters or the equivalent of an academic year.

(6) Award procedures. The institution shall make preliminary determinations of applicant eligibility based on information it receives from the need analysis processor, cumulative grade point average, and earned credit information. The institution shall rank applicants who meet preliminary eligibility criteria by the expected family contribution cut-off established by the Department and estimate individual award amounts, taking into consideration a standard cost of education budget, expected family contribution, and estimated Pell Grant award amounts. Each institution shall verify the eligibility of such students and provide individual award notices to the students.

(7) Institutional responsibilities. Each institution shall report to the Department each term within thirty (30) days of the end of the institution’s regular drop/add period the social security number and award amount of each awarded student. Each institution shall report to the Department within thirty (30) days of the end of the institution’s regular drop/add period the social security number of each eligible but not awarded student. Institutions will remit refunds and will submit accompanying documentation to the Department within sixty (60) days of the end of the institution’s regular registration period or within sixty (60) days of the date of the transmittal of supplemental warrants.


6A-20.033 Florida Postsecondary Student Assistance Grant.

(1) General eligibility requirements. To receive aid, a student shall meet the provisions of Sections 240.1201, 240.404, and 240.4097, Florida Statutes, and Rules 6A-20.001, 6A-20.003, and 6A-20.0371, F.A.C., and:

(a) Be enrolled in an associate or baccalaureate degree program and not have previously received a baccalaureate degree.

(b) Be enrolled for a minimum of twelve (12) credit hours for full-time award at the end of the drop-add period for each academic term in which the award is received.

(c) Be a United States citizen, permanent resident, or eligible non-citizen pursuant to regulations established by the U.S. Congress or the U.S. Department of Education for the receipt of federal student financial assistance.

(d) Have met the measurable progress standards of the institution.

(e) Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state grant or scholarship program, unless satisfactory arrangements to repay the loan have been made.

(f) Not be in default on any state loan program or any federal Title IV loan program, unless satisfactory arrangements to repay the loan have been made.

(2) Reinstatement awards. A student who met the requirements for renewal provided in Section 240.404, Florida Statutes, but did not receive an award for a full academic year shall be eligible to apply for reinstatement during a subsequent application period. Each such student may be eligible for reinstatement if the student has earned a cumulative grade point average of 2.0 on a 4.0 scale at the last institution attended.

(3) Restoration awards. A student who fails to meet the renewal provisions of Section 240.404, Florida Statutes, shall be eligible to apply for restoration during a subsequent application period. Each student may be eligible for restoration if the student has earned an institutional cumulative grade point average of 2.0 on a 4.0 scale.

(4) Appeals. An applicant may appeal the denial of an award pursuant to Sections 240.404 and 240.4042, Florida Statutes, and Rule 6A-20.0371, F.A.C.

(5) Period of the award. An award is made for the two (2) semesters or three (3) quarters or the equivalent of an academic year.

(6) Award procedures. The institution shall make preliminary determinations of applicant eligibility based on information it receives from the need analysis processor, cumulative grade point average, and earned credit information. The institution shall rank applicants who meet preliminary eligibility criteria by expected family contribution cut-off established by the Department and estimate individual award amounts, taking into consideration a standard cost of education budget, expected family contribution, and estimated Pell Grant award amounts. Each institution shall verify the eligibility of such students and provide individual award notices to the students.

(7) Institutional responsibilities. Each institution shall report to the Department within thirty (30) days of the end of the institution’s regular drop/add period the social security number and award amount of each awarded student. Each institution will report to the Department within thirty (30) days of the end of the institution’s regular drop/add period the social security number of
each eligible, but not awarded students. Institutions will remit refunds and will submit accompanying documentation to the
Department within sixty (60) days of the end of the institution’s regular registration period or within sixty (60) days of the date of
the transmittal of supplemental warrants.

Specific Authority 229.053(1), 240.4097(1), (8) FS. Law Implemented 240.1201, 240.404, 240.4042, 240.4097 FS. History–New 12-18-90,
Amended 3-24-92, 10-18-94, 11-3-02.

6A-20.036 Fee Generated Adult and Vocational Student Financial Aid.
Districts shall assess each fee non-exempt vocational and adult student a financial aid fee equal to ten (10) percent of the student’s
required fee amount.
(1) All financial aid fees shall:
(a) Be deposited in the district’s Financial Aid Fee Trust Fund. Revenue in this fund is to be used to pay in full or in part the
fees of persons with demonstrated financial need. Funds used to pay students’ fees shall be transferred from the Financial Aid Fee
Trust Fund to the district’s General Fund. Districts may implement an alternative accounting procedure in which financial aid fees
are recorded in a discrete General Fund account which is subsequently reduced as these monies are used to pay course fees.
(b) Be used to pay in full or in part the fees of eligible students as quickly as possible. Funds not needed to pay fees may be
carried forward for use in the following fiscal year.
(2) A student applying for adult and vocational student financial aid must be a Florida resident and must complete a Pell Grant
application. Districts shall use the Pell Grant assessment of the financial need in establishing criteria and procedures for approving
financial aid fee waivers.
(3) The Division of Applied Technology and Adult Education shall prescribe an annual report format in which each district
shall provide sufficient detail necessary to evaluate the effectiveness of this financial aid program. The annual report shall include
at least the following:
(a) Criteria used to determine student eligibility for financial aid fee payments, the amount and number of payments in full or
part by type of student.
(b) Student demographic data as required by the Commissioner. The data requirements will be limited to data contained in the
Division of Public Schools, Student and Staff Data Base.
(c) Financial data on:
1. Amount of financial aid fees collected during the fiscal year;
2. Amount of financial aid fees paid; and
3. Balance of financial aid fees unused or unobligated at the end of the fiscal year and carried forward to the next fiscal year.

Specific Authority 229.053(1) FS., Proviso Language, paragraph 11, Specific Appropriation 509, Chapter 91-193, Laws of Florida. Law

6A-20.0371 Right to Appeal Eligibility Determination.
(1) This rule applies to all state student financial assistance programs administered by the Bureau of Student Financial
Assistance, Florida Department of Education.
(2) Actions prior to appeal. An applicant who believes that the Bureau of Student Financial Assistance, Florida Department of
Education, has made an error in determining the applicant’s eligibility to receive a state student financial aid award, or has failed, in
error, to transfer an award from one eligible institution to another when the applicant has met the deadline for requesting transfer of
an award, should first seek to resolve the matter by contacting the program section of the Office of Student Financial Assistance
and providing documentation necessary to resolve the issue.
(3) Circumstances for appeal. If the applicant believes that either of the situations identified in subsection (2) of this rule was
not resolved with the program section of the Office of Student Financial Assistance, the applicant may file a formal written appeal
for review by the Director, Bureau of Student Financial Assistance, using the following procedure:
(a) Submit a written appeal to the Director, Bureau of Student Financial Assistance, Florida Department of Education, 1940
North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759. The written appeal must fully describe the nature of the error the
applicant believes has been made and must contain documentation which supports the applicant’s claim of eligibility to receive a
state student financial aid award or to have the award transferred to another eligible institution. A copy of the notice of the
applicant’s ineligibility shall be attached to the written appeal.
(b) The written appeal shall be postmarked within thirty (30) days of the issue date of the notice of the award denial or notice
that the award was not transferred. An applicant who fails to file a timely appeal waives the right of appeal.
(c) The Director of the Bureau of Student Financial Assistance will respond to the applicant in writing within thirty (30) days
of receiving the appeal.
(d) An applicant who wishes to appeal the decision of the Director of the Bureau of Student Financial Assistance may request
further review by an appeals committee in accordance with subsection (4) of this rule.
(4) Appeals committee. If an applicant continues to believe an error has been made after receiving the Director’s response to an
appeal submitted in accordance with subsection (3) of this rule, the applicant may request further review by an appeals committee.
The request for committee review must be submitted to the Director of the Bureau of Student Financial Assistance in writing within
twenty (20) days of the date of the Director’s response to the applicant’s formal written appeal. A final decision will be issued by the appeals committee within thirty (30) days of receiving the applicant’s request for an appeals committee review. The applicant will be provided a written copy of the appeals committee’s decision in the form of a final order. The decision issued by the appeals committee is final agency action.


6A-20.038 Florida Work Experience Program.

(1) General eligibility requirements. To receive aid, a student shall meet the provisions of Sections 240.404 and 240.606, Florida Statutes, and Rules 6A-20.001, 6A-20.003, and 6A-20.0371, F.A.C., and:

(a) Attend an eligible institution as specified in Section 240.606(1), Florida Statutes.

(b) Enroll as an undergraduate student for at least six (6) credit hours. A student may be employed during the break between two (2) consecutive terms. A student may also be employed and not enrolled during the summer term if he preregisters as no less than a half-time student for the subsequent academic term. A student who attends an institution that does not provide preregistration shall provide documentation of intent to enroll as no less than a half-time student for the subsequent academic term.

(c) Demonstrate financial need by submitting, annually, a completed need analysis form approved by the Department to the need analysis agency.

(d) Be a Florida resident for other than educational purposes for a minimum of twelve (12) months immediately preceding the first day of classes of the first term of the academic year for which funds are being requested.

(e) Have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale for all college work if an initial or reinstatement student; have earned a minimum 2.0 cumulative grade point average for all college work as of the end of the second semester or third quarter to be eligible for renewal of the award.

(f) A renewal applicant must have earned, during the previous summer and two (2) semesters or three (3) quarters, the following number of credit hours per term for the number of terms for which the award was received:

1. Twelve (12) credit hours for full-time enrollment,
2. Nine (9) credit hours for three-quarter time enrollment, or
3. Six (6) credit hours for half-time enrollment. A student who fails to earn the required credits as of the end of the second semester or third quarter is not eligible to renew the award for the following year.

(g) Not owe a repayment of a federal grant or a state grant or scholarship program unless satisfactory arrangements to repay have been made.

(h) Not to be in default on any federal Title IV loan program or any state loan program, unless satisfactory arrangements to repay the loan have been made.

(2) Appeals. A student may appeal under the terms of Sections 240.404 and 240.4042, Florida Statutes, and Rule 6A-20.0371, F.A.C.

(3) Maximum terms of eligibility. Students shall be eligible to participate in the program for a maximum of eight (8) semesters or twelve (12) quarters, or the equivalent for less than full-time enrollment, or until receipt of a first baccalaureate degree, whichever comes first. However, pursuant to Section 240.404(3), Florida Statutes, an undergraduate student participating in college preparatory instruction, a student requiring additional time to complete the college-level communication and computation skills testing program, or a student enrolled in an approved five-year undergraduate degree program shall be eligible to receive financial aid for a maximum of ten (10) semesters or fifteen (15) quarters or the equivalent for less than full-time enrollment. An eligible five (5) year degree program is one which requires completion of at least one hundred thirty two (132) semester hours or one hundred ninety two (192) quarter hours for an undergraduate degree. Five (5) year eligibility does not apply to a program which leads to the simultaneous award of a graduate and undergraduate degree.

(4) Employment requirements. Postsecondary educational institutions shall contract with public or private employers. A participating postsecondary institution cannot contract with another postsecondary educational institution. Contracts shall include as a minimum the following institutional and employer responsibilities:

(a) Institutional responsibilities are:

1. To select and refer eligible students for consideration of employment by the employer.
2. To reimburse a private employer for seventy (70) percent of the student’s wages. If the employer is a public elementary or secondary school, the institution shall reimburse the employer one hundred (100) percent of the student’s wages. Reimbursement is limited to student wages and shall not include costs for fringe benefits, travel or other related employment costs.
3. To monitor the number of hours per week that the student works and the earnings of the student to avoid overcommitment of Florida Work Experience Program (FWE) funds, or financial aid overawards.
4. To place the student in a job which is complementary to and reinforces the student’s educational program and career goals.
5. To determine the number of hours to be worked per week; however, the student’s award in combination with all other resources shall not exceed the student’s net financial need. The student’s earnings shall not exceed the FWE award by more than three hundred (300) dollars per academic year.
6. To ensure that students participating in this program are not discriminated against by employers or prospective employers on the basis of race, color, national origin, sex or handicap in recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility or in pay. An institution may not honor an employer’s request for students who are free of handicap or for students of a particular race, color, national origin or sex.

(b) Employer’s responsibilities are:
1. To place the student on the employer’s payroll and provide compensation to the student at least once per month. Such compensation shall be in an amount no less than the federal minimum hourly wage.
2. To be responsible for the total cost of mandatory benefits, including Social Security.
3. To provide the institution with a copy of a work agreement signed by the student and the employer which documents the duties of the job, the number of hours the student is to be employed, and the hourly rate of pay.
4. To develop and implement with the institution a program of supervision for each student which is consistent with the duties of the job and educational objectives of the student.
5. To certify that the work performed by the students employed does not displace regular employees.
6. To maintain time sheets for each student employed and provide copies to the institution when requesting reimbursement.
7. To regularly request reimbursement from the institution.
8. To provide an assurance that students will be accepted and assigned to jobs and otherwise treated without regard to race, color, national origin, sex or handicap if the employer enters into a written agreement with the institution.

(5) Other institutional responsibilities. A participating postsecondary institution shall:
(a) Determine student need in the same manner as it determines need for other need-based programs; however, earnings shall not be used to replace the family contribution.
(b) Count earnings for periods of employment during which students are not enrolled in the same manner as required by the federal Title IV College Work Study Program.

(6) On-campus student employment. Institutions may use up to twenty-five (25) percent of their total FWEP allocations for student employment within the institution. The institution shall be reimbursed for seventy (70) percent of student wages. Funds from other student financial aid sources shall not be used to provide the institution’s thirty (30) percent portion of the students’ wages.

(7) Other reimbursable costs. Institutions may use up to ten (10) percent of their total FWEP allocations to meet the costs of program administration at the institution. Such costs may include, but are not limited to salaries, office supplies, printing and program advertising.

(8) Allocations. The Department shall allocate funds annually to be used by institutions during the July 1 through June 30 state fiscal year. To be eligible for funds, institutions must complete and submit by the deadlines established by the Department FWEP-1, Florida Work Experience Program Institutional Request for Funds Due by June 30; FWEP-2, Florida Work Experience Program Year-End Student Data Report; which are hereby incorporated by reference and made a part of this rule to become effective April 1993. Copies of forms FWEP-1, FWEP-2, and FWEP-3 may be obtained from the Office of Student Financial Assistance, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. Allocations will be made by the Department as follows:
(a) Each institution will receive a base allocation equal to the lesser of its reported expenditures for the prior fiscal year or the amount of its request. When funds are insufficient to make such allocations, each institution will receive a proportional allocation of available funds based on the ratio of each institution’s prior year expenditures to the total prior year expenditures of all institutions.
(b) The Department may designate any unused portion of an institution’s prior year allocation for use toward the institution’s current year allocation, or may use such a balance to increase the institution’s current year allocation.
(c) From current year funds that remain available or that become available during the fiscal year, the Department will make allocations to newly participating institutions, and may increase allocations to institutions that participated during the previous year based on the institutions’ original requests, written supplemental requests or as determined by the Department based on other institutional needs.
(d) The Department shall disburse the institutional allocation in equal portions in September and December. The Department may make preliminary allocations and disbursements in July to institutions that participated in the FWEP during the previous fiscal year.
(e) Any unused portion of an institution’s previous year allocation shall be refunded to the Department within sixty (60) days of the end of the fiscal year except as described under paragraph (9)(c) of this rule.
(9) Use of FWEP funds. Funds provided under this program shall not be used to replace institutional funds which would otherwise be used to support such student employment.

Specific Authority 229.053(1), 240.606(7) FS. Law Implemented 240.404, 240.4042, 240.606 FS. History–New 7-1-93, Amended 10-15-02.
6A-20.039 Florida Teacher Scholarship and Forgivable Loan Program.

(1) General eligibility requirements. To receive a “Chappie” James Most Promising Teacher Scholarship (Scholarship) or a Florida Critical Teacher Shortage Forgivable Loan (Loan), students shall meet the provisions of Sections 240.404 and 240.4063, Florida Statutes, Rules 6A-20.001 and 6A-20.0371, F.A.C., and:

(a) Be enrolled for a minimum of twelve (12) credit hours for undergraduate study or a minimum of nine (9) credit hours for graduate study for each academic term in which aid is received.

(b) Not owe a repayment of a federal grant or any state grant or scholarship program unless satisfactory repayment arrangements have been made.

(c) Not be in default on a loan made under any federal Title IV program or any state loan program unless satisfactory repayment arrangements have been made.

(d) Not have received a Paul Douglas Teacher Scholarship.

(e) Not have previously received a Critical Teacher Shortage Scholarship Loan, a “Chappie” James Most Promising Teacher Scholarship Loan or a Masters Fellowship Loan for Teachers.

(2) Scholarship – initial eligibility. To be eligible for an initial scholarship, a student must:

(a) Submit Form FFAA-1, Florida Financial Aid Application for Students as incorporated by reference in Rule 6A-20.020, F.A.C., and Form CHS-1, High School Certification Form, as incorporated by reference in Rule 6A-20.023, F.A.C., by April 1 during the senior year of high school. A copy of Forms FFAA-1 and CHS-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(b) Attend an eligible public or private Florida high school. An eligible private Florida high school is one in compliance with Section 229.808, Florida Statutes.

(c) Have a minimum cumulative unweighted high school grade point average (GPA) of 3.0 on a 4.0 scale.

(d) Be ranked in the top quartile of the student’s senior class by the high school.

(e) Have test scores on either the American College Testing Program (ACT) or Scholastic Aptitude Test (SAT).

(f) Have been an active member of a future teacher organization, if such an organization exists at the student’s high school.

(g) Provide written acknowledgement of the intent to enter the public school teaching profession in Florida.

(h) Be nominated by the high school principal.

(i) Not have previously received a bachelor’s degree.

(j) Enroll in a degree program at either a state university or community college, or an eligible independent institution pursuant to Section 229.808, Florida Statutes.

(c) Have a minimum cumulative unweighted high school grade point average (GPA) of 3.0 on a 4.0 scale.

(d) Be ranked in the top quartile of the student’s senior class by the high school.

(e) Have test scores on either the American College Testing Program (ACT) or Scholastic Aptitude Test (SAT).

(f) Have been an active member of a future teacher organization, if such an organization exists at the student’s high school.

(g) Provide written acknowledgement of the intent to enter the public school teaching profession in Florida.

(h) Be nominated by the high school principal.

(i) Not have previously received a bachelor’s degree.

(j) Enroll in a degree program at either a state university or community college, or an eligible independent institution pursuant to Section 229.808, Florida Statutes.

(3) Scholarship – renewal eligibility.

(a) Eligibility for renewal of a scholarship will be evaluated at the end of the second semester or third quarter of the academic year.

(b) The Department will create a renewal application for each student who received an initial scholarship for one or more terms and who meets the requirements for renewal.

(c) For renewal of the scholarship, the student must:

1. Have earned a minimum institutional cumulative GPA of 2.5 on a 4.0 scale for all college work.

2. Have earned a minimum of twelve (12) credit hours per term or the equivalent for the number of terms for which the scholarship was received.

3. Be classified as a freshman or sophomore student.

(4) Loan – initial eligibility. To be eligible for an initial undergraduate or graduate loan, a student must:

(a) Submit Form FFAA-1, Florida Financial Aid Application for Students as incorporated by reference in Rule 6A-20.020, F.A.C., and Form CPSI-1, Postsecondary Certification, as incorporated by reference in Rule 6A-20.01, F.A.C., by April 1 during the senior year of high school. A copy of Forms FFAA-1 and CPSI-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(b) Be enrolled in a state-approved teacher preparation program which leads to certification in a critical teacher shortage (CTS) subject area.

(c) Provide a written declaration of an intent to teach in publicly-funded elementary or secondary schools in Florida for the number of years the loan is received.

(d) For an undergraduate loan, a student must:

1. Be an upper division student.

2. Have a passing score on the College Level Academic Skills Test.

3. Have earned a minimum cumulative GPA of 2.5 on a 4.0 scale for all undergraduate work.

4. Not have previously received a bachelor’s degree.

(e) For a graduate loan, a student must:

1. Have a bachelor’s degree from a postsecondary institution accredited in accordance with Rule 6A-20.003, F.A.C.

2. Have either earned a minimum cumulative GPA of 3.0 on a 4.0 scale for all undergraduate work or scored at least one thousand (1000) on the Graduate Record Examination (GRE).

3. Not have a bachelor’s degree in education in a CTS subject area.

4. Not hold a teaching certificate in a CTS subject area.
5. Not have received an undergraduate loan through this program.

(5) Loan – renewal eligibility.
(a) Eligibility for renewal of a loan will be evaluated at the end of the second semester or third quarter of the academic year.
(b) The Department will create a renewal application for each student who received a loan for one or more terms and who meets the requirements for renewal.
(c) The removal of a student’s subject area from the list of CTS subject areas will not affect eligibility.
(d) For renewal of an undergraduate loan, the student must:
   1. Have earned a minimum cumulative GPA of 2.5 on a 4.0 scale for all undergraduate work.
   2. Have earned a minimum of twelve (12) credit hours per term or the equivalent for the number of terms for which the loan was received.
(e) For renewal of a graduate loan the student must:
   1. Have earned a minimum cumulative GPA of 3.0 on a 4.0 scale for all graduate work.
   2. Have earned a minimum of nine (9) credit hours per term or the equivalent for the number of terms for which the loan was received.

(6) Appeals. A student may appeal decisions of ineligibility made due to failure to meet academic progress requirements or errors made by the Office of Student Financial Assistance under the terms of Rule 6A-20.0371, F.A.C.

(7) Amount of award.
(a) The annual amount of a scholarship shall be one thousand five hundred (1,500) dollars.
(b) The annual amount of an undergraduate loan shall be the cost of education, less other student aid, for a maximum of four thousand (4,000) dollars.
(c) The annual amount of a graduate loan shall be the cost of education, less other student aid, for a maximum of eight thousand (8,000) dollars.

(8) Period of Award. Awards will be made annually for each academic year.

(9) Maximum terms of eligibility.
(a) A scholarship shall be available for a maximum of four (4) semesters or six (6) quarters.
(b) An undergraduate loan shall be available for a maximum of four (4) semesters or six (6) quarters, unless a student is enrolled in a teacher program requiring five (5) years of instruction for initial certification. An undergraduate loan for a student in a five (5) year teacher program shall be available for a maximum of six (6) semesters or nine (9) quarters.
(c) A graduate loan shall be available for a maximum of four (4) semesters or six (6) quarters.

(10) Scholarship nomination procedures. Each eligible secondary school shall review applications submitted by secondary school seniors. Each public secondary school principal shall submit the nomination of three (3) eligible applicants and each nonpublic secondary school principal shall submit the nomination of one (1) eligible applicant to be considered for an award. Each nominees’ Form CHS-1, High School Certification, must be submitted to the Department by April 1.

(11) Scholarship award procedures.
(a) From public secondary school nominees, one (1) scholarship will be awarded to an eligible nominee from each public high school. From nonpublic secondary school nominees, an additional number of scholarships will be awarded in accordance with Section 240.4063(2), Florida Statutes.
(b) Nominees from each public secondary school shall first be ranked according to CTS area, then by GPA and then by nationally recognized standard test scores. One nominee from each public secondary school will be selected by the Department to receive a scholarship.
(c) All nonpublic secondary school nominees shall be ranked first according to CTS area, then by GPA and then by nationally recognized standard test scores. A committee comprised of representatives from nonpublic secondary schools and the Department will select a proportional number of nonpublic secondary school nominees to receive scholarships.
(d) At least fifteen (15) percent of the initial scholarships shall be awarded to minority students. If fifteen (15) percent or less of the total secondary school nominees are minority students, awards will be made to all eligible minority nominees.
(e) The Department may make additional initial awards to eligible nominees if funds are available.
(f) If funds are insufficient to make awards to all eligible renewals and all initial recipients selected, then all awards will be prorated for the second semester or second and third quarter.
(g) The Department shall notify students and institutions of the students’ award eligibility.

(12) Loan award procedures.
(a) The Department shall give priority to eligible renewals.
(b) Initial loan applicants will be considered for awards from funds remaining after all renewals have received the maximum eligible award. If funds are insufficient to award all initial loan applicants, initial loan recipients will be selected first by GPA and second by whether the applicant was a recipient of a scholarship under this program.
(c) The Department shall notify students and institutions of the students’ award eligibility. The award notice to an initial loan applicant will provide for the acceptance of the award in the form of a properly executed Form FTSL-4, Critical Teacher Shortage Forgivable Loan Promissory Note (Fixed Rate), which is hereby incorporated by reference and made a part of this rule to become
advances. The minimum monthly payment shall be fifty (50) dollars or the unpaid balance of the aggregate amount of the loan plus repayment schedule based upon the actual date of completion or termination reported, and shall include the total of all loan student has completed an approved teacher education program or has terminated full-time study, shall provide the student with a full-time study. The Department shall use the expected date of completion reported to the Department by the borrower to establish the thirteenth month after the date of completion of an approved teacher education program or after the date of termination of teaching service.

Interest will not accrue during periods of approved deferment or eligible teaching service or repayment in cash. The ten (10) years shall include any interest. The thirteenth month after the date of completion of an approved teacher education program, or after the date of termination of full-time study. The ten (10) years shall include any interest. However, in no instance shall the minimum monthly payment be less than the accruing monthly outstanding collection costs and to any outstanding interest prior to applying any payment to principal.

Promissory notes. Upon receipt of the institutions’ certification of disbursements to students each academic term, the Department shall enter the disbursed amount on each student’s promissory note. A statement, with the amount of loan financed to date, will be mailed by the Department, or its designee, to the borrower at the end of each academic year.

Student reporting requirements. Form DCOR-1, Student Status Report, is hereby incorporated by reference and made a part of this rule to become effective October 2002. A copy of Form DCOR-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Scholarship loan recipients shall complete the appropriate section of Form DCOR-1 and return it to the Department upon termination of enrollment, change of name or permanent address or institution, or termination of full-time enrollment. Loan recipients shall complete the appropriate section of Form DCOR-1 and return it to the Department upon completion of the approved teacher education program, termination of enrollment in an approved teacher education program, change of name or permanent address or institution, termination of full-time enrollment, or if requesting a reduction in the loan amount.

Borrower repayment requirements. The Florida Critical Teacher Shortage Forgivable Loan shall be repaid either through eligible teaching service or repayment in cash. Cash repayment. A loan recipient who fails to complete an approved teacher education program or who fails to render the required teaching service in grades pre-K through twelve (12) in a Florida publicly-funded school shall be responsible for repaying the total loan, plus interest and all applicable collection charges. The Department shall charge a borrower an amount equal to reasonable costs incurred in collecting a loan, whether or not provided for in the borrower’s promissory note and subject to any limitation on the amount of those costs in that note. These costs may include, at a minimum, all attorney’s fees, collection agency charges, and court costs.

Procedures for applying cash repayments. The Department, or its designee, shall apply a cash repayment to any outstanding collection costs and to any outstanding interest prior to applying any payment to principal.

Interest rate and accrual. Interest, at an annual rate of eight (8) percent, shall begin to accrue on the first day of the thirteenth month after the date of completion of an approved teacher education program, or after the date of termination of full-time study toward the degree for which the loan was awarded. Interest will not accrue during periods of approved deferment or eligible teaching service.

Repayment beginning date and minimum payment due. Repayment of principal and interest shall begin on the first day of the thirteenth month after the date of completion of an approved teacher education program or after the date of termination of full-time study. The Department shall use the expected date of completion reported to the Department by the borrower to establish the repayment schedule unless notified otherwise in writing. The Department, or its designee, upon receipt of notification that a student has completed an approved teacher education program or has terminated full-time study, shall provide the student with a repayment schedule based upon the actual date of completion or termination reported, and shall include the total of all loan advances. The minimum monthly payment shall be fifty (50) dollars or the unpaid balance of the aggregate amount of the loan plus accrued interest, whichever is less. However, in no instance shall the minimum monthly payment be less than the accruing monthly interest.

Maximum repayment period. A loan, plus interest, shall be paid back within ten (10) years of the date of completion of an approved teacher education program or after the date of termination of full-time study. The ten (10) years shall include any approved periods of deferment pursuant to subsection (31) of this rule.

Collective options. In the collection of principal and loan interest due, the Department shall have the authority to use any reasonable method to assist the borrower in repaying the loan. Such procedures include but are not limited to:

Approving forbearance, and offering graduated repayment and income sensitive repayment schedules.

Matching the names of defaulted borrowers with the names of employees of the state, political subdivisions, or local governments.
(c) Withholding of government wages, pursuant to Section 112.175, Florida Statutes, in the event borrowers fail to enter repayment or fail to make scheduled payments.

(d) Assignment of defaulted loans to the Department’s designated collection agencies.

(e) Reporting of defaulted loans to all national credit bureaus and the National Student Loan Data System (NSLDS).

(f) Withholding of State of Florida lottery winnings pursuant to Section 24.115(4), Florida Statutes.

(24) Teaching service in lieu of cash repayment. In lieu of cash repayment, a recipient who is teaching full-time in a Florida public school shall, within forty-five (45) days of when the eligible teaching service begins, submit to the Department or its designee, Form DNES, Request for Deferment or Notice of Employment Service, which is hereby incorporated by reference and made a part of this rule to become effective July, 1993. A copy of Form DNES may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(25) Definition of eligible teaching service. For teaching service to be counted toward cancellation of a loan, the recipient must be employed full-time in grades pre-K through twelve (12) in a Florida public school.

(26) Definition of a year in teaching. The school year shall comprise the period during which the schools are regularly in session for the minimum number of one hundred eighty (180) days of instruction or the equivalent as defined in Section 228.041(16), Florida Statutes. The loan recipient may be eligible to have allowable interest and principal cancelled upon completion of the following days of eligible teaching service during the regular school year: 45-89 days count for one-fourth a year of eligible teaching service; 90-134 days count for one-half a year of eligible teaching service; 135-179 days count for three-fourths a year of eligible teaching service; 180 days count for one full year of eligible teaching service.

(27) Verification of teaching service. A teacher shall apply for teaching credit for a loan by submitting annually to the Department, within forty-five (45) days of completion of eligible teaching service, Form CES, Certificate of Employment Service, which is hereby incorporated by reference and made a part of this rule to become effective July, 1993. A copy of Form CES may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(28) Teacher cancellation provisions. The Department or its designee, upon receipt of Form CES, shall cancel a maximum of four thousand (4,000) dollars of loan principal, and accrued interest, for each year of eligible teaching service in accordance with the provisions of subsection (26) of this rule.

(29) Returning promissory notes to borrowers. When a total loan indebtedness is satisfied either by rendering teaching service or by cash payment, the Department shall cancel and return the promissory note, Form FTSL-4, to the loan recipient.

(30) Promissory note cancellation due to death or permanent disability. Forgivable Loan Promissory Notes shall be cancelled by the Commissioner upon receipt of the certificate of death of the loan recipient or proof of permanent disability which renders the loan recipient unable to work or unable to teach.

(31) Deferment from repayment and interest accrual. Deferments from repayment and interest accrual may be granted to loan recipients for half-time attendance at a postsecondary institution, for unemployment when the recipient is conscientiously seeking but unable to secure full-time employment as a teacher in a Florida publicly-funded school, and for economic hardships, which will cover a borrower who earns less than minimum wage or exceeds a federally defined debt-to-income ratio, or for other hardships determined by the Department to render the recipient unable to make repayment. A loan recipient may also be eligible for a graduate fellowship deferment, which covers study under an eligible graduate fellowship program, and a rehabilitation training program deferment, which covers a qualified individual’s participation in a rehabilitation training program. Deferments may be granted upon request for a total of up to twenty-four (24) months. Any deferment period may not exceed a maximum of one (1) year. The Department may request documentation of the conditions supporting the request for deferment. To request a deferment, recipients shall file Form DNES. A recipient must notify the Department as soon as conditions for which the deferment was granted no longer exist. Periods of deferment do not extend the maximum repayment period of ten (10) years.


6A-20.040 Occupational Therapist or Physical Therapist Tuition Reimbursement Program.

(1) Therapist. As used in this rule, therapist means an occupational therapist (OT), physical therapist (PT), occupational therapy assistant (OTA) or physical therapist assistant (PTA).

(2) Eligibility requirements. To receive aid, therapists shall meet the provisions of Sections 240.6071 and 240.6075, Florida Statutes, and Rules 6A-20.001 and 6A-20.0371, F.A.C., and:

(a) Submit by September 15, Form FFAA-3, Florida Financial Aid Application for Occupational/Physical Therapists, which is hereby incorporated by reference in this rule to become effective October 2002. Form CPSI-1, Postsecondary Certification, and Form CEMP-1, Employment Certification, as incorporated by reference in Rule 6A-20.012, F.A.C. A copy of Forms FFAA-3, CPSI-1, and CEMP-1, may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(b) Have, at minimum, a valid temporary Florida permit as a therapist from the Department of Health.

(c) Be employed as a therapist full-time in a Florida publicly-funded school as defined in Section 228.041, Florida Statutes, and have been employed as such for a minimum of three (3) years.
(d) Have completed a course intended to improve professional skills or knowledge at a state university or community college, or any Florida college or university which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

(e) Not receive reimbursement from other sources sufficient to pay the full cost of tuition and registration fees for a course(s) for which reimbursement is being sought.

(f) Earn a minimum grade of 3.0 on a 4.0 scale, or its equivalent, in course for which tuition reimbursement is sought.

(g) Not owe a repayment of a federal grant or any state grant or scholarship program unless satisfactory repayment arrangements have been made.

(h) Not be in default on a National Defense Loan, Perkins National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan programs, unless satisfactory repayment arrangements have been made.

(i) Not have received a Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan or participated in the Critical Occupational Therapist or Physical Therapist Shortage Loan Forgiveness Program.

(3) Application distribution. By October 15 of each year, the Department shall distribute a description of the program and the application process utilizing the State Student Financial Aid Database to Florida publicly-funded school district superintendents. The publicly-funded schools shall be responsible for providing eligible employees with information regarding the program and the necessary forms.

(4) Award procedures. The Department shall make awards after the application deadline. Awards may be prorated based on the number of eligible applicants. An applicant may receive aid for a maximum of nine (9) credit hours during a period beginning with the fall term and ending with the close of the summer term, for a maximum of seventy-eight (78) dollars per credit, for up to a total of thirty-six (36) credits. The Department shall notify applicants of their award eligibility and shall provide for the delivery of funds to eligible applicants on a funds available basis.

(5) Appeals. An applicant may appeal under the terms of Sections 240.404 and 240.4042, Florida Statutes, and Rule 6A-20.0371, F.A.C.


6A-20.041 Occupational Therapist or Physical Therapist Student Loan Forgiveness Program.

(1) Therapist. As used in this rule, therapist means an occupational therapist (OT), physical therapist (PT), occupational therapy assistant (OTA) or physical therapist assistant (PTA).

(2) Eligibility requirements. To receive aid, an applicant shall meet the provisions of Sections 240.6071 and 240.6073, Florida Statutes, and Rules 6A-20.001 and 6A-20.0371, F.A.C., and:

(a) If an initial applicant, submit Form FFAA-3, Florida Financial Aid Application for Occupational/Physical Therapists, as incorporated by reference in Rule 6A-20.040, F.A.C., by July 15 after the end of the academic year in which the applicant worked for the first time as a full-time licensed occupational therapist or therapy assistant or as a licensed physical therapist or therapist assistant for at least ninety (90) days in a Florida publicly-funded school as defined in Section 228.041, Florida Statutes. A copy of Form FFAA-3 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(b) Submit an academic transcript from each postsecondary educational institution which the applicant attended in order to complete their education by July 15.

(c) Submit by July 15, Form CEMP-1, Employment Certification, as incorporated by reference in Rule 6A-20.012, F.A.C. A copy of Form CEMP-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(d) If an initial applicant, submit by July 15 of the first year of full-time employment as a therapist in a Florida public school, Form CLON-1, Loan Certification, as incorporated by reference in Rule 6A-20.013, F.A.C. A copy of Form CLON-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(e) Have, at minimum, a valid temporary Florida permit as a therapist from the Department of Health.

(f) Declare an intent to be employed for a minimum of three (3) years as a licensed therapist in a Florida publicly-funded school.

(g) Have been employed as a therapist in a Florida publicly-funded school for a full school year. A school year shall be a minimum of one hundred eighty (180) days during the period in which schools are regularly in session, or the equivalent as defined in Section 228.041(16), Florida Statutes. If an otherwise eligible applicant completes eligible employment service for at least ninety (90) days during a school year but does not complete one (1) full year of employment, the Department may provide up to one-half of a full award.

(h) Not owe a repayment of a federal grant or any state grant or scholarship program unless satisfactory repayment arrangements have been made.

(i) Not be in default on a loan made under any federal Title IV loan program or any state loan program unless satisfactory repayment arrangements have been made.
(j) Not have received a Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan or participated in the Critical Occupational Therapist or Physical Therapist Shortage Tuition Reimbursement Program.

(3) Appeals. An applicant may appeal decisions of ineligibility due to errors made by the Office of Student Financial Assistance under the terms of Rule 6A-20.0371, F.A.C.

(4) Amount of award. The annual amount of student loan repayment shall be a maximum of twenty-five hundred (2,500) dollars for undergraduate loans and a maximum of five thousand (5,000) dollars for graduate loans for up to a total amount of five thousand (5,000) dollars annually. The amount of the award is based on the principal balance outstanding on the applicant’s loan as of June 30 prior to the beginning date of full-time employment as a therapist in a Florida publicly-funded school.

(5) Maximum terms of eligibility. Eligible OTs and PTs may receive student loan forgiveness for a maximum of four (4) academic years or a total of ten thousand (10,000) dollars, whichever comes first. Eligible OTAs and PTAs may receive student loan forgiveness for a maximum of two (2) academic years or a total of five thousand (5,000) dollars, whichever comes first.

(6) Award procedures. The Department shall determine eligibility and make awards. Awards may be prorated based on the number of eligible applicants. Renewal applicants will be given priority upon timely receipt of all required forms and documentation. The Department shall notify applicants of their award eligibility.

(7) Payment of award. The Department shall provide for the delivery of funds to a therapist by issuing a warrant made payable to the therapist and the lending institution. If the therapist has more than one lender, the largest loan will be paid first. The Department will forward the warrant to the therapist for submission to the lending institution. However, a therapist who submits documentation from all lenders that all principal balances which were due as of June 30 prior to the beginning date of full-time employment in a Florida publicly-funded school, pursuant to subsection (3) of this rule, have been paid by the therapist, may have the warrant made payable directly to the therapist.


6A-20.042 Occupational Therapist or Physical Therapist Scholarship Loan Program.

(1) Therapist. As used in this rule, therapist means an occupational therapist (OT), physical therapist (PT), occupational therapy assistant (OTA) or physical therapist assistant (PTA).

(2) General eligibility requirements. To receive a Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan, students shall meet the provisions of Sections 240.404, 240.6071 and 240.6074, Florida Statutes, Rules 6A-20.001 and 6A-20.0371, F.A.C., and:

(a) If an initial applicant, submit by April 15 prior to the academic year for which aid is requested Form FFAA-1, Florida Financial Aid Application for Students as incorporated by reference in Rule 6A-20.020, F.A.C. A copy of Form FFAA-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(b) Be enrolled in a therapist assistant program, or in the upper division or graduate level of a therapist program at a Florida postsecondary institution pursuant to Section 240.6074(2), Florida Statutes.

(c) Declare an intent to be employed for a minimum of three (3) years as a licensed therapist in a Florida publicly-funded school.

(d) Be enrolled for a minimum of twelve (12) credits for undergraduate study or nine (9) credits for graduate study for each academic term in which aid is received.

(e) Not owe a repayment of a state or federal student grant or scholarship unless satisfactory repayment arrangements have been made.

(f) Not be in default on a state or federal student loan unless satisfactory repayment arrangements have been made.

(g) Not have participated in either the Critical Occupational Therapist or Physical Therapist Shortage Student Loan Forgiveness Program or the Critical Occupational Therapist or Physical Therapist Shortage Tuition Reimbursement Program.

(3) Renewal Requirements. Eligibility for renewal of an award will be evaluated at the end of the second semester or third quarter.

(a) For renewal of an undergraduate scholarship loan, a student must have earned:

1. A minimum institutional cumulative grade point average of 2.0 on a 4.0 scale for all undergraduate work.

2. Twelve (12) credits per term, or the equivalent, for the number of terms the award was received.

(b) For renewal of a graduate scholarship loan, a student must have earned:

1. A minimum cumulative grade point average of 3.0 on a 4.0 scale for all graduate work.

2. Nine (9) credit hours per term, or the equivalent, for the number of terms the award was received.

(4) Appeals. A student may appeal decisions of ineligibility due to failure to meet academic progress requirements or errors made by the Office of Student Financial Assistance under the terms of Rule 6A-20.0371, F.A.C.

(5) Amount of award. The annual amount of the scholarship loan shall be for the cost of education, less other student aid, for a maximum of four thousand (4,000) dollars.

(6) Period of award. Awards will be made annually for the respective academic year.

(7) Maximum terms of eligibility. A student shall be eligible to receive a scholarship loan for a maximum of four (4) semesters or six (6) quarters.
(8) Award procedures.
   (a) The Department shall give priority to eligible renewals. If funds are insufficient to provide full awards to all eligible renewals, then available funds will be prorated among eligible renewals.
   (b) Initial applicants will be considered for awards from funds remaining after all renewals have received the maximum eligible award. If funds are insufficient to award all initial applicants, initial recipients will be ranked and selected on the basis of unweighted GPA.
   (c) The Department shall notify students and institutions of the students’ award eligibility. The notice of eligibility to an initial applicant will provide for the acceptance of the award in the form of a properly executed promissory note, Form OPL-2, Occupational Therapist or Physical Therapist Scholarship Loan Program Promissory Note (Fixed Rate), which is hereby incorporated by reference and made a part of this rule to become effective April, 1996. A copy of this form may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.
   (9) Payment of Awards. The Department shall provide for the delivery of funds to students by transmitting the funds each academic term to the institutions for distribution.
   (10) Institutional responsibilities.
      (a) Participating institutions shall verify the continued eligibility of awarded students, provide for the disbursement of funds to students, comply with the Department’s reporting requirements, and refund to the Department any undisbursed funds.
      (b) Institutions shall annually certify to the Department the cost of education and other student aid received.
      (c) Within thirty (30) days of the end of the regular registration period each academic term, the Department shall be notified of the eligibility status of awarded students.
      (d) Institutions shall certify disbursements of funds to students, and submit any refunds and cancellations to the Department within sixty (60) days of the end of the institution’s regular registration period.
      (11) Promissory notes. Upon receipt of the institutions’ certification of disbursements to students each academic term, the Department shall enter the disbursed amount on each student’s promissory note. A statement, with the amount of loan financed to date, will be mailed by the Department, or its designee, to the borrower at the end of each academic year.
      (12) Borrower repayment requirements. The Occupational Therapist and Physical Therapist Scholarship Loan Program shall be repaid either through eligible employment service or repayment in cash.
      (13) Cash repayment. A scholarship loan recipient who fails to complete an approved therapist program or who fails to render the required employment service in a Florida public school shall be responsible for repaying the total scholarship loan plus interest and all applicable collection charges. Whether or not provided for in the borrower’s promissory note and subject to any limitation on the amount of those costs in that note, the Department shall charge a borrower an amount equal to reasonable costs incurred in collecting a loan. These costs may include, at a minimum, all attorney’s fees, collection agency charges, and court costs.
      (14) Procedures for applying cash repayments. The Department, or its designee, shall apply a cash repayment to any outstanding collection costs and to any outstanding interest prior to applying any payment to principal.
      (15) Interest rate and accrual. Interest at the annual rate of eight (8) percent shall begin to accrue on the first day of the thirteenth month after the date of completion of an approved therapist program, or after the date of termination of full-time study. Interest shall not accrue during periods of deferment or eligible employment service.
      (16) Repayment beginning date and minimum payment due. Repayment of principal and interest shall begin on the first day of the thirteenth month after the date of completion of an approved therapist program or after the date of termination of full-time study, unless otherwise approved by the Department. The Department shall use the expected date of completion reported to the Department by the borrower to establish the repayment schedule unless notified otherwise in writing. The Department, or its designee, upon receipt of notification that a student has completed an approved therapist program or has terminated full-time study, shall provide the student with a repayment schedule based upon the actual date of completion or termination reported, and shall include the total of all loan advances. The minimum monthly payment shall be fifty (50) dollars or the unpaid balance of the aggregate amount of the loan plus accrued interest, whichever is less. However, in no instance shall the minimum monthly payment be less than the accruing monthly interest.
      (17) Maximum repayment period. A scholarship loan, plus interest, shall be paid back within ten (10) years of the date of completion of an approved therapist program or after the date of termination of full-time study. The ten (10) years shall include any approved periods of deferment pursuant to subsection (25) of this rule.
      (18) Collection options. In the collection of payment of loan interest and principal due, the Department shall have the authority to use any reasonable method to assist the borrower in repaying the loan. Such procedures include but are not limited to:
         (a) Approving forbearances, and offering graduated repayment and income sensitive repayment schedules.
         (b) Matching the names of defaulted borrowers with the names of employees of the state, political subdivisions, or local governments.
         (c) Withholding of government wages, pursuant to Section 112.175, Florida Statutes, in the event borrowers fail to enter repayment or fail to make scheduled payments.
         (d) Assignment of defaulted loans to the Department’s designated collection agencies.
         (e) Withholding of State of Florida lottery winnings pursuant to Section 24.115(4), Florida Statutes.
(19) Employment service in lieu of cash repayment. In lieu of cash repayments, a recipient who is under full-time contract and employed in a Florida public school shall, within forty-five (45) days of when the eligible employment service begins, submit to the Department, or its designee, Form DNES, Request for Deferment or Notice of Employment Service, which is hereby incorporated by reference and made a part of this rule to become effective July, 1993. A copy of Form DNES may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. (20) Definition of a year of employment. A school year shall be a minimum of one hundred eighty (180) days during the period in which schools are regularly in session, or the equivalent as defined in Section 228.041(16), Florida Statutes. A therapist may be eligible to have allowable interest and principal cancelled upon completion of the following days of eligible employment service during the regular school year: 45-89 days counts for one-fourth a year of eligible employment service; 90-134 days counts for one-half a year of eligible employment service; 135-179 days counts for three-fourths a year of eligible employment service; 180 days counts for one full year of eligible employment service. (21) Verification of employment service. A therapist shall apply for employment credit for a loan by submitting annually to the Department, within forty-five (45) days of completion of eligible employment service, Form CEMP-1, Employment Certification, as incorporated by reference in Rule 6A-20.012, F.A.C. A copy of Form CEMP-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. (22) Employment cancellation provisions. The Department or its designee, upon receipt of Form CES, shall cancel a maximum of two thousand (2,000) dollars of loan principal and accrued interest for each year of eligible employment service that is verified in accordance with the provisions of subsection (21) of this rule. (23) Returning promissory notes to borrowers. When a total loan indebtedness is satisfied either by rendering employment service or by cash payment, the Department shall cancel and return the promissory note, Form OPSL-2, to the scholarship loan recipient. (24) Promissory note cancellation due to death or permanent disability. Scholarship loan promissory notes shall be cancelled by the Commissioner upon receipt of the certificates of death of the scholarship loan recipient or proof of permanent disability which renders the scholarship loan recipient unable to work. (25) Deferments from repayment and interest accrual. Deferments from repayment and interest accrual may be granted to scholarship loan recipients for full-time attendance at a postsecondary institution, for unemployment when the recipient is conscientiously seeking but unable to secure full-time employment as a therapist in a Florida publicly-funded school, and for economic hardships, which will cover a borrower who earns less than minimum wage or exceeds a federally defined debt-to-income ratio, or for other hardship which the Department determines renders the recipient unable to make repayment. A loan recipient may also be eligible for a graduate fellowship deferment, which covers study under an eligible graduate fellowship program, and a rehabilitation training program deferment, which covers a qualified individual’s participation in a rehabilitation training program. Deferments may be granted upon request for a total of up to twenty-four (24) months. Any deferment period may not exceed a maximum of one (1) year. To request a deferment, a recipient shall file Form DNES. The Department may request documentation of the conditions supporting the request for deferment. A recipient must notify the Department as soon as conditions for which the deferment was granted no longer exist. Periods of deferment do not extend the maximum repayment period of ten (10) years. (26) Form DCOR-1, Student Status Report, as incorporated by reference in Rule 6A-20.039, F.A.C., may be used by scholarship loan recipients to report completion of the approved program of studies, termination of enrollment in an approved program of studies, name and permanent address changes, change of institution, termination of full-time undergraduate enrollment, or to request a reduction in the award amount. A copy of Form DCOR-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.


6A-20.044 Limited Access Competitive Grant.

(1) General eligibility requirements. To receive a Limited Access Competitive Grant, a student shall meet the provisions of Sections 240.6045, 240.404, 240.4042, 240.4045, Florida Statutes, and Rules 6A-20.001, 6A-20.003, 6A-20.005, 6A-20.006, F.A.C., and:

(a) Be a graduate of a Florida community college or a transfer student from a state university.

(b) Be admitted to an undergraduate program of study at the upper division level in a designated limited access competitive program at an eligible institution, pursuant to Section 240.6045(4), Florida Statutes.

(c) Provide evidence that the student applied to a state university for admission to a designated limited access competitive program, was eligible, but was denied admission due to the lack of space.

(d) Not previously have received a bachelor’s degree.

(e) Be enrolled as a full-time student.

(f) Not owe a repayment of a federal grant or any state grant or scholarship unless satisfactory repayment arrangements have been made.
(g) Not be in default on a loan made under any federal Title IV program or any state student loan program unless satisfactory repayment arrangements have been made.

(2) Notification of Eligible Programs. Annually, upon approval by the State Board of Education, the Department shall notify state universities, community colleges and participating independent institutions which programs have been designated as limited access competitive programs.

(3) Institutional Eligibility. Eligible independent institutions will be those institutions which meet the provisions of Section 240.4065(4), Florida Statutes, and the provisions of this rule.

(4) Institutional Application. Institutions shall apply to the Department to participate in the Limited Access Competitive Grant Program by annually submitting Form LACG-1, Institutional Limited Access Competitive Grant Application to Participate, which is hereby incorporated by reference and made a part of this rule to become effective March 1996. A copy of Form LACG-1 may be obtained from the Office of Student Financial Assistance, Florida Department of Education, Florida Education Center, Tallahassee, Florida 32399-0400. Applications to be given priority shall be received no later than April 30 of each year. Applications received after this date will be considered from remaining funds on a first come first serve basis.

(5) Allocation Procedures. The Department will determine the total number of awards available to be distributed to eligible institutions and allocate funds to institutions meeting the application deadline through the following procedures:

(a) The legislative appropriation will be divided by the amount of a full award, pursuant to the provisions of Section 240.6045(4), Florida Statutes, to determine the number of student awards to be distributed to institutions.

(b) Allocations to participating institutions will be based on the total number of limited access spaces committed by each participating institution on Form LACG-1.

(c) If funds are insufficient to fully fund all such spaces, the Department will prorate the number of spaces available to each institution by dividing the total number of spaces committed by all institutions by the number of spaces committed by each specific institution to determine the percent of available spaces for each eligible institution. Each institution’s percent of available spaces will be applied to the total number of available awards to determine the number of spaces to be allocated. The amount of a full award will be allocated for each allocated space.

(d) When an institution is unable to enroll students to fill all of its allocated spaces for the first semester of the academic year, the Department may reallocate funds on a first come first served basis to other institutions that provide evidence of additional spaces for eligible students.

(6) Disbursements to Institution. Prior to the beginning of each term, the Department will disburse one-half or one-third of an institution’s allocation for semester or quarter schools, respectively.

(7) Priorities in selecting students for awards. Institutions shall give priority for initial awards to eligible students who are Florida residents and are either graduates of Florida high schools transferring from state universities or are graduates of Florida community colleges. Renewal applicants who meet the provisions of Section 240.404(1)(b), Florida Statutes, and the institution’s measurable progress standards will receive priority over eligible initial students.

(8) Maximum Terms of Eligibility. The maximum terms of eligibility is four (4) semesters or six (6) quarters of upper division work. However, students who must complete prerequisites necessary to enroll in courses mandated by limited access competitive programs degree requirements, and students who are enrolled in five (5) year limited access degree programs, may be eligible for an award for up to six (6) semesters or eight (8) quarters.

(9) Institutional Responsibilities. Participating institutions shall:


(b) Recruit students for the program, determine eligibility, and notify students of their award eligibility;

(c) Disburse each term to eligible recipients one-half or one-third of the award amount, for semester or quarter schools respectively;

(d) Submit each academic term to the Department Form LACG-2, Limited Access Competitive Grant Disbursement Report, which is hereby incorporated by reference and made a part of this rule to become effective March 1996. A copy of Form LACG-2 may be obtained from the Office of Student Financial Assistance, Florida Department of Education, Florida Education Center, Tallahassee, Florida 32399-0400. Form LACG-2 must be received by the Department no later than thirty (30) days after the end of the institution’s regular registration period, inclusive of the drop-add period.

(e) Notify the Department of the amount of unused funds no later than thirty (30) days after the end of the institution’s regular registration period, inclusive of the drop-add period;

(f) Refund to the Department the amount of unused funds within sixty (60) days of the end of the institution’s regular registration period, inclusive of the drop-add period; and

(g) Be in compliance with the accountability process established by Postsecondary Education Planning Commission (PEPC), pursuant to Section 240.6045(7), Florida Statutes.

Specific Authority 229.053(1), 240.4041, 240.6045(6) FS. Law Implemented 240.404, 240.4042, 240.6045 FS. History–New 3-20-96.
6A-20.099 Florida Federal Family Education Loan Program.
General purpose and authority of the Department of Education as the state guarantee agency. The primary purpose of the Florida Federal Family Education Loan Program (FFELP) is to provide financial assistance to students in pursuit of postsecondary education. The Department of Education, hereinafter referred to as the Department, shall serve as the designated agency within the state to administer student loans and loan guarantees authorized by law for persons determined eligible under the applicable provisions of the Higher Education Act of 1965 as amended (ACT). The Department shall ensure that its programs meet the requirements of 34 CFR 600, 34 CFR 668 and 34 CFR 682. The Department shall require participating parties in the FFELP to comply with the ACT and the Code of Federal regulations as cited herein.


This rule is adopted to implement the requirements of Section 240.4041, Florida Statutes, to establish criteria for documentation of a postsecondary student’s disability, as defined by the Americans with Disabilities Act, for financial aid eligibility as a part-time student.

(1) The professional who prepares documentation must have expertise in the area related to the disability in question and be a licensed physician; a licensed psychologist; a licensed school psychologist; a certified school psychologist; a licensed audiologist; a licensed speech-language pathologist; or, a certified school speech-language pathologist.

(2) The documentation must be sufficiently recent, as determined by the educational institution, and include a valid and reasonable assessment of the student’s needs; be specific and conclusive, demonstrating that the student has physical, emotional or mental impairment(s) which substantially limit(s) one or more major life activities, as well as showing how the disability will substantially limit the student’s ability to meet the minimum full-time load requirements.

(3) The educational institution shall notify the Bureau of Student Financial Assistance with each term’s disbursement report of any student with disabilities for whom the part-time status is a necessary accommodation.

Specific Authority 229.053(1) FS. Law Implemented 240.4041 FS. History–New 3-12-00.
CHAPTER 6A-22 REEMPLOYMENT SERVICES – WORKERS’ COMPENSATION

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6A-22.001 Definitions.

(1) “Cooperative working agreement” means a written contractual agreement between the Department and a qualified rehabilitation provider or a public or private agency to provide comprehensive reemployment services such as on-the-job training development, job placement and follow up.

(2) “Customary residence” is the injured employee’s place of permanent residence.

(3) “Customary vicinity” is the distance traveled by the injured employee from his customary residence to his place of employment at the time of injury.

(4) “Education program” means a formal course of study or a certificate program in a training and education facility, agency or institution operating under Chapters 239, Part II, 240, Parts II and III or 246, F.S., or a career education program defined in Chapter 228.041(22)(c), F.S., which states: “At the post secondary education level, courses of study that provide vocational competencies needed for entry into specific occupations or for advancement within an occupation.” Outside of the State of Florida, an education program shall be approved as governed by comparable statutes of that state.

(5) “Ergonomic job analysis” is the objective study of the relationship among job demands, environmental conditions and human functional characteristics.

(6) “Good cause” is termination resulting from employee conduct:

(a) Evincing such willful or wanton disregard of an employer’s interests as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of his employee; or

(b) Carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of an employer’s interests or of the employee’s duties and obligations to his employer.

(7) “Individualized written rehabilitation program” (IWRP) is an individualized written rehabilitation program as defined in the Rehabilitation Act of 1973, 29 U.S.C. §§ 701, et seq.

(8) “Labor market” means an area not to exceed a 50 mile radius of the injured employee’s customary vicinity.

(9) “On-the-job training (OJT) contractor” is a qualified rehabilitation provider or employee of a public or private agency which has entered into a cooperative working agreement with the Department for the provision of on-the-job development and follow-up services.

(10) “On-the-job training (OJT) contract” is a contract between an employer, injured employee and the Department in which an employer agrees to hire an injured employee subject to the same working conditions and benefits as all other similarly situated employees. Pursuant to the contract, the employer shall provide training and adequate supervision to enable the injured employee to achieve predetermined competencies to ensure a return to suitable gainful employment with the contract employer at the end of the contract period.

(11) “Rehabilitation Company” means a business entity such as a corporation, partnership, or sole proprietorship which employs or contracts to provide services pursuant to Section 440.491, F.S.

(12) “Rehabilitation Facility” means an institution or agency accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF) for a specific vocational rehabilitation program.

(13) “Test-site” is a Department approved location that may be inspected by the Department, to be used by a qualified rehabilitation provider for vocational evaluation and assessment services.

(14) “Trial period of reemployment” is a period of employment to validate whether an injured employee who has been determined to be permanently and totally disabled has been rehabilitated to the extent that he has reestablished an earning capacity.

(15) “Vocational evaluator” is a qualified individual employed by the Department or who holds the designation of a certified vocational evaluator and is approved by the Department to perform vocational evaluations.

(16) “Vocational specialist” means an individual who possesses:

(a) A master’s degree in vocational rehabilitation (counseling, evaluation, adjustment); or
(b) Is certified by the Commission on Rehabilitation Counselor Certification, or by the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists; and
(c) Is employed by a CARF-accredited facility.

Specific Authority 440.491(5), (6), (7), (8) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 2-9-00, 6-26-01, Formerly 38F-55.001.

6A-22.002 Rehabilitation Provider Qualifications.
(1) The Department shall approve qualified rehabilitation providers who submit proof of meeting the following requirements:
(a) Rehabilitation nurse:
1. A current Florida license as a registered professional nurse, and
2. A current C.R.R.N. certificate as a Certified Rehabilitation Registered Nurse from the Association of Rehabilitation Nurses, or
3. A current C.O.H.N. certificate as a Certified Occupational Health Nurse from the American Board for Occupational Health Nurses, or
4. A current C.R.C. certificate as a Certified Rehabilitation Counselor from the Commission on Rehabilitation Counselor Certification, or
5. A current C.D.M.S. certificate as a Certified Disability Management Specialist from the Certification of Disability Management Specialists Commission.
(b) Rehabilitation counselor:
1. A current C.R.C. certificate as a Certified Rehabilitation Counselor from the Commission on Rehabilitation Counselor Certification, or
(c) Vocational evaluator: A current C.V.E. certificate as a Certified Vocational Evaluator from the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists.
(d) Facilities, other than hospitals:
1. Current accreditation by CARF in a specific vocational rehabilitation program in which the facility will provide services, and
2. Designation on the application of the qualified rehabilitation counselor or vocational specialist who will be a member of the core team to provide services to injured employees.
(e) Companies:
1. Employ qualified rehabilitation providers and are,
2. Incorporated under Chapters 607 and 617, F.S., or are a partnership under Chapter 620, F.S.
(2) Applicants applying for renewal shall submit a non-refundable $25.00 biennial renewal fee, and a signed, typed and completed qualified rehabilitation provider application on form DWC-96, which is incorporated by reference into this rule, and a copy of current certification and applicable licensure.
(a) Attendance at a Department sponsored or approved qualified rehabilitation provider workshop is required before the initial application and also before each renewal.
(b) An applicant whose qualified rehabilitation provider number has expired shall not provide services to injured employees until notification of renewal is received from the Department.
(3) Each applicant shall submit a signed, typed and completed form DWC-96, proof of attendance at a Department sponsored or approved qualified rehabilitation provider workshop, and a non-refundable check or money order in the amount of $25.00 payable to Workers’ Compensation Administrative Trust Fund to the Department of Education, Bureau of Rehabilitation and Reemployment Services, Provider Relations Section, 2728 Centerview Drive, 101A Forrest Building, Tallahassee, Florida 32399-0664. Illegible or unsigned applications and applications submitted without the application fee shall be returned.
(a) Attendance at a Department sponsored or approved qualified rehabilitation provider workshop is required before the initial application and also before each renewal.
(b) An applicant whose qualified rehabilitation provider number has expired shall not provide services to injured employees until notification of renewal is received from the Department.
(3) Each applicant shall submit a signed, typed and completed form DWC-96, proof of attendance at a Department sponsored or approved qualified rehabilitation provider workshop, and a non-refundable check or money order in the amount of $25.00 payable to Workers’ Compensation Administrative Trust Fund to the Department of Education, Bureau of Rehabilitation and Reemployment Services, Provider Relations Section, 2728 Centerview Drive, 101A Forrest Building, Tallahassee, Florida 32399-0664. Illegible or unsigned applications and applications submitted without the application fee shall be returned.
(4) Department approval of a qualified rehabilitation provider, facility or company shall be revoked for one or more of the following:
(a) Revocation of credentials or certification by the applicable certification or credentialing board.
(b) Misrepresentation of credentials or certification.
(5) Employees of the Department, other public agencies and private agencies receiving federal or state funds to provide reemployment services are exempt from the requirements of subsections 6A-22.002(2) and (3), F.A.C.

Specific Authority 440.491(7) FS. Law Implemented 440.491(7) FS. History–New 7-1-96, Amended 6-26-01, Formerly 38F-55.002.

6A-22.003 Reemployment Status Review.
(1) The carrier shall conduct a reemployment status review by completing a reemployment status review form on the DWC-22, which is incorporated by reference in Rule 6A-22.011, F.A.C.
(2) The carrier shall complete form DWC-22 within 15 days of the reporting requirement deadlines set forth in Section 440.491(3)(a), F.S., and
(a) Shall retain a copy in the carrier’s file, and
(b) Shall submit form DWC-22 to the Department within 15 business days of completion.

Specific Authority 440.491(3), (5), (6), (8) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 6-26-01, Formerly 38F-55.005.

6A-22.004 Notice Requirements.

(1) If an injured employee remains unemployed 180 days after the date of accident and is receiving compensation, the carrier shall notify the injured employee in writing within 190 days of the date of accident of the availability of a Department screening.

(2) A carrier shall use the following written notice: “Your continuing disability indicates you may be unable to perform the duties of the job held at the time of your work-related injury. If this is correct and you are unable to return to work in any capacity with your current employer or find other employment which would allow you to earn your pre-injury wages, you may be eligible for a screening for reemployment services from the State of Florida, Department of Education. Upon receipt of your request, the Department will assess your case to determine what services are necessary to return you to suitable gainful employment. Reemployment services that you may be eligible for include job seeking skills training, counseling, referrals to other agencies, job market information, transferable skills analysis, job development, job placement, job analysis, job modification, vocational testing, vocational evaluation, on-the-job training, or formal training and education. Additionally, if you have reached maximum medical improvement, the carrier shall pay temporary total disability benefits for a period up to 26 weeks upon beginning a Department approved retraining program or the carrier may elect to pay temporary partial disability/wage loss benefits if you earn wages as the result of on-the-job training or work while enrolled in a program. An additional 26 weeks may be approved if deemed necessary by the Judge of Compensation Claims. To request a screening, contact your local state Division of Vocational Rehabilitation District Office or the Central Office in Tallahassee at (850) 488-3431 and ask to speak with a staff person in the Reemployment Services Section of the Bureau of Rehabilitation and Reemployment Services.” The carrier shall send a copy of this notification to the Bureau of Rehabilitation and Reemployment Services, Department of Education, 101A Forrest Building, 2728 Centerview Drive, Tallahassee, Florida 32399-0664 within ten days of mailing the notification to the injured employee.

Specific Authority 440.491(5), (6), (8) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 6-26-01, Formerly 38F-55.006.

6A-22.005 Carrier Referrals for Services.

(1) A carrier may make a referral of an injured employee at anytime to the Department to be considered for the Department provided reemployment services program. The carrier shall make referrals to the Department for reemployment services on a request for screening form DWC-23, which is incorporated by reference in Rule 6A-22.011, F.A.C.

(2) Upon discontinuation of carrier sponsored services pursuant to Section 440.491(5), F.S., the carrier shall make referrals to the Department for reemployment services on a request for screening form DWC-23, which is incorporated by reference in Rule 6A-22.011, F.A.C.

(3) A Form DWC-23 submitted by the carrier to the Department shall not be considered complete until signed by the injured employee.

Specific Authority 440.491(5), (6), (8) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 6-26-01, Formerly 38F-55.008.


(1) A request for screening is made using a form DWC-23. Before the Department will consider a request complete and initiate a screening, the injured employee must sign the form DWC-23.

(2) The screening process shall consist of:
   (a) A review of all available medical and vocational documentation relevant to the compensable injury to determine whether the injured employee is able to perform the duties of the pre-injury occupation; and
   (b) A review of the documentation which supports the payment of temporary partial disability and wage loss benefits to determine the injured employee’s inability to obtain suitable gainful employment because of his injury; and
   (c) An interview with the injured employee.

(3) The carrier shall provide, within 10 business days of receipt of a request from the Department, any medical, vocational, and other requested documents or reports related to the injured employee’s workers’ compensation case.

(4) The Department may request the information directly from the authorized treating physician(s), or qualified rehabilitation provider(s), or obtain the services of an expert medical adviser to identify the injured employee’s ability to return to work, permanent impairment rating, and permanent work restrictions.

(5) The Department shall not provide a vocational evaluation or any reemployment services when form DWC-23, which is signed by the injured employee, is received by the Department more than one (1) year from the date of last payment of indemnity benefits or the furnishing of remedial treatment, care, or attendance from the employer or carrier.

(6) Following a Department screening the Department shall not provide any additional reemployment services or refer the injured employee for a vocational evaluation.
(a) If the injured employee has filed a claim for permanent total disability benefits under Section 440.15(1), F.S., which the carrier has denied, wherein either the injured employee’s medical condition or vocational capabilities are in dispute, until such time as an Office of the Judge of Compensation Claims adjudicates the injured employee’s claim; or
(b) If the injured employee’s medical condition is unresolved or unstable, until such time as the medical condition becomes stable; or
(c) If the injured employee has reached maximum medical improvement and returned to and maintained suitable gainful employment for at least 90 calendar days; or
(d) If the injured employee refuses to accept reemployment services from the Department.
(7) The Department shall not refer the injured employee for a vocational evaluation if the injured employee:
(a) Has returned to suitable gainful employment as a result of placement services provided by the Department; or
(b) Has no documented permanent physical restrictions related to the injury; or
(c) Has transferable skills which would allow return to work in suitable gainful employment; or
(d) Was terminated by the employer for good cause unrelated to the injury or any restrictions or limitations resulting therefrom; or
(e) Terminated suitable gainful employment for reasons unrelated to the injury.

Specific Authority 440.491(5), (6), (8) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 6-26-01, Formerly 38F-55.009.

6A-22.007 Vocational Evaluations.
(1) The provision of Department sponsored vocational evaluations shall be limited to one per injured employee, per date of accident. Vocational evaluations shall be adapted to the specific needs of an injured employee to insure validity.
(2) The Department shall accept a vocational evaluation only if the vocational evaluation meets the requirements of and contains the information identified in paragraph 6A-22.010(2)(e), F.A.C.

Specific Authority 440.491(5), (6), (8) FS. Law Implemented 440.491 FS. History–New 7-1-96, Formerly 38F-55.010.

6A-22.008 Reemployment Services and Programs.
(1) The Department shall approve sponsorship of reemployment services provided through an on-the-job training program, vocational assessment, job placement or a training and education program when recommended and approved as part of a Department reemployment plan.
(2) The Department will approve and sponsor retraining services if:
(a) The vocational evaluation is completed by a Department approved vocational evaluator, and
(b) The vocational evaluation contains the information identified in paragraph 6A-22.010(2)(e), F.A.C.; and
(c) The vocational evaluation demonstrates that the injured employee:
1. Has no transferable skills which would allow for return to suitable gainful employment with the same employer, same job; same employer, different or modified job; new employer, same job; new employer, modified or different job; or
2. Requires additional Department sponsored reemployment services to enable the injured employee to return to suitable gainful employment.
(3) The Department shall sponsor retraining programs which exceed 52 weeks only when there is no program shorter than 52 weeks which would enable the injured employee to return to suitable gainful employment, the injured employee provides a plan for living expenses during the period in excess of 52 weeks, and one of the following conditions apply:
(a) The injured employee has no formal marketable vocational training and education; or
(b) The injured employee has documented physical restrictions as a result of the injury.
(4) If the Department determines a training program is necessary to return an injured employee to suitable gainful employment, the Department shall have the exclusive right to determine the educational programs and facilities at which to sponsor the injured employee.
(a) Training at private education facilities shall not be approved unless such recommended training is not offered at a public educational facility or provides an overall cost/time savings to the Workers’ Compensation System, which can be justified.
(b) Training programs which only accept students from an applicant pool after the students complete a prerequisite curriculum may be approved only if the injured employee presents evidence of acceptance into such program.
(c) Baccalaureate or Graduate level studies may be approved only if the program capitalizes on prior education and/or aptitudes, and
1. The program under consideration firmly establishes marketability toward suitable gainful employment for that injured employee, and
2. The injured employee presents evidence of acceptance into a degree program prior to the Department’s Disposition letter of approval, and
3. The program does not exceed the level of a Master’s degree.
(5) The Department shall not transfer its sponsorship of reemployment services outside the range of the labor market survey unless a labor market survey for the new area supports the specific recommendation of the vocational evaluation.
(6) The Department shall not sponsor reemployment services if the vocational evaluation does not recommend reemployment services.

Specific Authority 440.491(5), (6) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 2-9-00, 6-26-01, Formerly 38F-55.011.

6A-22.009 Employee Responsibilities.

Upon approval of Department sponsored reemployment services, the injured employee and Department staff shall sign and date a Department and student agreement for sponsorship of training and education form DWC-24, which is incorporated by reference in Rule 6A-22.011, F.A.C.

Specific Authority 440.491(5), (6) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.012.

6A-22.010 Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities.

(1) A qualified rehabilitation provider providing employer or carrier sponsored reemployment services shall:
   (a) Submit a properly completed individualized written rehabilitation program within 30 days of referral which specifies the recommended services and associated costs necessary to return the injured employee to suitable gainful employment, using terminology consistent with Department service code descriptions to the employer or carrier for approval when recommending:
       1. Reemployment services as a result of a reemployment assessment, or
       2. Three or more counseling sessions, or
       3. A vocational evaluation, or
       4. A work evaluation, or
       5. Training and education, including on-the-job training, or
       6. Placement services, or
       7. Changes to the initial individualized written rehabilitation program.
   (b) Maintain a copy of the properly completed individualized written rehabilitation program in the injured employee’s file.

(2) A certified vocational evaluator providing Department sponsored vocational evaluations shall:
   (a) Ensure any test site used for Department sponsored vocational evaluations meets the definition of “test site” set forth in subsection 6A-22.001(13), F.A.C.; and
   (b) Be responsible for the administration, scoring and interpretation of all testing instruments and work samples used as part of the vocational evaluation process; and
   (c) Remove or cure conditions that invalidate test results; and
   (d) Provide adaptive evaluation tools or techniques to accommodate any physical or functional disability or language barrier; and

(3) Any qualified rehabilitation provider providing any employer or carrier or Department sponsored reemployment services, reemployment assessments or medical care coordination shall submit with each DWC-21, which is incorporated by reference into this rule, a written report which reports services provided and expected outcomes, covering the following points:
   (a) Summary by date of contacts with the injured employee and other pertinent parties; and
   (b) Problems or issues adversely affecting the reemployment process and the corrective actions taken in that process; and
(c) Continuing feasibility of the reemployment plan; and
(d) Vocational activities planned for the subsequent month; and
(e) Justification for change or modification of current plan.

(4) Upon request a qualified rehabilitation provider providing a Department sponsored reemployment service, including a vocational evaluation, shall make available to the Department information and documentation to certify that the authorized service that was rendered is complete pursuant to Rule 6A-22.010, F.A.C., if such information or documentation is identified by the Department.

(5) Failure of a qualified rehabilitation provider providing Department sponsored reemployment services to submit the written report and additional information and documentation as required by this rule shall result in the:
   (a) Reassignment of the case,
   (b) Termination of the contract,
   (c) Forfeiture of any monies owing at the time of termination of contract.
(6) A qualified rehabilitation provider providing either employer or carrier or Department sponsored reemployment services, reemployment assessments, medical care coordination and vocational evaluations, shall:
   (a) Report on form DWC-21 only those services provided by or through the authorized qualified rehabilitation provider. Services not rendered by or through the qualified rehabilitation provider may not be billed or reimbursed.
   (b) Submit a properly completed form DWC-21 listing the specific service(s) provided, utilizing only valid service codes and descriptors for those direct services rendered to the injured employee. Direct services are those services provided or required by an individualized written rehabilitation program. Other services are to be billed in the manner agreed upon by the employer or carrier and the qualified rehabilitation provider.

1. The initial form DWC-21 shall be submitted to the Department within 30 days of the contract approval date for Department sponsored services or to the employer or carrier within 30 days of the date of the referral for employer or carrier sponsored services.
2. An interim DWC-21 shall be submitted at 30-day intervals thereafter during which the authorized services are provided. The DWC-21 should not be filed if services are not provided within any 30-day period.
3. A final DWC-21 shall be submitted within 30 days of the date of the last service provided or according to the terms of a contract with the Department for vocational evaluation services.
   (c) Close a file and submit a final DWC-21 when attorney involvement interferes with the provision of direct services.
(7) Any qualified rehabilitation provider or employee of the Department or other public or private agencies administering, scoring and interpreting testing instruments shall have the training and education required by the publisher of the testing instrument.
(8) Testing instruments, including work samples, used in vocational evaluations or other reemployment service activities may be administered and scored under the supervision of a qualified rehabilitation provider. Testing instruments shall be interpreted by the qualified rehabilitation provider with whom the contract for services is authorized.

(9) The employer or carrier shall:
   (a) Ensure that the information required in this rule is provided on the form DWC-21 prior to payment and filing with the Department, and
   (b) Approve or deny the provision of services recommended as part of an individualized written rehabilitation program within 15 calendar days of receipt of the same; and pay or deny form DWC-21 bills within 45 calendar days after receipt of a bill for services provided to an injured employee, and
   (c) Complete items 20, 21 and 23 on every form DWC-21 filed with the Department. In item 20 it is necessary to legibly enter the date the form DWC-21 was received. In item 21 it is necessary to legibly enter the date the form DWC-21 was reimbursed. In item 23 it is necessary to enter the amount reimbursed only if it is different from the amount billed by the qualified rehabilitation provider or facility, and
   (d) File form DWC-21 with the Department of Education at its office in Tallahassee, Florida, within 30 days after the full or partial payment of form DWC-21 (A DWC-21 filed with the Department shall have a date stamp in the upper right hand corner indicating the date the DWC-21 is sent to the Department), and
   (e) Be responsible for the legibility, accuracy and completeness of the social security number, date of accident, the employer or carrier’s and servicing company/TPA’s Department of Insurance, Division of Workers’ Compensation’s assigned four digit carrier code number and Federal Employer Identification Number (FEIN), and those areas that the employer or carrier completes on form DWC-21.

10. If an employer or carrier is submitting to the Department and retaining DWC-21s on electronic media, that employer or carrier need not retain paper copies of those forms, but may treat the electronic media as the original documentation.
11. A form DWC-21 filed with the Department which is not completed according to these rules will be returned by the Department to the employer or carrier. Upon receipt of the returned form, the employer or carrier shall properly complete and refile the form with the Department within 15 days.
12. Form DWC-21 is incorporated by reference in Rule 6A-22.011, F.A.C.

Specific Authority 440.491(5), (6), (7) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 6-26-01, Formerly 38F-55.013.
6A-22.011 List of Forms.
(1) Forms DWC-21, DWC-22, DWC-23, DWC-24 and DWC-96 and accompanying instructions are incorporated by reference as part of this rule chapter. Each form shall be typed or legibly completed in order for the form to be considered properly filed or submitted with the Department.
   (a) Department reemployment services billing form shall be submitted to the Department on form DWC-21, dated 6/26/01.
   (b) Reemployment status review form shall be submitted to the Department on form DWC-22, dated 6/26/01.
   (c) Request for screening form shall be submitted to the Department on form DWC-23, dated 6/26/01.
   (d) Agency Department and student agreement for sponsorship of training and education form shall be completed on form DWC-24, dated 6/26/01.
   (e) Qualified rehabilitation provider application shall be submitted to the Department on form DWC-96, dated 6/26/01.
(2) A copy of the forms and accompanying instructions incorporated by subsection 6A-22.011(1), F.A.C., may be obtained from the Department of Education, Bureau of Rehabilitation and Reemployment Services, 2728 Centerview Drive, Suite 101A, Forrest Building, Tallahassee, Florida 32399-0664.

Specific Authority 440.491(5), (6), (7), (8) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 6-26-01, Formerly 38F-55.014.

6A-22.012 Expenditures from the Workers’ Compensation Administrative Trust Fund.
(1) Upon receipt of the completed evaluation report, the Department shall authorize reimbursement for the evaluation from the Workers’ Compensation Administration Trust Fund at a maximum rate of $55.00 per hour, not to exceed $1,100.00 per evaluation.
(2) The Department shall expend funds from the Workers’ Compensation Administration Trust Fund only:
   (a) For vocational evaluations and retraining for dates of accident on or after October 1, 1989 through December 31, 1993, and
   (b) For reemployment services authorized by the Department pursuant to Chapter 6A-22, F.A.C., for dates of accident on or after January 1, 1994.
(3) The maximum cost the Department shall expend for an approved retraining plan shall not exceed 85% of the injured employee’s pre-injury average weekly wages as calculated on an annual basis, which amount shall include:
   (a) Pre-approved costs for fees, tuition, books and special supplies required by the program curriculum, and
   (b) Pre-approved costs for board, lodging, and travel at the rate currently allowed for state employees when an approved program requires temporary relocation for participation,
   (c) Pre-approved mileage reimbursement at the rate currently allowed for state employees for mileage to the training facility in excess of 50 miles, one-way, using the most direct route from the injured employee’s customary residence. Mileage expense will not be reimbursed or paid by the Department when the training facility is less than 50 miles from the injured employee’s customary residence at the time of approval for training.
(4) The Department shall pay from the Workers’ Compensation Administration Trust Fund the direct costs to employers for on-the-job training according to the reimbursement schedule negotiated in the on-the-job training contract.
(5) The Department shall not reimburse or pay for any reemployment services independently initiated or obtained by the injured employee without prior written approval from the Department of the proposed reemployment plan recommending such reemployment services, including any expenses associated with retraining or education.
(6) The Department shall reimburse travel associated with the provision of reemployment services at a rate not to exceed one-half (1/2) the professional rate at which the services were contracted.
(7) The Department shall have exclusive jurisdiction over any dispute involving a claim made against it or the Workers’ Compensation Administration Trust Fund for reemployment services, vocational evaluations, training and education, and rehabilitation.
(8) The Office of the Judge of Compensation Claims shall have jurisdiction over claims relating to additional temporary total disability compensation provided in Section 440.491(6)(b), F.S.

Specific Authority 440.491(5), (6), (7), (8) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 12-2-98, 6-26-01, Formerly 38F-55.015.
6B EDUCATION PRACTICES COMMISSION

CHAPTER 6B-1 CODE OF ETHICS OF THE EDUCATION PROFESSION IN FLORIDA

6B-1.001 Code of Ethics of the Education Profession in Florida.
(1) The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.
(2) The educator’s primary professional concern will always be for the student and for the development of the student’s potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.
(3) Aware of the importance of maintaining the respect and confidence of one’s colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.

Specific Authority 229.053(1), 231.546(2)(b) FS. Law Implemented 231.546(2)(b) FS. History–New 3-24-65, Amended 8-9-69, Repromulgated 12-5-74, Amended 8-12-81, 7-6-82, Formerly 6B-1.01.

6B-1.006 Principles of Professional Conduct for the Education Profession in Florida.
(1) The following disciplinary rule shall constitute the Principles of Professional Conduct for the Education Profession in Florida.
(2) Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator’s certificate, or the other penalties as provided by law.
(3) Obligation to the student requires that the individual:
(a) Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student’s mental and/or physical health and/or safety.
(b) Shall not unreasonably restrain a student from independent action in pursuit of learning.
(c) Shall not unreasonably deny a student access to diverse points of view.
(d) Shall not intentionally suppress or distort subject matter relevant to a student’s academic program.
(e) Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
(f) Shall not intentionally violate or deny a student’s legal rights.
(g) Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.
(h) Shall not exploit a relationship with a student for personal gain or advantage.
(i) Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
(4) Obligation to the public requires that the individual:
(a) Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.
(b) Shall not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
(c) Shall not use institutional privileges for personal gain or advantage.
(d) Shall accept no gratuity, gift, or favor that might influence professional judgment.
(e) Shall offer no gratuity, gift, or favor to obtain special advantages.
(5) Obligation to the profession of education requires that the individual:
(a) Shall maintain honesty in all professional dealings.
(b) Shall not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.
(c) Shall not interfere with a colleague’s exercise of political or civil rights and responsibilities.
(d) Shall not engage in harassment or discriminatory conduct which unreasonably interferes with an individual’s performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable effort to assure that each individual is protected from such harassment or discrimination.

(e) Shall not make malicious or intentionally false statements about a colleague.

(f) Shall not use coercive means or promise special treatment to influence professional judgments of colleagues.

(g) Shall not misrepresent one’s own professional qualifications.

(h) Shall not submit fraudulent information on any document in connection with professional activities.

(i) Shall not make any fraudulent statement or fail to disclose a material fact in one’s own or another’s application for a professional position.

(j) Shall not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.

(k) Shall provide upon the request of the certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

(l) Shall not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these Principles of Professional Conduct for the Education Profession in Florida and other applicable Florida Statutes and State Board of Education Rules.

(m) Shall self-report within forty-eight (48) hours to appropriate authorities (as determined by district) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendre for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c), Florida Statutes.

(n) Shall report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 231.28(1), Florida Statutes.

(o) Shall seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 231.28(1), Florida Statutes.

(p) Shall comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.

(q) Shall, as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

Specific Authority 229.053(1), 231.546(2)(b) FS. Law Implemented 231.546(2), 231.28 FS. History–New 7-6-82, Amended 12-20-83, Formerly 6B-1.06, Amended 8-10-92, 12-29-98.
CHAPTER 6B-2 POLICY FOR HANDLING APPEALS AND HOLDING PUBLIC HEARINGS

6B-2.001 Filing of Rules. (Repealed)
6B-2.002 Appeals. (Repealed)
6B-2.003 Purpose of Public Hearing. (Repealed)
6B-2.004 Definitions. (Repealed)
6B-2.005 Hearing. (Repealed)
6B-2.006 Request for Hearing. (Repealed)
6B-2.007 Notice of Hearing. (Repealed)
6B-2.008 Conduct and Record of Hearing. (Repealed)
6B-2.009 Authority of the Hearing Committee. (Repealed)
6B-2.010 Procedure for Due Process. (Repealed)
6B-2.011 Evidence. (Repealed)
6B-2.012 Separation of Functions. (Repealed)
6B-2.013 Certification Hearing Requested by the Commissioner of Education and an Affected Educator. (Repealed)
6B-2.014 Rules of Procedure. (Repealed)
6B-2.015 Conduct of Adversary Hearing. (Repealed)
6B-2.016 Reports and Publications of Adjudication and Exceptions. (Repealed)
6B-2.017 Probable Cause Hearing. (Repealed)
CHAPTER 6B-3 OPERATING PROCEDURES AND FUNCTIONAL RELATIONSHIPS

6B-3.001 Philosophy and Purpose. (Repealed)
6B-3.002 Functional Relationships. (Repealed)
6B-3.003 Meetings. (Repealed)
6B-3.004 Officers. (Repealed)
6B-3.005 Executive Committee and Administrator. (Repealed)
6B-3.006 Collection and Dissemination of Data. (Repealed)
6B-3.007 Membership. (Repealed)
CHAPTER 6B-4 PROFESSIONAL SELECTION, ASSIGNMENT, CONTINUANCE, TRANSFER AND DISMISSAL

6B-4.001 Legal Responsibility. (Repealed)
6B-4.002 Criteria for the Selection and Preparation of Candidates for the Education Profession. (Repealed)
6B-4.003 Requirements for Admission to Practice and Certification in Florida. (Repealed)
6B-4.004 Criteria for the Evaluation of Professional Performance. (Repealed)
6B-4.0041 Instructional Personnel Assessment Procedures: Purpose. (Repealed)
6B-4.0042 Instructional Personnel Assessment Procedures: Initial Submission Process. (Repealed)
6B-4.0044 Instructional Personnel Assessment Procedures: Initial Review Process. (Repealed)
6B-4.0046 Instructional Personnel Assessment Procedures: Initial Approval Process. (Repealed)
6B-4.0048 Instructional Personnel Assessment Procedures: Annual Review and Approval Process. (Repealed)
6B-4.005 Criteria for Professional Practices in the Transfer of Instructional Personnel. (Repealed)
6B-4.006 Criteria for Professional Practices for Reassignment of Instructional Personnel within a School Center. (Repealed)
6B-4.007 Criteria for Contractual Obligations. (Repealed)
6B-4.008 Criteria for Dismissal Procedures. (Repealed)
6B-4.009 Criteria for Suspension and Dismissal.
6B-4.010 Instructional Personnel Assessment Systems.

6B-4.009 Criteria for Suspension and Dismissal.
The basis for charges upon which dismissal action against instructional personnel may be pursued are set forth in Section 231.36, Florida Statutes. The basis for each of such charges is hereby defined:

(1) Incompetency is defined as inability or lack of fitness to discharge the required duty as a result of inefficiency or incapacity. Since incompetency is a relative term, an authoritative decision in an individual case may be made on the basis of testimony by members of a panel of expert witnesses appropriately appointed from the teaching profession by the Commissioner of Education. Such judgment shall be based on a preponderance of evidence showing the existence of one (1) or more of the following:

(a) Inefficiency: (1) repeated failure to perform duties prescribed by law (Section 231.09, Florida Statutes); (2) repeated failure on the part of a teacher to communicate with and relate to children in the classroom, to such an extent that pupils are deprived of minimum educational experience; or (3) repeated failure on the part of an administrator or supervisor to communicate with and relate to teachers under his or her supervision to such an extent that the educational program for which he or she is responsible is seriously impaired.

(b) Incapacity: (1) lack of emotional stability; (2) lack of adequate physical ability; (3) lack of general educational background; or (4) lack of adequate command of his or her area of specialization.

(2) Immorality is defined as conduct that is inconsistent with the standards of public conscience and good morals. It is conduct sufficiently notorious to bring the individual concerned or the education profession into public disgrace or disrespect and impair the individual’s service in the community.

(3) Misconduct in office is defined as a violation of the Code of Ethics of the Education Profession as adopted in Rule 6B-1.001, F.A.C., and the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6B-1.006, F.A.C., which is so serious as to impair the individual’s effectiveness in the school system.

(4) Gross insubordination or willful neglect of duties is defined as a constant or continuing intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority.

(5) Drunkenness is defined as:

(a) That condition which exists when an individual publicly is under the influence of alcoholic beverages or drugs to such an extent that his or her normal faculties are impaired; or

(b) Conviction on the charge of drunkenness by a court of law.

(6) Moral turpitude is a crime that is evidenced by an act of baseness, vileness or depravity in the private and social duties, which, according to the accepted standards of the time a man owes to his or her fellow man or to society in general, and the doing of the act itself and not its prohibition by statute fixes the moral turpitude.

Specific Authority 229.053(1), 231.546(2)(a), (b) FS. Law Implemented 231.36(4)(c), 231.546(2) FS. History–New 12-25-66, Amended 9-8-68, Repromulgated 12-5-74, Amended 8-12-81, 4-5-83, Formerly 6B-4.09.

6B-4.010 Instructional Personnel Assessment Systems.

(1) Submission Process.

(a) Each school district shall submit the instructional personnel assessment system to the Division of Professional Educators of the Department for approval pursuant to Section 231.29, Florida Statutes.

(b) Each submission shall include documentation to substantiate that the requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, have been met.

(c) The assessment shall be reviewed by the Department for inclusion of the following:
1. Assessment criteria that include, at a minimum, indicators that relate to the areas of competence specified in Section 231.29(3)(a), Florida Statutes.

2. A statement of district procedures reflecting methods and criteria used to designate, document, and differentiate unsatisfactory, satisfactory, and outstanding performance levels.

3. Copies of assessment data collection procedures, instruments, and forms.


(2) Initial Review Process. The Department of Education shall review and evaluate the performance assessment systems for compliance with the requirements and conditions of Section 231.29, Florida Statutes, and shall prepare and send to each school district a written notice that identifies any specific deficiencies of the system. Upon request from a school district, the Department shall provide assistance to the district for the purpose of bringing the system into compliance as quickly as possible.

(3) Approval Process. The Department of Education shall send written notification to the school district superintendent of the status of the school district’s instructional personnel assessment system. The status designation shall be as follows:

(a) Approved. An instructional personnel assessment system shall be designated approved if all requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, and the provisions of this rule are met.

(b) Conditionally Approved. An instructional personnel assessment system shall be designated conditionally approved if the school district’s assessment system fails to satisfy one or more of the requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, and the provisions of this rule. The school district’s system designated as conditionally approved shall be revised so that it is in full compliance with all requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, and the provisions of this rule within the time period specified by the Department, and resubmitted to the Department for review and approval.

(c) Disapproved. A school district’s system designated as conditionally approved shall be designated as disapproved if the requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, and the provisions of this rule are not met within the time period specified by the Department in the written notice granting the conditionally approved status of the system.

(4) Modifications to an Instructional Personnel Assessment System. If a school board makes substantive modifications to an approved school district instructional personnel assessment system, the modified system shall be submitted to the Department of Education for review and approval pursuant to this rule.

Specific Authority 229.053, 231.29 FS. Law Implemented 230.23(5)(c), 231.29 FS. History–New 6-19-01.
CHAPTER 6B-5 STANDARDS OF COMPETENT PROFESSIONAL PERFORMANCE

6B-5.001 General.

The standards listed in this chapter are the minimal standards of the education profession in Florida and are the basis for reviewing the performance of professional educators. The standards shall apply to those who teach and those who supervise and provide administrative services to those who teach.

Specific Authority 229.053(1), 231.546(2)(a), (b) FS. Law Implemented 231.546(2) FS. History–New 10-7-69, Repromulgated 12-5-74, Amended 8-12-81, 4-5-83, Formerly 6B-5.01.

6B-5.002 Definitions.

As used in Chapter 6B-5, F.A.C., the following words and terms have the following meaning:

1. Administrative – Pertaining to the execution, application, or management of persons or things.
2. Available – Usable or obtainable.
3. Communication skills – The capacity, ability, or art of giving, or giving and receiving, through any of the senses, information, ideas, and attitudes.
4. Competent – Able or fit to discharge the required duties as set forth in this chapter.
5. Designated task – The duty or assignment for which an educator is responsible.
6. Diagnosis – Identification of needs, strengths, and weaknesses through examination, observation, and analysis.
7. Educator – Any certified person in the educational program including but not limited to, those engaged in teaching, administering, and supervising.
8. Effective – Producing a definite or desired result.
9. Management – The effective control or supervision of people, time, space, and material resources.
10. Policy – Authorized expressions of public intent reflecting general principles guiding the efforts of a school system or school toward approved goals.
11. Personnel review, assistance – An observation of an educator’s performance which reports observed strengths, deficiencies, and recommendations for strategies designed to produce improvement.
12. Personnel review, competence – A three day observation of an educator’s performance which reports facts observed and conclusions regarding the educator’s competence.
13. Teacher – One who teaches or instructs.

Specific Authority 229.053(1), 231.546(2)(a), (b) FS. Law Implemented 231.546(2) FS. History–New 10-7-69, Repromulgated 12-5-74, Amended 8-12-81, 4-5-83, Formerly 6B-5.02.

6B-5.003 Administrative and Supervisory Requirements.

Competent educators must possess the abilities and skills necessary to perform the designated task. The educator, commensurate with job requirements and delegated authority, shall demonstrate competence in the following administrative and supervisory requirements:

1. Keep records in accordance with responsibilities designated by law and with accepted practices of the school district.
2. Supervise and evaluate others in accordance with law and accepted practices of school district.
3. Recognize the role and function of community agencies and groups as they relate to the school.
4. Utilize available instructional materials and equipment necessary to accomplish the designated task.
5. Adhere to and enforce administrative policies of the school, district rules and State Board rules, in accordance with Florida Statutes.
6. Adopt or develop a system for keeping records of student progress.
7. Counsel with students both individually and collectively concerning their educational needs.
6B-5.004 Analysis of Individual Needs and Individual Potential.
The competent educator shall use or ensure the use of acceptable techniques to analyze the needs and potential of individuals. The educator, commensurate with job requirements and delegated authority, shall demonstrate competence in the following techniques to analyze the needs and potential of individuals:

1. Diagnose the entry level and skill of students, using diagnostic tests, observations, and student records.
2. Select, adapt or develop, and sequence instructional materials and activities for the designated set of instructional objectives and student needs.
3. Create interest through the use of materials and techniques appropriate to the varying abilities and backgrounds of students.
4. Use individual student interests and abilities when planning and implementing instruction.
5. Make assignment of tasks and duties consistent with individual abilities and specialities.
6. Recognize the instructional needs of exceptional students.
7. Recognize patterns of physical and social development in students.

6B-5.005 Instructional Procedures.
Each competent educator shall ensure or promote accomplishment of the designated task through selection and use of appropriate instructional procedures. The educator, commensurate with job requirements and delegated authority, shall demonstrate competence in the following instructional procedures:

1. Establish rapport with students by using appropriate verbal and visual motivational devices.
2. Use procedures appropriate to accomplish the designated task to include but not be limited to:
   a. Identifying long range goals for a given subject area.
   b. Constructing and sequencing related short range objectives for a given subject area.
3. Practice instructional and social skills which assist students to interact constructively with their peers by encouraging expressions of ideas, opinions, and feelings.
4. Give directions for carrying out an instructional activity by assuring that the task is understood and using feedback techniques which are relevant to the designated task.
5. Utilize information and materials that are relevant to the designated task.

6B-5.006 Communication Skills.
In communicating with students and educators, each educator, commensurate with job requirements and delegated authority, shall demonstrate competence with the following communication skills:

1. Use language and terminology relevant to the designated task.
2. Use language which reflects an understanding of the ability of the individual or group.
3. Orally communicate information coherently and logically.
4. Write in a logical and understandable style with appropriate grammar, spelling, and sentence structure.
5. Comprehend and interpret oral messages.
6. Extract major ideas or themes from the statements of others.
7. Encourage individuals to state their ideas clearly.

6B-5.007 Management Techniques.
The educator, commensurate with job requirements and delegated authority, shall demonstrate competence in the following management techniques:

1. Resolve discipline problems in compliance with the policies of the school, rules of the district school board and the State Board, and Florida Statutes.
2. Maintain consistency in the application of policy and practice by:
   a. Establishing routines and procedures for the use of materials and the physical movement of students.
   b. Formulating appropriate standards for student behavior.
   c. Identifying inappropriate behavior and employing appropriate techniques for correction.
3. Maintain standards of conduct required in subsection 6B-5.007(2), F.A.C.
4. Use management techniques appropriate to the particular setting.
6B-5.008 **Competence in Specialization.**
Each competent educator shall possess knowledge within the area of specialization to a degree consistent with the educator’s professional preparation. The educator, commensurate with job requirements and delegated authority, shall demonstrate competence in specialization by:

1. Demonstrating an awareness of current developments in the field of specialization.
2. Demonstrating an ability to read, comprehend, interpret, and use professional material.

**Specific Authority 229.053(1), 231.546(2)(a), (b) FS. Law Implemented 231.546(2) FS. History–New 10-7-69, Repromulgated 12-5-74, Amended 8-12-81, 4-5-83, Formerly 6B-5.08.**

6B-5.009 **Evaluation of Learning and Goal Achievement.**
Each competent educator accepts responsibility commensurate with delegated authority to evaluate learning and goal achievement. The educator, commensurate with job requirements and delegated authority, shall demonstrate competence in the following techniques used to evaluate learning and goal achievement:

1. Use several types of evaluative techniques, including but not limited to classroom tests constructed by the educator to measure student performance according to criteria based upon objectives.
2. Provide frequent and timely responses concerning the work attempted and tasks assigned.
3. Analyze and interpret effectively the results of evaluation for judging instruction, the achievement of stated goals, or the need for further diagnosis.
4. Utilize the results of evaluation for planning, counseling, and program modification.
5. Explain methods and procedures of evaluation to those concerned.
6. Possess the ability to comprehend and work with fundamental mathematical concepts.

**Specific Authority 229.053(1), 231.546(2)(a), (b) FS. Law Implemented 231.546(2) FS. History–New 10-7-69, Repromulgated 12-5-74, Amended 8-12-81, 4-5-83, Formerly 6B-5.09.**

6B-5.010 **Human and Interpersonal Relationships.**
The educator, commensurate with job requirements and delegated authority, shall demonstrate competence in the following human and interpersonal relations skills:

1. Assist students in developing their values, attitudes, and beliefs.
2. Encourage and support behavior which reflects a feeling for the dignity and worth of other people.
3. Demonstrate instructional and social skills which assist others to interact constructively.
4. Provide leadership and direction for others by appropriate example.
5. Offer constructive criticism when necessary.
6. Comply with reasonable requests and orders given by and with proper authority.
7. Assign reasonable tasks commensurate with objectives and designated responsibility.
9. Apply instructional and social skills in developing positive self-concepts.

**Specific Authority 229.053(1), 231.546(2)(a), (b) FS. Law Implemented 231.546(2) FS. History–New 10-7-69, Repromulgated 12-5-74, Amended 8-12-81, 4-5-83, Formerly 6B-5.10.**

6B-5.011 **Personal Requirements.**
In assessing the mental or physical health of educators, no decision adverse to the educator shall be made except on the advice or testimony of persons competent to make such judgment by reason of training, licensure and experience. Each educator, commensurate with job requirements and delegated authority, shall demonstrate competence in the following personal requirements:

1. Engage in physical activity appropriate to the designated task except for temporary disability.
2. Communicate effectively to accomplish the designated task.
3. Exhibit appropriate control of emotions.
4. Perform designated tasks with sufficient intellectual ability.

**Specific Authority 229.053(1), 231.546(2)(a), (b) FS. Law Implemented 231.546(2) FS. History–New 10-7-69, Repromulgated 12-5-74, Amended 8-12-81, 4-5-83, Formerly 6B-5.11.**
CHAPTER 6B-10 ORGANIZATION

6B-10.009 Designation of Official Reporter.
(1) Reporter for Subject Matter Index. The Florida Administrative Law Reports (FALR) is hereby designated as the official reporter for the purpose of publishing and indexing by subject matter all Commission Final Orders required to be indexed by Rule 1S-6.004, Florida Administrative Code.
(2) The Agency Clerk shall determine the Final Orders required to be indexed.

Specific Authority 120.533(1) FS. Law Implemented 120.53(4) FS. History–New 12-4-85, Amended 9-15-92.

6B-10.010 Authority for Rulemaking Regarding Indexing, Management and Availability of Final Orders.
Rules 6B-10.009 through 6B-10.016, Florida Administrative Code, regarding the indexing, management, and availability of Final Orders are issued pursuant to Section 120.533, Florida Statutes, and Chapter 1S-6, Florida Administrative Code, and have been approved by the Department of State pursuant to Section 120.53(2)(c), Florida Statutes.

Specific Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History–New 9-15-92.

6B-10.011 Purpose.
The purpose of Rules 6B-10.009 through 6B-10.016, Florida Administrative Code, is to provide public access to Final Orders by providing for the indexing of Final Orders, listing of Final Orders which are not indexed, and permanent retention of all Final Orders.

Specific Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History–New 9-15-92.

6B-10.012 Plan.
(1) The Commission shall enhance the accessibility of Final Orders by sequentially numbering Final Orders that are required to be indexed and listed, pursuant to the provisions of Rule 6B-10.015, Florida Administrative Code. The Commission shall make the Final Orders, subject matter index, and the list available to the public.
(2) The Agency Clerk shall assist the public in obtaining information pertaining to Final Orders. The Office of the Agency Clerk is located at 301 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-0400, Telephone Number (850)488-0547. The Office is open to the public between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays and weekends.
(3) Final Orders required to be indexed may be found by utilizing the Commission’s Official Reporter, FLORIDA ADMINISTRATIVE LAW REPORTS (FALR). The Official Reporter is found at most county law libraries and is available by subscription at FLORIDA ADMINISTRATIVE LAW REPORTS (FALR), Post Office Box 385, Gainesville, Florida 32602, Telephone Number (352)375-8036. A Subscription to FALR is maintained at the Office of the Executive Director at the same address given for the Agency Clerk. A Subscription to the FALR is also maintained at the office of the General Counsel of the Department of Education. A special compilation of only Commission Final Orders, with complete indexing, has been prepared since January, 1984, and is available from the FLORIDA ADMINISTRATIVE LAW REPORTS (FALR).
(4) The list of Final Orders not indexed and published will be published in the Commission’s Official Reporter, and maintained at the Office of the Agency Clerk, where it will be available for public inspection and copying at cost.
(5) The list of Final Orders not indexed and published is maintained at both the Office of the Commission’s Official Reporter and the Office of the Agency Clerk and is available for public inspection and copying at cost.

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a) FS. History–New 9-15-92.
6B-10.013 Final Orders Required to be Indexed.
For purposes of this part, Final Orders as defined in Rule 1S-6.002, Florida Administrative Code, which are required to be indexed pursuant to Rule 1S-6.004, Florida Administrative Code, shall be indexed. Final Orders which do not resolve a substantial legal issue of first impression; establish for the first time a rule of law, principle, or policy; alter, modify, or clarify a prior Final Order; resolve conflicting Final Orders, or harmonize decisions of appellate courts shall be listed, but not indexed in the following categories:

(1) Final Orders resulting from informal proceedings under Section 120.57(2), Florida Statutes.
(2) Final Orders closing cases on the basis of settlements, consent orders, or stipulations under Section 120.57(3), Florida Statutes.

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)3., 120.53(2)(d) FS. History–New 9-15-92.

6B-10.014 Listing of Final Orders.
(1) The Commission shall maintain a list of all Final Orders excluded from indexing under Rule 6B-10.013, Florida Administrative Code, by name of Party and Final Order Number.
(2) Final Orders not resulting from a proceeding under Chapter 120, Florida Statutes, as set forth in Rule 1S-6.002, Florida Administrative Code, shall be neither listed nor indexed.
(3) Final Orders resulting from a challenge to the validity of a rule under Sections 120.54(4) or 120.56, Florida Statutes, shall be neither listed nor indexed by the Commission. Such orders shall be listed or indexed by the Division of Administrative Hearings.

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)4. FS. History–New 9-15-92.

6B-10.015 Numbering of Final Orders.
(1) All Final Orders that are required to be indexed or listed shall be sequentially numbered at the time of rendition, pursuant to Rule 1S-6.007, Florida Administrative Code.
(2) The sequential number shall be a two-part number separated by a dash with the first part indicating the year and the second part indicating the numerical sequence of the order as rendered for that year, beginning with number 1 each new calendar year. The assigned agency designation prefix, EPC, shall precede the two-part number.
(3) The applicable order category shall be added as a suffix succeeding the agency designation prefix and two-part number. The order categories are as follows:

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<th>Category</th>
<th>Description</th>
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<tr>
<td>DS</td>
<td>Declaratory Statement</td>
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<tr>
<td>FOF</td>
<td>Final Order Formal Proceeding</td>
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<td>FON</td>
<td>Final Order No Proceeding</td>
</tr>
<tr>
<td>AS</td>
<td>Agreed Settlement (Settlement Agreement)</td>
</tr>
<tr>
<td>S</td>
<td>Stipulation</td>
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<tr>
<td>CO</td>
<td>Consent Order</td>
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</table>

Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History–New 9-15-92.

6B-10.016 Maintenance of Records.
Final Orders that comprise final agency action and that must be indexed or listed pursuant to this chapter shall be permanently maintained by the Commission’s Official Reporter, FLORIDA ADMINISTRATIVE LAW REPORTS, Post Office Box 385, Gainesville, Florida 32602, Telephone Number (352)375-8036 and by the Commission pursuant to the retention schedule approved by the Department of State, Division of Library and Information Services.

Specific Authority 120.533(1)(j) FS. Law Implemented 119.041(2) FS. History–New 9-15-92.
6B-11.007 Disciplinary Guidelines.

(1) When the Education Practices Commission finds that a person has committed any act for which the Commission may impose discipline, the Commission shall impose an appropriate penalty within the ranges set forth for various acts or violations in the following disciplinary guidelines unless, based upon consideration of aggravating and mitigating factors in the individual case which are among those set out in subsection (3), the Commission determines that a penalty outside the range in those guidelines but within statutory limitation is appropriate. In those cases in which the Commission relies on aggravating or mitigating factors to depart from the ranges in these disciplinary guidelines, such aggravating and mitigating factors shall be stated in the record of the case and in the Final Order imposing the applicable penalty.

(2) The following disciplinary guidelines shall apply to violations of the below listed statutory and rule violations and to the described actions which may be basis for determining violations of particular statutory or rule provisions. Each of the following disciplinary guidelines shall be interpreted to include “probation” with applicable terms thereof as an additional penalty provision.

(a)1. Obtaining a Florida educator’s certificate or employment by fraudulent means in violation of s. 231.28(1)(a), F.S. Probation – Suspension
2. Alteration of a Florida educator’s certificate in violation of s. 231.28(1)(c), (f), (i), F.S., subsections 6B-1.006(5)(a), (g), (h), F.A.C. Revocation
(b)1. Being incompetent to teach or to perform duties as an educator due to physical or mental incapacity in violation of s. 231.28(1)(b), F.S. 3 to 6 Year Probation – Suspension
2. Being incompetent to teach or to perform duties as an educator due to inefficiency in violation of s. 231.28(1)(b), F.S. Suspension – Revocation
(c) Violating probation terms ordered by the Education Practices Commission in violation of s. 231.28(1)(b), F.S., paragraph 6B-1.006(5)(o), F.A.C. 1-Year Probation – 3-Year Suspension
(d) Misappropriation of money in violation of s. 231.28(1)(c), (e), (f), (i), F.S., paragraphs 6B-1.006(4)(c), (5)(a), F.A.C. Restrict Scope of Practice – Suspension – Permanent Revocation
(e) Using position for personal gain in violation of s. 231.28(1)(c), (f), (i), F.S., paragraph 6B-1.006(4)(c), F.A.C. Probation – 2-Year Suspension
(f) Altering student/school records in violation of s. 231.28(1)(c), (f), (i), F.S., paragraphs 6B-1.006(3)(f), (4)(b), (5)(a), F.A.C. Probation – 3-Year Suspension
(g) Committing criminal acts and/or convictions in violation of s. 231.28(1)(c), (e), (f), F.S.
1. Misdemeanors Reprimand – Suspension
2. Felonies Probation – Revocation
(h) Sexual misconduct, no students involved, in violation of s. 231.28(1)(c), (f), (i), F.S., paragraphs 6B-1.006(4)(c), (5)(c), (d), F.A.C. Suspension – Revocation
(i) Sexual misconduct with any student or any minor in violation of s. 231.28(1)(c), (f), (i), F.S., paragraphs 6B-1.006(3)(a), (e), (g), (h), (4)(c), F.A.C. Reprimand – Revocation
(j) Misuse of corporal punishment/Inappropriate methods of discipline in violation of s. 231.28(1)(b), (c), (f), (i), F.S., paragraphs
6B-1.006(3)(a), (e), F.A.C.
(k) Alcohol-related offenses in violation of s. 231.28(1)(c), (e), (f), (i), F.S., paragraphs
6B-1.006(3)(a), (e), F.A.C.
1. Student-involvement Suspension – 2-Year Revocation
2. Non-Student involvement Probation – 1-Year Revocation
(l) Possession of controlled substances in violation 1-Year Suspension – 2-Year
of s. 231.28(1)(c), (e), (f), (i), F.S., paragraph Revocation
6B-1.006(3)(a), F.A.C.
(m) Sale, trafficking, conspiracy to traffic 7-Year Revocation – Permanent
controlled substances in violation of s. Revocation
231.28(1)(c), (e), (f), (i), F.S., paragraph
6B-1.006(3)(a), F.A.C.
(n) Harassment or discrimination of students on Reprimand – Revocation
the basis of race, color, religion, sex, age, origin,
political beliefs, handicap, sexual orientation, or family status in violation of s. 231.28(1)(i), F.S., paragraph 6B-1.006(3)(g), F.A.C.
(o) Harassment or discrimination which interferes Reprimand – Revocation
with an individual’s performance or work in violation of s. 231.28(1)(i), F.S., paragraph
6B-1.006(5)(d), F.A.C.
(p) Multiple categories of violations. EPC will apply penalties enumerated above in concurrent or consecutive terms.
(3) Based upon consideration of aggravating and mitigating factors present in an individual case, the Commission may deviate from the penalties recommended in subsection (2). The Commission may consider the following as aggravating or mitigating factors:
(a) The severity of the offense;
(b) The danger to the public;
(c) The number of repetitions of offenses;
(d) The length of time since the violation;
(e) The number of times the educator has been previously disciplined by the Commission;
(f) The length of time the educator has practiced and the contribution as an educator;
(g) The actual damage, physical or otherwise, caused by the violation;
(h) The deterrent effect of the penalty imposed;
(i) The effect of the penalty upon the educator’s livelihood;
(j) Any effort of rehabilitation by the educator;
(k) The actual knowledge of the educator pertaining to the violation;
(l) Employment status;
(m) Attempts by the educator to correct or stop the violation or refusal by the licensee to correct or stop the violation;
(n) Related violations against the educator in another state including findings of guilt or innocence, penalties imposed and penalties served;
(o) Actual negligence of the educator pertaining to any violation;
(p) Penalties imposed for related offenses under subsection (2) above;
(q) Pecuniary benefit or self-gain enuring to the educator;
(r) Degree of physical and mental harm to a student or a child;
(s) Present status of physical and/or mental condition contributing to the violation including recovery from addiction;
(t) Any other relevant mitigating or aggravating factors under the circumstances.
(4) These guidelines shall not be interpreted as limitations on penalties assessed within statutory parameters as a result of a negotiated settlement agreement offered by the parties. However, a panel of the EPC shall not be prohibited from rejecting a proposed stipulation. Furthermore, a panel of the EPC may direct that the basis for a penalty arrived at as a result of a settlement agreement of the parties be stated in the final order.

Specific Authority 231.261(7) FS. Law Implemented 231.262(6), 231.28 FS. History–New 2-27-94.
6B-11.008 Probation.

(1) Florida educators, other than substitute teachers, who are ordered by the Education Practices Commission to serve a term of probation, shall begin such term upon first employment in a position requiring a Florida educator’s certificate after the effective date of such order, unless such order includes specific contrary provisions. A term of probation of less than nine months shall be served in consecutive months of such employment broken only by periods of unemployment as a Florida educator. A term of probation of one or more years shall be served by that number of full (at least nine months) school teaching years or consecutive portion of such years broken only by periods of unemployment in a position requiring a Florida teaching certificate.

(2) A substitute teacher who holds a Florida educator’s certificate and who is required to serve a period of probation shall receive credit for probation time served under the following limitations and conditions:
   (a) One year’s probation shall consist of 180 days of employment made up of periods of not less than 10 consecutive school days served in any one teaching assignment requiring a Florida educator’s certificate;
   (b) An upper level administrator of the probationer’s employer shall agree to furnish the Commission with such reports and evaluations as may be required under the terms of probation; and
   (c) The probationer’s written notice of intent to count substitute teaching time as part of the probation period shall be submitted to the Commission prior to commencing such teaching.

(3) Each Florida educator ordered to serve a term of probation shall, as a condition of such probation, pay to the Education Practices Commission a fee at the rate of $150.00 per probation year for the administrative costs of monitoring compliance with all conditions of probation. The fee for each year of probation shall be paid in full within the first six months of such year.

Specific Authority 231.261(7), 231.262(6)(d) FS. Law Implemented 231.262(6), 231.28(1) FS. History–New 2-27-94, Amended 4-30-95, 1-26-97.
CHAPTER 6B-12 GENERAL PROCEDURES

6B-12.001 Applicability. (Repealed)
6B-12.002 Form of Documents. (Repealed)
6B-12.003 Service. (Repealed)
6B-12.004 Computation of Time Periods. (Repealed)
6B-12.005 Motions. (Repealed)
6B-12.006 Appearance before the Commission. (Repealed)
6B-12.007 Ex Parte Communications. (Repealed)
6B-12.008 Exceptions; Briefs. (Repealed)
6B-12.009 Oral Argument. (Repealed)
6B-12.010 Deliberations; Final Order. (Repealed)
6B-12.011 Continuances. (Repealed)
6B-12.012 Procedures for Informal Hearings. (Repealed)
6B-12.013 Payment of Fines. (Repealed)
6B-12.014 Consent Agenda. (Repealed)
CHAPTER 6B-13 DECLARATORY STATEMENTS

6B-13.001 Declaratory Statements. (Repealed)
6C BOARD OF REGENTS

CHAPTER 6C-1 ORGANIZATION, POWERS, DUTIES, AND FUNCTIONS OF THE BOARD OF REGENTS

6C-1.0001 General Description and Address of Agency.
6C-1.0005 Definitions. (Repealed)
6C-1.001 Offices. (Repealed)
6C-1.002 Service of Process. (Repealed)
6C-1.003 Powers and Duties. (Repealed)
6C-1.004 Officers. (Repealed)
6C-1.005 Meetings. (Repealed)
6C-1.0055 Meetings, Hearings and Workshops by Means of Telephone Conference Calls and Other Communications Media Technology. (Repealed)
6C-1.006 Agenda. (Repealed)
6C-1.007 Appearances before the Board. (Repealed)
6C-1.008 Committees. (Repealed)
6C-1.009 Liaison. (Repealed)
6C-1.010 Chancellor. (Repealed)
6C-1.011 Declaratory Statements. (Repealed) (Repealed)
6C-1.012 Standard Forms of the State University System (Repealed).
6C-1.013 Code of Penalties. (Repealed)
6C-1.014 Inspectors General. (Repealed)
6C-1.015 Interinstitutional Councils and Committees. (Repealed)

6C-1.0001 General Description and Address of Agency.

(1) The Statement of Organization and Operation of the Board of Regents may be obtained upon request from the Office of the Chancellor, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

(2) The public may obtain information or make submissions or requests regarding the Board of Regents by calling the Office of the Chancellor (850)201-7100, or by writing: Office of the Chancellor, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

(3) Service of process on the Board is made by serving the General Counsel, State University System of Florida, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

Specific Authority 240.209(1) FS. Law Implemented 120.54(5)(b)6. FS. History–New 8-3-00.
CHAPTER 6C-2 INTERINSTITUTIONAL ORGANIZATIONS

6C-2.001 Council of Presidents. (Repealed)
6C-2.002 Interinstitutional Councils and Committees. (Repealed)
CHAPTER 6C-3 UNIFORM SYSTEMWIDE PROCEDURES AND REPORTING

6C-3.001 Systemwide Uniform Procedures.
The Chancellor is authorized to issue Chancellor’s Memoranda, Interpretive Memoranda, and Standard Practices which shall be the official uniform procedures and internal management memoranda for the State University System as defined in Section 120.52(15)(a), Florida Statutes. These documents will be filed in the office of the Corporate Secretary and copies made available to the presidents of the institutions.

Specific Authority 240.209(1), (3)(m) FS. Law Implemented 240.209(1), (3)(k), (m), 120.52(15)(a) FS. History–Formerly 6C-2.06, 11-18-70, Amended 7-19-74, Amended and Renumbered 12-17-74, Amended 9-8-77, 8-11-85, Formerly 6C-3.01.

6C-3.003 Constitutions of Institutions.
Constitutions, if any, adopted by the universities shall be consistent with the laws of the State of Florida, the rules of the Board or the provisions of negotiated collective bargaining agreements.

Specific Authority 240.209(1), (3)(m) FS. Law Implemented 240.209(1), (3)(m) FS. History–Adopted 11-4-74, Revised 12-6-74, Amended and Renumbered 12-17-74, Amended 8-11-85, Formerly 6C-3.03.

6C-3.004 Degrees.
The president shall submit the names of nominees for honorary degrees for the advice and consent of the Executive Committee of the Board.

Specific Authority 240.209(1), (3)(m) FS. Law Implemented 240.209(1), (3)(m), 240.227(20) FS. History–Formerly 6C-2.36, 11-31-69, Amended and Renumbered 12-17-74, Amended 8-11-85, Formerly 6C-3.04.

6C-3.006 Accreditation.
The Board shall be notified by the President of a university at the time an accreditation visitation is requested, and accreditation reports and any supporting data shall be filed with the Chancellor promptly upon receipt by the institution.

Specific Authority 240.209(1), (3)(m) FS. Law Implemented 240.209(1), (3)(k), (m) FS. History–Formerly 6C-2.57, 11-18-70, Amended and Renumbered 12-17-74, Amended 8-11-85, Formerly 6C-3.06.

6C-3.007 Management Information System.
(1) The Chancellor shall develop and maintain a computerized management information system to assist the Board in carrying out its statutory responsibilities.
(2) The information system shall include uniform application systems to be implemented by the universities.
(3) Data shall be submitted by the universities according to the prescribed format and scheduled dates specified by the Chancellor in annual instructions to the universities.
(4) Data submissions will be accompanied by a letter of certification, signed by the president of the institution or designated representative, indicating that the data submitted by the university is accurate.

Specific Authority 240.209(1), (3)(m) FS. Law Implemented 240.209(1), (3)(k), (m) FS. History–Adopted 4-8-74, Amended and Renumbered 12-17-74, Amended 8-11-85, Formerly 6C-3.07.

6C-3.0075 Security of Data and Information Technology Resources.
(1) The Board of Regents is responsible for assuring an adequate level of security for all data and information technology resources within the State University System.
(2) The Director of Information Resource Management in the Board Office will serve as the Information Security Manager for the State University System, for the purposes of Section 282.318, Florida Statutes.
(3) The Information Security Manager for the State University System shall administer the security program for data and information technology resources, in accordance with the requirements of Section 282.318(3)(a), Florida Statutes, and subparagraphs 2.-5. of Section 282.318(3)(d), Florida Statutes.


6C-3.009 Student Financial Aid.

(1) Definition of student financial aid – The terms “financial aid” and “financial assistance” are defined to include programs relating to internal and external scholarships, grants, loans, student employment, and fee waivers.

(2) Each university shall establish by rule a policy relating to the administration, distribution, and use of student financial aid. This rule shall not conflict with existing state or federal law or regulations relating to the award of student financial aid. Such rule shall as a minimum provide:

(a) that a policy level committee shall be established which shall have the responsibility to recommend university policy on matters relating to financial aid, recommend specific financial aid program objectives in support of the university master plan, and facilitate the conduct of financial aid activities;

(b) that a single office shall be designated to coordinate the collection of data for all programs of financial aid for use in university systems and state information systems;

(c) a procedure for the distribution and use of financial aid funds.

This policy shall identify those institutional resources to be available for financial aid and shall provide that financial aid resources be used in a manner that serves the institution’s plan for equalizing educational opportunity. Financial need and academic merit shall be given primary consideration in the award of financial aid funds.

Specific Authority 240.209(1), (3)(d), (k), (m) FS. Law Implemented 240.209(1), (3)(d), (k), (m) FS. History–New 6-10-84, Formerly 6C-3.09.
CHAPTER 6C-4 UNIVERSITY PRESIDENTS

6C-4.001 Powers and Duties of University Presidents. (Repealed)


(1) The Board shall establish committees to assist the Board in selecting presidents of the State University System institutions. The Chairman of the Board shall (a) appoint members of the Board to the Board Presidential Search Committee and, (b) based upon the recommendation of the Chancellor, appoint a university search committee which shall be representative of the university community. The Board Presidential Search Committee shall recommend to the Board a procedure for the conduct of the presidential search and selection.

(2) A president shall be appointed by a majority vote of the Board and shall thereafter serve at the pleasure of the Board.

(3) An evaluation of each president shall be done annually by the Board and the Chancellor. This evaluation shall be based on program goals that have been set jointly by the Board, the Chancellor and the president.

Specific Authority 240.209(1), (3)(m) FS. Law Implemented 240.209(1), (3)(a) FS. History–New 5-27-75, Amended 12-7-82, 8-11-85, Formerly 6C-4.02.
CHAPTER 6C-5 SYSTEMWIDE PERSONNEL MATTERS

6C-5.0001 Purpose of Chapter 6C-5. (Repealed)
6C-5.001 Non-discrimination. (Repealed)
6C-5.002 University System Professional Classification System. (Repealed)
6C-5.003 University System Professional Pay Plan. (Repealed)
6C-5.004 Instructional and Research Faculty and Administrative and Professional Staff Selection and Appointment. (Repealed)
6C-5.005 Faculty Evaluation and Improvement. (Repealed)
6C-5.006 Tenure. (Repealed)
6C-5.007 Nonrenewal of Nontenured Faculty Appointments. (Repealed)
6C-5.008 Rule of Procedure Governing Faculty Grievances. (Repealed)
6C-5.009 Faculty Development Program. (Repealed)
6C-5.010 Academic Freedom and Responsibility. (Repealed)
6C-5.011 Retirement. (Repealed)
6C-5.012 Conflict of Interest. (Repealed)
6C-5.013 Outside Employment and Dual Compensation. (Repealed)
6C-5.014 Employment of Relatives. (Repealed)
6C-5.015 Political Activity. (Repealed)
6C-5.016 Use of University Facilities. (Repealed)
6C-5.017 Disruptive Conduct. (Repealed)
6C-5.018 Fingerprinting. (Repealed)
6C-5.019 Travel. (Repealed)
6C-5.020 Perquisites and Benefits. (Repealed)
6C-5.021 Leave. (Repealed)
6C-5.022 Foreign Faculty Service. (Repealed)
6C-5.023 Workman’s Compensation. (Repealed)
6C-5.024 Administrative and Professional Staff Evaluation and Improvement. (Repealed)
6C-5.025 Layoff. (Repealed)
6C-5.026 Developmental Research School Personnel. (Repealed)
6C-5.027 Termination for Cause and Other Actions for Instructional and Research Faculty and Administrative and Professional Staff Members. (Repealed)
6C-5.028 Separation of Administrative and Professional Staff. (Repealed)
6C-5.029 Promotion. (Repealed)
6C-5.030 Personnel Exchange Program. (Repealed)

PART I ALL SUS GENERAL FACULTY AND ADMINISTRATIVE AND PROFESSIONAL EMPLOYEES

6C-5.101 Applicability of Part I. (Repealed)
6C-5.103 Non-Discrimination. (Transferred to 6C-5.801)
6C-5.105 State University System General Faculty and Administrative and Professional Employees Classification Plan. (Repealed)
6C-5.111 State University System General Faculty and Administrative and Professional Employees Pay Plan. (Repealed)
6C-5.113 Promotion. (Repealed)
6C-5.115 Additional State Compensation. (Repealed)
6C-5.116 Overlap in Position. (Repealed)
6C-5.120 Spoken English Language Competence of Faculty Members. (Repealed)
6C-5.125 Layoff and Recall. (Repealed)
6C-5.130 Reclassification or Reassignment of Academic Administrators. (Repealed)
6C-5.131 Perquisites and Sale of Goods and Services. (Repealed)
6C-5.133 Free Course Enrollment. (Transferred to 6C-5.830)
6C-5.135 Retirement. (Transferred to 6C-5.802)
6C-5.141 Workers’ Compensation. (Transferred to 6C-5.803)

PART II GENERAL FACULTY AND ADMINISTRATIVE AND PROFESSIONAL EMPLOYEES IN THE GENERAL FACULTY BARGAINING UNIT

6C-5.201 Applicability of Part II. (Repealed)
6C-5.205 Academic Freedom and Responsibility. (Repealed)
6C-5.211 General Faculty Member and Administrative and Professional Employee Selection and Appointment. (Repealed)
6C-5.215 Employment of Relatives. (Repealed)
6C-5.221 General Faculty Evaluation and Improvement. (Repealed)
6C-5.225 Tenure. (Repealed)
6C-5.231 Permanent Status for Developmental Research School Employees. (Repealed)
6C-5.235 Administrative and Professional Employees Evaluation and Improvement. (Repealed)
6C-5.245 Conflict of Interest. (Repealed)
6C-5.251 Use of University Facilities and Services. (Repealed)
6C-5.255 Political Activity. (Repealed)
6C-5.261 Leave. (Repealed)
6C-5.271 General Faculty Foreign Service. (Repealed)
6C-5.275 Personnel Exchange Program. (Repealed)
6C-5.285 Disruptive Conduct. (Repealed)
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6C-5.301 Applicability of Part III. (Repealed)
6C-5.305 Leaves. (Repealed)
6C-5.309 Academic Freedom and Responsibility. (Repealed)
6C-5.311 Salary Formula for Changing from a Calendar Year to an Academic Year Appointment. (Repealed)
6C-5.313 Transition from an Administrative to a Faculty Appointment. (Repealed)
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PART IV ADMINISTRATIVE AND PROFESSIONAL EMPLOYEES BOARD - OFFICE
6C-5.401 Applicability of Part IV. (Repealed)
6C-5.402 Employee Selection and Appointment. (Repealed)
6C-5.405 Grievance Procedure. (Repealed)
6C-5.407 Evaluation. (Repealed)
6C-5.411 Non-reappointment and Resignation of Board of Regents Administrative and Professional Staff. (Repealed)
6C-5.415 Discipline, Suspension and Termination for Cause. (Repealed)
6C-5.417 Employment of Relatives. (Repealed)
6C-5.420 Employee Assistance Program. (Repealed)
6C-5.421 Outside Activity and Conflict of Interest. (Repealed)
6C-5.422 Political Activity. (Repealed)
6C-5.423 Copyrights and Patents. (Repealed)
6C-5.425 Administrative and Professional Employee Awards Program. (Repealed)
6C-5.431 Exchange Program. (Repealed)
6C-5.435 Sick Leave Pool for Administrative and Professional and Career Service Employees. (Repealed)
PART V BOARD OF REGENTS OFFICE UNIVERSITY SUPPORT PERSONNEL SYSTEM EMPLOYEES
6C-5.501 Applicability of Part V. (Repealed)
PART VI ALL OPS CATEGORIES
6C-5.601 Applicability of Part VI. (Repealed)
6C-5.603 General Provisions. (Repealed)
6C-5.607 Other Personal Services Categories. (Repealed)
6C-5.609 Administration of the Other Personal Services Program. (Repealed)
6C-5.611 Terms and Conditions Governing Other Personal Services. (Repealed)
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6C-5.700 Applicability of Part VII. (Repealed)
6C-5.710 Recruitment, Selection, and Appointment. (Repealed)
6C-5.720 Classification Plan. (Repealed)
6C-5.730 Pay Plan. (Repealed)
6C-5.740 Attendance and Leave. (Repealed)
6C-5.750 Performance Appraisal. (Repealed)
6C-5.760 Disciplinary Actions, Grievances, and Appeals. (Repealed)
6C-5.770 Separations. (Repealed)
6C-5.771 Layoff and Recall. (Repealed)
PART VIII ALL SUS EMPLOYEES
6C-5.800 Applicability of Part VIII. (Repealed)
6C-5.801 Unlawful Discrimination. (Repealed)
6C-5.802 Retirement. (Repealed)
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6C-5.804 Selective Service Registration Requirements. (Repealed)
6C-5.805 Approval of Perquisites for State University System Employees. (Repealed)
6C-5.810 Sale of Goods and Services to State University System Employees. (Repealed)
6C-5.815 Uniforms, Clothing, Laundry Services, and Footwear for State University System Employees. (Repealed)
6C-5.818 Approval of Perquisites/Sale of Goods and Services for State University System Employees. (Repealed)
6C-5.820 Payment of Moving Expense Perquisites for State University System Employees. (Repealed)
6C-5.825 Additional State Compensation for State University System Employees. (Repealed)
6C-5.830 Free University Courses. (Repealed)
6C-5.835 Accommodation of Religious Observances by University Employees. (Repealed)
6C-5.840 State University System Employee Recognition Program. (Repealed)
6C-5.845 Family and Medical Leave. (Repealed)
6C-5.900 State University System General Personnel Policy.
6C-5.910 Recruitment, Selection, Appointment, and Nonreappointment.
6C-5.915 Compensation.
6C-5.920 Benefits and Hours of Work.
6C-5.925 Evaluation and Recognition.
6C-5.930 Learning Opportunities.
6C-5.935 Promotion, Change in Assignment, Demotion and Transfer.
6C-5.940 Tenure and Permanent Status.
6C-5.945 Employee Ethical Obligations and Conflicts of Interest.
6C-5.950 Disciplinary Actions, Complaints, and Appeals.
6C-5.955 Separations From Employment and Layoff.

6C-5.900 State University System General Personnel Policy.

(1) Chapter 6C-5, F.A.C., rules prescribe personnel policy for all State University System (SUS) employees including Faculty, Administrative and Professional employees (A & P), University Support Personnel System employees (USPS), and OPS employees. These rules shall have Systemwide application by authority granted to the Board of Regents (Board) in Chapters 240 and 447, F.S. All rules and policies or procedures arising from these Systemwide rules shall be consistent with the relevant provisions of Federal and State law and the Constitutions of the United States of America and the State of Florida.

(2) The provisions of Rule 6C-5.900, F.A.C., are applicable to and incorporated by reference in all Chapter 6C-5, F.A.C., rules.

(3) These Systemwide rules are supplemented by the following:

(a) State law including the following chapters of Florida Law: Chapter 11, F.S., Legislative organization, procedures, and staffing; Chapter 92, F.S., Witnesses, records, and documents; Chapter 99, F.S., Candidates, campaign expenses, and contesting elections; Chapter 104, F.S., Election code: violations, penalties; Chapter 110, F.S., State employment; Chapter 112, F.S., Public officers and employees, general provisions; Chapter 115, F.S., Leaves of absence to officials and employees; Chapter 119, F.S., Public records; Chapter 121, F.S., Florida Retirement System; Chapter 215, F.S., Financial matters: general provisions; Chapter 216, F.S., Planning and budgeting; Chapter 228, F.S. Public Education: General Provisions; Chapter 240, F.S., Postsecondary education; Chapter 250, F.S., Military affairs; Chapter 295, F.S., Laws relating to veterans: general provisions; Chapter 386, F.S., Particular conditions affecting public health; Chapter 400, F.S., Nursing homes and related health care facilities; Chapter 409, F.S., Social and economic assistance; Chapter 440, F.S., Workers’ compensation; Chapter 447, F.S., Labor organizations; Chapter 760, F.S., Discrimination in the treatment of persons; and Chapter 775, F.S., Definitions, general penalties, registration of criminals.


(c) University rules enumerated in Chapters 6C1 through 6C10 and Chapter 6C-19, F.A.C.

(d) The Collective Bargaining Agreements.

(e) Internal management memoranda informing administrators of procedures or guidelines for implementing the policies contained herein, however, these procedures and guidelines shall not change substantive rights of employees or terms and conditions of employment.

(4) Personnel Programs:

(a) The Chancellor, as the Chief Administrative Officer for the Board, and the President, as the Chief Administrative Officer for the University, shall be responsible and accountable for administering the personnel programs. The word “University” shall also denote the Board Office and the word “Chief Administrative Officer” shall include the appropriate individual or his/her designee.

(b) The Chief Administrative Officer shall establish and maintain all policies, procedures, and records which are necessary to substantiate compliance with all laws and rules relating to employment.

(c) Each University shall actively promote its commitment to equal employment opportunity and non-discrimination towards applicants and employees with respect to race, color, religion, age, disability, sex, marital status, national origin, and veteran status consistent with Federal and State law.

(d) The State University System Personnel/Employee Records System (SUPERS) is the automated Systemwide information system containing appointment, budget, position, demographic, definitional, and other information related to employees. This information is available through each University.
(5) The SUS Employment Plan is the Systemwide classification and compensation plan maintained by the Board. Such plan shall consist of the following:

(a) Faculty defines positions assigned the principal responsibility of teaching, research, or public service activities or for administrative responsibility for functions directly related to the academic mission.

(b) A & P defines positions assigned administrative and management responsibilities or professional duties at the department/unit, or above.

1. Employees in A & P positions designated in the Executive Service serve at the will of the Chief Administrative Officer or the Board, do not have tenure, and have no expectation of appointment beyond a 60 days’ notice period.

2. Executive Service positions ordinarily report directly to the Chief Administrative Officer with the exception of specified positions which report to the Board, and include Chancellor, vice chancellor, and vice president, and other positions responsible for policy-making at the executive level.

(c) USPS defines positions assigned professional, paraprofessional, administrative, clerical, secretarial, technical, skilled crafts, service, or maintenance duties.

(d) OPS defines at-will temporary employment.

Specific Authority 240.209(1), (3)(r) FS. Law Implemented 110.112, 110.131, 228.2001(7), 240.209(1), (3)(f), (m), 240.227(1), (5), (19), 240.253, 447.203(2) FS. History–New 1-24-96, Amended 8-12-96.

6C-5.910 Recruitment, Selection, Appointment, and Nonreappointment.

(1) The following provisions govern recruitment, selection, appointment, and nonreappointment.

(a) Qualified applicants are those who meet the minimum qualifications contained in the SUS class specification and the additional competencies required for the specific position in the class unless appointments are with emergency, provisional, or trainee status. Each University shall determine the equivalent education, training, and experience for that contained in the SUS class specification as appropriate for a specific position.

(b) Any person who has been convicted of a felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance as described in Chapter 893, F.S., is disqualified from employment unless conditions outlined in Section 775.16, F.S., are met. Failure to disclose such conviction is cause for dismissal.

(c) Each University shall ensure the spoken English language competence of all prospective and current Faculty involved in classroom instruction, other than courses conducted primarily in a foreign language. For current Faculty, this competence shall be ascertained during the annual evaluation.

(2) Each University’s offer of employment and appointment procedures shall be consistent with the following:

(a) The offer of employment for Faculty and A & P positions shall be conditioned on the return of written acceptance by a specified date.

(b) Each Faculty or A & P employee shall be issued an annual contract or documented appointment. Multi-year contracts, contingent upon funding, are permissible for Faculty and A & P employees.

(c) An offer of tenure is conditioned upon recommendation of the Chief Administrative Officer and approval by the Board.

(3) Each University’s nonreappointment notice to nontenured or nonpermanent status Faculty and A & P that further employment will not be offered shall be consistent with the following:

(a) An appointment shall not create any right, interest or expectancy beyond the specific term set forth in the appointment.

(b) Employees appointed for less than one year, appointed with visiting status, or to a multi-year contract are not entitled to notice of nonreappointment.

(c) Employees are not entitled to notice of nonreappointment who are issued an annual contract stating that employment will cease on the date indicated and no further notice of cessation of employment is required.

(4) Each University shall use the following appointment modifiers which defines the conditions of an employee’s appointment. Such appointment modifiers apply to the appointment of a qualified employee unless otherwise stated.

(a) Faculty Appointment Modifiers:

1. Regular – A continuing appointment or an original temporary appointment which may be followed by a continuing appointment. The appointment modifier is not included in the title.

2. Acting – A limited time appointment to a position primarily assigned administrative duties.

3. Adjunct – An appointment paid from OPS. Adjunct appointments may not be for more than 50% of the time throughout an academic year or full-time for more than twenty-six weeks of a fiscal year, unless approved by the Chief Administrative Officer. Such appointments are for temporary or part-time employment and the term of employment is only for the period specified in the offer.

4. Provisional – An appointment of a person who is not fully qualified, but who is expected to acquire such qualifications in a short period of time.

5. Visiting – An appointment of a person having professional qualifications, when either the person or the position is not expected to be available for more than a limited period of time.

6. Joint – An appointment when the person is regularly participating in the teaching and/or graduate supervision responsibilities of more than one academic department/unit.
7. Research – An appointment when the person is engaged primarily in research.

8. Clinical – An appointment in conjunction with a professional position in a hospital or other clinical environment.

9. Courtesy – An unpaid appointment which may include special academic privileges such as voting in departmental affairs. Persons appointed with this status may or may not be otherwise affiliated with the University.

10. Honorary/Honoris Causa – An unpaid appointment of an individual having distinction and honor in his/her field, but who does not possess the normal requirements for the position.

11. Emeritus – An honorary title which may be conferred at retirement in recognition of distinguished service.

12. Affiliate – An appointment when a person participates in some functions of other academic departments/units.

13. Joint College – An appointment to a college/unit administered jointly by more than one university. Although appointed and employed by only one of the participating universities, each person so designated is considered an employee of the other participating universities for purposes of carrying out the teaching, research, and service responsibilities of the college/unit.

14. Phased Retirement – An appointment under the provisions of the Phased Retirement Program.

15. Multi-Year – An appointment which extends beyond one academic or fiscal year.

(b) A & P Appointment Modifiers:

1. Regular – A continuing appointment or an original temporary appointment which may be followed by a continuing appointment. The appointment modifier is not included in the title.

2. Provisional – An appointment of a person not fully qualified, but who is expected to acquire such qualifications in a short period of time.

3. Acting – A limited time appointment that includes the assumption of additional or replacement duties.

4. Visiting – An appointment of a person having professional qualifications, when either the person or the position is not expected to be available for more than a limited period of time.

5. Emeritus – An honorary title which may be conferred at retirement in recognition of distinguished service.

6. Multi-Year – An appointment which extends beyond one academic or fiscal year.

(c) USPS Appointment Modifiers:

1. Regular – A continuing appointment after successful completion of the designated probationary period for the class.

2. Probationary – An appointment to a position in a class for the designated period, where the employee meets the minimum qualifications for the position. Continuous successful performance in a class with the appointment modifier of temporary may be counted toward completion of the required probationary period. The decision to count such time toward completion of the probationary period shall be made at the time the employee is initially appointed with probationary status.

3. Trainee – An appointment to a law enforcement position prior to receiving a Certificate of Compliance, except that the employee must, within 180 consecutive days following such appointment, be actively enrolled in the training program to obtain the certificate. Trainee status is also used when the employee has not passed a required examination but meets the minimum qualifications for the position; the employee is not fully qualified but is expected to acquire such qualification in a short period of time; or the appointment is under a cooperative education program, a vocational rehabilitation program, an approved university training program, or an apprenticeship program.

4. Temporary – An appointment to provide a nonpermanent assignment to a vacant position; to replace an employee on leave, temporarily promoted or reassigned; or to overlap one employee with another for training purposes.

5. Emergency – An appointment for no more than 3 months when a vacancy must be filled immediately due to an emergency. Such appointments may be made without regard to the employee’s training and experience or other provisions of these rules.

6. Time-limited – An appointment to a position funded by contract and grant, auxiliaries, or local funds, as appropriate, for a particular project, enterprise, or specified period. Such designation must be made to the position at the time of recruitment. A time-limited position shall have the same rights as a position with a regular appointment modifier, except such position shall not have rights provided for layoff and recall.

Specific Authority 240.209(1), (3)(f) FS. Law Implemented 240.209(1), (3)(f), 240.246, 775.16 FS. History–New 1-24-96, Amended 8-17-99.

6C-5.915 Compensation.

(1) Pay actions shall be administered consistent with the following provisions.

(2) The Board shall establish and maintain the pay ranges for A & P and USPS. Legislatively approved pay range additives or competitive area differentials (CAD) shall be added to the pay range for those USPS classes within the geographic area specified in the approval. Pay shall not exceed the maximum of the pay range including the CAD without the approval of the Chief Administrative Officer.

(3) Base rate of pay is the pay provided employees not including any additives as provided for in paragraph (6)(h), below. Regular rate of pay is an employee’s base rate of pay plus any other pay which may be necessary to meet the requirements of the Fair Labor Standards Act (FLSA). Hourly pay is computed based on 2088 work hours annually. A factor of 26.1 is used for annualizing biweekly pay.

(a) An employee must be in pay status in order to receive a pay increase of any kind.
(b) Employees paid from contracts and grants, auxiliaries or local funds shall be eligible for pay increases provided such increases are permitted and funded by the funding entity. Each University shall strive to have contracts and grants, auxiliaries, and local funds permit and fund such pay increases.

(c) A retroactive effective date for a pay action shall be permitted with the approval of the Chief Administrative Officer; however, such retroactive period shall be the lesser of twelve months or the date stated in the documentation of the intent to increase the pay.

(d) A pay increase may be provided for a temporary in assignment on an acting basis and, upon return to original responsibilities, the pay may be adjusted.

(e) An employee returning from unpaid leave shall receive any increases in the pay range for the class or mandatory pay increases granted during the period of unpaid leave, unless pay implementation instructions provide otherwise. Also, an employee may be considered for discretionary increases.

(f) When a USPS employee is called back to work beyond the employee’s scheduled hours of work for that day, the employee shall be credited with the greater of the actual time worked, including time to and from the employee’s home to the assigned work location, or two hours.

(4) Pay upon original appointment for A & P and USPS shall be made within the pay range with the following exceptions.

(a) A provisional appointment for A & P may be below the minimum of the pay range. The pay shall be increased to at least the minimum of the pay range upon the employee attaining the minimum qualifications for the class.

(b) A trainee appointment for USPS shall be in accordance with the approved individual training schedule and may be below the minimum of the pay range.

(c) An emergency appointment for USPS may be below the minimum of the pay range.

(5) Annual pay increases shall be in accordance with guidelines issued by the Chancellor.

(6) Other pay increases may be provided under the following categories:

(a) Increased responsibilities.

(b) Market conditions including counter-offers and retention due to specialized or extensive investment or training.

(c) Salary compression or inversion.

(d) Increases to resolve a pay disparity considering education, experience, or duties and responsibilities of other employees.

(e) Lump sum payments to recognize the successful completion of a special project or assignment which is in addition to the employee’s regularly assigned duties, or a documented significant increase in productivity or productivity goal achievement including a group incentive program. Such payment for employees subject to the FLSA shall not exceed the greater of ten percent of the employee’s annual base pay or $3,000 (before taxes). For other employees, such payment shall not exceed 15 percent of the employee’s annual base rate of pay, unless approved by the Chief Administrative Officer.

(f) Increases to recognize sustained superior performance.

(g) Approved career development/apprenticeship programs.

(h) Pay additives including those for asbestos-related activities, lead abatement activities, leadworker pay, shift differentials, on-call pay, field training officer activities, and other approved activities.

(7) Other pay adjustments.

(a) An employee who is demoted shall receive pay commensurate with the responsibilities assigned. The demotion may be with or without a reduction in base rate of pay.

(b) The removal of pay additives, correction of overpayment, or reduction to the maximum of the pay range do not constitute a reduction in pay action.

(c) When the assignment of Faculty serving in an administrative position such as Vice President, Dean or Director, is changed, the pay and appointment period shall be adjusted to reflect the new responsibilities. If the adjusted pay of an administrator, whose appointment is being changed to a ranked Faculty will be greater than 90 percent of the range of pay for Faculty in the same rank in the college or school in which the employee is to be appointed, the new pay must be approved by the Chancellor or designee. The Chief Administrative Officer shall submit a recommendation for approval to the Chancellor, including a justification for the proposed pay, the employee’s experience, qualifications, academic discipline, and other relevant factors. The Chancellor will advise the Board of such approvals.

(d) When an employee’s appointment is changed from a calendar year to an academic year appointment with duties remaining the same, the employee’s pay shall be adjusted to 81.8 percent of the calendar year base pay. For an employee whose appointment was previously changed from academic year to calendar year where the pay was adjusted other than by 122.2 percent, pay shall be adjusted to the percent which is the reciprocal of the percent previously used. A different pay adjustment percent may be used upon agreement of the employee and the Chief Administrative Officer.

(8) Each University shall be responsible for arranging the work schedule to minimize overtime and shall establish procedures for overtime pay consistent with the FLSA.

(9) Extra State Compensation.

(a) Pay for appointments up to the available established FTE for the position shall be from funds designated as Salaries.

(b) Pay for the portion of an appointment in excess of the available established FTE for the position and for activities of limited duration where no FTE is assigned shall be from funds designated as OPS.

(c) Employment by another State agency shall be processed consistent with its requirements.
(10) Perquisites/Sale of Goods and Services. The Chief Administrative Officer shall approve providing perquisites to employees, the sale of goods and services to employees, and the payment of moving expenses associated with a current or prospective employee. The provision of such items shall be job or class related and documented to demonstrate that the approval is in the best interest of the University.

(a) Approval is not required when sales to employees are at the same rate as they are ordinarily sold to the public.
(b) Moving expenses shall ordinarily be limited to the cost of packing, shipping, and storage of household goods, not to exceed 15,000 pounds, and reasonable expenses incurred for moving an automobile.


6C-5.920 Benefits and Hours of Work.

(1) Benefits made available to Faculty, A & P, and USPS include paid and unpaid leave, holidays, State- and University-sponsored insurance programs, and retirement. Under the FMLA, OPS employees may be eligible for unpaid leave. Benefits and hours of work requirements shall be administered consistent with the following provisions.

(2) Each employee is expected to work the number of hours in the employee’s established workweek unless on approved leave. Benefits shall be provided proportionate to the time on the payroll.

(3) The minimum workweek is 40 hours for full-time employees. Holiday pay (maximum of eight hours) and paid leave are not considered overtime and are paid at the employee’s regular pay rate. Approved leave may be adjusted to ensure an employee’s workweek will not exceed 40 hours.

(4) Compensatory leave shall consist of the following types and such unused leave shall be transferred or paid as follows.
   (a) Overtime compensatory leave is provided in lieu of payment for overtime for nonexempt USPS employees at the rate of one and one half times the total hours worked beyond 40.
      1. Overtime shall be paid no later than the end of the following pay period, unless accrued as overtime compensatory leave.
      2. Unused overtime compensatory leave shall be transferred unless the USPS employee’s nonexempt designation changes to exempt and such leave shall be paid at the employee’s regular rate of pay.
   (b) Regular compensatory leave shall be provided to a USPS exempt employee for work beyond 40 hours on an hour-for-hour basis. The University may transfer or pay for unused regular compensatory leave with the approval of the Chief Administrative Officer.
   (c) Special compensatory leave is provided to USPS as follows.
      1. Special compensatory leave is provided to compensate an employee for a State holiday when the employee observed the holiday and worked 40 hours the week during which the holiday occurred; the holiday falls on the employee’s regularly scheduled day off; or the employee is required to work the holiday.
      2. Special compensatory leave is provided to compensate an employee for administrative leave for jury duty or court appearance provided in paragraphs (14)(a) and (b) below when the employee worked 40 hours the week during which the jury duty or court appearance occurred.
      3. Special compensatory leave is provided to employees required to perform essential duties during an emergency closing for the hours worked during the closing.
      4. The Chief Administrative Officer may elect to pay an employee for a part or all accrued special compensatory leave at any time. If the employee separates or transfers to another University, the employee shall be paid for all unused special compensatory leave at the employee’s regular rate of pay.
   (5) An employee shall be paid proportionate to the time in pay status for all holidays designated for State employees.
   (6) Leave shall be accrued while in pay status and shall be credited on the last day of that pay period or, in the case of separation, on the last day the employee is on the payroll.
   (7) During approved unpaid leave for parental, foster care, medical, or military reasons, an employee may use accrued leave to continue the contributions to State benefits and other expenses.
   (8) Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period. While on paid leave, an employee may not be employed elsewhere unless the requirements for outside activity and extra State compensation have been met.
   (9) Sick leave accrual for full-time employees shall be as follows with proportionate accrual for less than full-time.

<table>
<thead>
<tr>
<th>Hours Accrued During Pay Period</th>
<th>Faculty</th>
<th>A &amp; P</th>
<th>Ex. Service</th>
<th>USPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biweekly</td>
<td>4</td>
<td>4</td>
<td>5</td>
<td>4</td>
</tr>
</tbody>
</table>
(a) Sick leave shall be accrued before use unless available through a sick leave pool. There is no maximum on the amount of sick leave that can be accrued. Sick leave accrued prior to October 1, 1973, shall be used prior to any sick leave accrued after that date.

(b) Sick leave is authorized for the following purposes:
1. The employee’s personal illness, injury, exposure to a contagious disease, a disability where the employee is unable to perform assigned duties, or appointments with health care providers.
2. The illness, injury, appointments with health care providers, or death of a member of the employee’s family.
(c) Notice of absence due to illness, injury, disability, or exposure to a contagious disease, shall be given on the first day of absence.

(d) All unused sick leave accrued in another SUS or State plan for which payment has not been received shall transfer provided no more than 31 days have elapsed between employment or if reemployed by the SUS within 100 days.

(e) An individual who resigns from a governmental entity within Florida and is employed in the USPS within 31 calendar days, may transfer up to 480 hours of accrued unused sick leave. Such leave shall be transferred as follows: 80 hours upon date of hire and 80 hours upon the completion of each succeeding year. Accrued sick leave from a governmental entity for Faculty and A & P shall transfer as provided in reciprocal agreements with other governmental entities.

(f) Upon separation, an employee with 10 or more years of service shall be paid for one-eighth of all unused sick leave accrued prior to October 1, 1973, and for one-fourth of unused sick leave up to a total of 480 hours accrued after October 1, 1973, in accordance with Section 110.122, F.S. Upon reemployment by the SUS within 100 days or upon recall by the University within one year, all unpaid sick leave shall be restored and any sick leave paid at time of separation shall be restored upon repayment. An employee with less than 10 years of service shall not be paid for any unused sick leave and such leave shall be forfeited unless reemployed by the SUS within 100 days or recalled by the University within one year.

(10) Annual leave for full-time employees shall be as follows with proportionate accrual for less than full-time. An academic year (39 weeks) employee, a Developmental Research School employee, and an employee appointed for less than 9 months shall not accrue annual leave. Hours of accrual for USPS is based on years of creditable service and such service shall be awarded as one month of service credit for each calendar month that the employee is on the salaried (non-OPS) payroll of a University or other State agency or during authorized unpaid leave.

<table>
<thead>
<tr>
<th>Hours Accrued During Pay Period</th>
<th>Year End Maximums</th>
<th>Maximum Transferable</th>
<th>Maximum Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty</td>
<td>14.667</td>
<td>6.769</td>
<td>352</td>
</tr>
<tr>
<td>A &amp; P</td>
<td>14.667</td>
<td>6.769</td>
<td>352</td>
</tr>
<tr>
<td>Ex. Service</td>
<td>20</td>
<td>9.195</td>
<td>480</td>
</tr>
<tr>
<td>USPS (Months of Service)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 – 6</td>
<td>8.667</td>
<td>4</td>
<td>240</td>
</tr>
<tr>
<td>7 – 60</td>
<td>8.667</td>
<td>4</td>
<td>240</td>
</tr>
<tr>
<td>61 to 120</td>
<td>10.833</td>
<td>5</td>
<td>240</td>
</tr>
<tr>
<td>Over 120</td>
<td>13</td>
<td>6</td>
<td>240</td>
</tr>
</tbody>
</table>

(a) Annual leave shall be accrued prior to use unless annual leave is advanced by the Chief Administrative Officer.

(b) Employees may accrue annual leave in excess of the year end maximum during a calendar year. Employees with accrued annual leave in excess of the year end maximum as of December 31, shall have any excess converted to post October 1, 1973 sick leave on an hour-for-hour basis on January 1 of each year. The employee may retain hours in excess of the year end maximum with the approval of the Chief Administrative Officer.

(c) The maximum annual leave, accrued in another SUS University or State plan for which payment has not been received, shall transfer provided no more than 31 days has elapsed between employment.

(d) An individual who resigns from a governmental entity within Florida and is employed in the USPS within 31 calendar days, may transfer up to 480 hours of accrued unused annual leave. Such leave shall be transferred as follows: 40 hours upon date of hire and 40 hours upon the completion of each succeeding year. Accrued annual leave from a governmental entity for Faculty and A & P shall transfer as provided in reciprocal agreements with other governmental entities.

(e) A employee who separates from employment shall be paid for all unused annual leave hours up to the year end maximum allowed for the pay plan. Upon reemployment by the SUS within 100 days or upon recall by the University within one year, all unpaid annual leave shall be restored and any annual leave paid at time of separation shall be restored upon repayment. Upon entering into the Deferred Retirement Optional Program (DROP), employees may elect to be paid up to the year end maximum of their unused annual leave.

(f) Upon transfer from an annual leave-accruing position to a non leave-accruing position, the employee shall be paid for unused annual leave, unless the employee elects to retain all unused annual leave, for up to two years.

(11) Compulsory leave provisions shall be consistent with the following.

(a) Medical certification by an approved health care provider may be required.
(b) Notice shall be provided to the employee identifying duration of the leave, the conditions for return to the position, and whether such leave shall count toward FMLA entitlements.

(c) The employee may be allowed to use paid leave during compulsory leave to continue the contributions to State benefits and other expenses.

(d) Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period and upon receipt of medical certification.

(e) Employees who fail to meet the conditions of the compulsory leave or who fail to obtain medical certification and are unable to perform duties may be offered part-time employment, placed on unpaid leave or have such leave extended, requested to resign, or be dismissed for inability to perform the duties of the position.

(12) Employees are provided with twelve workweeks of Family and Medical Leave within a 12-month period in compliance with the Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3) and the Final Regulations of the Family and Medical Leave Act of 1993 (29 CFR Part 825). The 12-month period is defined as the fiscal year (July 1 – June 30). All employees are eligible including OPS employees who have worked at least 12 months (these need not have been consecutive) and who have worked at least 1250 hours in the 12-months prior to the leave. Faculty, A & P, and USPS employees may use paid leave for an FMLA event and such shall be counted toward the entitlement.

(13) Employees shall be provided with up to six months unpaid parental leave during which time the employee may use paid leave when the employee becomes a biological or adoptive parent. Parental leave shall begin two weeks prior to the expected date of the child’s arrival unless otherwise approved by the Chief Administrative Officer.

(14) Employees are provided paid administrative leave as follows and shall not cause the full-time employee to exceed 40 hours during the workweek. Administrative leave is not accrued.

(a) Administrative leave for jury duty shall not exceed the number of hours in the employee’s normal workday. If jury duty does not require absence for the entire workday, the employee shall return to work immediately upon release by the court. If the jury duty does not coincide with the regular work schedule, the employee shall be granted administrative leave based on the total hours served on jury duty and such leave shall be granted on the next scheduled work shift. Any jury pay shall be retained by the employee.

(b) Administrative leave shall be provided to an employee summoned as a witness in a matter not involving personal interests. Administrative leave shall not be provided to an employee serving as an expert witness. Witness pay shall be retained by the employee.

(c) Administrative leave for athletic competition in Olympic events shall be provided in accordance with Section 110.118, F.S.

(d) Administrative leave up to two days shall be provided to a USPS employee upon the death of a family member.

(e) Administrative leave shall be provided for official emergency closing of University facilities. Special Compensatory leave shall be provided to USPS employees required to perform essential services during the emergency closing. Only employees scheduled to work during the time of the emergency closing shall be provided leave.

(f) The Chief Administrative Officer may provide administrative leave for Florida Disaster Volunteers in accordance with Section 110.120, F.S.

(g) The Chief Administrative Officer may grant up to two days of administrative leave for civil disorder or disaster for an employee who is a member of a volunteer emergency response team.

(h) The Chief Administrative Officer may provide administrative leave up to two hours for voting in public elections.

(i) The Chief Administrative Officer may place an employee under investigation on leave up to the length of the investigation.

(j) The Chief Administrative Officer may place an employee on administrative leave between the notice of reduction in pay, suspension, or dismissal and the effective date of such action.

(k) The Chief Administrative Officer may place an employee on administrative leave when the employee’s presence in the workplace may result in damage to property, or injury to the employee or others.

(15) Military leave and reemployment rights shall be provided to Faculty, A & P, and USPS employees consistent with Federal and State laws.

(16) Workers’ Compensation benefits for an injury compensable under the Florida Workers’ Compensation Law shall be provided consistent with the following.

(a) An employee shall remain in full pay status for a period up to a maximum of forty (40) hours without being required to use accrued leave credits. If, during that period, the employee receives Workers’ Compensation benefits then the employee shall reimburse the University the amount of the benefits. Such reimbursement shall not include payments for expenses related to medical, surgical, hospital, or nursing treatment or payments of disability losses.

(b) An employee may elect to use paid leave to supplement Workers’ Compensation payments up to the employee’s regular salary.

(c) The period of paid or unpaid job-related disability leave shall be in accordance with Chapter 440, F.S.

(d) An employee who was injured in the workplace, may be returned to alternate duty consistent with established University policies or procedures.

(e) If at the end of the leave period, an employee is unable to return from leave to work full-time and perform the duties of the position, the Chief Administrative Officer may offer the employee a part-time appointment, place the employee on unpaid leave or extend the leave status, request the employee’s resignation, or terminate the employee from employment.
17. All eligible Faculty and A & P employees are enrolled in the Optional Retirement Program (ORP) unless employees elect to participate in the Florida Retirement System. All other employees participate in the Florida Retirement System, except those who remain in the State and County Officers and Employees Retirement System or the Teachers Retirement System.


6C-5.925 Evaluation and Recognition.
(1) The following provisions govern employee evaluations and performance improvement.
(a) The basic purpose of the evaluation is to acknowledge performance, to communicate performance effectiveness, to aid in improving performance in assigned duties, and if necessary, to develop a performance plan to assist in correcting deficiencies for the employee not meeting performance standards.
(b) Each University shall establish procedures to conduct periodic performance reviews. Each employee shall be evaluated at least once every two years on the basis of total performance in fulfilling assigned responsibilities.
(c) The evaluation should be considered in making personnel decisions.
(2) Each University may also establish an employee recognition program.


6C-5.930 Learning Opportunities.
(1) Faculty, A & P and USPS employee learning opportunities involving professional renewal, planned travel, study, formal education, research, writing, or other experience of professional value may include the following:
(a) Sabbaticals.
(b) Employee development or certification.
(c) Leave to pursue educational goals.
(2) Full-time Faculty, A & P and USPS employees are eligible to enroll in up to six tuition-free credit hours of instruction per semester.
(a) Free university courses shall be on a space available basis.
(b) An employee who is on approved leave or has been involuntarily called to active military service shall retain eligibility to participate.

Specific Authority 240.209(1), (3)(r) FS. Law Implemented 115.09, 240.209(1), (3)(f), (7), 240.227(11) FS. History—New 1-24-96.

6C-5.935 Promotion, Change in Assignment, Demotion and Transfer.
(1) Promotion, change in assignment, demotion and transfer shall be administered consistent with the following provisions.
(2) Promotion:
(a) Faculty promotion is the appointment to a higher academic or equivalent rank or class and may also be combined with an application for tenure. The criteria for promotion shall include meeting the minimum qualifications for appointment to the rank or position, increased skill in teaching, increased knowledge in the field of specialty, increased recognition as an authority in the field, and potential for professional growth. Each University shall provide for Faculty participation in developing promotion recommendations and other procedures and criteria for Faculty promotion.
(b) Administrative and Professional promotion is the appointment to another position or class with substantially increased responsibilities, or a permanent assignment of substantially increased responsibilities for the existing classification. An employee must meet the minimum qualifications for the position to which promoted.
(c) USPS promotion is the appointment to a class or position with substantially increased responsibilities. An employee must meet the minimum qualifications for the position to which promoted. Upon promotion, the employee’s appointment modifier shall be determined pursuant to paragraph 6C-5.910(4)(c), F.A.C. An employee who has earned permanent status in the class to which promoted shall be promoted with permanent status.
(3) Change in Assignment:
(a) Faculty with administrative responsibilities serve at the will of the Chief Administrative Officer and may, at any time, receive a change in classification or assignment. Employees with tenure or permanent status shall not have such status affected by the change in classification or assignment.
(b) An A & P or USPS change in assignment is the appointment to a different position in the same class or in a different class having the same pay range maximum.
(c) If a USPS employee who has not attained permanent status in the current class receives a change in assignment to a different position in the same class, the employee’s status remains the same until the probationary period designated for the class has been successfully completed.
(d) A USPS employee with or without permanent status in the current class who receives a change in assignment to a different position in a different class shall be given probationary status in the new class if the employee meets the minimum qualifications for the position; however, if the employee previously held permanent status in the class to which reassigned, the change in assignment shall be with permanent status.

(4) A demotion is an appointment to a class or position having less responsibility. Upon demotion, a USPS employee’s appointment modifier shall be determined pursuant to paragraph 6C-5.910(4)(c), F.A.C.; however, if the employee previously held permanent status in the class to which demoted, the demotion shall be with permanent status.

(5) A transfer is the appointment of an employee from one geographic location within the University to a different geographic location within the same University in excess of 50 miles from the employee’s current work location.


6C-5.940 Tenure and Permanent Status.

(1) Faculty tenure shall be administered consistent with the following provisions:

(a) The award of tenure shall provide annual reappointment until voluntary resignation, retirement, removal for just cause, or layoff.

(b) Tenure is awarded upon demonstration of highly competent performance. Tenure criteria shall address the areas of teaching; research and other scholarly activities; and service to the public, the discipline, and the university including those professional responsibilities consistent with faculty status. These criteria shall take into account the mission and needs of the institution and shall place appropriate emphasis upon teaching and teaching-related scholarship. In this regard, the institution shall ensure that teaching is evaluated broadly, including assessments by peers and students, and that teaching performance is prominently considered in the award of tenure.

(c) Tenure shall be held as ranked Faculty in an academic department/unit and shall not extend to administrative appointments.

(d) Appointments to the ranks of assistant professor, associate professor, and professor are tenure-earning when they do not include the appointment modifier of acting, adjunct, joint, provisional, visiting, research, clinical, courtesy, honorary, or affiliate. Appointments which include the appointment modifier of multi-year, joint, provisional, visiting, research, clinical, or affiliate are ordinarily nontenure-earning; however, employees with these appointment modifiers may earn time toward tenure as determined by the Chief Administrative Officer at the time of appointment. If an employee is initially appointed to the rank of instructor or to a non-tenure-earning rank and is subsequently appointed to a tenure-earning position, all or a portion of the prior service in such nontenure-earning position may be counted toward tenure, provided the Chief Administrative Officer agrees to credit such service.

(e) The decision to recommend an employee for tenure shall be made no later than the sixth year of continuous full-time service or equivalent part-time service in a tenure-earning position. Tenure-earning employees not recommended for tenure by the end of six years of continuous full-time, or equivalent part-time services, shall be given notice that further employment will not be offered. Full-time service for the purpose of tenure eligibility shall mean employment at 1.0 FTE during at least 39 weeks of any twelve month or nine month contract. Part-time service shall mean employment during at least one semester of any twelve month period.

(f) At the time of employment, the Chief Administrative Officer may credit an employee with tenure-earning service from another institution of higher education, however, such credit shall be limited to not more than two years of tenure-earning service for an assistant professor, not more than three years for an associate professor, and not more than four years for a professor. All prior SUS tenure-earning service shall be credited toward tenure unless otherwise agreed at the time of employment.

(g) Time spent on a joint appointment or approved personnel exchange program of the university, or a special assignment which benefits the university shall be counted toward tenure eligibility. Time spent away from the University for other purposes shall not be counted toward tenure eligibility.

(h) Time spent on paid leave shall be tenure-earning unless otherwise agreed at the time of such leave. Time spent on unpaid leave shall not be credited as tenure-earning except as approved by the Chief Administrative Officer.

(i) The recommendation of an employee for tenure shall signify that the Chief Administrative Officer is satisfied the employee will continue to make significant professional contributions to the University and the academic community. Upon recommendation by the Chief Administrative Officer and approval by the Board, tenure shall be awarded.

(j) With sufficient justification, tenure may also be recommended by the Chief Administrative Officer and approved by the Board at the time of initial appointment or prior to the sixth year of tenure-earning service.

(k) Transfer of tenure shall be at the discretion of the University to which the employee is transferring.

(l) Permanent status for USPS employees shall be administered consistent with the following provisions.

(a) An employee earns permanent status in the class after successful completion of the designated probationary period and has rights to remain in the class or to contest adverse action taken against the employee while serving in the class.

(b) An employee with permanent status filling a time-limited position shall not have retention rights or other rights provided under layoff and recall provisions.

(c) An employee without permanent status in any class may be terminated at any time without the right to appeal such action.
6C-5.945 Employee Ethical Obligations and Conflicts of Interest.

(1) All employees should be aware of their obligations and responsibilities as public employees of the State University System. No employee shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the full and competent performance of the employee’s duties.

(2) Each University shall provide for annual reporting of outside employment activities and require that significant changes to these activities be reported.

(3) All employees are governed by the provisions of Chapter 112, F.S., setting standards of conduct for public officers and employees and mandating the disclosure of certain financial interests.

(4) Each University shall administer the use of University facilities on a space available basis with priority given to those groups and persons whose activities are related to the mission of the University.

(5) Employees who intend to seek election to and hold public office shall notify the Chief Administrative Officer of their intentions and shall adhere to the provisions of Section 104.31, F.S. The Chief Administrative Officer shall determine whether the employee’s candidacy for and holding of public office will interfere with the full discharge of the employee’s duties and, if appropriate, require the employee to take a leave of absence or submit a resignation.

(6) Academic freedom and responsibility apply to teaching, research, and creative activity, and assigned service.

   (a) Faculty shall be free to:
      1. Cultivate a spirit of inquiry and scholarly criticism and present and discuss their own academic subjects, frankly and forthrightly, with freedom and confidence.
      2. Select instructional materials and determine grades in accordance with University procedure.
      3. Engage in scholarly and creative activity and publish the results in a manner consistent with their professional obligations.

   (b) Faculty shall have the responsibility to:
      1. Objectively and skillfully present a variety of scholarly opinions on the subject matter.
      2. Respect students and not exploit students for private advantage.
      3. Contribute to the orderly and effective functioning of the academic unit and/or the University and act in a collegial manner in all interactions.
      4. Represent themselves as institutional representatives, only when authorized to do so.


6C-5.950 Disciplinary Actions, Complaints, and Appeals.

(1) Each University shall administer standards for performance and conduct to ensure timely and equitable disposition of disciplinary problems. Discipline ranging from written reprimands to dismissal may be imposed for just cause.

(2) Each University shall institute predetermination and appeal procedures for all employees with permanent or tenured status.

(3) The Chief Administrative Officer shall establish procedures for addressing employee complaints consistent with the following:

   (a) A tenured or permanent status employee may file a complaint concerning employment or alleging that the University failed to comply with the University complaint procedure with the Chief Administrative Officer and request specific action by the Chief Administrative Officer.

   (b) A nontenured or nonpermanent status employee may file a complaint concerning only nondisciplinary matters affecting the employee’s terms and conditions of employment with the immediate supervisor and the next level supervisor.

   (c) A complaint, for the purpose of this process, is the allegation by the employee that any condition affecting the employee’s terms and conditions of employment is unjust, inequitable, or creates a problem. An employee shall not have the right to file a complaint concerning evaluations of performance unless the employee alleges that the evaluation is based on factors other than performance.

   (d) Suspensions, reductions in pay, transfers, layoffs, demotions, job abandonment, and dismissals for USPS employees shall proceed directly to review under Section (4) USPS Arbitration Appeal Procedures.

   (4) USPS Arbitration Appeal Procedure – An employee who has earned permanent status in his/her current classification shall have the right to appeal to an arbitrator any suspension, dismissal, layoff, demotion, job abandonment, transfer, or reduction in pay, provided that the employee has not signed a statement indicating the action was voluntary. An employee whose position is classified to a lower class shall have the right to appeal only the reduction in pay, if any, which has occurred as a result of the demotion appointment.

   (a) Request for Processing:

      1. If an employee requests an arbitration, the employee shall, within 14 working days after the receipt of notice of the employment action from the University, file with the Board Office a completed Arbitration Request form. This form is incorporated by reference and is titled Arbitration Request Pursuant to subsection 6C-5.950(4), F.A.C., dated November 1, 1995, and can be obtained from the University Personnel Director. A copy of the form must also be filed with the Chief Administrative Officer and the employee’s immediate supervisor.
2. Failure to initiate an arbitration request within the time limits prescribed shall be deemed a waiver of the right to arbitration. In the event of a question regarding timeliness of any notice, the date of receipt if transmitted in person, or the postmark if transmitted by mail, shall be determinative.

3. After the Request for Arbitration has been received, the Chancellor will determine whether the request has been filed in accordance with the provisions of this section and shall notify the employee or his/her representative, the University, and immediate supervisor of this determination. Additionally, the employee will be mailed a copy of this rule.

4. The Chancellor shall select an arbitrator on a rotational basis from an odd-numbered panel of at least seven arbitrators maintained by the Board and shall notify the University representative and the employee or his/her representative of the arbitrator selected. If the parties do not agree on the arbitrator selected, the selection shall be made by alternatively striking names from the panel. The right of first strike shall be determined by a coin toss. The employee will receive notice of the identity of the arbitrator selected and may request disqualification of the arbitrator based on cause within five calendar days of receipt of the notice. Cause is present when it appears the arbitrator was chosen through corruption, fraud, or other undue means.

5. When an action is both appealable under this rule and grievable under a collective bargaining agreement, the employee shall have the option of using either procedure. The filing of the arbitration request form constitutes a waiver of any rights to review of the matter under an applicable collective bargaining agreement, Chapter 120, F.S., or other SUS or University review procedures. If the employee seeks a review of a matter in an alternative forum after requesting arbitration under this rule or fails to appear at the scheduled arbitration hearing, the Board and the University shall have no obligation to proceed further.

(b) Fees and Expenses:
1. All fees and expenses for the arbitrator will be paid by the University. When an employee is represented by an employee organization, the arbitrator’s fees and expenses shall be paid by the party who fails to prevail in the arbitration or evenly split if the award sustains the appeal in part and denies it in part.

2. The party desiring a transcript of the arbitration proceedings shall provide written notice to the other party of its intention to have a transcript of the arbitration made at least one week prior to the date of the arbitration and shall be responsible for scheduling a reporter to record the proceedings. The parties shall share equally the appearance fee of the reporter and the cost of obtaining an original transcript and one copy for the party originally requesting a transcript of the proceeding. The requesting party shall, at its expense, photocopy the copy of the transcript received from the reporter and deliver the photocopy to the other party within five calendar days after receiving the copy of the transcript from the reporter.

(c) The employee may self represent or be represented. If the employee elects to be represented, the employee must deliver or send to the Board Office within five working days after filing a Request for Arbitration, a written statement indicating the name, address, telephone number and qualifications of the representative and confirming that the employee as well as the representative will be present during the arbitration hearing, and that the employee agrees to this representation.

(d) If the aggrieved employee participates during working hours in the arbitration, the employee’s compensation will not be affected by the time spent at the arbitration hearing. The employee must notify the immediate supervisor seven days in advance of his/her anticipated absence. An employee will not be permitted to prepare the case during working hours.

(e) Hearing:
1. The arbitrator shall hold the hearing at the city where the main campus of the University is located, unless otherwise agreed by the parties. The hearing shall commence within 30 working days of the arbitrator’s acceptance of selection, or as soon thereafter as is practicable. Arbitration proceedings shall be conducted in accordance with this rule, supplemented by the Labor Arbitration Rules published by the American Arbitration Association, as Amended and Effective on September 1, 1993.

2. The arbitrator may subpoena witnesses and compel the production of documents pertinent to the appeal. All requests for subpoenas must be made to the arbitrator no later than 10 working days prior to the arbitration date and each party is responsible for providing its own witnesses and documents which it wishes to present.

3. Within 60 calendar days, the arbitrator shall issue to the University and the employee a written order which may affirm, reverse, or alter the decision of the University.

4. The employee and the University agree that the decision of the arbitrator shall be final and binding on both parties. No judicial review of the arbitration order is available except as provided by Chapter 682, F.S.

(f) Jurisdiction of Arbitrator:
1. The arbitrator shall neither add to, subtract from, modify, or alter the provisions of these rules, University rules and policies or procedures, or an applicable collective bargaining agreement. Arbitration shall be confined solely to the application and/or interpretation of those provisions and limited to the matters in the Request for Arbitration Form submitted for arbitration. No statements of opinion or conclusions not essential to the determination of the matters submitted shall be permitted. The arbitrator shall not review managerial decisions other than to ensure that such actions are in accordance with the applicable procedures under review. In the case of suspension, dismissal, and reduction in pay taken as a disciplinary action, the arbitrator shall determine whether there is just cause for such action.

2. The burden of proof shall be on the employee in layoff, demotion, reduction in pay and transfer actions when not taken as a disciplinary action, and in job abandonment. The burden of proof shall be on the employer in suspension, dismissal, demotion, and reductions in pay when taken as disciplinary actions.
3. The arbitrator’s order and award may reinstate an employee, with or without back pay. The back pay award shall not exceed the amount of pay the employee would otherwise have earned at the employee’s regular rate of pay and shall not be retroactive to a date earlier than the date of the occurrence of the event giving rise to the action at issue and in no event more than fourteen (14) working days prior to initiation of the arbitration request. In no situation will the award exceed the actual loss to the employee or provide attorney fees to either party.

4. Punitive damages are not permitted.

5. The arbitrator may reduce a dismissal to a suspension for such time as the arbitrator may fix, or reduce the period of suspension, which order shall be binding on the University and employee concerned.


6C-5.955 Separations From Employment and Layoff.

(1) Separations from employment shall be administered consistent with the following provisions.

(a) An employee who resigns from employment shall not have any rights of appeal.

(b) An employee who is absent without approved leave for three or more consecutive workdays shall be considered to have abandoned the position.

(c) The Chief Administrative Officer may dismiss an employee for just cause in accordance with University rules, policies or procedures.

(d) OPS and USPS employees without permanent status in any class may be separated from employment at any time without any requirements of notice or reason and without rights of appeal.

(e) Nontenured or nonpermanent Faculty and A & P whose appointments expire after receiving notice of nonrenewal or nonreappointment or whose appointment expires without the requirement of a written notice of nonreappointment may be separated without further notice.

(2) Layoff shall be administered consistent with the following provisions.

(a) Employees may be laid off at any time as a result of adverse financial circumstances; reallocation of resources; reorganization of degree or curriculum offerings or requirements; reorganization of academic or administrative structures, programs, or functions; curtailment or abolition of one or more programs or functions; shortage of work; or a material change of duties. The Chief Administrative Officer shall notify the appropriate employee organizations when layoffs are to take place.

(b) The layoff unit may be at an organizational level such as a campus, division, college, school, department, area, program, or other level of organization as the Chief Administrative Officer deems appropriate. In designating the makeup of the layoff unit, the Chief Administrative Officer may consider the special qualifications and relevant experience required for specific positions and exclude such positions from layoff. USPS time-limited positions shall be excluded from the layoff unit.

(c) A tenured Faculty or permanent status employee shall not be laid off if there are nontenured/nonpermanent status employees in comparable positions in the layoff unit. Those employees will be retained who, in the judgment of the Chief Administrative Officer, will best contribute to the mission and purpose of the University when taking into account the employee’s length of continuous University service and other appropriate factors.

(d) The Chief Administrative Officer shall make a reasonable effort to locate appropriate alternative/equivalent employment for laid-off employees, first within the University and second within the SUS.

(e) The following employees do not have layoff rights.

1. A Faculty or A & P employee appointed for less than one academic year or appointed to a visiting appointment;

2. A Faculty or A & P employee appointed to a position funded from contracts and grants, auxiliaries or local funds;

3. A Faculty or A & P employee whose appointment expires after receiving timely notice of nonrenewal/nonreappointment;

4. A Faculty or A & P employee whose appointment expires without the requirement of a written notice of reappointment, including an employee serving on an appointment without a fixed term or an employee on a multi-year contract;

5. A USPS employee without permanent status in any class;

6. A USPS employee appointed to a contract and grant, auxiliary or local funds position which has been designated time-limited.

7. An OPS employee.

(f) Within the layoff unit, USPS employees with permanent status in the affected class shall be ranked on a layoff list based on retention points derived from length of service and evaluations. Employees who work less than full-time shall have their retention points determined in proportion to the time worked. Layoff rights extend only to employees who meet the specific qualifications and equivalent FTE of the position regardless of their placement on the layoff list. Retention points shall be computed as follows:

1. One point for each month of continuous employment in the USPS including service in the Career Service if employed in the SUS on or before June 30, 1986.

2. One point for each month of service meeting performance standards and two points for each month of service with exemplary performance.

3. The period of leave for active military service in accordance with Chapter 115, F.S., shall count as continuous employment and shall be considered to be at the same level of performance as last evaluated.
4. Any period of service prior to July 1, 1996, not covered by an evaluation including periods of service during which no formal employee evaluation programs existed, shall be computed as meeting performance standards. After July 1, 1996, performance will be computed as previously evaluated in the absence of a current evaluation.

5. No retention points shall be granted for a month in which the employee was not on the payroll.

6. After totaling the retention points, layoff shall be in order, beginning with the employee with the fewest points.

7. When two or more employees have the same total retention points, preference for retention shall follow the order of the longest University service in the class, the longest SUS service, Veterans’ preference, and as determined by the Chief Administrative Officer.

(g) Employees are to be informed of layoff as soon as practicable. Where circumstances permit, all employees are to be provided at least 30 calendar days. However, a USPS employee with permanent status shall be given no less than 14 calendar days notice of layoff or in lieu thereof, two weeks pay at the employee’s current regular hourly rate, or a combination of notice and pay. A notice of layoff shall be sent to the employee by certified mail, return receipt requested, or delivered in person to the employee.

(h) Within seven calendar days after receiving the notice, the USPS employee shall have the right to request a change in assignment or, if not available or the employee’s preference, a demotion in lieu of layoff to a position in a class in which the employee held permanent status, or to a position in a class in which the employee has not held permanent status if the employee has previously held permanent status in a higher or equal level class within the series. Appointment to positions in lieu of layoff is conditioned on the employee meeting the specific qualifications for the position.

(i) Employees with layoff rights who are laid off shall have recall rights at the University from which laid off as follows.

1. Faculty and A & P employees have recall rights for one year following layoff. Employees shall be offered reemployment/recall rights in the same or similar position for which they meet the special qualifications and relevant experience. (For out-of-unit faculty and out-of-unit A & P employees at the New College of the University of South Florida, the offer of reemployment shall be limited to the same or similar position at the New College.)

2. USPS employees have recall rights for one year following layoff. When a vacancy occurs or a new position is established in the same class within the same layoff unit from which the employee was laid off, the employee with the highest number of retention points and who meets the specific qualifications for the position, shall be offered reemployment.

3. Reemployment offers shall be made to USPS employees laid off in the order of their total retention points. Reemployment of such employees may be with permanent status in that class at the discretion of the Chief Administrative Officer.

4. An employee who refuses offer of reemployment shall forfeit further recall rights.

CHAPTER 6C-6 STUDENTS

6C-6.001 Admissions.
(1) Based on minimum standards adopted by the Board, through rule, the Universities shall establish the criteria by rule for the admission of students.
(2) In the admission of students, the universities shall take into consideration the applicant’s academic ability, and may also consider creativity, talent, and character. If determined not to be in the best interest of the university to deny admission to an applicant because of past misconduct, the university may do so.
(3) The Board affirms its commitment to equal educational opportunity and to increasing student diversity in each of the state universities.
(4) Applicants denied admission shall be given notice of denial within a reasonable period of time following the decision. Upon the applicant’s written request, the university shall provide the reasons for the rejection in writing.
(5) Each student accepted for admission shall, prior to registration, submit on a form, provided by the institution, a medical history signed by the student. Documentation of appropriate immunization for measles and rubella is required. Proof of immunization must be provided. This shall be a minimum requirement, and institutions may require in addition such other evidence of examination as they may determine necessary. Where physician examinations or certificates are required, they must be signed by a doctor of medicine or a doctor of osteopathy. The universities reserve the right to refuse registration to any student whose health record or report of medical examination indicates the existence of a condition which may be harmful to members of the university community.
(6) The universities may return to the applicant without action any application and fees received after the closing date for applications designated by each institution in its official calendar.
(7) False or fraudulent statements – In addition to any other penalties which may be imposed an individual may be denied admission or further registration, and the universities may invalidate college credit for work done by a student at an SUS institution and invalidate the degree based upon such credit if it finds that the applicant has made false or fraudulent or incomplete statements in his application; residence affidavit, or accompanying documents or statements in connection with, or supplemental to, his application for admission to, or graduation from one of the SUS institutions.
(8) Students may be required to have immunizations and to have undergone diagnostic procedures prior to registration.
(9) Each university shall provide registration opportunities for admitted transfer students that allow these students access to high demand courses comparable to that provided to native students.
(10) Each university shall provide orientation programs for first-time-in-college and transfer students.
(11) Enrollment limitations – The Board shall establish a plan for the enrollment of the State University System, consistent with the Strategic Plan.

(a) The Board shall recommend each budget cycle to the Legislature an enrollment plan in which future State University System FTE enrollment shall be specified by level.

(b) The Board will establish an assigned FTE enrollment plan for each university for each fiscal period. This assigned FTE enrollment plan will be based upon the enrollment plan described in (a) and upon the funding decisions of the Legislature.

(c) Each university shall establish, by rule, procedures and criteria to manage enrollments to meet planned enrollment, established pursuant to (b) above. These rules shall not be inconsistent with Board rules.

(d) Programs at the University of Florida and the University of South Florida in the Health Centers receive separate appropriations from the Legislature; therefore, students enrolled in such programs will be excluded from the above enrollment limitations.

(e) Upper level programs registered as limited access programs with the Board and the Articulation Coordinating Committee (competitive admission due to limited space or other resources, or due to higher standards) and rules limiting enrollment as provided in (c) above shall observe the following guidelines in the selection of students for the spaces available in the program:

1. There will be a documented justification for the program to be classified as limited access. This documentation should be submitted by the university requesting limited access to the Board for review and approval at least 6 months prior to the start of limiting access to the program. Annually, each university will reevaluate the need to continue to classify the program as limited access. The university will report to the Board by October 1 of each year a list of all limited access programs, the minimum admissions standards for each program, the reasons the program is designated as limited access, and a copy of the most recent review demonstrating the need for retention of limited access status. Programs assigned limited access status will be reviewed by the Board in the course of its cyclical systemwide program review process.

2. All criteria shall be approved by the Board and registered with the Articulation Coordinating Committee prior to implementation.

3. Any criteria used to select students shall not discriminate against community college transfers with Associate in Arts degrees from Florida public community colleges in favor of SUS students who are applying for admission or plan to continue enrollment after the completion of 60 semester credits at the lower division level.

4. Any criteria used to select students shall be appropriate indicators of academic ability, creativity or talent to perform required work within the program and of the potential for success.

5. Any criteria used shall be publicized in catalogues, counseling manuals, and other appropriate publications in accordance with subsection 6A-10.024(14), F.A.C., with sufficient time for prospective students to adjust programs to meet criteria.

6. Where necessary to achieve established equal access enrollment goals, up to ten percent of the students may be admitted to a limited access program with different criteria.

7. Each university shall advise students who meet the minimum requirements for admission to the upper division of a state university, but are denied admission to limited access programs, of the availability of similar programs at other State University System institutions and the admissions requirements of such programs.

8. Associate in Arts degree graduates from Florida community colleges and university students who have successfully completed 60 or more credit hours of course work and met the requirements of Section 240.107, F.S., shall receive priority over out-of-state students for admission to limited access programs.

(f) The Board may declare certain degree programs as limited access programs, upon request by a university. In the case of programs for which prerequisite courses are required for admission, the prerequisites, and grades for the prerequisite courses determined acceptable by the program, by themselves, will not cause a program to be declared limited access. That is, if all the applicants completing the prerequisite courses, with any specified grade requirement, are admitted to the program, the program need not be designated a limited access program. Associate in Arts graduates from Florida public community colleges and universities who have not completed prerequisite courses for a given major shall be admitted to a university in order to complete those prerequisite courses, after which program admission can be determined. University degree programs may be declared as limited access programs for the following reasons:

1. The number of students who have met all the requirements for admission to the university and to the program is in excess of available resources (examples are: space, equipment or other instructional facilities; clinical facilities; adequate faculty to meet acceptable student-faculty ratios; fiscal or other resource limitations). In the case of such programs, selection for admissions shall be competitive. The selection criteria shall be determined by the program, recognizing that the standards applied to the criteria may vary from term to term depending on the number of student spaces available and the quality of the applicant pool. The selection criteria shall be published in the university catalogue along with the standards used for admissions decisions at the time the catalogue is published.

2. The program is of such a nature (normally in the fine or performing arts) that applicants must demonstrate through an audition or submission of a portfolio that they already have the minimum skills necessary for them to benefit from the program.

3. The program is of such a nature that in order to demonstrate potential for success in the program, applicants must attain a grade point average (GPA) and/or other standard (e.g., standardized test scores) that are above those required for admission to the university offering the program. [Note: Teacher preparation programs are mandated by Section 240.529, F.S., to maintain certain
admission requirements, and, therefore, will be classified and reported as limited access programs only if enrollment is limited for reasons (e.g., limited resources) that exceed statutory requirements. Teacher preparation programs will be monitored for compliance with requirements of subsection 240.529(3), F.S., through a report which is separate from the limited access reports.

4. When an institution has exceeded its upper-level FTE enrollment limit as assigned by the Legislature by more than five percent, programs which have not normally been designated as limited access programs may need to limit enrollment. If the institution’s actual student credit hour productivity exceeds the institution’s funded enrollment to this extent, the institution may take corrective actions in subsequent terms such as limiting admission of new students into upper level programs, limiting course loads of enrolled students and/or other measures as may be necessary to stay within funded enrollment levels. Florida community college Associate in Arts graduates and university students who have successfully completed 60 credit hours of course work and met the requirements of Section 240.107, F.S., shall receive priority for admission to such limited access programs over out-of-state and transfer students from private institutions.

6C-6.002 Entering Freshmen.

(1) Normally a diploma from a Florida public or regionally accredited high school, from an accredited out-of-state high school or, if foreign, its equivalent, or a diploma pursuant to Section 229.814, F.S., shall be required for admission of beginning freshman students to a state university. Students admitted under acceleration mechanisms in accordance with Rule 6C-6.006, F.A.C., are exempted from this requirement.

(2) Students applying for admission will submit test scores from the Scholastic Assessment Test of the College Entrance Examination Board or from the American College Testing program.

(3) Students may be considered eligible for admission to any of the state universities in one of the following three ways, except as provided in subsection (4) below:

(a) A student applying for admission who has a satisfactory high school record, including at least a “B” average (3.0 on a 4.0 scale) in the required high school academic units normally offered in grades 9 through 12, and who submits other appropriate evidence that the student can be expected to carry out successful academic progress in the university, is academically eligible for admission to any of the universities. In computing the high school grade point average for purposes of admission to a state university, additional weights will be assigned to grades in Honors, International Baccalaureate, and Advanced Placement courses. The high school academic unit requirements are as follows:

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<th>Subject</th>
<th>Credits</th>
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<tr>
<td>English/Language Arts</td>
<td>4</td>
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<td>Three of which must have included substantial writing requirements</td>
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<td>Math</td>
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<td>At the Algebra I and above levels</td>
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<td>Natural Science</td>
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<td>Two of which must have included substantial laboratory requirements</td>
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<td>Social Science</td>
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<td>Includes: History, Civics, Political Science, Economics, Sociology, Psychology and Geography</td>
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<tr>
<td>Foreign Language</td>
<td>2</td>
</tr>
<tr>
<td>Both credits must be in the same language.</td>
<td></td>
</tr>
<tr>
<td>(For the purposes of this admission requirement, American sign language will be accepted in place of a foreign language.) An alternative method for students to demonstrate equivalent foreign language competence by examination to meet admissions requirements is described in paragraph 6C-6.004(1)(c), F.A.C.</td>
<td></td>
</tr>
<tr>
<td>Additional Academic Electives as described below</td>
<td>4</td>
</tr>
<tr>
<td>TOTAL</td>
<td>19</td>
</tr>
</tbody>
</table>

1. Students who entered as high school freshmen prior to July 1, 2000 may complete the four elective requirements in any combination of courses listed in the Department of Education Course Code Directory, as follows:

a. Up to four credits of Level II courses in English/Language Arts, Mathematics, Natural Science, Social Science, Foreign Language, or Fine Arts; Level III courses in any discipline; grade nine or above courses in Humanities or Computer Science; Dual Enrollment courses for which both high school and post secondary credits are granted; or equivalent courses in any discipline as determined by the Articulation Coordinating Committee.

b. Up to two credits in courses grade nine or above in ROTC/Military Training or in Vocational Education.
c. Up to one credit in courses in Research, Leadership Skills Development, Executive Internship, or Physical Education and Life Management Skills.

2. Students who entered as high school freshmen July 1, 2000 or later may complete the four elective requirements in any combination of courses listed in the Department of Education Course Code Directory, as follows:
   a. Up to four credits of Level II courses in English/Language Arts, Mathematics, Natural Science, Social Science, Foreign Language, or Fine Arts; Level III courses in any discipline; or Dual Enrollment courses for which both high school and post secondary credits are granted.
   b. Up to two credits in courses grade nine or above in ROTC/Military Training.
   c. Up to two credits of equivalent courses in any discipline as determined by the Articulation Coordinating Committee.
   (b) A student applying for admission who has less than a “B” average in the required academic units described in (a) above, must present a combination of high school GPA and admission test scores as indicated on the list below. Academic eligibility for admission will be determined according to the following Admissions Scale:

<table>
<thead>
<tr>
<th>GPA (Recentered SAT I/ACT)</th>
<th>SAT**</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.5 900 1010 21</td>
<td>890 990 21</td>
</tr>
<tr>
<td>2.6 930 1030 22</td>
<td>870 980 21</td>
</tr>
<tr>
<td>2.7 960 1060 23</td>
<td>850 970 20</td>
</tr>
<tr>
<td>2.8 990 1090 24</td>
<td>830 960 20</td>
</tr>
<tr>
<td>2.9 1020 1140 25</td>
<td>820 950 20</td>
</tr>
<tr>
<td>2.0 1050 1170 26</td>
<td>810 940 20</td>
</tr>
<tr>
<td>2.1 1080 1200 27</td>
<td>800 930 20</td>
</tr>
<tr>
<td>2.2 1110 1230 28</td>
<td>790 920 20</td>
</tr>
<tr>
<td>2.3 1140 1260 29</td>
<td>780 910 20</td>
</tr>
<tr>
<td>2.4 1170 1290 30</td>
<td>770 900 20</td>
</tr>
<tr>
<td>2.5 1200 1320 31</td>
<td>760 890 20</td>
</tr>
<tr>
<td>2.6 1230 1350 32</td>
<td>750 880 20</td>
</tr>
<tr>
<td>2.7 1260 1380 33</td>
<td>740 870 20</td>
</tr>
<tr>
<td>2.8 1290 1410 34</td>
<td>730 860 20</td>
</tr>
<tr>
<td>2.9 1320 1440 35</td>
<td>720 850 20</td>
</tr>
<tr>
<td>3.0 1350 1470 36</td>
<td>710 840 20</td>
</tr>
<tr>
<td>3.1 1380 1500 37</td>
<td>700 830 20</td>
</tr>
<tr>
<td>3.2 1410 1530 38</td>
<td>690 820 20</td>
</tr>
<tr>
<td>3.3 1440 1560 39</td>
<td>680 810 20</td>
</tr>
<tr>
<td>3.4 1470 1590 40</td>
<td>670 800 20</td>
</tr>
<tr>
<td>3.5 1500 1620 41</td>
<td>660 790 20</td>
</tr>
<tr>
<td>3.6 1530 1650 42</td>
<td>650 780 20</td>
</tr>
<tr>
<td>3.7 1560 1680 43</td>
<td>640 770 20</td>
</tr>
<tr>
<td>3.8 1590 1710 44</td>
<td>630 760 20</td>
</tr>
<tr>
<td>3.9 1620 1740 45</td>
<td>620 750 20</td>
</tr>
<tr>
<td>4.0 1650 1770 46</td>
<td>610 740 20</td>
</tr>
</tbody>
</table>

* SAT taken after March, 1995
**These ACT scores are effective for Fall, 2001 applicants.

(c) A student applying for admission who does not meet these requirements may be eligible for admission through a student profile assessment which considers additional factors, including but not limited to, the following: family educational background, socioeconomic status, graduate of a low performing high school, international baccalaureate program graduate, geographic location and special talents. These additional factors shall not include preferences in the admissions process for applicants on the basis of race, national origin or sex. The student may be admitted if, in the judgment of an appropriate faculty committee, it is determined from appropriate evidence that the student can be expected to do successful academic work as defined by the institution to which the student applies. The number of first time in college students admitted through profile assessment at each university is determined by the Board; the system is limited each year to ten percent of the total system first-time-in-college students. However, the annual number of applicants enrolled at a university under profile assessment without the equivalent of two high school credits in foreign language must not exceed 5 percent of the total number of freshmen (students who had not completed their first year of college or university) who entered the university the prior year. Upon request by the president, the Board may approve a one year increase in a university’s 5 percent limitation as long as the State University System as a whole maintains the 5 percent limit. Any freshman student admitted without meeting the foreign language requirement must earn 8 to 10 semester hours in a foreign language or American sign language, or demonstrate equivalent competence in either a foreign language or American sign language as described in paragraph 6C-6.004(1)(c), F.A.C., prior to completing 60 credit hours at the state university. The university will provide an individual learning plan for each student enrolled who does not meet the normal admissions requirements listed in subsections 6C-6.002(1) and 6C-6.002(3), F.A.C. The Board will review the success of students admitted under the profile assessment process.

(d) In determining eligibility for admission, a university will provide for reasonable substitution for any requirement or high school unit distribution requirement for any student with a disability, as prescribed in Rule 6C-6.018, F.A.C.

(4) A student applying for admission who is participating in a non-traditional program must present credentials equivalent to those described in subsection 6C-6.002(3), F.A.C., as judged by the individual SUS institution to which the student has applied. A student whose educational program is not measured in Carnegie Units must present a test score of at least 1010 on the recentered SAT I, or the equivalent on the ACT, or the SAT taken prior to April, 1995.
(5) A student applying for admission who is a graduate of a public Florida high school, has completed nineteen (19) required high school units as listed in paragraph 6C-6.002(3)(a), F.A.C., ranks in the top 20% of his/her high school graduating class, and who has submitted test scores from the Scholastic Assessment Test of the College Entrance Examination Board or from the American College Testing program shall be admitted to a university in the State University System. The State University System will use class rank as determined by the Florida Department of Education.

(6) The universities have the authority to adopt and promulgate rules which have the effect of increasing the standards for eligibility for admission, as listed in (3)(a) and (b) above, or to provide additional criteria in making admissions decisions. Changes to these institutional rules will be reviewed annually by the Board prior to September 1.

(7) Neither State University System nor individual university admissions criteria shall include preferences in the admissions process for applicants on the basis of race, national origin or sex.

Specific Authority 240.209(1) FS. Law Implemented 240.209(1), (4), (5)(a), 240.227(8), 240.115(4), 240.152, 240.233 FS., Chapter 2000-215, Laws of Florida. History–Formerly 6C-2.42, 11-18-70, Amended 5-27-74, Amended and Renumbered 12-17-74, Amended 6-25-80, 3-21-82, 4-16-84, Formerly 6C-6.02, Amended 4-14-86, 4-20-87, 10-19-88, 1-23-90, 1-7-91, 9-15-91, 8-4-92, 5-17-95, 2-28-97, 10-17-98, 8-11-95, 11-27-95, 9-19-00, 11-27-00.

6C-6.003 Entering or Transferring Graduate Students and Post-Baccalaureate Professional Students.

(1) Each applicant to a graduate degree program or to a post-baccalaureate professional program shall be required to meet minimum systemwide requirements.

(2) Each applicant to a graduate degree program or to a post-baccalaureate professional program must have a bachelor’s degree or equivalent from a regionally accredited institution and meet at least one of the following criteria:

(a) Earned a “B” average or better in all work attempted while registered as an upper division student working for a baccalaureate degree, or

(b) A total Quantitative-Verbal Graduate Record Examination score of 1000 or higher or an equivalent score on an equivalent measure approved by the Board, or

(c) A graduate degree from a regionally accredited institution.

(3) Each applicant to a graduate program or a post-baccalaureate professional program shall be required to present his/her score on the Aptitude Test of the Graduate Record Examination, or an equivalent score on an equivalent measure approved by the Board. The university may waive this requirement in individual cases.

(4) Applicants denied admission shall be given notice of denial within a reasonable period of time following the decision. Upon the applicant's written request, the university shall provide the reasons for the rejection in writing. Applicants denied admission who meet the minimum systemwide standards may request reconsideration by written request to the university within thirty days of the date of denial. The request shall contain reasons why reconsideration is warranted. Each university shall establish the method for reconsideration by rule.

(5) The Board encourages each university to impose more restrictive admission requirements than the above established for post-baccalaureate programs. Effective for Fall, 2001 admissions, these requirements shall not include preferences in the admissions process for applicants on the basis of race, national origin or sex. These criteria shall be published, and the university catalog shall give notice where copies of such criteria may be obtained.

(6) In any academic year, up to 10 percent of the graduate students may be admitted as exceptions to these criteria. The university may develop criteria for students admitted as exceptions.

(7) Students who do not meet the systemwide criteria and who wish to enroll in courses but not degree programs at the post-baccalaureate level may enroll under the classification of special post-baccalaureate non-degree students. Universities wishing to admit special post-baccalaureate non-degree students to graduate degree programs after the students have satisfactorily completed a specified number of credits may do so provided that the number so admitted is included as part of the 10 percent exception, as defined in (6) above.

Specific Authority 240.209(1), 240.233 FS. Law Implemented 240.209(1), (4), (5)(a), 240.227(8), 240.233 FS. History–Formerly 6C-2.43, 11-18-70, Amended 11-20-70, Amended and Renumbered 12-17-74, Amended 1-24-77, 2-28-78, 10-17-78, 8-11-85, Formerly 6C-6.03, Amended 9-19-00.

6C-6.004 Transfer Students - Undergraduate.

(1) Each university shall develop admission policies governing the acceptance of undergraduate transfer students. Exceptions may be made on an individual basis when a student, in the judgment of an appropriate university committee, can reasonably be expected to do satisfactory academic work in the program and institution to which admission is sought. Applicants must meet the following minimum requirements.

(a) Be in good standing and eligible to return to the last institution attended as a degree-seeking student,

(b) A grade point average of at least 2.0 on a 4.0 system on all college-level academic courses attempted,

(c) Completed two credits of one foreign language or American sign language in high school, pursuant to paragraph 232.2462(1)(a), F.S., or 8 to 10 semester hours in the undergraduate institution attended. An alternate method for students to demonstrate equivalent foreign language competence is by means of credit awarded on the basis of scores on the foreign language
subject matter examinations in the College Level Examination Program (CLEP) pursuant to paragraph 6A-10.024(5)(b), F.A.C., which shall count toward the 8 to 10 semester hours. The examination, minimum scores for awarding credit, and maximum credit to be awarded are:

<table>
<thead>
<tr>
<th>Examination</th>
<th>Minimum Score</th>
<th>Maximum Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>French</td>
<td>50</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>46</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>42</td>
<td>6</td>
</tr>
<tr>
<td>German</td>
<td>55</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>52</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>43</td>
<td>6</td>
</tr>
<tr>
<td>Spanish</td>
<td>55</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>48</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>45</td>
<td>6</td>
</tr>
</tbody>
</table>

Likewise, students may demonstrate equivalent foreign language competence in Latin by means of a minimum score of 443 on the Latin examination published under the title of MAPS by The College Board, which represents the 1985 national mean of college bound seniors minus one (1) standard deviation. In the case of a student wishing to demonstrate competence by examination in a foreign language other than those identified above, or in American sign language, the standards and methods to be used will be identified by the university. Transfer students are exempt from this admissions requirement if they received an Associate in Arts degree prior to September 1, 1989, or if prior to August 1, 1989, they enrolled in a program of studies leading to an Associate degree from a Florida community college and maintain continuous enrollment until they are admitted to a university. Continuous enrollment will be established if the student enrolls at least one term each twelve month period beginning with the student’s first enrollment in a community college and continuing until the student enrolls in a university.

(d) In addition, each university may admit a limited number of freshmen and lower level transfer students who have not met the above foreign language requirement if there is evidence that the applicants will do successful academic work at the admitting university. The number of such applicants enrolled in the University System under this paragraph shall not exceed 5 percent of the total number of freshmen (students who had not completed their first year of college or university) enrolled in the State University System in the prior academic year.

All such lower level students except those exempted in paragraph 6C-6.004(1)(c), F.A.C., above, must satisfy the foreign language requirement prior to admission to the upper division at a state university. All Associate in Arts degree graduates from a public community college or university in Florida, except those exempted in paragraph 6C-6.004(1)(c), F.A.C., above, and all other upper level transfer students admitted without meeting the foreign language admission requirement, must satisfy the foreign language requirement prior to graduation from the university.

(2) Transfer Credit.

(a) Each university shall require applicants for transfer to submit complete academic transcripts from all institutions attended which shall list all courses for which the student was enrolled each term, the status in each course at the end of each term, all grades and credits awarded, and a statement explaining the grading policy of the institution.

(b) Each college-level academic course in which a grade of “D” or better was awarded shall be received, accepted, and retained as part of the transferring student’s record by the receiving university in order that the appropriate college may determine the additional courses needed for the baccalaureate degree. This rule does not remove the university’s minimum upper division credit requirements for graduation, but it does permit Florida public community college transfer students to satisfy curriculum requirements on the basis of a minimum number of credit courses completed in excess of 64 academic semester hours, when such credits are applicable for the program the student is entering.

(c) College-level academic courses completed by a student at a regionally or nationally accredited collegiate institution prior to graduation from high school may be accepted for transfer by a university provided the courses are applicable to a degree program offered at that institution.

(d) Credit earned in an external degree program shall not be accepted for transfer to a university unless such credit was earned through a collegiate institution accredited by the appropriate regional accrediting association.

(e) College credits earned by high school or college students on the basis of the College Entrance Examination Board’s Advanced Placement Program, the International Baccalaureate Program or College Level Examination Program (CLEP) shall be accepted for transfer by a university provided the scores attained by the student on these examinations meet the standards established by the institution for the award of credit to its native students.

(3) AA Degree Graduates from Florida Community Colleges and SUS Universities.
(a) Admission of Associate in Arts degree graduates from Florida Community College and State University System institutions will be governed by the Articulation Agreement between the state universities and public junior colleges of Florida, as approved by the Board and the Board of Education. These Florida Associate in Arts degree graduates shall receive priority for admission to a state university over out-of-state students. Recruitment materials, catalogs, orientation programs, and student handbooks provided to freshmen enrollees and transfer students at state universities must include an explanation of this provision.

(b) Within curriculum, space, and fiscal limitations, admission as a junior to the upper division of a university shall be granted to any graduate of a state approved Florida community college or SUS institution who has completed the university parallel program and received the Associate in Arts degree, provided the degree has been awarded on the basis of the following:

1. At least 60 semester hours of academic work exclusive of occupational courses;
2. An approved general education program of at least 36 semester hours; and
3. A grade point average of at least 2.0 on a 4.0 system on all college level academic courses attempted, provided that only the final grade received in courses repeated by the student shall be used in computing the average.

(c) In addition to the Associate in Arts degree, the student should have completed two years of one foreign language in high school or the equivalent of such instruction at the postsecondary level, as defined in paragraph (1)(c), above. A student who received an Associate in Arts degree prior to September 1, 1989, or who enrolled in a program of studies leading to an Associate degree from a Florida community college prior to August 1, 1989, and maintains continuous enrollment shall be exempt from this admissions requirement. Any other Associate in Arts degree graduate admitted without meeting the foreign language requirement, must earn such credits prior to graduation from a state university.

4. Transfers who have not received the AA Degree from Florida Community Colleges or SUS Institutions:

(a) In addition to the general requirements described in subsection (1) above, undergraduate transfer students who have not earned the AA degree from an approved Florida public institution and who seek admission to the lower division of a university should satisfy the same admission requirements as beginning freshmen; provided, however, that with approval of the Chancellor and of the Executive Director of the Community College System exceptions may be granted.

(b) In determining eligibility for admissions of undergraduate transfer students who have not earned the AA degree from an approved Florida public institution, a university will provide for reasonable substitution for any requirement or high school unit distribution requirement for any student with a disability as prescribed in Rule 6C-6.018, F.A.C.

(c) Except for special purpose programs approved by the Board, transfer applicants for admission to the upper division of a university shall have completed the following:

1. At least 60 semester hours of transfer credit in college-level academic courses, exclusive of occupational courses; and
2. The prerequisite courses listed by the upper division program to which admission is sought.

(d) Any upper level student admitted who has not completed two years of one foreign language in high school or the equivalent of two years of such high school foreign language in the undergraduate institution attended except those exempted in paragraph 6C-6.004(1)(c), above, shall, prior to graduation from a state university, successfully complete 8 to 10 semester hours of postsecondary level instruction in one foreign language or American sign language. An alternate method for students to demonstrate equivalent foreign language competence is by means of credit awarded on the basis of scores on the foreign language subject matter examinations in the College Level Examination Program (CLEP) or the Latin examinations published under the title of MAPS by the College Board. The scores that evidence equivalent competence are listed under paragraph (1)(c), above. In the case of a student wishing to demonstrate competence by examination in a foreign language other than those identified in paragraph (1)(c), above, or American Sign language, the standards and methods to be used will be identified by the university.

5. Graduation Requirements—Each university shall determine when the student has met requirements for a degree.

(a) Florida community college and state university students who have been certified as having completed an approved general education program prior to transfer will be considered as having met the general education requirements of the receiving university.

(b) Courses in which “D” grades were earned prior to transfer will be treated as if the grades were earned at the receiving university. The department or college in which the student enrolls shall, at its discretion, determine whether or not courses in which a student received “D” grades may be used to satisfy requirements in the student’s major field. The university awarding the bachelor’s degree shall determine the courses in the major taken prior to transfer.

(c) Any student admitted without two years of one foreign language or American sign language in high school or the equivalent of such instruction at the postsecondary level, except those exempted in paragraph 6C-6.004(1)(c), F.A.C., above, must satisfy the admissions requirement, as prescribed in paragraph (1)(c), above, prior to graduation.

(d) The graduation requirements in effect at the receiving university at the time a student enrolls at a Florida community college shall apply to that student in the same manner that graduation requirements of the SUS university apply to its native students, provided the student has had continuous enrollment as defined in the SUS institution’s catalog.

6C-6.005 Acceptance of College Credit by Examination.

(1) The universities shall accept for credit College Level Examination Program (CLEP) and other State Board of Education approved standardized examinations when presented by students who are admitted and/or enrolled.

(a) In the case of the CLEP and other approved examinations, cut-off scores or percentiles (whichever are appropriate), as well as the minimum amount of credit that will be awarded by universities, are specified in the Articulation Agreement between the Public Universities and Community Colleges found in Rule 6A-10.024, F.A.C.

(b) Credit awarded by universities on the basis of CLEP or other approved standardized examinations shall be fully transferable to all universities in the State University System.

(2) Credits earned through the CLEP or other approved standardized examination programs shall not be included in enrollment data for budget purposes.

Specific Authority 240.209(1), (3)(o) FS. Law Implemented 240.209(1), (3)(o), 240.115(5), 240.116(1), (5) FS. History–Formerly 6C-2.67, 11-5-73, Amended and Renumbered 12-17-74, Amended 8-11-85, Formerly 6C-6.05, Amended 10-19-88.

6C-6.006 Acceleration Mechanisms for Program Completion.

(1) Each baccalaureate degree program offered by a university shall be designed so that students may complete a minimum of twenty-five percent (25%) of degree requirements through the acceleration mechanism listed below:

(a) Achievement of specified performance levels on appropriate recognized standardized, institutional or departmental examinations;

(b) Recognition of satisfactory performance in secondary school Advanced Placement Programs of the College Entrance Examination Board or International Baccalaureate Program;

(c) Dual enrollment in a community college or university prior to graduation from high school or community college; or

(d) Any combination of the above acceleration mechanisms.

(2) In order to facilitate acceleration, each university must award credit for specific courses for which competency has been demonstrated by successful passage of an exemption or waiver examination. Universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.

(3) Each university shall establish a program of early admission for public school students qualifying for such a program under provisions of subsection 6A-1.095(2), F.A.C., of the regulations of the State Board of Education.

(4) Each university shall describe clearly the various options available for acceleration and the criteria governing such options in its catalog and other appropriate publications or advisement materials.

Specific Authority 240.209(1), (3)(o) FS. Law Implemented 240.209(1), (3)(o), 240.115(4), 240.116(1), (6) FS. History–Formerly 6C-2.69, 1-7-73, Amended and Renumbered 12-17-74, Amended 1-10-78, 8-11-85, Formerly 6C-6.06, Amended 10-19-88, 3-29-89.

6C-6.009 Admission of Foreign Students to SUS Institutions.

(1) Within enrollment, space and fiscal limitations, eligible foreign students may be accepted for admission at the appropriate level to a SUS university. Each SUS university which enrolls foreign students shall develop admission policies for these students which are consistent with the policies of the Board. As a minimum, university admission policies shall require that:

(a) The applicant is academically eligible for admission;

(b) The applicant’s proficiency in English is adequate;

(c) The applicant has sufficient financial resources to cover his expenses while enrolled at the university; and

(d) The applicant’s physical and mental health are good.

(2) Each university shall require a foreign applicant to furnish a complete chronological record of previous educational experience indicating the schools attended, examinations passed, and certificates or diplomas earned. In addition, each foreign applicant shall be required to furnish official copies of any academic records which may be necessary to ascertain the level and quality of the student’s previous education. If a student claims completion of various courses but cannot produce the official documents, departmental examinations may be used to validate the student’s claims. In assessing a foreign applicant’s eligibility for admission, a university shall determine that the applicant is academically eligible for admission to the program at the level of entrance requested by the applicant, taking into consideration the comparability of the applicant’s completed course of study in his own country.

(3) Each university shall require a foreign applicant whose native tongue is not English to furnish satisfactory evidence that the applicant’s competency in English is adequate.

(a) In order to assess English proficiency, scores on the Test of English as a Foreign Language (TOEFL) shall normally be required of all applicants except those from countries where English is the only official language.

(b) Unless other satisfactory evidence indicates that the student will be able to perform at an acceptable level, the university shall require that a foreign applicant achieve a score of 500 or above on TOEFL.

(4) Each university shall require foreign applicants to furnish a detailed statement showing specific sources of financial support and the exact amount expected from each source. No university shall issue a Visa Certificate of Eligibility (Form I-20) until an appropriate official at the institution has reviewed the financial statement and determined that the foreign applicant’s sources of financial support are adequate to cover his total expenses for the period of time the student is seeking to enroll at the university.
(5) Each university shall require a foreign applicant, determined to be academically and financially eligible for admission, to submit a health history form including dates of immunizations as required by the university.

(6) As of Fall 1992, no foreign student in F-1, F-2, J-1 or J-2 non-immigrant status shall be permitted to register, or to continue enrollment, at a university without demonstrating that he or she has adequate medical insurance coverage for illness or accidental injury. An adequate medical insurance policy will: provide that the insurance proceeds are payable in United States currency; not restrict its use to a specific institution, hospital, clinic, infirmary, or other health care agency; and not restrict its use to a particular locale. A university may require the insurer to have a United States claims agent.

Specific Authority 240.209(1) FS. Law Implemented 240.209(1), 240.227(8), 240.233 FS. History–Adopted 7-6-72, Amended and Renumbered 12-17-74, Amended 6-21-83, 8-11-85, Formerly 6C-6.09, Amended 12-9-91.

6C-6.010 Student Affairs.

(1) The university president shall establish rules and regulations governing student affairs.

(2) Each university shall compile and update annually a student handbook as provided in Section 240.2097(3), F.S.

Specific Authority 240.209(1), (3)(r), 240.2097 FS. Law Implemented 240.209(1), 240.227, 240.2097(3) FS. History–Formerly 6C-2.47, 11-18-70, Amended 7-25-73, Amended and Renumbered 12-17-74, Amended 1-10-78, 2-18-80, 8-11-85, Formerly 6C-6.10, Amended 4-9-87, 11-27-95.

6C-6.0105 Student Conduct and Discipline.

(1) In furtherance of the educational mission of the universities, each university president shall establish university rules that ensure fairness and due process in student disciplinary proceedings and that guarantee the academic integrity of the university. This rule applies to all student disciplinary proceedings conducted by a university under ss. 240.132, 240.1325, 240.133, 240.261, or 240.262, F.S.

(2) Each university shall establish a Student Disciplinary System, including a code of conduct, which shall include, at a minimum:

(a) A written description of the rights and responsibilities of students, standards of conduct expected by the university, a list of specific violations, appropriate penalties or sanctions, and procedures for filing complaints and conducting student disciplinary proceedings, which must be consistently administered by the university. An amendment to the list of specific violations in the university’s code of conduct may not be applied retroactively to conduct that occurred before the effective date of the amendment;

(b) Definitions of terms used in the university’s code of conduct, such as “student” and “university community,” and a description of the specific locations to which the code of conduct generally applies, except in circumstances of certain off-campus conduct as described in the code of conduct;

(c) University hearing committees, panels, or courts, of which students, appointed by the appropriate university process comprise at least one-half of the membership;

(d) A written description of the general procedures to be followed in the initial student disciplinary proceeding which shall include a description of each step of the disciplinary process, the services available to the student for preparing his or her defense, and the availability of impartial advisers for a student charged with a violation;

(e) A written procedure for the disposition of emergency cases that involve the health, safety, or welfare of the student or the university community;

(f) Acknowledgement that the burden of proof in student disciplinary proceedings is on the complainant;

(g) Provision for the requirements as to the burden of proof required in student disciplinary proceedings, which shall, at a minimum, be a preponderance of the evidence;

(h) Provision of a time limit for charging a student with a violation of the university’s code of conduct, which may not exceed 1 year from the date the violation was committed or discovered, whichever is later. University administrators may exercise professional discretion when applying the time provision to account for circumstances that warrant a waiver of the one-year time limit from the date of discovery. Such circumstances include but are not limited to: stalking, sexual battery, relationship violence, in which the delay may be related to issues of victimization; and

(i) Provision for an accurate and complete record of each student disciplinary proceeding and the preservation thereof.

(3) Each university shall publish the following information on its Internet website and in its student handbook as described in s. 240.2097, F.S.:

(a) University policies implementing ss. 240.132, 240.1325, 240.133, 240.261, and 240.262, F.S., which govern the conduct and discipline of students, including the university’s code of conduct and the procedures for filing complaints and conducting student disciplinary proceedings; and

(b) A description of each step of the disciplinary process, the resources available to a student for preparing his or her defense, and the availability of impartial advisers for a student charged with a violation.

(4) Each university shall comply with s. 228.093, F.S., 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act of 1974, as amended, and other requirements of state and federal law relating to the confidentiality of the records and reports of students.
(5) The due process requirements contained in subsection (6), below, are applicable in all cases involving student discipline, including matters concerning academic dishonesty.

(6) Due process as applied by the universities must include, as a minimum, the following:

(a) The student shall be provided with written notice of the charges against him or her in sufficient detail and in sufficient time to prepare for a hearing before an appropriate committee, panel, or court, as established by each university, or before the appropriate university official or officials. The written notice of the charges shall be accompanied by the forms and information described in paragraph (6)(c), below.

(b) Each university shall establish a minimum number of days before the student disciplinary proceeding within which the university must present to the student the written notice of charges, but in no case will this notice be less than 3 regular business days (excluding legal holidays), except in cases of emergency as specified below or unless waived by the student.

(c) The student shall be entitled to a prompt disciplinary proceeding before an appropriate committee, panel, or court, as established by each university, with allowances for delays due to the unavailability of student members serving on such committee, panel or court. Alternatively, the student has the option to waive the notice requirements in paragraph (b) and request adjudication of the matter by an appropriate university official or officials, as designated by the university. The student’s right to a student disciplinary proceeding conducted by a committee, panel, or court composed at least one-half of students may only be waived by the student in writing on forms provided by the university which include an explanation of the effect of the waiver.

(d) The student may have an adviser of the student’s choice present at the student disciplinary proceeding.

(e) The student and his or her adviser, if any, have the right to inspect all of the information that will be presented against the student at least 3 regular business days (excluding legal holidays) before the student disciplinary proceeding. The University also has the right to review any information the student intends to use at least 3 regular business days (excluding legal holidays) before the student disciplinary proceeding.

(f) The student may present information on his or her own behalf.

(g) The student may hear and question adverse witnesses.

(h) The student may not be forced to present testimony that is self-incriminating; however, the university is not required to postpone student disciplinary proceedings pending the outcome of a criminal prosecution, and a penalty or sanction imposed under the university’s code of conduct is in addition to any penalty imposed by the courts for the criminal offense.

(i) The decision of responsible or not responsible on the charges of violating the university’s code of conduct must be based solely on the information presented at the student disciplinary proceeding.

(j) The decisions of any university committee, panel, or court, or of any university official or officials, must be presented to the student in writing and within a reasonable period of time after the conclusion of the student disciplinary proceeding, as specifically prescribed by the university’s rules.

(k) If a university’s policies provide that the decision of a university committee, panel, or court in a student disciplinary proceeding constitutes a recommendation to a university official for official action, then the following apply:

1. With respect to a finding of responsible or not responsible on the charges of violating the university’s code of conduct, the university official reviewing the recommendation of the university committee, panel, or court may only:
   a. Accept the recommendation; or
   b. Remand the case for rehearing.
2. With respect to penalties or sanctions, the university official may modify the penalty or sanction recommended by the university committee, panel, or court if the penalty or sanction is inappropriate to the violation.
3. Any differences between the recommendation of the university committee, panel, or court and the university official’s final decision, and the reasons therefor, must be based on information from the student disciplinary hearing and presented to the student in writing.

(l) The student may appeal the decision of any university committee, panel, or court, or of any university official or officials, within a period specified by the university, to the president or the president’s designee. No person may hear or decide an appeal if he or she participated in the decision to charge the student with the violation or if he or she conducted or participated in the student disciplinary proceeding being reviewed on appeal.

(m) The student’s status will remain unchanged pending the university’s final decision in the student disciplinary proceeding, except in cases where the president or president’s designee determines that the health, safety, or welfare of the student or the university community is involved. A student’s enrollment status may be changed only in cases where the president or president’s designee determines that an emergency exists, which affects the health, safety or welfare of the student or the university community. If a student’s enrollment status is changed under this paragraph, but the student is subsequently found not responsible for the violation, the university must:

1. Correct any record of the change in enrollment status in the student’s permanent records and reports in a manner compliant with state and federal laws; and
2. Refund to the student, a pro rata portion of any fees and charges for tuition, other university specific fees and charges as appropriate due to the temporary change in enrollment status and in a manner consistent with university policies and procedures.

(7) At the conclusion of the appeals process, the decision of the president or the president’s designee shall be final.
(8) Each university shall include in its list of violations of the university’s code of conduct, a description of those types of violations occurring off-campus for which the student may be subject to discipline. The action of the university with respect to any such off-campus conduct shall be taken independently of any off-campus authority. The disciplinary authority of the university for off-campus conduct will not be exercised to merely duplicate the penalties imposed under applicable federal, state, and local laws and ordinances. The university may only take disciplinary action against a student for violations committed off campus if at least one of the following applies:

(a) The off-campus conduct is specifically provided by law or the university’s code of conduct as subject to university discipline.

(b) The off-campus conduct demonstrates that the continued presence of the student on campus presents a danger to the health, safety, or welfare of the university community; is disruptive to the orderly conduct processes and functions of the university; or is intimidating or threatening to the university community or an individual within the university community.

(c) The off-campus conduct is of such a serious nature that it adversely affects the student’s suitability to remain a part of the university community.

(9) If a student charged with an off-campus violation of the university’s code of conduct disputes whether the off-campus conduct is subject to discipline under the university’s code of conduct, the university committee, panel, or court, or the university official or officials, shall consider the dispute and review the decision to charge the student with a violation.

(10) Each university’s code of conduct shall include a description of the rights of alleged victims in the student disciplinary system. The university shall provide notice to the victim of his or her rights at least 3 regular business days (excluding legal holidays) before the student judicial proceeding is conducted. Each university is encouraged to provide support and assistance programs for victims, as appropriate.

(11) Each university shall establish a committee for the periodic evaluation of its student disciplinary system. At least one-half of the committee members shall be students appointed by the student body president.

(12) At least once every 5 years, the committee created by s. 120.81(1)(g), F.S., shall periodically review and evaluate this rule to determine that it ensures fairness and due process in disciplinary proceedings involving students in the State University System and systemwide accountability for the proper functioning of the student judicial system at each of the universities.

Specific Authority 120.81(1)(g), 240.209(1) FS. Law Implemented 120.81(1)(g), 240.209(1) FS. History–New 2-18-85, Formerly 6C-6.105, Amended 4-29-01.

6C-6.0115 Observance of Religious Holy Days.

(1) Each university shall adopt a policy on the observance of religious holy days in accordance with these minimum requirements and the requirements of Section 240.134, Florida Statutes.

(2) A student who wishes to observe a religious holy day of his or her religious faith will notify all of his or her instructors and be excused from class to observe the religious holy day.

(3) The student will be held responsible for any material covered during the excused absence, but will be permitted a reasonable amount of time to make up any work missed. Where practicable, major examinations, major assignments, and university ceremonies will not be scheduled on a major religious holy day.

(4) Students who are absent from academic or social activities because of religious observances will not be penalized.

(5) Each university shall provide a procedure for students to seek redress in cases where the students believe they have been denied educational benefits because of their religious belief or practice.

(6) The policy on the observance of religious holy days and the applicable procedure shall be included in the student handbook, university catalogue, or other material regularly distributed to university students and faculty members.

Specific Authority 240.209(1), (3)(o), 240.134 FS. Law Implemented 240.209(1), (3)(o), 240.134 FS. History–New 3-29-89.

6C-6.015 Student Records and Reports.

(1) Each university shall maintain records and reports of students in all programs conducted by each university under the authority of the Board.

(2) The president of each university shall designate custodians of student records and reports. The term “records” and “reports” mean those records, files, documents and other materials as defined in Section 228.093(2)(a), F.S., which contain information directly accessible to other professional personnel for purposes of this rule.

(3) Each university shall adopt rules for student records and reports which shall include the right of waiver of access, right to challenge and hearing, right of privacy, directory information, transfer of records and security of records. The rules shall also provide for annual notification of parents and students regarding rights relating to student records and reports and regarding the location and availability of university’s rules on student records and reports as outlined in Section 228.093(4), F.S.

(4) Provisions shall be made by each university for permitting the student or the parent or guardian of dependent students as defined in Title 26 U. S. C. Section 152 (Section 152 of Internal Revenue Code of 1954) who is or has been in attendance in the university to inspect and review the student records and reports.

(a) Requests for student lists and for access to student records and reports or for copies or explanation thereof pursuant to Section 228.093, F.S., shall be presented in writing on a form specified by the university.
(b) Access to any report or record requested under Section 228.093(3)(a)2., F.S., will be granted within 30 days after receipt of the request by the institution.

(5) Student records and reports shall be open to inspection only as provided in Section 228.093, F.S., or upon the order of a court of competent jurisdiction.

Specific Authority 240.209(1), (3)(m), 240.237 FS. Law Implemented 228.093(2), (3), (4), 240.209(1), (3)(m), 240.237 FS. History—Formerly 6C-2.67, 6-25-73, Amended and Renumbered 12-17-74, Amended 5-27-75, 5-9-79, 8-11-85, Formerly 6C-6.15.

6C-6.016 Summer Session Enrollment.
All students entering a university in the State University System with fewer than 60 semester hours credit shall be required to earn at least 9 semester hours prior to graduation by attendance at one or more summer sessions. University presidents or their designees may waive the application of this rule in cases of unusual hardship to the individual.

Specific Authority 240.209(1), (3)(r) FS. Law Implemented 240.209(1), 240.227(17) FS. History—New 6-12-75, Amended 6-25-80, Repromulgated 8-11-85, Formerly 6C-6.16, Amended 1-8-92, 8-19-92, 9-23-93, 11-27-95.

6C-6.017 Criteria for Awarding the Baccalaureate Degree.
Prior to receiving a baccalaureate degree from any university in the State University System, a student must satisfy the following requirements in order to be considered eligible for graduation:

(1) Completion of requirements in English and Mathematics as prescribed by the State Board of Education in Rule 6A-10.030, F.A.C.;
(2) Presentation of passing scores on all four subtests of the College-Level Academic Skills Test (CLAST) as required by Rule 6A-10.0314, F.A.C.; unless the student meets the requirements of subsection 6A-10.0311(5), F.A.C., or Sections 240.107(9)(a), (b), or (c), F.S.
(3) Completion of any other degree program requirements as specified by the university.


6C-6.018 Substitution or Modification of Requirements for Program Admission, Undergraduate Transfer, and for Graduation by Students with Disabilities.

(1) A university shall provide reasonable substitution or modification for any requirement for admission into an undergraduate or graduate program of study, or for entry into the upper division, or for graduation for any student who is hearing impaired, visually impaired, or dyslexic, or who has a specific learning disability where documentation can be provided that the student's failure to meet the requirement is related to the disability, and where the failure to meet the requirement does not constitute a fundamental alteration in the nature of the program.

(2) In determining whether to grant a substitution or modification, a university will consider pertinent documents including, but not limited to, a physician's statement, vocational rehabilitation records, and school records maintained as a result of the exceptional child provisions of Public Law 94-142. The State Board of Education has prescribed in Rule 6A-10.041, F.A.C., the definitions of disabilities to which this Rule 6C-6.018, F.A.C., applies, and each university will provide the student the opportunity to present evidence to support his or her disabilities, and an appeals process.


6C-6.022 Veterans’ Benefits - Inmate Students.
No university may certify an inmate student in a correctional facility for Veterans’ Administration benefits when the education program is being provided through state funding at no cost to the inmate student.

Specific Authority 240.209(1), (3)(r) FS. Law Implemented 240.209(1), 240.235 FS. History—New 11-7-79, Amended 8-11-85, Formerly 6C-10.11, 6C-10.011.
CHAPTER 6C-7 TUITION AND FEES

6C-7.001 Tuition, Fee Schedule and Percentage of Cost.
6C-7.002 Fee Assessment and Remittance.
6C-7.003 Special Fees, Fines and Penalties.
6C-7.004 Deferred Payment of Fees.
6C-7.005 Student Residency.
6C-7.006 Limitation on Non-Resident Student Enrollment.
6C-7.007 Waiver of Non-Resident Fee. (Repealed)
6C-7.008 Waiver of Tuition and Materials & Supply Fees.
6C-7.009 Uniform Registration and Fee Payment Policy. (Repealed)
6C-7.010 Enrollment for Budget Allocation Purposes. (Repealed)
6C-7.011 Indebtedness to University. (Repealed)
6C-7.012 Free Course Enrollment for Older Residents. (Repealed)
6C-7.013 Enrollment Reporting. (Repealed)
6C-7.014 Good-Gulfstream Trust Fund for Higher Education. (Repealed)

6C-7.001 Tuition, Fee Schedule and Percentage of Cost.

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

(a) Resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who qualifies as a Florida resident as defined in Rule 6C-7.005, F.A.C.:
1. Matriculation Fee;
2. Student Financial Aid Fee;
3. Capital Improvement Trust Fund Fee;
4. Building Fee;
5. Health Fee;
6. Athletic Fee;
7. Activity and Service Fee; and,
8. University Matriculation Fee.

(b) Non-Resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who does not qualify as a Florida resident as defined in Rule 6C-7.005, F.A.C.:
1. Matriculation Fee;
2. Non-Resident Fee;
3. Student Financial Aid Fee;
4. Non-Resident Student Financial Aid Fee;
5. Capital Improvement Trust Fund Fee;
6. Building Fee;
7. Health Fee;
8. Athletic Fee;
9. Activity and Service Fee;
10. University Matriculation Fee; and,
11. University Non-Resident Fee.

(2) Registration shall be defined as consisting of two components:

(a) Formal selection of one or more credit courses approved and scheduled by the university; and,
(b) Tuition payment, partial or otherwise, or other appropriate arrangements for tuition payment (installment payment, deferment, or third party billing) for the courses in which the student is enrolled as of the end of the drop/add period.

(3) Tuition liability shall be defined as the liability for the payment of tuition incurred at the point at which the student has completed registration, as defined above.

(4) The following tuition shall be levied and collected effective the fall semester indicated for each student regularly enrolled, unless provided otherwise in this chapter.

(a) Students enrolled in programs other than the MD, DMD or DVM in the University of Florida College of Medicine, College of Dentistry, or College of Veterinary Medicine, or in the MD program in the University of South Florida College of Medicine will be assessed the following fees per credit hour:
### Fall 2001

<table>
<thead>
<tr>
<th></th>
<th>Undergraduate</th>
<th>Graduate</th>
<th>Law</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Resident</td>
<td>Non-Resident</td>
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</tr>
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<tr>
<td>Non-Resident 5% Maximum Differential</td>
<td>$11.92</td>
<td></td>
<td>$18.46</td>
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<tr>
<td>Student Financial Aid</td>
<td>$2.65</td>
<td>$2.65</td>
<td>$6.37</td>
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<td>Student Financial Aid 5% Maximum</td>
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<td>$0.13</td>
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<td>Differential Non-Resident Student Financial Aid</td>
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<td>$18.46</td>
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<td>Non-Resident Student Financial Aid 5% Maximum</td>
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<td>Differential Capital Improvement Trust Fund</td>
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<td>$2.32</td>
<td>$2.32</td>
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<tr>
<td>Activity and Service</td>
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</tr>
<tr>
<td>Health</td>
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<tr>
<td>Athletic</td>
<td>Varies by University per Rule 6C-7.003, F.A.C.</td>
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**a** Excludes fees that vary by university per Rule 6C-7.003, F.A.C.

**b** Total including the maximum differential charges.
### Fall 2000 Fees

<table>
<thead>
<tr>
<th></th>
<th>Undergraduate</th>
<th>Graduate</th>
<th>Law</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Resident</td>
<td>Non-Resident</td>
<td>Resident</td>
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<td>Activity and Service</td>
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<td>Health</td>
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<td>Athletic</td>
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<td>Total(^ab)</td>
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<td>$135.60</td>
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\(^a\) Excludes fees that vary by university per Rule 6C-7.003, F.A.C.

\(^b\) Total including the maximum differential charges.

(b) Students enrolled in the MD, DMD and DVM programs in the University of Florida College of Medicine, College of Dentistry, and College of Veterinary Medicine, or in the MD program in the University of South Florida College of Medicine will be assessed the following fees per student for the academic year as defined by each university:
<table>
<thead>
<tr>
<th>Fee</th>
<th>Medical</th>
<th>Dental</th>
<th>Veterinary</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Health</td>
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<td>$10,170.68</td>
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a Excludes fees that vary by university.

b Total including the maximum differential charges.
### Fall 2000

<table>
<thead>
<tr>
<th>Fee</th>
<th>Medical</th>
<th>Dental</th>
<th>Veterinary</th>
</tr>
</thead>
<tbody>
<tr>
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*a Excludes fees that vary by university.

b Total including the maximum differential charges.
(c) Pursuant to Section 240.124, F.S., each student enrolled in the same undergraduate course more than twice, shall be assessed an additional $185.34 per credit hour charge in addition to the fees outlined above in paragraph 6C-7.001(4)(a), F.A.C., for each such course.

(d) Pursuant to Section 240.117, F.S., each FAMU student enrolled in the same college-preparatory class, more than twice shall be assessed an additional $191.55 per credit hour charge in addition to the fees outlined above in paragraph 6C-7.001(4)(a), F.A.C., for each such class.

(e) Pursuant to CS/CS/HB 1567, 2000 Legislature, a university may use a plan, approved by the Board, for a differential out-of-state tuition fee for students who are residents of another state that borders the university’s service area.

(5) Pursuant to Section 240.209(3)(e), Florida Statutes, the following process shall be used to determine the percentage of cost paid by students for setting the matriculation and non-resident fees.

(a) The most recent expenditure analysis, developed in compliance with Section 240.271(4), Florida Statutes, will be used as the base for the full expenditure by level of instruction. Fundable credit hours estimated by the Board of Regents, for the year prior to the effective date of the fees, will be used for the enrollment base for each level. Expenditures for each level of instruction will be adjusted by using the percentage change in the total expenditures reported in the expenditure analysis as compared to the estimated total expenditures for the year prior to the effective date of the fees.

(b) The adjusted expenditures for each level of instruction will be divided by the credit hours to obtain the full expenditure per credit hour. The percentage of cost paid by students will be determined by finding the percentage the Matriculation Fee is of the full expenditure per credit hour, by level, for resident students; and by finding the percentage the sum of the Matriculation Fee and the Non-Resident Fee is of the full expenditure per credit hour, by level, for non-resident students.


6C-7.002 Fee Assessment and Remittance.

(1) The Matriculation Fee, Non-Resident Fee, Application Fee, 50 percent of the Late Payment Fee, and 50 percent of the Late Registration Fee shall be remitted to the appropriated Student Fee Trust Funds.

(2) The Building Fee and Capital Improvements Fee shall be remitted to the appropriate fund in the Office of the Board of Regents and utilized as provided in Section 18, Chapter 94-292, Laws of Florida, and Section 240.531, Florida Statutes.

(3) Student Financial Aid Fees – The Student Financial Aid fees shall be remitted to the appropriate fund at the university. Each university may use up to 15 percent of the fees collected to pay for administrative costs associated with administration of financial aid programs.

(4) Independent and/or external degree programs – All independent and/or external degree programs must be approved by the Board of Regents. Any credit instruction undertaken through such programs shall be charged and funds remitted in the same manner as other credit instruction.

(5) Course Classification – Resident and Non-Resident tuition shall be assessed on the basis of course classification: courses numbered through 4999 shall be assessed at the undergraduate level, courses numbered 5000-8999 shall be assessed at the graduate level, and those courses identified by the University of Florida and the University of South Florida as medical shall be assessed as outlined in paragraph 6C-7.001(4)(b), F.A.C.

(6) Each university shall establish by rule, procedures for the payment of tuition. Such rules shall provide that a student’s course schedule is cancelled if payment, or appropriate arrangements for payment, has not occurred by the deadline set by each university, which shall be no later than the end of the second week of classes. Provision for reinstatement of cancelled course schedules may be included. The president, or the president’s designee, may extend the deadline for fee payment when payment by the student is delayed due to university actions. However, the president may choose to temporarily suspend further academic progress in lieu of cancelling a student’s course schedule in those cases where the student has partially paid tuition and the university guarantees full payment from an authorized and existing fund before the submission of the final student data course file or the end of the semester, whichever is later; otherwise, the student credit hours shall not be counted for state funding purposes. Suspension of academic progress shall preclude students from receiving grades, transcripts, or a diploma and shall deny registration for future terms until the student’s account has been settled in full.

(7) All or any part of the tuition may be waived by the university when deemed appropriate provided that provisions for such waiver are included in Florida Statutes or the rules of the Board of Regents.

(8) Installment Payments – The university president may establish a procedure for the payment of tuition in installments. Such procedure shall require the payment of at least 50 percent of the tuition liability by the end of the tuition payment deadline set by each university and the remaining tuition shall be paid no later than the beginning of the second half of the academic term. Such procedure may include a fee of $10.00 which shall be deposited into the appropriated Student Fee Trust Funds, as required by Section 240.235(6), Florida Statutes.
(9) Tuition Refund/Release of Liability – Each university shall establish, by rule, procedures for the refund or release of liability of tuition assessed and paid pursuant to this Rule. As a minimum, such rule shall provide for the refund/charge adjustment of the following:

(a) Refund 100 percent of the tuition assessed, adjusted for waivers, if official withdrawal from the university occurs prior to the end of drop/add period.

(b) Refund 25 percent of the tuition assessed, adjusted for waivers, if official withdrawal from the university occurs prior to the end of the fourth week of classes, or as designated by the university for summer sessions.

(c) 100% refund of the tuition assessed, adjusted for waivers, if a student withdraws or drops one or more credit courses due to circumstances determined by the university to be exceptional and beyond the control of the student, including but not limited to:

1. Illness of a student of such severity or duration, as confirmed in writing by a physician, to preclude completion of the course(s).
2. Death of the student or death in the immediate family (parent, stepparents, spouse, child, sibling, or grandparents).
3. Involuntary call to active military duty, or
4. A situation in which the university is in error. The amount of a payment in excess of the adjusted assessment will be refunded.

(10) A written appeal for a refund or other appeal action must be submitted to the university within six (6) months of the close of the semester to which the refund or other appeal action is applicable.

Specific Authority: 240.209(1), (3)(e) FS. Law Implemented 240.209(1), (3)(e), 240.227(20), 240.233(1)(b), 240.235(7), 240.2805, 240.291, 240.331 FS. History–Adopted 4-8-74, Amended 7-19-74, Amended and Renumbered 12-17-74, Amended 6-26-75, 2-28-76, 11-1-76, 3-21-77, 9-28-81, 12-13-83, 10-2-84, Formerly 6C-7.02, Amended 4-9-87, 9-15-91, 11-9-92, 8-1-94, 10-2-94, 5-17-95, 4-16-96, 12-28-97, 8-3-00.

6C-7.003 Special Fees, Fines and Penalties.

The Board must authorize all fees assessed. Accordingly, the specific fees listed in this section, and the tuition defined in Rule 6C-7.001, F.A.C., are the only fees that may be charged without the specific approval of the Board, except as authorized in Rule 6C-8.002, F.A.C. For purposes of clarification, the term “at cost” or “cost” as used in this rule includes those increased costs that are directly related to the delivery of the goods or services.

(1) Audit Registration Fees – Audit registration assures a course space for the student; however, no grade is awarded. This fee is the same as the Resident tuition provided in Rule 6C-7.001, F.A.C. Depositing of fee proceeds shall be the same as that provided for tuition.

(2) Registration of Zero Hours – Such registration provides for examinations, graduations, use of facilities, etc., when deemed appropriate by the institution. The student is assessed Resident tuition for one credit hour. The Zero Credit Fee shall be distributed in the same manner as tuition.

(3) Application Fee – Individuals who make application for admission to universities within the State University System shall pay a non-refundable Application Fee of $20.00. The fee shall be remitted to the appropriated Student Fee Trust Funds. This fee may be waived for applicants who can document that they have received a fee waiver because of economic need as determined by the College Board or the American College Testing Program.

(4) Late Registration Fee – Universities shall assess a Late Registration Fee against students who fail to initiate registration in the regular registration period. The fee shall be not less than $50 nor more than $100 with 50 percent remitted to the appropri ated Student Fee Trust Funds and 50 percent retained by the university. Provisions may be made to waive the Late Registration Fee as specified by the university.

(5) Late Payment Fee – Universities may assess a Late Payment Fee to students who fail to pay, or make appropriate arrangements for payment (installment payment, deferment, or third-party billing), of tuition by the deadline set by each university, which shall be no later than the end of the second week of classes. The fee shall be not less than $50 nor more than $100 with 50 percent retained by the university. Provisions may be made to waive the Late Payment Fee for minor underpayment as specified by the university.

(6) Health Fee – The student Health Fee shall be set pursuant to subsection 240.235(1), Florida Statutes. The university president shall submit requests to change the student Health Fee, to be effective the following Fall semester, to the Board for approval at its first meeting of the calendar year. In addition, the university president, or designee, is authorized to establish miscellaneous health-related charges for services provided at cost by the health center which are not covered by the Health Fee.

(7) Athletic Fee – The Athletic Fee shall be set pursuant to subsections 240.235(1) and 240.533(4), Florida Statutes. The university president shall submit requests to change the Athletic Fee, to be effective the following Fall semester, to the Board for approval at its first meeting of the calendar year.

(8) Activity and Service Fee – The Activity and Service Fee shall be set pursuant to subsection 240.235(1), Florida Statutes. The university president shall submit requests to change the Activity and Service Fee, to be effective the following Fall semester, to the Board for approval at its first meeting of the calendar year.

(9) Developmental Research School Fees:
(a) Activities Fee – discretionary with each institution
(10) Library Fines – per book or unit, per day
(11) Overdue Reserve Library Books – per book, per library hour
(12) Late Equipment Fee, Physical Education – per item, per day
(13) Security/Access/Identification Card, Duplicate Security/Access/Identification Card, Fee Card, or Passbook:
(a) Annual
(b) All duplicates
(14) Duplicating/Photocopying fee for personal use only
(15) Standardized Tests – the fee for all standardized tests, (GRE, URE, etc.) will consist of the direct costs of administering the tests.
(16) Binding Fee – Thesis and Dissertation
(17) Microfilm Fee – Thesis and Dissertation
(18) Copyright Fee – Dissertation
(19) All breakage and lost library materials
(20) Lost Keys – (includes cylinder change)
(21) Equipment Damage and Loss
(22) Interlibrary Loans/Literature Searches
(23) Facilities/Equipment Use Charge
(24) Orientation Fee
(25) Admissions Deposit, the University of Florida, College of Dentistry

Fund Amount
(a) Activities Fee – Agency Varies
(10) Library Fines – app. SFTF $.25
(11) Overdue Reserve Library Books – app. SFTF $.25
(12) Late Equipment Fee, Physical Education – app. SFTF $.25
(13) Security/Access/Identification Card, Duplicate Security/Access/Identification Card, Fee Card, or Passbook:
(a) Annual Varies Cost up to $10.00
(b) All duplicates Cost up to $15.00
(14) Duplicating/Photocopying Varies Cost
(15) Standardized Tests – Varies Cost
(16) Binding Fee – Thesis and Dissertation Agency Varies
(17) Microfilm Fee – Thesis and Dissertation Agency Varies
(18) Copyright Fee – Dissertation Agency Varies
(19) All breakage and lost library materials Expense Refund Cost
(20) Lost Keys – (includes Expense Refund Cost
(21) Equipment Damage and Loss Expense Refund Cost
(22) Interlibrary Loans/Literature Searches Varies Cost
(23) Facilities/Equipment Use Charge Varies Cost
(24) Orientation Fee Agency Up to $25
(25) Admissions Deposit, the University of Florida, College of Dentistry appropriated Student Fee Trust Funds $200

(26) Transcript Fee – Per item up to $5.00. The fee shall be retained by the university.
(27) Diploma Replacement Fee – Per item up to $5.00. The fee shall be retained by the University.
(28) The Board may authorize additional fees in order to meet specific higher education needs of the State when special circumstances result in specific, identifiable increased costs to a university. These fees will be in addition to the regular Student Credit Hour fees charged to students enrolling in these courses on-campus. The additional fees charged shall be sufficient to recover all increased costs. Each university shall remit the regular Student Credit Hour fees collected for these courses to the appropriated Student Fee Trust Funds. Each university shall use the additional fees collected to cover the increased cost of these courses and reimburse the appropriate Educational and General fund, or the appropriate other fund if the costs are incurred in other than Educational and General funds.
(29) Off-Campus Educational Activities – Each university president is authorized to establish fees for off-campus course offerings when the location results in specific, identifiable increased costs to the university. These fees will be in addition to the regular Student Credit Hour fees charged to students enrolling in these courses on-campus. The additional fees charged are for the purpose of recovering the increased costs resulting from off-campus vis-a-vis on-campus offerings. As used herein, “off-campus” refers to locations other than regular state-funded main campuses, branch campuses, or centers. The university shall remit the regular Student Credit Hour fees collected for these courses to the appropriated Student Fee Trust Funds. Each university shall use the additional fees collected to cover the increased cost of these courses and reimburse the appropriate Educational and General fund, or the appropriate other fund if the costs are incurred in other than Educational and General funds.

(30) Material and Supply Fees – Each university president is authorized to assess Material and Supply Fees not to exceed the amount necessary to offset the cost of materials or supply items which are consumed in the course of the student’s instructional activities, excluding the cost of equipment and equipment repairs and maintenance. Revenues from such fees shall be deposited into the Auxiliary Trust Fund. The Chancellor shall prescribe guidelines for establishing or increasing the fee.

(31) Housing Rental Rates – Basic rates for housing rental shall be set by the university president with concurrence of the Chancellor. The Chancellor shall prescribe the reporting requirements for housing rental rate increases. In the event of a dispute of the university decision, the Board shall make a final determination. In addition, the university president is authorized to establish miscellaneous housing charges for services provided by the university at the request of the student.

(32) Parking Fines and Decals – Each university shall establish a schedule of parking fines pursuant to the provisions of Sections 240.264 through 240.267, Florida Statutes. Each university is authorized to establish a charge for parking decals.

(33) Transportation Access Fee – Each university is authorized to adopt by rule a transportation access fee, with appropriate input from students, to support the university’s transportation infrastructure and to increase student access to transportation services.

(34) Returned Check Fee – Each university shall assess a service charge as authorized by Section 832.07(1), Florida Statutes, for unpaid checks returned to the university.

(35) Collection Costs – Each university is authorized to assess a charge representing reasonable cost of collection efforts to effect payment for overdue accounts. Collection costs may be assessed to the student for collection of debts owed the university not secured by a promissory note or contract. Amounts received for collection costs shall be retained by the university.

(36) Service Charge – Each university is authorized to assess a service charge on university loans in lieu of interest and administrative handling.

(37) Educational Research Center for Child Development Fee – Each center shall submit a request to establish or change child care and service fees to the Board by November 1 of each year, to become effective the subsequent Fall Semester.

(38) Each university shall establish by rule procedures for the payment, waiver and refund of fees, fines and penalties appropriately assessed.

Specific Authority 240.209(1), (3)(e), (h), (r), 240.235, 240.531(3) FS. Law Implemented 240.209(1), (3)(e), (h), 240.2097, 240.227(20), 240.235(1), 240.264-.267, 240.531(3), 240.533(4)(a), 832.07(1) FS., CS/CS/HB 1567, 2000 Legislative Session. History–Derived from 6C-2.74 and 6C-2.76, Amended and Renumbered 12-17-74, Amended 2-22-76, 6-22-76, 6-26-76, 6-27-76, 11-1-76, 9-8-77, 2-14-79, 9-28-81, 12-7-82, 12-13-83, 10-2-84, Formerly 6C-7.03, Amended 1-8-86, 8-11-86, 12-25-86, 6-2-87, 10-17-89, 4-10-90, 1-7-91, 7-2-91, 9-15-91, 8-4-92, 11-9-92, 4-12-93, 5-30-93, 9-23-93, 6-1-93, 1-24-96, 8-16-96, 12-15-97, 8-28-00, 8-12-01.

6C-7.004 Deferred Payment of Fees.
The university president or designee may approve deferred payment when financial aid is delayed in being transmitted to the student through circumstances beyond the control of the student or formal arrangements have been made by the student with the university for payments. Each university shall adopt procedures and terms for such deferment.

Specific Authority 240.209(1), (3)(r) FS. Law Implemented 120.531(1)(a), 240.209(1), (3)(e), 240.235(2) FS. History–Formerly 6C-2.73, 7-19-74, Amended and Renumbered 12-17-74, Amended 1-10-78, 9-28-81, 8-11-85, Formerly 6C-7.04, Amended 4-16-96, 12-15-97.

6C-7.005 Student Residency.

(1) For the purpose of assessing tuition, residency and nonresidency status shall be determined as provided in Section 240.1201, Florida Statutes, and the Florida State University System Residency Policy and Procedure Manual (Revised Effective March 5, 1993), incorporated by reference herein.

(2) An individual shall not be classified as a resident for tuition purposes and, thus, shall not be eligible to receive the resident tuition rate, until the individual has provided satisfactory evidence as to his or her legal residence and domicile to appropriate university officials. In determining residency, the university shall require evidence such as a voter registration, driver’s license, automobile registration, location of bank account, rent receipts or any other relevant materials as evidence that the applicant has maintained 12 months residence immediately prior to qualification as a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher learning. To determine if the student is a dependent child, the university shall require evidence such as copies of the aforementioned documents. In addition, the university may require a notarized copy of the parent’s IRS return. “Resident student” for tuition purposes classification shall also be construed to include students to whom an Immigration Parolee card or a Form I-94 (Parole Edition) was issued at least one year
prior to the first day of classes for which resident student status is sought, or who have had their resident alien status approved by the United States Immigration and Naturalization Service, or who hold an Immigration and Naturalization Form I-151, I-551 or a notice of an approved adjustment of status application, or Cuban Nationals or Vietnamese Refugees or other refugees or asylees so designated by the United States Immigration and Naturalization Service who are considered as Resident Aliens, or other legal aliens, provided such students meet the residency requirements stated above and comply with subsection (4) below. The burden of establishing facts which justify classification of a student as a resident and domiciliary entitled to “resident for tuition purposes” registration rates is on the applicant for such classification.

(3) In applying this policy:
(a) “Student” shall mean a person admitted to the institution, or a person allowed to register at the institution on a space available basis.

(4) In all applications for admission or registration at the institution on a space available basis a “resident for tuition purposes” applicant, or, if a dependent child, the parent of the applicant, shall make and file with such application a written statement, under oath, that the applicant is a bona fide resident and domiciliary of the State of Florida, entitled as such to classification as a “resident for tuition purposes” under the terms and conditions prescribed for residents and domiciliaries of the State of Florida. All claims to “resident for tuition purposes” classification must be supported by evidence as stated in subsections 6C-7.005(1), (2), F.A.C., if requested by the registering authority.

(5) A “non-resident” or, if a dependent child, the individual’s parent, after maintaining a legal residence and being a bona fide domiciliary of Florida for twelve (12) months, immediately prior to enrollment and qualification as a resident, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education, may apply for and be granted classification as a “resident for tuition purposes”; provided, however, that those students who are non-resident aliens or who are in the United States on a non-immigration visa will not be entitled to reclassification. An application for reclassification as a “resident for tuition purposes” shall comply with provisions of subsection (4) above. An applicant who has been classified as a “non-resident for tuition purposes” at time of original enrollment shall furnish evidence as stated in subsection 6C-7.005(1), F.A.C., to the satisfaction of the registering authority that the applicant has maintained residency in the state for the twelve months immediately prior to qualification required to establish residence for tuition purposes. In the absence of such evidence, the applicant shall not be reclassified as a “resident for tuition purposes.” It is recommended that the application for reclassification be accompanied by a certified copy of a declaration of intent to establish legal domicile in the state, which intent must have been filed with the Clerk of the Circuit Court, as provided by Section 222.17, Florida Statutes. If the request for reclassification and the necessary documentation is not received by the registrar prior to the last day of registration for the term in which the student intends to be reclassified, the student will not be reclassified for that term.

(6) Appeal from a determination denying “resident for tuition purposes” status to applicant therefor may be initiated after appropriate administrative remedies are exhausted by the filing of a petition for review pursuant to Section 120.68, Florida Statutes.

(7) Any student granted status as a “resident for tuition purposes” status to applicant therefor may be initiated after appropriate administrative remedies are exhausted by the filing of a petition for review pursuant to Section 120.68, Florida Statutes.

Specific Authority 240.209(1), (3)(r) FS. Law Implemented 120.53(1)(a), 240.209(1), (3)(e), 240.233, 240.235, 240.1201 FS. History–Formerly 6C-2.51, 11-18-70, Amended 8-20-71, 6-5-73, 3-4-74, Amended and Renumbered 12-17-74, Amended 1-13-76, 12-13-77, 8-11-81, 6-21-83, 12-13-83, 6-10-84, 10-7-85, 12-31-85, Formerly 6C-7.05, Amended II-9-92, 4-16-96.

6C-7.006 Limitation on Non-Resident Student Enrollment.

The State University System of Florida will accept non-resident students as defined in subsection 6C-7.005(1) and (3), F.A.C., in numbers not to exceed 10 percent of the total systemwide enrollment. This does not imply that the enrollment of non-resident students at any single university in the System will be limited to 10 percent of that university’s total enrollment as long as the total number in the University System does not exceed 10 percent of the total systemwide enrollment.

Specific Authority 240.209(1), (3)(g) FS. Law Implemented 240.209(1), (3)(i) FS. History–Formerly 6C-2.52(1), 11-18-70, Amended and Renumbered 12-17-74, Amended 12-13-77, 8-11-85, Formerly 6C-7.06, Amended II-9-92.

6C-7.008 Waiver of Tuition and Materials & Supply Fees.

(1) Sponsored Institutes and Programs
(a) Tuition and materials and supply fees may be waived by the president or president’s designee for participants in sponsored institutes and programs where substantially all the direct costs are paid by the external sponsoring agency, where there is no direct expenditure of Educational and General funds for the conduct of the programs, and where no fees or other assessments are collected from students by the sponsoring agency, the university, or any other entity. In determining whether the direct costs are paid by the sponsoring agency, funds paid directly to the participants in a form such as, but not limited to, stipends, travel or book allowances
should not be taken into account. “Direct costs” refer to the costs associated with the instruction or training which a participant receives. All funds collected from sponsoring agencies for sponsored credit institutes will be remitted to the university’s contract and grants trust fund and/or auxiliary trust funds.

(b) Neither the number of participants nor student credit hours in these institutes and programs may be counted for state funding purposes. The waivers granted herein for non-resident fees are in addition the non-resident waivers appropriated annually by the Legislature.

(2) Certain tuition shall be waived for the following: (1) children of law enforcement officers or firefighters killed while performing certain duties pursuant to Sections 112.19 and 112.191, Florida Statutes; (2) students who earn credit in courses toward both a high school diploma and an associate or baccalaureate degree pursuant to Section 240.116 and 240.235(4), Florida Statutes; (3) students enrolled in a dual enrollment or early admission program pursuant to Sections 240.116 and 240.235(4), Florida Statutes; (4) any student for whom the state is paying foster care board payment or any student adopted from the Department of Children and Family Services after December 31, 1997, pursuant to Sections 409.145(3) and 240.235(5), Florida Statutes; (5) any graduate student enrolled in a state-approved school psychology training program pursuant to Section 240.235(7), Florida Statutes; (6) certain members of the active Florida National Guard pursuant to Section 250.10(7), Florida Statutes; (7) a student enrolled through the Florida Linkage Institutes Program pursuant to Section 288.8175(6), Florida Statutes.

(3) SUS and/or State employees who qualify pursuant to provisions in Rule 6C-5.930, F.A.C., the annual General Appropriations Act, collective bargaining agreements, and Section 110.1099, Florida Statutes, are entitled to register for up to six credit hours of instruction without payment of tuition, and, if applicable, the Non-Resident Fee.

(4) Intern Supervisors – Persons who supervise interns for institutions within the State University System may be given one non-transferable certificate (fee waiver) for each full academic term during which the person serves as an intern supervisor. This certificate shall provide for waiver of the Residence Matriculation fee.

(5) Florida residents 60 years of age or older are entitled to a waiver of tuition as provided by Section 240.235(3), Florida Statutes.

(6) Non-resident students who are non-degree seeking are entitled to a waiver of the non-resident fee if the credit hours generated by such students are non-fundable and the cost for the program of study is recovered from the fees charged to all students.

(7) Each university shall waive the activity and service, health, athletic, and material and supply fees, assessed on a per credit hour basis, for credit hours for which the tuition is waived in accordance with the provisions of Rule 6C-7.008, F.A.C. Each university shall waive the activity and service, health, athletic, and material and supply fees assessed on a per student basis only if a student’s tuition is waived for all credit hours. If a student pays any portion of the assessed tuition, that student shall pay in full the activity and service, health, athletic, material and supply fees assessed on a per student basis.

(8) Each university shall waive all tuition and fee components of Rule 6C-7.001, F.A.C., and material and supply fees assessed for credit hours for which tuition is waived. Each university shall also waive the activity and service, health, athletic, and material and supply fees assessed on a per student basis only if a student’s tuition is waived for all credit hours.

(9) All or any part of the tuition and material and supply fees may be waived by the university when deemed appropriate provided that provisions for such waiver are included in Florida Statutes or the rules of the Board of Regents. The Board may provide for the waiver of the following fees as provided by legislative action:

(a) Non-Resident Fees;
(b) Matriculation Fees for undergraduates, graduate assistants, and fellowships.

CHAPTER 6C-8 EDUCATIONAL DELIVERY

6C-8.001 University Calendars.
(1) Each university shall operate under the general provisions described in Rule 6A-10.019, F.A.C., and shall operate on a year-round calendar which provides two hundred twenty (220) days of classroom instruction including examinations, or two hundred ten (210) days of instruction excluding examinations; provided, however, that upon request by the university exceptions to this requirement may be approved by the Board and may include but shall not be limited to such matters as experimentation, innovation, research, energy conservation or more efficient utilization of resources.

(2) Effective August, 1985, the common entry periods shall be:
(a) The first three (3) weekdays after August 22;
(b) The first three (3) weekdays after January 4;
(c) The first three (3) weekdays after May 5.

(3) Each calendar shall also include the following:
(a) Pre-established dates for issuing either certificates, diplomas, or degrees which will permit students to utilize the entry period which minimizes loss of time to students in completing the transfer between programs of institutions;
(b) A summer program for teachers, school personnel and other students scheduled to begin no earlier than June 15 and close no later than August 15;
(c) Additional periods throughout the fiscal year in which a student can begin a program.

(4) An official copy of the annual calendar adopted by each university shall be filed with the Board in a manner prescribed by the Commissioner upon the recommendation of the Chancellor.

Specific Authority 240.209(1), (3)(m) FS. Law Implemented 240.209(1), (3)(m), 240.227(17), 229.053(2)(c) FS. History–Formerly 6C-2.56, 11-18-70, Amended and Renumbered 12-17-74, Amended 6-25-80, 8-11-85, Formerly 6C-8.01.

6C-8.002 Continuing Education.
(1) The Chancellor shall coordinate credit and non-credit continuing education courses in all fields which the Board shall consider necessary to improve and maintain the educational standards of the State of Florida.

(2) Administration and Coordination
(a) The Chancellor shall be responsible for coordinating, on a statewide basis, the continuing education programs of the universities. These responsibilities are:
1. Studies of the systemwide operation, long range planning and projections, periodic evaluations of existing programs, and research relating to continuing education and adult learning;
2. The approval of any credit course offerings outside of designated geographic areas and those courses which have not been approved as on-campus offerings for a particular institution.
(b) Specific responsibilities of the presidents are:
1. To develop rules and procedures for conducting all credit offerings in a defined geographic area and non-credit continuing education offerings.
2. To establish a Continuing Education Activity as part of the Auxiliary Budget Entity for the purpose of planning, offering, and recovering all costs of non-credit courses. The costs of these courses may be recovered from non-E & G sources such as grants, contracts, directly from participants, and combinations of these sources. The Continuing Education Activity within the Auxiliary Budget Entity may also be used for the purpose of planning, offering, and recovering all costs of sponsored credit institutes and programs as provided by paragraph 6C-7.008(1)(a), F.A.C. Likewise, the Auxiliary Budget Entity may be used for the recovery of any additional fees established by the president for off-campus credit courses as provided by subsection 6C-7.003(30), F.A.C., or for continuing education credit courses as provided by subparagraph 6C-8.002(2)(b)4., F.A.C.
3. To approve the use of auxiliary funds from the Continuing Education Activity for instructional compensation of regularly appointed faculty, or of adjunct faculty, who teach non-credit Continuing Education courses and for the recovery of Educational and General costs for providing services to Continuing Education students.
4. To approve continuing education credit courses and to establish the fees for these activities when there is a demonstrated and justified need. Such courses shall not in any way be in competition with, or replace, the regular on-campus program of Educational and General credit courses taken by degree seeking and special students. Accordingly, continuing education credit courses shall be scheduled and offered in such a way as to prevent any negative effect on any university’s achievement of its legislatively funded enrollment plan. Any fees charged students for continuing education credit activities, which are higher than the normal Board approved fees for similar credit activities offered in the regular on-campus program, shall be established solely for the purpose of recovering all increased costs which result from offering these courses as continuing education activities.

5. To file with the Chancellor an annual report of all credit and non-credit activity.

(c) Enrollments in non-credit courses and in sponsored credit institutes and programs will not be funded from Educational and General (E & G) resources and will not count as part of the university’s E & G enrollment plan; i.e., they do not generate E & G funded FTE. Only students whose costs for participating in these courses have been paid will be enrolled in non-credit courses or sponsored credit institutes and programs.

(3) Other Requirements Regarding Credit Activities

(a) Courses for credit offered through the Continuing Education Activity, away from the university campuses, or through sponsored credit institutes and programs shall be accorded the same status as their counterpart courses offered on the main campus. Normally, only courses in the existing university approved curriculum shall be offered as continuing education credit courses. Modifications to this requirement shall be approved by the Chancellor, as prescribed by Chancellor’s Memorandum. The university offering such courses shall be responsible for ensuring that the faculty, support services, and physical facilities shall be of such quality to assure full comparability of the course offered to its regular on-campus counterpart. Courses for which degree credit is offered shall meet the same standards as other regular credit courses.

(b) Each university will be responsible for serving a designated geographic area of the State. Institutional responsibilities for ensuring that services are provided shall be in accordance with the following assignments.

1. Regional Responsibilities.
   a. Florida A & M University – Baker County, Calhoun County, Columbia County, Dixie County, Franklin County, Gadsden County, Gilchrist County, Hamilton County, Jackson County, Jefferson County, Lafayette County, Leon County, Liberty County, Madison County, Suwannee County, Taylor County, Union County, Wakulla County.
   b. University of South Florida – Charlotte County, Collier County, DeSoto County, Glades County, Hardee County, Hendry County, Hernando County, Highlands County, Hillsborough County, Lee County, Manatee County, Pasco County, Pinellas County, Polk County, Sarasota County.
   c. Florida Atlantic University – Broward County, Indian River County, Martin County, Okeechobee County, Palm Beach County, St. Lucie County.
   d. University of West Florida – Bay County, Escambia County, Gulf County, Holmes County, Okaloosa County, Santa Rosa County, Walton County, Washington County.
   e. University of Central Florida – Brevard County, Citrus County, Flagler County, Lake County, Levy County, Marion County, Orange County, Osceola County, Seminole County, Sumter County, Volusia County.
   f. Florida International University – Dade County, Monroe County.
   g. University of North Florida – Alachua County, Bradford County, Clay County, Duval County, Nassau County, Putnam County, St. Johns County.

2. Statewide Responsibilities.
   a. The University of Florida, Florida State University, and Florida A & M University (with reference to its historic mission) shall be responsible for providing such programs and services on their respective campuses and in their local communities. Further, they shall be responsible for providing, on a statewide basis, such programs and services which cannot be provided by the other universities. The activities of the cooperative extension service will continue to be the responsibility of the Institute of the Food and Agricultural Sciences of the University of Florida without regard to the geographical area in which those activities occur.
   b. Each university with regional responsibilities may offer off-campus within its region and without prior approval any credit course which has been authorized by appropriate curriculum committees to be offered on-campus.
   c. Each university may offer credit courses outside of its geographic boundaries upon appropriate approval by the Chancellor. Courses in this category will be approved only where demonstrated need warrants institutional geographic overlap.
   d. A university which has capability in specific disciplines not available in any other university may offer instruction in these disciplines in any part of the State without prior approval.

(4) Correspondence Study Policies

(a) The University of Florida shall administer the Department of Correspondence Study Program for the State University System.

(b) The Department of Correspondence Study at the University of Florida shall submit an annual report listing all activities and a fiscal statement representing the income and expenditures of the Department for the fiscal year to the Chancellor.

(5) Off-Campus Center – Each center in which off-campus credit courses are offered shall be organized and administered by one of the universities, as approved by the Board. All courses offered in a center shall carry residence credit.
6C-8.009 Definition and Process for Establishing Educational Sites.

(1) The following definitions and processes for establishment shall apply to educational locations of public universities within the state:

(a) Main campus is defined as the focal point of university educational and administrative activities, authorized by Section 240.2011, F.S. Lower-division courses are offered only on the main campus of each university unless the university receives specific Board of Regents approval to offer lower-division courses at a branch campus, center or site. Approval will be based on a consideration of the following: the university’s mission; an assessment of student demand; availability of necessary facilities, equipment and faculty; discussion with the educational institutions impacted by the proposed course offerings; and PEPC’s review of those course offerings. The Board of Regents approval is subject to review and action by the State Board of Education if the request for review and action occurs within 30 days of the Board of Regents decision. If no request for review is made by a member of the State Board of Education, then the Board of Regents determination shall automatically become effective 30 days from the date of the Board of Regents decision to approve.

(b) Branch campus is defined as an instructional and administrative unit of a university that offers students upper-division and graduate programs as well as a wide range of support services. Distance learning techniques may be used to complement on-site instruction at all types of campuses. Branch campuses may be of various types to meet the particular needs of a region:

1. Type I Branch Campus is defined as a major university operation which provides a broad range of instruction, numerous full and partial degree programs, research, and a full complement of student services in university administered facilities, which are mostly university owned or shared with a public community college. For efficiency of operation and provision of an adequate range of programs these campuses should obtain a funded enrollment level of 2,000 FTE.

2. Type II Branch Campus is a large university operation, providing a range of instructional programs, many of which lead to a degree at the branch campus, some research, and full support services in university controlled facilities. Funded enrollment is between 1,000 and 2,000 FTE.

3. Type III Branch Campus provides instruction in high demand disciplines, as well as necessary support services. Instructional and administrative functions are provided in facilities which may or may not be controlled by the university. Distance learning techniques may be used to provide a significant portion of the instructional program. Funded enrollment is between 300 and 1,000 FTE.

(c) Establishment of new branch campuses requires approval by the Board of Regents. In its request for authority to establish a new branch campus, a university shall submit a report regarding the long-term requirements for programs and facilities relating to its mission statement and course offerings, including a three-year PECO project priority list and a plan for long-term facilities needs. In addition, the Postsecondary Education Planning Commission must recommend establishment of the campus to the State Board of Education under the provisions of subsection 240.147(7), F.S., and the Legislature must appropriate funds for its establishment.

(d) Center is defined as an instructional unit of a university or universities that offers a limited range of instructional programs or courses. Funded enrollment at a center will be fewer than 300 FTE.

(e) Special purpose center is defined as a unit of a university that provides certain special, clearly defined programs or services, such as research, cooperative extension, or public service apart from the main campus, branch campus, or center.

(f) Establishment of new centers and special purpose centers which entail the expenditure of state funds for facilities requires an assessment of long-term needs for facilities and approval by the Board of the three-year PECO project priority list. In submitting its request for authority to establish a Center, a university shall submit a report regarding the long-term requirements for programs and facilities relating to the mission statement and course offerings.

(g) Instructional site is defined as an instructional unit of a university that offers a very limited range of instructional programs or courses, generally of short duration, in facilities not owned by the institution. Universities shall retain the ability to establish instructional sites to meet demonstrated needs without the necessity for approval of the Board.

(h) Special purpose site is defined as a unit of a state university that provides services of an educational nature that are other than instruction, research or administration. Universities shall retain the ability to establish special purpose sites to meet demonstrated needs without the necessity for approval of the Board.

(2) All new campuses, centers, and special purpose centers approved by the Board shall be submitted, along with the required review by the Postsecondary Education Planning Commission, to the State Board of Education for approval.

(3) The Board will review these definitions and processes periodically to determine whether changes are necessary.

6C-8.010 Incentive/Efficiency Program.

(1) Goal – The goal of the Incentive/Efficiency Program (IEP) is to improve the quality of the State University System through the reallocation of existing resources and the generation of new revenue. The IEP provides incentives to all employees to identify and implement procedures or ideas that generate new revenue or eliminate or reduce expenditures without reducing the quality of essential services.

(2) Definition – The term, “net savings or new revenue” as used in this rule, shall mean the estimated permanent savings or permanent new revenue generated, in the first year of full implementation of an employee suggestion for reducing expenditures or generating new revenue, less a pro rata share of the total investment necessary to implement the suggestion, if any, prorated on the basis of the estimated useful life of the investment.

(3) Administration

(a) Each president shall appoint an IEP Steering Committee and Program Administrator to be responsible for the IEP including recommending and administering internal procedures, ensuring appropriate evaluations, following up on recommendations to adopt or not adopt a suggestion and promoting the program.

(b) The Board may allocate funds specifically for the support and operation of the IEP.

(4) Eligible Participants – All current employees of the State University System are eligible to submit suggestions that generate net savings or new revenue. Two or more eligible employees may submit a joint suggestion.

(5) Eligible Suggestions – To be eligible, a suggestion must be implemented by a university or the Board Office. The following shall not be eligible for cash awards through the program:

(a) Suggestions that deal with issues which are also being pursued as a personal grievance or that deal with the compensation and classification of positions;

(b) Suggestions which the employee develops as a result of assigned responsibilities; and

(c) Suggestions which are a duplicate of, or significantly similar to, a suggestion which has been implemented by another university of the State University System and about which the university has been notified by the Board.

(6) Suggestion Processing

(a) Employee suggestions shall be processed, a final determination made, and the suggestion implemented in an expeditious manner.

(b) A suggestion which is not implemented will be kept on file for one year from the date it was originally received by the Program Administrator or the Steering Committee, whichever is earlier. The original proposer will be eligible for an award as provided in this rule if the suggestion is implemented during this period. Thereafter, the suggestion must be resubmitted by an eligible employee before it can be reconsidered.

(c) Suggestions will be recognized through cash and other awards. Cash awards for eligible suggestions shall be based upon net savings or new revenue.

(d) The acceptance of an award for any suggestion implemented through this program shall constitute an agreement by the employee that the employee waives all claims, immediate and future, on the State of Florida, regardless of the use of the suggestion.

(7) Use of Net Savings or New Revenue – The total resources allocated to the budget(s) of a university will not be reduced as a result of net savings or new revenue generated under the program.

(a) The net savings or new revenue may be used as follows:

1. Up to ten percent may be used as a cash bonus for the employee or employees who made the suggestion;

2. Up to ten percent may be used for Administrative Incentive bonuses;

3. Up to twenty percent may be used for bonuses for individuals in the work unit(s) which will generate the net savings or new revenue; and

4. The balance of the net savings or new revenue may be used to address critical funding needs related to the implementation of the university and system master plans.

(b) Notwithstanding the provisions of paragraph (7)(a), above, an employee’s bonus for each implemented suggestion shall be limited to the smaller of $25,000 or ten percent of the net savings or new revenue. Further, no employee shall receive a bonus for submitting an implemented suggestion and, for the same suggestion, a bonus from the Administrative Incentive Component.

(8) Administrative Incentive Component – This component is intended to provide an incentive for administrators to foster an atmosphere in which the identification of opportunities to reallocate resources and generate new resources in support of university goals and priorities are encouraged and in which appropriate responses to these opportunities are developed and implemented. In order to stimulate this type of activity, the contributions of each organizational unit to the IEP shall be evaluated on an annual basis and incentive bonuses provided to supervisors of employees who have submitted suggestions that have been implemented. Administrative incentives shall be limited to the immediate supervisor of an employee who submitted an implemented suggestion and to the next higher level supervisor. Supervisors at the level of Vice President or above, however, shall not be eligible for an administrative incentive under this program.

(9) Implementation Plan – Each university president shall submit an Implementation Plan, as well as amendments thereto, to the Chancellor for approval. The Implementation Plan will provide for:

(a) Promotion of the Program;

(b) Appropriate safeguards regarding conflict of interest in decisions leading to cash awards;
(c) A procedure for appeal of decisions made by the IEP Steering Committee;
(d) Procedures for allocating net savings or new revenue along with appropriate safeguards to assure that the quality of essential services are maintained and/or improved as a result of such allocations; and
(e) Identification of employees who are eligible to receive administrative incentive bonuses and the calculation and distribution of such bonuses.

(10) Adopted Suggestions
(a) Each university shall report quarterly to the Board information about suggestions implemented along with the net savings or new revenue, use of net savings or new revenue, and incentive awards provided through the IEP.
(b) The Board’s Finance Committee shall review each implemented suggestion and shall distribute a copy of such suggestions to each university.

CHAPTER 6C-9 PROPERTY AND FINANCE

6C-9.004 Razing of Buildings.
As prescribed by Section 240.22, Florida Statutes, Universities; powers and duties, each university shall have the authority to raze buildings.

Specific Authority 240.209(1), (3)(m), 240.227 FS. Law Implemented 240.209(1), (3)(m), 273.05, 273.055, 240.227, 240.295 FS. History–Adopted 12-8-72, Amended and Renumbered 12-17-74, Amended 7-13-78, 8-11-85, Formerly 6C-9.04.

6C-9.005 Naming of Buildings and Facilities.
(1) A president may recommend for the consideration of the Board a name for any building or other facility on the campus.
(2) The naming of a building or other facility, shall be in accordance with the provisions of Section 267.062, Florida Statutes.

Specific Authority 240.209(1), (3)(m), 267.062 FS. Law Implemented 240.209(1), (3)(m), 267.062 FS. History–Adopted 11-3-72, Amended and Renumbered 12-17-74, Amended 8-11-85, Formerly 6C-9.05.

6C-9.011 University Direct Support Organizations.
(1) Universities wishing to establish direct support organizations, as provided in Section 240.299, Florida Statutes, shall request approval by the Board of Regents. Upon approval by the Board, a direct support organization shall be considered to be certified and authorized to use university property, facilities and personal services.
(2) The Director or Chief Operating Officer of the direct support organization shall report to the University President or designee, who shall be Vice President of the University or other senior officer reporting directly to the University President.
(3) Operating budgets of direct support organizations shall be prepared at least annually, approved by the organization’s governing board and recommended by the university president to the Board of Regents for review.
(4) Expenditure plans of direct support organizations shall be reviewed and approved quarterly by the university president or designee, who shall be a vice president of the university or other senior officer of the university reporting directly to the president.
(5) Direct support organizations shall provide for an annual audit and management letter, as prescribed by internal memoranda, which shall be forwarded to the Board of Regents for review and oversight.
(6) University presidents may request that a direct support organization be decertified by the Board of Regents if the president determines that the organization is no longer serving the best interest of the university. The request for decertification shall include a plan for disposition of the direct support organization’s assets and liabilities.

Specific Authority 240.209(1), (3)(r), 240.299(2)(b) FS. Law Implemented 240.209(1), 240.299 FS. History–Formerly 6C-3.12, 11-18-70, Amended and Renumbered 12-17-74, Amended 4-14-76, 6-25-80, 8-11-85, Formerly 6C-9.11, Amended 9-28-86, 2-13-89, 4-10-90, 12-9-91, 8-1-94, 4-16-96.
6C-9.013 Auxiliary Operations.

(1) Auxiliary services are integral activities of a university that furnish to its faculty, staff and students goods and/or services that are necessary or desirable but not readily available elsewhere in terms of costs, quality, quantity, timeliness, convenience, or other similar considerations. These activities shall support the educational endeavor of the institution and enhance its functioning; therefore, they shall not detract or distract from this basic endeavor in any way, financially or otherwise.

(2) Each auxiliary service is an individual entity and shall be accounted for as such. A service may be operated by the institution or by a private contractor under the institution’s supervision. Under either arrangement, all pertinent institutional revenues and costs shall be assigned to each auxiliary and the consequent financial results of operations determined.

(3) There shall be a uniform system of financial reporting within the State University System for auxiliary services. Each institution may determine whether its auxiliary services will be self-supporting on an individual or collective basis, except for athletics, which shall be a self-supporting entity. Revenues for auxiliary services shall not be provided from general revenue supported budget entities except in payment of goods and/or services, or as provided in subsection 6C-9.012(3), F.A.C. Provided, however, auxiliary services may be housed in buildings that are financed from other sources.

(4) Transfers and expenditures from the various auxiliary funds shall be in conformance with budgets or budget amendments filed with the Board.

Specific Authority 240.209(1), (3)(m) FS. Law Implemented 240.209(1), (3)(m) FS. History–Formerly 6C-3.14, 3-4-74, Amended and Renumbered 12-17-74, Amended 8-29-77, 9-8-85, 8-11-85, 1-8-86, Formerly 6C-9.13, Amended 4-10-86, Formerly 6C-9.13.

6C-9.017 Faculty Practice Plans.

(1) Basic Policy. The J. Hillis Miller Health Center at the University of Florida and the Health Sciences Center at the University of South Florida respectively provide educationally oriented clinical practice settings and opportunities, through which faculty members provide health, medical and dental care and treatment to patients, including patients at independent hospitals, other institutions, and various other clinical sites as an integral part of their academic activities and their employment as faculty. Such faculty practice activities are designed to assure clinical practice opportunities and experiences that are essential in the training of students and postgraduate health professionals and that will enhance skills and knowledge of faculty members who must teach and train medical and other health professional students. Participation in such faculty practice activities by members of the faculty of this State’s colleges of medicine, dentistry, health professions, and veterinary medicine is vital to the educational mission, the maintenance of skills in the treatment and diagnosis of disease, and the maintenance of patient management skills, clinical expertise, and medical judgment, and is a necessary and essential part of their employment as faculty. Because these faculty practice activities generate income from a cross section of patients served by faculty members, these colleges are authorized to regulate fees generated from faculty practice, and to develop and maintain Faculty Practice Plans for the orderly collection and distribution of such fees. Colleges are authorized to form corporate entities to achieve the objectives of the Faculty Practice Plans. The Faculty Practice Plan, when developed, and subsequent changes therein, must be approved by the dean of the college, the vice president of the health center and the president of the university prior to filing for approval of the Chancellor. Faculty Practice Plans must be consistent with, and supportive of, the objectives of the college, the health center, and the university.

(2) Each Faculty Practice Plan shall include and/or provide for:

(a) A written document which describes the university’s policies and procedures pertaining to faculty practice activities and the resulting professional fees.

(b) Articles of Incorporation and Bylaws.

(c) A separate bank account into which all faculty practice fees are to be deposited, which shall be held and administered by the respective university or faculty practice organization.

(d) An operating budget prepared at least annually and recommended by the dean of the college, vice president of the health center, and university president to the Board of Regents for review and approval.

(e) An annual audit and management letter, which shall be forwarded to the Board of Regents for review and oversight.

Specific Authority 240.209(1), (3)(r) FS. Law Implemented 240.209(1) FS. History–New 6-12-75, Formerly 6C-9.17, Amended 6-2-87, 10-17-89, 6-6-90, 12-9-91, 10-2-94, 4-16-96.

6C-9.018 Charity Racing Day Proceeds.

The Chancellor shall allocate the proceeds from Charity Race Days to the universities.

Specific Authority 240.209(1), (3)(m) FS. Law Implemented 240.209(1), (2), (3)(m), 550.03(2) FS. History–New 1-24-77, Amended 8-11-85, Formerly 6C-9.18.

6C-9.019 Trust Fund for Major Gifts.

(1) The Trust Fund established in the State Treasury for Major Gifts provides the opportunity to each state university and New College to receive and match challenge grants to enhance their libraries and instruction and research programs. The Chancellor shall administer the Trust Fund for Major Gifts as prescribed by Section 240.2605, Florida Statutes, and Section 35, Chapter 94-230, Laws of Florida. To be eligible, contributions for matching purposes must be made in the manner prescribed in applicable Florida Statutes and subsequent amendments. Contributions must be made for the purpose of supporting the libraries or instruction...
and research programs of the recipient institution, provided however, that donations, state matching funds or proceeds from Major Gift endowments may not be used for the construction, renovation, or maintenance of facilities or to support intercollegiate athletics. The support of libraries and instruction and research programs shall include, but not be limited to:

(a) staffing, equipment, supplies, books, subscriptions, monographs, binding, purchase of or access to technological resources such as computerized databases and other electronic media, and other legitimate expenditures in support of libraries; and,

(b) expenditures for personnel, equipment, supplies and other legitimate purchases in support of the instruction and research programs within the recipient institution’s mission.

(2) Each university shall adopt the necessary rules for the administration of these programs pursuant to Section 35, Chapter 94-230, Laws of Florida, and Section 240.2605, Florida Statutes, and subsequent amendments.

(3) Applications to the Chancellor for challenge grants shall include documentation to support the match as well as certification that all matching requirements have been met. Upon certification by the Chancellor that the matching requirements have been met, the university or New College foundation shall be allocated state matching funds.


6C-9.020 University Health Services Support Organizations.

(1) Universities wishing to establish university health service support organizations as provided in Section 240.2995, Florida Statutes, shall request approval by the Board of Regents. Upon Board approval, a university health services support organization shall be considered to be certified and authorized to use university property, facilities, and personal services.

(2) Operating budgets of university health services support organizations shall be prepared at least annually, approved by the organization’s governing board and recommended by the university president to the Board of Regents for review. The budget shall include compensation and benefits for university employees and employees of the organization.

(3) Expenditure plans of university health services support organizations shall be reviewed and approved quarterly by the university president.

(4) University health services support organizations shall provide for an annual audit and management letter, which shall be forwarded to the Board of Regents for review and oversight.

(5) University presidents may request that a university health services support organization be decertified by the Board of Regents if the president determines that the organization is not serving the best interest of the university. The request for decertification shall include a plan for disposition of the university health services support organization’s assets and liabilities.

CHAPTER 6C-10 MISCELLANEOUS PROVISIONS

6C-10.001 Self-Insurance Programs.
6C-10.002 Environmental Health and Safety. (Repealed)
6C-10.003 Use of Human Subjects in Research. (Repealed)
6C-10.004 Educational Research Centers for Child Development.
6C-10.005 Display of Flag. (Repealed)
6C-10.006 Guest Admission to University Events. (Repealed)
6C-10.007 W. A. Shands Teaching Hospital and Clinics, Indigent Patients; Write-off of Accounts. (Repealed)
6C-10.008 S. U. S. Student Health Centers Trust Fund. (Repealed)
6C-10.009 Smoking in Public Buildings.
6C-10.010 University-Related Research Parks. (Repealed)
6C-10.011 Veterans’ Benefits - Inmate Students. (Transferred to 6C-6.022)
6C-10.012 Special Continuing Programs. (Repealed)
6C-10.013 Certification of Residency for Appropriated Programs. (Repealed)
6C-10.014 Educational Attendance Requirements for Application, Suspension, and Reinstatement of a Driver’s License. (Repealed)

6C-10.001 Self-Insurance Programs.

(1) University of Florida (UF) Self-Insurance Programs; and University of South Florida (USF) Self-Insurance Program.

(a) The UF is authorized to establish the J. Hillis Miller Health Center Self-Insurance Program and the University of Florida J. Hillis Miller Health Center/Jacksonville Self-Insurance Program, and the USF is authorized to establish the University of South Florida Health Sciences Center Self-Insurance Program for the purpose of providing comprehensive general liability protection, including professional liability protection, for the Board and other persons and entities as provided by law and as authorized by the Board or the Self-Insurance Program Councils. The Self-Insurance Programs shall be funded by contributions paid by or on behalf of protected persons and entities.

(b) The Self-Insurance Programs shall be administered by the following Councils.

1. The J. Hillis Miller Health Center Self-Insurance Program shall be administered by the J. Hillis Miller Health Center Self-Insurance Program Council. The Council shall consist of the following officers of UF: Vice President for Health Affairs, who shall serve as Chair; Vice President for Administrative Affairs; Associate Vice President for Health Affairs; Dean, College of Medicine; Dean, College of Dentistry; three members of the faculty of the College of Medicine appointed by the Dean, College of Medicine; the General Counsel; and the Self-Insurance Program Administrator; and such other persons as from time to time may be appointed to the Council by the Board or by the President of UF; and if Shands Teaching Hospital and Clinics, Inc. (Shands Hospital), participates in the Self-Insurance Program: the Chief Executive Officer and Executive Vice President of Shands Hospital; the Chief of Staff of Shands Hospital; and two members of the administrative staff of Shands Hospital to be appointed by the Chief Executive Officer and Executive Vice President of Shands Hospital.

2. The J. Hillis Miller Health Center/Jacksonville Self-Insurance Program shall be administered by the J. Hillis Miller Health Center/Jacksonville Self-Insurance Program Council. The Council shall consist of the following officers of UF: Senior Associate Dean and Assistant Vice President for Jacksonville Programs, who shall serve as Chair; two designees of the Dean, College of Medicine; Associate Vice President for Health Affairs for External Relations; three Associate Departmental Chairs of the College of Medicine appointed by the Senior Associate Dean and Assistant Vice President for Jacksonville Programs; the General Counsel; the Self-Insurance Program Administrator; and such other persons as from time to time may be appointed to the Council by the Board or by the President of UF; and if University Medical Center is protected by the Self-Insurance Program: the President and Chief Executive Officer of University Medical Center; the Chief-of-Staff of University Medical Center; and two members of the administrative staff of University Medical Center to be appointed by the President and Chief Executive Officer.

3. USF Health Sciences Center Self-Insurance Program shall be administered by the USF Health Sciences Center Self-Insurance Program Council. The Council shall consist of the following officers of USF: Vice President for Health Sciences (or his/her designee), who shall serve as Chair; a financial officer of the Health Sciences Center as designated by the Vice President for Health Sciences; four members of the faculty of the College of Medicine appointed by the Vice President for Health Sciences; the General Counsel; the Self-Insurance Program Administrator; and such other persons as from time to time may be appointed to the Council by the Board or by the President of USF; and if the H. Lee Moffitt Cancer Center and Research Institute, Inc. participates in the Self-Insurance Program, the Center Director (or his/her designee).

(c) The powers and duties of each Council shall be:

1. To administer the Self-Insurance Program in accordance with the laws of Florida, and the rules of the Board, the Department of Insurance, and the University;
2. To propose and submit an annual budget for the Self-Insurance Program through the University President to the Board;
3. To develop and propose to the Board a Memorandum of Protection which shall constitute the Self-Insurance Program’s coverage document. The Memorandum of Protection shall contain the insuring agreements, exclusions, and other conditions applicable to persons and entities protected and shall be part of this Rule by reference. The Council shall extend by resolution the
protections described in the Memorandum of Protection to persons and entities as authorized by statute and establish the levels of liability protections extended to such persons and entities; however, the Council is not obligated to extend protection to persons and entities as may be authorized by Florida law, except as may be directed by the Board.

4. To contract with an independent casualty actuary to establish funding requirements necessary to maintain the fiscal integrity of the Self-Insurance Program;

5. To appoint a Self-Insurance Program Administrator who shall carry out the policies and directives of the Council;

6. To retain attorneys-at-law to represent the Board and persons and entities protected by the Self-Insurance Program and perform other legal services which are related to the Self-Insurance Program;

7. To establish committees and designate persons as necessary to assist in the performance of its duties, and may authorize such committees or persons to act for and on behalf of the Council. The Council shall establish a Risk Management Committee, which shall oversee the investigation and disposition of such claims and suits protected by the Self-Insurance Program, identify risk factors which cause such claims and suits, and develop and implement risk management programs to reduce or eliminate those risk factors. Such Risk Management Committee shall conduct reviews pursuant to the provisions of Section 766.106, Florida Statutes, and shall be deemed a medical review committee as defined in Section 766.101, Florida Statutes;

8. To purchase excess insurance on behalf of persons and entities protected by the Self-Insurance Program for claims which exceed the level of protection provided by the Self-Insurance Program including claim bills to award compensation in amounts which exceed the protection provided by the Self-Insurance Program or by commercial insurance; to assist entities not described in Section 768.28, Florida Statutes, which are authorized and approved as allowed by Florida laws to be protected by the Self-Insurance Program, in the procurement of insurance for losses which exceed the levels of protection provided by the Self-Insurance Program as established by the Council, but the Council is not authorized to purchase such insurance with Self-Insurance Program assets; and

9. To participate in other self-insuring mechanisms such as Risk Retention Groups or captive insurance companies, independently or in association with other compatible entities, subject to the approval of the Board.

10. To deposit Self-Insurance Program income in accounts approved by the Board and managed pursuant to the Self-Insurance Program’s administrative and investment policies;

11. To establish an investment policy which shall be approved by the Board, and to maintain an investment account which shall optimize income for the support of the Self-Insurance Program;

12. To provide for an annual audit of the Self-Insurance Program’s financial accounts by independent auditors. The annual audit report shall include a management letter and shall be submitted to the Board for review.

(2) Captive Insurance Companies.

(a) The Councils defined in (1)(b)1. and 2. are authorized to establish as part of the Board of Regents’ self-insurance program a captive insurance company to be named the University of Florida Healthcare Education Insurance Company (HEIC) and the Council defined in (1)(b)3. is authorized to establish a captive insurance company to be named the University of South Florida Health Sciences Insurance Company (HSIC). Each captive (HEIC and HSIC) shall be wholly owned by the Board and established in a domestic or foreign domicile acceptable to the Board. The Articles of Incorporation and Bylaws of each captive are subject to the prior written approval of the Board. Each captive shall insure the Board and may insure any other entity or individual who is authorized by statute to purchase liability protection from a self-insurance program created pursuant to this Rule.

(b) Each captive shall provide liability protection as authorized by Section 240.213, Florida Statutes. The limits of liability protection to be provided for the Board shall be those described in Section 768.28, Florida Statutes, unless otherwise established pursuant to a written endorsement to the insurance policy issued by the captive. The limit of liability protection for insured entities and persons not described in Section 768.28, Florida Statutes, shall be as established by the respective Board of Directors.

(c) Each captive shall be managed by a Board of Directors.

1. HEIC shall be managed by a Board of Directors, constituted as follows: the Vice President for Health Affairs of UF, who shall serve as Chair; the Chair of the Board of Regents (or the Chair’s designee); the Vice Chancellor for Health Affairs; the Dean of the College of Medicine; the Senior Associate Dean and Assistant Vice President for Jacksonville Programs; the Associate Vice President for UF Health Science Center Affiliates; the General Counsel of UF; the Self-Insurance Program Administrator who shall serve as President and Chief Executive Officer; and such persons who from time to time may be appointed by the President of UF; and if Shands Teaching Hospital and Clinic, Inc. (Shands) is insured, the Chief Executive Officer and Executive Vice President of Shands and one appointee of the Chief Executive Officer and Executive Vice President; and if University Medical Center (UMC) is insured, the President and Chief Executive Officer of UMC and one appointee of the President and Chief Executive Officer of UMC. The number of Board of Directors shall be a minimum of nine (9), and the maximum shall be fifteen (15); the majority shall be individuals who are not M.D.s.

2. HSIC shall be managed by a Board of Directors, constituted as follows: the Vice President for Health Sciences of USF, who shall serve as Chair; the Chair of the Board of Regents (or the Chair’s designee); the Vice Chancellor for Health Affairs; the Dean of the College of Medicine (or his/her designee); the Executive Associate Vice President for Health Sciences USF; a financial officer of the Health Sciences Center as designated by the Vice President for Health Sciences; the General Counsel of USF; the Self-Insurance Program Administrator; who shall serve as President and Chief Executive Officer; and such persons who from time
to time may be appointed to the Board of Directors by the President of USF; and if the H. Lee Moffitt Cancer Center and Research Institute (Moffitt) is insured, the Center Director of Moffitt. The number of Board of Directors shall be a minimum of nine (9), and the maximum shall be fifteen (15); the majority shall be individuals who are not M.D.s.

(d) The Board of Directors of each captive shall carry out the purposes of the entity in compliance with its’ Articles of Incorporation and Bylaws. These management responsibilities shall include:

1. To issue policies of insurance protection which shall establish the perils and risks to be protected and the limits of liability protection in excess of those amounts described in Section 768.28, Florida Statutes, to be underwritten by the captive. Such limits of liability protection may supplant or be in excess of those liability protections provided by the Self-Insurance Program(s);
2. To act as the underwriting committee;
3. To contract with the Self-Insurance Program(s) for administrative, risk management, claims and other related services. The Self-Insurance Program(s) and the captive shall share equitably in the administrative costs of the self-insurance programs;
4. To annually assess and collect premiums from insured entities and individuals. All premium income shall be deposited in accounts approved by the Board and shall be managed pursuant to the captive’s administrative and investment policies;
5. To propose and submit an annual budget through the President to the Board;
6. To establish an investment policy which shall be approved by the Board, and to maintain an investment account which shall optimize income for the support of the captive;
7. To transfer any risks protected by the captive to commercial insurers through reinsurance, reciprocal or other risk sharing agreements with similar risk bearers;
8. To contract with an insurance management firm licensed in the selected domicile to serve as the registered office of the captive and to provide such services within the domicile as may be required by the insurance code or law of the selected domicile;
9. To accept the transfer of any contingent losses and loss reserves from the Self-Insurance Program(s) if requested by the Self-Insurance Council(s);
10. To contract with a casualty actuary, as defined by the insurance code or law of the domicile of the captive, to perform an annual review to recommend premium income levels to safeguard the fiscal integrity of the captive;
11. To provide for an annual audit of the captive’s financial accounts by independent auditors approved by the selected domicile and the Board. The annual audit report shall include a management letter and shall be submitted to the Board for review.

Specific Authority 240.209(1), (3)(r), 240.213(5) FS. Law Implemented 240.209(1), 240.213, 240.512(3), 240.513(3)(d), 240.5135, 395.0197, 768.28, 766.101, 766.106 FS. History–Formerly 6C-3.01, 9-17-71, Amended and Renumbered 12-17-74, Amended 5-24-77, 9-8-77, 1-11-79, 12-11-79, 8-11-85, Formerly 6C-10.01, Amended 1-6-88, 10-15-90, 5-30-93, 3-16-95, 11-27-95.

6C-10.004 Educational Research Centers for Child Development.

(1) Each university may establish an Educational Research Center for Child Development in accordance with the provisions of Section 240.531, Florida Statutes.

(2) Each center shall give highest priority to serving the children of students, followed by the children of both staff and faculty.

(3) Funds appropriated for the Educational and General activities of the State University System shall not be used to staff and operate centers. Operations may be financed either through the capital improvement trust fund fee, activity and service fee allocations, user charges, grants and donations, or any combination of these sources. The use of capital improvement trust fund fees and activity and service fees to subsidize the cost of providing services to the children of staff and faculty shall be minimized. Funds subject to bond commitment may be used only to the extent that current bond obligations and the terms of the trust indenture are met.

(4) University facilities constructed for the accomplishment of the university’s academic mission may be used for university research centers for child development provided that rent is charged, which may be minimal. Such centers will not generate a requirement for fixed capital outlay.

(5) The president shall be responsible for the operation and supervision of the educational research center for child development. The university shall promulgate rules for the operation of the educational research center for child development, including guidelines for the use and supervision of student interns, the receipt and monitoring of funds in accordance with the laws of the State of Florida and rules of the university and the Board, and participation by the student government association. It is recognized that an intent of this program is to provide research and training activities which are representative of a comprehensive scope of child development needs throughout the community. To this end, university rules shall include an admission process that provides for a student population of diverse race, ethnicity, socio-economic status, and mental and physical ability.

(6) Each university which establishes an educational research center for child development shall provide for a board of directors, in accordance with the law. The board of directors shall insure that the center is operated according to law and rules of the Board and the university.

(7) Each center is authorized to charge fees for child care and services. Fees should be set at the level required to support the cost of providing the service. Exceptions should be made for the children of students and may be made for low-income faculty and staff. These fees must be approved by the Board as required by law, and in accordance with subsection 6C-7.003(37), F.A.C.

Specific Authority 240.209(1), (3)(q), (4), 240.531(3), (4) FS. Law Implemented 240.209(1), 240.531 FS. History–Formerly 6C-2.79, Amended 10-7-74, Amended and Renumbered 12-17-74, Amended 2-18-80, 8-11-85, Formerly 6C-10.04, Amended 12-25-86, 11-29-94.
6C-10.009 Smoking in Public Buildings.
For the purpose of implementing Section 255.27, Florida Statutes, State policy concerning smoking in public buildings, and the enforcing guidelines set forth therein, the following persons are designated supervisors as contemplated by that law: the Chancellor for the offices of the Board and the presidents for buildings of the universities.

Specific Authority 240.209(1), (3)(m), 255.27 FS. Law Implemented 240.209(1), (3)(m), 255.27 FS. History–New 5-10-78, Amended 8-11-85, Formerly 6C-10.09.
CHAPTER 6C-11 COMMUNITY HOSPITAL EDUCATION PROGRAM

6C-11.001 Offices. (Repealed)
6C-11.002 The Council. (Repealed)
6C-11.003 The Staff Director. (Repealed)
6C-11.004 Meetings and Agenda. (Repealed)
6C-11.005 Administration and Travel. (Repealed)
6C-11.006 Consultants. (Repealed)
6C-11.007 Objectives. (Repealed)
6C-11.008 Primary Care Program Support. (Repealed)
6C-11.009 Special Developmental Support. (Repealed)
6C-11.010 Other Support. (Repealed)
6C-11.011 Offices.
6C-11.012 The Council.
6C-11.0125 Powers and Duties.
6C-11.013 The Staff Director.
6C-11.014 Meetings and Agenda.
6C-11.015 Administration, Travel, and Consultants.
6C-11.016 Consultants. (Repealed)
6C-11.017 Objectives. (Repealed)
6C-11.018 Program Support. (Repealed)
6C-11.019 Special Development Support. (Repealed)

6C-11.011 Offices.
The Board’s Office of Health Affairs in Tallahassee will be responsible for the administration of the Community Hospital Education Program.

Specific Authority 240.209(1), (3)(o), 381.503 FS., Chapter 85-119, Laws of Florida, Item 585B. Law Implemented 240.209(1), (3)(o), 381.503(3) FS. History–New 6-2-87.

6C-11.012 The Council.
(1) The eleven member Council shall be appointed by the Governor, for terms of four years each, as provided by Section 381.0403(5)(a), Florida Statutes.

(2) The Council shall elect a Chairman from among its membership. Election shall be by majority vote of members present and shall take place at the first meeting of the Council following January 1 of each year. The term of the Chairman shall be for one year but the Chairman may succeed himself or herself. By affirmative vote of seven or more members of the Council, a new Chairman may be elected at any regular scheduled meeting.

(3) The Chairman shall:
(a) Appoint such committees of the Council as the Chairman shall deem necessary to carry out the program. The Chairman shall serve as an ex-officio voting member of all committees.
(b) Preside at all meetings of the Council or designate a member of the Council to preside in the absence of the Chairman.
(c) Act for, and on behalf of, the Council on emergency matters requiring immediate decision. Action taken by the Chairman under this provision shall then be presented for approval and ratification by the Council at the next meeting.

Specific Authority 240.209(1), (3)(q), 381.0403 FS. Law Implemented 381.0403(5) FS. History–New 6-2-87, Amended 3-29-89, 11-9-92.

6C-11.0125 Powers and Duties.
(1) The Council shall perform such duties as are designated by Section 381.0403, Florida Statutes. The principal responsibilities of the Council include, but are not limited to, approving internship/residency programs for participation in the Community Hospital Education Program, allocating appropriated funds among eligible programs on the basis of the number of eligible interns/residents, and conducting periodic reviews of programs to evaluate the effectiveness and standards of the educational endeavor.

(2) The Council shall annually establish priorities, goals and objectives for the program.

Specific Authority 240.209(1), (3)(q), 381.0403 FS. Law Implemented 381.0403(5) FS. History–New 11-9-92.

6C-11.013 The Staff Director.
(1) The Chancellor shall designate the Vice Chancellor of Health Affairs as the Staff Director of the Program.

(2) The Staff Director shall:
(a) Maintain liaison with each participating internship/residency program and its director and shall keep the Council advised of the status and plans of each program.
(b) Advise the Council, Board of Regents, and Legislature concerning physician manpower, graduate medical education and related issues.

(c) Administer the appropriated funds, including but not limited to, providing annual contracts and quarterly payments to participating programs.

(d) Prepare and recommend budget requests and program allocations for consideration by the Council and the Board.

(e) Maintain all records of the Council including the official minutes of each meeting.

Specific Authority 240.209(1), (3)(q), 381.0403 FS. Law Implemented 381.0403(5) FS. History–New 6-2-87, Amended 11-9-92.

6C-11.014 Meetings and Agenda.

(1) Regular meetings of the Council shall be held (at least quarterly) with additional meetings called by the Chairman as needed. The time and place of each meeting shall be announced in the Florida Administrative Weekly.

(2) The agenda for each meeting of the Council shall be prepared by the Staff Director in consultation with the Chairman and made available two (2) weeks prior to the meeting.

Specific Authority 240.209(1), (3)(q), 381.0403 FS. Law Implemented 381.0403(5) FS. History–New 6-2-87, Amended 11-9-92.

6C-11.015 Administration, Travel, and Consultants.

(1) Members of the Council, the Staff Director, and such others as the Council may designate as official participants in the program shall be reimbursed for travel expenses as provided by law for state employees pursuant to Section 112.061, Florida Statutes.

(2) Compensation and reimbursement for consultants utilized by the Council shall be consistent with state law and practices.

Specific Authority 240.209(1), (3)(q), 381.0403 FS. Law Implemented 381.0403(5) FS. History–New 6-2-87, Amended 11-9-92.
CHAPTER 6C-12 FLORIDA SOLAR ENERGY CENTER PROGRAM

6C-12.001 Florida Solar Energy Center Operations.
6C-12.002 Solar Collector Testing, Standards. (Repealed)
6C-12.003 Solar Collector Certification. (Repealed)
6C-12.004 Testing Fees, Testing, Inspection, Services. (Repealed)
6C-12.005 Solar Domestic Water Heating and Solar Pool Heating System Standards and Certification. (Repealed)

6C-12.001 Florida Solar Energy Center Operations.
The Florida Solar Energy Center, is governed by Section 377.705, Florida Statutes. It shall be administered by the University of Central Florida for and on behalf of the Board of Regents. The University shall adopt such rules as are necessary to carry out the purposes of the program of the Center and as are consistent with Board policies and rules.

Specific Authority 240.209(1), (3)(m), 377.705 FS. Law Implemented 377.705, 20.05(1)(b) FS. History–New 2-10-77, Amended 9-8-77, 12-30-79, 3-31-81, 3-20-85, Formerly 6C-12.01.
CHAPTER 6C-13 RESEARCH AND DEVELOPMENT AUTHORITY PROGRAM

6C-13.001 Purpose. (Repealed)
6C-13.002 Offices. (Repealed)
6C-13.003 The Commission. (Repealed)
6C-13.004 Meetings of Commission. (Repealed)
6C-13.005 Powers and Duties of Commission. (Repealed)
6C-13.006 Membership of Authority. (Repealed)
6C-13.007 Powers and Duties of Research and Development Authority. (Repealed)
CHAPTER 6C-14 ADMINISTRATION OF CONSTRUCTION PROGRAM

6C-14.001 Purpose. (Repealed)
6C-14.002 Definitions.
6C-14.0025 Action Required Prior to Capital Outlay Appropriation.
6C-14.003 Procedures for Contracting for Professional Services. (Repealed)
6C-14.004 Public Announcement and Qualification Procedure.
6C-14.005 Certification and Competitive Selection of Architects/Engineers.
6C-14.0055 Certification and Competitive Selection for Construction Management Services and Design-Build Services.
6C-14.006 Certification and Competitive Selection for Minor Projects. (Repealed)
6C-14.007 Competitive Negotiation.
6C-14.008 Prohibition against Contingent Fees. (Repealed)
6C-14.009 Nonexclusion of the Public. (Repealed)
6C-14.010 Applicability to Existing Contracts. (Repealed)
6C-14.011 Valid Public Emergencies. (Repealed)
6C-14.012 Inconsistencies with Section 287.055, Florida Statutes. (Repealed)
6C-14.013 Delegation of Authority Pursuant to Section 240.225, Florida Statutes. (Repealed)
6C-14.014 Procedures for Construction Contract Bidding and Award. (Repealed)
6C-14.015 The Board of Regents as the Review Authority for Facilities Programs. (Repealed)
6C-14.0151 University Planning for Use of Capital Improvement Trust Fund Fees and Building Fees. (Repealed)
6C-14.016 The Professional Services Agreement. (Repealed)
6C-14.017 Plan Review for Program and Energy Standards Compliance. (Repealed)
6C-14.018 Contracting Authority for Construction Contracts.
6C-14.019 Reporting Procedures. (Repealed)
6C-14.020 University Supervision of Construction Program.
6C-14.021 Procedures for Construction Contract Bidding and Award.
6C-14.022 Disqualification Procedures.
6C-14.023 Notice and Protest Procedures.
6C-14.024 Art in University Buildings. (Repealed)
6C-14.025 State University System Minority Construction Program. (Repealed)

6C-14.002 Definitions.
(1) “Professional Services” means those services within the scope of the practice of architecture, professional engineering, or registered land surveying as defined by the Laws of Florida or those performed by any architect, landscape architect, professional engineer or registered land surveyor in connection with professional employment or practice or other professional services that may be required.

(2) “Construction Management Services” means those services whereby the construction manager is selected pursuant to Rule 6C-14.0055, F.A.C., to provide consulting services during the design phase; and management and contractual responsibility for the total construction project under a negotiated fee and guaranteed maximum price construction contracting method. A fee is negotiated for profit, overhead and direct management costs. Trade contracts are awarded by the construction manager based on competitive bids received in response to invitations to bid issued by the construction manager. A guaranteed maximum price is provided by the construction manager, and the total price paid to the construction manager is either the fee plus the actual cost or the guaranteed maximum price, whichever is less.

(3) “Design-Build Services” means those services whereby one single legal entity selected pursuant to Rule 6C-14.0055, F.A.C., is responsible for design and construction services under one contract. Where such services are within the scope of practice of architecture, or professional engineering as defined by the laws of the State, they are to be performed by a registered architect or professional engineer, and where those services are within the scope of construction contracting as defined by the laws of the State for construction, they are to be performed by a certified or registered contractor as applicable according to Florida Statute.

(4) “Project” means that fixed capital outlay construction project, study or planning activity described in the Public Notice including:
(a) Individual facilities;
(b) Grouping of substantially similar facilities, rehabilitation and/or renovation activities; or
(c) Grouping of minor facilities, rehabilitation and/or renovation activities.

(5) “Construction budget” shall mean that amount which is announced after the deadline for the receipt of bids, but prior to the opening of bids.

(6) A “Campus Service Agreement” is a contract entered into in accordance with this Chapter between the university and a firm whereby the firm provides professional services for projects of a specified nature for a specific period of time under a continuing contract as defined in Section 287.055, Florida Statute.
(7) “Guaranteed Maximum Price” means the fixed amount in a negotiated contract within which the construction will be achieved. It includes both the fee and construction cost.

(8) “Minority Business Enterprise” (MBE) is any legal entity as defined in Section 288.703, Florida Statutes.

(9) “Chancellor” means the Chancellor of the State University System, or designee.

(10) “President” means the university president, or designee.

(11) “The University Facilities Office” means any office at a university with authority for design and construction administration.

Specific Authority 240.209(1), (3)(p), (q) FS. Law Implemented 240.209(1), (3)(p), (q), 255.29, 287.055, 288.703 FS. History–New 12-30-79, Amended 8-11-85, Formerly 6C-14.02, Amended 4-8-86, 1-24-89, 10-17-89, 1-13-99.

6C-14.0025 Action Required Prior to Capital Outlay Appropriation.

(1) No new construction or remodeling project exceeding $500,000 shall be requested by a university for inclusion on the priority list without being recommended in an educational plant survey as prescribed in Chapter 235, Florida Statutes.

(2) The university is responsible for the preparation of the building program and shall submit it to the Chancellor for approval. The program shall be consistent with the university academic and facilities master plan, and shall include the project budget and the building codes applicable to the project.

(3) The Chancellor shall have the responsibility for building program review and approval, modification, or disapproval, to assure compatibility with the institution’s approved mission statement, master plan, and with space utilization criteria described in Chapter 6A-2, F.A.C. Building programs and budgets approved by the Chancellor shall serve as the basic planning documents for development of plans and specifications for construction.

(4) Proposals for fixed capital outlay projects to be funded by Capital Improvement Fees or Building Fees shall be prepared by the university. Each proposed project shall be approved by the university president after consultation with the student government association. For the purpose of this rule, “consultation” is defined as an ongoing dialogue with the student body president prior to developing the university proposal. An attachment containing any objections and alternatives, and stating that both the university president and the student government association have reviewed the project proposals, shall be included in the proposal.

Specific Authority 240.209(1), (3)(p), (q), 240.295(3) FS. Law Implemented 216.182, 240.209(1), (3)(p), (q), 240.295(1), (3) FS. History–New 1-24-89, Amended 1-13-99.

6C-14.004 Public Announcement and Qualification Procedure.

(1) The university shall publish an announcement in the “Florida Administrative Weekly” published by the Department of State, Division of Elections, Tallahassee, Florida 32399, available by subscription, when the following services are required:

(a) Professional services for each project which exceeds the threshold amount provided in Section 287.017, Florida Statutes, for Category Five, which is not being designed by either the Campus Service Architect/Engineer or by university forces;

(b) Continuing professional services or construction management services under a Campus Service Agreement;

(c) Professional services for development of design criteria for design-build projects. (The firm selected to develop the design criteria package shall not be eligible to render services under the Design-Build Contract);

(d) Construction management services; or,

(e) Design-build services.

(2) The announcement shall provide a general description of the project(s) and the selection process.


6C-14.005 Certification and Competitive Selection of Architects/Engineers.

(1) A Certification and Selection Committee appointed by the president shall serve throughout the selection process for a Campus Service Architect/Engineer, or for any project exceeding the threshold amount provided in Section 287.017, Florida Statutes, for Category Five, which is being designed neither by the Campus Service Architect/Engineer nor by university staff. The Committee shall consist of at least three members and no more than five members and shall be comprised of the following:

(a) Three representatives of the University Facilities Office or physical plant office;

(b) Up to two additional members, based on the special needs of the project.

(2) For all selections, the Certification and Selection Committee shall determine the eligibility under Florida law of each firm to perform the services required for each project. Each firm determined to be eligible to provide the services for the project will be so certified by the Committee and shall be qualified for consideration as provided in this Chapter.

(3) The Certification and Selection Committee shall evaluate professional qualifications statements by all eligible professional firms applying. The Committee shall consider the experience of professional personnel; past performance; ability to meet time and budget requirements; minority business certification status; location; and recent, current and projected workloads of the firms. The Committee shall conduct discussions with, and may require public presentation by, no fewer than three firms, where possible, regarding their qualifications, approach to the project, and ability to furnish the required services. For projects having three or fewer applicants, the Committee shall conduct discussions with each applicant firm. The Committee shall also consider the volume of
work previously awarded to the firm by the State University System, with the object of effecting an equitable distribution of contracts among qualified firms, provided that such distribution does not violate the principle of selection of the most highly qualified firms. The Committee shall rank the firms in the order of those most highly qualified to perform the required service, and where possible, shall recommend to the president for approval no less than three firms in the Committee’s order of ranking. The university shall notify all interviewed firms of the approved selection.

(4) After approval by the president, the president shall negotiate a contract.

Specific Authority 240.209(1), (3)(p), (q), 287.055(3)(d) FS. Law Implemented 240.205(6), 240.209(1), (3)(p), (q), 287.055 FS. History–New 12-30-79, Formerly 6C-14.05, Amended 7-22-87, 1-24-89, 5-17-95, 1-13-99.

6C-14.0055 Certification and Competitive Selection for Construction Management Services and Design-Build Services.

(1) The president may waive the requirements of Rule 6C-14.007, F.A.C., and permit negotiation of a contract for construction management services, or the president may waive the requirements of Rules 6C-14.005 and 6C-14.021, F.A.C., and permit negotiation of a contract for design-build services in accordance with Rule 6C-14.007, F.A.C., in cases determined to be in the best interest of the State.

(2) In determining when it is in the best interest of the State to use construction management, the president shall consider:

(a) Whether the size of the project is sufficiently large and/or complex to require major emphasis on the qualification of the contractor to have specific expertise in performing highly specialized cost estimating, value engineering, and scheduling during the design process with continuity of construction management through both the design and construction phases;

(b) Whether the initial construction funding is appropriated and construction is begun with the expectation of substantial appropriations in subsequent years, thereby making it advantageous to retain a single contractor for the duration of the project;

(c) Whether the project is an alteration of an occupied facility which requires working around or relocating occupants while keeping the facility fully operational; or,

(d) Whether the project is a repair or renovation where the conditions requiring correction cannot be determined and specified without extensive contractor involvement in the removal and examination process during the design phase;

(e) Whether the timely completion of the project is critical to the university’s ability to repay debt service or to meet grant obligations.

(3) In determining when it is in the best interest of the State to use the design-build process, the president shall consider:

(a) Whether the need for the facility is significant enough to require a substantial reduction of normal delivery time, requiring an overlap of design and construction phases;

(b) Whether the design and construction of the facility requires minimal interface with the users; or

(c) Whether the project is performance-based and requires the development of a plan for life cycle cost savings and a design solution which will accomplish the savings.

(4) A Certification and Selection Committee appointed by the president shall serve throughout the selection process. The Committee shall consist of at least three members and no more than five members and shall be comprised of the following:

(a) Three representatives of the University Facilities Office or physical plant office;

(b) Up to two additional members based on the special needs of the project.

(5) The project architect/engineer or the Design Criteria Consultant may attend the selection meetings in an advisory capacity, at the Committee’s discretion.

(6) The Certification and Selection Committee shall determine the eligibility under Florida law of each applicant to perform the services required for the project. Each applicant determined to be eligible to provide the services for the project will be so certified by the Committee and shall be qualified for consideration as provided in this Rule. The Certification and Selection Committee shall evaluate the qualifications of all responsive applicants.

(7) For construction management projects, the Committee shall conduct discussions with, and may require public presentation by, no fewer than three applicants regarding their qualifications, approach to the project, and ability to furnish the required services. For a project having three or fewer applicants, the Committee shall conduct discussions with each applicant. The Committee shall rate each applicant on the basis of the point scale identified, and where possible, shall recommend to the president for approval no less than three applicants in the Committee’s order of ranking.

(8) Design-build entities shall be selected either on the basis of qualifications or on the basis of formal design-build proposals.

(a) For qualifications-based selections, the Committee shall consider the criteria outlined in Rule 6C-14.005, F.A.C., for selection of architect/engineers, and in Rule 6C-14.0055, F.A.C., for selection of construction managers, and shall follow the selection process described for construction managers.

(b) For proposal-based selections, the Committee shall request formal design-build proposals and conduct interviews with no fewer than three and no more than six applicants. For a project having three or fewer applicants, the Committee shall request formal design-build proposals from each applicant. Applicants may be instructed to submit their design-build proposals in such a way as to maintain their anonymity. The design-build proposals shall be reviewed by the Design Criteria Consultant, who shall provide the Committee with an evaluation of code, structure, engineered systems, life-cycle cost implications, and compliance with design criteria.
The Committee shall review all design-build proposals and interview each submitting applicant. The Committee shall rate each applicant on the basis of the point scale identified.

(c) Under either selection process, the Committee shall recommend three applicants, where possible, in priority order to the president.

(9) For construction management projects, the president shall notify each applicant interviewed according to subsection 6C-14.0055(7), F.A.C., of the president’s action. For design-build projects, the president shall notify each interviewed applicant of the president’s action. Any protest shall be filed in accordance with Chapter 120, Florida Statutes.

(10) After approval by the president, the president shall negotiate a contract in accordance with Rule 6C-14.007, F.A.C.


6C-14.007 Competitive Negotiation.

(1) The president shall negotiate a contract with the approved firm in the following manner:

(a) For professional services, the contract shall be negotiated using the State University System approved fee schedule for individual projects or maximum hourly rates for Campus Service Agreements and design criteria agreements. The fee schedule to be used shall be negotiated based on the level of complexity and the scope of the services required, and shall be based on historic fee data. The basic fee schedule shall relate the fees to the complexity and size of the project and provide a basis for negotiation of a fair, competitive and reasonable fee for the services to be provided.

(b) For construction management services and for design-build services selected based on qualifications, the contract shall be negotiated to provide for preconstruction fees based on hourly rates, and construction related services to include profit, overhead, direct management costs, and establishing a guaranteed maximum price.

(c) For design-build services selected based on a design-build proposal, the contract shall be negotiated based on the design-build proposal, to provide for a guaranteed maximum price for all professional services and construction costs which shall include reimbursable costs plus fees for design, project management, overhead and profit.

(2) Should the president be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price the president determines to be fair, competitive and reasonable, the president shall terminate negotiations with that firm. The president shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the president shall terminate negotiations with that firm and shall then undertake negotiations with the third most qualified firm.

(3) Should the president be unable to negotiate a satisfactory contract with any of the selected firms, additional firms may be selected in accordance with Rule 6C-14.005, F.A.C., or negotiations may be reinstated following the original order of priority. Negotiations may, in the president’s sole discretion, continue in accordance with this Chapter until an agreement is reached.


6C-14.018 Contracting Authority for Construction Contracts.

(1) Each construction project shall be issued for receipt of bids and awarded as provided under Rule 6C-14.021(5), F.A.C. Where bids are within the budget, the president may sign the construction contract in behalf of the Board.

(2) Where bids exceed the established project budget, all bids may be rejected and the project may be bid again. If a contract may be awarded by using contingency funds from the project budget, or by increasing the total project budget, the president may, if determined to be in the best interest of the State, award the contract, subject to budget amendment.


6C-14.020 University Supervision of Construction Program.

(1) The university shall be responsible for the administration of all projects.

(2) The University Facilities Office is responsible for liaison with the project architect/engineer for the duration of the project. The president shall review all plans for program compliance and ensure that any deviations from the approved building program are corrected. Where deviations from the approved program are desired in the planning process, the president shall be responsible for preparing and obtaining approval of the amendment to the building program before further development of the plans. During the design and construction of a project, the university is the enforcing agency for the requirements of codes and statutes.

(3) The president shall provide the necessary liaison in the preparation of all change orders and shall approve or disapprove change order proposals not affecting the approved program of the project in accordance with guidelines developed by the Chancellor. Where change orders cause the authorized budget to be exceeded, the change order shall be subject to prior budget amendment. Where change orders are outside the scope of the approved program, the change order shall be subject to prior program approval by the Chancellor.

(4) The president shall ascertain that all projects comply with all applicable codes and standards. Prior to the president placing an advertisement for bids, the president shall submit completed construction documents to the State Fire Marshal’s Office for review and approval.
(5) For the use of the Certification and Selection Committee in evaluation of past performance, each architectural or engineering firm under contract shall be evaluated no less than annually while under contract. When completed, a copy of the rating shall be distributed to the rated firm with instructions regarding the appeal process. Any rating may be appealed within 30 days of the rating date by the rated firm. In the event of appeal, the rating shall be reviewed in the manner set forth in subsections 6C-14.022(2) and (4), F.A.C., of these rules, for appeals of disqualification of contractors.


6C-14.021 Procedures for Construction Contract Bidding and Award.

(1) The president shall be responsible for the advertisement of all projects in accordance with Section 255.0525, Florida Statutes. All announcements will include information necessary for firms to submit a bid proposal on the project.

(2) In order to be eligible to submit a bid proposal, a firm must, at the time of receipt of bids:

(a) Hold the required applicable state contractor license in good standing where the project falls within the provisions of Chapter 489, Florida Statutes;

(b) Hold a current and active Florida corporate charter in accordance with Chapter 607, Florida Statutes, if the bidder is a corporation. If the bidder is an out-of-state corporation, it must hold a current and active foreign qualification authorization to do business in the State of Florida;

(c) Not be disqualified at the time of bid submittal through disqualification procedures described in Rule 6C-14.022, F.A.C.;

(d) Meet any special prequalification requirements set forth in the bid documents; and

(e) Not have been convicted of a public entity crime within 36 months prior to the date for receipt of bids.

(3) The lowest responsible and responsive bidder, as determined by the university, must submit the following items within seven calendar days following the bid opening date:

(a) Proof of compliance with subsection 6C-14.021(2), F.A.C.;

(b) Proof of insurance in effect which equals or exceeds the limits required by the project specifications;

(c) A Letter of Intent from a surety company which meets the standards set forth in the project specifications and is authorized to do business in the State of Florida; and

(d) Proof of compliance with any special requirements which are set forth in the bid documents, and which were not required to be submitted with the bid proposal.

(4) Any items so required by the project specifications shall be submitted with the bid proposal.

(5) Projects will be publicly bid in accordance with the provisions in the bid documents. Except for informalities which may be waived by the president a bid which is incomplete or not in conformance with the requirements of the bid documents shall be determined to be non-responsive and shall be rejected. Award of contract will be made to the firm determined to be responsible and qualified in accordance with the bid documents which submits the lowest priced proposal for the work except that if it is in the best interest of the State, any bids may be rejected, or all bids may be rejected and the project may be bid again.

(6) The president may waive the requirements of Rule 6C-14.021, F.A.C. and permit negotiation of the construction contract with a qualified firm in documented cases of valid public emergencies.

(7) When determined to be in the best interest of the State and reduction in the price of the lowest responsible and responsive bidder is necessary to provide for an award of a construction contract within the construction budget, the president may negotiate the construction contract or modification of the contract, including the specifications, with that bidder. Negotiations may be terminated and all bids may be rejected at any point in the negotiation process. The award of a negotiated contract will be made by the president.

Specific Authority 240.209(1), (3)(p), (r) FS. Law Implemented 240.205(6), 240.209(1), (3)(p), 255.29 FS. History–New 12-30-79, Amended 5-25-81, 8-11-85, Formerly 6C-14.21, Amended 4-8-86, 1-24-89, 4-10-90, 6-5-96, 1-13-99.

6C-14.022 Disqualification Procedures.

(1) The president will review the performance of each construction firm under contract. The president will record poor or inadequate performances, deficient management resulting in project delay, poor quality workmanship, and non-fulfillment of contractors MBE plan. The president will review all circumstances surrounding instances of poor performance and the quality of workmanship and may initiate disqualification proceedings for any firm determined to be deficient.

(2) The president shall notify the firm under review and give it an opportunity to submit written evidence. As deemed appropriate, the president may convene a disqualification committee. If the president finds probable cause to warrant disqualification, the president shall so notify the contractor in accordance with Chapter 120, Florida Statutes. The notification shall set forth specifically the grounds for disqualification and the contractor’s right to request a hearing in accordance with Chapter 120, Florida Statutes. The firm may, within fourteen (14) days of receipt of notification of disqualification, file a written request for hearing. If such a request is not timely filed, the president will make a final ruling on the matter in its original form. If a request for hearing is made, the matter will be handled in accordance with Chapter 120, Florida Statutes.

Specific Authority 240.209(1), (3)(p), (q) FS. Law Implemented 120.57, 120.60, 240.209(1), (3)(p), (q), 287.094 FS. History–New 5-25-81, Amended 8-11-85, Formerly 6C-14.22, Amended 4-8-86, 1-24-89, 1-13-99.
6C-14.023 Notice and Protest Procedures.

(1) Notification.

(a) Bid Solicitation – The university shall provide notice of any information relating to a bid solicitation by advertising for bids or by distribution of bidding documents.

(b) Contract Award – The notice of a decision on contract award or bid rejection shall be given by certified United States mail, return receipt requested, to each bidder.

(2) Protest.

(a) Any qualified bidder who is adversely affected by the university’s decision may file a written notice of protest within 72 hours after receipt of the notice. The protesting firm must reduce its complaint to written petition and file it with the president within ten (10) days from registration of the original complaint. If the bid documents require the posting of a bond with the protest as provided by Section 255.0516, Florida Statutes, the bond shall be included with the protest.

(b) Failure to file a notice of protest or the written petition shall constitute a waiver of the right to protest proceedings.

(3) Upon receipt of the formal written petition filed in accordance with paragraph 6C-14.023(2)(a), F.A.C., the president shall delay the execution of the contract until the protest is resolved by mutual agreement between the parties or by final presidential action, unless the president shall make a finding and declares that such delay would cause serious danger to the public health, safety or welfare.

(4) Petitions involving disputed issues of material fact shall be referred for hearing in accordance with Section 120.57(1), Florida Statutes, except that in instances where the firm filing the protest waives its right to a formal hearing and requests an informal hearing pursuant to Section 120.57(2), Florida Statutes, such a request may be granted. For those cases having no disputes of material fact, the president may designate a hearing officer to conduct a hearing pursuant to Section 120.57(2), Florida Statutes. At the conclusion of the informal hearing, the hearing officer shall submit a written recommended order to the president. The president shall then issue a preliminary order for final action and notify the firm of such order. The preliminary order of the president shall be final, unless the firm under consideration takes exception to such order; in which event, it may file with the president such exceptions within twenty-one (21) days receipt of notice of the preliminary order. At the end of the period for filing exceptions, the president will review the preliminary order and any exceptions that have been filed, and will render the final order. The decision of the president is final.

CHAPTER 6C-15 PROCEDURES FOR ADMINISTRATION OF DELEGATED AUTHORITY FOR SURPLUS PROPERTY PROGRAM

6C-15.001 Purpose. (Repealed)
6C-15.0015 Applicability. (Repealed)
6C-15.002 Definitions. (Repealed)
6C-15.003 Reporting Requirements for Surplus, State-owned, Tangible Personal Property. (Repealed)
6C-15.004 Certification. (Repealed)
6C-15.005 Buildings and Structures. (Repealed)
6C-15.006 Items to Be Reported. (Repealed)
6C-15.007 Procedures for Disposal of Surplus Property. (Repealed)
6C-15.008 Availability of Surplus State Property. (Repealed)
6C-15.009 Surplus Property with an Estimated Value of $5,000 or More. (Repealed)
6C-15.010 Authority for Disposal. (Repealed)
6C-15.011 Exchange Property. (Repealed)
6C-15.012 Non-state Funded Property. (Repealed)
6C-15.013 Disposition of Monies. (Repealed)
CHAPTER 6C-16 PROCEDURES FOR ADMINISTRATION OF DELEGATED AUTHORITY FOR MOTOR POOL

6C-16.001 Purpose. (Repealed)
6C-16.002 Approval.
6C-16.003 Acquisition. (Repealed)
6C-16.004 Assignment and Use. (Repealed)
6C-16.005 Maintenance.
6C-16.006 Aircraft.

6C-16.002 Approval.
Motor vehicles or watercraft may not be acquired by lease, lease purchase, purchase or transfer from another agency without the written authorization of the Chancellor or the Chancellor's designee. This rule shall not apply to the temporary lease for less than 30 days of a motor vehicle for the conduct of normal Board or State University System business.

Specific Authority 240.209(1), (3)(m), 240.225 FS. Law Implemented 240.205(6), 240.209(1), (3)(m), 240.225, 287, Part II FS. History–New 12-30-79, Amended 8-11-85, Formerly 6C-16.02.

6C-16.005 Maintenance.
(1) A contract or contracts with the Department of General Services or with a private business or non-government entity may be established to maintain and repair motor vehicles and watercraft.

(2) Emergency repairs of a motor vehicle or watercraft may be done in a cost-effective manner when operating away from the normal service facilities.

Specific Authority 240.209(1), (3)(m), 240.225 FS. Law Implemented 240.205(6), 240.209(1), (3)(m), 240.225, 287.16 FS. History–New 12-30-79, Amended 8-11-85, Formerly 6C-16.05.

6C-16.006 Aircraft.
Aircraft for the conduct of Board or State University System business may only be acquired with the specific approval of the Board.

Specific Authority 240.209(1), (3)(m), 240.225 FS. Law Implemented 240.205(6), 240.209(1), (3)(m), 240.225, 287, Part II FS. History–New 12-30-79, Amended 8-11-85, Formerly 6C-16.06.
CHAPTER 6C-17 PROCEDURES FOR ADMINISTRATION OF DELEGATED AUTHORITY FOR LEASING PROGRAM

6C-17.001 Purpose. (Repealed)
6C-17.002 Definitions. (Repealed)
6C-17.003 Approval.
6C-17.004 Standard Lease Agreement Form.
6C-17.005 Escalation Clauses Prohibited. (Repealed)
6C-17.006 Right-to-Terminate Clause Required. (Repealed)
6C-17.007 Renewal of Leases. (Transferred to 6C-17.004)
6C-17.008 Fire Code Compliance in Leased Space. (Repealed)
6C-17.009 Leases of 3,000 Square Feet or More.
6C-17.010 Legal Review.
6C-17.011 Certification of Compliance for Leases of Less Than 3,000 Square Feet.
6C-17.012 Space Measurement.
6C-17.013 Space Allocation.
6C-17.014 Rental Rates.
6C-17.015 Exception to Competitive Bidding. (Repealed)
6C-17.016 Nominal or No Consideration Leases.
6C-17.017 Special Facilities for the Physically Disabled - Leased Space.

6C-17.003 Approval.
The Chancellor or Chancellor’s designee shall approve the need to lease space before a building or any part of a building is leased. Prior approval is not required for leases of less than 120 consecutive days and those for nominal or no consideration.

Specific Authority 240.209(1), (3)(p), (r) FS. Law Implemented 240.205(6), 240.209(1), (3)(p), 255.25 FS. History–New 12-30-79, Amended 8-11-85, Formerly 6C-17.03, Amended 6-5-96.

6C-17.004 Standard Lease Agreement Form.
(1) The Board of Regents Standard Lease Agreement form (incorporated herein by reference) shall be used to execute a lease for any space.
(2) A lease may contain an option to renew.

Specific Authority 240.209(1), (3)(p), (r), 255 FS. Law Implemented 240.205(6), 240.209(1), (3)(p), 255.249(3) FS. History–New 12-30-79, Amended 8-11-85, Formerly 6C-17.04, Amended 6-5-96.

6C-17.009 Leases of 3,000 Square Feet or More.
(1) The Board Office shall not enter into a lease for 3,000 square feet or more of space in a privately owned building, within any 12 month period, except upon advertisement for and receipt of competitive bids. The award shall be made to the lowest responsive bidder meeting specifications and shall include the terms and conditions of the bid as submitted.
(a) Exceptions to Competitive Bid Requirements:
1. Competitive bids shall not be required for renewal of leases.
2. Competitive bids shall not be required for any lease having a term of less than 120 consecutive days which is for the purpose of securing a one-time special use of the leased property.
3. Competitive bids shall not be required for any lease which is for nominal or no consideration.
4. Competitive bids shall not be required to extend an existing lease of 3,000 square feet or more space, if the extension is determined to be in the best interest of the State and the total of the extension does not exceed 11 months.
(2) Negotiations following a bid shall not include the authority to alter or amend its provisions.
(3) The Board Office shall not enter into a lease agreement for space of 3,000 square feet or more in a privately owned building when suitable space is available in a state-owned building or publicly owned building located in the same geographic region unless the Chancellor or the Chancellor’s designee determines that the space is required in order to fulfill the Board’s statutory duties.
(4) Public Notice
(a) The Board Office shall give public notice of its need for space in excess of 3,000 square feet.
(b) Public notice shall include, at least, the following:
1. Approximate square footage;
2. General location;
3. Availability date;
4. Board Office contact person and address for specifications; and
5. Public opening date.
(5) Specifications
(a) Specifications shall be written in general terms. They shall not be written to benefit any specific location or lessor.

(b) Specifications shall include, at least, the following:
1. Approximate square footage measured in accordance with the State University System Standard Method of Space Measurement;
2. An approximate floor plan, outlining special and other physical requirements;
3. General location;
4. Availability date;
5. Terms and conditions of lease agreement; and
6. Services required.

(c) Specifications shall require the prospective lessor to:
1. Contract using the Board Office Standard Lease Agreement form;
2. Provide a scaled floor plan of available rental space;
3. Comply with Chapter 60D-1, Florida Administrative Code, Standards for Special Facilities for Physically Disabled;
4. Be an Equal Opportunity Employer;
5. Provide Full Disclosure Statements of Ownership;
6. Guarantee the bid proposal for a minimum of thirty (30) days following the public opening date; and
7. Propose a rental rate per square foot per year, including renovation and other special requirements, at the time of initial occupancy.

(6) Proposals
(a) The prospective lessor’s bids or proposals may exceed the published specifications.

(b) Each bid on a proposal shall be signed by the owner(s), corporate officers, or legal representative(s). The corporate, trade, or partnership name must be either stamped, handwritten or typewritten beside the actual signature(s). If the bid on a proposal is signed by an agent, written evidence of his authority must accompany the proposal. If a corporation foreign to the State of Florida is the owner, evidence of authority to conduct business in Florida shall be presented.

(7) Evaluation
The Board Office shall evaluate all bids and proposals, on the basis of published criteria. The Board Office shall reserve the right to accept or reject any or all bids or proposals and shall give notice of results.

(8) Ownership Disclosure Statements
(a) The Board Office shall require a full disclosure statement from the prospective lessor in accordance with the provisions of Section 255.249(2)(b) and (i), Florida Statutes.

(b) Each transaction pertaining to a lease for which a Disclosure Statement has been provided, may be accompanied by a lessor’s affidavit that the previous Disclosure Statement is still valid.

Specific Authority 240.209(1), (3)(p), (r) FS. Law Implemented 240.205(6), 240.209(1), (3)(p), 255.249(2)(b), (h), (i), 255.25(3) FS. History—New 12-30-79, Amended 8-11-85, Formerly 6C-17.09, Amended 6-5-96.

6C-17.010 Legal Review.
The Board’s General Counsel shall review all leases.

Specific Authority 240.209(1), (3)(p), (r) FS. Law Implemented 240.205(6), 240.209(1), (3)(p) FS. History — New 12-30-79, Amended 8-11-85, Formerly 6C-17.10, Repromulgated 6-5-96.

6C-17.011 Certification of Compliance for Leases of Less Than 3,000 Square Feet.
The Chancellor shall certify that any lease of space for less than 3,000 square feet is in compliance with all leasing criteria provided by Chapter 255, Florida Statutes.

Specific Authority 240.209(1), (3)(p), (r), 240.225 FS. Law Implemented 240.205(6), 240.209(1), (3)(p) FS. History — New 12-30-79, Amended 8-11-85, Formerly 6C-17.11, Amended 6-5-96.

6C-17.012 Space Measurement.
The measurement of space shall be based on the method of measurement used by the State University System for gross square feet as described in the Physical Facilities Space File, 1996/97. A copy of this document is incorporated in this rule by reference.

Specific Authority 240.209(1), (3)(p), (r), 240.225 FS. Law Implemented 240.205(6), 240.209(1), (3)(p), 255.249(2)(c) FS. History—New 12-30-79, Amended 5-19-80, 8-11-85, Formerly 6C-17.12, Amended 6-5-96.

6C-17.013 Space Allocation.
The allocation of space shall be consistent with generated need based on the State University System of Florida Fixed Capital Outlay Space Needs Generation Formula, May, 1995, and shall be in accordance with Chapter 6A-2, Florida Administrative Code. A copy of this document is incorporated in this rule by reference.
6C-17.014 Rental Rates.
The Board Office shall use the state established rates for leased space, unless special circumstances dictate otherwise.

6C-17.016 Nominal or No Consideration Leases.
Leases for nominal or no consideration shall be reported to the Chancellor annually.

6C-17.017 Special Facilities for the Physically Disabled - Leased Space.
(1) Compliance with Standards. The Board Office shall insure that any space it leases complies with the standards of the Department of Management Services as found in Chapter 553, part V, Florida Statutes.
(2) Standards Waived or Modified. The Chancellor shall establish a committee to determine whether to seek modifications or a waiver of the standards as found in Chapter 553, part V, Florida Statutes.
CHAPTER 6C-18 ADMINISTRATION OF PURCHASING PROGRAM

6C-18.001 Purpose. (Repealed)
6C-18.002 Application. (Repealed)
6C-18.003 Definitions. (Repealed)
6C-18.004 Procurement Organization. (Repealed)
6C-18.005 Central Procurement Officer. (Repealed)
6C-18.006 Formal Bids Required. (Repealed)
6C-18.007 No General Contract for Executive Agency Printing. (Repealed)
6C-18.008 Source Selection and Contract Formation. (Repealed)
6C-18.009 Sole Source Procurement. (Repealed)
6C-18.010 Emergency Procurement. (Repealed)
6C-18.011 Cancellation or Rejection. (Repealed)
6C-18.012 Responsibility of Bidders and Offerors. (Repealed)
6C-18.013 Multi-Term Contracts. (Repealed)
6C-18.014 Cancellation Clause. (Repealed)
6C-18.015 Use of State Contracts. (Repealed)
6C-18.016 Rights to Inspect Plant. (Repealed)
6C-18.017 Finality of Determinations. (Repealed)
6C-18.018 Reporting of Anticompetitive Practices. (Repealed)
6C-18.019 Specifications. (Repealed)
6C-18.020 Bonds. (Repealed)
6C-18.021 Cost Records for Printing. (Repealed)
6C-18.022 Authority to Resolve Protests. (Repealed)
6C-18.023 Authority to Debar or Suspend Vendors. (Repealed)
6C-18.024 Cooperative Purchasing. (Repealed)
6C-18.025 Assistance to Small and Minority Business Enterprises. (Repealed)
6C-18.0251 Eligibility Criteria for Certification. (Repealed)
6C-18.0252 Standard of Conduct. (Repealed)
6C-18.0253 Contractual Services. (Repealed)
6C-18.0254 Acquisition of Information Technology Resources. (Repealed)
6C-18.030 Statement of Intent.
6C-18.035 Definitions.
6C-18.040 Purchasing Authority of the Institutions.
6C-18.045 Competitive Solicitations Required.
6C-18.050 Purchase of Commodities or Contractual Services.
6C-18.055 Bonds.
6C-18.060 Contracts.
6C-18.065 Standard of Conduct.
6C-18.070 Purchase of Motor Vehicles.

6C-18.030 Statement of Intent.
It is the intent of the State University System to acquire quality goods and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process. The process will reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services, in order to preserve the integrity of public purchasing and contracting. The opportunity to bid on State University System contracts is a privilege, not a right.


6C-18.035 Definitions.
(1) Artistic Services – Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.
(2) Chancellor – The chief administrative officer of the Board of Regents.
(3) Commodity – Any of the various supplies, materials, goods, merchandise, food, equipment or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the Institution. “Commodity” also includes interest on deferred-payment contracts entered into by the Institution for the purchase of other commodities. Printing of publications shall be considered a commodity when let upon contract in accordance with Section 283.33, F.S.

(4) Competitive Bid/Proposal – The response submitted to an Invitation to Bid or a Request for Proposal by responsive and qualified bidders or offerors.

(5) Competitive Negotiation – The establishment of a contract through deliberation, discussion or conference on the specifications, terms and conditions of a proposed agreement.

(6) Competitive Solicitation – An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor.

(7) Contractor/Vendor – A person or firm who contracts to sell commodities or contractual services to Institutions.

(8) Contractual Service – The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. “Contractual service” does not include labor or materials for the construction, renovation, repair or demolition of facilities entered into pursuant to Chapter 255, F.S.

(9) Extension – An increase in the time allowed for the contract period due to circumstances for which neither party is at fault.

(10) Independent Contractor – A person or firm who provides a service to an Institution, but does not have any employment or other relationship or connection with that Institution, except as provided in s. 112.313, F.S.

(11) Institution – A term used to refer to the individual units defined in Section 240.2011, F.S., as the Board of Regents or the individual universities named therein. Each institution is individually granted all rights, privileges and authority established under this rule.

(12) Invitation to Bid – A written solicitation for competitive bids with the title, date, and hour of the public bid opening designated and the commodity, group of commodities or services defined, for which bids are sought.

(13) Invitation to Negotiate – An invitation extended to prospective contractors by an Institution, whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services. Cost may or may not be a consideration in the initial stages of negotiating.

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

(15) President – The chief administrative officer of a university, responsible for the operation and administration of the university.

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

(17) Purchase – An acquisition of commodities or services obtained by contract, whether by rent, lease, installment- or lease-purchase or outright purchase.

(18) Purchases for Resale – The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the Institution.

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

(20) Request for Proposal – A written solicitation for competitive proposals for commodities or contractual services with the title date, and hour of the public opening designated. The request for proposal may be used when the scope of work is not clearly defined.

(21) Responsive and Qualified Bidder or Offeror – A contractor/vendor who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.

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


6C-18.040 Purchasing Authority of the Institutions.
The Chancellor and each university president shall establish a system of coordinated, uniform procurement policies, procedures, and practices to be used in acquiring commodities and contractual services, as follows:

(1) Developing purchasing procedures in furtherance of this rule. The purchasing procedures may be developed and published as Institutional administrative procedures or rules consistent with Chapter 120, F.S.

(2) Canvassing sources of supply and contracting for the purchase or lease of all commodities and contractual services for the Institution, in any manner, including purchase by installment- or lease-purchase contracts. Installment- or lease-purchase contracts may provide for the payment of interest on unpaid portions of the purchase price.
(3) Removing any contractor from the Institution’s competitive vendor list that fails to fulfill any of its duties specified in a contract with the Institution(s) and to reinstate any such contractor when satisfied that further instances of default will not occur.

(4) Planning and coordinating purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which the Institution may make purchases.

(5) Developing an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/services that are frequently purchased and are available from a single source.

(6) Evaluating and approving contracts let by the Federal Government, other states, political subdivisions, or any independent college or university for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the Institution, to make purchases under contracts let by such other entities.

(7) Electing as an alternative to any provision in s. 120.57(3)(c), F.S., to proceed with a bid solicitation or contract award process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the Institution. After the award of contract resulting from a competitive solicitation in which a timely protest was received and in which the Institution did not prevail, the contract may be canceled and rewarded to the prevailing party.

(8) Awarding contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the Institution. Such awards may be on an Institutional, regional or State University System-wide basis and the contracts may be for multiple years.

(9) Rejecting or canceling any or all competitive solicitations when determined to be in the best interest of the Institution.

(10) Delegating any and all of the above authority, powers and duties to the appropriate employee within the Institution.

**Specific Authority** 240.209(1), (3)(r) FS. Law Implemented 120, 240.205(6), 240.227(12) FS. History–New 1-13-99.

### 6C-18.045 Competitive Solicitations Required.

(1) All contracts for the purchase of commodities or contractual services exceeding $25,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized by Rule 6C-18.050, F.A.C.

(2) When only one response is received to a competitive solicitation for commodities or contractual services exceeding $25,000, the Institution may review the solicitation responses to determine if a second call for a competitive solicitation is in the best interest of the Institution. If it is determined that a second call would not serve a useful purpose, the Institution may proceed with the acquisition.

(3) When multiple responses that are equal in all respects are received to a competitive solicitation, the Institution may give preference to responses that include minority business enterprise participation, commodities manufactured in the state, Florida businesses, businesses with a drug-free workplace program, or foreign manufacturers located in the state, to determine the contract award.

(4) The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

**Specific Authority** 240.209(1), (3)(r) FS. Law Implemented 240.205(6), 240.227(12) FS. History–New 1-13-99.

### 6C-18.050 Purchase of Commodities or Contractual Services.

(1) Purchase of Products with Recycled Content. Each Institution may establish a program to encourage the purchase and use of products and materials with recycled content and postconsumer recovered material.

(2) Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the Institution.

(3) Purchase of Insurance. Each Institution shall have the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the Institution. Examples of insurance coverages that may be acquired by the Institution include:

   - Physical damage on vehicles and boats;
   - Inland marine on property owned, leased, or loaned to or by the Institution;
   - Building and property damage;
   - Equipment losses due to theft;
   - Equipment subject to transportation;
   - Loss of rental income;
   - Commercial general liability insurance for scientific equipment;
   - Excess general liability coverage;
   - Camps insurance.

   All insurance purchased for property damage shall have a minimum of a $1,000 deductible.

(4) Purchase of Printing. Printing shall be purchased in accordance with Chapter 283, F.S.

(5) Purchases from Minority Business Enterprises.
(a) Each Institution shall establish procedures to encourage and promote the use of minority business enterprises. The procedures may include: developing an outreach program to increase minority business enterprise participation in contracting; reserving contracts for competitive solicitation only among minority business enterprises; establishing monetary goals based on prior year expenditures by percentages, percentage ranges, geographic location, the university’s mission, or any other reasonable method; developing an annual utilization plan; developing a system to record statistical data on monetary transactions with state-certified and non-state certified minority business enterprises; reporting statistical data on expenditures with certified minority business enterprises to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives on or before February 1 of each year. The development of a minority business enterprise program shall be based on the recommendations in the most recent disparity study.

(b) Certification of minority business enterprises may be by state or local governmental entities. For those minority business enterprises certified by local governmental entities, the Institutions will be responsible for reviewing the certification process for assurance of minority status.

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

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

(a) Emergency Purchases. When the Chancellor, a president or his/her designee determines, in writing, that the delay due to the competitive solicitation process is an immediate danger to the public health or safety or the welfare of the Institution, the Institution may proceed with the procurement of commodities or contractual services without a competitive solicitation.

(b) Sole Source Purchases. Commodities or contractual services available from a single source may be exempted from the competitive solicitation process.

(c) Purchases from Contracts and Negotiated Annual Price Agreements established by the State of Florida, other governmental entities, other Institutions in the State University System, or other independent colleges and universities are not subject to further competitive solicitation.

(8) Commodities and contractual services that are not subject to the competitive solicitation process include:

(a) Artistic services;
(b) Academic reviews;
(c) Lectures;
(d) Auditing services;
(e) Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
(f) Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;
(g) Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of s. 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;
(h) Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed;
(i) Family placement services;
(j) Training and education services;
(k) Advertising;
(l) Services or commodities provided by governmental agencies, another Institution in the State University System or other independent colleges and universities;
(m) Continuing education events or programs that are offered to the general public for which fees have been collected to pay all expenses associated with the event or program;
(n) Purchases from firms or individuals that are prescribed by state or federal law;
(o) Regulated utilities and government franchised services;
(p) Regulated public communications, except long distance telecommunication services or facilities;
(q) Extension of an existing contract;
(r) Renewal of an existing contract if the terms of the contract specify renewal option(s);
(s) Purchases from the Annual Certification List developed by each Institution;
(t) Purchases for resale.

(9) Participants in Contract Awards Not Subject to Competitive Solicitations.

(a) No person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be eligible to contract with the respective Institution dealing with the specific subject matter.
(b) The individuals taking part in the development or selection of criteria for evaluation, the evaluation process and the contract award in any purchase shall be independent of, and have no conflict of interest in, the entities evaluated and selected and may be required to so attest in writing.


6C-18.055 Bonds.
(1) Solicitation Security. A certified, cashier’s or treasurer’s check, bank draft or bid bond may be required as a condition for participating in a competitive solicitation.
(2) Payment and Performance Bonds.
   (a) Any contractor contracting with an Institution to provide commodities or commodities which include installation may be required to furnish a payment and performance bond, with good and sufficient securities, to the Institution prior to the issuance of the contract.
   (b) Any contractor contracting with an Institution for the construction, renovation, demolition or repair of a building shall be required to furnish a payment and performance bond, with good and sufficient securities, to the Institution before beginning work on the project. The bonding requirements shall be in accordance with Chapter 255, F.S.
   (c) A contractor shall promptly make payments to all contractors or subcontractors supplying labor, materials and supplies used in the performance of the contract, in accordance with Chapter 255, F.S.
   (d) When a payment and performance bond is not required for construction, renovation, demolition or repair projects under $200,000, up to ten percent of the contract or invoice amount(s) may be retained until the project has been properly inspected and certified as complete.
   (e) The bond or security must be in an amount equal to 100% of the response submitted to the competitive solicitation.
(3) Solicitation Protest Bond. Any contractor that files an action pursuant to s. 120.57(3)(b), F.S., protesting a decision or intended decision pertaining to a solicitation, shall at the time of filing of the formal protest, post with the Institution, a bond payable to the Institution in an amount equal to: 10% of the estimated value of the protestor’s bid or proposal; 10% of the estimated expenditure during the contract term; $10,000; or whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the contractor filing the protest action. In lieu of a bond, the Institution may accept a cashier’s check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier’s check or money order at the time of filing the formal protest shall result in the denial of the protest.

Specific Authority 240.209(1), (3)(r) FS. Law Implemented 120.57(3)(b), 240.205(6), 240.227(12), 255 FS. History–New 1-13-99.

6C-18.060 Contracts.
(1) Contracts for commodities or contractual services shall consist of a purchase order or bilateral agreement signed by the chief administrative officer of the Institution or designee prior to goods or services being rendered by the contractor.
(2) Any contract for the purchase of services or tangible personal property for a period in excess of one fiscal year shall include the following statement: “The State of Florida’s performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature.”
(3) Extension of a contract shall be for a period not to exceed 12 months, shall be in writing, shall be signed by both parties, and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract.
(4) A contract may be renewed on a yearly basis for a period of up to 2 years after the initial contract term or for a period of no longer than the term of the original contract, whichever period is longer. If the commodity or contractual service is purchased as a result of a competitive solicitation, the cost of any contemplated renewal must be included in the competitive solicitation. All contract renewals are subject to sufficient annual appropriations.
(5) When any commodity contract requires deferred payments and the payment of interest, such contract may be submitted to the State of Florida Comptroller for the purpose of preaudit review and approval prior to acceptance by the Institution. The Chancellor and each university president shall have the authority to enter into deferred payment agreements utilizing the State of Florida Comptroller’s Consolidated Equipment Financing Program. No agreement shall establish a debt of the state or shall be a pledge of the faith and credit of the state; nor shall any agreement be a liability or obligation of the state except from appropriated funds.
(6) In order to promote cost-effective procurement of commodities and contractual services, an Institution may enter into contracts that limit the liability of a vendor consistent with Section 672.719, F.S.


6C-18.065 Standard of Conduct.
It shall be a breach of ethical standards for any employee of an Institution to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. It shall also be a breach of ethical standards for any potential contractor to offer an employee of an Institution a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services.
6C-18.070 Purchase of Motor Vehicles.

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

(2) Each Institution shall have the authority to:
   (a) Establish standard classes of motor vehicles to be leased, purchased or used by Institutional personnel;
   (b) Obtain the most effective and efficient use of motor vehicles for state purposes;
   (c) Establish and operate facilities for the acquisition, disposal, operation, maintenance, repair, storage, control and regulation of Institution-owned motor vehicles. Acquisition may be by purchase, lease, installment-purchase, loan or by any other legal means and may include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport Institutional personnel and adequately meet the requirements of the Institution.
   (d) Contract for specialized maintenance services.

(3) Motor vehicles owned, leased or operated by the State University System shall be available for official Institutional business only.

CHAPTER 6C-20 BOARD OF DIRECTORS OF THE FLORIDA INSTITUTE OF PHOSPHATE RESEARCH - ORGANIZATION AND PURPOSE

6C-20.001 Purpose. (Transferred to 6J-1.001)
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6C-20.003 The Board. (Transferred to 6J-1.003)
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6C-20.007 Grants. (Transferred to 6J-1.007)
CHAPTER 6C-21 CAMPUS MASTER PLANS

PART I SUBMITTAL, REVIEW AND ADOPTION OF CAMPUS MASTER PLANS AND PLAN AMENDMENTS

6C-21.101 Purpose of Part I. (Repealed)
6C-21.102 Definitions. (Repealed)
6C-21.103 Submittal of Proposed Campus Master Plans and Plan Amendments. (Repealed)
6C-21.104 Action Upon Receipt of Proposed Campus Master Plan or Plan Amendment. (Repealed)
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6C-21.108 Procedures for Petitioning the Board of Regents, Challenging Compliance of the Campus Master Plan or Plan Amendment.
6C-21.109 Procedures for Dispute Resolution.
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PART II MINIMUM CRITERIA FOR PREPARATION AND REVIEW OF CAMPUS MASTER PLANS AND PLAN AMENDMENTS

6C-21.201 Purpose of Part II.
6C-21.203 General Requirements.
6C-21.204 Future Land Use Element.
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6C-21.211 Capital Improvements Element.
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6C-21.213 Campus Master Plan Consistency With the State Comprehensive Plan and Not in Conflict With Local Government Comprehensive Plans.

6C-21.108 Procedures for Petitioning the Board of Regents, Challenging Compliance of the Campus Master Plan or Plan Amendment.

(1) Any affected person who submitted comments on the draft campus master plan or plan amendment may petition the Board, challenging the campus master plan or plan amendment as not being in compliance with subsection 240.155(3), Florida Statutes, and any rules promulgated pursuant to subsection 240.155(22), Florida Statutes.

(2) Optional elements which have been included in the adopted campus master plan at the discretion of the Board shall not be subject to challenge under this Rule.

(3) Plan amendments which, either alone or in conjunction with other amendments, do not exceed the thresholds established in Section 240.155(9)(a)-(c), Florida Statutes, and subsection 6C-21.103(2), F.A.C., and are adopted by the Board, shall not be subject to challenge under this Rule.

(4) Petitions challenging the compliance of the campus master plan or plan amendment must be filed within 30 days after receipt of the notice of adoption of the plan or plan amendment, or within 30 days after the date the adopted plan or plan amendment is available for review, whichever is greater.

(5) The petition shall be filed with the General Counsel, Board of Regents, 325 West Gaines Street, Tallahassee, Florida 32399-1950. Each petition shall be typewritten or otherwise duplicated in legible form on white paper of standard letter size. Unless typewritten, the impression shall be on one side of the paper only and lines shall be double-spaced and indented. Each petition shall contain the following:

(a) The name of the party on whose behalf the petition is being filed;
(b) The name, address, and telephone number of the person filing the petition;
(c) The signature of the person filing the petition;
(d) A statement of facts sufficient to show that the petitioner is an affected person, as defined in subsection 240.155(2)(b), Florida Statutes, including the date(s) and method by which the petitioner submitted comments during the review and adoption of the plan or plan amendment;
(e) A statement identifying the campus master plan or plan amendment(s) which is being challenged, including the name of the institution, date of adoption, and any other specific formal designation(s);
(f) A statement describing how each portion of a campus master plan or plan amendment alleged to be not in compliance is not consistent with one or more provisions of Section 240.155(3), Florida Statutes, the State Comprehensive Plan, or Chapter 6C-21, Part II, F.A.C., or is in conflict with the comprehensive plans of appropriate host and/or affected local governments. A petition filed by an affected local government may raise only those issues directly pertaining to the public services or facilities that the affected local government provides to or maintains within the campus, or to the direct impact that campus development would have on the affected local government; and

(g) A recommended action to bring the plan or plan amendment into compliance.

(6) If the Board’s General Counsel determines that the petition filed by an affected person is sufficient, the Board’s General Counsel shall, within 10 working days of receipt of the petition, notify the petitioner by certified mail, return receipt requested, of the sufficiency of the petition. Copies of this notice and the petition shall be sent to the university, host local government, and affected local governments.

(7) If a petition is filed that does not substantially comply with the requirements of paragraph (5)(a)-(g) of this rule, the Board’s General Counsel shall issue an order dismissing the petition with leave to file an amended petition complying with the requirements of this Rule within 15 days of service of the order. A copy of this order shall be sent to the university, host local government, and affected local governments. If an amended petition complying with this Rule is not filed within 15 days of service of the order, the petitioner’s right to mediate issues in dispute under subsection 240.155(8), Florida Statutes, is waived.

(8) If no petition complying with the requirements of this rule is filed, the adoption of the campus master plan or plan amendment shall become final.

Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(4), (7), (9) FS. History–New 2-15-94.

6C-21.109 Procedures for Dispute Resolution.

(1) Following receipt of a petition, the petitioning party or parties and the Board’s Office of Capital Programs shall mediate the issues in dispute as follows.

(a) Issues in dispute must be resolved within 60 days from the date the Board’s General Counsel receives the petition. In the event an amended petition is filed, issues in dispute must be resolved within 60 days from the date the Board’s General Counsel receives the amended petition.

(b) The issues in dispute will be limited to those issues identified in petitions filed that meet the requirements of paragraphs 6C-21.108(5)(a)-(g), F.A.C.

(c) Affected persons who submitted comments during the review and adoption of the campus master plan or amendment, but who did not petition the Board challenging the compliance of the plan or plan amendment, will be allowed to participate, on a limited basis, in the resolution of disputes. These persons will be allowed to attend dispute resolution sessions and monitor all proceedings; however, they will not be active parties to the resolution of such disputes.

(2) In the event issues in dispute have not been resolved within 60 days from the date the Board’s General Counsel receives the petition or amended petition, the Board’s Office of Capital Programs shall so notify the state land planning agency in writing. This notice shall include:

(a) The name of the campus master plan or plan amendment in question, and the date of its adoption;

(b) A copy of the petition challenging the compliance of the campus master plan or plan amendment;

(c) A summary of efforts to resolve the issues disputed in the petition; and

(d) A list of issues that have not been resolved. A copy of this notice shall be sent to the petitioner, the university, the host local government, and any affected local government.

(3) The state land planning agency shall then have 60 days in which to hold informal hearings, if necessary, identify the remaining issues in dispute, prepare a record of the proceedings, and submit a report on the matter to the Administration Commission.

Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(8) FS. History–New 2-15-94.

6C-21.110 Remedial Plan Amendments.

(1) If the Administration Commission incorporates in its Final Order terms or conditions that require the Board of Regents to amend a campus master plan, such plan amendment shall be prepared and adopted pursuant to subsection 240.155(8)(c), Florida Statutes.

(2) Remedial amendments to adopted campus master plans which incorporate the terms or conditions specified in a Final Order of the Administration Commission shall not be subject to review under Section 240.155(6), Florida Statutes, and subsections 6C-21.106(1)-(4), F.A.C.

(3) Remedial amendments to adopted campus master plans which incorporate the terms or conditions specified in a Final Order of the Administration Commission shall not be subject to challenge under Section 240.155(7), Florida Statutes, and Rule 6C-21.108, F.A.C. of this chapter.

Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(8) FS. History–New 2-15-94.
**PART II MINIMUM CRITERIA FOR PREPARATION AND REVIEW OF CAMPUS MASTER PLANS AND PLAN AMENDMENTS**

**6C-21.201 Purpose of Part II.**

Part II establishes the general requirements for the university’s campus master plans and the specific minimum criteria to be addressed in each of the eight required elements, as required by Section 240.155, Florida Statutes. Part II also establishes the criteria for optional elements and the criteria to determine whether campus master plans are consistent with the State Comprehensive Plan, and are not in conflict with the comprehensive plans of the host local government and the comprehensive plans of any affected local governments.

*Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(3) FS. History–New 2-15-94.*

**6C-21.202 Definitions.**

As used in this chapter, the terms defined in Section 240.155, Florida Statutes, shall have the meanings provided in that Section. In addition, the following definitions are provided to clarify terms used in this chapter and not to establish or limit regulatory authority of other agencies or programs; however, institutions may choose alternative definitions which the Board of Regents shall review to determine whether such definitions accomplish the intent of both this chapter and of Section 240.155, Florida Statutes.

1. “Capital improvement” means physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally non-recurring and may require multi-year financing. For the purposes of this rule, physical assets which have been identified as existing or projected needs in the individual campus master plan elements shall be considered capital improvements.

2. “Circulation facilities” means roadways, sidewalks or other surfaces designated for pedestrian, non-vehicular, or vehicular movement.

3. “Context area” means an area surrounding the university, within which on-campus development may impact local public facilities and services and natural resources, and within which off-campus development may impact university resources and facilities. The size of the context area may be defined by natural or man-made functional or visual boundaries, such as areas of concentration of off-campus student-oriented housing and commercial establishments, stormwater basins, habitat range, or other natural features.

4. “Goal” means the long-term end toward which programs or activities are ultimately directed.

5. “Infrastructure” means those man-made structures which serve the common needs of the population, such as roadways, stormwater management facilities, potable water facilities, sanitary sewer facilities, and solid waste facilities.

6. “Levels of Service” means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

7. “Objective” means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

8. “Policy” means the way in which programs and activities are conducted to achieve an identified goal.

9. “Potable water facility” means a system of structures designed to collect, treat or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

10. “Public facility” means transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, stormwater management systems or facilities, potable water systems or facilities, educational systems or facilities, parks and recreation systems and facilities, and public health systems and facilities.

11. “Public transit” means passenger services provided by public, private or non-profit entities, such as commuter rail, express bus, and local fixed route bus.

12. “Recreation facility” means a component of a recreation site, such as a trail, court, athletic field or swimming pool.

13. “Sanitary sewer facilities” means structures or systems designed for the collection, transmission, treatment, or disposal of sewage, and includes trunk mains, interceptors, treatment plants and disposal systems.

14. “Solid waste facilities” means structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

15. “Stormwater management facility” means a system of man-made structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, retention structures, and detention structures.

16. “Transportation demand management” means strategies and techniques that can be used to increase the efficiency of the transportation system. Demand management focuses on ways of influencing the amount and demand for transportation by encouraging alternatives to the automobile and altering local peak hour travel demand. These strategies may include, but not be limited to, ridesharing programs, flexible work hours, telecommuting, shuttle services and parking management.

17. “Transportation system” means a multi-modal system of transportation facilities designed for the movement of people and goods.

18. “Transportation system management” means improving roads, intersections, and other related facilities to make the existing transportation system operate more efficiently. Transportation system management techniques include demand management strategies, incident management strategies, and other actions that increase the efficiency of the transportation system.
6C-21.203 General Requirements.

(1) CONTENT REQUIREMENTS.
(a) Each master plan shall include the content for all elements as required by law and this chapter; however, related elements may be combined.
(b) If the university chooses to combine elements, it shall clearly indicate where in the master plan or support documents all statutory requirements of Section 240.155, Florida Statutes, and the requirements of this chapter are met. The campus master plan shall contain an explanation of such combinations.
(c) The campus master plan shall consist of those items listed below in this paragraph. All other documentation may be considered as support documents. Support documents do not have to be adopted unless the Board of Regents desires to adopt all or part of the support documents as part of the campus master plan. All background data, studies, surveys, analyses and inventory maps not adopted as part of the campus master plan shall be available for public inspection while the campus master plan is being considered for adoption and while it is in effect. The campus master plan shall consist of:

1. Goals, objectives, and policies;
2. Requirements for capital improvements implementation;
3. Procedures for monitoring and evaluation of the campus master plan; and
4. Required maps showing future conditions.

(2) DATA AND ANALYSIS REQUIREMENTS.
(a) All goals, objectives, policies, standards, findings and conclusions within the campus master plan shall be based upon relevant and appropriate data. Data or summaries thereof which are not part of the adopted campus master plan shall not be subject to the compliance review process. All tables, charts, graphs, maps, figures and data sources, and their limitations shall be clearly described.
(b) Unless noted otherwise, this chapter shall not be construed to require original data collection by the university; however, universities are encouraged to use any original data necessary to refine or update the campus master plan, as long as methodologies are professionally acceptable.
(c) Data are to be taken from professionally accepted existing sources. Data shall be the best available existing data, unless the university desires original data or special studies. Where data augmentation, updates, or special studies or surveys are deemed necessary by the university, appropriate methodologies shall be clearly described or referenced and shall meet professionally accepted standards for such methodologies.
(d) The Board of Regents may require submission of more detailed or complete data or analyses during its review.
(e) The campus master plan shall be based on projections of student enrollment prepared by the Board of Regents.

(3) APPLICATION OF REQUIREMENTS.
(a) In those situations where data necessary to comply with the requirements of this chapter do not exist, and the university, for whatever reason, desires not to collect original data or conduct special studies, the appropriate data and analysis requirements shall not apply. The university shall include one or more statements in the data and analysis section of each element of the campus master plan identifying those requirements that are not applicable because the data do not exist.
(b) In those situations where data required to comply with the requirements of this chapter do not exist, any corresponding requirement to include goals, objectives or policies based on that data shall not apply. The university shall include one or more statements in the goals, objectives and policies section of each element of the campus master plan identifying those requirements that are not applicable because the data do not exist.

(4) PLANNING TIME FRAME. Each campus master plan shall cover a period of at least 10 years and not more than 20 years. Additionally, the capital improvements element shall contain a yearly itemized breakout for three years, and a general framework for the next seven years, for planned and anticipated capital projects, with an update to be submitted to the Board of Regents each year in accordance with the time frame established by the Board of Regents.

(5) INTERNAL CONSISTENCY.
(a) The required elements and any optional elements shall be consistent with each other. All elements shall follow the same general format. Where data are relevant to several elements, the same data shall be used.
(b) Each map depicting plan elements must reflect goals, objectives, and policies within all elements and each such map must be contained within the campus master plan.

(6) PLAN IMPLEMENTATION REQUIREMENTS. The sections of the master plan containing goals, objectives, and policies shall describe how the university’s programs and activities will be initiated, modified or continued to implement the master plan in a consistent manner. It is not the intent of this chapter to require the inclusion of implementing regulations in the campus master plan, but rather to require the identification of those programs, activities and regulations that will be part of the strategy to implement the goals, objectives and policies of the campus master plan.

(7) MONITORING AND EVALUATION REQUIREMENTS. For the purpose of evaluating and appraising the implementation of the campus master plan, each master plan shall contain a section identifying monitoring and evaluation procedures to be followed in updating the adopted campus master plan every five years which address the following.
(a) Each university shall submit to the Board of Regents, within four years from the date of plan adoption and every five years thereafter, an evaluation and appraisal report which:

1. Lists accomplishments during the implementation of the campus master plan, describing major problems associated with development and land uses, and the degree to which the goals, objectives and policies have been successfully reached;
2. Identifies obstacles or problems which resulted in underachievement of goals, objectives, or policies;
3. Identifies the need for new or modified goals, objectives, or policies needed to correct unanticipated and unforeseen problems and opportunities that have occurred since adoption of the campus master plan;
4. Addresses local government and public participation in the process;
5. Addresses the effects of changes to the State Comprehensive Plan and to the comprehensive plans of the host local government and any affected local governments;
6. Identifies proposed and anticipated plan amendments necessary to address identified problems and opportunities; and
7. Identifies a means of ensuring continuous monitoring and evaluation of the plan during the remainder of the overall planning period.

(b) Each university shall submit to the Board of Regents, within five years from the date of plan adoption and every five years thereafter, a proposed plan amendment which incorporates the findings and recommendations contained in the evaluation and appraisal report, and which contains updated baseline data (as appropriate) and goals, objectives and policies to be accomplished during the remainder of the overall planning period.

Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(3) FS. History–New 2-15-94.

6C-21.204 Future Land Use Element.

The purpose of this element is the designation of existing and future land use patterns as reflected in the goals, objectives and policies of the campus master plan elements, and to describe how this land use pattern will be coordinated with that planned by the host community in the context area. Future land use patterns are depicted on the land use map or map series within the element.

(1) FUTURE LAND USE DATA REQUIREMENTS. This element shall be based on the following data requirements, pursuant to subsection 6C-21.203(2), F.A.C.

(a) A description of the location(s) of university facilities within the State (graphic and narrative).
(b) A description of the location of university facilities within the host community (graphic and narrative) including an identification of all facilities on university lands not under the jurisdiction or operation of the State University System.
(c) Student enrollment projections as prescribed in the General Requirements section of this chapter.
(d) A legal description of the property within the university’s jurisdiction and a description of the land acquisition program under which the property was obtained.
(e) A discussion of title interest held by the Board of Trustees of the Internal Improvement Trust Fund (including reservations and encumbrances such as leases).
(f) Designated single use or multiple use management, as defined in Rule 18-4.003, F.A.C., for the property.
(g) A description of alternative (non-educational) uses of the leased premises considered by the university but never adopted, if appropriate.
(h) Proximity of university property to other significant local, state, or federal land or water resources, as identified in adopted plans.
(i) A statement as to whether the university property is within an aquatic preserve or a designated area of critical state concern or an area under study for such designation.
(j) A description of existing land uses and zoning for the context area. Land use categories shall be identified on the existing land use map or map series and described in accordance with categories adopted by the local government in their comprehensive plan.
(k) Existing land uses on university property shall be shown on the land use map or map series. The university may use the land uses established in the host community’s local comprehensive plan or establish its own land use categories. Such land use categories shall be clearly defined in the legend.
(l) If the university determines it necessary to utilize other categories of land use, or to combine categories of land use, such categories or combinations of categories shall be shown on the land use map or map series and clearly identified in the legend.
(m) The approximate acreage and general range of density or intensity of use shall be provided in tabular form for the gross land area included in each land use category.
(n) Natural resources shall be shown on the land use map or map series.
(o) Historic and archaeological resources (including all sites listed in the Florida Master Site File of the National Register of Historic Places) shall be shown on the existing land use map or map series.

(2) FUTURE LAND USE ANALYSIS REQUIREMENTS. This element shall be based upon the following analyses which support the campus master plan pursuant to subparagraph 6C-21.203(2), Florida Statutes.

(a) An analysis of the amount of land that will be required to accommodate the projected future enrollment of the university, including:

1. The categories of land use and their densities or intensities of use;
2. The estimated gross acreage for each category; and
3. A description of the methodology used.
   (b) An analysis of projected future space and building needs for academic facilities.
   (c) An analysis of projected future space and building needs for support facilities.
   (d) An analysis of existing vacant and undeveloped land on the university campus to determine its suitability for use.
   (e) An analysis of opportunities for redevelopment and for elimination of uses that are inconsistent with the university’s character and proposed future land uses.
   (f) A finding as to whether each planned use of university property is consistent with the adopted conceptual State Lands Management Plan.
   (g) If the analyses in subparagraphs (2)(a)-(e) indicate that the existing university campus will not provide sufficient capacity to accommodate the future needs of the university, an analysis shall be undertaken identifying how much additional land would be required to meet future needs.
   (h) An assessment as to whether any portion of the university property should be declared surplus for release by the university for use or disposal by the State.
   (i) In the event additional land is determined to be necessary for the future development of the university, an analysis of the context area shall be undertaken to identify potential land areas for such expansion.
   (j) In conjunction with the analysis conducted in subparagraph (2)(i), an analysis shall be undertaken identifying and evaluating alternatives to additional land acquisition.
   (k) An analysis of constraints that may limit the amount or location of future land use development on the university campus.
   (l) An analysis of the future land use element of the host local government’s comprehensive plan, for the context area.
   (m) An analysis of off-campus constraints that may limit the amount or location of future land use development on the university campus.
   (n) An analysis of the goals, objectives and policies adopted by the host community in their comprehensive plan related to development of land uses in the context area.
(3) REQUIREMENTS FOR FUTURE LAND USE GOALS, OBJECTIVES AND POLICIES.
   (a) The element shall contain one or more goals which address the long-range development of land use on the campus and the coordination of future land use development on the campus with future land use development in the host community.
   (b) The element shall contain one or more objectives for each goal which address, at a minimum:
      1. Protection of natural resources (including existing surface waters and wetlands) and historic and archaeological resources;
      2. Eliminating or minimizing land use compatibility problems between the university and host community;
      3. Correcting land use compatibility problems on the university campus;
      4. Coordinating future land uses with the appropriate topography and soil conditions;
      5. Coordinating future land uses with the availability of facilities and services;
      6. Ensuring the availability of suitable land on campus for utility facilities required to support proposed on-campus development; and
      7. Minimizing off campus constraints to limit future development on campus (i.e., traffic, utilities) and minimizing on campus conflicts with land uses within the context area.
   (c) The element shall contain one or more policy statements for each objective which address at a minimum:
      1. Establishment of standards for densities or intensities of use for each land use category;
      2. Provisions for stormwater management, open space, and safe and convenient on-campus traffic flow, considering needed vehicle parking;
      3. Provisions for the identification, designation, and protection of historically and archaeologically significant properties;
      4. Provisions for the compatibility with adjacent land uses;
      5. Coordination of land use and development decisions with a schedule of capital improvements;
      6. Administrative procedures to amend the campus master plan to incorporate unforeseen land uses that may arise from grant awards or other circumstances;
      7. Establishment of land use management procedures within the university’s administrative structure which will encourage careful use of the university’s existing land resources and minimize deviations from the land use plan; and
      8. Establishment of a process, timetable and funding sources for future land acquisition (if applicable).
   (d) The Future Land Use Element shall be described, at a minimum, in the Future Land Use Map and explanatory text. Land uses on the map shall be the same as those categories with which existing land uses are described in subparagraph (1)(k) above. In addition, land use categories for on-campus uses shall be coordinated, as possible, with land use categories used by the host community in its comprehensive plan to facilitate coordination of planning efforts. The Future Land Use Map and text shall be accompanied by explanatory tabular information as required.

Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(3), 253.034(4) FS. History–New 2-15-94.
6C-21.205 Transportation Element.
The purpose of this element is to plan for future motorized and non-motorized traffic circulation systems to ensure provision of adequate transit, circulation and parking facilities to meet future university needs; to ensure the provision of adequate pedestrian and non-vehicular circulation facilities to meet the future needs of the university; and to coordinate the location of these facilities planned in the host community in the context area. The Transportation Element shall consist of a Transit, Circulation and Parking Sub-Element and a Pedestrian and Non-Vehicular Circulation Sub-Element.

1) TRANSIT, CIRCULATION AND PARKING DATA REQUIREMENTS. This sub-element shall be based, at a minimum, on the following data requirements, pursuant to subsection 6C-21.203(2), F.A.C.
   (a) An inventory of existing on-campus parking facilities.
   (b) An inventory or estimate of the amount of student, faculty and staff-parking off-campus, and a description of parking locations.
   (c) An inventory of accident locations and number of accident occurrences on campus and in the context area.
   (d) The existing classification of roadways on the campus, utilizing definitions used by the host community in its local comprehensive plan, or a classification determined by the university which is correlated to the classification system of the host community (map, narrative).
   (e) Existing roadway classifications in the context area, including designated fire lanes and fire routes on-campus.
   (f) The current levels of service of the roadways on-campus and within the context area.
   (g) Traffic counts at all major university entrances/exits.
   (h) Existing university trip generation data.
   (i) Existing traffic analysis zones (TAZs) of the host local government within which university facilities are located.
   (j) Established public transit or university-provided transit routes on campus and in the context area indicating location of stops, frequency of service and capacity of the vehicles.

2) TRANSIT, CIRCULATION AND PARKING ANALYSIS REQUIREMENTS. This element shall be based upon the following analyses which support the campus master plan pursuant to subsection 6C-21.203(2), F.A.C.
   (a) An analysis of the future parking needs for students, faculty and staff and types of special events for the planning period.
   (b) An analysis of the amount of land required to provide the amount of parking calculated in subparagraph (2)(a).
   (c) An assessment of the capacity of university lands to accommodate the amount of parking calculated in subparagraph (2)(a), including a determination of how much of the parking would have to be provided in structures.
   (d) An analysis of practical methods to accommodate the amount of parking calculated in subparagraph (2)(a) on the university campus.
   (e) An analysis of off-campus lands in the context area that may be available for university parking and the parking capacity of those sites.
   (f) An analysis of the impacts of off-campus university parking on the context area and alternatives for minimizing these impacts.
   (g) An analysis of the projected traffic volumes/capacities and levels of service on university roads and roads in the context area, including an analysis of the traffic circulation model used by the host community in projecting traffic circulation in the context area.
   (h) An analysis of improvements that would be required to on-campus roadways to meet the future traffic circulation needs of the university.
   (i) An analysis of improvements that would be required to off-campus roads in the context area, based on the additional traffic projected to be generated by the university.
   (j) An analysis of additional public or university-provided transit that will be required to meet the future needs of the university for the planning period.
   (k) An analysis of the opportunities to implement transportation system management and transportation demand management techniques and strategies to minimize off-site impacts on roadways within the context area.
   (l) The planned location of future facilities, with accompanying parking to serve these facilities.

3) REQUIREMENTS FOR TRANSIT, CIRCULATION AND PARKING GOALS, OBJECTIVES AND POLICIES.
   (a) The sub-element shall include one or more goals for the provision of future transit, auto circulation, and parking facilities.
   (b) The sub-element shall contain one or more objectives for each goal which address:
      1. The provision of parking facilities on or off the campus to meet future university needs;
      2. The provision of future traffic circulation improvements both on the campus and in the context area to meet future university needs;
      3. Improvements (including scheduling) to public or university-provided transit service and facilities required to meet future university needs; and
      4. Coordination of transportation system improvements with the future land uses shown on the future land use map or map series, and with those improvements identified in the host community’s comprehensive plan.
   (c) The element shall contain one or more policy statements for each objective which:
      1. Establish programs or administrative procedures to accommodate future parking and auto circulation requirements on campus and minimize off-site impacts within the context area;
2. Establish programs to maximize utilization of public or university-provided transit;
3. Establish administrative procedures for coordinating on-going traffic circulation, transit and parking facility improvements with similar improvements being undertaken by the host community;
4. Establish the timing or priorities for development of traffic circulation, transit, and parking facilities on-campus; and
5. Establish level of service standards for roadways within the university’s jurisdiction.

(d) The Transit, Circulation and Parking Sub-Element shall be described, at a minimum, in the Transportation Element Map and explanatory text. This map along with companion narrative shall identify the location and size of proposed transit, circulation and parking facilities on the university campus. The map and text shall be accompanied by explanatory tabular information as required.

(4) PEDESTRIAN AND NON-VEHICULAR CIRCULATION DATA REQUIREMENTS. This sub-element shall be based, at a minimum, on the following data pursuant to subsection 6C-21.203(2), F.A.C.

(a) An inventory of existing pedestrian and non-vehicular circulation facilities on the university campus(es) illustrating the location, size and surface material of the facilities.
(b) The planned location of future facilities.
(c) An inventory of existing pedestrian and non-vehicular circulation facilities located within the context area.
(d) An inventory of the planned pedestrian and non-vehicular circulation facilities located in the host community in the context area, illustrating the location, size and function planned for each facility.
(e) An inventory of existing problem areas on-campus related to pedestrian and non-vehicular circulation, including accidents involving, and violent crimes committed against, pedestrians and bicyclists on-campus and in the context area.

(5) PEDESTRIAN AND NON-VEHICULAR CIRCULATION ANALYSIS REQUIREMENTS. This element shall be based upon the following analyses which support the campus master plan pursuant to subsection 6C-21.203(2), F.A.C.

(a) An analysis of the amount and type of pedestrian and non-vehicular circulation facilities that will be required to meet the needs of projected university enrollment, including the basis for this analysis.
(b) An analysis assessing the need for pedestrian and non-vehicular circulation facilities in the context area with reference to those facilities serving areas of off-campus student housing, or other off-campus student activities.
(c) An analysis of lighting conditions along pedestrian and non-vehicular circulation routes to identify areas where lighting is inadequate.

(6) REQUIREMENTS FOR PEDESTRIAN AND NON-VEHICULAR CIRCULATION GOALS, OBJECTIVES AND POLICIES.

(a) This sub-element shall contain one or more goals for the development of pedestrian and non-vehicular circulation facilities on campus.
(b) The sub-element shall contain one or more objectives for each goal which address at a minimum:
1. The coordination of pedestrian and non-vehicular circulation facilities to be developed on-campus, with those to be developed off-campus by the host community in its local comprehensive plan, bicycle plans or traffic circulation plans;
2. Coordinating the locations for future pedestrian and non-vehicular circulation facilities to be developed on and off the campus with recommendations contained in the Campus Safety Plan;
3. Coordinating the locations for additional lighting along pedestrian and non-vehicular circulation routes with recommendations contained in the Campus Safety Plan; and
4. The provision of pedestrian and non-vehicular circulation facilities required to meet future university needs.
(c) The sub-element shall contain one or more policy statements for each objective which address:
1. The timing or priorities for development of pedestrian and non-vehicular circulation facilities on-campus;
2. Ensuring coordination with the host community regarding issues related to the provision of pedestrian and non-vehicular circulation facilities;
3. The timing or priorities for additional lighting placement along pedestrian and non-vehicular circulation routes, as indicated by subparagraphs (1)(f) and (2)(d) of this element;
4. Establishing programs to maximize utilization of pedestrian and non-vehicular facilities; and
5. Establishing programs or procedures to improve the safety of persons using pedestrian and non-vehicular facilities.
(d) The Pedestrian and Non-Vehicular Circulation Sub-Element shall be described, at a minimum, in the Transportation Element Map and explanatory text. This map along with companion narrative shall identify the location, size and character of the proposed pedestrian and non-vehicular circulation facilities on campus and in the context area. The map and text shall be accompanied by explanatory tabular information as required.

Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(3) FS. History–New 2-15-94.

6C-21.206 Housing Element.
The purpose of this element is to ensure provision of public and private housing facilities on the university campus and within the host community adequate to meet the needs of the projected university enrollment.

(1) HOUSING DATA REQUIREMENTS. This element shall be based on the following data requirements, pursuant to subsection 6C-21.203(2), F.A.C.
(a) An inventory of the total number of existing beds provided by the university on-campus for undergraduate student use.
(b) An inventory of the total number of existing beds, by type, provided on-campus for graduate students.
(c) An inventory of the total number of existing housing units, by type, provided on-campus for married students.
(d) An inventory of other existing student housing provided on-campus (i.e., fraternities and sororities, etc.), identifying numbers of beds provided in each such facility.
(e) An inventory of historically significant housing on campus.
(f) A description of the existing types of housing provided on campus (apartment, dormitory, suites, etc.).
(g) An inventory of any university provided housing located off-campus, identifying number of beds, types of units and whether the facilities are rented or owned by the university.
(h) Estimates of the number of undergraduate, graduate and married students housed on-campus, and in university facilities located off-campus.
(i) Estimates of the number of full-time students housed off-campus in non-university provided rental housing and the number of rental housing units occupied.
(j) An inventory of the host community’s rental housing supply by rental range as described in the host community’s comprehensive plan or other best available data.

(2) HOUSING ANALYSIS REQUIREMENTS. This element shall be based upon the following analyses which support the campus master plan pursuant to subsection 6C-21.203(2), F.A.C.
(a) An analysis of existing university policies regarding the percentage of students for which on-campus housing is provided.
(b) A projection of the number of students to be housed on-campus in university-provided facilities based on the existing policies for provision of on-campus housing. This projection shall include a description of handicap-accessible beds/units.
(c) A projection of the numbers of students to be housed in non-university provided facilities on-campus (fraternities, sororities, etc.).
(d) An analysis of the existing housing provided on campus.
(e) An estimate of the number of additional on-campus housing units, by type, necessary to meet the needs described in subparagraph (2)(a) (apartment, suite, dormitory, etc.).
(f) An analysis of potential on-campus sites and of the capacity of these sites (beds).
(g) A projection of the number of students that will be housed off-campus in facilities provided by others (private market housing).
(h) An assessment of the student impacts on the occupancy of the host community’s rental stock.

(3) REQUIREMENTS FOR HOUSING GOALS, OBJECTIVES AND POLICIES.
(a) The element shall contain one or more goals for the provision of student housing on and off-campus during the planning period.
(b) The element shall contain one or more objectives for each goal which address:
   1. Ensuring the availability of an adequate supply (both on-campus and off-campus) of affordable housing units and support facilities in close proximity to the campus to meet the projected need for student housing; and
   2. The elimination of substandard student housing and the structural (electrical, mechanical, plumbing, etc.) and aesthetic improvement of existing student housing.
(c) The element shall contain one or more policies for each objective which:
   1. Define the number and type (graduate, undergraduate, married, etc.) of students to be housed on-campus and off-campus;
   2. Identify the appropriate locations for the various types of on-campus housing to be provided in the future;
   3. Describe the timing or phasing requirements for renovation, repair and/or demolition of existing university provided housing facilities;
   4. Establish procedures and priorities for the allocation of funding for on-campus housing facilities;
   5. Establish procedures for provision of privately developed housing on the university campus;
   6. Establish procedures for coordination with the host community regarding issues related to off-campus student housing (may include security, traffic, transit, etc.);
   7. Establish procedures for the provision of support facilities required in conjunction with future housing (may include parking, student activities and recreation, etc.); and
   8. Preserve and protect historically significant housing.
(d) The Housing Element shall be described, at a minimum, in the Housing Element Map and explanatory text. This map along with companion text shall define the location, size/capacity and character of proposed future housing facilities on the campus and in the context area. The map and text shall be accompanied by explanatory tabular information as required.

Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(3) FS. History–New 2-15-94.
6C-21.207 General Infrastructure Element.
The purpose of this element is to ensure the provision of adequate capacity for stormwater management, potable water, sanitary sewer and treatment, and solid waste facilities required to meet the future needs of the university. The General Infrastructure Element shall consist of a Stormwater Management Sub-Element, a Sanitary Sewer Sub-Element, a Potable Water Sub-Element, and a Solid Waste Sub-Element.

(1) STORMWATER MANAGEMENT DATA REQUIREMENTS. This sub-element shall be based, at a minimum, on the following data requirements, pursuant to subsection 6C-21.203(2), F.A.C.
   (a) An inventory of all public and private facilities and natural features which provide stormwater management for the campus, including detention and retention structures, storm drainage pipe systems, natural stream channels, rivers, lakes, wetlands, etc., (map, narrative).
   (b) For facilities shared with the host community, a description of the proportional capacity of the facility required to meet existing university needs, including a description of any capacity that may have been previously allocated to the university by the host community.
   (c) The following data shall be included for the stormwater management facilities identified in subparagraph (1)(a):
      1. The entity having operational responsibility for the facility;
      2. The geographic service area of the facility and the predominant types of land uses served by the facility;
      3. The design capacity of the facility;
      4. The current demand on the capacity of the facility; and
      5. The level of service provided by the facility.
   (d) Major natural stormwater management and hydrological features shall be identified and included on a map.

(2) STORMWATER MANAGEMENT ANALYSIS REQUIREMENTS. This sub-element shall be based upon the following analyses which support the campus master plan pursuant to subsection 6C-21.203(2), F.A.C.
   (a) A facility capacity analysis, by geographic service area, indicating capacity surpluses and deficiencies for:
      1. Existing conditions, based on the facility design capacity and the current demand on facility capacity; and
      2. The end of the planning time frame, based on the projected demand at current level of service standards for the facility, projected student populations and land use distributions, and any available existing surplus facility capacity.
   (b) The general performance of existing stormwater management facilities, evaluating the adequacy of the current level of service provided by the facility, the general condition and expected life of the facility, and the impact of the facility upon adjacent natural resources.
   (c) An analysis of the problems and opportunities for stormwater management facility expansion or replacement to meet projected needs of the university.
   (d) Existing regulations and programs which govern land use and development of natural drainage features shall be analyzed, including the strengths and deficiencies of those programs and regulations in maintaining the functions of natural stormwater management features.

(3) REQUIREMENTS FOR STORMWATER MANAGEMENT GOALS, OBJECTIVES AND POLICIES.
   (a) The sub-element shall contain one or more goal statements for accommodating future university stormwater management requirements.
   (b) The sub-element shall contain one or more objectives for each goal which address:
      1. Correcting existing stormwater management facility deficiencies;
      2. Coordinating the provision of increased facility capacity to meet future needs of the university; and
      3. Protecting the functions of natural stormwater management and hydrological areas.
   (c) The element shall contain one or more policy statements for each objective which:
      1. Establish the levels of service to be used by the university in establishing stormwater management standards for stormwater quantity and quality;
      2. Establish priorities for replacement, correcting existing stormwater management facility deficiencies, and providing for future facility needs;
      3. Coordinate the provision of on and off-campus stormwater management facilities required to meet future university needs with the local government or appropriate service provider;
      4. Ensure that future stormwater management facility service capacity and capital improvements required to meet future university needs are provided when required, based on needs identified in other master plan elements;
      5. Establish administrative, operational and other procedures to mitigate impacts of university-generated stormwater; and
      6. Establish the timing or phasing requirements for stormwater management facility improvements to meet future university needs.
   (d) The Stormwater Management Sub-Element shall be described, at a minimum, in the General Infrastructure Element Map(s) and explanatory text. This map, along with companion narrative shall identify the location and size of the proposed general infrastructure distribution and collection system lines, treatment facilities and general facilities. The map and text shall be accompanied by explanatory tabular information as required.

(4) POTABLE WATER DATA REQUIREMENTS. This sub-element shall be based on the following data requirements, pursuant to subsection 6C-21.203(2), F.A.C.
(a) An inventory of existing potable water facilities on the campus (map, narrative) indicating location and sizes of main distribution lines.

(b) For facilities shared with the host community, a description of the proportional capacity of the facility required to meet existing university needs, including a description of any capacity that may have been previously allocated to the university by the host community.

(c) The following data shall be included for the potable water facilities identified in subparagraph (1)(a):
1. The entity having operational responsibility for the facility;
2. The geographic service area of the facility and the predominant types of land uses served by the facility;
3. The design capacity of the facility;
4. The current demand on the capacity of the facility; and
5. The level of service provided by the facility.

(d) Major potable water and hydrological features shall be identified and included on a map.

(5) POTABLE WATER ANALYSIS REQUIREMENTS. This sub-element shall be based upon the following analyses which support the campus master plan pursuant to subsection 6C-21.203(2), F.A.C.

(a) A facility capacity analysis, by geographic service area, indicating capacity surpluses and deficiencies for:
1. Existing conditions, based on the facility design capacity and the current demand on facility capacity; and
2. The end of the planning time frame, based on the projected demand at current level of service standards for the facility, projected student populations and land use distributions, and any available existing surplus facility capacity.

(b) The general performance of existing potable water facilities, evaluating the adequacy of the current level of service provided by the facility, the general condition and expected life of the facility, and the impact of the facility upon adjacent natural resources.

(c) An analysis of the problems and opportunities for potable water facility expansion or replacement to meet projected needs of the university.

(d) A description of the campus underground hydrology, including its potential for use as a potable water source.

(e) An analysis of existing local, state and federal regulations governing potable water systems.

(6) REQUIREMENTS FOR POTABLE WATER GOALS, OBJECTIVES AND POLICIES.

(a) The sub-element shall contain one or more goal statements for accommodating future university potable water requirements.

(b) The sub-element shall contain one or more objectives for each goal which address:
1. Correcting existing potable water facility deficiencies;
2. Coordinating the provision of increased facility capacity to meet future needs of the university; and
3. Protecting and conserving potable water sources.

(c) The element shall contain one or more policy statements for each objective which:
1. Establish the levels of service to be used by the university in establishing potable water supply requirements;
2. Establish priorities for replacement, correcting existing potable water facility deficiencies, and providing for future facility needs;
3. Coordinate the provision of on and off-campus potable water facilities required to meet future university needs with the local government or appropriate service provider;
4. Ensure that future potable water facility service capacity and capital improvements required to meet future university needs are provided when required, based on needs identified in other master plan elements;
5. Establish administrative, operational and other procedures to conserve water and thereby minimize future potable water requirements of the university; and
6. Establish the timing or phasing requirements for potable water facility improvements to meet future university needs.

(d) The Potable Water Sub-Element shall be described, at a minimum, in the General Infrastructure Element Map(s) and explanatory text. This map, along with companion narrative shall identify the location and size of the proposed general infrastructure distribution and collection system lines, treatment facilities and generation facilities. The map and text shall be accompanied by explanatory tabular information as required.

(7) SANITARY SEWER DATA REQUIREMENTS. This sub-element shall be based on the following data requirements, pursuant to subsection 6C-21.203(2), F.A.C.

(a) An inventory of the existing sanitary sewer systems on the campus (map, narrative) indicating location and sizes of main collection lines.

(b) For facilities shared with the host community, a description of the proportional capacity of the facility required to meet existing university needs, including a description of any capacity that may have been previously allocated to the university by the host community.

(c) The following data shall be included for the sanitary sewer facilities identified in subparagraph (1)(a):
1. The entity having operational responsibility for the facility;
2. The geographic service area of the facility and the predominant types of land uses served by the facility;
3. The design capacity of the facility;
4. The current demand on the capacity of the facility; and
5. The level of service provided by the facility.

(d) Major sanitary sewer facilities shall be identified and included on a map.

(8) SANITARY SEWER ANALYSIS REQUIREMENTS. This sub-element shall be based upon the following analyses which support the campus master plan pursuant to subsection 6C-21.203(2), F.A.C.
   (a) A facility capacity analysis, by geographic service area, indicating capacity surpluses and deficiencies for:
      1. Existing conditions, based on the facility design capacity and the current demand on facility capacity; and
      2. The end of the planning time frame, based on the projected demand at current level of service standards for the facility, projected student populations and land use distributions, and any available existing surplus facility capacity.
   (b) The general performance of existing sanitary sewer facilities, evaluating the adequacy of the current level of service provided by the facility, the general condition and expected life of the facility, and the impact of the facility upon adjacent natural resources.
   (c) An analysis of the problems and opportunities for sanitary sewer facility expansion or replacement to meet projected needs of the university.
   (d) An analysis of existing local, state and federal regulations governing sanitary sewer collection and treatment systems.

(9) REQUIREMENTS FOR SANITARY SEWER GOALS, OBJECTIVES AND POLICIES.
   (a) The sub-element shall contain one or more goal statements for accommodating future university sanitary sewer requirements.
   (b) The sub-element shall contain one or more objectives for each goal which address:
      1. Correcting existing sanitary sewer facility deficiencies; and
      2. Coordinating the provision of increased facility capacity to meet future needs of the university.
   (c) The sub-element shall contain one or more policy statements for each objective which:
      1. Establish the levels of service to be used by the university in establishing sanitary sewage collection and treatment facility requirements;
      2. Establish priorities for replacement, correcting existing sanitary sewer facility deficiencies, and providing for future facility needs;
      3. Coordinate the provision of on and off-campus sanitary sewer facilities required to meet future university needs with the local government or appropriate service provider;
      4. Ensure that future sanitary sewer facility service capacity and capital improvements required to meet future university needs are provided when required, based on needs identified in other master plan elements; and
      5. Establish the timing or phasing requirements for sanitary sewer facility improvements to meet future university needs.
   (d) The Sanitary Sewer Sub-Element shall be described, at a minimum, in the General Infrastructure Element Map(s) and explanatory text. This map, along with companion narrative, shall identify the location and size of the proposed general infrastructure distribution and collection system lines, treatment facilities and generation facilities. The map and text shall be accompanied by explanatory tabular information as required.

(10) SOLID WASTE DATA REQUIREMENTS. This sub-element shall be based on the following data requirements, pursuant to subsection 6C-21.203(2), F.A.C.
   (a) An inventory of the existing solid waste collection and disposal systems on the campus (map, narrative) including facilities for the storage and/or disposal of hazardous and medical wastes.
   (b) The amount of solid waste generated by the university.
   (c) For facilities shared with the host community, a description of the proportional capacity of the facility required to meet existing university needs, including a description of any capacity that may have been previously allocated to the university by the host community.
   (d) The following data shall be included for the solid waste collection and disposal facilities identified in subparagraph (1)(a):
      1. The entity having operational responsibility for the facility;
      2. The geographic service area of the facility and the predominant types of land uses served by the facility;
      3. The design capacity of the facility;
      4. The current demand on the capacity of the facility; and
      5. The level of service provided by the facility.
   (e) Major solid waste collection and disposal facilities shall be identified and included on a map.

(11) SOLID WASTE ANALYSIS REQUIREMENTS. This sub-element shall be based upon the following analyses which support the campus master plan pursuant to subsection 6C-21.203(2), F.A.C.
   (a) A facility capacity analysis, by geographic service area, indicating capacity surpluses and deficiencies for:
      1. Existing conditions, based on the facility design capacity and the current demand on facility capacity; and
      2. The end of the planning time frame, based on the projected demand at current level of service standards for the facility, projected student populations and land use distributions, and any available existing surplus facility capacity.
   (b) The general performance of existing solid waste collection and disposal facilities, evaluating the adequacy of the current level of service provided by the facility, the general condition and expected life of the facility, and the impact of the facility upon adjacent natural resources.
(c) An analysis of the problems and opportunities for solid waste collection and disposal facility expansion or replacement to meet projected needs of the university.

(d) An analysis of existing local, state and federal regulations governing solid waste collection and disposal systems.

(e) An assessment of opportunities or available and practical technologies for the reduction, recycling and re-use of solid waste generated by the university.

(f) An analysis of the terms of any agreements for the collection and/or disposal of university-generated solid waste, including allocated capacity and duration of service. Identify any future limitations on university development resulting from these factors.

(12) REQUIREMENTS FOR SOLID WASTE GOALS, OBJECTIVES AND POLICIES.

(a) The sub-element shall contain one or more goal statements for accommodating future university solid waste collection and disposal requirements.

(b) The sub-element shall contain one or more objectives for each goal which address:
   1. Correcting existing solid waste collection and disposal facility deficiencies; and
   2. Coordinating the provision of increased facility capacity to meet future needs of the university.

(c) The element shall contain one or more policy statements for each objective which:
   1. Establish the levels of service to be used by the university in establishing solid waste collection and disposal facility requirements;
   2. Establish priorities for replacement, correcting existing solid waste collection and disposal facility deficiencies, and providing for future facility needs;
   3. Coordinate the provision of on and off-campus solid waste collection and disposal facilities required to meet future university needs with the local government or appropriate service provider;
   4. Ensure that future solid waste collection and disposal facility service capacity and capital improvements required to meet future university needs are provided when required, based on needs identified in other master plan elements; and
   5. Establish the timing or phasing requirements for solid waste collection and disposal facility improvements to meet future university needs.

(d) The Solid Waste Sub-Element shall be described, at a minimum, in the General Infrastructure Element Map(s) and explanatory text. This map, along with the companion narrative shall identify the location and size of the proposed general infrastructure distribution and collection system lines, treatment facilities and generation facilities. The map and text shall be accompanied by explanatory tabular information as required.

Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(3) FS. History–New 2-15-94.

6C-21.208 Conservation Element.

The purpose of this element is to ensure the conservation, protection and wise use of all natural ecosystems and natural resources on the university campus and in the context area.

(1) CONSERVATION DATA REQUIREMENTS. This element shall be based on an inventory of existing natural and environmental resources, where present on the university campus and within the context area.

(2) CONSERVATION ANALYSIS REQUIREMENTS. This element shall be based upon the following analyses which support the campus master plan pursuant to subsection 6C-21.203(2), FA.C.

(a) For each of the resources identified in subparagraph (1)(a) identify existing commercial, recreational, or conservation uses.

(b) For each of the resources identified in subparagraph (1)(a), assess the available and practical opportunities and methods for protection or restoration of those resources on university property.

(c) For each of the resources identified in subparagraph (1)(a), identify known sources and rates of discharge or generation of pollution.

(d) For each of the resources identified in subparagraph (1)(a), assess opportunities or available and practical technologies to minimize pollution or its impacts generated by university activities.

(e) An analysis of current and projected water needs and sources, based on the demand for industrial, agricultural and potable water use and the quantity and quality available to meet those demands.

(f) An assessment of opportunities or available and practical technologies to reduce university energy consumption. Investigation of emerging technologies (i.e., solar) to address this issue is encouraged.

(3) REQUIREMENTS FOR CONSERVATION GOALS, OBJECTIVES AND POLICIES.

(a) The element shall contain one or more goals establishing the long-term end toward which conservation programs are directed.

(b) The element shall contain one or more objectives for each goal which:
   1. Protect or improve air quality;
   2. Conserve, appropriately use, and protect the quantity and quality of current and projected water sources (including groundwater and surface water);
   3. Conserve, appropriately use, and protect native vegetative communities and wildlife habitat; and
   4. Conserve and appropriately use energy.

(c) The element shall contain one or more policies for each objective which address implementation activities that:
1. Protect water quality and quantity by restricting university activities which contaminate groundwater sources such as wellfields, cones of influence or recharge areas;
2. Protect native vegetative communities from destruction by university development activities;
3. Restrict university activities known to threaten the habitat and survival of endangered and threatened plant and wildlife species and species of special concern;
4. Improve control of, or restrict or minimize university activities which generate air pollution;
5. Minimize stormwater-borne pollutants generated as a result of university operations and maintenance practices;
6. Protect and conserve the natural functions of soils, rivers, floodplains and wetlands;
7. Encourage recycling;
8. Designate environmentally sensitive lands for protection based on state and locally determined criteria;
9. Manage hazardous wastes to protect natural resources; and
10. Establish administrative, operational, and other procedures to conserve energy and minimize future demand.

(d) The Conservation Element shall be described, at a minimum, in the Conservation Element Map and explanatory text. This map along with companion text shall describe the natural resource conservation and protection areas planned on the university campus. The map and text shall be accompanied by explanatory tabular information as required.

Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(3), 253.034(4) FS. History–New 2-15-94.

6C-21.209 Recreation and Open Space Element.
The purpose of this element is to ensure the provision of adequate and accessible recreation facilities and open space to meet the future needs of the university.

(1) RECREATION AND OPEN SPACE DATA REQUIREMENTS. This element shall be based on the following data requirements, pursuant to subsection 6C-21.203(2), F.A.C.
(a) An inventory of all existing privately-owned, state owned, or local government-owned recreational facilities and open spaces within the context area.
(b) An inventory of all university-owned or managed recreational sites, open spaces, incidental recreation facilities, parks, lakes, forests, reservations, freshwater or saltwater beaches.
(c) A description of the level of service standard(s) established by the host community for each type of recreation facility described in the comprehensive plan of the jurisdiction.
(d) A description of any university-owned recreational facilities or open spaces that have been incorporated in the Recreational and Open Space Element of the host community’s comprehensive plan.

(2) RECREATION AND OPEN SPACE ANALYSIS REQUIREMENTS. This element shall be based upon the following analyses which support the campus master plan pursuant to subsection 6C-21.203(2), F.A.C.
(a) An analysis of the projected needs for recreation and open space facilities required to meet the needs of the projected university population (students, faculty and staff) based on university standards and calculations or established level of service standards.
(b) An assessment of the adequacy of the existing recreational facilities and open spaces to meet the future needs of the university (on-campus, and off-campus), including a description of the extent to which off-campus facilities may meet some or all of the university projected needs.
(c) An assessment of opportunities for alternative future facility siting in order to conserve the supply and character of campus open space.
(d) An analysis of planned future recreation and open space facilities, as adopted by the host community in their comprehensive plan or other best available data.

(3) REQUIREMENTS FOR RECREATION AND OPEN SPACE GOALS, OBJECTIVES AND POLICIES.
(a) The element shall contain one or more goals for recreation and open space facilities.
(b) The element shall contain one or more objectives for each goal which:
1. Coordinate public and private resources to meet the projected demand for recreational facilities and open space; and
2. Ensure that parks, recreational facilities and open space are adequately and efficiently provided.
(c) The element shall contain one or more policy statements which:
1. Establish priorities for development of future recreation and open space facilities;
2. Establish the timing or phasing requirements for development of future athletic, recreation and open space facilities;
3. Select sites for infrastructure and buildings designed to maximize the retention of campus open space;
4. Coordinate provision of recreation and open space facilities on-campus with those provided off-campus by the host facility;
5. Correct or improve existing deficiencies in parks and recreation facilities; and
6. Designate or acquire open space and natural reservations.
(d) The Recreation and Open Space Element shall be described at a minimum in the Recreation and Open Space Element Map and explanatory text. This map and companion text and tabular data shall define the location, size and function of proposed future recreation and open space facilities on the campus. The map and text shall be accompanied by explanatory tabular information as required.
6C-21.210 Intergovernmental Coordination Element.

The purpose of this element is to identify and resolve incompatible goals, objectives, policies and development proposed in campus master plans and to determine and respond to the needs for coordination processes and procedures with adjacent local governments, and regional and state agencies. Intergovernmental coordination shall be utilized to the extent required to carry out the provisions of this chapter.

1. INTERGOVERNMENTAL COORDINATION DATA REQUIREMENTS. This element shall be based on the following data requirements, pursuant to subsection 6C-21.203(2), F.A.C.

   (a) An inventory of all host and affected local governments, and other units of local government providing services but not having regulatory authority over the use of land, independent special districts, water management districts, regional planning councils, and state agencies with which the university coordinates, or which provide services to the university. This inventory shall also include regional or state agencies with land use or environmental regulatory authority, and authorities, independent special districts, and utility companies which provide services to the university.

   (b) For each entity listed in subparagraph (1)(a), the element shall briefly describe the existing coordination mechanisms indicating the subject, the nature of the relationship and the office with primary responsibility for coordination.

2. INTERGOVERNMENTAL COORDINATION ANALYSIS REQUIREMENTS. The element shall be based on the following analyses which support the campus master plan pursuant to subsection 6C-21.203(2), F.A.C.

   (a) The effectiveness of existing coordination mechanisms described in subparagraph (1)(b), such as intergovernmental agreements, joint planning and service agreements, special legislation and joint meetings or work groups which are used to further intergovernmental coordination.

   (b) Specific problems and needs within each of the campus master plan elements which would benefit from improved or additional intergovernmental coordination and means for resolving those problems and needs.

   (c) Growth and development proposed in comprehensive plans in the context area in order to evaluate the needs for additional planning coordination.

3. REQUIREMENTS FOR INTERGOVERNMENTAL COORDINATION GOALS, OBJECTIVES, AND POLICIES.

   (a) The element shall contain one or more goal statements which establish the long-term end toward which intergovernmental coordination activities are ultimately directed.

   (b) The element shall contain one or more specific objectives for each goal which:

      1. Coordinate the campus master plan with the plans of other units of local government providing services but not having regulatory authority over the use of land, and the comprehensive plans of host and affected local governments;
      2. Ensure that the university addresses through coordination mechanisms, the impacts of development proposed in the campus master plan upon development in the context area; and
      3. Ensure coordination in establishing level of service standards for public facilities with any state, regional or local entity having operational and maintenance responsibility for such facilities.

   (c) The element shall contain one or more policies for each objective which shall address programs, activities, or procedures for:

      1. The coordination of planning activities mandated by the various elements of the campus master plan with host and affected local governments, other units of local government providing services but not having regulatory authority over the use of land, the region and the state;
      2. Resolving conflicts with host and affected local governments through informal mediation processes;
      3. The provision of services and information; and
      4. Reviewing the relationship of proposed campus development to the existing comprehensive plans of host and affected local governments.

4. INTERGOVERNMENTAL COORDINATION PROCESS.

   (a) The Intergovernmental Coordination Element shall establish a development review process, to be implemented in conjunction with host and affected local governments, to assess the impacts of proposed development on significant local, regional and state resources and facilities. This shall be a reciprocal process whereby local officials are given an opportunity to review proposed campus development in order to assess its potential impacts on local, regional and state resources and facilities, and whereby university officials are given an opportunity to review proposed development within the context area in order to assess its potential impacts on university resources and facilities. This development review process shall include the following provisions:

      1. Except when otherwise stated in Section 240.155, Florida Statutes, the provisions of the campus master plan and associated campus development agreement supersed the requirements of part II of Chapter 163, Florida Statutes;
      2. Once the campus development agreement is executed, all campus development may proceed without further review by the host local government if it is consistent with the adopted campus master plan and associated campus development agreement;
      3. University officials shall participate and cooperate with local officials in the review of proposed development within the context area to assess potential impacts on university resources and facilities; and
      4. University officials shall participate and cooperate with local officials in the review of proposed campus development to assess potential impacts on local, regional and state resources and facilities until execution of the campus development agreement.
(b) The Intergovernmental Coordination Element shall establish a process for mitigating impacts identified during the development review process. This mitigation process shall include provisions that university officials shall participate and cooperate with local officials in the identification of appropriate strategies to mitigate the impacts of campus development on local, regional and state resources and facilities, and to mitigate the impacts of proposed development within the context area on university resources and facilities.

(c) The Intergovernmental Coordination Element shall include a provision that any dispute between the university and a host or affected local government regarding the assessment or mitigation of impacts shall be resolved in accordance with the process established in subsection 240.155(8), Florida Statutes.

Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(3), (8) FS. History—New 2-15-94.

6C-21.211 Capital Improvements Element.

The purpose of this element is to evaluate the need for public facilities as identified in other campus master plan elements; to estimate the cost of improvements for which the university has fiscal responsibility; to analyze the fiscal capability of the university to finance and construct improvements; to adopt financial policies to guide the funding of improvements; and to schedule the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required based on needs identified in the other campus master plan elements.

(1) CAPITAL IMPROVEMENTS DATA REQUIREMENTS. This element shall be based on the following data requirements, pursuant to subsection 6C-21.203(2), F.A.C.

(a) The element shall be based on the facility needs as identified in the other elements and shall support the future needs as identified in the future land use element.

(b) An inventory of existing and anticipated revenue sources and funding mechanisms available for capital improvement financing, such as ad valorem funds, state funds, federal funds, bonds, impact fees, gas tax, etc.

(c) An inventory of operations and maintenance costs for existing facilities.

(2) CAPITAL IMPROVEMENTS ANALYSIS REQUIREMENTS. The element shall be based on the following analyses which support the campus master plan pursuant to subsection 6C-21.203(2), F.A.C.

(a) An analysis of current university practices that guide the timing and location of construction, extensions or increases in the capacity of university facilities.

(b) An estimate of the cost of each of the on-campus capital improvements identified in the other plan elements, including consideration of inflation factors and the relative priority of need ranking.

(c) An estimate of the cost of future capital improvements that may be required off the university campus to support the future infrastructure and traffic functions of the university.

(d) A description of the basis of the cost estimates.

(e) An assessment of the university’s ability to finance capital improvements.

(f) An analysis comparing the host community’s and university’s cost estimates for future improvements generated by university infrastructure impacts.

(3) REQUIREMENTS FOR CAPITAL IMPROVEMENTS GOALS, OBJECTIVES AND POLICIES.

(a) The element shall contain one or more goal statements which establish the long-term end for the timely and efficient provision of capital facilities through the use of sound fiscal policies.

(b) The element shall contain one or more objectives for each goal and shall address:

1. The coordination of land use decisions and available or projected fiscal resources with a schedule of capital improvements which maintains level of service standards as adopted in the campus master plan and meets existing and projected facility needs;

2. The demonstration of the university’s ability to provide or require provision of the needed improvements identified in the other elements and to manage the expansion or improvement process so that facility needs do not exceed the ability of the university to fund and provide provision of the needed capital improvements; and

3. The use of the capital improvements element as a means to meet the needs of the university for the construction of capital facilities to correct existing deficiencies, to accommodate desired future growth, and to replace worn-out or obsolete facilities.

(c) The element shall contain one or more policies for each objective which address programs and activities for:

1. The establishment of criteria used to evaluate and prioritize capital improvement projects;

2. Provisions for the replacement and renewal of capital facilities;

3. Provisions for the availability of facilities and services needed to support facility construction, expansion or improvement concurrent with the impacts of such construction, expansion or improvement subsequent to the adoption of the master plan;

4. Provisions for the adoption of the capital budget as part of the annual budgeting process to include provisions which are consistent with the campus development agreement; and

5. Provisions for programming the future facility costs to include the cost of the site improvements, utility extensions and associated easements, parking, traffic circulation improvements, etc., necessary for the proper function of the individual facility and to include the cost of facilities necessary to support future capacity requirements.

(4) CAPITAL IMPROVEMENTS IMPLEMENTATION.

(a) The campus master plan shall contain:
1. The schedule of capital improvements for which the university has fiscal responsibility, by year, for the 3-year committed and 10-year projected improvements, which shall reflect the need to reduce existing deficiencies, remain abreast of replacements, and meet future demand; and
   2. A list of projected costs and revenues by type of facility for the planning period, by year.

*Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(3) FS. History–New 2-15-94.*

**6C-21.212 Optional Elements.**
1. If the campus master plan includes optional elements pursuant to subsection 240.155(4), Florida Statutes, such elements shall be related to, and consistent with, all other elements of the campus master plan and meet the requirements specified within Rule 6C-21.203, F.A.C.
2. Optional elements must be completed and transmitted at the same time as the required portions of the campus master plan. Subsequent to initial submittal of the campus master plan, optional amendments that are added will be considered amendments to the campus master plan.
3. Optional elements are not subject to review under this chapter.

*Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(4) FS. History–New 2-15-94.*

**6C-21.213 Campus Master Plan Consistency With the State Comprehensive Plan and Not in Conflict With Local Government Comprehensive Plans.**
1. Each campus master plan shall be consistent with the State Comprehensive Plan and not in conflict with the adopted comprehensive plans of the host local government and any affected local governments. A campus master plan is consistent with the State Comprehensive Plan if the master plan is compatible with and furthers such plan.
2. The term “compatible with” means that the campus master plan is not in conflict with the State Comprehensive Plan or appropriate local government comprehensive plans. The term “furthers” means to take action in the direction of realizing goals or policies of the state or local plans.
3. A campus master plan is in conflict with the adopted comprehensive plans of the host local government and any affected local governments if the master plan promotes an intrinsic or essential lack of harmony with the local government comprehensive plan.
4. For the purpose of determining whether campus master plans are consistent with the State Comprehensive Plan and not in conflict with appropriate local comprehensive plans, the state or local plan shall be construed as a whole and no specific goal and policy shall be construed or applied in isolation from other goals or policies in the plans.
5. Each campus master plan shall address State Comprehensive Plan goals and policies which are relevant to the circumstances or conditions in its jurisdiction. The decision regarding which particular State Comprehensive Plan goals and policies will be furthered by the expenditure of a university’s financial resources in any given year is a decision which rests with the Board of Regents.

*Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(5) FS. History–New 2-15-94.*
6C1 UNIVERSITY OF FLORIDA

CHAPTER 6C1-1 GENERAL

6C1-1.001 University of Florida; Organization. (Repealed)
6C1-1.002 University of Florida; Petition to Initiate Rulemaking Proceeding. (Repealed)
6C1-1.003 University of Florida; Declaratory Statements by University. (Repealed)
6C1-1.004 University of Florida; Hearings, Presentation of Arguments, Presentation of Evidence, Indexing, Management and Availability of Final Orders. (Repealed)
6C1-1.005 University of Florida; Clerk of the University; Service of Papers. (Repealed)
6C1-1.006 University of Florida; Non-Discrimination Policy.
6C1-1.0062 University of Florida; Affirmative Action; Complaints and Appeal Procedures for Academic Personnel (AP), Technical, Executive, Administrative and Managerial Support (TEAMS) Staff Members, and University Support Personnel System (USPS) Employees.
6C1-1.0063 University of Florida; Affirmative Action; Complaints and Appeal Procedures for Academic Personnel (AP), Technical, Executive, Administrative and Managerial Support (TEAMS) Staff Members, and University Support Personnel System (USPS) Employees.
6C1-1.007 University of Florida; Code of Penalties.
6C1-1.008 University of Florida; Disruptive Behavior.
6C1-1.009 University of Florida; Employment of Relatives.
6C1-1.010 University of Florida; Disclosure of Specified Interests. (Repealed)
6C1-1.0101 University of Florida; Policy for Dealing with Conduct in Research.
6C1-1.011 University of Florida; Disclosure and Regulation of Outside Activities and Financial Interests.
6C1-1.012 University of Florida; Tuition-Free Courses.
6C1-1.013 University of Florida; Annual Salary Equity Study. (Repealed)
6C1-1.014 University of Florida; Exit Interview of University Employees. (Repealed)
6C1-1.015 University of Florida; Community Campaign.
6C1-1.016 University of Florida; Admissions.
6C1-1.017 University of Florida; Separations From Employment and Layoff.
6C1-1.018 University of Florida; Works and Inventions.
6C1-1.019 University of Florida; Limited Access Records.
6C1-1.051 University of Florida; Records Management and University Archives. (Repealed)
6C1-1.100 University of Florida; General Personnel Policy.
6C1-1.101 University of Florida; Compensation.
6C1-1.200 University of Florida; Benefits, Retirement Programs, Employment Services, and Holidays.
6C1-1.201 University of Florida; Leaves.
6C1-1.300 University of Florida; Direct Support Organizations.

6C1-1.006 University of Florida; Non-Discrimination Policy.

(1) The University shall actively promote equal opportunity policies and practices conforming to laws against discrimination. The University is committed to non-discrimination with respect to race, creed, color, religion, age, disability, sex, sexual orientation, marital status, national origin, political opinions or affiliations, and veteran status as protected under the Vietnam Era Veterans’ Readjustment Assistance Act. This commitment applies in all areas to students, Academic Personnel (AP), Technical, Executive, Administrative, and Managerial Support (TEAMS) staff, University Support Personnel System (USPS) personnel, and Other Personnel Services (OPS) employees. The University realizes that it must continue to intensify its concern and devote itself to the elimination of conditions from which discrimination spring. In this respect the University accepts the responsibility for solving problems related to these matters. Accordingly, the University will continue to search for the most appropriate ways and means to provide an effective and enduring contribution to the improvement of these relationships.

(2) It is the policy of the University that each employee and student be allowed to work and study in an environment free from any form of discrimination. Sexual harassment is a form of sex discrimination under Title VII of the Civil Rights Act of 1964, and is conduct unbecoming a State employee as provided in Section 110.227, F.S.

(a) Sexual harassment is defined as unwelcome sexual advances, or requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct or request is made either explicitly or implicitly a term or condition of an individual’s employment or academic status,

2. Submission to or rejection of such conduct or request by an individual is used as the basis for employment or academic decisions affecting such individual, or
3. Such conduct or request has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or of creating an intimidating, hostile work-related or academic environment.

(b) Disciplinary Action.

1. Any employee or student of the University who is found to have sexually harassed another employee or applicant for employment or student will be subject to disciplinary action up to and including dismissal or expulsion.

2. Any employee or student in a supervisory capacity who has actual knowledge by direct observation or by receipt of a complaint of sexual harassment involving any of those employees he or she supervises or over whom he or she has managerial authority, and who does not investigate, and, if appropriate, take corrective action or report the matter directly to the President or the President's designee, shall be subject to disciplinary action up to and including dismissal or expulsion.

(3) Complaints and Appeal Procedures. Any employee or student who believes that he or she is a victim of discrimination, including sexual harassment as defined above, may pursue informal resolution of the complaint or may file a formal written complaint in accordance with University Rules 6C1-1.0063 and 6C1-4.012, F.A.C. Employees and students may contact the Vice Provost for Affirmative Action Programs to seek assistance in informally resolving the complaint or in filing a formal complaint or grievance.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), (19) FS. History–New 2-23-82, Amended 3-6-85, Formerly 6C1-1.06, Amended 3-6-85, 11-13-90, 4-30-95, 11-25-03.


(1) Equal Employment Opportunity Policy.

(a) The University shall provide equal employment opportunities and practices for all qualified persons which conform to laws against discrimination on the basis of race, creed, religion, color, marital status, veteran status as protected under the Vietnam Era Veterans’ Readjustment Assistance Act, sex, national origin, disability, political opinions or affiliations, age, or handicap; and to promote the full realization of equal opportunity through a positive, continuing program of affirmative action which shall be aimed at enlarging and expanding the employment opportunities of qualified women and minority groups throughout the University.

(b) The University is committed to three basic goals relating to Equal Employment Opportunities:

1. The analysis of current practices and policies, and the adoption of new or revised practices and policies when necessary, to insure the establishment of specific procedures for equalizing.

2. The elimination and correction of practices and individual inequities which perpetuate or result from discrimination toward women or minority groups.

3. The intensified recruitment and consideration of women and minority groups to insure that candidates and employees with appropriate qualifications, potential, and responsibility are afforded equal opportunity for selection, training, and promotion, and are compensated without discrimination due to race, creed, color, religion, marital status, veteran status as protected under the Vietnam Era Veterans’ Readjustment Assistance Act, sex, national origin, political opinions or affiliations, age, or disability.

(c) The University shall provide for Equal Employment Opportunity by:

1. Recruiting, hiring, training, and promoting persons in all job classifications without discrimination with regard to race, creed, color, religion, veteran status as protected under the Vietnam Era Veterans’ Readjustment Assistance Act, marital status, national origin, political opinions and affiliations, sex, age, or disability, unless specific sex, age, physical or mental disabilities are bona fide occupational qualifications.

2. Insuring that employment and promotion decisions are in accord with existing criteria.

3. Insuring that all personnel actions, benefits, and programs are administered without illegal discrimination.

(2) Affirmative Action Plan for Equal Employment Opportunity – The Affirmative Action Plan for Equal Employment Opportunity, as mandated by Executive Order # 11246, implements the Equal Employment Opportunity Policy stated above. The Plan, pursuant to Rule 6C-5.900, F.A.C., is subject to annual review and change as circumstances require. The Plan contains a set of specific and result-oriented procedures to which the University commits every good faith effort, a work force analysis which identifies deficiencies in the representation of women and minority groups, and goals and timetables to correct the deficiencies and to increase the employment of women and minorities at all levels. See Section 110.112, F.S., and Rules 6C1-1.006 and 6C-5.900, F.A.C.

(3) Administrative Organization of the University’s Affirmative Action Program.

(a) The Provost is designated by the University President as the University’s Chief Administrative Officer for Affirmative Action. He or she shall have the authority and responsibility to take the steps necessary to fully implement the Plan and any changes therein, provide a continuing process for reviewing performance under the Plan, and take corrective action when needed to assure full compliance with the Plan and Rules 6C1-1.0061 and 6C1-1.0062, F.A.C. Penalties for infractions of the University’s Affirmative Action Plan or Rules shall be administered pursuant to Rule 6C1-1.007, F.A.C.

(b) The Provost shall be assisted by the Director of University Equal Opportunity Programs. He or she shall work with University personnel to insure full coordination and compliance with the Plan and Rules governing equal employment opportunity and affirmative action.
(c) The Vice Presidents shall be responsible for the implementation of an affirmative action plan as described below and shall provide assistance to the Provost and Director of University Equal Opportunity Programs.

1. The Vice President for Finance and Administration shall be responsible for implementing the Affirmative Action Plan and Rules for University Support Personnel System and Administrative and Professional Personnel, except for the position of Vice President, and positions defined as instructional faculty in Rule 6C1-7.002, F.A.C. The exceptions shall be under the jurisdiction of the President, or the appropriate Vice President as described in 2. below.

2. The Vice Presidents for Academic Affairs, Agriculture and Natural Resources, and Health Affairs shall be responsible for implementing the Affirmative Action Plan and Rules for faculty and graduate students in his/her area of supervision and insuring that the Divisions, Colleges and units therein comply with same. Each Vice President shall appoint an Affirmative Action Officer for his/her respective area.

(d) Affirmative Action Officers shall serve as liaison between the divisions, colleges, deans and/or directors, and assist the Vice President in matters concerning affirmative action. These officers shall also serve on the Affirmative Action Technical Committee (Vice Presidential level) which shall be chaired by the Director of University Equal Opportunity Programs.

(e) Each Dean or Director shall appoint an Equal Opportunity Officer to serve as liaison between the Affirmative Action Officer for his/her area and the units of his/her division or college. Equal Opportunity Officers shall serve on Affirmative Action Technical Committees (college/division level) within each Vice-Presidential area of responsibility, which shall be chaired by the Vice Presidential Affirmative Action Officer.

(f) The Institute of Food and Agricultural Sciences’ Affirmative Action Officer shall be responsible for implementing the Affirmative Action Plan and Rules for all units in the Institute. IFAS Directors and Department Chairmen shall be directly responsible to the Vice President for Agriculture and Natural Resources for general administrative and personnel matters relating thereto. Employees of the Florida Cooperative Extension Service of IFAS shall be covered by a separate plan as required by the United States Department of Agriculture and the University’s Affirmative Action Plan.

(g) Each department or unit shall devise a departmental plan consistent with the University’s Affirmative Action Plan and Rules. The department chairmen and/or unit administrators shall be responsible for implementing the plan in their respective areas.

(h) A committee may be appointed by the President to serve as an advisory body to the Provost on matters related to affirmative action. The primary duties of this committee will be to assist in the effective implementation of the University’s Affirmative Action Plan and Rules, and to recommend changes in the procedures necessary to insure the same. Recommendations concerning changes in the policies and procedures of the Affirmative Action Plan made by the committee shall be submitted to the Vice Presidents and the Provost for review.

Specific Authority 240.227(1) FS. Law Implemented 110.112, 240.227(5) FS. History–New 2-23-82, Formerly 6C1-1.061, Amended 3-2-87, 4-30-95.

6C1-1.0063 University of Florida; Affirmative Action; Complaints and Appeal Procedures for Academic Personnel (AP), Technical, Executive, Administrative and Managerial Support (TEAMS) Staff Members, and University Support Personnel System (USPS) Employees.

(1) The following procedures are available to Academic Personnel (AP), Technical, Executive, Administrative and Managerial Support (TEAMS) staff, and USPS employees to seek resolution of alleged discrimination in the employment practices of the University. The existence of these appeal procedures do not preclude use of the formal grievance procedures for Academic Personnel and TEAMS staff set forth in Rules 6C1-7.041 and 6C1-3.051, F.A.C., and applicable grievance procedures for USPS employees; however, such grievance procedures must be initiated within applicable time limits, subject to authorized extensions. In no event will any individual be entitled to or permitted to institute proceedings under this rule and Rule 6C1-7.041, 6C1-7.042, or 6C1-3.051, F.A.C., as filing under any one of these rules constitutes a waiver of any right the individual might otherwise have to another university grievance procedure.

(2) AP and exempt TEAMS employees, and applicants for these positions, alleging discrimination in employment practices should seek informal resolution of any such grievance by contacting the administrative officer responsible for the appointment, and/or by filing a written complaint with the Director of University Equal Opportunity Programs or by filing a grievance under an applicable collective bargaining agreement. The Director of University Equal Opportunity Programs shall forward any such written complaint to the head of the college or unit in which the alleged discriminatory act occurred. If the head of the college or unit in which the alleged discriminatory act occurred is the alleged harasser, the complaint will be forwarded to the next higher administrator. If an acceptable solution cannot be achieved, an appeal may be made to successively higher levels of authority, including the appropriate Vice President. Prompt consideration shall be given to the complaint at each level of appeal. If resolution does not occur by these appeals, the Director of University Equal Opportunity Programs shall consider all available information on the matter and submit a report to the Provost describing and recommending what action, if any, should be taken by the University. The Provost shall issue a final decision on the appeal.

(3) USPS employees and non-exempt TEAMS employees and applicants for these positions, alleging discrimination in the employment practices of the University, should seek informal resolution by first contacting the University Equal Opportunity Programs Office which shall determine the nature of the alleged discrimination. The University Equal Opportunity Programs Office shall review the complaint with the complainant to assure that it is fully understood and to determine if an acceptable
solution can be achieved. If resolution does not occur, the University Equal Opportunity Programs Office shall request that the complainant file a written complaint immediately. After the written complaint is received, the University Equal Opportunity Programs Office shall consider all available information about the matter and submit a report to the Provost describing and recommending what action, if any, should be taken by the University. The Provost shall take final action.

(4) This complaint and appeal procedure shall not prevent the aggrieved party from seeking resolution of a complaint through procedures available in other State and Federal agencies.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–New 2-23-82, Amended 3-6-85, Formerly 6C1-1.063, Amended 3-2-87, 11-13-90, 1-7-03.

6C1-1.007 University of Florida; Code of Penalties.

(1) The following constitutes a uniform code of penalties for violation of University of Florida rules which the President or the President's designee is authorized to impose on students, Academic Personnel (AP), Technical, Executive, Administrative and Managerial Support (TEAMS), and University Support Personnel System (USPS) personnel (hereinafter “employees”):

(a) Penalties for violation of standards of academic honesty, such as plagiarism, cheating, and other activities which interfere with the educational mission of the University, range from counseling to expulsion in the case of students or oral reprimand to termination in the case of employees.

(b) Penalties for failure to pay debts owed the University range from the assessment of a penalty fee to withholding of official records or benefits for both students and employees.

(c) Penalties for violation of standards of conduct range from counseling to expulsion in the case of students, or oral reprimand to termination in the case of employees.

(d) Penalties for violation of employment contracts range from oral reprimand to termination.

(e) Penalties for falsification of records range from oral reprimand to expulsion or revocation of degrees in the case of students and former students, or from oral reprimand to termination in the case of employees.

(2) These remedies are not exclusive of other remedies provided under law.

Specific Authority 1001.74(4), 1006.60, 1006.61, 1012.92 FS. Law Implemented 1001.74(10), (19), 1001.75(3), 1006.60, 1006.61, 1006.62, 1012.92 FS. History–New 4-25-80, Formerly 6C1-7.46, Amended 3-25-85, Formerly 6C1-1.07, Amended 3-2-87, 3-12-03.

6C1-1.008 University of Florida; Disruptive Behavior.

(1) Academic Personnel (AP), students, Technical, Executive, Administrative and Managerial Support (TEAMS) employees, and any other employees [hereinafter referred to as “member(s)” of the University], who intentionally act to impair, interfere with, or obstruct the mission, purposes, order, operations, processes, and functions of the University shall be subject to appropriate disciplinary action by University authorities for misconduct, as set forth in the applicable rules of the University of Florida, Rules 6C1-3.046, 6C1-3.047, 6C1-4.016, and 6C1-7.048, F.A.C., and state law governing such actions. Disruptive conduct shall include, but not be limited to, the following:

(a) Violence or threat of violence to others or against one’s self.

(b) Theft, conversion, misuse, damage or destruction of University property or of the property of members of the University community.

(c) Interference with the freedom of movement of any member or guest of the University.

(d) Interference with or impeding the rights of others to carry out their activities or duties at or on behalf of the University or in entering, using or leaving any University facility or scheduled activity.

(e) Interference with academic freedom and freedom of speech of any member or guest of the University.

(f) Non-compliance with written or oral requests or orders of authorized University personnel in the performance of their official duties.

(g) Providing false information to University officials, withholding required information from University officials or others, or misusing University documents.

(h) Possession or use of fireworks, explosives, dangerous chemicals, ammunition, or weapons on campus or in areas controlled by the University of Florida, without the written approval of the appropriate University authority.

(i) Creating or in any way initiating a false alarm.

(j) Misuse of, or interference with, firefighting equipment.

(k) Disturbing the peace.

(l) Violation of the University policy concerning the use of alcoholic beverages on campus or in areas controlled by the University of Florida, Rule 6C1-2.019, F.A.C.

(m) Illegal possession or misuse of drugs and other controlled substances.

(n) Unauthorized solicitation of funds. Refer to Rules 6C1-2.003 and 6C1-4.006, F.A.C.

(o) Violation of the Laws of Florida or of the United States. Any act that could constitute a violation of the laws of this state or nation will establish cause for legal and/or disciplinary action by the University.

(p) Endangering the health, safety and welfare of members or guests of the University.

(q) Actions or statements which by design or intent amount to intimidation or hazing or abuse of others.
(r) Sexually harassing a member or guest of the University.
(s) Actions which impair, interfere with or obstruct, or aid and abet, or initiate the impairment, interference with or obstruction of the orderly conduct, processes and functions of the University.

(2) This rule shall apply to acts conducted on or off campus when relevant to the orderly conduct, processes and functions of the University.

Specific Authority 1001.74(4), 1012.92 FS. Law Implemented 1001.74(19), 1012.92 FS. History–New 3-26-80, Formerly 6C1-7.45, Amended 3-25-85, Formerly 6C1-1.08, Amended 7-27-98, 6-24-99, 2-3-03.

6C1-1.009 University of Florida; Employment of Relatives.

(1) Employment of related persons in a single organizational unit or in job-related organizational units, where such employment involves a conflict of interest, actual or potential, such as where the employee has or could have direct or indirect administrative or decision-making authority over the related person or where the decisions of such employee may affect such other person, is discouraged, except where the employment of a related person becomes necessary due to a shortage of qualified personnel. No such related person shall be employed unless his or her employment shall have been individually approved in writing by the Dean of the college in which the individual is to be employed, or, for non-academic units, the Director of the unit and the Director of Division of Human Resources. If the prospective employee is a relative of the Dean, the Provost must approve the employment. Requests for approval should be submitted through the appropriate administrative channels prior to the offer of employment. A person employed under this policy will have the same rights and privileges as any other University employee.

(2) Relatives or related persons means individuals who are related as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5) FS. History–New 3-26-80, Formerly 6C1-7.40, Amended 3-6-85, Formerly 6C1-1.09, Amended 3-22-01.

6C1-1.0101 University of Florida; Policy for Dealing with Conduct in Research.

(1) University Policy – It is the policy of the University that each individual faculty and staff member and student is expected to maintain high ethical standards in the conduct and reporting of his/her research. Should alleged incidents of misconduct in research occur, reporting of such possible violations is a shared responsibility, and it is the duty of the faculty, staff members and students to respond in a fitting manner to resolve issues arising from such alleged misconduct.

(2) Faculty, Staff, and Student Responsibilities – Faculty members, staff, and students at the University of Florida are expected to maintain ethical standards in the conduct and reporting of scientific and scholarly research. Faculty, staff, and students have responsibilities for ethical conduct in research not only to the University, but also to the community at large, to the academic community, and to private and public institutions sponsoring the research activities.

(3) Definition of Misconduct – Misconduct or research misconduct is defined for the purposes of this rule as the violation of accepted standards of scientific or scholarly research in proposing, carrying out or reporting results, such as fabrication, falsification, plagiarism, selective reporting or the omission of conflicting data, or other serious deviations from accepted practices in proposing, carrying out, or reporting results from research. It does not include honest error or honest differences in interpretations or judgments of data. Failure to comply with federal requirements affecting specific aspects of conducting research, misappropriation of federal funds, failing to comply with the University’s Institutional Review Board policies and procedures, or other inappropriate actions in research which do not fall within the definition of research misconduct as stated in this paragraph and which are in violation of existing University rules or policies are addressed under such other rules or policies.

(4) Basic Principles Governing Investigations of Alleged Misconduct in Research – If allegations of misconduct in research are made, the procedures implemented may vary depending on the type, seriousness, and technical nature of the alleged misconduct. Faculty, staff, and students will be guided by the following principles:

(a) The rights of all faculty members, staff, and students of the University must be protected to the greatest extent possible, whether they be the accused or whether they be the accusers, during the process of inquiry, investigation and fact finding, including protecting the privacy of the accused and of those who in good faith report alleged misconduct. There shall be no recrimination toward a person bringing an allegation in good faith, and retaliatory conduct against persons acting in good faith will be deemed misconduct subject to disciplinary action. If an allegation is found to have been brought maliciously or in bad faith, the filing of the complaint can be cause for a finding of misconduct and subsequent disciplinary action against the complainant in accordance with University rules or the applicable collective bargaining agreement.

(b) University rules and/or applicable collective bargaining agreement provisions shall govern any formal disciplinary proceedings initiated in response to a finding by the investigating authority of misconduct in research.

(c) Confidentiality shall be maintained throughout an inquiry or investigation of alleged research misconduct to the greatest extent possible and consistent with the laws of the State of Florida and federal law. Inappropriate dissemination of information relating to a misconduct allegation can form the basis for a finding of misconduct and subsequent disciplinary action against faculty, staff, or students.
(d) Precautions shall be taken against real or apparent conflict of interests of individuals involved in an inquiry or investigation of an allegation of research misconduct.


(a) Filing the Allegation of Misconduct. Allegations of research misconduct should be filed by anyone who has reason to believe that such misconduct has occurred. Such an allegation should be brought to the administrative officer to whom the accused reports, e.g., supervisor, department chairperson, dean or director. The complainant may wish to discuss the matter with the administrator before filing an allegation in which case the administrator shall determine whether resolution through informal evaluation and discussion is possible, including determining whether the complainant’s concerns are unjustified, mistaken, or frivolous. Such allegation normally should be put in writing and signed and should state the specific grounds for the allegation of misconduct. Any relevant documentation supporting the allegation should be included with the complaint.

(b) Processing the Allegation of Misconduct – Pre-Inquiry Review. The administrator to whom the allegation has been made shall immediately inform the dean (or director) of the college (or school), in writing of the allegation with a copy to the Vice President for Research. The administrator charged with reviewing the allegation shall meet as soon as possible with the complainant to discuss the allegation. If the allegation is determined to be wholly lacking in any basis, the allegation shall be dismissed. A record of the allegation, the steps taken to review the allegation, and the basis for its dismissal shall be maintained by the Vice President for Research or designee.

(c) Inquiry Process.

1. Upon determining that there is some evidence that the allegation may have basis, the administrator reviewing the allegation shall proceed with an inquiry into the allegation. The administrator reviewing the allegation shall be responsible for notifying the accused in writing of the allegation, advising the accused of the procedures to be followed by the University, affording the accused an opportunity to respond to the allegation, and keeping the accused informed of the progress of the inquiry process. The accused shall be provided with a copy of this rule describing the procedures to be followed. The accused has the right to retain legal counsel.

2. All original research data or other information involved in the allegation should be secured by the administrator who has assumed the responsibility for conducting the inquiry. Such action shall not constitute disciplinary action, but is meant to preserve the data or information. Prior to securing the data, the accused shall be informed of the reasons for securing the data unless there is a concern that the data or information will be lost, adulterated, altered, made inaccessible or otherwise compromised. Measures shall be taken to protect the accused from unreasonable searches. Upon request, the accused shall be provided a reasonable means of access to the data or to legible reproductions.

3. In the case of joint or affiliate appointments or collaborative research projects, the dean or director where the accused holds his/her primary appointment, or the Vice President for Research, shall decide if other administrative units should be involved in the inquiry.

4. The administrator shall conduct an inquiry into the allegation. The inquiry shall be concluded within sixty (60) calendar days of the receipt of the allegation unless circumstances clearly warrant a longer period. If the inquiry takes longer than sixty (60) calendar days from the date of the allegation to complete, the record of the inquiry shall include documentation of the reasons for exceeding the sixty (60) day period. Upon conclusion of the inquiry, the administrator responsible for conducting the inquiry shall submit a written report of the findings to the Vice President for Research or designee and to the accused indicating that:

a. The findings of the inquiry do not provide any reasonable substantiation of the allegation or that the allegation as substantiated does not fall within the definition of scientific misconduct, or

b. The findings of the inquiry indicate that there is some credible evidence that scientific misconduct has occurred so as to warrant an investigation.

In addition to the conclusion reached, the written report shall state what evidence was reviewed and shall summarize the relevant interviews. The accused shall be provided with a copy of the report and the accused’s comments on the report, if any, will be made part of the record. Detailed documentation of the inquiry shall be maintained in a secure manner for at least three years following the termination of the inquiry or subsequent investigation at the office of the Vice President for Research or designee and shall, upon request, be provided to authorized sponsoring agency personnel.

(6) Post-Inquiry Procedures.

(a) Upon receipt of the report, the Vice President for Research or designee shall review the report and proceed in the following manner:

1. In cases where the administrator conducting the inquiry has found no sufficient basis for conducting an investigation, the inquiry shall be terminated unless the Vice President for Research or designee, after assessing the reasons given for the conclusion that an investigation is not warranted, determines that an investigation is warranted. In cases where the inquiry is terminated, the accused shall be notified and detailed documentation of the inquiry shall be maintained in accordance with subsection (8) below.

2. In cases where the findings of the administrator conducting the inquiry provide a sufficient basis for conducting an investigation, the Vice President for Research or designee shall initiate an investigation within twenty (20) calendar days of the completion of the inquiry and shall constitute an ad hoc College Research Advisory Committee to conduct the investigation. The ad hoc College Research Advisory Committee will consist of three or more faculty members or other employees who have sufficient expertise in the subject matter under investigation. The Committee shall be given the authority and assistance necessary to conduct a thorough investigation of the allegation. Such investigation shall commence no later than ten (10) calendar days after the Committee’s appointment. The accused shall upon request be given access to all relevant documents reviewed by the Committee.

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(b) In the case of federally-sponsored research, the decision to proceed with an investigation shall be reported in writing to the designated office (Office of Research Integrity, Inspector General, etc.) of the sponsoring agency or agencies supporting the research on or before the date of the initiation of such an investigation. The notification to the sponsoring agency shall, at a minimum, include the name of the person(s) against whom the allegations have been made, the general nature of the allegation, and the application or grant number(s) involved. A copy of the notification shall be furnished to the accused and the accused’s dean or director. If the results of the investigation contain any reasonable indication of possible criminal law violations, the Vice President for Research or designee shall notify the official as designated by the agency’s regulations within twenty-four (24) hours of obtaining such an indication. The Vice President for Research or designee shall keep the designated agency official apprised of any development during the course of the investigation which discloses facts that may affect current or potential agency funding for the individual(s) under investigation or that the agency needs to know to ensure appropriate use of federal funds and otherwise protect the public interest. The Vice President for Research or designee shall take interim administrative actions, as appropriate, to protect federal funds and insure that the purposes of the federal financial assistance are carried out. The Vice President for Research or designee is responsible for notifying the designated agency official(s) at any stage in the inquiry or investigation if there exists (i) an immediate health hazard, (ii) an immediate need to protect federal funds or equipment, (iii) an immediate need to protect the interests of the person(s) making the allegations or of the accused, co-investigators or colleagues, or (iv) probability that the allegations will be reported publicly.

The Vice-President or designee normally will wait until the outcome of the investigation to notify others, such as corporate sponsors, journal editors, co-authors or affiliated institutions, of the allegation of misconduct, unless there exists compelling reasons in the judgment of the Vice President for Research or designee such as a danger to human health, welfare, or safety. Throughout the notification process outlined above, all communications to sponsoring agencies, institutions, organizations, and representatives thereof shall emphasize that no finding of guilt has been made at that time.

(c) The Committee shall complete a thorough investigation of the allegation within one hundred twenty (120) calendar days of the initiation of the investigation. If the Committee determines that it will not be able to complete the investigation within one hundred twenty (120) calendar days, it must notify the Vice President for Research or designee. If the investigation will not be completed within one hundred twenty (120) calendar days, the Vice President for Research or designee shall submit to the designated agency official, if federally-sponsored research is involved, a written request for an extension and an explanation for the delay that includes an interim report on the progress to date and an estimate for the date of completion of the final report. The 120 calendar day time limitation shall include conducting the investigation, preparing the report of findings, making that report available for comment by the subjects of the investigation, and submitting the report to the designated agency official. If the Vice President for Research or designee plans to terminate an inquiry or investigation for any reason without completing all relevant requirements under federal law with regard to federally-sponsored research, a report of such planned termination, including a description of the reasons of such termination shall be made to the designated agency official which will then decide whether further investigation should be undertaken.

Whenever possible, interviews should be conducted of all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations; complete summaries of these interviews should be prepared, provided to the interviewed party for comments or revision, and included as part of the investigative file. Throughout the investigation, confidentiality shall be maintained to the greatest extent possible, consistent with the laws of the State of Florida and Federal law. All individuals involved in the investigation should be informed of the confidentiality requirements. The Committee shall prepare and maintain the documentation to substantiate the investigation’s findings. This documentation is to be made available to the designated agency official in the case of federally-sponsored research.

(d) After completing its investigation, the Committee shall submit its findings and recommendations, in writing, to the Vice President for Research or designee. If a federally-sponsored project is involved, the final report submitted to the designated agency official must include a description of the policies and the procedure under which the investigation was conducted, how and from whom information was obtained, the findings, and the basis for the findings, and include the actual text or an accurate summary of the views of any individuals found to have engaged in misconduct. The Committee shall attach to the report a list of documents or other information it considered in its investigation of the allegation. Prior to forwarding the final report to the Vice President for Research or designee, the Committee shall provide a draft report to the accused who shall have the right to respond to the Committee in person or in writing within a specified period of time. The Committee shall consider such response in finalizing its report. The person(s) who raised the allegations should be provided with those portions of the report that address their role and opinions in the investigation.

(e) The Vice President for Research or designee shall review the Committee’s report and take such actions as indicated in subsection (7) below.

(7) Action Following Investigation.

(a) If the Committee finds that the evidence indicates that the accused has not engaged in misconduct, the Vice President for Research or designee shall promptly notify all appropriate individuals of the Committee’s findings, including the accused. In the event notification of the allegations has been sent to sponsoring agencies or others, the Vice President for Research or designee shall promptly notify all such individuals of the outcome of the investigation.
(b) If the Committee finds that the evidence indicates that the accused has engaged in misconduct, the Vice President for Research or designee and the administrator responsible for the appointment and assignment of the accused shall review the Committee’s report and shall, within fifteen (15) calendar days of receipt of the Committee’s report or as soon thereafter as possible, make a preliminary determination as to the action to be taken by the University. The accused shall be promptly informed of such action to be taken and the reasons therefor. If a federally-sponsored project is involved, the Vice President for Research or designee shall provide the designated agency official with a copy of the Committee’s report and shall inform the designated agency official of the action taken by the University as well as a description of any sanction(s) taken. Formal action will be taken in accordance with the appropriate provisions of University of Florida rules or the applicable collective bargaining agreements as University procedures require. Examples of such action include, but are not limited to, the following: removal from a research project, monitoring and reporting of future research, reprimand, salary reduction, rank reduction, suspension, or termination.

(c) If formal proceedings are initiated by the accused and the outcome of the proceedings is favorable to the accused, the appropriate Vice Presidents, Dean or Director shall make every effort to clear the record of the accused with sponsoring agencies and other appropriate individuals or institutions, and to undertake diligent efforts to protect the positions and reputations of those persons who in good faith made allegations, and shall notify the agencies, individuals or institutions of the outcome of the investigation.

(d) If formal proceedings result in a finding of misconduct, the designated official of the sponsoring agency and other appropriate individuals or institutions, including editors of relevant journals, shall immediately be notified. All findings of the proceeding shall be incorporated into the personnel file of the accused.

(8) Records. Records pertaining to the allegation, inquiry and investigation shall be maintained in a secure manner for a period of at least three years by the Vice President for Research or designee after the termination of the inquiry or investigation, and shall, upon request, be provided to authorized funding agency personnel. If a federally-sponsored project is involved, the records shall be maintained in accordance with federal regulations.

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6C1-1.011 University of Florida; Disclosure and Regulation of Outside Activities and Financial Interests.

(1) General Requirements.

(a) The faculty and staff members of the University of Florida must be committed to the University’s goals of teaching, research, and service and recognize that their primary professional responsibility is to the University. Employees of the University may also engage in outside employment, consulting, and other similar activities. These activities may further the dissemination and use of the knowledge and expertise developed at the University and may also advance the professional competence and reputation of the faculty and staff members. Thus, participation in outside activities often serves the mission of the University in addition to benefiting individual employees. Such activities and the financial interests of faculty and staff members are, however, of concern to the University if they result in conflicts with the employees’ duties and responsibilities to the institution. It is the policy of the University that faculty and staff members may participate in outside activities and hold financial interests as long as the activities and interests do not conflict with their duties and responsibilities.

(b) All University of Florida employees, which includes Academic Personnel (AP), Technical, Executive, Administrative and Managerial Support (TEAMS) employees, University Support Personnel System (USPS) employees, and Other Personnel Services (OPS) employees, are responsible for the full and faithful performance of their professional or institutional responsibilities and obligations.

(c) All University employees are bound to observe, in all official acts, the highest standards of ethics consistent with the code of ethics of the State of Florida (Chapter 112, Part III, F.S.), the advisory opinions rendered with respect thereto, and the rules of the University of Florida.

(d) No employee shall solicit or accept anything of value that is based upon an understanding that the official action or judgment of the employee would be influenced thereby.

(e) No employee shall have an employment or contractual relationship or engage in a business or personal activity that will create a continuing or frequently recurring conflict between that employee’s private interest and the performance of the employee’s official duties.

(f) An employee engaging in an outside activity must take reasonable precautions to ensure that the outside employer or other recipient of services understands that the employee is engaging in such outside activity as a private citizen and not as an employee, agent, or spokesperson of the University.

(2) Definitions.

(a) “Outside activity” shall mean any private practice, private consulting, employment, teaching, research, business (including managerial interests or positions), or other activity, compensated or uncompensated, which is not part of the employee’s assigned duties and for which the University provides no compensation.

(b) “Conflict of interest,” shall mean:

1. Any conflict between the private interests of the employee and the public interests of the University of Florida or the State of Florida, including conflicts of interest specified under Florida Statutes; or
2. Any outside activity or financial interest which interferes with the full and faithful performance of the employee’s professional or institutional responsibilities or obligations.

3. Activities and Financial Interests To Be Reported.
   (a) The following outside activities and financial interests must be reported prior to engaging in the activity:
   1. Outside activities in which there is more than an incidental use of University facilities, equipment, and/or services.
   2. Outside activities in which a University student or other University employee is directly or indirectly supervised by the employee if the employee in any way supervises or evaluates the student or other employee at the University.
   3. Management, employment, consulting, and other contractual activities with, or ownership interest in, a business entity or state agency which does business with the University. In the case of material financial and managerial interests, the information required extends to the spouse and/or children of the employee, and for managerial interests, to relatives.
      a. Material financial interest is defined as direct or indirect ownership of more than five (5) percent of the total assets or capital stock of the business entity.
      b. Managerial interest includes serving as an officer, director, partner, proprietor, etc. of the business entity.
      c. If the business entity or state agency with which the employee has a contractual relationship or in which the employee, the employee’s spouse and/or children have an ownership interest wishes to enter into a licensing or research agreement with the University, an exemption allowing such an agreement may be approved by the President or the President’s designee and the Chair of the Board of Trustees. Application for this exemption is made through the Office of Research and Graduate Programs.
      d. If the employee is disclosing a material financial interest or managerial interest, the employee, if involved in the procurement process, is responsible for ensuring that written authorization by the President or the President’s designee is attached to each applicable requisition to purchase.
   4. Management, employment, consulting, and other contractual activities with, or ownership interest in, a business entity which competes with the University.
   5. Candidacy for or holding a public office.
   6. Required use of books, supplies, or other instructional resources at the University of Florida when they are created or published by the employee or by an entity in which the employee has a financial interest.
   7. Professional compensated activities, including but not limited to honoraria in excess of travel expenses, teaching at another institution, and employment as an expert witness.
   8. Business activities, including service on the board of directors or other management interests or position, with regard to a business entity in the same discipline or field in which the faculty or staff member is employed.
   9. Any employment, contractual relationship, or financial interests, including intellectual property rights, of the employee which may create a continuing or recurring conflict between the employee’s interests and the performance of the employee’s public responsibilities and obligations, including time commitments. This includes any outside activity in which the employee is required to waive rights to intellectual property.
      (b) Any employee submitting a federal grant or contract proposal or conducting research or educational activities pursuant to a federal grant or contract must adhere to the applicable requirements of the funding agency, including those involving the disclosure and regulation of outside activities and financial interests. Therefore, any employee submitting a grant or contract proposal to the Public Health Service or the National Science Foundation or conducting research or educational activities pursuant to such a grant or contract as an investigator must report outside activities and financial interests (including activities and interests of the investigator’s spouse and/or dependent children) that would reasonably appear to be affected by the proposed or funded research or educational activities, including interests in entities that would be so affected. An “investigator” is defined as the principal investigator, co-principal investigator, or any other employee responsible for the design, conduct, or reporting of the proposed or funded research or educational activities. The initial report must be made at the time the proposal is submitted.
      (c) Outside activities which the employee should conclude may create an actual or apparent conflict of interest, including conflict of time commitments, which are otherwise not required to be reported under paragraph (3)(a) or (b) of this rule must be reported as soon as practicable.
      (d) The selection and use of instructional materials in which the employee has a financial interest are subject to the following guidelines.
   1. Employees who are instructors are responsible for the assignment of instructional materials, such as textbooks and other academic materials, for use by their students. The selection of these materials must be made for academic reasons and not based on financial gains for the individual employee or the University.
   2. An employee may not receive personal remuneration for materials created or developed exclusively for use in University of Florida courses or other University instructional activities. Examples of such materials are class notes, annotated syllabi, and course packs.
   3. If an employee may financially benefit from the sale of instructional materials not created or developed exclusively for use in the employee’s classroom, the employee’s other instructional activities, or other University of Florida instructional activities, the materials are to be assigned only under the following conditions:
      a. The department chair and dean or director have approved such an arrangement on the University’s Disclosure of Outside Activities and Financial Interests (form OAA-GA-L-267/rev. 5/01), submitted by the employee who may benefit financially, and
b. Sufficient numbers of copies of the instructional materials are placed on reserve in the University Libraries for use by students in the course or other instructional activity.

4. Works of a University employee may be owned by the University or by the individual. The classroom use of instructional materials owned by the University of Florida may financially benefit the employee, department, college, and the University. In such cases, in addition to the above constraints, the unit administration is advised to take any additional steps necessary to ensure that the selection and use of these materials are based on appropriate academic grounds.

(e) The reporting requirements of this rule shall apply to full-time and part-time employees. Unless otherwise required under federal grant regulations, the reporting requirements shall not apply to activities performed wholly during an interval of the year in which the employee is assigned no professional or institutional responsibilities and obligations by the University.


(a) The University’s form OAA-GA-L-267/rev. 5/01 entitled, “Disclosure of Outside Activities and Financial Interests” shall be filed with the President or designee, who shall normally be a dean, director, or vice president. The form (OAA-GA-L-267/rev. 5/01), which is incorporated by reference, may be obtained in the college or unit administrative offices. The form must be completed and filed at the beginning of the contractual year of employment, prior to such time as the outside activity or financial interest begins, or at such time as disclosure is required under applicable federal grant requirements. If a material change in the information presented occurs during the contractual year, a new form must be submitted. The following information is required as to each outside activity or financial interest reported:

1. Name of employing entity, person, client or other recipient of services, or name of entity in which the financial interest is held, and nature of its business. In the case of service as an expert witness or representation of a party in a lawsuit, the party represented or employing the expert must be identified along with all other parties involved in the matter.

2. Source of compensation, including client fees.

3. Involvement of students and other employees in the activity, employing entity, or entity in which the financial interest is held.

4. Nature of activity or financial interest (description of equity interest or intellectual property), including time spent if an activity is involved (estimated hours per week including travel).

5. Location and anticipated dates of activity.

6. Any conditions of the activity which involve waiving or impairing the employee’s or University’s right to intellectual property.

7. Use of University equipment, facilities, or services in connection with the activity.

8. Number of outside activities and financial interests filed for the current contractual year.

9. Prior approval of the activity or financial interest in the previous contractual year, if applicable.

(b) If there are any questions regarding a potential conflict of interest, the employee should discuss the activity or financial interest with his/her chairperson or immediate supervisor.

(c) In the event the proposed outside activity or financial interest is deemed by the President or designee to represent a potential conflict of interest the matter shall be discussed with the individual as soon as possible.

(d) If the President or designee finds, following such discussion, that the proposed outside activity or financial interest represents a conflict of interest, the President or the President’s designee shall promptly notify the employee of the decision that the employee may not engage in the proposed activity while employed at the University or of the conditions under which the outside activity or financial interest may be permitted.

(e) Authorization for an outside activity or financial interests is granted for a specific period of time, not to exceed one year ending June 30th. If the outside activity is to extend beyond June 30th, a new Disclosure of Outside Activities and Financial Interests must be submitted prior to July 1 of each year for the new fiscal-year period. If the outside activity or financial interest is permitted with conditions, the employee is required to adhere to the conditions during the period that the activity or financial interest is authorized.

(f) Academic Personnel and exempt TEAMS employees are required to indicate on the annual employment contract or notice of appointment whether they are involved in outside activities or have financial interests required to be reported under this rule. If the answer is affirmative, the Academic Personnel or exempt TEAMS employee may attach the Disclosure of Outside Activities and Financial Interests to the contract or notice of appointment or submit the report(s) through the appropriate administrative channels.

5. Disclosure and Approval Procedures for USPS, OPS, and non-exempt TEAMS Employees.

(a) A USPS, OPS, or non-exempt TEAMS employee who proposes to engage in any outside activity must report to the employee’s immediate supervisor as soon as practical the particulars of such employment. The immediate supervisor shall initially determine whether the proposed outside activity or financial interest appears to constitute a conflict of interest. The immediate supervisor shall report his or her determination to the next level supervisor. If they determine that the proposed outside activity or financial interest appears to constitute such a conflict of interest, the matter shall be discussed with the director, department chairperson or higher supervisory designee in the employee’s work area, immediately. If the director, department chairperson or higher supervisory designee finds, following such discussion, that the proposed outside activity or financial interest is a conflict of
interest, the employee shall be notified promptly of the decision that he or she may not engage in the proposed activity while employed as a USPS, OPS, or non-exempt TEAMS employee or of the conditions under which the outside activity or financial interest may be permitted.

(b) USPS, OPS, and non-exempt TEAMS employees are required to disclose in writing outside activities with, or financial interests in, a business entity or a state agency which does business with the University, candidacy for or holding a public office, and activities and financial interests required to be reported under paragraph (3)(b) of this rule. The Disclosure of Outside Activities and Financial Interests is to be used for these purposes.

(c) Authorization for an outside activity or financial interest is granted for a specified period of time, not to exceed one year ending June 30th. If the outside activity is to extend beyond June 30th, a new report must be made to the employee’s immediate supervisor and Disclosure of Outside Activities and Financial Interests, if needed, must be submitted prior to July 1 of each year for the new fiscal-year period. If the outside activity or financial interest is permitted with conditions, the employee is required to adhere to the conditions during the period that the activity or financial interest is authorized.

(6) Disclosure and Approval Procedures for Additional University Employment and Employment by a State Agency. An employee who wishes to engage in outside employment by an agency of the State of Florida or another state university must submit a Request for Approval of Additional University Employment and State of Florida Employment (form HR-600-10/02), which is incorporated by reference, to the appropriate administrative officials and obtain approval prior to engaging in such activity. A copy of this form may be obtained in the college or unit administrative offices. No “Disclosure of Outside Activities and Financial Interests” need be filed for the activity as the completion of the “Request for Approval of Additional University Employment and State of Florida Employment” form fulfills the employee’s obligation to report. The same procedure is used for those employees who are employed in excess of one full-time equivalent position at the University or who receive compensation as a University employee simultaneously from any appropriation other than appropriations for salaries. An exception to this procedure is employment by the University Press of Florida (UPF). Approval of UPF employment is granted by the President or designee, and such approval, which is submitted by the UPF to the Office of Academic Affairs, fulfills the employee’s obligation to report the activity.

(7) Procedure for Requesting Use of University Resources. If an employee has the University’s approval to engage in outside activity, the employee may request approval for the use of University equipment, facilities, or services in connection with the outside activity. The University must approve the use in advance. The employee must request such approval by completing and submitting the University’s form OAA-GA-L-268/10-2002 entitled Request to Use University Equipment, Facilities, and Services in Conjunction with Non-University Outside Activity, which is incorporated by reference, and may be obtained in the college or unit administrative offices. In the case of Academic Personnel and exempt TEAMS employees, the form should be attached to the Disclosure of Outside Activities and Financial Interests. In the case of USPS, OPS, or non-exempt TEAMS employees, the report should be submitted to the supervisor. The use of any of these resources will be allowed only on a non-interference basis, and there may be a charge for such use.

Specific Authority 1001.74(4) FS. Law Implemented 112.313, 112.3185, 1001.74(6), (19), 1001.75(3) FS. History–New 5-28-80, Formerly 6C1-7.391, Amended 3-6-85, Formerly 6C1-1.11, Amended 3-2-87, 5-21-89, 7-11-94, 4-30-95, 12-12-95, 6-28-98, 6-21-00, 5-22-01, 1-7-03.

6C1-1.012 University of Florida; Tuition-Free Courses.

(1) The University of Florida deeply values the education of its employees and strongly encourages its staff to pursue educational opportunities for professional growth and development. To this end, the university has adopted the Employee Education Program (“EEP”), which is described in subsection (1) of this rule.

(a) Full-time University of Florida Academic Personnel (AP), Technical, Executive, Administrative and Managerial Support (TEAMS) employees and University Support Personnel System (USPS) employees in good standing who have been employed for at least six (6) months are eligible to apply for enrollment in up to 6 credit hours of instruction per semester at the University of Florida. Such employees with a principal place of employment outside of Alachua County are eligible to apply for enrollment in up to 6 hours of instruction per semester at the state university in Florida closest to the place of employment. USPS employees must have attained permanent status to participate in this program. It shall be the sole discretion of the employee’s department chair or equivalent unit administrator as to the number of credit hours, up to six, that may be registered for under this program each semester. Participation in the EEP is neither a benefit of employment nor a guaranteed right.

1. Participating employees must meet academic requirements and be in an established position on the date that fees are due. The University will establish the periods of enrollment each semester for employees registering for courses to be paid for by this program.

2. This program does not permit enrollment in thesis, dissertation, internships, directed individual study, individual performance courses, non-credit courses, and sponsored credit programs, off-book programs, and some distance education course offerings. A participating employee must be admitted to the University as a degree or non-degree seeking student. Courses taken in a non-degree seeking status may not apply to a degree program.

3. In order to continue to participate in the EEP, an employee must achieve a passing grade in and complete all courses taken in the EEP program.

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(b) This program is not available to OPS or part-time personnel or employees assigned to temporary, visiting or probationary appointments. As a result, graduate assistants, residents, and some faculty members are not eligible to participate.

1. The costs associated with non-credit courses and program offerings otherwise required as an extension of regular employee training are not covered under this program. The University’s fee petition and fee refund policies and procedures are not applicable to courses taken through this program. Therefore, there is no petition process for a refund of any fees paid.

2. No employee may participate in both the EEP and either the Department of Management Services’ State Employee Education Voucher Program or the State Employee Fee Waiver Program in the same semester. No employee may participate in both the EEP and the TEAMS Employee Development Program set forth in subsection 6C1-1.200(6), F.A.C., in the same semester.

(c) To the extent possible, class attendance should be scheduled during non-working hours. If any University employee enrolls for a course during working hours, all time taken during that period, including time taken in traveling to and from classes, shall be charged to annual or compensatory leave or leave without pay, unless the work schedule has been adjusted to accommodate the class, subject to approval by the appropriate supervisor or administrator.

(d) The employee must complete the application form, available from the Division of Human Resources at 317 Stadium West and from the Division’s website, and must secure written approval from his or her department chair or equivalent unit administrator. The employee’s department chair or equivalent unit administrator must certify that each course involved is job related, that the employee meets the employment requirements for participation, and that the time used is covered by appropriate leave or schedule adjustment. In this regard, the department chair or equivalent unit administrator may view each course individually or as part of an overall degree program meant to improve job skills. The completed form must be submitted to University Financial Services, S113 Criser Hall by the published fee payment deadline each semester. In the case of an employee with a principal place of employment outside of Alachua County who wishes to attend another state university, the completed form must be submitted to the Director, University Budgets, 223 Tigert Hall, one week prior to the first day of classes.

(e) Unless otherwise required by applicable law or regulation, the value of courses in which the employee has enrolled under the provisions of this program shall not be used to compute the employee’s base rate of pay or regular rate of pay; however, certain courses may be subject to taxes as defined by the United States Internal Revenue Service. Employees are responsible for any individual tax liability that may result from participation in this tuition program and should refer any tax questions to their tax advisor. The employee shall pay any additional fees including, but not limited to:

1. Application fees.
2. Out-of-State Tuition and Fees (in-state tuition rates apply for exempt TEAMS employees and faculty regardless of residency requirements).
3. Photo I.D. Fees.
4. Late Registration Fees.
5. Late Payment Fees.
6. Material and Supply Fees.

(f) The University shall be responsible for the payment of:

1. Matriculation Fees.
2. Building Fees.
3. Capital Improvement Fees.
4. Student Financial Aid Fees (the University shall be responsible only for the in-state portion of these fees).

(g) The University shall waive the following local fees and the employee will not be eligible for services provided by these fees. Employees may not choose to pay any of these fees.

1. Activity and Service Fees.
2. Athletic Fees.
3. Student Health Fees.
4. Transportation Fees.

(h) Continuation of this program of instruction is contingent upon the University’s continuing ability to meet workload requirements and meeting the financial obligations of the program. At any time and with 10 days notice, the University may terminate this program. Participation in a course by an employee is contingent upon the department’s continuing ability to meet workload requirements. At any time, with 5 days notice, the University may terminate an individual’s participation in this program.

(i) The Division of Human Resources shall be the administrator of this program and shall make available application forms both in their offices and on their website.

(2) Persons who supervise interns from the University of Florida may be given one non-transferable Certificate of Participation for completion of an approved internship experience (or its equivalent) in a program area, upon the recommendation of the President or the President’s designee. A certificate will also be awarded to persons who attend a required training session for the preparation of intern supervisors provided that the training session is approved for this purpose by the President or the President’s designee.

(a) For purposes of this rule an internship experience shall be defined as a supervised field experience in an identified program area of the University which has been approved by the University’s Director of Internship Programs in the Office of Academic Affairs.
(b) Verification of the supervised internship experience for all areas shall be made by the program area college or unit. All requests for Certificates of Participation shall be forwarded to the Director of Internship Programs for review and processing.

c) Each Certificate of Participation is valid for one term only except that for the summer terms, the Certificate may be used for registration during both summer terms. The Certificate entitles the holder to register at the University of Florida after paying only the building fee and the capital improvements trust fund fee for each credit hour attempted each term of instruction, including courses offered through Continuing Education programs of the University. Refer to Rule 6C1-3.0375, F.A.C., for the cost of said fees at the University of Florida. No Certificate will be valid after three (3) years from the date of issue.

d) The University of Florida will honor Certificates of Participation issued by other state universities in Florida on the same terms as set forth in this section.

3) A State of Florida employee with the approval of the agency head or equivalent is permitted to enroll at a state university for up to six (6) credit hours of courses per term on a space-available basis. Tuition and fees for these credit hours are waived pursuant to Section 1009.265, F.S.

(a) Space-available courses do not include TBA (to be arranged), directed individualized study, distance learning courses, internships, thesis and dissertation courses, individual performance courses, and non-credit courses.

(b) A state employee participating in the program must be admitted to the University of Florida as a degree or non-degree seeking student and meet all academic requirements for enrollment in the course(s).

c) The State Employee Registration Fee Waiver Application, Form Reginfo/feewaiv2.pmd Rev. 10/02, must be filled out, including all approvals. The form is available from the Office of the University Registrar, 222 Criser Hall and must be submitted to University Financial Services, S113 Criser Hall and Office of the University Registrar, 222 Criser Hall by the published fee payment deadline each semester.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1009.26(2), (3), 1009.265 FS. History–New 3-26-80, Formerly 6C1-7.35, Amended 3-6-85, Formerly 6C1-1.12, Amended 3-2-87, 5-19-93, 10-7-99, 5-22-01, 6-27-02, 1-19-03.

6C1-1.015 University of Florida; Community Campaign.

1) The University of Florida has established one combined charitable fund-raising drive for its Alachua County campus, known as the University of Florida Community Campaign. The campaign is open to all University employees employed in Alachua County who wish to participate and is held annually each fall. Payroll deductions may be utilized in fulfillment of pledges or promised contributions to the University of Florida Community Campaign.

2) The University of Florida Community Campaign Planning Committee shall be composed of a total of ten persons, appointed annually by the President of the University. The members shall be faculty and staff employees representing the diverse makeup of the University community. The President shall appoint as members of the committee the chairperson of the current campaign, the chairperson designated for the following year, the executive director of the campaign, and a representative of the President’s Office. The other six members of the committee shall serve for staggered three-year terms. A member of the General Counsel’s Office shall advise the committee. The Planning Committee, on behalf of the President, shall be responsible for the development, implementation, and administration of procedures and standards by which the campaign shall be conducted.

3) The following are the requirements for a charitable organization that wishes to be a participant in the University of Florida Community Campaign:

(a) The organization must be registered with the State of Florida, Division of Corporations, pursuant to Chapter 617, F.S.

(b) The organization must be registered with the United States Department of the Treasury and be recognized as a 501(c)(3) entity or the equivalent by the United States Internal Revenue Service.

(c) The organization must be registered with the Florida Department of Revenue and must receive a state tax exempt number pursuant to Section 212.08, F.S.

(d) The organization must be registered with the Florida Department of Agriculture and Consumer Affairs, Division of Consumer Services, meet the requirements of Chapter 496, F.S., and submit a copy of the organization’s most recent IRS Form 990. Organizations claiming exemption from the provisions of Chapter 496, F.S., must provide documentation supporting the exemption.

(e) The organization must be governed by a volunteer board of directors that meets regularly and serves without compensation. Compensation shall not be deemed to include payment of the reasonable expenses of service as a director, including liability insurance. The board of directors must direct policy development and implementation, retain oversight of program delivery, and exercise executive level supervision.

(f) The organization must have a recognized substantial program in the health and human services area directly benefiting the Alachua County region. A program of health and human services is one whose principal objective is to assist people to improve the conditions that are necessary to achieve fundamental physical, social, and/or psychological well-being. Health and human services include research directed toward the achievement of human physical, social and/or psychological well-being and specific helping acts to individuals or groups that go beyond the provision of information.

(g) The organization must have a written policy of non-discrimination and carry out an affirmative action program that applies to volunteer governance, staffing, and clientele of the organization.
(h) The organization should maintain management and general and fund raising costs at or below twenty-five per cent of total budget, a level established by the National Charities Information Bureau (NCIB) and generally accepted by the non-profit community. Agencies that exceed the twenty-five per cent level will be required to provide the committee with the rationale for that level of costs.

(i) If the organization chooses to be represented by a federation (such as, United Way or National Voluntary Health Agencies), the organization itself must still meet all the criteria established herein. If a federation applies, each organization represented must meet the criteria. Each organization selected will be listed only once on the donor designation form.

(4) The procedures for application to and inclusion in the University of Florida Community Campaign are as set forth in this section.

(a) By December 1 of each year, the Planning Committee shall have published in a newspaper of general circulation in Alachua County a notice informing organizations of the application procedures for participation in the University of Florida Community Campaign to be held in the subsequent fall term.

(b) Upon request of an organization wishing to participate, the committee will provide a copy of this policy and an application form. As a minimum, each interested organization will be expected to submit an IRS Form 990, a roster of the board of directors, IRS Tax Exempt Ruling (letter), State of Florida registration as a charitable organization, and current budget.

(c) An organization’s application form with all necessary supporting documentation must be delivered or sent to the address stated on the form. The application form with all necessary supporting documentation must be delivered or postmarked by February 1 (or the next business day following if February 1 falls on a Saturday, Sunday, or holiday) to be considered for inclusion in the campaign. All application materials and proceedings are subject to the Florida Public Records and Sunshine Laws.

(d) The Planning Committee will notify each applicant of the meeting(s) at which applications are to be reviewed. Notification will include the date, time, and location of the meeting or meetings. The Planning Committee shall determine the format of the meeting(s).

(e) If an organization’s application is rejected for failure to meet any of the criteria as set forth in this rule, the organization may request a hearing before the Planning Committee in order to present additional information on its behalf. The committee shall make a recommendation to the President or the President’s designee as to the inclusion of the applicant in the campaign. The decision of the President or designee shall be final. All such hearings and final decisions are expected to be completed by the close of the University’s spring term.

(5) The Planning Committee may revoke approval to participate in the campaign at any time in the event that: the organization violates a policy or rule of the University of Florida concerning the campaign, or false and misleading information is submitted to the University at the time of application for admission to the campaign or pursuant to any subsequent request by the University.

(6) The fiscal agent for the University of Florida Community Campaign shall be an organization that has the experience, expertise, and resources to conduct and coordinate a local community campaign in Alachua County. The Planning Committee will select the fiscal agent. The office of the Florida State Comptroller will forward to the fiscal agent, on a biweekly schedule, a warrant in payment of employee pledges for that period. The fiscal agent will distribute funds to designated organizations on a quarterly basis. Funds not specifically designated by the employee for a specific organization shall be allocated to participating organizations by a local review board established by the fiscal agent.


6C1-1.016 University of Florida; Admissions.

1. In the admission of students, the University may consider an applicant’s character. The University may refuse to admit an applicant because of past misconduct. The University of Florida designates appropriate personnel to review all applications. This Rule describes the procedure and assigns responsibility for the review of these applications for admission.

2. Statement of Policy.

(a) The Standard State University System Application for Admission (Undergraduate) and the University of Florida Application for Admission to Graduate School include questions concerning prior misconduct.

(b) Applicants who fail to give complete and accurate responses to the conduct section of the admission application may be subject to revocation of admission, disciplinary action, and invalidation of credits or degrees earned. Appropriate action will be determined by the University Admissions Committee or the Committee on Student Conduct.

(c) Applicants are required to immediately notify the University’s Admissions Office should any information given on the application form change prior to entry into the University. This includes the obligation to furnish information concerning events that must be disclosed in the conduct section of the application that occur prior to entry into the University. Failure to provide such information may subject the applicant to revocation of admission, disciplinary action, and invalidation of credits or degrees earned. Appropriate action will be determined by the University Admissions Committee or the Committee on Student Conduct.

(d) In the cases of applicants who respond affirmatively to questions concerning misconduct, the Admissions Office shall follow the procedure described below:

1. The application and all relevant documentation shall be forwarded to the Director of Student Judicial Affairs for review. The Director may consult with appropriate individuals, offices, and agencies to determine whether or not the admission of the applicant is in the best interest of the University.
2. In cases involving violent or extreme unethical behavior, the Director may create a sub-committee to review documentation and interview the applicant to determine whether or not the admission of the applicant is in the best interest of the University. As a minimum, the sub-committee is composed of the Director of Admissions or designee and the Assistant/Associate Dean of the college for which the individual is applying.

3. If cleared for admission consideration by the Director of Student Judicial Affairs or the sub-committee, the Director shall advise the Admissions Office in writing. Conduct admission clearances may be granted with the imposition of restrictions, such as, but not limited to, restrictions from residing on campus, conduct probation, or counseling. These restrictions shall be communicated to the applicant in writing by the Director of Student Judicial Affairs. The admissions procedure will then proceed to determine academic eligibility.

4. If the applicant is refused admission on the basis of past misconduct, the Director of Student Judicial Affairs shall advise the applicant and the Admission Office of the decision in writing. Applicants denied admission under this Rule may appeal in writing to the Vice President for Student Affairs within ten (10) days of the date of the written notification of denial or admission.

Specific Authority 240.227(1) FS. Law Implemented 240.227(8), 240.233(4) FS. History–New 5-23-96, Amended 6-21-00.

6C1-1.017 University of Florida; Separations from Employment and Layoff.

(1) Separations from employment shall be administered consistent with the following provisions:

(a) An employee who resigns from employment shall not have any rights of appeal.

(b) An employee who is absent without approved leave for three or more consecutive workdays shall be considered to have abandoned the position.

(c) The President or President’s designee may dismiss an employee for just cause in accordance with University Rules 6C1-3.046, 6C1-3.047 and 6C1-7.048, F.A.C.

(d) Other Personnel Services (OPS), University Support Personnel System (USPS) employees without permanent status in any class, or probationary non-exempt Technical, Executive, Administrative and Managerial Support (TEAMS) employees may be separated from employment at any time without any requirements of notice or reason and without rights to appeal.

(2) Layoffs shall be administered consistent with the following provisions for USPS, TEAMS, and Academic Personnel (AP) employees:

(a) Reasons for layoff, which may occur at any time, are: adverse financial circumstances; reallocation of resources; reorganization of degree or curriculum offerings or requirements; reorganization of academic or administrative structures, programs, or functions; curtailment or abolition of one or more programs or functions; shortage of work; or a material change of duties. The President or designee shall notify the appropriate employee organizations when layoffs are to take place.

(b) President or designee shall designate a layoff unit at an organizational level such as a division, college, school, department, area, program, or other level or organization as the President or designee deems appropriate. In designating the makeup of the layoff unit, the President or designee shall consider the special qualifications and relevant experience required for specific positions and exclude such positions from layoff. The President or designee will designate layoff units at the University of Florida as determined by administrative reporting rather than funding. Other than the exceptions noted in this rule, the unit employee with the fewest retention points in the designated classification will be the layoff candidate.

(c) The layoff areas for bumping purposes are designated as follows:

1. For academic units, except the College of Agricultural and Life Sciences, each individual college will be designated as a layoff area. The Institute of Food and Agricultural Sciences (IFAS) is designated as its own layoff area for bumping purposes.

2. For non-academic units, the affected Vice Presidential area will be designated as a layoff area for bumping purposes.

(d) A tenured/permanent status Academic Personnel employee shall not be laid off if there are non-tenured/non-permanent status Academic Personnel employees in the layoff unit, and a USPS employee with permanent status shall not be laid off if there are USPS employees in comparable positions with less retention points in the layoff unit. Those employees will be retained who, in the judgment of the President or designee, will contribute to the mission and purpose of the University when taking into account the employee’s length and continuous University service and other appropriate factors. The appropriate Vice President shall submit a plan to meet the goals set by the President. The Vice President shall have the sole discretion in determining the distribution by pay plan to accomplish the goals.

(3) Layoff Provisions for USPS employees.

(a) Identification of Layoff Candidate and Notice of Layoff. The classification(s) of the position(s) to be abolished will be determined by the administrator(s) of the layoff unit. The Division of Human Resources identifies the incumbent(s) in the classification(s) that are to be issued layoff notice based on total retention points within the layoff unit. The administrator of the unit as the President’s designee determines which specific positions are to be excluded from the layoff unit based on the special qualifications and relevant experience required for the position. Written notice of layoff rights will be provided to an employee at least forty-five (45) calendar days in advance of layoff. The Division of Human Resources will make an initial assessment of the layoff candidate’s rights to specific classifications.

(b) Consideration for Vacancies in USPS Classifications. The Division of Human Resources identifies vacant, posting positions to which the layoff candidate has rights. The assessment of the layoff candidate’s match for a position will be determined by the hiring administrator of the position and will take into account whether successful performance can be expected for the layoff
candidate after consideration of any special qualifications and relevant experience given a reasonable training period of up to six months. Where posting vacancies exist both within and outside the layoff unit, the priority placement obligation will be with the vacancy in the layoff unit. USPS employees who have applied and been offered any position waive their layoff rights upon acceptance.

(c) Consideration for Non-Vacant USPS Positions. If an appropriate vacant USPS position is not identified, then the Division of Human Resources will identify and coordinate interviews of employees for appropriate non-vacant positions, which shall be within the layoff area in which the layoff candidate is assigned, in retention point order:

1. USPS positions held by USPS employees without permanent status in the job classification.
2. USPS positions held by USPS employees with fewer total retention points than the layoff candidate.

(d) Layoff candidates who decline to interview for positions to which they have placement rights or who reject an offer that the Division of Human Resources deems to represent an appropriate match forfeit further layoff and recall rights and, as a result, voluntarily effect their final resignation.

(e) Retention Points. Within the layoff unit, USPS employees with permanent status in the affected class shall be ranked on a layoff list based on retention points derived from length of service and evaluations. Employees who work less than full-time shall have their retention points determined in proportion to the time worked. Layoff rights extend only to employees who meet the specific qualification and equivalent full-time equivalent (FTE) of the position regardless of their placement on the layoff list. Retention points shall be computed as follows:

1. One point for each month of continuous employment in the USPS including service in the Career Service if employed in the State University System (SUS) on or before June 30, 1986.
2. One point for each month of service meeting performance standards, and two points for each month of service with exemplary performance.
3. Any period of leave for active military service in accordance with Chapter 115, F.S., shall count as continuous employment and shall be considered to be at the same level of performance as last evaluated.
4. Any period of service prior to July 1, 1996, not covered by an evaluation, including periods of service during which no formal employee evaluation program existed, shall be computed as meeting performance standards. After July 1, 1996, performance will be computed as previously evaluated in the absence of a current evaluation.
5. No retention points shall be granted for a month in which the employee was not on the payroll.
6. After totaling the retention points, layoff shall be in order, beginning with the employee with the fewest points.
7. When two or more employees have the same total retention points, preference for retention shall follow the order of the longest University service in the class, Veterans’ preference, and as determined by the President or designee based upon the special qualifications and relevant experience of the employees.

(f) Recall Rights. Recall rights apply for a period of one year following layoff. When a vacancy occurs in the same position and class within the same layoff unit from which the employee was laid off, the employee with the highest number of retention points, who is not otherwise employed in an equivalent full-time position, and who meets the specific qualifications of the position, will be referred to the hiring authority for consideration.

(g) The following USPS employees do not have layoff rights:
1. A USPS employee without permanent status in any class.
2. A USPS employee appointed to a contract and grant, auxiliary, or local funds position which has been designated time-limited.

(4) Layoff Provisions for non-exempt TEAMS employees.
(a) Notice of Layoff. Written notice of layoff will be provided to an employee at least forty-five (45) calendar days in advance of layoff.
(b) TEAMS employees do not have bumping or recall rights.
(c) Layoff Order-Retention Points. Within the layoff unit, non-exempt employees in the affected class shall be ranked on a layoff list based on retention points derived from length of service and evaluations. Employees who work less than full-time shall have their retention points determined in proportion to the time worked. Layoff rights extend only to employees who meet the specific qualification and equivalent full-time equivalent (FTE) of the position regardless of their placement on the layoff list. Retention points shall be computed as follows:
1. One point for each month of continuous employment in the USPS and TEAMS including service in the Career Service if employed in the State University System (SUS) on or before June 30, 1986.
2. One point for each month of service meeting performance standards and two points for each month of service with exemplary performance.
3. Any period of leave for active military service in accordance with Chapter 115, F.S., shall count as continuous employment and shall be considered to be at the same level of performance as last evaluated.
4. Any period of service prior to July 1, 1996, not covered by an evaluation, including periods of service during which no formal employee evaluation program existed, shall be computed as meeting performance standards. After July 1, 1996, performance will be computed as previously evaluated in the absence of a current evaluation.
5. No retention points shall be granted for a month in which the employee was not on the payroll.
6. After totaling the retention points, layoff shall be in order, beginning with the employee with the fewest points.
7. When two or more non-exempt TEAMS employees have the same total retention points, preference for retention shall follow the order of the longest University service in the class, Veteran’s preference, and as determined by the President or designee based upon the special qualifications and relevant experience of the employees.

(5) Layoff provisions for exempt TEAMS employees.

(a) Notice of Layoff. Written notice of layoff will be provided to an employee at least forty-five (45) calendar days in advance of layoff.

(b) TEAMS employees do not have bumping or recall rights.

(c) Determination of Layoff. Employees in the layoff unit are to be laid off in accordance with years of continuous service at the University.

(d) The University maintains the discretion to retain the employees who, in the judgment of the President or designee, will contribute to the mission and purpose of the University when taking into account the employee’s length and continuous University service and other appropriate factors. The appropriate Vice President shall submit a plan to the President to meet the goals set by the President. The Vice President shall determine the distribution by pay plan to accomplish the goals.

(6) Layoff Provisions for Academic Personnel:

(a) Layoff Order. Employees in the layoff unit are to be laid off in the following order:

1. Non-tenure earning or non-permanent status earning employees with five years or less of continuous university service;
2. Tenure-earning or permanent-status-earning employees, who have not attained tenure or permanent status with five years or less of continuous university service;
3. Non-tenure earning or non-permanent status earning employees with more than five years of continuous university service;
4. Tenure-earning or permanent-status-earning employees, who have not attained tenure or permanent status with more than five years of continuous university service;
5. Employees who are tenured or have permanent status.

(b) Determination of Layoff. In determining which employee(s) will be laid off, the President or designee, shall take into consideration appropriate factors including: tenure status; performance evaluations by supervisors, peers and students; contents of the faculty member’s personnel file; the faculty member’s academic credentials; professional reputation; collegiality; teaching effectiveness; performance of professional responsibilities; research record; quality of the academic or creative activity engaged in by the faculty member; and length and quality of service to the community and public.

(c) Notice of Layoff. Written notice of layoff rights will be provided to an employee as soon as practicable in advance of layoff. Where circumstances permit, faculty members are to be provided with at least one year’s notice for employees with three or more years of service and at least six month’s notice to those with less service. A notice of layoff shall be sent to the employee by certified mail, return receipt requested, or delivered in person to the employee.

(d) Recall Rights. For a period of one year following layoff, an employee who has been laid off, and who is not otherwise employed in an equivalent full-time position, shall be offered reemployment in the same position at the University, should an opportunity for such reemployment arise. Any offer of reemployment must be accepted no later than fifteen days after the date of the offer, such acceptance to take effect no later than the beginning of the academic term immediately following the date the offer was made. In the event such offer of reemployment is not accepted, the employee shall receive no further consideration pursuant to this rule.

(e) The following Academic Personnel do not have layoff rights:
1. An Academic Personnel employee appointed for less than one academic year or appointed to a visiting appointment;
2. An Academic Personnel employee appointed to a position funded from contracts and grants, auxiliaries or local funds;
3. An Academic Personnel employee whose appointment expires after receiving timely notice or non-reappointment;
4. An Academic Personnel employee whose appointment expires without the requirement of a written notice of reappointment, including an employee serving on an appointment without a fixed term or an employee on a multi-year contract.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 7-1-96, Amended 10-7-99, 3-2-03.

6C1-1.018 University of Florida; Works and Inventions.

(1) For the purposes of this rule, the following definitions shall apply:

(a) “University personnel” shall include full-time and part-time employees of the University of Florida, including Academic Personnel (AP), Technical, Executive, Administrative and Managerial Support (TEAMS), University Support Personnel System (USPS), and Other Personnel Services (OPS) employees; appointees of the University, including certain faculty members and all volunteers; persons paid by or through the University, including fellows; and anyone working under University auspices. Students who are encompassed within any of these categories shall be considered “University personnel.”

(b) A “work” shall include any copyrightable material, such as printed material, computer software or databases, audio and visual material, circuit diagrams, architectural and engineering drawings, lectures, musical or dramatic compositions, choreographic works, and pictorial or graphic works.

(c) An “invention” shall include any discovery, invention, process, composition of matter, article of manufacture, know-how, design, model, technological development, biological material, strain, variety, culture of any organism, or portion, modification translation, or extension of these items, and any mark used in connection with these items.
(d) A “creator” shall mean a member of University personnel who creates a work or invention.
(e) “University support” shall include the use of University funds, personnel, facilities, equipment, materials, or technological information, and includes such support provided by other public or private organizations when it is arranged, administered, or controlled by the University.
(f) “University-supported work” shall mean a work of a creator not made in the course of “independent efforts.” “Independent efforts” with regard to a work means that the ideas for the work came from the creator, the work was not made with the use of University support, and the University is not held responsible for any opinions expressed in the work. Notwithstanding the foregoing, “University-supported works” do not include scholarly articles published in journals independent of the University and theses or dissertations of graduate students.

(2) Works. A work which is made in the course of independent efforts is the property of the creator. A University-supported work is the property of the University, and the creator shall share in the proceeds therefrom subject to preexisting commitments to outside sponsoring agencies. University personnel are required to disclose promptly, pursuant to the University’s Intellectual Property Policy, all University-supported works, including all instructional works. The Vice President for Research or the Vice President’s designee shall inform the creator of the University’s decision regarding ownership and the University’s legal rights as soon as practicable, but no later than 30 days from receipt of the complete disclosure of the work. Any University-supported work shall be handled in accordance with the University’s Intellectual Property Policy – Revised October 25, 2002, which is incorporated herein by reference. The Work Disclosure form, Revised October 2002, and the Invention Disclosure form, Revised October 2002, incorporated in the University’s Intellectual Property Policy and are available from the Office of Technology Licensing of the Office of Research and Graduate Programs. Copies of the University’s Intellectual Property Policy are available from Office of Technology Licensing of the Office of Research and Graduate Programs.

(3) Inventions.
(a) University personnel are required to disclose any invention made or discovered by them promptly pursuant to the University’s Intellectual Property Policy. All inventions must be disclosed, even those believed by the creator to be unrelated to his or her University duties and not involving the use of University support.
(b) An invention which is made in the field or discipline in which the creator is engaged by the University or made with the use of University support is the property of the University, and the creator shall share in the proceeds therefrom subject to preexisting commitments to outside sponsoring agencies. An invention made outside the field or discipline in which the creator is engaged by the University and for which no University support has been used is the property of the creator. In the latter case, however, the creator and the University may agree that the invention be pursued by the University and the proceeds shared pursuant to the University’s Intellectual Property Policy.
(c) The Vice President for Research or the Vice President’s designee shall inform the creator of the University’s decision regarding ownership and the University’s legal rights as soon as practicable, but no later than 120 days from receipt of the complete disclosure of the invention. Any invention shall be handled in accordance with the University’s Intellectual Property Policy.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6), (19), (26), 1004.23 FS. History–New 5-28-80, Formerly 6C1-7.392, Amended 7-15-97, 6-15-99, Formerly 6C1-7.0392, Amended 2-5-03.

6C1-1.019 University of Florida; Limited Access Records.
(1) “Limited Access Records” that the University maintains on its employees, which shall include Academic Personnel (AP), Technical, Executive, Administrative, and Managerial Support (TEAMS) staff members, University Support Personnel System (USPS) employees, and Other Personnel Services (OPS) employees, shall be confidential. The custodian of limited access records may release information from such records only under the conditions and to the persons as set forth in this rule, to the President or the President’s designee in the discharge of official responsibilities, or upon order of a court of competent jurisdiction.
(a) For records created on or before July 1, 1995, “limited access records” shall be defined as those records that reflect evaluations of employee performance. Such records shall be open to inspection by the employee evaluated and by University personnel responsible for supervision of the employee.
(b) For records created after July 1, 1995, “limited access records” shall be defined as:
1. Records that reflect “academic” evaluations of employee performance. “Academic” for the purposes of this rule means performance evaluation documents regarding employees designated as Academic Personnel (AP), employees in the General Faculty pay plan prior to the implementation of the AP classification, or other employees subject to the faculty or academic personnel evaluation process. Examples of such records are those resulting from academic evaluation processes such as tenure, promotion, annual evaluation, student evaluation of teaching (except records comprising the common core items contained in the State University System Assessment of Instruction instrument), TIP, compression/inversion, other faculty awards, and merit increases. Such records shall be open for inspection by the employee evaluated and by University personnel responsible for the supervision or evaluation of the employee.
2. Records maintained for the purposes of any investigation of employee misconduct. Such records shall be confidential until the investigation ceases to be active, the University concludes the investigation with a finding to proceed or not to proceed with disciplinary action, or the University issues a letter of discipline. The records shall be open to University personnel conducting the investigation, the administrator responsible for the appointment and assignment of the employee investigated, and their respective
designees. To the extent necessary to meet the due process requirements of applicable University rules, policies, or collective bargaining agreements, certain records of the investigation may be open to the employee investigated at the time indicated in the applicable rules, policies, or agreements. A notice of proposed disciplinary action is confidential until a letter of discipline is issued or a decision is made not to proceed further with disciplinary action.

a. An investigation is presumed inactive if no finding is made within ninety (90) days, but the University may overcome that presumption through appropriate documentation in the records.

b. For sexual harassment investigations, portions of such records which identify the complainant, a witness, or information which could reasonably lead to the identification of the complainant or a witness, retain their confidential status even after the investigation is closed.

3. Records maintained for the purposes of any disciplinary proceeding brought against an employee or of any grievance proceeding for enforcement of a collective bargaining agreement. Such records shall be confidential until a final decision is made in the proceeding. The records shall be open to University personnel conducting the proceeding, the administrator responsible for the appointment and assignment of the employee, and other University personnel representing the University in the proceeding. The record of the proceeding itself, including any evidence presented during the proceeding, is open to inspection by the employee.

(2) Employment records and other employee information maintained by the University are subject to the provisions of this rule and may also be subject to other laws or regulations that limit public access to the records or parts thereof.

(3) The custodian of the central personnel files of University employees other than undergraduate student OPS employees is the Director of Division of Human Resources. The custodians of the personnel files of undergraduate student OPS employees as well as of records on employees held in other administrative and academic units are those administrative personnel designated by the respective vice presidents, deans, or directors. The custodians of such records are responsible for designating in a manner consistent with the provisions of this rule those University personnel who have access to limited access records and other employee materials not open to the public. Any University personnel who have access to such records and materials shall maintain their confidentiality.

Specific Authority 1012.91(1) FS. Law Implemented 1012.91 FS. History–New 11-11-79, Formerly 6C1-3.18, Amended 3-6-85, Formerly 6C1-3.55, Amended 5-1-96, Formerly 6C1-3.055, Amended 1-7-03.

6C1-1.100 University of Florida; General Personnel Policy.

(1) Rules prescribing personnel policy for University of Florida employees will be found in Chapter 6C1, F.A.C. These employees include Academic Personnel (AP) staff, Technical, Executive, Administrative, and Managerial Support (TEAMS) staff, University Support Personnel System (USPS) staff, and Other Personnel Services (OPS) employees. These rules shall have University-wide application pursuant to the authority granted to the University of Florida Board of Trustees (BOT) in the Florida Statutes. All rules and policies or procedures arising from these rules shall be consistent with the relevant provisions of Federal and State law and the Constitutions of the United States of America and the State of Florida.

(2) Personnel Programs.

(a) The President shall be responsible and accountable for administering the personnel programs. The President may delegate authority for the personnel program through rule or written delegation. The “President” as used in these rules shall refer to the President and the President’s designee, if any.

(b) The Board of Trustees and the President shall establish and maintain all policies, procedures, and records necessary to substantiate compliance with all laws and rules relating to employment.

(c) The University shall actively promote its commitment to equal employment opportunity and non-discrimination towards applicants and employees with respect to race, color, religion, age, disability, gender, marital status, national origin, and veteran status consistent with Federal and State law.

(3) The UF Employment Plan is the classification and compensation plan maintained by the University of Florida. Such plan shall consist of the following:

(a) Academic Personnel (AP) defines personnel whose positions are assigned the principal responsibility of teaching, research, extension, or public service activities, or for administrative responsibility for functions directly related to the academic mission.

(b) Technical, Executive, Administrative, and Managerial Support (TEAMS) defines personnel hired after January 6, 2003 whose positions are assigned paraprofessional, administrative, clerical, secretarial, technical, skilled crafts, service or maintenance duties; and personnel whose positions are assigned administrative and management responsibilities or professional duties at the department/unit level or above.

(c) University Support Personnel System (USPS) defines personnel hired on or before January 6, 2003 who have not had a Break-in-Service after January 6, 2003, whose positions are listed in the Board of Regents USPS job classification system on January 6, 2003, and who have not held any positions as TEAMS personnel after January 6, 2003. For the purpose of this rule, a Break-in-Service is defined as a separation from University of Florida service not covered by an approved leave of absence.

(d) OPS defines at-will temporary personnel.

(4) USPS personnel can make an irrevocable decision to become TEAMS personnel by completing the “TEAMS Enrollment Form”, Form DHR-TEF-02, Rev. 10/02, which is incorporated herein by reference and available from the Division of Human Resources, Post Office Box 115000, 337 Stadium, Gainesville, Florida 32611.
6C1-1.101 University of Florida; Compensation.

(1) Pay actions shall be administered consistent with the following provisions.
(2) The University shall establish and maintain pay ranges for class specifications.
(3) Base rate of pay is the pay provided employees not including any additions as defined below. Regular rate of pay is an employee’s base rate of pay plus any other pay that may be necessary to meet the requirements of the Fair Labor Standards Act (FLSA). An annual rate of pay for a nonexempt position is obtained by multiplying the hourly base rate of pay by 2088. An exempt employee contract is always stated as an annual rate of pay. An exempt employee’s period rate is determined based on the pay structure used for employees: 26.1 for a biweekly system, 24 for a semi-monthly system, and 12 for a monthly system.
(a) An employee must be in pay status in order to receive a pay increase of any kind.
(b) All employees shall be eligible for authorized pay increases regardless of salary fund source.
(c) A retroactive effective date for a pay action shall only be permitted with the approval of the President or the President’s designee in instances in which responsibilities have changed, or a pay increase under a condition set forth in subsection (5) below has been approved and the funds for the increase are not immediately available.
(d) The administrator in charge of the unit shall determine any pay increase for a temporary change in assignment on an acting basis based upon the responsibilities assumed, and, upon return to original responsibilities, the pay shall be adjusted to reflect the original responsibilities.
(e) When a non-exempt employee is called back to work beyond the employee’s scheduled hours of work for that day, the employee shall be credited with the greater of the actual time worked, including time to and from the employee’s home to the assigned work location, or two hours.
(4) Annual pay increases shall be in accordance with guidelines issued by the President and the Board of Trustees.
(5) Other pay increases can be provided under the following categories:
(a) Increased responsibilities;
(b) Market conditions, including counter-offers and retention due to specialized or extensive investment or training;
(c) Salary compression or inversion;
(d) Increases to resolve a pay disparity considering education, experience, or duties and responsibilities of other employees;
(e) Increases to recognize sustained superior performance;
(f) Approved career development/apprenticeship programs.
(6) Other pay adjustments.
(a) Lump sum payments shall be given in exceptional circumstances with the approval of the President. In determining whether such a lump sum should be provided, the President shall consider the nomination of the employee’s supervisor with regard to the documented successful completion of a special project or assignment that is in addition to the employee’s regularly assigned duties, or a documented significant increase in productivity or productivity goal achievement including a group incentive program.
(b) The President or the President’s designee is authorized to approve pay additives when resources permit, including those for asbestos-related activities, lead abatement activities, leadworker pay, shift differentials, on-call pay, field training officer activities, and other approved activities.
(c) An employee who is demoted shall receive pay commensurate with the responsibilities assigned.
(d) The removal of pay additives or correction of overpayment does not constitute a reduction in pay action.
(e) When the assignment of Academic Personnel serving in an administrative position such as Vice President, Dean, Director or Department Chairperson is changed, the pay and appointment period shall be adjusted to reflect the new responsibilities.
(f) When an Academic Personnel employee’s appointment is changed from a calendar year to an academic year appointment with duties remaining the same, the employee’s pay shall be adjusted to 81.8 percent of the calendar year base pay. For an Academic Personnel employee whose appointment was previously changed from academic year to calendar year where the pay was adjusted other than by 122.2 percent, pay shall be adjusted to the percent that is the reciprocal of the percent previously used. A different pay adjustment percent may be used by the President or designee for an Academic Personnel employee leaving an administrative position and returning to a general faculty title pursuant to paragraph 6C1-7.003(5)(b), F.A.C.
(g) The University shall seek to arrange work schedules to minimize overtime and shall establish procedures for overtime pay consistent with the FLSA.
(7) Extra Compensation.
(a) Pay for appointments up to 1.00 full-time equivalent (FTE) shall be from funds designated as salaries.
(b) Pay for the portion of an appointment in excess of 1.00 FTE and for activities of limited duration where no FTE is assigned shall be from funds designated as OPS.
(c) Perquisites/Sale of Goods and Services. The President shall approve providing perquisites to employees, the sale of goods and services to employees, and the payment of moving expenses associated with a current or prospective employee. The provision of such items shall be job or class related and documented to demonstrate that approval is in the best interest of the University. Approval is not required when sales to employees are at the same rate as they are ordinarily sold to the public.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History-New 1-7-03.
6C1-1.200 University of Florida; Benefits, Retirement Programs, Employment Services, and Holidays.

(1) Benefits – Benefits made available to faculty, Technical, Executive, Administrative, and Managerial Support (TEAMS), and University Support Personnel System (USPS) employees include paid and unpaid leave as described in Rule 6C1-1.201, F.A.C., holidays, state- and university-sponsored insurance programs, and retirement. Under the Family Medical Leave Act (FMLA), Other Personnel Services (OPS) employees are eligible for unpaid leave under the terms of the act. Benefits and hours of work requirements shall be administered in accordance with this rule.

(2) Related Definitions and Terms – For the purpose of administering this rule, the following words and terms shall have the meaning indicated.

(a) TEAMS – Technical, Executive, Administrative, and Managerial Support pay plan.

(b) Break-in-Service – Upon resignation, a break in University of Florida service of more than 100 days not covered by leave with pay.

(c) Calendar Days – All days in a month not counting University of Florida paid holidays.

(d) Continuous Service – Continuous service is employment in a salaried (non-OPS) position with the University without a break in service. Continuous service as defined in this rule shall have no effect on the provisions of the Florida Retirement System.

(e) Exempt Classification – A classification designated by the University of Florida as exempt from the maximum hours and overtime pay requirements of the Fair Labor Standards Act, or FLSA.

(f) Non-Exempt Classification – A classification designed by the University of Florida as not exempt from the maximum hours and overtime pay requirements of the Fair Labor Standards Act, or FLSA.

(g) OPS – Other Personnel Services pay plan.

(h) USPS – University Support Personnel System pay plan.

(i) Workweek – For purposes of compensation, the University of Florida’s workweek ends at 12 midnight on Thursday.

(3) Retirement Programs – With the exception of Postdoctoral Associates, who do not receive retirement benefits at the University, and with the exception of faculty in the Colleges of Medicine, Dentistry, and Health Professions who must participate in the Optional Retirement Program, or ORP, all full-time faculty and eligible TEAMS employees whose positions are assigned administrative and management responsibilities or professional duties at the department/unit level or above, are, upon employment, enrolled in the Florida Retirement System unless employees elect to participate in the Optional Retirement Program (ORP). With the exception of Postdoctoral Associates, who do not receive retirement benefits at the University, all other employees participate in the Florida Retirement System, except those who remain in the State and County Officers and Employees Retirement System or the Teachers Retirement System. Lump sum payments made pursuant to this section in conjunction with sick leave benefits shall not be considered salary payments and shall not be used in determining the average final compensation of an employee in any state-administered retirement system.

(4) Employment Services – The responsibility of an employee is the full and competent performance of all duties pertinent to the full-time equivalent (FTE) of his or her employment. Activities which may interfere or may create a conflict of interest in keeping with University of Florida procedures located in Rule 6C1-1.011, F.A.C., are to be disclosed and may be prohibited or allowed under certain conditions.

(a) Certification of Employability – The law requires that a person be appointed and certified as completing an assignment in order to be paid. If a person is not appointed, is not assigned duties and responsibilities, or is not certified as fulfilling those duties, then he or she is not eligible for salary payment.

(b) Workweek – Each employee is expected to work the number of hours in the employee’s established workweek, or FTE, unless on approved leave.

1. The minimum workweek for full-time employees is 40 hours.
   a. Each department or division is required to keep an accurate record of all hours worked by each USPS employee and non-exempt TEAMS employee as well as a complete and accurate record of all authorized leave which is approved in accordance with these rules by all eligible University of Florida employees.
   b. All hours worked by USPS employees must be totaled at the end of the workday and the total shall be rounded to the nearest quarter of an hour.
   c. For USPS employees, approved paid leave, except for some types of administrative leave, may be used only in the amount necessary to fulfill the employee’s FTE.
   d. An employee who uses any type of leave in an amount which is less than a full hour will be charged with such leave to the closest quarter of an hour.

2. Upon reasonable notice, the appropriate University of Florida administrator shall require an employee to use any part of his or her accrued annual, overtime, special, or regular compensatory leave, as described in subparagraph 6C1-1.200(4)(b)5., F.A.C., at any time deemed advisable for the efficient management of the operation of the unit, conservation of funds, or savings to the University.

3. The appropriate administrator has the authority to require an employee who has accrued overtime, special, or regular compensatory leave, as described in subparagraph 6C1-1.200(4)(b)5., F.A.C., to first use such leave before using accrued annual leave when necessary for the conservation of funds or savings to the University. The employee will be allowed to use such accrued compensatory leave, upon request and with supervisory approval, before using accrued sick leave.

(c) Developmental Research School – P.K. Yonge.
The faculty of the Developmental Research School serve on a 190-196 day work schedule. The academic calendar for the Developmental Research School, including the working days and holidays, shall be determined by its Director after consultation with its faculty and the Dean of the College of Education.

(5) Holidays – Holidays as set forth in Section 110.117(1), F.S., shall be considered University of Florida holidays and shall be observed as paid days off and are provided to employees in proportion to their FTEs, with the exception of individuals receiving workers’ compensation salary indemnification benefits. Employees required to perform duties on such official holidays shall have their schedules adjusted to provide equivalent paid leave time. No classes shall be scheduled on such official holidays.

(a) An observed holiday benefit (maximum of eight hours) does not count for purposes of overtime.

(b) OPS employees are not eligible for holiday benefits unless they are OPS faculty members who are compensated on a biweekly basis.

(c) To receive holiday pay, TEAMS and USPS employees must be in pay status for a reasonable portion of the employee’s regularly scheduled shift of the employee’s last workday before the holiday.

(d) Permanent USPS employees earn one personal holiday in proportion to their FTEs per fiscal year in addition to the University of Florida holidays.

1. Permanent for the purpose of eligibility for a personal holiday includes the attainment of permanent status in service without a break in service.

2. Such personal holiday shall be credited to eligible employees on July 1 or on the date the employee attains permanent status and must be taken by the employee or be forfeited at the close of business on June 30 of each year.

3. Cash payment is not provided for unused personal holidays.

4. Personal holidays must be taken in full-day increments (that is, as an 8-hour day for full-time employees, as a 4-hour day for .50 employees).

(e) Supervisors are encouraged not to require employees to perform duties on holidays.

1. Those employees required to perform duties on holidays may have their schedules adjusted during the workweek to provide equivalent time off, in proportion to the employee’s FTE, not to exceed 8 hours.

a. In the event a USPS or a non-exempt TEAMS employee’s work schedule is not adjusted within the workweek in which the holiday occurs, as described above, he or she shall earn special compensatory leave for hours attributed to the holiday benefit in excess of the hours in the employee’s established workweek (or FTE).

b. When the holiday is observed on the USPS or a non-exempt TEAMS employee’s regular day off, he or she shall earn special compensatory leave for hours attributed to the holiday benefit in excess of the hours in the employee’s established workweek (or FTE) unless the employee’s work schedule is adjusted within the workweek in which the holiday occurs.

2. When an exempt TEAMS employee or faculty member is assigned to perform duties on a holiday, he or she may take off another day as a way to enjoy the holiday benefit – typically during the workweek in which the holiday occurred. If the exempt TEAMS employee or faculty member who has been assigned to perform duties on a holiday terminates employment prior to being given time off, the employee shall be paid, upon termination, for the holiday hours worked without compensation within the previous 12-month period.

(f) No classes shall be scheduled on holidays. Classes not held because of a holiday shall not be rescheduled as appropriate.

(g) Employees also shall be entitled to observe a state day of mourning in observance of the death of a person in recognition of service rendered to the state or nation, as appropriately designated. An employee who is on approved leave with pay when a state day of mourning is declared shall not have such day charged against his or her accrued leave.

(6) Benefits for TEAMS Personnel – The following benefits are provided for TEAMS personnel.

(a) TEAMS Employee Development Program – Full-time TEAMS employees are provided with the opportunity to take up to six (6) credit hours of work-related courses per semester at a public community college closest to their assigned work location in Florida, at a Florida state university closest to their assigned work location, or at a vocational technology center closest to their assigned work location found on a list maintained at the Division of Human Resources under the following conditions:

1. The TEAMS employee must have had continuous University employment in TEAMS or USPS for the past six (6) months and must be on a TEAMS regular annual or multi-year appointment.

2. The TEAMS employee must have the approval of a supervisor and an academic advisor designated by the Director of the Division of Human Resources, who will review the courses requested and the complete program of study proposed by the employee. The TEAMS employee must meet admission and enrollment requirements at the respective institution.

3. University payments will be limited to the matriculation fee for the approved credits for which the employee registers.

4. If the employee is seeking a certificate or a degree, such as an Associate of Arts degree, then participation in the program is limited to the credit hours needed to achieve the degree. If an employee withdraws from the course after the fee payment deadline or if the employee does not pass the course, the course credits are still counted in the total credit hours computation.

5. The employee must sign an agreement releasing the grades achieved in courses to the Director of the Division of Human Resources.

6. Continued participation in the program is contingent upon satisfactory academic progress as appraised by the academic advisor, satisfactory work performance as appraised by the employee’s supervisor, and the supervisor’s approval of continued participation in the program.
(b) Higher Education Opportunity for Children of full-time TEAMS Employees – This program is designed to provide children of TEAMS employees with enhanced opportunities for post-secondary education.

1. Children of TEAMS employees who wish to apply for entrance under this program to undergraduate study at the University of Florida or at a public community college in Florida must complete an application for admission to the University of Florida before January 15 preceding the desired academic year of entry. Before January 15, the parent TEAMS employee must notify the Director of the Division of Human Resources of the child’s name, via the Higher Education Opportunity of Children of Full-Time TEAMS Employees Application, Form DHR TEAMS HEO-02, Rev. 07/03, which is incorporated herein by reference and can be obtained at http://www.hr.ufl.edu/transition/HEO.pdf, that the child has filed an application for entrance under this program, and must certify that the child meets the following criteria:

a. He or she must be the natural, adopted, step, foster, or any other child for which legal guardianship can be documented of a full-time TEAMS employee.

b. He or she must be unmarried and will continue to be eligible for the program through the end of the calendar year in which the child turns 25 years of age.

Before February 1, the Director of the Division of Human Resources will send to the Director of Admissions the pool of names of children who have completed the application for admission before January 15 provided their parents have provided the indicated information before January 15.

2. Fifty children will be chosen at random from the pool of names determined in subparagraph 1. by the Director of Admissions. Those children among the fifty who meet admissions requirements to the University will be offered admission to the University, conditional upon receipt of their high school diploma before the date of entry into the University offered by the Director of Admissions. Those children among the fifty who do not meet admissions requirements to the University, who receive a high school diploma before the beginning of the academic year and who wish to continue in this program must enroll at a public community college in Florida.

3. The University will pay the in-state matriculation fees less any Bright Futures Scholarship award for each of the fifty children for up to twelve credits per semester during the academic year and for up to 6 credits per twelve (12) week summer semester at the University of Florida or a public community college. The children are responsible for payment of all other fees charged by the institution and for any costs associated with attending the institution.

4. Continued Eligibility – To continue to receive this benefit, the following conditions must be met on August 30 commencing the second year of the child’s enrollment in the program and in each succeeding year:

(i) The child’s legal guardian must be a full-time TEAMS employee on the first day of classes for each new semester.

(ii) The child’s cumulative GPA must be 2.75 or higher.

(iii) If the child is attending a public community college, he or she must provide to the Director of the Division of Human Resources a current official copy of the transcript of grades from the community college showing all courses attempted and grades received.

5. The University’s total obligation for each child is limited to paying the matriculation fees less any Bright Futures scholarship award for a maximum of 132 credit hours over a period of six calendar years or less, beginning with the date of entry into the University or August 30 of the academic year in which application is made. All completed courses, passed or failed, and withdrawals are totaled in the count of credit hours.

6. This program will become effective for the Fall semester 2003.

(c) Annual Leave Pay – Upon request during the month of December, up to 16 hours of accrued annual leave at a TEAMS employee’s regular rate of pay shall be cashed out provided the employee’s remaining accrued annual leave totals at least forty (40) hours.

Specific Authority 1001.74(4) FS. Law Implemented 121.091, 1001.74(19) FS. History–New 7-15-97, Amended 6-28-98, 3-2-03, 12-31-03.

6C1-1.201 University of Florida; Leaves.

(1)(a) The following describes the leaves provided to University of Florida employees. Also refer to the University of Florida Rule 6C1-5.0761, F.A.C., for leave provisions for interns, residents, and fellows in the College of Medicine and Rule 6C1-6.011, F.A.C., for leave provisions for county extension employees.

(b) For the purposes of this rule, Executive Service shall denote the members of Technical, Executive, Administrative, and Managerial Support (TEAMS) who do not hold tenure or permanent status and who hold the title of Vice President.

(2) Each employee is expected to work the number of hours in the employee’s established workweek unless on approved leave.

(3) The minimum workweek is forty (40) hours for full-time employees. Holiday pay (maximum of eight hours) and paid leave are not considered overtime and are paid at the employee’s regular pay rate. Approved leave shall be adjusted to ensure an employee’s workweek will not exceed the employee’s full-time-equivalent (FTE) appointment.

(4) Compensatory leave shall consist of the following types and such unused leave shall be paid as follows:
Overtime compensatory leave is provided in lieu of payment for overtime for non-exempt University Support Personnel System (USPS) and non-exempt TEAMS employees at the rate of one and one half times the total hours worked beyond forty (40) or by crediting the employee with up to 120 hours of overtime compensatory leave, which is earned at one and one-half hours for each hour of overtime worked. Overtime compensatory leave is not available to Other Personnel Services (OPS), Academic Personnel (AP) and exempt TEAMS employees.

1. Overtime shall be paid no later than the end of the following pay period, unless accrued as overtime compensatory leave.
2. If the employee separates from the University, or accepts another position at the University with an exempt designation, such leave shall be paid at the employee’s regular rate of pay. An employee who reassigns, promotes, or accepts a demotion to another position in a work area paid by a different account number will be paid for unused overtime compensatory leave at the employee’s regular rate of pay. If an employee reassigns, promotes, or accepts a demotion to another position within the same department, cash out is at the department’s discretion.
3. Upon reaching 120 hours of overtime compensatory leave, the employee must either receive cash payment for additional hours of overtime worked or use accrued overtime compensatory leave credits before receiving further overtime compensation in the form of compensatory leave.
4. The President or President’s designee may elect to pay or require an employee to use any or all of the employee’s accrued overtime compensatory leave at any time. Typically, with approval from the President or designee, overtime compensatory leave shall be used or cashed out prior to the end of each fiscal year and/or before any scheduled salary increase.
(b) Regular compensatory leave shall be provided to a USPS exempt employee for work beyond forty (40) hours on an hour-for-hour basis. The University will pay for unused regular compensatory leave with the approval of the President or designee. The President or designee has the authority to grant approval to an employee to retain regular compensatory leave in excess of 120 hours for a period not to exceed six (6) months in circumstances involving natural disasters and other extraordinary situations that last for an extended period of time which would prevent employees from using their accrued compensatory leave.
1. When a USPS employee moves within the University of Florida from a position in a class that accrues regular compensatory leave credits to another position which also accrues regular compensatory leave, any unused regular compensatory leave will be transferred.
2. When a USPS employee moves from an exempt class that accrues regular compensatory leave to a USPS class that does not accrue regular compensatory leave or accepts a position in TEAMS, any unused regular compensatory leave will be transferred. In such cases, the employee must use regular compensatory leave before using annual leave.
3. Regular compensatory leave shall not be transferred to a faculty position. As a result, each supervisor should make a reasonable effort, whenever practical, to allow an employee to use regular compensatory leave credits as requested before the employee transfers to a faculty position.
(c) Special compensatory leave is provided on an hour-for-hour basis to USPS and non-exempt TEAMS personnel as follows:
1. Special compensatory leave is provided to compensate an employee for a University of Florida holiday when the employee observed the holiday and worked forty (40) hours the week during which the holiday occurred; the holiday falls on the employee’s regularly scheduled day off; or the employee is required to work the holiday.
2. Special compensatory leave is provided to compensate an employee for administrative leave for jury duty or court appearance provided in paragraphs (14)(a) and (b) below when the employee worked forty (40) hours the week during which the jury duty or court appearance occurred.
3. Special compensatory leave is provided to employees required to perform essential duties during an emergency closing for the hours worked during the closing.
4. The President or designee has the authority to pay or require an employee to use any or all of the employee’s accrued special compensatory leave at any time in order to provide for the efficient management of the unit, to conserve funds, or to provide savings to the University. If the employee separates, the employee shall be paid for all unused special compensatory leave at the employee’s regular rate of pay. An employee who reassigns, promotes, or accepts a demotion to another position in a work area paid by a different account number will be paid for all unused special compensatory leave at the employee’s regular rate of pay. If an employee reassigns, promotes, or accepts a demotion to another position within the same department, cash out is at the department’s discretion based on budget considerations. With approval from the President or designee, special compensatory leave shall be used or cashed out prior to the end of each fiscal year and/or before any scheduled salary increase.
5. An employee who is unable to work due to a compensable workers’ compensation injury and is receiving salary indemnification benefits shall not be eligible for special compensatory leave.
6. An employee shall be paid proportionate to the full-time equivalent (FTE) in pay status for all holidays designated for University employees.
7. Leave shall be accrued while in pay status and shall be credited on the last day of that pay period or, in the case of separation, on the last day the employee is on the payroll.
8. During approved unpaid leave for parental, foster care, medical, or military reasons, an employee may use accrued leave to continue the contributions to State benefits and other expenses.
9. Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period. While on paid leave, an employee may not be employed elsewhere unless the requirements for outside activity and extra compensation have been met.
(9) Sick leave accrual for full-time employees shall be as follows with proportionate accrual for less than full-time.

### Hours Accrued During Pay Period

<table>
<thead>
<tr>
<th>Monthly</th>
<th>Biweekly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty</td>
<td>8.667</td>
</tr>
<tr>
<td>TEAMS (except for Executive Service)</td>
<td>8.667</td>
</tr>
<tr>
<td>Executive Service</td>
<td>10.833</td>
</tr>
<tr>
<td>USPS</td>
<td>8.667</td>
</tr>
</tbody>
</table>

(a) Sick leave shall be accrued before use unless available through a sick leave pool. There is no maximum on the amount of sick leave that can be accrued. Sick leave accrued prior to October 1, 1973, shall be used prior to any sick leave accrued after that date.

(b) Sick leave is authorized for the following purposes:

1. The employee’s personal illness, injury, exposure to a contagious disease, a disability where the employee is unable to perform assigned duties, or appointments with health care providers.

2. The illness, injury, appointments with health care providers, or death of a member of the employee’s family.

(c) Notice of absence due to illness, injury, disability, or exposure to a contagious disease, shall be given on the first day of absence.

(d) Upon separation, an employee with ten (10) or more years of service shall be paid for one-eighth of all unused sick leave accrued prior to October 1, 1973, and for one-fourth of unused sick leave up to a total of 480 hours accrued after October 1, 1973. Upon reemployment by the University within 100 days or upon recall by the University within 365 days, all unpaid sick leave shall be restored and any sick leave paid at time of separation shall be restored upon repayment. An employee with less than ten (10) years of service shall not be paid for any unused sick leave and such leave shall be forfeited unless reemployed by the University within 100 days or recalled by the University within 365 days.

(10) Annual leave for full-time employees shall be as follows with proportionate accrual for less than full-time. An academic year (39 weeks) employee, a Developmental Research School employee, and an employee appointed for less than nine (9) months shall not accrue annual leave. Postdoctoral Associates shall not accrue annual leave. Hours of accrual for USPS are based on years of creditable service, and such service shall be awarded as one month of service credit for each calendar month that the employee is on the salaried (non-OPS) payroll of the University of Florida, on the salaried (non-OPS) payroll of a State agency prior to January 6, 2003, on the salaried (non-OPS) payroll of a state university in the State of Florida prior to January 6, 2003, or on the salaried (non-OPS) payroll of these institutions while on authorized unpaid leave during the indicated time periods.

### Hours Accrued During Yearend Maximum Payment

<table>
<thead>
<tr>
<th>Biweekly Pay Period</th>
<th>Yearend Maximum</th>
<th>Maximum Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty (except for Postdoctoral Associates)</td>
<td>6.769</td>
<td>352</td>
</tr>
<tr>
<td>TEAMS (except for Executive Service)</td>
<td>6.769</td>
<td>352</td>
</tr>
<tr>
<td>Executive Service</td>
<td>9.195</td>
<td>480</td>
</tr>
<tr>
<td>USPS (Months of Service)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-60</td>
<td>4</td>
<td>240</td>
</tr>
<tr>
<td>61 to 120</td>
<td>5</td>
<td>240</td>
</tr>
<tr>
<td>Over 120 months</td>
<td>6</td>
<td>240</td>
</tr>
</tbody>
</table>

(a) Annual leave shall be accrued prior to use unless annual leave is advanced by the President or designee.

(b) Employees may accrue annual leave in excess of the year end maximum during a calendar year. Employees with accrued annual leave in excess of the year end maximum as of December 31, shall have any excess converted to post October 1, 1973 sick leave on an hour-for-hour basis on January 1 of each year. The President or designee is authorized to grant approval to an employee to retain annual leave in excess of the year end maximum in circumstances involving natural disasters and other extraordinary situations lasting for an extended period of time that prevent the employee from using annual leave.

(c) An employee who separates from employment shall be paid for all unused annual leave hours up to the year end maximum allowed for the pay plan. Upon reemployment by the University within 100 days or upon recall by the University within 365 days, all unpaid annual leave shall be restored and any annual leave paid at time of separation shall be restored upon repayment. Upon entering into the Deferred Retirement Optional Program (DROP), employees may elect to be paid up to the year end maximum of their unused annual leave.

(d) Upon transfer from an annual leave-accruing position to a non leave-accruing position, the employee shall be paid for unused annual leave, unless the employee elects to retain all unused annual leave, for up to two years.
(e) Upon reasonable notice, an employee shall be required to use any part of his or her accrued annual leave at any time deemed advisable by the President or designee based on the effective functioning of the unit, the efficient use of available personnel, and budget.

(11) Compulsory medical leave provisions shall be consistent with the following:
   (a) Medical certification by a health care provider designated or approved by the President or designee shall be required.
   (b) Notice shall be provided to the employee identifying duration of the leave, the conditions for return to the position, and whether such leave shall count toward FMLA entitlements.
   (c) The employee is allowed to use paid leave during compulsory leave to continue the contributions to benefits and other expenses.
   (d) Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period and upon receipt of a current medical certification that the employee is able to perform assigned duties.
   (e) Employees who fail to meet the conditions of the compulsory leave or who fail to obtain medical certification and are unable to perform duties shall be offered part-time employment, placed on unpaid leave or have such leave extended, requested to resign, or be dismissed for inability to perform the duties of the position.

(12) Employees are provided with twelve workweeks of Family and Medical Leave within a 12-month period in compliance with the Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3) and the Final Regulations of the Family and Medical Leave Act of 1993 (29 CFR Part 825). The twelve (12) workweeks in a twelve (12) month period begin on the first day of the FMLA leave and end one year from the first day of FMLA leave. All employees are eligible including OPS employees who have worked at least 12 months (these need not have been consecutive.) and who have worked at least 1250 hours in the 12 months prior to the leave. Faculty, TEAMS, and USPS employees may use paid leave for an FMLA event, and such shall be counted toward the entitlement.

(13) Employees shall be provided with up to six (6) months unpaid parental leave during which time the employee may use paid leave when the employee becomes a biological or adoptive parent. Parental leave shall begin two weeks prior to the expected date of the child’s arrival unless otherwise mutually agreed to by the President or designee and the employee.

(14) Employees provided paid administrative leave shall not exceed forty (40) hours during the workweek. Administrative leave is not accrued.
   (a) Administrative leave for jury duty shall not exceed the number of hours in the employee’s normal workday. If jury duty does not require absence for the entire workday, the employee shall return to work immediately upon release by the court. If the jury duty does not coincide with the regular work schedule, the employee shall be granted administrative leave based on the total hours served on jury duty and such leave shall be granted on the next scheduled work shift. Any jury pay shall be retained by the employee.
   (b) Administrative leave shall be provided to an employee summoned as a fact witness in a matter not involving personal interests. Witness pay shall be retained by the employee. Administrative leave shall not be provided to an employee serving as an expert witness.
   (c) Administrative leave for athletic competition in Olympic events shall be provided under the same conditions accorded to state employees in Section 110.118, F.S.
   (d) Administrative leave up to two days shall be provided to a USPS or TEAMS employee upon the death of a family member.
   (e) Administrative leave shall be provided for official emergency closing of University facilities. Special compensatory leave shall be provided to USPS and TEAMS employees required to perform essential services during the emergency closing. Only employees scheduled to work during the time of the emergency closing shall be provided leave.
   (f) The President or designee shall provide administrative leave for Florida Disaster Volunteers under the same conditions accorded to state agency employees in Section 110.120, F.S.
   (g) The President or designee may grant up to two days of administrative leave for civil disorder or disaster for an employee who is a member of a volunteer emergency response team based on the nature of the duties performed by the employee and the location and nature of the civil disorder or disaster.
   (h) The President or designee may provide administrative leave up to two hours for voting in public elections upon the request of the employee and based upon the nature of the employee’s duties and the location of the polling place.
   (i) The President or designee may place an employee under investigation on leave up to the length of the investigation pursuant to Rules 6C1-3.045, 6C1-3.046 and 6C1-7.048, F.A.C.
   (j) The President or designee may place an employee on administrative leave between the notice of reduction in pay, suspension, or dismissal and the effective date of such action pursuant to Rules 6C1-3.045, 6C1-3.046, and 6C1-7.048, F.A.C.
   (k) The President or designee may place an employee on administrative leave when the employee’s presence in the workplace may result in damage to property, or injury to the employee or others.

(15) Military leave and reemployment rights shall be provided to Faculty, TEAMS, and USPS employees consistent with Federal and State laws.

(16) Workers’ Compensation benefits for an injury compensable under the Florida Workers’ Compensation Law shall be provided consistent with the following:
3. Specific leave programs for eligible employees include:
   a. One semester leaves or six-month leaves for twelve-month employees are available at one-half pay or full-pay.
   b. Two semester leaves or twelve-month leaves for twelve-month employees are available at one-half pay.
c. One semester leaves for academic year employees are available at one-half pay or full-pay.

d. Two semester leaves for academic year employees, are available at half-pay.

4. In the case of IFAS and the Health Science Center, contact the respective Dean, Director, or Vice President’s Office for information. For other units, contact the appropriate Office of the Dean. Each application shall include a statement describing the program to be followed while on leave, the expected increase in value of the employee to the University of Florida, specific results anticipated from the leave, any expected supplementary income, and a statement from the applicant agreeing to comply with the terms of the leave program.

5. The President or designee shall select applicants when the University believes that completion of the proposed project or work would substantially improve the productivity of the department or function of which the employee is a part.

6. Terms of Program.

a. If an employee receives fellowships, grants-in-aid, or financial assistance from sources other than the University of Florida to assist in accomplishing the program, the University of Florida salary shall be reduced so that the total income is equal to the faculty member’s regular salary. Non-salary funds for travel and living expenses from sources other than the University of Florida will not result in a reduction in University of Florida salary during the leave.

b. Employment unrelated to the purpose of the professional development leave is governed by applicable outside activity and conflict of interest provisions of University rules and state law.

c. Contributions made by the University of Florida to the retirement and Social Security programs shall be continued on a basis proportional to the University of Florida salary received during the professional development leave. University contributions made to the employee insurance programs and other employee benefits shall be continued during the leave.

d. Twelve-month employees shall continue to accrue annual and sick leave on a full-time basis during the professional development leave.

e. Nine-month employees shall continue to accrue sick leave on a full-time basis during the professional development leave.

f. If accepting the leave, the employee must agree to return to the University of Florida for at least one academic or calendar year (depending on the employee’s appointment) following participation in the program. If the employee does not fulfill that agreement, or does not participate in the program as stated in the proposal, the employee shall reimburse the University of Florida the amount of salary received from the University of Florida during the professional development leave.

g. Upon returning to the University of Florida, the employee shall submit to the chair or supervisor, with a copy to the dean or director, a written report of the employee’s accomplishments during the leave. This report shall include information regarding the activities undertaken during the leave, the results accomplished during the leave as they affect the employee and the University of Florida and the research or other scholarly works produced or expected to be produced as a result of the leave.

h. Employees shall not be eligible again for a full-pay sabbatical in this program until six (6) years of full-time service have been completed following prior participation.

(18) The President or designee has authority to provide an employee with leave without pay when such leave is in furtherance of the mission of the University.

(19) Personal Leave Days for TEAMS Employees and Faculty.

(a) TEAMS employees and faculty earn four (4) personal leave days in proportion to their FTEs per fiscal year in addition to the University of Florida holidays.

(b) Such personal leave days shall be credited to eligible employees on December 1 of each year.

(c) Personal leave days must be taken in full-day increments (that is, as an 8-hour day for full-time employees, as a 4-hour day for .50 FTE employees) on workdays between the dates December 26 and December 31, inclusive.

(d) Essential personnel who are required to work between December 26 and December 31 shall have their schedules adjusted to provide equivalent paid leave time within the current fiscal year.

(e) Cash payment is not provided for unused personal leave days. Any unused personal leave days expire at the end of each fiscal year.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 6-28-98, Amended 1-12-00, 5-20-02, 3-12-03.

6C1-1.300 University of Florida; Direct Support Organizations.

(1) The President of the University may recommend to the Board of Trustees that an organization meeting the requirements of Section 1004.28(1)(a), F.S., be designated a University of Florida Direct Support Organization (“DSO”). Upon approval by the Board of Trustees, a DSO shall be considered to be certified and authorized to use the property, facilities and personal services of the University.

(2) In order to be considered for certification as a DSO, an organization must fulfill the requirements of Section 1004.28(1)(a), F.S., and must have Articles of Incorporation and Bylaws that together:

(a) Provide that any person employed by the organization shall not be considered to be an employee of the University of Florida Board of Trustees by virtue of employment by the DSO.

(b) Provide that the chief executive officer or director of the DSO shall be selected and appointed by the governing board of the DSO, with prior approval of the President of the University, and that the chief executive officer or director shall report to the President or a designee reporting directly to the President.
(c) Provide that any amendments to the Articles of Incorporation or Bylaws be subject to the approval of the University Board of Trustees.

(d) Provide that the President of the University shall have the following powers and duties:
1. Monitor and control the use of University resources by the organization.
2. Control the use of the University name by the DSO.
3. Monitor compliance of the organization with federal and state laws.
4. Approve contributions of funds or supplements to support intercollegiate athletics.

(e) Provide that the organization shall provide equal employment opportunities to all persons regardless of race, color, religion, gender, age or national origin.

(f) Prohibit the giving, directly or indirectly, of any gift to a political committee or committee of continuous existence as defined in Section 106.011, F.S., for any purpose other than those certified by a majority roll call vote of the organization’s governing board at a regularly scheduled meeting as being directly related to the educational mission of the University.

3) The Chair of the University of Florida Board of Trustees may appoint a representative to the governing body and the executive committee of each DSO. In addition, the President of the University or a designee shall also serve on the governing body and executive committee of each DSO.

4) Each DSO shall submit an annual budget which has been approved by its governing board to the President of the University or the President’s designee for review. Such proposed budget shall be submitted no later than sixty (60) days after the first day of the fiscal year to which the proposed budget pertains. The President or designee shall report results of review to the Board of Trustees.

5) Significant changes in projects funded, expenditures, or income projected in the annual budget must be reported to the President. Planned actions which would cause a commitment of University resources or which represent a significant commitment of the resources of the DSO should be reported by the first date of the fiscal quarter in which they are to occur.

6) Each DSO shall cause a financial audit of its accounts and records to be conducted by an independent certified public accountant after the close of each fiscal year. The audit report shall be submitted by the President of the University to the Board of Trustees no later than the end of the sixth month following the close of the organization’s fiscal year.

(a) Audits shall be conducted pursuant to Section 1004.28(5), F.S., and in accordance with rules adopted by the Auditor General pursuant to Section 11.45(8), F.S., and University of Florida rules.

(b) The President of the University shall submit the annual audit report to the Auditor General and to the Florida Board of Governors no later than nine (9) months after the close of the organization’s fiscal year.

7) The President of the University may recommend to the Board of Trustees that an organization be decertified as a DSO if the President determines that the organization is no longer serving the best interest of the University. The recommendation for decertification shall include a plan for disposition of the organization’s assets and liabilities.

Specific Authority 1001.74(4), 1004.28(2) FS. Law Implemented 1001.74(37), 1004.28 FS. History--New 1-7-03, Amended 6-3-03.
CHAPTER 6C1-2 PUBLIC FUNCTIONS

6C1-2.001 University of Florida; Possession and Use of Firearms.

(1) The possession of firearms on the University campus is prohibited except where hereinafter specifically authorized.

(2) The University “campus” is defined for purposes of this policy to include those lands located in the City of Gainesville, Florida, occupied by the University of Florida, and bounded generally by 13th Street on the East, University Avenue on the North, 34th Street on the West and Archer Road on the South, including premises occupied by fraternities and sororities officially recognized by the University whether located on the University campus itself or on the periphery, or any land or property occupied by the University of Florida.

(3) The term “firearm” is defined for the purposes of this policy to include pellet guns and similar weapons.

C Campus residents are permitted to store firearms in an area designated by the University Police at the University Police Station only. An area for the maintenance and cleaning of these firearms is provided at this designated storage facility. When removed from the storage facility for use, the weapon must immediately be taken east on Museum Road until past the campus perimeter. Return shall be along the same route. Authorization must be acquired from the University Police for possession of the firearm while traveling between the storage facility and the campus perimeter. Possession of a firearm anywhere else on campus is prohibited. Those presently authorized to possess guns on the campus are members of governmental agencies authorized by law to possess guns, the University Police, members of University Rifle Teams, and the staff of the Florida State Museum when the guns are a part of the museum collection and are for the exhibit purposes or used in specimen collection. ROTC cadets may drill with unloaded rifles which have the firing pin removed when under the supervision of ROTC officers and cadre. Members of the Rifle Teams are authorized to have possession of their firearms only when under the supervision of ROTC cadre personnel on the firing range or in the ROTC Armory.

Any student or employee, including faculty, administration, and staff members, shall be immediately suspended for violation of this policy. When required under applicable university disciplinary rules or provisions of the applicable collective bargaining agreement, such a suspension shall be interim in nature until a proper hearing can be held by the appropriate hearing body to determine the facts and circumstances of the violation.

(4) Should it be necessary or desirable for the use of firearms in any of the academic programs of the University, then permission for such use must be applied for and granted by the Vice President for Academic Affairs and University Police Department.
6C1-2.002 University of Florida; Campus Demonstrations.

(1) Faculty, students, and all other personnel who intentionally act to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University shall be subject to appropriate disciplinary action by the University authorities.

(2) Demonstrations may be held anywhere on the campus, so long as they do not disrupt the normal operation of the University or infringe on the rights of other members of the University community, except that no demonstrations are permitted inside University buildings. Any use of sound amplification equipment on the outdoor areas of campus must have prior clearance through the Office of Student Activities at the J. Wayne Reitz Union and will be permitted only if there is no interference or disruption of any academic or other University activities. Use of outdoor areas must also be consonant with all other University rules, including but not limited to Rules 6C1-2.002, 6C1-2.003, 6C1-2.005, 6C1-2.008, and 6C1-4.006, F.A.C.

(3) In order that demonstrators not interfere with the operation of the University or the rights of others, they shall not:
   (a) Obstruct vehicular, bicycle, pedestrian, or other traffic;
   (b) Obstruct entrances or exits to buildings or driveways;
   (c) Interfere with educational activities inside or outside any building;
   (d) Harass passersby or otherwise disrupt normal activities;
   (e) Interfere with or preclude a scheduled speaker from being heard;
   (f) Interfere with scheduled University ceremonies or events; or
   (g) Damage property, including lawns, shrubs, or trees.

(4) In the event of disruptive action, University employees and students involved in demonstrations shall identify themselves by presenting appropriate documents such as ID cards when requested to do so by the President or his/her designated representative, and such representative will identify him/herself when making this request. Demonstrators not officially related to the University of Florida will be directed to leave the campus immediately or be subject to arrest for a violation of the law forbidding the disruption or interference with the administration or functions of an educational institution.

(5) If, in the opinion of the President or his/her designated representative, a demonstration is disrupting normal University operations or infringing on the rights of other members of the University community, the President or his/her representative may:
   (a) Identify him/herself to the demonstrators, giving name and official position;
   (b) Inform the demonstrators that they are in violation of the University policy and/or in violation of the law and specify the nature of the violation;
   (c) Request that the violation cease; and
   (d) In the event of non-compliance with this request, enlist the assistance of the University Police in restoring order and enforcing the law.

(6) The University Police, as the President’s designated representatives, have a responsibility to:
   (a) Declare a demonstration to be in violation of law and request all demonstrators to cease and desist and to disperse and clear the area or be subject to arrest and/or University disciplinary action;
   (b) Arrest any demonstrators observed to be in violation of the law; and
   (c) Enlist the assistance of outside law enforcement agencies, if necessary.

Specific Authority 240.132(1), 240.227(1), 240.261(2) FS. Law Implemented 240.132, 240.227(5), (13) FS. History–New 9-29-75, Formerly 6C1-2.01, Amended 9-16-99.

6C1-2.003 University of Florida; Distribution of Printed Material.

(1) The distribution of printed material, which is defined in this rule as newspapers, handbills, leaflets, pamphlets, posters, magazines, and printed paper(s) of a like nature shall only be permitted on campus at reasonable times, places, and in reasonable manners consistent with the educational mission of the University, the uninterrupted orderly operation of University programs, classes, and studies of its faculty, staff, and students, the safety of University students, faculty, and staff, and the protection of the property of the University and its students, faculty, and staff, as provided below. The campus should be free from excessive and abusive postings, chalking and the distribution of commercial and promotional materials, which deface and depreciate the value of our grounds, facilities, and campuses.

(2) Any individual, group or organization desiring to distribute Printed material on the University campus may distribute under the following conditions:
   (a) The individual, group, or organization is subject to the Student Code of Conduct if a student or student group or organization at the University and to all laws and regulations of the city, state, or nation that govern a person in the exercise of his or her rights of expression, including, but not limited to those relating to defamation, obscenity, pornography, violent overthrow of the Government or of the existing authorities, inciting to riot, or any other law or regulation validly limiting the exercise of free speech.
(b) Advertisements for the use, sale, consumption or distribution of alcohol or illegal drugs are prohibited, including, but not limited to: 2-4-1 specials, beat-the-clock deals, happy hours, lady’s night, or illustrations/photos depicting these activities. This includes advertisements sent via e-mail. Alcohol education materials/promotions (i.e., alcohol/health programs, responsible drinking programs, or University of Florida Alcohol awareness organizations materials), which are sanctioned as University sponsored events are permissible, so long as they do not violate Rule 6C1-2.019, F.A.C.

(c) To avoid littering the campus, printed material may not be left in stacks unattended, left on the ground, or placed on vehicles. Equipment used in the dissemination of printed material may not be left unattended and must be removed after its use except in those instances where prior approval has been granted to distribute newspapers and other printed material at specific sites by means of vending machines or distribution boxes.

(d) There must be no interference with normal operations of the University, including classroom instruction, or infringement on the rights of others pertaining to office and student living privacy, study conditions, free movement of pedestrian and vehicular traffic, and restricted use of departmental bulletin boards.

(e) Distribution of printed material may not take place within University buildings and facilities, including athletic or recreational fields, except in those residence halls or other campus living areas under the procedures approved by the governing bodies of those areas for such distribution. Printed material may not be distributed in such a manner as to otherwise interfere with access to University buildings or facilities. Distribution of printed materials in classrooms is at the discretion of the instructor.

(f) Any printed material which identifies the author and/or publisher as University personnel, or has subject matter, including photographs, which might imply to the reader that such publication is University or University personnel-sponsored, must contain the following statement prominently exhibited in the first three pages: “This publication is solely the expression of the author and/or publisher and it is not an official publication of the University of Florida, nor is it in any way intended to express any policies or opinions of the University of Florida, or its personnel”.

(g) No printed material may be posted or placed on trees, any interior or exterior walls or doors of campus buildings, or on any campus property other than permanent official bulletin boards of the University designated for that purpose.

(h) The use of adhesives in the posting of materials is strictly prohibited.

(i) The selling of printed material is not permitted on campus except through newsboxes or newsstands or as otherwise permitted pursuant to Rule 6C1-4.006, F.A.C.

(j) The passing out of materials must be conducted in a courteous manner, and cannot be disruptive to the University of Florida community. Materials may not be forced upon an individual.

(3) Use of newsstands or news boxes.

(a) All printed material sold or distributed without charge, pursuant hereto, which is left unattended, shall be stacked for distribution in boxes or distribution stands constructed of either metal or wood with a bottom flooring, painted, no larger than a length of twenty (20) inches, a width of twenty-two (22) inches, and a height of fifty (50) inches, and no smaller than a length of twelve (12) inches, a width of twelve (12) inches and a height of twenty-eight (28) inches, or a standard newspaper vending machine size.

(b) All newsstands or boxes shall be kept in a neat and clean condition, and shall be used in a regular and periodic manner. Any stand or box not so kept and used may be removed and stored by appropriate University personnel upon request of the Director, Business Services, as a nuisance to the University community.

(c) Newsstands or boxes may be placed only in areas specifically designated for such purposes by the Office of the Vice-President for Finance and Administration, dependent upon the availability of space. Additional space may be allotted on a temporary basis upon request to the Office of the Vice-President for Finance and Administration.

(4) Additional regulatory measures should be observed where such regulations are necessary for special areas of the campus. The following are considered special areas: The J. Hillis Miller Health Center, P. K. Yonge Developmental Research School campus and Florida Field. Distribution of printed material in these areas must be pursuant to the regulations for these areas.

(5) Failure to adhere to this rule will result in immediate removal of the materials and disciplinary action by the University. These actions will include a step discipline process that includes written notification and/or billing for clean-up, and elimination of distribution privileges on campus. Any individual, group or organization engaged in the distribution of printed material in violation of this rule shall be preventing from continuing such distribution if necessary to protect the uninterrupted orderly operation of the University, the safety of University students and personnel, and the property of the University and its students and personnel.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6), (10), (19) FS. History—New 9-29-75, Amended 8-15-78, 8-6-81, 9-15-83, Formerly 6C1-2.03, Amended 5-19-93, 7-11-94, 5-1-96, 6-3-03.

6C1-2.0031 Finance and Administration; Identification Card Program.

(1) Definitions. Definitions of words and phrases used in the Identification (I.D.) Card Program at the University of Florida:

(a) Academic Personnel (AP) – The academic employees of the University of Florida described in Rule 6C1-7.003, F.A.C., which includes the titles of Professor, Associate Professor, Assistant Professor and Lecturer.

(b) Staff – Technical, Executive, Administrative and Managerial Support (TEAMS), University Support Personnel System (USPS), and Other Personnel Services (OPS) employees of the University of Florida.

(c) Student – All persons, not classified as Academic Personnel or staff, admitted and registered at the University of Florida.
(d) Identification (I.D.) Card – A laminated credit card size packet containing a digitized image (photograph) of the person, identification data, logo, bar code, high coercivity magnetic strip with three tracks, printed statement, and signature stripe.

(e) University of Florida Systems – A variety of means by which the University provides services to its students, Academic Personnel and staff such as library book checkout, check cashing, and ticket distribution.

(2) Function. The I.D. card is a key to accessing a variety of University of Florida systems, such as library book check-out and check cashing. The physical card is neither representation nor proof of any position or standing as a student, staff or Academic Personnel of the University of Florida, or representative thereof without validation in a University of Florida system.

(3) Policies for the use of the I.D. Card are set by the Office of the Vice President for Finance and Administration and administered by the I.D. Card Department of the Business Services Division.

(a) I.D. Cards shall be issued based on an individual’s primary relationship with the University – Academic Personnel, staff, or student.

(b) The final decision on the primary relationship of an individual with the University shall be made by the Vice President for Finance and Administration.

(c) I.D. Cards may be issued on a temporary basis to groups or individuals who do not fall into the category of Academic Personnel, staff or student as defined herein. The Office of the Vice President for Finance and Administration is the unit in charge of authorizing the issuance of such cards. The cost for such cards is $10.00 per card, unless identified by a different cost described herein.

(4) All students are required to have an I.D. Card at the cost of $10.00. All Academic Personnel and staff are required to have an I.D. card. A $15.00 fee will be imposed for each replacement card.

(5) Conduct such as misuse of the I.D. Card, falsification of information to obtain an I.D. Card, alteration of the picture or information on the card, and/or falsification of records which served as the basis for the issuance of the I.D. Card shall subject persons to penalties provided in the Florida Statutes or Florida Administrative Code, including the Student Conduct Code, as appropriate.

(6) When utilizing a University of Florida System, individuals shall present their I.D. Card as the approved means of showing authorization to use the system.

(7) Any unit of the University or student group or organization desiring to use the I.D. Card for any purpose not defined herein shall first obtain the approval of the I.D. Card Department, Business Services Division. No encoding of any of the tracks on the I.D. Card may be done without written approval of the I.D. Card Department. No alteration of the card or any portion thereof by any person or agency, other than the I.D. Card Office, is allowed. Approval is granted only pursuant to the terms of a University contract or for another University purpose and only under terms which protect the integrity of the I.D. Card.

(8) No equipment shall be purchased for the direct or indirect purpose of encoding on any of the tracks on the I.D. Card without the prior written approval of the Director of Business Services or his/her designee, which approval shall be granted only pursuant to the terms of a University contract or in furtherance of another University purpose and only under terms which protect the integrity of the I.D. Card.

Specific Authority 1001.74(4), 1006.60, 1012.92(1) FS. Law Implemented 1001.74(6), (10), (19), 1006.60, 1009.24(12)(b), 1012.92 FS. History–New 7-15-91, Amended 5-28-92, 5-19-93, 3-12-03.

6C1-2.004 Use of University Facilities; Definitions; Priorities in Use; General Restrictions on Use.

(1) For the purposes of Rules 6C1-2.004 through 6C1-2.020, F.A.C., the following definitions shall apply:

(a) “University campus” or “campus” shall include those lands located in the City of Gainesville, Florida, occupied or controlled by the University of Florida, and bounded generally by 13th Street on the east, University Avenue on the north, 34th Street on the west and Archer Road on the south, along with any other educational or residential facilities occupied or controlled by the University within Alachua County, Florida.

(b) “University facilities” shall include all buildings and other facilities, including athletic and recreational fields, on the University campus.

(c) “Instructional space” shall include all University facilities used primarily for the conduct of scheduled classes, laboratories, seminars and other uses related to the academic process.

(d) A “public function” is an event that is held in University facilities and is open to attendance by all members of the University community and/or to the general public either with or without charge for admission.

(e) A “private function” is defined as one held in University facilities and is open to attendance only by members and invited guests of the sponsoring group, organization or person.

(f) “University groups and organizations” are defined as officially constituted colleges, schools, divisions, departments, agencies and other corporate organizational units which are a part of or operate on behalf of the University, including but not limited to, direct support organizations, foundations and alumni organizations officially recognized by the University, and student organizations, honor societies, fraternities and sororities officially registered or recognized by the University.

(g) “University persons” are defined as students and employees of the University, including faculty members, administrative and professional (A&P), University Support Personnel System (USPS) and Other Personal Services (OPS) personnel.
“University related groups and organizations” are defined as those that although not officially recognized or registered by or affiliated with the University or otherwise failing to meet the definition in paragraph (f) immediately above, are related to the University because of the promotion of the interests of the University community, the academic professions and other related interests of the faculty, staff or students, or which perform other service to the University and its community, such as credit unions, academic professional associations, professional fraternities/sororities, employee organizations, charitable community organizations, other public educational institutions, and the like.

(i) “Non-university persons, groups and organizations” are defined as persons, groups or organizations which do not meet the definitions of persons, groups or organizations as defined in paragraphs (f), (g) and (h) immediately above, including candidates for election to public office and organizations supporting such candidates, and those groups and organizations which exist primarily for the purpose of carrying on commercial activity for profit, or which otherwise exist primarily for private individual gain or benefit.

(2) The following priorities will be observed by authorities responsible for scheduling University facilities:

(a) University groups and organizations;
(b) University persons;
(c) University related groups and organizations; and
(d) Non-university groups, organizations and persons.

(3) Scheduling of University facilities shall give priority to University programs and functions. No person, group, or organization shall be excluded from this policy because they have collective bargaining as one of their objectives.

(4) Requests for scheduling events in University facilities, except for instructional space, should be directed to the authori ty controlling the facility. Scheduling of instructional space is governed under the provisions of Rule 6C1-2.008, F.A.C.

(5) A condition for the use of University facilities may be that the sponsoring person, organization, or group obtain adequate insurance coverage and/or that adequate security can be provided by the University Police Department. The costs of such insurance or security shall be borne by the sponsoring person, organization, or group.

(6) Persons, groups, or organizations utilizing University facilities are responsible for providing programmatic access to individuals with disabilities, i.e., deaf, deaf-blind, hard of hearing, and visually impaired. All costs associated with providing programmatic access are the responsibility of the sponsoring person, group, or organization.

(7) University facilities that are otherwise available for such use under University rules will not be made available for commercial purposes unless approved in advance by the Vice President for Finance and Administration who shall review the request in light of the University’s contractual and other legal requirements, the relationship of the activity to the University’s mission, and the benefit of the activity to the University and the State of Florida.

(8) A University employee may use his or her office or other University facilities or services in conducting outside activities, such as private practice or consulting, only if approved pursuant to subsection 6C1-1.011(7), F.A.C.

6C1-2.005 Use of University Facilities; Outdoor Areas.

(1) Events in outdoor areas of the campus are to be scheduled and approved as follows:

(a) Academic areas are areas near classrooms, libraries, laboratories, hospitals, auditoriums and research facilities. Non-academic use of such areas is to be scheduled through the Office of Student Activities at the J. Wayne Reitz Union in the case of student groups and organizations or the Office of Finance and Administration for all other persons, groups, and organizations. Areas near hospitals and clinical facilities are unavailable for non-academic uses.

(b) Union areas and outdoor areas adjacent to the J. Wayne Reitz Union building. Use of these areas must be scheduled through the Director of the Union and approval must be secured through the Office of Student Activities for student groups and organizations or the Office of Finance and Administration for all other persons, groups, and organizations.

(c) Residential areas are outdoor areas in the vicinity of residence halls, fraternities, sororities and villages. Events in each of these areas are scheduled by the residential unit.

(d) University athletic facilities, including playing fields, stadiums, courts, and so forth, are considered instructional space and must be scheduled pursuant to Rule 6C1-2.008, F.A.C.

(2) Approval and scheduling of events in the above areas must be consonant with Rule 6C1-2.004, F.A.C., including the assessment of fees, and other University rules. As a condition of approval, the University may impose safety, security and liability requirements consistent with the use to be made of the area, and the area to be used must be adequate for the nature of the event.

(3) Informal Use of Outdoor Areas. Outdoor areas on the campus which are not committed to a specific use or assigned to a specific University agency, such as the Plaza of the Americas, are free to be used for informal, unscheduled and unamplified expressions of opinion or musical events by persons participating as individuals without registration or approval. These impromptu speakers or musical performers will be held responsible for orderly behavior and for no disruption of academic activities, scheduled public functions, or pedestrian or other traffic, and they must follow University rules governing those areas.

(4) Formal Use of Outdoor Areas. Events using public address systems or other electrical amplification and events involving a substantial outdoor area of the campus are permissible when approved and scheduled as set forth in subsection (1) of this rule, provided:
(a) They are sponsored by a University group or organization or a University-related group or organization. Generally, University persons and non-university persons, groups and organizations will not be permitted formal use of outdoor areas. Registered student groups should use the form “University of Florida – Office of Student Activities Program Planning Form,” Form SAC-1, Rev. 7/00, available from that office and incorporated herein by reference.

(b) They do not interfere with academic processes, previously scheduled events, other campus activities, or pedestrians or other traffic.

5 Electrically amplified sound in outdoor areas.
(a) Any use of sound amplification equipment on the outdoor areas of campus must have prior clearance through the Office of Finance and Administration or the Office of Student Activities at the J. Wayne Reitz Union in the case of student organizations.

(b) Events held in the outdoor areas of campus must maintain a reasonable sound level. A reasonable sound level is defined as a level which (i) falls within the permissible limits of City of Gainesville Ordinances, Ch. 15 (1997), Gainesville Code of Ordinances, and meets the communication needs of the event without excessive penetration to the adjacent areas. A recommended procedure for monitoring the sound level as the designation of an individual by the sponsoring group or organization to visit the peripheral buildings, render a value judgment and adjust the amplifiers if necessary.

(c) In academic areas, the use of electronically amplified instruments will generally not be allowed on class days (Monday through Friday). If a public address system is permitted in these areas, the sponsoring group or organization is responsible for maintaining a reasonable sound level.

Specific Authority 240.132(1), 240.227(1), 240.261(2) FS. Law Implemented 240.132, 240.227(5), (12), (13) FS. History–New 9-29-75, Formerly 6C1-2.05, Amended 7-27-98, 6-24-99, 7-8-01.

6C1-2.008 Use of University Facilities; Instructional Space; Use of P.K. Yonge Developmental Research School Facilities and Grounds.

(1) All instructional space with the exception of that located in the J. Hillis Miller Health Center, and the P.K. Yonge Developmental Research School is under the assignment and control of the Office of the Registrar. Such facilities may be used for private functions of or sponsored by University groups or organizations, and by private functions of or sponsored by University related groups and organizations. Such groups or organizations may be required to pay in advance the incidental and incremental cost of such usage. Permission for the use must be obtained from the Office of Finance and Administration, which will forward the approved request to the Office of the Registrar. Permission for the use of instructional space in the J. Hillis Miller Health Center must be obtained from the Office of the Vice President for Health Affairs. Permission for the use of space at the P.K. Yonge Developmental Research School must be obtained from the Director of the P.K. Yonge Developmental Research School. Permission for such use shall be granted only when the use is consistent with the academic use of the facilities and any restrictions applicable to the particular space.

(2) Public functions sponsored by University groups and organizations or University-related groups and organizations may also be held in instructional space when other facilities are unavailable and when such use has been authorized by the appropriate authorities and under the conditions stated above.

(3) Instructional space will not be available for non-university persons, groups or organizations.

(4) The following policies also govern the use of the facilities and outdoor areas of the P.K. Yonge Developmental Research School:

(a) Loitering on the P.K. Yonge Developmental Research School Campus is prohibited during the hours of 6:30 p.m. and 7:00 a.m. Monday through Thursday and between the hours of 6:30 p.m. on Friday and 7:00 a.m. on Monday. This rule will be enforced by the University Police Department and any other appropriate authority.

(b) The above provision does not prohibit use of the school premises within the above times for the following purposes:
1. Use of school grounds and facilities by P.K. Yonge students under the supervision of an approved sponsor, faculty member and/or coach.
2. Use of the tennis courts by University and P.K. Yonge Developmental Research School students and faculty.
3. Use of the softball, baseball, and athletic fields when special permission has been granted.
4. Use of the school grounds and facilities under terms specified in a written authorization issued by the Director of P.K. Yonge prior to use of the facilities.

Specific Authority 240.227(1) FS. Law Implemented 228.091, 240.132, 240.227(5), (12), (13) FS. History–New 9-29-75, Formerly 6C1-2.08, Amended 7-27-98.

6C1-2.012 University of Florida; Use of University Facilities; Fees for Use and Admissions Charges.

(1) Fees for use of University facilities, including the use of outdoor areas as permitted under Rule 6C1-2.005, F.A.C., shall be charged as follows:

(a) Fees shall be charged to non-university groups, organizations and persons for the use of University facilities. The fees shall be set by the authority controlling the facility and approved by the President or the President’s designee. Any additional services required by the user will be billed separately to the user by the department performing the service.
(b) University groups, organizations or persons and University affiliated persons, organizations, and groups shall be charged for the direct cost of services they require in the use of University facilities.

(2) Borrowing fees shall be charged for University of Florida libraries users who have no University of Florida affiliation.
   (a) The fee shall be $40.00 for four months or $100.00 for one year for the general public. Members of the University of Florida Alumni Association or the Howe Society (the Friends of the University of Florida Libraries Special Collections) shall pay $30.00 for four months or $75.00 for one year.
   (b) Individuals paying this fee will be entitled to borrow up to ten items for a 3-week loan period, but shall not be entitled to remote access to databases licensed by the Libraries or the use of interlibrary loan.

(3) The President or designee shall have the authority to waive or reduce any fee authorized under subsections (1) and (2) of this rule if the President or designee determines that such action furthers specific University program(s) and the University’s mission.

(4) Photographic reproductions (negatives, slides, and prints) of materials owned by the University of Florida Libraries are made only upon payment of the appropriate fee. The requestor must obtain all necessary permissions for the copying, including copyright permissions, and must indemnify the University of Florida for any claims arising from the reproduction. The “George A. Smathers Libraries, University of Florida Reproduction and Use of Images Fee Schedule” (5-01) and “George A. Smathers Libraries, University of Florida Policy on Reproduction and Use of Images” (5-01), which must be signed by the requestor, are incorporated by reference and can be obtained from the George A. Smathers Libraries.

(5) Admission Charges.
   (a) Student groups and organizations permitted to use University facilities may charge an admission fee or provide for voluntary contributions only pursuant to Rule 6C1-4.006, F.A.C.;
   (b) Except pursuant to a contract with the University, other groups, organizations, and persons permitted to use University facilities may charge an admission fee or provide for a voluntary contribution under the following conditions:
      1. The fee or contributions are in an amount that covers the costs of the event only, or
      2. The net proceeds are for a charitable institution or organization as defined in §501(c)(3) of the Internal Revenue Code of the United States.
   3. A financial accounting is required to be made to the University in the case of either subparagraph 1. or 2. above.
   (c) Fees and contributions may not be collected by groups, organizations or persons allowed to use instructional space.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6) FS. History-New 9-29-75, Formerly 6C1-2.12, Amended 6-28-98, 6-24-99, 7-8-01, 3-12-03.

6C1-2.0151 University of Florida; Promotional Trade-Outs, Giveaways, In-Kind Exchanges.
All promotional trade-outs, giveaways or in-kind exchanges of goods, services, tickets or merchandise is prohibited unless approved by the Vice President for Finance and Administration. Requests for approval must include a detailed plan describing the activity, the purpose, value and the benefit to the University.


6C1-2.016 University of Florida; Public Functions Policy; Use of Campus Lands; Camping.
   (1) Tents or other temporary structures are prohibited on lands of the University of Florida campus except when utilized in connection with activities of academic or administrative units or agencies of the University.
   (2) Tents or other temporary structures may be erected on University property by academic or administrative units or agencies only for activities directly related to the mission of the unit and only after first obtaining written approval of the Office of Vice President for Finance and Administration, which shall consider space, traffic, and safety and aesthetic factors.
   (3) Student Government and registered student organizations may secure approval for use of tents or temporary structures for activities described above by request to the Vice President for Finance and Administration through the appropriate academic unit(s) or the Office of Student Activities.
   (4) Camping is prohibited on lands of the University of Florida campus except when such camping is in connection with an official activity of the University, such as an activity of an academic or administrative unit. Prior written approval for such camping must be granted by the Office of the Vice President for Finance and Administration taking into consideration the health, safety and welfare of the participants, the University community, and guests of the University.


6C1-2.0161 University of Florida; Banner Policy.
   (1) The hanging and draping of banners on the interior or exterior of campus buildings or on poles installed specifically for such support is authorized under the following conditions:
      (a) Only University departments and officially registered University organizations are allowed to hang or drape banners on campus.
(b) Organizations planning to hang or drape banners on campus must file a banner permit application entitled “Banner Permit Application, Form: SAC-2, Rev. 10-15-02,” and incorporated herein by reference, with the Student Activities Center in the J. Wayne Reitz Union for approval by the Director of Student Activities. A copy of this form can be obtained from the Office of Student Activities Center, 300 J. Wayne Reitz Union, Gainesville, Florida. The Director or the Director’s designee will review the application to determine whether the proposed banner complies with University of Florida rules, including, but not limited to, Rules 6C1-2.019 and 6C1-4.016, F.A.C. Permits will be approved no more than twenty (20) days before the day the banner is to be hung. Organizations may reserve a maximum of five (5) days of banner space per month.

(2) Banners to be hung outdoors from banner poles must meet the following specifications:

(a) Banners must be hung from the banner poles using the existing ropes and hardware.

(b) Banners must be no more than 10 feet wide and no more than 8 feet tall.

(c) Banners must be constructed of heavy cloth, heavy vinyl or heavy plastic, properly sewn and vented. Banners must have grommets to attach the banners using the clips provided.

(d) Banners should not touch the ground. Any banner that is too large or is sagging will be removed. (Note: This is a safety precaution so that individuals cannot hide behind the banners.)

(e) All rope guys must be marked to be visible day and night. No wire guys shall be used.

(3) Banners to be hung indoors or on the exterior of a building, in addition to being approved in accordance with paragraph (1)(b) above, must meet the physical specifications set forth by the dean, director or other University official responsible for the building in which the banner is to be hung. Such officials may prohibit the hanging of all banners in or on the building.

(4) Banners that are hung at fraternity and sorority houses must be no more than 100 square feet in total area.

(5) No banners may be placed on building roofs, over a campus road or roadway or placed in such a manner as to impede the normal passage of foot or bicycle traffic.

(6) No banner shall be placed under or in the immediate area of utility (electrical or telephone) lines or facilities.

(7) The organization requesting approval of the banner must defray its cost and be responsible for the erection and removal of, and any damage caused by, such banner.

(8) Advertising or sponsorship involving commercial, off-campus vendors inconsistent with University policy will not be allowed. Refer to Rule 6C1-4.006, F.A.C.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6), (10), (19) FS. History–New 4-27-88, Amended 5-28-92, 9-16-99, 7-8-01, 6-3-03.

6C1-2.0162 Finance and Administration; Skateboards, Rollerskates, In Line Skates or Similar Devices.

(1) No person shall use a skateboard, rollerskates, in line skates or similar devices on the University campus, except as specified in this rule.

(2) University students, faculty and staff may use or operate skateboards, rollerskates, in line skates or similar devices only on University sidewalks and while crossing streets at crosswalks. Sidewalks shall be defined as that portion of a street between the curbline, or the lateral line, of a roadway and the adjacent property lines or the walkway between buildings, intended for use by pedestrians. The use of skateboards, rollerskates, in line skates or similar devices is prohibited in all other areas of campus, including, but not limited to:

(a) Fine Arts Complex,

(b) Architecture Building,

(c) Turlington Hall,

(d) Ben Hill Griffin Stadium,

(e) Stephen C. O’Connell Center,

(f) Parking Garages,

(g) Park and Ride Lots, and

(h) J. Wayne Reitz Union.

(3) Skateboard, rollerskate, rollerblade, or similar device users shall not perform acrobatics while riding on a skateboard, rollerskate, in line skate or similar device.

(4) No person shall ride at a speed greater than is reasonable and prudent, having due regard to traffic, pedestrians’ rights, surface of the sidewalk, the hazard at intersections, and any other condition then existing.

(5) Any non-university person who violates this rule is subject to an order to leave the immediate premises of University campus by a person in charge of University property or a member of the University Police Department. Persons failing to comply with an order by a person in charge or a member of University Police Department to leave or to remain off the immediate premises of University campus are subject to arrest for criminal trespassing.

(6) Any student who violates this rule is subject to a warning for the first offense and is subject to discipline under the Student Conduct Code for any additional offense(s).

6C1-2.0163 Finance and Administration; Chalking Policy.

Chalking is defined as the use of a water-soluble substance or substance washable by rain that is for the purpose of writing or drawing on concrete/paved sidewalks.

(1) Chalking on campus is limited to recognized student organizations and University of Florida departments, and is permitted ONLY on the paved South Terrance of the Reitz Union.

(2) Use of this area for chalking by student groups and University departments must be scheduled through the Director of the Reitz Union or his or her designee.

(3) Chalking must be done in open portions on the paved South Terrace that can be directly washed by rain.

(4) The substance used for chalking must be water-soluble and easily washable by water or rain.

(5) Chalking is prohibited on walls, benches, glass, windows, doors, pilings, columns, planters, painted surfaces, trees, traffic signs, light posts, emergency call phones, fixtures, newsstands, ad dispensers, utility boxes, private property, and any other objects, except the area designated above.

(6) Chalking must be clear and legible, must bear the name of the student organization or department, and must provide current contact information.

(7) Chalking making reference to the use, sale, consumption or distribution of alcohol or illegal drugs is prohibited.

(8) The Office of Student Activities will notify the students, student organizations, and University departments responsible for improper chalking and shall provide the said party a 24-hour period to clean up any chalking in violation of this rule. Should the offending party not remove the chalking within the 24-hour period, the party will be billed for all costs associated with the clean-up of the chalk.

(9) The Office of the Vice President for Finance and Administration will notify persons and groups other than those listed above that are responsible for improper chalking and will require that party to clean up the chalking done in violation of this rule within 24 hours. Should the offending party not remove the chalk within the 24-hour period, that party will be billed for all costs associated with the clean-up of the chalk.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6), (10), (19) FS. History–New 6-3-03.

6C1-2.0171 University of Florida; Use of University Facilities by Academic Professional Organizations.

(1) Academic professional organizations or associations of a national or regional character may be authorized to use University property, facilities, and other personal services of the University under the following guidelines:

(a) The organization or association must have activities, missions, and standards relevant to the teaching, research, or public service mission of the University.

(b) The activities of the organization or association must assist in strengthening the teaching, research, or public service mission of the University.

(c) The organization or association must provide the University a reasonable opportunity to achieve one or more of the following objectives:

1. Extend or improve its national or international image in the discipline so affected.
2. Increase its ability to improve its recruitment of faculty in the discipline or disciplines so affected.
3. Increase its ability to recruit better undergraduate or graduate students in the discipline or disciplines so affected.
4. Demonstrate its commitment to the land grant philosophy of the University.
5. Increase its ability to diversify its student body.

(2) The request to use University property, facilities or other personal services must be submitted in writing to the dean or director responsible for the facility. The dean or director must indicate in writing whether authorization is granted and any conditions pertaining thereto, if any.


6C1-2.018 University of Florida; Smoking Policy.

(1) No smoking areas shall be designated within any University facility, including, but not limited to, classrooms, offices, dining facilities, student residential facilities or any other facility owned or leased by the University.

(2) The President may designate no smoking areas within the fifty feet (50’) surrounding the outside of any University facility or other facility owned or leased by the University. In making such designations, the President may consider all relevant factors, including the following: the location of facility windows and heating, ventilating and air conditioning intake vents, the availability of alternative smoking areas, the volume of, and disruption to, pedestrian traffic caused by smoking in such areas, and prevailing wind conditions.

(3) Enforcement of the above smoking policy is the responsibility of the person in charge of the facility in use.

Specific Authority 229.0081(2) FS. Law Implemented 229.0081(2)(r), 386.205(2)(a) FS. History–New 8-19-79, Formerly 6C1-2.18, Amended 4-29-90, 11-13-90, 7-11-94, 5-20-02.
6C1-2.019 University of Florida; Alcoholic Beverages.

(1) The sale of alcoholic beverages on the University campus, which for the purposes of this rule includes all properties under the control of the University of Florida and all fraternity and sorority houses, shall be permitted only under the conditions set forth in this rule.

(a) Functions at which alcoholic beverages are sold shall include any function at which alcoholic beverages are served and for which an admission fee is charged, cups are sold, tickets are sold, donations are collected by the individual or group or any of the members of the group sponsoring the function, or cash or anything else of value is exchanged for alcoholic beverages.

(b) The sale of alcoholic beverages is permitted only in the following facilities: the Orange and Brew in the J. Wayne Reitz Union (beer and wine only); other areas that are designated for such use under regulations set forth in the Reitz Union Policy Manual; the University Golf Club; the Touchdown Terrace; the Curtis M. Phillips Center for the Performing Arts; and areas designated for such use by the Vice President of Development and Alumni Affairs in Emerson Alumni Hall. The Director of the J. Wayne Reitz Union or the Director’s designee shall set the days, hours, and conditions of sale for the Orange and Brew and for other designated areas in the Union. The Athletics Director or the Director’s designee shall set the days, hours, and conditions of sale for the University Golf Club and the Touchdown Terrace. The Director of the Curtis M. Phillips Center shall set the days, hours, and conditions of sale for the Curtis M. Phillips Center. The Vice President of Development and Alumni Affairs shall set the days, hours, and conditions of sale for Emerson Alumni Hall.

(c) The only alcoholic beverages that may be possessed or consumed in any facility listed above are those alcoholic beverages purchased in that respective facility, and the purchased alcoholic beverages must be consumed within that respective facility.

(d) Whenever the management of any facility listed above conducts a reduced-price alcoholic beverages promotional event or allows for a period of time in which the prices of alcoholic beverages are reduced there shall be comparable reductions in the prices of non-alcoholic beverages during such event or period of time.

(e) The management of any facility listed above shall not sponsor drinking games or any other activities which encourage the rapid and/or excessive consumption of alcoholic beverages.

(f) The requisite permit for the sale of alcoholic beverages must be obtained from the Division of Alcoholic Beverages and Tobacco of the State of Florida.

(2) The serving, consumption, and possession of alcoholic beverages shall be permitted in the following areas of the University campus (which for purposes of this rule includes all properties under its control and all fraternity and sorority houses), except that in no event shall alcoholic beverages be served, consumed, or possessed in any outdoor public area of campus, classroom, laboratory, or office.

(a) Private rooms of individuals of legal drinking age residing in University housing and in fraternity and sorority houses when such serving, consumption, or possession is not in conjunction with a function held by a student group or other organization or group;

(b) Public meeting areas in University housing and in fraternity and sorority houses, during a function held by a student group(s) after registration of such function pursuant to applicable residence hall or fraternity and sorority policies;

(c) Those areas of the J. Wayne Reitz Union that are designated for such use under the regulations set out in the Reitz Union Policy Manual.

(d) The Curtis M. Phillips Center for the Performing Arts, the Baughman Center, and the Friends of Music Room with the permission of, and under the conditions imposed by, the Director of the Curtis M. Phillips Center.

(e) The Samuel P. Harn Museum of Art with the permission of and under the conditions imposed by, the Director of the Samuel P. Harn Museum of Art.

(f) The Florida Museum of Natural History with the permission of, and under the conditions imposed by, the Director of the Florida Museum of Natural History.

(g) Emerson Alumni Hall and the University of Florida Foundation with the permission of, and under the conditions imposed by, the Vice President of Development and Alumni Affairs.

(h) Keene Center, Bruton-Geer Hall, Founders Gallery at the J. Hillis Miller Health Center, Rare Books and Special Collections in Smathers Library (East) TREEO Center, and University Gallery, with the permission of, and under the conditions imposed by, the President or Provost or the President’s or Provost’s designee.

(i) Touchdown Terrace, the Gator Room, Ben Hill Griffin Stadium boxes, and the University Women’s Club with the permission of, and under the conditions imposed by, the Athletics Director.

(3) Notwithstanding the provisions of subsections (1) and (2) of this rule, the President or President’s designee is authorized to give written permission, under terms specified with said permission, for the sale, service, consumption, or possession of alcoholic beverages at other times and/or locations on the University of Florida campus, provided that in no event shall alcoholic beverages be sold, served, consumed, or possessed in any outdoor public area of campus, classroom, laboratory, or office. Permission shall not be granted for the sale, service, consumption, or possession of alcoholic beverages at meetings, receptions, and other events held during the University’s normal business hours, 8 a.m. to 5 p.m., Monday through Friday, and shall be granted only in furtherance of University programs and in consonance with the conditions of subsection (4) of this rule. A current list of such permits shall be posted on the Office of the President’s website.

(4) Any person or group of persons holding a function at a location where consumption of alcoholic beverages is permitted under the provisions of this rule, shall abide by the following regulations in conducting the function:
(a) The person or group(s) holding the function shall establish precautionary measures at the function to ensure that alcoholic beverages are not served to persons under the legal drinking age, to persons who appear intoxicated, or to persons known to be addicted to intoxicants.

(b) At the function, a person (or persons) over the legal drinking age must be designated as the server(s). The server(s) shall not consume alcoholic beverages. All alcoholic beverages to be served at the function must be located so that access to them can be had only through the designated server(s).

(c) Nonalcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages. A sufficient amount of non-salty, non-“snack” food must also be available.

(d) The only alcoholic beverages that may be possessed or consumed at the function are those alcoholic beverages served at the function, and the alcoholic beverages must be consumed within the designated area in which the function is being held.

(e) Drinking contests or any other activities which encourage the rapid and/or excessive consumption of alcoholic beverages shall not be permitted at the function.

(f) Alcoholic beverages may not be served or consumed at any social event held in conjunction with fraternity rush or other organized drive to recruit students on campus.

(g) Alcoholic beverages, such as kegs or cases of beer, shall not be provided as free awards, prizes, or rewards to an individual(s) or group(s).

(h) Additional guidelines for the serving and consumption of alcoholic beverages may be established by the person or group holding the function.

(i) Any event which will have student attendance also requires the approval of the Dean of Students.

(j) The permission granting authority for any approved location will notify the University Police Department of any function where alcoholic beverages are served. The University Police Department will determine if a uniformed member of, or a substitute approved by the Chief of Police of the University Police Department, must be present during the function. In such cases, the University Police Department expense must be paid by the sponsoring group.

(k) All announcement(s) or advertisement(s), including, but not limited to, flyer(s), notice(s), poster(s), banner(s), tee-shirt(s), promotional items, and newspaper and radio advertisement(s), concerning the function shall note the availability of nonalcoholic beverages at the function as prominently as the availability of alcoholic beverages and note that proper identification is required in order to be served or sold alcoholic beverages, shall not make reference to the amount of alcoholic beverages, as, for example, the number of kegs of beer available at the function, nor to any form of drinking contest, and shall not use images of kegs, alcoholic beverage bottles or containers, or alcoholic beverage glasses. Such advertisement(s) or announcement(s) should not portray the drinking of alcoholic beverages as a solution to personal or academic problems or as necessary to social, sexual, personal or academic success.

(5) Any function sponsored by a student or a student group (or groups) at which alcoholic beverages are sold or served may be held in those areas permitted under the provisions of this rule only after prior written approval is obtained for such function from the person with authority over the area as set forth in subsections (1), (2), and (3) of this rule and the Dean of Students or the Dean’s designee. Such approved function shall be subject to the regulations set out in this subsection, subsections (1), (2), (3), and (4) of this rule as well as, if applicable, subsection (6) of this rule. In addition, student organization functions open to the public must have the appropriate program permit from the Office of Student Activities. Permission is obtained through the Program Planning Form, Form OSA-1, Revised 2/02, incorporated herein by reference which can be obtained from the Office of Student Activities Center, 300 J. Wayne Reitz Union, Gainesville, Florida. Functions open to the public shall be defined as those functions to which the general public has been invited, through oral, written, or printed announcement(s), advertisement(s), or invitation(s).

(6) A person or group(s) may sponsor an activity involving a commercial off-campus distributor of alcoholic beverages (an entity manufacturing or selling alcoholic beverages at wholesale) only under the following conditions:

(a) The group sponsoring the activity shall be responsible for all aspects of the activity, including all publicity and advertising.

(b) Advertising and publicity must reflect sole sponsorship of the activity as being that of the group. Any advertisement(s) or announcement(s), including, but not limited to, flyer(s), notice(s), poster(s), banner(s), tee-shirt(s), and radio and newspaper advertisement(s), concerning the event may reflect a commercial off-campus distributor’s support, but must not indicate or convey sponsorship by the distributor or by a specific brand of alcoholic beverages. Such advertisement(s) or announcement(s) should not portray the drinking of alcoholic beverages as a solution to personal or academic problems or as necessary to social, sexual, personal or academic success.

(c) Promotion of certain brands of alcoholic beverages at the activity shall not be such as to encourage any form of alcohol abuse nor place emphasis on quantity and frequency of use of alcoholic beverages.

(d) Alcoholic beverages, such as kegs or cases of beer, shall not be provided as free awards, prizes, or rewards to an individual(s) or group(s).

(e) All elements of the activity sponsored are consistent with all provisions of this rule.

(f) Any exception to the policy set forth in this subsection must be specifically approved by the President and must result from conflicting contractual provisions in University contracts with third parties concerning entertainment and sports events.

Specific Authority 1001.74 FS. Law Implemented 1001.74(6), (10), (19) FS. History–New 5-14-85, Formerly 6C1-2.19, Amended 7-11-94, 3-12-03, 6-3-03.
6C1-2.020 University of Florida; Food Service on Campus.

(1) In order to protect the health and welfare of University of Florida employees, agents, servants, students and visitors, it is necessary to regulate the service of food to the public on the University of Florida campus.

(2) The sanitary standard for all food service on the University of Florida campus shall comply with the standard established by the Department of Health of the State of Florida pursuant to the authority granted Department of Health by Chapter 381, Florida Statutes.

(3) The Department of Health performs sanitary inspections of food service on the University of Florida campus in accordance with Department of Health Rules published in the Florida Administrative Code, and Rules published by the University of Florida, to the extent that the latter are not inconsistent with Department of Health Public Health Rules.

(4) Food, while being transported, stored, prepared, displayed, served or sold at a food service establishment, as defined by Section 381.0072, Florida Statutes, shall be protected by being covered, shielded or otherwise guarded from dust, flies, rodents and other vermin, toxic materials, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding by sewage, overhead leakage and all other potential sources of contamination.

(5) All permanent food service areas on the University of Florida campus shall be periodically inspected by, and obtain a permit from the Florida Department of Health prior to serving food to the public.

(6) Individuals or organizations planning to serve food to the public on the University of Florida campus on a temporary or periodic basis through other than the licensed food service contractor must schedule their food service function through the Office of Student Activities at the J. Wayne Reitz Union in the case of student groups and organizations or the Office of Finance and Administration in the case of all other groups, organizations, or persons. Such individuals or organizations must certify, on a form, which is incorporated herein by reference, Form No. SAC-3/Rev. 07/00 and SAC-3a/Rev. 06/07/99, to be provided by the Office of Student Activities or the Office of Finance and Administration, that they are in compliance with all public health rules and regulations and shall acknowledge that they are subject to inspection by the University of Florida and Florida Department of Health.

Specific Authority 240.227(1) FS. Law Implemented 240.227(12), (13) FS. History–New 2-9-87, Amended 7-27-98, 5-22-01.

6C1-2.021 University of Florida; Animals Not Allowed in Buildings.

Animals are not permitted in any building on campus except for seeing eye dogs, other service related animals, other animals which are being used for academic purposes, or animals permitted in University housing facilities pursuant to the Division of Housing’s Rules and Regulations, 2003-2004, or Full-time Live-in Professional Staff Pet Policy, December 2002, incorporated herein by reference, which can be obtained from the Division of Housing, Museum Road and Thirteenth Street, Post Office Box 112100, Gainesville, Florida 32611. This exclusion shall not apply to animals being examined or treated at the College of Veterinary Medicine.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6), (10), (19) FS. History–New 3-26-80, Formerly 6C1-3.41, Amended 4-30-95, Formerly 6C1-3.041, Amended 6-3-03.
CHAPTER 6C1-3 FINANCE AND ADMINISTRATION

6C1-3.001 Administrative Affairs; Organization. (Repealed)
6C1-3.002 Finance and Administration; University Financial Services.
6C1-3.0021 Finance and Administration; Third-party Donors.
6C1-3.0022 Finance and Administration; Check Cashing and Bill Paying; Returned Check Service Charge, and Convenience Fee.
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6C1-3.003 Finance and Administration; Campus Mail Service.
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6C1-3.009 Finance and Administration; Traffic & Parking; Bus System.
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6C1-3.013 Finance and Administration; Traffic & Parking; Violations.
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6C1-3.014 Finance and Administration; Traffic & Parking; Fine Schedule.
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6C1-3.016 Administrative Affairs; Traffic & Parking; Suspension of Eligibility. (Repealed)
6C1-3.017 Finance and Administration; Mailing Lists and Labels.
6C1-3.018 Administrative Affairs; Personnel; Limited Access Records of University Employees. (Transferred to 6C1-3.055)
6C1-3.019 Administrative Affairs; Career Service Personnel; Disciplinary Procedures. (Transferred to 6C1-3.047)
6C1-3.020 Finance and Administration; Purchasing.
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6C1-3.024 Administrative Affairs; Minority Business Enterprise Procurement Activities. (Repealed)
6C1-3.025 Finance and Administration; Lease of Space.
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6C1-3.034 Administrative Affairs; University Grievance Procedures for Administrative and Professional Staff Members; General Information, Resort to Other Procedures, Time Limits, Definitions and Procedure. (Transferred to 6C1-3.051)
6C1-3.035 Administrative Affairs; Fingerprinting. (Repealed)
6C1-3.036 Administrative Affairs; Political Activity. (Repealed)
6C1-3.037 Finance and Administration; Registration and Student Fees.
6C1-3.0371 Finance and Administration; Fee Refunds.
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6C1-3.0373 Administrative Affairs; General Student Aid Fee. (Repealed)
6C1-3.0374 Finance and Administration; Material and Supply Fees.
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6C1-3.038 Administrative Affairs; Travel. (Repealed)
6C1-3.039 Finance and Administration; Guest Admissions.
6C1-3.040 Finance and Administration; Employee Recognition Program.
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6C1-3.042 Finance and Administration; Write-off of Uncollectible Accounts; Settlement of Delinquent Accounts.
6C1-3.0421 Finance and Administration; Employee Debt Collection.
6C1-3.0422 Finance and Administration; Direct Deposit Program.
6C1-3.043 Administrative Affairs; Applicability of Personnel Rules. (Repealed)
6C1-3.044 Administrative Affairs; Delegated Authority for Personnel Actions. (Repealed)
6C1-3.046 Finance and Administration; Discipline, Suspension and Dismissal for Cause of Technical, Executive, Administrative, and Managerial Support (TEAMS) Staff.
6C1-3.047 Finance and Administration; University Support Personnel System; Disciplinary Procedures.
6C1-3.048  Finance and Administration; Employment Staff Selections and Appointments for University Support Personnel System Positions. (Repealed)

6C1-3.049  Finance and Administration; Technical, Executive, Administrative, and Managerial Support Staff Appraisal.

6C1-3.050  Finance and Administration; University Support Personnel System Performance Appraisals.

6C1-3.051  Finance and Administration; University Grievance Procedures for Technical, Executive, Administrative, and Managerial Support Staff: General Information, Resort to Other Procedures, Time Limits, Procedures, and Arbitration Appeal.

6C1-3.052  Administrative Affairs; Leave of Absence Without Pay for University Support Personnel System (USPS) Employees. (Repealed)

6C1-3.054  Finance and Administration; Appointment; Technical, Executive, Administrative, and Managerial Support Staff.

6C1-3.055  Finance and Administration; Division of Human Resources; Limited Access Records of Faculty Members, Administrative and Professional Staff, and University Support Personnel System and Other Personal Services (OPS) Employees. (Transferred to 6C1-1.019)

6C1-3.056  Finance and Administration; Resignation and Non-Reappointment of Technical, Executive, Administrative, and Managerial Support Staff.

6C1-3.057  Finance and Administration; Workers’ Compensation.

6C1-3.058  Finance and Administration; University Complaint Procedure for University Support Personnel System Employees.

6C1-3.059  Finance and Administration; Pay Upon Appointment and Probationary Status After Promotion; University Support Personnel System Employees.

6C1-3.061  Finance and Administration; Personnel Policy for Technical, Executive, Administrative, and Managerial Support Staff; Recruitment and Selection.

6C1-3.062  Finance and Administration; General Personnel Policy for University Support Personnel System Employees.

6C1-3.070  Finance and Administration; Construction; Acquisition of Professional and Design/Build Services.

6C1-3.071  Finance and Administration; Construction; Acquisition of Construction Management Services.

6C1-3.072  Finance and Administration; Construction; Construction Contract Bidding and Award (Contractor).

6C1-3.073  Finance and Administration; Construction; Bid Protests (Contractor Only).

6C1-3.074  Finance and Administration; Construction; Evaluations of Professional Service Providers (Including Architects and Engineers), Design/Builders, Construction Managers and Contractors; Disqualification Procedure.

6C1-3.075  Finance and Administration; Construction; Procedures for Payment under Unbonded Construction Projects.

6C1-3.002  Finance and Administration; University Financial Services.

(1) Students whose accounts are delinquent with the University of Florida may be denied release of transcripts, the awarding of diplomas, the granting of loans and/or registration, the use of University facilities and/or services, and admission to University functions, including Athletic Association events. Delinquency is defined as having a financial obligation to the University which has been billed to the student and has not been paid by the established due date.

(2) A student may not be granted a loan through the University’s student financial aid system when:

   (a) The student is not currently enrolled;

   (b) The student’s history with the University reveals that the student on more than one occasion failed to repay prior loans within eleven to thirty days after due date, or on one occasion failed to make the required payment within thirty-one days after the due date.

(3) When a check written by a University of Florida student is returned uncollected and is not redeemed within seven days, it is considered to be a delinquent account with the University and the student’s academic progress will be suspended and no transcripts will be released or diplomas awarded to the student until the account has been paid in full.

Specific Authority 240.227(1) FS. Law Implemented 240.291 FS. History–New 9-29-75, Amended 3-9-76, 2-11-82, Formerly 6C1-3.02, Amended 5-21-89, 5-18-92, 4-30-95, 7-15-97, 6-28-98.

6C1-3.0021  Finance and Administration; Third-party Donors.

(1) The University of Florida will not release transcripts or diplomas to students whose third-party donor is more than one term delinquent in paying their fees.

(2) The University of Florida will not accept any new students to be billed to a third-party donor if the third-party donor is more than two terms delinquent in making any payments for which it has indicated it will be responsible.

(3) The University of Florida will not accept any additional fee charges for current students to be billed to a third-party donor’s account if the account is more than two terms delinquent.

(4) The University of Florida may directly assess a student and pursue collection therefrom for any fees or charges due the University which the third-party donor has failed to pay within a reasonable period. This action will take place after the University determines that collection from the third-party has failed and further action against same is deemed unwarranted.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), 240.291 FS. History–New 2-11-82, Formerly 6C1-3.021.
6C1-3.0022 Finance and Administration; Check Cashing and Bill Paying; Returned Check Service Charge, and Convenience Fee.

(1) The University reserves the right to require all delinquent accounts to be paid only in cash, cashier’s check, or money order.
(2) The University reserves the right to refuse to cash two-party checks, altered checks, and checks that will not photocopy.
(3) For international checks, the University of Florida will assess any additional charges necessary to cover any foreign bank processing charges or differences in currency exchange rates. At no time will the total amount received by the University in current U.S. dollars exceed the total of the original amount owed in U.S. dollars.
(4) When a check is returned uncollected and is not redeemed within seven (7) days, it is considered to be a delinquent account with the University and if a student check, the student’s registration will be suspended until the account has been paid in full. A minimum service charge of $25.00 will be charged. Thirty ($30.00) dollars will be charged if the check is greater than $50.00 but less than $300.00, and $40.00 will be charged for returned checks of $300.00 or more.


6C1-3.003 Finance and Administration; Campus Mail Service.

(1) The Campus Mail Service posts and delivers United States mail. United States mail will be delivered to University groups and organizations, University persons, and University related groups and organizations on campus through the Campus Mail Service or by the Postal Service in accordance with existing agreements with the Postal Service.
(2) Official University mail to be consigned to the United States Postal Service will be processed through the Campus Mail Service, including application of postage, when a postage charge for the mail has been authorized in advance by the mailing department and chargeable to a University account. Personal mail will not be handled by the Campus Mail Service. United States mail may be posted with the branch post office at the J. Hillis Miller Health Center.
(3) The Campus Mail Service maintains an interdepartmental communications system. Free services are restricted to official interdepartmental communications originating from departments and/or organizations which receive funding from the University and have a budgetary account. In addition, the Office of Finance and Administration will approve the use of campus mail service on a limited basis for communications of commercial companies that have been chosen to provide employee fringe benefit programs through payroll deductions, when these communications deal directly with these fringe benefit programs. Upon payment of an appropriate fee in an amount sufficient to cover costs and overhead as approved by the Vice President for Finance and Administration, campus mail services also will be provided to non-university entities for delivery to on-campus housing students only as long as the items to be delivered are not directed to a specific person or address.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5), (12), (13), (19) FS. History–New 9-29-75, Amended 10-14-85, Formerly 6C1-3.03, Amended 10-7-99.

6C1-3.0031 Finance and Administration; Volunteers.

(1) Purpose and Definition.
(a) This rule provides general guidelines for the recruitment, screening, training, responsibility, utilization and supervision of volunteers rendering services to the University.
(b) A volunteer is any person who, of his or her own free will, provides services to the University with no monetary or material compensation, on a continuous, occasional, or one-time basis.
(2) Responsibilities of Colleges, Schools, and Divisions.
(a) Each college, school, division, and operational unit is authorized and encouraged to utilize volunteers to assist in carrying out its programs. Deans, directors, and department chairpersons must coordinate the use of volunteers in their respective units. The responsibility for the recruitment, screening, training, utilization, and/or supervision of volunteers may be delegated to department chairpersons and heads of operational units.
(b) Each department/operational unit shall record the number, location and duties of volunteers, and the total number of annual hours of volunteer service provided to the department. Such information must be maintained on file by each department/operational unit unless determined otherwise by the appropriate dean or director.
(3) Screening, Acceptance and Benefits.
(a) Each person wishing to become a volunteer shall furnish to the appropriate department/operational unit such personal and professional information as may be necessary for the determination of his or her suitability as a volunteer. The department/operational unit seeking volunteer services shall be responsible for the screening and selection of volunteers. All volunteers shall be at least 14 years of age.
(b) Volunteers shall be advised that they are entitled to workers’ compensation and state liability protection under the same conditions as state employees. Volunteers shall be eligible for the other benefits listed in Sections 110.502 and 110.504, F.S., only as approved by the college, school, division or operational unit.
(4) Training, Utilization and Supervision.
(a) Upon selection, the department/operational unit shall ensure that it has on file a completed Record of Volunteer Service for each volunteer. This form shall be completed by the volunteer and the University’s representative prior to the volunteer receiving any training and/or performing any services for the University. Record of Volunteer Services, Form DHR-RVS1, Rev. 10/02, incorporated herein by reference and are available from the Workers’ Compensation Office, Division of Human Resources, 433 Stadium, Post Office Box 115008, Gainesville, Florida 32611.

(b) Each department/operational unit shall provide in writing to each volunteer the specific tasks and/or duties to be performed and provide the volunteer with all appropriate work and safety training.

(c) Each department/operational unit shall ensure that it has on file a completed Parental/Guardian Authorization for Treatment of Minors, Form DHR-PGAT, Rev. 10/02, for volunteers under the age of 18 years which is incorporated herein by reference. This form shall be completed prior to such a volunteer receiving any training and/or performing any services for the University. Department/operational unit shall further ensure that all provisions of the State’s Child Labor Laws are adhered to for volunteers under the age of 18 years. Forms are available from the Workers’ Compensation Office, Division of Human Resources, 433 Stadium, Post Office Box 115008, Gainesville, Florida 32611.

5 Responsibilities of Volunteers – Termination.

(a) Volunteers shall be expected to perform their services in a professional manner and in accordance with the policies and procedures of the University.

(b) Volunteer services may cease, at any time, at the request of the volunteer or at the discretion of the University. A notice stating the effective date of the termination shall be provided to the volunteer.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–New 10-14-85, Formerly 6C1-3.031, Amended 4-30-95, 1-7-03.

6C1-3.005 Finance and Administration; University Police Department.

1 The University of Florida Police Department shall protect the University’s population, buildings, grounds and equipment, preserve the peace, provide general police services to the university community and enforce the laws of the State of Florida, the ordinances of the City of Gainesville and County of Alachua, and the rules and regulations of the University of Florida.

2 University police shall meet the minimum standards established by the Police Standards and Training Commission and Chapter 943, F.S., and the rules and regulations promulgated thereunder.

3 Each university police officer shall, before entering into the performance of his duties, take the oath of office established by the university and the university shall enter into a good and sufficient bond on each officer, payable to the Governor and his successors in office, in the penal sum of $5,000.00 with a surety company authorized to do business in this State as surety thereon, conditioned on the faithful performance of the duties of said university police officer.

4 Each university police officer shall be provided with a uniform set of identification credentials.

5 University police officers occupy positions under the University of Florida Board of Trustees and are subject to the rules and regulations governing the appointment, status, removal and other employment conditions of employees of the University of Florida; except that a university police officer appointed with probationary status shall be required to serve a probationary period of 12 months of satisfactory service before attaining permanent status.

6 Each university police officer shall be provided with the “University of Florida Police Manual” updated December 11, 2002, developed by the University of Florida Police Department to familiarize the officer with the policies and procedures of the department and to guide the officer in the execution of his or her official duties as prescribed by Section 1012.97(6), F.S.

Specific Authority 1001.74(4), 1012.97(6) FS. Law Implemented 1001.74(19), 1012.97 FS. History–New 11-11-79, Formerly 6C1-3.05, Amended 1-9-03.

6C1-3.006 Finance and Administration; Traffic & Parking; Definitions.

1 The operation and parking of a motor vehicle on the University of Florida campus is a privilege granted by the University rather than a right. All vehicles parked on campus during hours of restriction must properly display a university parking decal or permit. A parking decal is not a guarantee of a parking space. Each vehicle operator is responsible for finding a legal parking space. Lack of a space is not a valid excuse for violating any parking regulation. Parking meters are located throughout the campus for visitors to the university. Transportation and Parking Services operates a pay parking facility for use by patients and visitors to Shands Hospital and the J. Hillis Miller Health Center. The University assumes no liability for damage to vehicles operated or parked on the campus. Any such damage is a risk assumed by the owner or operator of the motor vehicle.

2 The following are definitions of words and phrases used in the rules and regulations governing traffic, parking and registration of vehicles on the University of Florida campus.

(a) Bicycle – Includes every vehicle propelled solely by human power and every motorized bicycle as defined in Section 316.003(2), F.S.

(b) Business Days – All days except weekends and official University Holidays.

(c) Campus – Includes all of the property of the University of Florida located in Gainesville or adjacent areas.

(d) Decal – Sticker affixed to the vehicle allowing parking in designated areas when space is available.
(e) Employee – Any employee of the University of Florida including faculty, administrative and professional, university support personnel system staff and other personnel services (non-student) staff. For the purpose of these regulations, employees of university direct support organizations and non-university organizations contracted to provide services to the university shall have the same parking privileges as university employees.

(f) False Registration – Applying for or receiving a parking permit or decal by showing or giving false information or by other fraudulent means which shall include reproducing, altering or defacing a decal, a permit or any other document used for registration or used in lieu of a valid registration.

(g) Impound – To tow a vehicle away from the place in which it is parked or to seize and hold legal custody.

(h) Moped – Includes all vehicles described in Section 316.003(77), F.S.

(i) Motorcycle and Motor Scooter – Includes all motor vehicles with two or three wheels.

(j) Motor Vehicle – Includes all vehicles other than bicycles and mopeds.

(k) Parking Space – Areas governed by the University of Florida parking rules and regulations with parking spaces delineated by white, yellow or blue striping, a parking meter or physical barriers delineating parking parameters.

(l) Permit – A card temporarily displayed in the vehicle allowing parking for a limited period of time.

(m) Registration – Obtaining authorization to operate and park a vehicle on campus by receiving an appropriate decal or permit for a specified area(s).

(n) Restricted Area – An area within which an automobile may be parked if it bears the appropriate decal for that area.

(o) Reserved Space – An individual parking space, as approved by the President, appropriately marked for a particular license tag number, individual or position.

(p) Restricted Hours – The hours between 7:30 a.m. and 4:30 p.m., Monday through Friday, unless otherwise indicated.

(q) Service Area or Drive – Parking areas reserved only for properly identified service or emergency vehicles, commercial vehicles, or vehicles bearing proper authorization from Transportation and Parking Services. Service Areas or Drives are delineated by signs or pavement markings.

(r) Student – Includes all persons, not classified as faculty or staff, carrying one or more credit hours of graduate or undergraduate work. This includes Santa Fe Community College students who enroll in courses on campus.

(s) Student Classification – The student’s classification as established by the University of Florida Registrar.

(t) Transportation and Parking Services – The University unit responsible for issuing decals and permits for parking on campus and for collecting parking fees and parking fines. It is located on campus at 115 North-South Drive, (352)392-8048 (Voice) and (352)392-7106 (facsimile), and the mailing address is P. O. Box 112325, University of Florida, Gainesville, Florida 32611-2325. Its hours of operation are Monday through Friday from 8:00 a.m. to 5:00 p.m. except on University holidays.

Specific Authority 240.227(1), 240.264 FS. Law Implemented 240.263(2), 240.264 FS. History–New 9-29-75, Amended 8-15-78, 8-19-79, 8-26-81, 8-12-82, 3-6-85, Formerly 6C1-3.06, Amended 5-14-87, 4-27-88, 4-23-89, 4-17-90, 5-7-92, 5-19-93, 4-30-95, 5-1-96, 6-7-00, 5-22-01.

6C1-3.007 Finance and Administration; Traffic & Parking; Parking Registration.

(1) Transportation and Parking Services is responsible for issuing decals and permits for parking on campus and for collecting parking fees.

(2) To purchase a decal, students and employees must present a current title or motor vehicle registration certificate issued to the individual, his or her guardian, or to some person in his or her immediate family and a valid University identification card. Students must also present a current proof of address document.

(3) Students and employees may purchase no more than one (1) decal at any one time except as provided in subsections 6C1-3.007(9)(g), (12) and (13), F.A.C.

(4) Any person applying for or receiving a parking permit or decal by showing or giving false information or by other fraudulent means, which shall include reproducing, altering or defacing a decal, a permit, or any other document, shall be guilty of false registration.

(5) The registrant must park in accordance with his or her decal assignment and the decal may only be used by the registrant. The receipt of a parking permit or decal does not guarantee that a parking space will be available at all times.

(6) Annual or semester term decals may be purchased. Annual-term decals shall be effective from May 1 through April 30 of the year for which purchased. Semester-term decals shall be effective for one of the following semesters for which purchased:

(a) Summer – May 1 through August 31.
(b) Fall – September 1 through December 31.
(c) Spring – January 1 through April 30.

(NOTE: Registration fee may be higher when purchased by semester. All fees include the required 6% state sales tax.)

(7) Reserved spaces: Employees who register to park at the University and have a valid Official Business or a Restricted Area decal may purchase an individually reserved parking space, as approved by the President, upon payment of the appropriate fee shown below.

<table>
<thead>
<tr>
<th>Annual</th>
<th>Semester</th>
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</thead>
<tbody>
<tr>
<td>$438.00</td>
<td>$212.00</td>
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</table>

(8) Annual or semester decals for reserved parking areas may be purchased upon payment of the appropriate fee shown below.
Reserved Gated Decals $636.00 $212.00
Official Business Reserved Gated Decals $702.00 $234.00
Medical Resident Reserved Area Decals $288.00 $96.00

(9) Parking decals are sold under the following guidelines:
(a) Faculty, Technical, Executive, Administrative, and Managerial Support (TEAMS) and University Support Personnel System (USPS) employees are eligible for an Official Business decal, authorizing parking in Commuter and Restricted Area lots except where signs prohibit it. An Official Business decal is issued upon payment of the appropriate fee shown below:
Annual $264.00 Semester $88.00

(b) Faculty, TEAMS and USPS employees are eligible for Restricted Area decals, authorizing parking in designated restricted lots near his or her place of work and Commuter lots. A Restricted Area decal is issued upon payment of the appropriate fee shown below:
Annual $198.00 Semester $66.00

(c) Disabled employees possessing a State of Florida issued Handicapped Parking Placard are eligible for a University of Florida Disabled Parking decal upon approval of the University’s ADA office and payment of the appropriate fee shown below. This decal is required to park in any handicapped designated space on campus. This decal will also allow parking in any Restricted Area parking lot or garage on campus. If requested, the disabled employee is eligible to receive a reserved parking space in a Restricted Area parking lot or garage near their work site at no extra charge.
Annual $198.00 Semester $66.00

(d) Any employee is eligible for commuter parking. A Staff Commuter decal is issued upon payment of the appropriate fee shown below:
Annual $102.00 Semester $34.00

(e) Any student of the University of Florida is eligible to register for parking as authorized on campus upon payment of the appropriate fee shown below.
Annual $94.00 Semester $47.00

(f) Disabled students possessing a State of Florida or out-of-state Handicap Parking Placard are eligible for a University of Florida Disabled Parking decal upon approval of the University’s ADA office and payment of the appropriate fee shown below. This decal is required to park in any handicapped designated space on campus. This decal will also allow parking in any Restricted Area parking lot or garage on campus.
Annual $94.00 Semester $47.00

(g) In cases where an individual lives in family housing and also works for the University, he or she may purchase two decals for the same vehicle. In these cases, the full price for the higher-priced decal must be paid, and the price for the second decal is $5.00.

(h) Individual monthly and weekly parking permits may be sold to those requiring parking privileges on a short term basis upon approval of Transportation and Parking Services and payment of the appropriate fee shown below:

<table>
<thead>
<tr>
<th></th>
<th>Monthly</th>
<th>Weekly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>$30.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>Student</td>
<td>$15.00</td>
<td>$5.00</td>
</tr>
</tbody>
</table>

(i) Additional parking policies affecting students include the following:
1. Eligibility requirements for the various student decals will be established each year by Transportation and Parking Services prior to May 1st.
2. Eligibility for student decals will be determined by an annual analysis of the capacity of parking facilities, projected enrollment levels of students, the anticipated mix of students by class and credit hour designations, and the appropriate demand/supply ratios that will occur from the proposed eligibility standards.
3. Eligibility requirements will be established with the goal of providing the most efficient and effective management of student parking facilities. Assignment of parking eligibility for facilities close to the core of campus will be made to graduate students and undergraduate students with the highest number of credit hours, up to the level that those parking facilities can provide reasonable accommodation.
4. Officials of University groups and organizations, as defined in paragraph 6C1-2.004(3)(a), F.A.C., may be issued Restricted Area permits during their terms of office upon request and approval by the Transportation Advisory Committee.

(10) Decal sales and refunds:
(a) The purchase of a staff decal will be prorated on a bi-weekly basis over the term of the decal. The prorated price will be determined at the time of purchase.
(b) A full refund is issued on parking decals when requested within fifteen (15) calendar days from the purchase or effective date.
(c) One twelfth (1/12) of the annual price for each unused month may be given on an annual decal. Refunds must be requested by the 5th of the month in order for the month to be considered unused.
(d) For employees on payroll deduction, payments made in excess of the amount due will be refunded.
(e) No refunds will be issued unless the decal or remains of the decal is returned to Transportation and Parking Services.
(11) Any person may operate a bicycle on the University of Florida campus. Bicycles are not required to be registered.
(12) Any student or employee having a valid operator’s license is eligible to register a motorcycle, moped, or motor scooter and purchase a decal for parking in designated motorcycle parking spaces only, upon payment of the appropriate fee shown below:

<table>
<thead>
<tr>
<th></th>
<th>Annual</th>
<th>Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$24.00</td>
<td>$12.00</td>
</tr>
</tbody>
</table>

(13) Any commercial visitor engaged in official business with the University of Florida is eligible to register and purchase a Commercial decal for each vehicle brought on campus. This entitles the holder to park in Commuter or Restricted Area lots. The decals may not be used by the registrant or by members of the registrant’s family or others to conduct personal business on campus. A Commercial decal may be purchased upon payment of the appropriate fee shown below:

<table>
<thead>
<tr>
<th></th>
<th>Annual</th>
<th>Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$252.00</td>
<td>$84.00</td>
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</tbody>
</table>

(NOTE: Students who qualify for a Commercial decal must register and purchase a student decal in accordance with paragraph 6C1-3.007(9)(e), F.A.C. Both decals must be properly affixed to the vehicle in accordance with the instructions supplied with the decal. Commercial decals are valid for parking to conduct commercial business only.)
(14) Any appropriately-marked vendor, delivery or commercial vehicle engaged in official business with the University of Florida may be permitted to go about that business without obtaining a permit or paying a fee. The vehicle must be clearly and permanently marked on both sides.
(15) Designated parking spaces will be reserved for: (1) deans and assistant vice presidents or higher positions when the employee’s office is not near a gated parking lot, (2) employees having sufficient medical reasons, and (3) full-time professional resident staff living in the residence halls.
(16) Official Business parking permits are issued to University departments or other appropriate administrative units upon approval of a written request submitted by the department chairperson or unit director to Transportation and Parking Services. These permits are to be used by employees without an Official Business decal, but who perform duties at several locations on campus, and may also be used on any decaled vehicle for parking to load and unload in Service Areas for up to one hour.
(17) Temporary parking permits to employees and students may be issued at no charge upon approval of Transportation and Parking Services.
(18) The Parking and Transportation Committee shall have authority to approve special parking requests as needed.
(19) Decals must be properly displayed on vehicles.
(a) A decal evidencing registration is issued to the registrant and must be immediately affixed in accordance with the instructions supplied with the decal. No grace period is allowed.
(b) A vehicle bearing an illegal or improperly attached decal is not entitled to the privileges normally afforded by such decal.
(c) Lost, misplaced, or defaced decals must be replaced immediately.
(d) Changes in affiliation or address affecting the validity of the decal issued must be reported immediately to Transportation and Parking Services and a replacement decal purchased. The former decal must be surrendered.
(20) A replacement decal is $15.00 regardless of whether the original was an annual or semester decal.

Specific Authority: 1001.74(4), 1006.66(2) FS. Law Implemented: 1001.74(35), 1006.66 FS. History—New 9-29-75, Amended 8-15-78, 8-19-79, 8-4-80, 8-26-81, 8-12-82, 3-6-85, 5-9-85, 10-14-85, Formerly 6C1-3.07. Amended 5-19-86, 5-14-87, 4-27-88, 4-23-89, 4-17-90, 5-7-92, 5-19-93, 4-30-95, 5-1-96, 7-15-97, 5-3-98, 5-10-99, 6-7-00, 5-22-01, 7-19-01, 5-20-02, 6-3-03.

6C1-3.008 Finance and Administration; Traffic & Parking; Miscellaneous Provisions.
(1) The President may authorize decals to be issued without charge when the University receives a benefit at no direct cost to the University.
(2) Upon payment of the appropriate fee, retired members of the faculty and staff are eligible to register and obtain the same parking privileges as if still employed by the University. A retired member of the faculty and staff honored with “emeritus” status is issued an Official Business decal without charge.
(3) Houseparents and maids, cooks, baby-sitters, etc., employed by private individuals may register and purchase a decal for the appropriate area, upon payment of the fee contained in paragraph 6C1-3.007(9)(d), F.A.C.
(4) Students who are temporarily disabled may be eligible for a temporary Restricted Area parking permit for up to thirty (30) days upon written request from a medical doctor.
(5) Visitors are issued temporary visitor’s permits by the checkpoint attendants stationed at the entrances to the central campus. Permits for longer periods may be requested from Transportation and Parking Services. These permits authorize driving and parking in designated areas only.

(6) Visitors on official business and visitors with ministerial, charitable or public service missions may be issued temporary permits valid for extended periods of time of a stated duration authorizing parking in designated areas only.

(7) Construction workers employed by contractors for campus construction are issued parking permits for parking on or as near the construction site as possible.

(8) Faculty, staff and students of Santa Fe Community College and other schools who use University facilities, including the library, are treated in the same manner as University of Florida faculty, staff and students.

(9) Special parking permits may be issued to outside agencies for use when making official business trips to the University of Florida.

(10) The managers of the cafeterias and bookstores on campus may obtain Service Drive Parking permits for their locations.

(11) Permits may not be used by the registrant or members of the registrant’s family or others to conduct personal business on campus and are subject to revocation if the special privileges are abused.

(12) Permits may be obtained from Parking Administrative Services to authorize parking in service areas.

(13) Students, Staff and Faculty of the University of Florida may not use the Visitor Pay Parking Facilities at the J. Hillis Miller Health Center during the posted hours of operation unless being treated as a patient of the Clinic or Hospital or unless visiting a patient in the Clinic or Hospital.

(14) The University of Florida requires that all University motor vehicles to have a current safety inspection decal. To obtain the safety inspection decal, each University motor vehicle must pass an annual safety inspection conducted by the University of Florida Motor Pool.

Specific Authority 240.227(1), 240.264 FS. Law Implemented 240.263(2), 240.264 FS. History–New 9-29-75, Amended 8-15-78, 8-19-79, 8-4-80, 8-26-81, 8-12-82, Formerly 6C1-3.08, Amended 5-14-87, 4-27-88, 4-23-89, 4-17-90, 5-7-92, 5-19-93, 4-30-95, 5-1-96, 7-1-96.

6C1-3.009 Finance and Administration; Traffic & Parking; Bus System.

(1) Transportation and Parking Services supervises the operation of the campus shuttle bus system (including the Handi-van). Use of the campus shuttle bus system is free to all faculty, staff, students, and visitors. Use of the City of Gainesville Regional Transit System is free to all University of Florida students and staff with a valid Gator 1 identification card.

(2) Effective Fall Semester 2003, a Transportation Access Fee of $3.59 per credit hour is assessed upon all courses and fundable credit hours taken by individuals at the University of Florida. Dental, medical and veterinary students must pay a semi-annual Transportation Access Fee of $71.80 (Seventy-one and 80/100 dollars). This fee is used to help support the on campus shuttle bus system and the City of Gainesville Regional Transit System. Students enrolled in a New World School of the Arts degree program in Miami are exempted from paying the Transportation Access Fee.

Specific Authority 1001.74(4), 1006.66(2) FS. Law Implemented 1001.74(35), 1006.66 FS. History–New 9-29-75, Amended 8-15-78, 8-26-81, 8-12-82, 5-14-85, Formerly 6C1-3.09, Amended 5-14-87, 4-27-88, 4-23-89, 4-30-95, 5-10-99, 5-22-01, 5-20-02, 6-3-03, 11-25-03.

6C1-3.010 Finance and Administration; Traffic & Parking; Control of Parking.

Parking is controlled on the campus under the following guidelines:

(1) No vehicle without a current decal or permit may be parked on campus during the restricted hours. Normal hours of restriction begin at 7:30 a.m. and end at 4:30 p.m. each day except on Saturday, Sunday and University holidays. Designated lots, areas or parking spaces may be restricted for longer periods (up to twenty-four hours a day, seven days a week) as provided in this rule.

(2) Designated areas of the campus are restricted to the use of motor vehicles having decals or permits authorizing entrance to and parking in the particular area. No unauthorized automobile may operate or park within such areas during restricted periods.

(3) Reserved parking spaces, parking spaces reserved for persons with disabilities, no-parking zones, fire lanes, and service areas are restricted at all times unless otherwise indicated.

(4) Parking or leaving any motor vehicle in any space or area for a period of time longer than is indicated by authorized signs is prohibited at all times.

(5) The University assumes no liability for damage to vehicles operated or parked on the campus. Any such damage is a risk assumed by the owner or operator of the motor vehicle.

(6) Other parking restrictions include:
   (a) Motor vehicles must be parked within the markers whenever provided. Parking on or over a line or curb is prohibited.
   (b) Parking on grass, sidewalks or crosswalks is prohibited.
   (c) Parking with the front of the vehicle facing traffic is prohibited.
   (d) Parking in such a way as to obstruct traffic or to create a hazard is prohibited.
   (e) Continuous parking for extended periods is prohibited.
   (f) Family housing residents may purchase a decal to park trailers, boats, campers, and similar vehicles by paying the appropriate decal fee.
(g) Designated parking areas may be set aside for pay parking or metered parking during established hours and an appropriate fee shall be assessed regardless of the decal or permit attached to the vehicle. Metered lots are enforced between the hours of 8 a.m. and 5 p.m., Monday through Friday.

(h) Backing into parking spaces is not allowed when signs prohibit it.

(i) Motor vehicles must be parked in designated parking spaces/areas only.

Specific Authority 240.227(1), 240.264 FS. Law Implemented 240.263(2), 240.264 FS. History–New 9-29-75, Amended 8-26-81, 8-12-82, 3-6-85, Formerly 6C1-3.10, Amended 5-14-87, 4-27-88, 4-23-89, 5-7-92, 5-19-93, 6-7-00.

6C1-3.011 Finance and Administration; Traffic & Parking; Control of Traffic.
(1) Each area of the campus is posted with a speed limit appropriate to the area. The main campus (teaching and residential areas and streets adjacent to family housing areas) is posted with a legal speed limit of 20 miles per hour. Streets wholly within the family housing areas are posted with 10-miles-per-hour speed limits. Driving any vehicle in excess of posted speed limits is prohibited.

(2) City, University and State traffic regulations, rules and directive signs govern the use of motor vehicles on campus and must be observed at all times. Violators are subject to a Uniform Traffic Citation which must be paid at the Alachua County Courthouse and for which points may be assessed on their State of Florida Drivers License.

(3) Motorists must also operate under the following guidelines:
(a) Motorists must give right-of-way to pedestrians crossing at designated, marked crosswalks.
(b) Unnecessary noise from horns and mufflers or any other noise device is prohibited at all times.
(c) Driving on grass and paths or sidewalks is prohibited except in those instances where sidewalks are designated for the use of bicycles.
(d) Making a U-turn on campus is prohibited except where designated (some dead-end streets).
(e) Failing to observe a stop sign or stop light while operating a motor vehicle is prohibited.
(f) Operating a motor vehicle against authorized signs indicating the direction in which traffic should flow is prohibited.
(g) Failure to yield right-of-way while operating a motor vehicle is prohibited.
(h) Operating a motor vehicle from one lane of traffic to another without first ascertaining if such movement can be made with safety is prohibited.
(i) Traffic laws and regulations are in effect 24 hours a day except as limited in these regulations.

Specific Authority 240.227(1), 240.264 FS. Law Implemented 240.227(1), 240.263(2), 240.264, 240.265 FS. History–New 9-29-75, Formerly 6C1-3.11, Amended 5-14-87.

6C1-3.013 Finance and Administration; Traffic & Parking; Violations.
(1) Any person operating or parking a vehicle in violation of these rules and regulations is issued a citation and/or becomes subject to arrest. In addition, the vehicle may be subject to impoundment.

(2) The person in whose name the decal or vehicle is registered is issued a citation in the event such vehicle is found parked or standing in violation of these rules and regulations and such vehicle is unattended by a driver. (NOTE: decals must be removed if the vehicle is sold.)

(3) The University of Florida police have the authority to cause motor vehicles to be removed and impounded or impounded in place when left unoccupied on the University of Florida campus under any of the following circumstances:
(a) When parked or left standing illegally in a no-parking zone, service area, fire lane, or in a space reserved for disabled persons;
(b) When parked or left standing illegally in an individually-reserved parking space or any reserved or restricted parking area;
(c) When parked or left standing illegally in a manner so as to obstruct traffic or create a hazard to safety;
(d) When parked or left standing illegally in any bus stop;
(e) When parked or left standing continuously for an extended period of time;
(f) When the use of the vehicle is in violation of the decal registration regulations of the University of Florida;
(g) When a motor vehicle against which there is one or more citations in default as provided in subsection 6C1-3.014(3), F.A.C., is parked or left standing on campus; or
(h) When the motor vehicle of a person whose driving and parking privileges have been suspended under the provisions of subsection 6C1-3.014(4), F.A.C., is parked or left standing on campus.

(4) All University vehicles shall pass an annual safety inspection conducted by the University of Florida Motor Pool. The University of Florida Police have the authority to impound any University of Florida owned vehicle that does not have a current University safety inspection decal.

(5) Any and all charges or fees involved in impounding a motor vehicle are charged against the vehicle and the owner, and such fees and all unpaid fines must be paid before the vehicle is released unless it has been determined pursuant to subsection 6C1-3.015(8), F.A.C., that the motor vehicle must be released without payment of such charges. In the case of University of Florida owned vehicles, the charges or fees shall be paid by the department to which the vehicle is assigned.

(6) The maximum impound fee shall be $50.00.
6C1-3.0131 Finance and Administration; Traffic & Parking; Use of Devices to Impound Vehicles.
(1) University of Florida police are authorized to impound a vehicle without removal through use of a mechanical device only if the vehicle is subject to removal and impoundment as provided in Rule 6C1-3.013, F.A.C., and the following conditions are present:
   (a) The vehicle is located in a place which would not pose a hazard to traffic;
   (b) Application of the device would not damage the vehicle; and
   (c) Notice that such device has been placed on the vehicle is posted in a prominent location on the window or windshield of the vehicle where the operator of the vehicle would reasonably be expected to observe it.
(2) The notice to be posted on the vehicle shall state the place and/or means by which the vehicle’s release may be secured. The vehicle shall be released in accordance with subsection 6C1-3.015(9), F.A.C.
(3) The immobilizing device used to impound vehicles is the property of the University of Florida, and any damage to it shall make the offender liable for the destruction of University property. Removing the device, tampering with the device, or moving the vehicle by any means before the device is removed by the University of Florida Police constitutes a separate and additional offense.

6C1-3.014 Finance and Administration; Traffic & Parking; Fine Schedule.
(1) The schedule of violations, and the accompanying fines are:
   (a) No or expired decal or permit – $20.00;
   (b) Parking out of assigned area – $20.00;
   (c) Parking in a restricted area – $20.00;
   (d) Parking in a reserved parking space – $20.00;
   (e) Overtime Parking – $7.00;
   (f) Parking over lines – $5.00;
   (g) Parking on grass – $20.00;
   (h) Parking facing traffic – $20.00;
   (i) Parking on sidewalk – $20.00;
   (j) Parking obstructing traffic – $20.00;
   (k) Parking illegally in a service area – $20.00;
   (l) Parking in No Parking Zone – $20.00;
   (m) Decal improperly attached – $5.00;
   (n) False registration – $100.00 plus the cost of the equivalent parking decal;
   (o) The use of an unauthorized duplicate or lost or stolen decal – $100.00 plus the cost of the equivalent parking decal;
   (p) Unauthorized use of decal or permit – $20.00;
   (q) Driving/parking on campus while eligibility is suspended – $50.00;
   (r) Failure to pay parking lot fee – $20.00;
   (s) Unauthorized operation of a vehicle in a restricted area – $20.00;
   (t) Backed into parking spaces where prohibited – $20.00;
   (u) Parking without a permit in a parking space reserved for persons with disabilities – $250.00;
   (v) Bicycles parked out of assigned area – $5.00;
   (w) Tampering with or unauthorized removal of, an immobilizing device – $100.00 plus the purchase price of the device if not returned to the University undamaged.
(2) The above schedule covers all motor vehicles, mopeds and bicycles, as appropriate, and applies to all offenders. All listed fines are maximums and may be reduced at the discretion of the University Traffic Authority.
(3) Any individual who receives a citation must pay the fine or file a statement of appeal with the University Traffic Authority as provided in Rule 6C1-3.015, F.A.C. Failure to pay the fine or to file a statement of appeal within twenty (20) business days from the date of the citation constitutes a default and the citation will be considered delinquent. The appropriate penalty, plus an additional $5.00 administrative fee shall be imposed. Failure to respond to a citation will result in the impoundment of the vehicle at the owner’s expense. The vehicle will not be released until all fines and fees are paid.
(4) If any vehicle is cited for violations as provided for in this rule more than five (5) times during the period May 1 through April 30, each additional violation may result in impoundment of the vehicle. Any individual who accumulates more than 10 citations during the period May 1 through April 30 may have his or her campus driving and parking privileges suspended for one year. In all cases in which these privileges have been suspended, the University Police Department is authorized to remove the decal, impound the vehicle, and issue a citation.
6C1-3.015 Finance and Administration; Traffic & Parking; Jurisdiction; Appeals.

(1) The Alachua County Court has jurisdiction over all criminal traffic violations and all traffic infractions as defined in Chapter 316, F.S.

(2) The University Traffic Authority, which consists of the Student Traffic Court, the Staff and Faculty Traffic Authority, the University Hearing Authorities, and the Suspension Appeals Authority, as described in this rule, has jurisdiction over all violations of the University rules and regulations governing traffic, parking and vehicle registration on campus.

(3) No person who is delinquent in the payment of a penalty is permitted to register his/her vehicle for operation on the campus. No student who is delinquent in the payment of a penalty is permitted to register at a state university, to receive a degree, or to obtain an academic transcript during such delinquency.

(4) CITATION APPEALS PROCEDURE:

(a) Persons who wish to appeal the citation of a parking violation must file a Statement of Appeal with Transportation and Parking Services within ninety (90) days from the issuance of the citation. Failure to file an appeal within the ninety (90) days of the issuance of the citation will result in the person’s forfeiture of the right to appeal the citation. A Statement of Appeal shall include the appellant’s name, mailing address, University identification number (if applicable) and citation number and should include all information concerning the circumstances of the cited offense as well as the basis claimed for requesting dismissal of the charges.

(b) An Administrative Hearing Officer who is a member of the Student Traffic Court (for students) or the Staff and Faculty Traffic Authority (for all faculty, staff or visitors) will adjudicate the initial appeal of a parking citation.

(c) If the initial ruling by the Administrative Hearing officer is unacceptable to the appellant, a second appeal may be requested before a University Hearing Authority. The statement of Appeal to a University Hearing Authority must be filed with Transportation and Parking Services within thirty (30) days from the issuance of the decision of the Administrative Hearing Officer. Failure to file the appeal in a timely manner will result in the person’s forfeiture of the right to appeal the citation to a University Parking Authority. Transportation and Parking Services will place the Statement of Appeal on the agenda of the earliest possible scheduled meeting of a University Hearing Authority and shall give the appellant written notice of the date, time and location of the hearing at which the Authority will consider the case. During the course of the hearing by the Authority, the appellant shall have an opportunity to present evidence in support of the information contained in the Statement of Appeal. In order to request a hearing, the appellant will be required to pay his or her parking citation. This payment will be refunded to the individual if the University Hearing Authority rules in the appellant’s favor.

(d) Requests for continuances of the scheduled hearing date are discouraged, but will be granted only once upon written notification to the Administrative Hearing Officer or chair of the assigned University Hearing Authority of extenuating circumstances justifying a continuance at least 24 hours prior to the scheduled hearing time. Persons failing to obtain a continuance and who do not appear for their scheduled hearing will forfeit their right to a hearing and shall have their appeal adjudicated upon the record before the Authority.

(5) STUDENT TRAFFIC COURT, through its duly appointed Administrative Hearing Officer, shall have jurisdiction over the initial appeal of citations issued to students. The Student Traffic Court, a division of Student Government, will consist of a Chief Justice and twelve other student Administrative Hearing Officers appointed by the Student Body President with the consultation of the Vice president of Student Affairs. In those cases in which a student files an appeal, a Student Traffic Court Administrative Hearing Officer determines whether such student is guilty or innocent of the charge. The Administrative Hearing Officer will reduce the monetary or restrictive penalty if he or she finds that the violation does not represent a repeated pattern of behavior by the violator, full imposition of the monetary or restrictive penalty would result in unnecessary hardship or burden or reduction would be in the best interest of the University.

(6) THE STAFF AND FACULTY TRAFFIC AUTHORITY shall have jurisdiction over the initial appeal of citations issued to all employees and visitors. The Staff and Faculty Traffic Authority will consist of employee (as defined in Rule 6C1-3.006, F.A.C.) Administrative Hearing Officers appointed by the President of the University or the President’s designee. In those cases in which an employee or visitor files an appeal, an Administrative Hearing Officer from the Staff and Faculty Traffic Authority determines whether such person is guilty or innocent of the charge. The Administrative Hearing Officer will reduce the monetary or restrictive penalty if he or she finds that the violation does not represent a repeated pattern of behavior by the violator, full imposition of the monetary or restrictive penalty would result in unnecessary hardship or burden or reduction would be in the best interest of the University.

(7) UNIVERSITY HEARING AUTHORITIES shall have jurisdiction over the second appeal of citations issued to all faculty, staff, students and visitors. Each University Hearing Authority shall consist of a chairperson, two university employees and two students, all of whom are Administrative Hearing Officers. One-half of the chairpersons shall be student Administrative Hearing Officers, and one-half shall be employee Administrative Hearing Officers. Members of each University Hearing Authority will be selected by the Vice President for Finance and Administration or the Vice President’s designee.
In those cases in which a person files an appeal of the decision of an Administrative Hearing Officer, the person may choose to be present at the meeting of the University Hearing Authority to which the appeal is assigned and shall have the opportunity to present evidence in support of the information contained in the Statement of Appeal. The University Hearing Authority determines whether the individual is guilty or innocent of the charge. The University Hearing Authority will reduce the monetary or restrictive penalty if it finds that the violation does not represent a repeated pattern of behavior by the violator, full imposition of the monetary or restrictive penalty would result in unnecessary hardship or burden, or reduction would be in the best interest of the University. A simple majority of the University Hearing Authority will constitute a quorum, and decisions of a majority of such quorum shall be final.

(8) THE SUSPENSION APPEALS AUTHORITY shall have jurisdiction over all staff, faculty and students whose driving and parking privileges have been suspended pursuant to subsection 6C1-3.014(4), F.A.C. The Authority shall be appointed by the President of the University. It shall consist of three (3) students and three (3) members selected from staff, faculty and administrative and professional personnel of the University and employees of Shands Teaching Hospital and Clinics, Inc. One member of the Authority will be appointed chairperson by the President. Three members of the Authority will constitute a quorum and decisions of a majority of such quorum shall be final.

(9) IMPOUNDMENT APPEAL PROCEDURE.

(a) Persons whose vehicle has been impounded shall have the right to a probable cause hearing before an impartial hearing officer or committee appointed by the President or the President’s designee provided a timely request is made therefor. The purpose of the hearing is to determine if there is probable cause for continued detention of the vehicle. No hearing will be held unless requested in writing by the owner of the vehicle or his/her agent at the University Police Department or Transportation and Parking Services. The hearing shall be held within seventy-two (72) hours from receipt of said written request. In lieu of the probable cause hearing, or pending such hearing, or if probable cause is found at such hearing, the owner of the vehicle or his/her agent may obtain release of the vehicle by paying the impound charges and delinquent fines.

(b) If the hearing officer or committee finds probable cause to impound the vehicle, the individual is then given the prerogative of appealing the citation to a University Hearing Authority.

(c) If no probable cause is found to impound the vehicle, it shall be released without requiring the owner to pay impound charges. If the vehicle was previously released upon payment, as provided in paragraph (9)(a) above, such payment shall be refunded.

(d) Failure to request a probable cause hearing within fifteen (15) calendar days from the date the notice of impoundment is received constitutes a waiver of said hearing and the vehicle shall be released only upon payment of the impound charges and delinquent fines.

Specific Authority 240.227(1), 240.264 FS. Law Implemented 240.263(2), 240.264, 240.265, 240.266 FS. History–New 9-29-75, Amended 8-19-79, 8-12-82, 3-6-85, Formerly 6C1-3.17, Amended 2-9-87, 5-14-87, 4-27-88, 4-23-89, 5-7-92, 5-19-93, 7-11-94, 4-30-95, 6-28-98, 6-7-00.

6C1-3.017 Finance and Administration; Mailing Lists and Labels.

The names and addresses of faculty, staff and students are available in the form of mailing labels and/or lists. Labels and lists will be prepared in response to written requests which must state the purpose for which such labels/lists will be used. Requests from registered student organizations are to be submitted to the Office of Student Affairs, 159 Tigert Hall. All requests for faculty and staff information are to be submitted to the Information Systems Office, 33 Tigert Hall. All requests for student information are to be submitted to the Registrar’s Office, 222 Criser Hall. Appropriate charges covering production costs will be assessed for labels/lists which are to be used for purposes other than in conjunction with the official operation of the University of Florida.

Specific Authority 240.227(1) FS. Law Implemented 240.227(7) FS. History–New 9-29-75, Amended 3-6-85, Formerly 6C1-3.17, Amended 6-28-98.

6C1-3.020 Finance and Administration; Purchasing.

(1) Statement of Intent. It is the intent of the University to acquire quality goods and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process. Responsible purchasing officials shall be protected from improper pressures of external political or business interests. The process shall reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services, in order to preserve the integrity of public purchasing and contracting. The opportunity to bid on University contracts is a privilege, not a right.

(2) Definitions.

(a) Artistic Services – Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.
(b) Commodity – Any of the various supplies, materials, goods, merchandise, food, equipment or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. “Commodity” also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. Printing of publications shall be considered a “commodity” when let upon contract in accordance with Section 283.33, F.S. Software to be used pursuant to license agreements shall be considered a “commodity.”

(c) Competitive Bid/Proposal – The response submitted to an Invitation to Bid, Invitation to Negotiate, or a Request for Proposal by responsive and qualified bidders or offerors.

(d) Competitive Negotiation – The establishment of a contract through deliberation, discussion or conference on the specifications, terms and conditions of a proposed agreement.

(e) Competitive Solicitation – An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor.

(f) Contractor/Vendor – A person or firm who contracts to sell commodities or contractual services to the University.

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

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

(i) Independent Contractor – A person or firm who provides a service to the University, but does not have any employment or other relationship or connection with that University, except as provided in Section 112.313, F.S.

(j) Invitation to Bid – A written solicitation for competitive bids with the title, date, and hour of the public bid opening designated and the commodity, group of commodities or services defined, for which bids are sought.

(k) Invitation to Negotiate – An invitation extended to prospective contractors by the University, whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services. Cost may or may not be a consideration in the initial stages of negotiating.

(l) Minority Business Enterprise – A business concern as defined in Section 288.703(2), F.S.

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

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

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

(p) Purchases for Resale – The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.

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

(r) Request for Proposal – A written solicitation for competitive proposals for commodities or contractual services with the title, date, and hour of the public opening designated. The request for proposal may be used when the scope of work is not clearly defined.

(s) Responsive and Qualified Bidder or Offeror – A contractor/vendor who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.

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

3. The University Board of Trustees has authority to establish a system of coordinated procurement policies, procedures, and practices to be used in acquiring commodities and contractual services required by the University. The Purchasing Department has the duty to:

(a) Canvass sources of supply and contracting for the purchase or lease of all commodities and contractual services for the University, in any manner, including purchase by installment- or lease-purchase contracts. Installment- or lease-purchase contracts may provide for the payment of interest on unpaid portions of the purchase price.

(b) Remove any contractor from the University’s competitive vendor list that fails to respond to three (3) or more invitations or to fulfill any of its duties specified in a contract with the University and to reinstate any such contractor when satisfied that further instances of default will not occur. A “No Bid” is a response.

(c) Plan and coordinating purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which the University may make purchases.

(d) Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/services that are frequently purchased and are available from a single source.

(e) Evaluate and approve contracts let by the Federal Government, other states, political subdivisions, or any independent college or university or educational cooperative or educational consortium of the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts let by such other entities.
(f) Elect as an alternative to any provision in Section 120.57(3)(c), F.S., to proceed with a bid solicitation or contract award process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the University. After the award of contract resulting from a competitive solicitation in which a timely protest was received and in which the University did not prevail, the contract will be canceled and re-awarded to the prevailing party unless the final order or settlement between the parties provides otherwise.

(g) Award contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University. Such awards may be on a university, regional or multiple state university-wide basis and the contracts may be for multiple years.

(h) Reject or cancel any or all competitive solicitations when determined to be in the best interest of the University.

(4) Competitive Solicitations Required.

(a) All contracts for the purchase of commodities or contractual services exceeding $50,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized herein.

(b) When only one response is received to a competitive solicitation for commodities or contractual services exceeding $50,000, the University will review the solicitation response and circumstances surrounding the solicitation to determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined that a second call would not serve a useful purpose, the University will proceed with the acquisition.

(c) When multiple responses that are equal in all respects are received to a competitive solicitation, the University will give preference to responses that include commodities manufactured in the state, Florida businesses, businesses with a drug-free workplace program, or foreign manufacturers located in the state to determine the contract award, or, if these conditions do not exist or are the equivalent between two or more responses, will use toss of the coin.

(d) The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

(e) The intended award shall be publicly posted by the Purchasing Office which issues the Invitation to Bid, Request for Proposal or Invitation to Negotiate for 72 hours which is interpreted as three working days excepting Saturdays, Sundays, or State holidays.

(f) Advertisement. Invitations to Bid, Requests for Proposals, and Invitations to Negotiate for commodities expected to be in excess of $150,000 and for contractual services expected to be in excess of $50,000 shall be advertised in the Florida Administrative Weekly or Florida Communities Network. The Director of Purchasing shall waive the advertisement requirement when the number of potential bidders or proposers is limited and can otherwise be solicited, when the availability of funding so requires, or where delivery is urgent.

(g) In the case of extension errors, the unit price will prevail.

(h) Withdrawal. A vendor may withdraw his or her bid or proposal in writing if done within seventy-two (72) hours of the bid or proposal opening, if the bid or proposal is clearly erroneous and it is withdrawn prior to final award or the purchase order being issued.

(5) Purchase of Commodities or Contractual Services.

(a) Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the University.

(b) Purchase of Insurance. The University has the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University. Examples of insurance coverage that may be acquired by the University include:

1. Physical damage on vehicles and boats;
2. Inland marine on property owned, leased, or loaned to or by the University;
3. Building and property damage;
4. Equipment losses due to theft;
5. Equipment subject to transportation;
6. Loss of rental income;
7. Commercial general liability insurance for scientific equipment;
8. Excess general liability coverage;
9. Camps insurance.

(c) Purchase of Printing. Printing shall be purchased in accordance with Chapter 283, F.S.

(d) Purchases from Minority Business Enterprises. The University is an equal opportunity institution and encourages procurement contracting with Minority Business Enterprises.

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

(f) Purchasing actions that are not subject to the competitive solicitation process include:
1. Emergency Purchases. When the President or President’s designee determines in writing, that a condition exists that threatens the health or safety of person(s) or animal(s) or the preservation or protection of property or the continuance of a vital University function, the University will proceed with an emergency purchase without a competitive solicitation. The emergency purchase shall be limited to the purchase of only the type of items and quantities or for a time period sufficient to meet the immediate threat and shall not be used to meet long-term requirements.

2. Sole Source Purchases. Commodities or contractual services available from a single source shall be exempted from the competitive solicitation process. The sole source document shall be publicly posted by the Purchasing Office for three working days.

3. Purchases from competitively bid Contracts and Negotiated Annual Price Agreements established by the State, other governmental entities, other public or private educational institutions, and educational cooperatives and educational consortia are not subject to further competitive solicitation.

4. Construction Direct Purchase Program. Commodities to be incorporated into any public work (as that term is defined in Rule 12A-1.094, F.A.C.) which are procured by the University in accordance with the requirements of the University’s direct purchase program are not subject to any further competitive solicitation.

(g) Commodities and contractual services that are not subject to the competitive solicitation process include:
1. Artistic services;
2. Academic reviews;
3. Lectures;
4. Auditing services;
5. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration.

Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;

7. Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of s. 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;
8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed;
9. Family placement services;
10. Training and education services;
11. Advertising;
12. Services or commodities provided by governmental agencies, another university in the state of Florida or other independent colleges and universities;
13. Programs or continuing education events that are offered to the general public for which fees have been collected to pay all expenses associated with the program or event;
14. Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;
15. Regulated utilities and government franchised services;
16. Regulated public communications, except long distance telecommunication services or facilities;
17. Extension of an existing contract;
18. Renewal of an existing contract if the terms of the contract specify renewal option(s);
19. Purchases from the Annual Certification List developed by the University;
20. Purchases for resale;
21. Accountant services;
22. Contracts or services provided by not-for-profit support and affiliate organizations of the University, including Shands Teaching Hospitals and Clinics, Inc., direct support organizations, health support organizations and faculty practice plans;
23. Implementation/programming/training services available from owner of copyrighted software or its contracted vendor; and
24. Purchases of materials, supplies, equipment, or services for research purposes when a director of sponsored research or designee certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project.

(h) Participants in Contract Awards Not Subject to Competitive Solicitations.
1. No person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be eligible to contract with the University dealing with the specific subject matter.
2. All persons taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall follow all relevant portions of the State of Florida Code of Ethics for Public Employees, Chapter 112, Part 3, F.S., and the University’s rule on outside activities, Rule 6C1-1.011, F.A.C.

(6) Bonds.
(a) Payment and Performance Bonds. The University shall require any contractor contracting with the University to provide commodities or commodities which include installation to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract when the total contract amount is greater than $200,000 and the University is uncertain about the contractor’s ability to perform.

(b) Solicitation Protest Bond. Any contractor that files an action pursuant to Section 120.57(3)(b), F.S., protesting a decision or intended decision pertaining to a solicitation, shall at the time of filing of the formal protest, post with the University, a bond payable to the University in an amount equal to: 10% of the estimated value of the protestor’s bid or proposal; 10% of the estimated expenditure during the contract term; $10,000; or whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the contractor filing the protest action. In lieu of a bond, the University will accept a cashier’s check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier’s check or money order at the time of filing the formal protest shall result in the denial of the protest.

(7) Contracts.

(a) Contracts for commodities or contractual services or licenses shall consist of a purchase order or bilateral agreement signed by the President or designee prior to or within thirty (30) days of the goods or services being rendered by the contractor.

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

(c) Extension of a contract shall be for a period not to exceed 12 months, shall be in writing, shall be signed by both parties, and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract.

(d) A contract may contain provisions for renewal. If the commodity or contractual service is purchased as a result of a competitive solicitation, the cost of any contemplated renewal must be included in the competitive solicitation. All contract renewals are subject to sufficient annual appropriations.

(e) The President shall have the authority to enter into deferred payment agreements utilizing the State of Florida Controller’s Consolidated Equipment Financing Program. When a commodity contract requires deferred payments and the payment of interest under that program, the contract will be submitted to the State of Florida Controller for the purpose of pre-audit review and approval prior to acceptance by the University. No agreement shall establish a debt of the State or shall be applied to the faith and credit of the State; nor shall any agreement be a liability or obligation of the State except from appropriated funds.

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

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

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

(9) Purchase of Motor Vehicles.

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

(b) The University has authority to:
1. Establish standard classes of motor vehicles to be leased, purchased or used by University personnel;
2. Obtain the most effective and efficient use of motor vehicles for state purposes;
3. Establish and operate facilities for the acquisition, disposal, operation, maintenance, repair, storage, control and regulation of University-owned motor vehicles. Acquisition may be by purchase, lease, installment-purchase, loan or by any other legal means and may include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport University personnel and adequately meet the requirements of the University;
4. Contract for specialized maintenance services.

(c) Motor vehicles owned, leased or operated by the University shall be available for official University business only.

Specific Authority 1001.74(4) FS. Law Implemented 112.313, 120.57(3), 672.719, 1001.74(5), 1001.75(5), 1004.22 FS. History–New 1-8-80, Amended 3-26-80, 8-6-81, 2-11-82, Formerly 6C1-3.20, Amended 5-18-92, 7-11-94, 4-30-95, 5-23-96, 6-28-98, 4-30-00, 7-25-02, 2-5-03.

6C1-3.021 Finance and Administration; Purchasing, Sponsored Research Exemptions Procedures.

(1) Section 1004.22(7), F.S., allows the University to exempt the purchase of materials, supplies, equipment or services for research purposes from the general purchasing requirements of Rule 6C1-3.020, F.A.C., and the requirements of Chapters 215, 216 and 283, and Section 112.061, F.S. Such an exemption shall be exercised only when the Vice President for Research or the Vice President’s designee certifies to the President in each particular instance that the exemption is necessary for the efficient or expeditious prosecution of a research project.

(a) Competitive bidding.
1. The Principal Investigator must submit a memorandum to the Vice President for Research requesting a sponsored research exemption. The memorandum must include:
   a. A detailed justification for the request.
   b. A written quotation from the requested vendor detailing the price, the FOB point, responsibility for freight and insurance, and payment terms.
   c. A statement and/or other evidence, that some form of price comparison or determination of price reasonableness has been performed.
   d. A written statement signed by the Principal Investigator certifying that he or she is independent of, and has no conflict of interest in the entity(ies) evaluated and selected.
2. If the vendor is a governmental agency, the acquisition must be excluded from competitive bid requirements as stated in Rule 6C1-3.020, F.A.C.
3. The following criteria shall be used to justify a request for a sponsored research exemption from competitive bidding:
   a. A certain vendor is specified in a prime contract or grant award.
   b. A certain vendor is approved in writing by the prime contractor or granting agency in accordance with the provisions of the prime contract or grant award.
   c. The purchase of specific goods or services from a certain vendor can be demonstrated to be more efficient or expeditious than any other vendor based on compatibility, availability, or the current capabilities of the Principal Investigator and staff.
   d. The purchase of specific goods or services from a certain vendor can be demonstrated to be necessary to meet the time requirements of the prime contract or grant award.
   e. The purchase of specific goods or services from a certain vendor can be demonstrated to be mandated by scientific or technical requirements.
   f. The purchase of specific goods or services from a certain vendor can be demonstrated to be at a cost below industry norms.
   g. Other conditions which can be demonstrated to meet the statutory criteria of “necessary for the efficient or expeditious prosecution of a research project.” The specific condition must be fully explained.
4. Any and all changes or corrections to a purchase order or contract issued on the basis of a sponsored research exemption must also be approved by the Vice President for Research or designee.
(b) Documentation and Advance Payments.
1. An exemption from the requirements concerning the level of detail and documentation for reporting and payment under Chapter 215, F.S., and related rules and practices, shall be granted under the following conditions:
   a. The level of detail and documentation for reporting and payment required by the prime contractor or granting agency in the provisions of the prime contract or grant award (or approved in writing by the sponsor) is less than that required by the State of Florida.
   b. Subcontractors’ invoices contain a level of detail that is, at a minimum, commensurate with the level of detail and reporting required of the University by the prime contract or grant award. It is not necessary for copies of receipts to be obtained or submitted with the voucher for the payment of such invoices, if the invoice contains a statement certifying that receipts in support of the itemized invoice are maintained in the contractor’s records and may be inspected by officials of the State of Florida.
2. An advance payment or payments shall be authorized under the following conditions:
   a. The subcontractor or vendor requests an advance payment, and it can be demonstrated that the advance payment is necessary to fund extensive start-up costs, realize discounts or cost savings, or create adequate cash flow in order to provide required goods or services.
   b. The University retains the documentation justifying such advance payments in the Office of the Vice President for Research. The Principal Investigator is responsible for determining that all goods/services for which an advance payment has been made are satisfactorily received.
   c. The Office of the Vice President for Research provides the Purchasing Department the sponsored research exemption certification and specific payment details for inclusion in the purchase order.
   d. The University may require the subcontractor or vendor to secure some form of liability protection to cover the amount of advance payment, as deemed appropriate.
3. When an exemption from the general provisions of Chapter 215, F.S., and related rules and practices for documentation or advance payment is authorized, the provisions of a contract between the University and the subcontractor or vendor must include essentially the following language:
   The Contractor agrees to return to the University any overpayments due to unearned funds or funds disallowed pursuant to the terms of this Contract or by the prime agency that were disbursed to the Contractor by the University. Such funds shall be considered University funds and shall be refunded to the University within forty-five (45) days following the time the overpayment and/or disallowance is discovered unless otherwise authorized by the University in writing. In addition, the Contractor agrees to exclude from its expenditure reports and any other claims for reimbursement any amounts disallowed by the prime agency and the University in accordance with the terms of this Contract.
(c) Travel. A subcontractor or vendor is allowed to be reimbursed for travel expenses of non-State of Florida and non-University personnel performing travel under a sponsored research subcontract in accordance with the provisions of the applicable prime contract or grant and the travel allowances normally provided by the subcontractor or vendor. A copy of the subcontractor’s or vendor’s written travel procedures must be submitted.

(3) Execution and Distribution.

(a) If the request is for an exemption from the competitive bid requirements, the Principal Investigator will submit the request for the sponsored research exemption to the Office of the Vice President for Research, allowing sufficient time for adequate review of the request. The request should be accompanied by the general requisition, the documentation listed in paragraph (2)(a) above and any other needed documentation.

(b) Requests for other sponsored research exemptions may be initiated by the principal investigator, the Office of the Vice President for Research, or other University personnel, as appropriate.

(c) The Office of the Vice President for Research will review the request for sponsored research exemption. The certification will be prepared by the Office of the Vice President for Research, signed by the Vice President for Research or his/her designee, and be forwarded to the University President or President’s designee.

(d) Prior consent to a sponsored research exemption by the Director of Purchasing is not required. However, the Director’s advice and counsel may be sought and the following steps must be followed:

1. The Office of the Vice President for Research will send a copy of the sponsored research exemption certification memorandum provided to the President, the general requisition, and a copy of the other documentation listed in paragraph (2)(a) above, to the Purchasing Division.

2. The Purchasing Division will be responsible for compliance with all other State of Florida and University rules and regulations. Further, if after viewing the documentation provided, the Purchasing Division has knowledge of any information that would impact the use of a sponsored research exemption, the Office of the Vice President for Research should be contacted prior to issuance of the purchase order.

3. Any purchase order issued under a sponsored research exemption will contain a statement indicating that a sponsored research exemption was given.

4. The Purchasing Division will forward a copy of the certification, along with a copy of the contract and/or purchase order to the University Controller’s Office.

4. A copy of the sponsored research exemption certification and any supporting documentation will be maintained in the Office of the Vice President for Research.

Specific Authority 1001.74(4), 1004.22(13) FS. Law Implemented 1001.74(8), 1004.22(5), (7) FS. History–New 5-18-92, Amended 3-12-03.

6C1-3.025 Finance and Administration; Lease of Space.

(1) Purpose. This rule implements the authority given to the University of Florida to lease real property for the purpose of implementing approved programs of the University.

(2) Definitions. For purposes of this rule, a lease is a document containing the terms and conditions establishing the relationship of landlord and tenant for real property, including land and any improvements thereon.

(3) Approval. All leases shall be prepared in accordance with this rule and executed by the President or the President’s designee.

(4) Standard Lease. The University uses a standard lease, Form BCM 4054 (R5-01), approved by the University’s Office of the Vice President and General Counsel and incorporated herein by reference. The standard lease may be obtained from the Purchasing Division, Elmore Hall, Room 102, University of Florida. The University’s lease form may be changed by deleting, adding to or revising its terms, which shall remain consistent with the requirements of this rule as far as practical given the circumstances of the lease, with the prior approval of the University’s Office of the Vice President and General Counsel.

(5) Escalation Clauses Prohibited. A lease shall not contain a rental escalation clause or an open rental rate that permits an adjustment in the amount paid by the University based on the happening of a future event, such as a change in the Consumer Price Index or other economic indicator, without also including a ceiling on the total amount the rent may increase. Any such clause in a lease shall be null, void, and unenforceable. The final cost to the University for the complete term of a lease, including all renewal periods, must be clearly set forth in the lease.

(6) Right-to-Terminate Clause Required. All leases for a term exceeding one (1) fiscal year shall include the following provision: “The State of Florida’s performance and obligation to pay under this Lease is contingent upon an annual appropriation by the Legislature.”

(7) Renewal of Leases. Any lease may contain options to renew and any renewal(s) shall be made according to the terms and conditions of the lease.

(8) Code Compliance in Leased Space.

(a) Any privately-owned building or any part thereof to be leased to the University shall comply with those portions of Chapters 553 and 633, F.S., including, but not limited to, fire safety, life safety and disabled access standards, applicable to University buildings.

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(b) No construction or renovation of any state-leased building may commence until the University has ascertained that the proposed construction or renovation plan complies with those portions of Chapters 553 and 633, F.S., applicable to University buildings.

(c) The cost of all modifications or renovations made for the purpose of bringing state-leased property into compliance with the applicable portions of Chapters 553 and 633, F.S., shall be borne by the landlord unless otherwise agreed in writing by the University.

(9) Leases of 5,000 Square Feet or More.

(a) The University shall not enter into a lease for 5,000 square feet or more of space in a privately-owned building except upon advertisement for and receipt of competitive bids and award to the lowest bid meeting specifications. The University shall not enter into, within any 12-month period, more than one lease for space in the same privately-owned facility or complex except upon the solicitation of competitive bids. Exceptions to these requirements are as follows:

1. This section shall not apply to the renewal of leases when the lease contains renewal terms. The University may approve extensions of an existing lease of 5,000 square feet or more of space if such extensions are determined to be in the best interest of the University but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month the University still needs space, it shall be procured by competitive bid. However, if the University determines it is in its best interest to remain in the space it currently occupies, the University may negotiate a replacement lease with the landlord if an independent market analysis demonstrates that the lease rates offered are within market rates for the space and the cost of the new lease does not exceed the cost of a comparable lease plus documented moving costs. The term of such replacement lease may not exceed the base term of the expiring lease. The decision to extend a lease and to remain in the space currently occupied shall be based on the following factors: the cost of moving, the disruption of activities that will occur as a result of moving, the location of the space, the suitability of the space, the proximity of services, the layout and type of space, and the quality of space involved.

2. This section shall not apply to specialized research, medical or educational facilities, if the President or the President’s designee certifies in writing that said facility is available from a single source and that compliance with competitive bid requirements would be detrimental to the University.

3. This section shall not apply to any lease having a term of less than 120 consecutive days for the purpose of securing one-time special use of the leased property.

4. This section shall not apply to buildings or facilities of any size leased for the purpose of providing care and living space for persons.

5. This section shall not apply to emergency space needs in the event existing state-owned or leased space is destroyed or rendered uninhabitable by an act of God, fire, malicious destruction, or structural failure, or by legal action upon certification by the President or his designee that other University controlled space is not available and the term of the lease does not exceed 18 months, provided the University may modify the lease to extend month to month for up to 6 additional months to allow completion of such construction or renovations.

6. This section shall not apply when leasing facilities in a research and development park, a hospital, or other medical facilities, such as a medical office building, with which the University is affiliated.

7. This section shall not apply to any lease for nominal or no consideration.

(b) The University shall not enter into a lease agreement in a privately-owned building when suitable space is available in a state-owned building located in the same geographic region unless it is determined to be in the best interest of the University, such as when the cost of the move from a private building to the state-owned building would exceed the rental savings associated with the state-owned building.

(c) Solicitation.

1. A public solicitation for proposals will be publicized using newspaper advertisements and/or contact with owners, developers or realtors in the city or area in which space is desired.

2. The solicitation shall set forth, but not be limited to, the following:
   a. Approximate net square footage required to be measured in accordance with subsection 60H-2.003(2), F.A.C.
   b. General area in which space must be located.
   c. Date space must be available.
   d. Name and address of location where specifications may be obtained.
   e. Terms and conditions of lease.

(d) Specifications.

1. Specifications shall be written by the University in general terms and shall afford each prospective landlord, interested in submitting a proposal, knowledge of the University’s space requirements. Specifications shall not be structured to favor any specific location or landlord.

2. Specifications provided to each prospective landlord shall set forth, but not be limited to, the following:
   a. Approximate net square footage required to be measured in accordance with subsection 60H-2.003(2), F.A.C.
   b. An approximate floor plan of space needed showing partitioning and other physical requirements.
   c. General location of required space.
   d. Date space must be available.
e. Term of lease with option to renew, if desired.
f. Services required to include parking, dining and transportation requirements.

3. Specifications shall also set forth that the prospective landlord will agree to:
   a. Enter into the University's standard lease.
   b. Provide a scaled floor plan showing present configurations and measurements that equate to net rentable square footage offered.
   c. Be an Equal Opportunity Employer.
   d. Provide Full Disclosure Statements of Ownership.
   e. Validate the proposal for a minimum of forty-five (45) days following the public bid opening date.
   f. Propose a rental rate per square foot per year that will include all renovations and other special requirements necessary to accommodate the program at the time of initial occupancy, and clearly stating of that rental rate per square foot the amount allocated to (i) base rent, (ii) the cost of tenant improvements or renovations necessary to make the space conform to the University’s specifications and (iii) operating costs, such as real property taxes and utilities, being reimbursed by the University.

4. Specifications may provide that sealed proposals are to be submitted, in a titled envelope, to a designated individual by a specified closing time and date, at which time all proposals will be publicly opened.

(e) Proposals.
   1. Proposals shall respond specifically but need not be limited to each item included in the specifications.
   2. Each proposal shall be signed by the owner(s), corporate officers, or legal representative(s). The corporate, trade, or partnership name must be either stamped, written or typewritten, beside the actual signature(s). If the proposal is signed by an agent, written evidence of his authority must accompany the proposal. If a corporation foreign to the State of Florida is the owner, evidence of authority to conduct business in Florida shall be presented.

(f) Evaluation.
   1. The University reserves the right to accept or reject any or all bids submitted and, if the University deems it necessary, to reinstitute procedures for soliciting competitive proposals.
   2. The University, in conjunction with preparing specifications, shall develop weighted evaluation criteria. The criteria items most significant to the University’s needs should bear the highest weight. The cost of relocation, if any; consolidation of activities, if desirable; and any other factors deemed necessary should be weighed.
   3. Selection shall be made by the University and shall be publicly posted at the location where the bids were opened and remain posted for seventy-two (72) hours, which shall be interpreted as three (3) working days, not counting Saturdays, Sundays, and State of Florida holidays.
   4. Documentation to support the selection shall be maintained and shall include, but not be limited to, the following:
      a. A copy of all advertisements.
      b. A copy of the proposal specifications.
      c. A copy of all proposals received.
      d. A synopsis of the University’s findings for each proposal.

(g) Lease preparation and approval. After the selection has been awarded, a lease shall be properly executed.

   (a) The landlord shall provide the statements required pursuant to Sections 255.249(2)(h) and (i), F.S., regarding ownership interests in the lease property.
   (b) It is not necessary to make disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to Chapter 517, F.S., which stock is for sale to the general public. A statement certifying the registration shall be provided by the landlord.
   (c) It is not necessary to make disclosure under paragraphs (a) and (b) above of any leasehold interest in property located outside the territorial boundaries of the United States.
   (d) Each subsequent transaction pertaining to a lease for which a Disclosure Statement has been provided, may be accompanied by a landlord’s affidavit that the previous Disclosure Statement submitted on (date provided) is still valid, if no change in the interest held or individuals concerned has occurred.

(11) Certification of Compliance. The President or designee shall certify that the lease is in compliance with all leasing criteria provided by Chapter 255, F.S.

(12) Standard Method of Space Measurement. Space measurement shall be based on usable space as defined in Department of Management Services subsection 60H-2.003(2), F.A.C.

(13) Space Allocation. Space allocation shall be based on the formula provided in the publication “State Requirements for Educational Facilities, 1999 Volume I-Process and Rule and Volume II-Building Code.”

(14) Rental Rates. The rental rate for space shall be within rental rate guidelines established by the University.

(15) Leases Not Requiring Competitive Bidding. In any leasing of space that is accomplished without competition, the individuals taking part in the development or selection of criteria for evaluation, in the evaluation, and in the award processes shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected.
6C1-3.030 Finance and Administration; Surplus University Property.

(1) Purpose. The purpose of this rule is to implement the authority received by the university president in accordance with Section 1001.75(18), F.S., with respect to those functions and duties heretofore performed by the Department of Management Services in accordance with Chapter 287, F.S. (Chapter 79-222, Section 13, Laws of Florida).

(2) Definitions.
   (a) Accountable Officer – The Department head or Director or his or her designee is the person entitled to lawful custody of property owned or controlled by the University.
   (b) Property Manager – Any individual assigned by the University President to manage the assignment, accountability, transfer and disposal of property for which the University has custodial responsibility under the Florida Statutes.
   (c) Tangible Personal Property – All personal property acquired and belonging to the University. Real estate, buildings and infrastructure are not considered personal property except as noted in subsection (4).
   (d) Exchange Property – Property being offered as a trade-in on the purchase of a new item.
   (e) Property Survey Board – A body appointed by the President to oversee surplus property practices and to review and ratify disposition actions. There shall be representation from each budgetary unit on the Board.

(3) Reporting Requirements for Surplus, University-Owned Tangible Personal Property.
   (a) Tangible personal property which is determined to be surplus because it is excess, obsolete, uneconomical or inefficient for continued use shall be certified as surplus by the Accountable Officer for the property to the Property Manager. A Report of Survey form, FA Form FA-P-M-RS/11-99, incorporated herein by reference and available from the Finance and Accounting Office shall constitute the certification from the custodian. If a use for the property exists elsewhere within the University, the Property Manager is authorized to transfer accountability to a subsequent custodian in the area where it will be used. The Property Manager will agenda the certification for ratification of disposition action by the Property Survey Board.
   (b) In instances of loss, theft, or fire, such surplus property should be reported to the Property Survey Board.
   1. Lost/Stolen – When a loss is discovered, the Accountable Officer must forward an approved Report of Survey – Lost/Stolen Form FA-P-M-RS2/11-02, incorporated herein by reference and available from the Finance and Accounting Office, Post Office Box 113200, Gainesville, Florida 32611.
   2. Destroyed – When destruction is discovered, the Accountable Officer must forward an approved Report of Survey – Form FA-P-M-RS/11-99.
   (4) Buildings & Infrastructure. Buildings, infrastructure and other items of a semi-permanent or permanent nature shall be considered tangible personal property, if and when they are severed from the real property upon which they reside, and shall be reported in the same manner as all other surplus property. In addition, the legal description of the location, size, type of construction, and reason for removal shall be noted.
   (5) Procedures for Disposal of Surplus Property. Certified surplus property shall not be sold, transferred, donated, cannibalized, or scrapped without prior written authority from the University Property Manager. The Property Survey Board can itself or can delegate to the Property Manager the authority to dispose of such property determined to be surplus as follows:
      (a) Transfer to State Agency, political subdivision or to any private non-profit agency. A non-profit agency is defined as an agency considered exempt from Federal Income Tax under section 501(c)(3) of the Internal Revenue Code.
      (b) Scrap or cannibalization of equipment.
      (c) Abandoned equipment in place upon determination that cost of return or repair exceeds the value of the property.
      (d) Public Sale.
      1. All public sales shall be conducted on a set date and time which shall be advertised in a local newspaper of general circulation no less than two weeks prior to the sale.
      2. Sales will be conducted as public auction or sealed bid sales, whichever is in the best interest of the University.
      (6) The University president has the authority to adjust property records for the disposition of University-owned tangible personal property.
      (7) Exchange Property. If University property will be used as a trade-in for the purchase of new property, an approved Report of Survey (FA Form FA-P-M-RS/11-99), shall constitute certification from the Accountable Officer.
      (8) Non-University Funded Property. All property originally purchased with non-university funds, such as contracts or grants, shall be managed in a form consistent with the applicable rules and regulations of the funding authority.
      (9) Disposition of Monies. All monies received from the sale of such surplus property shall be deposited as directed by the University Controller and will be used for all necessary operating expenses of the surplus property program and for acquisition of tangible personal property.
6C1-3.037 Finance and Administration; Registration and Student Fees.

(1) Registration consists of two major components:
   (a) Formal enrollment in one or more courses approved and scheduled by the University, and
   (b) Fee payment or other appropriate arrangements for fee payment (deferment, third-party billing) for the courses in which the student is enrolled.

(2) A student is liable for all fees associated with all courses for which the student is registered at the end of the drop/add period. The fee payment deadline is 3:30 p.m. of the last day of the second week of classes.

(3) Late Registration Fee.
   (a) A student is subject to a late registration fee of $100.00 if the student fails to apply and qualify for admission prior to the late registration date published in the University calendar. If the student qualifies to register during the late registration period, a “late registration” appointment may be assigned and the student shall be required to pay the late registration fee.
   (b) Any student who is assigned a regular registration appointment and who fails to complete registration during the regular registration period will be subject to the $100.00 late registration fee.

(4) Late Payment Fee – Any student who fails to pay all fees due or obtain a written deferral by the fee payment deadline will be subject to a late payment fee of $100.00.

(5) Waiver of Late Payment Fee – The late payment fee shall be waived if the balance due, excluding the late fee, is less than $100. The late payment fee shall also be waived if the balance due, excluding the late fee, is less than $100.00. The late payment fee shall also be waived upon the petition of the student if:
   (a) The University is primarily responsible for the delinquency; or
   (b) Extraordinary circumstances prevented all conceivable means of paying fees prior to the fee payment deadline. The University reserves the right to require documentation to substantiate these circumstances.

(6) Cancellation of Registration and Reinstatement.
   (a) The University shall cancel the registration of any student who has not paid any portion of the fee liability by the established deadlines published by the University each semester.
   (b) The University shall temporarily suspend further academic progress of any student who has not paid the entire balance of the fee liability by the established deadlines. This will be accomplished by placing a financial hold on the student’s record which will prevent the student from receiving grades, transcript, and/or diploma and the student’s registration will be denied for future terms until the account has been paid in full.
   (c) Reinstatement shall require the approval of the University and payment of all delinquent liabilities, including the late registration and late payment fees.

(7) The University shall permit the deferral of registration and tuition fees for the period not ending later than thirty (30) calendar days prior to the last day of classes, or for summer terms A and B, not later than seven (7) calendar days prior to the last day of classes for the reasons given in this section. Extension of this deadline shall be made on an individual basis by term by the President or President’s designee. In no case shall the deferment extend beyond the last day of classes unless there is a formal arrangement with the University for payment by an acceptable third-party donor. A deferment or an extension of a deferment shall be given for the following:
   (a) Students whose state or federal financial assistance is delayed due to circumstances beyond the control of the student;
   (b) Veterans and other eligible students receiving benefits under Chapter 32, 34, or 35, of Title 38 U.S.C., and whose benefits are delayed; or
   (c) Students for whom formal arrangements have been made with the University for payment by an acceptable third-party donor.

(8) Fee deferments must be established with University Financial Services, prior to the fee payment deadline. Failure to establish the deferment will subject the student to payment of the late payment fee and/or cancellation of registration.

(9) Tuition will be waived for Florida residents 60 years of age or older under the conditions set forth in Section 1009.26(4), F.S. Persons paying full fees and University of Florida employee and state employees taking classes on a space-available basis have priority over any persons allowed a fee waiver under this paragraph.

(10) Sponsored institutes and programs – Tuition and materials and supply fees will be waived by the President or designee for participants in sponsored institutes and programs if substantially all the direct costs are paid by the external sponsoring agency, where there is not direct expenditure of Educational and General funds for the conduct of the programs, and where no fees or other assessments are collected from students by the sponsoring agency, the university, or any other entity. In determining whether the direct costs are paid by the sponsoring agency, funds paid directly to the participants in a form such as, but not limited to, stipends, travel or book allowances should not be taken into account. “Direct costs” refer to the costs associated with the instruction or training which a participant receives. All funds collected from sponsoring agencies for sponsored credit institutes will be remitted to the university’s contract and grants trust fund and/or auxiliary trust funds. Neither the number of participants nor student credit hours in these institutes and programs may be counted for state-funding purposes.

(11) In collecting fees, the President or designee shall impose additional requirements, as necessary, including advance payment or a security deposit, for the services to be provided by the University of Florida.
6C1-3.0371 Finance and Administration; Fee Refunds.
(1) Tuition and registration fees will be refunded in full in the circumstances noted below:
(a) If notice of withdrawal from the University is approved prior to the end of the drop/add period and written documentation is received from the student.
(b) Credit hours dropped during the drop/add period.
(c) Courses cancelled by the University.
(d) Involuntary call to active military duty.
(e) Death of the student or member of his/her immediate family (parent, spouse, child, sibling).
(f) Illness of the student of such severity or duration, as confirmed in writing by a physician, that completion of the semester is precluded.
(g) Exceptional circumstances, upon approval of the University President or his/her designee(s).
(2) A refund of 25% of the total fees paid is available if written notice of withdrawal of enrollment from the University is approved prior to the end of the fourth week of classes for full semesters or a proportionately shorter period of time for shorter terms, and written documentation is received from the student.
(3) Refunds must be requested at University Financial Services. Proper documentation must be presented when a refund is requested. A waiting period for processing may be required. Refunds will be applied against any University debts.
(4) The University reserves the right to set minimum amounts for which refunds will be produced for overpayments on student accounts.

6C1-3.0372 Finance and Administration; Student Health, Athletic, and Activity and Service Fees.
(1) Effective Fall Semester, 2003, dental, medical and veterinary students must pay a semi-annual fee of $355.00 (three hundred fifty-five and 00/100 dollars) which includes the health, athletic, and activity and service fees. All other students must pay the health, athletic, and activity and service fees on a per credit hour basis as indicated below:

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Fee Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Fee</td>
<td>$7.69</td>
</tr>
<tr>
<td>Athletic Fee</td>
<td>$1.90</td>
</tr>
<tr>
<td>Activity and Service Fee</td>
<td>$8.16</td>
</tr>
</tbody>
</table>

(2) Notwithstanding the foregoing, University of Florida students enrolled in a New World School of the Arts degree program in Miami shall pay the following fees per credit hour:

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Fee Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Fee</td>
<td>$7.32</td>
</tr>
<tr>
<td>Athletic Fee</td>
<td>$0.00</td>
</tr>
<tr>
<td>Activity and Service Fee</td>
<td>$10.68</td>
</tr>
</tbody>
</table>

(3) Half-time graduate research and teaching assistants enrolled for eight (8) or more credit hours during the Fall or Spring Term and all other students enrolled for nine (9) or more credit hours (except students enrolled in a New World School of the Arts degree program) are eligible to purchase football tickets at the student rate.

6C1-3.0374 Finance and Administration; Material and Supply Fees.
(1) Students will be charged a material and supply fee for all courses approved by the University President. A list of approved courses and fees will be published in the Critical Dates and Information brochure provided for each semester and referenced in the university catalog and course schedule.
(2) Refunds and waivers for any such fees will be made pursuant to Rules 6C1-3.0371 and 6C1-3.037, F.A.C.

6C1-3.0375 Finance and Administration; Tuition Schedule.
(1) Tuition shall be defined as fees assessed to students for enrollment in credit courses at the University of Florida. Tuition consists of the following fees, depending on whether a student is a resident or a non-resident:
(a) Resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who qualifies as a Florida resident as defined in Rule 6C-7.005, F.A.C.:
1. Matriculation Fee;
2. Student Financial Aid Fee;
3. Capital Improvement Trust Fund Fee;
4. Building Fee;
5. Transportation Access Fee;
6. Health Fee;
7. Athletic Fee; and
8. Activity and Service Fee.

(b) Non-Resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who does not qualify as a Florida resident as defined in Rule 6C-7.005, F.A.C.:
1. Matriculation Fee;
2. Non-Resident Fee;
3. Student Financial Aid Fee;
4. Non-Resident Student Financial Aid Fee;
5. Capital Improvement Trust Fund Fee;
6. Building Fee;
7. Transportation Access Fee;
8. Health Fee;
9. Athletic Fee; and
10. Activity and Service Fee.

(2) Registration shall be defined as consisting of two components:
(a) Formal enrollment in one or more credit courses approved and scheduled by the University; and
(b) Tuition payment, or other appropriate arrangements for tuition payment (installment payment, deferment, or third party billing) for the courses in which the student is enrolled as of the end of the drop/add period.

(3) A student is liable for tuition associated with all courses for which the student is registered at the end of the drop/add period. The fee payment deadline is 3:30 p.m. of the last day of the second week of class.

(4) The following tuition shall be levied and collected effective the fall semester indicated for each student regularly enrolled, unless provided otherwise in this chapter.

(a) Students enrolled in programs other than the MD, DMD or DVM in the College of Medicine, College of Dentistry, or College of Veterinary Medicine, will be assessed the following fees per credit hour:

<table>
<thead>
<tr>
<th>Fall 2003</th>
<th>Undergraduate</th>
<th>Graduate</th>
<th>Law</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Resident</td>
<td>Non-Resident</td>
<td>Resident</td>
</tr>
<tr>
<td>Matriculation</td>
<td>$63.41</td>
<td>$63.41</td>
<td>$170.63</td>
</tr>
<tr>
<td>Non-Resident</td>
<td>$350.10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student Financial Aid</td>
<td>$3.17</td>
<td>$3.17</td>
<td>$8.53</td>
</tr>
<tr>
<td>Non-Resident Student Financial Aid</td>
<td>$17.50</td>
<td></td>
<td>$27.10</td>
</tr>
<tr>
<td>Capital Improvement Trust Fund</td>
<td>$2.44</td>
<td>$2.44</td>
<td>$2.44</td>
</tr>
<tr>
<td>Building</td>
<td>$2.32</td>
<td>$2.32</td>
<td>$2.32</td>
</tr>
<tr>
<td>Transportation Access</td>
<td>* * * *</td>
<td>As set forth in Rule 6C1-3.009 * * * *</td>
<td></td>
</tr>
<tr>
<td>Activity and Service, Health and Athletic</td>
<td>* * * *</td>
<td>As set forth in Rule 6C1-3.0372</td>
<td></td>
</tr>
</tbody>
</table>

(b) Students enrolled in the MD, DMD and DVM programs in the College of Medicine, College of Dentistry, and College of Veterinary Medicine will be assessed the following fees per student for the academic year:

Fall 2003

<table>
<thead>
<tr>
<th>Fee</th>
<th>Medical</th>
<th>Dental</th>
<th>Veterinary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident</td>
<td>Non-Resident</td>
<td>Resident</td>
<td>Non-Resident</td>
</tr>
</tbody>
</table>
(c) Pursuant to Section 1009.285, F.S., each student enrolled in the same undergraduate course more than twice, shall be assessed an additional $164.54 per credit hour charge in addition to the fees outlined above in paragraph (4)(a), for each such course.


6C1-3.0376 Finance and Administration; Miscellaneous Fees.

(1) The University of Florida has established the fees set forth in this rule. The fees listed are in addition to fees set forth in other University of Florida rules and other charges that are authorized by law. “Cost” as used in this rule includes any increased costs to the University that are directly related to the delivery of the goods and services.

(2) Application Fee – An individual who applies for admission to the University of Florida shall pay a non-refundable application fee in the amount of $30.00. This fee is waived for applicants who provide documentation that they have received a fee waiver because of economic need as determined by the College Board or the American College Testing Program.

(3) Library overdue fines – $.25 per day per item; overdue reserve library books – $.25 per item per library hour.

(4) Late equipment fee – Variable.

(5) Duplicating/photocopying fee – Variable.

(6) Standardized test (GRE, URE, etc.) fees will consist of the costs of administering the test.

(7) Thesis and dissertation – Binding fee-cost; microfilm fee-cost; copyright fee-cost.

(8) Damaged, breakage and lost library materials; lost keys (includes cylinder change); equipment, materials, and facilities damage, breakage, and loss – Cost of repair and/or replacement. If damaged or lost materials are the result of misconduct, a fine or other disciplinary action may be imposed under the provisions of Rule 6C1-1.008, F.A.C.

(9) Interlibrary loans/literature searches – Cost.

(10) Orientation fee – $35.

(11) Nonrefundable admissions deposit – $200. The admissions deposit paid by an individual shall be applied toward payment of that individual’s tuition upon enrollment. The admissions deposit shall not be reimbursed to an individual who does not enroll in the term offered for admission and who does not withdraw his or her acceptance of admission prior to the applicable deadline as published in the University Record. The deposit is waived for those individuals who have provided documentation that they have received an application fee waiver because of economic need as determined by the College Board, American College Testing Program, Law School Admissions Council, the American Association of Medical Colleges Fee Assistance Program, or the American Association of Dental Schools Application Service.

(12) Transcript fee – Variable, not to exceed $10.

(13) Diploma replacement fee – Variable, not to exceed $10 per item.

(14) Housing Rental Rates – Variable.

(15) Miscellaneous health related charges for services provided at the Student Health Center that are not covered by the Student Health Fee set forth in Rule 6C1-3.0372, F.A.C. – Cost.

(16) Registration for zero hours – The student is assessed the applicable resident or non-resident costs as set forth in Rule 6C1-3.0375, F.A.C., for one credit hour.

(17) Auditing – The student is assessed the applicable resident or non-resident costs as set forth in Rule 6C1-3.0375, F.A.C., for the audited course.
6C1-3.039 Finance and Administration; Guest Admissions.

Guest admissions to any University activity may be permitted by the President or his/her designee when deemed appropriate and in the best interest of the University. Such admission may be by invitation or complimentary ticket.

Specific Authority 240.227(1) FS. Law Implemented 240.227(12), (13) FS. History–New 3-26-80, Formerly 6C1-3.39.

6C1-3.040 Finance and Administration; Employee Recognition Program.

(1) The University shall establish and maintain an employee recognition program for Academic Personnel, Technical, Executive, Administrative, and Managerial Support (TEAMS), and University Support Personnel System (USPS) employees.

(a) Superior accomplishment. Academic Personnel, TEAMS and USPS employees who have contributed outstanding and meritorious service in their fields, including those who have made exceptional contributions through service and superior accomplishments in State University System operations, are eligible for consideration for an award.

1. The President shall appoint a University Superior Accomplishment Awards Committee composed of a Chairman and at least four additional members composed of Academic Personnel, TEAMS and USPS employees.

2. The Superior Accomplishment Awards Committee shall:
   a. Establish criteria for superior accomplishment and coordinate the selection process for the Superior Accomplishment Awards Program for each of the University Divisions and for the total University-wide program.
   b. Make recommendations to the President concerning such accomplishments and awards to be given, if any. The President or President’s designee shall make a final decision.

3. A Superior Accomplishment Program shall be established at the Division level and at the University level. For purposes of this rule, the University is organized into six divisions as follows: Division 1 – Office of the President, Office of the Vice President for Development and Alumni Affairs, the Office of the Vice President for Research and Graduate Programs, the Office of the Vice President and General Counsel, and the Office of the Vice President for Government Relations; Division 3 – Office of the Vice President for Academic Affairs; Division 4 – Office of the Vice President for Agriculture and Natural Resources; Division 5 – Office of the Vice President for Health Affairs; Division 6 – Office of the Vice President for Student Affairs; and Division 7 – Office of the Vice President for Finance and Administration. Within each of the Divisions, Superior Accomplishment Award recipients will be selected in categories established by the committee for: Academic Personnel, TEAMS, and USPS employees. Award recipients at the Division level will automatically become nominees for the University’s Superior Accomplishment Award for their employment category.

4. Individual awards granted under this component for the Division level award may not exceed the sum of $200, excluding all applicable taxes. Individual awards granted under this component at the University level may not exceed the sum of $1000, excluding all applicable taxes. Awards may be in cash, savings bonds, or other items. In addition, certificates, pins, plaques, letters of commendation, and other tokens of recognition may be awarded provided that the cost of the awards per recipient does not exceed $50.

5. Awards made at the Division level shall come from that Division’s budget. Awards made at the University level will come from the President’s budget.

6. Recognition programs that are established at the Department level which support the University’s Superior Accomplishment Program may award cash or other type of monetary award up to but not to exceed $50 per recipient, excluding all applicable taxes. In addition, certificates, pins, plaques, and other tokens of recognition may be awarded provided the cost of the award per recipient does not exceed $25. The cost for all such awards are funded from within each Department’s budget.

(b) Academic Personnel, TEAMS and USPS employees who have achieved increments of five (5) continuous years of satisfactory service at the University are recognized for such service.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(11), 1009.24, 1009.26 FS. History–New 3-12-03, Amended 6-3-03, 12-31-03.

6C1-3.042 Finance and Administration; Write-off of Uncollectible Accounts; Settlement of Delinquent Accounts.

(1) The University shall use due diligence and exert every effort in the collection of all accounts.
(2) The President or his/her designee may write-off or settle any uncollectible accounts owed the University. All or a portion of late charges and/or collection costs may at the discretion of the President or his/her designee be waived on institutional student loans if the borrower makes a lump sum payment of the entire amount of outstanding principal and interest to settle an account.

(3) The University shall employ the services of a collection agency when deemed advisable in collecting delinquent accounts.

(4) The University may set minimum amounts for which debts will be billed and for which financial holds will be placed on records.

Specific Authority 240.227(1) FS. Law Implemented 240.291 FS. History–New 3-26-80, Formerly 6C1-3.42, Amended 5-18-92, 6-28-98.

6C1-3.0421 Finance and Administration; Employee Debt Collection.

(1) Purpose. Pursuant to Sections 240.291 and 17.04, F.S., the University is directed to exert every effort to collect all delinquent accounts and overpayment of monies. The purpose of this rule is to provide procedures for collection of funds and monies, other than educational loans collectable pursuant to Section 112.175, F.S., owed to the University by its employees.

(2) Employee debts for which the University has responsibility for collection and which are subject to collection under this rule include the following: Registration fees, delinquent student loans, returned checks, traffic and parking fines, library fines, educational resources fines/sales, graduation fees, health services, veterinary medical services, rental fees, housing, physical education equipment, travel advance reimbursements, disallowed revolving fund reimbursements, overpayments to employees, overpayment of workers’ compensation monetary benefits and other miscellaneous charges.

(3) Accounts Receivable Other than Returned Checks and Overpayment of Workers’ Compensation Monetary Benefits.

(a) Collection Procedures. Amounts due from an employee shall be placed in the University’s Accounts Receivable billing system after routine attempts by the department to obtain payment of any accounts receivable are unsuccessful. Once charges are placed in the Accounts Receivable billing system, billing and collection efforts shall be conducted for a period of three (3) months. If the University does not receive payment within three (3) months of the date of the first billing or suitable payment arrangements have not been made, the employee shall be notified pursuant to paragraph 6C1-3.0421(3)(b), F.A.C., that set-off procedures shall be implemented with respect to his or her debt.

(b) Set-Off Procedures. The employee shall be notified by certified letter, return receipt requested, that he or she has ten (10) calendar days from receipt of the letter to either pay all sums due, make satisfactory payment arrangements, submit documentary evidence disputing his or her debt, or request administrative review of the decision to set-off his or her debt through a deduction of funds from the employee’s paycheck. The notice shall further advise the employee that the set-off of wages shall commence without further notice following the expiration of the ten (10) day notice period unless the employee has taken appropriate action and shall include the amount and duration of the deductions which shall be made from his or her salary warrant.

(c) Calculation of Payroll Deduction.

1. In the event that the total amount of the debt is less than ten percent (10%) of the employee’s biweekly gross salary, the full amount of the employee’s debt shall be deducted in the first or second pay period following the expiration of the ten (10) day notice period given to the employee.

2. If the amount of the debt is greater than ten percent (10%) of the employee’s biweekly gross salary, the amount deducted each pay period shall not exceed ten percent (10%) of the employee’s gross salary.

3. In the event that an employee-debtor is terminated or voluntarily leaves the University’s employ, the entire amount of the debt shall be deducted from the employee’s final paycheck.

(4) Accounts Receivable – Returned Checks and Overpayment of Workers’ Compensation Monetary Benefits.

(a) Collection Procedures. When a check written by an employee to the University is returned uncollected or an employee receives an overpayment of a workers’ compensation monetary benefit, the employee shall be notified by certified letter, return receipt requested, of the returned check or the workers’ compensation overpayment and the employee shall be required to make full payment of the check and return check charge or the workers’ compensation overpayment within ten (10) calendar days from receipt of the letter. The notice shall further advise the employee that if the check is not redeemed within the ten (10) day period, the check and return check charge shall be forwarded to the Office of University Financial Services for payroll deduction without further notice. If the workers’ compensation overpayment is not repaid to the University’s Workers’ Compensation Office within the ten (10) day period, that office shall, without further notice, initiate one or more payroll deductions to recoup the overpayment.

(b) Calculation of Payroll Deduction. The full amount of the returned check and return check charge shall be deducted in the first or second pay period following referral of the account to the Office of University Financial Services. The entire workers’ compensation monetary benefit overpayment shall be deducted from the employee’s pay during the first pay period following the notification deadline. Deductions shall continue, as required, until the entire overpayment has been recouped.

Specific Authority 1001.74(4) FS. Law Implemented 17.04, 1001.74(19), 1010.03 FS. History–New 12-27-90, Amended 5-18-92, 6-28-98, 9-1-99, 6-3-03.
6C1-3.0422 Finance and Administration; Direct Deposit Program.
(1) The following describes the direct deposit requirement for all University of Florida employees. Direct deposit is the electronic transfer of net salary and travel expense reimbursements into University of Florida employees’ personal checking or savings account at United States financial institution.
(2) All employees, including OPS and non-work study students, are required to participate in the Direct Deposit Program as a condition of employment, regardless of date of hire.
   (a) Employees have 30 days from the date of their first paycheck to set up a savings or checking account at a financial institution, and submit the State of Florida Direct Deposit Authorization Form to the University Payroll Office. The Direct Deposit Authorization form, DFS-AA-26S, Rev. Oct-2001, is incorporated herein by reference and can be obtained from the websites of the University Payroll Office and Division of Human Resources.
   (b) By Federal Regulations, Work-Study students are not required to participate in the Direct Deposit Program, but strongly encouraged to participate.
   (c) The direct deposit date remains active in the University Payroll Office until it is changed or one year after separation of employment.
(3) Employees who can demonstrate a hardship or that they have been unable to establish an account at a financial institution may request exemptions from participating in direct deposit.
   (a) Employees shall submit a written request including supporting documentation, to the University Payroll Office explaining the hardship within 14 days from the date of hire.
   (b) The University Payroll Office will make a written determination within 14 days to the employee approving or denying the request.
   (c) The University Payroll Office will print checks to those employees granted direct deposit participation exemption.
(4) Direct Deposit Authorization forms are available in the offices and on the web sites of the University Payroll Office and the Division of Human Resources.
   (a) Employees are required to submit a new Direct Deposit Authorization to the University Payroll Office should there be a change in their financial institution.
   (b) Employees are not required to re-submit a Direct Deposit Authorization when changing hiring authorities, pay plans, or job titles within the University of Florida.

Specific Authority 1001.74(4) FS. Law Implemented 110.113, 1001.74(19) FS. History–New 12-31-03.

(1) Predetermination procedures for USPS employees with permanent status.
   (a) Written Notice – Prior to the dismissal, suspension, or disciplinary reduction in pay of a permanent employee, the University shall give the employee written notice as follows:
      1. The employee shall be given written notice of the proposed action at least 5 days prior to the date the action is to be taken.
      2. If the employee is available, the notice shall be hand-delivered to the employee and the employee shall acknowledge receipt. Otherwise, the notice shall be mailed to the employee by certified mail, return receipt requested. The mailed notice shall be considered received by the employee even if refused or ignored.
   (b) Contents of Notice – The notice shall be signed by the person authorized to make the final decision or his or her designated representative and shall include the following:
      1. The effective date of the University’s proposed final action;
      2. The specific charges or reasons for the action;
      3. A list of documents on which the charges or other reasons are based; and a statement that documents shall be available to the employee upon request;
      4. A statement that the employee may, within 2 workdays of receipt of the notice, submit a request in writing for a conference at which the employee may make an oral or written statement, or both, to the University to refute or explain the charges or reasons for the action; and the name, address, and telephone number of the person to whom the request for a conference shall be directed;
      5. A statement that the requested conference must be held prior to the proposed effective date of the action, at a time and place determined by the University, normally during regular business hours, and that the employee may bring a representative to advise and assist;
      6. A statement that the University of Florida desires to reduce the risk of error in taking the action against the employee and to avoid damaging the employee’s reputation by untrue or erroneous charges, and therefore, the University is interested in receiving and considering the employee response; and
      7. A copy or summary of the predetermination procedures shall be enclosed with the notice.
   (c) Conference – If a conference is requested by the employee, it must be conducted by the person(s) authorized to make the final decision or his or her designated representative(s) as follows:
1. The person(s) conducting the conference shall convene the conference at the time and place set by the University and shall identify all participants. He or she shall explain that the purpose of the conference is to hear the employee’s response to the charges in order to protect the employee from erroneous or arbitrary adverse action, to afford the University an opportunity to reevaluate its position after reviewing the information presented by the employee, and to thereafter affirm or alter the disciplinary action as may be warranted.

2. The conference shall be informal and shall not be in the nature of an evidentiary hearing. The employee may bring a representative to assist or advise him or her, but discovery, cross-examination, and similar legal procedures are not permissible.

3. The employee shall be permitted to submit relevant information, orally or in writing, or both, with the privilege being reserved to the University of Florida to give such information the weight it deems proper. The employee shall be informed that if he or she chooses to make no response, the University of Florida will proceed on the basis of the best information it can obtain without such response.

4. After the conference is conducted, the employee shall be notified, as soon as practicable, that the proposed final action will be effective on a specific date, that the proposed final action has been revised, or that no action will occur.

(d) Decision – After the conference, if the University determines that it will proceed with the reduction in pay, suspension, or dismissal of the employee, the employee shall be notified in writing by personal delivery or by certified mail, return receipt requested, within 5 workdays from the date the action is effective, of the employee’s right to appeal to an arbitrator under subsection (2) of this rule. If the employee occupies a position included in a certified bargaining unit, the employee shall be further notified that he or she may, in the alternative, use the unit’s grievance procedures as provided in the applicable collective bargaining agreement. Furthermore, sworn law enforcement personnel must assure that the provisions of Part VI of Chapter 112, F.S., Law Enforcement Officers’ Bill of Rights, are followed.

(e) During the period between the first notice and the effective date of the action, one of the following options shall be used by the University: retain the employee in his or her usual duties; temporarily assign the employee to other duties; place the employee on annual leave; or place the employee on administrative leave.

(f) Extraordinary Situations.
1. The President or President’s designee shall immediately suspend an employee from performance of his or her duties when the President or designee has reason to believe that the employee’s presence on the job would adversely affect the functioning of the University or would jeopardize the safety or welfare of other employees. The President or designee shall determine whether a suspension shall be with or without pay based on the severity of the misconduct and the threat to safety.

2. If oral notice is given, written notice of such action, and the reasons therefore, must be furnished to the employee within 24 hours.

3. Written notice in an extraordinary situation shall include a statement of the reasons for such action and shall be sent by certified mail, return receipt requested, or hand delivered and the employee shall acknowledge receipt.

4. Notice of a suspension or dismissal shall include a statement that the employee has a right to appeal to an arbitrator under subsection (2) of this rule.

(2) USPS Arbitration Appeal Procedures.
(a) An employee who has earned permanent status in his or her current classification shall have the right to appeal to an arbitrator any suspension, dismissal, layoff, demotion with reduction in pay, job abandonment, or reduction in pay, provided that the employee has not signed a statement indicating the action was voluntary.

1. If an employee requests an arbitration, the employee shall, within 10 working days after the receipt of notice of the employment action from the University, file with the Division of Human Resources a completed Arbitration Request Form. This form is incorporated by reference and is titled Arbitration Request Form, arb-req Rev. 10/02, and can be obtained from the Office of Employee Relations, Division Human Resources, 432A Stadium, Gainesville, Florida. A copy of the form must also be filed with the President or designee and the employee’s immediate supervisor.

2. Failure to initiate an arbitration request within the time limits prescribed shall be deemed a waiver of the right to arbitration. In the event of a question regarding timeliness of any notice, the date of receipt if transmitted in person, or the postmark if transmitted by mail, shall be determinative.

3. After the Request for Arbitration has been received, the Director of Human Resources will determine whether the request has been filed in accordance with the provisions of this section and shall notify the employee or his or her representative, the Dean or Director, and the Vice President responsible for the college, major budgetary unit, or administrative unit in which the grievant is employed of this determination. Additionally, the employee will be mailed a copy of this rule.

4. The Vice President responsible for the college, major budgetary unit or administrative unit in which the grievant is employed, or the Vice President’s designee, shall serve as the University representative in the arbitration.

5. The Director of Division of Human Resources (DHR) shall select an arbitrator on a rotational basis from an odd-numbered panel of at least seven (7) arbitrators maintained by the University and shall notify the University representative and the employee or his or her representative of the arbitrator selected. If the parties do not agree on the arbitrator selected, the selection shall be made by alternately striking names from the panel. The right of first strike shall be determined by a coin toss. The employee will receive notice of the identity of the arbitrator selected and may request disqualification of the arbitrator based on cause within five (5) days of receipt of the notice. Cause is present when it appears the arbitrator was chosen through corruption, fraud, or other undue means.
6. When an action is both appealable under this rule and grievable under a collective bargaining agreement, the employee shall have the option of using either procedure. The filing of the arbitration request form constitutes a waiver of any rights to review of the matter under an applicable collective bargaining agreement, Chapter 120, F.S., or other University review procedures. If the employee seeks a review of a matter in an alternative forum after requesting arbitration under this rule or fails to appear at the scheduled arbitration hearing, the University shall have no obligation to proceed further.

(b) Fees and Expenses.
1. All reasonable fees and expenses for the arbitrator will be paid by the University.
2. The party desiring a transcript of the arbitration proceedings shall provide written notice to the other party of its intention to have a transcript of the arbitration made at least one week prior to the date of the arbitration and shall be responsible for scheduling a reporter to record the proceedings. The parties shall share equally the appearance fee of the reporter and the cost of obtaining an original transcript and one copy for the party originally requesting a transcript of the proceeding. The requesting party shall, at its expense, photocopy the copy of the transcript received from the reporter and deliver the photocopy to the other party within five (5) calendar days after receiving the copy of the transcript from the reporter.
3. The parties shall share equally the appearance fee of the reporter and the cost of obtaining a transcript of the proceedings.
4. The arbitrator shall have ten (10) days from the hearing to render a decision on arbitrability. If the issue is judged to be arbitrable, an arbitrator shall then be selected to hear the substantive issues, in accordance with the provisions of paragraph (2)(e) above.

Specific Authority 1001.74(4), 1012.92(1), (3) FS. Law Implemented 1001.74(19), 1012.92 FS. History–New 5-1-96, Amended 3-2-03, 12-31-03.
6C1-3.046 Finance and Administration; Discipline, Suspension and Dismissal for Cause of Technical, Executive, Administrative, and Managerial Support (TEAMS) Staff.

(1) Definitions.
(a) “Just cause” shall be defined as:
1. Incompetence; or
2. Misconduct, whether on or off the job; or
(b) The term “advisor” shall mean a representative of the Division of Human Resources (DHR) appointed by the Director of DHR to assist in interpreting policies and procedures.
(c) For the purpose of this rule, “Vice President” means the indicated Vice President or the Vice President’s designee, “Dean” means the indicated Dean or the Dean’s designee, and “Director” means the indicated Director or the Director’s designee.

(2) Dismissal, Suspension and Disciplinary Action

(a) The appointment of a TEAMS staff member can be terminated or suspended with or without pay for just cause.
1. An employee shall be given written notice of dismissal or suspension by the President or President’s designee. The notice shall include:
   a. A basis for the dismissal or suspension,
   b. A copy of this rule,
   c. The dismissal or suspension shall take effect the day the Vice President issues his or her written decision if it upholds a decision to dismiss or suspend,
   d. The name of an advisor,
   e. Pay status.
2. During the period following the notice of dismissal or suspension, the President or designee shall determine the reassignment of the employee for the balance of employment.
3. Within seven (7) working days of the notice of dismissal or suspension, the Dean or Director responsible for the unit in which the TEAMS staff member is employed, will review the basis for the notice. The employee may schedule a meeting with the Dean or Director during these seven (7) working days to provide information about the notice and may submit to the Dean or Director letters and other documentary material related to the notice. Within the next five (5) working days, the Dean or Director will issue a written decision that upholds, modifies, or revokes the notice of dismissal or suspension. The decision shall state a basis for the conclusion reached and shall have attached all documents used in reaching the decision.
4. If the Dean or Director upholds or modifies the notice of dismissal or suspension, the Vice President responsible for the unit in which the TEAMS staff member is employed will review the basis for the notice within seven (7) working days. The Vice President’s review will be based solely on the decision by the Dean or Director and the accompanying documents. If the Vice President determines that it is necessary to receive further information, the Vice President will meet with the staff member within the seven (7) working day period to seek such information. Within the next five (5) working days, the Vice President will issue a written decision that upholds, modifies, or revokes the notice of dismissal or suspension.
5. The dismissal or suspension becomes final upon the issuance of the Vice President’s written decision upholding the notice of dismissal or suspension.
6. If the employee wishes to pursue the matter further, the employee has the right to appeal to an arbitrator as prescribed in subsection (8) of Rule 6C1-3.051, F.A.C.
(b) The President or designee retains the right to impose disciplinary action, other than termination or suspension, for “just cause”, as set forth in Section 1012.92, F.S.
1. The employee shall be given written notice of any disciplinary action. The notice shall state:
   a. The reasons for the disciplinary action,
   b. The disciplinary action is subject to the grievance procedure found in Rule 6C1-3.051, F.A.C.
   c. The effective date of the disciplinary action.
2. Counseling shall not be considered disciplinary action under this section.

(3) Suspension Pending Investigation. The President or designee shall immediately suspend an employee from the performance of his or her duties when the President or designee has reason to believe that the employee’s presence on the job would adversely affect the functioning of the University or would jeopardize the safety or welfare of other employees. The President or designee shall determine whether a suspension shall be with or without pay based on the severity of the misconduct and the threat to safety. Within two (2) working days from such immediate suspension, the President or designee shall serve written notice upon the employee stating the reasons for the action taken. If the employee has been suspended without pay and subsequently is reinstated as a result of the review or grievance procedures, the employee shall be reinstated with back pay.

Specific Authority 1001.74(4), 1012.92 FS. Law Implemented 1001.74(19), 1012.92 FS. History–New 3-6-85, Formerly 6C1-3.46, Amended 3-2-03.
6C1-3.047 Finance and Administration; University Support Personnel System; Disciplinary Procedures.

(1) The University of Florida shall administer standards for performance and conduct to ensure timely and equitable disposition of disciplinary problems. Discipline ranging from oral reprimands to dismissal can be imposed for just cause as defined in subsection 6C1-3.046(1), F.A.C.

(2) The University of Florida has adopted the following standards which shall govern the manner and extent to which disciplinary action is taken. Levels of penalties are dependent upon the seriousness of the offense and any aggravating or mitigating circumstances, or as otherwise required by law. The concept of progressive discipline is endorsed dependent upon the offense. Each situation is assessed on a case-by-case basis, however, the University shall consider other discipline-related offenses collectively when in the best interest of the University of Florida. Appropriate disciplinary penalties include: oral reprimand, written reprimand, suspension without pay, or dismissal.

(3) STANDARDS FOR PERFORMANCE AND CONDUCT.

(a) Unsatisfactory Attendance. Unsatisfactory attendance includes: failure to obtain approval prior to any absence from work except in the case of proven emergency, failure to notify or call during an absence, an attendance record of recurring absences even if the majority of absences were necessary and/or excused, a pattern of absences, and tardiness.

(b) Misconduct. Conduct, on or off working hours, that adversely affects the employee’s ability to perform his or her duties, or which adversely affects the University’s ability to carry out its assigned mission. Misconduct may include but is not limited to: sexual harassment, threatening and/or abusive language, theft, fighting, falsification, insubordination, horseplay, possession, use, and/or distribution of non-prescribed drugs, possession or use of firearms, conviction of a crime, drinking on the job or reporting to work under the influence of alcohol or drugs, improper use of state property, leaving work area without permission, loafing, sabotage, sleeping on duty, strike or concerted activity, unauthorized solicitation, violation of safety practices, disruptive conduct, failure to follow instruction, and retaliation.

(c) Negligence. The failure to use ordinary or reasonable care in, or the omission of or inattention to, the performance of assigned duties. Negligence is synonymous with carelessness, lack of care, and lack of attention.

(d) Violation of provision of law, university rule, or departmental policy, procedure, or practice that is either verbal, written, or understood.

Specific Authority 1001.74(4), 1012.92(1), (3) FS. Law Implemented 1001.74(19), 1012.92 FS. History–New 8-26-81, Formerly 6C1-3.19, Amended 3-6-85, 5-14-85, Formerly 6C1-3.47, Amended 2-9-87, 5-21-89, 6-28-98, 10-31-99, 6-27-02, 2-3-03.

6C1-3.049 Finance and Administration; Technical, Executive, Administrative, and Managerial Support Staff Appraisal.

(1) Appraisals of Technical, Executive, Administrative and Managerial Support (TEAMS) Employees in Non-Exempt Positions.

(a) Probationary Appraisals.

1. A probationary appraisal is required thirty (30) days prior to the conclusion of the probationary period or prior to the end of any probationary period extension for all non-exempt TEAMS employees who at least meet performance standards in their designated classification.

2. The President or President’s designee has the authority to extend by letter a probationary period for up to six (6) months if the employee is not meeting performance standards, and the supervisor determines that more time is needed for assessment or the supervisor decides that additional time is needed for appropriate training or on-the-job experience.

3. If a performance appraisal is not completed to evaluate an employee’s original or extended probationary period, then the employee will be considered to have met performance standards.

(b) Annual Appraisals.

1. An annual appraisal shall be completed for each TEAMS employee in a non-exempt position within thirty (30) days prior to the anniversary date of appointment.

2. If the employee’s annual performance appraisal is not completed, his or her previous rating in the classification will be retained. If there is no previous rating, the employee will be considered at the “achieves” level.

(c) Special Appraisals.

1. A special appraisal shall be conducted whenever the appraiser determines that the employee’s performance warrants being evaluated.

(2) Annual Appraisals of TEAMS Employees in Exempt Positions.

(a) A TEAMS employee shall have his or her performance appraised within thirty (30) days prior to the anniversary date of appointment.

(b) If the employee’s annual performance appraisal is not completed, his or her previous rating in the classification will be retained. If there is no previous rating, the employee will be considered at the “achieves” level.

(c) A copy of each completed appraisal shall become a part of the employee’s official file maintained by the Division of Human Resources. The original of the completed appraisal shall be provided to the employee.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3), 1012.94 FS. History–New 4-25-80, Amended 2-23-82, Formerly 6C1-7.11, Amended 3-6-85, Formerly 6C1-3.49, Amended 4-17-90, 5-18-92, 5-12-03.
6C1-3.050 Finance and Administration; University Support Personnel System Performance Appraisals.

(1) A probationary appraisal is required prior to the conclusion of the probationary period for all employees who at least meet performance standards in their designated classification.

(a) A probationary appraisal shall be completed within thirty (30) days prior to the end of the probationary period for the designated class or prior to the end of any probationary period extension.

(b) An employee shall meet performance standards for the probationary period for the designated class before attaining permanent status.

(c) The President or President’s designee has the authority to extend by letter a probationary period for up to six months if the employee is not meeting performance standards and the supervisor determines that more time is needed for assessment or the supervisor decides that additional time is needed for appropriate training or on-the-job experience.

(d) Time spent on extended leave will not count toward the completion of an employee’s probationary period, and the completion date of the probationary period will be advanced based on the amount of time the employee is absent. The employee must complete his or her probationary period upon return from the extended leave in order to attain permanent status in the appropriate classification.

(e) An employee serving a probationary period in the current class shall be removed from the class, including a change in assignment or termination from employment, if the employee does not meet performance standards during the probationary or extended period, and will not receive a probationary appraisal.

(f) If a performance appraisal is not completed to evaluate an employee’s original or extended probationary period, then the employee will be considered to have met performance standards.

(2) An annual appraisal shall be completed for each employee with permanent status in the current class.

(a) A permanent status employee shall receive an annual appraisal completed each year within thirty (30) days following the date the employee was appointed or returned to his or current class.

(b) The employee’s appraisal period typically will be advanced based on the amount of time he or she is absent on an extended leave.

(c) If the employee’s annual performance appraisal is not completed, his or her previous rating in the classification will be retained.

(d) If the previous rating reflects the employee’s failure to meet performance standards, in the absence of a follow-up special performance appraisal or letter that documents the employee’s failure to meet performance standards, the employee will be considered to have met performance standards for the follow-up period.

(3) A special appraisal for an employee shall be conducted whenever the rater determines that the employee’s performance warrants being evaluated, including when an employee’s performance no longer meets performance standards. A special appraisal may not exceed six months unless the appraisal period is adjusted as a result of an extended leave of absence. Such appraisal shall be completed within thirty (30) days following the established appraisal period end date.

(4) If an employee who has attained permanent status in the class receives an appraisal or letter that documents failure to meet performance standards, the rater with the cooperation of the higher level supervisors shall communicate in writing to the employee necessary improvements to address the identified deficiencies.

(a) If at the time of receiving such an appraisal or letter, the employee is retained, the length of the next appraisal period shall be determined but shall not exceed six months. Such appraisal shall be completed within thirty (30) days following the appraisal period end date, unless a proposal is made to terminate or demote the employee as a result of his or her continued failure to meet performance standards. In such case, a letter documenting the employee’s unsatisfactory performance, rather than a performance appraisal, shall be sufficient. In the absence of this appraisal or letter, the employee shall be considered to have met performance standards for the follow-up period.

(b) If an employee does not meet performance standards within the designated follow-up period, the university shall initiate action to remove the employee from the class.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–New 7-1-96, Amended 6-28-98, 5-22-01, 3-12-03.

6C1-3.051 Finance and Administration; University Grievance Procedures for Technical, Executive, Administrative and Managerial Support Staff: General Information, Resort to Other Procedures, Time Limits, Procedures and Arbitration Appeal.

(1) General Information.

(a) The purpose of this rule is to promote a prompt and efficient procedure for the investigation and resolution of grievances filed by Technical, Executive, Administrative, and Managerial Support (TEAMS) staff members of the University. Informal resolution of complaints and concerns is encouraged. An employee should promptly pursue informal resolution before filing a grievance.

(b) The term “grievance” shall mean an allegation filed by the TEAMS employee that any condition, act, or omission of the University directly affecting the employee’s terms and conditions of employment is unjust, inequitable, or creates a problem. The grievance may also allege that the University failed to comply with the University grievance procedure and request specific action.
(c) An employee shall not have the right to file a grievance or reweigh management decisions concerning evaluations of performance, salary increase decisions, or similar administrative decisions made under the rules of the University, unless the action was taken without proper authority.

(d) In case of non-disciplinary action, the burden of proof shall be on the grievant. In case of disciplinary action, the burden of proof shall be on the University.

(e) Definitions.

1. The term “grievant” shall mean a TEAMS employee who has been directly affected by an act or omission of the University and who has filed a grievance.

2. The term “grievance officer” shall mean a University employee appointed to conduct the Step 1 meeting.

3. An “advisor” shall mean a representative of the Division of Human Resources (DHR) appointed by the Director of DHR to assist in interpreting policies and procedures.

(2) Grievances Arising from Dismissals or Suspensions for Just Cause.

(a) When a written notice of dismissal or suspension for “just cause” as defined in Rule 6C1-3.046, F.A.C., has been issued, the automatic review procedure by the Dean or Director and by the Vice President prescribed in Rule 6C1-3.046, F.A.C., substitutes for the grievance review process. The outcome of that review constitutes the final University decision on the dismissal or suspension. If the Vice President upholds a decision to dismiss or suspend, the employee shall have the right to appeal to an arbitrator as prescribed in subsection (8) below.

(b) The University’s response to other individuals or groups having appropriate jurisdiction in any other procedure shall not be an act or omission giving rise to a grievance under this procedure.

(c) Grievances alleging discrimination shall be filed in accordance with the provisions contained in Rule 6C1-1.0063, F.A.C.

(d) A grievant who complains of matters that affect his or her substantial interest may file a petition for a hearing pursuant to Section 120.569 and 120.57, F.S., unless a written grievance or arbitration appeal has been or is being filed under subsection (6) or (8) of this rule. The filing of a written grievance under subsection (6) of this rule or a request for an arbitration appeal of dismissal or suspension under subsection (8) of this rule constitutes a WAIVER of any right the grievant might otherwise have to request a proceeding under Chapter 120, F.S., including Sections 120.569 and 120.57, F.S.

(3) Grievances Not Arising from Dismissals or Suspensions for Just Cause.

(a) These grievances shall be reviewed using the Step 1 and Step 2 procedures prescribed in subsections (6) and (7) below. The decisions of the grievance officer in the Step 1 procedure and, if requested, the Vice President in the Step 2 procedure, shall constitute the final resolution of the grievance, except when the grievance concerns the employee’s separation, layoff, demotion, job abandonment, relocation, or reduction in pay, provided that the employee has not signed a statement indicating the action was voluntary, and the employee has timely filed an appeal to an arbitrator as set forth in paragraph (3)(b) of this rule.

(b) The University’s response to other individuals or groups having appropriate jurisdiction in any other procedure shall not be an act or omission giving rise to a grievance under this procedure.

(c) Grievances alleging discrimination shall be filed in accordance with the provisions contained in Rule 6C1-1.0063, F.A.C.

(d) A grievant who complains of matters that affect his or her substantial interest may file a petition for a hearing pursuant to and in accordance with Sections 120.569 and 120.57, F.S., unless a written grievance or arbitration appeal has been or is being filed under subsection (6) or (8) of this rule. The filing of a written grievance under subsection (6) of this rule or a request for an arbitration appeal of dismissal or suspension under subsection (8) of this rule constitutes a WAIVER of any right the grievant might otherwise have to request a proceeding under Chapter 120, F.S., including Sections 120.569 and 120.57, F.S.

(4) Resort to Other Procedures.

(a) It is the intent of this procedure to provide a complete response to a grievance, but not to encourage multiple processings of the same issue. Therefore, the University shall not entertain under this rule a grievance based upon the same issue(s) adjudicated pursuant to another University rule or in another forum, whether administrative or judicial. If, prior to the conclusion of the procedures described in this rule, a grievant seeks resolution of the matter in any other forum, whether administrative or judicial, the University shall have no obligation to entertain or proceed further with the matter pursuant to this rule.

(b) The University’s response to other individuals or groups having appropriate jurisdiction in any other procedure shall not be an act or omission giving rise to a grievance under this procedure.

(c) Grievances alleging discrimination shall be filed in accordance with the provisions contained in Rule 6C1-1.0063, F.A.C.

(d) A grievant who complains of matters that affect his or her substantial interest may file a petition for a hearing pursuant to and in accordance with Sections 120.569 and 120.57, F.S., unless a written grievance or arbitration appeal has been or is being filed under subsection (6) or (8) of this rule. The filing of a written grievance under subsection (6) of this rule or a request for an arbitration appeal of dismissal or suspension under subsection (8) of this rule constitutes a WAIVER of any right the grievant might otherwise have to request a proceeding under Chapter 120, F.S., including Sections 120.569 and 120.57, F.S.

(5) Time Limits.

(a) A grievance shall be filed no later than ten (10) working days from the date following the act or omission giving rise to the grievance, or ten (10) working days from the date the grievant acquires knowledge, or could have reasonably been expected to have acquired knowledge, of the act or omission. Failure by the employee to file a grievance within the time limits prescribed shall be deemed a waiver of the employee’s right to the grievance procedure.

(b) All time limits contained in this rule may be extended by mutual written agreement of the parties.

(c) Upon the failure of the grievant to file an appeal within the time limits provided in this rule or any extension thereof, the grievance shall be deemed to have been resolved at the prior step.

(6) Step 1 Procedures.

(a) A Step 1 grievance shall be initiated by filing with the Director of Division of Human Resources (DHR) a completed form entitled “Step One Grievance for TEAMS Staff.” DHR will provide a copy of the completed form to the Vice President for Finance and Administration.

(b) Upon receipt of the written grievance, the Director of DHR or designee shall ask the Dean or Director responsible for the college, major budgetary unit or administrative unit in which the grievant is employed to appoint a University employee with relevant expertise and experience to serve as grievance officer. The Director of DHR or designee shall assign a grievance advisor to the grievance. Within fifteen (15) working days following receipt of the grievance by the Director of DHR, the grievance officer shall consult with the parties directly involved in the grievance and interview others in addition to the grievant and seek any other material necessary in order to determine an appropriate resolution of the grievance. The grievance officer shall, within ten (10)
working days following the conclusion of the investigation and informal conference(s) with the grievant, issue a written decision to the grievant giving reasons for the conclusions reached and attaching all documents presented at the Step 1 meeting. The grievance officer will provide a copy of the written decision with attachments to the Director of DHR, the Dean or Director, and the Vice President responsible for the college, major budgetary unit, or administrative unit in which the grievant is employed.

(7) Step 2 Procedures.

(a) If the grievant is dissatisfied with the decision in Step 1 and wishes to pursue the matter, the grievant shall file within ten (10) working days with the Director of DHR a completed form entitled “Step Two Grievance for TEAMS Staff.” DHR will provide a copy of the completed form to the Vice President for Finance and Administration.

(b) The Director of DHR shall forward a copy of the form to the Vice President responsible for the college, major budgetary unit, or administrative unit in which the grievant is employed. The Vice President or the Vice President’s designee will conduct a Step 2 review.

(c) The Step 2 review will be based solely on the Step 1 report or also include a meeting with the grievant if insufficient information is obtained from the grievant at Step 1. A written decision shall be furnished to the grievant within fifteen (15) days following completion of the review by the Vice President or designee.

(8) Arbitration Appeal Procedures.

(a) Request for Processing.

1. If a grievant is dissatisfied with the decision in Step 2, and if the grievant is entitled to appeal to an arbitrator pursuant to the provisions of subsection (3) of this rule, and if the grievant wishes to pursue the matter, the grievant shall, within ten (10) working days after receipt of the Step 2 decision, file with the Director of DHR a completed Arbitration Request form. If a TEAMS employee is entitled to appeal to an arbitrator pursuant to the provisions of subsection (2) of this rule, and wishes to appeal dismissal or suspension for just cause, the employee shall within ten (10) working days after receipt of the Vice President’s written decision under subparagraph 6C1-3.046(2)(a)5., F.A.C., file with the Director of DHR a completed Arbitration Request Form. The Arbitration Request Form is incorporated by reference and is entitled University of Florida USPS and TEAMS Arbitration Request Form, Form arb-req Rev. 10/02, and can be obtained from the Director of DHR, 432A Stadium, Post Office Box 115003, Gainesville, Florida 32611. A copy of the form must also be filed with the employee’s immediate supervisor.

2. Failure to initiate an arbitration request within the time limits prescribed shall be deemed a waiver of the right to arbitration.

In the event of a question regarding timeliness of any notice, the date of receipt if transmitted in person, or the postmark if transmitted by mail, shall be determinative.

3. After the Request for Arbitration has been received, the Director of DHR or designee will determine whether the request has been filed in accordance with the provisions of this section and shall notify the employee or his or her representative, the Dean or Director, and the Vice President responsible for the college, major budgetary unit, or administrative unit in which the grievant is employed of this determination. Additionally, the employee will be mailed a copy of this rule.

4. The Vice President responsible for the college, major budgetary unit or administrative unit in which the grievant is employed, or the Vice President’s designee, shall serve the arbitration representative in the arbitration.

5. The Director of DHR or designee shall select an arbitrator on a rotational basis from an odd-numbered panel of at least seven arbitrators maintained by the University and shall notify the University representative and the employee or his or her representative of the arbitrator selected. If the parties do not agree on the arbitrator selected, the selection shall be made by alternately striking names from the panel. The right of first strike shall be determined by a coin toss. The employee will receive notice of the identity of the arbitrator selected and may request disqualification of the arbitrator based on cause within five (5) days of receipt of the notice.

Cause is present when it appears the arbitrator was chosen through corruption, fraud, or other undue means.

6. When an action is both appealable under this rule and grievable under a collective bargaining agreement, the employee shall have the option of using either procedure. The filing of the arbitration request form constitutes a waiver of any rights to review of the matter under an applicable collective bargaining agreement, Sections 120.057 and 120.569, F.S., or other University review procedures. If the employee seeks a review of a matter in an alternative forum after requesting arbitration under this rule or fails to appear at the scheduled arbitration hearing, the University shall have no obligation to proceed further.

(b) Fees and Expenses.

1. All reasonable fees and expenses for the arbitrator will be paid by the University.

2. The party desiring a transcript of the arbitration proceedings shall provide written notice to the other party of its intention to have a transcript of the arbitration made at least one week prior to the date of the arbitration and shall be responsible for scheduling a reporter to record the proceedings. The parties shall share equally the appearance fee of the reporter and the cost of obtaining an original transcript and one copy for the party originally requesting a transcript of the proceeding. The requesting party shall, at its expense, photocopy the copy of the transcript received from the reporter and deliver the photocopy to the other party within five (5) calendar days after receiving the copy of the transcript from the reporter.

(c) If the employee elects to be represented, the employee must deliver or send to the Director of DHR within five (5) working days after filing a Request for Arbitration, a written statement indicating the name, address, telephone number and qualifications of the representative and confirming that the employee as well as the representative will be present during the arbitration hearing, and that the employee agrees to this representation. The employee may self represent or be represented. Notwithstanding the foregoing, if the employee seeks to be represented by an employee organization, then the employee must follow the grievance procedures of the applicable collective bargaining agreement.
(d) If the aggrieved employee participates during working hours in the arbitration, the employee’s compensation will not be affected by the time spent at the arbitration hearing. The employee must notify the immediate supervisor seven (7) days in advance of the anticipated absence. An employee will not be permitted to prepare the case during working hours.

(e) Hearing.
1. The arbitrator shall hold the hearing in the City of Gainesville, unless otherwise agreed by the parties. The hearing shall commence within thirty (30) working days of the arbitrator’s acceptance of selection, or as soon thereafter as is practicable. Arbitration proceedings shall be conducted in accordance with this rule, supplemented by the Labor Arbitration Rules, published by the American Arbitration Association, as amended and effective on December 1, 2002.

2. Within thirty (30) working days, the arbitrator shall issue to the University and the employee a written order which may affirm, reverse, or alter the decision of the University.

3. The employee and the University agree that the decision of the arbitrator shall be final and binding on both parties. No judicial review of the arbitration order is available except as provided by Chapter 682, F.S.

(f) Authority of the Arbitrator.
1. The arbitrator shall neither add to, subtract from, modify, or alter the provisions of University rules, policies, or procedures, or an applicable collective bargaining agreement. Arbitration shall be confined solely to the application and/or interpretation of those provisions and limited to the matters in the Request for Arbitration Form submitted for arbitration. No statements of opinion or conclusions not essential to the determination of the matters submitted shall be permitted. The arbitrator shall not review managerial decisions other than to ensure that such actions are in accordance with the applicable procedures under review. In the case of suspension, dismissal, and reduction in pay taken as a disciplinary action, the arbitrator shall determine whether there is just cause for such action.

2. Where an administrator has made a judgment involving the exercise of discretion, such as decisions regarding non-reappointment, assignment, or severity of disciplinary action, the arbitrator shall not substitute the arbitrator’s judgment for that of the administrator. Nor shall the arbitrator review such decision except for the purpose of determining whether the decision has violated these rules.

3. The burden of proof shall be on the employee in layoff, demotion, reduction in pay, and relocation actions when not taken as a disciplinary action and in job abandonment. The burden of proof shall be on the employer in suspension, dismissal, demotion, and reductions in pay when taken as disciplinary actions.

4. The arbitrator’s order and award may reinstate an employee, with or without back pay. The back pay award shall not exceed the amount of pay the employee would otherwise have earned at the employee’s regular rate of pay and shall not be retroactive to a date earlier than the date of the occurrence of the event giving rise to the action at issue. In no situation will the award exceed the actual loss to the employee or provide attorney fees to either party.

5. The arbitrator may not award other monetary damages or penalties.

6. The arbitrator may reduce a dismissal to a suspension for such time as the arbitrator may fix, or reduce the period of suspension, which order shall be binding on the University and employee concerned.

(g) Arbitrability. Issues of arbitrability shall be bifurcated from the substantive issue(s) and, whenever possible, determined by means of a hearing conducted by conference call. The arbitrator shall have ten (10) days from the hearing to render a decision on arbitrability. If the issue is judged to be arbitrable, an arbitrator shall then be selected to hear the substantive issues, in accordance with the provisions of paragraph (7)(e) above.

STEP ONE GRIEVANCE FOR TEAMS STAFF

DATE: ______________________________________________

NAME: ______________________________________________

DIVISION: ____________________________________________

CAMPUS ADDRESS: __________________________________

DEPARTMENT: _________________________________________

CAMPUS PHONE: ______________________________________

HOME ADDRESS: _____________________________________

HOME PHONE: _______________________________________
Statement of grievance including date of act(s) or omission(s) complained of:

_____________________________________________________________________________

Statement of remedy sought:

_____________________________________________________________________________

I understand that this grievance will not be processed if the act(s) or omission(s) complained of herein are, or become, the subject of any other administrative or judicial proceeding.
I understand that Step 1 of the TEAMS grievance procedure is an informal and non-legalistic step. Its purpose is to establish the facts giving rise to my grievance. I understand that it is my responsibility to present information in my behalf personally without representation.
I am also aware that the principals in the Step 1 meeting, if held, in addition to myself will be the University Administrator assigned by the Dean or Director responsible for my unit to address my grievance and a Representative of the Division of Human Resources.
I understand and agree that by filing this grievance, I voluntarily and knowingly waive any rights I might otherwise have to file a request for a proceeding under Sections 120.569 and 120.57, F.S. I understand that I have 21 days from the date of the University’s final decision to file a proceeding under Sections 120.569 and 120.57, F.S., regarding my substantial interest(s).
This grievance was filed with the Director of the Division of Human Resources on the _____ day of ________, 20____. The following method of delivery was utilized:

( ) Certified or Registered Mail, with restricted delivery to the Director, Division of Human Resources, and return receipt requested.

( ) Personal delivery to the office of the Director, Division of Human Resources.

_______________________________________________________
Signature of Grievant

_______________________________________________________
Date Received: _________________________________________

_______________________________________________________
Director, Division of Human Resources

c: Department Chair/Unit Supervisor or Director

STEP TWO GRIEVANCE FOR TEAMS STAFF

DATE: _______________________________________________________________________

NAME: _______________________________________________________________________

DIVISION: ___________________________________________________________________

CAMPUS ADDRESS: __________________________________________________________

DEPARTMENT: _______________________________________________________________

CAMPUS PHONE: _____________________________________________________________

HOME ADDRESS: _____________________________________________________________

HOME PHONE: _______________________________________________________________

University Rule(s) or Regulation(s) Allegedly Violated:
Statement of appeal to Step 2:

I understand that this grievance will not be processed if the act(s) or omission(s) complained of herein are, or become, the subject of any other administrative or judicial proceeding.

This grievance was filed with the Director of the Division of Human Resources on the _____ day of __________, 20__. The following method of delivery was utilized:

( ) Certified or Registered Mail, with restricted delivery to the Director, Division of Human Resources, and return receipt requested.

( ) Personal delivery to the office of the Director, Division of Human Resources.

_______________________________________________________
Signature of Grievant

Date Received: ____________________________________

________________________________________________
Director, Division of Human Resources

xc: Department Chair/Unit Supervisor or Director

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 2-23-82, Formerly 6C1-3.34, Amended 3-6-85, Formerly 6C1-3.51, Amended 2-9-87, 5-18-92, 10-31-99, 3-2-03.

6C1-3.054 Finance and Administration; Appointment; Technical, Executive, Administrative, and Managerial Support Staff.

(1) Technical, Executive, Administrative, and Managerial Support (TEAMS) Appointment Modifiers.

(a) The University shall use the following appointment modifiers to define the conditions of TEAMS employee appointments. Such appointment modifiers apply to the appointment of a qualified employee unless otherwise stated.

1. Regular – A continuing appointment or an original temporary appointment that may be followed by a continuing appointment. The appointment modifier is not included in the title.

2. Provisional – An appointment of a person not fully qualified, but who is expected to acquire such qualifications in a short period of time.

3. Acting – A limited time appointment that includes the assumption of additional or replacement duties.

4. Emeritus – An honorary title that may be conferred at retirement in recognition of distinguished service.

5. Multi-Year – An appointment that extends beyond twelve (12) months for exempt employees.

6. Trainee – An appointment to a law enforcement position prior to receiving a Certificate of Compliance, except that the employee must, within 180 consecutive days following such appointment, be actively enrolled in the training program to obtain the certificate. Trainee status is also used when an employee has not passed a required examination but meets the minimum qualifications for the position; the employee is not fully qualified, but is expected to acquire such qualification in a short period of time; or the appointment is under a cooperative educational program, a vocational rehabilitation program, an approved University training program, or an apprenticeship program.

7. Temporary – An appointment to provide a noncontinuing assignment to a vacant position; to replace an employee on leave, temporarily promoted or reassigned; or to overlap one employee with another for training purposes.

8. Emergency – An appointment for no more than three (3) months when a vacancy must be filled immediately due to an emergency. Such appointments may be made without regard to the employee’s training and experience or other provisions of these rules.
9. Time Limited – An appointment to a position funded by contract and grant, auxiliaries, or local funds, as appropriate, for a particular project, enterprise, or specified period. Such designation must be made to the position at the time of recruitment. A time-limited position shall have the same rights as a position with a regular appointment modifier, except such position shall not have rights provided for layoff, recall, and notice of nonreappointment.

10. Probationary – An appointment to a position in a class for the designated period, where the employee meets the minimum qualifications for the position. Continuous successful performance in a class with the appointment modifier of temporary may be counted toward completion of the required probationary period. The decision to count such time toward completion of the probationary period shall be made at the time the employee is initially appointed with probationary status.

(2) Initial Appointment to TEAMS.

(a) Definitions.

1. For the purposes of this rule, a “new” employee is one not employed by the University in TEAMS or University Support Personnel System (USPS) at the time the department or unit makes the offer of employment.

2. For the purposes of this rule, Executive Service shall denote the members of TEAMS who do not hold tenure or permanent status and who hold the title of Vice President.

(b) The initial appointment of a new employee to TEAMS in a non-exempt position shall be for a probationary period of six (6) months. During this six (6) month period, the appointment may be terminated at any time without any requirements of notice and without rights of appeal.

(c) Initial Appointment of Exempt Employees and Executive Service Appointments.

1. With the exception of appointments to Executive Service and unless otherwise specified by the hiring authority, the initial appointment of a new exempt employee to TEAMS shall be for six (6) months.

2. Employees in TEAMS designated in the Executive Service serve at the will of the President, do not have tenure or permanent status, and have no expectation of appointment beyond a 60 days’ notice period.

(d) A USPS employee who is in the probationary period and who transfers to TEAMS shall be given an initial probationary appointment of six (6) months less the time already spent in the most recent USPS probationary appointment or extension thereof. During this probationary period to TEAMS, the appointment may be terminated at any time without any requirements of notice and without rights of appeal.

(e) A USPS employee who has attained permanent status and who transfers to TEAMS shall be given an initial regular appointment to TEAMS of twelve (12) months.

(f) An Administrative and Professional (A & P) employee employed by the University on January 6, 2003, shall be given a twelve (12) month regular appointment to TEAMS on January 7, 2003, with the following exception: an A & P employee who has received a notice of non-reappointment on or before January 6, 2003, shall be given a temporary appointment to TEAMS through the last date of employment cited in the notice of non-reappointment.

(3) Regular Appointment to TEAMS.

(a) After satisfactory completion of the initial appointment, subsequent regular appointments to TEAMS shall be for a period of twelve (12) months.

(b) After satisfactory completion of the initial appointment, multi-year appointments of exempt TEAMS personnel of five (5) years or less may be made with the permission of the appropriate Vice President or Vice President’s designee in exceptional circumstances based on unique qualifications and labor market conditions.

(4) Promotion, Changes of Assignment, Demotions, and Relocations in TEAMS.

(a) A TEAMS employee may apply for a promotion, demotion, or reassignment by submitting a current employee Promotion/Reassignment/Demotion Application for Non-Exempt Technical, Executive, Administrative, and Managerial Support, Form DHR-PRD-02 Revised 10/02, incorporated herein by reference and which can be obtained from the Central Employment Center in Division of Human Resources, 4th Floor Stadium, Post Office Box 115002, Gainesville, Florida 32611.

(b) A promotion in TEAMS is the appointment to another TEAMS position or class with substantially increased responsibilities, or a permanent assignment of substantially increased responsibilities for the existing classification. An employee must meet the minimum qualifications for the position to which promoted.

(c) A TEAMS change of assignment is the appointment to a different position in the same class or in a different class having the same pay range.

(d) A TEAMS demotion is an appointment to a TEAMS class or position having less responsibility.

(e) A TEAMS relocation is the appointment of an employee from one geographic location within the University to a different geographic location within the University in excess of 50 miles from the employee’s current work location.

(f) Current University employees shall not be promoted, demoted, or reassigned outside the current college or division until the employee has completed six months satisfactory service, unless approved by the President. Approval shall be granted only by when the action is consistent with the efficient use of University resources and agreed upon by the Director of the Division of Human Resources and by both the current college or division and the receiving college or division.

(5) Pay Range.

(a) A University employee who is newly appointed, promoted, reassigned, or demoted to a regular TEAMS appointment must be paid within the pay range for the position to which he or she is appointed.
(b) If a provisional TEAMS appointment is made below the minimum of the pay range, the pay shall be increased to at least the minimum of the pay range upon the employee attaining the minimum qualifications for the class.

(c) A trainee TEAMS appointment shall be in accordance with the approved individual training schedule and, dependent upon the qualifications of the applicant, may be below the minimum of the pay range.

(d) Dependent upon budgetary considerations and the qualifications of the appointee, an emergency TEAMS appointment may be below the minimum of the pay range.

(e) The President has authority to authorize a salary outside the pay range. The President shall base this decision, which shall be made only in exceptional circumstances, on the following factors: the unique qualifications of the appointee, labor market conditions, the efficient use of University resources, and the significance of the position to the University’s mission and goals.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–New 3-26-80, Formerly 6C1-7.20, Amended 3-6-85, Formerly 6C1-3.54, Amended 4-30-95, 7-1-96, 3-2-03.

6C1-3.056 Finance and Administration; Resignation and Non-Reappointment of Technical, Executive, Administrative, and Managerial Support Staff.

(1) Except for an emergency situation, a member of Technical, Executive, Administrative, and Managerial Support (TEAMS) staff in an exempt position shall be required to give at least one (1) month’s notice of resignation, and a TEAMS staff member in a non-exempt position shall be required to give at least two (2) weeks notice of resignation.

(a) Definitions.

1. For the purposes of this rule, Executive Service shall denote the members of TEAMS who do not hold tenure or permanent status and who hold the title of Vice President.

2. For the purposes of this rule, a “new” employee is one not employed in TEAMS or University Support Personnel System (USPS) by the University at the time the department/unit makes the offer of employment.

(b) TEAMS employees whose positions hold appointment modifiers of Provisional, Acting, Temporary, Emergency, Time-Limited, or Probationary are not entitled to any notice of non-reappointment, and their employment ceases on the last day of the appointment unless the University issues a renewal of their appointment.

(c) At any time during any appointment, a TEAMS employee may be given written notice that regular or multi-year appointments will not be renewed as follows:

1. For employees in their initial twelve (12) months of employment, three (3) months prior to the end of the current appointment period; alternatively, TEAMS employees in their initial twelve (12) months of employment may be given written notice in the last three (3) months of the current appointment period that regular or multi-year appointments will not be renewed provided that the employee is given a temporary appointment ending three (3) months from the date of the written notice.

2. For TEAMS employees with more than twelve (12) months of service in TEAMS or USPS since the last break-in-service, at least six (6) months prior to the end of the current appointment period; alternatively, TEAMS employees with more than twelve (12) months of service in TEAMS or USPS since the last break-in-service may be given written notice in the last six (6) months of the current appointment period that regular or multi-year appointments will not be renewed provided that the employee is given a temporary appointment ending six (6) months from the date of the written notice.

3. If the effective date of the non-reappointment notice is subsequent to the expiration date of the employee’s appointment, the employee shall be issued an appointment limited to the balance of the required notice period.

(d) The decision to discontinue an appointment to a TEAMS employee shall not be based on constitutionally impermissible grounds.

(e) Following receipt of the notice of non-reappointment, a TEAMS employee may be reassigned to other duties and responsibilities or placed on administrative leave in accordance with Rule 6C1-1.201, F.A.C. Such reassignment will occur when it is determined by the University that such action best meets the employment needs of the department or unit. Regardless of a reassignment, the employee is entitled to the same amount of compensation he or she received prior to reassignment until the effective date of the non-reappointment notice.

(f) No single multi-year appointment shall exceed five (5) years in duration. Any multi-year appointment issued by the University must be approved in advance of issuance and in writing by the Vice President or designee of the unit in which the employee is appointed.

(g) No appointment shall create any right, interest, or expectancy of continued employment. At any time during any appointment, TEAMS personnel may be non-renewed upon written notice that the appointment will not be renewed as stated above.
(h) Notice of non-reappointment should be made by Certified mail with return receipt requested or hand-delivered.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 3-6-85, Formerly 6C1-3.56, Amended 7-1-96, 10-31-99, 6-27-02, 3-2-03.

6C1-3.057 Finance and Administration; Workers’ Compensation.

(1) Division of Human Resources is responsible for the administration of the Workers’ Compensation, Unemployment Compensation, and the Commercial Motor Vehicle Operator Programs (Driver Licensure and Drug Testing Program).

(2) First Report of Injury or Illness – An employee shall report an on-the-job injury immediately to his or her supervisor and the Workers’ Compensation Office, Division of Human Resources, 433A Stadium.

Specific Authority 1001.74(4) FS. Law Implemented 440.03, 1001.74(19) FS. History–New 3-6-85, Formerly 6C1-3.57, Amended 4-30-95, 6-28-98, 6-3-03.

6C1-3.058 Finance and Administration; University Complaint Procedure for University Support Personnel System Employees.

(1) General Information.

(a) The purpose of this rule is to establish a prompt and efficient procedure for addressing employee complaints by University Support Personnel System (USPS) employees.

(b) The primary objective of the complaint procedure is to maintain sound employee relations. This process allows employees to bring complaints to the attention of management with the assurance that they will receive a review and be accorded fair and equitable treatment without regard to race, color, sex, religion, national origin, age, veteran status, disability, or marital status.

(c) A permanent status employee may file a complaint concerning employment or alleging that the University failed to comply with the University complaint procedure and request specific action by the appropriate university official.

(d) A USPS employee who does not have permanent status may file a complaint concerning only nondisciplinary matters affecting the employee’s terms and conditions of employment with the immediate supervisor and, finally, the next level supervisor. The USPS Complaint Form, DHR-USPS/CF-12/02 which is incorporated herein by reference, developed and maintained by the Division of Human Resources, 432A Stadium, Post Office Box 115002, Gainesville, Florida 32611.

(2) Definitions.

(a) The term “complaint,” for the purposes of this process, is defined as an allegation made by the employee that any condition affecting the employee’s terms and conditions of employment is unjust, inequitable, or creates a problem. An employee shall not have the right to file a complaint concerning evaluations of performance unless the employee alleges that the evaluation is based on factors other than performance.

(b) The term “complainant” shall mean a USPS employee who has been directly affected by an act or omission of the University or its representative and who has filed a complaint under this process.

(c) The complaint procedure is an informal, non-adversarial, in-house means of addressing employee complaints. Complaints will not be processed which are or become the subject of any other administrative or judicial proceeding.

(d) The arbitration appeal process covers suspensions, reductions in pay, transfers, layoffs, demotions, job abandonment, and dismissals. These actions are not subject to the complaint procedure.

(e) The vice president responsible for the area in which the complainant is employed and/or the Director of Division of Human Resources or designee has been designated to resolve complaints on behalf of the University.

(3) Time Limits.

(a) A complaint shall be filed no later than ten (10) working days from the date that the complainant knew or should have known of the act or omission about which the complaint is being made.

(b) All time limits contained in the complaint procedure may be extended by mutual agreement of the parties. An extension should be freely granted unless to do so would impede the resolution of the complaint.

(c) Upon the failure of the complainant to file a complaint within the time limits provided in this procedure or any extension thereof, the complaint shall be deemed to have been resolved at the prior step.

(d) The term “days” shall mean working days.

(4) Step One: Oral Discussion with Supervisor. An employee may informally present a complaint to the employee’s supervisor for discussion, consideration, and resolution within ten (10) working days from the date that the complainant knew or should have known of the act or omission about which the complaint is being made. Informal resolution is encouraged and a written complaint should only be filed after an informal resolution has proven unsuccessful. The supervisor should respond to the employee within ten (10) working days from the date of the discussion.

(5) Step Two: Department Head Review.

(a) If the employee is not satisfied with the Step One decision, the employee may present a written complaint to the administrative head of the employee’s department within ten (10) working days from receipt of oral reply from the employee’s supervisor. A copy of the written complaint shall be furnished to the employee relations manager assigned to the area. The written complaint should be clear, concise, and specifically detail what action is requested to resolve the complaint. Complaint resolutions which are beyond the reasonable control of the University shall be denied.
(b) The administrative head of the employee’s department, generally the director or a designee, will arrange for a meeting with the employee. The department head determines the scope of the review of the complaint and will decide if consultation with others is appropriate. The department head will provide a written response to the complainant within twenty (20) working days from the receipt of the written complaint.

(6) Step Three: Final Decision by Vice President. If the employee is not satisfied with the Step Two decision, a written request for review may be made through the employee relations manager to the vice president for the area in which the complainant is employed. The request for review must be made within ten (10) working days from the date of the receipt of the written response in Step Two. A copy of the request should also be provided to the department head. The vice president will review the written record and furnish a decision in writing to the employee within twenty (20) working days from the date of receipt of the complaint. A review of the written record is sufficient and no meeting is required. The decision of the vice president, or the vice president’s designee, shall be final in all complaints.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–New 3-6-85, Formerly 6C1-3.58, Amended 2-9-87, 11-20-90, 7-15-97, 2-11-03.

6C1-3.059 Finance and Administration; Pay Upon Appointment and Probationary Status After Promotion; University Support Personnel System Employees.

(1) Current university employees who have attained permanent status in any class may apply for a promotion, demotion, or reassignment by submitting a current employee Promotion/Reassignment/Demotion Application for the University Support Personnel System (USPS), Form DHR-USPS/PRD-02 Revised 10/02, incorporated herein by reference and which can be obtained from the Central Employment Center in Division of Human Resources, 4th Floor Stadium, Post Office Box 115002, Gainesville, Florida 32611.

(2) A University employee making such application will be treated according to current University of Florida rules. Upon the employee’s acceptance of a promotion, demotion, or reassignment, all other pending requests will be cancelled. New requests for promotion or reassignment to position(s) outside the college, division, or department of current assignment will not be accepted for a period of six (6) months or, with respect to promotion, until permanent status in the new class has been attained, whichever date is later. Additionally, employees occupying positions covered by collective bargaining agreements will be treated in accordance with any specific provision of the applicable current contract related to such actions.

(3) Advanced appointment rates for original and promotion appointments.

(a) A USPS applicant who receives a regular appointment to a USPS position must be paid the minimum of the pay grade for the class to which the applicant is appointed. A salary at a rate of pay which exceeds the minimum can be authorized, provided adequate funds are available if the applicant possesses exceptional qualifications or the department can demonstrate an inability to recruit other acceptable applicants.

(b) When a university employee receives a regular promotional appointment in the USPS, the employee must be paid at the minimum of the pay grade for the class to which he or she is appointed. A promotional salary increase which exceeds the minimum can be authorized provided adequate funds are available and the unit’s budgetary officer has approved the increase before any commitment to the employee is made regarding salary adjustment.

(c) If an employee is demoted prior to achieving permanent status in any class, the employee’s salary in the lower class is determined in the same manner as an original appointment to the lower class.

1. If an employee who holds permanent status in the USPS is demoted following promotion to a class in which permanent status has not been obtained, the employee’s pay shall be reduced to their former rate of pay for the class in which the employee last held permanent status, plus any scheduled salary adjustment the employee would have received in the lower classification.

2. A USPS employee who is demoted after achieving permanent status shall receive pay commensurate with the responsibilities assigned. The demotion may be with or without a reduction in base rate of pay depending on the employment needs of the department or unit, but the pay shall not be increased. An employee who demotes without a reduction in pay is not eligible for a pay increase for any promotion that occurs within the next six (6) months, except an increase needed to bring the employee’s salary to the base of the new class.

(d) A USPS employee who reassigns to a position with the same pay grade shall receive pay commensurate with the responsibilities assigned. The reassignment may be with or without a reduction in the base rate of pay, but not below the minimum of the appointment’s pay range, depending on the employment needs of the department or unit.

(4) Probationary Status After Promotion.

(a) A permanent USPS employee who is promoted and fails to perform satisfactorily in the new position shall be notified in writing as soon as possible that his or her work performance is unsatisfactory and that he or she will not attain permanent status in the class. The receiving department shall provide the employee with 90 days to seek a vacant position in a class where permanent status has been obtained previously or in another position for which the employee qualifies.

(b) Should the employee be unsuccessful in securing another position by the expiration of the 90-day period, or if the employee refuses an offer of employment, the employee may resign or action will be initiated to effect the dismissal of the employee for just cause.
6CI-3.061 Finance and Administration; Personnel Policy for Technical, Executive, Administrative, and Managerial Support Staff; Recruitment and Selection.

(1) General Information.

(a) The Division of Human Resources (DHR) is responsible for recruitment, examination, screening and selection for referral of all applicants for positions in Technical, Executive, Administrative, and Managerial Support (TEAMS). DHR is also responsible for approval of subsequent appointments, reassignments, promotions, and demotions.

(b) The application processing function is the responsibility of the Central Employment Center (CEC) of DHR. The authority to hire an applicant referred by the CEC is vested in the department or unit having the vacancy. The CEC shall make available to department interviewers only those applicants who appear to meet the minimum qualifications for a class vacancy and any special qualifications specific to the vacant position as outlined by the hiring department. Educational qualifications, work experience, and references must be verified prior to extending a job offer. The CEC has the specific authority to reject appointment recommendations for applicants who are not qualified or who have not been referred according to the stated procedures. The CEC will not refer current TEAMS employees with below performance standards ratings in effect without the recommendation of the Dean or Director. Should the below performance standards rating be replaced with either achieves or an exceeds rating, the employee again may become a candidate for another position.

(c) Former employees will apply to and be processed by CEC in the same manner as new applicants. Former employees terminated because of unsatisfactory performance, job abandonment, or misconduct are not eligible to be rehired. A former employee not eligible for rehire can request in writing a review by DHR of the applicant’s eligibility. The decision of DHR of any review will be final and no other appeal is available.

(2) Recruitment and Selection. The CEC shall be responsible for coordinating the recruitment activities for all TEAMS position vacancies.

(a) Announcing Vacant Positions.

1. The CEC will establish job vacancy announcements and distribute these listings to reach as diverse an applicant group as possible in accordance with the University’s Equal Employment Opportunity guidelines pursuant to Rule 6C1-1.0061, F.A.C.

2. The CEC will assist department representatives in placing advertisements. The cost of such advertisements will be approved by the hiring department before the ads are authorized to be placed and will be paid by the hiring department. CEC will make reasonable efforts to place the ads in the most cost effective manner.

3. TEAMS position vacancies will be announced for a minimum of seven (7) calendar days with the following exceptions:

   (i) Open posting positions, emergency and temporary vacancy appointments.

   (ii) Positions filled by an employee laid off, demoted, or reassigned.

Positions qualify for open posting by CEC when there is a continual need for qualified applicants in a specific class and when there is a history of difficulty in attracting qualified applicants to position vacancies at the University due to labor market conditions. When such conditions exist, the University shall accept applications and applicants shall be placed in vacancies at any time without regard to the length of time a specific vacancy has existed or the date the application was received.

(b) Application Procedures.

1. An application for an exempt TEAMS position shall consist of a current resume or vitae and a cover letter outlining the applicant’s interest in a specific position vacancy. Qualified applicants’ resumes will be forwarded by the CEC for review by the hiring authority.

2. An application for a specific non-exempt TEAMS position vacancy shall consist of an employment application entitled “TEAMS Non-Exempt Employment Application,” Form DHR-TEAMS-02, Rev. 10/02, incorporated herein by reference, developed and maintained by the CEC and may be obtained from CEC, 4th Floor Stadium, Post Office Box 115002, Gainesville, Florida 32611. Using established electronic processes, applicants who appear to meet eligibility requirements will be referred to the department for electronic review of credentials.

(c) Eligibility Determination.

1. The University of Florida TEAMS class specifications will be used to establish the minimum requirements for position vacancies. Applicant eligibility will be determined from information contained on employment applications. Applicants must meet the minimum requirements of a position unless a waiver has been requested and approved by the Director of the Division of Human Resources. Waivers must be approved before any interview of an applicant who does not appear to meet the minimum requirements may be conducted. The applicant must have education, training, and experience deemed to be equivalent and appropriate for the position by the hiring authority.

2. Applicant consideration will be discontinued when it is determined that the applicant does not meet the minimum requirements, has falsified or failed to complete an application accurately, has an unsatisfactory employment record, has a criminal history related to the position for which the applicant has applied, or which may jeopardize the safety of students, faculty, staff, or the safekeeping of confidential records and university accounts.
(d) Selection and Offers of Employment. Each department is responsible for making offers of employment to those applicants who best meet their recruiting needs as long as the selection process complies with the established recruitment process.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 3-2-03.

6Cl-3.062 Finance and Administration; General Personnel Policy for University Support Personnel System Employees.

(1) General Information.

(a) University of Florida rules delineate the employment relationship between University Support Personnel System (USPS) staff members and the University of Florida. These rules describe certain rights, benefits and expectations that encourage professionalism, service, and contribution. Management retains all other rights and prerogatives in order to manage the University so that it may attain its mission.

(b) It is the policy of the University of Florida to make all appointments and promotions on the basis of merit and fitness and to provide equitable treatment regarding wages and salaries, employee benefits, hours and working conditions for all employees.

(c) In determining qualifications, it is recognized that the University is an Equal Opportunity Employer. It accepts its obligation as a member of the community at large to exercise a positive program of non-discrimination concerning race, creed, sex, color, or national origin, in all areas of employment-recruitment, hiring, training, assigning, promoting, use of facilities, and privileges. The cooperation of all administrative officers and other employees is expected and necessary in implementing this policy.

(d) The University of Florida Board of Trustees prescribes personnel rules for all University of Florida USPS employees and Other Personnel Services (OPS) employees. All rules and policies or procedures arising from these University-wide rules shall be consistent with the relevant provisions of Federal and State law and the Constitution of the United States of America and the State of Florida.

(e) The President of the University shall be responsible and accountable for administering the human resources programs. The President is authorized to delegate such responsibilities through University of Florida rules, written delegations, and the University of Florida Statement of Organization and Operation.

(f) The President or designee shall establish and maintain all policies, procedures, and records which are necessary to substantiate compliance with all laws and rules relating to employment.

(2) Appointment Modifiers.

(a) Regular – A continuing appointment.

(b) Provisional – An appointment to a position where the employee has not yet passed a required examination but meets the minimum qualifications for the position; the employee is not fully qualified but is expected to acquire such qualification in a short period of time; the appointment is under a cooperative education program, a vocational rehabilitation program, an approved university training program, or an apprenticeship program; an appointment to provide a nonpermanent assignment to a vacant position; to replace an employee on leave, temporarily promoted or reassigned; or to overlap one employee with another for training purposes.

(c) Time-limited – An appointment to a position funded by contract and grant, auxiliaries, or local funds, as appropriate, for a particular project, enterprise, or specific period. Such designation must be made to the position at the time of recruitment. A time-limited position shall have the same rights as a position with a regular appointment modifier, except such position shall not have rights provided for layoff, recall, and notice of non-reappointment.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–New 1-7-03.

6Cl-3.070 Finance and Administration; Construction; Acquisition of Professional and Design/Build Services.

(1) Professional Services.

(a) Professional Qualifications Statement. The University uses a standard professional qualifications statement, Professional Qualifications Supplement Form PQS-AE 001, Revised June 26, 2002, incorporated herein by reference, when acquiring professional services, including professional services procured under continuing contracts, which must be competitively procured in accordance with Section 287.055, F.S. The Professional Qualifications Supplement Form can be obtained from the Office of Facilities Planning and Construction, 232 Stadium, University of Florida. If there are special requirements for a project, the University will evaluate additional criteria to determine whether the applicants possess the expertise and experience necessary to perform the services being procured.

(b) Compensation. The compensation paid for professional services shall be fair, competitive and reasonable. To determine a fair, competitive and reasonable compensation, compensation shall be negotiated based on the University’s approved fee schedule, if appropriate for the type of professional services being procured, the level of complexity and the scope of the services required, and the type of the project.

(c) For purposes of this rule and all other University construction rules, professional services and continuing contracts shall have the meanings set forth in Section 287.055(2), F.S.

(2) Design/Build Services. Selection Process. Design-build services which must be competitively procured in accordance with Section 287.055, F.S., shall be acquired through a competitive proposal selection process or through a qualifications-based selection process.
(a) When using a qualifications-based selection process, the University shall use a standard professional qualifications statement, Professional Qualification Supplement Form PQS-AE 001, Revised June 26, 2002, incorporated herein by reference. The standard professional qualifications statement can be obtained from the Office of Facilities Planning and Construction, 232 Stadium, University of Florida.

(b) When using a proposal-based selection process, the University shall request formal design-build proposals and conduct interviews with no fewer than three (3) and no more than six (6) applicants. Applicants may submit their design-build proposals in such a way as to maintain their anonymity.

Specific Authority 1001.74(4) FS. Law Implemented 287.055, 1001.74(28), 1001.75(5), 1013.45 FS. History–New 6-3-03.

6Cl-3.071 Finance and Administration; Construction; Acquisition of Construction Management Services.

(1) Professional Qualifications Statement. The University uses a standard qualifications statement, Construction Manager Qualifications Supplement Form QS-CM 001, Revised June 26, 2002, incorporated herein by reference, when acquiring construction management services, including construction management services procured under continuing contracts, which must be competitively procured in accordance with Section 287.055, F.S. The Construction Manager Qualifications Supplement form can be obtained from the Office of Facilities Planning and Construction, 232 Stadium, University of Florida. If there are special requirements for a project, the University will evaluate additional criteria to determine whether the applicants possess the expertise and experience necessary to perform the services being procured.

(2) Compensation. The compensation paid shall be fair, competitive and reasonable, to provide for profit, overhead, and direct management costs plus actual costs, not to exceed a guaranteed maximum price, as applicable, depending on the nature and extent of the construction management services being provided.

Specific Authority 1001.74(4) FS. Law Implemented 287.055, 1001.74(28), 1001.75(5), 1013.45 FS. History–New 6-3-03.

6Cl-3.072 Finance and Administration; Construction; Construction Contract Bidding and Award (Contractor).

(1) In order to be eligible to submit a bid proposal, a firm must, at the time of the University’s receipt of bids:

(a) Hold the required applicable state contractor license in good standing when the project falls within the provisions of Chapter 489, F.S.;

(b) If a corporation, limited liability company, partnership or other legal entity, be legally constituted and in good standing in the State of Florida or, if not domiciled in Florida, hold a current and active foreign qualification authorization to do business in the State of Florida;

(c) Not be disqualified at the time of bid submittal through the disqualification procedures described in Rule 6C1-3.074, F.A.C.;

(d) Meet any special pre-qualification requirements set forth in the bid documents;

(e) Not have been convicted of a public entity crime within thirty-six (36) months prior to the date for receipt of bids; and

(f) Provide proof of compliance with any special requirements which are set forth in the bid documents.

(2) Within seven (7) calendar days following the bid opening date, the lowest responsible and responsive bidder, as determined by the University, must also provide:

(a) Proof of satisfaction with the foregoing requirements;

(b) A letter of intent from a surety company which meets the standards set forth in the project specifications; and

(c) Proof of insurance which equals or exceeds the insurance required for the project.

In the event the lowest responsible and responsive bidder is unable to provide any of the above documentation, such bidder shall be declared unqualified and the bid shall be awarded to the next lowest responsible and responsive bidder.

(3) Except for informalities which under the law the President is allowed to waive, a bid which is incomplete or not in conformance with the requirements of the bid documents shall be determined to be non-responsive and shall be rejected. The bid shall be awarded to the firm determined to be responsible and qualified in accordance with the bid documents and which submits the lowest priced proposal for the work.

(4) If it is in the best interest of the University, all bids may be rejected and the project may be bid again.

(5) In documented cases of emergency, the requirements of this rule can be waived and the President or President’s designee can permit negotiation with a qualified firm.

(6) When it is determined to be in the best interest of the University to reduce the price of the lowest responsible and responsive bidder to provide for an award within or closer to the construction budget, the President or designee shall negotiate the construction contract, including the specifications, with that bidder. Negotiations may be terminated and all bids may be rejected at any point in the negotiation process. The award of a negotiated contract will be made by the President.

(7) During the procurement process, the University shall also follow, when applicable, the provisions contained in Rule 6C1-3.020, F.A.C.

Specific Authority 1001.74(4) FS. Law Implemented 287.055, 1001.74(28), 1001.75(5), 1013.45 FS. History–New 6-3-03.
6CI-3.073 Finance and Administration; Construction; Bid Protests (Contractor Only).
(1) A contractor filing a protest pursuant to Section 120.57(3)(b), F.S., shall post a bond in an amount equal to:
   (a) Twenty-five thousand dollars ($25,000.00) or two percent (2%) of the lowest accepted bid, whichever is greater, for projects valued over $50,000.00; and
   (b) Five percent (5%) of the lowest accepted bid for all other projects.
(2) The bond shall be conditioned upon payment of all costs and fees which may be adjudged against the protestor in the administrative hearing. The bond must be filed no later than the time of filing of the formal protest. Failure of the protesting contractor to file the required bond within the time set forth herein shall result in an automatic dismissal of the protest.

Specific Authority 1001.74(4) FS. Law Implemented 255.0516, 1001.74(28), 1013.45 FS. History–New 6-3-03.

6CI-3.074 Finance and Administration; Construction; Evaluations of Professional Service Providers (Including Architects and Engineers), Design/Builders, Construction Managers and Contractors; Disqualification Procedure.
(1) For purposes of this rule, major project means a project the construction cost of which is in excess of One Million and No/100 Dollars ($1,000,000.00) and minor project means a project the construction cost of which is One Million and No/100 Dollars ($1,000,000.00) or less.
(2) Professional service providers under contract for a major project or a minor project which is not under a continuing contract will be evaluated by the University on a project by project basis, (a) two times per calendar year, in March and September, during the contract term, (b) upon completion of a project, and (c) at anytime the University determines there has been a material change in the quality of the firm’s performance occurring during the contract term. Professional service providers under continuing contracts with the University will be evaluated by the University on all projects performed during the contract term. These evaluations will occur (a) two times per calendar year, in March and September, during the contract term, and (b) at anytime the University determines there has been a material change in the quality of performance during the contract term. In conducting these evaluations, the University will utilize the Architect/Engineer Evaluation Form AEE 001, Revised January 22, 2003, incorporated herein by reference. The Architect/Engineer Evaluation form can be obtained from the Office of Facilities Planning and Construction, 232 Stadium, University of Florida. If, when procuring professional services, the University, in accordance with Rule 6CI-3.070, F.A.C., considered any additional criteria not set forth in the University’s standard form professional qualifications statement, the University shall also evaluate the professional service provider’s performance in those areas.
(3) Construction managers under contract for a major project or a minor project which is not a continuing contract will be evaluated by the University on the schedule set forth in subsection (2) above for evaluating firms and individuals providing professional services on major projects and minor projects which are not continuing contracts. Construction managers under continuing contracts will be evaluated by the University on the schedule set forth in subsection (2) above for evaluating firms and individuals providing professional services under continuing contracts. In conducting evaluations of construction managers, the University will utilize the Construction Manager Evaluation Form CME 001, Revised January 23, 2003, incorporated herein by reference. The Construction Manager Evaluation form can be obtained from the Office of Facilities Planning and Construction, 232 Stadium, University of Florida.
(4) Design/Builders under contract for a major project or a minor project which is not a continuing contract will be evaluated by the University on the schedule set forth in subsection (2) above for evaluating firms and individuals providing professional services on major projects and minor projects which are not continuing contracts. Design/Builders under continuing contracts will be evaluated by the University on the schedule set forth in subsection (2) above for evaluating firms and individuals providing professional services under continuing contracts. In conducting evaluations of design/builders, the University will utilize the applicable portions of the evaluation forms used in evaluating providers of professional services and in evaluating construction managers.
(5) Contractors under contract with the University to provide either major or minor projects will be evaluated by the University on the schedule set forth in subsection (2) for evaluating firms and individuals providing professional services under contract for major projects or minor projects which are not under continuing contracts. In conducting evaluations of general contractors, the University will consider all known instances of poor or inadequate performance, deficient management resulting in project delay, poor quality workmanship, and late payments to laborers, subcontractors and suppliers with whom the contractor has a direct contract and where there is no bona fide contract dispute between the contractor and such laborers, subcontractors and suppliers.
(6) In order to be evaluated, a firm must have been under contract for at least two (2) months at the time of the evaluation.
(7) Firms will be provided with a copy of each completed evaluation form and may appeal the evaluation in accordance with Chapter 120, F.S.
(8) The University may utilize the information gathered in its evaluation to evaluate a firm’s qualifications to provide services on future University construction projects and to decide whether a firm should be disqualified from providing services at the University in the future.
(9) If the University determines, whether through the evaluation process or otherwise, that any of the firms or individuals providing professional services, construction managers or contractors that it has engaged to perform professional or construction services are not providing satisfactory service to the University, the President or President’s designee will carefully review all facts and circumstances surrounding such unsatisfactory service and determine whether there is sufficient cause to warrant
disqualification from participation on future University projects. Without limitation of the foregoing, legal action between the University and the firm or individual providing professional services, the construction manager or the contractor relating to services or work performed by the firm or individual providing professional services, construction manager or the contractor which has commenced or is imminent shall constitute automatic grounds to entitle the President to disqualify the firm from performing future services at the University or to temporarily suspend the firm or individual’s right to perform future services at the University. The disqualification shall continue until the University is satisfied that the services of such firm or individual providing professional services, the construction manager or the contractor will be, at least, satisfactory to the University. The President or designee shall so notify the firm or individual providing professional services, the construction manager or the contractor of the disqualification. The notice shall set forth specifically the grounds for disqualification and the right of the disqualified firm or individual providing professional services, construction manager or contractor to request a hearing in accordance with Chapter 120, F.S.

Specific Authority 1001.74(4) FS. Law Implemented 287.055, 1001.74(28), 1001.75(5), 1013.45 FS. History–New 6-3-03.

6C1-3.075 Finance and Administration; Construction; Procedures for Payment under Unbonded Construction Projects.

(1) On all construction projects where a performance and payment bond is not required to be provided, the following procedures shall be followed to ensure that laborers, materialmen and subcontractors performing work on University projects receive the payments due to them from the contractor:

(a) The contractor, before beginning work or within two workdays thereafter, shall post in a conspicuous place on the project site the following notice:

“Notice is hereby made to all those concerned and affected that (Contractor’s Name) is performing (Project Name), (Project Number) at (Location). All parties furnishing labor and/or materials to said project are to provide such writing by certified mail to the University within twenty days of first providing such labor and/or materials. Send notices to (Address of Facilities Office).”

(b) Parties furnishing labor and/or materials on University projects should provide written notice of the same to the University by certified mail within twenty days of first providing such labor and/or materials. Notice should be sent to the facilities office whose address is provided in the project site notice.

(c) In each pay request submitted by the contractor to the University, the contractor shall certify that all items and amounts shown on the face of the pay request are correct and that all just and lawful bills against contractor and his subcontractors for labor, materials, and equipment employed in the performance of the work have been paid in full in accordance with their terms and conditions.

(d) Throughout the project, the University will retain an amount equal to ten percent (10%) of the amount of each pay request submitted by the contractor and approved by the University. In the event of payment default by the contractor, such retainage shall be utilized to pay claims as described in subsection (2) hereof.

(e) The University will not pay the retainage to the contractor until all of the following, in addition to any other requirements of the contract, have occurred:

1. The project architect/engineer or other person designated by the University for that purpose has issued a written certificate that the project has been constructed in accordance with the approved plans, specifications and approved change orders;
2. The University has accepted the project; and
3. The contractor has supplied the University with written, signed and sealed statements which identify the project name and number and which state no claims against the contractor (final release of lien) from all laborers, materialmen, and subcontractors, as defined in Section 713.01, F.S., who have provided written notice to the University that they have provided labor or materials on the project or have notified the University of non-payment by the contractor.

(2) In case of default in payment by the contractor, the laborer, materialmen, and subcontractors, as defined in Section 713.01, F.S., making claims for unpaid bills, will be paid from the ten percent (10%) retainage on a pro rata basis. To determine a claimant’s pro rata share, the sum of all claims made will be divided into each individual claim thereby deriving a percentage value for each claim. Then, the total retainage for the project will be multiplied by the claim’s percentage value and the resulting quotient shall be the pro rata share of the retainage to be paid to a claimant, not to exceed the amount of the claim.

(3) Failure to file written notice with the University in the manner provided in paragraph (1)(b) or in the event of a payment default by the contractor no later than thirty (30) days after substantial completion of the project shall constitute a waiver of any rights in the ten percent (10%) retainage.

(4) The University shall not be liable to any laborer, materialman, or subcontractor for any amounts greater than the pro rata share as determined under subsection (2).

(5) All contractors shall pay the undisputed amounts owed for labor and/or materials to all laborers, materialmen and subcontractors within the time provided in Section 255.071, F.S.

(6) For purposes of this rule, “contractor” shall have the same meaning as ascribed thereto in Section 713.01, F.S.

Specific Authority 1004.74(4) FS. Law Implemented 255.05, 1013.47, 1013.50 FS. History–New 12-31-03.
CHAPTER 6C1-4 STUDENT AFFAIRS

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6C1-4.033 Student Affairs: Off-Campus Housing. (Repealed)
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6C1-4.002 Student Affairs: Student Government Constitution.

(1) Student Government shall be the representative of all students and is encouraged to function on campus with the recognition that ultimate authority for university affairs rests with the Board of Trustees and the Administration of the University.

(2) Every student of the University is a member of the Student Body, and is entitled to vote in accordance with the Constitution of the Student Body of the University. The Student Body Constitution has been promulgated by the students and accepted by the University as expressing the will of the students. Rights, privileges, duties and responsibilities applicable to members of the Student Body and method of government are spelled out in the Constitution. The Constitution is subject to amendment from time to time in accordance with procedures established in the instrument. The current Constitution is available to members of the student body upon request.

(3) The governing organization of the Student Body of the University of Florida is known as the Student Government of the University of Florida. Student Government is recognized as the representative of the Student Body.

(4) Student Government may propose to the president written recommendations covering the allocation of that portion of the University fees designated by law as student activity and service fees;
(5) Student Government may propose to the president written recommendations for student membership on university committees as may be designated for student representation.

(6) Student Government must submit to the president, for approval, all laws passed by the Student Senate and all proposed changes in the Student Body Constitution and By-Laws.

(7) Student Government must submit to the president, for approval all allocations and expenditures from the Student Government portion of the activity and service fee monies.

(8) Upon approval of the president, the Student Government may establish and maintain educational research centers for child development.

Specific Authority 1001.74(4), 1004.26, 1009.24(9) FS. Law Implemented 1001.74(10), (11), 1001.75(15), 1004.26, 1009.24(9) FS. History–New 9-29-75, Amended 1-28-80, Formerly 6C1-4.02, Amended 2-5-03.

6C1-4.003 Student Affairs: Student Organizations.

(1) All students are free to join University organizations. All student organizations must be officially registered in order to meet on campus and to use University facilities. All organizations are under the jurisdiction of the Assistant Director for Student Organizations. All student organizations and groups are subject to the rules of the University of Florida, including but not limited to, Rules 6C1-4.016 and 6C1-4.017, F.A.C., concerning Student Conduct Code and Academic Honesty Guidelines.

(2) In order to hold an elected or appointed student office in a student organization or student government group other than the Village Commission, a student must:

(a) Be registered as a full-time (12 credits) student in the Fall and Spring semesters or be a full-time graduate student as described in (h) below;

(b) During Summer terms, be registered for a minimum of one (1) semester hour taken during Summer terms A, B, or C. Officers of student organizations that do not actively function during the Summer terms are not required to be enrolled during any of the Summer terms;

(c) Have a minimum 2.0 cumulative academic average, a minimum 2.0 academic average for the previous semester, and be free of academic warning or probation;

(d) Be free of any obligation for fees or payments to the University;

(e) Be free of conduct probation;

(f) Be in a degree-seeking program, or be enrolled for at least twelve (12) credits as a postgraduate student, which includes a post-baccalaureate student;

(g) Correspondence courses do not count in the determination of full-time status. Students will be able to enroll for one in-residence course at another college or university and have those credits count toward full-time status only if that course is a required course and is not offered or the course was full during that semester. This provision may only be used during one semester. The student must present documentation of this from the academic department;

(h) In the case of graduate students, be a full-time registered student as determined by his or her college, or registered for eight (8) credits if he or she holds a half-time graduate assistantship, or nine credits if he or she holds a one-third time appointment. The student must also be in good academic standing with the Graduate School;

(i) In the case of a student in postgraduate status, including post-baccalaureate students, be enrolled for at least twelve (12) credits. Provided, however, that a student may not participate as an officer in a student organization for more than one semester while holding postgraduate status.

(3) Notwithstanding paragraphs (2)(a) and (b) of this rule, students in the last semester before graduation are eligible for participation in campus activities if they are enrolled for the required number of credits needed for graduation that term.

(4) Students who meet the requirements of paragraphs (2)(a) and (b) at the beginning of the semester in which they participate in student organizations and who are registered with the Dean of Students Office are eligible for continued participation with reduced credit loads. Students who need to reduce their credit load must petition the Student Activities Appeals Committee if they desire to continue participation with a student organization. The Student Activities Appeals Committee in conjunction with the Dean of Students will then review the request and make a decision to approve or deny.

(5) Students not meeting the eligibility requirements as outlined in this policy will be required to relinquish their office. Appeals to this policy must have been accepted by the ninth full week of the semester. Summer terms are not included. After the ninth full week of the semester, appeals will only be heard when the student sets forth exceptional circumstances in the appeal.

(6) If a student withdraws from the University two times in four semesters, the student will not be allowed to hold an office in any organization for one complete semester after the second withdrawal from the university.

(7) The Dean of Students Office shall conduct eligibility checks on appointed and elected student officers of all registered student organizations and major committee chairpersons each term. Students not meeting the eligibility requirements as outlined in this rule will be required to relinquish their offices. Appeals of any such decision will be heard by the Student Activities Appeals Committee, chaired by the Dean for Students, and consisting of staff from the Reitz Union, the Division of Housing, and two students appointed by the Student Body President.

(8) Appointed student positions that fall under this rule are those that are all-University in their scope and responsibility.
fails to comply with the rules and regulations of the University Board of Trustees or University policies, including but not limited to, the policies established by the Dean of Students Office as noted above.

Sorority Social Event Guidelines,” rev. 2003, the “Chapter Facility Policy,” 2003, and the University Requirements for Fraternities by the Dean of Students Office, which are the “Fraternity and Sorority House Director Policy,” rev. 1992, the “Fraternity and Sorority House Director Policy,” rev. 1992, incorporated herein by reference. Fraternities and sororities that provide housing for fifteen (15) or more students must also comply with the facilities criteria set forth in the “Chapter Facility Policy,” 2003, incorporated herein by reference and can be obtained from the Dean of Students Office.

Refer also to subsection 6C1-4.003(1), F.A.C.

(3) The right of a fraternity or a sorority to exist at the University can be revoked by the University if a fraternity or sorority fails to comply with the rules and regulations of the University Board of Trustees or University policies, including but not limited to, the policies established by the Dean of Students Office as noted above.

Specific Authority 1001.74(4), 1006.60(2) FS. Law Implemented 1001.74(10), 1006.60 FS. History–New 9-29-75, Amended 3-25-85, Formerly 6C1-4.04, Amended 10-31-99, 6-21-00, 2-5-03, 6-3-03, 12-31-03.

6C1-4.005 Student Affairs: Reitz Union.
The J. Wayne Reitz Union is an auxiliary operation constituting the “community center” of the University of Florida. The Union is run for all members of the University family: students, faculty, staff, alumni and guests.

(1) The policy making body for the Reitz Union is the Board of Managers which is a standing University committee appointed by the president of the University. All matters of policy pertaining to the operation of the Union and its program come under the direct purview of the Board of Managers. Union operation and policy must be within the framework of federal and state law and University policy. Within these guidelines, policy formulated and passed by the Board of Managers and approved by the president of the University, becomes the official policy of the Union.

(2) The Reitz Union, as the community center for the University of Florida, has a primary responsibility to students and other University affiliated persons, organizations and groups; and a secondary responsibility to all other groups and persons. The Board of Managers maintains policies and procedures for the use of both reserved space and non-reserved space by University affiliated persons, organizations, and groups; and by all other groups and persons.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (13), 810.08 FS. History–New 9-29-75, Formerly 6C1-4.05.

6C1-4.006 Student Affairs: Commercial Activity; Selling of Merchandise, Activities Involving Off-Campus Vendors.

(1) The regulation of commercial activity on the campus is necessary in order to preserve the educational mission of the University, to prevent unnecessary distraction during classes and study periods, to provide for the safety of University students and faculty and staff members, and to protect the property of students, faculty, staff, and the University.

(2) Solicitors and tradespeople, including students, faculty and other University personnel, are prohibited from entering the grounds or buildings for the purpose of conducting commercial activity with students, faculty, other personnel or visitors. This rule will not be deemed to prohibit the sale of merchandise by University budgetary units or commercial activity pursuant to a contract between the University and a vendor which provides goods or services to the University community.

(3) The term “commercial activity” shall mean any act or event which results in financial gain to the salesperson, individual(s) or organization(s).

(4) The term “commercial activity” shall not include:

(a) Solicitation and collection of funds or the sale of new merchandise or printed material by registered student organizations for the benefit of any charitable institution or organization as defined in §501(c)(3) of the Internal Revenue Code of the United States or for the benefit of programs and/or projects of an educational nature sponsored by the registered student organization, in accordance with subsection (5) below.

(b) The sale of new merchandise, solicitation and collection of funds by registered student organizations for the benefit of any student organization related project and approved by the Director of Student Activities or the director’s designee at the J. Wayne Reitz Union, in accordance with subsection (5) below.

(c) The solicitation of membership or the collection of dues from members of a registered student organization which inure to the benefit of that organization.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (13), 810.08 FS. History–New 9-29-75, Formerly 6C1-4.05.
(d) Contact between a salesperson and a student or student organization which was invited by the individual student or organization involved for his or her or its own benefit and not to involve persons not associated with the student or organization.

(e) The distribution or sale of printed material pursuant to the requirements of Rule 6C1-2.003, F.A.C.

(5) Registered student organizations wishing to sell or distribute new merchandise excluding food products, such as t-shirts, hats, bumper stickers, buttons or the like, or printed material or to solicit or collect funds pursuant to paragraph (4)(a) or (4)(b) of this rule may be allowed under the following conditions:

(a) Registered student organizations must first seek a permit from the Director of Student Activities or the director’s designee at the J. Wayne Reitz Union. Permits will not be issued if the manner of solicitation or collection will disrupt the educational function of the University or if the activities do not meet the requirements of paragraph (4)(a) or (4)(b) of this rule. The student organization should use the form “University of Florida – Office of Student Activities Program Planning Form,” Form: SAC1, Rev. 7/00, or its web based equivalent, available from that office and incorporated herein by reference. Permits are valid for the date of the specific event. Any groups failing to show a valid permit may be removed from campus at the request of the University Police Department.

(b) A statement must be provided with the request indicating how the funds raised will be used.

(c) The following areas are approved for such fundraising activities: the Plaza of the Americas, the area in front of Turlington Hall, and reservable outdoor space at the J. Wayne Reitz Union (colonnade, North Lawn, and South Terrace). Other areas will be approved by the Director of Student Activities or the director’s designee and the administrator responsible for the area only in unusual circumstances and only when the group is programmatically associated with that area.

(d) The Director of Student Activities may limit the number of permits issued for a particular area in order to maintain the educational function of the University. In such case the permits will be issued in the order that requests from those student organizations or groups meeting the requirements of this rule are received in the Director’s office.

(e) Registered student organizations are not permitted to sell food products. Distribution of food products is allowed only under the provisions of subsection (6) of this rule.

(f) Registered student organizations may sponsor on-campus activities involving a commercial off-campus vendor including food vendors only under the following conditions:

(a) Registered student organizations must first seek a permit from the Director of Student Activities or the director’s designee at the J. Wayne Reitz Union. Permits will not be issued if the manner of solicitation or collection will disrupt the educational function of the University or if the activities do not meet the requirements of paragraph (4)(a) or (4)(b) of this rule. The student organization should use the form “University of Florida – Office of Student Activities Program Planning Form,” Form: SAC1, Rev. 7/00 or its web based equivalent. The vendor must complete a Public Health Compliance form, Form SAC2, Rev. 10/01 or its web based equivalent as stated in University Rule 6C1-2.020, F.A.C. Forms are available from that office and incorporated herein by reference. Permits are valid for the date of the specific event. Any groups failing to show a valid permit may be removed from the campus at the request of the University Police Department.

(b) The registered student organization sponsoring the activity is totally responsible for all aspects of the activity, including the production and/or approval of all publicity and advertising, staffing and distribution of product and all clean up.

(c) Any food product must be donated by the vendor. The registered student organization and vendor or agency representing the vendor may not have any payment or exchange of funds, as that constitutes a sale and not a donation by the vendor.

(d) The following areas are approved for food distribution activities: Plaza of America, Norman Field, Hume Field, Maguire Field, the North Lawn of the Reitz Union after 6 p.m. and Turlington Plaza. Other areas will be approved by the Director of Student Activities or the director’s designee and the administrator responsible for the area only in unusual circumstances, taking into consideration any potential conflict with University contracts and when the group is programmatically associated with that area.

(e) The Director of Student Activities may limit the number of permits issued for a particular area in order to maintain the educational function of the University. Distribution of food products will be limited to one time/event per day per vendor. In such case the permits will be issued in the order that requests from those student organizations or groups meeting the requirements of this rule are received in the Director’s office.

(f) Advertising and publicity must reflect sole sponsorship of the activity as being that of the registered student organization.

(g) Any advertising concerning the activity, including but not limited to, poster(s), flyer(s), radio and newspaper advertisement(s), tee-shirt(s), banner(s), may reflect a commercial off-campus vendor’s support, but must not indicate or convey sponsorship by the vendor, such as using the vendor’s name in the program title, or display prominent advertising with only the off-campus vendors name and/or logo. All publicity must follow University Rule 6C1-2.003, F.A.C., University of Florida; Distribution of Printed Material.

(h) No cooking facilities (mobile or otherwise) will be permitted.

(7) Off-campus licensed food service caterers may provide food and beverage service for special events when sponsored by an official University Department or organization at University buildings not restricted under the terms of the University food service contract. Buildings restricted for University food service contractor’s use include the student residence halls, J. Wayne Reitz Union Building, Bruton-Geer Hall, grounds adjacent to these buildings, and the Sun Terrace Cafeteria including its outside dining area. Sponsoring groups may offer tickets to members of their organizations at any price, and to the general public only if the event is designated as a bona-fide fund-raising activity and the cost per ticket or donation exceeds $25.00 or more. Exceptions to this requirement may be made with special approval by the Office of the Vice President for Finance and Administration and would be
made only in unusual cases in which it is determined that the overall benefit to University programs justifies the exception. Sponsoring groups who wish to utilize off-campus caterers should assure that the caterer has an appropriate food service license and liability insurance. The sponsoring groups should also see that state laws and University regulations are followed if alcoholic beverages are to be part of the service.

(8) This rule shall not prevent off-campus Gainesville licensed food vendors from receiving and filling specific short-order food and beverage requests from students, faculty and staff members for direct delivery to campus addresses. Except as provided in subsection (7), alcoholic beverages or food prepared and sold by other than licensed vendors, and sale items in direct competition with contract vendors or University budgetary units shall not be sold on campus.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6) FS. History–New 9-29-75, Amended 1-28-80, 8-26-81, 5-14-85, Formerly 6C1-4.06, Amended 4-17-90, 5-19-93, 7-11-94, 10-31-99, 7-8-01, 2-5-03.

6C1-4.007 Student Affairs: Confidentiality of Student Records.

(1) The President delegates to each Vice President the responsibility for maintaining the confidentiality of all records within his area of responsibility. Each Vice President may designate an individual in his or her area as the custodian of records for that area.

(2) Student records maintained in the Dean of Students Office, J. Wayne Reitz Union, Office for Student Financial Affairs, Career Resource Center, Division of Housing, and University Counseling Center, are deemed confidential. Only that information which is of a public record will be released without the written consent of the student involved. Public information includes: name, classification, local address, home address, local telephone number, electronic mail (e-mail) address, most recent previous educational institution attended, dates of attendance at the University of Florida, major, degree earned, nature and place of employment at the University, honors and awards received, participation in officially recognized or registered activities and sports, and weight and height of members of athletic teams. Counseling records and disciplinary records are not public information.

(3) Information contained in student records except that data which is public information will be open for inspection only by the student, or parents of dependent students as defined by the Internal Revenue Service, and designated members of the professional staff of the University. The department custodians of student records and their designees may release information from such records only upon written authorization from the student or as otherwise provided by law. Records which are created or maintained by the University Counseling Center and used only in connection with treatment provided to a student are available only to persons providing such treatment; provided, however, that such records can be personally reviewed by an appropriate professional of the student’s choice.

(4) The Dean or Director of each unit in the Division of Student Affairs is the official custodian of the records in his or her unit and will designate those staff members who have access to student records. The Dean or Director or the Dean or Director’s designees has responsibility for identifying those University agencies outside of the Division of Student Affairs that shall have access to the particular student records involved.

(5) All requests for research dealing with data from records are referred to the custodian of the records involved. Such requests should be in writing and should include appropriate faculty approval. In addition, the researcher will guarantee that identifiable data about any individual will not be published or made available to others.

(6) Traditional requests from scholastic honor societies (e.g., Phi Eta Sigma, Alpha Lambda Delta) for membership eligibility based on grade point average shall be granted when such requests are approved by the Dean of Students or designee.

(7) Counseling, disciplinary, and academic records are maintained separately.

(8) With the exception of Placement records, student conduct records, and records required for audit purposes in the Office for Student Financial Affairs, student records are not maintained longer than four (4) years after departure from the University unless such records reflect on the student’s eligibility to return to the University.

(9) All policies and procedures governing the maintenance and release of student records in Student Affairs offices are made public and are subject to review periodically by appropriate student, faculty, and administrative groups.

Specific Authority 1001.74(4) FS. Law Implemented 1002.22, 1006.52(1) FS. History–New 9-29-75, Amended 1-28-80, 8-4-80, Formerly 6C1-4.07, Amended 7-11-94, 5-1-96, 6-21-00, 1-19-03, 12-31-03.

6C1-4.009 Student Affairs: The University of Florida Career Resource Center.

(1) The following persons are eligible to use the facilities and services of the Career Resource Center:

(a) Students currently attending the University,
(b) Faculty and non-academic staff currently employed by the University,
(c) Students currently attending other S. U. S. Universities on a reciprocal agreement basis,
(d) Alumni of the University (graduated students), and former students who have attended the University.

(2) The facilities and services of the Career Resource Center are free to eligible persons listed in paragraphs (1)(a), (b) and (c) above except that a minimum service charge is made to cover costs of materials and services provided that are not included in appropriated expense funds authorized for the Center. These charges will be posted at the Center and include, but are not limited to, charges for:

(a) Reproducing and mailing copies of resumes, references, qualification records, and other materials,
(b) Copies of instructional booklets, schedules, listing and other printed educational materials made available for the convenience of eligible persons as defined in subsection (1) above,
(c) Any other material provided or reproduced at the request of eligible persons as defined in subsection (1) above.
(3) Eligible persons listed in paragraph (1)(d) above desiring to use the placement services of the Center must pay a registration fee of $25.00 for each six-month period of use of the Center’s services in addition to the charges listed in subsection (2) above, except that, if the only services desired are those listed in subsection (2) above a registration fee is not required.
(4) Eligible persons desiring to use the placement services of the Center must first register by completing the Career Resource Center Master Student Registration Form (Rev. 5-83) and an Interview Request Form (Rev. 5-83) for each employer with whom an interview is desired. Copies of these forms can be obtained at the Career Resource Center Office.
(5) Persons who have scheduled an employer interview must notify the Career Resource Center at least 48 hours in advance if they are unable to attend the interview. Failure to make such notification may result in suspension or revocation of interview privileges.
(6) Vocational counseling appointments are scheduled daily between 9:30 a.m. and 4:30 p.m., except weekends and holidays. Persons desiring an appointment must provide applicable information on their needs on a Career Resource Center Information Request form to be assigned an appointment date and time with an appropriate counselor.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), 240.235(1) FS. History—New 9-29-75, Amended 3-9-76, 6-7-83, Formerly 6C1-4.09.

6C1-4.010 Student Affairs: Employer Registration.
(1) Employers desiring to recruit and interview on-campus for graduating students, prior students, alumni and others who may be eligible to use the placement services must first register with the Center and meet all requirements in regard to general eligibility by providing the Center with:
   (a) Name and address of employer.
   (b) Name of employer contact and recruiter(s).
   (c) Interview date(s) desired.
   (d) Types and levels of degrees sought and graduation dates.
   (e) Titles and descriptions of job available.
   (f) Citizenship and other special requirements needed for consideration of employment.
   (g) Copies of recruiting literature for student use.
   (h) Approximate number of jobs available (if requested).
(2) Employer on-campus interview assignments will be made on a “first come” basis until all facilities are filled. A minimum of three weeks advanced notice is required to allow time for processing and notification of students. Assignments will be made for regular interview periods only.
(3) Employer representatives, to interview on campus, must sign the following statement upon arrival at the Career Planning and Placement Center for interviewing: “Each visiting employer at the University of Florida must give consideration to each applicant without regard to race, color, religion, sex or national origin”.
(4) Employer job listings will not be accepted by the Career Planning and Placement Center unless they contain complete names and addresses of the employers and persons to contact by name or title. Third party recruiting through the Career Planning and Placement Center is authorized only when the names of the potential employers are divulged and the employment agency fees are paid by the employers. Failure to meet these requirements will result in denial or withdrawal of on-campus recruiting privileges for the employers concerned.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (13) FS. History—New 9-29-75, Formerly 6C1-4.10.

6C1-4.012 Student Affairs: Grievance Procedure.
(1) The University of Florida is committed to a policy of treating all members of the University community fairly in regard to their personal and professional concerns. The procedures outlined below are designed and intended to provide students with a fair and expeditious resolution of their disputes with University of Florida faculty and/or staff.
   (a) A grievance is defined as dissatisfaction occurring when a student believes that any decision, act or condition affecting him or her is illegal, unjust, or creates unnecessary hardship. Such grievances may concern, but are not limited to the following: academic problems (excluding grades, except when there is an allegation of illegal discrimination or where a grade penalty has been imposed without proper authority), mistreatment by any University employee, wrongful assessment of fees, records and registration errors, student employment, and discrimination because of race, national origin, sex, marital status, religion, age or disability.
   (b) Prior to invoking the procedures described below, the student is strongly encouraged to discuss his or her grievance with the person(s) alleged to have caused the grievance. The discussion should be held as soon as the student first becomes aware of the act or condition that is the basis of the grievance. Additionally, or in the alternative, the student may wish to present his or her grievance in writing to the person(s) alleged to have caused the grievance. In either case, the person alleged to have caused the grievance must respond to the student either orally or in writing.
(2) Initial Review.
(a) If a student decides not to present his or her grievance to the person alleged to have caused the grievance or if the student is not satisfied with the response, he or she may present the grievance in writing to the next level supervisor. The next level supervisor should conduct an informal investigation as warranted to resolve any factual disputes. Upon the student’s request, the supervisor shall appoint a fact-finding panel of no more than three persons to conduct an investigation. The supervisor must state the terms and conditions of the investigation in a memorandum appointing the fact-finding panel. A fact-finding panel appointed hereunder shall have no authority to make recommendations or impose final action. The panel shall be limited to determining and presenting facts to the supervisor.

(b) The supervisor’s disposition of the grievance shall be reported to the student in writing and shall inform the student of the right to seek review by the appropriate Vice President as indicated in subsection (3). The supervisor’s response should be transmitted to the student within ten business days from the date the written grievance was received. If the disposition extends beyond ten business days the supervisor should inform the student of the delay and the expected response date.

(3) Appeal to the appropriate Vice President.
(a) Any student who is not satisfied with the response after the initial review may present the grievance in writing, together with the supervisor’s written response to the grievance within five business days of receipt thereof to the appropriate Vice President as indicated below:

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<tr>
<th>Vice President</th>
<th>Nature of Grievance</th>
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<td>Academic Problems</td>
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<td>Library</td>
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<td>Academic Records &amp; Progress</td>
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<td>Registrar’s Office</td>
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<td>Research/Dean of Graduate School</td>
<td>Graduate Academic Problems</td>
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<td>Graduate Academic Records and Progress</td>
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<td>Research Misconduct</td>
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<td>Finance and Administration</td>
<td>Payment &amp; Assessment of Fees</td>
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<td>University Police Department</td>
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<td>Health Affairs</td>
<td>Student Health Services</td>
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<td>Racial Discrimination</td>
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<td>Religious Discrimination</td>
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<td>Age Discrimination</td>
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(b) The Vice President’s action will be limited to a review of the basis for the supervisor’s disposition and will not involve a de novo factual investigation. Notwithstanding the above, the Vice President may, but is not required to, direct that further facts be gathered or that additional remedial action be taken. The Vice President’s action shall constitute final agency action.

Specific Authority 240.227(1), 240.237 FS. Law Implemented 228.093(3)(c), 228.2001 FS. History–New 9-29-75, Amended 8-4-80, Formerly 6C1-4.12, Amended 4-17-90, 7-11-94, 6-28-98.

6C1-4.013 Student Affairs: Selection of Remedies in Student Discipline.
(1) Students charged with violations of either Academic Honesty Guidelines or the Student Conduct Code shall have their cases heard by the appropriate person or body designated below:

(a) The Student Conduct Committee, the Committee’s Chairperson or his or her designee, the Assistant Director for Student Judicial Affairs, or the Director of Student Judicial Affairs, in accordance with University rules, for alleged violation of the Student Conduct Code, Rule 6C1-4.016, F.A.C.

(b) The Student Honor Court, for alleged violations of the Academic Honesty Guidelines, Rule 6C1-4.017, F.A.C., except as provided in paragraphs (d) and (e) below or unless the matter is otherwise resolved in accordance with University rules.
(c) The Coordinator for Residential Judicial Programs, Residence Directors, Residence Life Coordinators, Coordinator for Village Community Services, and the Assistant Director for Village Communities, pursuant to Rule 6C1-4.021, F.A.C., for alleged offenses of University rules relating to conduct in University housing unless the matter is otherwise resolved in accordance with University rules.

(d) The Health Center Student Conduct Standards Committee for alleged violations of the Academic Honesty Guidelines, Rule 6C1-4.017, F.A.C., by students in the College of Dentistry, Health Related Profession, Medicine, Nursing, Pharmacy, and Veterinary Medicine.

(e) The College of Law Honor Committee or the Student Honor Court for alleged violations of the Academic Honesty Guidelines, Rule 6C1-4.017, F.A.C., by students in the College of Law.

(2) Organizations subject to disciplinary actions shall have their cases heard by the appropriate person or body designated below:

(a) The Greek Judicial Board, which represents the Interfraternity Council, the Panhellenic Council, the National Panhellenic Council, and the Multicultural Greek Council. The Greek Judicial Board shall hear the case and submit a written report to the Dean of Students containing findings of facts and recommended sanctions, if any. If the fraternity or sorority is adjudicated responsible for the violation, the hearing body shall recommend one or more sanctions as provided in Rule 6C1-4.016, F.A.C. The Dean may adopt, reject or modify the Board’s findings and recommendations.

(b) The Student Conduct Committee or its designees, for all other organizations.

(3) Disciplinary adjudications under subsections (1) and (2) above shall be subject to review and/or appeal in accordance with subsections 6C1-4.016(4)(f) and (5), F.A.C. Disciplinary adjudications under subsection (2) above shall be subject to review and/or appeal in accordance with subsections 6C1-4.016(4)(f) and (5), F.A.C.

(4) The guidelines for hearing student judicial cases is sixty (60) calendar days from the date the case is referred to the hearing body or person. If the sixty (60) days has not expired at the conclusion of the fall or spring semester, and the primary individuals in the case are unavailable for a student judicial hearing or other proceeding, the running of the sixty (60) day period can be tolled until the first day of class for the following fall or spring semester. In the event the hearing body or person is unable to conduct the hearing within this time frame, the Director of Student Judicial Affairs, after consulting with the hearing body or person, may reassign the case to a different hearing body to insure that the case is resolved in a timely manner. The accused student or the original hearing body or person may appeal this reassignment, in writing, to the Dean of Students within five (5) business days after being notified of the decision. The decision of the Dean of Students shall be final.

Specific Authority 1001.74(4), 1006.60 FS. Law Implemented 120.81(1), 1001.74(10), 1006.60 FS. History–New 9-29-75, Amended 3-9-76, 4-5-77, 4-25-80, 2-11-82, 9-15-83, 3-25-85, Formerly 6C1-4.13, Amended 4-24-88, 5-18-92, 7-11-94, 4-30-95, 5-1-96, 7-18-99, 6-21-00, 5-20-02, 1-19-03.

6C1-4.014 Student Affairs: Student Conduct Code and Academic Honesty Guidelines; Pending Degrees.

(1) The University has established a Student Conduct Code and Academic Honesty Guidelines which define offenses, establish adjudicatory procedures, and prescribe penalties for violations. Provisions of the Code and Guidelines are contained in Rules 6C1-4.013 through 6C1-4.026, F.A.C. Alleged violations of campus traffic rules by students are handled by a Student Traffic Court, as provided in Rule 6C1-3.015, F.A.C.

(2) In accordance with the conditions set forth below, no degree will be conferred upon a student against whom charges have been filed involving an alleged violation of either the Academic Honesty Guidelines or Student Conduct Code, provided the student has received notice of either: charges, hearing or penalty(ies) to be imposed. When penalty(ies) has not yet been imposed for such alleged violation, and where in light of all the circumstances and available evidence, the Director of Student Judicial Affairs is of the opinion that a penalty for such alleged violation would likely be imposed, no degree will be conferred upon such student until such time as:

(a) The action is resolved; and

(b) All degree requirements are fulfilled. In the event penalty(ies) has already been imposed, no degree will be conferred upon such student until such time as the terms of any penalty(ies) are met, and all degree requirements have been fulfilled.


6C1-4.015 Student Affairs: Student Conduct Code; Scope.

Disciplinary action may be imposed for violations of the Student Conduct Code occurring at any of the following locations or activities:

(1) University campus;

(2) University owned or controlled property;

(3) Property or other housing units assigned for responsibility to the University, including, but not necessarily limited to, fraternity and sorority property;

(4) Activities sponsored by the University;

(5) Activities officially approved by the University which are conducted by University chartered organizations; and

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(6) Activities occurring off-campus in accordance with Rule 6C1-4.018, F.A.C.

Specific Authority 240.227(1), 240.261 FS. Law Implemented 120.81(1), 240.132, 240.133, 240.202, 240.261 FS. History--New 9-29-75, Amended 2-11-82, Formerly 6C1-4.15.

6C1-4.016 Student Affairs: Student Conduct Code; Violations, Penalties and Procedures for Adjudication.

(1) Philosophy. The University of Florida is an institution which encourages the intellectual and personal growth of its students as scholars and citizens. As an educational institution, the University recognizes that the transmission of knowledge, the pursuit of truth, and the development of individuals require the free exchange of ideas, self-expression, and the challenging of beliefs and customs. In order to maintain an environment where these goals can be achieved safely and equitably, the University promotes civility, respect, and integrity among all members of the community. As stated in the Standard of Ethical Conduct, students are expected to exhibit high standards of behavior and concern for others. The University strives to protect and guide the educational community by establishing a Student Conduct Code and student judicial system, which promotes individual and social responsibility. Choosing to join the University of Florida community obligates each member to a code of civilized behavior. Individuals and student organizations are expected to observe the policies, rules, and regulations of the University of Florida and the State of Florida. University policies have been designed to protect individuals and the campus community and create an environment conducive to achieving the academic mission of the institution. The purpose of the Student Conduct Code is to set forth the specific authority and responsibility of the University in maintaining social discipline, to establish guidelines which facilitate a just and civil campus community, and to outline the educational process for determining student and student organization responsibility for alleged violations of University regulations. This judicial process will follow established procedures for insuring fundamental fairness and an educational experience that facilitates the development of the individual and of the organization.

(2) Violations – The following are violations of the Student Conduct Code and may result in sanctions, as provided in subsection (3) below, being imposed upon the offenders in accordance with Rule 6C1-4.015, F.A.C.:

(a) Furnishing false information to the University.
(b) Forgery, alteration, misuse or failure to provide required information on University documents, records, or identification cards.
(c) Taking or unauthorized use, possession, destruction or littering of public or private property or services or acts committed with disregard of possible harm to such property or services.
(d) Unauthorized possession, duplication or use of keys or access cards to any University premises or services.
(e) Unauthorized or attempted unauthorized entry into, on, or use of University premises.
(f) Failure to comply with lawful directives of University officials or law enforcement officers acting in performance of their duties.
(g) Disruption of the normal operations of the University and infringement upon the rights of other members of the University Community in violation of the Demonstration Policy of the University, Rule 6C1-2.002, F.A.C.
(h) Failure to comply with any University rule or regulation including the Alcoholic Beverages Rule 6C1-2.019, F.A.C.
(i) Violations of the University of Florida, Division of Housing Rules and Regulations, 2003-2004, adopted herein by reference. A copy of these rules and regulations may be obtained from the Staff and Student Development Office, Division of Housing, University of Florida, Museum Road and Thirteenth Street, P. O. Box 112100, Gainesville, Florida 32611.
(j) Action which interferes with or obstructs the student judicial process, including failure to appear at a hearing, failure to testify at a hearing, violating and/or failure to complete judicial sanctions. Nothing in this subsection shall be construed to compel self-incrimination.
(k) Possession, use, or delivery of controlled substances as defined in Chapter 893, Florida Statutes.
(l) Illegal or unauthorized possession or use of firearms, explosives, ammunition, fireworks, weapons (such as metallic knuckles, slingshot, bows and arrows, and switch-blade knives), or other deadly weapon or dangerous chemicals on University premises.
(m) Actions which cause or attempts to cause a fire or explosion, falsely reporting a fire, explosion or an explosive device, tampering with fire safety equipment or failure to evacuate university buildings during a fire alarm.
(n) Hazing, defined as an act which recklessly or intentionally endangers the mental or physical health or safety of a person, for the purpose of initiation or admission into, affiliation with, or as a condition for the continued membership in, a group or organization.
(o) Violation of any municipal or county ordinance, law of the State of Florida, or law of the United States.
(p) Ticket Scalping, i.e., selling tickets to any University of Florida function or event, or any event being held or to be held on University of Florida campus, for more than $1 over the original price.
(q) Conduct which is disorderly, lewd, or indecent; breach of peace; or disrupting or interfering with the lawful administration or functions of the University or procuring another person to participate in such conduct on University premises or at functions sponsored by, sanctioned by, or participated in by the University.
(r) Actions which are committed with disregard of the possible harm to an individual or group, or which result in injury to an individual or group including physical and sexual assault and relationship/domestic violence. This includes threats or acts to self, including but not limited to threats of suicide or suicide attempts.

(s) Acts of verbal or written abuse, threats, intimidation, harassment, coercion and/or other conduct which creates an intimidating, hostile or offensive working or educational environment, including racial and sexual harassment and stalking.

(t) Any action without authorization from the University which does or causes to, access, use, modify, destroy, disclose or take data, programs or supporting documentation residing in or relating in any way to a university computer, computer system or computer network or causes the denial of computer system services to an authorized user of such system. This includes any violation of the University Acceptable Use Policy, revised 05/06/99, with is available at the University Office of Information Technology.

(u) Failure to comply with the Academic Honesty Guidelines, Rule 6C1-4.017, F.A.C.

(3) Sanctions – A student adjudicated responsible for violations under subsection (2) of the Academic Honesty Guidelines, shall be subject to sanctions commensurate with the offense with consideration given to any aggravating and mitigating circumstances. Sanctions include one or more of the following penalties, unless otherwise expressly provided:

(a) Reprimand – The student is given formal written notice and official recognition that the behavior has violated the Student Conduct Code.

(b) Conduct Probation – The student is deemed not in good standing and cannot represent the University on any athletic team other than intramurals, hold an office in any student organization registered with the University, or represent the University in any extracurricular activity or official function. The duration of any probation period or any conditions or sanctions imposed for the violation shall be in proportion to the seriousness of the violation.

(c) Loss of University Privileges – Denial of specific University privileges including, but not limited to, attendance at athletic functions, unrestricted library use, parking privileges, university computer usage, and residence hall visitation for a designated period of time.

(d) Suspension – The student is required to leave the University for a given or indefinite period of time, the termination of which shall depend upon specified acts of the student’s own volition related to mitigation of the offense committed. The student must comply with all sanctions prior to re-admission.

(e) Expulsion – The student is permanently deprived of his or her opportunity to continue at the University in any status.

(f) Restitution – The student is required to pay for loss of or damages to University property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.

(g) Reduced or Failing Grade – The student is given a reduced or failing grade for the class in which the offense occurred for violations of the Academic Honesty Guidelines, but only by the faculty member involved and upon recommendation thereof, except as otherwise provided in subsection 6C1-4.017(3), F.A.C.

(h) Community/University Service – A student is required to complete a specified number of hours of service to the campus or general community.

(i) Education Requirements – A student is required to complete a specified educational sanction related to the violation committed. Such educational requirements include completion of a seminar, report, alcohol or drug assessment, or counseling.

(j) Residence Hall Transfer or Removal – A student is required to transfer residence halls or leave the residence halls for a specified or indefinite period of time.

(k) No Contact Order – A directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, e-mail, telephone, or third parties.

(4) Organizational sanctions will range from written reprimand and official recognition thereof through revocation of registration or permission to use or meet at campus facilities, or in the case of social fraternities or sororities, continued recognition at the University. The following criteria will be used to determine if a student group or organization is to be held collectively responsible for the action or actions of individuals when the action or actions result in a violation of the Student Conduct Code by those associated with the group or organization:

(a) The action or actions resulting in the violation have received the tacit or overt consent or encouragement of the group or organization or of the group’s or organization’s leaders, officers or spokespersons.

(b) The group or organization or its leaders, officers or spokespeople failed to take responsible precautions against the action or actions resulting in the conduct violations.

(5) Procedures for Adjudication.

(a) Prior to any disciplinary adjudication, the person(s) charged shall be furnished with a written notice of charges and procedures for requesting a hearing. The notice of charges shall be issued within ten (10) business days following completion of an investigation and determination that there is sufficient evidence to warrant judicial action. Except for emergency cases, the notice shall be issued at least ten (10) business days prior to the date of the hearing unless waived in writing by the accused student. Pre-hearing conferences may be held to review charges, resolve issues, clarify rights and procedures, and permit the inspection or copying of evidence to be used at hearings. The Dean of Students Office shall maintain a list of impartial advisors and resources available to the student for preparing his or her defense. If a student chooses to utilize an advisor, it is the student’s responsibility to identify an advisor and make appropriate arrangements for them to attend the proceedings. The advisor shall assist the student in the judicial process, but shall not speak for or present the case on behalf of a student.
(b) Hearings shall preserve the fairness of the action and rights of persons involved. Students charged with less serious violations can choose an informal proceeding or a formal hearing. Less serious violations are those violations for which removal from housing, suspension, or expulsion would not be imposed. Students charged with more serious violations will choose between a formal hearing with a conduct committee or a university hearing authority.

1. Students who choose an informal proceeding shall be accorded the right to:
   a. Have an advisor present;
   b. Be provided, prior to the proceeding, the nature and source of the evidence which will be used by the University; and
   c. Be free from compulsory self-incrimination.

2. Students who choose a formal hearing with a conduct committee or a university hearing authority shall be accorded the right to:
   a. Have an advisor present;
   b. Question adverse witnesses;
   c. Present evidence and witnesses relevant to his or her defense;
   d. Be provided prior to the hearing the nature and source of the evidence which will be used by the University; and
   e. Be free from compulsory self-incrimination.

Provisions for a record of hearings shall be made, other than for informal proceedings before the Residence Directors, Residence Life Coordinators, Assistant Director of Housing for Village Communities, Coordinator for Village Community Services, Coordinator for Residential Judicial Programs, Assistant Director of Student Judicial Affairs, or Director of Student Judicial Affairs.

(c) In cases involving potential sanctions other than suspension, expulsion or removal from housing, and provided the student was sent notice of the hearing to his or her address in the Registrar’s records or the notice was hand-delivered should the student fail to appear at the hearing, the reviewing authority will make a decision based on the written material. A decision will be issued within five (5) business days. For serious offenses which may involve a sanction of removal from housing, suspension, or expulsion, the hearing will be held only to preserve the evidence.

(d) Student judicial hearings are an opportunity for a student to challenge the content of the student’s educational record and are closed unless the accused requests an open hearing a minimum of five (5) working days before the hearing and all student witnesses concur in writing.

(e) Findings shall be based upon a preponderance of the evidence. Upon such findings, the person or body hearing the action shall determine which sanction or sanctions should be imposed in accordance with subsection (3) above. Written notice of findings and any sanction to be imposed or recommended shall be furnished to the student charged with a conduct code violation.

(f) The Student Conduct Committee, Student Honor Court and the Health Center Student Conduct Standards Committee make a recommendation to the Dean of Students concerning findings and sanctions to be imposed, if any. The College of Law Honor Committee makes a recommendation to the Appellate Board, as defined in Rule 6C1-4.0212, F.A.C., concerning findings and sanctions to be imposed, if any.

(g) If the Dean of Students determines from a review of the record, and states with particularity in a written notice to all affected persons that a finding was not based upon substantial evidence or an action did not comply with the requirements of law or applicable University Rules, the finding may be rejected and/or the case may be re-heard. If the record supports the finding, the Dean of Students can accept, modify or reject the recommended sanction.

(6) Decisions made by the Director of Student Judicial Affairs, the Assistant Director of Student Judicial Affairs, and the Coordinator of Residential Judicial Programs can be appealed to the Dean of Students. Decisions made by the Dean of Students, in cases other than decisions resulting from an appeal to the Dean from another hearing authority, can be appealed to the Vice President for Student Affairs. Appeals to the Dean of Students and the Vice President for Student Affairs (hereinafter “reviewing authority”) must be filed in writing and contact made with the reviewing authority within ten (10) business days from the date of the decision letter for the purpose of scheduling an appointment, unless otherwise agreed upon in writing by the student and the reviewing authority. The actual appointment must be scheduled within ten (10) business days of filing the appeal unless otherwise approved by the reviewing authority. If the student fails to appear for the appointment, the reviewing authority will make a decision based on the written material. Criteria for filing an appeal is limited to the following grounds: (a) the student’s rights were violated in the hearing process; (b) new material evidence that could not have been discovered at the time of the hearing; (c) the evidence did not support the decision by a preponderance of the evidence; and (d) the sanction(s) imposed were not appropriate for the violation. The decision on the appeal should be made within fifteen (15) calendar days following the meeting with the student except in exceptional circumstances. The decision of the reviewing authority shall be final.

(7) Records of disciplinary actions shall be maintained in accordance with subsection 6C1-4.026(3), F.A.C.

(8) Disciplinary sanctions which may result in limits being placed on extracurricular activities and/or registration, do not take effect until any appeal requested has been completed. If no appeal is requested, the final action with respect to the above will take effect upon expiration of the appeal time.

Specific Authority: 1001.74(14), 1006.60 FS. Law Implemented 1001.74(10), 1006.60, 1006.61, 1006.62, 1006.63 FS. History–New 9-29-75, Amended 3-9-76, 1-28-80, 3-26-80, 8-26-81, 2-11-82, 9-15-83, 3-25-85, 5-14-85, 10-14-85, Formerly 6C1-4.16, Amended 4-24-88, 5-21-89, 5-18-92, 5-19-93, 7-11-94, 4-30-95, 5-1-96, 7-15-97, 7-27-98, 10-31-99, 6-21-00, 5-22-01, 5-20-02, 2-5-03, 6-3-03.
6C1-4.0161 Student Affairs: Student Conduct Code; Prohibition of Hazing; Procedures and Penalties.

(1) Hazing Policy – Actions or statements which by design or intent amount to intimidation or hazing are prohibited, and shall be prevented and adjudicated by the University whenever possible.

(2) Definition of Hazing – In accordance with Section 1006.63, F.S., “hazing” means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating under the sanction of the University. Under the statute, “hazing” includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity which could adversely affect the physical health or safety of the student, and any activity which would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the student. Any activity as described above upon which the initiation or admission into or affiliation with a university organization is directly or indirectly conditioned shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding.

(3) Procedures for Implementation – Any person having knowledge of any activity or statement which may constitute hazing should contact the University office or agency with jurisdiction over the students or organization involved. Such office or agency shall take appropriate University action as necessary to enforce the prohibition. Actions shall be conducted pursuant to the Student Conduct Code, Rules 6C1-4.013 through 6C1-4.026, F.A.C. Penalties for violations of the prohibition shall be administered by the Vice President for Student Affairs through the appropriate University office or agency.

(4) Penalties – Under Section 1006.63, F.S., the University is authorized to impose the penalties described below for violation of the prohibition, regardless of whether the violation occurred on or off campus, and such penalties shall be in addition to any other penalty to which the student may be subject for violations of the criminal laws of Florida or any other applicable University rule.

(a) Penalties for individuals subject to University jurisdiction found guilty of hazing violations include the imposition of fines, the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines, and the imposition of reprimand, probation, suspension, or dismissal.

(b) Organizations subject to University jurisdiction which authorize hazing in blatant disregard of these rules may be penalized by revocation of permission for the organization to be registered, to meet on campus and to use campus facilities, and, in the case of fraternities and sororities, the right to exist at the University of Florida.

(5) Copies of this policy, and rules concerning violations, penalties, and process for enforcement will be distributed to students enrolled in the University, and shall be incorporated in the bylaws of every organization operating under the sanction of the University.

Specific Authority 1001.74(4), 1006.60, 1006.63(2) FS. Law Implemented 1001.74(10), 1006.60, 1006.63 FS. History–New 2-11-82, Formerly 6C1-4.161, Amended 3-12-03.

6C1-4.0162 Student Affairs: Student Conduct Code; Immediate Suspension Pending Hearing.

The Dean of Students or his or her designee has the authority to determine if a violation of subsection 6C1-4.016(2), F.A.C., warrants the immediate suspension of a student or a student’s organization’s privileges. The criteria to be used by the Dean of Students or designee in making this determination are:

(1) Whether the student or student organization poses a danger of serious physical harm to himself/herself or others at the University; or

(2) Whether immediate suspension is necessary to protect the health, safety or welfare of the student or others at the University. Upon making such a determination, the Dean of Students, with approval of the Vice President for Student Affairs, will suspend the student pending a hearing before the appropriate hearing body in accordance with Rule 6C1-4.013, F.A.C., and the Dean of Students will suspend a student organization pending a hearing before the appropriate hearing body in accordance with Rule 6C1-4.0162, F.A.C. No student or student organization may be removed from on-campus housing until the completion of the appropriate hearing unless it is determined by the Dean of Students that such removal is necessary to protect the health, safety and welfare of individuals or property. Said hearing will take place within a reasonable time after notification of such immediate suspension.

Specific Authority 1001.74(4), 1006.60 FS. Law Implemented 120.81(1), 1001.74(10), 1006.60 FS. History–New 9-15-83, Formerly 6C1-4.162, Amended 10-31-99, 1-19-03.

6C1-4.0163 Student Affairs: Victim Services on Campus.

The University values the dignity and safety of every individual on campus and encourages alleged victims of violence to report inappropriate behavior to the appropriate university offices, including the University Police and the Crime Victim Advocate. Alleged victims will be treated with dignity and compassion by University personnel and their privacy will be maintained, within the legal boundaries of the law. Alleged victims will be informed of their options within the criminal and campus judicial processes, and may be accompanied by an advisor through any student judicial proceeding.
Alleged victims of sexual assault may choose how to proceed within the student judicial process, although the University can proceed with judicial action without the victim’s consent if the alleged behavior is intimidating or threatening or otherwise adversely affects the accused student’s suitability as a member of the University Community. Alleged victims of violence whose case is handled by the Student Judicial Affairs Office in a formal proceeding are given various accommodations in the judicial process. Victim accommodations include:

1. Being kept informed of the status of the case throughout the judicial process, including the outcome of the judicial process.
2. Being accompanied by an advisor throughout the judicial process.
3. In cases involving sexual assault, with the recommendation of a licensed mental health care provider, the alleged victim can provide hearing testimony from a separate room, as long as it does not infringe upon the charged student’s rights to question the witness.
4. Submitting potential questions to the hearing authority for the hearing.
5. Submitting a written impact statement to the hearing body after the finding of facts which shall be considered during sanctioning, should the accused student be found responsible for the violation.
6. Having unrelated behavior excluded from the judicial hearing.
7. Remaining present, as an observer throughout the evidentiary portion of the judicial hearing after his/her testimony.

Specific Authority 240.227(1) FS. Law Implemented 240.202, 240.227(1) FS. History–New 4-30-95.

6C1-4.017 Student Affairs: Academic Honesty Guidelines.

1. All students are required to abide by the Academic Honesty Guidelines which have been accepted by the University and are set forth in this rule.
2. The conduct set forth hereinafter constitutes a violation of the Academic Honesty Guidelines. Those adjudged to have committed such conduct shall be subject to the sanctions provided in Rule 6C1-4.016, F.A.C.

a. Cheating – The improper taking or tendering of any information or material which shall be used to determine academic credit. Taking of information includes, but is not limited to, copying graded homework assignments from another student; working together with another individual(s) on a take-home test or homework when not specifically permitted by the teacher; looking or attempting to look at another student’s paper during an examination; looking or attempting to look at text or notes during an examination when not permitted. Tendering of information includes, but is not limited to, giving your work to another student to be used or copied; giving someone answers to exam questions either when the exam is being given or after having taken an exam; giving or selling a term paper or other written materials to another student; sharing information on a graded assignment.

b. Plagiarism – The attempt to represent the work of another as the product of one’s own thought, whether the other’s work is published or unpublished, or simply the work of a fellow student. Plagiarism includes, but is not limited to, quoting oral or written materials without citation on an exam, term paper, homework, or other written materials or oral presentations for an academic requirement; submitting a paper which was purchased from a term paper service as your own work; submitting anyone else’s paper as your own work.

c. Bribery – The offering, giving, receiving or soliciting of any materials, items or services of value to gain academic advantage for yourself or another.

d. Misrepresentation – Any act or omission with intent to deceive a teacher for academic advantage. Misrepresentation includes using computer programs generated by another and handing it in as your own work unless expressly allowed by the teacher; lying to a teacher to increase your grade; lying or misrepresenting facts when confronted with an allegation of academic dishonesty.

e. Conspiracy – The planning or acting with one or more persons to commit any form of academic dishonesty to gain academic advantage for yourself or another.

f. Fabrication – The use of invented or fabricated information, or the falsification of research or other findings with the intent to deceive for academic or professional advantage.

3. Faculty Determination Process.

a. When a student is alleged to have violated the Academic Honesty Guidelines, the faculty member involved should meet with the student and attempt to determine if a disciplinary proceeding is warranted. The faculty member can request that the department chair or other appropriate University official attend this meeting as a witness. The faculty member may impose the sanction of Reduced or Failing Grade and an appropriate Educational Requirement specified in subsection 6C1-4.016(2), F.A.C., without a prior recommendation if:
1. The faculty member confirms with the Dean of Students Office that the violation would be a first offense and no circumstances require the imposition of a sanction other than Reduced or Failing Grade and an Educational Requirement specified in subsection 6C1-4.016(2), F.A.C.; and

2. The student and faculty member reach agreement as to a sanction.

(b) The student shall not be permitted to drop the class once informed of a suspected academic honesty violation. Any class that is dropped in violation of this restriction shall be reinstated until the charges are resolved.

(c) The student’s agreement to a sanction shall constitute a waiver of all other available adjudicatory procedures or appeals.

(d) The faculty member shall forward a copy of the agreement with the student to Student Judicial Affairs.

(e) The faculty member involved shall refer the student to the Director of Student Judicial Affairs or his or her designee, rather than take action, if disciplinary action may be warranted, but it appears that:

1. The violation would not be a first offense;
2. A sanction such as Probation, Suspension, or Expulsion would be warranted; or
3. The student does not agree to the sanction proposed by the faculty member involved.

(f) A student who is charged with an academic honesty violation by a faculty member and who does not agree to accept the faculty member’s sanction or for whom the faculty adjudication process is not appropriate, as stated above, shall meet with the Director of Student Judicial Affairs or designee to be advised of the hearing procedures, the hearing options, and the student’s rights. The student shall indicate his or her choice of a formal hearing before the Student Honor Court, the Student Conduct Committee, or the Director of Student Judicial Affairs or designee. The case will then be referred to the appropriate body or person for investigation and action. Jurisdiction for Health Center students and College of Law students is provided in paragraphs 6C1-4.013(1)(d) and (e), F.A.C. If the selected hearing body is unable to conduct a hearing within the time provided under Rule 6C1-4.013, F.A.C., the Director of Student Judicial Affairs may reassign the matter to another hearing body or person pursuant to subsection 6C1-4.013(4), F.A.C.

Specific Authority 1001.74(1), 1006.60(4) FS. Law Implemented 120.81(1), 1001.74(10), 1006.60(4) FS. History–New 9-29-75, Amended 4-5-77, 2-11-82, 9-15-83, Formerly 6C1-4.17, Amended 5-18-92, 7-11-94, 4-30-95, 2-5-03.

6C1-4.018 Student Affairs: Off-Campus Conduct.

When a student violates city, state or federal law, by an offense committed off the campus and which is not associated with a University-connected activity, the disciplinary authority of the University will not be used merely to duplicate the penalty awarded for such an act under applicable ordinances and laws. The University will take disciplinary action against a student for such an off-campus offense only when it is required by law to do so or when the nature of the offense is such that in the judgment of the Director of Student Judicial Affairs, the continued presence of the student on campus is likely to interfere with the educational process or the orderly operation of the University; the continued presence of the student on campus is likely to endanger the health, safety, or welfare of the University Community or is intimidating or threatening to another individual within the University community; or the offense committed by the student is of such a serious nature as to adversely affect the student’s suitability as a member of the University Community. If the Director of Student Judicial Affairs determines that disciplinary action is warranted, the Director of Student Judicial Affairs shall so notify the student in accordance with subsection 6C1-4.016(4), F.A.C. The action of the University with respect to any such off-campus conduct shall be taken independently of any off-campus authority.

Specific Authority 240.227(1), 240.261(2) FS. Law Implemented 120.81(1), 240.132, 240.133, 240.227(1), 240.261, 240.262 FS. History–New 9-29-75, Amended 3-6-85, Formerly 6C1-4.18, Amended 4-30-95.

6C1-4.019 Student Affairs: Student Conduct Committee.

The Student Conduct Committee, composed of students, faculty and staff, is appointed by the President of the University for the purpose of hearing cases concerning alleged offenses under the Student Conduct Code. A hearing committee is comprised of seven (7) members. Five (5) members constitute a quorum. Recommendations for the appointment of members are made by the President.
of the Student Body, faculty members, administrators, and others, to the President of the University. Alternate members are appointed to serve in the absence of one or more regular members. When charges are referred to the Committee, the Director of Student Judicial Affairs, or his or her designee, shall advise the student of his or her rights and privileges. If the student is adjudicated responsible for violating the Student Conduct Code, the Committee shall recommend one or more sanctions as provided in Rule 6C1-4.016, F.A.C., to the Dean of Students, who will take final action.


6C1-4.020 Student Affairs: Student Honor Court.

(1) The Student Body Constitution establishes the Student Honor Court to hear violations of the regulations and procedures of the Student Body. The Student Honor Court shall hear cases involving alleged violations of the Academic Honesty Guidelines, Rule 6C1-4.017, F.A.C., except as otherwise provided.

(2) Student Honor Court actions involving students accused of violating Academic Honesty Guidelines shall be conducted in accordance with standard Student Honor Court Rules of Procedures, Rev. 8/96, incorporated herein by reference and can be obtained from the Student Honor Court Office, J. Wayne Reitz Union Room 364, University of Florida, provided that such actions shall be heard only by students currently enrolled with a minimum 2.0 grade point average, pursuant to the Student Body Constitution and Statutes, and comply with the provisions of Rule 6C1-4.016, F.A.C. If a student is adjudicated responsible for the academic honesty violation, the Court shall recommend one or more sanctions as provided in Rule 6C1-4.016, F.A.C., to the Dean for Students.


6C1-4.021 Student Affairs: Residence Hall Conduct Hearing Authorities.

Alleged offenses of Division of Housing Rules and Regulations are referred to the Director of Housing, or his or her designee who, in consultation with the Director of Student Judicial Affairs or his or her designee, shall handle student disciplinary actions which shall be heard by the Coordinator for Residential Judicial Programs, or the Director of Student Judicial Affairs, as set forth below. Students accused of violating any Division of Housing Rules and Regulations, which, in the opinion of the Director of Student Judicial Affairs, if proven, would not warrant a sanction in excess of reprimand, conduct probation, transfer from one residence area to another in University Housing, restitution, community service, counselling or other appropriate requirements commensurate with the offense, or any combination of the foregoing, may choose: (a) a formal hearing before the Student Conduct Committee or (b) an informal proceeding before the Coordinator for Residential Judicial Programs or a Residence Director or Residence Life Coordinator if residing in a residence hall, or before the Coordinator for Residential Judicial Programs or the Coordinator of Village Community Services or the Assistant Director of Housing for Village Communities, if residing in village communities. Students choosing the informal proceeding shall not receive sanctions exceeding reprimand, conduct probation, transfer from one residence area to another in University Housing, restitution, community service, counselling or other appropriate requirements commensurate with the offense, or any combination thereof. Students accused of violating any Division of Housing Rules and Regulations which, in the opinion of the Director of Student Judicial Affairs, if proven, may warrant sanctions up to probation and removal from Housing, shall choose between being heard by the Student Conduct Committee or the Director of Student Judicial Affairs or designee in a formal hearing. Cases which may warrant a sanction of suspension or expulsion shall be forwarded to the Dean of Students Office for a hearing. In cases heard by the Residence Directors or Residence Life Coordinators or the Coordinator of Village Community Services, if an adjudication of responsible is rendered, the Residence Director or Residence Life Coordinator, or the Coordinator of Village Community Services shall recommend one or more sanctions as provided in Rule 6C1-4.016, F.A.C., to the Coordinator for Residential Judicial Programs. For an offense that is a minor violation of Division of Housing regulations, as defined by the Director of Housing in conjunction with the Director of Student Judicial Affairs, the accused student will be given a written reprimand by the Residence Director or Residence Life Coordinators or the Coordinator of Village Community Services, or Graduate Hall Director and be required to complete an appropriate educational seminar or written paper, if the student has no prior violations and accepts responsibility for the violation.

Specific Authority 1001.74(4), 1006.60 FS. Law Implemented 120.81(1), 1001.74(10), 1006.60 FS. History–New 9-29-75, Amended 3-26-80, 2-11-82, Formerly 6C1-4.21, Amended 11-13-90, 5-18-92, 5-19-93, 7-11-94, 4-30-95, 10-31-99, 5-20-02, 1-19-03.

6C1-4.0211 Student Affairs: Health Center Student Conduct Standards Committee.

The President shall appoint five faculty members and two student members from each of the six Health Center colleges as members of the committee to resolve alleged violations of the Academic Honesty Guidelines within the Health Center colleges. Faculty appointed to this committee shall serve for three years. Students appointed to this committee shall serve for two years. The Director of Student Judicial Affairs will serve as an advisor and nonvoting executive secretary to the committee and will convene the committee whenever charges are referred against student(s) attending one of the Health Center colleges. The sub-committee to be convened for such hearings will be composed of the following persons: four faculty members and one student member from the college of the accused student, and two faculty members and one student from another Health Center college. Five members of the
committee, including at least one member from another college, must be present for a hearing. When such charges are referred to the committee, the Director of Student Judicial Affairs or his or her designee shall advise the student of his or her rights and privileges. If the student is adjudicated responsible for the violations, the committee shall recommend one or more sanctions as provided in Rule 6C1-4.016, F.A.C., to the Dean of Students who will take final action.

Specific Authority 1001.74(4), 1006.60 FS. Law Implemented 120.81(1), 1001.74(10), 1006.60 FS. History–New 9-15-83, Formerly 6C1-4.211, Amended 4-24-88, 4-30-95, 1-19-03.

6C1-4.0212 Student Affairs: The College of Law Honor System.

(1) STATEMENT OF PHILOSOPHY AND PURPOSE.

(a) The Honor System at the University of Florida College of Law, a part of the University of Florida Student Conduct Code, represents a commitment by students to adhere to the highest degree of ethical integrity. The Honor System is based on the fundamental principle of mutual trust – trust among students, faculty, and administrators that individuals attending the College of Law will not lie, cheat or steal. The Honor System has been designed and implemented by the students themselves, with faculty and administrative involvement, and has not been imposed by the College of Law or the University of Florida on the students. Each student who joins the College of Law community becomes a part of the Honor System and is assumed to be trustworthy unless and until proven otherwise.

(b) Students at the College of Law benefit from the Honor System because teaching and learning flourish best in an environment where mutual trust and respect form the bedrock of relationships within the community. Simply put, a strong Honor System helps create a community in which students can maximize their intellectual and academic potential. The Honor System reminds all members of the law school community that success obtained through dishonest means is no success at all.

(c) Moreover, attendance at the University of Florida College of Law is every student’s first step in becoming a member of the legal profession. Essential to the well-being of the legal profession is the presence of a sense of honor and ethical integrity among its members. The Honor System at the College of Law is therefore an integral part of proper and complete professional training.

(d) The Honor System furthers the goal of the College of Law to serve the public and the profession by producing attorneys dedicated to promoting justice, excellence, and respect for the law. The success of the Honor System depends upon the diligence with which members of College of Law community ensure that they, as well as others, uphold the letter and spirit of the Honor Code. All suspected Honor Code violations shall be reported to a member of the Honor Committee so that appropriate action can be taken. Failure to report a suspected violation of the Honor Code shall be considered a non-prosecutable dishonorable act, unless that information is otherwise privileged.

(e) The College of Law Honor System is made up of four parts: the Honor Code, the description of the Administering Bodies, the Enforcement Procedures, and the Sanctioning Guidelines.

(2) THE HONOR CODE.

(a) The Student’s Commitment. The Honor Code is an undertaking of the students at the College of Law, individually and collectively:

1. That they will not lie, cheat or steal; and
2. That they will not seek to gain an advantage over fellow students or avoid academic requirements through deceitful or illicit means.

(b) Criteria. Three criteria determine whether an honor offense has been committed:

1. Act. Was the act committed?
2. Intent. Was the act committed with purpose or knowledge?
3. Seriousness. By tolerating the act, would the community of trust be sufficiently impaired to warrant punishment under the Honor Code?

(c) Jurisdiction. This Honor Code shall have exclusive jurisdiction over all honor offenses allegedly committed by law students within the College of Law. For the purposes of this Honor Code, honor offenses are limited to acts falling within the general rubric of “academic dishonesty.”

(d) Examples. The following is a list of examples of conduct that would violate the Honor Code. This list is for purposes of illustration only, and is expressly not intended to be comprehensive of conduct violating the Code. In all cases, the jurisdiction of the Honor Code extends only to violations falling within the general rubric of academic dishonesty.

1. Having another student sign an attendance sheet or signing an attendance sheet for an absent student in circumvention of the standards set by the professor.
2. Lying to a professor about a reason for a classroom absence or a late paper.
3. Falsifying information on a resume.
4. Working with another student on a take-home test or writing project when prohibited by the professor.
5. Looking at another student’s answers during an examination for the purpose of taking advantage of that student’s work.
6. Bringing unauthorized materials into an examination room.
7. Giving another student unauthorized assistance during an examination.
8. Writing an assigned paper for another student.
10. Unauthorized taking of academic material from any University facility or office.
11. Unauthorized taking of academic material from any professor or student.
12. Plagiarism: Relying on another’s work without giving proper credit.
13. Handing in a paper written by another student or purchased or obtained from another source and representing it as one’s own.
14. Checking out a library book, removing a library book from the shelves, or tearing pages out of a library book, in order to prevent access to information by fellow students.
15. Seeking to register for courses prior to one’s allotted time without permission or authorization.
16. Receiving unauthorized assistance while competing for a place with a co-curricular organization, such as Law Review, Moot Court or Trial Team.
17. Conspiring to commit an honor offense.

(3) ADMINISTERING BODIES.
(a) The Honor Committee.
1. Purpose. The Honor Committee shall administer the Honor System at the College of Law. Members of the Committee shall be involved in the initial evaluation of all allegations of Honor Code violations. In addition, the Honor Committee shall be vested with the power to propose amendments to the Honor System to the law school community. In order to become effective, amendments to the Honor Code must be approved by majority votes of the law school faculty and the law school student body. Amendments so approved will operate as recommendations to the University of Florida Office for Student Services. They shall become effective upon the completion of any and all appropriate administrative proceedings. Finally, the Honor Committee may from time to time issue written advisory opinions, subject to review of University of Florida’s General Counsel, interpreting the Honor Code in light of allegations of Honor Code violations that come before it.
2. Jurisdiction. If a matter is referred to the Honor Committee which is outside the jurisdiction of this Honor Code, the Committee shall refer the matter to the University of Florida Office of Student Judicial Affairs.
3. Composition. The Honor Committee shall be comprised of twelve voting members, and one ex-officio member as follows: a. Students. Nine law students. One representative each for the second and third semester classes, two representatives each for the fourth through sixth semester classes, and one representative from the L.L.M. Tax program.
   b. Faculty. Two faculty members.
   c. Administration. One member of the law school administration.
   d. Office of Student Judicial Affairs. One non-voting ex-officio representative from the Office of Student Judicial Affairs.
4. Election of Honor Committee Members.
   a. Students. In order to obtain a representative body, the student members of the committee shall come from different entering classes. Accordingly, each entering class shall hold elections for one committee member at the end of its first semester and two committee members at the end of its third full semester. Students shall be eligible for election if they meet the University requirements for participation in campus activities. A student shall be considered a member of that student’s class of entry into the College of Law for purposes of voting and representation regardless of whether the student accelerates or delays graduation. Students elected in their first semester shall serve a term of one year. Students elected in their third semester shall serve a term of one and one half years. Elections shall be held each semester in coincidence with the John Marshall Bar Association (JMBA) elections. If a student fails to complete the student’s term, the Honor Committee shall accept applications from that student’s class and appoint a representative by a majority vote of the committee. The appointed student shall serve until the next election when that class shall elect a representative to serve out the remainder of the vacated seat’s term.
   b. Faculty. The Dean of the College of Law shall appoint two faculty members to the Honor Committee for two year terms, with one term expiring each year. No faculty member shall serve more than two terms consecutively.
   c. Administration. The Dean of the College of Law shall appoint an Associate or Assistant Dean to serve on the Honor Committee for a term of two years. No Dean shall serve more than two terms consecutively.
   d. Internal Positions. The Honor Committee shall elect from its student members a Chairperson and a Vice-Chairperson to serve an annual term. These elected officers will administer the Honor System’s daily affairs and one will serve on the Appellate Board.
   e. Voting. Each member of the committee, except for the ex-officio member from the Office of Student Judicial Affairs, shall have full and equal voting rights.
5. Removal of Honor Committee Members.
   a. Automatic Removal. Any student member of the Honor Committee who is found guilty of an offense under this Honor Code shall be automatically removed from office and precluded from seeking a position on the Honor Committee in the future.
   b. Removal for Cause. The Honor Committee may remove a committee member by a two-thirds vote for good cause shown.
   (b) Recusal Policy. If a member of the Honor Committee has a conflict of interest at any time during the consideration of an alleged honor offense, that member shall refuse to act in the proceeding in order to avoid any impropriety, either actual or perceived. A conflict of interest arises when a person has an interest in the honor proceeding that would render the person incapable of making an objective judgment. If a Committee member fails to withdraw, the participation of that member may be challenged as follows:
The accused shall submit this evidence to the probable cause investigator, who shall then present that evidence to the probable cause sub-committee for consideration in making its determination of probable cause. In all instances, the probable cause sub-committee shall consult the ex-officio member of the Honor Committee in making a probable cause determination. The probable cause sub-committee shall determine whether there is probable cause that an honor offense occurred. Upon formation, the sub-committee shall designate one of its members to be the investigator. The investigator shall notify the accused, accumulate evidence regarding the accusation, and submit the findings to the other two members of the sub-committee. The other two members of the sub-committee shall then determine the existence of probable cause. The investigator shall vote on the issue of probable cause only to break a tie vote between the other two members of the sub-committee.
1. Probable Cause Defined. Probable cause is defined as sufficient evidence to cause a reasonable person to believe that the accused committed the offense.

2. Probable Cause Investigation. The investigator shall begin the investigation immediately upon appointment. In deciding whether there is probable cause, the sub-committee shall consider all evidence presented to it by the investigator. The investigator may present any evidence obtained from members of the law school community to the sub-committee for consideration. During the investigation, the investigator shall solicit evidence from the accused. The accused shall be advised of the right to remain silent and warned that anything said can be used against the accused at later honor proceedings.

3. Decision to Prosecute. The decision of the sub-committee that probable cause exists shall be final. The sub-committee shall immediately notify the accused and inform the accused of the three options available for adjudication which are listed in the next section.

   (d) Student Options for Adjudication. Upon a finding of probable cause, the student shall have three options: (1) pleading guilty and proceeding to sanctioning; (2) denying guilt and requesting adjudication by the Honor Court; or (3) denying guilt and requesting an Honor Committee hearing.

   1. Pleading Guilty. Upon a plea of guilty, the case shall move directly to a sanctioning hearing by three members of the Honor Committee selected in accordance with subparagraph (4)(d)(3). During this sanctioning hearing, the guilty student shall have the right to present any mitigating circumstances for the consideration of the sanctioning panel. This sanctioning panel will then determine a sanction and recommend it to the Appellate Board for final judgment.

   2. Honor Court for Adjudication. If the student chooses Honor Court adjudication, the Honor Court proceeding shall be investigated and prosecuted in a manner identical to all other Honor Court proceedings, except:
      a. College of Law Honor Code Applied. The Chancellor or Vice-Chancellor of the Honor Court shall apply the College of Law Honor Code and the University of Florida Academic Honesty Guidelines at trial.
      b. Jury. The jury shall consist of the accused’s peers. Accordingly, the jury shall consist of four disinterested law students and two disinterested graduate students from other schools at the University of Florida. In either case the jury shall be selected through voir dire and it shall be impartial.
      c. Investigators. Investigators assigned to College of Law honor offenses shall be law students. Additionally, the Honor Court may accept the investigative report volunteered to them by the Honor Committee.
      d. Sanctioning Body. The Chancellor of the Honor Court (or Vice-Chancellor, if the Vice-Chancellor presided over the trial) together with two members of the Honor Committee, excluding any members of the concerned probable cause sub-committee, shall determine the sanction of a law student convicted of an honor offense. This sanction shall be recommended to the Appellate Board pending appeal and final judgment.

3. Honor Committee Hearing. If the student chooses a hearing by the College of Law Honor Committee, the case shall be heard by three voting members of the Honor Committee, excluding any members of the probable cause sub-committee, whom the Chairperson shall choose by random method. At least a majority of this hearing panel shall be student members. In order to assure impartiality in case of an appeal, the Chairperson shall not participate in these hearings.

   a. Procedure. The Honor Committee hearing shall be a formal hearing as provided for in the Student Conduct Code within the University of Florida’s Rules and Procedures. The accused student may have an advisor present; however, only the accused shall speak on the accused’s behalf at the hearing.
   b. Standard of Proof. In order to sustain a conviction, a majority of the hearing panel must have a reasonable belief based on the evidence submitted of the guilt of the accused.
   c. Sanctioning. Upon a finding of guilt, the hearing panel shall determine an appropriate sanction in accordance with the sanctioning guidelines. This hearing panel shall recommend this sanction to the Appellate Board for final judgment.
   (e) Appeals Process. A student convicted of an Honor Code violation has the right to appeal the judgment of conviction and sanction to the Appellate Board. A student who pleads guilty may appeal the sanction to the Appellate Board. If the Honor Committee Chairperson is recused, the Vice-Chairperson shall preside. The Appellate Board shall accept all factual findings of the Honor Court jury or the Honor Committee unless they are clearly erroneous.
   1. Time Limitation on Appeals. All appeals must be presented in writing to the Chairperson of the Honor Committee within five days after sanction has been imposed.
   2. Final Appeal. A final appeal may be made to the Vice-President for Student Affairs of the University of Florida within five days of being notified of the Appellate Board’s decision.
   (f) Substantial New Evidence. Substantial new evidence is defined as evidence that was not available to the accused during the original adjudication with the exercise of reasonable diligence. If at any time subsequent to an honor offense conviction, a convicted student discovers “substantial new evidence, “the convicted student may petition the Appellate Board to determine whether further proceedings are warranted.
   (g) Voluntary Withdrawal. If an accused withdraws from the College of Law after a probable cause sub-committee has been convened to investigate the accusation and prior to a determination of the existence of probable cause or the ultimate determination of guilt or innocence, the following will take place:
   1. Records Flagged. The accused’s transcript and registration shall be flagged in accordance with University procedures. A copy of the flagged transcript shall be kept in the Dean’s Office at the College of Law.
2. Investigation Completed. The investigation into the accusation shall continue until all available evidence is collected and any witness testimony is recorded under oath in preparation for adjudication. Once the investigation is completed, the proceeding shall be stayed and files stored in accordance with subparagraph (3)(d)2., of this Honor Code.

5. SANCTIONING GUIDELINES.

(a) General Sanctions. The sanctioning body shall have full range of sanctioning authority from issuing an official reprimand to expulsion. The following sanctions reflect the minimum penalty the College of Law community shall impose when a fellow student breaches the Honor Code.

1. Records Flagged. A conviction for violating the College of Law Honor Code shall be made a permanent part of a student’s academic records at the Dean’s Office at the University of Florida College of Law. The central records of the University of Florida shall be flagged in accordance with University procedure.

2. Bar Notification. The Honor Committee shall direct that the appropriate state and federal bar association(s) are notified of all Honor Code convictions.

3. Reprimand. With the exception of those students who are expelled, suspended or placed on conduct probation, every student convicted of an honor offense shall receive a reprimand.

(b) Specific Sanctions. If a student is convicted of the following offenses, the College of Law sanctioning body shall recommend the specific sanctions listed below. However, upon a finding of extraordinary circumstances, the sanctioning body may diverge from the guidelines in order to best serve justice in the particular case. Extraordinary circumstances include, but are not limited to, a situation where the accused has come forward with a conscientious admission.

1. Academic Work. If a conviction involves cheating on a graded assignment, the convicted student shall receive a failing grade in the course.

2. Co-Curricular Competitions. If a conviction involves a co-curricular competition, the convicted student shall be disqualified from the competition and from future membership in the specific co-curricular organization. Depending on the severity of the offense, the student may be prohibited from participating in other co-curricular competitions as well.

3. Career Placement. If a conviction involves career placement, the convicted student will forfeit all future rights to participate in on-campus law school interviews.

4. Restitution. If the University of Florida has incurred any monetary loss as a result of an Honor Code violation, the convicted student shall be required to make full restitution.

(c) Optional Sanctions. The sanctioning body may recommend any of the sanctions listed below in addition to the sanctions listed in paragraphs (a) and (b) above when the offense warrants further or more specific sanctions. The sanctioning body shall strive to tailor the sanctions to fit the offense.

1. Expulsion. If a conviction warrants, or if a student has a prior conviction, the student may be expelled from the University of Florida.

2. Suspension. If a conviction warrants, or if a student has a prior conviction, the student may be suspended from the University of Florida. Suspension may be for no shorter than the remainder of a contemporaneous semester and may be for no longer than three years.

3. Conduct Probation. If a conviction warrants, the student may be placed on conduct probation as defined in the University of Florida Student Conduct Code. The sanctioning body shall recommend the length of conduct probation it deems appropriate in each case.

4. Law Library Privileges. If a conviction warrants, the convicted student may forfeit the right to use library reserve materials unless the materials are required by a Professor.

5. Clinical Programs. If a conviction warrants, the convicted student may forfeit the right to participate in professional clinics.

6. Co-curricular activities. If a conviction warrants, the convicted student may forfeit the right to participate in Co-curricular activities.

7. Reduction of Registration Priority. If a conviction warrants, the convicted student may be assigned the last registration time-slot for the convicted student’s class.

8. Educational Sanctions. The sanctioning body may require the convicted student to attend counseling, seminars, or other appropriate educational programs.

9. Community Service. The sanctioning body may require the convicted student to devote a specified number of hours to community service activities.

(d) Mitigating/Aggravating Factors. The sanctioning body shall consider the following factors in prescribing a sanction in order to assure that the sanction fits the offense:

1. Conscientious Admission. A student who voluntarily admits mistake, before gaining any knowledge that someone else may suspect that student of an honor offense, shall be entitled to have this admission considered as a mitigating factor upon sanctioning. This is because a student who has the courage and integrity to come forth with a good-faith admission has reaffirmed a personal commitment to honor. Any student interested in making a conscientious admission should contact an Honor Committee member immediately. After discussing the matter with the committee member, the student should prepare a written statement fully acknowledging any and all dishonest acts the student has performed during the particular incident in question, and should have all parties affected by the student’s actions sign and date the document. The statement should include a clause attesting to the fact that
the student admitted the acts before being approached by anyone concerning the matter. Any member of the Honor Committee contacted by a student wishing to make a conscientious admission shall immediately notify the Chairperson or, if the Chairperson is unavailable, the Vice-Chairperson.

2. Prior Convictions. Prior convictions under the Honor Code shall be considered as aggravating factors during sanctioning.

(e) Victims Rights. The involved faculty member or student or other victim shall have the right to appear before the sanctioning body and present information concerning the appropriate sanction.

(f) Other Jurisdictional Sanctions. Each student’s actions are also subject to federal, state, and local laws which are beyond the jurisdiction of the College of Law.

Specific Authority 240.227(1), 240.261 FS. Law Implemented 120.81(1), 240.133, 240.202, 240.261 FS. History–New 7-11-94, Amended 4-30-95, 5-1-96.

6C1-4.022 Student Affairs: Postponement of Disciplinary Hearing Due to Pending or Possible Criminal or Civil Charges.
If the student charged with a violation of the Student Conduct Code wishes to have the hearing postponed because there is pending or possible, civil or criminal litigation which he or she feels might be prejudiced by the findings of the hearing, such postponement may be granted provided the student requests a hearing before the appropriate primary judicial body and the hearing is held. The student shall be informed whether he or she would be placed on probation or suspended prior to making a decision to postpone the hearing. The deadline to request a hearing postponement is five (5) business days from the date of the first informational meeting. Following the approval of a hearing postponement, the student is allowed 30 calendar days to reschedule a hearing.

Specific Authority 1001.74(4), 1006.60 FS. Law Implemented 120.81(1), 1001.74(10), 1006.60 FS. History–New 9-29-75, Formerly 6C1-4.22, Amended 1-19-03.

6C1-4.023 Student Affairs: Student Waiver of Right to Formal Disciplinary Hearing.
In the event a student charged with a violation of Rule 6C1-4.016, F.A.C., desires to waive the right to a formal hearing by the appropriate official or hearing body designated in Rule 6C1-4.013, F.A.C., and the student so indicates in writing, the Director of Student Judicial Affairs, Assistant Director of Student Judicial Affairs, Coordinator of Residential Judicial Programs or Residence Directors, provided he/she agrees to accept jurisdiction, may make a determination of fact in an informal proceeding and take appropriate action concerning the alleged violation.

Specific Authority 240.227(1) FS. Law Implemented 120.81(1), 240.132, 240.133, 240.227(1), 240.261 FS. History–New 9-29-75, Amended 4-24-88, 4-30-95.

6C1-4.024 Student Affairs: Summary Disciplinary Hearing.
Notwithstanding anything contained in Rule 6C1-4.023, F.A.C., in the event a student charged with a violation of Rule 6C1-4.016, F.A.C., which, in the opinion of the Director of Student Judicial Affairs, if proven, would not warrant a penalty in excess of two semesters probation, and the student does not waive his or her right to a hearing before the appropriate official or hearing body as provided in Rule 6C1-4.013, F.A.C., the hearing can be held before the Chairperson of the Student Conduct Committee, the Assistant Director of Student Judicial Affairs, or the Director of Student Judicial Affairs rather than before the full Committee. The hearing shall be held in accordance with procedures outlined in the Student Conduct Code, subsection 6C1-4.016(4), F.A.C.

Specific Authority 1001.74(4) FS. Law Implemented 120.81(1), 1001.74(10), 1006.60 FS. History–New 9-29-75, Amended 9-15-83, Formerly 6C1-4.24, Amended 5-18-92, 1-19-03.

6C1-4.025 Student Affairs: Conflict of Jurisdiction in Student Discipline.
In the event that a matter involving student discipline is within the jurisdiction of more than one primary judicial body, the Director of Student Judicial Affairs shall determine which judicial body shall hear the charge.

Specific Authority 240.227(1) FS. Law Implemented 120.81(1), 240.132, 240.133, 240.227(1), 240.261 FS. History–New 9-29-75, Formerly 6C1-4.25.

The transcripts and future registration records of students subject to disciplinary action are flagged in accordance with the following guidelines:

(1) The Dean of Students Office will flag the records where:

(a) Such a request is made by the UF Student Honor Court due to pending action for which a penalty may be assessed under the Academic Honesty Guidelines;

(b) A student has committed disciplinary acts culminating in suspension and/or expulsion;
(c) A student has failed to appear before the Director of Student Judicial Affairs or designee, the Coordinator of Residential Judicial Programs or the Student Honor Court when reasonably notified as to his or her involvement in disciplinary matters;

(d) A student with severe behavior problems is no longer attending the University, and it is the determination of the Director of Student Judicial Affairs that a complete review of his or her record is to be made prior to readmission.

(2) When a student requests issuance of his or her transcript to another educational institution, outside agency or individual, such transcript shall be issued subject to the following guidelines:

(a) If the student has had a disciplinary action taken against him/her which falls under paragraph (1)(a) or (b) above, the transcript can only be sent with an overlay indicating that disciplinary action has been or will be taken, and in situations involving paragraph (1)(c) or (d) above, the Director of Student Judicial Affairs will review the record to determine and decide whether the transcripts should be sent with an overlay.

(b) The overlay states: “This transcript reflects only the academic record of the student; this student currently is not in good standing and further information should be requested from the Dean of Students Office.”

(3) The Dean of Students Office has adopted the following Retention of Records Policy: Student disciplinary records will be maintained in the Dean of Students Office for a period of six years from the student’s matriculation at the University. Student conduct records shall be retained for longer periods of time or permanently if the student was expelled, dismissed, suspended or blocked from enrollment and in situations that may result in future litigation. The student conduct file of an accused student shall be destroyed if the student is not found responsible for violating the Student Conduct Code. Notwithstanding the foregoing, if during the semester of the student’s graduation, the student requests in writing that his or her disciplinary record be destroyed, that record will be evaluated. The record will be destroyed provided the student had committed only one disciplinary violation which resulted in a written reprimand, and did not:

(a) Cause personal injury;
(b) Cause property damage;
(c) Result in a felony violation of a state controlled substance law;
(d) Disrupt the orderly operation of the University;
(e) Violate the firearm, explosives, dangerous chemicals, ammunition or weaponry regulations of the University;
(f) Rise to the level of magnitude, or impact of violations described in paragraphs (a)-(e) above; or
(g) Comes within the jurisdiction of the Off-Campus Conduct section of the Student Conduct Code.

Specific Authority 1001.74(4), 1006.61 FS. Law Implemented 120.81(1), 1001.74(10), 1006.60 FS. History–New 9-29-75, Amended 9-15-83, Formerly 6C1-4.26, Amended 5-18-92, 5-19-93, 6-21-00, 3-12-03, 12-31-03.

6C1-4.027 Student Affairs: Student Employment.

(1) Students desiring to work for the University of Florida must complete a general information data sheet and obtain a work permit.

(2) All job openings are publicly displayed and all applicants are considered.

(3) The Student Employment Office administers employment and payroll matters for University of Florida students only.

(4) No student is permitted to actually begin work before sign-up is completed in the Student Employment Office.

(5) Payroll appointment forms must be received by the Student Employment Office not later than 5:00 p.m. two (2) work days prior to the end of the pay period.

(6) Students will be approved to work as follows:

Undergraduate Graduate

<table>
<thead>
<tr>
<th>Class</th>
<th>Allowable work</th>
<th>Class</th>
<th>Allowable work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours</td>
<td>hours each week</td>
<td>Hours</td>
<td>hours each week</td>
</tr>
<tr>
<td>0-5</td>
<td>40</td>
<td>0-6</td>
<td>40</td>
</tr>
<tr>
<td>6-8</td>
<td>30</td>
<td>7-11</td>
<td>30</td>
</tr>
<tr>
<td>9-11</td>
<td>27</td>
<td>12-15</td>
<td>20</td>
</tr>
<tr>
<td>12 +</td>
<td>15-20</td>
<td>15-17</td>
<td>up to 15</td>
</tr>
</tbody>
</table>

Exceptions will be evaluated by petition, and variances approved based on existing circumstances.

(7) Rates of pay for student employees are administered by uniform pay schedules developed by the Office for Student Financial Affairs in coordination with the Division of Human Resources.

(8) Emergency payroll checks are approved and processed for any student missing the payroll due to error made by the Student Employment Office.

(9) Employment verification is limited to place and length of employment. All other information released must be done at student request.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (3), (5), (7), 240.237 FS. History–New 9-29-75, Amended 4-5-77, Formerly 6C1-4.27.
6C1-4.028 Student Affairs: Financial Aid.

(1) The University of Florida administers all aid programs according to federal, state and institutional laws, policies, and guidelines and makes every effort to maximize the assistance to the extent of fund availability to all students who qualify and are eligible for financial aid without regard to race, sex, religion, creed, national origin, age or physical handicap. University of Florida loans, grants, scholarships and student employment programs eligibility requirements are determined by the President based on recommendations from the Student Financial Affairs Committee. This committee is appointed annually by the President, is composed of academic and administrative representation of the various colleges and departments of the University and includes four student members. The committee is responsible for:

(a) Evaluating student aid policy and recommending changes when needed to achieve the goals of the University;
(b) Making periodic review and evaluation of the Student Financial Affairs department’s administrative capability and recommending improvements; and
(c) Serving as an appeals body for student aid grievances.

(2) Use of Financial Aid. Financial aid funds are used to assist students in pursuit of their higher education goals. The primary purpose of student aid is to provide financial resources to students who would otherwise be unable to attend school. The major uses for financial aid funds are to meet needy student requirements, academic programs, merit scholarships, and Affirmative Action. Funds to meet the goals of the University are obtained from the Student Financial Aid Fee, Other Personal Services (OPS) allocations, interest income, fee waivers, fines and penalties, foundation funds, and Charity Day Race proceeds.

(3) Distribution of Financial Aid. The University of Florida, Office of Student Financial Affairs, will disseminate financial aid information to parents and students; provide financial aid applications beginning January 1 each year for the upcoming fall term; notify parents and students of their award eligibility; and keep records and statistical financial aid data for the University.

(a) Need-Based Aid. Funds are distributed on a priority basis to students who apply after January 1 each year and who have a demonstrated financial need, as determined by a nationally recognized need-analysis system, and who complete all student aid application requirements. The optimum financial aid package varies considerably due to student classification, family financial status, availability of funds and application date. It is the objective of the Office for Student Financial Affairs to provide needy students with an equitable distribution of gift aid and self-help.

(b) Academic Merit and No-Need Awards. Academic merit, or no-need assistance, is awarded to University of Florida students according to their academic standing, achievement test scores, or ability to contribute to the institution.

(c) Affirmative Action. In support of the State of Florida and University of Florida Affirmative Action goals, special programs have been implemented that earmark financial aid (e.g., grants, scholarships, waivers) funds to support this effort.

(d) Talent and Performance Awards. The University recognizes special student talents and qualities in artistic, athletic, technical and other areas, and awards scholarships, grants, and waivers for such contributions.

(4) Applications for financial aid and the supporting parent/student financial information documents must be received by certain dates established by the Office for Student Financial Affairs. Such dates are announced by the Director of Student Financial Affairs through appropriate news media and other mass communications means in sufficient time to allow applicants to meet the established deadline. Funding of applicants who submit applications and financial documents after the established deadline is contingent upon appropriations and the availability of student aid funds. All undergraduate applicants must apply for the Federal Pell Grant, and all Florida resident undergraduate applicants must apply for the Florida Student Assistance Grant.

(5) The Office for Student Financial Affairs requires the completion of a parent/student financial statement called the Free Application for Federal Student Aid (FAFSA). This document is produced by the Federal Department of Education. Requests for financial assistance are recognized upon receipt, by Student Financial Affairs, of results from the need analysis of information reported on the FAFSA, except in instances where State and Federal regulations specify other needs analysis systems or in situations where the Office for Student Financial Affairs agrees to accept equally reliable analysis documents.

(6) Students must notify the Office for Student Financial Affairs of any change in their personal financial resources and that of their parents’ that might have a bearing on their financial aid award.

(7) Eligibility for postponement of payment of University fees will be based on the projected arrival date of the resource from which fees are to be paid.

(8) Petitions for review of decisions made by the Office for Student Financial Affairs will be accepted for the following reasons:

(a) If student or parent disagrees with a decision of the office;
(b) To provide supplemental information for purposes of amending a student’s original request.

(9) Students may request a hearing with the following committees to appeal any action concerning their financial aid applications:

(a) Students who elect to appeal a decision concerning their failure to maintain satisfactory academic progress in accordance with the policy established by the Student Financial Affairs Committee may request a hearing by the Academic Progress Appeals Committee.
(b) Students who elect to appeal any other decision concerning their financial aid award or application may request a hearing by the Student Financial Affairs Committee.

Specific Authority 240.227(1), 240.287, 240.4042(2) FS. Law Implemented 240.287, 240.4042, 240.437 FS. History–New 9-29-75, Amended 4-5-77, 8-4-80, Formerly 6C1-4.28, Amended 12-28-87, 5-23-96.
6C1-4.029 Student Affairs: University Housing; Assignment Priorities.
Assignment priority for first-time-in-college students to University housing space is based upon the date of receipt of prepayment for dormitory rent for single student housing or the date the application is received for family student housing.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (12), (13), (17) FS. History–New 9-29-75, Amended 8-19-79, Formerly 6C1-4.29.

6C1-4.031 Student Affairs: University Single Student Housing; Requirement for Signed Agreement.
Students occupying space in University Residence Halls are required to execute an agreement entitled “Residence Hall Agreement”, Form CG, effective September 1, 1999, which can be obtained from the Office of University Housing, University of Florida, Gainesville, Florida 32611, and which is hereby incorporated by reference.


6C1-4.032 Student Affairs: University Married Student Housing; Requirement for Signed Agreement.
Students and families occupying University Housing are required to execute an agreement entitled “Family Housing Registration Certificate”, Rev. 8/95, which is available from Office of University Housing, and which is hereby incorporated by reference.


6C1-4.035 Student Affairs: Health and Accident Insurance Requirements for Foreign Students.
No foreign student shall be permitted to register or be permitted to continue enrollment at the University of Florida without demonstrating that he or she has adequate medical insurance coverage for illness or accidental injury. A medical insurance policy or certificate that restricts its use to a specific institution, hospital clinic, infirmary or other health care agency, restricts its use to a particular locale, or provides that the insurance proceeds are not payable in United States currency will not be deemed adequate.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (8), 240.233(3) FS. History–New 8-15-78, Formerly 6C1-4.35.

6C1-4.036 Student Affairs: Involuntary Withdrawal for Medical or Psychological Reasons.
(1) A student who poses a significant danger of imminent or serious physical harm to himself/herself or others at the University will be involuntarily withdrawn from attendance at the University by the Vice President for Student Affairs or his/her designee upon appropriate consultation with the Director of the Student Health Care Center, the Director of the University Counseling Center and the Dean of Students or their respective designees.
(2) A student subject to involuntary withdrawal shall be furnished:
   (a) Notice of intent to render a determination pursuant to this rule and the reasons thereof, prior thereto;
   (b) An advisor designated by the Dean of Students;
   (c) An opportunity to present relevant information for consideration of his/her case personally or by representation.
(3) If at any time the Vice President for Student Affairs or his/her designee determine, upon a review of all available information and surrounding circumstances, that any student’s condition presents a danger of significant harm to the student or others, the student will be subject to a temporary withdrawal, pending a further determination. A student subject to such withdrawal shall be offered an opportunity to meet with the Vice President of Student Affairs or his/her designee, immediately prior thereto and within thirty-six hours thereafter, to discuss the matter and shall be offered the opportunity to provide credible documentation from an appropriate healthcare provider who has conducted a reasonable assessment of the student and concluded that the student does not pose a significant present or imminent threat to himself/herself or others.
(4) A student subject to involuntary withdrawal shall receive a refund of fees on medical grounds, as provided in Rule 6C1-3.0371, F.A.C. Applications or petitions for readmission by students subject to involuntary withdrawal shall be considered and evaluated as provided in subsections (1) and (2) above.


6C1-4.038 Student Affairs: Student, Spouse, Domestic Partner, and Dependent Services and Benefits.
(1) Full-time students, their spouses, and qualified dependent children are eligible for the services and benefits set forth in the Undergraduate and Graduate Catalogs and the student government sponsored insurance, which is available for purchase by University students.
(2) Domestic partners of full-time students who qualify under the University’s Domestic Partner Services Policy, Rev. 03/02, and their qualified dependents, are eligible for certain services and benefits as provided in the Undergraduate and Graduate Catalogs and the student government insurance, which is available for purchase by University students. The criteria for domestic partners of full-time students and their dependent children is also set forth in the above documents, incorporated herein by reference.

Specific Authority 229.0081(2), 229.0082(1) FS. Law Implemented 229.0061(2)(e)6., 229.0081(2), 229.0082(1) FS. History–New 10-10-02.
CHAPTER 6C1-5 J. HILLIS MILLER HEALTH CENTER

6C1-5.001 J. Hillis Miller Health Center; Information Service; Release of Information. (Repealed)
6C1-5.002 J. Hillis Miller Health Center; Student Immunizations.
6C1-5.011 J. Hillis Miller Health Center; College of Dentistry; Definitions. (Repealed)
6C1-5.012 Health Center; Dentistry; Enrollment Limitation. (Repealed)
6C1-5.013 Health Center; Dentistry; Student Admissions (D.M.D. Program). (Repealed)
6C1-5.014 Health Center; Dentistry; Admissions. (Repealed)
6C1-5.015 Health Center; Dentistry; Curriculum Requirements. (Repealed)
6C1-5.016 Health Center; Dentistry; Graduation Requirements. (Repealed)
6C1-5.017 Health Center; Dentistry; Academic Probation. (Repealed)
6C1-5.021 J. Hillis Miller Health Center; College of Health Related Professions; Admissions. (Repealed)
6C1-5.022 Health Center; Health Related Professions; Degree Requirements. (Repealed)
6C1-5.023 Health Center; Health Related Professions; Miscellaneous. (Repealed)
6C1-5.031 J. Hillis Miller Health Center; College of Medicine; Admissions. (Repealed)
6C1-5.032 Health Center; Medicine; Degree Requirements. (Repealed)
6C1-5.033 Health Center; Medicine; Miscellaneous. (Repealed)
6C1-5.041 J. Hillis Miller Health Center; College of Nursing; Admission Requirements. (Repealed)
6C1-5.042 Health Center; Nursing; Degree Requirements. (Repealed)
6C1-5.043 Health Center; Nursing; Miscellaneous. (Repealed)
6C1-5.051 J. Hillis Miller Health Center; College of Pharmacy; Admissions. (Repealed)
6C1-5.052 Health Center; Pharmacy; Undergraduate Degree Requirements. (Repealed)
6C1-5.053 Health Center; Pharmacy; Graduate Degree Requirements. (Repealed)
6C1-5.054 Health Center; Pharmacy; Transfer of Credits. (Repealed)
6C1-5.055 Health Center; Pharmacy; Probation. (Repealed)
6C1-5.056 Health Center; Pharmacy; Miscellaneous. (Repealed)
6C1-5.061 J. Hillis Miller Health Center; College of Veterinary Medicine; Admission Requirements. (Repealed)
6C1-5.062 Health Center; Veterinary Medicine; Degree Requirements. (Repealed)
6C1-5.071 J. Hillis Miller Health Center; Shands Teaching Hospital and Clinics; Mission. (Repealed)
6C1-5.072 Health Center; Teaching Hospital; Director. (Repealed)
6C1-5.073 Health Center; Teaching Hospital; Patients. (Repealed)
6C1-5.074 Health Center; Teaching Hospital; Patients. (Repealed)
6C1-5.075 Health Center; Teaching Hospital; Practice Privileges. (Repealed)
6C1-5.076 University of Florida College of Medicine Policies and Procedures for Discipline, Grievances, Nonrenewal, Suspension or Dismissal of a Resident.
6C1-5.0761 University of Florida College of Medicine Resident; Fringe Benefits, Leaves and Outside Employment.
6C1-5.0762 J. Hillis Miller Health Center, College of Medicine; Faculty Evaluation and Improvement. (Repealed)
6C1-5.0763 University of Florida College of Medicine; Duty to Maintain Clinical Privileges.
6C1-5.077 Health Center; Teaching Hospital and Clinics; Collection Efforts; Indigent Patients; Write-off of Accounts; and Settlement of Delinquent Accounts. (Repealed)
6C1-5.081 J. Hillis Miller Health Center; Veterinary Medical Teaching Hospital; Mission. (Repealed)
6C1-5.082 J. Hillis Miller Health Center; Veterinary Medical Teaching Hospital; Director. (Repealed)
6C1-5.083 J. Hillis Miller Health Center; Veterinary Medical Teaching Hospital; Patients. (Repealed)
6C1-5.084 J. Hillis Miller Health Center; Veterinary Medical Teaching Hospital; Patients. (Repealed)
6C1-5.085 J. Hillis Miller Health Center; Veterinary Medical Teaching Hospital; Practice Privileges. (Repealed)

6C1-5.002 J. Hillis Miller Health Center; Student Immunizations.

(1) Students in the colleges and programs identified below must submit to their college prior to the beginning of their clinical rotation proof that they have received the immunization(s) required by this rule:

<table>
<thead>
<tr>
<th>College</th>
<th>Designated Students</th>
<th>Required Immunization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dentistry</td>
<td>All</td>
<td>Hepatitis B</td>
</tr>
<tr>
<td>Health Professions</td>
<td>Clinical &amp; Health Psychology</td>
<td>Hepatitis B</td>
</tr>
<tr>
<td></td>
<td>Physical Therapy</td>
<td>Hepatitis B</td>
</tr>
<tr>
<td></td>
<td>Occupational Therapy</td>
<td>Hepatitis B</td>
</tr>
<tr>
<td></td>
<td>Rehabilitation Counseling</td>
<td>Hepatitis B</td>
</tr>
<tr>
<td></td>
<td>(in-hospital rotation)</td>
<td></td>
</tr>
<tr>
<td>Nursing</td>
<td>All</td>
<td>Hepatitis B</td>
</tr>
<tr>
<td>Medicine</td>
<td>All</td>
<td>Hepatitis B</td>
</tr>
</tbody>
</table>
Veterinary Medicine                    All                      Rabies (both pre- and post-exposure)

(2) Students may obtain the required immunizations at the Student Health Care Center or at another licensed health care provider of their choice. In either case, the cost of the immunization will be borne by the student.

(3) The required immunization(s) may be waived by the appropriate college upon receipt of appropriate documentation from the student that the administration of immunizing agents conflicts with the student’s religious tenets or practices.

Specific Authority 240.227(1) FS. Law Implemented 240.227(8) FS. History–New 5-21-89, Amended 11-13-90, 7-17-97.

6C1-5.076 University of Florida College of Medicine Policies and Procedures for Discipline, Grievances, Nonrenewal, Suspension or Dismissal of a Resident.

(1) The position of the resident (the term resident applies to interns, residents and fellows) presents the dual aspects of a student in post-graduate training and a participant in the delivery of patient care. A resident’s continuation in the training program is dependent upon satisfactory performance as a student and the maintenance of satisfactory professional standards in the care of patients. Behavior that reflects poorly on the professional standards, ethics and collegiality are all components of a resident’s academic evaluation. Disqualification of a resident as a student or as a member of the health care team disqualifies the resident from further continuation in the program.

(2) Grievances: A grievance is defined as dissatisfaction when a resident believes that any decision, act or condition affecting his or her program of study is arbitrary, illegal, unjust or creates unnecessary hardship. Such grievance may concern, but is not limited to, the following: academic progress, mistreatment by any University employee or student, wrongful assessment of fees, records and registration errors, discipline (other than nonrenewal or dismissal) and discrimination because of race, national origin, sex, marital status, religion, age, veteran’s status, or disability, subject to the exception that complaints of sexual harassment will be reviewed by the Chair of the Sexual Harassment Committee.

(a) Prior to invoking the grievance procedures described herein, the resident is strongly encouraged to discuss his or her grievance with the person(s) alleged to have caused the grievance. The discussion should be held as soon as the resident becomes aware of the act or conditions that is the basis for the grievance. In addition, or alternatively, the resident may wish to present his or her grievance in writing to the person(s) alleged to have caused the grievance. In either situation, the person(s) alleged to have caused the grievance might respond orally or in writing to the resident.

(b) If a resident decides against discussing the grievance with the person(s) alleged to have caused such, or if the resident is not satisfied with the response, he or she may present the grievance to the Chair or Associate Chair. If, after discussion, the grievances cannot be resolved, the resident may contact the Director of Graduate Medical Education (DGME). The DGME will meet with the resident and will review the grievance. The decision of the DGME will be communicated in writing to the resident and constitute the final action.

(3) Procedure for Suspension. The Chief of Staff of a participating and/or affiliated hospital where the resident is assigned, the Dean or Dean’s designee, the DGME, the President of the Hospital, the Chair, Associate Chair or Program Director (PD) may at any time suspend a resident from patient care responsibilities. The resident will be notified of the reasons for the suspension and will be given an opportunity to provide information in response within five (5) working days of the date the notice was issued. The resident may be suspended from further patient care and may be assigned to such other duties as determined and approved by the Chair or Associate Chair. The resident shall be reinstated (with or without the imposition of academic probation or other conditions) or termination proceedings shall be commenced within thirty (30) days of the date of suspension. Such suspension and assignment of the resident to other duties may continue until final conclusion of the process. The PD may direct that the resident use accrued annual leave during the suspension. The resident shall be afforded all due process and appeal procedures as set forth below.

(4) Procedure for Nonrenewal.

(a) A resident’s contract may be non-renewed in the event of unsatisfactory performance or training progress, failure to adhere to acceptable behavior, loss of requisite funding for the program and/or the determination by the Senior Associate Dean that it is in the best interests of the program. In the event that the PD decides not to renew a resident’s appointment, the resident shall be provided written notice. Programs should provide a resident with as much written notice of the intent not to renew as the circumstances will reasonably allow, prior to the end of the agreement of appointment.

(b) If requested in writing by the resident, within five (5) working days of the date the notice was issued, the Chair or Associate Chair will meet with the resident; this meeting should occur within ten (10) working days of the written request. The resident may present relevant information regarding the proposed nonrenewal decision. The resident may be accompanied by an advisor during this meeting held pursuant to these procedures.

(c) If the Chair or Associate Chair determines that nonrenewal is appropriate, he or she will use his or her best efforts to present the decision in writing to the resident within ten (10) working days of the meeting. If a determination of nonrenewal is made, the resident will be provided with appropriate notice, an opportunity to be heard, and all due process and appeal procedures as set forth below.

(5) Procedure for Dismissal.
(a) In the event the PD of a training program concludes that a resident should be dismissed prior to completion of the program, the PD shall inform the Chair or Associate Chair in writing of this decision and the reason or reasons for the decision.

(b) The resident will be notified and provided a copy of the letter of proposed dismissal, and, upon request, will be provided with previous evaluations, complaints, counseling letters and other documents that support the recommendation. If requested in writing by the resident, within five (5) working days of the date the notice was issued, the Chair or Associate Chair will meet with the resident; this meeting should occur within ten (10) working days of the written request. The resident may present relevant information regarding the proposed decision. The resident may be accompanied by an advisor during any meeting held pursuant to these procedures but the advisor may not speak on behalf of the resident.

(c) If the Chair or Associate Chair recommends termination, he or she will use their best efforts to present the decision in writing to the resident within ten (10) working days of the meeting. The resident shall be informed of the right to appeal and meet with the DGME.

(6) Procedure for Appeal.

(a) If the resident appeals a decision the appeal must be made in writing to the Director of Graduate Medical Education or designee(s) within 10 working days from receipt of the Chair’s or Associate Chair’s decision. Failure to institute such an appeal within 10 working days will render the decision final.

(b) The DGME or designee(s) will be provided the recommendation, previous evaluations, counseling letters, and other documents that support the recommendation. The resident will be notified of the date of the meeting with the DGME or designee(s). The meeting should occur within fifteen (15) working days of the DGME’s or designee(s) receipt of the appeal. The DGME may conduct an investigation and uphold, modify or reverse the recommendation for suspension, nonrenewal, or dismissal. The DGME or designee(s) will notify the resident in writing of the conclusion of the appeal. If the decision is to uphold a suspension, the decision of the DGME or designee(s) is final. If the decision is to uphold the nonrenewal or dismissal, the resident may file within ten (10) working days a written appeal to the Dean of the College of Medicine or designee. Failure to file such an appeal within ten (10) working days will render the decision of the DGME or designee(s) final.

(c) The Dean or designee will inform the DGME or designee(s) of the appeal. The DGME or designee(s) will provide the Dean or designee a copy of the recommendation with accompanying documents and any other material submitted by the resident or considered in the appeal decision. The Dean or designee should render a decision within fifteen (15) working days, but failure to do so is not grounds for reversal of the decision. The Dean or designee shall notify in writing the Chair or Associate Chair, the DGME, the PD and resident of the decision. The decision of the Dean or designee shall be final.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), (19), 1001.75(3), 1006.60, 1006.61, 1006.62, 1012.92 FS. History–New 8-15-78, Formerly 6C1-5.76, Amended 12-28-87, 5-23-96, 7-3-01, 6-27-02, 1-7-03, 6-3-03.

6C1-5.0761 University of Florida College of Medicine Resident; Fringe Benefits, Leaves and Outside Employment.

(1) The College of Medicine residents and fellows shall consist of full-time or part-time appointees in a program of graduate medical education within an academic department in the College of Medicine who have the title of resident or fellow (hereafter referred to as residents). They are also known as “house officers”. These appointees shall be graduates of a Liaison Committee for Medical Education (LCME) or American Osteopathic Association (AOA) approved medical degree program or have a valid certificate from the educational commission for foreign medical graduates or have a full and unrestricted license to practice medicine in a U.S. licensing jurisdiction or be a graduate of medical school outside the U.S. who has completed a Fifth Pathway Program provided by an LCME accredited medical school and be enrolled in postdoctoral training within a selected area of specialty. Appointments are usually on a twelve-month basis and compensation is usually from Other Personal Services (OPS) funds. Shorter periods of appointment may be appropriate under some circumstances. Graduates of foreign medical schools must have all appropriate documentation, examination results and immigration status. Salaried residents shall be entitled to fringe benefits, and abide by leave provisions and policies governing outside employment/activity as described in this rule.

(2) Fringe Benefits. Residents are eligible to receive benefits from life, disability and health insurance programs provided by the College of Medicine resident fringe benefit program and will remain covered under the health, disability and life insurance policies while on educational assignment. Screening of residents for infectious diseases, prophylaxis/treatment for exposure to communicable disease and immunizations shall be provided directly by the College of Medicine or through arrangements with other health providers. All residents are required to have documentation of immunity to measles, mumps, hepatitis B, varicella and rubella, and to have an annual tuberculosis skin test. Residents shall be required to comply with the infection control policies and procedures of the facilities where their resident rotations occur.

(3) Leave.

(a) General Policies. Residents shall be entitled to leave with pay for the purpose of annual and sick leave depending upon the length of appointment during the academic year July 1 through June 30, as described in this section. Leave will be granted and charged in one-day increments for each workday of leave requested and approved.

1. If specialty board regulations for annual and sick leave accrual and usage differ from that outlined in this rule, written notification of the board policy shall be completed by the program director (PD) and submitted to the Dean for approval. The confirmation of the board policy will be maintained in the respective department and the Office of the Dean.
2. The total maximum time a resident can be away from a program in any given year or for the duration of the residency program shall be determined by the requirements of the specialty board involved. If leave time is taken beyond what is allowed by the University or the applicable specialty board, the resident may be required to extend the period of activity in the Program accordingly in order to fulfill the appropriate specialty board requirements. The resident will be paid for makeup or extended time if funds are available. However, residents are not automatically entitled to additional training beyond the prescribed number of years in order to achieve board eligibility in the designated specialty. Any such extension of the residency and the required funding must be consistent with the specialty board requirements and be approved by the Program Director (PD) and the Dean of the College of Medicine or his designee.

3. Unused sick and annual leave are considered non-payable leave, and there is no entitlement for lump-sum payment for unused leave upon separation or completion of training.

4. All absences must be approved by the PD.

(b) Types of Leave.

1. Sick Leave.
   a. All residents shall accrue sick leave at the rate of ten working days per year of full employment.
   b. Residents shall be entitled to utilize sick leave for personal illness. Sick leave may also be used for serious illness or death in the immediate family (spouse, parents, brothers, sisters, children, grandparents, and grandchildren of both resident and spouse).

2. Annual Leave.
   a. All residents shall accrue annual leave at the rate of fifteen working days per year of full employment. Residents may be permitted to carry over unused annual leave to a new academic year, if it is consistent with departmental policy and approved by the PD. An excess of twenty-five (25) workdays cannot be accumulated.
   b. Annual leave shall be reported when used, and approved by the PD.
   c. Annual leave should not be fragmented into less than one-week periods except under unusual circumstances and must be taken at the time approved by the PD.
   d. Annual leave may be advanced to residents proportionate to expected service. The amount of advanced sick leave will not exceed that which can be earned during the remainder of the academic year.
   e. Sick leave which has been granted and used but not earned by the resident at the time of separation from the academic department will require an appropriate reduction for the value thereof in the final stipend payment.
   f. Residents may not carry over unused sick leave to a new academic year.

5. Leave of Absences.

3. Military Leave. Absences for temporary military duty (e.g., two-week annual training) may be taken from annual leave or if insufficient annual leave is accumulated, the resident must be placed on leave without pay for such absences. If activated from reserve to active duty status, the resident will receive thirty (30) days full pay before going on leave without pay. Insurance policies will remain in effect for dependents during period of active duty for one year. Additional extensions require special approval from the Dean of the College of Medicine.

4. Holidays. Residents shall be entitled to observe all official holidays designated by the Department of Administration for state employees except when they are on call for clinical responsibilities. Residents on Veterans’ Administration Medical Center (VAMC) rotations shall be entitled to observe all official holidays designated by the federal government for Veterans Administration employees except when they are on call for clinical responsibilities. When on duty or call for clinical responsibilities on designated holidays, this assignment will be considered as a part of the residency and will not result in extra remuneration.

5. Leave of Absences.
   a. Educational Assignment: Residents shall be eligible for leave of absence with pay pertaining to education provided it is allowed by the appropriate board and approved by the PD.
   b. Licensure Examination Leave for residents taking American specialty board and state licensure examinations will be authorized for compensated leave of absence at the discretion of the PD. The leave will not exceed the time actually required for taking the examination and for travel to and from the place of examinations. Only one licensure and one specialty exam shall be authorized per resident. Any additional absence will be charged to annual leave or leave without pay if annual leave is not available.

   a. Requests for maternity and paternity leave, or any other type of leave of absence without pay must be submitted to the PD for approval. The duration of maternity leave before and/or after delivery will be determined by the resident and her physician in consultation with the PD.
   b. Leave of absence without pay for greater than six months will be unusual and require special approval by the PD.
c. Accrued annual and sick leave may be used prior to the resident being placed on leave without pay. Residents taking leave without pay can only use hours accumulated prior to the leave request; hours not yet accrued cannot be advanced since he/she will not earn leave while on leave without pay. The date of leave begins after annual and sick days are used.

d. In special circumstances, leave may be granted for residents involved in adoption with the advance approval of the PD.

e. The resident must submit in writing the request for leave of absence without pay for approval by the PD and the Director of Graduate Medical Education (DGME). The letter must contain the purpose of the leave of absence; the period of leave to be taken; if an extension is needed, the resident must write a new letter indicating the new date of return; acknowledgment that the academic department will cover the insurance benefits for two to six months after which time the resident may purchase such coverage for a time period consistent with COBRA regulations; acknowledgement that the residency program may be extended by the amount of time taken as leave, as required by the Specialty Board.

7. Leave of Absence With Pay.

a. Under special circumstances consistent with a medically-documented illness or disability, an approved leave of absence may be requested for a period not to exceed six months.

b. During such an approved leave of absence, eligible residents will continue to receive salary and all fringe benefits. Once long term disability coverage begins, the resident will be taken off payroll but benefits will continue for up to six months. After six months, the resident may purchase such coverage for a time period consistent with COBRA regulations.

c. Leave begins after annual and sick days are used. At the discretion of the PD, annual leave and sick leave may be advanced to a resident proportionate to expected service but cannot exceed that which can be earned during the remainder of the academic year.

d. The resident must submit in writing the request for leave of absence with pay for approval by the PD and the DGME. The letter must contain the purpose of the leave of absence; period of leave to be taken; if an extension is needed, the resident must write a new letter indicating the new date of return; and acknowledgment that the residency program will be extended by the amount of time taken as leave, as required by the Specialty Board.

e. Upon a resident’s return from leave, a Return to Work Notification letter must be written to the DGME by the PD indicating that the resident has returned, the date of the return, the status of the resident’s return to work and a statement regarding the resident’s ability to resume the duties of the position.

8. Leave Requests – Approval and Record-Keeping. Residents have the responsibility of keeping their department informed of all leaves and obtaining the required approval from the PD. Each academic department is responsible for maintaining actual leave accruals. The leave records should indicate when the resident is on a Veterans Affairs Medical Center (VAMC) rotation and accruals and usage should continue to be recorded by the department. When a resident takes leave while on a VAMC rotation, a deduction should be made from both sets of records.

9. Outside Employment. In order to guarantee residents a full educational experience, the following policy regarding outside employment shall apply.

a. All residents must adhere to State University System Guidelines regarding outside activities/outside employment, conflict of interest, and additional compensation. Such outside activity includes private practice, private consultation, or other employment outside State government which is not part of assigned University duties and for which the University provides no compensation. Each program must have rules regarding outside and extracurricular activity which meets their specialty board requirements and University of Florida College of Medicine policy. Each program’s rules regarding programmatic and nonprogrammatic professional activity must be reviewed by the Graduate Medical Education Committee (GMEC). A summary annual report of nonprogrammatic and programmatic professional activities of residents must be provided by the PD to the GMEC.

b. Any professional activities which are outside the established educational program must not interfere with the residents’ educational process or quality care of patients. Programs, departments and services will be responsible for enforcement of this policy. Violation may lead to immediate dismissal. Residents may not be required by their Programs to engage in outside activities. There are two usual categories of outside activity:

i. Programmatic Activity: These activities are initiated by departments to provide clinical experiences which often are not afforded within the standard curriculum and which usually occur at non-campus health care affiliates. Supplemental salary income is provided by the University to residents who participate in programmatic activities. A contractual agreement between the College of Medicine and sponsoring health care facility for programmatic outside activity must exist, with a copy sent to the GMEC. Compensation for this activity must be directed to the appropriate department for payment to participating residents. Such opportunities will be available to qualified residents without restrictions. All residents participating in programmatic outside activity must sign a Programmatic Professional Activity form (also called Certification for Special Duty), FA PR XDHC/10-94, incorporated herein by reference and which can be obtained from the appropriate Dean’s Office for the College of Medicine. This must be signed by the Chair or PD and Dean or appropriate Dean’s designee, or for Jacksonville residents, the Associate Chair or PD and the Senior Associate Dean for Jacksonville Programs or appropriate Senior Associate Dean’s designee.

ii. Non Programmatic Activity: These activities are initiated by the resident and do not involve any agreement between the College of Medicine and the outside employer. The College of Medicine and the University take no responsibility for any action or problem arising from professional activities which are initiated by the resident and do not involve any agreement between the College of Medicine and the outside employer. Programs have total authority to decide whether Nonprogrammatic activities are allowed in keeping with their specialty board guidelines and curriculum. Nonprogrammatic activity of residents by the Gainesville
Veterans Affairs Medical Center is included in this policy. The resident is not provided with Self Insurance coverage nor is there University Workers Compensation coverage while engaged in nonprogrammatic activity. All residents participating in Nonprogrammatic Outside Activity must complete a Nonprogrammatic Professional Activity Form, May 2001, incorporated herein by reference and which can be obtained from the appropriate College of Medicine Dean’s Office, that stipulates that the resident understands that the activity is not a College of Medicine employment duty; that the resident is fully responsible for malpractice coverage, workers compensation and other insurance; that the resident has made it clear to their outside employer or other recipient of services that they are not engaging in such outside activity as an employee, agent, or spokesperson of the University of Florida, or the State University System; that the resident understands and agrees that the University of Florida has no obligation, responsibility or liability for any injury or harm incurred during the performance of or as a result of the outside activity. This form must have approval and signature by the Chair, Associate Chair or PD and the Dean of the College of Medicine or his designee.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5) FS. History–New 5-18-92, Amended 6-28-98, 7-3-01.

6C1-5.0763 University of Florida College of Medicine; Duty to Maintain Clinical Privileges.
A faculty member assigned or required to practice or deliver clinical services at any health care facility is responsible for establishing and maintaining clinical privileges at that health care facility.

(1) If, at any time and for any reason, such a faculty member’s clinical privileges are suspended at any such health care facility, then the University shall place the faculty member on leave without pay for a period equal to the period of suspended privileges.

(2) If, at any time and for any reason such a clinical faculty member’s clinical privileges are terminated at any such health care facility, then the University shall dismiss the employee from their clinical position of employment in accord with the provisions of Rule 6C1-7.048, F.A.C.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5), (26) FS. History–New 7-3-01.
CHAPTER 6C1-6 INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE

6C1-6.001 IFAS; Mission.
The mission of the University of Florida’s Institute of Food and Agricultural Sciences (UF/IFAS) is to develop knowledge in agriculture and natural resources and to make that knowledge accessible to sustain and enhance the quality of human life. The mission is carried out statewide through the three closely related functions of teaching, research and extension.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), 240.501, 240.503, 240.505, 240.507, 240.511 FS. History–New 9-29-75, Formerly 6C1-6.01, Amended 5-19-93, 5-1-96.

6C1-6.007 IFAS; Qualifications and Appointment of County Extension Faculty.

(1) New appointees to any County Extension director position must have a minimum of a Master’s degree from an accredited college or university. Degree major required varies with position, and is determined by the Dean for Extension in cooperation with county government. In selecting directors, emphasis will be placed upon the candidate’s proven ability to organize and conduct successful Extension programs through the program development process, his personality and disposition with regard to teaching and working with people, and his knowledge and ability to interpret and apply specific subject matter in a practical manner.

(2) For other faculty members, a Master’s degree is preferred. A Bachelor’s degree is required. Degree major requirements vary with the position and the County government. Organizational and teaching ability, personality, and the knowledge a candidate possesses are important factors in selection.

(3) Selection of County Extension Faculty –

(a) When a position becomes available within a County Extension Office, it will be the responsibility of the Florida Cooperative Extension Service to notify the Chairman of the Board of County Commissioners of the County in which the vacancy exists, or his/her designated representative(s), in writing, that the position is available.

(b) If no resolution, as provided for in Section 240.505(3), F.S., is received by the Florida Cooperative Extension Service, the Service shall recommend one qualified candidate to the Board of County Commissioners, and shall continue recommending persons until one is selected.

(c) Upon receipt of a resolution from the Board of County Commissioners, the Florida Cooperative Extension Service shall send to the Chairman of the Board of County Commissioners, or his/her designated representative(s), a list of three (3) or more qualified candidates for the county faculty position, or so shall state that fewer than three (3) qualified candidates are available and list those who are so qualified. If the candidates are rejected by the Board, the Extension Service will continue to forward lists of at least three (3) qualified candidates, if available, until a selection is made.
(4) If the County determines that it will not continue to contribute to an established County position, or if County support for a position is insufficient to attract or hold a qualified person, the Florida Cooperative Extension Service will terminate the position in that County. If the person occupying a terminated position has rendered creditable service and has permanent status, the Florida Cooperative Extension Service will offer a transfer to him if another appropriate vacancy exists and is available to be used for the appointment.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), 240.505 FS. History–New 9-29-75, Amended 8-15-78, 8-26-81, Formerly 6C1-6.07.

6C1-6.008 IFAS; Faculty Evaluation.
(1) Each faculty member shall be evaluated annually. Unit administrators and District Extension Directors will complete the evaluation process including the prescribed evaluation forms by March 31 for all faculty. The Vice President for Agriculture and Natural Resources and/or each functional dean shall issue annually, or as needed, instructions about conducting the faculty evaluation including the prescribed evaluation forms.

(2) The evaluation for faculty members and County Extension faculty members include:
(a) A statement of situation including the description of the position the faculty member occupies in relation to long range unit mission and goals.
(b) A statement of annual work goals of the faculty member.
(c) An annual faculty achievement statement prepared by the faculty member.
(d) An evaluation ratings section including comments on both the faculty member and the unit administrator.

(3) The performance evaluation for each County Extension faculty member shall be conducted annually by the supervising District Extension Director. The Dean for Extension will revise and issue additional instructions on performance evaluation annually or as needed. The performance evaluation criteria include:
(a) Position description;
(b) Program development (planning, implementation, and evaluation);
(c) Affirmative action compliance – compliance review;
(d) Professional improvement activities;
(e) Working relationship; and
(f) Critical incidents that are notably good or unacceptable.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5), 240.245, 240.511 FS. History–New 9-29-75, Formerly 6C1-6.08, Amended 5-19-93, 6-28-98.

6C1-6.009 IFAS; Promotion, Tenure, and Permanent Status.
(1) Criteria for promotion of County Extension Faculty – The following criteria, in addition to the criteria set forth in Rule 6C1-7.019, F.A.C., are considered when determining the merit for promotion purposes of all county extension faculty members. They are not applied so as to affect a rank presently held. Each county extension director and/or district extension director must supply documentation to support these criteria.

(a) Performance – A major factor in making promotion decisions is annual performance as determined through established systems of program review and evaluation. The performance criteria include demonstrated achievement in developing and implementing county extension programs within areas of responsibility as identified in the position description, and utilizing the processes described below. Specific criteria are:
1. Identifiable educational programs, reflecting advisory committee input that: (1) address clientele or societal needs, problems, concerns, or issues; (2) target definitive audiences through the use of a variety of educational methods; (3) reflect substantive progress or impact; and (4) reflect accountability to requisite stakeholders and interest groups.
2. Evidence of promotion and implementation of the Equal Employment Opportunity Program and the Affirmative Action Plan of the University of Florida and the Florida Cooperative Extension Service in the conduct of all Extension programs and activities.
3. Evidence of effective working relationships with Extension clientele.
4. Evidence of contribution to the total County Extension program.
5. Evidence of effective working relationships with other Extension personnel.
6. Evidence of involvement in the actual teaching of clientele, i.e., presentation of subject matter content through workshops, short courses, use of computers, clinics, meetings, etc.
7. Evidence of writing and developing educational materials in support of planned programs, i.e., leaflets, pamphlets, news articles, exhibits, radio/TV as appropriate, etc.
8. Above average performance evaluations. Faculty considered for Extension Agent IV would usually be rated consistently strong or above.
9. Faculty considered for promotion to Extension Agent IV must have at least area or statewide recognition for their educational programs within one or more assigned program areas.
10. Program Leaders must have evidence of program leadership in their assigned area.
11. Nominees who are county extension directors must have, in addition to evidence of accomplishments within assigned area(s) of program responsibility, evidence of program leadership for all program areas in their county, i.e., agriculture, natural resources, home economics, 4-H, marine advisory, energy, and/or rural development. County extension directors should also reflect leadership and teaching in such areas as staff development and training, organization, and training of advisory committees, budget development, and program accountability with government and clientele groups.

(b) Professional Competence – The faculty member should have:

1. Developed competence in the specific subject matter and related fields involved in the position held as outlined in the position description.
2. A professional development plan based on individual needs and followed through with the plan as appropriate.

(c) Professional Status and Activity – The faculty member should:

1. Be recognized by clientele as a leader in assigned areas of responsibility.
2. Participate in recognized professional organizations.
3. Serve in a leadership role in recognized professional organizations.
4. Develop, adapt, experiment with, and evaluate educational resource materials and techniques, and share these as appropriate with other Extension faculty members.

(d) Community Service – The faculty member should have:

1. Participated in community and civic organizations and activities.
2. Participated in projects and committees, as requested, involving the University of Florida at the local level.

(e) Academic Degree(s) – Position descriptions and ranks specify degree requirements.

(f) Annually, the Dean for Extension sends a letter requesting names of those county extension faculty members whom the county extension director and/or district extension director believe should be recommended for promotion. The decision to promote is based on the criteria for promotion for county extension faculty as follows:

1. Qualifications for Rank, County Extension Agent I – New appointees must hold at least a Bachelor’s degree. The appointees must possess all necessary qualifications for the Extension position.
2. Qualifications for Promotion to Rank, County Extension Agent II (equivalent to Assistant Professor) – Major considerations for promotion are determined by the items listed under criteria for promotion of all county extension faculty. In addition, the candidate shall hold a Master’s degree, or be acceptable for graduate study toward a Master’s degree, and have completed at least fifty percent of the course work for the degree.

(g) Qualifications for Promotion to Rank, County Extension Agent III (equivalent to Associate Professor) – Major considerations for promotion are determined by the items listed under criteria for promotion of all county extension faculty. In addition, the candidate shall:

1. Hold a Master’s degree.
2. Show promise of establishing a reputation as a leader in his or her field.
3. Have produced creative work, professional writing, or carried out Extension studies or research.

(h) Qualifications for Promotion to Rank, County Extension Agent IV (equivalent to Professor) – Major considerations for promotion are determined by the items listed under criteria for promotion for all county extension faculty. In addition, the candidate shall:

1. Hold a Master’s degree.
2. Have established a reputation as being outstanding in his or her field of specialization.
3. Have produced creative work, professional writing, or carried out Extension studies or research of high quality.

(2) Tenure – For a faculty member administratively assigned to a research or a research and education center, the chair of the appropriate discipline or commodity department in which the faculty member is accruing time towards tenure, shall, after receiving the recommendation of the center director responsible for the center to which the faculty member is administratively assigned, make a recommendation on the nomination for tenure of the faculty member in accordance with Rule 6C1-7.019, F.A.C. Tenure is only granted in an academic department.

(3) Permanent Status.

(a) Permanent status insures the county extension faculty member of certain commitments by the Florida Cooperative Extension Service should the county terminate without cause the faculty member’s position in the county. In the event a county extension faculty member with permanent status is terminated without cause by the county:

1. The Florida Cooperative Extension Service shall reassign the faculty member to a temporary position at the University of Florida for the next contract year of the faculty member, with the understanding that the county extension faculty member will first apply for each similar county position that is or becomes vacant during the contract year. The temporary employment of the faculty member will be terminated at the end of the contract year. The faculty member’s permanent status shall likewise be terminated at the end of the contract year in the event the faculty member has not previously secured another position with a county.
2. Such reassignment shall not decrease the annual salary of the county extension faculty member.

(b) Permanent status is with the Florida Cooperative Extension Service, not the county.

(c) Permanent status is not granted for county extension administrative positions but only for the equivalent county extension faculty rank held by the member. Permanent status shall not be awarded to those holding the rank County Extension Agent I.
(d) A county extension faculty member of the Florida Cooperative Extension Service, whose overall performance is worthy and who is serving in a permanent status accruing rank, shall be considered and recommended for permanent status or given a notice of non-renewal by the end of seven years of continuous academic service. The performance of a faculty member and progress toward permanent status is evaluated each year prior to being granted permanent status and a letter is written by the county extension director to the supervising district extension director either recommending that the faculty member “be continued in a permanent status accruing position” or “not be continued in a permanent status accruing position”.

(e) County extension faculty members being considered for permanent status prior to the seventh year may withdraw from consideration without prejudice by written mutual agreement between the faculty member and the District Extension Director. Faculty members being considered for promotion may withdraw from consideration; this withdrawal from consideration for promotion or for permanent status must be made prior to a decision by the President.

(f) Annually the district extension director supplies each county extension director under his or her supervision with a list of those faculty members on the county staff who do not have permanent status.

(g) Annually a letter is sent by the district extension director to each faculty member in a permanent status accruing position under his or her supervision clearly stating:

1. His or her level of performance;
2. The strengths and the weaknesses of the faculty member; and
3. Whether or not the faculty member will be recommended to be continued in a permanent status accruing position.

(h) The procedure for recommendation and approval of permanent status is the same as for tenure.

(4) The Vice President for Agriculture and Natural Resources appoints annually a committee composed of a representative cross section of the total faculty in Institute of Food and Agricultural Sciences (IFAS). The committee serves in a fact-finding and consultative role to the IFAS deans and the Vice President for Agriculture and Natural Resources concerning nominations for tenure, promotion, and permanent status.

(5) The amendments to paragraphs (3)(d) and (3)(e) of this rule shall be effective May 7, 2004.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1004.37 FS. History–New 9-29-75, Amended 8-15-78, 2-12-82, 8-12-82, 9-15-83, Formerly 6C1-6.09, Amended 5-19-93, 7-27-98, 3-2-03, 6-3-03.

6C1-6.011 IFAS; Leave.

(1) County Extension faculty members of the Florida Cooperative Extension Service accrue and use sick and annual leave in adherence to the leave policy prescribed by the University of Florida, unless otherwise established in a Memorandum of Understanding signed by authorized representatives of both the University and the specific county involved. Official leave records for sick and annual leave shall be maintained by the University of Florida. IFAS Extension employees located in county extension offices shall adhere to the holiday schedule prescribed by the Board of County Commissioners unless specified differently in a Memorandum of Understanding signed by authorized representatives of both the University and the specific county involved.

(2) Leave records of faculty members who received, prior to September 1, 1969, from the Vice President for Agriculture and Natural Resources, approval to accumulate up to 66 working days of accrued annual leave to be used for the sole purpose of professional improvement, are credited with the number of days accumulated for the purpose and they must use the number of days of leave accumulated and recorded for this purpose only.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1004.37 FS. History–New 9-29-75, Formerly 6C1-6.11, Amended 6-28-98, 7-19-01, 1-7-03.

6C1-6.0111 IFAS; Insurance Coverage for Federal Appointees.

(1) Cooperative Extension employees, which include state and county extension faculty, having both state and federal appointments and participating in the Federal Civil Service Retirement System are eligible for both state and federal insurance coverage.

(2) Effective January 1, 1991, any Cooperative Extension employee meeting the criteria set forth in subsection (1) above must select coverage from either the federal or state health insurance plans. This provision shall apply to current as well as future Cooperative Extension employees.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1012.96 FS. History–New 11-13-90, Amended 1-7-03.

6C1-6.013 IFAS; Florida 4-H Youth Development Programs and Participation.

(1) The youth development component of the Cooperative Extension Service is the 4-H program. The Dean for Extension authorizes the use of the 4-H name and emblem in Florida in accordance with Federal law.

(2) The purpose of 4-H is the development of youth through design and delivery of experiential programs that utilize the scientific knowledge and research of land grant universities.

(3) Programs are determined through educational needs assessments that include input from local communities, analysis of state and national trends and issues, availability of human and financial resources, current educational research, and expert faculty opinion.
(4) Program participants include children and youth, and adults who have an impact on the quality of life for Florida’s children and youth. Programs are provided to individuals, organizations, and institutions that do not discriminate on the basis of race, color, sex, disability, or national origin. Participation may be limited based on age and/or developmental level pursuant to program guidelines as developed in subsection (5) of this rule.

(5) Faculty authorized to use the 4-H name and emblem establish and publish program guidelines, in consultation with appropriate county or state 4-H advisory groups and subject to approval by the Dean for Extension. Faculty may also establish program rules for competitive events.

(6) Institutions and organizations with which 4-H programs are cooperatively conducted, parents, or guardians or individual youth participating in 4-H community-based groups, must sign a statement of understanding that describes the program and conditions of participation, including costs.

(7) While no membership or participation fee is required, fees may be charged for materials, appropriate health insurance coverage, or other expenses associated with the educational program as established by the Cooperative Extension Service.

(8) The 4-H volunteers working directly with youth will be screened utilizing procedures and standards consistent with federal and state laws.


6C1-6.014 IFAS; Vaccination of Personnel.

Upon the joint decision of the Department chairman, Department of Veterinary Science, and the University of Florida Health Services officials, the faculty, staff, and/or students of the Department may be required to be vaccinated for various diseases of animals transmissible to man.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5), (8), 240.233 FS. History--New 9-29-75, Formerly 6C1-6.14.

6C1-6.015 IFAS; Outside Activity Guidelines.

(1) Permission to accept outside employment or to engage in private business activities is subject to the conditions, limitations, or restrictions outlined in University Rule 6C1-1.011, F.A.C. The following guidelines have been developed to assist Institute of Food and Agricultural Sciences (IFAS) faculty members and administrators in evaluating the appropriateness of certain outside activities with regard to the particular concerns and goals of IFAS.

(2) Faculty may be involved in outside activities in which they have a financial interest under conditions set forth in Rule 6C1-1.011, F.A.C., and this rule. In general, involvement in such activities should not exceed an average of one day (eight hours) per seven-day week or 52 days in a fiscal year. These 52 days may be taken as annual leave, official time, weekends, or holidays. Participation in these activities cannot conflict with University duties, responsibilities, or obligations. Other professional outside activities that do not involve personal financial interests must also be disclosed to ensure that no conflict exists with University duties, responsibilities, or obligations. Any outside activities must be of such character as not to damage in any way the prestige of IFAS or the University of Florida.

(3) When approval for outside employment activity is obtained by the faculty member under this rule, accrued annual leave must be used when regular work hours are involved unless the use of official time is specifically approved.

(4) Consulting conditions, limitations, or restrictions which apply when performing outside employment, including services as an expert witness, whether or not a fee is to be paid for the services, provided the faculty has been subpoenaed, are as follows:

(a) Consulting within and outside of the United States will be performed only after appropriate administrative approval has been granted.

(b) Limited amounts of consulting work on official time may be permitted; however, decisions will depend upon the nature of the activity and the extent to which the activity is expected to contribute to the professional development of the individual or to the overall interest of the University. Justification for use of official time must be provided and related to the specific professional responsibilities of the faculty member.

(c) Consulting within the State of Florida, though not prohibited, is highly restricted and must not in any way conflict or compete with the normal services of IFAS. Generally, before consulting within the State of Florida will be authorized, the following conditions must be met:

1. The appropriate unit administrator must certify in writing with supporting documentation that the requested services are above and beyond those which can be provided through the normal resources and programs of IFAS.

2. The individual or organization requesting the services must indicate in writing that he or she or its representative fully understands that the services requested are beyond what IFAS could be expected to render and that he or she or its representative is willing to pay for these services.

3. The requested services to be performed within the State of Florida must not be those that could be performed by recognized professional consulting services within the State of Florida.
(5) Expert witness service, like other forms of consulting, is an outside activity. To avoid the appearance of “taking sides,” IFAS policy is that its faculty and administrative and professional Technical, Executive, Administrative and Managerial Support (TEAMS) employees are not to act as expert witnesses in the State of Florida. Employment as an expert witness on a legal matter outside the State of Florida can be permitted as long as there is no likely adverse impact on IFAS operations and mission and such service is otherwise allowed under University rules and state law.

(6) An IFAS faculty member is not permitted to engage in any outside activity involving a personal financial interest in which intellectual property rights to inventions and works are not retained by the University of Florida pursuant to Rule 6C1-1.018, F.A.C.

(7) Whenever a community college requests the time of a faculty member a written request for this time is made to the University of Florida through the individual who is being asked to perform the function. If the subject is related to the IFAS mission, such an activity is generally not approved as an outside activity. However, if the individual faculty member wishes to perform the teaching function requested by the community college; if work load adjustments are possible; and if the request is granted appropriate administrative approval, the teaching load would become a part of the regular responsibility of the faculty member during the period of involvement. The community college must reimburse IFAS for the time devoted to the teaching function. If the subject matter of the class is outside the IFAS mission, the request will be considered as any other outside activity.


6C1-6.016 IFAS; Visitation to or Use of Certain Facilities.

(1) Visitation to the Research and Education Centers or other IFAS managed properties in Florida:

(a) Members of the public wishing to tour the Research and Education facilities may do so provided they obtain permission in advance from a faculty member associated with the facilities and that when touring the facilities they are accompanied by an IFAS employee.

(b) Minor children, singly or in groups, when visiting the research centers, departments, or other IFAS research and education sites must be accompanied by parents or a responsible adult at all times.

(2) Use of IFAS facilities by outside groups is restricted to organizations that have direct research, extension or teaching programmatic relationships with IFAS. The University will charge maintenance or minor use fees to cover direct costs incurred from proposed uses.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6) FS. History–New 9-29-75, Formerly 6C1-6.16, Amended 5-19-93, 6-28-98, 3-12-03.

6C1-6.017 IFAS; Publications.

(1) Production, Procurement and Distribution

(a) As a part of its mission, the Institute of Food and Agricultural Sciences (IFAS) may produce, procure, and distribute educational publications and materials to its county Extension offices and research centers for dissemination to the general public. Publications are also available by mail. See subsection (4) below.

(b) IFAS publications shall be made available to the public without charge except that:

1. No more than one (1) copy of five (5) separate publications may be taken without charge. All above this amount shall be sold at the cost of production and distribution.

2. Certain publications designated as “for sale” shall be made available at the printed price of the publication plus handling and distribution cost including Florida sales tax.

(2) For Sale Publications

(a) At its discretion, IFAS may designate publications or materials as for sale because of the cost involved in producing or procuring these materials for the public.

(b) No faculty or staff member of IFAS shall use personal funds to purchase publications or materials for resale.

(c) Publications and/or materials produced by IFAS shall be considered copyrighted to UF/IFAS. Use of these publications or materials may be liberally granted if the user agrees to give appropriate credit for source and author.

(3) Vocational Agriculture – Up to 10 copies of publications not designated for sale may be given to vocational agriculture teachers for use in school libraries.

(4) Information for requests for publications can be obtained by writing to: Publications, Building 440, University of Florida, P. O. Box 110011, Gainesville, Florida 32611-0011.

(5) All payments shall be accepted only in U.S. dollar transactions.

6C1-6.018 IFAS; Diagnostic Services.
When examining specimens submitted to the Institute of Food and Agricultural Sciences (IFAS) by commercial enterprises or the public for diagnostic purposes, IFAS may charge a fee to cover the cost of such diagnostic services, provided the service involves more than a casual inspection of the specimen. The amount of the fee will be determined by IFAS based on the actual cost of providing such services.

Specific Authority 240.227(1) FS. Law Implemented 240.501, 240.503, 240.505 FS. History–New 9-29-75, Formerly 6C1-6.18, Amended 5-19-93.

6C1-6.019 IFAS; Eligibility for Expanded Foods and Nutrition Education Program (EFNEP).
Eligibility for participation in EFNEP, a program of the Florida Cooperative Extension Service, shall be based on level of income, presence of young children in the household, and willingness to cooperate in educational learning experiences and to provide a food recall information as required under Federal program guidelines. The basis for identifying low income households shall be the Federal Poverty Income Guidelines distributed by the United States Department of Health and Human Services.

Specific Authority 240.227(1) FS. Law Implemented 240.501, 240.503, 240.505 FS. History–New 9-29-75, Formerly 6C1-6.19, Amended 5-19-93.

6C1-6.021 IFAS; Guidelines for Implementation of the Plan as Related to 4-H Clubs and Florida Association for Family and Community Education Clubs.

(1) Each County Extension faculty member responsible for the organization and operation of 4-H clubs and/or family and community education clubs shall comply with these guidelines for the implementation of the Affirmative Action Plan (AAP) of the Florida Cooperative Extension Service as it relates to the organization and operation of 4-H clubs and/or family and community education clubs in each county.

(2) The following definitions apply for these guidelines:
(a) Geographic Areas: The term “geographic areas” refers to those areas from which members of the County Extension Advisory Committees are drawn or selected. (Specifically, those are the areas from which members of the County Extension Family and Consumer Sciences Committee and County Extension 4-H Advisory Committee are selected.) These geographic areas are usually quite large and they may also be sometimes known as Affirmative Action Planning Districts. Usually (though not always) these geographic Planning Districts coincide with County Commissioner districts.

(b) Local Neighborhood and Community Boundaries: This is a term used in the Affirmative Action Plan to delineate those areas that have been (or may be in the future) identified by the County Extension faculty and Extension Advisory Committees as forming natural or logical community or neighborhood areas. For the purposes of this rule they will be called “Community Areas”. These boundaries may be based upon criteria such as recognized neighborhoods, city blocks, housing complexes, apartment complexes, natural boundaries (i.e., rivers, highways, railroads or major streets), election precincts or in some cases school districts. The only real tests to be applied to the development of these boundaries is that race, color or national origin may not be used as a determining factor! They must be logical boundaries and no “gerrymandering” can be involved.

(c) Club: This is the term used for 4-H clubs and/or family and community education clubs. Each club that serves a multi-racial Community Area (not to be confused with the County Geographic Areas) shall be integrated in proportion to the population mix in the Community Area served by the club.

(3) Guidelines for 4-H Clubs and Family and Community Education Clubs (Old and New).
(a) Each club shall serve a definite Community Area that is clearly delineated on a map and the Community Area boundaries must be described in narrative form.
1. Clubs and boundaries must be approved (documented in minutes) by a properly structured functional extension Advisory Committee.

2. More than one club may exist in the same Community Area when needed. Factors that influence the number of clubs needed in Community Area are the number of potential members, facilities, available leaders, etc.

(b) The racial composition (by number and percent) of each Community Area served by a club(s) shall be determined. This ratio shall be used to determine the needed percent of integration to be considered in full compliance with the Affirmative Action Plan goal if it is in an interracial community. Until this ratio is achieved, all reasonable effort shall continue to be implemented on an annual basis. If this ratio cannot be determined the population ratio of the county shall be used. The source of such determination shall be documented, i.e.; census report, Extension Advisory Committee decision, etc.

(c) One-race clubs may be formed and/or maintained in a one-race Community Area provided that the overall intent of the Affirmative Action Plan is met on a county-wide basis.

(d) If a club(s) serves an interracial Community Area and the club(s) membership is made of one race, all reasonable efforts shall be exerted to integrate the club.

(e) The term “all reasonable effort” shall include all three of the following:
1. Use of all available mass media, including radio, newspaper, and television, to inform potential recipients of the programs and of the opportunity to participate.
2. Personal letters and circulars addressed to defined potential recipients inviting them to participate, including dates and places of meetings or other planned activities.
3. Personal contacts by the County Extension Faculty to a representative number of potential minority recipients in a manner best suited to seek their active participation in programs. Contacts shall be made through such channels as school, church, civic fraternal groups and personal visits with potential minority participants.

(f) A major thrust to exert all reasonable effort shall be conducted between September 1 and December 31 of each year. Certification to the Dean of Extension as to the status of each club shall be as of December 31 annually. Such certification shall be due in the Dean’s office by January 15. All reasonable effort shall be documented for audit purposes.

(g) The county extension faculty shall comply with the intent of the AAP. Each club shall contain members in proportion to the population mix of the Community Area served by the club. Each county must show progress in the implementation of the provisions of the Affirmative Action Plan, if it is not in full compliance. In cases where progress is not shown the Dean for Extension shall review each case and where necessary require discontinuance of educational programs.

CHAPTER 6C1-7 ACADEMIC AFFAIRS

6C1-7.001 Academic Affairs; Organization. (Repealed)
6C1-7.0011 Academic Affairs; Applicability of Personnel Rules. (Repealed)
6C1-7.002 Academic Affairs; Definition of Instructional and Research Faculty. (Repealed)
6C1-7.003 Academic Affairs; Academic Personnel Employment Plan: Academic Appointments, Types of Appointments, Appointment Status Modifiers, and Academic-Administrative Classification Titles.
6C1-7.0031 Academic Affairs; Eminent Scholars Program. (Repealed)
6C1-7.004 Academic Affairs; Faculty and Appointments: Screening and Selection, Notice of Initial Appointments, Renewal of Appointments, and Delegation of Authority.
6C1-7.0041 Academic Affairs; College of Medicine; Clinical Faculty Teaching Appointments; Restrictive Covenants.
6C1-7.005 Academic Affairs; Equivalent Academic Titles; Tenure or Permanent Status Accruing. (Repealed)
6C1-7.006 Academic Affairs; Faculty Classifications for Employees of Associate Agencies. (Repealed)
6C1-7.007 Academic Affairs; Administrative and Professional Staff Appointments: Screening, Selection, Promotion, Notice of Appointments, and Renewal of Appointments. (Transferred to 6C1-3.048)
6C1-7.008 Academic Affairs; Rank of Emeritus Status; Eligibility. (Repealed)
6C1-7.009 Academic Affairs; Faculty Appointments, Delegation of Authority. (Repealed)
6C1-7.010 Academic Affairs; Faculty Evaluation and Improvement: General Policy, Areas of Performance to be Evaluated, Sources of Data for Evaluation, Methods of Evaluation, Utilization of Evaluations, Sustained Performance Evaluation and Administrative Evaluation.
6C1-7.011 Academic Affairs; Evaluation and Improvement of Administrative and Professional Staff: General Policy, Methods of Evaluation, and Utilization of Evaluation. (Transferred to 6C1-3.049)
6C1-7.012 Academic Affairs; Faculty Appointments, Joint Status. (Repealed)
6C1-7.013 Academic Affairs; Non-Renewal of Non-Tenured or Non-Permanent Status Faculty Appointments: Appointments Subject to Non-Renewal Notification, Non-Renewal Notification Requirements, and Non-Renewal Transmittal Procedures.
6C1-7.014 Academic Affairs; Leave of Absence, Maternity Leave for Faculty. (Repealed)
6C1-7.015 Academic Affairs; Leave of Absence, Military Service. (Repealed)
6C1-7.016 Academic Affairs; Leave of Absence, Jury Service. (Repealed)
6C1-7.017 Academic Affairs; Resignations. (Repealed)
6C1-7.018 Academic Affairs; Academic Freedom and Responsibility.
6C1-7.019 Academic Affairs; Tenure and Promotion: Definition, Eligibility, Granting of Tenure, Criteria, Procedures and Methods of Processing, Confidential Nature of Materials and Discussions, Reports and Appeals, Permanent Status and Sustained Performance Evaluations.
6C1-7.020 Academic Affairs; Promotion of Administrative and Professional Staff. (Transferred to 6C1-3.054)
6C1-7.021 Academic Affairs; Promotion from Instructor to Assistant Professor. (Repealed)
6C1-7.022 Academic Affairs; Instructors: Requirement of Promotion in Fourth Year of Employment or Notice of Non-Reappointment. (Repealed)
6C1-7.023 Academic Affairs; Non-Tenured Faculty Members; Consideration for Tenure. (Repealed)
6C1-7.024 Academic Affairs; Promotion and Tenure, Method of Processing. (Repealed)
6C1-7.025 Academic Affairs; Permanent Status for County Extension Faculty and P. K. Yonge Developmental Research School Faculty.
6C1-7.026 Academic Affairs; Promotion and Tenure, Criteria. (Repealed)
6C1-7.027 Academic Affairs; Promotion and Tenure, Confidential Nature of Materials and Discussions. (Repealed)
6C1-7.028 Academic Affairs; Instructional and Research Faculty: Contract Periods, Summer Employment, and Holidays. (Repealed)
6C1-7.029 Academic Affairs; Leaves: Annual Leave, Sick Leave, Job Related Disability Leave, Compulsory Disability Leave, Military Leave, Jury Duty and Court Appearances, Professional Development and Faculty Development Leave Programs, Accrual During Leave with Pay, Leave without Pay, Maternity and Child Adoption Leave, and General Provisions. (Repealed)
6C1-7.030 Academic Affairs; Promotion and Tenure, Reports and Appeals. (Repealed)
6C1-7.031 Academic Affairs; Appeal Procedures, Faculty Grievances. (Repealed)
6C1-7.032 Academic Affairs; Personnel Exchange Program.
6C1-7.0321 Academic Affairs; Faculty Foreign Service. (Repealed)
6C1-7.033 Academic Affairs; Tenure Eligibility, VA Employees in J. Hillis Miller Health Center Colleges. (Repealed)
6C1-7.034 Academic Affairs; Tenured Faculty Members Transferred to Other Departments. (Repealed)
6C1-7.035 Academic Affairs; Perquisites and Benefits: Free Course Enrollment. (Transferred to 6C1-1.012)
6C1-7.036 Academic Affairs; Complaints Against Faculty Members.
6C1-7.037 Academic Affairs; Academic Freedom and Tenure. (Repealed)
6C1-7.003 Academic Affairs; Academic Personnel Employment Plan: Academic Appointments, Types of Appointments, Appointment Status Modifiers, and Academic-Administrative Classification Titles.

(1) Academic Personnel (AP) Employment Plan.
(a) The University of Florida maintains a uniform employment plan for Academic Personnel of the University. As used herein “Academic Personnel” comprises the faculty, and certain graduate and professional student appointments, and excludes members of the University Support Personnel System (USPS) and Technical, Executive, Administrative and Managerial Support (TEAMS). The Academic Personnel Plan includes all authorized class titles and codes; the class specifications; employment and professional status modifiers; and instructions for implementing and maintaining the Academic Personnel Plan.
(b) The Academic Personnel classification consists of positions having the principal responsibility of teaching and/or research, extension and/or providing administrative functions directly related to the academic mission and accomplishment of the University goals.
(2) Academic Appointments. The academic appointees of the University shall consist of personnel holding the academic ranks of assistant professor, associate professor, professor or above, the equivalent in academic ranks in the instructional, research, or extension units or other academic functions, and personnel holding other specialty faculty or student titles identified below. Equivalent faculty ranks may be granted in the scholar, scientist, engineer, and curator series.
(a) Academic Ranks and Titles.
1. Eminent Scholar (Faculty Title). Funds are provided to the University to create endowment programs which include the Eminent Scholar Endowed Chairs and the endowed professorship programs. The criteria for appointment to the tenure eligible rank of Eminent Scholar in the endowed chair program shall be developed by the dean of the recipient’s college in consultation with
faculty members. Such criteria shall include, but not be limited to, an outstanding professional reputation and outstanding contribution of scholarly activities. Eminent Scholar shall not be considered a promotional rank. The President shall select the candidate to be offered the appointment as an Eminent Scholar.

a. University faculty members whose performance meets the criteria of an established endowment are eligible for consideration for the endowed professorship program. The decision concerning the recipient of an endowed professorship rests with the administration of the academic college or unit in consultation with the faculty members of that college or unit.

b. The Eminent Scholar and endowed professorship programs may be evaluated on an annual basis using recognized academic standards and each college or unit will be responsible for submitting a report on each Eminent Scholar and the endowed professorship programs upon request of the Provost or President.

2. Graduate Research Professor (Faculty Title). The rank of Graduate Research Professor was awarded to recognize outstanding accomplishment and an international reputation in teaching and research. This title is no longer awarded.

3. Distinguished Service Professors and Research Curators (Faculty Titles). The rank of Distinguished Service Professor was awarded to recognize outstanding accomplishment in teaching, extension, or service while at the University. The rank of Distinguished Research Curator was used to recognize outstanding accomplishments in research, service, and, where applicable teaching, in either the Florida Museum of Natural History or the University libraries. These titles are no longer awarded.

4. Distinguished Professor (Faculty Title). This title is granted to tenured faculty holding the rank of professor or its equivalent to recognize a distinguished and exceptional record of achievement beyond the level of professor that is recognized both nationally and internationally. An exceptional record of achievement is one that places the candidate at the top of the discipline in research, as defined in Rule 6C1-7.019, F.A.C., with distinction in the areas of teaching and service as also defined in that rule. Distinguished Professor shall not be considered a promotional rank. Recommendations for the award of the title of Distinguished Professor are processed under the same procedures used for the recommendation for promotion under Rule 6C1-7.019, F.A.C., except that nomination for this award is to be initiated by the appropriate college dean or equivalent administrator. Candidates may not be self-nominated.

5. Professor (Faculty Title). Candidates for this tenure eligible faculty rank shall be qualified for the rank of associate professor and in addition, be a recognized national or international authority or an outstanding teacher in his or her field or specialization. A candidate for this rank must have a distinguished record of achievement beyond the level of associate professor.

6. Associate Professor (Faculty Title). Candidates for this tenure eligible faculty rank shall hold the highest degree appropriate to his or her field or possess professional qualifications in his or her field above those which would be equivalent to the highest degree appropriate to his or her field. He or she is expected to have produced creative work, professional writing, or research, and to have had successful teaching or professional experience. A candidate for this rank must have a distinguished record of achievement beyond the level of assistant professor.

7. Assistant Professor (Faculty Title). Candidates for this tenure eligible faculty rank shall hold the highest degree appropriate to his or her field or possess equivalent qualifications based on professional experience. A candidate shall be expected to demonstrate successful experience pertinent to the position for which he or she is being recommended and have demonstrated qualities pertinent to the goals of the academic unit in which he or she will be employed.

8. Curator (Equivalent Faculty Titles). Candidates for these tenure eligible positions may be awarded in the following equivalent academic ranks: Assistant Curator, Associate Curator and Curator.

9. Research or Extension Scientist/Scholar/Engineer Series (Equivalent Faculty titles).

a. Candidates for these tenure ineligible faculty positions are individuals not normally involved in regular academic programs, but who are carrying out the equivalent faculty duties in research and/or cooperative extension programs which may be funded by external or temporary sources. The candidates in the following ranks shall have the same professional qualifications required of those faculty described in subparagraphs (2)(a)5.-7. above: Research Scientist, Associate Research Scientist, Assistant Research Scientist; Scholar, Associate Scholar, Assistant Scholar; Engineer, Associate Engineer, Assistant Engineer; Extension Scientist, Associate Extension Scientist, Assistant Extension Scientist.

b. Faculty holding these titles shall have no regular teaching duties. Teaching on an occasional basis is not precluded, but substantial teaching assignments will not be made unless and until transfer is made to a tenure-eligible position.

10. University Librarian (Faculty Titles). Candidates may be awarded these tenure eligible positions in the following academic ranks: Assistant University Librarian, Associate University Librarian, and University Librarian.

11. Lecturer (Faculty Titles). Candidates may be awarded these tenure ineligible faculty positions in the following academic ranks: Lecturer, Senior Lecturer, and Master Lecturer. Candidates shall have received the academic degree appropriate to the assignment of duties, or equivalent experiences or accomplishments in the field may be substituted. Appointment as Senior Lecturer shall constitute a promotion from Lecturer and shall be based on additional experiences and/or accomplishments in the field and in assigned duties. Appointment as Master Lecturer shall constitute a promotion from Senior Lecturer and shall be based on additional experiences and/or accomplishments in the field and in assigned duties.

12. Developmental Research School Faculty Positions (Specialty Faculty Titles). Candidates for the permanent status accruing positions of P. K. Yonge (PKY) University Developmental Research School Instructor, PKY Assistant Professor, PKY Associate Professor and PKY Professor, in the department of the College of Education shall hold the qualifications appropriate to these ranks described in subparagraphs (2)(a)5.-8. of this rule; however, these specialty faculty titles are not equivalent faculty ranks to those set forth in subparagraphs (2)(a)5.-8. Candidates for faculty positions at the University’s P. K. Yonge Developmental Research
School shall have at least a master’s degree and shall have had at least three (3) years experience or relevant experience pertinent to the assigned position and shall hold a valid teacher’s certificate appropriate to the assignment. Eligibility for permanent status is described in Rule 6C1-7.025, F.A.C.

13. County Extension Agents I, II, III, IV (Extension Faculty Titles). Candidates for these permanent status accruing specialty faculty positions shall hold a master’s degree and/or possess other qualifying experience or accomplishments. Responsibilities include the development of long-range educational programs in the area of responsibility of the Florida Cooperative Extension Service in concert with the county in which the agent is employed. Eligibility requirements and awarding of permanent status and faculty ranks are described in Rule 6C1-7.025 and subsection 6C1-6.009(3), F.A.C.

14. Assistant in, Associate in, and Senior Associate in (Specialty Faculty Titles). Candidates for these tenure ineligible specialty faculty positions must hold a master’s degree in a field of specialization unless the administrator of the unit determines that experience and/or training is equivalent to the educational requirements. Authorship or co-authorship of significant publications in the field of specialization may be regarded as evidence of qualifying experience and training. The authority to grant a promotion from the rank of Assistant in to Associate in or from Associate in to Senior Associate in is delegated by the President to the appropriate Dean or Director or, in the case of IFAS and the Health Center, to the Vice President for Agricultural and Natural Resources or Health Affairs. Appointment as Associate in shall constitute a promotion from Assistant in and shall be based on additional qualifying education and/or experience and on accomplishments in performing assigned duties. Appointment as Senior Associate in shall constitute a promotion from Associate in and shall be based on additional qualifying education and/or experience and on accomplishments in performing assigned duties.

15. Postdoctoral Associate (Specialty Faculty Title). The appointee shall have received the doctorate in a field appropriate to the assigned duties and responsibilities. This appointment is used when the individual renders compensable services to the University and is assigned specific duties and responsibilities. Appointees to these specialty faculty positions shall have no continuing contractual relationship with the University.

(b) Fellows. Postdoctoral Fellow. The appointee shall have received the doctorate in a field appropriate to the position offered. The appointment is for the individual’s further experience in research and teaching and is generally limited to two (2) or three (3) years. To qualify for a fellowship exemption under the Federal income tax laws, no assigned duties and responsibilities or services can be required other than those which are an integral part of the Fellow’s program in research and teaching. Appointees to these specialty faculty positions shall have no continuing contractual relationship with the University.

(c) Student Titles – Graduate School Series.
1. All titles in this series shall be governed by the following criteria:
   a. Appointees in this series must be properly registered and working toward a graduate degree through the Graduate School, and the appointee must meet the requirements set forth by the Graduate School.
   b. The appointment may be for any desired percentage of full-time, and the assignment shall be commensurate with the percentage of time or the degree of effort of the appointment.
   c. The appointment does not accrue tenure, is not a regular faculty appointment, and is temporary in nature, either because of the character of the project or assignment or, because upon completion of requirements for a degree, the appointee will not be offered re-appointment to the position. Appointees shall have no continuing contractual relationship with the University.

2. Senior Graduate Teaching or Research Associate. The appointee shall, as a minimum, have completed most of the work leading to a doctorate. Appointment to either of these positions represents a promotion from the position of Graduate Teaching or Research Assistant.

3. Graduate Teaching or Research Associate. The appointee shall, as a minimum, have completed most of the work leading to a doctorate. Appointment to either of these positions represents a promotion from the position of Graduate Teaching or Research Assistant.

4. Graduate Teaching or Research Assistant. The appointee shall have completed thirty (30) semester credits of graduate work. Appointment to either of these positions represents a promotion from the position of Graduate Assistant.

5. Graduate Assistant. The appointee is normally a beginning graduate student since “Graduate Assistant” is the lowest rank of graduate assistant positions.

(d) Student Titles – Professional School Series.
1. All titles in this series shall be governed by the following criteria:
   a. The appointment may be for any desired percentage of full-time, and the assignment shall be commensurate with the percentage of time or the degree of effort of the appointment.
   b. The appointment does not accrue tenure, is not a regular faculty appointment, and is temporary in nature, either because of the character of the project or assignment or because upon completion of degree requirements, the appointee will not be offered re-appointment to the position.
   c. Appointees to these positions shall have no continuing contractual relationship with the University.
   d. Appointees to positions identified by professional status modifiers “Medical”, “Dental Teaching” or “Legal Writing” must be registered students in the Colleges of Medicine, Dentistry, or Law, and such appointees must meet the standards of their respective colleges.
2. Medical or Dental Teaching or Research Associate, or Legal Writing Associate. Appointment to either one of these positions represents a promotion from the position of Medical or Dental Teaching or Research Assistant, or Legal Writing Assistant.

3. Medical or Dental Teaching or Research Assistant, or Legal Writing Assistant. The appointee shall have completed thirty (30) semester credits of graduate work.

4. Resident. The appointee serves as a member of the house staff or trainee of a Health Center professional school. The appointee must be a graduate of an approved program or hold a terminal degree appropriate for the appointment and be enrolled in the respective training within his or her selected area of specialization. The term “intern” usually refers to a resident in the first year of postgraduate work in the involved specialty.

3. Types of Appointments. Appointments are classified with respect to duration of time and degree of effort as follows:
   (a) Duration of time.
   1. Continuing – those appointments for periods of no more than a twelve (12) month period (July 1 – June 30) but at least thirty-nine (39) weeks beginning with the Fall or Summer term.
   2. Temporary – those appointments for a period of time of less than thirty-nine (39) weeks of an academic year, or for a specific or limited period of time. If an appointment is temporary, the contract or letter of appointment shall so state and notice of non-renewal of such an appointment is not required.
   3. Multi-year – those appointments for a fixed term as indicated in the employment offer and contract. The multi-year contract cannot exceed five (5) years. Persons with such appointments shall not be entitled to notice of non-renewal during the term of the specified multi-year appointment. The appointment shall expire at the end of the specified multi-year period, and no further notice of cessation of employment is required.
   (b) Degree of Effort.
   1. Full-time – the utilization of effort considered to be the normal or standard amount required during a given time period, equivalent to 100% or 1.00 FTE.
   2. Part-time – the utilization of effort considered less than customary or standard during a given time period, equivalent to less than 100% or less than 1.00 FTE or, appointments for less than thirty-nine (39) weeks. It includes either working less than 100% of the time through an academic or calendar year or working full-time for less than the full number of terms in the academic year.

4. Appointment Status Modifiers. A modifier defines certain conditions of an appointment and is, unless otherwise noted, to be included in the title.
   (a) Faculty appointments which include the appointment status modifiers listed below are not eligible for tenure or permanent status.
   1. The University shall notify the appointee in writing of the duties and responsibilities and the tenure or permanent status eligibility of the position at the time of the appointment.
   2. Appointees whose faculty titles include status modifiers shall be considered members of the department for the term of the appointment and for the purpose of the assignment of duties and responsibilities. At the option of the departmental faculty the appointees may also attend, speak, and/or vote on departmental matters subject to the policy of the department and/or college.
   3. These appointments, with the exception of the “emeritus” status, will be reviewed by the appropriate department annually.
   4. Acting (Modifier for Administrative Title). This modifier applies to a temporary appointment to fill a vacancy at an administrative level. The appointee may or may not receive compensation as a result of these temporary duties dependent on the nature of the new duties and of the previous responsibilities. Refer to subsection (5) of this rule for a description of the academic-administrative classification.
   5. Adjunct. This modifier applies to temporary appointments extended to persons of satisfactory professional qualifications who perform temporary teaching, research, or extension functions in connection with established programs. Such persons are appointed for one academic term at a time and possess no continuing contractual relationship with the University. Persons with adjunct appointments may not be employed for more than fifty percent (50%) of the time throughout an academic year, or full-time for more than 26 weeks of a fiscal year, unless approved by the Office of Academic Affairs based on the needs of the unit at the time approval is granted. Time spent in this appointment cannot be counted toward tenure or permanent status.
   6. Affiliate or Joint. These modifiers apply to persons paid or holding appointments in a department or unit of the University who participate in another department or unit such as (joint) teaching and/or supervision of graduate students and/or research or extension on a regular or infrequent (affiliate) basis. A majority vote of the departmental faculty is required in the secondary department(s) to award such status. Affiliate faculty members may accrue but not be awarded tenure in the affiliate department, until or unless they become regular members of the department with which they hold the affiliate appointment. The rights and privileges of affiliate appointees in the department should be made clear to them at the time of appointment. Affiliate faculty members will be reviewed by the departments annually and such appointments may be altered or terminated at any time.
   7. Clinical. The faculty modifier “Clinical” applies to persons of professional qualifications who perform teaching, research, or extension functions in a hospital, clinic, or other clinical environment in connection with an established program of the University. Appointees to the following positions may not accrue tenure: “Clinical” Lecturer in (specialty), “Clinical” Assistant Professor of (specialty), “Clinical” Associate Professor of (specialty), and “Clinical” Professor of (specialty).

8. Emeritus (Modifier for Faculty title). Faculty members, academic administrators, and such other officers of the University as the President may designate shall become eligible for the title “Emeritus” in connection with their faculty rank when they retire. The title is to be conferred, as the word indicates, for recognition by one’s colleagues of meritorious service, and it shall entail
continued campus courtesies, under the same conditions as required for active faculty and administrators, including parking, use of the library and recreation facilities, admission to athletics and cultural events, receipt of such publications as are sent to regular faculty members and members of the Alumni Association, participation in contract and grant endeavors, and participation in academic convocations. Consideration for this title shall be accomplished prior to the faculty member’s retirement. The names of all eligible nominees shall be submitted by the chairperson to the faculty for a departmental vote. A favorable nomination shall be submitted through the appropriate administrative channels (Dean, Vice President) to the Office of Academic Affairs for final action.

9. Provisional. This modifier applies to the appointment of a person who is not fully qualified for an academic rank but who expects to acquire such qualification in a short period of time. Such appointments do not carry eligibility for tenure or permanent status during the duration of the appointment, and persons holding such appointments have no continuing contractual relationship with the University. The appointment may not be extended beyond one year except in the case of a provisional assistant professor or equivalent whose appointment can be extended for one additional year.

10. Visiting. This modifier applies to appointments extended to qualified persons who are not expected to be available for more than limited periods of time, or to appointments to positions which are not expected to be available for more than a limited period of time. This appointment is not eligible for tenure or permanent status. The title shall not be held for more than four (4) years or the equivalent in proportional time unless approved by the Office of Academic Affairs based on the qualifications of the appointee and the needs of the unit. Time accrued in a Visiting position may count toward tenure or permanent status eligible service.

11. Courtesy/Honorary/Affiliated Clinical/Industry – These modifiers apply to persons having the appropriate professional qualifications or having distinction and honor in his or her field who are appointed without compensation to a department, center or unit faculty. The “Industry” modifier may also be used for persons from industry who are paid with Other Personnel Services (OPS) funds only. Persons appointed with this status may or may not be otherwise affiliated with the University. This appointment is not eligible for tenure or permanent status. Time spent in this appointment shall not count as tenure or permanent status eligible service. The “Affiliated Clinical” modifier is to be used for appointments in the Health Science Center only. Promotion shall be based on the credentials of the appointee and the recommendation of the faculty and administrators of the department, college and unit, as appropriate. Requests for promotion are submitted to the Office of Academic Affairs for final review and approval.

12. Research or Extension. This modifier may be used in those instances where a person holding professional rank is primarily engaged in research or extension. This appointment is not eligible for tenure or permanent status.

13. Program. This modifier may be used in those instances where a person holding professional rank is primarily engaged in Florida Cooperative Extension Service work and is funded through non-appropriated sources. This appointment is not eligible for tenure or permanent status, and time in the appointment may not be counted as tenure or permanent status earning service.

14. Multi-year. This modifier applies solely to non-tenure or non-permanent status earning faculty ranks who are appointed and employed for a fixed term, unless terminated for cause, as indicated in the employment offer and contract. The multi-year contract cannot exceed five (5) years. The modifier may be used only for appointments that are not tenure eligible or permanent status eligible.

(b) Professional status and student modifiers may be used to describe the professional school or area or the position filled by a student as described in paragraphs (2)(c) and (d) of this rule. Appointees should be advised of the duties and responsibilities and the duration of such appointments and any special conditions required.

5. Academic-Administrative Classification Titles (Administrative/Faculty Title).

(a) Faculty appointed to serve in administrative positions, such as vice presidents, deans, directors, or department chairpersons, shall retain the rights and privileges afforded to them by their faculty rank. The following provisions shall apply to faculty members who are appointed to administrative positions.

1. Faculty appointed to serve in these administrative appointments shall not be eligible for tenure or permanent status in the administrative appointments. Tenure or permanent status shall neither accrue toward nor be granted in an administrative classification.

2. Tenure or permanent status granted to any faculty member prior to or during any such administrative appointment shall be retained only in the faculty rank in which it was granted. Any tenure or permanent status consideration during such appointment shall be based on the faculty duties rather than the administrative portion of the assignment and on the University’s criteria for tenure and promotion. Upon the cessation of such appointment, the faculty member shall be entitled to reassignment to the same or similar position in which tenure or permanent status was granted or held (or would normally have been granted or held) in the faculty member’s current faculty rank.

3. Non-tenured and non-permanent status faculty who are appointed to serve in such administrative appointments shall be entitled to written notice of non-renewal if they are not to be offered further employment with the University.

4. Non-tenured faculty in tenure-accruing positions and non-permanent status faculty in permanent status-accruing positions who are appointed to serve in such administrative appointments shall accrue time toward tenure or permanent status only in their academic rank during such appointment. Appointees shall be advised in writing of the tenure or permanent status-earning eligibility of the appointment at the time of the initial appointment in the academic-administrative classification.
(b) A faculty member holding an administrative position may be removed or reassigned to other institutional duties at any time during the term of the appointment and the salary rate and appointment period shall be established to reflect the new responsibilities. The change in the appointment status shall be submitted through the appropriate administrative channels to the Office of Academic Affairs for approval. Such removal or reassignment shall be discussed with the faculty member at such time and, if appropriate, with administrators of other departments or units affected.

(c) Faculty appointed to serve in administrative positions shall have no right to continue appointment in such classifications or positions beyond the term of the appointment period. An appointment term shall automatically expire at the end of the contractual period [twelve- (12) months or nine- (9) months or in the case of the University Laboratory School, ten- (10) months] or on June 30, whichever occurs first. Such appointments are subject to annual renewal in accordance with subsection 6C1-7.004(3), F.A.C., and notice of non-renewal shall not be required for the administrative appointment.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–New 12-9-75, Amended 8-15-78, 8-19-79, Formerly 6C1-7.05, 6C1-7.06, 6C1-7.08, 6C1-7.12, Amended 3-26-80, 5-14-85, Formerly 6C1-7.03; Amended 4-30-95, 7-17-97, 6-28-98, 6-15-99, 6-21-00, 3-12-03, 6-3-03.

6C1-7.004 Academic Affairs; Faculty and Appointments: Screening and Selection, Notice of Initial Appointments, Renewal of Appointments, and Delegation of Authority.

(1) Screening and Selection.

Screening and selection of applicants for faculty appointments shall be conducted in accordance with the provisions of the University’s rules. The recruitment and selection of highly-qualified and high-quality individuals is one of the most important responsibilities of deans, department chair, and other hiring administrators.

(a) The selection of candidates shall be based upon the candidates’ qualifications, competency, and other reasonable criteria which may be prescribed by the University in accordance with the State University System’s Employment Plan (refer to Rule 6C1-7.003, F.A.C.), provided that in no case shall such criteria discriminate on the basis of religion, political opinions or affiliation, race, creed, color, age, national origin, handicap, sex, marital status, and veteran’s status as protected under the Vietnam Era Veteran’s Readjustment Act.

(b) The appropriate personnel shall secure reliable and detailed information on prospective candidates and reach decisions on their relative merits. Final candidates should receive information such as: title and nature of position, approximate salary, type of contract, basic assignment, primary emphasis of department, normal instructional load, and other duties. The candidate should also be provided with information on the State University System and the University, including the requirements necessary for personnel decisions such as reappointment, salary increases, promotion, tenure or permanent status.

(c) If practicable, the candidates reaching the final stages of screening should be invited to the campus for personal interviews with departmental faculty and appropriate officials.

(d) In making preliminary contacts with candidates, it should be made clear that no offer of employment is being made.

(2) Notice and Offer of Initial Appointment.

(a) If, after consultation with his/her departmental colleagues, the chair or other appropriate administrator responsible for the initial appointment recommendation decides to recommend that a candidate be offered a faculty position, the recommendation shall be transmitted to the dean and/or other appropriate administrators for review and recommendation and to the Office of Academic Affairs for final approval of the appointment. With the exception of those positions described in subsection (4) of this rule, the authority for final approval of faculty appointments is delegated by the President to the Office of Academic Affairs.

(b) Once the appointment is approved in accordance with paragraph (2)(a) of this rule, the hiring administrator may then offer the candidate employment by means of a letter of offer of appointment, subject to the provision of Section 216.311, F.S. The appointment shall be conditioned on the return of a duly executed copy of the letter of appointment by a specified date, and contingent upon the completion and execution of the applicable university forms and documents required of new faculty. The administrator directly responsible for the supervision of the position shall be responsible for the appointment, the assignment of duties, and the annual evaluation procedures, as well as other appropriate personnel decisions.

(c) The initial letter of appointment shall include the following elements:

1. Date;
2. Professional Classification System title, class code, rank and appointment status modifier, if applicable;
3. Department, program, college, or employment unit;
4. Salary and administrative salary supplement when appropriate;
5. Employment period (duration of the appointment and cessation statement, if appropriate);
6. Special conditions of employment including assignments to a second instructional location, special restrictive covenants of clinical teaching or the like, (Rule 6C1-7.0041, F.A.C.);

7. The duties and responsibilities the employee will perform in teaching, research, and service or other assigned responsibilities, noting that these may be subject to change based upon the needs of the college, department, or unit, and an explanation and description of the annual evaluative process and criteria used in personnel decisions as set forth in Rules 6C1-7.010 and 6C1-7.019, F.A.C. The faculty member’s assignment shall be made in accordance with the policy described in subsection 6C1-7.010(1), F.A.C.;
8. The percent of full-time effort FTE assigned;
9. A statement that in the performance of the contact both parties are subject to the Constitution and laws of the State of Florida and the rules and regulations of the Board of Regents and of the University of Florida;
10. Legislative Position Number (if applicable);
11. A statement indicating the tenure or permanent status eligibility of the position covered by the appointment, including conditional tenure status, such eligibility if the degree of effort is less than 1.00 FTE, and a statement regarding the number of years of any previous tenure or permanent status eligible service which has been approved by the Office of Academic Affairs to be credited toward this appointment; and
12. A statement regarding the policy on outside employment and activities, conflict of interest and financial interests.
   (d) The tenure accrual status shall be consistent with the FTE of the initial offer of appointment for tenure eligible positions.
   (e) No faculty appointment, including appointments to serve in academic-administrative classifications or administrative positions, shall be for a term exceeding a twelve (12) month period ending June 30.
   (f) The appointment of tenured or permanent status faculty member shall be renewed annually subject to the limitations set forth in Rules 6C1-7.003, 6C1-7.019 and 6C1-7.025, F.A.C.
   (g) The appointment of non-tenured or non-permanent status faculty members is subject to renewal or non-renewal in accordance with the appropriate notice provision set forth in the University rules.
   (h) The normal nine (9)-month (academic year) faculty contract shall be for thirty-nine (39) consecutive weeks and a supplemental contract may be offered for all or part of the remaining year.
   (i) If the appointment is for a limited period of time and at the time the appointment is made the University does not expect or intend to renew it, the letter of appointment, or thereafter a letter of reappointment or the Notice of Appointment and/or the Employment Contract shall indicate: "Your employment hereunder will cease on the date indicated. No further notice of cessation of employment is required." Employees not entitled to written notice of non-reappointment may include, but is not limited to, faculty holding visiting appointments, faculty appointed for less than a year, and faculty with less than five years of continuous service whose salaries are funded through "soft money", e.g., contracts and grants, sponsored research funds, and grants and donation trust funds. Whenever the foregoing statement has been included in the reappointment letter, notice or contract, the employee shall not thereafter be entitled to any further notice that the appointment will not be renewed. This paragraph (h) does not apply to positions that are tenure or permanent status-accruing or to faculty with five or more years of continuous service whose salaries are funded through "soft money" who shall be provided at least ninety (90) days notice of non-renewal.
   (j) Faculty appointed to serve in academic-administrative classifications or Administrative and Professional administrative positions, such as vice presidents, deans, directors, or department chairs shall have no rights to continuation in such classifications beyond the term of the appointment period. A faculty member appointed to an administrative classification may be reclassified and reassigned to other faculty or administrative duties at any time during the term of this appointment/employment contract at the pleasure of the University. If the faculty member is reclassified and reassigned, the pay rate and appointment period shall be adjusted to reflect the new responsibilities. Upon cessation of the administrative appointment, tenured or permanent status faculty members shall retain their tenure or permanent status.

3. Renewal of Appointments.
   (a) After the initial appointment described in subsection (2) above a faculty member shall be officially notified of the renewal of an appointment by means of a Notice of Appointment, Employment Contract or a letter indicating the renewal of the reappointment.

1. The appointment of tenured or permanent-status faculty members shall be renewed annually unless terminated for cause subject to the limitations set forth in Rule 6C1-7.025, F.A.C., for permanent status for county extension faculty. The terms of the renewal of appointment shall be consistent with the degree of effort (FTE) and the duration of time (calendar or academic year) of the original appointment in which the faculty member was granted tenure or permanent status.

2. The renewal of appointment of non-tenured or non-permanent status faculty members shall be in accordance with the renewal notification provision of paragraph (3)(a) of this rule. The terms of the renewal of appointment shall be consistent with the degree of effort (FTE) and the duration of time (calendar or academic year) of the faculty member’s initial appointment or prior reappointment.
   a. Notification of changes in an appointment shall be given in the same fashion as the notification of non-renewal provisions of Rule 6C1-7.013, F.A.C., unless:
      i. The faculty member and the appropriate administrator have agreed in writing to such changes as described in paragraph (c) below; or
      ii. The faculty member is not entitled to notice of non-renewal in accordance with paragraph (2)(e) of this rule.
   b. Renewal of appointments, as well as other personnel decisions, shall take into account the effectiveness of the faculty member’s performance in the assigned duties as they relate to the areas of teaching or extension (IFAS), research, and service, and/or based on the requirements of the department.
   c. Notice of non-renewal of appointments or termination of an appointment shall be given in accordance with University rules.
   (b) If the assigned duties and responsibilities of a faculty member change after the initial employment date, the faculty member shall be informed in writing of the change and shall be afforded an opportunity to discuss the change in assignment prior to its effective date.
(c) Under special circumstances the degree of effort (FTE) and/or the duration of the appointment may be altered by written agreement between the appropriate administrator and the faculty member. Such changes in the appointment shall be submitted through the appropriate administrative channels to the Office of Academic Affairs for approval prior to any change in the appointment.

(d) A faculty member who signs the employment contract or accepts compensation for the employment provided by the appointment shall be subject to the rules and regulations of the University.

(e) The administrator directly responsible for the appointment and supervision of an academic-administrative classification or an Administrative and Professional administrative position may choose not to renew, to remove, or to reassign a faculty member at any time during such an appointment. Refer to Rule 6C1-7.003, F.A.C.

(4) Delegation of Appointment Authority. The deans and directors of academic units are authorized to exercise the presidential power of appointment to the following academic ranks and titles, except in the case of IFAS and the Health Science Center where the respective Vice Presidents retain such power as to such categories:

(a) Assistant Professors;
(b) Instructors;
(c) Assistant Research Scientists, Assistant Research Scholars, or Assistant Extension Scientists;
(d) Assistant Engineers;
(e) Post doctoral Associates;
(f) Post doctoral Fellows;
(g) Graduate, Medical or Dental Teaching or Research Associates;
(h) Graduate, Medical or Dental Teaching or Research Assistants;
(i) Graduate Assistants;
(j) Assistants in;
(k) Associates in;
(l) Instructor University Librarians or Assistant University Librarians;
(m) Assistant Counseling Psychologists;
(n) Assistant Curators;
(o) Legal Writing and Research Assistants;
(p) Extension Agent IV, Extension Agent III, Extension Agent II and Extension Agent I;
(q) University Laboratory School Instructors;
(r) University Laboratory School Assistant Professors;
(s) Lecturers;
(t) Academic Administrative Classification Titles – reporting through the appropriate administrative channels to a dean or the equivalent;
(u) Residents/Interns;
(v) Clinical fellows;
(w) Trainees;

Notwithstanding the foregoing, all appointments or changes in titles shall be forwarded to the Office of Academic Affairs for review and processing.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5), (19) FS. History–New 3-26-80, Amended 2-23-82, 3-6-85, Formerly 6C1-7.04, Amended 5-21-89, 6-28-98.

6C1-7.0041 Academic Affairs; College of Medicine; Clinical Faculty Teaching Appointments; Restrictive Covenants.

(1) The University recognizes that a faculty physician appointment to the faculty of the College of Medicine involves both academic and clinical responsibilities, and that these responsibilities are interlinked and performed at affiliated hospitals and/or clinics. Furthermore, the University recognizes that medical clinical practice competition by a faculty physician within two years of termination, discharge or cessation of employment and within a fifty-mile radius of the situs of the faculty physician’s major clinical teaching assignment would have a negative impact on the University’s College of Medicine teaching programs at the major affiliated hospital and/or clinic, impair the operation and quality of its affiliation and erode the patient population and economic base necessary to support the mission of the University’s College of Medicine.

(2) The College of Medicine is authorized to include, as a condition of appointment to a faculty teaching position requiring clinical practice, a restrictive covenant in the faculty contract and/or letter of appointment. Such a restrictive covenant shall limit the faculty physician from entering into a community based clinical practice within a radius of no more than fifty miles from the situs of any primary faculty clinical teaching assignment during the previous two years, for a period of no more than two years following termination, discharge or cessation of employment. If the University, through its College of Medicine, elects to require such a restrictive covenant for one faculty physician, it shall require a restrictive covenant of all new faculty physicians whose major clinical teaching assignment is located at the same affiliated hospital and/or clinic.

(3) Remedies for breach of this restrictive covenant shall be limited to all available remedies provided by law and equity, including but not limited to those remedies provided by Section 542.33(2)(a), F.S.
(4) Faculty physicians who at the time of their academic appointment are engaged in a medical clinical practice within a fifty-mile radius of the situs of the faculty physician's major clinical teaching assignment shall, upon termination, discharge or cessation of employment, be exempt from the provisions of the restrictive covenant rule. Faculty physicians who are exempt from the restrictive covenant rule shall be notified by the University of such exemption at the time of their appointment.


6C1-7.010 Academic Affairs; Faculty Evaluation and Improvement: General Policy, Areas of Performance to be Evaluated, Sources of Data for Evaluation, Methods of Evaluation, Utilization of Evaluations, Sustained Performance Evaluation and Administrative Evaluation.

(1) General Policy.

(a) Each faculty member shall be evaluated in writing at least once annually on the basis of an assessment of the individual's total performance in fulfilling his/her assigned duties and responsibilities to the University and fulfilling effectively those responsibilities attendant to membership in the university community. The basic purpose of this evaluation is faculty improvement in the functions of teaching, including extension work, research, service, and any other duties that may be assigned with the resulting enhancement of learning, cultural advancement, and production of new knowledge. The statutory semester assignment requirement reflected on the Semester Faculty Assignment Report, Assignment Form AA-FORM-001, Rev. 1/98 and incorporated herein by reference, which can be obtained from the Academic Personnel Office, shall be used to convey the assigned duties and responsibilities to the faculty member at the beginning of each semester or academic term. The assignment shall be made in accordance with the policy established by the Vice President for Academic Affairs as required by F.S. The assignment should provide faculty members who are earning eligibility for tenure, permanent status, and/or promotion with equitable opportunities in relation to others in the department to meet the required criteria for such status. The primary assessment of the faculty member's competency shall be in terms of the performance of assigned duties and responsibilities, including those professional responsibilities arising from the nature of the educational process, such as observing and upholding the highest ethical standards of the faculty member's discipline, participating, (as appropriate), in the shared system of collegial governance especially at department/unit level, respecting the integrity of the relationship between professor and student, and adhering to one's proper role as teacher, researcher, intellectual, mentor and counselor. The evaluation shall precede and shall be considered in making recommendations and final decisions on tenure or permanent status, promotions, and salary for tenured, permanent status, non-tenured or non-permanent status faculty members and on retention or non-renewal for non-tenured (tenure-accruing) or non-permanent status (permanent-status accruing) faculty members.

(b) The responsibility of the faculty member is the full and competent performance of all duties pertinent to his/her employment with the University. When first employed, each faculty member shall be informed in writing of what is expected of him or her, generally, in terms of teaching, including extension work, research and other creative activities, and service, and if there are any specific requirements and/or other duties involved. If and when these expectations change during the period of service of a faculty member, that faculty member shall be informed in writing of the change and shall be afforded an opportunity to discuss the assignment prior to its effective date.

(c) Application of the criteria enumerated in this policy shall not violate the faculty member's academic freedom or constitutional rights, nor shall a faculty member be punished for exercising such freedom or rights, either in the performance of University duties or duties outside the University. At the same time, a faculty member may reasonably be expected to show by his or her behavior, both in performance of University duties and duties outside the University, that he or she is aware that membership in the academic profession carries with it special responsibilities.

(d) Statement on Professional Ethics.

1. The professor, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities involving upon members of the profession. The professor’s primary responsibility to his/her field is to seek and to state the truth as he/she sees it. To this end, the professor devotes himself/herself to developing and improving his/her scholarly competence. The professor accepts the obligation to exercise critical self-discipline and judgment in using, extending and transmitting knowledge. The professor must never seriously hamper or compromise anyone's freedom of inquiry.

2. As an instructor, the professor encourages the free pursuit of learning in students. The professor maintains and represents the best scholarly standards of his/her discipline. The professor demonstrates respect for the student as an individual, and adhere to the proper role of intellectual guide and counselor. The professor makes every reasonable effort to foster honest academic conduct and to assure that evaluation of students reflects their true merit. The professor respects the confidential nature of the relationship between professor and student. The professor avoids any exploitation of students for private advantage and acknowledges significant assistance from them. The professor protects their academic freedom.

3. As a colleague, the professor has obligations that derive from common membership in the community of scholars. The professor respects and defends the free inquiry of associates. In the exchange of criticism and ideas the professor shows due respect for the opinions of others. The professor acknowledges academic responsibilities and strives to be objective in professional judgment of colleagues. The professor accepts his/her share of faculty responsibility for the governance of the University.
4. As a member of the University, the professor seeks above-all to be an effective teacher and scholar. The professor observes the stated regulations of the institution, provided they do not contravene academic freedom, but nonetheless maintains the right to criticize and seek revision. The professor determines the amount and character of the work he/she does outside the University with due regard to his/her paramount responsibilities within it, provided such amount and character of outside employment is in compliance with State law and University and State University System’s policies on outside employment. When considering the interruption or termination of employment, the professor recognizes the effect of this decision upon the programs of the University and gives due notice of his/her intentions.

5. As a member of the community, the professor has the rights and obligations of any citizen. The professor measures the urgency of these obligations in light of responsibilities to his/her field, to students, to the profession, and to the University. The professor, when speaking or acting as a private person shall avoid creating the impression that he/she speaks or acts for the college or the University. As an individual engaged in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

(e) The criteria and procedures set forth in this rule pertain to the annual evaluation of faculty. In cases where serious dishonesty, incompetence, neglect of duty, or irresponsibility of a faculty member is charged, proceedings should be undertaken involving full due process guaranteed under recognized procedures and standards for dismissal or other disciplinary action as provided in the University rules and contained in the Constitution of the University.

(2) Areas of Performance to Be Evaluated. The performance of each faculty member shall be evaluated annually in writing based on the faculty member’s contribution to the orderly and effective functioning of the academic-administrative unit (program, department, school, college), those professional responsibilities arising from the nature of the education process, and/or the total University and his/her performance in each of the following areas appropriate to the terms of his/her employment and assigned duties and responsibilities.

(a) Teaching – Teaching involves the presentation of knowledge, information, and ideas by various methods including lecture, discussion, assignment and recitation, demonstration, laboratory exercise, practical experience, direct consultation with students, etc. The utilization and effectiveness of each of these methods, when appropriate, shall be considered. The evaluation of the total effectiveness of teaching shall be related to approved written objectives of each course which shall be given to each class at the beginning of the semester or academic term. Evaluation shall include consideration of:

1. Effectiveness of teaching related to knowledge and skills imparted that correspond with the objectives of the course;
2. Effectiveness of teaching related to stimulation of the students’ critical thinking and/or creative ability in light of the objectives of the course; and
3. The faculty members’ adherence to accepted standards of professional behavior in meeting his/her responsibilities to his/her students.

(b) Extension – The contributions of the extension faculty to the non-degree educational programs of the University shall be evaluated. The utilization and effectiveness of the following processes and methods, where appropriate, shall be considered in the evaluation: situational analysis; clientele-needs assessment; design and implementation of educational experiences appropriate to the learner; analysis, synthesis, and adaptation of research results; packaging of such information into program materials such as bulletins, fact sheets, newsletters, mass media messages, and public displays for a wide range of audiences; and demonstration and field tests that enhance both idea adoption and development of new insights. The evaluation shall also include consideration of:

1. Effectiveness of teaching and counseling related to planned objectives in the Extension program.
2. Effectiveness of obtaining, integrating, and organizing educational resources into programs directed to define needs of clientele.

(c) Research and Other Creative Activities – Contribution to the discovery of new knowledge, development of new educational techniques, and other forms of creative activity shall be considered and evaluated. Evidence of research and other creative activity shall include, but not be limited to: published books, articles and papers in professional journals; musical compositions, paintings, sculpture; works of performing art; papers presented at meetings of professional societies; and current research and creative activity that has not yet resulted in publication, display, or performance. The evaluation shall include consideration of:

1. Productivity, including quality and quantity of what has been done during the year, and
2. Recognition by the academic or professional community of what has been done. In making judgments pertaining to the decision to award tenure, evaluation by qualified scholars in pertinent disciplines both within and outside the University should be sought.

(d) Service – Service shall include, but not be limited to, participation in governance processes of the University through service on departmental, college, and university committees, councils and the senate; service to public schools; service in appropriate professional organizations; involvement in the organization and expedition of meetings, symposia, conferences, workshops; participation in radio and television; and participation on local, state and national governmental boards, agencies and commissions. Only those activities which are related to a faculty member’s field of expertise or to the mission of the University shall be evaluated.
(e) Other University Duties – Whenever reasonable duties other than those usually classified as teaching, including extension work, research or other creative activity or service, are assigned to a faculty member, such as academic administration and academic advisement, and such other responsibilities expected as may be appropriate to the faculty member’s duties and responsibilities. The effective performance of these duties shall be evaluated as prescribed by the evaluation procedures of the University.

(3) Sources of Data for Evaluation – Evaluation of a faculty member’s performance shall include data from the following six sources where appropriate:

(a) The chair of the faculty member’s department or other administrative unit;
(b) Faculty;
(c) Students;
(d) The faculty member being evaluated;
(e) Other university officials; and
(f) Public school officials and/or personnel.

(4) Methods of Evaluation – All appropriate data and evaluations, qualitative and quantitative, shall be collected by the chair of the department or other appropriate administrator.

(a) Chair’s Evaluation – The chair of the department or the administrator of a comparable academic unit shall review and evaluate the teaching, including extension work, research, and other creative activities, service and other university duties of each member of that department or unit during each academic year.

(b) Faculty Evaluation – The respective college or divisions within the University will develop and implement the processes necessary to evaluate the appropriate faculty on teaching, including extension work, research and other creative activities, service and other university duties when appropriate.

(c) Student Evaluation – Students shall evaluate teaching and, when appropriate, other university duties. The teaching effectiveness of each faculty member may be evaluated in writing by students currently or previously enrolled in his or her classes.

(d) Self-Evaluation – Each faculty member may provide an evaluation of each area of his or her own total performance, and submit the evaluation, along with any appropriate substantiating evidence, to the chair of the department or other administrative unit.

(e) Evaluation by Other University Officials – A faculty member may be evaluated by university officials for duties performed under the supervision of Deans, Directors, the Vice President for Academic Affairs, or any other university official(s) who may supervise the faculty member’s activities.

(f) Evaluation by Public School Officials and/or Personnel – A faculty member who teaches or provides other kinds of service to the public schools may be evaluated by public school officials and/or personnel for duties performed under their supervision or in collaboration with said individuals.

(g) Evaluative Comments by Medical Students and Housestaff – The evaluation of the College of Medicine faculty shall include and incorporate into the evaluative process the evaluative comments, as well as the numerical data, submitted by medical students, housestaff (interns, residents, and clinical fellows), and physician assistant students concerning faculty members.

(5) Sustained Performance Evaluations – Tenured faculty members shall receive a sustained performance evaluation once every seven (7) years following the award of tenure or their most recent promotion. The purpose of this evaluation is to document sustained performance during the previous six (6) years of assigned duties and to encourage continued professional growth and development. A performance improvement plan shall be developed only for those employees whose performance is identified through the sustained performance evaluation as being consistently below satisfactory in one or more areas of assigned duties. It is the responsibility of the employee to attain the performance targets specified in the performance improvement plan. If the faculty member fails to meet these targets, the unit has the responsibility to take appropriate actions under the provisions of University Rule 6C1-7.048, F.A.C., or the Collective Bargaining Agreement for these faculty in the bargaining unit.

(6) Utilization of Evaluation.

(a) The chair of each department or other administrative unit shall collect the evaluation data for each faculty member in the department. The data, if used in the evaluation process shall be placed in the faculty member’s personnel file which is normally located in the faculty member’s department or unit. The chair shall provide the faculty member with a written summary of the data and shall discuss it privately with the faculty member.

(b) Existing evaluations and the data in the faculty member’s personnel file upon which these evaluations are based shall be considered in recommendations and final decisions on tenure, promotions, and salary.

(c) The contents of the faculty personnel file which deal with the evaluation of performance shall be confidential and shall not be disclosed except to the affected faculty member and those whose duties require access to the file in accordance with the University’s evaluation procedures or by the President or the President’s designee in the discharge of official duties and responsibilities or upon order of a court of competent jurisdiction. (Refer to Rule 6C1-3.055, F.A.C.)

(7) The evaluations of administrators of the colleges or academic units shall be the responsibility of the dean and/or appropriate vice president.

(a) The annual evaluation process and the evaluation process and procedures involved in the evaluation of administrators requiring input from faculty and other appropriate personnel shall be the responsibility of the Dean, Director and/or appropriate Vice President.
(b) Copies of the administrative evaluation process and procedures requiring input from faculty and others shall be filed with the Office of Academic Affairs. Each evaluator shall submit his or her evaluation of the Dean or Director to the Office of the Provost for tabulation. The results of the tabulation will be forwarded to the Dean or Director with copies to the Vice President for Health Affairs and the Vice President for Agricultural and Natural Resources, as appropriate.

Specific Authority 240.227(1), 240.253 FS. Law Implemented 240.227(5), (19), 240.245, 240.253 FS. History–New 3-26-80, Amended 2-23-82, 3-6-85, Formerly 6C1-7.10, Amended 11-13-90, 6-28-98.

6C1-7.013 Academic Affairs; Non-Renewal of Non-Tenured or Non-Permanent Status Faculty Appointments; Appointments Subject to Non-Renewal Notification, Non-Renewal Notification Requirements, and Non-Renewal Transmittal Procedures.

(1) Procedures for the Non-Renewal of Non-Tenured or Non-Permanent Status Faculty.

(a) Appointment periods are stated for the purpose of encumbering funds, thus non-tenured and non-permanent faculty appointments shall not create any rights, interest, or expectancy of continued employment. Faculty in these positions have the right to appropriate notice of non-renewal of the appointment as provided in subsection (2) below.

(b) The President or the President’s designee may choose to discontinue the employment of a non-tenured or non-permanent status faculty member in accordance with the provisions of this rule.

(c) By the end of the seventh year of continuous full-time, or equivalent part-time employment or service, a faculty member in a tenure-earning position who has not been granted tenure shall be given notice of non-renewal of employment as provided for in subsections (2) and (3) of this rule.

(d) A faculty member in a permanent status-earning position in county extension who has not been granted permanent status by the end of the seventh year of continuous employment and a faculty member at the P. K. Yonge Developmental Research School who has not been granted permanent status by the end of the third year of continuous employment shall be given notice of non-renewal of employment as provided for in subsections (2) and (3) of this rule. Refer to Rule 6C1-7.025, F.A.C.

(e) Non-tenured and non-permanent status faculty who are appointed to serve in an academic-administrative classification or administrative position and whose employment with the University will be discontinued, shall be entitled to written notice of non-renewal in accordance with this rule.

(f) In the event of a break in service for more than one semester in one full year or more than two semesters in two full years, only service following such break shall be counted for purposes of determining length of service. Approved paid or unpaid leaves shall not be considered a break in service.

(2) Non-Renewal Notification Requirements.

(a) Notice of non-renewal or intention to non-renewal shall be provided in writing. At any time during any appointment, a non-tenured or non-permanent status faculty member may be non-renewed upon written notice as follows:

1. For employees in their initial appointment period of faculty employment with the University, three (3) months prior to the effective date of the non-renewal notice;

2. For employees in their second appointment period of faculty employment with the University, six (6) months prior to the effective date of the non-renewal notice; and

3. For employees in their third appointment period of faculty employment or beyond with the University, twelve (12) months prior to the effective date of the non-renewal notice. These notification procedures also apply to faculty with five (5) or more years of continuous university employment as of June 30, 1993 whose salary is funded through “soft” money, e.g., contracts and grants, sponsored research funds, and grants and donation trust funds.

(b) The requirement of written notice of non-renewal set forth in paragraph (2)(a) of this rule is not applicable to the following non-tenured or non-permanent status accruing faculty appointments if the statement described in paragraph (2)(c) of this rule is included in the individual’s notification of appointment:

1. Those holding visiting appointments;

2. Those who are appointed for less than one (1) academic year; or

3. Those with less than five (5) years continuous service whose salary is funded through “soft” money, e.g., contracts and grants, sponsored research funds, grants and donations trust funds, and special funds such as those allocated to meet enrollment demands.

(c) Faculty not entitled to a written notice of non-renewal as provided in paragraph (2)(b) above, shall have the following statement included in the notification of the appointment or reappointment: “Your employment for this appointment period will cease on the date indicated. No further notice of cessation of employment is required.” If this statement is not included in either the notification of appointment or letter of appointment or reappointment, then, ninety (90) days notice prior to the effective date of the non-renewal notice shall apply for faculty who have five (5) or more years of continuous University service after July 1, 1993.

(3) Notice of Non-Renewal.

(a) Prior to the transmission of the notice of non-renewal, the President or designee shall confer informally with the faculty member concerning the non-renewal.

1. The notice of non-renewal shall include the following:

a. A statement that the University is discontinuing the appointment;
b. A reference to the meeting held with the President or the President’s designee to advise the faculty member of non-renewal;
c. The expiration date of the current appointment period;
d. The last date of employment with the University; and
e. A copy of the appropriate appeal procedures in effect at the University. (Refer to Rule 6C1-7.041, F.A.C.)

2. Following the mailing of the notice of non-renewal, the President or designee may, at any time, in the best interests of the institution as it is the President’s prerogative to do in all cases, reassign such a faculty member to other institutional duties after consultation with the faculty member and the departments or other units affected.

(b) This action does not release the University from its commitment to compensate the faculty member for assigned duties performed during the period prior to the effective date of the non-renewal.

(c) Should a faculty member enter into other full-time professional employment or employment which may interfere or conflict with the faculty member’s assignment without written approval of the President, prior to the expiration of the faculty member’s appointment period, the University will immediately terminate payment of any compensation thereunder.

(4) The amendments to paragraphs (1)(c) and (1)(d) of this rule shall be effective May 7, 2004.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1004.37 FS. History–New 3-26-80, Amended 2-23-82, 3-6-85, Formerly 6C1-7.13, Amended 5-19-93, 7-11-94, 6-28-98, 6-15-99, 6-27-02, 6-3-03.

6C1-7.018 Academic Affairs; Academic Freedom and Responsibility.

1) Academic Freedom and Responsibility:
   (a) The University believes that academic freedom and responsibility are essential to the full development of a true university and apply to teaching, research, and creativity. In the development of knowledge, research endeavors, and creative activities, the faculty and student body must be free to cultivate a spirit of inquiry and scholarly criticism and to examine ideas in an atmosphere of freedom and confidence. The faculty must be free to engage in scholarly and creative activity and publish the results in a manner consistent with professional obligations. A similar atmosphere is required for university teaching. Consistent with the exercise of academic responsibility, a teacher must have freedom in the classroom in discussing academic subjects selecting instructional materials and determining grades. The university student must likewise have the opportunity to study a full spectrum of ideas, opinions, and beliefs, so that the student may acquire maturity for analysis and judgment. Objective and skillful exposition of such matters is the duty of every instructor.
   
   (b) The established policy of the University continues to be that the faculty member must fulfill his/her responsibility to society and to his/her profession by manifesting academic competence, scholarly discretion, and good citizenship. The university instructor is a citizen, a member of a learned profession, and an academic officer of the University. The instructor should be constantly mindful that these roles may be inseparable in the public view, and should therefore at all times exercise appropriate restraint and good judgment.

   (2) Academic freedom is accompanied by the corresponding responsibility to:
      (a) Be forthright and honest in the pursuit and communication of scientific and scholarly knowledge;
      (b) Respect students, staff and colleagues as individuals and avoid any exploitation of such persons for private advantage;
      (c) Respect the integrity of the evaluation process with regard to students, staff and colleagues, so that it reflects their true merit;
      (d) Indicate when appropriate that one is not an institutional representative unless specifically authorized as such; and
      (e) Recognize the responsibilities arising from the nature of the educational process, including such responsibilities, but not limited to, observing and upholding the ethical standards of their discipline; participating, as appropriate, in the shared system of collegial governance, especially at the department/unit level; respecting the confidential nature of the relationship between professor and student; and adhering to one’s proper role as teacher, researcher, intellectual mentor and counselor.

Specific Authority 240.227(1) FS. Law Implemented 240.105(2), 240.227(5), (19) FS. History–New 5-14-85, Formerly 6C1-7.13, Amended 5-19-93, 7-11-94, 6-28-98, 6-15-99, 6-27-02, 6-3-03.

6C1-7.019 Academic Affairs; Tenure and Promotion: Definition, Eligibility, Granting of Tenure, Criteria, Procedures and Methods of Processing, Confidential Nature of Materials and Discussions, Reports and Appeals, Permanent Status and Sustained Performance Evaluations.

1) Two of the most important types of decisions made in the University are those having to do with promotion and tenure; they are the principal means by which the quality of the institution is maintained and developed. The President shall have the responsibility of submitting nominations for the awarding of tenure to the Board of Trustees. The tenure nominations are subject to approval by the Board before such status is granted. The responsibility for decisions on promotion has been specifically delegated to the President by the Board of Trustees. This rule governs tenure and promotion of faculty at the University.

2) Definition of Tenure and Promotion of the Faculty.
   (a) Tenure, a status granted by the Board of Trustees, is attained by the faculty member in an academic department through distinction in teaching, research, extension, or other scholarly or creative activities, and service and contributions to the University and to the profession. It assures the faculty member immunity from reprisals or threats due to an intellectual position or belief which may be unpopular. Tenure shall normally be in an academic department. With the written consent of the Provost, the tenure
of a faculty member may reside in a center or institute when the research, teaching, and other duties of the faculty member necessitate such a designation. A faculty member who has been granted tenure by the Board of Trustees (or the Board of Regents prior to July 1, 2001) shall have the status of a permanent member of the faculty and remain in the employment of the University until the faculty member:

1. Voluntarily leaves the employment of the institution; or
2. Voluntarily retires; or
3. Is dismissed for cause under the provisions of Rule 6C1-7.048, F.A.C., or an applicable Collective Bargaining Agreement for faculty members in a bargaining unit, which govern the termination of faculty employment; or
4. Is discontinued from employment pursuant to the layoff provisions of University rules or an applicable Collective Bargaining Agreement for faculty members in a bargaining unit; or
5. Dies. While the guarantee of annual contract renewal cannot be absolute and exists only to the extent that funds from all sources remain available to honor the commitment, tenure remains one of the distinctive characteristics of the University.

(b) Promotion shall mean the appointment of a faculty member to a higher academic rank in recognition of distinguished performance as a faculty member. Responsibility for promotion decisions has been specifically delegated to the President by the Board of Trustees.

(c) Decisions to promote or to grant tenure, although not identical, differ more in emphasis than they do in kind. The granting of tenure is a more critical action than promotion, for it represents a commitment by the institution to the individual, which is a very serious undertaking for the University. Both decisions, however, represent an evaluation on the part of the University of the faculty member’s total value to the University and of his or her potential for the future as evidenced by his or her record. Both require not only a consideration of the candidate’s fulfillment of his or her assigned responsibilities in teaching, research, extension, and service, but also a broad scale evaluation of his or her fitness to fulfill effectively the responsibilities attendant to membership in the University community. They also require a determination that the individual understands the concepts of academic freedom and academic responsibility and their close interrelationship. The same criteria are to be applied in making or evaluating recommendations in both tenure and promotion judgments.

(d) Tenure may be granted by the Board of Trustees upon the recommendation of the President at the time of initial appointment only after a consideration of the needs of the department or program and only when the prospective appointee has tenure at another college or university. Refer to subparagraph (3)(a)3. of this rule.

(e) Consideration for tenure, permanent status, or promotion during an administrative appointment shall be based on the faculty duties in teaching, research, service, or extension evaluated under the University’s criteria for tenure and promotion and shall not be based on the administrative portion of the assignment.

(3) Eligibility for Tenure

(a) Only those employees classified as faculty members of the University who are in a continuous full-time or part-time tenure-accruing position and hold the rank of assistant professor or above are eligible for nomination for tenure. Refer to Rule 6C1-7.003, F.A.C.

1. The faculty member considered for tenure shall normally hold the terminal degree appropriate to the academic field to which the faculty member is appointed. Any candidate who does not hold the terminal degree must have an exceptional record of professional achievement.

2. A faculty member shall be appointed to a department or unit, and there shall normally be an academic department which is responsible for the faculty member’s tenure. With the written consent of the Provost, a center or institute may be responsible for the tenure of a faculty member.

3. The award of tenure may be recommended to the Board of Trustees at the time of initial appointment to associate professor or above. Requests for tenure upon appointment should be submitted to the Provost (or designee) with a statement of the reasons for the request and supporting documentation, including but not limited to, a copy of the nominee’s resume and the vote of the appropriate departmental or unit faculty. This statement shall set forth the special circumstances which warrant granting tenure as a condition of employment, including a brief summary of the nominee’s academic credentials and employment. If the Provost approves the request, the letter of offer of appointment to the nominee should address the tenure issue by indicating that the recommendation for tenure will be sent to the Board of Trustees for its consideration and decision. The social security number, documentation required by the I-9 Form, and an assurance that the internal procedures for tenure approval were followed, including the results of the vote of the appropriate departmental or unit faculty, must also be submitted to the Provost with the appropriate documents.

4. If a non-tenured faculty member is appointed to serve in academic-administrative classifications or administrative positions, he or she shall be eligible for tenure only in the faculty rank, but not in the administrative position. Only that portion of the assignment that is not administrative shall be considered in the tenure process. Tenured faculty members appointed to these positions shall retain tenure in the faculty rank, but tenure shall not apply to or be held in any administrative positions or classifications. Refer to Rule 6C1-7.003, F.A.C.
5. Faculty members shall be considered and recommended for tenure or given notice of non-renewal by the end of seven years of academic service in a tenure-track position at the University of Florida. A faculty member may request consideration prior to the seventh year, and the department chair or equivalent administrator will initiate the tenure nomination process upon that request. One year of academic service shall mean employment during at least thirty-nine (39) weeks of any twelve (12)-month period beginning with the fall term. Employment for one semester (or its equivalent) shall constitute one-half year of academic service.

6. Faculty members being considered for tenure prior to the seventh year may withdraw from consideration without prejudice by written mutual agreement between the faculty member and the chairperson. Faculty members being considered for promotion may withdraw from consideration. The withdrawal from consideration for tenure or for promotion must be made prior to a decision by the President. For the procedures concerning the decision at the presidential level, refer to subparagraphs (6)(b)3. and (6)(c)3. of this rule.

7. Time spent by a faculty member with a tenure track appointment under joint appointment or exchange within or without the State University System, on a duly established personnel exchange program of the University or on a special assignment for the benefit of the parent institution or for the University System, shall be considered academic service for the purposes of subsection (3) of this rule absent an agreement between the faculty member and the University to the contrary. In all such cases, the faculty member shall be so informed in writing at the time leave is granted.

8. A semester (or a 19.5 week period for 12 month faculty) in which a faculty member is on a leave of absence shall not be considered academic service for the purposes of subsection (3) of this rule. A semester (or 19.5 weeks for 12 month faculty) in which a faculty member is on reduced full-time equivalent (FTE) compensated leave shall not be considered academic service for the purposes of subsection (3) of this rule.

9. The appointment or employment requirement for a tenured faculty member shall be consistent with the degree of effort and duration of time (academic year or 12-month appointment) in which the faculty member was granted tenure status. Refer to Rule 6C1-7.003, F.A.C. Faculty who have been appointed to a tenure accruing position at less than 1.00 full-time equivalent (FTE) will be awarded tenure at the percentage of full-time effort (FTE) assigned at the time of the initial appointment in the tenure accruing position. The appropriate academic department and college may submit a request to the Office of Academic Affairs for a change to full-time tenure status for any faculty member who was granted tenure at less than 1.00 FTE, after the faculty member has completed a total of five (5) consecutive years of 1.00 FTE appointments.

(b) Tenure Eligibility for Tenured Faculty Members Transferred to Other Departments Within the University or from Another State University in Florida.

1. All prior State University System tenure-accruing service shall be credited toward tenure at the University of Florida in the absence of an agreement between the University and the faculty member to the contrary.

2. A faculty member may transfer with tenure from another university in the State University System if the transfer of the faculty member and the transfer of the line item, where appropriate, is approved by the appropriate University officials or if a vacancy exists and the faculty member is offered employment through the normal hiring process.

3. While no department or unit of the University is obliged to accept the transfer of a faculty member from another unit or units, if a tenured faculty member of a department or unit is offered employment and accepts such a transfer, the academic department or unit must recognize the tenured status already attained by the transferring faculty member. The acceptance of a transferring faculty member is conditioned upon an affirmative vote of the tenured faculty members of the academic department or unit within which the faculty member will hold tenure. A report of the transfer shall be submitted through the appropriate administrative channels to the Office of Academic Affairs.

(c) Tenure Eligibility of Faculty in the various Colleges of the J. Hillis Miller Health Center with Assignments at Affiliated Institutions or Units.

1. The Colleges of the J. Hillis Miller Health Center are authorized to offer tenure-accruing appointments to faculty members with assignment at any of the affiliated institutions or units designated by the dean of any college of the J. Hillis Miller Health Center, provided the appointee fully qualifies for and holds the tenure-accruing rank in an academic unit in the respective college. In all circumstances, the appointee must be informed in writing of the inherent limitations in the definition of tenure for such faculty members.

2. Any member of the faculty in one of the colleges at the J. Hillis Miller Health Center, who acquires tenure while having assignment at an affiliated institution or unit will continue in a tenured status only so long as that respective affiliated institution continues to provide funds to the University of Florida to support that faculty position. If the affiliated institution ceases to support that particular faculty position, the faculty member’s tenure shall be withdrawn.

(d) Tenure Eligibility for Faculty in University Libraries and Florida Museum of Natural History. The faculty in the University Libraries and the Florida Museum of Natural History holding appointments in a regular academic rank or holding ranks equivalent to assistant professor, associate professor, professor, or above, i.e., assistant librarian, associate librarian, librarian, assistant curator, associate curator, curator, and above, are eligible for tenure and their contracts shall so state.

(4) Criteria for Tenure and Promotion.

(a) The criteria for promotion or for granting of tenure shall be relevant to the performance of the work which the faculty member has been assigned to do and to the faculty member’s duties and responsibilities as a member of the University community. These criteria recognize three (3) broad categories of academic service as follows:
1. Instruction, including regular classroom teaching, direction of theses and dissertations, academic advisement, extension programs, and all preparation for this work including study to keep abreast of one’s field.

2. Research or other creative activity including scholarly, peer-reviewed publications.

3. Professional and public service.

(b) Extension service may be inclusive of the three broad categories of academic service described above. Refer to paragraph 6C1-7.010(2)(b), F.A.C., for a detailed description of the duties and responsibilities specifically assigned to extension faculty.

(c) The work for which a faculty member is responsible, as well as the expectation that he or she will abide by the rules and regulations of the University and the laws of the State and the nation, should be made clear to the faculty member at the time of employment and shall be reviewed at subsequent intervals at least annually, since the faculty member’s assignment may vary with the passage of time.

(d) The assignment shall also be specified at the time of recommendation for promotion and tenure on the University’s tenure and/or promotion nomination packet of information which the faculty member prepares. A copy of the University’s Guidelines and Information regarding the Tenure, Permanent Status and Promotion Process, Revised July 2003, which includes the nomination packet format and which is incorporated herein by reference, may be obtained in the Chairperson’s, Dean’s or Director’s Office or from the Office of Academic Affairs. In most cases, all three types of activities mentioned in paragraph (4)(a) above will be expected, although the ratios required may vary widely. By way of illustration, a faculty member assigned mostly teaching responsibilities in most cases will be expected to do some research and/or service work. On the other hand, there will be some research personnel who will be assigned no teaching. In most cases, promotion and tenure should require distinction in at least two of the three categories, one of which should be that of the faculty member’s primary responsibility, although merit should certainly be regarded as more important than variety of activity. “Distinction”, as used in this context, means appreciably better than the average college faculty member of the candidate’s present rank and field. Reviews of nominations for promotion and tenure shall contain evidence that such a comparative judgment has been made and that letters of recommendation from outside the University have been sought for the evaluation of research and creative or extension service activities.

(5) Granting of Tenure.

(a) By the end of seven (7) years of continuous full-time or equivalent part-time service in a tenure-accruing position at the University, a faculty member shall either be recommended for tenure or given notice that further employment will not be offered. The notice of denial of tenure shall be accompanied by a statement from the President or the President’s designee of the reason(s) for not granting tenure.

(b) Each review of a nomination for tenure shall reflect careful consideration of the qualifications of the faculty member, including evaluation by colleagues and the department chairperson and/or immediate supervisor. Evaluation of the faculty member’s research and other creative activities or extension programs by qualified scholars in pertinent disciplines both within and outside the University shall be sought. When one of the duties of the faculty member being recommended is teaching, the quality of the faculty member’s teaching shall be evaluated by the procedures outlined in these rules and the University policies which govern faculty evaluation and improvement. Refer to Rule 6C1-7.010, F.A.C. The President’s decision to approve the nomination of a faculty member for tenure shall signify that the President is satisfied the candidate will continue to make significant professional contributions to the University and the academic community generally. Upon nomination by the President and approval by the Board of Trustees, and the State Board of Education if required by law, tenure shall be granted.

(6) Procedures and Methods of Processing Tenure and Promotion Nominations.

(a) Tenure and promotion nomination reviews shall be based on the University’s criteria as set forth in these rules and the Guidelines and Information prepared by the Office of Academic Affairs. Tenure and promotion nomination reviews shall originate with the appropriate academic department or unit, or its equivalent for those faculty in the University Libraries and the Florida Museum of Natural History, in which the individual shall be awarded tenure status and/or promotion as a faculty member.

1. Faculty eligible for tenure and/or faculty who wish to be considered for promotion shall be furnished a copy of the University’s Guidelines and Information in order to assist them in the preparation of the University’s tenure and promotion nomination packet of information mentioned in paragraph (4)(d) of this rule.

a. It shall be the responsibility of the faculty member to see that the tenure and/or promotion nomination packet is complete and contains all the information the faculty member believes is pertinent to the nomination.

b. Prior to the review of the nomination, the faculty member shall have the right to review the contents of the tenure and/or promotion nomination packet, and may attach a brief and concise written response to any material therein. If the faculty member has waived the right to review the letters of evaluation, these shall not be made available to the faculty member.

c. The tenure and/or promotion nomination packets shall be completed for departmental or unit review in accordance with the University guidelines before the departmental or unit vote is taken. The eligible faculty of the department or unit shall review the packets and may meet to discuss the nomination. A secret ballot of the eligible faculty shall be taken no earlier than one day following the meeting.

d. In tenure cases, “eligible faculty” are those faculty holding tenure in the department or unit. In promotion cases, “eligible faculty” shall mean those faculty in the department or unit holding rank superior to that of the candidate.

 e. The faculty member may add materials that directly pertain to the tenure and/or promotion nomination packet by providing a copy to the appropriate administrator. The date of inclusion in the packet shall be recorded on the material.
f. When any material is added to, deleted from, or changed in the packet by anyone other than the candidate after the commencement of the consideration process, a copy of any such additions, deletions, or changes, other than letters of evaluation to which the faculty member may have waived the right to review, shall be sent to the faculty member within five (5) calendar days. Within ten (10) calendar days of receipt of the material, the faculty member may provide a brief and concise response thereto, which shall be added to the nomination packet.

2. The tenure and/or promotion nomination shall be reviewed in accordance with the applicable University Guidelines and Information and the procedures described in paragraphs (6)(b) and (c) of this rule.

3. The faculty member shall be informed of the status of the tenure and/or promotion nomination at each level of the University process within five (5) calendar days of the completion of the review at that level. Within ten (10) calendar days of being informed of the results of the departmental or unit review, including the chairperson’s recommendation, the faculty member may request a meeting with the chairperson (or equivalent administrator) to respond and/or may submit a written response to the chairperson. Within ten (10) calendar days of being informed of the results of the college’s review, including the dean’s recommendation, the faculty member may request a meeting with the dean (or equivalent administrator) to respond and/or may submit a written response to the dean. In the case of IFAS and the Health Center, within ten (10) calendar days of being informed of the results of the Vice President’s review and recommendation, the faculty member may request a meeting with the Vice President to respond and/or may submit a written response to the Vice President. Any written response submitted by the faculty member shall be placed in the nomination packet before consideration at the next level of review.

(b) Procedures for Submitting Tenure Nominations.

1. Departmental or Unit Review – The department chairperson or the equivalent administrator is responsible for initiating the process for tenure. The eligible faculty members of the academic department or unit in which the faculty member shall hold tenure status if it is awarded shall review the packet and may meet to discuss the nomination. A secret ballot of the eligible faculty members in the department or unit shall be taken no earlier than one day following the meeting. The chairperson or equivalent administrator shall review the nomination and report the results of the faculty vote, the results of his or her review, and his or her recommendation to the candidate and to the appropriate dean or director. For those IFAS faculty stationed at research and education centers, nominations for the award of tenure shall also be reviewed by the center director and voted on by the center’s eligible faculty through a secret ballot.

2. College Level Review – The dean, or director in the case of University Libraries or the Florida Museum of Natural History, shall review the nomination. In conducting the review, the dean or director shall consult with the eligible faculty members of the college and/or with a fact-finding committee comprised of eligible faculty members of the college. A list of the members of the committee shall be available at the college office. The dean’s or director’s letter of review and recommendation will be submitted to the candidate and to the University’s Academic Personnel Board and, in the case of IFAS and the Health Center, the dean shall forward the letter of review and recommendation, to the appropriate Vice President, who shall review the nomination and shall submit the results of the review and his or her recommendation to the candidate and to the Academic Personnel Board.

3. Presidential Review – The Academic Personnel Board is consultative to the President with respect to promotion and tenure nominations and takes a University-wide perspective in reviewing the nominations for tenure and promotion. The University’s Academic Personnel Board consists of six (6) tenured faculty members in the rank of full professor or above who do not have an academic administrative appointment, the Provost and Vice President for Academic Affairs, an associate provost for academic affairs designated by the Provost, and the Vice President for Research and Dean of the Graduate School. The six (6) faculty members are appointed by the President. One faculty member shall represent the Health Center, another the Institute of Food and Agricultural Sciences, and three shall represent the colleges and academic units in the Education and General Budget. The Provost and Vice President for Academic Affairs acts as the Chairperson, and an associate provost for academic affairs designated by the Provost serves as the secretary of the Board.

a. The Academic Personnel Board shall advise the President on all nominations received. The Academic Personnel Board will serve in a fact-finding and consultative role, reviewing the candidates’ nomination packets and reporting on the strengths and weaknesses of the records. If there are questions about a nomination packet, the Academic Personnel Board shall notify the dean who in turn will notify the chairperson and the faculty member so they may respond. Pursuant to subparagraph (3)(a)7. of this rule, a candidate may choose to withdraw from consideration at this time. The Provost shall present the report of the Academic Personnel Board to the President. The Academic Personnel Board shall be available for further consultation with the President concerning these nominations.

b. The President makes the final decision with respect to all tenure recommendations. The college or appropriate unit will be notified of the President’s recommendation to the Board of Trustees.

4. The faculty member shall be notified in writing by the President or the President’s designee immediately, or as soon thereafter as possible, of the final action taken on the nomination for tenure. If the faculty member is denied tenure, the notice shall include a statement of the reason(s) for the denial.

5. By the end of the seventh year of service or the equivalent in part-time service, the faculty member shall be either awarded tenure or given appropriate notice of denial of tenure and non-renewal by the President or the President’s designee. The notice of non-renewal shall be accompanied by the following: a statement of the reasons(s) why tenure was not granted; reference to any
previously-held informal conference between the faculty member and the President's designee to explain the reason(s) for the denial; the expiration date of the current year's contract; the last day of employment with the University; and a reference to the appropriate grievance procedures described in subsection (8) below and in Rule 6C1-7.041, F.A.C.

(c) Procedures for Submitting Promotion Recommendations.

1. Departmental or Unit Review – The department chairperson or equivalent administrator is responsible for initiating the process for the promotion of faculty to the rank of associate or full professor or above, or the equivalent in other academic ranks (e.g., curators, librarians, extension agents, scientists, scholars or engineers). The appropriate department chairperson or administrator will initiate the nomination process upon the request of an eligible faculty member, except that only a college dean or the administrator of a unit equivalent to a college may nominate a faculty member for the title of distinguished professor. Nominations shall be processed and considered as described in paragraphs (6)(a), (c) and (d) of this rule. The eligible faculty members of the department or unit shall review the packet and may meet to discuss the nomination. A secret ballot of the eligible faculty of the department or unit shall be taken no earlier than one day following the meeting. The chairperson or equivalent administrator shall review the nomination and report the results of the faculty vote, the results of his or her review, and his or her recommendation to the candidate and to the appropriate dean or director. Nomination for the award of the “distinguished professor” title shall be made by the appropriate college dean or equivalent administrator and be accompanied by the votes or a summary of the opinions of those faculty in the rank of professor or the equivalent in academic rank within the academic department or unit.

2. Review at College Level – The dean, or director in the case of the University Libraries or the Florida Museum of Natural History, shall review the nomination. In conducting the review, the dean or director shall consult with the eligible faculty members of the college and/or with a fact-finding committee comprised of eligible faculty members of the college. The dean’s or director’s letter of review and recommendation will be submitted to the candidate and to the University’s Academic Personnel Board and, in the case of IFAS and the Health Center, the dean shall forward the letter of review and recommendation to the appropriate Vice President, who shall review the nomination and shall forward the results of the review and his or her recommendation to the candidate and to the Academic Personnel Board.

3. Presidential Review – The Academic Personnel Board shall advise the President on all nominations for promotion received. The Academic Personnel Board will serve in a fact-finding and consultative role, reviewing the candidate’s nomination packets and reporting on the strengths and weaknesses of the record. If there are questions about a nomination, the Academic Personnel Board shall notify the dean who in turn shall notify the chairperson and the faculty member so they may respond. Pursuant to subparagraph (3)(a)7. of this rule, a candidate may choose to withdraw from consideration at this time. The Provost shall present the report of the Academic Personnel Board to the President. The Academic Personnel Board shall be available for further consultation with the President concerning these nominations. The President makes the final decision with respect to all recommendations for promotion. The College or appropriate unit will be notified of such action.

4. The faculty member shall be notified in writing, by the President or designee immediately, or as soon thereafter as possible, of the final action taken on the nomination for promotion. If the faculty member is denied promotion the notice shall include a statement of the reason(s) for the denial.

(d) Nominations of an Administrator for Tenure and/or Promotion in a Faculty Rank – In the case of a recommendation of a chairperson or other administrator for tenure and/or promotion in an academic rank, the next highest level of supervising administrator or the administrator’s designee (e.g., the chairperson, the dean, or director, or vice president) in the college or major budgetary unit shall be the officer or administrator in charge for the purposes of conducting the review process. Where tenure is involved, the supervising administrator shall obtain the required secret ballot of the tenured members of the academic department or unit. Where promotion is involved, the supervising administrator shall solicit the opinions of the faculty holding academic rank superior to that held by the candidate for promotion. The appropriate University procedures described in paragraphs (6)(a), (b) and (c) of this rule shall be followed. Tenure and/or promotion may be awarded to a faculty member only in the faculty member’s capacity as a faculty member in an academic department or unit. In no case is tenure applicable to the faculty member’s appointment in an administrative classification or position. Refer to subparagraph (3)(a)4. of this rule and subsection 6C1-7.003(6), F.A.C.

(7) Promotion and Tenure Materials and Discussions. All records reflecting evaluations of employee performance compiled for promotion and/or tenure, including records of any discussions of these evaluations, shall be regarded as limited access records and shall be made known only to those individuals who are required to participate in making recommendations or making of the decision unless otherwise required by law. All such discussions shall be considered confidential. (Refer to Rule 6C1-1.019, F.A.C.)

(8) Promotion and Tenure Grievance Procedures. A faculty member who is denied promotion or tenure and who believes his or her rights have been violated may elect to use one of the procedures outlined in Rule 6C1-7.041, F.A.C. The notice from the President or designee of the denial of tenure or promotion shall refer to the grievance procedures outlined in Rule 6C1-7.041, F.A.C.

(9) Refer to Rules 6C1-7.025 and 6C1-6.009, F.A.C., for the description of permanent status and the eligibility requirements for this status.

(10) Sustained Performance Evaluations. Tenured faculty members shall receive a sustained performance evaluation once every seven years following the award of tenure or their most recent promotion. The purpose of this evaluation is to document sustained performance during the previous six years of assigned duties and to encourage continued professional growth and development. A performance improvement plan shall be developed for those employees whose performance is identified through
the sustained performance evaluation as being consistently below satisfactory in one or more areas of assigned duties. It is the responsibility of the employee to attain the performance targets specified in the performance improvement plan. If the faculty member fails to meet these targets the unit has the responsibility to take appropriate actions under the provisions of the University Rule 6C1-7.048, F.A.C., or a Collective Bargaining Agreement for faculty in a bargaining unit.

(11) The amendments to this rule shall be effective May 7, 2004, except that the incorporation of the 2003 University Guidelines and Information shall be effective for the 2003-2004 academic year.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–Formerly 6C1-7.26, 6C1-7.27, 6C1-7.30, 6C1-7.33, 6C1-7.34, New 3-26-80, Amended 3-6-85, Formerly 6C1-7.19, Amended 12-28-87, 5-21-89, 11-13-90, 5-18-92, 4-30-95, 7-15-97, 7-27-98, 1-12-00, 8-2-00, 7-29-01, 5-20-02, 6-3-03.

6C1-7.025 Academic Affairs; Permanent Status for County Extension Faculty and P. K. Yonge Developmental Research School Faculty.

(1) General Information.
(a) Permanent status is similar to tenure in that it provides assurance of a continual appointment subject to certain requirements of the position as described in this rule. It is granted by the President and shall be effective on July 1 following the completion of all requirements.
(b) A faculty member who has been appointed to a permanent status accruing position at less than 1.00 full-time equivalent (FTE) will be awarded permanent status at the percentage of full-time effort assigned at the time of the initial appointment in the permanent status accruing position.
(c) Permanent status earned by any faculty member prior to assuming a supervisory or administrative position shall be retained in the faculty rank in which it was attained. Upon release from the supervisory or administrative position, the faculty member shall be entitled to reassignment to the same or a similar position to that in which permanent status was attained, or to the same or similar position held at the time of the supervisory or administrative appointment, and to the salary range that would have been earned had the faculty position been held continuously.
(d) Nomination for permanent status or promotion for eligible county extension or P. K. Yonge Development Research School faculty shall be based on the University’s guidelines and evaluation procedures and shall originate with the appropriate department or administrative unit in which the individual holds a title and/or receives a salary.

(2) Eligibility.
(a) Appointments of county extension and P. K. Yonge Developmental Research School faculty whose appointments do not include the appointment status modifiers “adjunct,” “provisional,” “visiting,” “research,” or “courtesy,” are permanent status accruing. If a faculty member initially appointed to any of these positions with these modifiers, is subsequently appointed to a permanent status-accruing position, all or a portion of the service in such non-permanent status accruing title may be counted toward permanent status, subject to approval in writing at the time of the subsequent appointment.
(b) Consideration for permanent status is based on performance of faculty duties and responsibilities. Faculty appointed to serve in academic administrative (or supervisory) classifications or positions shall not be eligible for permanent status in the administrative appointment.

(3) Permanent Status for County Extension Faculty.
(a) Permanent status is with the Florida Cooperative Extension Service, I.F.A.S., University of Florida, not the county. Permanent status ensures the county extension faculty member of certain commitments by the University of Florida, IFAS, Florida Cooperative Extension Service, should the county terminate without cause the faculty member’s position in the county.
(b) Credit for permanent status shall be accrued in the ranks of County Extension Agent I, II, III, and IV and may be awarded in the ranks of County Extension Agent II, III, and IV. Permanent status shall not be awarded to those holding the rank of County Extension Agent I, which is equivalent to the academic rank of Instructor.
(c) The Vice President for Agricultural and Natural Resources may recommend credit for not more than two years spent in a permanent status equivalent earning position at another university, or transfer credit for not more than two years of equivalent experience may be recommended for an individual employed as a County Extension Agent II or a County Extension Agent III, and transfer credit for not more than three years may be recommended for an individual employed as a County Extension Agent IV. The number of years of previous service which the Vice President for Agricultural and Natural Resources may agree to recommend as credit toward a county extension faculty member’s eligibility for permanent status shall be agreed upon in writing at the time of employment.
(d) Permanent status is not granted in county extension administrative or supervisory positions but only in the equivalent county extension faculty rank. Non-permanent status county extension faculty in a permanent status-accruing position who are appointed to serve in an academic administrative classification shall earn time toward such status during the term of the appointment.
(e) A county extension faculty member of the Florida Cooperative Extension Service who is serving in a permanent status-accruing rank, is eligible to receive permanent status. The decision of whether or not to recommend a county extension faculty member for permanent status or provide notification of non-renewal of the appointment must be made by the end of the sixth year of continuous full-time service, including within this period any University-approved accrued, transferred, full-time
participating in the program who are employed by units of government, private industry, or institutions of higher learning which are
of time they participate in the exchange with no break in creditable or continuous service. The salary and benefits of persons
the participant they replace. Those participants from government, industry or other higher learning institutions will assume th e
duties and responsibilities of the faculty or staff they replace.

(3) Implementation of Program.
(a) Eligibility – Full-time employees filling faculty positions or exempt TEAMS full-time employees are eligible.
(b) Terms of Exchange Program.
1. The salary and benefits of University employees participating in this exchange program shall be continued during the period
of time they participate in the exchange with no break in creditable or continuous service. The salary and benefits of persons
participating in the program who are employed by units of government, private industry, or institutions of higher learning which are
not under the jurisdiction of the University shall be paid by that participant’s originating employer.
2. Exchanges will be conducted for a period not normally to exceed two consecutive semesters.
3. Faculty or exempt TEAMS full-time employees participating in this exchange will assume the duties and responsibilities of
the participant they replace. Those participants from government, industry or other higher learning institutions will assume the
duties and responsibilities of the faculty or staff they replace.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–New 3-26-80, Amended 3-6-85, Formerly 6C1-7.32, Amended
3-12-03.

6C1-7.036 Academic Affairs; Complaints Against Faculty Members.
(1) Complaints against a faculty member should normally be in writing and signed by the complainant in order for the
University to proceed with an official inquiry into the complaint. However, complaints may also be verbal or anonymous.
(2) Complaints from outside the University shall be addressed or forwarded either to the President or to the Provost. The complaint may be handled by the addressee or forwarded to the dean (or director) or the appropriate vice president in the college (or school) of the faculty member concerned for appropriate action.

(3) Complaints from either outside or inside the University involving allegations of fraudulent or other dishonest acts shall be referred to the Office of Inspector General in accordance with the University’s Policy Against Fraudulent or Other Dishonest Acts, February 25, 2002, incorporated herein by reference. A copy of this policy can be obtained by contacting the Office of Inspector General, Post Office Box 113025, Gainesville, Florida 32611.

(4) Complaints involving allegations of sexual harassment shall be handled in accordance with the University’s Policy on Sexual Harassment (1999), incorporated herein by reference. A copy of this policy can be obtained by contacting the Vice Provost in the Affirmative Action Office at Post Office Box 113050, Gainesville, Florida 32611.

(5) Complaints that represent allegations of research misconduct shall be handled in accordance with the University’s Policy for Dealing with Conduct in Research, Rule 6C1-1.0101, F.A.C.

(6) Complaints from inside the University shall be submitted directly to the department chair of the faculty member concerned, who shall inform the dean (or director) or the appropriate vice president of the complaint.

(a) The department chair or other appropriate administrator shall determine whether the complaint has substance and whether further action is necessary. If it is determined the complaint has substance and further action is necessary, the faculty member shall be informed of the receipt of the complaint and will be given an opportunity to respond to the complaint in writing within ten (10) days.

(b) The department chair or administrator shall review the complaint, together with the faculty member’s written response and provide a report to the dean (or director) or appropriate vice president stating whether:
   1. The complaint lacks substance and no further action is necessary; or
   2. The complaint has substance and remedial action shall be taken at the department or college level.

(c) The dean (or director) or appropriate vice president shall subsequently review the complaint, together with the faculty member’s written response and the department chair’s or administrator’s report. If the report states the complaint has substance and remedial action should be taken at the college level, the dean (or director) or appropriate vice president shall determine the necessary appropriate remedial actions.

(7) Complaints involving IFAS or Health Center faculty shall be submitted to either a dean or to the vice president of the faculty member concerned, who shall determine whether the complaint has substance and whether further action is necessary. If it is determined that the complaint has substance and further action is necessary, the faculty member shall be informed of the receipt of the complaint and will be given an opportunity to respond to the complaint in writing. After subsequently reviewing the complaint, together with the faculty member’s response, the dean or vice president shall determine the necessary appropriate remedial actions.

Specific Authority 229.0081(2) FS. Law Implemented 229.0081(2)(m), 229.0082(3) FS. History–New 12-9-75, Amended 3-26-80, 5-14-85, Formerly 6C1-7.36, Amended 7-28-02.

6C1-7.041 Academic Affairs; Methods for Review and Resolution of Faculty Grievances.

(1) As used in this rule, the terms listed below shall have the following meanings:

(a) The term “grievance” shall mean a dispute or complaint concerning tenure, promotion, non-renewal and termination of employment contracts, salary, work assignments, annual evaluation, lay-off and recall, and other benefits or rights accruing to a faculty member pursuant to the rules of the Board of Regents, of the University or by law.

(b) The term “appeal” shall mean a process by which a university decision or action directly affecting a faculty member may be brought to the attention of the faculty member’s chair or supervisor responsible for the decision or action who may then review and/or modify the decision or action. As used in this rule “appeal” means an attempt to resolve the action being grieved through review by appropriate administrator(s) in order to reach resolution prior to the initiation of a grievance process.

(c) The term “mediation” shall mean a process of reaching a voluntary resolution of a dispute with the aid of a neutral. Each party must agree to the process and remains in control of the process until a final agreement is reached; the mediator shall have no powers to impose a resolution or agreement.

(d) The term “days” as used in this rule shall mean calendar days. If a time limit expires on a non-business day, the limit shall be extended to 5 p.m. of the next business day.

(e) The terms “elect” or “election” shall mean the filing of the request for a specific review of a grievance as provided in subsection (3) below in the Office of the President, or the Clerk of the University in the case of proceedings conducted pursuant to Section 120.57, F.S.

(2) Appeal Process.

(a) Faculty members are encouraged to seek resolution of their grievances prior to filing under a specific review procedure through use of the appeal process. An appeal shall be initiated by the aggrieved faculty member with the faculty member’s immediate supervisor and may proceed through the appropriate administrative structure to the next ranking administrator or the administrator’s designee, (i.e., chair, dean or director, appropriate vice president, and/or Provost or their designees).
(b) The faculty member’s use of the appeal process or any other form of resolution does not automatically suspend the applicable time limit, as set out in paragraph (3)(c) below, the date required for requesting a specific method for a review of a grievance described in subsection (3) below. At the time the grievance is filed in the Office of the President, the faculty member may request in writing an extension of the applicable time limit for initiating the elected grievance review procedure in order to facilitate the resolution of a grievance. Notwithstanding the foregoing, failure to elect a method for a review of a grievance prior to the applicable time limit, or prior to an extension thereof as approved by the University, shall constitute a waiver of the faculty member’s right to any method for grievance resolution as set out in paragraphs (3)(a) and (b) below.

(c) Faculty members are encouraged to use mediation in the appeal process. In such case, when a grievance is filed in the Office of the President with a request for an extension, the grievant may request either the dean or director of his or her academic unit or the Office of Academic Affairs to pursue arranging and scheduling the mediation process. The mediator shall be agreeable to both parties. If resolution is reached through the mediation, the parties shall draft the terms of the agreement which they shall sign before the mediation session ends. The agreement shall be binding on the parties and shall not be subject to further review in any forum. A copy shall be placed in the grievance file indicating that the grievance is resolved and the grievance file closed.

(3) Procedures for Grievance Review – Faculty members at the University of Florida may elect one of the procedures for review and resolution of a grievance described in this rule. Unless stated otherwise in these rules, an election of any one of these procedures shall constitute a waiver of all other procedures provided.

(a) Faculty members in the collective bargaining unit may elect either the grievance procedures in the Collective Bargaining Agreement for grievances arising under the terms of the Agreement, or the procedure described in Section 120.57, F.S., for those matters involving a substantial interest. Procedures for instituting a Section 120.57, F.S., proceeding are described in subsection (4) of this rule.

(b) Faculty members not in the collective bargaining unit may elect one of the following methods for a review of a grievance:

1. University Faculty Grievance Procedure, Rule 6C1-7.042, F.A.C., for those matters involving University or Board of Regents rules; or
2. Administrative Proceeding, Section 120.57, F.S., for those matters involving a substantial interest, as described in subsection (4) of this rule; or
3. Faculty Senate Committee on Academic Freedom, Tenure, Professional Relations and Standards Committee for those matters which are within the jurisdiction of the Committee, as provided in subsection (5) of this rule.

4. A proceeding under the provisions of Section 120.57, F.S., must be initiated within twenty-one (21) days of receipt of written notice of a decision or action, which does or may affect a substantial interest of the faculty member, or within twenty-one (21) days of receipt of written notice of intent to render such decision.

5. An election of any other procedure for grievance review must be initiated by filing the grievance with the Office of the President no later than thirty (30) days from the date following the act or omission giving rise to the grievance, or thirty (30) days from the date the faculty member acquires knowledge, or could reasonably have been expected to acquire knowledge, of the act or omission, if that date is later.

(4) Grievance Proceeding under Section 120.57, F.S.

(a) A faculty member requesting a proceeding under Section 120.57, F.S., on a decision which does or may determine a substantial interest, such as termination for cause or denial of tenure, of the faculty member, shall file his or her petition within twenty-one (21) days of receipt of written notice of the decision. The petition shall be addressed to the Clerk of the University and shall be filed in the Clerk of the University. The provisions of Chapter 28-106, Part II, F.A.C., shall govern such proceedings.

(b) A faculty member who receives written notice of a University decision or action, and who fails to request a proceeding under the provisions of Section 120.57, F.S., prior to the twenty-one (21) day limit, or prior to an extension thereof as approved by the University, shall be deemed to have waived the right to request a Section 120.57, F.S., proceeding.

(c) Upon receipt of a petition for an administrative proceeding under Section 120.57, F.S., the University shall either accept or deny the petition. If the petition is accepted, and a disputed issue of material fact is alleged, the University shall elect to conduct the hearing provided under Section 120.57(1), F.S., through either the University’s President; or an Administrative Law Judge from the Division of Administrative Hearings.

1. A petition may be denied if the faculty member does not state a substantial interest in the University’s determination, or if the petition is untimely.

2. The University shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

3. If the University elects to request that an Administrative Law Judge from the Division of Administrative Hearings be assigned to conduct the hearing, the University shall forward the petition and all materials filed with the University to the Division of Administrative Hearings, and shall notify all parties of its action.

(5) Grievance review before the Faculty Senate Committee on Academic Freedom, Tenure, Professional Relations and Standards Committee.

(a) A faculty member may elect to commence a grievance review before the Faculty Senate Committee on Academic Freedom, Tenure, Professional Relations and Standards. The Faculty Senate Committee on Academic Freedom, Tenure, Professional Relations and Standards shall have jurisdiction in matters involving University practices bearing on academic freedom, tenure, professional ethics, or the general welfare of the faculty when such matters are placed before it by the President or designee, or
through charges filed by the same or faculty members as set forth in Rule 6C1-7.0441, F.A.C. The Committee shall have the right to reject the grievance, or require modification of the grievance, if it is not filed in accordance with the time limits set forth in subparagraph (3)(b)4. or it is not within jurisdiction of the Committee.

(b) A faculty member who has elected to commence a review before the Faculty Senate Committee must address a written complaint to the President of the University. The complaint must be signed by the faculty member, and the following must be included therein: “I understand and agree that by filing this complaint initiating the formal method for grievance resolution provided by subsection 6C1-7.041(5), F.A.C., I waive any right I might otherwise have to any other formal method for grievance resolution, as set out in subsection 6C1-7.041(3), F.A.C.” The faculty member should furnish any relevant documentary evidence with the complaint to the President.

(c) The President or the President’s designee shall then refer the complaint and any documentary evidence submitted with the complaint to the Chairperson of the Faculty Senate Committee for review. The Committee shall follow its procedures and rules as established by the University Senate or the Committee itself. See Rule 6C1-7.0441, F.A.C. The Committee shall submit its findings and recommendations to the President. The President may adopt, modify, or reject the Committee’s report. Copies of the President’s decision shall be sent to the parties involved in the grievance. The action of the President shall be final.

(d) Discrimination complaints – A faculty member may utilize as appropriate the grievance process set forth in subsection (3) above or Rule 6C1-1.0063, F.A.C., for the resolution of a complaint of alleged discrimination in employment practices. A faculty member who files a written complaint under one of these processes waives any right he or she might otherwise have to file a grievance based on the same facts under subsection (5) of this rule. Notwithstanding the foregoing, the faculty member does not waive the right to use the grievance procedures set out in subsection (5) of this rule or in the University Faculty Grievance Procedure, Rule 6C1-7.042, F.A.C., to grieve the same subject matter on a basis other than discrimination provided the applicable time limit, or any extensions thereof which have been granted, are met.

(7) Misconduct in Research. Rule 6C1-1.0101, F.A.C., sets forth the University’s policy for dealing with complaints of “research misconduct” as that term is defined in the rule.

(8) Complaints Against Faculty Members. Rule 6C1-7.036, F.A.C., sets forth the University’s policy for dealing with general complaints against faculty members.

Specific Authority 240.227(1) FS. Law Implemented 120.54(5), 240.227(5), (19) FS. History–New 3-6-80, Amended 2-23-82, 5-14-85, Formerly 6C1-7.41, Amended 4-30-95, 7-27-98.

6C1-7.042 Academic Affairs; University Grievance Procedures for Faculty: Definitions, General Information and Procedures.

(1) Definitions.

(a) The term “grievance” – as used in this rule shall mean a dispute or complaint alleging a violation of the rules of the University or the Board of Regents concerning tenure, promotion, non-renewal and termination of employment contracts, salary, work assignments, annual evaluation, lay-off and recall, and other benefits or rights accruing to a faculty member pursuant to these rules.

(b) A grievance must be filed in the Office of the President with a copy to the grievant’s chief administrative officer (CAO) in the format described in subsection (5) of this rule. The required information must be complete in order for the grievance process to begin.

(c) The term “grievant” shall mean a faculty member who is not a member of the collective bargaining unit and whose benefits or rights, as defined in paragraph (1)(a) above, have been directly affected by an act or omission of the University or its representative and who has filed a grievance.

(d) The term “days” shall mean calendar days. If a time limit expires on a non-business day, the limit shall be extended to 5 p.m. of the next business day.

(e) The term “Grievance Committee” shall apply to a committee selected by either a vote of the college faculty or by appointment of the CAO to review the grievance at Step I.

(f) The term “chief administrative officer” (cited as “CAO” in this rule) shall mean the dean or director exercising authority over faculty in a college or budgetary unit, or the designee of such an individual. The CAO may also be the Vice President for Health Affairs or Agricultural and Natural Resources, and/or the deans of the colleges within these budgetary units, including the functional Deans in IFAS, or for the purpose of this rule the vice presidents or directors of major budgetary, academic or administrative units which are the organizational equivalent of colleges, such as Florida Museum of Natural History, University Libraries and Student Affairs.

(2) General Information.

(a) Purpose of Grievance Procedure – The purpose of the procedure is to provide a prompt and efficient collegial method for the review and resolution of grievances filed by faculty members of the University, who are not members of the collective bargaining unit.

(b) Time Limits –
1. A grievance shall be filed no later than thirty (30) days from the date following the act or omission giving rise to the grievance, or thirty (30) days from the date the grievant acquires knowledge, or could reasonably have been expected to acquire knowledge, of the act or omission, if that date is later.

2. Extensions requested for the purpose of attempts to resolve the grievance may be granted upon the grievant’s written request to the Office of the President, with a copy to the CAO.

3. Upon failure of the University or its representatives to provide a decision within the time limits provided in this rule or any extension thereof, the grievance shall be deemed to have been transferred to the next step of the grievance process.

4. Upon the failure of the grievant to file a request for review within the time limits provided in this rule, the grievance shall be deemed to have been resolved at the prior step, and the grievance file closed. The grievance shall not later be revived.

5. The University may refuse to entertain any grievance or request for review not filed within the applicable time limit or extension thereof.

(c) Burden of Proof – The burden of proof shall be on the grievant, who must support his or her position regarding the grievance by a preponderance of the evidence, except that the burden of proof shall be on the University in a disciplinary grievance alleging a violation or violations under Rule 6C1-7.048, F.A.C., to establish by a preponderance of the evidence that the violation occurred. Counseling is not considered disciplinary action.

(d) Limitations on Certain Remedies –

1. Backpay may be awarded to a grievant if a determination is made that the grievant is not receiving the appropriate salary from the University, but other monetary damages, interest, or penalties, including attorney’s fees, shall not be awarded to a grievant.

2. A decision to award employment beyond the sixth year to a grievant shall not entitle the grievant to tenure or permanent status. In such case, the grievant shall have the right to an appropriate notice period, but is not entitled to any employment after the designated notice period.

3. Appeal or Resolution Process.

(a) An aggrieved faculty member is encouraged to arrange a meeting to discuss a possible resolution of the grievance with the appropriate administrator responsible for the act or omission giving rise to the grievance. This conference should be held within the thirty (30) day period, as described in subparagraph (2)(b)1. above, in which the grievance review procedure must be initiated. If such conference cannot be held within the thirty (30) day period, the aggrieved faculty member must file a grievance in the Office of the President along with a written request for an extension of no more than thirty (30) days in order to continue to pursue resolution of the grievance.

(b) Upon the grievant’s written request, additional thirty (30) day extensions may be granted, unless to do so would impede the resolution of the grievance. Approval of any request for extension shall be in writing to the Office of the President with a copy to the CAO. The grievant may at any time terminate the extension by giving written notice to the CAO with a copy to the Office of the President that the grievant wishes to proceed with the grievance review procedure in the manner described in paragraph (4)(b) below.

(c) If an extension expires without a written request from the grievant for either a further extension or a Step I review, the grievance need not be processed further, and the grievance file will be closed. The grievance shall not later be revived.


(a) General Information.

1. The University Faculty Grievance Procedure shall commence upon the timely filing of a grievance in the Office of the President, which shall include all the information specified in “Step I Grievance”, as described in paragraph (5)(a) below, with a copy to the appropriate CAO. At the same time, a copy of the grievance shall be furnished to the grievant’s chair or unit supervisor. The President or designee or the CAO may refuse to consider a grievance not filed in accordance with this rule upon written notice to the grievant.

2. If the grievant is a dean, director, or vice president, or if the grievance involves review of a decision by a dean or director, the grievant should request that the grievance procedure begin with a review by the appropriate vice president, e.g., Vice President for Health Affairs, the Vice President for Agricultural and Natural Resources or the Provost/Vice President for Academic Affairs, or the respective Vice President’s designee, if applicable, at the Step I level.

3. If the grievant is a vice president, the procedure shall commence with the Provost/Vice President for Academic Affairs at the Step II level, as outlined in paragraph (c) below. In all other cases, the grievant shall indicate on the Step I grievance request that the grievance review procedure begin with either a review by the Grievance Committee or a review by the CAO.

4. A college or unit shall establish a three-member Grievance Committee consisting of faculty to hear grievances filed under this rule. Committee members may be selected either by a vote of the college faculty or be appointed by the CAO. Committee members may serve for staggered terms of either two or three years and shall be eligible for reappointment. The Committee shall designate one of its members as chair.

(b) Step I Review Procedures.

1. The STEP I Grievance Committee Meeting and Review Process –

a. The Committee shall as soon as practicable but no sooner than seven (7) and no later than fifteen (15) days following the receipt of the grievance by the CAO, schedule a Step I meeting with the grievant.
b. The Committee chair shall be responsible for notifying the grievant of the meeting. The grievant may be represented by a university colleague at this meeting.

c. Before the Step I meeting, the grievant may make written request for copies of any identifiable documents relevant to the grievance and shall be furnished copies of such documents (at no cost) which may be lawfully disclosed to the grievant under the Florida Administrative Code and state law.

d. At the Step I meeting, the grievant, or the grievant’s collegial representative, shall have the right to present any evidence in support of the grievance to the Committee.

e. After the Step I meeting, the Committee shall establish, through conferences and review of appropriate documentation, the facts giving rise to the grievance.

f. The Committee may interview others in addition to the grievant and seek other evidence in order to recommend an appropriate resolution of the grievance to the CAO.

g. The Committee shall maintain the confidentiality of any “limited access records” as defined in Rule 6C1-3.055, F.A.C., during the conduct of its review.

h. The review shall be as collegial as possible, yet compatible with formulating a recommended resolution of the grievance.

i. The Committee shall, no later than thirty (30) days after meeting with the grievant, submit to the CAO a report containing its findings and recommendations with respect to the grievance, including any proposed resolutions thereof.

(I) The report shall indicate what evidence is deemed pertinent to the grievant’s claims regarding the specific university rules alleged to have been violated, and the factual basis for the Committee’s recommendations.

(II) The Committee’s review of an administrator’s decision that involved the exercise of discretion, such as, but not limited to, a decision regarding tenure, promotion, non-renewal or merit salary increase, shall not substitute the Committee’s judgment for the administrator, but shall be confined to determining whether the decision violated the rules and regulations of the Board of Regents or of the University.

(III) All documents considered relevant to the grievant’s claim or rule violations by the Committee in its review of the grievance, shall be attached to the Committee’s report, along with a list of such documents. The Committee Chair may schedule a meeting to discuss the findings of fact and recommendations with the CAO.

j. Within thirty (30) days of the receipt of the Committee’s report, the CAO shall render a CAO decision in writing which either accepts the Committee’s findings and recommendations, or which modifies such recommendations based on the Committee’s findings, provided the CAO’s decision includes detailed reasons for departing from the Committee’s report. Copies of the CAO’s decision and the Committee’s report shall be sent to those parties directly involved in the grievance including the members of the Committee. A copy shall also be sent to the Provost/Vice President for Academic Affairs.

2. Step I Chief Administrative Officer (CAO) Review.

a. If the grievant elects to have the grievance review begin with the CAO, the CAO or a designee shall conduct the Step I review in accordance with the procedures outlined below. He or she shall review the evidence presented by the grievant in support of the alleged violations and conduct whatever review the CAO deems necessary, including interviewing of witnesses.

b. The CAO shall as soon as practicable but no sooner than seven (7) and no later than fifteen (15) days following the receipt of the grievance by the CAO, schedule a Step I meeting with the grievant. Before the Step I meeting, the grievant may make written request for copies of any identifiable documents relevant to the grievance and shall be furnished copies of such documents (at no cost) which may be lawfully disclosed to the grievant under the Florida Administrative Code and state law. At the Step I meeting, the grievant, or the grievant’s collegial representative, shall have the right to present any evidence in support of the grievance. After the Step I meeting, the CAO shall establish, through conferences and review of the appropriate documentation, the facts giving rise to the grievance.

c. The CAO shall issue a written decision to the grievant stating the reasons for such decision no later than thirty (30) days after the Step I meeting. The CAO’s review of an administrator’s decision that involved the exercise of discretion, such as a decision regarding tenure, promotion, or merit salary increase, shall not substitute the CAO’s judgment for that of the administrator, but be confined to determining whether the decision violated the rules and regulations of the Board of Regents or of the University. All documents reviewed by the CAO in reviewing the grievance shall be attached to the CAO’s decision, along with a list of such documents. A copy of the decision shall be sent to the parties directly involved in the grievance. A copy shall also be sent to the Provost/Vice President for Academic Affairs.

d. The Step I review for grievants holding appointments in the Institute of Food and Agricultural Sciences or the J. Hillis Miller Health Science Center may include at the discretion of the University, a two-level review by the dean or the dean’s designee and the Vice President for Agricultural and Natural Resources or Health Affairs or the designee of such Vice President. If this two-level procedure is to be used, the faculty member shall be so advised in writing and the matter shall proceed as follows: Review by the appropriate dean or the dean’s designee shall be conducted in accordance with the procedures set forth in paragraph (4)(b) of this rule. If the grievant is not satisfied with the decision, he or she may make a written request to the appropriate vice president for a further review of the decision of the dean or the dean’s designee. Such a written request shall be filed with the appropriate vice president no later than fifteen. The appropriate vice president or the vice president’s designee shall review the grievance in accordance with the procedures set forth in paragraph (4)(c) below. The vice president, or the vice president’s designee, shall issue
a written Step I decision in the form set forth in subparagraph (4)(c)3. below. Copies of this Step I decision and the attachments thereto shall be sent to those parties involved in the grievance. A copy shall also be sent to the Provost/Vice President for Academic Affairs.

(c) STEP II Review Procedures – If the grievant is not satisfied with the decision in Step I the grievant may file with the Provost/Vice President for Academic Affairs a written request for review at the Step II level. Such request shall include all the information specified in the “Request for Review of Step I Decision”, described in paragraph (5)(b) below. The written request for review at the Step II level must be filed with the Provost/Vice President for Academic Affairs no later than fifteen (15) days from the grievant’s receipt of the Step I decision. The grievant may be represented by a university colleague or by legal counsel in the review of the grievance at the Step II level.

1. The Provost/Vice President for Academic Affairs or the Provost/Vice President’s designee shall review all documentation considered during the Step I process, and the recommendations made by the Grievance Committee, if applicable, and the decision of the CAO.

2. The Provost/Vice President for Academic Affairs or the Provost’s designee may at his or her discretion consider materials beyond those described in paragraph (4)(b) above in reviewing the grievance. Copies of such materials shall be furnished to the grievant. The Provost/Vice President for Academic Affairs or the Provost/Vice President’s designee shall meet with the grievant, the grievant’s legal or collegial representative, and, if deemed necessary, the appropriate administrator, in an effort to resolve the grievance. Such a meeting shall be scheduled no later than fifteen (15) days following receipt of the request for review. The meeting shall afford the grievant, or the grievant’s representative, an opportunity to present written and/or oral evidence relevant to the grievance.

3. Within thirty (30) days of the meeting, the Provost/Vice President for Academic Affairs or the Provost’s designee shall issue a written decision with respect to the grievance, giving the findings of fact and the reasons for the conclusions reached. All documents reviewed by the Provost/Vice President for Academic Affairs or the Provost’s designee in making the decision with respect to the grievance shall be attached to the decision, along with a list of such documents. Copies of the Step II decision and the attachments thereto shall be furnished to those parties involved in the grievance and to the University President.

(d) STEP III Review Procedures – If the grievant is not satisfied with the Step II decision, the grievant may file, no later than fifteen (15) days from the date of the grievant’s receipt of the Step II decision, a written request for the Provost/Vice President for Academic Affairs or the Provost’s designee to move the grievance to an arbitration hearing. Such request shall include all the information specified in “Request for Review of Step II Decision”, as described in paragraph (5)(c) below.

1. No later than fifteen (15) days after receipt of the request, the Provost/Vice President for Academic Affairs or the Provost’s designee shall request that an American Arbitration Association arbitrator be appointed by the Association to hear the grievance in accordance with the Association’s arbitration procedures. A copy of such request shall be furnished to the grievant. The arbitrator’s report shall be advisory to the University President, who shall consider its contents together with the record of the arbitration proceedings, as well as the Step I and II decisions with documents attached thereto, prior to rendering a final decision.

2. The arbitrator shall not have the authority to either add to, subtract from, modify, or alter the terms or provisions of Board of Regents and University rules and regulations governing faculty. The subject of the arbitration shall be confined solely to the application and/or interpretation of these rules and regulations with respect to the precise issues submitted for arbitration. The arbitrator shall have no authority to determine any other issue. Any statements of opinion or conclusions not essential to the determination of the issue submitted made by the arbitrator shall be of no force and effect.

3. In those instances in which an administrator has made a judgment involving the exercise of discretion, such as decisions regarding tenure, promotion, or merit salary increases, the arbitrator shall not substitute his or her judgment for that of the administrator, nor shall the arbitrator review such decision except to determine whether the decision violated the rules and regulations of the Board of Regents or of the University. If the arbitrator determines that such rules and regulations have been violated, the arbitrator shall submit a report to the President with the findings of fact and recommendations concerning what the arbitrator deems to be appropriate action.

4. If it is found that notice of non-renewal or non-reappointment was not given after the date such notice was required to be given, the arbitrator may advise the President to renew or reappoint the grievant only after a finding that the timing of the notice given was such that either the grievant was deprived of reasonable opportunity to seek other employment, or the grievant actually rejected an offer of comparable employment which the grievant otherwise would have accepted.

5. All fees and expenses of the arbitrator shall be divided equally between the grievant and the University. Each party shall bear the cost of preparing its own case. The cost of any transcript of proceedings before the arbitrator shall be divided equally between the parties, and any such transcript shall be provided to the arbitrator, and then to the President. The cost of any additional copies of such transcripts shall be borne by the party requesting same.

6. The President shall issue a final written decision with respect to the grievance within thirty (30) days after receipt of the arbitrator’s report, or as soon thereafter as possible. The decision shall either adopt the arbitrator’s report and its recommendations, modify the report, or reject the report, provided the decision includes detailed reasons for departing from the arbitrator’s report. Copies of the President’s decision shall be sent to those parties involved in the grievance.

(5) Requests for the review of a grievance at any of the steps shall be completed in the formats described in this section and filed in the Office of the President within the time limits described in this rule. If the required information is not completed, the University shall not be responsible for initiating the review process.
(a) For Step I –

University Faculty Grievance Procedure
REQUEST FOR A STEP I GRIEVANCE REVIEW

NAME OF GRIEVANT: ____________________________________________________________
COLLEGE OR UNIT: ____________________________________________________________
DEPARTMENT: _________________________________________________________________
CAMPUSS ADDRESS: ___________________________________________________________
PHONE NUMBER: ______________________________________________________________
E-MAIL ADDRESS: _____________________________________________________________
FAX NUMBER: __________________________________________________________________

Other address to which mailings pertinent to this grievance should be sent (if applicable):
____________________________________________________________________________

1. University Rule(s) or Regulation(s) Violated: _______________________________________
2. Statement of Grievance (include specific date(s) of act(s) or omission(s)) complained of: ______________
3. Statement of Remedy Sought: _______________
4. Type of Review requested (check one): ___________
   ( ) Step I Review by the Grievance Committee.
   ( ) Step I Review by the Chief Administrative Officer(s).
   ( ) Step II Review by the Provost/Vice President for Academic Affairs.
5. I do ( ) do not ( ) want an extension of time to seek resolution of this grievance. I request an extension of ________ days.
   (No more than thirty (30) days can be requested with this grievance. A further extension may be requested in writing upon expiration of an approved extension.)
6. I will be represented in this grievance by: (check one)
   ( ) Myself
   ( ) A colleague
   Name ___________________________________________________________________________
   Address _________________________________________________________________________
   ( ) Counsel
   Name __________________________________________________________________________
   Address _________________________________________________________________________
7. I understand and agree that by filing this grievance and initiating the grievance procedure provided in Rule 6C1-7.042, F.A.C., I waive any rights I might have to any other grievance resolution procedure described in subsection 6C1-7.041(3), F.A.C.
8. This grievance is hereby filed in the Office of the President on this ________ day of ________, 19___. The following method of delivery was utilized:
   ( ) Mail (certified or registered, with restricted delivery to the Office of the President, and return receipt requested).
   ( ) Personal delivery to the Office of the President.

________________________
Signature of Grievant

Copies: Provost/Vice President for Academic Affairs
        Chief Administrative Officer
        Grievant’s Department Chair/Unit Supervisor
(b) For Step II –

University Faculty Grievance Procedure
REQUEST FOR A REVIEW OF STEP I DECISION

NAME OF GRIEVANT: ____________________________________________________________
COLLEGE OR UNIT: ____________________________________________________________
DEPARTMENT: _________________________________________________________________
CAMPUSS ADDRESS: ___________________________________________________________
PHONE NUMBER: ______________________________________________________________
E-MAIL ADDRESS: _____________________________________________________________
FAX NUMBER: __________________________________________________________________

Other address to which mailings pertinent to this grievance should be sent (if applicable):
____________________________________________________________________________

1. Date of Step I Decision: ___________________________________________________________________________
2. I hereby request that the Provost/Vice President for Academic Affairs or his/her designee review the attached decision at the Step II level because:
3. I will be represented in this Step of the grievance procedure by: (check one)
   ( ) Myself
   ( ) A colleague
   Name ___________________________________________________________________________
   Address _________________________________________________________________________
   ( ) Counsel
   Name __________________________________________________________________________
   Address _________________________________________________________________________
4. Copies of the following documents are attached to this request:
   a. Original Step I grievance form filed with the University;
   b. Step I decision issued by the Chief Administrative Officer; and
c. All attachments to the Step I decision.

5. I received the Step I decision on _______ and filed this request for review with the Provost/Vice President for Academic Affairs on this _______ day of ________, 19__. The following method of delivery was utilized:
   ( ) Mail (certified or registered mail, with restricted delivery to the Vice President for Academic Affairs and return receipt requested).
   ( ) Personal delivery to the Provost/Vice President for Academic Affairs.

________________________
Signature of Grievant/Date

Copies: Office of the President
       Grievant’s Chief Administrative Officer
       Grievant’s Department Chair/Unit Supervisor

(c) For Step III –

University Faculty Grievance Procedure
REQUEST FOR A REVIEW OF STEP II DECISION

NAME OF GRIEVANT: ________________________________________________________________________________
COLLEGE OR UNIT: __________________________________________________________________________________
DEPARTMENT: ______________________________________________________________________________________
CAMPUS ADDRESS: ____________________________________ E-MAIL ADDRESS: ____________________________
PHONE NUMBER: _____________________________________ FAX NUMBER: ________________________________
Other address to which mailings pertinent to this grievance should be sent (if applicable): _________________________________

1. Date of Step II Decision: __________________

2. I hereby request that the President or his/her designee initiate a review of the attached decision at the Step III level because

3. I will be represented in this Step of the grievance procedure by: (check one)
   ( ) Myself
   ( ) A colleague
   Name ______________________________________________________
   Address ____________________________________________________
   ( ) Counsel
   Name ______________________________________________________
   Address ____________________________________________________

4. Copies of the following documents are attached to this request:
   a. Original Step I grievance form filed with the University;
   b. Step I decision issued by the Chief Administrative Officer;
   c. All attachments to Step I decision;
   d. Request for review of Step I decision filed with the University;
   e. Step II decision issued by the Provost/Vice President for Academic Affairs;
   f. All attachments to Step II decision.

5. I received the decision on ________________, filed the request for review at the Step III level on this ________ day of ________, 19__. The following method of delivery was utilized:
   ( ) Mail (certified or registered, with restricted delivery to the Office of the President and return receipt requested).
   ( ) Personal delivery to the Office of the President.

________________________
Signature of Grievant

Copies: Vice President for Academic Affairs
       Grievant’s Chief Administrative Officer

Specific Authority 240.227(1) FS. Law Implemented 240.227(5), (19) FS. History–New 3-26-80, Amended 2-23-82, 5-14-85, Formerly 6C1-7.42, Amended 6-28-98, 6-21-00.

6C1-7.0441 Academic Affairs; Appeal Procedures of the Faculty Senate Committee on Academic Freedom, Tenure, Professional Relations and Standards Committee.

(1) This rule describes informal and formal procedures to resolve charges and complaints brought by faculty members not in the collective bargaining unit or by the University involving University practices bearing on academic freedom, tenure, professional ethics or the general welfare of the faculty through the Faculty Senate Committee on Academic Freedom, Tenure, Professional Relations and Standards.
(2) Time Limit for Filing and Informal Appeal Procedures. Charges and complaints involving University practices bearing on academic freedom, tenure, professional ethics or the general welfare of the faculty should be resolved prior to commencement of formal proceedings whenever possible. See Rule 6C1-7.041, F.A.C. However, attempts to informally resolve the charges and complaints do not remove the 30-calendar-day time limit for filing charges and complaints stated in subsection (4) below. If additional time is necessary to reach an informal resolution, an extension must be requested in writing before the 30-calendar-day time limit has expired. The extension shall be requested, and may be granted by, the University President, or the President’s designee. Proceedings through the Academic Freedom, Tenure, Professional Relations and Standards Committee may be denied to any faculty member who fails to comply with the applicable time limits set forth herein.

(3) Composition and Jurisdiction. The Committee on Academic Freedom, Tenure, Professional Relations and Standards shall be a standing committee of the Faculty Senate as set forth in Article III, 6(B) of the University Constitution. The Committee shall have jurisdiction to hold hearings and make findings of fact, conclusions of law, and recommendations in matters involving University practices bearing on academic freedom or tenure, and University practices generally applicable to faculty members bearing upon professional ethics, or the general welfare of the faculty. Such proceedings may be commenced by the University President through charges filed by the same or by a faculty member individually affected by the alleged practices.

(4) Commencement and Pre-Hearing Procedure. All periods of time in this rule refer to calendar days, unless otherwise specified. If any deadline falls on a non-business day, the period shall be extended to 5:00 p.m. of the next business day.

(a) Commencement of Proceeding by Faculty Members.

1. A faculty member (including any administrator who has faculty status) may commence proceedings before the Committee by filing one or more charges or complaints within 30 days after the complainant knew or should have known of the occurrence of the alleged action(s) on which the claim is based by stating his or her charge or complaint in a letter to the University President. A faculty member may request an extension of time from the University President, or the President’s designee for such filing. The request must be in writing and must be received before the 30-day time limit has expired. The granting of the extension of time must be in writing and for a definite time period. Filing of such a letter of complaint or charges (hereafter “letter”) shall constitute waiver of all other grievance procedures as provided in Rule 6C1-7.041, F.A.C.

2. The letter must state that the faculty member elects to have the Committee investigate the charge(s) or complaint(s) and state that by this election he or she waives all other grievance procedures available within the University. The letter must assert sufficient facts to reasonably inform the University of the nature of the charge(s) or complaint(s). It is important that the faculty member describe which of his or her rights have been violated, in what manner, and clearly delineate what remedy(s) is sought. Copies of any and all papers, statements, documents or other items in the possession of the faculty member filing the letter that bear upon the matter, together with a list of the names and addresses of all persons believed to have pertinent information, shall be filed with the letter. The University President, or the designee, shall refer the letter to the Committee Chairperson, unless the letter is untimely and no extension has been granted.

3. If the Committee Chairperson believes the letter does not meet the requirements of this rule, including whether the charges or complaints fall within the jurisdiction of the Committee, the faculty member may be directed in writing by the Chairperson to amend his or her charge(s) or complaint(s) within a designated period of time, and, failing that, the Committee Chairperson may dismiss the matter and may advise the faculty member of other grievance procedures that may be available. The Committee Chairperson shall, upon receipt of the letter, provide a copy of it to the person(s) against whom the charge(s) or complaint(s) has been lodged. The Committee Chairperson shall attempt to resolve the matter informally by discussion with the persons involved.

4. The Committee Chairperson shall appoint, within 25 days of receipt of the written complaint or the failure to informally resolve the matter, whichever is later, a three-member Inquiry Panel. Upon appointment, the Inquiry Panel will schedule a meeting which generally should be held within 25 days of the appointment, with at least 15 days notice to affected parties. The Inquiry Panel shall investigate the validity of the charges and evaluate the evidence presented to determine probable cause for proceeding to a formal hearing by the Committee. Alternatively, the parties may agree upon an expedited process in which the Inquiry Panel will conduct a collegial review of the complaint under the procedures set forth in subsection (7) below. The parties must elect the option of an expedited process through a written request signed by all parties addressed to the Committee Chairperson. The request must be received prior to the first meeting of the Inquiry Panel.

5. The Inquiry Panel shall issue a report to the Committee Chairperson within 25 days after the conclusion of the meeting, which shall be a preliminary hearing if no request for an expedited process has been received unless otherwise agreed by all affected parties. A recommendation to proceed to a formal hearing before the Committee requires that at least two members of the Inquiry Panel find that probable cause exists. If at least two members of the Inquiry Panel conclude that no probable cause exists, the matter shall be considered closed. Copies of the Inquiry Panel probable cause report shall be provided to all affected parties. Within 25 days after the Inquiry Panel’s report finding probable cause to proceed to a formal hearing has been received by the Committee Chairperson, the charges or complaints shall be referred to a Hearing Panel by the Committee Chairperson for proceedings in accordance with subsection (8) hereof.

6. At any time prior to the conclusion of the formal hearing, an informal resolution may be reached. If the matter is informally resolved, the terms of any informal agreement shall be put in writing and signed by all parties. The signatures of the parties shall indicate:

a. Full resolution of all issues raised by the faculty member commencing the charge(s) or complaint(s), and
b. Relinquishment of the right to bring any future action based on any of the issues involved in the charges or complaint.
(b) Commencement of Proceedings by the University.

1. The President or the President’s designee may commence proceedings by referring matters to, or filing charges with, the Committee on Academic Freedom, Tenure, Professional Relations and Standards. The University shall file charges by providing an original written notice of issues to the Committee Chairperson and a copy thereof to the faculty member charged. The notice shall assert sufficient facts to reasonably inform the faculty member of the nature of the charge. Copies of any and all papers, statements, documents or other times in the possession of the party commencing the proceedings, bearing upon the charges, together with a list of the names and addresses of all persons believed to have pertinent information, shall be filed with the charges. The Committee Chairperson shall transmit to the faculty member charged a copy of this rule. At any time prior to the conclusion of the formal hearing, an informal resolution may be reached.

2. Upon receipt of charges, the Committee Chairperson may refer the charges to a three-member Inquiry Panel for investigation. Upon appointment, the panel will schedule a meeting, the preliminary hearing, which generally should be held within 25 days of the appointment, with notice of at least 15 days to affected parties. The panel shall investigate the validity of the charges and evaluate the evidence, to determine if there is probable cause for proceeding, seek an informal resolution agreeable to all parties, or allow the University to amend the charges if desired. The Inquiry Panel shall issue written probable cause report within 25 days after the hearing, which shall be furnished to all affected parties. A recommendation to proceed to a formal hearing requires that at least two members of the Inquiry Panel find that probable cause exists. If at least two members of the Inquiry Panel find no probable cause, the case shall be closed. Copies of the preliminary report shall be provided to all affected parties.

3. Within 25 days after the Inquiry Panel’s report finding probable cause to proceed to formal hearings has been received by the Committee Chairperson, the charges shall thereupon be referred to a Hearing Panel by the Committee Chairperson for proceedings in accordance with subsection (8) hereof.

(5) Inspections of Evidence: Should an Inquiry Panel be appointed, the Committee Chairperson shall deliver all papers and other items or information received by him or her to the Presiding Officer of the Inquiry Panel at least ten days before the first meeting of the panel. The Committee Chairperson shall notify the party charged of the Committee’s custody of such evidence before the first meeting of the Inquiry Panel, and the names and addresses of witnesses obtained by investigation shall be made available to all parties in like manner. No provision hereof shall prevent the introduction of any other evidence provided that affected parties shall be entitled a reasonable time in which to examine and consider same.

(6) Burden of Proof. The burden of proof shall be on the faculty member bringing the complaint(s) or charge(s), who must support his or her position regarding the matters complained of or charged by a preponderance of the evidence, except that if the complaint challenges disciplinary action under Rule 6C1-7.048, F.A.C., the burden of proof shall be on the University to establish by a preponderance of the evidence that a violation under that rule occurred. Counseling is not considered disciplinary action.

(7) Expedited Proceedings. If the parties elect in writing an expedited review process by the Inquiry Panel, the Inquiry Panel shall, generally within 25 days of receiving the request, schedule a meeting with the complainant(s) and the person(s) complained or charged. Notice of at least 15 days shall be given to these affected parties.

(a) At the meeting the faculty member bringing the complaint(s) or charge(s) shall have the right to present any evidence in support of the complaint(s) or charge(s) to the panel. The person(s) complained of or charged shall have the right to present any evidence in support of his or her position to the committee. The panel may interview other persons and seek other evidence. The review shall be as collegial as possible, yet compatible with formulating a recommended resolution of the charge(s) or complaint(s).

(b) The Inquiry Panel shall adopt a final report to the President containing findings of fact, conclusions of law, and recommendations on the matters considered. The report, along with all evidence submitted to the panel, should be forwarded to the President, with copies to the parties, within 60 days of the referral of the complaint to the Inquiry Panel for expedited review. The President shall then dispose of the matter pursuant to subsection (9) hereof.

(8) Formal Hearings Before the Academic Freedom, Tenure, Professional Relations and Standards Committee:

(a) Composition of Hearing Panels.

1. Any formal hearings shall be conducted by a panel of five members of the Academic Freedom, Tenure, Professional Relations and Standards Committee, plus at least one alternate (from among the remaining members of the Committee) who shall have a vote only under the conditions specified in subparagraph 6. below. The Committee Chairperson shall select the members of the Hearing Panel and designate a Presiding Officer and Vice-Presiding Officer. The Vice-Presiding Officer shall automatically replace the Presiding Officer under the circumstances specified in subparagraph 6. below.

2. Whenever feasible, at least one panel member shall be a person familiar with due process of law, by training or experience, and no member of the Inquiry Panel should be on the Hearing Panel of the same cases.

3. In pre-hearing conferences and the formal hearing, a full panel of five members must be present at all times.

4. All parties to the action shall have the right to challenge a panel member’s right to serve for cause prior to the presentation of evidence. Members of the Hearing Panel, other than the challenged member, shall determine by a majority vote if a member challenged for cause shall be excused.

5. After the formal hearing of a particular case has begun, any Hearing Panel member shall serve to the conclusion of the case even if his or her term as a Committee member may have expired.
6. If a panel member is not present at a formal hearing session, the remaining members of the panel shall decide by majority vote whether to postpone the session or to remove the absent member from the panel and replace him or her with an alternate. If an alternate is formally seated, he or she will retain the voting status of a regular member of the Hearing Panel for the duration of the case.

(b) The University President or the President’s designee shall appoint an appropriate person to serve as the legal advisor to the Committee, including the Inquiry Panel and the Hearing Panel.

(c) Following selection, the Hearing Panel may meet for pre-hearing conferences and schedule a hearing after notice to affected parties. The hearings shall be held no earlier than 15 days after notice to affected parties, unless otherwise agreed by all affected parties.

(d) Parties shall have and be informed of the following rights:
1. To be represented by a colleague authorized in writing by the party to act on his or her behalf or by counsel;
2. To make an opening statement;
3. To identify witnesses for the hearing, or, when required by circumstances which involve the inability of a witness to appear and testify at the formal hearing, to request that the sworn statement of such witnesses be taken and transcribed;
4. To examine and cross-examine any witness who may testify;
5. To offer any relevant material and competent evidence; and
6. To make a closing statement at hearing.

(e) Witnesses.
1. The Presiding Officer shall require a witness to affirm or swear to tell the truth prior to testifying. The oath or affirmation shall be administered by a notary public or by any other person authorized by law to administer oaths or affirmations.

2. If requested by any party, any witness shall be excluded from the formal hearing save when giving his or her testimony, except that in any case initiated by a faculty member, the University may have one representative present throughout the hearing, even though the representative may be required to testify.

(f) Evidence.
1. Admissible evidence shall be any evidence of a type commonly relied upon by a reasonably prudent person in the conduct of his or her affairs; however, hearsay may be used only to supplement or explain other evidence, and shall not be sufficient, in itself, to support a finding.

2. All rulings as to the admissibility of evidence shall be made by the Presiding Officer of the formal Hearing Panel, subject to objection by any member. Only the majority vote of the formal Hearing Panel including the Presiding Officer shall overcome the Presiding Officer’s ruling.

(g) Parties charged shall not be required, either during any investigation or at any hearing or meeting, to make any statement or to testify unless they expressly desire to do so and, in the event that they elect to remain silent, such fact shall not be considered by the Hearing Panel in making its report. The term “party charged” shall mean only an individual against whom proceedings have been commenced in his or her individual capacity, and shall not apply to any official or representative capacity in the matter under consideration. The charge shall clearly state the status or capacity in which he or she is alleged to have acted.

(h) Within 60 days after conclusion of a formal hearing, the Hearing Panel shall adopt a proposed report containing findings of fact, conclusions of law and recommendations on the matters considered. Copies of same shall be furnished to all parties by the Presiding Officer of the panel. Within 10 days after receipt of such report, the parties shall have the right to submit written exceptions thereto.

(i) After consideration by the Hearing Panel of any exceptions to its proposed report, the Hearing Panel, by a majority vote, shall adopt a final report containing findings of fact, conclusions of law, recommendations, and the vote on the report. Members in the minority may adopt separate reports, which shall be appended to the majority report. Copies of the final report shall be furnished to all parties.

(j) A hearing in which evidence is presented may be recorded by the Hearing Panel. The record of the case shall include all physical evidence considered by the Committee, along with pleadings, notices, tapes of the hearing and transcripts (if any) and reports. The record shall be retained by the Secretary of the Faculty Senate for a period of not less than three years after the date of the President’s written decision in the proceeding.

(k) Report to the President.
(a) Upon completion of the proceedings by the Inquiry Panel under the expedited review process or by the Hearing Panel, the panel’s report and record shall be filed with the President.
(b) Within 25 days of receipt of both record and report, or as soon thereafter as is possible, the President shall adopt as is, or modify, and implement as he or she deems appropriate, the conclusions of law and the recommendations contained in the panel’s report, or reject the report in its entirety. Such decision by the President will be provided in writing to the parties. If the report or recommendations are modified or rejected, the parties shall be furnished specific reasons therefor.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5) FS. History–New 4-30-95, Amended 5-22-01.
6C1-7.048 Academic Affairs; Suspension, Termination, and Other Disciplinary Action for Faculty: Definition of Just Cause, Termination, Suspension, and Other Disciplinary Action, Suspension Pending Investigation, Notification and Records of Disciplinary Action.

(1) Just cause for termination, suspension, and/or other disciplinary action imposed on a faculty member shall be defined as incompetence or misconduct, which shall include, but not be limited to, the following:

(a) Neglect of duty or responsibilities which impairs teaching, research, or other normal and expected services to the University;
(b) Failure to perform the terms of employment;
(c) Willful violation of a rule or regulation of the University;
(d) Failure to discharge assigned duties;
(e) Conduct, professional or personal, involving moral turpitude;
(f) Violation of the ethics of the academic profession;
(g) Action(s) which impair, interfere with, or obstruct; or aid, abet, or incite the impairment, interference with, or obstruction of; the orderly conduct, processes, and functions of the University. Refer to Article V, paragraph (5)(G) of the University Constitution and Rules 6C1-1.007, 6C1-1.008, and 6C1-7.010, F.A.C.

(h) Failure to return from an approved leave;
(i) Failure to maintain professional licensure or clinical privileges necessary to perform assigned duties;
(j) Threatening or abusive language or conduct;
(k) Sexual harassment;
(l) Falsification of records;
(m) Unauthorized use of state property, equipment or personnel;
(n) Possession, sale, distribution of alcoholic beverages or nonprescribed drugs;
(o) Insubordination;
(p) Possession of unauthorized weapons and/or firearms on university property.

(2) Termination and Suspension.

(a) The appointment of any faculty member can be suspended or terminated with or without pay during the term of the faculty member’s employment contract for just cause. The faculty member shall be given written notice of the proposed termination or suspension by the President or a designee. The notice shall specify the reasons for termination or suspension and the effective date of the termination or suspension. Such notice shall be sent in accordance with the provisions of subsection (5) below. Following the sending of the notice of proposed termination or suspension, the faculty member may be reassigned.

(b) Within ten (10) days, excluding Saturdays, Sundays, and university holidays, following the receipt of the notice of the proposed termination or suspension, the faculty member may respond in writing to the individual who issued the notice regarding the proposed action to be taken as stated in the notice, and may schedule a meeting to present any matter which the faculty member believes should be brought to the attention of the individual issuing the notice regarding the termination or suspension without pay. Such meeting shall in no way modify any rights the faculty member may have under subsection 6C1-7.041(3), F.A.C.

(c) If the faculty member is terminated or suspended without pay and ultimately prevails in a grievance proceeding thereon, the faculty member shall be reinstated with back pay and all other perquisites.

(d) Termination or suspension imposed under this section shall take effect on the date set forth in the notice of termination or suspension.

(3) Suspension Pending Investigation – Notwithstanding the provisions of paragraph (2)(b) above, if the President or designee has reason to believe that a faculty member’s actions or presence on the job would adversely affect the orderly conduct and processes of the University and/or jeopardize the safety or welfare of the faculty member, colleague(s), other employee(s), or student(s), the President or designee shall immediately suspend with or without pay the faculty member from the performance of duties pending an investigation, which shall not exceed thirty (30) days without appropriate justification.

(a) Within two (2) days following the suspension, excluding Saturday, Sunday, and university holidays, the President or designee shall send a written notice to the faculty member specifying the reason(s) for the suspension. The notice shall be sent in accordance with the provisions of subsection (5) below.

(b) At the close of the investigation described above, the President or designee shall send written notice to the faculty member of any additional action, such as further suspension, termination, or other disciplinary action to be taken by the University. The notice shall specify the reason(s) for the action and shall be sent in accordance with the provisions of subsection (5) below.

(4) Other Disciplinary Action – The President or designee retains the right to impose disciplinary action other than suspension or termination for just cause and for other cause as is provided for in the rules and regulations of the University. Disciplinary actions include a reprimand, demotion, payment of fines, reassignment or required leave. Written notice of such disciplinary action, specifying the reason(s) therefor, shall be sent to the faculty member by the President or designee, in accordance with the provisions of subsection (5) below. Counseling shall not be considered disciplinary action.

(5) Notification – Whenever notice is required to be sent under this rule, the notice shall be hand delivered or forwarded to the faculty member by certified mail with a return receipt requested. The deposit of such notice in the U.S. Mail satisfies the requirement of notification.

(6) Records of Disciplinary Action.
(a) If a faculty member is disciplined the record of the President or designee shall be included as part of the faculty member’s personnel records.

(b) If a faculty member prevails in a grievance procedure arising from termination, suspension, or other disciplinary action, all records concerning such disciplinary action shall be removed from the faculty member’s personnel file and the grievance decision with the documentation shall be retained only in the unit administrator’s file in order to record the results of the grievance decision.

(c) If a faculty member is dismissed, the records of any hearing and actions of the President or designee shall be included as part of the faculty member’s personnel records including the employment file maintained by the Director of Division of Human Resources.

Specific Authority 1001.74(4), 1012.92(1) FS. Law Implemented 1001.74(19), 1001.75(3), 1012.92 FS. History–New 3-26-80, Amended 5-14-85, Formerly 6C1-7.48, Amended 7-27-98, 5-22-01, 3-12-03.

6C1-7.051 Academic Affairs; The University Record.

(1) In addition to operational rules published in accordance with Chapter 120, F.S., the University publishes the University Record Series, consisting of the Undergraduate Catalog, 2002-2003 academic year edition; the Graduate School Catalog, 2002-2003 academic year edition; the Holland Law Center College of Law Catalog, 2002-2003 academic year edition; College of Medicine Catalog, 1999-2000 academic year edition; the College of Dentistry Bulletin, 2002-2003 academic year edition; the College of Veterinary Medicine brochure entitled “Information for Applicants to the College of Veterinary Medicine”, dated July 2002; and the Department of Independent Study Catalog, September 2001. The University Record Series establishes and reflects admission and degree requirements within the University. In addition, the Record contains general information regarding the University and the University community, curricula offerings and facilities available to students, faculty and staff of the University. The Record also contains the academic calendar as set by the University.

(2) Pursuant to State Board of Education, Rule 6A-10.0331, F.A.C., courses which are not taught for five (5) years shall be deleted from the University Record Series except as otherwise provided herein. As part of each year’s preparation of the University Record Series, all courses not taught during the preceding five years shall be reviewed by the respective college deans to determine whether those courses should be retained. Courses may be continued if reasonable cause for each course not to have been offered is presented by the appropriate college dean and an expectation that it will be offered is justified to and approved by the Office of Academic Affairs.

(3) Those portions of the Record which are not included in a specific rule published in the Florida Administrative Code are hereby promulgated as the rules of the University. Rules published in the Florida Administrative Code take precedence over any conflicting provision of the University Record Series.

(4) Copies of those portions of the University Record Series in which a person is interested can be obtained by writing to the Registrar, University of Florida, Criser Hall, Gainesville, Florida 32611. Because of the diverse nature of the University, requests should specify that particular portion of the University Record Series in which the inquirer is interested.

(5) The following forms and applications for admission to the University, incorporated herein by reference, are available through the Admissions Office and/or the appropriate professional colleges:

(a) University of Florida Freshman Admission Application, Form Admiss Apps/Freshmen undergrad app.pmd Rev. 12/02.
(b) University of Florida Transfer Admission Application, Form Admiss Apps/Transfer Admiss app.pmd, Rev. 12/02.
(c) University of Florida, Application for Admission to Graduate School, Form Admiss Apps/gradapp.pmd, Revised 12/02.
(d) University of Florida, Application for Admission to the College of Law, Holland Law Center, Form 03-04 Application Rev. 5/02.
(e) University of Florida, Application for Admission to the College of Medicine, Admiss Apps/medapp.pmd Revised 12/02.
(f) University of Florida, Application for Admission to the College of Dentistry, Form Admiss Apps/dentlapp.p65, Part I, 1-A Revised 11/01.

(g) University of Florida, Application to the College of Veterinary Medicine, Form Admiss Apps/vetapp.pmd, Revised 12/02.
(h) University of Florida, Postbaccalaureate Application for Admission, Admiss/Post bacc bro/App.p65, Rev. 11/01.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), 1006.50, 1006.51, 1006.53 FS. History–New 12-9-75, Amended 3-9-76, 4-5-77, 8-15-78, 8-19-79, 3-16-80, 7-12-80, 8-26-81, 3-6-85, 10-14-85, Formerly 6C1-7.51, Amended 2-16-87, 12-28-87, 5-21-89, 4-17-90, 11-13-90, 7-15-91, 7-1-92, 7-12-93, 7-11-94, 6-15-95, 5-23-96, 7-7-97, 7-19-98, 6-24-99, 6-21-00, 7-8-01, 2-5-03.

6C1-7.053 Academic Affairs; Florida Museum of Natural History: Use and Loans.

(1) The Florida Museum of Natural History’s hours of operation will be promulgated by the Director or his/her designee and appropriately posted.

(a) Guided tours of the Florida Museum of Natural History must be arranged in advance.
(b) Meeting space in the public areas of the Museum may be provided to groups whose purposes coincide with the objectives and functions of the Museum. This determination is the prerogative of the Director of the Museum. Any additional cost incurred by the Museum in making its facilities available will be paid by the group using the facility.
(c) Casual photography of exhibits for personal use is allowed except when “Photograph Prohibited” signs are posted for special exhibitions. Photography for any form of publication or commercial purpose is prohibited unless pursuant to a contract with the University as approved by the Director or the Director’s designee. This photography policy will be strictly enforced because of artifact conservation reasons and exhibition contractual obligations.

(2) Loans of natural history specimens, objects, artifacts, and equipment are made only to accredited institutions of scientific, educational, or similar nature by the Director or his/her designee.


6C1-7.0541 Academic Affairs; Florida Museum of Natural History: Program of Vertebrate Paleontology.

(1) The Program of Vertebrate Paleontology, a part of the Florida Museum of Natural History, has been established by the Florida Legislature. To this end, the Director of the Florida Museum of Natural History shall appoint a curator of the Museum as the Director of the Program of Vertebrate Paleontology. Other personnel may be assigned to the Program as the Director of the Museum deems it necessary.

(2) The Director of the Program of Vertebrate Paleontology shall develop a statewide plan concerning the preservation of paleontological resources. The Director of the Program shall seek the cooperation of the Florida Paleontological Society, the Department of Natural Resources and the Department of State, as well as other state institutions, professional vertebrate paleontologists, and other individuals whose occupation may bring them in contact with paleontological sites, in locating, acquiring, and preserving the vertebrate fossil heritage of the state.

(3) Any person with an interest in Florida vertebrate fossils is qualified to apply for a field investigation permit. However, a permit shall not constitute an authorization to anyone to sell or purchase vertebrate fossils unless said fossils have been determined to be “non-essential fossils” pursuant to subsection (10) of this rule.

(4) The following persons must have a field investigation permit:

(a) Any person or entity buying, selling or trading vertebrate fossils found on or under state-owned or leased land, or on state-designated vertebrate paleontology sites; and/or

(b) Any person or entity engaged in the systematic collection, acquisition, excavation, salvage, exhumation, or restoration of vertebrate fossils found on state-owned or leased land or on state-designated vertebrate paleontology sites. “Systematic collection” is hereby characterized by one or more of the following three features:

1. Volume of collections of vertebrate fossils in excess of one gallon at one site; and/or

2. Use of any power-driven machinery or mechanical excavating tools of any size or hand tools greater two (2) feet in length; and/or

3. Repetitive visitation and collection at a particular site, totalling more than three (3) full days or a maximum of twenty-four (24) hours during a period of one year.

(5) To obtain a field investigation permit the applicant must:

(a) Obtain a permit application form from the Program of Vertebrate Paleontology, entitled “Application for Permit”, which is incorporated by reference in this rule, at the address indicated in paragraph (b) below.

(b) Complete and return to the Program of Vertebrate Paleontology, Florida Museum of Natural History, University of Florida, Gainesville, Florida 32611, the application form, accompanied by a self-identification document such as a certified copy of the applicant’s birth certificate, a copy of his or her driver’s license or passport, and a check or money order for $5.00 (five dollars U.S. currency) payable to the Program of Vertebrate Paleontology.

(6) Permits are ordinarily issued to individuals. No permit-holder shall assign or sublet the permit to any other entity(ies) or person(s). However, multiple-user permits and special institutional permits may be granted as follows:

(a) A multiple-user permit will be granted to an individual representing an organization or institution. Multiple individuals may collect under such a permit as long as the permit holder is present to supervise them and report on the results of their work as if it were his or her own in accordance with subsection (8) below.

(b) Special institutional permits may be granted to accredited permanent research institutions for long-term scientific and educational purposes.

(7) Field investigation permits are valid for one calendar year from the date of issue, unless disqualified as indicated in subsection (9) below.

(8) A permit-holder has the following obligations:

(a) To report any unusual, unique or rare specimen or unusually rich or extensive site to the Program of Vertebrate Paleontology as soon as possible.

(b) To maintain all vertebrate fossils collected, other than sharks’ teeth, until sixty (60) days have elapsed from the date of compliance with paragraph (8)(c) below.

(c) To submit to the Director of the Program of Vertebrate Paleontology or the Director’s designee(s) at any convenient time, but no later than the end of the permit year, a list of vertebrate fossils or fossil lots collected during the permit year along with appropriate locality information; or the actual collections along with appropriate locality information.
(d) To carry the permit with him/her during any field investigations for fossil vertebrates and to be prepared to present the permit and a picture identification to any law enforcement officer who may request them.

(9) Any permit-holder failing to fulfill any of the obligations contained in subsection (8) above may have his/her permit revoked and will be ineligible for future permits for a period of up to three (3) years, or until such obligations have been fulfilled, or both. In addition, the Program of Vertebrate Paleontology may take legal action against the permit-holder in accordance with the provisions of Chapter 84-316, Laws of Florida.

(10) If within sixty (60) days of receipt of the list or the actual collection referred to in paragraph (8)(c) above, the Program of Vertebrate Paleontology does not request the permittee to donate one or more of the vertebrate fossils to the Florida Museum of Natural History, the fossils are released to the permittee as “non-essential fossils”. Such non-essential fossils may be sold or otherwise disposed of by permit-holders as they choose.

(11) A field investigation permit for vertebrate fossils shall not relieve the permit-holder of his or her responsibility to comply with other federal, state, county, and city laws, regulations or ordinances, including provisions for the archaeological heritage of Florida under the Department of State, Chapter 267, F.S., and environmental laws and regulations governing soils, sediments, freshwater and marine waters.

Specific Authority 240.227(1), 240.515, 240.5162(1) FS. Law Implemented 240.516, 240.5161, 240.5162 FS. History–New 3-6-85, Amended 7-11-94.

6C1-7.055 Academic Affairs; Last Week of Class Examination and Assignment Policy.

(1) Policy – In the fall and spring semesters, faculty members or instructors shall not schedule final or comprehensive examinations or assign projects or term papers during the period comprising the last three days of classes and the reading days scheduled after classes end and before final examinations begin. Take home final or comprehensive examinations shall not be due prior to the regularly scheduled examination period. Written papers and/or oral presentations and periodic testing announced in the course syllabus distributed at the first class meeting may be collected or presented during the last three days of classes provided they do not serve as a final examination. The intent of this policy is to ensure that students be free to concentrate on classroom work for all courses taken and begin to review for final examinations in the week prior to final examinations. It is the responsibility of chairmen and deans to ensure that this policy is followed in their college, department and/or unit.

(2) Changes in Examination Schedule – All changes in the published Examination Schedule must be approved by the University Curriculum Committee via the Office of Academic Affairs. Requests for time changes must be justified, and include a specific statement of the effects on the students of such a change. The rescheduled date must fall within the designated examination schedule.

(3) Laboratory sections of courses are exempt from the above policy upon notification by the instructor or chairmen to the Office of Academic Affairs, provided that:

(a) The laboratory final examination requires the use of laboratory equipment;

(b) The laboratory final examination has traditionally been given at the last meeting of the laboratory; and

(c) The laboratory final examination is not a substitute for the final examination in the course.

Specific Authority 229.0081(2) FS. Law Implemented 229.0082(7) FS. History–New 12-9-75, Amended 3-26-80, 3-6-85, Formerly 6C1-7.55, Amended 6-27-02.

6C1-7.056 Academic Affairs; P. K. Yonge Developmental Research School: Activity Fee.

Students at P. K. Yonge are required to pay a $200.00 Activity Fee annually. However, students who under the National School Lunch Act, 42 U.S.C. § 1758(b), as amended, and 7 C.F.R. Part 245 (1982), are eligible to receive free lunch, are required to pay a $30.00 activity fee annually, and those eligible for a reduced-price lunch are required to pay $100.00. A copy of the aforementioned statute and regulation can be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402 and they are also available for inspection at the Florida Department of State and the P. K. Yonge Developmental Research School.

Specific Authority 240.227(1), 228.053(5) FS. Law Implemented 240.227(1), 228.053(5) FS. History–New 5-20-76, Amended 3-26-80, 8-12-82, 6-13-83, 5-14-85, Formerly 6C1-7.56, Amended 2-16-87, 7-11-94.

6C1-7.0561 Academic Affairs; P. K. Yonge Developmental Research School: Pupil Placement, Promotion and Graduation.

Each pupil at the University of Florida P. K. Yonge Developmental Research School shall be placed, promoted and graduated in accordance with the guidelines contained in the “Pupil Progression Plan, P. K. Yonge Developmental Research School, Revised December 2002” which is incorporated herein by reference. A copy of this pamphlet can be obtained from the office of the Director of P. K. Yonge Developmental Research School.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), 1002.32 FS. History–New 8-4-80, Formerly 6C1-7.563, 6C1-7.567, Amended 5-14-85, Formerly 6C1-7.561, Amended 7-11-94, 9-1-99, 9-4-00, 2-5-03.
6C1-7.0562 Academic Affairs; P. K. Yonge Developmental Research School: Student Conduct.
Student conduct shall be regulated in accordance with the rules set forth in the “P. K. Yonge Developmental Research School Student Code of Conduct and Discipline Plan, 2002-2003” adopted herein by reference. A copy of this code may be obtained from the Office of the Director, P. K. Yonge Developmental Research School.

Specific Authority 1001.74(4), 1006.60(1) FS. Law Implemented 1001.74(10), 1002.32, 1006.07, 1006.60 FS. History–New 5-14-85, Formerly 6C1-7.562, Amended 7-11-94, 9-1-99, 9-4-00, 1-7-03.

6C1-7.0565 Academic Affairs; P. K. Yonge Developmental Research School: Admission Policy.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), 1002.32 FS. History–New 8-4-80, Amended 5-14-85, Formerly 6C1-7.565, Amended 7-11-94, 4-30-95, 7-15-97, 9-4-00, 1-7-03.

6C1-7.058 Academic Affairs; Classroom Attendance of Student Athletes.
(1) Student-athletes who are members of the University’s intercollegiate athletics teams shall comply with the Class Attendance Policy for Student Athletes (May 2001) which is available at the Athletic Association’s Office of Student Life and is incorporated herein by reference.

(2) Student-athletes who are members of the University’s intercollegiate athletics teams shall also comply with the Final Exam Policy for Student Athletes (May 2001), which is available at the Athletic Association’s Office of Student Life and is incorporated herein by reference.

Specific Authority 240.227(1) FS. Law Implemented 240.227(15) FS. History–New 8-12-01.
CHAPTER 6C2-1 ORGANIZATION, POWERS, DUTIES AND FUNCTIONS

6C2-1.001 Location. (Repealed)
6C2-1.002 Overall Organization. (Repealed)
6C2-1.003 President. (Repealed)
6C2-1.004 University Constitution.
6C2-1.005 Faculty Senate. (Repealed)
6C2-1.006 Administrative Councils. (Repealed)
6C2-1.007 University Committees.
6C2-1.008 By-laws of Department. (Repealed)
6C2-1.009 By-laws of the Division of Arts and Sciences. (Repealed)
6C2-1.010 Code of Governance for the Department of Anthropology. (Repealed)
6C2-1.011 Committees of the Department of Biological Science. (Repealed)
6C2-1.012 By-laws of the Department of Chemistry. (Repealed)
6C2-1.013 By-laws of the Department of Classics Organization. (Repealed)
6C2-1.014 By-laws of the Department of English. (Repealed)
6C2-1.015 By-laws of the Department of History. (Repealed)
6C2-1.016 By-laws of the Department of Mathematics. (Repealed)
6C2-1.017 Department of Modern Languages Organization. (Repealed)
6C2-1.018 Constitution for the Department of Philosophy. (Repealed)
6C2-1.019 By-laws of the College of Business. (Repealed)
6C2-1.020 By-laws of the College of Education. (Repealed)
6C2-1.021 By-laws of the Area of Instructional Design and Personal Development. (Repealed)
6C2-1.022 Area of Professional and Clinical Programs Governance and Management Document. (Repealed)
6C2-1.023 By-laws of the School of Home Economics. (Repealed)
6C2-1.024 By-laws of the School of Library Science. (Repealed)
6C2-1.025 By-laws of the School of Nursing. (Repealed)
6C2-1.026 College of Law By-laws. (Repealed)
6C2-1.027 By-laws of the College of Social Sciences. (Repealed)
6C2-1.028 By-laws for the Department of Economics. (Repealed)
6C2-1.029 By-laws of the Department of Geography. (Repealed)
6C2-1.030 By-laws for the Department of Government. (Repealed)
6C2-1.031 The Policy Committee of the Department of Sociology. (Repealed)
6C2-1.032 Structure of the Department of Urban and Regional Planning. (Repealed)
6C2-1.033 By-laws of the School of Criminology. (Repealed)
6C2-1.034 Structure of the School of Social Work. (Repealed)
6C2-1.035 By-laws of the College of Communication. (Repealed)
6C2-1.036 By-laws of the Department of Audiology and Speech Pathology. (Repealed)
6C2-1.037 By-laws of the Department of Mass Communication. (Repealed)
6C2-1.038 By-laws of the Department of Speech Communication. (Repealed)
6C2-1.039 By-laws of the Department of Art. (Repealed)
6C2-1.040 By-laws of the Department of Art Education and Constructive Design. (Repealed)
6C2-1.041 By-laws of the Program in Interior Design. (Repealed)
6C2-1.042 By-laws of the School of Music. (Repealed)
6C2-1.043 By-laws of the School of Theatre. (Repealed)
6C2-1.044 Articles of Governance of the Department of Religion. (Repealed)
6C2-1.045 Organization and Administration of the Department of Meteorology. (Repealed)
6C2-1.046 By-laws of the Department of Dance. (Repealed)
6C2-1.047 By-laws of the School of Visual Arts. (Repealed)
6C2-1.048 Missions, Policies and Regulations of the Developmental Research School. (Repealed)
6C2-1.049 Structure for Institute for Social Research. (Repealed)
6C2-1.050 Submission and Requests for Information. (Repealed)
6C2-1.051 Meetings and Agenda. (Repealed)
6C2-1.052 Amendment, Etc. to Rules. (Repealed)
6C2-1.053 Rules of Practice. (Repealed)
6C2-1.054 Rules of Procedure. (Repealed)
6C2-1.055 Waiver of Certain Administrative Procedures.
6C2-1.004 University Constitution.

(1) Article I, Administrative Officers.
   (a) Section A – The President.
   The President, appointed by the Board of Regents, shall be the Chief Administrative Officer of the University and shall exercise general supervision over all its activities.
   (b) Section B – Other Administrative Officers.
   There shall be such other administrative officers as the President may designate. They shall have such duties as the President may assign to them. In the case of the absence, incapacitating illness, or death of the President, the Vice President for Academic Affairs shall assume all the authority and responsibility of the President until formal provisions are made by the Board of Regents. In the absence of both the President and the Vice President for Academic Affairs, the Dean of the Faculties shall have all the authority and responsibility until formal provisions are made by the Board of Regents.

(2) Article II, Councils and Committees.
   The President shall establish such councils and committees as deemed necessary and shall specify their duties and responsibilities.

(3) Article III, The General Faculty.
   (a) Section A – Membership.
   The General Faculty shall consist of those persons holding the academic rank of Instructor, Assistant Professor, Associate Professor, or Professor in one of the colleges, schools, or other academic units of the University, and of those members of the Professional Staff to whom the President assigns an academic rank.
   (b) Section B – Jurisdiction. The General Faculty shall:
      1. Receive reports and announcements from officers of the University and from the Faculty Senate, and
      2. Formulate its opinion upon any subject of interest to the University and make recommendations thereon to the appropriate body or officer for final consideration.
   (c) Section C – Meetings. The General Faculty shall meet:
      1. In regular session in the fall of each academic year to receive the annual report of the President, and
      2. In special session called by the President either on his or her own initiative or on resolution of the Faculty Senate, or on written request of at least ten percent of the members of the General Faculty.

(4) Article IV, Faculty Senate.
   (a) Section A – Membership.
   1. Elected faculty members.
   a. Each college or school shall be entitled to representation in the Faculty Senate according to the following formula:

   \[
   \text{number of representatives} = \frac{\text{number of eligible faculty members in college or school}}{100} \times \text{total number of eligible faculty members in the University}
   \]

   Each College or School shall be entitled to at least one representative.
   b. The library staff shall be entitled to one elected representative.
   c. Only full-time Instructors, Assistant Professors, Associate Professors, and Professors shall be eligible for representation in and election to the Faculty Senate, except that University Service Professors, University Service Associate Professors, and University Service Assistant Professors are also eligible for representation in and election to the Faculty Senate. If an eligible faculty member has duties in more than one college or school, he or she shall be counted in that college or school in which the major portion of his or her salary is budgeted or time is assigned. Developmental Research School faculty shall be entitled to one elected representative; members of the Developmental Research School faculty shall not be counted as College of Education faculty in determining the number of that College’s representatives or be eligible to vote in the College of Education elections of Faculty Senators.
   d.(I) Each unit shall elect its representatives for two-year terms, which shall begin with the regular April meeting of the Senate of the election year, according to a procedure which its eligible faculty members shall determine. Prior to February 1 of each year, the Dean of the Faculties shall submit to the Secretary of the Senate a list of the eligible faculty members in each college or school.
   (II) Each unit may elect, according to a procedure which its eligible faculty members shall determine, an alternate representative or representatives to serve whenever illness, professional travel, or other obligations make it impossible for the designated Senator or Senators to be present. A faculty member thus representing a unit shall have the full privileges of Senate membership.
e. The Secretary of the Senate shall on February 15 of each year determine the total number of representatives apportioned to each college or school and the number to be elected that year and shall notify the appropriate dean.

2. The Faculty Senate shall elect its presiding officer from its membership to serve for a one-year term. He or she shall be designated President of the Senate and shall serve as the chairperson of the Steering Committee. In case the person elected President of the Senate is already a member of the Steering Committee, the Senate shall elect a Senator to fill his or her unexpired term on that committee. The following shall be ex-officio members of the Senate: the President of the University, the Vice Presidents, the Dean of the Faculties, the Dean of Graduate Studies, the Dean of Undergraduate Studies, the dean of each college or school, the University Registrar, the Director of Libraries, and the President of the Student Body. Ex-officio members shall have the privilege of the floor but may not vote.

(b) Section B – Jurisdiction. The Faculty Senate shall be the basic legislative body of the University.

1. It shall formulate measures for the maintenance of a comprehensive educational policy and for the maximum utilization of the intellectual resources of the University.

2. It shall determine and define University-wide policies on academic matters, including Liberal Studies policy, admission, grading standards, and the requirements within which the several degrees may be granted.

3. As the elected body of the General Faculty, the Senate may also formulate its opinion upon any subject of interest to the University and adopt resolutions thereon. Resolutions treating those areas of authority legally reserved to the President of the University and the Board of Regents will be advisory.

4. The President of the University shall have the power to veto any action of the Senate. The veto shall be communicated in writing to the Secretary of the Senate and Chairperson of the Steering Committee with reasons therefor within sixty days. By a two-thirds vote the Senate may appeal to the Board of Regents any action so vetoed.

5. Upon the resignation, retirement, or death of the President and upon a request by the Board of Regents, the Faculty Senate will designate individuals to be available for membership on any committee requested by the Board of Regents for the purpose of consultation in the selection of a nominee for President.

(c) Section C – Standing and Special Committees.

1. A Steering Committee shall consist of seven persons elected for staggered two-year terms from the voting membership of the Faculty Senate. In consultation with the President of the University, it shall determine the agenda for each meeting. It shall provide for the reporting to the Faculty Senate by administrative officers, by chairpersons of standing and special committees, and by individuals.

2. The Faculty Senate may establish standing and special committees necessary for its work.

(d) Section D – Meetings.

1. A Steering Committee shall consist of seven persons elected for staggered two-year terms from the voting membership of the Faculty Senate. In consultation with the President of the University, it shall determine the agenda for each meeting. It shall provide for the reporting to the Faculty Senate by administrative officers, by chairpersons of standing and special committees, and by individuals.

2. Special meetings may be held at any time in accordance with rules specified in the Bylaws.

3. All meetings of the Senate shall be open to members of the General Faculty.

4. The right to address the Faculty Senate shall be granted to any member of the General Faculty in accordance with rules specified in the Bylaws.

(e) Section E – Procedure.
The Faculty Senate shall develop its own rules of procedure. Minutes shall be kept by the Secretary of the Senate and shall be distributed to all members of the General Faculty, to all administrative officers, and to all members of the Professional Staff.

(5) Article V, The Colleges and Schools.

(a) Subject to the University-wide regulations of the Faculty Senate and the authority of the President of the University, the faculty of each college or school shall determine its internal policies such as specific admission requirements, requirements for majors, requirements for graduation, and the nature, content, and scheduling of its courses.

(b) The faculty of each college or school shall keep on file with the Secretary of the Senate a current set of bylaws governing its internal operations, including procedures for the election of its representatives to the Faculty Senate and for the approval of its candidates for degrees.

(6) Article VI, The Faculty Members of Colleges or Schools.

(a) Section A – Appointment.

1. Vice Presidents, the Dean of the Faculties, the deans of the colleges and schools, and other such administrative personnel shall be appointed by the President of the University. An advisory committee appointed by the President shall consult with the President in the process of selection of nominees for such positions.

2. Associate and Assistant Deans of colleges and schools shall be recommended by the appropriate dean to the Vice President for Academic Affairs. The President of the University or a designee shall make these appointments.

3. Professors, Associate Professors, Assistant Professors, and Instructors in the colleges and schools shall be nominated by the department chairperson, or equivalent, approved and recommended by the dean and the Vice President for Academic Affairs, and appointed by the President of the University.

4. Each original appointment shall be confirmed by the President of the University, or his or her designee, in a contract letter.
5. Supplementary appointments to the Graduate Faculty may be given members of the General Faculty on nomination of the department chairperson, or equivalent, and approval of the appropriate dean and the Dean of Graduate Studies with the advice and consent of the Graduate Policy Committee.

6. Appointments to the faculty for limited periods of time, clearly stated in writing at the time of appointment, shall be designated as specified in the State University System Classification System. These appointments shall not count toward eligibility for tenure unless otherwise stipulated.

(b) Section B – Tenure, Nonreappointment, Termination, and Suspension.

1. The Tenure Process. The procedure to be followed when a faculty member becomes eligible for consideration for the status of permanent member shall be as follows:

a. Nomination for tenure shall originate with the appropriate department or unit which shall have an elected faculty committee, of whom a majority of the members shall be tenured faculty, which shall initiate the nomination by a favorable vote on the candidate; the department chairperson, or equivalent, shall inform the candidate in writing of the committee decision to recommend or not to recommend, together with his or her recommendation.

b. The department chairperson or unit officer shall transmit the committee recommendation together with his or her recommendation to the appropriate committee of the college or school and to the dean, and shall transmit the opinion of the tenured members of the department or unit which has been obtained in a secret ballot after a meeting of the tenured faculty for that purpose.

c. A college or school committee of elected tenured faculty shall consider the candidate for recommendation to a University committee of elected tenured faculty and vote to recommend or not to recommend the candidate; the candidate shall be informed in writing of the committee’s decision by the chairperson of the committee.

d. A University committee on tenure, comprised of elected tenured faculty and with at least one representative from each college or school, shall receive the recommendation from the college or school committee and shall consider it for the recommendation to the Vice President for Academic Affairs and the President of the University; the Dean of the Faculties shall serve as ex-officio chairperson, without voting privileges, of the University committee and shall transmit to the Vice President and the President the committee’s decision to recommend or not to recommend the candidate and shall also inform the candidate in writing of the decision.

e. The Vice President for Academic Affairs and the President of the University shall decide to recommend or not to recommend the candidate to the Board of Regents for tenure, and the President shall notify the faculty member immediately in writing of the final decision to recommend or not to recommend.

f. In step “d” above, the dean of the appropriate college or school in each case shall present to the University committee his or her decision to recommend or not to recommend the candidate; in step “d,” the dean of the appropriate college or school shall also report this decision to the Vice President for Academic Affairs and the President of the University.

g. In steps “a,” “b,” and “c” above, the faculty candidate who is not recommended by a committee at any stage of the deliberations may appeal that negative decision to the next committee by so requesting in writing within a period of ten (10) working days after receiving notification of the decision; in “d,” the candidate may appeal a negative decision to the Vice President for Academic Affairs and the President by so requesting in writing within a period of ten (10) working days after receiving notification of the decision. Unless a faculty candidate makes an appeal of a negative decision by a committee, the candidate’s folder will not be forwarded to the next committee; in stating an appeal, the candidate may address in writing the rationale for the committee’s decision.

h. In steps “b” and “c” above, a college or school may use an additional committee between the department or equivalent committee and the college or school committee if the faculty of said college or school has voted for such usage in its bylaws.

2. Annual Reappointment of Tenured Faculty Members. Tenured members of the faculties of colleges, schools, and other academic units shall enjoy the assurance of annual recommendations for reappointment.

3. Termination, Nonreappointment, and Suspension.

a. Termination and Nonreappointment of Tenured Faculty Members for Cause. Annual recommendation for reappointment of permanent members of the faculty shall be withheld only for serious cause (incompetence or misconduct) and on the basis of written and specific charges made by the dean of the college or school, the Vice President for Academic Affairs, or by the President of the University. A copy of such charges shall be furnished to the faculty member concerned. In answer to such charges the faculty member shall have, at his or her request, a hearing before an appropriate faculty committee. At this hearing, the faculty member shall be allowed at his or her own expense the benefit of counsel of his or her choice.

b. Nonreappointment of Nontenured Faculty. Upon the advice of a department chairperson, a departmental/college/school advisory committee, the dean of the respective college or school, and the Vice President for Academic Affairs, the President of the University may give written notice of nonreappointment of a nontenured faculty member. Notice of nonreappointment, or of intention not to reappoint, shall be given in writing in accordance with the following standards: (a) for employees in their first two years of employment, one full semester prior to the date of termination; (b) for employees with two or more years of continuous service, one full year prior to date of termination.

c. Immediate Suspension of Tenured or Nontenured Faculty.

(I) In flagrant offenses the President of the University may suspend a member of the faculty with pay from performance of his or her duties. Within two days, excluding weekends and official holidays, following such suspension, the President or his or her representative shall cause a written notice, including a statement of reasons, to be served upon the employee.
(II) If immediate dismissal is thereby sought, a copy of written and specific charges shall be furnished to the faculty member concerned. In answer to such charges, the faculty member shall have, at his or her request, a hearing before an appropriate faculty committee. At this hearing the faculty member shall be allowed at his or her own expense the benefit of counsel of his or her choice. After provision of notice and an opportunity for the accused faculty member to have a hearing before an appropriate faculty committee, the President may initiate immediate dismissal.

(III) If immediate dismissal is not sought, the faculty member shall have, at his or her request, a hearing on the suspension before an appropriate faculty committee.

(IV) The hearing committee, after deliberation, shall report its findings to the President. If the hearing committee concludes that adequate cause for dismissal has not been established by the evidence in the record, the President may either accept or reject that finding. If the President rejects the report, he or she will state his or her reasons for doing so in writing to the hearing committee and to the faculty member and provide an opportunity for response before taking any further action. If the hearing committee concludes that adequate cause for a dismissal has been established but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons. If dismissal or other severe sanction is recommended, the President may take such action as he or she deems fit.

4. Crediting of Time Toward Tenure.
   a. Any member of the faculties of colleges and schools holding the rank of Professor shall be eligible for the status of tenured member at the end of the fifth year in a tenure-earning position, to be effective at the beginning of his or her sixth year as a faculty member. A Professor may be given tenure at the beginning of his or her second year as a faculty member provided he or she has had four years of service credited, at time of appointment, from another tenure-earning position elsewhere and has been recommended by the President of the University and approved by the Board of Regents.
   b. Any member of the faculties of colleges and schools holding the rank of Associate Professor shall be eligible for the status of tenured member at the end of the fifth year in a tenure-earning position, to be effective at the beginning of the sixth year as a faculty member. An Associate Professor may be given tenure at the beginning of his or her third year as a faculty member provided he or she received credit, at time of appointment, for three years spent in a tenure-earning position elsewhere and has been recommended by the President of the University and approved by the Board of Regents.
   c. A faculty member appointed to the rank of Assistant Professor may receive credit at the time of appointment for up to two, but no more than two, years spent in a tenure-earning position elsewhere.

5. A decision whether to nominate a faculty member for tenure shall normally be made during the fifth year of continuous service in a tenure-earning position, or, at the option of the employee and with the concurrence of the appropriate administrative officials, during the sixth such year in a tenure-earning position.

6. Definition of Continuous Employment. Employment during any two semesters or trimesters or during three quarters of any twelve-month period shall be considered a year of continuous employment. Continuous employment for the purpose of tenure eligibility consideration for part-time service shall normally mean employment during at least one semester of any twelve-month period. Part-time service of an employee employed at least one full semester in any twelve-month period shall be accumulated. However, not more than one year of tenure eligibility may be earned in a twelve-month period. (Time spent by a faculty member undergoing appointment or exchange within the State University System or on a special assignment for the benefit of the parent institution or for the University System shall be counted toward the fulfillment of eligibility for tenure. Time spent away from the institution for other purposes shall not be counted toward the fulfillment of eligibility for tenure, except by mutual agreement of the employee and the University.)

7. Restrictions on Employment of Nontenured Faculty.
   a.(I) No person employed after 1965 may remain in the service of the University as a nonpermanent member of the faculty of any college, school, or other academic unit in any rank or combination of ranks for a total of more than seven years, except that faculty whose service began before September 1972, may count four additional years in the Instructor or Acting Assistant Professor ranks as probationary. Persons holding an administrative or service role will normally hold a courtesy rank in an academic unit and shall not be subject to the rule during such service unless the academic unit grants a regular tenure-earning appointment. When the administrative or service function is ended, the person shall receive, upon request, a tenure-earning appointment in an academic unit.
   (II) Not later than the end of the sixth year of service (or the tenth in the case of the above exceptions), the Departmental Chairperson, or equivalent, in consultation with the dean of his or her college or school, shall either nominate the faculty member for tenure or arrange to terminate his or her service at the end of the seventh year (or the eleventh, in the case of the above exceptions). In every case, the faculty member shall be notified in writing of this recommendation by the dean.
   (III) Only time spent in the rank of Assistant Professor and above shall be construed as tenure-earning time.

8. Early Tenure.
   a. The Board of Regents may approve tenure at an earlier time if it is recommended with sufficient justification by the President of the University with the concurrence of the Chancellor.
   b. A member of the faculty must satisfy the five-year requirement to be eligible for consideration by a tenure committee at any level.
(c) Section C – Academic Freedom.

1. It is the policy of the University to maintain and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication, and to protect any member of the academic staff against influences, from within or without the University, which would restrict him or her in the exercise of this freedom in his or her area of scholarly interest. The right to the protection of the University shall not, necessarily, include any right to the service of the University’s legal counsel in any proceedings in which the academic freedom of the faculty member may be an issue.

2. In his or her role as citizen, the faculty member has the same freedoms and responsibilities as other citizens, including political rights and privileges, without institutional censorship or discipline. As a scholar, he or she should be mindful that accuracy, forthrightness, and dignity befit his or her association with the University.

3. Furthermore, the faculty member must consider his or her academic duties as primary responsibility. In no case should he or she accept or seek appointment to civic or political office which would reduce significantly the time available for his or her primary responsibility without first securing written approval of the President of the University.

4. A faculty member who believes that he or she does not enjoy the academic freedom which it is the policy of the University to maintain and encourage shall be entitled on his or her written request to a hearing before the Committee on Grievances.

(d) Section D – Resignation.

If a member of the faculty of the University desires to obtain release from his or her faculty position, he or she is expected to offer his or her resignation to the President of the University, or a designee, through appropriate administrative channels at least ninety days before the resignation takes effect.

(7) Article VII, The Professional Staff.

(a) Those persons holding academic appointments within the Florida State University, but not within a college or school, and those persons within a college or school holding academic appointments whose responsibilities do not include teaching, shall be considered members of the Professional Staff. Members of the Professional Staff having appropriate qualifications and responsibilities shall be assigned faculty rank by the President of the University on recommendation of their administrative officers for the purpose of membership in the General Faculty.

(b) Members of the Professional Staff shall enjoy the assurance of annual recommendation for reappointment in accordance with the provisions of the Florida Statutes and the regulations of the Board of Regents.

(8) Article VIII, Amendments.

(a) Amendments to this Constitution shall become effective when 1. approved by a two-thirds vote of the Faculty Senate, and 2. ratified by a majority vote of the members of the General Faculty who are eligible for election to the Faculty Senate and who vote on the proposal.

(b) An amendment to be considered by the Faculty Senate must be submitted at a regular meeting at least one month prior to a vote on the proposal. The faculty vote on ratification shall be taken during the regular academic year not earlier than thirty days after circulation of the Senate minutes in which the amendment approved by the Senate is recorded.

(9) A faculty-adopted amendment shall be presented by the Faculty Senate to the University President and will be noticed by the President for rule change as provided by Section 120.54(5), Florida Statutes

Specific Authority 240.227(1) FS. Law Implemented 240.227(1) FS. History–New 9-30-75, Amended 7-21-76, 8-23-76, Formerly 6C2-1.04, Amended 2-13-90. Cf. Board of Regents and University rules relating to employment found in 6C-5 and 6C2-4.

6C2-1.007 University Committees.

(1) University Committee on Appointments.

(a) Function. To provide list of nominees each year to administrative officer making appointments to University-wide committees.

(b) Membership. 3 Faculty (from 6 nominated by the Faculty Senate), 3 Faculty (from 6 nominated by Provosts), and 3 Students (from 6 nominated by Student Government).

(c) Appointments shall be by the President.

(2) Committee on the Academic Budget.

(a) Function. To consider University academic budget policies and procedures.

(b) Membership. 7 Faculty.

(c) Appointment shall be by the Faculty Senate.

(3) Academic Press and Publications Board.

(a) Function. To monitor all publications which are to bear the FSU imprimatur.

(b) Membership. 15 Faculty to represent various academic units of the University. Dean of the Faculties, Provost for Division V, Director of Academic Publications and Press Board, Chairman, ex officio.

(c) Appointment shall be by the Executive Vice President.

(4) Admissions Committee.

(a) Function. To rule on special cases relating to admission and advise on general admission policies.

(b) Membership. 5 Faculty, 2 Students. Director of Admissions, Director of Basic Studies, Director of Articulation Affairs, Registrar, and Director of Special Services of Student Educational Services, ex officio.
(c) Appointment shall be by the Vice President for Educational Services.
(5) Amoco (formerly Standard Oil of Indiana) Foundation Awards Committee.
(a) Function. To nominate three recipients of the Amoco Foundation Award for outstanding undergraduate teaching.
(b) Membership. 5 Faculty, 3 Students (selected by the Student Body President).
(c) Appointment shall be by the Executive Vice President.
(6) Artist Series Committee.
(a) Function. To select distinguished artists in all the arts for presentation to the University community.
(b) Membership. 8 Faculty, 4 Students.
(c) Appointment shall be by the Vice President for University Relations.
(7) Athletic Committee.
(a) Function. To make recommendations on athletic policy and programs.
(b) Membership. Minimum of 8 members plus one ex-officio: 5 Faculty and/or Administrators, 1 Alumnus, 1 Seminole Booster, 1 and as many as 2 Students, and Athletic Director as ex-officio member.
(c) Appointment shall be by the President.
(8) Basic Studies Honors Program Committee.
(a) Function. To serve as Board of Directors for the Basic Studies Honors Program in the Division of Educational Services.
(b) Membership. 6 Faculty, 2 Students. Director of Basic Studies, ex-officio.
(c) Appointment shall be by the Vice President for Educational Services.
(9) Budget Committee.
(a) Function. To review operating budgets in all areas of the University and make recommendations to the President.
(b) Membership. 1 Faculty (voting), 1 Faculty (non-voting). Executive Vice President-Chairman, Vice President for University Relations, Vice President for Educational Services, Assistant to the President for Minority Affairs, 2 Provosts, Vice President for Administrative Affairs, President of Student Body, ex-officio.
(c) Appointment shall be by the Executive Vice President.
(10) Calendar Committee.
(a) Function. To recommend an academic calendar for each year.
(b) Membership. 1 Faculty, 1 Provost, 1 Dean, 1 Department Chairperson. Dean of Faculties, Vice President for Educational Services, Secretary for Academic Affairs for Student Body, Chairperson of Undergraduate Policy Council, Chairperson of Graduate Policy Council, Director of Orientation, Registrar, and President of Student Body, ex-officio.
(c) Appointment shall be by the Executive Vice President.
(11) Committee on Academic Problems of Minority Students.
(a) Function. To serve generally as an intervener, clearing house and communications channel, receiving, processing, transmitting and intervening with regard to academic problems encountered by minority students.
(b) Membership. 5 Faculty, 3 Students, Director, Minority Student Affairs, and Representative of DIRS, ex officio.
(c) Appointment shall be by the Executive Vice President.
(12) Committee on the Arts.
(a) Function. To encourage the recognition of performance in the arts, and to effect coordination of art events on the campus.
(b) Membership. 8 Faculty, 2 Students. University Comptroller, ex officio.
(c) Appointment shall be by the President.
(13) Committee on Officer Education Programs.
(a) Function. To advise the Executive Vice President on ROTC policy, and on the appointment and termination of proposed instructional personnel in ROTC departments.
(b) Membership. 3 Faculty (appointed from list of at least 6 recommended by the Steering Committee of the Faculty Senate); 2 Students (appointed from list of at least 4 recommended by the President of the Student Body); and 2 faculty/administrative and professional personnel with experience in military life and/or military education programs. The Professor of Aerospace Studies and the Professor of Military Science, ex officio.
(c) Appointment shall be by the Executive Vice President.
(14) High School and Community College Relations Committee.
(a) Function. To advise the Dean of Matriculation Services and assist in articulating policies and special programs.
(b) Membership. 3 Faculty, 1 Staff, 1 Student Representative; Director of Admissions; Director of Alumni Affairs; Director, Student Articulation Affairs; Director, Horizons Unlimited; Director of Academic Advising Service; Coordinator, Orientation Center; Academic Advisors, Divisions I-IV; Student Government Secretary of Community College Affairs; Vice President for Educational Services; ex-officio.
(c) Appointment shall be by the Vice President for Educational Services.
(15) Convocations Committee.
(a) Function. To make arrangements for Commencement and other University-wide academic functions involving academic processions.
(b) Membership. 15 Faculty, 1 Student Representative (appointed by Student Body President). Director of Publications, ex officio.
(c) Appointment shall be by the President.
(16) Council for Instruction.
(a) Function. To plan for development and conduct of projects and programs to improve undergraduate and graduate instruction, including the selection of recipients for supplementing appointments designed to develop new knowledge and materials of value to the instructional program.
(b) Membership. 12 Faculty, 2 Students. Dean of Faculties, Director of Division of Instructional Research and Service, ex officio.
(c) Appointment shall be by the Vice President for Educational Services.
(17) Council for International Education.
(a) Function. To advise concerning resources, policies, programs in fields of International Education.
(b) Membership. 7 Faculty. Director of Bootstrap, Director of Florence Program, Director of London Program, Director of Libraries, Director of Slavic and East European Studies, Director of International Programs, Assistant Director of Admissions for International Students, Advisor of Fulbright Program, President of International Student Club, ex officio.
(c) Appointment shall be by the Vice President for Educational Services.
(18) Council for Teacher Education.
(a) Function. To coordinate undergraduate education programs throughout the University and formulate and recommend policy on matters related to teacher education that extend beyond the individual school or college.
(b) Membership. 10 Faculty, 2 Students, Provost, Division II, ex officio.
(c) Appointment shall be by the Executive Vice President.
(19) Danforth Graduate Fellowship Committee.
(a) Function. To seek, interview and nominate five graduating seniors to national competition for Danforth Graduate Fellowships.
(b) Membership. 6 Faculty.
(c) Appointment shall be by the Executive Vice President.
(20) Elections Committee.
(a) Function. To conduct official University elections.
(b) Membership. 4 Faculty.
(c) Appointment shall be by the Faculty Senate Steering Committee.
(21) Employee Awards Committee.
(a) Function. To advise President on recommendation to Awards Committee of State Personnel Board for awards to employees submitting creative ideas and time- or labor-saving suggestions.
(b) Membership. 7 Staff. Director of Personnel Relations, ex officio.
(c) Appointment shall be by the Vice President for Administrative Affairs.
(22) Employee Benefits Committee.
(a) Function. To advise the Executive Vice President regarding employee benefit programs (other than insurance) for members of the faculty and staff.
(b) Membership. 4 Faculty. Chairperson of Management Department (School of Business), Director of Personnel, and Comptroller, ex officio.
(c) Appointment shall be by the Vice President for Administrative Affairs.
(23) Faculty Advisory Committee on Promotions and Tenure.
(a) Function. To counsel the President and Executive Vice President regarding promotion and tenure appointments and advise on policy and procedures.
(b) Membership. Two members shall be elected from and by each Divisional Promotion and Tenure Committee in the Divisions I-IV, and one member shall be elected at large from and by the faculty of each Division I-IV. One member shall be elected from and by the faculty of Division V and Educational Services and the advisement unit of Student Affairs. The Dean of the Faculties shall be a member of the Committee and shall serve as its presiding officer.
(24) Faculty Development Program Committee.
(a) Function. To recommend recipients for Faculty Development Grants on the basis of evaluation of leave proposals submitted by eligible faculty members.
(b) Membership. 7 Faculty representatives of the Divisions. Dean of Faculties, Provost of Division V, ex officio.
(c) Appointment shall be by the Executive Vice President.
(25) Faculty Grievance Committee.
(a) Function. To hear and to attempt to arbitrate problems brought to their attention by any faculty member.
(b) Membership. 12 Faculty.
(c) Appointment shall be by the Faculty Senate Steering Committee.
(26) Faculty Professional Relations Committee.
(a) Function. To consider all matters involving policy and practice concerned with professional relations, professional ethics, conditions of employment, and the welfare of the faculty.
(b) Members. 9 Faculty.
(c) Elected by and from members of the general faculty holding tenure.

(27) Faculty Research Support Committee.
(a) Function. To review faculty applications for summer research projects and for academic year research projects and to make the final selection of projects to be supported.
(b) Membership. 12 Faculty.
(c) Appointment shall be by the Provost of Division V upon the recommendation of the Graduate Research Council.

(28) Faculty Senate Steering Committee.
(a) Function. To determine, in consultation with University President, agenda for each Senate meeting; provide for reporting to the Senate by administrative officers, by chairmen of standing and special committees, and by individuals; to refer matters to other committees of the Senate when appropriate.
(b) Membership. 7 Faculty.
(c) Elected by Faculty Senate.

(29) Committee on Faculty Welfare.
(a) Function. To consider matters relating to terms of employment, teaching loads, academic reorganizations, and the like.
(b) Membership. 12 Faculty representing the University as a whole.
(c) Appointment shall be by the Provost of Division V, Vice President for Educational Services, ex officio.

(30) Fee Committee.
(a) Function. To review and recommend fee policies within Board of Regents Policies.
(b) Membership. Comptroller, Provost of Division V, Vice President for Educational Services, ex officio.
(c) Appointment shall be by the Executive Vice President.

(31) Financial Aid Committee.
(a) Function. To make recommendations to the Vice President for Educational Services regarding the administration of scholarships, loans, and student employment.
(b) Membership. 4 Faculty, 6 Students, Director of Financial Affairs, Director of Admissions, Comptroller, Chairman of Athletic Committee, Director of Matriculation Affairs, Director of Horizons Unlimited, Director of Athletics, College of Law Financial Aid Coordinator, the Graduate School Financial Aid Coordinator, and the Director of Minority Student Affairs, ex officio.
(c) Appointment shall be by the Vice President for Educational Services.

(32) Fine Arts Festival Committee.
(a) Function. To plan and coordinate annual Fine Arts Festival on campus.
(b) Members. 7 Faculty (generally representing the performing arts), 2 Students.
(c) Appointment shall be by the President.

(33) Food Service Advisory Committee.
(a) Function. To advise Director of Business Services regarding policies and procedures related to the University Food Service and to act as liaison between the Food Service and the University.
(b) Membership. 2 Faculty (1 from Hotel and Restaurant Management). 3 Students (2 from Inter-Dorm Council). 1 Staff. Secretary for Consumer Affairs of Student Body, Under-secretary for Food Services of Student Body, Comptroller of Student Body, University Food Services Administrator, Director of University Union, Director of Dining Services, ex officio.
(c) Appointment shall be by the Vice President for University Relations.

(34) Fulbright Student Selection Committee.
(a) Function. To recommend Fulbright Scholarship candidate to the State Committee.
(b) Membership. 5 Faculty.
(c) Appointment shall be by the Executive Vice President.

(35) Golf Course Advisory Committee.
(a) Function. To recommend policies pertaining to the operation of the University golf course.
(b) Membership. 4 Faculty, 3 Students, 1 Staff. Golf course manager, ex officio.
(c) Appointment shall be by the Vice President for Educational Services.

(36) Graduate Policy Council.
(a) Function. To consider University-wide policies relating to graduate education of the University.
(b) Membership. 12 Faculty. 1 Graduate Student. Executive Vice President or designee, Provost of Division V, ex officio.
(c) Appointment shall be by the Faculty members elected by Faculty Senate Steering Committee; Student selected by President of Student Government.

(37) Graduate Research Council.
(a) Function. To formulate policies related to University research activities and for the allocation of available research funds.
(b) Membership. 12 Faculty. Provost-Div. V, ex officio.
(c) Appointment shall be by the President.

(38) Health Service Advisory Council.
(a) Function. To advise regarding Health Service policies and procedures and means of maintaining open communication between students and Health Service personnel.
(b) Membership. 1 Faculty. 6 Students.
(c) Faculty member appointed by Director of Health Services; Student members appointed by Student Government.

(39) Honorary Degrees Committee.
(a) Function. To recommend to the President nomination for honorary degrees.
(b) Membership. 9 Faculty.
(c) Appointment shall be by the President.

(40) Honors Day Committee.
(a) Function. To plan and coordinate the observance of an annual Honors Day program which will recognize students who by their academic excellence have enriched the University’s intellectual life.
(b) Membership. Student Affairs Representative of Vice President for Educational Services, Dean of Faculties, Chairperson of Faculty Fund for Student Scholars, Presidents of Phi Beta Kappa, Phi Kappa Phi, Alpha Lambda Delta, Phi Eta Sigma, Mortar Board and ODK, ex officio.
(c) Appointment shall be by the President.

(41) Identification Cards Committee.
(a) Function. To advise Director of Business Services on various aspects of issuing ID cards.
(b) Membership. 3 Faculty. Director of Business Services, Director of Instructional Media Center, Director of Personnel Relations, Director of Registrar’s Office, Director of Libraries, Director of Health Services, Director of Administrative Data Processing, Director of Athletics, Comptroller, President of Student Body, ex officio.
(c) Appointment shall be by the Vice President for University Relations.

(42) Insurance and Benefits Committee.
(a) Function. To advise the Vice President for Finance and Administration regarding employee benefit and insurance programs for members of the faculty and staff.
(b) Membership. The Committee shall consist of 4 members of the faculty and 2 staff persons. The Chairman of Department of Risk Management and Insurance and Real Estate, the Controller, Director of Personnel Relations, and the Insurance and Benefits Manager shall serve ex-officio.
(c) Appointments shall be by the Vice President for Finance and Administration.

(43) International Student Committee.
(a) Function. To review and recommend policies pertaining to international students.
(b) Membership. 8 Faculty. 1 Staff. Assistant Director of Admissions (for International Students), Director of Counseling Center, Director of Housing, Provost for Division V, International Student Advisor, President of International Student Club, ex officio.
(c) Appointment shall be by the Vice President for Educational Services.

(44) Lecture Series Committee.
(a) Function. To arrange prestige series of lectures for students, faculty and the community.
(b) Membership. 4 Faculty. 2 Students (appointed by the Student Body President). 2 Students (appointed by Student Senate).
(c) Appointment shall be by the President.

(45) Library Committee.
(a) Function. To advise concerning policies on general library operation.
(b) Membership. 8 Faculty. 4 Students, Director of Libraries, ex officio.
(c) Appointment shall be by the Vice President for Educational Services.

(46) Memorials and Courtesies Committee.
(a) Function. To extend sympathy and assistance to faculty members in time of sorrow.
(b) Membership. 3 Faculty.
(c) Appointment shall be by the President.

(47) Portraits Committee.
(a) Function. To establish policy with regard to acquisition, quality, preservation and placement of portraits in University buildings.
(b) Membership. 3 Faculty.
(c) Appointment shall be by the President.

(48) Property Survey Committee.
(a) To advise concerning departmental procedures and record keeping in relation to University property and to serve as final authority in surveying lost, damaged, stolen or obsolete property.
(b) Membership. 1 Faculty. Manager of Property Records, Supervisor of Internal Auditor Office, and Assistant Director of Finance and Accounting in Comptroller’s Office, ex officio.
(c) Appointment shall be by the Vice President for Administrative Affairs.

(49) Religious Affairs Committee.
(a) Function. To plan and supervise the “Religion in Life” Series.
(b) Membership. 8 Faculty. 3 Students. 2 Campus Ministers. President of University Religious Council and University Chaplain, ex officio.
(c) Appointment shall be by the Vice President for Educational Services.

(50) Space Committee.
(a) Function. To classify and assign all University owned or leased space except housing.
(b) Membership. Executive Vice President, Chairman; Vice President for University Relations, Vice President for Educational Services, Associate Executive Vice President, 2 Provosts, Executive Assistant to President, President of Student Body, ex officio.
(c) Appointment shall be by the Executive Vice President.

(51) Committee on Student (Academic) Relations.
(a) Function. To hear appeals from students regarding decisions about their academic work.
(b) Membership. 5 Faculty. 1 Graduate Student. 1 Undergraduate Student. Registrar, ex officio.
(c) Appointment shall be by Faculty elected by Faculty Senate; Students selected by Student Senate.

(52) Student Conduct Committee.
(a) Function. To have initial jurisdiction of disciplinary cases referred to it through the Office of Disciplinary and Judicial Affairs and of those transferred from student courts; to hear appeals from the Student Supreme Court and from decisions of University officers in administrative disciplinary hearings.
(b) Membership. 6 faculty. 6 Students.
(c) Appointment shall be by the Vice President for Educational Services.

(53) Testing Committee.
(a) Function. To consider all problems associated with testing when coordination between departments and University policy is involved.
(b) Membership. 3 Faculty. Dean of Faculties, Director of Admissions, Director of Basic Studies, Director of Ninth Grade Testing, Director of Evaluation Services, Head of Department of Educational Research and Testing, and Registrar, ex officio.
(c) Appointment shall be by the Vice President for Educational Services.

(54) Traffic Committee.
(a) Function. To advise concerning policies and procedures which will contribute to the general effectiveness of traffic regulation on campus.
(b) Membership. 3 Faculty. 3 Students. 3 Staff. Director of Public Safety and Security, ex officio.
(c) Appointment shall be by the Vice President for Educational Services.

(55) Undergraduate Policy Council.
(a) Function. To consider University-wide policies relating to undergraduate academic affairs.
(b) Membership. 12 Faculty. 1 Undergraduate student. Executive Vice President or designee, ex officio.
(c) Appointment. Faculty members elected by Faculty Senate Steering Committee; Student selected by President of Student Government.

(56) University Stores Advisory Committee.
(a) Function. To advise Director of Business Services regarding the operation of the University Store and its relationship to the University community.
(b) Membership. 3 Faculty. 3 Students, 1 Staff.
(c) Appointment shall be by the Vice President for University Relations.

(57) Auxiliary Budget Committee.
(a) Function. To administer all University auxiliary funds subject to the review and approval of its actions by the University President.
(b) Membership. Vice President for University Relations-Chairman, Vice President for Educational Services, Vice President for Administrative Affairs, a Representative of the Executive Vice President, and the following staff support group: University Budget Officer, University Comptroller, and Director of Internal Control.
(c) Appointment shall be by the President.

(58) Distinguished Professor Selection Committee.
(a) Function. To chose from the ranks of those teaching at the University, a recipient of the “Distinguished Professor” award and make that recommendation to the President.
(b) Membership. 3 Previous Recipients of the Award, 2 members of Faculty-at-Large, 1 Graduate Student, and 1 Undergraduate Student.
(c) Appointment shall be by the President.

(59) Organizational Development Committee.
(a) Function. To give continuing consideration to the types of organizational changes needed in the structure of the University and to make recommendations regarding such changes.
(b) Membership. 9 Faculty (representative of the Divisions), 3 Faculty (from Faculty Senate).
(c) Appointment shall be by the President.

(60) President’s Meritorious Service Award Committee.
(a) Function. To make recommendations concerning conferral of the “President’s Meritorious Service Award” for Career Service employees.
(b) Membership. University Personnel Director-Chairman; 1 Faculty; 1 Student; and 4 Career Service Employees (one appointed by the Executive Vice President, one appointed by each of the Vice Presidents, and one by the Associate Executive Vice President).

(c) Appointment shall be by the President.

(61) Recreation and Union Board.

(a) Function. To recommend, evaluate and approve programs pertaining to University Recreation and Leisure Services.

(b) Membership. 4 Faculty & Staff, 1 Alumnus, 8 Students. Director-University Recreation & Leisure Services; Associate Director-University Recreation and Leisure Services, ex officio.

(c) Appointment. 8 Students are elected by the Student body; 4 Faculty & Staff and 1 Alumnus are appointed by the Vice President for Educational Services.

(62) Postal Services Advisory Committee.

(a) Function. To advise concerning policies and procedures that will contribute to the general effectiveness of University Postal Services.

(b) Membership. 4 Faculty, 2 Students, 1 Staff. Administrator of Postal Services shall be an ex-officio member.

(c) The Faculty Senate Steering Committee shall appoint the faculty members who shall serve on the Committee. All other appointments shall be made by the Vice President for Finance & Administration.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1) FS. History–New 9-30-75, Amended 4-5-76, 4-27-77, Formerly 6C2-1.07, Amended 5-30-88, 6-12-88.

6C2-1.055 Waiver of Certain Administrative Procedures.

Before a person may avail himself of any administrative remedy available under the rules of the University, he must execute a written waiver of any and all other administrative remedies available to him.

Specific Authority 120.57 FS. Law Implemented 120.57 FS. History–New 9-30-75, Formerly 6C2-1.55.

6C2-1.057 Public Records - Final Orders; Index and Listing, Management, Availability.

(1) General Information. All Florida State University final orders are either indexed or listed. University final orders are those documents of final action received and filed with the University Agency Clerk, Office of the University’s General Counsel, pursuant to Section 120.52(11), Florida Statutes. The University Agency Clerk is responsible for the docketing, indexing, filing and listing of the final orders of the University.

(a) For purposes of this rule, final orders as defined by the Florida Department of State (DOS) Rule 1S-6.002, F.A.C., are required to be indexed pursuant to DOS Rule 1S-6.004, F.A.C. Final orders which do not resolve a substantial legal issue of first impression, establish for the first time a rule of law, principle, or policy; alter, modify, or clarify a prior final order; resolve conflicting final orders, or harmonize decisions of appellate courts shall be listed, but not indexed in the following categories:

1. Final orders resulting from informal proceedings under subsection 120.57(2), Florida Statutes

2. Final orders closing cases on the basis of settlements, consent orders, or stipulations under Section 120.57(3), Florida Statutes

(2) Numbering of Final Orders. All final orders that are required to be indexed or listed shall be sequentially numbered at the time of filing with the Agency – University Clerk as required by subsection 120.52(11), Florida Statutes.

(a) The numbering system for final orders indexed will include the agency-educational unit designation (FSU), followed by a two part number separated by a dash. The first part before the dash indicates the year, and the second part will indicate the numerical sequence of the order issued and filed during that year.

(b) An applicable order category is added following the University’s designated final order docket number to aid in identifying the nature of the order. The final order categories are as follows:

- DS  –  Declaratory Statement
- FOI  –  Final Order Informal Proceedings
- FOF  –  Final Order Formal Proceedings
- S  –  Stipulation
- AS  –  Agreed Settlement
- CO  –  Consent Order

The letter designation “R” following the final order category or docket number indicates restricted or limited access to the text of the final order as the text of the order discloses or incorporates by reference material or matters coming within the scope of limited public access prescribed by subsections 240.237, 240.245, 240.253 and 228.093, Florida Statutes, relating to student records, faculty evaluations and personnel records (statutory exemptions from provisions of subsection 119.07(1), Florida Statute the Public Records Law), or any other state or federal law vesting public record custodial access limitation responsibilities upon the University (Examples, subsection 240.241(2), Florida Statutes, specified confidential material involved with sponsored research activities; Family educational and privacy rights protected by the provisions of 20 U.S.C.A. § 1232f, et seq. Part IV – Records; Privacy; Limitation on Withholding Federal Funds).
(c) Final orders, the content or text of which indicate, refer to, or result from specified documentation coming within the scope of a protected Section 240.237, Florida Statutes, student record, and university personnel records, including work evaluations, protected by Section 240.253, Florida Statutes, will be restyled on a cover sheet by the Clerk and then docketed, indexed or listed by either the initials of the subject party or the identifiable subject matter of the case. Restricted public access to this type of final order is applicable only to material under the custody and control of the University.

(3) Final Order Index. The University final order index is alphabetically arranged by main subject headings from the Florida Statutes index when applicable. The applicable titles of citations of the Florida Statutes construed within the final order may determine the main subject headings and subheadings in the index. Main subject headings are fully capitalized titles, placed flush left on the page, and followed by relevant indented subheading titles in initial caps and lower case letters. Subheadings and sub-subheadings at equal indentations are alphabetized. Final orders are listed sequentially in an indentation immediately below the applicable subject heading. Cross references are used to direct the user to headings which contain the relevant information. Related key words (specific words, terms, and phrases) and common and colloquial words shall be listed and cross referenced to the appropriate main subject headings.

(4) Maintenance of Records. The University Agency Clerk is responsible for providing information and assistance to the general public concerning any agency rule or order and will receive and act on requests for public inspection and copying.

(a) The office of the University Agency Clerk is located in the Office of the General Counsel, University Attorney Building, 540 West Jefferson Street, Tallahassee, Florida 32306-1612. The telephone number is: (850)644-4440, FAX: (850)644-8973. This office is open to the public between the hours of 8:00 a.m. to 5:00 p.m., excluding holidays and weekends.

(b) The University Agency Clerk is responsible for:

1. Maintaining the Florida State University final order index, the listing of final orders, and their availability to the public.

2. When an order is filed, the Clerk, as the indexer, will consult the main subject headings and subsequent similar entries shall be indexed under the existing appropriate heading. The index being cumulative, it shall be updated at least every 120 days and made accessible to the public. New main subject headings will be added when necessary. The index shall be cumulative in perpetuity.

3. Final Orders that comprise final agency action which must be indexed or listed, shall be permanently maintained by the University pursuant to its retention schedule approved by the Florida Department of State, Division of Library and Information Services.

Specific Authority 120.53(1)(a)-(b), 120.533(1)(f), 240.227(1) FS. Law Implemented 120.53(1)(a)-(b), (2), (3), 120.532, 120.533, 119.07, 119.041, 228.093, 240.227(1), 240.237, 240.241(2), 240.253 FS. History–New 11-13-94.
CHAPTER 6C2-2 ADMINISTRATIVE MATTERS

6C2-2.004 University Attorney.

All persons within departments or divisions with potential legal problems, including contract documents and the like, must forward such problems to the attention of the respective central administrative officer and not directly to the University Attorney’s Office. Matters calling for possible legal advice or assistance may be reviewed and presented to the Office of the University Attorney by
only central administrative officers of the University. Situations necessitating the coordinating of projects or programs among several persons other than the Office of the University Attorney will continue to be respected, assuming that only the appropriate central administrative officer shall be primarily responsible for coordinating such matters with that office.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1) FS. History–New 9-30-75, Formerly 6C2-2.04.

6C2-2.007 Use of Campus Facilities.

(1) Definitions.

(a) “University Persons, Groups and Organizations.” University persons, groups and organizations are defined as one of the following: individual members of the University community – that is, students, faculty members and administrative and professional and career service employees; student organizations, honor societies, fraternities, sororities, and religious associations officially recognized by the University; and officially constituted colleges, schools, divisions, departments, agencies, or other corporate organizational units which are a part of, or operate on behalf of, the University, such as foundations and alumni organizations.

(b) “University Related Groups and Organizations.” Groups and organizations not officially recognized by or affiliated with the University, or otherwise failing to meet the definition in paragraph (a) above, but which are related to the University because of the promotion of interests of the University community, the academic professions, and other related interests of the faculty, staff, or students, or which perform other service to the University and its community, such as credit unions, academic professional associations and fraternities, employee organizations, charitable community organizations, other public educational institutions, and the like.

(c) “Non-University Persons, Groups and Organizations.” Persons, groups or organizations which do not meet the definitions of persons, groups, or organizations as defined in paragraph (a) or (b) above, including those groups and organizations which exist primarily for the purpose of carrying on commercial activity for profit, or which otherwise exist primarily for private individual gain or benefit.

(d) “Private Events.” A private event held on the University campus is one that is open to attendance only by members and invited guests of the host organization or person.

(e) “Public Events.” A public event held on the University campus is one that is open to attendance by all members of the University community and/or to the general public in accordance with the provisions of this policy.

(f) “Continuing Education Programs.” Continuing Education programs are those conferences, meetings, and other events sponsored by the Office of Continuing Education that have as their purpose the providing of instructional, training and other educational programs to people outside the University community.

(g) “Outdoor Areas of the Campus Subject to Policy.” Outdoor areas on the campus are classified as follows and are subject to use only in accordance with policy through the University Space Committee:

1. Academic areas. Areas adjacent to classrooms, libraries, laboratories, auditoria, the Health Center, and research facilities.
2. Union areas. Outdoor areas adjacent to the University Union. The scheduling of events or meetings in the Union area should be through the Recreation and Leisure Office.
3. Residential areas. Outdoor areas adjacent to residence halls on the University campus. Meetings or events in these areas should be scheduled through the Recreation and Leisure Office.
4. Other areas of the campus established for special uses or purposes: The Seminole Reservation, the outdoor amphitheatre at Opperman Auditorium, the Seminole Golf Course, Doak S. Campbell Stadium, baseball fields, and other recreational and sports practice areas are established for special uses. The scheduling or use of these facilities for meetings or events contemplated by this Policy shall be through the Recreation and Leisure Office and, as appropriate, the Recreation and Leisure Office shall consult the Director of Recreation or the Director of Athletics in making the scheduling decisions.

(2) Exemption. Intercollegiate athletic competition shall be exempt from this Policy. Further, intercollegiate athletic competition shall have a first priority over all other use of recreational areas, except the golf course and the swimming pool, covered by this Policy. In no event shall the use of the above facilities interfere with intercollegiate athletic events. In the case of scheduling the use of the golf course and the swimming pool, the Recreation and Leisure Office shall consult with the Director of Recreation.

(3) Provisions by Category of User.

(a) Use of University Facilities by University Persons, Groups, and Organizations.

1. University persons, groups, and organizations may use University facilities for the purpose of hosting private events subject only to the registration requirements of the University Space Committee and the approval by that Office of appropriate space for the activity. Such persons, groups, and organizations also may use University facilities for the purpose of sponsoring and hosting public events subject to the registration requirements of the University Space Committee and subject to the provisions of subsection (4), Scheduling of Facilities, which governs activities contemplating the charging of admission or other fees. Within the provisions of this section, private events shall be accorded priority over public events. The priority will be determined at the time of the
scheduling of the event. No University person, organization, or group shall sponsor an event, public or private, for any non-University person, group, or organization that has not sought and received permission on its own to use University facilities in accordance with the provisions of subsection (4) below.

2. Exempt from this requirement is any University related person, group or organization co-sponsoring an educational activity with the Office of Continuing Education.

(b) Use of University Facilities by University Related Persons, Groups, or Organizations.

1. University related persons, groups or organizations may use the following University facilities on a space-available basis subject to payment of the established rental fee plus any additional out-of-pocket costs incurred by the University in scheduling and holding of the activity or event, and subject to the ability of the Department of Facilities Planning and Scheduling to schedule the equipment, services, and personnel necessary for the requested use, provided that such use does not interfere with regularly scheduled University events or activities: Ruby Diamond Auditorium; Moore Auditorium; Doak S. Campbell Stadium; the University Baseball Field; University Union; Developmental Research School Auditorium and Gymnasium; Fine Arts Theatre; Conradi Theatre; Tully Gymnasium; Opperman Music Auditorium and Outdoor Amphitheatre; other substantial outdoor areas of the campus as approved by the University Space Committee; classrooms as approved by the Department of Facilities Planning and Scheduling; University Tennis Courts; Seminole Reservation; Intramural Practice Fields.

2. All use of University facilities by University related persons, groups, or organizations shall be conditional upon the execution of the written agreement between the University and the individual, group, or organization desiring to use the facilities, which agreement shall provide that such individual, group, or organization:
   a. Shall pay to the University the established rental fee plus any additional out-of-pocket costs incurred by the University in the scheduling and holding of the activity.
   b. Shall supervise the event and accept full responsibility for any loss and/or damage to University facilities and/or equipment and shall hold the University harmless from any claims arising from any personal injuries in the use of the premises.
   c. Shall be responsible for reporting and paying all applicable Federal and State taxes.
   d. Shall assume all responsibility for the promotion and advertising of the meeting or event and for the providing of and supervision of the use of equipment and paraphernalia of any type, unless otherwise agreed to between the University and the individual, group, or organization. The University’s name and/or symbols shall not be used in connection with the promotion or holding of any event without the express, written permission of the University.

3. Use of University facilities by University persons, groups, and organizations and by the Office of Continuing Education shall have priority over use of University facilities by University related persons, groups, or organizations provided that determination of priority shall be made at the time a request for the use of the facilities is submitted, except that the priority accorded University persons, groups, and organizations shall permit the cancellation of any commitment made under this Policy to a University related person, group, or organization on written notice by the University at least thirty calendar days prior to the scheduled date of use of the facility by that University related person, group or organization, and the University’s athletic events shall have priority in their need for suitable facilities in all cases, even those for which the need arises less than 30 days prior to the scheduled use of a facility by another group.

(c) Use of University Facilities by Non-University Persons, Groups, and Organizations. It is possible that special conditions might permit the use of University facilities by some organizations in this group, such as educational programs which may be attended by members of corporate organizations; however, generally speaking, groups in this category will not enjoy the use of campus facilities.

(d) Use of University Facilities for Continuing Education Programs. The Office of Continuing Education has the responsibility for the scheduling of meetings, conferences, or other events sponsored and conducted by the Office of Continuing Education in accordance with its procedures; the Department of Facilities Planning and Scheduling has ultimate responsibility for the scheduling of appropriate facilities.

4. Scheduling of Facilities.

(a) In order to allow the efficient scheduling and control of the University’s facilities, such as the requesting by all groups permitted of a facility or facilities to utilize such facilities, the request for necessary facilities should be made at least ten days in advance of the event. Scheduling of facilities for events to be held less than ten days following the request will require the submission of a written request for such due. The requesting of any continuing or permanent use of University facilities, for a certain time each week for a number of weeks, shall not be permitted under this rule, which contemplates the use of University facilities for one-time activities and events.

(b) Meetings or activities scheduled in accordance with this rule that contemplate the charging of admission or other fees shall be scheduled only in the following facilities: Ruby Diamond Auditorium; Moore Auditorium; Doak S. Campbell Stadium; the University Baseball Field; University Union; Developmental Research School Auditorium and/or Gymnasium; Fine Arts Theatre; Conradi Theatre; Starry Conference Room; Tully Gymnasium; Opperman Music Auditorium and/or Outdoor Amphitheatre; Intramural Practice Fields; Golf Course; Swimming Pool; Seminole Reservation; other areas of the campus as approved by the University Space Committee.

(c) Such activities may provide an opportunity for persons to contribute voluntarily as they enter or leave the facility, where such method of admission charge or fee is approved by the University Space Committee.
(d) All instructional space of the University, including seminar rooms, classrooms, laboratories, other research facilities, teaching auditoria, and libraries, is under the assignment and control of the Department of Facilities Planning and Scheduling. Any use of such facilities under this Policy shall be on a space-available basis through the University Functions Office, which Office shall be responsible for obtaining permission for such use from Facilities Planning and Scheduling.

(5) General Conditions Applicable to All Uses of Campus Facilities.

(a) All uses of the University facilities in accordance with this Policy are subject to the laws of the State of Florida and the rules, regulations, and policies of the Board of Regents and the Florida State University.

(b) Events of a political nature shall be limited to meetings sponsored by University persons, groups, or organizations and shall be held only in Ruby Diamond Auditorium, the Outdoor Amphitheatre, Doak S. Campbell Stadium, or the University Union.

(c) The use of public address systems or other electrical amplification equipment in outdoor areas of the campus is subject to the approval of the Recreation and Leisure Office, which approval will be granted when it is necessary that such equipment be utilized in the meeting or event and when the use of such equipment does not interfere with the academic processes or activities of the University or with other previously scheduled events or campus activities and when the guidelines established by the Recreation and Leisure Office for the use of such equipment are followed.

(d) Public address systems and other electrical amplification equipment may be utilized daily in the University Union Courtyard between the hours of 12 p.m. and 2 a.m. only, and shall in no event be utilized in other outdoor areas of the campus except in accordance with the following schedule: From 5:15 p.m. until midnight Monday through Friday. From 10 a.m. Saturdays and holidays until 2 a.m. the following day. From 1 p.m. until midnight on Sundays. Amplification of music in the Union Courtyard shall be permitted in the space adjacent to the bookstore but not in that adjoining Moore Auditorium.

(e) All such use of public address systems or other amplification equipment is subject to the other provisions of this policy and shall maintain a reasonable sound level which meets the communication needs of the event without excessive noise penetration to adjacent areas.

(f) All users of University facilities shall take adequate precautions to avoid endangering the safety of personnel in the area of the facilities used.

(g) The Florida State University does not allow the use of its facilities by groups or organizations that have racially restricting clauses in their constitutions and/or charters or that are known to the Department of Facilities Planning and Scheduling to practice racial discrimination in employment or in attendance at organization events.

(h) Cooperative arrangements between State Agencies for the use of University Facilities shall be permitted under this Policy.

(i) Activities Requiring the Use of University Auditoria and Conference Facilities.

(a) Programs for FSU Students. For conferences or other special meetings involving Florida State University students only, approval will be secured from the Office of Student Activities and Organizations, Room 318, University Union and arrangements for meeting space will be made through the Reservations Office of the University Union.

(b) Programs for Faculty, Staff and Outside Groups, including Non-Local Students.

1. Categorization of Programs. For purposes of internal administration, all activities involving outside groups are categorized either as “University-related” or “Non-University related.”

   a. An on-campus activity involving outside participants is considered University-related when:

      i. It is an organized educational program the planning of which has been a responsibility of the University, and

      ii. Faculty members of the University are involved in conducting the program, i.e., conference, short course, institute, seminar, etc.

   b. An activity involving outside participants is considered to be Non-University related when:

      i. The University faculty and professional staff play no direct role in planning and/or executing the program or activity, and

      ii. The University’s role is limited to that of providing such meeting space and logistical services as are needed for the activity and considered by the Office of Continuing Education to be appropriate for the University to provide.

2. Policies and Procedures Applicable to Both University Related and Non-University Related Activities. To insure optimal use of the University’s resources, and also assure an appropriate reception and treatment of visiting groups to the campus, the following procedures will be observed by all concerned, effective immediately.

   a. For conferences or special meetings involving outside participants, including non-local students, and requiring the use of University classrooms, auditoria, dining halls and/or other facilities and services, an Application Form shall first be completed and filed with the Office of Continuing Education.

   b. The Office of Continuing Education will approve the Application if it finds that:

      i. The group itself and the purpose for which it seeks to utilize University resources are compatible with the University’s role and function;

      ii. Adequate meeting space, facilities, and services are available to satisfy the requirements of the group.

   c. When the Application is approved, the Office of Continuing Education will make the necessary arrangements for accommodating the needs of the visiting group. In doing this, the Office of Continuing Education will work through those offices designated by the University to schedule meeting space, provide special equipment, facilities, and/or services.

3. Policies and Procedures Applicable Only to University Related Activities. The Office of Continuing Education will establish a budget for each conference or project involving such groups, and arrange with the University Union, Housing, Food Services, and other designated offices for requisite meeting space, dormitory rooms, meals, etc. A program coordinator will be appointed by the
Office of Continuing Education to be responsible for general program administration and implementation. The coordinator shall assist the faculty chairman in program development and keep the Office of Continuing Education and the College Dean and faculty members concerned fully informed at all phases of the program planning and execution. Appropriate members of the University faculty and staff will participate in the planning and programming and, where feasible, in the actual instruction. All net receipts of the program or activity accrue directly to the University and all budgeted costs of the program will be paid by the Office of Continuing Education. Following each program or project, the coordinator shall make a written report to the faculty members and dean concerned and to the Office of Continuing Education.

4. Policies and Procedures Applicable Only to Non-University Related Activities. There are many worthwhile public relations and other benefits to be derived by the University from its cooperation with outside groups, organized clubs, associations, and organizations in the matter of making University campus facilities available for their use. However, the following conditions will necessarily govern the use of University campus facilities for Non-University related activities sponsored by such groups.

a. University-related activities shall have priority over Non-University related activities in the use of University auditoria and other facilities.

b. Other things being equal, preference for the use of University facilities by Non-University related activities shall be given to requests from governmental and educational groups.

c. Except for Westcott and Moore Auditoria and Doak S. Campbell Stadium, campus facilities may not be used by Non-University related groups for meetings or programs for which they charge admission or use other means to produce revenue. When these facilities are used by Non-University related groups charging admission, the proceeds be shall be under the supervision of the Internal Auditor of the University, but the groups shall have full responsibility for reporting and paying all applicable Federal and State taxes.

d. A Non-University related group using a University Auditorium shall clearly state the identity of the sponsoring group in its request and in news releases, placards, tickets, etc.

e. No alcoholic beverages are permitted on campus.

f. In considering requests for approval of the use of University facilities for Non-University related activities, the Office of Continuing Education will determine, as a basis for such approval, that:

i. The group concerned will reimburse the University for all costs involved.

ii. The group concerned will be supervised by the sponsoring organization and will accept full responsibility for any losses and/or damages to the University facilities and/or equipment.

iii. The group agrees to provide the Office of Continuing Education with copies of any subsequent reports of the meeting or activity which it disseminates.

iv. University-related activities will not be deprived of meeting space by approval of the proposed Non-University related activity.

5. Use of University Facilities by Private Individuals and Commercial Organizations. Normally, University space shall not be provided for private individuals or commercial organizations.

6. Use of University Facilities for Political Speeches. It is recognized that the University, as a state educational institution, has an obligation to assist political organizations to inform the faculty and student body of the issues in primary and general elections. Pursuant to the Board of Regents Policy, all political speech making shall be limited to meetings sponsored by recognized organizations of the University and shall be held only in the Longmire Building, the Outdoor Amphitheatre, or the University Union.


6C2-2.009 Parking and Traffic Regulations.

(1) General Information.

(a) Applicability of Traffic Rule. This rule shall be applicable to all vehicles operated or parked on the Florida State University (FSU) campus at any time, including examination periods, semester breaks, and registration periods. The fines, penalties and other sanctions provided herein may be imposed against any person who shall cause, allow, permit or suffer any vehicle registered either at the Florida Department of Highway Safety and Motor Vehicles or at the University Office of Parking and Transportation Services in the name of or operated by such person to be parked or operated in violation of any provision of this rule. It is the policy of FSU to enforce the provisions of this rule and seek to impose the fines, penalties or other sanctions provided herein:

1. In the case of a vehicle registered with the Office of Parking and Transportation Services, against the person in whose name such vehicle is so registered.

2. In the case of a vehicle not so registered, if it is determined that the operator at the time of the violation is affiliated with FSU and, in fact, should have registered the vehicle with the Office of Parking and Transportation Services, against the person affiliated with FSU.

3. In the case of a vehicle not so registered and whose operator at the time of the violation cannot be identified, against the title holder of said vehicle.
(b) Applicability of Florida Statutes and Ordinances of the City of Tallahassee. All ordinances of the City of Tallahassee relating to traffic which are not in conflict or inconsistent with this rule shall extend and be applicable to the grounds of the University. A copy of said ordinances shall be available for inspection at the Office of the Director of Parking and Transportation Services. In addition, the provisions of Chapter 316, F.S., shall extend and be applicable to the grounds of the University.

(c) Responsibility for Implementation. Unless otherwise noted, the Director of Parking and Transportation Services shall be responsible for the supervision and implementation of this rule. All requests for individual consideration with regard to the parking and traffic regulations contained in this rule must be directed to that person at the Office of Parking and Transportation Services.

(d) Definitions. The following words and phrases, when used in this rule, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

1. Access Lane. Any area that is not designated as a parking space and that provides an avenue for traffic flow and emergency vehicles.

2. Automobile. Any motor vehicle having 4 or more wheels.

3. Permit Registration Year. The period from September 1 of one year to August 31 of the succeeding year.

4. Designated Parking Space. Areas governed by FSU parking rules and regulations with parking spaces delineated by red, white, or blue striping, a parking meter, or other physical barriers to include, but not be limited to railroad ties and bumper blocks intended to delineate parking parameters.

5. Director of Parking and Transportation Services. An FSU employee who has been assigned the specific duties of supervising and managing the Office of Parking and Transportation Services.

6. Employee. Any employee of FSU including faculty, administrative and professional personnel, university support personnel system staff, and OPS staff, employed/contracted for 40 or more hours per week.

7. Employees of recognized FSU organizations or Contracted Services. Personnel who work full-time on campus, but who are not University employees, e.g. bookstore employees, beauticians, barbers, food service personnel, credit union employees, staff of religious houses, and employees of the Greek houses.

8. Financial Aid Disbursement. That period of time defined each semester by the Controller’s office for the disbursement of financial aid checks.

9. Fire Lanes. Those areas of campus that must be kept clear of all obstructions so as not to interfere with the movement of fire-fighting equipment and which are marked as fire lanes by signs and red painted curbing or fluorescent red and white painted areas, or both.

10. Loading Zones. Areas specifically designated for the sole purpose of loading or unloading materials or equipment. Properly identified service vehicles, commercial vehicles, or vehicles properly displaying loading dock permits issued by the Office of Parking and Transportation Services are authorized to use loading zones. Loading zones are delineated by signs or pavement marking. Use of these areas is limited to 20 minute periods. Vehicles exceeding the 20 minute maximum period may be issued additional citations every hour after the original citation.

11. Loading Dock. Areas specifically designated for the sole purpose of loading or unloading materials or equipment at the delivery entrance or designated location to a building. Properly identified service vehicles, commercial vehicles, or vehicles properly displaying loading dock permits issued by the Office of Parking and Transportation Services are authorized to use loading docks. Loading docks are delineated by signs or pavement marking. Vehicles without proper authorization will be issued a citation for permit not authorized for space (fine code – 01).

12. Motorcycle, Moped, or Motor Scooter. Any motor vehicle having less than 4 wheels.

13. Parking. The standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading merchandise or passengers, as may be permitted by law under the State Uniform Traffic Control Law, Chapter 316, F.S., or this rule pursuant to Section 240.264 or 240.265, F.S.

14. Parking Violations Appeals Board. The University traffic authority established pursuant to Section 240.266, F.S., to review disputes regarding citations and to render decisions regarding the appropriate penalty to be imposed, including the restriction, removal, or restoration of driving or parking privileges on campus. The Parking Violations Appeals Board will consist of 2 or more divisions of equal authority. Each shall be composed of 4 members appointed for a period of 1 year. There shall also be appointed a pool of alternate members who shall be eligible to serve when called upon by the Appeals Coordinator, when a regular member is unavailable. All appointments shall be made by the Vice President for Finance and Administration from a list of persons nominated from the University Committee on Appointments. The positions on each division of the Board shall be occupied by faculty, staff (A & P or USPS) and student members. The Chairperson shall be elected annually from among the members of the Board and shall have full voting rights. This Board shall function on a year-round basis. A quorum shall consist of at least 2 members of the Board. When a quorum is not available, and the appellant has arrived on time for their scheduled hearing, the citation(s) will be dismissed.

15. Part-Time Non-Student Employee. Any person employed/contracted by FSU for less than 40 hours per week who is also not enrolled as a student at Florida State University.

16. Permit. Vehicle registration document which allows the registered vehicle to be parked on the grounds of the University, as set out in this rule. The words permit and decal are used interchangeably in this rule.

17. Persons Affiliated with FSU. Employees or students of FSU or employees of recognized FSU on-campus organizations.

18. Restricted Hours. Between 7:30 a.m. and 6:00 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Friday all class days, examination periods, semester breaks, and registration periods.
19. Service Vehicle Area. Areas reserved for properly identified service or emergency vehicles performing maintenance or repair of University owned or leased equipment or facilities, commercial vehicles, or vehicles bearing proper authorization from the Office of Parking and Transportation Services. Non-Service State vehicles are prohibited from parking in service vehicle spaces. Service vehicle areas are reserved during restricted hours and are delineated by signs or pavement marking. Vehicles without proper authorization will be issued a citation for parking in a reserved space without authorization (fine code-06).

20. Short Term Parking – Those spaces designated by signage with a two-hour maximum stay. Appropriate permits must be obtained from the Office of Parking and Transportation Services.

21. Student. Any person not classified as faculty, administrative and professional personnel or university support personnel system staff who is enrolled and carrying 1 or more credit hours of undergraduate or graduate work at FSU.

22. Vehicle. Any automobile, motorcycle, moped or motor scooter as defined.

23. Visitors. Persons who are not employees or students of FSU who do not work on campus for other organizations.

24. Working Day. Any day that the University is officially open. This does not include official holidays.

25. Commuter Lot. Designated lot(s) that prohibit the parking of vehicles between the hours of midnight and 6:30 a.m., except on Friday and Saturday evenings or as posted on the entrance of the lot.

(a) All vehicles parked by FSU affiliates on the campus must display the appropriate permit as instructed. The following, however, are excepted:

1. Board of Regents. Vehicles bearing a valid “Board of Regents” decal may be parked in any designated, unreserved parking space on campus.

2. “State” Tag Vehicles. Vehicles bearing a duly issued “State” license tag need not be registered or pay parking meter fees. Such vehicles may be parked in any designated, unreserved parking space, short-term space (2 hour maximum) or loading zone (20 minute maximum) on campus.

3. News Media Vehicles. Press Representatives, Reporters, Correspondents, and other representatives of the news media not otherwise affiliated with FSU, who are on campus on official news or press business, may park in any designated, unreserved space, short-term space (2 hour maximum) and loading zone (20 minute maximum), and need not be registered, if a valid Press identification is prominently displayed on their vehicles.

4. Commercial Representatives in Commercial Vehicles. Marked delivery trucks, telephone and power service vehicles, limousine service automobiles, taxis, and buses making brief stops at 1 or more points on campus are not required to buy a decal or display a permit. Vehicles used by persons required to perform emergency service or maintenance on University owned or leased equipment or facilities should have appropriate FSU parking permit displayed. These vehicles may be parked in any designated, unreserved parking space. Parking meters must be paid.

5. Contractors. Contractors and contractor personnel engaged in FSU construction projects may park within the fenced enclosure of the construction site. Other parking must be off campus, or other on-campus locations specifically designated by the Office of Parking and Transportation. Construction permits must be displayed in the windshield.

6. Vehicles Transporting Handicapped Individuals; Disabled Veterans. In accordance with the Florida Statutes, a vehicle bearing a parking permit issued pursuant to Sections 320.0848, 320.0842, 320.0843, and 320.0845, F.S., or a license plate issued pursuant to Section 320.084 or 320.0848, F.S., (disabled veterans and veterans confined to wheel chairs), may park in designated handicapped spaces, if such vehicle is transporting a person eligible for such parking permit or license plate. Any person who is chauffeuring a disabled person shall be allowed momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking. Such vehicles shall not, however, be parked in a bus loading zone, fire zone, handicapped access aisle, service vehicle space, permit designated parking area or any other area posted as a “No Parking” zone. Employee and student affiliates are required to purchase the appropriate parking permit in order to park on campus. Vehicles bearing a valid FSU parking permit and the disabled permit issued by the state may park at no additional charge in metered, loading zone, short-term, and other unreserved permit designated spaces as long as time restrictions are observed. Visitors displaying a disabled permit issued by the state may park in designated handicap accessible spaces, metered, and/or hourly toll lot spaces provided the regular rate/fee is paid.

7. Visitors may park in toll spaces on campus provided time is kept on the meter or other mechanical ticket dispensers.

(b) The permit year begins on September 1 and ends the following August 31. All permits expire the last day of August each year.

(c) Permit Information: All faulty, staff and student affiliates parking on university property are required to purchase a parking permit or pay appropriate transportation fees.

(d) The Office of Parking and Transportation Services reserves the right to deny, restrict or revoke vehicle registration to any individual who is in violation of the provisions of this rule. The fraudulent registration of a motor vehicle by giving incorrect information, falsified proof of status, or by other means shall result in the issuance of violation(s), false registration – fine code 05, to the individual(s) involved.

(e) Replacement Permits and Gate Access Cards; Refunds. A Replacement permit and gate access card, if applicable, will be issued when a permit or gate card is no longer serviceable or a vehicle bearing a permit is replaced. The original “RP” permit or gate card must be returned to the Office of Parking and Transportation Services to qualify the holder for a replacement permit or gate card due to defect. If a permit cannot be produced, a replacement shall be issued upon execution of an explanatory Permit.
Permanent permits. Except as otherwise stated, temporary permits are issued for a maximum of 10 working days per academic year.

Replacement Statement, FSU Form #DAF1000 (Eff. 9/94) incorporated herein with documentation of replacement need filed with the Office of Parking and Transportation Services. Upon return of an original decal, refunds will be given on a pro-rated basis as contained in subsection (3) Parking Fees and Penalties. No refunds will be issued for returned temporary permits or gate cards. Refunds for student permits issued from the assessment of the transportation fee shall be consistent with the University refund policy for local fees.

(f) Parking Permits.
1. Faculty, Administrative and Professional personnel, University Support Personnel System staff, and Non-Student OPS employees of recognized FSU affiliated organizations or contracted services employees are eligible to purchase an “R” or “RP” decal taglet, authorizing parking only in designated “R” parking areas or in areas specified for “all FSU permits.” Persons utilizing an “R” or “RP” permit must display their permit/taglet on the rear license plate (secured by bolt) or on the plastic holder with the suction cup secured on the front windshield on the driver’s side in order to validate their “R” or “RP” permit.

2. Visitors are eligible to purchase a “V” permit authorizing parking only in designated “W” and “R” non-gated parking areas. Faculty, staff and student affiliates are not eligible to purchase a “V” permit.

3. Vehicles bearing a “W” permit are authorized to park in designated “W” parking areas between the hours of 7:30 a.m. and 4:30 p.m. on all class days. An individual may purchase and maintain only 1 automobile and 1 motorcycle permit at a time during each permit year. This excludes replacement permits.

4. On the day preceding a home football game or as designated on the signage, all vehicles must be removed by 6:00 p.m. in designated football lots.

5. Commercial vendors and sales and service representatives are eligible to purchase commercial (“C”) permits. Vehicles bearing “C” permits may park in any designated, unreserved parking space on campus. Commercial decal holders may also utilize designated loading areas for 20-minute periods only, short term parking spaces (2 hour maximum), service vehicle spaces and parking meters, provided time is kept on the meters.

6. Individuals operating motorcycles, mopeds or motor scooters may purchase an “MC” permit authorizing parking in motorcycle parking spaces only. Students and non-payroll deducted faculty and staff will be issued an “MC” adhesive style decal. Faculty and staff selecting payroll deduction will be issued an “MP” taglet style permit.

7. A temporary permit must be obtained when an unregistered, substitute vehicle is parked on campus in lieu of a registered vehicle. Temporary parking permits have the same parking and driving restrictions as do vehicles bearing the identically lettered permanent permits. Except as otherwise stated, temporary permits are issued for a maximum of 10 working days per academic year. Anyone requesting a temporary permit for more than 10 working days must file a written statement certifying the extraordinary circumstances for the extension, including the reason the registered vehicle is not available for use and certifying that the substitute vehicle and the registered vehicle will not be parked on campus simultaneously during the period. There is no charge for a temporary permit issued to the holder of a registered vehicle for use on a substitute vehicle for a maximum of 10 working days per year.

8. Loading Zone Permits may be purchased on an individual basis to afford access to designated loading zones for loading or unloading of materials or equipment.

9. Service vehicle permits may be purchased by eligible service and technical support representatives. Vehicles bearing a valid “SV” permit are eligible to park in designated service vehicle spaces with no time restriction and loading zones for a maximum of twenty (20) minutes.

10. Persons with FSU retired status who are no longer receiving any form of financial compensation for active employment may purchase an “E” permit. The “E” permit authorizes parking in any designated faculty-staff parking area.

11. Temporary handicapped parking permits will be issued by the Office of Parking and Transportation Services, upon determining eligibility, for a period not to exceed 21 calendar days. To be eligible for applying for a temporary handicapped parking permit the individual must have purchased a valid decal and have it properly displayed. Extension of the eligibility of a temporary permit for more than 21 calendar days will only occur upon receipt of a duly executed Florida Department of Highway Safety and Motor Vehicles Form 83002 or Form 83039 (8/90) S, which are incorporated herein by reference which contain “Disabled Person’s Parking Permit a Physician’s Statement of Certification”, for issuing disabled person’s parking permits at which time a permit will be issued for an additional period not to exceed 35 calendar days. This temporary handicapped parking permit is non-renewable.

(g) The permit shall be displayed as directed by the Office of Parking and Transportation Services at point of distribution.

(h) Motor scooter, mopeds and motorcycle decals designed and intended to be visibly affixed to a motor scooter or motorcycle shall be visibly affixed to the fork on the registered vehicle.

(i) Vehicle permits and decals are issued to specific individuals and are not transferable between individuals. The owner of the taglet and/or hangtag style decal accepts responsibility of all fines when the taglet is displayed on any vehicle.

(3) Parking Fees and Penalties.

(a) “W” Student Transportation Access Fee. To be assessed each semester to all registered students. At the beginning of each academic year or upon the first registered semester for the academic year an annual parking permit will be issued to each student who has registered for classes. Each student shall be issued a “W” permit for their automobile. Students owning only a motorcycle must request a “MC” permit at the time of issuance. If a student owns both an automobile and a motorcycle, they shall be issued the
“W” permit and are authorized to purchase a “MC” permit as their secondary permit for the motorcycle. It is the responsibility of the student to retrieve the parking permit from Student Financial Services or the designated point of distribution. All annual permits shall expire on August 31st of each year.

(b) Fees for Parking. The fees assessed for each type of parking permit described, with the exception of the Student Transportation Fee and departmental charges, are subject to a sales tax mandated by the State Legislature, and shall be as follows:

1. 2000-2001:
   - Student Transportation Access Fee: $2.85 per credit hour

Fee Table: excludes tax, which will be accessed at purchase

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Replacement Costs:
- All Gate Cards: $4.67
- All Permit Types: $4.67

Student Transportation Access Fee: $2.85 per credit hour

Fee Table: excludes tax, which will be accessed at purchase

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Replacement Costs:
- All Gate Cards: $4.67
- All Permit Types: $4.67

3. 2002-2003:
   - Student Transportation Access Fee: $4.90 per credit hour

Fee Table: excludes tax, which will be accessed at purchase

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Replacement Costs:
- All Gate Cards: $4.67
4. 2003-2004:
Student Transportation Access Fee: $4.90 per credit hour
Fee Table: excludes tax, which will be accessed at purchase

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Replacement Costs:

| Gate Cards | $4.67 |
| Permit Types | $4.67 |

5. 2004-2005:
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Fee Table: excludes tax, which will be accessed at purchase

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<tr>
<td>Law School Gate Card (annual)</td>
<td>$14.02</td>
</tr>
</tbody>
</table>

Replacement Costs:

| Gate Cards | $4.67 |
| Permit Types | $4.67 |

(c) Reserved Spaces. The fee for a reserved space as approved by the President shall be $330.00 if purchased during the fall semester, $220.00 if purchased during the spring semester, $110.00 if purchased during the summer semester, in addition to the R permit charge.

(d) Parking Meters. Fees for a metered space are: 50 cents per hour.

(e) Attended Lots. Fees for attended toll lots shall be determined by the Director of Parking and Transportation Services and fee rates posted at the entrance of the lot.

(f) Refund of Fees.

1. The Student Transportation Access Fee refund policy will be in accordance with University refund guidelines for local fees.
2. Permits purchased on an annual or semester basis will be prorated on a monthly scale and must be turned in for a refund at the Office of Parking and Transportation Services by the last day of the month to receive credit for future months.
3. No refunds will be issued for temporary permits or payroll deducted permits.

(g) Towing and Related Charges. If a vehicle is towed from University property, the standard towing fees will be paid by the owner or user of the vehicle directly to the commercial towing companies providing services authorized at the request of the University.

(4) Operation of Vehicles. Persons who drive vehicles on campus location are subject at all times to the motor vehicle laws of the State of Florida, the rules and regulations of Florida State University and to the ordinances of the City of Tallahassee, where applicable.

(5) Parking of Vehicles.
(a) FSU reserves the right to regulate the use of any or all parking facilities, including the right to deny or revoke vehicle parking privileges to an individual or groups of individuals and to reserve parking facilities for the exclusive use of selected and designated individuals.

(b) The responsibility of locating a legal parking space rests with the operator of the motor vehicle. Lack of space will not be considered a valid excuse or reason for violating any parking regulation.

(c) Wrecker Services. Due to the nature of the University’s on and off street parking control activities, the University utilizes local wrecker services acceptable to the City of Tallahassee on a rotation basis pursuant to City Commission Resolution 93-R-0019, approved June 23, 1993, and the Tallahassee Code Article VI, Rotation System Towing, copies of which are on file at the Office of Transportation and Parking.

(d) Vehicles parked in violation of the provisions of this rule, abandoned on campus, deemed as a safety hazard by FSU Public Safety or Environmental Health and Safety, or failing to display a current and valid permit or decal shall be towed away and placed in commercial or University storage. Towing and storage charges, and any appropriate University fines, will be borne by the vehicle owner and must be paid before the vehicle will be released.

(e) All parking and traffic regulations apply 24 hours a day, 7 days a week except as follows:

1. “R” parking areas are reserved for the use of the vehicles bearing parking permit “R”, “RP”, “C”, and “E”, between the hours of 7:30 a.m. and 4:30 p.m. on all class days, examination periods, semester breaks and registration periods. “V” permits may utilize ungraded lots only. These areas are delineated by signs and/or red parking lines. After 4:30 p.m., Monday through Thursday, all valid FSU permits are honored.

2. “W” parking areas are reserved for the use of vehicles bearing parking permit “W”, “V” and “C” between the hours of 7:30 a.m. and 4:30 p.m. These parking areas are delineated by signs and/or white painted parking lines.

3. Between 4:30 p.m. and 6:00 p.m. all parked vehicles must bear any valid FSU parking permit or decal and may park in any parking area without regard to permit designation and may park in general metered spaces without charge.

(f) General handicapped spaces are restricted 24 hours a day, 7 days a week to vehicles bearing valid State handicapped parking permits as provided in subparagraph (2)(a)6. of this rule, or temporary handicapped parking permit as provided in subparagraph (2)(f)11. Visitor vehicles parked in handicapped metered spaces must pay the appropriate charges during restricted hours.

(g) General handicapped spaces may be designated as time limited. The time limitation will be posted on the sign. Vehicles parked in the time limited handicapped spaces for longer than the maximum time are subject to the issuance of a fine code (01) citation. Handicapped spaces in gated lots shall be designated for faculty, staff or student affiliates whose vehicle bears a valid FSU parking permit and valid Department of Motor Vehicle Disabled Parking permit. Vehicles without a valid FSU parking permit are not authorized to park in the restricted handicapped spaces.

(h) Spaces reserved for individuals, University/State vehicles or specific University facilities are restricted 24 hours per day, 7 days a week, unless otherwise posted.

(i) Motorcycle, moped, or motor scooter spaces are restricted to motorcycles, mopeds or motor scooters 24 hours per day, 7 days a week. Motorcycles, mopeds, or motor scooters may park in metered spaces as long as time is kept on the meter.

(6) Fine Structure.

(a) The following practices are specifically prohibited. The fine for each infraction shall be as contained as follows:

1. Parking illegally on University property to include but not limited to: no permit in restricted lots, parking in an access lane, blocking access, parking in a reserved space without authorization, permit not authorized for space, parking in a restricted or reserved lot, improper parking in a loading zone, parking on lawns, landscape or sidewalks, parking in a “No Parking” or non-designated parking area, overtime parking in a metered space or time limited space – fine code 01. The fee assessed for this violation: $20.00.

2. Boot Fee. Administrative charge for vehicle that is immobilized for unpaid parking citations. Citation is placed on identified vehicle and the payment must be paid with other outstanding citations before the boot is removed from the vehicle. Fine code 02 violation. The fee assessed for this violation: $30.00.

3. Parking in a fire lane – fine code 03. The fee assessed for this violation: $100.00.

4. Parking in a handicapped space without authorization or blocking handicapped access – fine code 04. The fee assessed for this violation: $250.00.

5. False registration. Falsification of proof of status to obtain an FSU parking decal or purchase of a decal by an authorized individual for use by or resale to an unauthorized individual. Failure to provide correct vehicle information within seven working days. Misuse and fraudulent use of a decal or handicapped permit – fine code 05. The fee assessed for this violation: $100.00.

(b) Late Fee. A $10.00 late fee is assessed on all parking citations that area unpaid or uncontested after ten (10) calendar days from issuance.

(7) Disposition of University Parking Citations.

(a) Uncontested. Persons wishing to pay the fine for any University Parking Citation shall do so at Student Financial Services or designated point of payment, in accordance with the schedule of fines.

(b) Contested. Any person wishing to contest a University Parking Citation shall proceed as follows:

1. Notice. Such person shall, within 10 calendar days from the date on which the citation was issued, file a written notice of election to contest the citation with the Office of Parking and Transportation.
2. The Florida State University Parking Violations Appeal form, identified as FSU Form No. MP-03, Eff. 8-89, and the instructions contained therein are adopted by reference. Copies of the form may be obtained from the Florida State University, Office of Parking and Transportation Services, Tallahassee, Florida.

3. Disposition by Director. The Director or designee shall review timely received written appeals or completed Form MP-03, and as soon thereafter as practicable, issue a written finding that the person charged is either in violation or not in violation of the University parking rule designated on the citation. Any person found to be in violation shall within 14 calendar days of issuance of the Director’s written findings either pay the applicable fine or give notice of his or her intent to seek review by the Parking Violations Appeals Board. Such notice shall be given by completing a Parking Violations Appeals Board Form MP-01 and filing it with the Coordinator of the Parking Violations Appeals Board. At the time of filing Form MP-01, if applicant wishes to have the issuing officer present at the Appeal Board hearing they must specifically indicate this request on Form MP-01. This is the only time the request can be made.

4. The Florida State University Parking Violations Appeal Board form, identified as FSU Form No. MP-01, Eff. 8-89, and the instructions contained therein are adopted by reference. Copies of the form may be obtained from the Florida State University, Office of Parking and Transportation Services, Tallahassee, Florida.

5. Parking Violations Appeals Board. Any person for whom an appearance before the Board has been scheduled may appear personally, or submit a written presentation, or both. Any person making a written submission only, must submit it to the Board Coordinator at least 1 working day prior to the date on which the appearance is scheduled. A person appearing in person before the Board desiring to have the presence of the issuing officer at the hearing must request the presence of the officer at the time of scheduling the date and time of hearing. This request will be indicated on the filed Form MP-01. If an individual indicates a desire to appear personally, the Coordinator will schedule an appearance and give the person written notice of the date, time, and place thereof. A person appearing in person before the Board may also introduce witnesses, but shall be responsible for securing the presence of such witnesses. In any appearance before the Board, whether in person or in writing, a person may raise any matter relevant to the Board’s decision. Any person who is unable to appear personally at the time scheduled, but wishes to do so, can reschedule an appearance by contacting the Coordinator at least 3 working days prior to the originally scheduled appearance and showing good cause why the appearance should be rescheduled. The Board shall have the authority to continue any person’s appearance to a subsequent date, time, and place, whenever the Board Chairperson determines that such a continuance is necessary to dispose of the matter. The Appellant may only cancel and have rescheduled one Board hearing. After one such cancellation the Board will proceed with the rescheduled hearing and in the absence of the Appellant, will consider the Appellant’s completed Parking Violations Appeal Form MP-03 as the Appellant’s appeal presentation. After the conclusion of a proceeding before the Board, the Board shall issue in writing its decision to either affirm the Director’s findings, affirm the Director’s decision and reduce the fine, or reverse the Director’s decision and dismiss the citation. The decision of the Board shall be final. The proper initiation of a proceeding to contest a citation shall serve to toll the 7 working day deadline for timely payment of fines for the period that the proceeding is pending.

(c) Automatic Adjudication. All persons are subject to an automatic adjudication of guilt for failure to respond to a citation within 10 calendar days following the violation. In such case, the appropriate fine, plus an additional penalty, shall be imposed. Any person who is automatically adjudicated guilty may appeal in writing to the Parking Violations Appeals Board for waiver of the automatic adjudication of guilt and the additional penalty. This appeal must be made within 180 calendar days from the date of the issuance of the citation. If the Board determines that there are extenuating circumstances justifying waiver, the individual shall be given the prerogative of appealing the citation itself to the Board.

(d) Confidentiality. In any case in which a student is the alleged violator, the records of proceedings before the Director and the Board shall be disclosed only in accord with Sections 228.093 and 240.237, F.S.

(e) Non-Compliance, Sanctions. In addition to the obligation to pay the appropriate fine and penalty, the following additional actions shall be taken and sanctions imposed in the following circumstances:

1. In the case of a person who fails to either pay the applicable fine or give notice of his or her election to contest a University Parking Citation, within 10 calendar days of the date of issuance of such citation, or who fails to pay the applicable fine within 10 calendar days of the date of issuance of written decision of the Parking Violations Appeals Board, affirming the individual’s adjudication of violation, the Director of Parking and Transportation Services is authorized to revoke, suspend, or restrict the on-campus driving and parking privileges of such individual and take such further action as necessary to enforce the revocation or restriction of privileges and shall cause the matter to be referred as appropriate to the University Controller or University Personnel Relations Department, or both, for further action.

2. All matters so referred to the University Controller shall be deemed to be accounts receivable and the Controller shall take the necessary action to collect such debts. In the case of students such necessary action shall include: refusal of permission for such students to register, and withholding of transcripts and diplomas from such students until the debt has been paid. In the case of employees such necessary action shall include: involuntary payroll deductions, pursuant to Rule 6C2-2.022, F.A.C., until the debt has been paid.

3. All matters involving employees of whatever category shall, upon referral to the Director of Personnel Relations, result in appropriate action being taken in accord with applicable provisions of the Florida Statutes, Rule 6C2-4.070, F.A.C. (University Support Personnel System employees), Rules 6C2-4.059 and 6C2-4.0592, F.A.C., and Article 16, UFF/BOR Agreement (Administrative and Professional employees), and Article 16 UFF/BOR Agreement (Faculty).
4. Following revocation, suspension or restriction of on-campus driving and parking privileges, the Director shall lift said revocation, suspension or restriction once the applicable fines, charges, and penalties have been paid and all other requirements for registration of a vehicle have been met.

5. Either the Director of Parking and Transportation Services or the Parking Violations Appeals Board, shall, for good cause shown, provide for a longer period of time in which to pay the applicable fine. Good cause shall include, but not be limited to: (1) compelling personal or family financial obligations or inability to pay; or (2) percent of fine in relation to an individual’s available income exceeds 25%. In such cases, no further sanction or penalty as described herein shall be imposed on account of the outstanding fine, until such time period has elapsed without full payment being made.

6. Immobilization; “Booting”. A motor vehicle parked upon the University campus may, at any time, by or under the direction of an officer or staff member of the Department of Public Safety or an employee of the Office of Parking and Transportation Services, be immobilized in such a manner as to prevent its operation. A vehicle will be considered “bootable” in accordance with due process and based on a citation history, when 3 or more parking citations are outstanding against a responsible individual or if pending parking citations total $50.00 or more.

a. Upon immobilization of such motor vehicle, the officer or employee shall cause to be placed on such vehicle, in a conspicuous manner, sufficient notice to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to the vehicle and is grounds for criminal charges for grand theft.

b. The individual responsible for the vehicle shall have the right to a probable cause hearing before the chairperson of the Parking Violations Appeals Board or his or her designee, provided such a hearing is requested within 15 calendar days from the date the notice of immobilization is received. The purpose of the hearing is to determine if there is probable cause for continued detention of the vehicle. No hearing will be held unless requested in writing by the individual responsible for the vehicle or his or her agent at the Office of Parking and Transportation Services. The hearing shall be held within 72 hours from receipt of said written request, and the decision shall be issued in writing within 24 hours from the close of the hearing. In lieu of the probable cause hearing, or pending such hearing, where probable cause is found at such hearing, the individual responsible for the vehicle or his or her agent may obtain release of the vehicle by depositing security in the amount of immobilization charges and all delinquent fines and penalties to the Director of Parking and Transportation Services, or his/her designee.

c. If the chairperson or his or her designee finds probable cause to immobilize a vehicle, upon request of the individual responsible for the motor vehicle a date shall be set for full evidentiary hearing before the Parking Violations Appeals Board. Pending this hearing, the vehicle may be released as provided in paragraph (6)(b) above.

d. If no probable cause is found to impound a motor vehicle, it shall be released without requiring the individual responsible for the vehicle to pay the administrative charge for immobilization. If the motor vehicle was previously released upon payment of security, such payment shall be refunded.

e. Failure to request a probable cause hearing within 15 calendar days from the date of the notice of impoundment is received, constitutes a waiver of said hearing and the vehicle shall be released only upon payment of the impoundment charges and delinquent fines or penalties.

f. The immobilization device or mechanism shall remain in place for 48 hours, unless the individual responsible for the vehicle has complied with paragraph (b) above. If such compliance has not occurred within 48 hours, the vehicle shall be towed and impounded. This subsection does not preclude the towing in the first instance of the vehicle which, because of the number of outstanding parking citations against it, is subject to towing and impoundment pursuant to the other provisions of this rule.

(8) Parking Garage.

(a) The parking garage on Woodward Street will be closed during posted night time hours; all vehicles must be removed before the garage is closed. The vehicle will be deemed abandoned after 48 hours if unmoved, and can be towed. All associated costs will be paid before the vehicle will be released.

(b) Vehicles must be parked “nose in” in the spaces in the parking garage. Backing into a space is prohibited and will be assessed the fee listed under fine code 01.

c. After the garage is officially closed, all remaining vehicles will be cited as parking in a reserved space (fine code 01).

d. During the time the garage is closed, a vehicle may be retrieved by notifying the University police, or the designated on-call person.

Specific Authority 240.227(1), 240.264 FS. Law Implemented 240.263, 240.264, 240.265, 240.266, 240.267, 320.0848 FS., Chapter 2000-215, Laws of Florida. History–New 9-30-75, Amended 3-2-77, 8-28-79, 8-12-85, 4-16-86, Formerly 6C2-2.09, Amended 7-14-87, 8-1-88, 8-1-89, 4-24-90, 11-4-91, 8-17-92, 9-27-93, 12-14-93, 10-28-94, 9-17-95, 8-25-98, 7-20-99, 8-17-00.


(1) General Information.

(a) The provisions of this rule shall be applicable to all persons who operate or park a bicycle on the Florida State University campus at all times, including examination periods, term breaks, and registration periods.

(b) All ordinances of the City of Tallahassee relating to Traffic which are not in conflict with or inconsistent with this rule are made a part thereof and are enforceable as provided herein.
(c) The University reserves the right to designate and regulate the use of all its bicycle parking facilities, including the right to remove, or reallocate parking areas as the need arises. The responsibility of locating legal parking space rests with the operator of the bicycle. Lack of space will not be considered a valid excuse for violating parking regulations.

(d) Definitions.
1. Administering Agency. The Florida State University Department of Public Safety and Department of Environmental Health and Safety and Parking Services are vested with the authority necessary to enforce this rule.
2. Bicycle. Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor rated at not more than 200 watts and capable of propelling the vehicle at a speed of not more than 10 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.
3. Bicycle Lane. That portion of a roadway restricted to the exclusive use of bicycles and so designated by signs and/or markings.
4. Bicycle Path. A route separate from roadways for the exclusive use of bicycles and so designated by signs and/or markings.
5. Campus. All property situated in the Tallahassee area that is under the control of The Florida State University.
6. Dual Use Sidewalk. A sidewalk on which both bicycle and pedestrian traffic is permitted and that is so designated by signs and/or markings.
7. Hazard. When a bicycle is parked or secured by chain or other device in a location the result of which creates a situation of risk, peril or danger of injury or destruction to property.
10. University. The Florida State University.
11. All other definitions cited in Section 316.003, F.S., and relating to bicycles and other motor vehicles are hereby accepted for use in this rule.

(2) Bicycle Registration.
(a) All bicycles that are operated, parked, or stored on campus by any student or faculty or staff member of the University community are encouraged to voluntarily register their bicycles with the Department of Public Safety or Environmental Health and Safety. Bicycles not owned or operated by a member of the University student body, faculty or staff, or an employee of a University related agency or office can be operated or parked on the campus in accordance with this rule.
(b) The application form includes the following:
1. Full name and address of the owner(s).
2. The owner’s FSU ID number.
3. Name and address of the Operator (if different from previous name and address).
4. Make, color, serial number, and model of the bicycle, or other identifying information.

(3) The Operation of Bicycles.
(a) Every person operating a bicycle upon a public street shall do so in accordance with the traffic control devices and rules of the road that are applicable to motor vehicles under Florida law and regulations specified within this rule.
(b) Mounted bicycles shall be operated only on a roadway, bicycle path, bicycle lane, or dual use sidewalk.
(c) A person operating a bicycle shall do so as close to the right hand side of the path, lane, sidewalk and roadway and with the flow of traffic.
(d) Rules of the road applicable to motor vehicles shall apply to bicycles operated on bicycle paths unless this rule explicitly requires a different course of action. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use that path and not use the roadway.
(e) After sundown, every bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least five hundred feet to the front and a lamp on the rear exhibiting a red light visible from a distance of five hundred feet to the rear. A red reflector meeting the requirements of this section may be used in lieu of the red light. All such lamps and reflectors shall be in place and in operation whenever a bicycle is operated after sundown.
(f) All traffic signals, stop signs, yield signs, and other traffic control signs will apply to the operator of a bicycle. Traffic control signs or devices on a roadway parallel to a bicycle path shall also apply to the operator of a bicycle on such a path if that path leads into or crosses an area or street protected by the traffic control device.
(g) The operator of a bicycle shall at all times yield the right-of-way to pedestrians.

(4) Bicycle Parking.
(a) The Florida State University reserves the right to designate and regulate the use of all its bicycle parking facilities.
(b) The responsibility of locating legal parking space rests with the operator of the bicycle. Lack of space will not be considered a valid excuse or reason for violating parking regulations.
(c) A bicycle is forbidden to be parked and/or secured on a handicapped accessible ramp, either in part or totally, or in any manner that would restrict the movement of physically challenged persons.
(d) Bicycles shall be parked so as not to impede any form of pedestrian or vehicular movement. Prohibited areas include any area within six feet in front and to the side of any entrance to or exit from any building, within any sidewalk, on any access or egress ramp, or sidewalks, steps or stairs, in corridors, or motor vehicle parking spaces.

(e) A bicycle should be chained or locked only to a bicycle parking rack or to the locking device provided in bicycle parking areas.

(f) The Department of Public Safety and the Department of Environmental Health and Safety are authorized to cut security devices and remove for impoundment any bicycle parked or stored in violation of this rule. A bicycle will be impounded for any of the following reasons:

1. Parked in a manner so as to create a hazard, as defined in subparagraph (2)(f)7.
2. Abandoned.
3. Parked in a prohibited area as provided in paragraphs (4)(c) and (d).

(g) A person whose bicycle has been impounded may claim their bicycle within 30 days by contacting the Department of Public Safety or Department of Environmental Health and Safety. The burden of proving ownership shall rest with the person claiming the bicycle.

(h) An impounded bicycle not reclaimed within 30 days shall be considered to be abandoned and shall be disposed of by the University in accordance with Section 705.18, F.S.

(5) Enforcement Procedures.

(a) Any person whose actions result in a violation of this rule will be assessed a fine of $10.00 per violation in accordance with Section 240.265, F.S.

(b) All fine assessments are payable at Parking Services.

(c) Alleged violators of this rule will have the same avenues of appeal as an operator of a motor vehicle in accordance with FSU Rule 6C2-2.009, F.A.C.

Specific Authority 240.227(1), 240.264 FS. Law Implemented 240.263, 240.264, 240.265, 240.266, 705.18 FS. History–New 9-30-75, Formerly 6C2-2.10, Amended 3-7-95.

6C2-2.011 Facilities Leasing Program.

(1) Definitions. The following terms shall have the meanings ascribed to them unless the context clearly requires another meaning.

(a) Off-Campus Space. Off-Campus Space is defined as any building, structure, or facility other than that:

1. As to which title is held by the Board of Trustees of the Internal Improvement Trust Fund subject to lease thereof to the Board of Regents for use by the Florida State University; or
2. As to which title is held by a direct-support organization of the Florida State University subject to the equitable ownership rights of the University pursuant to Section 240.299, F.S.

(b) Lease. Lease is defined as the contract, instrument, document, or agreement for the use of a building, structure, or facility, or any part thereof.

(c) Privately Owned. Privately Owned is defined as any building not owned by a governmental agency.

(d) Department. Department is defined as any college, school, department, principal investigator, organization or other budget entity which has been assigned a departmental account by the University Controller.

(2) General Policy; Purpose; Statute Interpretation.

(a) General Policy. It is the general policy of the Florida State University to provide adequate space and facilities consistent with available resources for its constituent components and programs to carry out their functions and activities. On-campus space will be allocated whenever possible in accordance with applicable internal management policies, but off-campus space will be obtained when consistent with the State’s interest in the most efficient use of resources possible for the effective operation of the University.

(b) Purpose. The purpose of this rule is to implement a comprehensive program for the acquisition by lease of off-campus space by integrating, and interpreting when necessary, the authority of the University provided in Sections 240.227(1), (15) and (17), F.S., with the authority delegated to the State University System pursuant to Section 240.225, F.S., by the Department of General Services in Rule 60D-9.001, F.A.C.

(c) Statute Interpretation. In accord with the policy of the State University System that the powers and duties received by it from the Department of General Services with respect to leasing are received and may be exercised equally by each component of the State University System, the powers and duties provided in Sections 255.248, 255.249, and 255.25, F.S., shall be construed by substituting the term “The Florida State University” for the terms “division” or “department” wherever they appear in the statutes last above cited. When such construction results in an untenable or absurd conclusion or a conclusion which is inconsistent with legislative intent, further interpretation and construction will be made herein which is consistent with such legislative intent.

(3) Initial Approval. Whenever a department determines that it needs additional space to carry out its functions and activities, it shall make a request for such space to the Executive Secretary of the University Space Committee, in accordance with the internal management criteria published in the Florida State University Business Manual, OP-B-4.12, or in another appropriate writing. The University Space Committee shall consider the request and advise the President that it either approves or disapproves the need for...
the requested space. The President shall make the final determination of what action should be taken on the request and shall instruct the Executive Secretary accordingly. If more timely action is necessary to protect the interests of the University, the President, or the Executive Secretary or Chairman of the University Space Committee may, if circumstances permit, call a special meeting of the Committee. The President, however, may at any time determine what action should be taken. When the final decision is to seek and obtain off-campus space, the Executive Secretary shall implement the decision pursuant to this rule.

(4) Negotiated Leases. The terms and conditions of the following types of leases of off-campus space may be established, and such leases be entered, pursuant to negotiations, between the University and the prospective lessor. The Executive Secretary or his designee shall represent the University in such negotiations, and the Executive Secretary shall initiate the lease preparation and final approval procedures provided in this rule.

(a) Leases With Governmental Agencies. This category includes all instances where the prospective lessor is a nation, state, county, or municipality, or is a public agent or agency of the governing body thereof.

(b) Leases For Nominal Or No Consideration. This category includes all instances wherein no monetary or other tangible consideration is given by the University to secure the use of the off-campus space, or where such monetary or other tangible consideration is deminimus in comparison to the fair market rental value of the space.

(c) Short-Term Leases. This category includes all leases for a term of 21 consecutive days or less as provided in Section 255.25(7), F.S.

(d) Leases For Less Than 2,000 Square Feet. The category includes all leases of space totaling less than 2,000 square feet as measured by the method prescribed in this rule.

(e) Leases for Providing Care and Living Space. This category includes all leases for the purposes of providing care and living space for persons, within the purview of Section 255.25(3)(a), F.S.

(f) Leases of Specialized Educational Facilities. This category includes all leases of specialized educational facilities in accordance with Section 255.25(9), F.S.

(5) Competitive Proposals or Bids. In all cases where 2,000 sq. ft. or more off-campus space is to be leased or where Section 255.25(8), F.S., applies, a competitive selection or bidding process shall be implemented pursuant to Section 255.25(3)(c), F.S. The Executive Secretary shall be responsible for the implementation of such process, which shall include the following elements and procedures.

(a) Solicitations. A public solicitation of proposals (bids) shall be made by giving notice thereof by publication in at least one newspaper of general circulation in the area in which the space is desired. The notice shall be published at least once and there shall be no less than ten working days between the last date of publication and the date on which proposals must be received in order to be considered. Notice may also be given verbally or in writing to developers or realtors in the area in which the space is desired, either directly, by communications with an appropriate trade or professional association, or by advertising in a newsletter or other publication of such association. The Director may make, or cause to be made, surveys of developers, realtors, or prospective lessors regarding the possible availability of space. Such survey information may be used to determine the nature and extent to which notice should be given beyond the required minimum notice set forth in this section. The notice shall include, but not be limited to, the following:

1. Approximate net square footage required.
2. General area in which the space must be located.
3. General use to be made of the space.
4. Date the space must be available.
5. Name and address of the person or office from which specifications may be obtained.

(b) Specifications. Specifications shall be drawn for each solicitation of space. The published notice and the specifications shall together constitute the solicitation. The solicitation shall provide each prospective lessor with knowledge of the University’s space requirements to enable the prospective lessor to prepare and submit a proposal. The specifications shall not be structured to favor any specific location or lessor; provided, however, that location may be considered as a determining factor in evaluating the proposals. The specifications should set forth, but need not be limited to, the following:

1. The estimated net square footage required, to be measured according to the State University System Standard Method of Space Measurement, as specified in Rule 6C-17.012, F.A.C., and the State University System Space Generation Formula as specified in Rule 6C-17.013, F.A.C.
2. An approximate floor plan of the space needed, showing partitioning and other physical requirements.
3. The general location desired for the required space.
4. The date on which the space must be available.
5. The term of the lease, indicating options to renew, if desired.
6. Services required as part of the Lessor’s lease obligations, including but not limited to parking, dining, and transportation requirements.
7. The maximum rental rate which the University will pay pursuant to the rental rate guidelines recommended by the University Space Committee and approved by the President. Such guidelines shall be established in the same manner as provided in Rule 6C-17.014, F.A.C., and shall be based on an average rental rate for the type of property involved within the local area. Current
Proposals or Bids.

1. For purposes of this rule dealing with the lease of off-campus space, the terms “proposal” and “bid” may be used interchangeably, with respect to the competitive selection process.

2. Each proposal must specifically respond to each item included in the specifications. The proposal may also include additional items or offerings, which the University will consider in evaluating the proposal. The proposal should present each item in a corresponding sequence to the specifications, with additional items and offerings contained in a separate section. However, failure to follow this format will not result in disqualification of the proposal unless it is submitted in a form which does not reasonably enable the University to evaluate the proposal in terms of the specifications.

3. Each proposal shall be signed by the owner(s), or if the owner is a legal entity other than an individual(s), by its corporate officers, or legal representative(s). The corporate, trade or partnership name must be either stamped, written or typewritten in immediate proximity to the actual signature(s).

4. Notice of the proposed award to the lowest and best bidder shall be given in writing to all responsive bidders.

5. Documentation of the selection shall be maintained and shall include but not be limited to copies of all notices and advertisements, a copy of the specifications, copies of all proposals received; and a summary of the University’s findings for each proposal.
(6) Bid Protests. Any responsive bidder aggrieved by the proposed award, may submit a written protest thereof, to the Executive Secretary. The protest must be received within 14 days of the date of mailing of the notice of proposed award. The form of the protest and the procedures for resolution of the protest shall be carried out in accordance with subsection 6C2-2.015(23), F.A.C. Provided, however, that in connection with petitions by prospective lessors, the Executive Secretary shall have and exercise the powers and duties as delegated therein to the Director of Purchasing.

(7) Lease Preparation. If no bid protests are timely received, or, after such protests have been administratively determined, or following negotiations in cases where no competitive bids are required, the lease document shall be prepared in accord with the following provisions:

(a) Preconditions. The Executive Secretary or his designee shall be responsible for ensuring that the proposed lessor has complied with all requirements regarding:

1. The disclosure of ownership and beneficial interests as provided in Sections 255.249(2) (h), (i), F.S.

2. Compliance with State Fire Code provisions, including approval by the University of plans for bringing the premises into compliance prior to occupancy.

3. Compliance with all requirements for accessibility by the physically disabled as provided in Section 255.21, F.S., or as required by the specifications, including approval by the University of plans designed to bring about compliance.

4. Where applicable, the preparation and submission of the life-cycle analysis provided for in Section 255.251 et seq., F.S. Failure of the proposed lessor to comply with any of these requirements prior to the time of occupancy shall be grounds for the University to void any lease. In such case, the University shall have no liability to the proposed lessor.

(b) Form and Content of Agreement.

1. General. Unless there is cause to the contrary, the standard Florida State University Lease Agreement form shall be used for all agreements for lease of a privately owned building or space therein. In any case, the lease document must address and provide for the following: the term of the agreement; the amount, payment period, and dates of payment of rents; the allocation of responsibility for utilities, heating, air conditioning and janitorial services, light fixture installation and maintenance, other maintenance, and repairs; the allocation of risk and obligation for injury to persons or damage to property on the premises, and fire and other hazards; the respective obligations of the parties upon expiration of the term; rights regarding subletting and assignment and the acknowledgment thereof; the rights of the lessor regarding inspections of the premises, and the rights and mutual agreements of the parties regarding waiver of defaults, the severability of covenants, and breach of the lease; the responsibility for taxes, insurance, and commissions; limitations on the use of the premises; and directions regarding the delivery of notices.

2. Escalation Clauses Prohibited. No lease shall contain contingency or rate escalation clauses by which rental rates are adjusted in relation to changes in some outside index, indicator, or other factor. Any clause providing for rental rate adjustments must expressly include the time periods to which the adjustments are applicable and the amounts thereof.

3. Renewal of Leases. Any lease may contain an option to renew clause and any such renewal shall be made according to the terms and conditions of the renewal clause.

4. Option to Purchase. Any lease may contain an option to purchase clause; provided, however, that the terms and conditions of such clause, and the exercise of such option must be in compliance with such other statutes and rules applicable to the purchase of real property.

5. Entirety and Severability. Every lease shall contain or be deemed to contain a clause providing that a finding of invalidity as to any provision therein will not invalidate the remainder of the lease unless the invalidated provision materially frustrates the purpose of the lease or the intended use of the premises. Every lease shall also contain or be deemed to contain a clause providing that the lease document expresses the entirety of the agreement between the parties. However, the specifications and the lessor’s proposal shall be deemed incorporated in the document in every case for purposes of interpretation and clarification, and, when specified in the lease for purposes of expressing substantive terms and conditions.

6. Not Consent to Sue. Every lease shall contain, or be deemed to contain, a clause providing that the execution of the lease does not constitute the consent of the State of Florida or its agencies to be sued by reason thereof, nor a waiver of the defense of sovereign immunity beyond that which the Legislature has lawfully made by statute.

7. Florida Law. Every lease shall contain, or be deemed to contain, a clause providing that: the lease is subject to the laws of the State of Florida; the laws and administrative rules, including this rule, of the State of Florida, are incorporated in, and made a part of the lease; and any administrative or judicial actions, arising out of, or, in connection with, the lease, shall be commenced before the court or administrative body of competent jurisdiction within this State.

8. Availability of Funds. Every lease shall contain, or be deemed to contain, a clause providing that the University’s obligations pursuant to the lease shall be subject to, and contingent upon, the availability of funds lawfully appropriated by the Legislature or otherwise lawfully expendable for such obligations. This clause shall further provide that the University has the right to terminate the lease and shall be subject to no liability on account of termination on the lease of the nonavailability of such funds. The clause may also provide for notice requirements and other conditions for returning the parties and the premises to their previous status in the event of the nonavailability of such funds. The clause shall comply with the requirements of Section 216.311, F.S.

9. Right to Terminate Clause. Every lease for a term of more than one year shall contain, or be deemed to contain, a clause which gives the University the right to terminate the lease without being subject to any liability to the lessor by reason of such termination. Such clause may, however, provide for the return of the parties, on an equitable basis, to their pre-lease status.
the dormitory housing areas. The Director of Business Services will authorize the placement of newsstands in other areas.

newspapers of general public circulation authorize will be permitted. The Director of Housing will authorize the placement of newsstands in areas specifically designated for such purposes.

full responsibility for adherence by the participating students to all laws and regulations governing such activities.

tables and chairs in connection with such an activity should be made to the Union Reservations Office.

Bookstore Arcade. Any requests for exceptions to this location should be submitted to the Office of Student Activities. Requests for activities must adhere to the following limits and guidelines:

(a) No item is to be sold or advertised that is offered for sale in, or that is in competition with, any University agency such as the Union Store, Bookstore, Food Service, Office Services and Laundry without a University Permit granted by the Director of Business Services.

(b) Certification of Compliance. Upon the approval of the Office of the University Attorney as to form and legality, the Executive Secretary shall advise the President as to whether the lease document, preconditions thereto, and the procedures under which it was prepared are in compliance with Chapter 255, F.S. If the President determines that there has been such compliance, he shall so certify on a form prepared by the University. The President may delegate to a designee the duty to determine and certify compliance, except in such cases where by statute he is required to personally certify such compliance.

(c) Execution. When permitted by statute and/or the rules and regulations of the Board of Regents, the President shall execute the lease document. Otherwise, he shall cause the lease document and the certification of compliance to be transmitted to the Board of Regents Central Office for execution in accord with the Board of Regents rules and regulations.

Specific Authority 240.225, 240.227(1), 255.249(2) FS. Law Implemented 240.225, 240.227(1), (13), 255.248, 255.249, 255.25, 286.23 FS. History—New 9-30-75, Amended 6-14-81, Formerly 6C2-2.11.

6C2-2.013 Commercial Solicitations.

(1) All soliciting done on the University premises must be approved by the Director of Business Services, except for the sale of newspapers in the dormitory and housing areas, and certain activities sponsored by student organizations.

(2) University Solicitors’ Permit.

(a) All solicitors must have a University Solicitors’ Permit, except students representing student organizations.

(b) All applicants for a permit must have in their possession a valid City of Tallahassee Solicitors’ Permit. They must also have and furnish verifiable personal, and company or organization identification for all persons who will be engaged in the requested activity.

(c) The University Solicitors’ Permit will contain the following information.

1. Name of company or organization.
2. Names of individuals representing the company or organization on campus.
3. Type or nature of approved activity.
4. City of Tallahassee Solicitors’ Permit number.
5. Location where permit is valid.
6. Dates of issue and expiration of University Solicitors’ Permit.

(d) Copies of the University Solicitors’ Permit are to be given to the individual responsible for the activity, who will insure that each person engaged in soliciting has a copy. The original permit will be kept on file in the Business Services Division office.

(3) Obtaining Permits. Permits are to be obtained from the Director of Business Services. The issuance of permits will be governed by the benefits to be gained by the University community. Copies of the permit are to be carried by each individual whose name appears on the permit and are engaged in the activity, and will be presented to any University official upon request. Any issued permit is subject to cancellation at any time it is deemed in the best interests of the University to do so. In the event a permit is cancelled, all copies of the permit are to be surrendered to the Director of Business Services and soliciting by the permit holder will cease.

(4) Student Organizations. In recognition of the rights and freedom of student organizations at the Florida State University, approved student groups are permitted to solicit for support, or sell and distribute items as a project of that organization within the following limits and guidelines:

(a) No item is to be sold or advertised that is offered for sale in, or that is in competition with, any University agency such as the Union Store, Bookstore, Food Service, Office Services and Laundry without a University Permit granted by the Director of Business Services.

(b) Sponsoring and participating organizations must register the activity and arrange for space with the Office of Student Activities.

(c) Activities referred to in this policy are permitted only in the area of the University Union Complex designated as the Bookstore Arcade. Any requests for exceptions to this location should be submitted to the Office of Student Activities. Requests for tables and chairs in connection with such an activity should be made to the Union Reservations Office.

(d) Sponsoring and participating organizations will comply with any Student Government Statutes affecting fund raising projects.

(e) Officers of any student organization sponsoring or participating in solicitations, either on or off the campus, will assume full responsibility for adherence by the participating students to all laws and regulations governing such activities.

(5) The posting or distribution of advertising material will be limited to the permanent official bulletin boards of the University.

(6) Dependent on the availability of space in areas specifically designated for such purposes, newsstands containing daily newspapers of general public circulation authorize will be permitted. The Director of Housing will the placement of newsstands in the dormitory housing areas. The Director of Business Services will authorize the placement of newsstands in other areas.
6C2-2.0131 Posting, Chalking and Distribution of Materials.
The University Policy for Posting, Promotions, Advertising, Chalking, and Distribution of Materials on FSU Campuses-9/1/01 is hereby adopted as a rule by reference.

Specific Authority 228.0081(2) FS. Law Implemented 228.0081(2)(r) FS. History–New 5-9-02.

6C2-2.014 Identification Cards.
(1) “Validation” is an imprint that is placed on the clear edge of an ID card to show that the card is effective during the imprinted period.
(2) University ID cards, guest cards, and alumni association membership cards provide a convenient means for identifying individuals who are entitled to utilize the facilities, activities, and services of the Florida State University. An ID card is nontransferable and is only for use by the individual whose name appears on the card. Misuse of an ID card may result in revocation of the card and disciplinary action. The ID Card Committee reviews and recommends policies for the issuance of ID cards.

(3) Issuance of Identification Cards. Different types of ID cards are issued to members of the University community depending on the nature of their affiliation with the University. By accepting and using an ID card, an individual agrees to abide by any rules and regulations that pertain to the use of University facilities, activities, or services. Possession of an ID card does not relieve the holder from paying any admission fees or service charges that may apply to a given facility, activity, or service.

(a) Students. Students who have been issued cards at a prior registration are to retain their cards and have them validated at subsequent registrations by the Bureau. When a student withdraws from the University, the Counseling Center removes the validation for that quarter from the student’s ID card. Students who withdraw are allowed to retain their ID cards in case they are readmitted at a later date.

(b) High School Students. High School students who enroll in classes at Florida State University without payment of registration fees will be charged a $5.00 fee for their student ID cards. To further identify the high school student, the name of the student’s high school will be typed above the student’s name when the card is issued.

(c) Faculty/Staff. Faculty and staff ID cards are issued to permanent full-time and part-time faculty and staff. Graduate students who are employed temporarily as part-time instructors will not be issued faculty ID cards, but will use their student ID cards.


6C2-2.015 Purchasing and Procurement.
(1) Statement of Intent. It is the intent of the University to acquire quality goods and services as economically as possible, within reasonable or required time frames, while promoting fair and open competition in the public procurement process. This rule establishes effective management oversight of the University’s procurement process in order to reduce the appearance and opportunity for favoritism and to preserve the integrity of University purchasing and contracting.

(2) Purpose. These rules implement the University’s delegated authority from the University Board of Trustees with respect to the powers, duties and functions of the institution’s purchasing jurisdiction as provided in Sections 1001.74(5) and 1001.75(5), F.S.

(3) Application. These rules shall apply to all expenditures of University funds involving a purchase, irrespective of their source, including federal assistance monies, except as otherwise specified herein, and will be applied to transactions that do not involve a purchase such as food service or vending contract.

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

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

(c) Delegation of Purchasing Authority.
1. Duties and Powers. The Director of Purchasing is delegated authority to serve as the central procurement officer for the University, and shall exercise the powers, duties and functions pertaining to the procurement of commodities and contractual services. The Director may delegate to the Purchasing Department staff such portions of those powers, duties and functions as deemed appropriate.
2. Small and Disadvantaged Business Enterprise Assistance Officer. The Director of Purchasing, or a designee, shall serve as the Small and Disadvantaged Business Enterprise Assistance Officer for the University, responsible for overseeing the small and disadvantaged utilization activities in the procurement of commodities and services. The University is an equal opportunity institution and encourages procurement contracting with small and disadvantaged business which includes minority business enterprises.

3. Additional Purchasing Delegation. Purchases of commodities and services for the following areas need not be procured through the Purchasing Department: Food purchased for the cafeteria at the Florida State University Schools; books and periodicals purchased by University libraries and purchases by the Facilities Operations and Maintenance Department. Any such purchases shall be processed by the appropriate University department in accordance with this rule.

4. Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the University.

5. Purchase of Insurance. The University shall purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University. Examples of insurance coverage that may be acquired by the University include:
   a. Physical damage on vehicles and boats;
   b. Inland marine on property owned, leased, or loaned to or by the University;
   c. Building and property damage;
   d. Equipment losses due to theft;
   e. Equipment subject to transportation;
   f. Loss of rental income;
   g. Commercial general liability insurance for scientific equipment;
   h. Excess general liability coverage;
6. Purchase of Printing. Printing shall be purchased in accordance with Chapter 283, F.S.

5. Duties of the Purchasing Department.
(a) Canvass sources of supply and contracting for the purchase or lease of all commodities and contractual services for the University, in any manner, including, reverse auctions and purchase by installment- or lease-purchase contracts. Installment- or lease- purchase contracts may provide for the payment of interest on unpaid portions of the purchase price.
(b) Remove any contractor from the University’s competitive vendor list that fails to respond to one (1) or more competitive solicitations or to fulfill any of its duties specified in a contract with the University and to reinstate any such contractor when satisfied that further instances of default will not occur. A “No Bid” or similar response is considered a response under this section.
(c) Plan and coordinating purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which the University may make purchases.
(d) Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/services that are frequently purchased and are available from a single source.
(e) Evaluate and approve contracts established by the Federal Government, other states, political subdivisions, or any independent college or university or educational cooperative or educational consortium for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts established by such other entities.
(f) Award contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University. Such awards may be on a university, regional or multiple state university-wide basis and the contracts may be for multiple years.
(g) Reject or cancel any or all competitive solicitations when determined to be in the best interest of the University.

(a) Competitive Solicitation Required. All contracts for the purchase of commodities or contractual services exceeding $50,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized herein. The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.
(b) Public Notice. The Director of Purchasing, or a designee, shall determine the method of public notice to be used in each case of a competitive solicitation based on the nature and quantity of the commodities, contractual services, or construction sought and the availability and extent of competitive solicitation lists.
(c) Receipt of Responses. Competitive solicitation responses shall be delivered, including electronically, as directed in the competitive solicitation to the Purchasing Department, or as otherwise directed, at or prior to the date and time specified in the competitive solicitation. Responses that are not delivered to that location and only that location, no matter what the reason, shall not be considered. It is the responder’s responsibility to assure that their response is delivered at the proper time and place. The clock in the Reception area of the Purchasing Department is designated as the official timepiece for purposes of determining whether a response is received by the appointed date and hour.
1. Prior to the time a competitive solicitation is opened, the Director of Purchasing, or a designee, may change or correct the terms, conditions or specifications by issuing an addendum to all known recipients of the competitive solicitation.
2. A responder to a competitive solicitation may withdraw or correct a response prior to the time that the competitive solicitation is opened. Any alteration or correction to a response must be in writing and signed by the authorized representative who signed the original response.
3. The Director of Purchasing, or a designee, will permit the withdrawal of a competitive solicitation response for good cause if requested in writing within seventy-two (72) hours of the competitive solicitation opening and prior to final award of the purchase order being issued. Good cause shall include illegality, impossibility of performance, or a clear and inadvertent error in the response preparation, but shall not include a responder’s lack of profitability or financial loss resulting from the competitive solicitation. Neither modification nor withdrawal will be permitted at any time if the result of such action is prejudicial to the fairness of the competitive procurement process or a monetary or educational interest of the University.

(d) Competitive Solicitation Evaluation. Responses to a competitive solicitation shall be evaluated based on the requirements set forth in the competitive solicitation. The requirements of the competitive solicitation include criteria such as price, inspection, samples, quality, testing, workmanship, convenience, experience, delivery and suitability for a particular purpose. Those criteria that effect the price shall be objectively measured to the extent practicable, such as: all or none, discount, transportation cost or total or life cycle cost base. In cases where more than one commodity or contractual service is listed on a response to a competitive solicitation, the University is not required to consider all alternates or options, nor do they have to be considered in sequence.

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

(f) Receipt of Only One or No Responses to a Competitive Solicitation. When only one responsive offer or no response is received to a competitive solicitation exceeding $50,000, the Director of Purchasing, or a designee, shall review the circumstances surrounding the solicitation to determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined that a second competitive solicitation would not serve a useful purpose, the University will proceed with the acquisition based on the one response received or proceed to negotiate with any other possible source including the responder who submitted the only responsive offer.

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

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

(i) Competitive Solicitation Notice of Award. After evaluating the responses to a competitive solicitation, the Director of Purchasing, or a designee, shall make a determination as to the successful response based on the method of award contained in the competitive solicitation. A notice of award shall be posted electronically by posting a Competitive Solicitation Tabulation Sheet, or other appropriate document, on the Purchasing Department Web Site on the date and time listed in the competitive solicitation or as soon as reasonably possible after the responses are evaluated. The Competitive Solicitation Tabulation Sheet shall contain the competitive solicitation name, the name of each responder including those whose responses were rejected, the amount(s) of each response, the date and hour that it was posted and the date and hour that the posting period ends. The Notice of Award Web Site shall be maintained by the Purchasing Department and shall be available for public inspection at all times during regular University business hours. Any person who is adversely affected by the University’s decision or intended decision regarding a competitive solicitation shall file in writing a protest which shall be received in the Purchasing Department before the end of the 72 hour posting period or within 72 hours after the protestant received actual notice by other delivery of the decision, whichever occurs first. The 72 hour period excludes the hours involved in weekends and University holidays. Weekends are deemed to begin at 5 p.m. on Friday and end at 8 a.m. on Monday. Holidays are deemed to begin at 5 p.m. at the end of a regular workday or 8 a.m. after a Sunday and end at 8 a.m. on the next regular University workday. A Request for Quotation secured from contractors listed as suppliers on state contracts in order to achieve economies of scale, regardless of their total price, are not a decision subject to Section 120.57(3)(a), F.S. Posting of the proposed Notice of Award does not establish a contract between the University and the proposed supplier. In accordance with Section 119.07(3)(m), F.S., public review of responses to a competitive solicitation will be denied until the notice of a decision is posted or within 10 days after the competitive solicitation is opened, whichever occurs first.

(7) Registration of Business. It is not necessary for a person or business to be registered with the University to receive competitive solicitations, a contract or a purchase order. The University does not guarantee that a business will receive notice of a competitive solicitation for a particular commodity or contractual service for which they have registered as a supplier. The opportunity to participate in a competitive solicitation is a privilege not a right.

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

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

(b) Sole Source Purchases. Commodities or contractual services available from a single source shall be exempted from the competitive solicitation process. A sole source document shall be publicly posted in the Notice of Award Web Site for 72 hours.

(c) Purchases from competitively secured Contracts and Negotiated Annual Price Agreements established by the State, other governmental entities, other public or private educational institutions, and educational cooperatives and educational consortia are not subject to further competitive solicitation.

(d) Construction Direct Purchase Program. Commodities to be incorporated into any public work (as that term is defined in Rule12A-1.094, F.A.C.) which are procured by the University in accordance with the requirements of the University’s direct purchase program are not subject to any further competitive solicitation.

(e) Commodities and contractual services that are exempt from the competitive solicitation process include:
1. Artistic services;
2. Academic reviews;
3. Lectures;
4. Auditing services;
5. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration.
Prescriptive assertive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, esthetics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;
7. Training and education services;
8. Advertising;
9. Services or commodities provided by any governmental entity, other state universities or independent colleges and universities;
10. Programs or continuing education events that are offered to the general public for which fees have been collected from individual participants to pay all expenses associated with the program or event;
11. Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;
12. Regulated utilities and government-franchised services;
13. Regulated public communications;
14. Long distance telecommunications;
15. Extension of an existing contract;
16. Renewal of an existing contract if the terms of the contract specify renewal option(s);
17. Purchases from the Annual Certification List developed by the University Purchasing Department;
18. Purchases for resale;
19. Accountant Services;
20. Implementation/programming/training services available from owner of copyrighted software or its contracted vendor; and
21. Purchases of materials, supplies, equipment, or services for research purposes when the Vice President for research, or a designee, certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project.

(f) Individuals or vendors who take part in the development and drafting of a feasibility study, competitive solicitations or future program.

1. No person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be eligible to contract with the University dealing with the specific subject matter.

2. All persons taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall follow all relevant portions of the State of Florida Code of Ethics for Public Employees, Chapter 112, Part 3, F.S., and the University’s rule on outside activities, Rule 6C1-1.011, F.A.C.

9) Bonds.

(a) Payment and Performance Bonds. The University will require any contractor contracting with the University to provide construction or commodities which include installation to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract when the total contract amount is greater than $200,000.

(b) Competitive Solicitation Protest Bond. Any contractor that files an action pursuant to Section 120.57(3)(b), F.S., protesting a decision or intended decision pertaining to a solicitation, shall at the time of filing of the formal protest, post with the University, a bond payable to the University in an amount equal to: 10% of the estimated value of the protestor’s competitive solicitation response; 10% of the estimated expenditure during the contract term; $10,000; or whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the contractor filing the protest action. In lieu of a bond, the University will accept a cashier’s check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier’s check or money order at the time of filing the formal protest shall result in the denial of the protest.

(10) Contract Formation.
(a) Contracts for commodities or contractual services or licenses shall consist of a purchase order or bilateral agreement signed by the President of the University, or a designee, prior to the goods or services being rendered by the contractor.

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

(c) The extension of a contract shall be in writing, shall be signed by both parties if a bilateral agreement, and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract.

(d) A contract may contain provisions for renewal. If the commodity or contractual service is purchased as a result of a competitive solicitation, the cost of any contemplated renewal must be included in the competitive solicitation. All contract renewals are subject to sufficient annual appropriations.

(e) The President, or a designee, will enter into deferred payment agreements when it is financially advantageous to the University. The University may utilize the State of Florida Controller’s Consolidated Equipment Financing Program if it is deemed financially advantageous. When the Consolidated Equipment Financing Program is used, the University will submit the contract to the State of Florida Controller for the purpose of pre-audit review and approval prior to acceptance. No agreement shall establish a debt of the State or shall be applied to the faith and credit of the State; nor shall any agreement be a liability or obligation of the State except from appropriated funds.

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

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

(11) Standard of Conduct. It shall be a breach of ethical standards for any employee of the University or a member of the Board of Trustees to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. It shall also be a breach of ethical standards for any potential contractor to offer an employee of the University or member of the Board of Trustees a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services. The standard of conduct in this rule shall be consistent with Chapter 112, F.S., and the Ethics Policy of the FSU Board of Trustees.

(12) Authority to Suspend or Debar a Business. The Director of Purchasing will remove a business’s name from the University’s competitive solicitation list and reject all responses offered by that business in the event the business’s performance through acts of omission or commission results in any of the following grounds:

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

(b) If a vendor fails to make delivery or fully comply with the conditions, specifications, drawings or terms of an agreement with the University on any one contract or purchase order;

(c) Any unlawful attempt to influence an award or other pertinent factor;

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

(e) Bankruptcy;

(f) Failure to participate by submitting a competitive response to three consecutive competitive solicitations; or

(g) Supplies commodities or contractual services without receiving a purchase order after receiving a notice not to supply commodities or contractual services without first receiving a purchase order.

(13) Default.

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

(b) Unless the vendor corrects its failure to perform within the time provided, or unless the University determines based on its own investigation that the vendor’s failure is legally excusable, the vendor shall be found in default and issued a second notice stating the reasons the vendor is considered in default and stating that the University has re-procured the commodity or service and the amount of the procurement and the cover cost. The University shall also advise the defaulting vendor that the firm has been removed from the competitive procurement list pursuant to this rule and will not be eligible for award of a contract until such time as the University is reimbursed for all re-procurement costs and for costs of cover. The defaulting vendor also shall be advised of the right to petition for an administrative hearing on the intended decision to remove the vendor from the competitive procurement list pursuant to Section 120.57, F.S., and shall be given time within which to submit the petition.
(c) Re-procurement of commodities or contractual services will be accomplished by first attempting to contract with the second responsive responder on a competitive solicitation, if available. If the University is not able to contract with the second responsive responder, it will attempt to contract with any other vendor willing to perform at acceptable pricing under the terms and conditions of the competitive solicitation.

(d) The University will issue a second competitive solicitation or purchase on the open market if a substantially similar procurement is not accomplished under paragraph (c), above. Until such time as the vendor reimburses the University for all re-procurement and cover costs, the defaulting vendor shall not be reinstated on the University’s competitive solicitation list and shall not be eligible for any type of purchase order or contract by the University. All correspondence to vendors respecting failure to perform shall be sent by certified mail, return receipt requested or documented courier delivery service. The foregoing provisions do not limit or exclude the University’s remedies at law.

(14) Protested Solicitations and Awards.

(a) Petitions. Any person who is aggrieved by a University decision or intended decision in connection with a University decision, shall file a written notice of protest with the Director of Purchasing. The notice embodying such protest shall be received in the Purchasing Department before the end of the 72 hour posting period or within 72 hours after the protestant received actual notice by other delivery of the decision, whichever occurs first. A notice of protest is not considered filed until it is actually received in the Purchasing Department. Within ten (10) consecutive calendar days after the notice of protest is filed, the protestant shall file a formal written protest, which shall state with particularity the facts, and law upon which the notice of protest is based. A solicitation protest bond pursuant to this rule, payable to the University in an amount equal to the ten (10) percent of the University’s estimate of the total volume of the contract or $10,000, whichever is less, shall be filed with the formal written protest. In the case of a competitive solicitation, the University’s statement of the quantity on the competitive solicitation shall serve as the University’s estimate of the total volume of the contract. No time service will be added to the above to time limits for mail service. Failure to timely file the notice of protest, the formal notice of protest or a solicitation protest bond shall constitute a waiver of right to protest under this rule and Section 120.57(3), F.S.

(b) Informal Procedures.

1. Upon receipt of the petition, the presiding officer shall issue to the protestant a notice of the informal proceeding in accordance with Section 120.57(2), F.S. Petitions to intervene will be considered on their merits as received.

2. At or prior to the informal proceeding, or as directed by the presiding officer, the protestant may submit any written or physical materials, objects, statements, affidavits and arguments that the protestant deems relevant to the issues raised.

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

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

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

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

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

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

(15) Purchase of Motor Vehicles.

(a) The University will, when in the best financial interest of the University:

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

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

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

4. Contract for specialized maintenance services.

(b) Motor vehicles owned, leased or operated by the University shall be available for official University business only.

(16) Definitions.
(a) Artistic Services. Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.

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

(c) Commodity. Any of the various supplies, materials, goods, merchandise, food, equipment or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. “Commodity” also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. Printing of publications shall be considered a “commodity” when let upon contract in accordance with Section 283.33, F.S. Software to be used pursuant to license agreements shall be considered a “commodity.”

(d) Competitive Negotiation. The establishment of a contract through deliberation, discussion or conference on the specifications, terms and conditions of a proposed agreement.

(e) Competitive Solicitation. An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor.

(f) Contract. Document issued by the Purchasing Department, including purchase orders and agreements, regardless of their designation.

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

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

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

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

(k) Independent Contractor. A person or firm who provides a service to the University, but does not have any employment or other relationship or connection with the University as provided in Section 112.313, F.S.

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

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

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

(o) Mutuality of Management. That circumstance wherein two or more businesses are owned or managed by the same person or persons. Only the lowest response submitted by businesses that are mutually owned or managed may be considered in determining an award.

(p) Person. Shall have the meaning provided in Section 1.01(3), F.S.

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

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

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

(t) Purchases for Resale. The purchase of commodities or contractual services acquired for the purpose of selling them to the general public for the benefit of the University.

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

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

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

(x) Response. A bid, proposal or offer to negotiate submitted as a result of a competitive solicitation that designates the title, date and time of the public opening. The response shall include and be submitted in accordance with instructions provided in the competitive solicitation prescribing all general and special conditions.

(y) Responsive Offer. A response that complies in every respect with the terms, conditions and specifications of a competitive solicitation.
(z) Request for Quotation. A written or oral request to one or more vendors to provide pricing on specified commodities or contractual services with total costs less than the minimum amount required for a competitive solicitation. Requests for Quotations are not subject to the electronic posting requirements of Section 120.57(3), F.S.

(aa) Specifications. Any description of the physical, performance or functional characteristics of a commodity or contractual services. It may include plans, drawings, samples or a description of any requirement for inspection, testing or preparing a commodity or contractual service for delivery.

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

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

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

Specific Authority 1001.74(4) FS. Law Implemented 112.313, 120.57(3), 283.33, 672.719, 1001.74(5), 1001.75(5), 1004.22(7) FS. History-New 1-5-81, Formerly 6C2-2.15, Amended 11-4-87, 6-11-91, 12-21-93, 10-20-99, 3-17-03.

6C2-2.016 Purchasing of Insurance.

The acquisition of insurance coverage for the Florida State University regardless of the type or duration must be effected through the Insurance and Benefits Section of the University Personnel Relations Department. The procurement of insurance coverage for the University must be coordinated with the Board of Regents of the State University System as well as other State agencies. That coordination may only be accomplished by the Insurance and Benefits Section of the University Personnel Relations Department.

Specific Authority 240.227(1) FS. Law Implemented 110.123, 287.022 FS. History–New 9-30-75, Formerly 6C2-2.16.

6C2-2.018 Control of Radiation Hazards.

(1) General. Each research investigator or instructor using radioactive material is responsible for its safe use and proper control in accordance with this operating procedure, common practice, and directives issued by the Radiation Control Committee. All persons working with radioactive material must have had formal instruction or experience, or be under the direct supervision of an individual who has experience in handling radioactive material. All proposed uses of radioactive material must be approved by the Radiation Control Committee before use is initiated. The University Radiological Safety Officer is the agent primarily responsible for the administration of the Radiation Safety Program.

(2) Obtaining approval to use Radioactive Material. Before engaging in experiments involving radioactive material for research or instruction, approval must be obtained from the Radiation Control Committee. Requests to use radioactive material in specific areas are to be submitted in duplicate on “Proposal for Use of Radioactive Materials” forms. The Radiological Safety Officer will assist in the completion of the form and will present the request to members of the Radiation Control Committee for evaluation. Approval will be granted if the Committee agrees that the proposed use satisfactorily meets adequate control and radiological safety requirements.

(3) Signs and Labels. Radiation warning signs bearing the American Standard Radiation Symbol and the proper wording must be posted in areas subject to radiation hazards. For proper posting of radiation signs identifying restricted areas, consult the Radiological Safety Officer. Containers of radioactive material must bear labels with the radiation symbol, the words “Caution (or Danger) Radioactive Material”, and a listing of the radioisotope, the quantities, and the date of measurement of the quantities. Additional information on or near the containers may be provided if it will help minimize radiation hazards. Containers that are used temporarily during laboratory radioactive work are to be labeled as “Radioactive.” The specific source of contamination does not need to be listed. Proper signs and labels may be obtained from the Radiological Safety Officer.

(4) Waste Disposal. Radioactive waste is not to be discarded by regular means of disposal, but only as directed by the Radiological Safety Officer.

Specific Authority 120.53(1)(b) FS. Law Implemented 120.53(1)(b) FS. History–New 9-30-75, Formerly 6C2-2.18.

6C2-2.022 Employee Debt Collection.

(1) Purpose. The purpose of this rule is to provide procedures for the recovery of non-salary sums due and owing to the University by its employees. Indebtedness to the University assessed pursuant to Board of Regents and University rules is considered indebtedness to the State of Florida. It is subject to enforcement by University rule. The purpose of this rule is to provide procedures for the recovery of non-salary sums due and owing to the University by its employees. Indebtedness to the University includes but is not limited to, delinquent accounts receivable, including student loans and registration fees; traffic or library fines; payment for the reasonable value of University property entrusted to an employee and not returned or otherwise accounted for; travel advances made to but not repaid by the employee; bad checks; and other similar obligations.

(2) Definitions.

(a) Debt – a specific sum of money owed by an employee to the University; a fixed and certain obligation to pay money; the debt may be a single obligation or an aggregate of separate debts.

(b) Employee – any part time or full time employee of the University paid by state warrant from salary appropriations or from agency funds.
(c) Settlement – an agreement to accept a sum of money or other consideration from a person as full discharge of the debt due to the University. The sum may be less than the total amount owed.

(3) All amounts of indebtedness shall be due and unpaid to the University before any action is taken against an employee.

(4) Initial attempts at collection. The department or its equivalent to which an employee has incurred a debt is responsible for the initial efforts to collect the amount of indebtedness. If the department is successful in collecting the debt no further action is required. If the department is unsuccessful in collecting the debt, it shall contact the Office of the University Controller for further action. The department shall forward to that office copies of all records and documentation of the indebtedness and of the efforts toward recovery. The information to be forwarded shall include:

(a) Name, home and campus addresses, and social security number of the person owing the debt.

(b) The original amount owed, plus any penalties or interest owed, and a record of any payments made.

(c) A brief description of the transaction which resulted in the debt, including relevant dates and time periods.

(d) A brief description of the efforts made to collect the debt.

(e) Any other pertinent information.

(5) Form of payment. Payment of indebtedness may be made by the individual or the individual’s representative by money order, certified or cashier’s check, cash, or payroll deduction from wages. Collection by personal check is discouraged but will be accepted.

(6) Means of Collection. The University Controller shall verify the amount of the indebtedness with the department head originating the charges and debt and establish the manner of its recovery. The University Controller may employ one or more of the following means of collecting monies due the University:

(a) Issue University collection letters.

(b) Hold transcripts or current grades.

(c) Withhold registration privileges at Florida State University.

(d) Turn delinquent accounts over to a collection agency.

(e) After consultation with the University Attorney refer the debt to the Department of Banking and Finance of the State of Florida for prosecution by the appropriate state attorney under provisions of Section 17.20, Florida Statutes, or for assignment to a debt collection agent if that Department determines that approach to be cost effective.

(f) Seek a voluntary wage deduction from the employee. Each debt will be handled on an individual case basis. In the interest of fairness and equity, it is acknowledged that an individual who has incurred an indebtedness may be unable to pay the total amount in a lump sum. If such is the circumstance and the individual agrees to equitable partial payments over a limited period of time, the Controller may prepare a promissory note and proposed schedule of payments for the employee’s signature. Any deduction authorization shall be kept in the permanent personnel file of the employee.

(g) If the employee refuses to voluntarily pay the indebtedness to the University, the Controller may initiate involuntary deductions from future salary payments due the employee, using the set-off procedures specified below until the total amount of indebtedness has been collected.

(7) Set-off Procedures. Involuntary wage deductions based on the common-law right of set-off shall be considered and used only where other reasonable efforts have failed.

(a) The employee who owes a debt to the University will be advised by certified letter (restricted delivery) from the University Controller’s Office that he/she has ten calendar days from the receipt of the letter to either clear the account, make satisfactory payment arrangements, or submit documentary evidence disputing his/her debt. The employee shall be given an opportunity during normal business hours of the University to review the documentation and evidence of his/her indebtedness to the University and has the right to submit documentary evidence to refute the indebtedness within a reasonable time therefrom.

(b) If no arrangements for payment have been made by the end of the ten calendar day time period, all evidence of the employee’s debt will be reviewed by the University Controller.

(c) If, upon that review, a verification of the debt is made and it is determined that an agreement as to voluntary payments or voluntary wage deductions cannot be reached with the employee, the employee will be notified by U. S. mail, of the fact set-off procedures will be implemented on a date certain, not sooner than 10 work days from receipt of the notice, and of the amount and duration of the deductions from his/her salary warrant. The employee will also be advised of his/her right to any administrative review of the decision to set-off his/her debt and deduct funds from the employee’s paycheck, including rights under the provisions of Section 120.57, Florida Statutes.

(8) Amount of Payroll Deduction under Set-off Procedures.

(a) In the event that the total amount of the debt is less than 10% of the employee’s biweekly gross salary, the full amount of the employee’s debt may be deducted in the first or second pay period following the date of notification in subsection (6) above.

(b) If the amount of the debt is greater than 10% of the employee’s gross biweekly salary, the amount deducted each period may be up to 10% of the employee’s gross salary but will not exceed 20% of the employee’s net salary after mandatory deductions.

(9) In the event an employee-debtor is terminated, abandons employment, voluntarily leaves the University, or dies while in University employment, the amount of the debt, up to the total of the net salary less $1.00, will be deducted from the employee’s final salary payment or from the employee’s terminal leave payments.

(10) Settlement of Delinquent Accounts. The University President or his designee may settle delinquent accounts after all reasonable and lawful collection attempts have failed.
(11) Write-off of Uncollectible Debts. The President may write-off a debt as uncollectible after all reasonable and lawful collection attempts have failed.


(1) This rule constitutes the University’s uniform procedure for the assessment and collection of charges for the duplicating or copying of public records, at the request, or for the benefit of, any individual citizen or non-University-related, non-state agency organization or enterprise.

(2) In construing this rule where context will permit:

(a) The following terms are defined by the provisions of Section 119.011, Florida Statutes:

1. “Public Records”;
2. “Criminal Intelligence Information”;
3. “Criminal Investigative Information”.

(b) “Directory Information – Students”.

1. This term consists of, and applies to the following information on a student:
   a. Name, date and place of birth;
   b. Local address;
   c. Permanent address;
   d. Telephone listing;
   e. Classification;
   f. Major field of study;
   g. Participation in official University activities and sports;
   h. Weight and height of members of athletics teams;
   i. Dates of attendance at the University;
   j. The most recently attended educational institution;
   k. Degrees, Honors and Awards Received.

2. Directory information on students may be released or published by the University without prior written consent of the student, unless exception is made in writing by the student.

(3) Records Exempt from Public Inspection. The University can not provide those records exempt from public disclosure by Section 119.07(3), Florida Statutes, or any other general law or special act when such laws or acts are applicable to an activity of the University. Exempt records of the University include:

(a) Criminal intelligence records.

(b) Criminal investigation records.

(c) Faculty and Staff performance evaluation records.

(d) Certain student records, including those in the academic permanent folder, excluding directory information as defined herein.

(e) Records of the Thagard Student Health Center and Counseling Center.

(f) Records of the University Attorney prepared for or in anticipation of adversarial criminal, civil or administrative proceedings.

(g) Sealed bids and response to requests for proposals, prior to their opening.

(h) Documents regarding negotiations for acquisition of real estate.

(i) Data processing software obtained under a licensing agreement which prohibits disclosure.

(j) Trade Secrets.

(k) Complaints and other records relating to a complaint of discrimination involving race, color, religion, sex, national origin, age, handicap, marital status, hiring practices, position classification, salary benefits, discipline, discharge, evaluation, or other related activities.

(l) The records of Research and Grants.

(m) The records of direct support organizations such as the Florida State University Foundation, and the Seminole Boosters.

(4) Uniform Charge Procedure.

(a) Persons or organizations making requests for copies of public records shall reimburse the University for applicable costs, prior to receipt of the copies. If the nature or volume of the record(s) is such as to require extensive clerical or supervisory assistance by University personnel in addition to the cost of duplication, a special service charge shall be assessed based on labor costs as provided herein. Charges for copying public records shall be levied and collected by the custodian of the records reproduced.

(b) Private citizens or private organizations shall be assessed a charge of 15 cents per one sided copy, and an additional 5 cents per two-sided copy. Each printed side of a copy shall count as a page.
When University personnel time or supervisory assistance devoted to researching, retrieval or copying of University records or use of information technology resources or extensive clerical or supervisory assistance exceeds thirty minutes, it shall be considered extensive use of information technology resources or extensive clerical or supervisory assistance. In such case, the University may charge, in addition to the actual cost of duplication, a special service equal to the reasonable actual costs incurred.

(b) “Computer” tape or disk shall be at cost, plus cost for personnel and supervisory assistance, if any.

(5) Processing Payment for Copies.

(a) Fees assessed for the copying of public records shall be paid prior to the requester receiving the copies. Payment may be made by cash or check.

(b) All monies collected from such transactions shall be deposited with the University Cashier, using the standard University deposit slip, FSU Form DT118 (Rev. 6-73), incorporated herein by reference and available to record custodians from the University Printing and Postal Services office. The Cashier’s Office requires only an original of the Deposit Slip.

(c) Depositors will use the Revenue Object Code 001901. The Explanation of Deposit on Form DT118 will be used to identify record revenues from transactions exceeding ten pages of printed copy or services rendered in excess of thirty minutes. Originators of the completed Deposit Slip may make copies of Form DT118 for departmental records and they may also be utilized by a custodian as a receipt for payment made and information received.


6C2-2.024 Tuition and Fees.

(1) "Tuition" means the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state. Tuition is further defined as fees assessed to students for enrollment in credit courses offered by the Florida State University. Tuition consists of the following fees, depending on whether a student is a resident or a non-resident of the State of Florida:

(a) Resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who qualifies as a Florida resident as defined by Section 1009.21, F.S.:
   1. Matriculation Fee (includes University Matriculation Fee);
   2. Student Financial Aid Fee (includes 5% of the Matriculation Fee);
   3. Capital Improvement Trust Fund Fee;
   4. Building Fee;
   5. Health Fee;
   6. Athletic Fee; and
   7. Activity and Service Fee.

(b) “Out-of-State fee” means the additional fee for instruction provided by a postsecondary educational institution in this state, which is charged to a Non-Florida student as defined by the Section 1009.21, F.S. “Out-of-state fee” means the same thing as “Non-resident tuition”. Non-resident tuition is further defined as the fees charged an enrolled student who does not qualify to be classified as a Florida resident for tuition and fee paying purposes and is comprised of the following:
   1. Matriculation Fee (includes University Matriculation Fee);
   2. Non-Resident Fee (includes University Non-Resident Fee);
   3. Student Financial Aid Fee (includes 5% of the Matriculation Fee);
   4. Non-Resident Financial Aid Fee (includes 5% of the Matriculation Fee);
   5. Capital Improvement Trust Fund Fee;
   6. Building Fee;
   7. Health Fee;
   8. Athletic Fee; and
   9. Activity and Service Fee.

(2) Registration shall be defined as consisting of two components:

(a) Formal selection of one or more courses approved and scheduled by the university, and

(b) Tuition payment, partial or otherwise, or making other appropriate arrangements for tuition payment (installment payment, deferment, or third party billing) for the courses which the student is enrolled as of the end of the drop/add period.

(3) The following tuition and fees shall be levied and collected in U.S. dollars for each student regularly enrolled, unless specifically provided otherwise:

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6C2-2.0241 Tuition and Fees for Repeated Enrollment in College Credit Courses.

(1) A student enrolled in the same undergraduate college-credit course more than twice shall pay tuition and fees at 100 percent (100%) of the full cost of instruction and shall not be included in the calculations of full-time equivalent enrollment for funding purposes.

(2) Students who withdraw from or fail a class due to extenuating circumstances of extreme financial burden, significant university error, documented medical emergency, call to active medical emergency or what would be considered an act of God or force majeure under standard contract law will be granted an exception only once for each class.

Specific Authority 1001.74(4) FS. Law Implemented 1009.24 FS. History–New 9-2-02, Amended 5-5-03.

6C2-2.02410 Internet Payment of Tuition and Fees.

Students may make payment of tuition and fees via the Internet. Customers using this mode of payment will be assessed a convenience fee for this service. The convenience fee is non-refundable.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(24) FS. History–New 5-5-03.

6C2-2.02411 Third Party Tuition and Fee Billings.

(1) Students who have a third party agency (i.e., employer, governmental agency, etc.) paying all or part of their tuition and fees are required to submit an Agency Billing Card plus a Letter of Authorization from the third party billing agency by the fifth (5th) day of each semester. Students who do not meet these requirements will be assessed the late payment fee.

(2) Students who have a third party billing agency paying all or part of their tuition and fees and who are also receiving financial aid but have not completed the requirements in subsection (1) above by the fifth day of the semester, will have their tuition and fees deducted from their financial aid. In such instances, a refund will not be issued until after the third party billing agency payment is received by The Florida State University.

(3) If the agency has not paid tuition and fees by the end of the semester, the student is required to pay all outstanding tuition and fees in full before any additional university services will be granted and the late payment fee will be assessed.

(4) If a third party billing agency pays only a portion of the student tuition and fees due, the student is responsible for ensuring that any remaining balance of tuition and fees are paid from other financial aid sources or other personal sources by the fee payment deadline. Failure to meet this requirement will result in the assessment of the late payment fee.

(5) Agency billings for tuition and fees must be reported on the student's financial aid application as a financial resource to avoid an over-award of financial aid from occurring. Any financial aid over-award will be on the student’s billing statement and must be repaid before further university services will be granted.

(6) It is the primary responsibility of the student to ensure that their tuition and fees are paid in full or properly deferred by published deadlines to avoid assessment of the late payment fee.

Specific Authority 1001.74(4) FS. Law Implemented 1009.24(12)(e) FS. History–New 5-5-03.

6C2-2.02412 Financial Aid and Tuition and Fee Payment.

Financial aid students must settle their tuition and fee bill according to the published deadline by verifying that either financial aid has arrived on time or a deferment has been granted until the financial aid does arrive.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10) FS. History–New 5-5-03.

6C2-2.02413 Florida Prepaid College Program.

(1) Students paying tuition and fees using the Florida Prepaid College Program must pay the balance, if any, before the fee payment deadline to avoid being charged a late payment fee.

(2) Students are responsible for paying any material and supply fees (also referred to as lab fees), the transportation-access fee, late fees, if assessed, and any other applicable fees not included in the Florida Prepaid College Program. Such fees must be paid by the fee payment deadline unless financial aid has been awarded to the student. Failure to pay such fees by the fee payment deadline will result in the late payment fee assessment.
6C2-2.02414 Fee Waivers.

(1) The Florida State University Board of Trustees is authorized to waive tuition and fees for purposes which support and enhance the mission of the university.

(2) In addition to tuition and fees waived by Sections 112.191, 112.19, 112.1915, 1009.26 and 1009.265, F.S., the Board of Trustees will authorize waiver of tuition and fees defined in paragraphs 6C2-2.024(1)(a), (b), F.A.C., above for purposes which support and enhance the mission of the university.

(3) The Board of Trustees is authorized to waive tuition and fees as discussed below:

(a) Tuition and fees will be waived by the president or president’s designee for participants in sponsored institutes and programs where substantially all the direct costs are paid by the external sponsoring agency, where there is no direct expenditure of Educational and General funds for the conduct of programs, and where no fees or other assessments are collected from the students, by the sponsoring agency, the university, or any other entity. In determining whether the direct costs are paid by the sponsoring agency, funds paid directly to the participants in a form such as, but not limited to, stipends, travel or book allowances should not be taken into account. “Direct costs” refer to the costs associated with the instruction or training which a participant receives. All funds collected from sponsoring agencies for sponsored credit institutes will be remitted to the university’s contract and grant trust fund and/or auxiliary trust funds. Neither the number of participants nor student credit hours in these institutes and programs may be counted for state-funding purposes. The waivers granted herein for nonresident fees are in addition to the non-resident waivers appropriated annually by the Legislature.

(b) Tuition and fees shall be waived for the following:
1. Children and spouse of law enforcement officers or firefighters killed while performing certain duties pursuant to Sections 112.19(3) and 112.191(3), F.S.;
2. Any graduate student enrolled in a state-approved school psychology-training program pursuant to Section 1009.26(2), F.S.
3. Certain members of the Florida National Guard pursuant to Section 1009.26(8), F.S.
4. Full-time university employees who meet academic requirements to enroll in up to 6 credit hours of tuition-free courses per term on a space available basis. When applicable, the non-resident tuition fee is also waived.
5. State employees may enroll for up to 6 credit hours of courses per term on a space available basis.
6. Non-resident students who are non-degree seeking are entitled to waiver of the non-resident fee if the hours generated by such students are non-fundable and the cost of the program of study is recovered from the fees charged to the students.
7. Intern Supervisors – Persons who supervise interns for institutions with the State University System may be given one non-transferable certificate (fee waiver) for each full academic term during which the person serves as an intern supervisor. This certificate will define what portion of tuition and fees are to be waived.
8. Florida residents 60 years of age or older are entitled to waiver of tuition and fees as provided by Rule 6C2-2.0245, F.A.C., and Section 1009.26(4), F.S.
9. Children of Deceased Teachers and School Administrators – Waives tuition and fees for a total of 120 credit hours for eligible children of parents killed or injured and died as a result of an unlawful and intentional act of violence inflicted by another person.
10. Matriculation Fees can be waived for non-resident fees and matriculation fees for undergraduates, graduate assistants, and fellowships when deemed appropriate, provided that provisions for such waiver are approved by the Board of Trustees.
11. The University shall waive the activity and service fee, health fee, athletic, and materials and supply fees assessed on a per credit hour basis, for credit hours for which the tuition and fees are waived in accordance with the provisions of this rule. The university shall waive the activity and service, health, athletic, and material and supply fees assessed on a per credit hour only if a student’s tuition and fees are waived for all credit hours. If a student pays a portion of the assessed tuition and fees, that student shall pay in full, the activity, health, athletic, and material and supply fees assessed on a per credit hour basis.
12. The University shall waive all tuition and fee components assessed for credit hours for which tuition is waived. The university shall also waive the activity and service, health, athletic, and materials and supply fees assessed on a credit hour basis only if a student’s tuition and fees are waived for all credit hours for which the student is enrolled.

(4) The State Board of Education may provide for waiver of the following fees as provided by legislative action:

(a) Non-Resident Fees;
(b) Matriculation Fees for undergraduates, graduate assistants, and fellowships.
(5) The Board of Trustees will waive the following additional fees:

(a) Late Registration Fees;
(b) Late Payment Fees;
(c) Transportation and Access Fees;
(d) Application Fees; and
(e) Other miscellaneous fines, fees, and penalties.

(6) All or any part of the tuition and fees and the material and supply fees (lab fees) may be waived by the university when deemed appropriate, provided that such provisions for waiver are included in Florida Statutes or the rules of the State Board of Education. No component of tuition may be waived unless specified by rule or statute.
(7) The following students are exempt from paying tuition and fees:

(a) Students enrolled in a dual enrollment or early admissions program that earn credit in courses toward both a high school diploma and an associate or baccalaureate degree pursuant to Section 1009.25(1)(b), F.S.

(b) Students who earn credit in courses toward both a high school diploma and an associate or baccalaureate degree.

(c) A student to whom the state has awarded a Road-to-Independence Scholarship, or who is, or was at the time he or she reached 18 years of age, in the custody of a relative under Section 39.5085, F.S., or who is adopted from the Department of Children and Family Services after May 5, 1997.

(d) A student enrolled through the Florida Linkage Institutes Program pursuant to Section 288.8175(5)(b), (6), F.S.

(e) Homeless Students – An eligible student who lacks a fixed, regular, and adequate nighttime residence as provided by Section 1009.25(2)(e), F.S.

Specific Authority 1001.74(4) FS. Law Implemented 112.19, 112.191, 112.1915, 1009.25, 1009.26, 1009.265 FS. History–New 5-5-03.

6C2-2.02415 Late Fee Waivers.

(1) Requests for waiver of the Late Registration Fee may be submitted to Current Records, Office of the University Registrar.

(2) Requests for waiver of the Late Payment Fee may be submitted to the Office of Student Financial Services.

(3) Late Fee waivers will be granted in extenuating circumstances of extreme financial burden, significant university error, documented medical emergency, call to active medical emergency or what would be considered an act of god or force majeure under standard contract law beyond the control of the student. Students are required to present written documentation of the circumstances involved.

Specific Authority 1001.74(4) FS. Law Implemented 1009.24(12)(e) FS. History–New 5-5-03.

6C2-2.02416 Student Residency.

(1) For the purposes of assessing tuition and fees, resident and non-resident status shall be determined as provided by Section 1009.21, F.S., and Rule 6C-7.005, F.A.C.

(2) An individual shall not be classified as a Florida resident, for fee-paying purposes, and shall not be eligible to receive the resident tuition rate, until the individual has provided satisfactory documentation to substantiate his or her legal Florida residence and domicile to appropriate university officials.

(3) Documentation required by the university to establish eligibility for Florida resident status, for tuition and fee purposes, shall include, but is not limited to, the student or dependent student’s parent/legal guardian providing a residency statement, proof of independent or dependent status, a copy of his/her Florida voter registration, automobile registration, driver’s license, rent receipts or mortgage receipts, and any other relevant materials deemed necessary by the university to support his/her claim for Florida resident eligibility.

(4) The applicant or dependent applicant’s parent/legal guardian must have maintained 12 months of residency in Florida immediately prior to his/her enrolling at The Florida State University. Merely maintaining a temporary residence or abode incident to enrollment in the university does not qualify the student to be classified as a Florida resident for tuition and fee paying purposes.

(5) The following students shall be classified as Florida residents for tuition and fee paying purposes:

(a) Persons married to legal Florida residents and who intend to make Florida their permanent home;

(b) The legal residence of a dependent child whose parents are divorced, separated, or otherwise living apart will be deemed to be a resident of this state if either parent is a legal resident of this state, regardless of which parent is entitled to claim, and does in fact claim, the minor as a dependent pursuant to federal individual income tax provisions;

(c) A dependent child living with an adult relative other than the child’s parent may qualify as a resident for tuition purposes if the adult relative is a legal resident for tuition purposes and the provided child has resided continuously with such relative for the five years immediately prior to the child’s qualification, during which time the adult relative has exercised day-to-day care, supervision, and control of the child;

(d) Active duty members of the Armed Services of the United States residing in or stationed in this state, their spouses, and dependent children, and active duty members of the Florida National Guard who qualify under Section. 250.10(7) and (8), F.S., for the tuition assistance program;

(e) Active duty members of the Armed Services of the United States, and their spouses attending The Florida State University within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida;

(f) Students living on the Isthmus of Panama, who have completed 12 consecutive months of college work as Florida State University students in Panama, and their spouses and dependent children;

(g) Full-time instructional and administrative personnel employed by state public schools, community colleges, and institutions of higher education as defined in Section 1000.04, F.S., and their spouses and dependent children;

(h) Students from Latin American and the Caribbean who received scholarships from the Federal or state government, providing the student attends a Florida institution of higher education;

(i) The Southern Regional Education Board’s Academic Common Market graduate students attending Florida’s state universities;
(j) Full-time employees of state agencies or political subdivisions of the state when the student tuition and fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or corrections training;

(k) McKnight Doctoral Fellows and Finalists who are United States Citizens;

(l) United States Citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enrolls in a graduate level education program which leads to a Florida Teaching Certificate;

(m) Activity duty members of the Canadian military residing or stationed in Florida under the North American Air Defense (NORAD) agreement, and their spouses and dependent children, attending The Florida State University within 50 miles of the military establishment where they are stationed.

(6) Section 1009.21, F.S., contains additional provisions for establishing and maintaining Florida resident status for tuition and fee paying purposes.

(7) Appeal from a determination denying “resident for tuition purposes” status to applicant therefore may be initiated after appropriate administrative remedies are exhausted by the filing of a petition for review pursuant to Section 120.68, F.S.

(8) Any student granted status as a “resident for tuition purposes,” which status is based on a sworn statement, which is false, shall upon determination of such falsity, be subject to such disciplinary sanctions as may be imposed by the president of the university as provided in the Student Conduct Code, Rule 6C2-3.004, F.A.C.

Specific Authority 1001.74(4) FS. Law Implemented 1009.21 FS. History–New 5-5-03.

6C2-2.02417 Refunds of Tuition and Fees.

(1) Students who officially withdraw from the university prior to the end of drop/add will be eligible for a refund of 100 percent of tuition assessed, adjusted for waivers and any other outstanding charges.

(2) Students will be eligible for a refund for a situation in which the university determines it is in substantial, prejudicial error. The amount of a payment in excess of the adjusted assessment may be refunded.

(3) Students who drop a course(s) without tuition and fee liability after their tuition and fees have been paid will be eligible for a refund in extenuating circumstances of extreme financial burden, significant university error, documented medical emergency, call to active medical emergency or what would be considered an act of god or force majeure under standard contract law. Any amount in excess of the amount owed the university during the semester/term will be carried forward and may be applied against subsequent charges or may be refunded on request of the student. Any outstanding charges owed to the university will be deducted from eligible refunds and the balance will be issued as a refund to the student.

(4) Students who have not received Federal financial aid and withdraw after the fifth (5th) day of the semester and prior to the end of the fourth (4th) week of the semester (or for summer sessions by the first twenty-five percent (25%) of the term) are eligible for a twenty-five percent (25%) refund of tuition and fees paid. After the end of the fourth (4th) week of classes, no further refunds shall be made except as follows:

(5) Full refunds of tuition and fees paid will be granted in instances of withdrawal from the university under the following conditions:

(a) Student withdrawal from courses due to military service;
(b) Death of the student or death in immediate family (parent, stepparent, spouse, child, sibling or grandparent);
(c) Illness of the student of such duration or severity, as confirmed in writing by the attending physician, that his/her completion of the term is precluded;
(d) Cancellation of a course by the university for which the student is registered for and has paid tuition and fees.
(e) Other exceptional circumstances that could not have been foreseen and are beyond the control of the student upon approval by the University Refund Committee.

(f) Refund requests based on official withdrawals must be submitted to the Office of Student Financial Services within six (6) months from the end of the term from which the student withdrew in order for the refund request to be processed. Refund requests received later than this specified time will not be considered by the Refund Committee.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), (11), 1009.24 FS. History–New 5-5-03.

6C2-2.02418 Student Withdrawals From Courses Due to Military Service.

Any student enrolled in a postsecondary course(s) at The Florida State University shall not incur academic or financial penalties by virtue of performing military service on behalf of our country. Such student shall be permitted the option of either completing the course or courses at a later date without penalty or withdrawing from the course or courses with a full refund of fees paid. If the student chooses to withdraw, the student’s record shall reflect that the withdrawal was due to active military duty.

Specific Authority 1001.74(4) FS. Law Implemented 1004.07 FS History–New 5-5-03.

6C2-2.02419 Withdrawals and Return of Financial Aid.

(1) Students who withdraw and have received Federal financial aid (Title IV Programs) or state financial aid will be required to repay to the appropriate program, the amount of unearned financial aid funds disbursed to him/her as of their withdrawal date.
(2) Title IV programs includes Pell Grants, Perkins Loans, Supplemental Educational Opportunity Grants (FSEOG), Stafford Loans (subsidized and unsubsidized), and Parent Loans (the Federal PLUS Loan Program).

(3) The unearned amount of program funds is calculated based on the percentage of the semester completed before the date of withdrawal.

(4) Both the university and students receiving certain financial aid are required to return the unearned financial aid to the Federal government.

(5) The university is required to return the unearned portion of the Title IV funds and certain state aid it received from withdrawing students that was used to pay institutional charges, such as tuition, fees, housing, and other educationally-related expenses, assessed by the institution.

(6) The funds returned to the Federal government by the university will reduce the student’s total liability of unearned funds. However, students will owe the university the amount returned to the government for institutional charges.

(7) Students must repay the unearned Title IV funds to any Title IV loan program in accordance with the terms of their loan. For Title IV loan programs, unearned grant program funds are considered overpayments and students are required to return fifty percent (50%) of the grant(s). Students who owe grant overpayments remain eligible for Title IV program funds for forty-five (45) days, if during those 45 days, the student: (1) repays the overpayment in full to the university, or (2) enters into a repayment agreement with the university. However, entering into a repayment agreement does not mean the student is eligible to register for additional courses, receive academic transcripts, or a diploma, etc.

(8) Students can lose Title IV financial aid eligibility if they do not comply with the requirements above.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), (11), 1001.75(4) FS. History–New 5-5-03.

6C2-2.0242 Registrations for Zero Hour.
Registration for zero credit-hour provides for examinations, graduations, use of facilities, etc., when deemed appropriate by the institution. The student is assessed Resident tuition and fees for one credit hour. If the student is simultaneously registered for other credit courses, the charge for the zero-hour registration will not be assessed.

Specific Authority 1001.74(4) FS. Law Implemented 1009.24(12)(d) FS. History–New 5-5-03.

6C2-2.02420 Exit Interviews.
(1) Federal and university regulations require that all recipients of Federal loans participate in an exit interview counseling session upon graduating, withdrawing from the university, or dropping below six (6) credit hours of enrollment.

(2) These loan programs include Perkins (NDSL), Subsidized Stafford (GSL), Unsubsidized Stafford (USGL) and SLS loans.

(3) Failure to complete this procedure will preclude the student from registering for classes, receive academic transcripts, or receive a diploma.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10) FS., 34 C.F.R. 674.42. History–New 5-5-03.

6C2-2.02421 Tuition and Fee Assessments and Remittance.
(1) Building Fee and Capital Improvement Fee shall be remitted to an appropriate fund designated by the State Board of Education and utilized as provided in Section 18, Chapter 94-292, Laws of Florida.

(2) Except for the Building and Capital Improvement Fees, the university shall retain all components of the student tuition and fees as well as all other fines, fees, and penalties authorized and collected by the university.

Specific Authority 1001.74(4) FS. Law Implemented 1010.86 FS. History–New 5-5-03.

6C2-2.02422 Special Fines, Fees, and Penalties.
The Board of Trustees must authorize all tuition and fees assessed. Accordingly, the specific fines, fees and penalties listed in this section, and the tuition and fees defined in Rule 6C2-2.024, F.A.C., are the only fees that may be charged without specific approval of the Board, except as authorized by Florida Statute:

(1) A nonrefundable application fee $20.00
(2) An orientation fee $25.00
(3) A fee for security, access, or identification card:
   (a) New card fee $10.00
   (b) Replacement card fee $15.00
(4) A service charge for the payment of tuition in installments $10.00
(5) A late registration fee to be assessed to students who fail to initiate registration during the regular registration period $100.00
(6) A late payment fee to be assessed to students who fail to pay tuition and fees or who fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) by the tuition and fee deadline set by the university $100.00
Specific Authority 1001.74(4) FS. Law Implemented 1009.24(12), (13) FS. History–New 5-5-03, Amended 9-30-03.

6C2-2.02423 Delinquent Accounts.

(1) Delinquent accounts, including delinquent current semester tuition and fees, will prevent students from registering until all delinquent accounts are paid in full. Diplomas and official academic transcripts will not be issued when any amount is owed to the university.

(2) Delinquent accounts not paid in full are referred to a collection agency after reasonable efforts to collect the account have been exhausted by the University. All applicable collection costs are added to the outstanding delinquent balance.

(7) Materials and supply fee (lab fees) to offset the cost of materials and supplies consumed during the course of the student’s instructional activities, excluding the cost of equipment replacement, repairs and maintenance

(8) A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under Section 1009.24(10), Florida Statutes

(9) Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student

(10) A charge to represent the reasonable efforts to collect overdue accounts

(11) A service charge on university loans in lieu of interest and administrative handling charges

(12) Library fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches

(13) Fees relating to duplicating, photocopying, binding, and microfilm services; copyright services, and standardized testing

(14) Fees and fines relating to the use, late return, and loss and damage of facilities and equipment

(15) Returned check fee for unpaid checks returned to the university

(16) Traffic and parking fines, charges for parking decals or permits, and transportation access fee

(17) An Educational Research Center for Child development fee for child care and services offered by the center

(18) Fees for academic transcripts

(19) Diploma replacement

(20) Internet Payment Convenience Fee

(21) Developmental Research School Fees: Activities Fee

(22) The university president will authorize additional fees in order to meet specific higher education needs of the State when special circumstances result in specific, identifiable increased costs to a university. These fees will be in addition to the regular Student Credit hour fees charged to students enrolling in these courses on-campus. The additional fees charged shall be sufficient to recover all increased costs. The university shall remit the regular Student Credit hour fees collected for these courses to the appropriated Student Fee Trust Funds. The university shall use the additional fees to cover the increased cost of these courses and reimburse the appropriate Educational and General fund, or the appropriate other fund if the costs are incurred in other than Educational and General funds.

(23) Each university president or president’s designee will authorize additional fees for off-campus course offerings in order to meet specific higher education needs of the State when special circumstances result in specific, identifiable increased costs to the university. These fees will be in addition to the regular Student Credit hour fees charged to students enrolling in courses on campus. The additional fees charged shall be sufficient to recover all increased costs. The university shall retain the additional fees collected. The university shall use the additional fees collected to cover the increased cost of these courses and reimburse the appropriate Educational and General fund, or the appropriate other fund if the costs are incurred in other than Educational and General funds.

(24) Other miscellaneous fines, fees and penalties as approved by the Board of Trustees and authorized by state law.

(25) Each applicant to the university as a freshman (otherwise known as FTIC, First Time in College) or as a law or medical student shall submit a nonrefundable $200 admissions deposit upon the applicant’s acceptance to the university. If the student enrolls, the deposit will be applied towards tuition. If the applicant does not enroll, the deposit will be used as specified in Section 1009.24(13), F.S. The deposit will be waived only upon demonstrated inability to pay.

Specific Authority 1001.74(4) FS. Law Implemented 1009.24(12), (13) FS. History–New 5-5-03, Amended 9-30-03.

6C2-2.02423 Delinquent Accounts.

(1) Delinquent accounts, including delinquent current semester tuition and fees, will prevent students from registering until all delinquent accounts are paid in full. Diplomas and official academic transcripts will not be issued when any amount is owed to the university.

(2) Delinquent accounts not paid in full are referred to a collection agency after reasonable efforts to collect the account have been exhausted by the University. All applicable collection costs are added to the outstanding delinquent balance.
(3) Students who owe delinquent accounts to the university will not be allowed to register for classes, receive academic transcripts or receive a diploma. A financial hold will be placed on the student’s account until all delinquent balances are paid in full.

Specific Authority 1001.74(4) FS. Law Implemented 1009.24(12)(i) FS. History–New 5-5-03.

6C2-2.024 DISHONORED CHECKS OR ELECTRONIC PAYMENTS.

(1) A charge of $25.00 or five percent (5%) of the face amount of the check, whichever is greater, shall be assessed for all dishonored or electronic payments by the banking institution. A returned check/stop payment charge is assessed against a student’s account who has a check or electronic authorization for payment returned by the bank to The Florida State University.

(2) The university automatically submits all personal checks to the banking institution a second time for payment when checks are returned for non-sufficient funds or uncollected funds. This is an automated process and the second submission cannot be stopped; there is no charge, however, assessed by the University for this second submission. The banking institution, however, may assess additional service charges against the bank account upon which the check is drawn for dishonored checks or electronic payments. Repayment of returned checks must be made in cash, by FSUCard, or by money order or cashier’s check.

(3) Returned check charges are assessed for all personal checks written or electronic payments authorized for tuition, fees, or other services provided by the university, which are returned by the banking institution for non-sufficient funds, uncollected funds, closed accounts, and stop payments placed on checks. In addition to the returned check/electronic payment/charge, if the initial payment is for tuition and fees, and the redemption of the returned check/electronic payment is not made prior to the tuition and fee payment deadline, a late payment fee is assessed.

Specific Authority 1001.74(4) FS. Law Implemented 832.07, 1009.24(12)(e) FS. History–New 5-5-03.

6C2-2.0243 AUDITING COURSES.

Audit registration assures a course space for the student; however, no grade is awarded. The fee is the same as the Resident tuition provided in paragraph 6C2-2.024(1)(a), F.A.C. Depositing of fee proceeds shall be the same as that provided for tuition. Seating privileges will be first afforded to currently enrolled students for academic credit and then to students taking courses as audit (non-academic credit).

Specific Authority 1001.74(4) FS. Law Implemented 1009.24(12)(d) FS. History–New 5-5-03.

6C2-2.0244 MATERIALS AND SUPPLY (LAB) FEES.

A materials and supply fee (lab fees) will be assessed for specific courses identified by the university to cover the cost of consumable materials and supplies that are consumed in the course of the student’s instructional activities. The materials and supply fee shall not be assessed to cover the cost of replacement, repairs, and maintenance of classroom and laboratory equipment used in the process of instructional delivery of the course. A detailed list of materials and supply fees shall be published in the university Registration Guide identifying courses and the associated amount of the materials and supply fee assessed. The materials and supply fee will be separately identified for each applicable course at the time of registration.

Specific Authority 1001.74(4) FS. Law Implemented 1009.24(12)(g) FS. History–New 5-5-03.

6C2-2.0245 TUITION-FREE COURSES FOR THOSE SIXTY YEARS OF AGE AND OLDER.

All fees are waived for persons sixty (60) years of age or older who are Florida residents and who attend credit classes.

(1) Under this tuition-free option, registration is allowed only on a space available, audit basis if such classes are not filled as of the close of registration.

(2) This waiver does not include thesis, dissertation, applied music courses or other courses requiring individualized instruction.

(3) Academic credit will not be given for such tuition-free courses.

(4) An appropriate form, the Audit Registration Form-2003, which is hereby adopted by reference, is available from the Office of the University Registrar. Proof of age and Florida residency, as provided by Section 1009.21, F.S., must be presented to the Office of Student Financial Services before returning completed forms to the University Registrar.

(5) The Florida State University will limit or deny the privilege for courses which are in programs for which the State Board of Education has established selective admissions criteria where there is insufficient space in the course.

(6) Persons paying full fees and state employees taking courses on a space-available basis shall have priority over those persons whose fees are waived in all cases where classroom spaces are limited.

Specific Authority 1001.74(4) FS. Law Implemented 1009.26(4) FS. History–New 5-5-03.

6C2-2.0246 TUITION AND FEE DEFERMENTS.

(1) The university president or designee will abide by rules of the State Board of Education in approving deferred payment when financial aid is delayed in being transmitted to the student through circumstances beyond the control of the student or formal arrangements have been made by the student with the university for payments.
(2) The following additional provisions apply to the use of tuition and fee deferments:
(a) When deferments expire, students must pay their unpaid tuition and fee balance in full by the expiration date or a late payment fee will be assessed.
(b) If tuition and fees are not paid accordingly, students will not be allowed to register for subsequent courses, receive a delayed delivery loan; receive semester/term grades or academic transcripts, etc.
(c) Students must ensure that financial aid pays tuition and fees by the deferment deadline. It will be the responsibility of the student to pay any balance remaining after all available financial aid has been applied to the tuition and fee assessment. Failure to do so by the published tuition and fee payment deadline will result in the assessment of the late payment fee.
(d) Financial aid students who are having their tuition and fees paid by a third party agency (i.e., employer, government agency, etc.) or department billing must submit the required documents to the Office of Student Financial Services by the deadline published in the Registration Guide. Students are responsible for payment of any balance of tuition and fees. Failure to pay the balance of tuition and fees due by the deadline date will result in the assessment of the late payment fee.
(e) Any veteran, and other eligible students, who receive benefits under chapter 30, chapter 31, chapter 32, chapter 34 or chapter 35, U.S.C., or chapter 106, Title 10, U.S.C., is entitled to one deferment of tuition and fees each academic year and an additional deferment each time there is a delay in receipt of benefits in accordance with Section 1009.27, F.S.

Specific Authority 1001.74(4) FS. Law Implemented 1009.27 FS. History–New 5-5-03.

6C2-2.0247 Tuition and Fee Liability.
(1) Tuition and fee liability shall be defined as the liability for the payment of tuition incurred at the point at which the student has completed registration, as defined in paragraphs 6C2-2.024(2)(a), (b), F.A.C., above.
(2) A student becomes liable for his/her tuition and fees upon registration.
(3) A late payment fee is assessed for late payments. Payment for courses added after the drop/add deadline or after distribution of financial aid must be paid within five (5) calendar days. Failure to pay tuition and fees for such added courses by the fee payment due date will result in a late payment fee being assessed.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), (11) FS. History–New 5-5-03.

6C2-2.0248 Student Cancellation of Schedule.
(1) Students who cancel their registration and were not enrolled for the preceding semester/term (non-enrollment for two consecutive semesters) must apply for readmission.
(2) Prior to the first day of classes, a student may cancel his/her registration by dropping all courses using the telephone or website registration system.
(3) During the first five days of the semester, or summer session, a student may cancel his/her registration by submitting a written request to the Office of the University Registrar. Students who cancel registration within this time frame are not liable for tuition and fees. If tuition and fees have been paid, students should request a refund from the Office of Student Financial Services.
(4) Beyond the first five (5) days of the semester, students cannot cancel registration; rather, they must withdraw from the university. Students who cancel their registration or withdraw from the university must apply for readmission. Under such circumstances, students allowed to register in error will have their registration canceled.
(5) The university does not automatically drop students for non-attendance or non-payment of tuition and fees.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), (11) FS. History–New 5-5-03.

6C2-2.0249 Installment Tuition and Fee Contracts.
(1) Students incurring tuition and fees greater than $150.00 are eligible to execute an installment fee payment agreement for the Fall and Spring semesters only.
(2) The following additional provisions apply to installment fee contracts:
(a) The initial payment must be at least one half of the total tuition and fees due and is due by the tuition payment deadline.
(b) Failure to pay the balance of tuition and fees by the second installment deadline will result in the assessment of the late payment fee.
(c) All academic credit and records will be withheld if any remaining balance of tuition and fees are not paid by the end of the semester.
(d) An installment service fee will be assessed at the time of the first payment for the installment payment option.
(e) Once an installment contract is executed, any course added at a later date must be paid in full within five (5) calendar days from the date the course is added. It will not be covered under the previously executed tuition/fee deferment contract. Failure to pay tuition and fees in full for such a course(s) will result in the assessment of the late payment fee.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), (11), 1009.24(12)(d), (e), (14) FS. History–New 5-5-03.
6C2-2.025 Direct Support Organizations.

(1) The President of the University may recommend to the Board of Trustees that an organization meeting the requirements of Section 1004.28(1)(a), F.S., be designated a Florida State University Direct Support Organization (“DSO”). Upon approval by the Board of Trustees, a DSO shall be considered to be certified and authorized to use the property, facilities and personal services of the University.

(2) In order to be considered for certification as a DSO, an organization must fulfill the requirements of Section 1004.28(1)(a), F.S., and must have Articles of Incorporation and Bylaws that together:
   (a) Provide that any person employed by the organization shall not be considered to be an employee of the Florida State University Board of Trustees by virtue of employment by the DSO.
   (b) Provide that the chief executive officer or director of the DSO shall be selected and appointed by the governing board of the DSO, with prior approval of the President of the University, and that the chief executive officer or director shall report to the President or a designee reporting directly to the President.
   (c) Provide that any amendments to the Articles of Incorporation or Bylaws be submitted by the President of the University to the Board of Trustees for approval prior to becoming effective.
   (d) Provide that the President of the University shall have the following powers and duties:
      1. Monitor and control the use of University resources by the organization.
      2. Control the use of the University name by the DSO.
      3. Monitor compliance of the organization with federal and state laws.
      4. Recommend to the governing board of the board of trustees an annual budget.
      5. Review and approve quarterly expenditure plans.
      6. Approve contributions of funds or supplements to support intercollegiate athletics.
   (e) Provide that the organization shall provide equal employment opportunities to all persons regardless of race, color, religion, gender, age or national origin.
   (f) Prohibit the giving, directly or indirectly, of any gift to a political committee or committee of continuous existence as defined in Section 106.011, F.S., for any purpose other than those certified by a majority roll call vote of the organization’s governing board at a regularly scheduled meeting as being directly related to the educational mission of the University.

(3) The President of the University or a designee shall serve on the governing body and executive committee of each DSO.

(4) Each DSO shall submit an annual budget, which has been approved by its governing board and recommended by the President of the University to the Board of Trustees for review. Such proposed budget shall be submitted no later than sixty (60) days after the last day of the fiscal year to which the proposed budget pertains. Each proposed budget shall include therein:
   (a) Expenditures for the construction of physical facilities, and
   (b) Salary supplements, compensation and benefits provided to the President, University faculty, and staff, and to DSO employees to be paid with assets of the DSO, which shall be specifically identified.

(5) Each DSO shall prepare and submit to the President no later than the first day of each quarter of the organization’s fiscal year a quarterly expenditure plan that separately delineates planned actions which would cause a commitment of University resources or which represent a significant commitment of the resources of the DSO, including:
   (a) Major fund raising events and campaigns and their purpose.
   (b) Compensation and benefits to University employees and employees of the organization.
   (c) Capital projects, including land acquisition, construction, renovation or repair.
   (d) Other major commitments of the resources of the organization.

(6) Each DSO shall cause a financial audit of its accounts and records to be conducted by an independent certified public accountant after the close of each fiscal year. The audit report shall be submitted by the President of the University to the Board of Trustees no later than the end of the fourth month following the close of the organization’s fiscal year.
   (a) Audits shall be conducted pursuant to Section 1004.28(5), F.S., and in accordance with rules adopted by the Auditor General pursuant to Section 11.45(8), F.S., and Florida State University rules.
   (b) The President of the University shall submit the annual audit report to the Auditor General no later than nine (9) months after the close of the organization’s fiscal year.

(7) The President of the University may recommend to the Board of Trustees that an organization be decertified as a DSO if the President determines that the organization is no longer serving the best interest of the University. The recommendation for decertification shall include a plan for disposition of the organization’s assets and liabilities.

Specific Authority 1001.74(4), 1004.28(2) FS. Law Implemented 1001.74(37), 1004.28 FS. History–New 4-21-03.
CHAPTER 6C2-3 STUDENT LIFE

6C2-3.001 Student Governance.
6C2-3.0015 Student Organization and Activities.
6C2-3.002 Constitution of the Student Body. (Repealed)
6C2-3.004 Student Conduct Code.
6C2-3.005 Academic Honor System.
6C2-3.006 The University Defender.
6C2-3.007 Administrative Suspensions Not Within the Judicial System.
6C2-3.008 Grade Appeals System. (Repealed)
6C2-3.009 Student Organizations and Activities. (Repealed)
6C2-3.010 Special Events of Student Organizations. (Repealed)
6C2-3.011 Student Organization Affiliations with Extra-mural Organizations. (Repealed)
6C2-3.012 Student Housing.
6C2-3.013 Student Residence Living Policies. (Repealed)
6C2-3.014 Student Affairs Standard Operating Procedures (SASOP). (Repealed)
6C2-3.015 SASOP 2 Divisional Emergency Procedures. (Repealed)
6C2-3.016 SASOP 3 Occupation of Offices by Student Groups. (Repealed)
6C2-3.017 SASOP 5 Semiannual Activity Report. (Repealed)
6C2-3.018 SASOP 40 Death of a Student. (Repealed)
6C2-3.019 SASOP 162 Search and Seizure in University Residences. (Repealed)
6C2-3.020 SASOP 163 Use of Public Address and Similar Sound Equipment on Campus. (Repealed)
6C2-3.021 SASOP 164 Monitoring Speeches Made by On-campus Speakers Who Are Compensated out of Funds Generated by Student Activity and Service Fees. (Repealed)
6C2-3.022 SASOP 166 Admission of Convicted Felons. (Repealed)
6C2-3.023 SASOP 170 Processing of Complaints from Off-Campus Enterprises. (Repealed)
6C2-3.024 SASOP 200 Student Counseling Practices. (Repealed)
6C2-3.025 SASOP 210 Withdrawal Procedures. (Repealed)
6C2-3.026 SASOP 250 Processing International Student Applications for Enrollment at Florida State University. (Repealed)
6C2-3.027 SASOP 252 Immigration Regulations Governing F-1 (Student) Visa Holders. (Repealed)
6C2-3.028 SASOP 254 Immigration Regulations Governing J-1 Visa Holders. (Repealed)
6C2-3.029 SASOP Allocation of Out-of-state Tuition Waivers to International Students. (Repealed)
6C2-3.030 SASOP 257 Health and Accident Insurance for Foreign Students. (Repealed)
6C2-3.031 SASOP 385 Registration of Student Events. (Repealed)
6C2-3.032 SASOP 390 Calendaring On-campus Events. (Repealed)
6C2-3.033 SASOP 425 Liaison with Student Government. (Repealed)
6C2-3.034 Student Housing Appeals. (Repealed)
6C2-3.036 Career Placement. (Repealed)
6C2-3.037 Financial Aid.
6C2-3.038 Assistantships.
6C2-3.039 Recreation and Leisure Services. (Repealed)
6C2-3.040 Student Health Services. (Repealed)
6C2-3.045 College of Law Student Conduct Code.
6C2-3.050 Educational Research Center for Child Development.

6C2-3.001 Student Governance.

(1) The Vice President for Student Affairs is the designated representative of the University President in matters pertaining to student life and governance.

(2) A Student Government Association shall be organized and maintained to represent the student body. All officers of the Student Government Association shall be enrolled at the Florida State University for a minimum of six credit hours and be in good standing. The Student Government Association shall establish and maintain a Student Body Constitution and implementing statutes to facilitate organizational integrity and cohesive administration.

(3) Legislation of the Student Government Association shall be subject to the approval of the Vice President for Student Affairs prior to implementation.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), 240.235(1)(a)2. FS. History—New 9-30-75, Amended 12-26-85, Formerly 6C2-3.01.
6C2-3.0015 Student Organizations and Activities.

(1) Each student organization’s purposes and activities shall comply with applicable provisions of the United States Constitution, federal laws, the Constitution of the State of Florida, state laws, rules of the Board of Regents and Florida State University, and the purposes set forth in the Student Body Constitution, and the constitution of the student organization. The student organization and its officers are responsible and accountable for all actions of the organization. Any violation of law, Board of Regents’ rules, or Florida State University rules shall be considered as offenses committed by the organization. Its officers or members shall be subject to action pursuant to Rule 6C2-3.004, F.A.C. Any violation by a student organization shall render the organization’s registration subject to review and possible revocation.

(2) Student organizations charged with offenses or any act in violation of laws, rules, policies or procedures shall have their cases heard by the appropriate person or body designated as follows:

(a) The Interfraternity Council Judicial Board for social fraternities’ nonacademic offenses and for violations of the standards of conduct for member organizations.

(b) The Panhellenic Council Judicial Board for social sororities’ nonacademic offenses of the Student Conduct Code.

(c) The Pangreek Judicial Board for nonacademic offenses and for violations of the standards of conduct for member organizations of the Pangreek Council.

(d) A hearing officer appointed by the Dean of Student Development for offenses by student organizations other than fraternities or sororities, unless otherwise provided by rule.

(3) Students shall be free to join university organizations.

(4) Student organizations may be officially registered by the university when the student organization has met appropriate requirements as outlined by the Student Government Association and the Dean of Student Development.

(5) The Dean of Student Development or the Student Government Association may place other limitations on the continued registration of student organizations.

(6) Student organizations are required to appoint an advisor from university faculty or staff.

(7) All registered student organizations shall be allowed to meet on campus and to use appropriate university facilities.

(8) Registered student organizations may apply to the Student Government Association for Activity and Service Fee funds.

(9) Student Government shall make periodic audits of the financial records of registered student organizations that receive funds from student fees allocated by Student Government.

(10) Each registered student organization shall re-register by October 1 of each year and shall concurrently provide the University with any changes in its constitution and officers.

(11) The University disclaims liability for any damage or injury that may arise out of the registration of student organizations or their use of university facilities, whether arising out of the activities of students as individuals or whether participating with or as members of a registered student organization or any other organizational part of the Student Government Association.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), 240.235, 240.261, 240.262 FS. History–New 9-7-86.


(1) The right of all students to seek knowledge, debate ideas, form opinions and freely express their views is recognized. This right must be exercised in a manner which will not interfere with the same rights and freedoms of others in their enjoyment of the benefits of the programs offered by this University, or their lawful use of University facilities, including ingress and egress. Such rights may be exercised subject to applicable laws, rules, regulations, policies and procedures.

(2) The right or freedom of peaceful assembly is recognized and shall be protected. Only those student gatherings that do not disrupt the orderly functioning of the University and related activities shall qualify as peaceful and therefore be protected. Meetings are included in the terms assemblies and gatherings.

(3) The area between the University Union and the University swimming pool, and the central portion of Landis Green are designated “open platforms”. Any student who desires to be heard publicly on any issue of concern may use either of these areas subject to the provisions of subsection (1) at any time when previous scheduling does not preclude such use.

(4) Organized or prearranged outdoor student assemblies shall be registered at least twenty-four hours in advance in the Space Reservations Office located in the University Union. Exceptions to the twenty-four hour notice requirement may be granted by the Space Reservations Office.

(5) Registered or non-registered student organizations or other students may hold meetings inside University buildings, provided prior approval is granted by the Space Reservations Office.

(6) The right to peacefully picket is recognized.

(7) Public address systems and other electrical amplification equipment may be utilized by registered student organizations in the University Union Courtyard subject to schedules approved by the Space Reservations Office, and shall in no event be used in other outdoor areas of the campus. All such use of public address systems or other amplification equipment shall maintain a reasonable sound level which meets the communication needs of the event without excessive noise penetration to adjacent areas.

(8) Students’ right to write and distribute literature and to express thoughts and beliefs is recognized. Individual students, non-registered and registered student organizations may circulate literature, provided it is identified by authorship and sponsorship.
then will be communicated to the student. (See (c)-(f) above.) The appropriate administrator may adopt or amend the recommended
decision, or order a new hearing. Upon approval, the recommended decision becomes a first-level disciplinary action.

Other appropriate person in case of an emergency involving that student.

That taking direct jurisdiction is in the best way interest of the university.

Board, and Panhellenic Judicial Boards are considered recommendations to the Director of Student Rights and Responsibilities.

Student Conduct Code case.

procedural modifications that reflect the particular circumstances of each campus and international program are permitted.

students. Moreover, the Code operates as a vehicle for informing students about their rights and responsibilities while reinforcing
the development of ethical standards that make responsible freedom possible. The “Statement on Values at Florida State
University” is found in the 1998/99 FSU Student Handbook, which is incorporated herein by reference.

(2) Scope. Florida State University jurisdiction regarding discipline is generally limited to conduct of any student or registered
student organization that occurs on Florida State University premises. However, the University reserves the right to impose
discipline based on any student conduct, regardless of location, that may adversely affect the University community and it’s
international programs. The right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is
fully recognized by Florida State University. This Student Conduct Code applies to student conduct and will not be used to
discipline the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in Oglesby
Union and other University policies. The processes for adjudicating violations of state and federal law and violations of the Student
Conduct Code are separate and may be pursued independently of one another.

(3) Authority.

(a) Authority for student discipline ultimately rests with the University President. The President delegates this authority to the
Vice President for Student Affairs, and the Vice President delegates this authority to the Dean of Students and to the Director of
University Housing. Under the direction of the Dean of Students and the Director of University Housing, the Associate Dean of
Students, the Assistant Dean of Students, Director of Student Rights and Responsibilities, resident directors of international
programs and appropriate University Housing staff are responsible for implementing the student disciplinary system. Either the
President, the Vice President, the Dean of Students or resident directors in international programs may take direct jurisdiction of
any case due to the inability of the appointed hearing officer to serve, or whenever it is determined by the immediate circumstances
that taking direct jurisdiction is in the best way interest of the university.

(b) The Vice President (or designee) also has the authority to notify the person listed as the student’s emergency contact (or
other appropriate person) in case of an emergency involving that student.

(c) All hearing bodies have the authority to consult with other appropriate University officials in order to effectively resolve a
Student Conduct Code case.

(d) Decisions of the Student Conduct Board, Interfraternity Council Judicial Board, National Pan-Hellenic Council Judicial
Board, and Panhellenic Judicial Boards are considered recommendations to the Director of Student Rights and Responsibilities.

(e) Decisions of administrative hearing panels are recommendations to the Associate Dean of Students.

(f) Decisions of the Housing Judicial Board(s) are recommendations to the Assistant Director of Housing.

(g) All recommended disciplinary decisions must be approved in writing by the appropriate administrator or designee and only
then will be communicated to the student. (See (c)-(f) above.) The appropriate administrator may adopt or amend the recommended
decision, or order a new hearing. Upon approval, the recommended decision becomes a first-level disciplinary action.

(h) Decisions of all other hearing bodies constitute first-level disciplinary actions.

(i) If a first-level disciplinary action is not appealed, that decision becomes final agency action.

(j) Appellate bodies are listed in Section 10, Appeals. Appellate decisions are considered recommendations to the Vice
President for Student Affairs and become final agency action upon approval by the Vice President or designee.

(4) Definitions.

(a) University. The term “University” means Florida State University, including the main campus, all of its branch campuses
and university international programs. The Student Conduct Code applies to the University as defined herein. Non-substantive
procedural modifications that reflect the particular circumstances of each campus and international program are permitted.

(b) Student. The term “student” means any person who is admitted to and enrolled in any credit-bearing course or program in
any school or division of Florida State University, any person who is admitted to the University and is present on campus for the
purpose of being enrolled in any University course or program, or any person who has been enrolled in any credit-bearing course or
program at the University and continues to be associated with the University because the student has not completed the course or

6C2-3.004 Student Conduct Code.

(1) Introduction. The Student Conduct Code applies the principles found in the “Statement on Values at Florida State
University” by promoting responsible freedom for all students. Responsible freedom is exercised when actions are directed by
ethical standards. This Code seeks to apply the principle of responsible freedom as it guides the conduct of Florida State University
students. Moreover, the Code operates as a vehicle for informing students about their rights and responsibilities while reinforcing
the development of ethical standards that make responsible freedom possible. The “Statement on Values at Florida State
University” is found in the 1998/99 FSU Student Handbook, which is incorporated herein by reference.

(2) Scope. Florida State University jurisdiction regarding discipline is generally limited to conduct of any student or registered
student organization that occurs on Florida State University premises. However, the University reserves the right to impose
discipline based on any student conduct, regardless of location, that may adversely affect the University community and it’s
international programs. The right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is
fully recognized by Florida State University. This Student Conduct Code applies to student conduct and will not be used to
discipline the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in Oglesby
Union and other University policies. The processes for adjudicating violations of state and federal law and violations of the Student
Conduct Code are separate and may be pursued independently of one another.

(3) Authority.

(a) Authority for student discipline ultimately rests with the University President. The President delegates this authority to the
Vice President for Student Affairs, and the Vice President delegates this authority to the Dean of Students and to the Director of
University Housing. Under the direction of the Dean of Students and the Director of University Housing, the Associate Dean of
Students, the Assistant Dean of Students, Director of Student Rights and Responsibilities, resident directors of international
programs and appropriate University Housing staff are responsible for implementing the student disciplinary system. Either the
President, the Vice President, the Dean of Students or resident directors in international programs may take direct jurisdiction of
any case due to the inability of the appointed hearing officer to serve, or whenever it is determined by the immediate circumstances
that taking direct jurisdiction is in the best way interest of the university.

(b) The Vice President (or designee) also has the authority to notify the person listed as the student’s emergency contact (or
other appropriate person) in case of an emergency involving that student.

(c) All hearing bodies have the authority to consult with other appropriate University officials in order to effectively resolve a
Student Conduct Code case.

(d) Decisions of the Student Conduct Board, Interfraternity Council Judicial Board, National Pan-Hellenic Council Judicial
Board, and Panhellenic Judicial Boards are considered recommendations to the Director of Student Rights and Responsibilities.

(e) Decisions of administrative hearing panels are recommendations to the Associate Dean of Students.

(f) Decisions of the Housing Judicial Board(s) are recommendations to the Assistant Director of Housing.

(g) All recommended disciplinary decisions must be approved in writing by the appropriate administrator or designee and only
then will be communicated to the student. (See (c)-(f) above.) The appropriate administrator may adopt or amend the recommended
decision, or order a new hearing. Upon approval, the recommended decision becomes a first-level disciplinary action.

(h) Decisions of all other hearing bodies constitute first-level disciplinary actions.

(i) If a first-level disciplinary action is not appealed, that decision becomes final agency action.

(j) Appellate bodies are listed in Section 10, Appeals. Appellate decisions are considered recommendations to the Vice
President for Student Affairs and become final agency action upon approval by the Vice President or designee.

(4) Definitions.

(a) University. The term “University” means Florida State University, including the main campus, all of its branch campuses
and university international programs. The Student Conduct Code applies to the University as defined herein. Non-substantive
procedural modifications that reflect the particular circumstances of each campus and international program are permitted.

(b) Student. The term “student” means any person who is admitted to and enrolled in any credit-bearing course or program in
any school or division of Florida State University, any person who is admitted to the University and is present on campus for the
purpose of being enrolled in any University course or program, or any person who has been enrolled in any credit-bearing course or
program at the University and continues to be associated with the University because the student has not completed the course or
program in which the student was enrolled. Students enrolled in the College of Law are subject to the Student Conduct Code within the College of Law. Rule 6C2-2.045, F.A.C. In cases of dual enrollment, jurisdiction over a student’s conduct will be determined in consultation with appropriate officials at the student’s other institution. The term “student” also means any student organization that is officially registered with the University.

(c) University Community. The term “university community” means any person who is a student, faculty member, University official, or any other person employed by the University.

(d) On-Campus. The term “on-campus” means all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, including adjacent streets, sidewalks, and parking lots.

(e) University Official. The term “university official” means any person employed by the University to perform assigned teaching, research, administrative, professional or other responsibilities.

(f) Charged Student. The term “charged student” means any student who has been formally charged with an alleged violation of the Student Conduct Code.

(g) Advisor. The term “advisor” means any one person chosen by the charged student or the alleged victim to assist him/her throughout the disciplinary process. Students are required to address the hearing body in person, on their own behalf, although they may consult with their advisor during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student unless expressly authorized to do so by the hearing body. If an attorney is to be the advisor, the Office of Student Rights and Responsibilities shall be notified two class days prior to the hearing.

(h) Hearing Body. The term “hearing body” means any person or persons authorized by the Dean of Students or Director of University Housing to conduct hearings to determine whether a student has violated the Student Conduct Code and to impose sanctions.

(i) Preponderance of Evidence. “Preponderance of evidence” means that the evidence, as a whole, shows that the fact sought to be proved is more probable than not. This is the standard used in adjudicating all disciplinary cases within this Student Conduct Code.

(j) Student Defender. The term “Student Defender” means any person provided by the Student Government Association, either through formal appointment or informal referral, to serve as a resource and advisor to the charged student under the authority of Rule 6C2-3.006, F.A.C.

(k) Policy. The term “policy” means the written regulations of the University as found in, but not limited to, the Student Conduct Code, the General Bulletin, The Student Handbook, the Directory of Classes, the Guide to Residence Living and other written regulations and rules for departments, organizations and clubs.

(l) Student Conduct Board. The Student Conduct Board is a body of students jointly selected by the Office of Student Rights and Responsibility (SRR) and the Student Government Association to review student conduct violations. This Board is trained and overseen by the Office of SSR. Only current students who are actively enrolled at the University, in good academic and disciplinary standing and subject to this Student Code of Conduct are eligible to serve on this Board.

(m) Class days. The term “class days” means any day that either classes or final exams are scheduled.

(5) Offenses. The following offenses, or the aiding, abetting, or inciting of, or attempting to commit these offenses, represent violations of the Student Conduct Code.

(a) Sexual Misconduct.
1. Any sexual act that occurs without the consent of the victim, or that occurs when the victim is unable to give consent.
2. Obscene or indecent behavior, which includes, but is not limited to, exposure of one’s sexual organs or the display of sexual behavior that would reasonably be offensive to others.
3. Conduct of a sexual nature that creates an intimidating, hostile, or offensive campus, educational, or working environment for another person. This includes unwanted, unwelcome, inappropriate, or irrelevant sexual or gender-based activities or comments.
(b) Endangerment.
1. Physical violence towards another person or group.
2. Action(s) that endanger the health, safety, or well-being of another person or group.
3. Action(s) that serve the purpose of endangering one’s own health or safety.
4. Interference with the freedom of another person to move about in a lawful manner.
(c) Harassment.
1. Conduct (not of a sexual nature), that creates an intimidating, hostile, or offensive campus, educational or working environment for another person.
2. Action(s) or statement(s) that threaten harm or intimidate another.
3. Acts that invade the privacy of another person.
4. Stalking, defined as: to follow or otherwise contact another person repeatedly, so as to put that person in fear for their life or personal safety.
(d) Hazing. Any group or individual action or activity that inflicts or intends to inflict physical or mental harm or discomfort or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is related to a person’s initiation or admission into, or affiliation with, any student group or organization, it is not necessary to have
direct proof that a person’s initiation or continued membership is contingent upon participation in the activity for a charge of hazing to be upheld. The actions of either active or associate members (pledges) of an organization may be considered hazing. Hazing includes, but is not limited to:

1. Interference with a student’s academic performance.
2. Forced consumption of any food, alcohol, other drugs, or any other substance.
3. Forced physical activity, such as calisthenics.
4. Deprivation of food or sleep.
5. Kidnapping.
6. Any activity that would subject the individual to embarrassment or humiliation.

Please refer to the Florida State University Hazing Policy in the 1998/99 FSU Student Handbook, for more details.

(e) Weapons.
1. On-campus possession or use of firearms, explosives, or other weapons or dangerous articles or substances, including non-lethal weapons such as pellet guns or the use of any item as a weapon. Note: This rule does not apply to any student law enforcement officer or to any student ROTC member acting under the supervision of an ROTC unit in a manner prescribed by military regulations of the United States Government.
2. Off-campus, illegal possession or use of firearms, explosives, or other weapons or dangerous articles or substances.

(f) Fire and Safety.
1. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.
2. Removal, damage, or tampering with fire safety or other emergency warning equipment.
3. Failure to evacuate a University building or facility when a fire alarm is sounded.

(g) Illegal Drugs.
1. Possession or use of illegal drugs.
2. Distribution, delivery, or sale of illegal drugs.
3. Possession or use of drug paraphernalia.

(h) Alcohol.
1. Possession or consumption of alcohol when under the age permitted by the State of Florida.
2. Providing alcoholic beverages to an individual who is under the age permitted by the State of Florida.
3. Any other violation of the FSU Alcohol Policy, Rule 6C2-6.012, F.A.C.

(i) Disruption.
1. Failure to comply with a lawful order of a University official or with the lawful order of any non-University law enforcement official.
2. Knowingly provides false information to a University official, including disciplinary hearing bodies.
3. Acts, conduct or behavior that impair, interfere with, or obstruct the orderly conduct, processes, operations and functions of the University administration or academic environment or the rights of other members of the University community. This includes acts, conduct or behavior that occur both inside and outside of the classroom setting, as well as on or off the University campus.
4. Commercial solicitation on campus without prior approval from University officials.
5. Acts, conduct or behavior that disrupt the University disciplinary process, including attempt to coerce or influence a person in order to discourage their participation in any disciplinary proceeding.

(j) Identification.
1. Permits another person to use his or her FSU-related identification. FSU-related identification includes any identification or documentation issued by the university.
2. Inappropriate use of another person’s FSU-related identification.
3. Impersonation, or misrepresenting being authorized to act on behalf of another or the University.
4. Forgery, alteration, or misuse of University documents, records, or keys.

(k) Property.
1. Damage or destruction of public or private property.
2. Theft – knowingly and without authorization removes or uses the property or services of another person or of the university.
3. Possession or sale of property or services that are known to have been stolen.
4. Enters or uses the property or facilities of the University or of another person without the proper consent or authorization.

(l) Computers.
1. Unauthorized access or entry into a computer, computer system, network, software, or data.
2. Unauthorized alteration of computer equipment, software, network, or data.
3. Unauthorized copying or distribution of computer software or data.
4. Any other act that violates Florida law or the Florida State University Policies and Responsibilities For Use of Campus Computer And Network Resources (4-12-95), which is hereby adopted by reference.

(m) Other Violations.
1. Violation of Federal or State Law or local ordinance.
2. Violation of Board of Regents Rule.
3. Aids or abets any other violation of federal law, state law, local ordinance, or the Academic Honor System.
4. Violation of any other University regulation as described in the FSU General Bulletin 1998/1999, University Housing contract – University Housing Publication – Graduate (1999)/Undergraduate (1999), The Guide to Residence Living (1998/1999), other University Housing publications, the FSU Student Handbook (1998/1999), the FSU Greek Constitutions (Panhellenic and Interfraternity 1999), Student Activities and Organization Policies (Student Organizational Manual and Student Organization Advisor’s Manual-1999), all of which are hereby adopted by reference or other University policies directly related to departments, organizations or clubs.

6. All hearings will be conducted in private. If the charged student wants to have the hearing open, the charged student must submit a written request for a public hearing to the Director of the Office of Student Rights and Responsibilities at least five class days prior to the hearing. Charges involving alleged sexual misconduct will not be heard in public without the prior written consent of all alleged victims. After receiving the consent of all alleged victims in the case, the Director of the Office of Student Rights and Responsibilities may open the hearing to the public.

7. All hearing decisions will be communicated in writing to the charged student and will include the findings of fact, the hearing decision, and sanctions imposed (if applicable).
8. Appropriate witnesses will be called by the University to all formal hearings (see “D” below for a description of formal versus informal hearings). Those witnesses who appear may be cross-examined by the charged student. If called witnesses do not appear, their written or taped statements may be considered by the hearing body. In some cases, student witnesses who fail to appear may be charged with a violation of the Student Conduct Code. Appropriate witnesses may also be called by the charged student to all formal hearings.

9. If the charged student fails to appear at the scheduled hearing (after proper notice), the hearing may be held in the charged student’s absence.

10. Prior records of disciplinary action and victim impact statements are considered by the hearing body only in the sanctioning phase of deliberations.

11. The hearing body’s determination of “responsible” or “not responsible” will be based solely in the information presented at the hearing. However, when additional information that affects this determination is gathered outside the informal hearing, it may be used provided it is shared with the charged student and the student has an opportunity to respond to the information. In cases involving multiple students charged, information provided at one hearing may be used as evidence in the related case(s).

(d) Types of Hearings. Two distinct types of hearings (informal and formal) are provided for by this Code. Informal hearings typically can be scheduled more quickly than formal hearings and are usually better suited to cases involving fewer questions of fact. Formal hearings may be more appropriate for cases involving more serious alleged violations of the Code.

1. Formal Hearings:
   a. Require the hearing body to call appropriate witnesses to provide information in support of the charges.
   b. Will be held no sooner than seven class days after notice is received by the charged student.
   c. Will be recorded. This recording will serve as the official record of the proceedings.
   d. A formal decision letter will be sent to the student within ten class days from the conclusion of the hearing process. This time limit may be extended if necessary where additional consideration of evidence and deliberation is required.
   e. The following order of presentation is recommended for use in formal hearings. The hearing body may change the order if necessary.
      (I) Presentation of formal charges.
      (II) Opening statement by the University, followed by the opening statement of the charged student.
      (III) Presentation of evidence and witnesses by the University, followed by questioning of those witnesses by the hearing body and the charged student. Witnesses are then dismissed.
      (IV) Presentation of evidence and witnesses by the charged student, followed by questioning of those witnesses by the charged student. Witnesses are then dismissed.
      (V) Questions directed to the charged student by the hearing body.
      (VI) Closing statement by the University, followed by the closing statement of the charged student.

2. Informal hearings:
   a. The University does not automatically call witnesses to support the charges, although the hearing body may gather any additional information needed, including calling witnesses. The student will be informed of any additional information gathered by the hearing body. The charged student may call witnesses and present evidence.
   b. Are scheduled at the convenience of both the charged student and the hearing body.
   c. Brief written decisions (including findings of fact) will serve as records of informal hearings and will be communicated within ten class days of the hearing body’s final meeting with the student. This time limit may be extended if necessary where additional consideration of evidence and deliberations are required.
   d. The following order of presentation is recommended for use in informal hearings. The hearing body may change the order if necessary.
      (I) Presentation of formal charges.
      (II) Opening statement by the University, followed by the opening statement of the charged student.
      (III) Presentation of evidence and witnesses by the University, followed by questioning of those witnesses by the hearing body and the charged student. Witnesses are then dismissed.
      (IV) Presentation of evidence and witnesses by the charged student, followed by questioning of those witnesses by the charged student. Witnesses are then dismissed.
      (V) Questions directed to the charged student by the hearing body.
      (VI) Closing statement by the University, followed by the closing statement of the charged student.

3. The Dean of Students may conduct both informal and formal hearings on individual or group cases.

4. The Student Conduct Board may conduct both informal and formal hearings on individual or group cases.

5. An Administrative Hearings Panel (composed of one faculty member appointed by the Dean of Students, one student appointed from the Student Conduct Board and one staff member designated by the Dean of Students) may conduct formal hearings on individual or group cases.

6. Interfraternity Council Judicial Board may conduct both informal and formal hearings regarding cases of an Interfraternity Council organization’s alleged violation of the Student Conduct Code or Interfraternity Council Constitution. The Board may also provide information regarding individual cases related to a group case that is being heard to the office of Student Rights and Responsibilities.

7. National Pan-Hellenic Council Judicial Board may conduct both informal and formal hearings regarding cases of a National Pan-Hellenic Council organization’s alleged violation of the Student Conduct Code or National Pan-Hellenic Council Constitution. The Board may also provide information regarding individual cases related to a group case that is being heard to the Office of Student Rights and Responsibilities.
8. Panhellenic Council Judicial Board may conduct both informal and formal hearings regarding cases of a Panhellenic organization’s alleged violation of the Student Conduct Code or the Panhellenic Constitution. The Board may also provide information regarding individual cases related to a group case that is being heard to the Office of Student Rights and Responsibilities.

9. University Housing hearing officers (Director, Associate Director, Assistant Directors and designee) may conduct both informal and formal hearings regarding cases involving arising in University Housing in which the charged student is a resident of University Housing.

10. University Housing Judicial Board(s) may conduct formal hearings regarding cases arising in University Housing in which the charged student is a resident of University Housing.

(f) Choice of hearing type and hearing body – Students may normally choose both the hearing type and the hearing body to adjudicate their case subject to the restrictions stated in (e) above. Further restrictions to that choice include:

1. When it is determined that a case requires a formal record of proceedings, a formal hearing may be chosen by the Dean of Students or designee.

2. When two or more individual cases stem from the same incident, those cases should normally be heard by the same hearing body. In such cases, the Director of Student Rights and Responsibilities may either pre-select the hearing type and hearing body or consult with the students involved before making the decision.

3. The Dean of Students or Director of University Housing or designee reserves the right to choose the appropriate hearing type and body for other administrative or case-related reasons.

4. During time periods in which any of the hearing bodies are not officially constituted, the Dean of Students or Director of University Housing or designee may choose an appropriate alternative as the hearing body.

(8) Victims’ Rights. Victims must notify the Director of the Office of Students Rights and Responsibilities if they wish to exercise any of the rights listed in this section at least five class days prior to the scheduled hearing.

(a) Victims’ rights apply to the following types of cases:

1. Sexual Misconduct;
2. Endangerment;
3. Harassment;
4. Hazing;
5. Property (damage);
6. Property (theft).

(b) Rights.

1. To have an advisor of the alleged victim’s choice accompany her/him when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process.

2. To submit a victim impact statement to the hearing body. This information would be used only in the sanctioning phase of deliberations, if the charged student is found responsible for the charge(s). If the charged student appeals the first-level decision on the basis of severity of the sanction imposed, he/she will have the right to view the victim impact statement upon request. The past sexual history of the alleged victim is not usually considered relevant.

3. To have unrelated past behavior excluded from the hearing. The chair of the hearing body will decide if such information is unrelated. The past sexual history of the alleged victim is not usually considered relevant.

4. To submit questions to the hearing body. The hearing body will then consider posing those questions to the charged student.

5. At the request of victims in cases involving sexual misconduct, physical violence or stalking charges, the victim may request to testify in a separate room from the charged student so long as the process does not unduly compromise the charged student’s right to question the witness.

6. To be present throughout the entire hearing, or portions thereof. This option will be offered only by the chair of the hearing panel.

7. To be notified of the outcome, including both the decision and the sanctions, of the disciplinary process.

(9) Sanctions.

(a) In light of the facts and circumstances of each case, the following sanctions, or combination of sanctions (with or without appropriate modifications) may be imposed upon any individual student found to have violated the Student Conduct Code:

1. Reprimand (written or verbal).
2. Work Hours – assignment to complete tasks under the supervision of a University department or outside agency.
3. Educational activities – attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, or other educational activities.
4. Counseling assessment – referral for assessment at a counseling center for alcohol/drug dependence, general mental health, or other counseling issues.
5. Restitution.
6. Fees – may not be levied in excess of $200.00.
7. Conduct Probation – A period of time during which any further violations of the Student Conduct Code may result in more serious sanctions being imposed. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, entrance into University residence halls or other areas of campus.

8. Disciplinary Probation – A period of time during which any further violation of the Student Conduct Code puts the student’s status with the University in jeopardy. If the student is found “responsible” for another violation of the Code during the period of Disciplinary Probation, serious consideration will be given to imposing a sanction of Suspension, Dismissal, or Expulsion from the University. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to, participation in student activities, representation of the University on athletic teams or in other leadership positions, entrance into University residence halls or other areas of campus.

9. Change in University residence hall assignment.

10. Exclusion (either temporary or permanent) from University residence halls.

11. Suspension – Separation from the University for a specified period, not to exceed two years.

12. Dismissal – Separation from the University for an indefinite period of time. Readmission is possible but not guaranteed and will only be considered after two years from the effective date of the dismissal, based on meeting all readmission criteria and obtaining clearance from the Dean of Students or designee.

13. Expulsion – Separation from the University without the possibility of readmission.

14. Withholding of diplomas, transcripts, or other records.

15. Transcript Notations – a written notation indicating that disciplinary action was taken. This sanction may be applied only in cases in which the student has been permanently separated from the University.

16. Restrictions on contact with other specified people.

(b) The following sanctions may be imposed upon groups or organizations found to have violated the Student Conduct Code:

1. Those sanctions listed in Section (a). Suspension, Dismissal, or Expulsion of student organizations includes loss of registration status.

2. Additional sanctions specific to student organizations are found in Greek and other organizational constitutions, and in the Office of Student Activities and Organizations’ policies, which are hereby incorporated by reference.

(c) Any sanction that permanently separates a student from the University may be integrated into that student’s academic transcript. A lesser sanction may not be integrated into the transcript.

(d) Decisions regarding falsification of admission or readmission information may be forwarded to the appropriate office for review of the application and appropriate action regarding admission.

10) Appeals. Any first-level decision can be appealed, provided that one or more of the reasons for appeal listed in (10)(c) is relevant to the case. The appellate body varies depending on the initial hearing body and is outlined below. All appellate decisions are considered recommended decisions to the Vice President of Student Affairs.

(a) Appellate Bodies.

1. Recommended decisions of the Student Conduct Board may be appealed to the Dean of Student (or designee).

2. Recommended decisions of the Interfraternity Council, N.P.H.C., and Pan-hellenic Judicial Board cases may be appealed to the Dean of Students (or designee).

3. Recommended decisions of the Housing Judicial Board may be appealed to the Director of University Housing (or designee).

4. Recommended decisions of Administrative Hearing Panels may be appealed to the Dean of Students.

5. Decisions of the Director of Student Rights and Responsibilities (and designees) may be appealed to the Dean of Students (or designee).

6. Decisions of other hearing officers appointed by the Dean of Students may be appealed to the Dean of Students (or designee, including a panel).

7. Decisions of hearing officers appointed by the Director of University Housing may be appealed to the Director of University Housing (or designee).

8. Decisions of the Dean of Students may be appealed to the Vice President for Student Affairs.

9. Decisions of the University President may be appealed to the First District Court of Appeals

(b) Appeal Requests:

1. A written request should be submitted to the appropriate appellate officer (see Section (A)) within five class days after the student is notified of the initial hearing decision.

2. The request should state the reason(s) for appeal (see (C) below), the supporting facts, and the recommended way to correct the error.

(c) Appeal considerations are limited to:

1. Due process errors involving violations of a charged student’s rights (see Section (6)) that substantially affected the outcome of the initial hearing.

2. Demonstrated prejudice against any party by the person presiding over the hearing. Such prejudice must be evidenced by a conflict of interest, bias, pressure, or influence that precluded a fair and impartial hearing.

3. New information that was not available at the time of the original hearing.
4. A sanction that is extraordinarily disproportionate to the offense committed.

5. The preponderance of the evidence presented at the hearing does not support a finding of “responsible”. Appeals based on this consideration will be limited solely to a review of the record of the first-level hearing.

(d) Appellate Hearings:
1. Will be scheduled within ten class days of receiving the written request for appeal.
2. Will involve hearing the charged student and any witnesses called by the student; the appellate body may determine whether it needs to call any further witnesses or gather additional information.
3. Will be recorded; this recording will serve as the official record of the hearing.
4. The charged student may bring an advisor to the appellate hearing.
5. On appeal, the burden of proof rests with the student to clearly show that an error has occurred during the first level hearing process.

6. All hearings will be fair and impartial. A student may submit a challenge to the impartiality of any member of any appellate hearing body at least five class days prior to the hearing.

(e) Appellate Decisions:
1. The appellate body may affirm, modify, reverse, or remand the first-level decision, or order that a new hearing will be held.
2. Are recommended to the Vice President for Student Affairs. The Vice President (or designee) has the right to affirm, modify, or reverse the recommended decision, or to order a new hearing.
3. Are communicated in writing within fifteen class days of an appellate hearing, unless notification is given that additional time is necessary for consideration of the record on appeal.
4. Once approved by the Vice President, appellate decisions become final agency action.
5. Except in the case of an immediate suspension, the student’s status will remain unchanged during the appellate process.

(1) Records.
(a) Records of all disciplinary cases will be maintained in the Office of Student Rights and Responsibilities and in University Housing. Records in which suspension or a less severe sanction is imposed shall be removed seven years from the date of final agency action on the case. Dismissal records shall be permanently retained as official records, unless the student is readmitted and successfully completes a degree, at which point the record should be removed five years beyond the date of readmission. Expulsion records shall not be removed from the official files under any circumstances. Any records kept beyond these limits for statistical purposes will not be considered or released as official disciplinary records.

(b) A student’s prior disciplinary record will be considered only during the sanctioning phase of deliberations, not to determine whether or not to find the student “responsible” for the alleged violation.

(c) The release of student disciplinary records will be governed by applicable federal and state laws regarding the privacy of educational records. General information regarding the outcome of disciplinary proceedings (without identifying information) may be released to the public.

(12) Immediate Suspension of a Student. In certain circumstances involving a student’s actions that may affect the safety, health, or general welfare of the student or the University community, the Vice President for Student Affairs, the Dean of Students, or their designee(s) may impose an immediate University suspension prior to the student’s hearing with hearing body. An immediate suspension means that a student cannot be on University property, cannot attend classes, and cannot use University facilities. The Director of University Housing has the authority to cancel a student’s University Housing contract under a separate process.

(a) An immediate suspension requires that the student be notified in writing.

(b) The student has the opportunity for a speedy hearing regarding whether the immediate suspension should continue until a hearing is held on the facts of the case.

(c) If the student requests a hearing on the immediate suspension, the hearing will be held within three class days of the Dean of Students’ receipt of the student’s written request for a hearing. The Dean of Students or a designee will conduct the hearing.

(d) Formal disciplinary charges will be filed at the completion of all law enforcement investigations or as soon thereafter as possible.

(e) Student organizations may be suspended by the Vice President for Student Affairs, the Dean of Students, or their designee(s), in circumstances involving actions related to that group that may affect the safety, health, or general welfare of its members or the University community. The affected group has the right to a speedy hearing as described in (b) and (c) above. An immediate suspension of a student organization means that all activities, programs, or social events are suspended. One exception is that organizations are allowed to conduct business meetings provided they notify and receive permission in advance of the meeting from the Dean of Students or designee and the meeting is attended by an advisor recognized by the University.


6C2-3.005 Academic Honor System.

(1) Academic Honor Code: The Academic Honor System of The Florida State University is based on the premise that each student has the responsibility:
(a) To uphold the highest standards of academic integrity in the student’s own work,
(b) To refuse to tolerate violations of academic integrity in the University community, and
(c) To foster a high sense of integrity and social responsibility on the part of the University community.

(2) Violations of the Academic Honor Code:

(a) During the examinations, violations of the Academic Honor Code shall include referring to information not specifically
condoned by the instructor. It shall further include receiving information from a fellow student or another unauthorized source.

(b) Regarding academic assignments, violations of the Academic Honor Code shall include representing another’s work or any
part thereof, be it published or unpublished, as one’s own. It shall also include presenting or submitting any academic work in a
manner that impairs the instructor’s ability to assess the student’s academic performance. For example, plagiarism includes failure
to use quotation marks or other conventional markings around material quoted from any source.

(c) Violations of the Academic Honor Code shall include obtaining, distributing, or referring to a copy of an examination
which the instructor or department has not authorized to be used for such purpose.

(d) Violations of the Academic Honor Code shall include any act which impedes the ability of other students to have fair
access to materials assigned or suggested by the instructor. For example, removal or destruction of library or other source materials
violates the Academic Honor Code.

(e) Academic dishonesty shall include tampering with another student’s work or impairing in any way the instructor’s ability to
assess the academic performance of another student.

(f) Violations of the Academic Honor Code shall include alteration of grades or any other records related to the academic
performance of students. This shall also include submitting any false records in order to gain admission to the University.

(g) Violations of the Academic Honor Code shall include assisting, attempting to assist, or conspiring to assist another student
in committing the offenses as outlined above.

(h) Violations of the Academic Honor Code shall include attempting to commit any offense as outlined above.

(3) Student Responsibilities:

(a) Each student shall be responsible for abiding by the Academic Honor Code at all times. If required by the instructor, at the
conclusion of each examination or submission of an assignment, each student shall sign a certification that he or she has neither
given nor received aid from any unauthorized source during the examination or in preparing the assignment.

(b) Any student who violates the Academic Honor Code is expected to report the violation to the instructor or the University
Judicial Officer as identified at paragraph 6C2-3.004(13)(l), F.A.C.

(c) If a student observes cheating during an examination:

1. The student should consult with the instructor of the course as soon as reasonable so that the cheating may be stopped.

2. If a student otherwise observes or learns of another student’s violation of the Academic Honor Code, the student shall either:
   a. Ask the student to report the violation to the instructor of the course or the University Judicial Officer,
   b. Report the violation to the instructor of the course and the University Judicial Officer.
   c. In the event that a student asks another student to report himself and such student does not do so, then the student shall
      report, as soon as practicable, the violation to the instructor of the course or the University Judicial Officer, or both. The student
      should provide the name of such student or students involved, if known, and furnish such evidence as is available to support his
      charge.

(4) Faculty Responsibilities:

(a) Any instructor may require the students to sign a certification at the conclusion of each examination stating that they have
neither given nor received aid from any unauthorized source during the examination.

(b) An instructor may further define in writing his specification of the acts which shall constitute a violation of the Academic
Honor Code as set forth herein at subsection 6C2-3.005(2), F.A.C. The definition shall be explained to each class and shall be
effective thereafter for that class.

(c) When an instructor believes that a student has violated the Academic Honor Code in one of the instructor’s classes, the
instructor should discuss the matter with the student. The instructor and student may resolve the problem in a manner acceptable to
both. The instructor may consult with or invite the participation of the instructor’s department chair or dean in the effort to reach
acceptable agreement with the student. The student may discuss the appropriateness of any academic response with the instructor’s
department chair or dean. Any agreement involving an academic penalty shall be put in writing, signed by both parties concerned,
and reported by the instructor to the chair or dean and, for information only, to the University Judicial Officer. The student shall not
be further penalized based on this report alone.

(d) If a satisfactory resolution is not reached at the departmental level between the student and the instructor, the instructor
shall refer the matter to an Academic Honor System Hearing Panel. These panels shall consist of five members: one faculty
member from the department or school concerned and appointed by the chair, who shall be the dean of the department or school
concerned, one faculty member not from the department concerned but appointed by the Dean of Faculties, and two students
appointed through procedures established by the Student Senate. The Panel shall be chaired by the Dean of Faculties or designee,
who shall vote only in case of a tie. Procedures of this Hearing Panel shall be in compliance with Rule 6C-6.0105, F.A.C. The
University Judicial Officer may sit as an ex-officio non-voting member of the Hearing Panel. The decision of this Panel shall be
final with respect to the student’s guilt or innocence and the appropriate academic penalty, if any. The student shall have the right to continue in the course during the hearing procedures. Should no determination be made before the end of the term, the instructor shall record an appropriate grade to reflect the situation until a final decision is made.

(e) The chair of the Academic Honor System Hearing Panel shall be responsible for reporting the decision to the student, the instructor, and the University Judicial Officer; the University Judicial Officer shall determine whether further action should be taken under the Academic Honor Code.

(5) Academic Penalties: Examples of academic penalties include, but are not limited to, one or a combination of the following:

(a) A lower or failing grade in the course,

(b) A lower or failing grade or score on the assignment or examination, or

(c) Additional work to provide evidence of the student’s academic performance or evidence that the student knows and understands the course material, or both.

(6) University Judicial Officer Responsibilities:

(a) The University Judicial Officer shall explore the circumstances and determine whether, in the light of the severity and frequency of the student’s violations of the Academic Honor Code, any disciplinary penalty set out in subsection (8) herein should be imposed. The student may elect a hearing before the Student Supreme Court.

(b) The University Judicial Officer shall determine, with advice from the Student Supreme Court, appropriate disciplinary penalties for students found guilty of violations of the Academic Honor Code.

(c) In all cases referred to the Student Supreme Court, the University Judicial Officer shall submit the report from the chairman of the Academic Honor System Hearing Panel and a record of the student’s history regarding academic integrity. The University Judicial Officer shall report the disposition of each case to the student, to the Dean of Faculties, and to the instructor involved.

(7) Student Supreme Court Responsibilities:

(a) The Student Supreme Court shall be responsible for hearing all cases brought before it by the University Judicial Officer. These proceedings shall be conducted in accordance with the guidelines in the Student Conduct Code, subsection 6C2-3.004(11), F.A.C., and other applicable University guidelines.

(b) The Court shall, in the light of information concerning this violation and the student’s entire history regarding academic integrity, hold hearings to determine a recommended disciplinary penalty in accordance with the procedures of the Court.

(8) Penalties: The following are the possible disciplinary penalties for violation of the Academic Honor Code, and they may be imposed singularly or in any combination.

(a) Dismissal: An indefinite separation from the University. In order to be readmitted, a student dismissed for disciplinary reasons pursuant to the Academic Honor Code must file a petition for judicial clearance with the University Judicial Officer who will present the petition to the Honor System Committee for review and decision about whether or not the student shall receive a judicial clearance. All students who receive a judicial clearance will be permitted to return to the University on a probationary basis, if the student has also met applicable readmission criteria.

(b) Suspension: A separation from the University for a specified period of time, not to exceed two years. During the period of suspension, a student is excluded from classes and all other University privileges or activities. At the conclusion of the period of suspension, the student will be permitted to return to the University on a probationary basis, if the student has also met applicable readmission criteria.

(c) Probation: A conditional retention of student status until the student graduates from the University or is separated from the University for a period of not less than four years. During the period of probation, a student’s University privileges may be restricted at the discretion of the University Judicial Officer.

(d) Reprimand: A written statement from the University Judicial Officer expressing disapproval of conduct.

(e) Nothing in this code shall preclude the imposition of other reasonable sanctions or a combination of sanctions within the authority and discretion of the appropriate tribunal.

(f) Disciplinary records shall be maintained under the auspices of the Vice President for Student Affairs.

(9) Honor System Committee: An Honor System Committee shall be appointed by the University President. The Committee shall consist of three faculty, selected from a list of six provided by the Faculty Senate Steering Committee, and three students selected from a list of six provided by the Student Senate. Student members shall be appointed to serve terms of three years. The Committee shall keep students and faculty informed concerning the provisions of the Academic Honor System, monitor the operation and effectiveness of the Academic Honor System, and make recommendations to the Faculty Senate and the Student Senate that it may deem appropriate.

(10) Amendment Procedures: Amendments to the provisions of the Academic Honor System may be recommended by the above named Committee, by the Faculty Senate, the Student Senate, or by the Vice President for Academic Affairs. Recommended amendments to the Academic Honor System must be approved by the Faculty Senate and the Student Senate. After approval, amendments shall be forwarded to the University President for implementation.

6C2-3.006 The University Defender.
(1) The University Defender shall be appointed by the Chief Justice of the Supreme Court, subject to ratification by the Student Senate.
(2) It shall be his function to:
(a) Serve as Chief Defense Counsel for the Student Judicial System.
(b) Maintain and supervise a staff of defense investigators.
(c) Counsel each defendant as to his rights under the law, and to appoint a defense counselor to the case.


6C2-3.007 Administrative Suspensions Not Within the Judicial System.
(1) Immediate Suspension for Disruptive Activity. Students shall be subject to administrative suspension by the President of the University or his designates, including but not limited to the Executive Vice-President, Vice-President for Academic Affairs, Vice-President for Administration, Chief Student Affairs Officer, Assistant to the Vice-President for Educational Services, or University Judicial Officer, pending a hearing on the charge, where:
(a) The student is ordered by an officer or faculty member to cease and desist any activity which disrupts the orderly operation of the University, and
(b) The student persists in activity which is disruptive after receiving the warning and order in (4)(a)1. above and the disruptive activity still constitutes a threat to the orderly operation of the University, and
(c) The President or his designated representatives shall decide on evidence seen or reported that the activity disrupts the orderly operation of the University.

1. Suspension for the protection of the University community. Any student charged with or convicted of a violation of law, Board of Regents’ policies, or University regulations, injurious to the health and welfare of the University community, shall be subject to administrative suspension, with or without prejudice, depending upon the nature and circumstances of the case, by the President of the University or his delegates, including but not limited to the Executive Vice-President, Vice-President for Academic Affairs, Vice-President for Administration, Chief Student Affairs Officer, Assistant to the Vice-President for Educational Services, or University Judicial Officer.

2. Conditions of administrative suspension not within judicial system. In all cases under (a) and (b) above, where a student is suspended as a result of a charge against him, the student charged shall be entitled to an administrative hearing within forty-eight (48) hours after written request thereof is delivered to the Chief Student Affairs Officer, or in his absence, the Assistant to the Vice-President for Education Services provided that the time period prescribed herein above shall not include weekends or holidays. Written notice of the time and place of such hearing, along with the name of the hearing officer, shall be transmitted in writing to the student charged. If a hearing is not held within forty-eight (48) hours as herein provided, the suspension shall be automatically lifted, provided that a delay caused by the student or by circumstances beyond the control of the University shall toll (stop) the running of the forty-eight (48) hour period, and the suspension shall be continued.

3. Jurisdiction at Preliminary Hearing. The jurisdiction of the hearing officer at the hearing shall be limited to the question of whether or not the suspension shall continue until a hearing is held on the merits of the case in the University Judicial System.


6C2-3.012 Student Housing.
(1) Definitions. When used in this rule the following words shall have meaning described herein, unless otherwise clearly indicated in the text.
(a) “Academic year” means the fall and spring semesters, and may include either or both of the summer sessions that the student is enrolled. An academic year is less than 52 weeks.
(b) “Housing contract” means a binding contract in which the University promises to provide University housing to the student, and the student promises to pay for such housing, and to abide by the contract provisions and University rules.
(c) “Enrollment period” means fall and spring semesters combined and either or both summer sessions.
(d) “Residential facility” means a dormitory, apartment building, house, or other type of building owned or operated by the University for housing purposes, except for sorority, fraternity and athletic facilities.
(e) “Residence” means the individual living unit within a residential facility.

(2) Policies and Goals.
(a) It is the policy of the Board of Regents and the Florida State University to acknowledge the right of privacy of students in their residences. The student’s personal property shall not be subject to search without the student’s approval unless there are reasonable grounds, based upon the circumstances, for the Director or the Associate Director of Resident Student Development to believe that the residence is being used for purposes that jeopardize the health or safety of persons or university property, or that constitute offenses of the Student Conduct Code, or are illegal.
(b) In providing, administering and maintaining student housing the University’s goals are to promote:
1. The safety and welfare of students; and
2. The development of social responsibility and leadership in students.
   (c) To facilitate achieving these goals the Director of Resident Student Development shall have such power and authority as
       are necessary and incidental to administering the housing program, including authority to authorize searches.
   (d) Visitation. Visitation schedules specify when and if residents may have visitors of the opposite sex in their rooms. Lounges
       and recreation rooms in a residence facility may be designated for use by residents and guests of the opposite sex independent of
       the visitation policy for the facility. It is the policy of the Florida State University to provide a range of options for visitation
       schedules in residence facilities to accommodate varying preferences of residents. Students may select options ranging from full
       visitation at all times, to no visitation at any time, with an intermediate option of visitation allowed during specific times, at
       particular facilities.

(3) Eligibility and Assignment Priorities.
   (a) All full-time, degree-seeking students are eligible to apply for University housing.
   (b) Students are assigned University housing on a priority basis as follows:
       1. Students in special programs, housed in a designated residential facility.
       2. Students who have resided in University housing during the preceding academic year, provided they apply during the
          advertised sign-up period. Those who fail to sign-up at the appropriate time shall lose any priority afforded by this provision.
       3. Chronologically by date and time their application for housing is received by the Office of Resident Student Development.
   (c) Students wishing to room together should submit their housing application on the same date and indicate on each
       application the name of the individual with whom they desire to live. If such applications are not received on the same date,
       students will assume the priority date of the latest applicant. Students who accept University housing agree to register for classes at
       the Florida State University, and remain enrolled during the period of the contract. Students will not be admitted to residence halls
       prior to the date and hour specified for opening in the housing contract, and must vacate by the date and hour specified for closing.
   (d) If space is available the Director of Resident Student Development has the authority to allow non-student University related
       groups to make arrangements for housing for participants in special programs (seminars, workshops) for limited periods of time.

(4) Housing Contracts.
   (a) Any student who wishes to live in University housing shall be required to enter into a housing contract.
   (b) When the University sends or gives an application for University housing to a student the University is making an offer.
       When a student completes the application and returns it to the University the student accepts the offer, and a binding contract is
       formed. However, the terms of the contract shall provide a grace period for and conditions for cancellation. An applicant may
       cancel the contract, and may be refunded all or a portion of any advance payments made, provided the University is notified of the
       applicant’s intent to cancel prior to the cancellation date specified in the contract. A resident shall only be released from the
       contract as specified in the terms of the contract, or in this rule. The University may cancel the contract if no housing unit is
       available to assign to the applicant or if the applicant is not admitted or readmitted to the University.
   (c) The Director of Resident Student Development or her designee shall have the authority to:
       1. Recommend fees or liquidated damages for any violation or breach of any of the terms or conditions in the contract;
       2. Assess and collect fees, penalties, damages, and other housing related payments or charges; and
       3. Waive or refund, partially, totally, temporarily, or permanently, any fees, payments, assessments, or other charges related to
          housing.

(5) Requests for Release from the Housing Contract.
   (a) Requests to be released from a Housing Contract shall be heard by the Housing Contract Committee. A majority vote of the
       Panel shall constitute the decision. Decisions of the Panels shall be final agency action unless appealed, or based upon false,
       misleading or erroneous information.
   (b) The Committee shall be composed of four student members and two staff members. For administrative efficiency the
       Committee may split into two hearing panels composed of two students and one staff member. All Committee members shall be
       appointed by the Director of Resident Student Development or her designee.
   (c) The Committee shall
       1. Notify the applicant of the time, date and place of the hearing at least 72 hours in advance of the hearing;
       2. Require an applicant to submit documented evidence of extenuating circumstances, or of an unexpected change in the
           student’s situation that occurred subsequent to entering into the contract and that would cause the applicant an unreasonable
           hardship unless released from the contract. An unreasonable hardship shall not include any act or omission on the part of the
           applicant; and
       3. Notify the applicant of the Committee’s final decision in writing, within five days of the applicant’s hearing date, or in five
           days of receipt of the request if the applicant does not apply for a hearing.
   (d) Rehearsals. An applicant for release from the housing contract may request a rehearing by the Committee only if new
       information becomes available or if the applicant discovers that some information relied upon by the Committee was false or
       erroneous.
Appeals. Within five class days of the date of a decision an applicant may appeal the decision by filing an objection with the Assistant Director of Resident Student Development. Within five class days of receiving an appeal the Assistant Director shall advise the appellant of the time, date, and location of the hearing, if granted. Within five days of the date of the hearing the Assistant Director shall, in writing, advise the appellant of the decision. If the student appeals the Associate Director’s decision to the Director the same schedule applies and the decision of the Director constitutes final agency action.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (12), (13), 243.04(1), (4), (5) FS. History–New 9-30-75, Formerly 6C2-3.12, Amended 7-8-86.


(1) Purpose. The purpose of this rule is to provide a procedure which:
(a) Assures full and complete implementation of Section 240.235(1), F.S.;
(b) Assures that continued compliance with other law and regulation is not impeded; and
(c) Facilitates effective interaction between the University staff and the Student Government Association (SGA) in the allocation and expenditure of funds derived from Activity and Service (A & S) Fees.

(2) A & S Recipient. The term A & S recipient as used throughout this rule means:

<table>
<thead>
<tr>
<th>A &amp; S RECIPIENT</th>
<th>A &amp; S RECIPIENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME</td>
<td>HEAD</td>
</tr>
<tr>
<td>Campus Recreation</td>
<td>Director, Campus Recreation</td>
</tr>
<tr>
<td>Student Activities and Organizations (SA&amp;O)</td>
<td>President of Student</td>
</tr>
<tr>
<td>Oglesby Union (OU)</td>
<td>Director, Oglesby Union</td>
</tr>
</tbody>
</table>

Other units, offices, and activities may be allocated A & S funds regularly or sporadically but are not identified as designated A & S recipients.

(3) General Policies.
(a) The allocation and expenditure of the student activity fund shall be determined by the Student Senate provided that it shall act in accord with the applicable provisions of the Florida State University rules and the laws of the State of Florida.
(b) The authority and responsibility of SGA to determine the allocation and expenditure of A & S funds does not include:
   1. Administrative authority over the expenditure of funds by the A & S recipients; Campus Recreation and the Oglesby Union.
   2. Authority to enter into contractual agreements not otherwise authorized;
   3. Authority to in any way deviate from laws, regulations, and procedures pertaining to budgeting, allocation and/or expenditure of public funds of the State of Florida;
   4. Authority to impose upon Campus Recreation and the Oglesby Union a requirement to obtain SGA approval prior to expenditure of budget;
   5. Authority to hire, supervise, or terminate personnel of the A & S recipients; and
   6. Authority to make operational decisions of the A & S recipients; Campus Recreation and the Oglesby Union.
(c) No A & S fee recipient may discriminate, as defined by the Student Body Constitution and Statutes, in membership or otherwise.
(d) The Student Senate President and the Vice President for Student Affairs (VPSA) or their designees will schedule a joint orientation training workshop for the new Student Senate in each senate session.
(e) A & S fees, minus any applicable association Dues, paid by students enrolled at Panama City Campus, and Florence/London Study centers will be remitted to the appropriate campus.
(f) The allocation and expenditure of Panama City Campus (PCC) A & S fees shall be determined by the PCC Student Government Council in accord with the applicable provisions of the Florida State University policies and procedures, the Board of Regents rules, and the laws of the State of Florida, and shall not be subject to the A & S Guidelines that govern the Tallahassee SGA. The policies, procedures, and controls governing the allocation and expenditure of PCC A & S fees shall be delineated in the FSU-PCC A & S Guidelines, Chapter 603 of the Student Body Statutes, and the PCC-SGC bylaws.

(4) Depreciation and Reserve Accounts.
(a) Campus Recreation and the Oglesby Union will be required to establish a depreciation account for repair, replacement, and renovation of physical plant, furniture/equipment, and budgetary emergencies. A minimum annual amount and policies for these accounts will be established by student statute. The required contribution will be the first priority on self-generated funds from these two departments.
(b) The Vice President for Student Affairs’ Office will be required to establish a reserve account or A & S fees. This reserve will be utilized for cash flow needs, enrollment shortfalls, and budgetary emergencies. The minimum amount for the funds shall be established by student statute. In order to bring the reserve account for the A & S fees up to the required minimum, it shall have first claim on A & S dollars unencumbered or unexpended on June 30.
(c) In the event the A & S Reserve Accounts fall below the required level, the Vice President for Student Affairs (chair, no-voting), the recipient heads, the Student Senate President, and the Student Body Comptroller shall decide on an equitable contribution schedule.
(5) Allocation Procedure.
(a) Projected collections of A & S fees for the period July 1 through June 30 comprise the A & S funds available for allocation for the first year. The VPSA will determine in collaboration with the University Budget Officer, the projected enrollment and projected collections. The VPSA will estimate the amount of A & S fees to be available and explain the estimate to Student Government.

(b) APPROXIMATE CALENDAR
April 15 VPSA informs Student Senate and each recipient of the projected credit hours for FY2.
April 25 The schedule of budget hearings, budget request forms, and instructions are delivered to A & S recipients.
May 2 Deadline for receipt of all budget requests.
June Student Senate conducts budget hearings.
July Student President submits recommended A & S budget and fee level to VPSA.
October A & S fee Committee meets and recommends A & S fee level. If a higher fee level is approved than is recommended by Student Senate, any additional revenue over the approved budgets shall go to the Senate for reallocation. If a lower fee is approved, all three recipients budgets shall be reduced at the same percentage. Exception to this procedure shall be allowed for increases/decreases in legislative mandate.

(c) The Oglesby Union Board and Campus Recreation Board will each approve their budget and will present the budget to the Student Senate at the category (OPS, Expense, Salary, OCO) level. The Student Senate will allocate the Oglesby Union Board and the Campus Recreation Board by category. Budget policies and procedures for the Union Board and the Campus Recreation Board will be established by their respective boards and approved by Student Senate.

(d) Student Activates and Organization (SA & O) will present their budget requests as determined by the Student Senate procedures.

(e) Special A & S requests may be submitted to the Student Senate by any recipient and an ensuing allocation may be submitted to the VPSA at any time that unallocated funds are available.

(f) Upon approval of allocations by the University President, or his designee, the VPSA shall notify the recipients and authorize them to establish budget accordingly.

(g) If the University President, or his designee, vetoes the budget, a rationale must be provided to the Student Senate at the time of the veto with suggested alternatives for reallocation.

(6) Expenditure Control.
(a) Expenditures shall be consistent with the purpose and intent expressed in the allocation. After an allocation is approved by the VPSA, budget for SA & O may be transferred from one account to another and may be revised from one expenditure category to another with prior approval by Senate action. Prior approval is not needed for the Oglesby Union Board or Campus Recreation Board for changes within category. Changes from one category to another shall require the prior approval of the Student Body President and the Senate President.

(b) A & S recipients shall maintain separate accounting of A & S funds to facilitate audit and/or review by Student Senate President and others. The departmental ledger and supporting documents shall be reconciled each month and shall be available for review by the Student Body Comptroller to ascertain propriety of A & S expenditures.

(c) At the end of each fiscal year, each recipient shall determine the amount of A & S funds expended, the amount encumbered and not yet expended, and the amount available for sweepings. This information plus similar information on non-A & S income will be reported to the Student Body Comptroller two weeks after the inauguration of the fall Senate. The format will be decided upon by the recipients and Student Government.

(d) Both the Oglesby Union and Campus Recreation shall be required to report to the Student Senate, all their revenue on a monthly basis. This shall include, but is not limited to A & S Fees, E & G Funds and all self generated revenue.

(7) Sweepings.
(a) After required allocation to the reserve account, the next priority on sweepings that come from the Oglesby Union and Campus Recreation will be to restore amounts expended from the Oglesby Union and Campus Recreation’s replacement and renovation (R&R) accounts in that fiscal year. The remaining balance will be remitted to Student Senate.

(b) All recipients shall be informed of the sweepings amount available and shall be eligible to request additional funding.

(c) Once allocated funds, monies may be returned to Student Senate only through sweepings or by prior approval of the recipient.

(8) Amendment Procedure. These guidelines will be reviewed on a timely basis. Amendments to the A & S Guidelines may be considered at any time upon the written request of any recipient, Student Senate, or the VPSA. At that time a committee shall be formed, composed of VPSA or his designee, each A & S recipient head, the Student Body Comptroller, the Student Senate President, Chair of the Union Board, Chair of the Recreation Board, a representative of the University Budget Office, and the head...
of SA & O Accounting. The committee shall prepare the proposed amendment and submit it to the Student Senate for approval. Following Student Senate approval, the amendment will be forwarded to the VPSA for approval and initiation of formal rule promulgation.

Specific Authority 240.227(1) FS. Law Implemented 240.235(1) FS. History–New 9-30-75, Amended 4-7-83, 1-6-86, Formerly 6C2-3.35, Amended 4-18-96.

6C2-3.037 Financial Aid.

(1) Introduction. Florida State University operates a comprehensive program of student aid consisting of grants and scholarships (gift aid), loans, fee waivers and employment. The program provides assistance to students who without such aid would be unable to attend or remain in the University and has as a goal the attainment of equality of educational opportunity. It is the policy of the Office of Financial Aid to administer financial aid awards uniformly and equitably in accordance with existing regulations and without regard to sex, race, color or creed. Financial assistance is awarded on the basis of demonstrated need. Assistance is normally provided as a package combining a loan, a grant or scholarship to those who qualify, and a work-study award. The Office of Financial Aid follows the requirements of both state and federal law pertaining to student financial aid including the requirements that students meet standards of satisfactory progress and academic good standing to be eligible to receive funds.

(2) Definitions.

(a) Academic Good Standing – a status in which grade point average (GPA) is high enough to allow a student continued enrollment in a degree granting program at FSU.
(b) Deferral – an authorized delay in payment of fees owed the university.
(c) Dependent Student – one who is not an independent student.
(d) Documented Financial Need – the amount of financial aid needed by a student to supplement the student resources to meet a standard budget as determined by the University.
(e) Full-time Student – one enrolled for a minimum of 12 semester hours.
(f) Guaranteed Student Loan – moderately low interest loans made available to students through private lenders such as banks and S & L associations. An analysis of financial need must be submitted.
(g) Independent Student – a student who:
1. Has not been claimed and will not be claimed as an exemption for federal income tax purposes by his/her parents;
2. Has not received and will not receive financial assistance of more than $750 in each year from his or her parent(s); and
3. Has not lived and will not live for more than six weeks (a total of 42 days) in each year in the home of his or her parent(s).
(h) Half-time Student – one enrolled for a minimum of 6 semester hours but fewer than 12 hours.
(i) Probationary/warning – notification of impending ineligibility for future receipt of financial aid.
(j) Resided in – means principal presence in Florida exclusive of temporary periods of absence such as vacations or study abroad.

(k) Resources – resources include, but are not limited to:
1. Funds a student may be entitled to receive from a Pell grant upon application.
2. Tuition and fee waivers.
3. Scholarships or grants, including athletic scholarships.
4. Fellowships or assistantships.
5. Insurance programs for the student’s education.
6. Social Security benefits (except that part included as a part of student’s estimated family contribution).
7. Guaranteed student loans.
8. Parent Loans for Undergraduate Students (PLUS), or Auxiliary Loans to Assist Students (ALAS).
9. Long term loans made by the University.
10. Net earnings from employment (gross earnings minus taxes and job related costs).

(l) Satisfactory Progress – academic credit progression toward successful completion of course requirements for a degree or certificate.

(m) Suspension – a temporary status creating ineligibility of student to continue receiving financial aid.

(n) Termination – cessation of financial aid eligibility.

(3) Financial Aid Committee. The Vice President for Academic Affairs shall periodically appoint a Financial Aid Committee which shall make policy recommendations regarding the administration of scholarships, grants, loans and student employment. The Committee shall recommend specific financial aid programs’ objectives and shall facilitate the operation of financial aid activities.

(4) The University has been designated to certify student eligibility and to verify financial aid information and applications for federal and state financial aid available under Title IV Pt B of the Higher Education Act of 1965 and through Chapter 240, F.S.

(5) All information and data collection coordination regarding financial aid, except fee waivers, shall be available through the Office of Financial Aid. Information about fee waivers is available through the departments or divisions offering the waivers. For students on the Panama City campus, all information is available from the Office of Student Services on that campus. The Office of Financial Aid shall publish annually, and shall make available upon request a list of financial aid sources available through that
office including grants, scholarships, loans, and work-study programs and shall include criteria for application and selection. It shall also distribute information about financial aid resources available through state and federal aid programs. The Office of Financial Aid shall publish, distribute and post application deadline dates not later than January 15 of each year.

(6) Application Procedure.
(a) All student aid applicants must file a University application for assistance. A completed application should be in the Office of Financial Aid on or before April 1 for the following school year. Those who complete the application process after that date and who are eligible will be considered and assisted to the extent that funds permit.

(b) The student and/or his/her parent(s) must submit a need determination form, either the American College Testing Program (ACT) Family Financial Statement (FFS) – the preferred document – or the College Scholarship Service (CSS) Financial Aid Form (FAF). The parent(s), the student, or both complete(s) the information form based upon the student’s dependency status as specified now or in the future by the U. S. Department of Education.

In addition to the ACT FFS or CSS FAF, other forms required for University financial aid assistance include:
1. Application for admission (if applicable);
2. Financial aid transcripts from previously attended institutions (if applicable);
3. Copies of signed income tax forms for the previous year;
4. Alien registration card (if applicable);
5. Veterans benefit documentation (if applicable);
6. Social security benefit documentation (if applicable);
7. Certification of registration with selective service or certification that student is not required to register;
8. Signed statement of educational purpose. The financial aid award process cannot begin until all required documentation has been received by the Office of Financial Aid. Failure to accurately report information such as one’s financial aid history, including previous loan defaults, may result in the suspension or termination of financial aid eligibility.

(c) Financial assistance is normally granted by the University on an academic year basis. It is necessary to file a new application for all types of financial aid each year. Reapplications should be filed annually beginning no earlier than January 1st. Applications for summer term assistance are available each year on or about February 15.

(d) A student does not have to be accepted for admission to the University before applying for financial assistance. Awards, however, are not made until the student is admitted to the University. Admission decisions are made without regard to the financial need of the applicant.

(7) Family Contribution. The applicant and the applicant’s parents have the primary responsibility to finance a college education. Financial assistance from the University is to be used to supplement, not replace, the resources of the student. Students who need financial assistance are expected to provide self-help through programs of borrowing and/or employment. Any changes in the student’s personal or family financial status must be reported immediately to the Office of Financial Aid. Failure to properly notify the Office of Financial Aid of changes in financial situations may result in cancellation, reduction or repayment of financial aid.

(8) Awarding. Students are notified of awards by the Office of Financial Aid as soon as possible. This notification date depends on a number of factors, the most significant of which is receipt of federal and state allocations. In awarding assistance, financial need and academic merit as appropriate shall be given primary consideration.

(9) Overawards. A student is considered overawarded if he receives assistance that is $200.00 greater than his demonstrated need. All financial assistance including fee waivers, scholarships, fellowships, assistantships, on and off-campus employment shall be considered as part of a student’s assets. Adjustments in award amounts will be made when a student is found to be receiving more than their determined need or the allowable cost of attendance. Special needs (e.g. medical bills, burial expenses and other emergencies documented by the student or counselor, and approved by the director), may result in review and possible recalculation of demonstrated need.

(10) Tuition Fee Payments.
(a) Current semester tuition charges are assessed against each student’s financial aid check(s) at the time of check distribution. When the student signs all checks, a deduction for the assessed tuition amount will be made. Financial aid students who pay tuition in advance of check distribution should get a receipt to present at the check distribution site for clearance. The student must present proof of payment to avoid being charged twice for tuition. Acceptable proof of payment consists of a receipt, cancelled check, or copy of billing or waivers. A validated ID is not proof of payment.

(b) Deferments. Tuition fee deferments may be granted only to student aid recipients whose authorized aid is unavoidably delayed. Students seeking a deferment of tuition payments must complete an application for a tuition deferment by the last scheduled day of check distribution in each school term to avoid payment of the $25 late fee. Deferments expire no later than the last day of classes for the semester. Failure to pay the deferred tuition fees will result in cancellation of the student’s registration. Tuition deferments may not be given when a student, due to his own fault, does not receive his assistance on time. Deferments are good for one (1) semester and do not extend across semesters.

(c) University Housing Deferment Policy. Students receiving enough aid to cover both tuition and a portion of their housing may have payments on their housing deferred until check distribution week. The housing office will defer payment until check distribution based on a listing provided by the Office of Financial Aid of students receiving financial aid.
(d) Installment Plan. Financial aid recipients unable to pay a tuition bill can apply for the tuition installment plan. The initial installment payment must include the health fee (if required by law as a separate fee) and half of the total tuition fees less waivers and third party billing. The balance of tuition fees is due by the end of the seventh week of classes regardless of whether financial aid checks have been received. Failure to pay by that date will result in the cancellation of registration. Students on the installment plan cannot be issued deferments.

(11) Confidentiality. All records and conversations between an aid applicant, his family and financial aid administrators are confidential and no public announcement shall be made of amounts awarded. Requirements set forth in Section 228.093, F.S. and in 20 USC 1232(g) with regard to confidentiality of student records will be adhered to.

(12) Financial Need Determination. Student need will be determined by subtracting family and student financial contributions, plus other outside resources and assistance, from budgets as shown on the standard budget description, available from the Office of Financial Aid.

(13) Emergency and Delayed Delivery Loans.

(a) The Office of Financial Aid may provide emergency loans in order to ease undue hardships or contingencies. The maximum loan is $150 and a cosigner is required; however, a cosigner is not required for loans of $100 or less. Emergency loans have an interest charge and must be repaid within three (3) months. Exceptions may be made at the discretion of the Director of Financial Aid. Other emergency loan funds may be available to students from other offices and the purpose and intent of those loans and the eligibility criteria may vary.

(b) Delayed Delivery Loan. If a student’s awarded financial aid is not available at the time fees are to be paid, the student may be eligible for a delayed delivery loan, to a maximum of $150. Delayed delivery loans are available to full-time students enrolled in the current semester whose anticipated financial aid is sufficient to cover all charges owed to the University plus the amount of the loan. Delayed delivery loans accrue no interest and must be repaid when the financial aid check is received. Exceptions may be made at the discretion of the Director of Financial Aid.

(14) Student Contributions. All applicants are expected to work and to save funds to be used in meeting their educational needs. The expected yearly contribution from a student’s earnings and savings is $900 for dependent students and $1200 for independent students. Special family circumstances as determined by a financial aid professional counselor may alter the student’s contribution.

(15) Required Hours of Enrollment. Registration for twelve hours is considered full-time enrollment and registration for six to eleven hours is considered half-time for financial aid eligibility purposes. All half- or full-time students receiving financial aid must meet the Standards of Satisfactory Progress and Academic Good Standing as outlined below. Students in attendance for less than six hours are ineligible for financial aid. Special students are categorically ineligible for financial aid with the exception of Guaranteed Student Loans.

(16) Standards of Satisfactory Progress. Standards of satisfactory progress and academic good standing are applied to the cumulative academic record of the student. Undergraduate students must:

(a) Meet the cumulative grade point average required by the retention policy of the university. Cumulative grade point averages are reviewed at the end of each term from academic retention data furnished by the Office of Records and Registration. Students who are allowed to continue a degree granting program are eligible for future financial aid consideration.

(b) Complete their educational objectives within a time frame of 240 semester hours attempted. The 240 hour time frame evaluation will be made at the end of each term.

(c) Progress toward earning a degree by satisfactorily completing at least 50 percent of all hours attempted (cumulative) as calculated by the university. The 50 percent progress increment (the ratio of hours completed to hours attempted) will be calculated annually at the completion of the spring term. Graduate and professional students must meet the intent of the policy and procedures outlined above. The time frame for each graduate or professional degree is 120 hours attempted and the progress increment is 50 percent. Attendance in a degree granting program attests to academic good standing.

(17) Financial Aid Probation, Suspension and Termination. Student financial aid may be suspended or terminated under the following conditions:

(a) Suspension. Students who do not meet the minimum standards of satisfactory progress and academic good standing described above will be notified in writing of their probationary status or of the suspension or termination of their financial aid eligibility. The communication will be sent to the address on record for the student in the Office of Records and Registration. Students placed on academic warning or probation by the University are considered to be on financial aid probation. Students who do not meet the minimum incremental progress requirement of 50 percent will also be placed on financial aid probation until the following annual review. Financial aid eligibility will be suspended or terminated when the student has:

1. Been academically dismissed by the university.
2. Attempted the equivalent of 240 course hours of study as determined by the university, or
3. Not met the 50 percent incremental requirement following the one-year probationary period.

The suspension period will remain in effect until the student meets the standards of satisfactory progress and academic good standing. Students in attendance in a degree granting program via academic exception or reinstatement may be eligible for financial aid. Students who regain financial aid eligibility may apply for available funds at that time.
(b) Effects of Incompletes, Remedial and Repeated Courses. Students who receive “I” or “NG” grades at the time of evaluation will receive a one-semester grace period on financial aid. Records will be re-evaluated at the end of the next semester for which the student is enrolled. If the “I” or “NG” has not been changed to a letter grade and the Office of Records and Registration has not been informed of an extension, the student will be assigned the grade of “IE” or “NG” which will be computed as an “F”. Such action may result in the student being placed on financial aid probation or suspension. All grades, including remedial coursework, will be considered at face value for the purpose of determining the cumulative grade point average for financial aid eligibility.

(c) Effect Of Withdrawal. Withdrawal from classes may result in failure to meet the Standards of Satisfactory Progress and Academic Good Standing. Students who officially withdraw from classes because of mitigating circumstances such as, but not limited to, medical, military or death in the family, may appeal their financial aid probationary or suspension status. Upon withdrawal from the University all or part of a financial aid award may have to be repaid. If the withdrawal occurs before classes begin, all financial aid issued must be returned. If withdrawal occurs after classes begin, repayment of the disbursed aid is expected on a pro-rated basis. If a student withdraws before full financial aid disbursement has occurred, the financial aid sources specified in the University financial aid refund/repayment procedures will be applied to University charges accrued by the student, including housing and tuition and fee costs.

(d) Overaward. If a student has been overawarded, further financial aid may be suspended.

(18) Appeals from the decisions of the Office of Financial Aid with regard to financial aid status or awards may be made in the following ways:

(a) Appeal of Award Decision. If a student believes the award request was not given proper or adequate consideration, the student is afforded the opportunity to appeal.

1. If a student upon receiving notice of an award decision disagrees with that decision, the student must first attempt to resolve the issue through discussion with a financial aid officer within 10 work days of the date of notice from the University.

2. If the problem results from policy, the student shall meet with an Assistant Director of Financial Aid who will review the student’s file in detail and attempt to resolve the student’s concern. Such meeting shall be within 10 work days of the above meeting with a financial aid officer. If the matter is not resolved, the student shall submit an appeal form to the Assistant Director who will prepare a recommendation for the Associate Director. Such recommendation shall be filed with the Associate Director within 5 work days of receipt of the appeal form.

3. The Associate Director of Financial Aid will review the appeal and recommendation and take action within 5 work days of receipt.

4. The Associate Director will notify the student of the decision in writing.

5. If the student is dissatisfied with the appeal decision, the student may request in writing to have the appeal file forwarded to the Director of Financial Aid for review and reconsideration. The Director will make the final departmental decision concerning the appeal within 5 work days and notify the student in writing.

6. If the student is still dissatisfied with the decision, the student may file a written request for review by the Dean of Undergraduate Studies within 10 work days after the date of decision from the Director of Financial Aid.

(b) Appeal upon Failure to Meet Standards of Academic Progress.

1. Upon receipt from the University of notice of suspension or termination of financial aid a student may file a written appeal with the Office of Financial Aid. Such appeal must be filed within 15 work days from the date of the suspension/termination notice from the University. The written appeal shall state with specificity the basis on which the student is appealing and should include all documentation of mitigating circumstances such as change in program of study, illness, etc.

2. Written appeals will be reviewed by an Appeals Committee appointed by the Director of Financial Aid. The Appeals Committee shall approve or deny the student’s appeal.

3. The Appeals Committee shall notify the student in writing of approval or denial of the appeal within 10 work days of the receipted date of that appeal. Notification will be sent to the address on file in the Office of Records & Registration.

(c) Appeal of Financial Aid Probation/Suspension Based on Academic Probation/Suspension. Grade point averages are calculated by the Office of Records & Registration and probation or suspension status is determined by that office. All appeals with regard to grade point averages, academic status, and total hours attempted are governed by Rule 6C2-5.004, F.A.C.


6C2-3.038 Assistantships.

(1) Graduate assistants are selected by academic departments for duties connected with instruction or research, of mutual benefit to the University and the student. Only students with regular graduate student status are eligible for graduate assistantships; “special” students are ineligible. Application for a graduate assistantship should be made to the chairman of the major department. The stipend varies, depending upon the amount of service rendered, the nature of the service, and the qualifications of the student. Stipends for half-time graduate assistants begin at $277 per month. Applications will be accepted at any time. Graduate assistants, one-third time or more, may request a waiver of the out-of-state tuition fee but must pay the full registration fee according to the hours carried. Graduate assistant stipends for service are normally subject to federal income tax. Teaching assistants classified as part-time faculty must also pay the full registration fee according to the hours carried.

(2) Graduate assistantships for academic years are renewable annually. After this period the student must successfully complete the prior year’s assignments and be recommended for renewal by the department. Failure to remain in good academic standing and maintain the required minimum grade point average may result in suspension of teaching assistantship. The number of units taken will be charged to the unit’s or department’s bill.
(2) A student whose application for an assistantship is under consideration must also complete his application for admission through the Office of Graduate Admissions in the usual manner.

(3) To remain eligible for an assistantship, a student must discharge his duties satisfactorily and achieve a grade of “B” in at least one-half of the course work carried each quarter. No graduate student with less than a 3.0 cumulative grade average is to be continued more than one (1) quarter as a teaching assistant. All teaching assistants with full responsibility for a course must have either a baccalaureate degree and two (2) years of teaching experience or a master’s degree.


6C2-3.045 College of Law Student Conduct Code.

(1) Definitions and Violations. This Code defines and prohibits:

(a) Cheating. Cheating is receiving or giving unauthorized aid or assistance in the completion of examinations or of any other work used in evaluating a student’s academic performance.

(b) Plagiarism. Plagiarism is representing the work of another as the student’s own. Students are expected to know and employ accepted conventions of citation and attribution. Failure to indicate quoted or paraphrased sources constitutes plagiarism. More specific definitions of plagiarism for particular courses or in particular contexts may be supplied by a course instructor, editor, or faculty employer of a student. A student should request clarification in case of doubt. Any student charged under this section may prove by a preponderance of the evidence that the misrepresentation of work resulted from mistake or inadvertence as a complete defense.

(c) Library Offenses. Library offenses are sequestering, hiding or mutilating library materials, or using the library or library materials in a manner which violates official library rules on manner or length of use.

(d) Disruption. Disruption is disturbance of or interference with the scholarly pursuits of the College. It includes, but is not limited to, interference with the conduct of an examination, defiance of rulings or instructions issued by an instructor or proctor in the course of an examination, and defacing or destroying class notes, drafts, or any other scholarly or administrative work product of faculty, fellow students, or other users of College facilities.

(e) Fraud. Fraud is material falsification of documents or any other form of deceit or misrepresentation committed in regard to the administrative or academic processes of the College of Law.

(f) Other Serious Misconduct. Other serious misconduct is intentional and serious offenses involving acts for which criminal or other punitive sanctions are provided by federal, state, or local law, or ordinance that directly relate to a student’s fitness to continue as a student at the College.

(2) Procedures.

(a) Initiation of Code Violation Investigation. Students, faculty and staff of the College are expected to inform the Dean of any facts constituting cause to believe a violation of this Code has been committed, or will be committed. Failure to report information is not a violation of this Code. The information required under this section may be communicated in confidence, and the fact that such a communication has been received shall not be disclosed until the Dean determines that probable cause exists.

(b) Investigation.

1. The Dean shall appoint a faculty member as investigator upon determining that the reported facts constitute probable cause to believe a violation of this Code has occurred. The investigator should not be either an accuser or anticipated witness in the matter.

2. The investigator shall:
   a. Notify the accused of the allegations, the investigation, and the accuser;
   b. Interview all persons believed to have knowledge of the facts and circumstances surrounding the alleged offense, provided such persons are within the reach of the investigator without subpoena powers;
   c. Interview the accused if considered appropriate and if the accused agrees, provided that the accused may terminate the interview at any time;
   d. Report findings and recommendations to the Dean. A recommendation to terminate shall give reasons. In either case, a recommendation shall be supported by documentation as to the findings.

(c) Dean’s Review of Recommendations. The Dean shall review the investigator’s findings and recommendations. The Dean may accept or reject recommendations in whole or in part, and may adopt or revise a proposed complaint. The Dean may also initiate a complaint although the investigator has recommended a termination of proceedings, but the Dean must provide a statement of reasons and documentation explaining the decision to proceed.

(d) Proceedings After Dean’s Review.

1. After review the Dean shall advise the accused in writing of a decision to terminate proceedings or to proceed with a complaint. A decision to terminate is final and concludes the matter. A decision to proceed shall be accompanied by copies of the complaint, the investigator’s findings and recommendations, and the documentation supporting them. The accused shall also be provided with a copy of this Code.
2. Unless the accused admits guilt in writing within fifteen school days after receiving a decision to proceed, the Dean shall appoint a panel to hear the case. The accused, upon admission of guilt, may also demand a hearing for the sole purpose of presenting matters in mitigation.

3. Every hearing panel shall consist of three permanent faculty members and two students, all of the College of Law. Student members shall be appointed after consultation with the Student Bar Association. Notice of appointment shall be given to panel members and to the accused, with the notice designating the Chair. The Chair shall make arrangements for meetings, the attendance of witnesses, the reproduction of necessary documents, and the recording of proceedings.

4. Unless the Dean directs otherwise, the investigator shall present the case against the accused. The investigator shall also present any evidence tending to exonerate the accused. However, no accuser or potential witness may present the case.

(e) Hearings.
1. Hearings shall be scheduled at the convenience of all participants, and upon notice to the accused. Unless the accused consents, the first hearing shall not be scheduled within ten school days of the appointment of the panel.
2. Hearings shall not be governed by formal rules of evidence. An accused is entitled to present evidence in person, or through an attorney or other counselor, or both. No faculty member shall represent an accused. Paid counsel must be supplied by the accused. An accused is entitled to present witnesses and documentary evidence, to cross-examine any witnesses, and to inspect and inquire concerning any evidence. Upon request, the Chair shall make every reasonable effort to secure the presence of witnesses or documentary evidence for the accused. In exercising any of these procedural rights, an accused may address both innocence and matters in mitigation.

(f) Panel Procedure After Hearings.
1. After final hearing the panel shall meet in closed session upon call of the Chair to discuss and consider the case, to determine guilt or innocence, and to consider sanctions upon determination or admission of guilt. One or more sessions may be held.
2. The standard of proof for conviction is clear and convincing evidence. Findings of fact shall be based exclusively on evidence of record.
3. A vote to convict and a vote as to any sanction requires the concurrence of at least four members.
4. The panel shall submit to the Dean a written summary of its factual findings, its finding of guilt or innocence, and its recommendations as to sanctions. The panel may also recommend terms for suspension of any sanctions. This summary should be made within five school days of the final hearing. The Dean shall make available to the accused a copy of the panel’s recommendation and shall allow the accused at least ten calendar days in which to submit written exceptions to the recommendation. When a case involves multiple charges and/or multiple accused persons, each charge and accused shall be separately covered in the findings and recommendations.

(g) Sanctions. A student convicted of a violation of this Code is subject to one or more of these sanctions:
1. Expulsion from the College of Law;
2. Suspension from the College of Law for a specified period of time;
3. Loss of privileges to participate in any nonrequired course, program or activity of the College of Law;
4. Replacement, repair or restitution for damaged, destroyed or stolen property;
5. Written reprimand to be included in the student’s permanent records;
6. Oral reprimand;
7. Disclosure by the Dean to the College of Law and Bar agencies.

(h) Disclosure. Disclosure to the Bar of any proceeding, regardless of the result, by the Dean or the accused student, may be required by Bar rules.

(i) Imposition of Sanctions.
1. A panel finding of innocence as to any charge terminates the proceedings, upon delivery of the written report to the Dean. A panel recommendation that no sanctions be imposed upon a finding of guilt as to any charge terminates the proceedings as to sanctions.
2. The Dean shall review all findings as to guilt and mitigating matters, and all recommendations to impose sanctions. Rejection by the Dean of a finding of guilt terminates the proceedings.
3. When sanctions have been recommended, the Dean may determine to impose them or to reduce or suspend them in whole or in part. The Dean shall promptly communicate this determination to the student in writing.
4. Upon being informed of sanctions proposed by the Dean, the student may request a faculty review provided five faculty members join in the request. If faculty review is requested, the faculty by majority vote may reduce or suspend the proposed sanctions in whole or in part. Faculty review must be requested in writing within five school days after a student is informed of proposed sanctions.
5. The Dean imposes those sanctions not reduced or suspended as a result of faculty review.

(j) Action by Dean’s Representative. Whenever this Code specifies that any action is to be taken by the Dean, it may be performed by an Associate Dean, except that only the Dean or an Acting Dean designated by the University may perform those duties specified in subsection (i) of this rule (Imposition of Sanctions).

(k) Timeliness. All actions prescribed or authorized by this Code shall be accomplished as expeditiously as possible, except where the Code expressly provides otherwise or where prejudice to an accused or convicted student would result.
6C2-3.050 Educational Research Center for Child Development.

(1) The Educational Research Center for Child Development (Center) operates under the supervision of the Division of Student Affairs at the Florida State University (FSU).

(a) The Center’s goals are:
1. To provide quality affordable child care;
2. To give an educational experience to children;
3. To conduct child research; and
4. To provide a setting for experimental learning.

(2) The Center shall be governed by a Board of Directors.

(a) The Board of Directors (Board) shall include the University President, the Student Body President, the Chairman of each Department participating in the Center, or their designees, one parent representing each 50 students; and the Director of the Center shall serve as an ex officio, nonvoting member.

(b) The University President designates the Vice President of Student Affairs to be his representative on the Board of Directors.

(c) The parent member(s) of the Board shall be elected as follows:
1. One parent shall be elected to represent 50 children enrolled in the Center.
2. Each January all parents shall have the opportunity to nominate a representative for placement on an election ballot.
3. An election ballot shall be prepared and ballot shall be sent to each parent for voting.
4. In the case of a tie, a runoff election shall be held.

(d) The Board shall:
1. Adopt admission policies;
2. Adopt criteria for identifying major research projects; and
3. Not allow major research projects to be conducted at the Center without the Board’s prior approval.
4. Be responsible for ensuring that the Center is operated in accordance with the laws of the State of Florida and the rules of the Board of Regents and FSU.

(3) The Center’s admission policy shall be designed to provide educational opportunities for a cross-section of the University and local communities. The Center may admit students whose parents are not students, faculty or staff at FSU, when necessary to achieve a balance of characteristics for research purposes.

(4) The establishment and operation of the Center may be funded from the Capital Improvement Trust Fund, grants, donations, user fees and other sources consistent with existing law and rules.

(5) The Center may charge user fees. The Board may adopt a sliding scale and a procedure for calculating user fees based on the parents ability to pay and other relevant factors. The calculation process and the sliding scale adopted by the Board shall not be implemented until approved by the Board of Regents. Any subsequent changes in the sliding scale, the calculation process, or the factors upon which they are based, shall not be implemented until approved by the Board of Regents.

(6) The Center furnishes internships and clinical experiences for FSU graduate and undergraduate students who may be classified as participating or work-study students, or interns.

(a) Interns shall be supervised primarily by an academic faculty member and secondarily by the Center’s staff. To establish an internship program the Center and the academic department shall jointly adopt guidelines for the use and supervision of student interns. No internship program shall be implemented until the Board has adopted guidelines for that program.

(b) The Board shall also adopt guidelines for the use and supervision of work-study and participating students. The Center shall be primarily responsible for all supervision of work-study and participating students. Students may be appointed to the roles of teacher aide, teacher assistant, graduate assistant or research assistant. The student’s role shall be based on:
1. The student’s needs and skills;
2. The academic requirements of the student’s degree program; and
3. The staffing needs of the Center.

(c) Students may also visit the Center for the purpose of observation. To preserve the orderly functioning of the Center, student observers shall be required to follow any instructions given by the Center’s staff.

(7) Research projects shall meet all Florida State University rules, policies and procedures addressing experimentation on human subjects. No research project shall be implemented unless the Board’s prior approval has been obtained.

(8) Guidelines for the receipt and monitoring of funds. The Center shall comply with all applicable state laws, FSU and Board of Regents rules, policies and procedures for receiving, disbursing, monitoring, accounting for, and auditing funds. The Center’s annual budget, and any significant changes, shall not be implemented until approved by the Board.

Specific Authority 240.227(1) FS. Law Implemented 240.531 FS., 6C-10.004, FAC. History–New 6-10-86.
CHAPTER 6C2-4 FACULTY AND STAFF

6C2-4.001 General Human Resources Policies.
6C2-4.0015 Attendance and Leave.
6C2-4.002 Nepotism. (Repealed)
6C2-4.003 Child Labor. (Repealed)
6C2-4.004 Conditions of Employment. (Repealed)
6C2-4.005 Outside Employment. (Repealed)
6C2-4.006 Moving Expenses. (Repealed)
6C2-4.007 Uniforms. (Repealed)
6C2-4.008 Other Personnel Services (OPS). (Repealed)
6C2-4.009 Student Employment Program. (Repealed)
6C2-4.010 College Work Study Program. (Repealed)
6C2-4.011 Affirmative Action Program.
6C2-4.012 Assistant to the President for Human Affairs.
6C2-4.013 The President’s Advisory Committee for Racial Minorities, Women, and the Physically Handicapped.
6C2-4.014 Human Affairs Associates.
6C2-4.015 Equal Opportunity Committee.
6C2-4.017 Task Force on Faculty Women’s Salaries.
6C2-4.018 Anti-discrimination Policy and Procedures.
6C2-4.019 Affirmative Action Guidelines for Divisions and Departments.
6C2-4.020 Definition of Terms.
6C2-4.021 Affirmative Action Procedures for Divisions and Departments.
6C2-4.022 Division of Professional Schools and Colleges Affirmative Action Procedures.
6C2-4.023 Division of Arts and Sciences Affirmative Action Procedures.
6C2-4.024 Division of Social Sciences and Law Affirmative Action Guidelines.
6C2-4.025 Affirmative Action Guidelines for Career Service Appointments.
6C2-4.026 Program to Increase Minority Availability in Academic and Administrative and Professional Areas.
6C2-4.027 The Florida State University Procedures Relating to Faculty Appointments.
6C2-4.028 Review Procedures for Denial of Promotion and Tenure and Non-renewal and Termination of Faculty Appointments.
6C2-4.029 Faculty Regulations.
6C2-4.030 Policy Governing Graduate Faculty Membership.
6C2-4.031 Faculty Grievance Procedure.
6C2-4.032 Complaints Against Faculty Members. (Repealed)
6C2-4.033 Faculty Evaluations.
6C2-4.035 Suspension and Dismissal of Faculty; Peer Hearing.
6C2-4.034 Faculty Tenure and Promotion.
6C2-4.035 Department, School and College Criteria and Procedures.
6C2-4.036 Department of Philosophy.
6C2-4.037 Department of History.
6C2-4.038 Department of Psychology.
6C2-4.039 College of Law. (Repealed)
6C2-4.0395 College of Law Phased Retirement Program.
6C2-4.040 Department of Geography.
6C2-4.041 Career Service Personnel. (Repealed)
6C2-4.042 Classification of Career Service Positions. (Repealed)
6C2-4.043 Classification of State Funded Positions. (Repealed)
6C2-4.044 Classification of Contract/Grant Positions. (Repealed)
6C2-4.045 Reclassification. (Repealed)
6C2-4.046 Pay Plan. (Repealed)
6C2-4.047 Pay Increases. (Repealed)
6C2-4.048 Promotions, Demotions, Transfers, and Reassignments. (Repealed)
6C2-4.0485 Criteria and Procedures for Promotion for In-Unit General Faculty Librarians.
6C2-4.049 Layoffs. (Repealed)
6C2-4.050 Termination of Employment. (Repealed)
6C2-4.051 Evaluation of Employee Performance. (Repealed)
6C2-4.052 Guidelines for Disciplinary Action. (Repealed)
6C2-4.053 Attendance. (Repealed)
6C2-4.054 Appointment/Selection to Administrative and Professional (A&P) Positions. (Repealed)
6C2-4.055 Compensation of Administrative and Professional (A&P) Employees. (Repealed)
6C2-4.056 Evaluation of Administrative and Professional Employee Performance. (Repealed)
6C2-4.057 Classification of Administrative and Professional (A&P) Positions. (Repealed)
6C2-4.058 Leave Benefits Provided to Administrative and Professional Employees. (Repealed)
6C2-4.059 Termination of Administrative and Professional Employees. (Repealed)
6C2-4.0591 Grievance Procedure for Non-Unit Administrative and Professional Staff Members. (Repealed)
6C2-4.0592 Discipline, Suspension and Dismissal for Just Cause of Non-Unit Administrative and Professional
Staff Members. (Repealed)
6C2-4.060 Career Service Grievance Procedure. (Repealed)
6C2-4.061 Travel.
6C2-4.062 Research Institutes, Centers and Facilities.
6C2-4.063 University Sponsored Educational Materials.
6C2-4.064 Sick Leave Pool.
6C2-4.065 Employee Recognition Program.
6C2-4.066 Personnel Exchange.
6C2-4.070 Guidelines for Disciplinary Action.


Equal Opportunity, Employment, Child Labor and Nepotism.

(1) Equal Opportunity. The Florida State University is committed to providing equal employment opportunity and nondiscrimination towards applicants and employees with respect to race, color, religion, age, disability, gender, marital status, national origin, and veteran status consistent with Federal and State law. This commitment applies in all areas employing students, and all University personnel. It is also relevant to those aspects of the University concerned with the choice of contractors, suppliers of goods and services, and to the use of University facilities. The determination of the best qualified individual for employment and promotion purposes is to be based on the individual’s education, training, skills, and work experience. Discrimination against any individual because of race, color, religion, age, disability, marital status, national origin, or gender is expressly forbidden.

(2) Employment. This rule prescribes Human Resources policies for Florida State University Administrative and Professional employees (A&P), University Support Personnel System employees (USPS), and Other Personal Services (OPS) employees, unless otherwise exempted from these rules or inconsistent with an applicable collective bargaining agreement. These rules shall have University wide application by authority granted to the Board of Trustees (Board) in Section 1001.74(19), F.S.

(a) Human Resources Programs.

1. The University President, as the Chief Administrative Officer for the University, shall be responsible and accountable for administering the human resources programs for the University. The word “University” includes the Board of Trustees and the word “Chief Administrative Officer” includes the President or lawful designee.

2. The Chief Administrative Officer shall establish and maintain all policies, procedures, and records which are necessary to substantiate compliance with all laws and rules relating to employment.

3. The University will administer a classification and compensation plan.

(b) University employees are those persons who are lawfully employed by the designated hiring authority, receive financial compensation to perform services for the University, and whose work is directed by the University. The term “employee” does not include volunteers or independent contractors. University employment consists of the following defined categories:

1. A&P: positions assigned administrative and management responsibilities or professional duties at the department/unit, or above. Employees in A&P positions designated in the Executive Service serve at the will of the Chief Administrative Officer, do not have tenure, and have no expectation of appointment beyond a 60 day notice period. Executive Service positions report directly to the Chief Administrative Officer or designee.

2. USPS: positions assigned professional, paraprofessional, administrative, clerical, secretarial, technical, skilled crafts, service, or maintenance duties.

3. OPS: at-will, temporary employment.

(3) Child Labor. The University must comply with the provisions of the Florida Child Labor Law, Chapter 450, F.S., Part I, in the appointment and employment of minors.

(4) Nepotism.

(a) Employment of related persons in a single organization unit or in work-related organizational units is permitted, provided that such employment of A&P or USPS employees will not involve a conflict of interest, including but not limited to participation by the related person in making recommendations or decisions specifically affecting the appointment, retention, tenure, work assignments, evaluation, promotion, demotion, or salary of the related person. The President or designee responsible for the unit in which the relative will work shall determine and document in writing, prior to employment of related persons, that a conflict of interest will not occur. Such documentation shall be forwarded to the Assistant Vice President of Human Resources or Designee for approval prior to appointment.
(b) “Related persons” are those related to each other in one of the following ways: husband; wife; parent; child; brother; sister; spouse of a child, brother, or sister; or parents, child, brother or sister of spouse.

(5) Non-Citizens. Before they can be considered for employment, non-citizens must possess sufficient documentation which permits gainful employment in the United States as determined by the United States Immigration and Naturalization Service.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–New 9-30-75, Formerly 6C2-4.01, Amended 9-24-98, 4-16-03.

6C2-4.0015 Attendance and Leave.

(1) Faculty, A&P, and USPS employees are eligible for paid and unpaid leave and holidays. If determined to be eligible under the FMLA, OPS employees are eligible for unpaid leave. Hours of work requirements shall be administered consistent with the following provisions.

(2) Each employee is expected to work the number of hours in the employee’s established workweek unless on approved leave.

(3) The minimum workweek is 40 hours for full-time employees. Holiday pay and paid leave are not considered overtime and are paid at the employee’s regular pay rate. Approved leave will be adjusted to ensure an employee’s workweek will not exceed 40 hours.

(4) Compensatory leave shall consist of the following types and such unused leave shall be transferred or paid as follows:

(a) Overtime compensatory leave is provided in lieu of payment for overtime for nonexempt USPS employees at the rate of one and one half times the total hours worked beyond 40.

1. Overtime shall be paid no later than the end of the following pay period, unless accrued as overtime compensatory leave.

2. Unused overtime compensatory leave may be transferred unless the USPS employee’s nonexempt designation changes to exempt and such leave shall be paid at the employee’s regular rate of pay.

(b) Regular compensatory leave shall be provided to a USPS exempt employee for work beyond 40 hours on an hour-for-hour basis. The University will transfer or pay for unused regular compensatory leave with the approval of the Assistant Vice President for Human Resources or designee.

(c) Special compensatory leave is provided to USPS employees as follows:

1. Special compensatory leave is provided to compensate an employee for a University holiday when the employee observed the holiday and worked 40 hours the week during which the holiday occurred; the holiday falls on the employee’s regularly scheduled day off; or the employee is required to work the holiday.

2. Special compensatory leave is provided to compensate an employee for administrative leave for jury duty or court appearance provided in paragraphs (14)(a) and (b) below when the employee worked 40 hours the week during which the jury duty or court appearance occurred.

3. Special compensatory leave is provided to employees required to perform essential duties during an emergency closing for the hours worked during the closing.

4. Employees will be paid for a part or all accrued special compensatory leave at any time, with approval of the Assistant Vice President for Human Resources or designee. If the employee separates from the University, the employee shall be paid for all unused special compensatory leave at the employee’s regular rate of pay.

(5) An employee shall be paid proportionate to the time in pay status for all holidays designated for University employees.

(6) Leave shall be accrued while in pay status and shall be credited on the last day of that pay period or, in the case of separation, on the last day the employee is on the payroll.

(7) During approved unpaid leave, an employee may use accrued leave to continue the contributions to benefits and other expenses.

(8) Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period. While on paid leave, an employee may not be employed elsewhere unless the requirements for outside activity have been met.

(9) Sick leave accrual for full-time employees shall be as follows with proportionate accrual for less than full-time.

<table>
<thead>
<tr>
<th>Hours Accrued During Pay Period</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Monthly</td>
<td>Biweekly</td>
</tr>
<tr>
<td>Faculty</td>
<td>8.667</td>
<td>4</td>
</tr>
<tr>
<td>A&amp;P</td>
<td>8.667</td>
<td>4</td>
</tr>
<tr>
<td>Ex. Service</td>
<td>10.883</td>
<td>5</td>
</tr>
<tr>
<td>USPS</td>
<td>8.667</td>
<td>4</td>
</tr>
</tbody>
</table>

(a) Sick leave shall be accrued before use. There is no maximum on the amount of sick leave that can be accrued. Sick leave accrued prior to October 1, 1973, shall be used prior to any sick leave accrued after that date.

(b) Sick leave is authorized for the following purposes:

1. The employee’s personal illness, injury, exposure to contagious disease, a disability where the employee is unable to perform assigned duties, or appointments with health care providers.
2. The illness, injury, appointments with health care providers, or death of a member of the employee’s family.

(c) Notice of absence due to illness, injury, disability, or exposure to a contagious disease, shall be given on the first day of absence, except in the case of an extreme emergency.

(d) An individual who resigns from a governmental entity within Florida and is employed by the University may transfer accrued unused sick leave according to a reciprocal agreement.

(e) Upon separation, an employee with 10 or more years of state or University service shall be paid for one-eighth of all unused sick leave accrued prior to October 1, 1973, and for one-fourth of unused sick leave up to a total of 480 hours accrued after October 1, 1973, in accordance with Section 110.122, F.S. Upon reemployment by the University within 100 days or upon recall by the University within one year, all unpaid sick leave shall be restored and any sick leave paid at time of separation shall be restored upon reemployment. An employee with less than 10 years of state or University service shall not be paid for any unused sick leave.

(10) Annual leave for full-time employees shall be as follows with proportionate accrual for less than full-time. An academic year (39 weeks) faculty employee, a Developmental Research School faculty employee, and faculty employee appointed for less than 9 months shall not accrue annual leave.

<table>
<thead>
<tr>
<th>Hours Accrued During Pay Period</th>
<th>Year End Maximums</th>
<th>Maximum Transferable</th>
<th>Maximum Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty</td>
<td>Monthly: 14.667</td>
<td>Biweekly: 6.769</td>
<td>352</td>
</tr>
<tr>
<td></td>
<td>A&amp;P: 14.667</td>
<td></td>
<td>352</td>
</tr>
<tr>
<td>Ex. Service</td>
<td>20</td>
<td>9.195</td>
<td>480</td>
</tr>
<tr>
<td>USPS (Months of Service)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 – 6</td>
<td>8.667</td>
<td>4</td>
<td>240</td>
</tr>
<tr>
<td>7 – 60</td>
<td>8.667</td>
<td>4</td>
<td>240</td>
</tr>
<tr>
<td>61 to 120</td>
<td>10.833</td>
<td>5</td>
<td>240</td>
</tr>
<tr>
<td>Over 120</td>
<td>13</td>
<td>6</td>
<td>240</td>
</tr>
</tbody>
</table>

(a) Annual leave shall be accrued prior to use unless annual leave is advanced by the Chief Administrative Officer.

(b) Employees may accrue annual leave in excess of the year-end maximum during a calendar year. Employees with accrued annual leave in excess of the year end maximum as of December 31, shall have any excess converted to post October 1, 1973 sick leave on an hour-for-hour basis on January 1 of each year. The employee will retain hours in excess of the year-end maximum with the approval of the Chief Administrative Officer.

(c) An individual who resigns from a governmental entity within Florida and is employed by the University, may transfer accrued unused annual leave according to a reciprocal agreement.

(d) An employee who separates from employment shall be paid for all unused annual leave hours up to the year-end maximum allowed for the pay plan. Upon reemployment by the University within 100 days or upon recall by the University within one year, all unpaid annual leave shall be restored and any annual leave paid at time of separation shall be restored upon reemployment. Upon entering into the Deferred Retirement Optional Program (DROP), employees may elect to be paid up to the year-end maximum of their unused annual leave.

(e) Upon transfer from an annual leave-accruing position to a non leave-accruing position, the employee shall be paid for unused annual leave, unless the employee elects to retain all unused annual leave, for up to two years.

(11) Compulsory leave provisions shall be consistent with the following:

(a) Medical certification by an approved health care provider will be required.

(b) Notice shall be provided to the employee identifying duration of the leave, the conditions for return to the position, and whether such leave shall count toward FMLA entitlements.

(c) The employee may be allowed to use paid leave during compulsory leave to continue the contributions to benefits and other expenses.

(d) Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period and upon receipt of medical certification.

(e) Employees who fail to meet the conditions of the compulsory leave or who fail to obtain medical certification and are unable to perform duties will be placed on leave or have such leave extended, requested to resign, or be dismissed for inability to perform the duties of the position.

(12) Employees are provided with twelve workweeks of Family and Medical Leave within a 12 month period in compliance with the Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3) and the Final Regulations of the Family and Medical Leave Act of 1993 (29 CFR Part 825). All employees are eligible including OPS employees who have worked at least 12 months (these need not have been consecutive) and who have worked at least 1250 hours in the 12 months prior to the leave. Faculty, A&P, and USPS employees may use paid leave for an FMLA event and such shall be counted toward the entitlement.
(13) Employees shall be provided with up to six months unpaid parental leave during which time the employee may use paid leave when the employee becomes a biological or adoptive parent. Parental leave shall begin no sooner than two weeks prior to the expected date of the child’s arrival or upon the child’s arrival unless otherwise approved by the Chief Administrative Officer.

(14) Employees are provided paid administrative leave as follows which shall not cause the full-time employee to exceed 40 hours during the workweek. Administrative leave is not accrued.

(a) Administrative leave for jury duty shall not exceed the number of hours in the employee’s normal workday. If jury duty does not require absence for the entire workday, the employee shall return to work immediately upon release by the court. If the jury duty does not coincide with the regular work schedule, the employee shall be granted administrative leave based on the total hours served on jury duty and such leave shall be granted on the next scheduled work shift. Any jury pay shall be retained by the employee.

(b) Administrative leave shall be provided to an employee summoned as a witness in a matter not involving personal interests. Administrative leave shall not be provided to an employee serving as an expert witness. Witness pay shall be retained by the employee.

(c) Administrative leave for athletic competition in Olympic events shall be provided in accordance with Section 110.118, F.S.

(d) Administrative leave up to two days shall be provided to an employee upon the death of a family member.

(e) Administrative leave shall be provided for official emergency closing of University facilities. Special Compensatory leave shall be provided to USPS employees required to perform essential services during the emergency closing. Only employees scheduled to work during the time of the emergency closing shall be provided leave.

(f) With the approval of the Chief Administrative Officer or designee, administrative leave shall be provided for Florida Disaster Volunteers in accordance with Section 110.120, F.S.

(g) With the approval of the Chief Administrative Officer or designee, up to two days of administrative leave will be granted for civil disorder or disaster for an employee who is a member of a volunteer emergency response team.

(h) With the approval of the Chief Administrative Officer or designee, up to two hours of administrative leave will be granted for voting in public elections.

(i) With the approval of the Chief Administrative Officer or designee, an employee under investigation will be placed on leave up to the length of the investigation when in the best interest of the university.

(j) The Chief Administrative Officer or designee, may place an employee on administrative leave between the notice of reduction in pay, suspension, or dismissal and the effective date of such action.

(k) The Chief Administrative Officer or designee will place an employee on administrative leave when the employee’s presence in the workplace may reasonably be suspected of resulting in damage to property, or injury to the employee or others.

(15) Military leave and reemployment rights shall be provided to Faculty, A&P, and USPS employees consistent with Federal and State laws.

(16) Workers’ Compensation benefits for an injury compensable under the Florida Workers’ Compensation Law shall be provided consistent with the following:

(a) An employee shall remain in full pay status for a period up to a maximum of forty (40) hours without being required to use accrued leave credits. If, during that period, the employee receives Workers’ Compensation benefits then the employee shall reimburse the University the amount of the benefits. Such reimbursement shall not include payments for expenses related to medical, surgical, hospital, or nursing treatment or payments of disability losses.

(b) An employee may elect to use paid leave to supplement Workers’ Compensation payments up to the employee’s regular salary.

(c) The period of paid or unpaid job-related disability leave shall be in accordance with Chapter 440, F.S.

(d) An employee who was injured in the workplace, will be returned to alternate duty consistent with established University policies or procedures.

(e) If at the end of the leave period, an employee is unable to return from leave to work full-time and perform the duties of the position, the Chief Administrative Officer will place the employee on unpaid leave or extend the leave status, request the employee’s resignation, or terminate the employee from employment consistent with the provisions of subsection 6C2-4.0015(11), F.A.C.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–New 4-16-03.

6C2-4.011 Affirmative Action Program.

(1) Preface. Affirmative action is essentially the revision of standards and practices to assure that the University is in fact drawing from the largest market place of human resources in staffing. Nondiscrimination requires the elimination of all existing discriminatory conditions whether purposeful or inadvertent. The premise being that unless positive action is undertaken to overcome the effects of systematic institutional forms of exclusion or under utilization, a benign neutrality in employment practice will tend to perpetrate the status quo ante indefinitely.

(2) Administrative organization. The responsibility for implementing the affirmative action program of the University resides with the President. The program is implemented through the regular administrative channels: affirmative action is a complex challenge that requires the understanding, cooperation, and commitment of all elements of the University community. Because of
the unique requirements of an affirmative action program, however, additional groups have been activated within the University to ensure full and immediate compliance. Where possible, these groups are temporary until their functions can be absorbed into the regular administrative mechanisms. Where this does not seem a workable solution, they shall remain permanent groups within the University administration.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5) FS. History–New 9-30-75, Formerly 6C2-4.11.

6C2-4.012 Assistant to the President for Human Affairs.

In order to keep the President more keenly aware of the problems, issues, laws, and latest developments in the area of human relations and affirmative action, and in order to meet his responsibilities for planning, coordinating, and evaluating the affirmative action program of the University, the President appointed an Assistant for Human Affairs. The Assistant to the President for Human Affairs reports directly to the President. Duties of the Assistant include:

1. Serving as a resource person, on a regular basis, to the President, other Executive Officers, and the various University and State University System committees and councils involved with human relations, and upon request, to the University community, and the local, state, and national communities regarding the problems, issues, and programs of affirmative action for equal employment opportunities.

2. Planning, recommending, and/or coordinating the procedures to be used in the implementation of the University’s affirmative action program.

3. Reviewing periodically and reporting to the President on the progress made by the various University units regarding their goals and timetables and their elimination and/or revision of policies and practices which have had a disparate impact upon minority group members and women.

Specific Authority 110.051(2)(e), 240.001(1)(c), (d), (g), 240.227(1) FS. Law Implemented 110.051(2)(e), 240.001(1)(c), (d), (g), 240.227(5) FS., 6C2-4.013, F.A.C. History–New 9-30-75, Formerly 6C2-4.12.

6C2-4.013 The President’s Advisory Committee for Racial Minorities, Women, and the Physically Handicapped.

In order to involve a wide variety of individuals in the deliberations related to human relations and affirmative action, the President established an Advisory Committee for Racial Minorities, Women, and the Physically Handicapped. This committee has representation from the University academic and nonacademic personnel, the student body, and from the local community. The responsibilities of this committee include:

1. Reviewing the current policies, practices, and programs of the University to determine their impact upon the opportunities for minority group members and women.

2. Advising the President about the revision of current policies, practices, and programs which have had a disparate impact upon minority group members and women.

3. Recommending to the President the formulation of new policies, practices, and programs which aid the University in meeting its responsibilities for human affairs and affirmative action.

Specific Authority 120.53(1)(b), 240.001(1)(d), 240.042(2)(a) FS. Law Implemented 120.53(1)(b), 240.001(1)(d), 240.042(2)(a) FS., 6C-4.001(1), (5), 6C-4.002(1), F.A.C. History–New 9-30-75, Formerly 6C2-4.13.

6C2-4.014 Human Affairs Associates.

In order to establish a University-wide network for improving employment practices with respect to minority group members and women, a human affairs associate has been designated by each Dean or Director to serve as liaison between the divisions, colleges, and/or Deans or Directors and the President’s Office. He or she has responsibility to and receive the assistance and recommendations of the Office of the President with respect to human affairs and affirmative action. The responsibilities of Human Affairs Associates include:

1. Facilitating the communications of their divisions, colleges, and/or schools with respect to the affirmative action guidelines provided by the Office of the President.

2. Aiding in the implementation of affirmative action programs as they relate to their divisions, colleges, and/or schools.

3. Acting as special assistants to their Deans or Directors with respect to problems and programs of affirmative action.

4. Being available as initial contacts for counseling and referral services to employees in their unit.

5. Screening complaints which imply discrimination and referring the same to appropriate grievance bodies.

Specific Authority 120.53(1)(b), 240.001(1)(d), 240.042(2)(a), 110.051(2)(e) FS. Law Implemented 120.53(1)(b), 240.001(1)(d), 240.042(2)(a), 110.051(2)(e) FS., 6C-4.001(1), (5), 6C-5.001(1), (2), 6C-5.002(1), (3), F.A.C. History–New 9-30-75, Formerly 6C2-4.14.

6C2-4.015 Equal Opportunity Committee.

In order that patterns of discrimination may come to the attention of the University before formal charges or grievances are filed, an Equal Opportunity Committee has been established. This committee is comprised of nine (9) persons including representatives from the faculty, administrative and professional staff, career service employees, and students. The responsibilities of this committee include:
(1) Reviewing periodically the operations of the several units of the University, to ascertain whether there are policies or practices which have a disparate impact upon minority group members and/or women.

(2) Reporting the results of reviews to the appropriate official of the units under review.

(3) Reporting periodically to the President the recommendations given and the subsequent affirmative action taken by the unit under study, or the unit’s subsequent neglect of affirmative action.

(4) Maintaining a public record when cases are referred to appropriate University bodies or other state agencies for resolution.

Specific Authority 120.53(1)(b), 240.001(1)(d), 240.042(2)(a), 112.041(1) FS. Law Implemented 120.53(1)(b), 240.001(1)(d), 240.042(2)(a), 112.041(1) FS., 6C-5.001(1), (2), 6C-5.002(1), (3), F.A.C. History–New 9-30-75, Formerly 6C2-4.15.

In order that individual complaints of discrimination may come to the attention of the University before formal charges are brought through outside agencies, and Equal Opportunity Commission has been established. This commission has broad representation from the University community. The responsibilities of this commission include:

(1) Receiving and investigating complaints from academic and nonacademic personnel, and students alleging discriminatory policies.

(2) Conducting formal hearings of the complaints when appropriate.

(3) Maintaining a transcript of all proceedings which are available to the President of the University and to any court of agency authorized by law to review the action of the commission.

(4) Making every reasonable effort to resolve complaints without formal investigation.

(5) Rendering recommendations to the President regarding all complaints either that the claim be dismissed or specify actions to remedy violations of the University’s policy against discrimination.

Specific Authority 120.53(1)(b), 240.001(1)(d), 240.042(2)(a), 112.041(1) FS. Law Implemented 120.53(1)(b), 240.001(1)(d), 240.042(2)(a), 112.041(1) FS., 6C-5.001(1), (2), 6C-5.002(1), (3), F.A.C. History–New 9-30-75, Formerly 6C2-4.16.

6C2-4.017 Task Force on Faculty Women’s Salaries.
In order that the unequal salaries of women faculty members might come to the attention of the University without delay, the chief academic officer appointed a Task Force on Faculty Women’s Salaries. The responsibilities of this committee include:

(1) Determining whether or not women faculty are equitably paid relative to male faculty within academic departments.

(2) Recommending to the chief academic officer the adjustments necessary if any, to achieve salary equity between sexes within the departments.

(3) Responsible officials and designated groups, where appropriate, effect the development and implementation of affirmative action plans.

Specific Authority 120.53(1)(b), 240.001(1)(d), 240.042(2)(a), (b), 112.041(1) FS. Law Implemented 120.53(1)(b), 240.001(1)(d), 240.042(2)(a), (b), 112.041(1) FS., 6C-5.001(1), (2), 6C-5.002(1), (3), F.A.C. History–New 9-30-75, Formerly 6C2-4.17.

6C2-4.018 Anti-discrimination Policy and Procedures.

Article I Purpose.
The Florida State University affirms its commitment to a policy of nondiscrimination on the basis of race, religion, color, age, sex, or national origin, and establishes the following procedures to prevent such discrimination in accordance with due process within the University community. In doing so, the University recognizes its obligation to strive actively to build a community in which opportunity is equalized and use its facilities and human resources to develop the skills and opportunities of the members of all the groups so they may play reasonable and productive roles in society. This policy is relevant to all aspects of the University, including the choice of contractors and suppliers of goods and services. An employee of Florida State University (FSU) who feels that he or she has been aggrieved may obtain a hearing of the grievance by filing a formal complaint detailing the time, the place, and the specific facts in support of the alleged discriminatory act. The University establishes the Equal Opportunity Committee and the Equal Opportunity Commission to carry out its policy in the manner outlined below. All units of the University will take appropriate action to implement this policy and these procedures. The President appoints a director of the Equal Opportunity Committee and an executive secretary for the Equal Opportunity Commission. The director and executive secretary serve as ex officio members with voice but without vote and as support staff in the investigative stages of the complaint.

Article II Prohibited Acts.

(1) Kinds of discrimination prohibited.

(a) Disparity of treatment in employment, job placement, training, promotion, termination, salary or other economic benefits on the basis of race, religion, color, age, sex, or national origin.

(b) Limitation to access to residence, or to participation in educational, athletic, social, cultural, or other activities of the University because of race, religion, color, age, or national origin.

(c) Discrimination of the foregoing types on the basis of sex, unless based on bona fide requirements of distinctions in housing, restrooms, athletics, and other such areas.

(d) Harassment based on race, religion, color, age, sex, or national origin.
(e) Retaliation for filing complaints or protesting practices which are prohibited under this article.

2. Scope of prohibitions.
(a) All educational, athletic, cultural, and social activities occurring on the Florida State University campus.
(b) University sponsored off-campus programs.
(c) Housing supplied or regulated by the University.
(d) Employment practices between the University and its employees.

Article III Equal Opportunity Committee.
(1) The Equal Opportunity Committee shall be established.
(2) Composition and selection of the Equal Opportunity Committee and its staff:
(a) This Committee shall be composed of a director with voice, but no vote, and nine representatives of the faculty, administrative and professional staff, career service employees, and students. The 9 members shall be distributed as follows: 3 faculty, 1 administrative and professional, 3 career service, 1 graduate student, and 1 undergraduate student.
(b) The members of the Equal Opportunity Committee shall be chosen as follows: The President (or Chief academic officer), from a list supplied by the Committee on Appointments, shall select three faculty members, at least one of whom shall be from the protected classes, for one-year terms. The Student Body President of Florida State University shall select the two student members, one of whom shall be from the protected classes, for one-year terms. The Vice President for Student Affairs shall select three career service members, at least one of whom shall be from the protected classes, for two-year terms. The Vice President for Administration shall select the member from the administrative and professional staff for three-year terms except the first term shall be for two years.
(c) At the first meeting of the year, the Equal Opportunity Committee shall select a chairperson from among its members to serve for that year. Five voting members will constitute a quorum for the purpose of recommending final action of the Committee.
(d) The Assistant to the President for Human Affairs or an employee of the University designated by him or her and approved by the Committee shall serve as secretary of the Equal Opportunity Committee and shall handle requests by the Committee for staff assistance.
(e) A legal advisor shall be provided by the University to the Committee.
(3) Jurisdiction and procedures of the Committee.
(a) The Committee shall conduct periodic reviews of the operation of the several units of the University, to ascertain whether there are policies or practices of said units which may reflect discrimination. Prior to the review of any unit appropriate notification shall be made to the President. Upon recommendation by the Committee, and approval of the President, units of the University shall provide access to the records necessary for the review. Any such review in the name of the Committee and under authority granted in this statement of policy shall be undertaken only after specific authorization of the Committee and shall be under the continuing supervision of the Committee and the confidentiality of personnel records and the principle of privileged communication shall be respected. Any alleged abuse of the powers of this Committee may be appealed at any time directly to the President of the University.
(b) Should the Committee identify policies, practices, or patterns of behavior that may reflect discrimination as defined in this document, it shall report that policy to the responsible officials of the unit. The Committee shall also recommend to appropriate responsible officials such affirmative action it deems necessary to correct the discriminatory practices or patterns.
(c) If responsible officials receiving recommendations for affirmative action from the Committee pursuant to paragraph two fail to initiate affirmative action without delay, the Committee shall report such failure of action to the President.
(d) Any person or persons having knowledge of acts which might constitute prohibited discrimination, but without a personal grievance, shall have the right to file a complaint with the appropriate Human Affairs Associate reciting the facts of such alleged discrimination and requesting corrective action in the same manner as a person aggrieved. Such complaints shall have the same right as an aggrieved party to appeal to the Equal Opportunity Commission in the same manner as provided in Article IV (3)(a) of this document.
(e) In appropriate cases, complainants may be referred to appropriate University bodies or other state agencies for the resolution of their complaints. The Committee shall maintain a public record of such referrals and the actions taken by the University bodies or agencies to which referred.
(f) Complaints involving interpersonal relations not connected with the official functions of the University or not involving discrimination as defined above shall be referred to appropriate agencies.
(g) The Committee through its director shall make regular monthly reports to the President of the University.

Article IV The Equal Opportunity Commission.
(1) An Equal Opportunity Commission shall be established.
(2) Composition and selection of the Equal Opportunity Commission.
(a) Two students appointed by the Student Body President from nominees submitted by the University Student Judiciary. Initially one junior shall be appointed for two years and one senior for one year. Thereafter, all those appointed shall be juniors and shall serve for two years, unless appointed to fill an unexpired term. At least one member shall be a minority group member and one female. One graduate student shall be selected by the Presidents of the various graduate school associations for a two-year term. Two faculty members shall be selected by the Faculty Senate Steering Committee for three-year terms. Initial appointments shall be for one and two years. At least one shall be a minority group member or female or both. One Law faculty member shall be
selected by the Dean of the College of Law for a three-year term. One member representing administrative and professional personnel shall be selected by the Vice President for Administration to serve for three years. One member shall be selected by the Vice President for Administration representing the clerical and technical workers for a term of three years. The VPA shall also select one member representing labor to serve for three years except that the initial appointment shall be for two years. Members of the Commission shall not serve concurrently on the EO Committee.

(b) The President of the University shall appoint an executive secretary to the Commission.

(c) At the first meeting of the year, the members of the Commission shall elect from among their number a chairperson, who shall serve in that capacity for the year.

(3) Jurisdiction of the Equal Opportunity Commission.

(a) The Commission shall have jurisdiction to hear complaints filed by University students and academic and nonacademic employees where the complaint alleges that the complainant was a victim of discrimination in violation of the policies defined in this document. Such claims, to be entitled to consideration, shall specify the time, the place, and specific facts in support of the alleged violation.

(b) All claims shall be in writing and shall be filed with the Equal Opportunity Commission via Human Affairs Associate.

(c) The Commission shall forward an information copy of the written claim to the Office of University Human Affairs.

(d) The Commission shall have jurisdiction over complaints referred by the Equal Opportunity Committee as authorized by the section establishing that committee.

(e) The Commission shall have jurisdiction to consider any claims properly brought within this policy notwithstanding the availability of other procedures for the resolution of such claims; in this regard, it is recognized that the University has established grievance procedures applicable to faculty, staff, and students which run concurrent with the right of an individual to complain to the Commission; it is also recognized that those rights of appeal accorded career service employees under Title 60K, F.A.C., are preserved and shall run concurrently with the right of the affected to seek the jurisdiction of the Commission.


(a) Within 5 days of the filing of the complaint, the executive secretary of the Commission shall discuss with each claimant the nature of his or her particular case and perform the necessary preliminary data collection.

(b) The chairperson, subsequent to receiving the claim and preliminary data from the executive secretary, shall contact the complainant against individual in order to ascertain whether the claim can be satisfactorily resolved without recourse to a formal investigation and hearing. If such resolution is possible, the chairperson shall authorize a voting member of the Commission to attempt to conciliate the claim. If no such resolution is possible, the chairperson of the Commission shall order that a formal investigation of the claim be conducted.

(c) In the case where conciliation is recommended and fails, the procedures authorized in paragraph (4)(d) concerning formal investigation will be followed.

(d) In cases where formal investigation is recommended, the chairperson of the Commission shall appoint three, i.e., one faculty, one student, and one employee other than faculty, voting members of the Commission to investigate the claim. In the course of such investigation, these members shall make every reasonable effort to resolve the complaint. The members shall within 20 days of receipt of the complaint report to the chairperson of the Commission whether or not in their judgement there is sufficient basis for holding a formal hearing. After the filing of such report, the three members who investigate the claim shall not participate further in any hearing in the preparation of any recommendation that may be rendered by the Commission.

(e) The Commission shall decide, after receipt of the report described in paragraph (4)(d) above, whether or not a formal hearing shall be conducted. In the case of a claim referred by the Equal Opportunity Committee, the Commission shall promptly decide whether or not to hold a formal hearing on the basis of the claim referred. If the Commission decides not to hold a formal hearing, the executive secretary of the Commission shall so notify the individual who filed the claim or the Equal Opportunity Committee; such notification shall include a brief statement of the reasons for the Commission’s decision.

(f) A hearing shall be held in those cases which after investigation require the taking of live testimony and involve genuine issues related to prohibited practices which cannot be resolved by recourse to documents, data, affidavits, or statements of persons or which involve the resolution of credibility issues or contradictory statements made in the course of an investigation.

(g) A hearing shall not be held upon a complaint that challenges a policy or practice of the University which is alleged to be discriminatory or to operate in a discriminatory manner. Such a practice or policy shall be referred to the Equal Opportunity Committee for investigation and determination as to whether such policies or practices have a disparate impact on protected classes and cannot be justified on a reasonable basis.

(h) In cases where hearings are not held, the Commission shall issue a recommendation based upon a review of the investigative file.

(i) In any formal hearing conducted by the Commission, the following procedures shall apply: (1) the complainant and the party charged with violation of the University policy against discrimination shall receive notice of the hearing at least 10 days in advance of such hearing; (2) the complainant and the party charged with violation of the University policy against discrimination shall have an opportunity to present evidence in support of their positions; (3) the complainant shall carry the burden of demonstrating, by a preponderance of the evidence, a violation of the University policy by the party charged; (4) the Commission shall maintain a transcript and record of all proceedings, which records shall be available to the President of the University and to any court or agency authorized by law to review the action of the Commission; (5) the Commission shall notify the parties involved
in writing of its recommendation; (6) either party may at his own expense and at his own choosing be represented by counsel; (7) hearings shall be closed except by agreement of the parties involved that they are to be public; (8) the formal rules of evidence shall not apply to hearings before the Commission.

(j) Following a formal hearing, the Commission shall render a recommendation to the President within 20 days. The Commission may conclude that a claim lacks merit and recommend dismissal of the claim. The Commission may conclude that there is merit to the claim, in which case its recommendation shall state the findings that support its conclusion and shall specify the action or actions it recommends to remedy the violation of the University policy against discrimination. It should be understood that the purpose of the Recommendation is to remove the effects of the discrimination or prevent its continuation or repetition.

(k) The Commission through its executive secretary shall make regular reports as required by the President of the University.

(l) In the event the President takes no action on the recommendation of the Commission within 20 days receipt thereof, such recommendation shall be the binding decision that shall be carried out.

Specific Authority 120.53(1)(b), 240.042(2)(a), (b), 112.041(1) FS. Law Implemented 120.53(1)(b), 240.042(2)(a), (b), 112.041(1) FS., 6C-5.001(1), (2), 6C-5.002(1), F.A.C. History–New 9-30-75, Formerly 6C2-4.18.

6C2-4.019 Affirmative Action Guidelines for Divisions and Departments.

(1) Policy. The Florida State University is committed to nondiscrimination because of race, religion, color, sex, or national origin. This commitment applies in all areas with students, faculty, and other University personnel. It is also relevant to those aspects of the University concerned with the choice of contractors, suppliers of goods and services, and to the use of University facilities.

(2) Florida State University believes in equal opportunity practices which conform to both the spirit and the letter of all laws against discrimination. The University actively strives to build a community in which opportunity is equalized and uses it facilities and human resources to develop the skills and opportunities of the members of all groups so they may play responsible and productive roles in society.

Specific Authority 120.53(1)(b), 240.001(1)(d), 240.042(2)(a), 112.041(1) FS. Law Implemented 120.53(1)(b), 240.001(1)(d), 240.042(2)(a), 112.041(1) FS., 6C-5.001(1), (2), 6C-5.002, F.A.C. History–New 9-30-75, Formerly 6C2-4.19.

6C2-4.020 Definition of Terms.

(1) An affirmative action program is a set of specific and result-oriented procedures to which a contractor commits himself to apply every good faith effort. The objective of those procedures plus such efforts is equal employment opportunity. Procedures without effort to make them work are meaningless; and effort, undirected by specific and meaningful procedures, is inadequate. An acceptable affirmative action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and women, and further, goals and timetables to which the contractor’s good faith efforts must be directed to correct the deficiencies and thus to increase materially the utilization of minorities and women, at all levels and in all segments of his work force where deficiencies exist.

(2) Nondiscrimination. Those practices and policies which, when implemented, do not operate to the detriment of any person on grounds of race, color, religion, sex, or national origin.

(3) Goals. Those projected levels of achievement resulting from analysis by the college, division, or department regarding its employment deficiencies and of what it can reasonably do to remedy them given the availability of qualified women and minorities and the expected turnover in its work force.

(4) Recruitment. The process by which a department develops an applicant pool from which hiring decisions are made.

(5) Hiring. The process of selection from an applicant pool.

(6) Anti-Nepotism. Those policies or practices which prohibit or limit the simultaneous employment of two members of the same family and which have an adverse impact upon one sex or the other. Those stated or implied presumptions against the consideration of more than one member of the same family for employment within the same department.

(7) Placement. Job category assignments and treatment of individuals within a single classification.

(8) Training. The processing of programs and/or instructions directed toward remediation, upgrading or specific skills, and gaining new skills.

(9) Condition of work. All terms and conditions of employment including work assignments, education and training opportunities, research opportunities, use of facilities, and opportunities to serve on committees or decision-making bodies.

(10) Test. Any paper-and-pencil or performance measure used as a basis for employment decisions and all other formal scores, quantified, or standardized techniques of assessing job suitability.

(11) Minorities.

(a) Members of ethnic groups, identified as American Negro, Spanish-surnamed Americans, American Indian, and American Oriental. All others, including Caucasians, should be identified as “Other”.

(b) Women; an affected class which, by virtue of past discrimination, continue to suffer effects of that discrimination.

(12) Job Classification. The assignment of a position to a class or group of positions that are sufficiently similar as to kind or subject matter of work, level of difficulty or responsibilities, and qualification requirements of the work to warrant the same treatment as to title, pay range, and other personnel transactions.
(13) Disparate Treatment. Qualitatively or characteristically dissimilar treatment which prompts negative affects for a particular individual or group.

Specific Authority 120.53(1)(b), 112.041(1) FS. Law Implemented 120.53(1)(b), 112.042(1) FS., 6C-5.001(1), 6C-5.002(1), F.A.C. History–New 9-30-75, Formerly 6C2-4.20.

6C2-4.021 Affirmative Action Procedures for Divisions and Departments.
(1) Gather data.
(a) Identify composition of staff by race, sex, salary, and job classification.
(b) Identify percentage of qualified women and minorities available in and to the FSU community and surrounding area.
(c) Examine recruitment, placement, promotion, termination, and training practices.
(d) Examine nepotism, conditions of work, and leave and grievance procedures.
(2) Interpret data and determine needs.
(a) Identify non-compliance practices.
(b) Ascertain personnel affected and involved.
(c) Ascertain AA components adversely affected by current university and/or state policies.
(3) Establish goals and timetables.
(a) Determine appropriate goals (significant, measurable, and attainable, separate for minorities and women.)
(b) Determine appropriate timetables.
(4) Establish structure and processes.
(a) Revise and/or modify structure of areas in non-compliance.
(b) Develop programs and/or packages which encourage and attract participation of women and minorities in the workforce.
(c) Make proper referrals and/or recommendations according to University protocol which would affect policy change when or where needed.
(d) Develop monitoring devices.
(e) Make copy of plans including steps (1)-(4) available to Office of University Human Affairs.
(5) Implement program.
(a) Activate processes and programs.
(b) Actively promote and monitor compliance policies.
(c) Utilize and respond to unit and University-wide monitoring devices.
(d) Increase general awareness and particular knowledge of laws and responsibilities with reference to equal employment opportunities.
(6) Evaluate program.
(a) Conduct periodic reviews of action taken.
(b) Determine the extent to which goals have been obtained.
(c) Where appropriate, reactivate step (4)(a).
(d) Process adjustments through step (5).
(e) Send copy of evaluation results to Office of University Human Affairs.
(7) Actions and cautions; Recruiting.
(a) Utilize minority group persons as interviewers and members of search committees and/or recruiting teams.
(b) Establish contacts in the minority and women’s communities. The key to good contacts is credibility – credibility between your department and the contact, credibility between the contact and the minority and women’s communities, and credibility among women’s groups and organizations.
   1. Contact the nationally-known minority groups or women’s organizations.
   2. Contact community organizations – school committees, churches, local centers. In some places, these lesser-known groups have closer contact with the people than the organizations with national reputation.
   3. If experience shows no group is an adequate contact, seek out individuals and leaders who are well known – ministers, doctors, barbers, beauticians.
   4. If these sources fail, seek out the leaders of community demonstrations. Do not be deterred by radical rhetoric; some of these leaders may have more credibility than better-known groups.
   5. Invite minority and women leaders to visit, tour, and/or lecture to your department.
   6. Make an effort to bring minority group members and women into your vacancy information system and equalize their opportunities.
   (c) When you have job openings:
      1. Notify University personnel office.
      2. Advertise in minority and women’s community media (newspapers, magazines, radio and T.V. stations.) Utilize these media as regularly as you use other forms of advertising. Always use the phrase, “An Equal Opportunity Employer”. Also, indicate that “we welcome applications from minorities and women”.
      3. Utilize referral agencies with a large minority clientele as often as other referral agencies are used.
4. Make clear to non-specialized agencies that applicants will be rated on merit only, and encourage them to send minority group and women applicants.
5. Encourage minority and women employees to refer their friends.
   (d) Avoid:
   1. Relying exclusively upon word-of-mouth referral.
   2. Relying upon walk-ins.
   3. Relying upon qualifications which are not job-related and tend to “screen out” applicants rather than “screen in” qualified minority group persons and women.
4. Restricting positions by sex, unless there is a bona fide occupational qualification involved.
8. Applications. Accept applications from minorities and women whether or not you have an opening. Keep the applications on file; consult them when openings develop. (Minority group persons and women must be built into the system of employment. While white males may hear of future openings by word-of-mouth from present employees, minority group persons and women most often do not.)
9. Interview. When you interview applicants, be certain that:
   (a) Interviewers understand and carry out your equal employment policies.
   (b) Interviewers are not biased by dress and grooming styles which are unique to certain ethnic or age groups.
   (c) Interviewing staff is appropriately representative of group being sought in affirmative action efforts.
10. Employment standards. Qualifications should reflect what the applicant needs to get the job done. Do not lose potentially good workers because you have artificially high standards.
   (a) Eliminate requirements for diplomas and degrees where neither is needed for proper position or job function.
   (b) Eliminate or be flexible about experience requirements when the job can be quickly learned, and reduce experience requirements which are excessive.
   (c) Review a person on the basis of his or her previous success record and promise, as well as academic achievement.
   (d) Assume that women do not permit marital status to affect their acceptance of employment.
   (e) Assume that minorities are willing to live and work in a predominantly white community.
   (f) Assume that wives of current employees are qualifiable according to standards set forth in the State Personnel Policies.
   (g) Apply all of the same considerations and equalizations for minorities and women to employment of minority and women students.
11. Promotion and training.
   (a) Apply the same principles of equal opportunity to current employees as you do to new hires.
   (b) Post all promotional opportunities and encourage bidding.
   (c) Conduct regular, comprehensive reviews of employee mobility. Pay particular attention to the mobility of minority groups and women.
   1. If minorities or women seem not to advance, find out why and make or recommend appropriate adjustments.
   2. If minorities and women seem not to penetrate certain sections or divisions, or remain stagnated in other areas, find out why and make or recommend appropriate adjustments.
   (d) Wherever additional training is needed, provide it. Encourage all employees to take special courses.
   (e) Provide career counseling for all employees to stimulate and encourage persons with potential who previously had not been aggressive.
12. Work conditions to avoid.
   (a) Subjecting persons of a particular sex or minority status to heavier teaching or work loads.
   (b) Subjecting persons of a particular sex or minority status to less desirable work or class assignments.
   (c) Withholding from persons of a particular sex or minority status opportunities to serve on key decision-making bodies.
   (d) Withholding from persons of a particular sex or minority status opportunities to apply for research grants.
   (e) Withholding from persons of a particular sex or minority group opportunities to apply for leaves of absence for professional purposes.
13. Retention and firing.
   (a) If a minority or woman employee is having difficulty adjusting to his or her job, try to determine why.
   (b) Promote an open-door policy where minority and women employees can air their problems.
   (c) Establish a clear publicized system of investigating in-house complaints of discrimination.
   (d) Before firing an apparently ineffective minority or woman employee, be certain:
   1. You and supervisors or chairmen have made every effort to integrate him or her into the working community, and
   2. If the employee was hired through a group, the group has been notified and been given an opportunity to help the employee.
   (e) If you must fire a minority group person or a woman, explain why to the employee. If additional training, that you can provide, is needed, advise of its availability.
   (f) Some white and/or male workers may resent affirmative action because they believe it threatens them. Do not take this lightly or ignore it. Most often, opposition stems from misinformation.
   (g) Deal with complaints of “reverse discrimination” with the same tact and dispatch as with other discrimination charges. Evaluate each complaint both individually and in the context of the affirmative action plan.
Through meetings, announcements, publications, and other means, openly discuss the affirmative action program, its benefits, its progress and operation, and how it affects all employees.

Specific Authority 120.53(1)(b), 240.042(2)(a), (b) FS. Law Implemented 120.53(1)(b), 240.042(2)(a), (b) FS., 6C-5.001(1), (2), F.A.C. History—New 9-30-75, Formerly 6C2-4.21.

6C2-4.022 Division of Professional Schools and Colleges Affirmative Action Procedures.

(1) The Division of Professional Schools and Colleges requires that all personnel vacancies in the Division be filled only after a thorough affirmative action search has been conducted. Documentation on search procedures is to be maintained for record.

(2) The Affirmative Action policies cover all faculty appointments to include regular, temporary, contract and grant, adjunct and leave of absence replacements, as well as graduate assistant appointments and career service appointments.

(3) Procedures to be followed, and documentation thereof maintained, in search for faculty positions is as follows:

(a) Inform Provost of vacancy and obtain written authorization to hire.

(b) File position listing with Board of Regents Form No. A001 through Florida State University Equal Employment Coordinator.

(c) Establish open period for applications.

(d) Advertise in appropriate media.

(e) Case file documentation required shall include:

1. File copies of advertisements or list of advertisements by publication for each position, together with text of advertisement.

2. List of applicants by name indicating Affirmative Action candidates.

3. Name and vita of person recommended and justification statement.

4. Provost approves or disapproves in writing.

5. Invitation (contract letter) is sent to candidate by Dean.

6. Dean notifies Provost in writing of candidate’s acceptance or rejection of offer.

7. Dean retains copies of all offers extended.

8. If original offer not accepted, Provost enters certification that original Affirmative Action search stands or was modified by subsequent action.

9. All unsuccessful interviewees must be given an application for them to submit to the State University System to go into the Central Applicant Pool if they so desire.

10. Appointment papers are filed with Provost by Dean.

11. After Provost’s review, case file is returned to Dean for file in School’s Affirmative Action Files. Such Files are to be kept accurately, up-to-date, and auditable at any time.

(4) When position is filled, immediately notify the Equal Employment Coordinator so advertisement in SUS can be cancelled.

(5) All non-administrative positions must be approved by Provost. Administrative positions must be approved by Provost and Executive Vice President.

(6) Graduate Assistant positions shall not be required to be advertised externally. Affirmative action search procedures however shall be applied in selecting from the available pool of qualified applicants.

(7) Procedures to be followed and documentation thereof maintained in search for career service positions is as follows:

(a) Inform Provost of vacancy and receive written authorization to hire.

(b) List position with University Personnel Office.

(c) Establish open period of one (1) week for grades 1-9 and three (3) weeks for grades 20 and above.

(d) Affirmative Action compliance procedures include:

1. Affirmative Action candidates may be hired at any time within open period without Provost action by direct interaction with the University Personnel Office. Appointment papers for such persons should carry explanatory note.

2. All requests for hiring authorization after the open period require Provost action.

(e) Documentation required is as follows:

1. List of applicants interviewed indicating affirmative action candidates and written assessment of qualifications of all applicants relative to the position.

2. Vita or comparable personal and employment data sheet of person recommended forwarded to Provost with recommendation and appointment paper.

3. Provost approves or disapproves recommendation.

4. Invitation is sent to accepted candidate by Dean or designee and University Personnel Office is informed of action by return of properly completed EA Form 206.

5. After Provost’s review, case file is returned to the Dean for filing in Schools’ Affirmative Action files. Such files are to be kept accurately, up-to-date, and auditable at any time.

6. Due to critical shortage of applicants in paygrades 11 and below, positions in these paygrades shall be exempted from specific action and documentation as set forth above. Affirmative action goals and principles however are to be considered and applied to the extent practical in all positions.

7. Units are encouraged to utilize the following aids in recruiting affirmative action applicants:
a. Institution and agency lists.
b. Faculty assistance.
c. Site visits.
d. Incentives.
e. Inter-agency coordination.

Specific Authority 120.53(1)(b), 240.042(2)(a), (b) FS. Law Implemented 120.53(1)(b), 240.042(2)(a), (b) FS., 6C-5.004(1), (2)(a), (b), (3)(a), 6C-4.001(8)(a), F.A.C. History–New 9-30-75, Formerly 6C2-4.22.

6C2-4.023 Division of Arts and Sciences Affirmative Action Procedures.

(1) Faculty Appointments.
   (a) Deadline dates should not be included in advertisements of open positions without prior discussion with the Provost’s Office.
   (b) Copies of advertisements and announcements of an open position (including individual letters) should be sent to the Provost’s Office.
   (c) Search or screening committees should have women and/or minority group members of the faculty included if there is such representation within the program unit. A list of the membership of these committees should be filed with the Provost’s Office prior to involvement by a committee.
   (d) Prior to the commencement of a search the chairman of the program concerned should review the procedures to be used with the Provost’s Office.
   (e) A file of all women and/or minority group members who are considered or who apply for an open position should be kept and each of these individuals should be discussed with the Provost’s Office prior to final responses to candidates.
   (f) No invitations for interview visits on campus should be extended without prior discussion with the Provost’s Office.
   (g) No commitment, either verbal or written, should be made until the Provost’s Office has checked that all the above procedures have been followed.

(2) Career Service Appointments.
   (a) A copy of all employment action requests should be sent directly to the Provost’s Office.
   (b) Career service positions grade 20 and above must be advertised four weeks and positions below grade 20 must be advertised two weeks before they may be filled. (This means that advertisement should begin as soon as an opening is definitely known.)
   (c) Halfway through the advertisement period the Provost’s Office should be notified regarding the interviews which have taken place, especially with affirmative action candidates.
   (d) The employing unit must demonstrate that it has taken an active role in the search for affirmative action candidates; that is, the unit must demonstrate it did not simply wait for the Personnel Office to send candidates.
   (e) Appointment of candidates for positions should take into account the current composition of the workforce in the particular program unit and/or position.
   (f) No commitment, either verbal or written, should be made until the Provost’s Office has checked that all the above procedures have been followed.

Specific Authority 120.53(1)(b), 240.042(2)(a), (b), 110.022(1)(f) FS. Law Implemented 120.53(1)(b), 240.042(2)(a), (b), 110.022(1)(f) FS., 6C-4.001(5), (8)(a), 6C-5.001(1), 6C-5.004(1), (2)(b), F.A.C. History–New 9-30-75, Formerly 6C2-4.23.

6C2-4.024 Division of Social Sciences and Law Affirmative Action Guidelines.

Affirmative Action Guidelines for Faculty, Academic, and A&P Appointments.
The guidelines below are designed to provide assistance in implementing the University’s Affirmative Action Policy as outlined in the President’s memorandum of January and September, 1974.

(1) All vacant positions should be advertised in appropriate professional media. Such media should include those aimed at minorities and women.

(2) In addition to appropriate advertising, each dean and/or department chairman is expected to initiate efforts to identify a pool of female and minority candidates who can be considered for the position along with other candidates. This involves the effective utilization of reliable informants, and the identification of prospective candidates at an early stage in their graduate careers.

(3) Recruitment for a position should begin early in the academic year and the position held open until all reasonable efforts to develop a representative pool of candidates have been exhausted. Under no circumstances should a nonaffirmative action candidate be denied consideration in arriving at your recommendations for appointment.

(4) All appointments must be approved by the Office of the Provost. In requesting clearance to make appointments, the following information should be provided.
   (a) Media in which position was advertised.
   (b) Independent efforts made to identify a pool of present and prospective minority and female candidates in your discipline.
   (c) A list of the five top candidates deemed qualified for the position including Affirmative Action candidates, if any. Attach a vita for each of these candidates and any Affirmative Action candidates not appearing in the top five.
(d) State the reasons why the preferred candidate was selected from the list of qualified candidates.

(5) In considering your request to make an appointment, the Provost may request additional information which should be provided promptly. Exceptions to Affirmative Action appointments will be made depending upon a unit’s progress toward the achievement of its goals, the availability of qualified personnel, and other pertinent factors. Under no circumstances will the Provost’s Office approve the appointment of a candidate who is not appropriately qualified for the position.

Specific Authority 120.53(1)(b), 240.042(2)(a), (b) FS. Law Implemented 120.53(1)(b), 240.042(2)(a), (b) FS., 6C-4.001(5), (8)(a), 6C-5.001(1), 6C-5.004 et seq., F.A.C. History–New 9-30-75, Formerly 6C2-4.24.

6C2-4.025 Affirmative Action Guidelines for Career Service Appointments.

(1) All vacant positions must be listed with the Personnel Relations Office and the Office of the Provost.

(2) As with all job applicants, Affirmative Action candidates must satisfy at least the minimum qualifications established for the position by the Division of Personnel. However, a unit may not specify job qualifications which differ from those established in the Career Service Job Manual.

(3) While primary assistance in identifying suitable candidates will be provided by the Office of Personnel Relations, each unit is expected to develop independent information sources for the identification of a pool of minority candidates. Contacts with local high schools, technical schools, FAMU, and the local Urban League should prove helpful in this regard.

(4) The Affirmative Action Plan of the University provides that our 1983 goal for the employment of minority Career Service employees should be 34 percent. To accelerate our efforts toward the achievement of this goal, President Marshall has suggested that 80 percent of all new hires during this academic year should be from minority groups. The 1983 goal presupposes a pattern of employment that would exist by that time assuming past practices of racial discrimination are abandoned.

(5) All Career Service appointments must be approved by the Office of the Provost before an offer is made to a prospective employee. Exceptions to Affirmative Action appointments will be made depending upon a unit’s progress toward the achievement of its goals, the availability of personnel, and other pertinent factors. Under no circumstances are non-minority candidates to be denied the right to apply for a position within the Division.

(6) While the period of time a position is held open before making an appointment will vary with the particular circumstances within a unit, a general rule of thumb is that Career Service positions should be left vacant for a minimum of two weeks. Upon review by the Office of the Provost, an additional waiting period may be required. However, if an appropriately qualified Affirmative Action candidate is identified in less than two weeks, an immediate employment clearance can be requested.

(7) The University’s Affirmative Action Policy presupposes a reasonable proliferation of minorities throughout all Career Service paygrades. Efforts should be made to upgrade minority candidates once entry-level employment is achieved within the unit or Division.

(8) The Administrative Assistant in the Provost’s Office will coordinate the Affirmative Action program for the Division.

When you have Career Service vacancies to be filled, please keep the Provost’s Office informed on a weekly basis of your progress so that the Office can help facilitate your efforts.

Specific Authority 120.53(1)(b), 240.042(2)(a), (b), 110.022(1) FS. Law Implemented 120.53(1)(b), 240.042(2)(a), 110.022(1) FS., 6C-4.001(5), (8)(a), 6C-5.001(1), 6C-5.002(3), F.A.C. History–New 9-30-75, Formerly 6C2-4.25.

6C2-4.026 Program to Increase Minority Availability in Academic and Administrative and Professional Areas.

(1) This plan offers an approach to satisfying some of the immediate and future needs for academic and administrative professions at the University. It also presents an approach to coalition of Florida higher education institutions to support and meet their demands within as well as rendering relief regionally and nationally. The strength and effectiveness of the actions herewith suggested are directed toward producing an increased number of minority academicians and administrators within the University.

(2) Specific objectives.

(a) Effectuate mechanism for recruiting and education required minority manpower.

(b) Increase minority student enrollment graduate program.

(c) Develop a cadre of higher education personnel prepared to contribute an added dimension to traditional systems.

(d) Aid in realizing the prerequisite to successful affirmative action program goals – pool of applicants.

(e) Concentrate on preparation of persons for disciplines with greatest discrepancies.

(f) Help reduce underemployment.

(g) Help students with professional development who might otherwise remain locked into unchallenging situations.

(h) Re-educate faculty and other personnel for new skills in areas where blacks are few or have been displaced.

(i) Develop through internship, minority representation within central administration and at other administrative levels.

(3) Procedures.

(a) Prior to recruiting participants:
   1. Identify universities for participation in a student or employee exchange for higher education.
   2. Determine disciplines where minority talents are underutilized.
   3. Secure financial support and work out reciprocal arrangements.

(b) Selection process.
1. Nominations by departments from institutions committed to both educating and hiring minorities.
2. Final selection will be made by special advisory commission.
3. A minimum of five will be appointed the first and subsequent years.
(c) State University System Commitment.
1. Tuition waiver for program participants.
2. Financial resources for participant support.
(d) University Commitment.
1. Assignment of department mentor for continued professional development.
2. Consideration for employment or promotion of program participants upon completion of program.
(e) Student Commitment. Minimum of 2 years of service in the state for each year of support.
(f) Sources of funds for expanding program shall come from:
1. State (special allocation).
2. Foundations and corporations.
(g) Criteria for selection.
(h) Faculty.
1. Completion of masters degree.
2. 25-35 years of age.
3. Minimum of two years of employment in area of specialty or related area.
4. Nomination by department head, faculty, alumni and student.
5. Eligible for promotion or employment.
6. Meet eligibility requirements for admittance to Ph.D. program.
(i) Administration.
1. Two years of service in profession.
2. Eligible for admittance to university.
3. 25-35 years of age.
4. Demonstrated aptitude for or proficiency in administrative techniques.
5. Nominations by department head or unit officials.
6. Acceptance by an administrative mentor.
7. Eligible for promotion or employment.
(4) Alternatives for participation after two years service at the University.
(a) A year’s leave for study, and alternate quarters until completion.
(b) Alternate quarters until completion.
(c) Summer quarters.
(d) A year’s leave for study and subsequent summers until completion.
(5) Length of participation (maximum).
(a) Administrative internship – one year or equivalent quarters.
(b) Faculty – three years or equivalent quarters.
(6) The status of participants will be evaluated annually to determine the extent to which they are successfully completing programs and ultimately how many have been appointed or offered contracts for employment in higher education in the state.

Specific Authority 120.53(1)(b), 240.001(1)(d), 240.042(2)(a), (b) FS. Law Implemented 120.53(1)(b), 240.001(1)(d), 240.042(2)(a), (b) FS., 6C-4.001(5), (8)(a), 6C-5.001(1), 6C-5.002(2), (3), 6C-6.001(1), (2), F.A.C. History–New 9-30-75, Formerly 6C2-4.26.

6C2-4.027 The Florida State University Procedures Relating to Faculty Appointments.
(1) The initial responsibility for seeking candidates for authorized faculty positions lies at the departmental level. The field should be thoroughly surveyed to locate those candidates of proven moral character who demonstrate the best academic qualifications compatible with the level of the position. A recommendation for appointment should be made by the department head only after appropriate consideration of the proposed appointment by department members, after consultation with the appropriate representatives of other departments, schools, colleges, or teaching programs to which the work proposed for the particular appointment is substantially related, and after consultation with the principal administrative officer concerned.

(2) When an agreement has been reached regarding the best applicant for the position, the recommendation for appointment is submitted to the Dean of the Faculties on the prescribed form and with the required supporting information by the principal administrative officer concerned. All understandings, limitations, promises, and the like pertaining to the proposed employment are to be recorded in writing on the standard form or attached to it. Acceptance of such appointment in writing constitutes a legal contract.
(3) The authorization of any position is subject to reconsideration whenever it becomes vacant. When a vacancy occurs or is anticipated the department chairman is expected to report the fact promptly to the principal administrative officer concerned who will ascertain from the Executive Vice President whether the vacancy may be filled, and if it is to be filled, to initiate search for the most highly qualified available candidate for the approved position. No commitment is to be made until the proposed appointment has been approved by the Executive Vice President.

(4) Forms and supporting materials for new academic appointments must be in the office of the Dean of the Faculties at least two weeks preceding the date the appointment is to become effective.

(5) When the faculty member first reports at the University, his department will request him to complete the necessary payroll form, if the completion has not been accomplished by mail. The forms include the authorization for withholding tax deductions, retirement information, group insurance authorizations, and the loyalty oath required by the State of Florida. State law requires that each new employee of the State be fingerprinted at the time payroll forms are completed.

Specific Authority 120.53(1)(b), 240.042(2)(a), (b), 110.051(2)(e) FS. Law Implemented 120.53(1)(b), 240.042(2)(a), (b), 110.051(2)(e) FS., 6C-4.001(5), (8)(a), 6C-5.004(2)(b), (3)(a), 6C-5.001, F.A.C. History–New 9-30-75, Formerly 6C2-4.27.

6C2-4.028 Review Procedures for Denial of Promotion and Tenure and Non-renewal and Termination of Faculty Appointments.
Faculty seeking a hearing on the non-renewal or termination of their contracts or on a denial of promotion or tenure can elect to have their cases heard in accordance with the Board of Regents’ Rule of Procedure Governing Faculty Grievances, Rule 6C-5.008, F.A.C., or in accordance with the adjudicatory provisions of Chapter 120, F.S. If the faculty member elects a hearing under Rule 6C-5.008, F.A.C., then the faculty member must elect that remedy in writing to the President at the time the petition seeking such a hearing is filed. The election of a Rule 6C-5.008, F.A.C., proceeding waives any right the faculty member may have to proceed under Chapter 120, F.S., or to have his case heard pursuant to any other remedy.

Specific Authority 120.57, 240.227(1) FS. Law Implemented 120.57, 240.227(5), 240.245 FS. History–New 9-30-75, Formerly 6C2-4.28.

6C2-4.029 Faculty Regulations.
(1) Faculty Absences. A faculty member who is absent because of illness or for other legitimate reasons should notify his department chairman or academic dean as soon as possible in order that arrangements may be made for the meeting of classes and the performance of other scheduled activities.

(2) Office Hours. Every member of the teaching faculty is normally expected to post and honor specific hours each session in which he conducts classes. The statement of office hours should be placed in a conspicuous place.

(3) Faculty Working Toward Advanced Degree at the University. No faculty member above the rank of instructor may work toward an advanced degree at the University.

(4) Faculty Professional Relations Committee. The Faculty Professional Relations Committee is a constitutional body consisting of nine members elected for staggered three-year terms from and by members of the General Faculty. The Committee considers “all matters involving University policy and practice concerned with professional relations, professional ethics, conditions of employment and the welfare of the faculty.”

The Committee reviews “all cases of the termination of tenured and nontenured faculty members and all academic freedom cases.” The Committee “may make recommendations to the Faculty Senate as to the proper administrative officer.”

(5) Faculty Welfare Committee. The Faculty Senate established on May 17, 1972, a Faculty Welfare Committee to consider (a) terms of faculty employment, (b) teaching loads, and (c) academic reorganization. The Welfare Committee concerns itself with policy; particular grievances are the provinces of the Faculty Grievance Committee.

The Faculty Welfare Committee consists of twelve members chosen by the Faculty Senate Steering Committee from the general faculty. Appointments are made to allow the broadest representation of the University faculty. Members serve three year terms with the terms overlapping to provide continuity for the committee activity.

(6) Class Attendance. The faculty member is expected to check attendance in all classes. He is expected to make some allowance for absence occasioned by illness, by trips for the University, or by authorized field trips. Any arrangement to make up work because of class absence is the responsibility of the student. The effect of absence upon grades is determined by the instructor; at the beginning of the term the faculty member explains his grading policy to the students. The Director of Student Health Services does not issue excuses to the students. The student is given a card indicating the time of admission and discharge from the University Hospital. A report will be given to the faculty member on request, indicating hour and date of treatment. No instructor has authority to permit a student to shift from one section of the course to another. Students must attend the section of the course to which assigned. No student may drop a course without the permission of his faculty adviser and his academic dean.

(7) Group Absences. Any faculty member desiring to arrange group absences from class shall submit a list of the affected students through his department head to his academic dean for approval. It shall be the responsibility of the faculty member to provide each student with a note certifying his participation in the group trip, which may be submitted by the student to his instructors. It shall be the student’s responsibility to arrange his absences with each of his instructors.
(8) Grades and Grading Practices. Once the final grade in a course has been reported by the instructor to the Registrar it cannot be changed except in cases of error in recording. A final grade may be changed only by permission of the department head, dean of the school, and Provost. The grade of “I”, Incomplete, is used only in those exceptional cases when a student for reasons beyond his control has failed to complete a well defined portion of a course. In addition to reporting an “I” on the class grade sheet the instructor should also report on a special form entitled “Assignment of Incomplete Grade,” the specific nature of the work to be completed by the student. If the “I” grade is not cleared within the student’s next residence quarter, it becomes a final grade and is computed as work attempted in determining the student’s academic status unless the instructor notifies the Registrar that the “I” is to be carried for an additional quarter. A student may not re-register for a course in which he has received an “I”; by so doing the “I” becomes “I.E.” and cannot be repeated. A faculty member leaving the University with “grades” of “Incomplete” assigned has the responsibility of filing the special form, “Assignment of Incomplete Grades,” with the departmental chairman. The Faculty Senate has approved a grade appeals system which affords the student the opportunity to appeal a grade which he feels was inequitably assigned in that a gross violation of the instructor’s own specified grading standards occurred. The faculty member has the responsibility to explain to students in his or her classes at the beginning of each term the specified grading standards to be used along with a statement of the goals and objectives of the courses to be taught.

(9) Final Examinations. It is University policy that final examinations in all undergraduate courses are discretionary within any given department. All students enrolled in an undergraduate course having a final examination, including graduating seniors and graduate students, are required to take the examination at the time scheduled. It is also University policy that examination papers of students shall be kept in the departmental file of the faculty member giving the examination for one year after the exam is given. No examinations in lieu of a final examination may be given in an undergraduate course during the final week of classes in any quarter with a Final examination period.

(10) Grade Rosters. Grade Rosters are distributed to the instructor by the Registrar. Corrected copies of the rosters should be returned to the Registrar on the time specified on the rosters. Room location and number, meeting time, instructor, credit hours, S – U grades for course, and any other information pertaining to the course offering should be corrected or verified. Grades should be carefully recorded on the final rosters in accordance with instructions provided. If a student is not included on a roster and is registered for the course, the student’s name should be added after the last name. Grade rosters should be returned to the departmental offices in time for subsequent forwarding to the Registrar prior to the deadline for each term published in the University Catalog. Faculty members have the responsibility of reporting grades promptly, in accordance with announced deadlines, at the end of each term. The Registrar has to receive grade rosters promptly in order to meet the University’s responsibility to inform students of their grades without unreasonable delay.

(11) Faculty Committee on Student (Academic) Relations. The Committee on Student (Academic) Relations was set up by the Faculty Senate, May, 1972. The Committee hears appeals from students concerning decisions about their academic work which they believe to have been arrived at improperly or unprofessionally in departments and schools. The Committee is composed of five members elected for overlapping two-year terms from the voting membership of the Faculty Senate and two students, one undergraduate and one graduate, elected by the Student Senate. The Registrar serves as an ex officio member.

Specific Authority 120.57, 110.051(2)(e), 240.227(1) FS. Law Implemented 120.57, 110.051(2)(e), 240.227(5) FS. History–New 9-30-75, Formerly 6C2-4.29.

6C2-4.030 Policy Governing Graduate Faculty Membership.

(1) Any member of the Instructional Faculty of the university may be considered for membership on the Graduate Faculty. Membership is determined on the basis of the individual’s function and qualifications. Because of the functional character of the designation, appointments are not necessarily indicative of qualifications. It is quite possible, for example, for an individual fully qualified to direct doctoral dissertations not to be so designated for the simple reason that the doctorate is not offered in his field. On the other hand, no individual may be authorized to discharge functions for which he is not qualified. Thus on occasions, hopefully rare, it may be necessary to forego certain functions for lack of qualified personnel.

(2) Two categories of functional responsibility and authority exist on the Graduate Faculty: Master’s Directive and Doctoral Directive. The minimum functional authority, attendant qualifications and procedures of appointment for each category are elaborated below:

(a) Master’s Directive. Members of the Graduate Faculty with “Master’s Directive Responsibility” are authorized to: teach graduate-level courses, serve as Major Professor for master’s degree students, and serve on Supervisory Committees for doctoral Students, provided each such Committee includes at least three members with Doctoral Directive Responsibility. Subject to consideration of special circumstances, minimum qualifications are completion of a doctorate or his equivalent and proven ability to conduct scholarly research and publish in reputable media or to perform equivalent scholarly or creative work. Departments will determine qualifications and procedures for appointments, subject to the approval of the dean of the school or college. Names of new appointees will be sent to the Provost for Graduate Studies and Research for information.

(b) Doctoral Directive. Members of the Graduate Faculty with “Doctoral Directive Responsibility” are authorized to perform all functions appropriate to graduate education. Subject to consideration of special circumstances, the minimum qualifications for appointment are: attainment of recognized professional stature in the discipline by virtue of substantial postdoctoral or equivalent scholarly or creative work and experience in the supervision of graduate students. Approval of recommendations for appointment
are to be made by the dean of the school or college. Names of new appointees will be sent to the Provost for Graduate Studies and Research for information. Appointments to the Graduate Faculty in this category will be reviewed by the dean of the school or college if the individual has not directed a candidate for five consecutive years.

No graduate student may be appointed to the graduate faculty. Nor may a graduate student have primary teaching responsibilities in any graduate course except by specific approval of the Provost of the Division with a report of the appointment and its justification to the Provost for Graduate Studies and Research. Under no circumstances may a graduate student be appointed as a member of another graduate student’s advisory and examining committee.


6C2-4.031 Faculty Grievance Procedure.

(1) Subject to the ultimate authority of the President under Rules 6C2-1.003 and 6C-5.008, F.A.C., the Committee on Grievances function is to resolve grievances brought to its attention by any faculty member; actions of the Committee on Grievances in no way precludes a faculty member from seeking redress through other channels. The Committee hears all grievances not under the jurisdiction of the Committee on Faculty Professional Relations. The Committee is made up of twelve members of the general faculty chosen in such a manner as to allow the broadest possible faculty representation. Members are appointed by the Faculty Senate Steering Committee, the appointments being for three year terms, with one third of the Committee membership being appointed or re-appointed each year.

(2) Procedure.

(a) Definitions.

1. Grievances – A grievance is defined as the dissatisfaction that occurs when a faculty member thinks or feels that any condition affecting him is unjust, inequitable, a hindrance to effective operation, or creates a problem, except that all termination cases and cases involving academic freedom will be heard by the FPR Committee.

2. Days – A day is defined as a working day during scheduled academic terms.

(b) Initiation of Complaint.

1. Who can file – Any faculty member having a grievance against any officer or representative of the University, a school or department, may make, sign and file with the Committee a complaint in writing.

2. Contents of Complaint. A complaint should contain:
   a. The full name, position and department of the person making the complaint;
   b. A clear and concise statement of the facts, including pertinent dates giving rise to the grievance;
   c. A statement of any informal steps taken to resolve the grievance;
   d. Whether or not proceedings have been commenced before any other University committee or any State or local agency, and the date when commenced.

3. Manner of Filing. The complaint shall be filed by the personal delivery or by registered mail, return receipt requested, to the chairperson of the Committee.

4. Amendments. A complaint, or any part of it, may be fairly and reasonably amended as a matter of right at any time before hearing and thereafter at the discretion of the hearing examiners.

(c) Investigation Procedure.

1. Upon receipt of a complaint, the chairperson of the Committee shall appoint, at his discretion, one or more of the members of the general faculty to investigate the complaint.

2. In the course of such investigation, the investigators shall make every reasonable effort to achieve a settlement of the dispute.

3. Upon completion of such investigation and if settlement between the parties is not reached, the investigators shall report to the chairperson as to whether or not, in his judgment, there is sufficient basis for holding a formal hearing.

(d) Initiation of Hearing.

1. Upon the receipt of the investigator’s report the Committee shall decide whether or not a formal hearing shall be conducted.

2. No Committee member who has participated in the investigation or in any conciliation attempt shall join these deliberations of the Committee, nor participate in the hearing except as a witness.

3. If the Committee decides to hold a formal hearing, the chairperson shall thereupon appoint a hearing board of committee members, normally three, to hear the complaint, and shall cause to be issued and served to the respondent, in the name of the Committee, a copy of the complaint as it may have been amended together with a written notice of hearing.

4. If the Committee decides not to hold a formal hearing, the secretary of the Committee shall so notify the individual who filed the claim; such notification shall include a brief statement of the reasons for the Committee decision.

5. In the event that new evidence is discovered, the complainant may petition the Committee to reopen consideration of his complaint.

(e) Answer.

1. Time of Filing. If a formal hearing is ordered, the respondent may file a written verified answer within ten days from the service of the complaint and notice of hearing.
2. Place and Manner of Filing. The answer must be filed at the office of the chairperson of the Committee. The filing shall be by personal delivery or by registered mail, return receipt requested.

3. Form of Answer. The answer shall contain a general or specific denial of each and every allegation of the complaint contested by the respondent, or a denial of knowledge or information sufficient to form a belief, and a statement of any matter constituting a defense.

4. Amendment of Answer. The answer or any part of it may be amended as a matter of right at any time before the first hearing and thereafter at the discretion of the hearing examiners.

5. Service of Answer. The Committee shall, within ten days after the date of the filing of an answer or amended answer, but in any case not less than three days before the date set for hearing, serve a copy of the answer or amended answer on the complainant.

6. Failure to File Answer. The hearing examiners may proceed, notwithstanding any failure of the respondent to file an answer within the time provided, to hold a hearing, and make its findings of fact and recommendation upon the testimony taken at the hearing.

(f) Hearings and Rehearings.
1. Public Hearings. The hearings shall be public unless the complaining party requests a closed hearing.
2. Opening Statement. Each party shall be given an opportunity to make an opening statement.
3. Powers of Hearing Examiners. The hearing examiners may call and examine witnesses, direct the production of papers or other documents, and introduce documentary or other evidence. The hearing examiners shall have full authority to control the procedure of the hearings to admit or exclude testimony or objections.
4. Majority Rule. All rulings and determinations of the hearing examiners shall be by majority rule.
5. Rules of Evidence. The hearing examiners shall not be bound by the rules of evidence applicable in courts of record in the State of Florida, but all hearings shall be conducted with regard to fundamental fairness to all parties.
6. Rights of Parties. All parties to a hearing may call, examine and cross-examine witnesses and introduce papers, documents or other evidence into the record of the proceedings, subject to the ruling of the hearing examiners. Normally the hearings will be recorded.
7. Oath. All testimony at the hearing shall be under oath or affirmation.

(g) Report of Findings.
1. Written Report and Recommendation. At the conclusion of the hearing and upon due consideration of the evidence, the hearing examiners shall submit to the Committee a written report setting forth their findings of fact and a recommendation for action, along with a copy of the complaint and answer, as amended.
2. Review by the Committee. Upon receipt of the hearing examiners’ written report, the Committee shall promptly review the findings and recommendation of the hearing examiners. After such review the Committee shall file in its office and in the office of the President for action, its decision and recommendations, and shall immediately send to each party a copy of the decision and recommendations.

(h) Amending Procedures. These procedures may be amended at any time by the Committee, subject to the requirements of the Florida Board of Regents Rule 6C-5.008, F.A.C. Any amendments must be published and distributed before becoming effective, and may not be applied to the prejudice of any party.

Specific Authority 120.57, 240.227(1) FS. Law Implemented 120.57, 240.227(5) FS., 6C-5.010(2)(a), F.A.C. History–New 9-30-75, Amended 7-21-77, Formerly 6C2-4.31.

6C2-4.033 Faculty Evaluations.
(1) Purpose, Scope and Sources of Evaluation.
(a) Each faculty member, tenured and non-tenured, shall be evaluated at least once annually on the basis of his or her individual total performance in fulfilling responsibilities to the University. The basic purpose of the evaluation is faculty improvement in the functions of teaching, research, service, and any other duties that may be assigned, with the resulting enhancement of learning, cultural advancement and the production of new knowledge. This evaluation shall precede and be considered in recommendations and final decisions on tenure, promotions, salary increments, and retention or termination.
(b) When first employed, each faculty member shall be apprised, through his or her contract, of what is expected of him or her, generally, in terms of teaching, research and other creative activities, and service, and specifically if there are specific requirements and/or duties involved. If and when these expectations change during the period of service of the faculty member, that faculty member shall be apprised of the change in written form.
(c) The performance of each faculty member shall be evaluated in accordance with the policy of the Board of Regents expressed in Board of Regents Rule 6C-5.005, F.A.C., Florida State University procedures for implementation of Board of Regents policy, school and departmental criteria and procedures on annual evaluation of faculty.
(d) The evaluation of each faculty member with respect to teaching, research or creative activity and service shall be the responsibility of each departmental chairman (or equivalent) in accordance with SUS Rules. The following minimum procedures shall be employed by the departmental chairman (or equivalent) in arriving at the faculty evaluation:
Evidence of Performance – Implementing SUS policy, the departmental chairman (or equivalent) shall request each member of the faculty to submit to him annually, evidence of his performance in teaching, research or creative activities, and service (and other University duties where appropriate), together with any interpretive comments or supporting data which the faculty member deems appropriate in evaluating his or her performance.

When appropriate, each faculty member shall submit annually to the departmental chairman (or equivalent) the results of the administration of SIRS student evaluation instrument or any equivalent tool subsequently adopted by the University. In conjunction with this submission, the faculty member may also present such other evidence of teaching effectiveness as deemed to be appropriate in the circumstances. Such evidence may include alternative evaluations by students, faculty or administrators. The departmental chairman (or equivalent) may also devise alternative means of assessing teaching effectiveness.

If a faculty member is on leave of absence for all or part of one or more academic years, the last evaluation preceding the commencement of the leave of absence shall suffice in meeting the annual evaluation requirement. For purposes of salary determination, promotion or tenure, and at the option of the faculty member, the departmental chairman (or equivalent) may review such relevant information as the faculty member wishes to present concerning teaching, research or service during the period of his leave. Such performance shall be evaluated in the manner prescribed above.

(2) Reporting Procedures.

(a) A written summary of the evaluation of the faculty member will be prepared annually and discussed with the faculty member concerned. A Faculty Evaluation Summary Form based upon the Board of Regents Rules shall be used. This Faculty Evaluation Summary shall be prepared annually as of June 15 of each year on each member of the faculty. The faculty shall be those defined by the Florida State University Constitution.

(b) The evaluator will normally be the departmental chairman (or equivalent). In those schools and colleges designated by the Executive Vice President, the evaluator will be the Dean. Each evaluator shall be familiar with Rule 6C-5.005, F.A.C., of the Board of Regents Rules for a definition of procedure and data to be used in the annual evaluation of the faculty. The Faculty Evaluation Summary will be reviewed by the appropriate administrative officer which will normally be the Dean of the College or School in which the faculty member holds his faculty position. When the Dean of a School or College is designated the evaluator, the Faculty Evaluation Summary will be reviewed by the Division Provost.

(c) Personnel holding joint appointments in other areas, departments or divisions shall be evaluated using the same form but such summary shall be marked concurrent. Each departmental chairman (or equivalent) shall evaluate the faculty member only with respect to his principal duties within that unit. Such concurrent summaries shall be forwarded to the Dean of the School or College in which the faculty member holds a faculty position. This procedure is to insure that each person holding a faculty position is evaluated annually and that all factors are considered in such an evaluation.

(d) Departmental chairman (or equivalent) shall be evaluated by their respective Deans and such Faculty Evaluation Summary reviewed by the Division Provost.

(e) A special report may be required in cases where the Dean disagrees with his departmental chairman (or equivalent) as outlined below. In the event of the termination of a faculty member, whether it be voluntary or involuntary, at a date other than May or June, a special report will be prepared. A special report may also be required when directed by the President, Executive Vice President, or the Dean of the Faculties.

(f) After completion of the Faculty Evaluation Summary by the departmental chairman (or equivalent) such summary will be discussed with the faculty member concerned by the evaluator. The faculty member may attach to the summary any statement he desires. In addition, in the case of an unsatisfactory evaluation, the departmental chairman (or equivalent) shall fully document the unsatisfactory performance prior to discussion with the faculty member. The departmental chairman (or equivalent) will propose in written form to the faculty member specific recommendations to assist the faculty member in achieving at least a satisfactory rating. The recommendation should be implemented within an academic year. Examples of recommendations could include: study at another university or even study on the campus of FSU (course titles and particular professors should be specified); provision to work with or to observe the work of an outstanding professor; participation in departmental staff development programs, etc. After discussion is completed and attachments made (if any), the faculty member will indicate that the evaluation has been reviewed by signing the Summary and indicating the number of pages attached to it.

(g) Upon the completion of the discussion with the faculty member, the Faculty Evaluation Summary will be forwarded to the Dean. If the Dean agrees with it, he shall so indicate by affixing his signature. In the event he disagrees, the Dean may discuss his area of disagreement with the preparer of the summary at which time two courses of action are available to the Dean:

   1. The Dean may submit his own Evaluation Summary, or
   2. The Chairman (or equivalent) may revise the original summary. Departmental chairmen (or equivalent) are encouraged to discuss the Faculty Evaluation Summary with their respective deans prior to discussion with the faculty member being evaluated. When a Special Faculty Evaluation Summary is prepared, the original Faculty Evaluation Summary must be attached to the special summary.

(3) Disposition of Summary.

(a) When the overall performance of a faculty member is satisfactory or better and the Summary has been reviewed by the Dean (or Division Provost where the Dean is the evaluator), the Faculty Evaluation Summary will be filed in the faculty member’s departmental personnel file together with any attachments. The contents of the faculty evaluation file shall be confidential and shall not be disclosed except to the faculty member evaluated and those whose duties require access.
(b) When the overall performance is less than satisfactory, the Faculty Evaluation Summary shall be forwarded to the President of the University via the Division Provost and the Dean of the Faculties with appropriate recommendation as to action to be taken as outlined in the Board of Regents Rules.

(4) Provision for Appeal.
(a) In the event that a faculty member is dissatisfied with the Faculty Evaluation Summary, this procedure allows the faculty member to register his or her disagreement in writing. In addition, review may be sought through normal administrative channels.
(b) If the faculty member is not satisfied with the summary prepared by the departmental chairman or equivalent, he may present his or her request for review in writing to the Dean within ten (10) days after being informed of the chairman’s evaluation. Unless a request for review is in writing, the faculty member will have no right to insist on time limits, but nothing should preclude a Dean from acting on all complaints. The Dean, like the departmental chairman (or equivalent), should have complete freedom of action in seeking to settle or resolve differences concerning evaluation summaries and presumably his efforts will be largely conciliatory. The Dean shall within ten (10) days of receipt of the written request for review meet with the faculty member to discuss the request, and the Dean shall within fifteen (15) days of receipt of the written request reach his decision.
(c) If the faculty member is not satisfied with the Dean’s decision, he may request in writing a review from the Division Provost within ten (10) days after the Dean’s decision. The Division Provost shall within ten (10) days of receipt of the written grievance meet with the member to discuss his request. The Division Provost shall within twenty (20) days of the receipt of the written request reach his decision.
(d) The appeal of the decision of a Division Provost may be made to the chief academic officer via the Dean of the Faculties. Such a report for review should be made in writing within ten (10) days after the Provost’s decision. The chief academic officer shall within ten (10) days of the receipt of the written grievance meet with the faculty member to discuss his request. The chief academic officer shall within twenty (20) days of the receipt of the written request reach his decision.
(e) That the University’s failure to invoke or abide by any procedures contained in this rule shall not be grievable under the

6C2-4.0335 Suspension and Dismissal of Faculty; Peer Hearing.

(1) Applicability. The provisions of this rule shall apply as follows:
(a) To all cases in which the University has under consideration action to suspend with or without pay, reduce the compensation or rank of, or terminate the annual appointment of a tenured faculty member for disciplinary reasons;
(b) To all cases in which the University has under consideration action to immediately suspend or to terminate the appointment of a non-tenured faculty member prior to the expiration of the non-tenured faculty member’s current employment contract for disciplinary reasons;
(c) Only when invoked, as provided hereinbelow, by the faculty member against whom the disciplinary consideration is directed, by his/her attorney or, with the express consent of the faculty member, by another qualified representative(s).
(d) The failure of the University to invoke or abide by any procedures contained in this rule shall not be grievable under the collective bargaining agreement between the Board of Regents and the United Faculty of Florida (BOR/UFF Agreement), but may be filed with the Grievance Committee of the Faculty Senate.

(2) Purpose.
(a) The purpose of this rule is to provide a method by which both the University and the faculty member who is subject to disciplinary consideration, of the type to which this rule applies, can have the benefits of faculty peer group participation in the disciplinary process prior to the disciplinary action.
(b) This rule is intended to implement and utilize a peer hearing process recognized by the FSU Constitution. See paragraph 6C2-1.004(3)(d), F.A.C.

(3) Information Gathering. When information, which could result in disciplinary action of the type to which the rule applies, is brought to the attention of the Vice President for Academic Affairs (Vice President), he/she shall take those actions within his/her lawful authority to collect, or cause to be collected, additional information relevant to the matter. Normally this will include reasonable efforts to communicate directly with the subject faculty member.

(4) Notice of Pending Decision. When the Vice President deems that there is sufficient information available on which to decide whether to initiate the disciplinary process, he/she shall advise, in writing, the faculty member against whom the disciplinary consideration is directed (subject faculty member):
(a) That such a decision is pending;
(b) The nature of the alleged acts or omissions giving rise to the matter. This shall be stated in sufficient detail to inform the subject faculty member of the specific circumstances, as they are known at the time this notice is issued, which have given rise to the pending decision. This portion of the notice shall be supplemented as additional material information becomes known to the Vice President.
(c) That the subject faculty member is entitled to invoke the peer hearing process prescribed in this rule;
(d) The steps the subject faculty member must take to timely invoke the process; and
(e) That the University’s failure to invoke or abide by any procedures contained in this rule shall not be grievable under the BOR/UFF Agreement.
(5) Invoking the Process. Within seven (7) work days of being so advised, the subject faculty member shall inform the Vice President in writing of the subject faculty member’s election to invoke or not invoke the peer hearing process.

(6) Waiving the Process. If the subject faculty member does not timely invoke the peer hearing process, the Vice President shall determine, based upon the information available to him/her, whether to initiate the applicable disciplinary process.

(7) Peer Hearing Panel. When the peer hearing process is invoked, the Vice President shall promptly inform the Chairperson of the Faculty Grievance Committee (Grievance Chairperson). The Grievance Chairperson shall establish, from among the members of the Committee, in accord with the procedures of that Committee, a peer hearing panel of three (3) including a Panel Chairperson.

(8) Peer Hearing Process. When the peer hearing panel has been designated, the Panel Chairperson, upon consultation with the Vice President, shall decide upon a date, time, and place for conducting a peer hearing. Adequate time for preparation shall be provided and to that end, the Panel Chairperson may consult as needed with the Office of the University Attorney, the subject faculty member, and the faculty member’s designated representative(s).

(9) Peer Hearing Preparation.

(a) In preparation for the peer hearing, the subject faculty member and the designated representative(s) thereof may examine and receive copies of all written materials which the University’s legal representative(s) intends to present at the peer hearing, provided that if the materials are of the kind protected by Section 240.253, F.S., the University procures the signed permission of the protected faculty member prior to submission of the limited access materials to the other party. By invoking in writing the peer hearing process, the subject faculty member shall have consented in writing to the disclosure, to the peer hearing participants for purposes of the peer hearing process, of evaluatory materials subject to Section 240.253, F.S., pertaining to the subject faculty member;

(b) The subject faculty member and the designated representative(s) shall be entitled to the names of all persons whom the University’s legal representative(s) intends to call upon to provide information in the course of the peer hearing; and

(c) The University’s legal representative(s) may examine and receive copies of all written materials which the subject faculty member or representative(s) intends to present at the peer hearing and shall be entitled to the names of all persons whom the subject faculty member or representative(s) intends to call upon to provide information in the course of the peer hearing.

(10) Peer Hearing Procedures. The peer hearing shall be conducted as follows:

(a) The Panel Chairperson shall preside and shall conduct the proceeding in the manner directed at eliciting sufficient information on which to base a reasoned decision.

(b) The peer hearing panel shall be present at all times and shall participate as hereinafter prescribed. Others entitled to be present and to participate as hereinafter prescribed are representatives of the Office of the University Attorney, the subject faculty member, and the subject faculty member’s designated representative(s). The Vice President may attend as an observer all or any part of the proceedings, except the panel deliberations.

(c) The Panel Chairperson shall call the proceeding to order, make introductory or preliminary remarks as appropriate, and resolve preliminary matters as needed. Thereupon, he/she shall call on the University’s legal representative(s) to give a presentation of the relevant information tending to show that there are grounds to initiate the applicable disciplinary process. The University’s legal representative(s) shall be a member of the legal staff of the Office of the University Attorney.

(d) When the University’s legal representative(s) has concluded his presentation, the Panel Chairperson shall invite the subject faculty member or his/her designated representative(s) to give a responsive presentation. The faculty member or his/her designated representative(s) shall have no obligation to make a presentation.

(e) The respective presentations may include:

1. The submission of written material and physical evidence.
2. The appearance of witnesses who can provide information having a rational bearing on the matters in question.
3. Proffers of additional information which can be made available to the peer panel or which will allegedly be available in connection with a subsequent disciplinary proceeding.

4. Discussions and arguments, which may be made in a closing summation, addressing the reliability, weight, interpretation, and applicability of the information presented, the standards of conduct reasonably expected of University faculty or any other matter having a rational bearing on the pending decision.

(f) All information may be presented of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs and shall be evaluated on that basis by the peer panel. The Panel Chairperson may limit the presentation of information which is unduly repetitious or does not have a rational bearing on the pending decision.

(g) The proceeding is not adjudicatory in nature, and no cross-examination nor other practice common to administrative or judicial adjudication hearings shall be permitted. The University’s legal representative(s) and the subject faculty member or his/her representative(s) may request the Panel Chairperson to propound questions on their behalf. The Chairperson shall propound the questions unless he/she deems them to be repetitious, cumulative, or not pertinent.

(h) The Panel Chairperson may, at any time, ask questions of any participant in the proceeding and shall liberally recognize the members of the peer panel for the same purpose. The peer panel, in the discretion of the Panel Chairperson, may invite individuals to appear and present information and may request the submission of written materials. The Panel Chairperson, in his/her discretion, may continue the proceeding from time to time for the purpose of enabling the panel to receive additional information.
The University’s legal representative(s), the subject faculty member or his/her designated representative(s), and the members of the peer panel may each request such continuances. Such continuances may include the opportunity for either party to present additional witnesses or documents for the purpose of addressing information already made a part of the other party’s presentation.

(i) The Panel Chairperson shall arrange for the proceedings, except for panel deliberations, to be recorded for the University’s use by mechanical or stenographic means. The subject faculty member also may, at his/her own expense, arrange for the proceeding to be recorded by mechanical or stenographic means. The subject faculty member may receive a transcript of the University’s recordation upon payment of the costs of transcription and reproduction. Neither the recordings nor transcripts shall be admissible in any subsequent proceeding, of whatever nature, brought pursuant to the BOR/UFF Agreement.

(j) In consideration of the limitations on access to evaluatory materials as established by Section 240.253, F.S., the proceeding shall be closed to the public unless the subject faculty member, or his/her designated representative(s), requests that the proceeding be open. This request shall be made to the Panel Chairperson in writing prior to the commencement of the proceeding. In this regard, the entire proceeding, except for peer panel deliberations, shall be either open or closed.

(k) When the panel is satisfied that the proceeding has produced sufficient information on which to base reasoned deliberations and advice to the Vice President, or that the proceeding will produce no further significant information, the panel chairperson shall conclude and adjourn the proceeding.

(11) Peer Panel Deliberations. Upon the adjournment of the proceeding, or as soon thereafter as they can reasonably assemble, the members of the peer panel shall meet at a time and place designated by the Panel Chairperson to engage in deliberations. Only the peer panel, including the Panel Chairperson, shall be permitted to be present or to participate in the deliberations. The peer panel shall base its deliberations on the information reflected in the record of the proceeding. If, in the course of deliberation, the peer panel wishes to obtain additional information, the Panel Chairperson may reopen the proceeding for this purpose and may impose limitations on the participants as needed to confine the reopened proceeding to the matters of interest to the peer panel. Subject to such limitations, the subject faculty member or his/her representative(s) and the University’s legal representative(s) shall be entitled to fully participate in the reopened proceeding.

(12) Peer Panel Issues. The peer panel shall not attempt to make findings of fact or reach conclusions of law as these terms are used in administrative or judicial adjudicatory hearings. The peer panel shall provide advice and comments to the Vice President with respect to the following points:

(a) Whether the alleged acts or omissions of the subject faculty member evince conduct by the subject faculty member which would warrant disciplinary action.
(b) Whether there is available to the University sufficient information of a reasonably reliable character to provide a basis for the commencement of the applicable disciplinary process, wherein genuine issues of law and fact can be raised and determined.
(c) The type of disciplinary action, if any, deemed appropriate.
(d) The peer panel may also offer its advice and comments regarding aggravating and mitigating circumstances, including whether or to what extent these circumstances should be taken into account.

(13) Peer Panel Report. Within ten (10) work days of the conclusion of deliberations, the Panel Chairperson shall prepare and submit to the Vice President a written report reflecting the views of the peer panel on these points. The Panel Chairperson shall permit there to be attached to the report additional written statements by the individual members of the panel, including the Chairperson, reflecting minority, dissenting, or individual points of view. A copy of the report, including attachments, shall be provided to the subject faculty member and to the University’s legal representative(s) who shall each have ten (10) work days to submit written comments to the Vice President.

(14) Consideration of Report. The Vice President shall take the peer panel report, including attached additional written statements and the comments on the report, into consideration in deciding whether to initiate the applicable disciplinary process.

(a) Nothing herein shall prevent the Vice President from also consulting with or seeking the advice of the University President, the Office of the University Attorney, and other appropriate officials.
(b) If the Vice President determines that disciplinary action should be taken, he/she shall cause the applicable disciplinary process to be commenced, and, if not, he/she shall give the subject faculty member notice that disciplinary action will not be taken.

(15) Special Provisions; Immediate Dismissal. The following additional provisions apply only when the disciplinary action under consideration is immediate dismissal.

(a) In cases involving immediate dismissal, the directions of the University President shall be followed. In all other cases, the Vice President shall determine the type of intended disciplinary action and shall cause the applicable disciplinary process to commence.

(b) If the peer panel report deems immediate dismissal appropriate, the Vice President shall forthwith transmit a copy of the report to the University President and shall consult with him. If the University President concurs with the panel report and deems immediate dismissal appropriate, the Vice President shall cause the commencement of the applicable disciplinary process to that end. If the University President does not deem immediate dismissal appropriate, the Vice President shall determine, pursuant to paragraph (14)(b), hereof, what disciplinary action other than immediate dismissal should be taken and shall proceed accordingly.

(c) If the Vice President determines that immediate dismissal is warranted, notwithstanding contrary advice in the peer panel report, he shall transmit a copy of the report to the University President and shall consult with him. If the President concurs with the Vice President, he shall state the reasons for such concurrence in writing. A copy of the written reasons shall be provided to the subject faculty member or designated representative(s), the Vice President, the University’s legal representative(s), and the hearing
panel. These persons shall have ten (10) work days to submit written comments to the President. After the conclusion of the comment period, if the President continues to concur that immediate dismissal is warranted, the Vice President shall proceed accordingly.

(16) Immediate Suspension; Notice and Predetermination (Non-Unit Position). This subsection (16) shall not apply to subject faculty members holding appointments to positions within the general faculty bargaining unit. Where grounds exist to immediately suspend a member of the faculty, the President shall give the faculty member actual notice of the action by the most prompt, convenient means available. The notice shall include a statement of the grounds for the action to the extent known or understood at the time of the notice, and shall inform the faculty member of his/her opportunity to appear personally and be heard before the President or representative(s). This opportunity:

(a) Shall occur at or prior to the time that the suspension takes effect, when circumstances permit. For example, the faculty member may be invited to meet with the President immediately or at the time that the faculty member would be next due at his/her University work station. In cases where the faculty member is physically in the custody of the law enforcement or mental health authorities, or where the faculty member is similarly constrained with respect to freedom of movement or ability to rationally discuss the matter, the opportunity shall be provided as soon as the circumstances permit it to be arranged; and

(b) Shall allow the faculty member to address and discuss the issue of whether the immediate suspension pending further action is warranted by the circumstances. The President may limit the discussion to this issue.

(c) If the President imposes immediate suspension, he/she shall, within two (2) work days following the effective date of suspension, cause a written notice of the suspension, including a statement of the reasons, to be served upon the subject faculty member.

(17) Immediate Suspension; Peer Participation (Non-Unit Positions). This subsection (17) shall not apply to subject faculty members holding appointments to positions within the general faculty bargaining unit except as stated in subsection (18) of this rule. When a faculty member is placed on immediate suspension, in accordance with the provisions of the FSU Constitution, the University shall expedite its consideration of appropriate further action. For purposes hereof, immediate suspension refers to those cases wherein a subject faculty member is relieved of professional responsibilities with pay while the possibility of disciplinary action is under review.

(a) If the University is considering action to which this rule otherwise applies, the Vice President shall transmit the written notice prescribed in subsection (4) with the addition of a provision advising the faculty member that the peer hearing may include the issue of whether the faculty member shall be permitted to return to work status pending further proceedings.

(b) If the faculty member invokes the peer hearing process and indicates in writing that he/she wishes the peer panel to address the additional issue, the Panel Chairperson shall exercise his/her discretion as to scheduling and continuing sessions of the peer hearing so that the issue of whether the faculty member should be permitted to return to work status pending further proceedings is addressed by the peer panel as promptly as essential fairness allows. With respect to this issue, the peer panel may engage in preliminary or interim deliberations and report its views and advice to the Vice President as it deems appropriate throughout the peer hearing process.

(c) When the Vice President receives the written report expressing the views and advice of the peer panel on the issue of returning the subject faculty member to work status pending completion of pending proceedings, the Vice President shall forthwith transmit the report to the University President and shall consult with him on the issue. If the President does not follow the advice of the peer panel, he shall state his reasons in writing. A copy of the written reasons shall be provided to the subject faculty member or designated representative(s), the Vice President, the University’s legal representative(s), and to the Panel Chairperson.

(18) Leaving Pending Investigation; Peer Participation (In-Unit Positions). This subsection (17) shall apply only to subject faculty members holding appointments to positions within the general faculty bargaining unit and to Non-Unit Positions if a person holding such appointment has been placed on leave pending investigation. The placing of a subject faculty member on leave pending investigation pursuant to Article 16.4 of the BOR/UFF Agreement requires the concurrence of the University President. If a subject faculty member who is placed on such leave invokes the peer hearing process provided in this rule:

(a) The period of time needed to complete the peer hearing process provided in this rule shall be part of the investigation stage of the applicable disciplinary process and the subject faculty member shall remain on leave pending investigation until such time as:

1. Disciplinary action is taken pursuant to Article 16 of the BOR/UFF Agreement; or,
2. The University gives written notice that no disciplinary action will be taken; or,
3. The University President permits the subject faculty member to return to work status; and,

(b) The issue of whether the subject faculty member shall be permitted to return to work status shall be included in the peer hearing process in the manner provided in subsection (17) of this rule for consideration of the issue of permitting a non-unit faculty member who is under immediate suspension to return to work status.

6C2-4.034 Faculty Tenure and Promotion.

(1) The University Constitution, Rule 6C2-1.004, F.A.C., contains the general University requirements and procedures for faculty tenure.

(2) University-wide procedures.

(a) When first employed, each faculty member shall be apprised of what is expected of him or her, generally, in terms of teaching, research and other creative activities, and service, and specifically if there are specific requirements and/or other duties involved. If and when these expectations change during the period of service of a faculty member, that faculty member shall be apprised of the change.

1. Promotion to the rank of assistant professor shall be based on recognition of demonstrated competency in teaching, service, and promise of scholarly development. Promotion shall be considered automatic upon completion of the doctorate, but full documentation for promotion of faculty member receiving doctorate shall be submitted with other promotion folders.

2. Promotion to rank of associate professor shall be based on recognition of demonstrated effectiveness in teaching, service, definite scholarly or creative accomplishments, and recognized standing in the discipline and profession.

3. Promotion to the rank of professor shall be based on recognition of superior teaching, service, scholarly or creative accomplishments of high quality, and recognized standing in the discipline and profession as attested to by three letters from competent scholars outside the University.

4. Although the period of time in a given rank is normally five years, demonstrated merit, not years of service, shall be the guiding factor. Promotion shall not be automatic, nor may it be regarded as guaranteed upon completion of a given term of service. Early promotion is possible where there is sufficient justification.

(b) Procedure.

1. Each department or its equivalent program or area (hereafter in this statement, “department” will be used to convey “department, program, or area”), each school or college and each division shall have a written statement of criteria and procedure for promotion and tenure, which shall be compatible with Florida Statutes, Board of Regents Policy, the University Constitution, and the University statement of criteria and procedure for promotion and tenure. These statements shall be available to all faculty.

2. Each department shall have a faculty promotion and tenure committee charged with the responsibility of receiving all folders of prospective candidates in that department and of recommending action to the chairman (or equivalent head). Once a folder has been finally reviewed by the departmental committee no material may be added to or deleted from the folder unless otherwise provided for by the guidelines of this document. The chairman shall submit the folders of all recommended candidates to the dean with a report of departmental committee recommendations and his recommendations on all submitted folders of all candidates. Each school or college shall have a faculty promotion and tenure committee charged with the responsibility of receiving and reviewing all folders reviewed by departmental committees and of recommending action to the dean. The dean shall submit all folders to the Provost of the division with a report of the school or college committee’s recommendations and his recommendations. Each division shall have a faculty promotion and tenure committee charged with the responsibility of receiving and reviewing all folders reviewed by school or college committees and of recommending action to the Provost. The Provost shall submit all folders to the Executive Vice President with a report of the divisional committee’s recommendations and his recommendations. The University shall have a faculty promotion and tenure committee charged with the responsibility of receiving and reviewing all folders reviewed by divisional committees and of recommending action to the Executive Vice President. The Executive Vice President shall submit all folders to the President with a report of the University committee’s recommendations and his recommendations.

3. Each level committee shall review the candidates in terms of the written statements of criteria and procedure for promotion and tenure. Any deviation must be clearly noted and fully justified.

4. Each faculty member shall be informed of his prospective candidacy, have an opportunity to assist in preparing his folder and add any relevant information within the listing under subparagraph (b)5. prior to review by the departmental committee and be informed of the advancement or rejection at each level of review.

5. Each candidate’s folder shall contain the following information in the order indicated:

a. Statement of action by each committee and each administrative officer that review the folder with a record of actual committee votes including negative, affirmative, and abstaining.

b. Detailed professional vita.

c. Letter from chairman summarizing candidate’s teaching, scholarly or creative activity, and service in terms of the departmental statement of criteria and of the candidate’s assigned duties. Any deviation must be clearly noted and fully justified.

d. Statement of assigned duties and of courses taught in preceding two years.

e. Evidence on teaching, scholarly and creative activity, and service.

(i) Evidence on teaching; by students’ SIRS supplemented by other instruments, if available and/or required by department; by faculty colleagues; by chairman; and by candidate.

(ii) Evidence on scholarly and creative activity; by faculty colleagues; by chairman; and by candidate.

(iii) Evidence on service; by faculty colleagues; by chairman and/or other appropriate administrators; and by candidate.

f. Copies of annual evaluation of the candidate for the preceding two years.
g. For promotion to professor, three letters requested by department chairman from scholars holding the rank of professor outside the University. In general, these are not to include letters from the candidate’s major professor or former personal colleagues in graduate school or other institutions unless the letter contains an unbiased assessment based on knowledge of current work.

h. Additional items for tenure.
   (i) Statement indicating results of secret ballot taken at a meeting of the departmental tenured faculty showing the number of faculty members eligible to vote, number for, number against, and number abstaining.
   (ii) Three letters requested by department chairman at least two of which must be from colleagues at the University.

6. A promotion and tenure committee at any level may withhold a recommendation if in its judgment there has been noncompliance with established procedure or the folder does not contain required information and material or does not contain adequate information. If the withholding is done by the departmental committee or by the next higher committee, the chairman and the prospective candidate shall have five days to comply with established procedure or add requested material and documentation prior to final recommendation of the committee. A statement of committee action and all resultant changes in the folder must be recorded under sub-subparagraph (b)5.a. Upon completion of review and recommendation, the promotion and tenure committee at each level should inform the appropriate official of any inadequacies in procedure and in the composition and documentation of the folders.

(c) Appeals.
   1. A member of the faculty may nominate himself for promotion and, if eligible, for tenure, and request consideration of the departmental promotion and tenure committee, thus becoming a candidate.
   2. A candidate may appeal a negative recommendation at any level to the next-higher-level committee.
   (d) Time frame for promotion and tenure recommendations.
      1. Departmental, school or college, and divisional committees’ work should be so timed that all recommendations with accompanying folders are submitted by the provosts to the Executive Vice President by January 15. The University Promotion and Tenure Committee shall submit its recommendations to the Executive Vice President by March 1.
      2. All candidates shall be informed of final action on promotion and of recommendation to the Board of Regents on tenure by date set by Board of Regents for inclusion on June Board of Regents agenda.

(e) Suggested guidelines for preparation of folder of candidate for promotion or tenure.
   1. Teaching.
      a. The following general information related to teaching is suggested for inclusion in the candidate’s folder:
         (i) A listing of courses taught, contact hours and enrollment each quarter for last two years.
         (ii) A statement as to the proportion of time the candidate is assigned to teaching.
         (iii) The value, in percentage assigned to student, faculty and/or administrative evaluations of teaching.
         (iv) A copy of any departmental instrument developed for student, peer, or committee evaluation of the candidate. If copies of such forms are not included, the information provided will be discounted.
         (v) Placement and success of graduate students, if applicable.
      b. The following specific information and standards will be used to evaluate teaching:
         (i) Course materials and Methodology; include only statements related to the development of innovative course materials and new programs. (Programs will be interpreted in the broad sense to include media, methodology, etc.)
         (ii) Special teaching responsibilities and related assignments; teaching workshops or seminars; honors courses; adult education courses; in-service courses, DIS, supervised research and supervised teaching; membership on master’s or doctoral committees; number of master’s or doctoral recipients for which candidate has served as major professor or co-major professor.
         (iii) Out of class student contact; academic advising – number of students and hours assigned to advising; and a statement as to candidate’s accessibility to students.
         (iv) Awards or other public recognition; departmental teaching awards; University teaching awards (such as Standard Oil Foundation Award); council for instruction award; and others (please specify).
         (v) Student evaluations; SIRS or other University-wide instrument; and departmental instrument.
         (vi) Peer evaluations, including only data which is reasonably objective such as information gleaned from visitations and video tapes.
         (vii) Evaluations by administrative supervisors.
         (viii) Statement by the candidate, at the discretion of candidate.
      c. The committee will not consider:
         (i) Informal oral communication by students or peers.
         (ii) An endorsement not accompanied by material susceptible to independent evaluation.
         (iii) Lecture notes.
   2. Scholarship. For the purposes of assessing scholarship three kinds of data are appropriate: publications, creative productions in the arts, or performances of critical importance to the candidate’s area of expertise. The promotion folders should include full publication data on each work listed and be accompanied by a departmental evaluation of the candidate’s scholarship. The candidate should also include information he or she feels pertinent to evaluation.
      a. Published books, 100 pages, except in poetry, according to AAUP.
(i) Scholarly books: limited monograph of 75 to 100 pages; textbooks; edited and/or translated books; bibliographical books; books of readings or casebooks; any of the above co-authored or with multiauthors, in descending order.

(ii) Publisher: University, scholarly, commercial, international and national reputation; vanity or subsidy presses, differentiating those subsidy presses whose publications are referred; and in-house organs.

(iii) Details of publication: Is the book out or does the individual have a contract? Contract signifies that the work has been accepted for publication and will be published, to differentiate from the contract often used by commercial houses indicating desire to consider publication rather than guarantee of publication; book reviews, or if not available, referee’s report; influence of work as indicated by frequency of citation in published works of other investigators and writers, reprinting, translation in foreign language, or similar criteria; research effort required; and number of copies printed.

b. Articles in journals: prestige of journal and circulation; originality and scope of article, length and breadth as exhibited by variety of subfields in which research or development is manifest; research effort required; is the journal refereed; co-authored works; and multi-authored works.

c. Articles in published works: festschritter; anthologies; proceedings of conferences or symposia; technical reports; original articles of semipopular nature, having as their purpose the dissemination of technical or scientific information; book reviews, newspaper articles/reviews listed separately; encyclopedia articles; and abstracts.

d. Related scholarship: papers read at national or international professional meetings; papers read at regional professional meetings; discussant or chairman roles at conferences and symposia; invited lectures; editorship, service on Board of Editors, and editorial positions on boards of regional, national and international journals; professional awards for scholarship; grants from the FSU Research Council; role as referee of manuscript, journals, and grant proposals, consultant to a federal agency, university, or national foundation or foreign university or government agency; visiting appointment reflecting scholarship or post-doctoral research program; funded research – Government, University, International, Regional, etc.; consultation resulting in scholarly publication.

e. Idiosyncratic criteria where applicable, as in Art, Dance, Music, Theatre, etc.


a. Recognized service: membership on departmental/college/university committees essential to operation of the respective units; administrative duties for the department/college/university, even on a temporary (1 quarter – 1 year) basis; activity in professional (local, regional, national) groups beyond simple dues-paying membership (role as officer, committee member, etc.); nonfunded professional advisory service to community, civic, governmental, religious, or social groups (periodic consultant, speaker, workshop leader); representative of department/college/university at professional meeting; testimony on professional matters to legislative bodies; advisor for a student organization.

b. Basics: service should incorporate contributions which are not considered teaching and scholarship but which enrich one’s teaching and scholarly work; service can range from assisting individual students to working with national organizations; faculty at the junior level are expected to offer service more at the local and/or regional level – senior faculty, at both those and the national level; no department should recognize service only in the area of committee work as opportunities for such service vary among departments; service should be evaluated so that weight is given leadership, time, effort, and breadth of service.

(3) Divisional Criteria and Procedures:

(a) Division II. No recommendation should be made or withheld solely on the basis of time in rank, race or sex. Special attention should be given to the unique service role of the professional school faculty member in the community. For example, he is frequently called upon to provide linkages between the practitioner and the academic community and to serve governmental agencies and the community in continuing education. This aspect should be strongly considered in assigning weights to teaching, research, and service and in the statement of assigned duties.

(b) Division III. Part 1 – Structure of the Division-Level Faculty Evaluation Committee: The Division-Level faculty evaluation committee (hereafter referred to as “the committee”) shall be elected from members of the Division. Each department or school within the Division (hereafter referred to as “unit”) will have one or more members as representatives to the committee. Each unit will elect its representative(s) for a term of three years. The terms will be staggered so that no more than one third of the committee will be new for any given year. The number of representatives per unit on the committee will be proportional to the size of the unit according to the following formula: units with 15 or less line-item faculty and/or faculty in tenure or tenure-earning positions will have one representative; units with 16 to 25 line-item faculty and/or faculty in tenured to tenure-earning positions will have two members on the committee: units with 26 or more line-item faculty and/or faculty in tenured or tenure-earning positions will have three members. This will produce a committee of about 16 members. A person elected to the committee who is being considered for promotion or tenure shall not sit on the committee from the time his credentials are submitted for evaluation until his case is decided at the Division level. During that period, his unit shall name a substitute as its representative to the committee. The Task Force has no recommendation as to whether or not the Institute for Social Research shall have a representative on the committee. The faculty in the Institute for Social Research may not be counted by both the Department of which they are members and the Institute for purposes of apportionment of committee representation. Representatives to the committee shall be elected from line-item faculty and/or faculty in tenured or tenure-earning positions.


a. Criteria – The performance of each faculty member shall be evaluated in each of the following areas appropriate to the terms of employment:
1. Teaching – Teaching involves the presentation of knowledge, information and ideas by many methods including lecture, discussion, assignment and recitation, demonstration, laboratory exercise, practical experience, direct consultation with students, supervision of interns, etc. The utilization and effectiveness of each of these methods, when appropriate, shall be considered.

2. Research and Other Creative Activities – Contribution to the discovery of new knowledge, development of new educational techniques and other forms of creative activity shall be considered and evaluated. Evidence of research and other creative activity shall include, but not be limited to: published books; articles, papers, and book reviews, in professional journals, magazines, or newspapers; encyclopedia articles; symposia or conference proceedings; papers presented at meetings of professional societies; research grants; research proposals; and current research and creative activity that has not yet resulted in publication, display, or performance. Research activities shall also include, service as editor or member of an editorial board, or referee of manuscripts for scholarly or professional journals. Visiting appointments reflecting scholarship or post-doctoral research efforts shall be considered.

3. Service – Service shall include, but not be limited to, service on departmental, college and University committees, councils and senates; service in appropriate professional organizations, involvement in the organization and expedition of meetings, symposia, conferences, workshops; participation in professional conferences, radio and television programs; talks to civic clubs and other citizens groups; service to local, state and national governmental boards, agencies and commissions. Only those activities which are related to a person’s field of expertise or the mission of the University shall be evaluated.

4. Other University Duties – Whenever duties other than those usually classified as teaching, research or other creative activity, or service are assigned to a faculty member – such as academic administration, academic advising and career counseling – the effective performance shall be evaluated as hereinafter prescribed.

b. Responsibility for Evaluation and Weighting of Criteria – The basic evaluation of each faculty member with respect to teaching, research or creative activity and service shall be the responsibility of each academic unit. The following minimum procedures shall be employed by the academic unit in arriving at the final faculty evaluation:

1. Evidence of Performance – The academic unit shall request each member of the faculty to submit evidence of his or her performance in teaching, research or creative activities, and service (and other University duties where appropriate), together with any interpretive comments or supporting data which the faculty members deem appropriate in evaluating his or her performance. Reference is made to the statement on procedure and criteria developed by the 1971-1972 Faculty Advisory Committee on Promotion and Tenure for a detailed statement of the type of evidence to be forwarded to the Division Committee for Evaluation. Where appropriate, each faculty member shall submit to the academic unit the results of an evaluation instrument of teaching adopted by the University and some other evidence of teaching effectiveness as deemed to be appropriate in the circumstances. Such evidence may include alternative evaluations by students, faculty or administrators.

c. The results of the individual faculty member’s annual review shall be forwarded with the above mentioned materials and such annual evaluation must be considered by the Division-level faculty evaluation committee in making decisions concerning promotion and tenure. In evaluating the competencies of a faculty member, primary assessment shall be in terms of his performance of the assigned duties and responsibilities, and such evaluation shall be given adequate consideration for the purpose of salary adjustments, promotions, re-employment and tenure. A faculty member who is assigned full-time teaching duties as provided by law shall be rewarded with salary adjustments, promotions, re-employment or tenure for meritorious teaching and other scholarly activities related thereto.

Flexible criteria for rewarding faculty members consistent with the institution’s educational goals and objectives shall be established, which criteria shall include quality teaching as a major factor in determining salary adjustments, promotions, re-employment or tenure.

d. Leave of Absence and Evaluation – If a faculty member is on leave of absence for all or part of one or more academic years, the last evaluation preceding the commencement of the leave of absence shall suffice in meeting the annual evaluation requirement. For purposes of salary determination, promotion or tenure, and at the option of the faculty member, the academic unit may review such relevant information as the faculty member wishes to present concerning teaching, research or service during the period of his leave. Such performance shall be evaluated in the manner proscribed above.

(c) Division IV

1. Criteria: The following shall be taken into consideration in interpreting the above proviso.

a. Appropriate instruments and procedures may be developed by schools and colleges, or by their respective departments, for the purpose of assessing or evaluating any of the foregoing criteria. Instruments and procedures may vary from department to department, as may the relative weighting given to various sources of evaluative data.

b. The interpretation of these criteria may vary from department to department according to the needs of differing programs. Insofar as possible, the Divisional Promotion and Tenure Committee shall take into account different needs of programs when evaluating the performance of individual faculty.

c. Specifically, creative activity such as performance, production, and exhibition, shall be considered equivalent to research in those programs emphasizing creative activity, and shall be given similar weight in deciding questions of promotion and tenure. Where appropriate, departments and schools may develop criteria and standards for reporting and evaluating creative activity.

2. Procedures:
a. The Divisional Promotion and Tenure Committee shall consist of eleven members: four from Music, two from Communication, and one each from Art, Art Education/Constructive Design, Dance, Interior Design and Theatre. Decisions shall be by majority vote of the members. The Acting Provost shall chair the Committee, but shall not vote unless regularly elected as a departmental or school representative.

b. The Divisional Committee shall receive nominations from the College of Communication, the Department of Dance, the School of Music, the School of Theatre, and the Promotion and Tenure Committee of the School of Visual Arts (consisting of one representative each from the Department of Art, Department of Art Education/Constructive Design and the Interior Design Program). Internal procedures for arriving at these nominations shall be at the discretion of the respective schools and departments. Deans or Chairman may submit separate nominations at their discretion.

c. Each member of the Committee shall rate each candidate for promotion or tenure on a scale of 1-10 points. Summed ratings of committee members shall serve as a basis for a preliminary rank-order of candidates.

d. After publication of the preliminary rank-orders, the Committee shall proceed to a discussion of the merits of each case. Following the discussion of each nominee, a vote shall be taken on whether to recommend the candidate for promotion or tenure. The results of this vote shall be reported to the University-wide Promotion and Tenure Committee.

e. Following the case-by-case discussion and vote, each member of the committee shall rank-order all applicants within a given academic rank, and the sum of these ranks shall be used as the basis for a final rank-order of those recommended for promotion.

f. The results of the Committee’s action shall be transmitted as soon as possible to the Chairmen and Deans, and a reasonable opportunity allowed for these administrators to appeal decisions of the Committee, either with respect to promote/no-promote action, or with respect to relative rank-ordering of candidates within the department or school. In instances where the committee, after such appeal, reaffirms its original decision, the Dean or Chairman may file a written objection to the Committee’s action, which will be forwarded to the University Promotion and Tenure Committee along with the Divisional Committee’s recommendations.

g. The Acting Provost will not file recommendations separate from those of the Divisional Promotion and Tenure Committee.

Specific Authority 240.227(1) FS. Law Implemented 240.227(19) FS. History—New 9-30-75, Formerly 6C2-4.34.

6C2-4.035 Department, School and College Criteria and Procedures.

(1) Initiating the review. Program leaders shall examine the files of all faculty members having primary responsibilities to their programs in order to identify those faculty members eligible to become candidates for promotion or tenure. Those faculty members who are eligible to become candidates shall be presented with a written notice of their eligibility and specific procedures to be followed if they wish to become candidates for promotion or tenure. Eligible faculty members are responsible for preparing their own folders in the format indicated and submitting them to the appropriate program review committee by no later than October 24. Individuals having responsibilities in more than one program must submit their folders to the program review committee of their secondary programs by no later than October 18.

(2) Responsibilities of the program review committee. It is the responsibility of the person chairing the secondary program committee to pass the recommendations of the committee and the candidate’s folder to the candidate’s primary program committee by no later than October 24. By the same date this person will be responsible for delivering a copy of the Secondary Program Committee’s recommendation to the candidate. Should this recommendation be negative, the candidate must at the same time be informed in writing of the privilege and procedures of appeal. The primary program review committees shall review all folders and shall forward these folders and the committee recommendations to the Program Leader by no later than October 31. Accompanying each recommendation must be an accounting of the vote taken. A copy of the recommendation of the committee must be delivered to the candidate by the person chairing the committee by the same date. In cases of a negative recommendation candidates must at the same time be informed in writing of the privilege and procedures of appeal.

(3) Responsibilities of the Program Leader. The Program Leader shall review the folder of each candidate, the recommendations of the program review committee, and appeals from the candidates when called for. The recommendation of the Program Leader and the folder of each candidate must be passed on to the Division Director by no later than November 7. A copy of the recommendation of the Program Leader must be delivered to the candidate by the same date. Should this recommendation be negative, the candidate must at the same time be informed in writing of the privilege and procedures of appeal. While Program Leaders are in possession of the candidate’s folders they shall be responsible for including additional necessary documents to each. In each tenure consideration the Program Leader must add a letter to the candidate’s folder indicating the results of a secret ballot vote of all tenured faculty in the program. This letter must indicate the number of faculty eligible to vote, the number for, the number against, and the number abstaining. In addition to this letter, the program Leader must add two completed Board of Regents tenure forms to the folder of each candidate. In both promotion and tenure considerations the Program Leader must add a letter to the folder of each candidate summarizing the candidate’s performance as it relates to specific characteristics of the program and the assignments of the candidate. Any discrepancy between this statement and statements made by the candidate must be clearly noted and justified.

(4) Responsibilities of the Division Director. The Division Director shall review the folder of each candidate, the recommendation of the Program Review Committee and the Program Leader, and appeals from the candidates when called for. The recommendation of the Division Director and the candidate’s folder must be passed on to the Promotion and Tenure Committee of
the College by no later than November 15. A copy of the Division Director’s recommendation must be delivered to the candidate by the same date. Should this recommendation be negative, the candidate must be informed in writing of the privilege and procedures of appeal.

(5) Responsibilities of the College Promotion and Tenure Committee. The Promotion and Tenure Committee of the College shall review the folder of each candidate, the recommendations of the program review committee, the Program Leader and the Division Director, and appeals from the candidate when called for. The recommendation of the committee and the candidate’s folder must be passed on to the Dean by no later than November 29. Accompanying each recommendation must be an accounting of the vote taken. A copy of the recommendation of the committee must be delivered to the candidate by the person chairing the committee by the same date. In cases of negative recommendation candidates must at the same time be informed in writing of the privilege and procedures of appeal.

(6) Responsibilities of the Dean. The Dean shall review the folder of each candidate; the recommendations of the program review committee, the Program Leader, the Division Director and the College Promotion and Tenure Committee; and appeals from the candidate when called for. The recommendation of the Dean and the candidate’s folder must be passed on the Provost by no later than December 4. A copy of the Dean’s recommendation must be delivered to the candidate by the same date. Should this recommendation be negative, the candidate must be informed in writing of the privilege and procedures of appeal. While the Dean is in possession of the candidate’s folders, he shall be responsible for adding one additional necessary document to each folder and arranging the included documents in the order requested by the Provost. The document to be added by the Dean is a statement of the action taken by each committee and each administrative officer that reviewed the folder. This statement must include an accounting of all votes, for, against, and abstaining.

(7) Appeals procedures. Any candidate for promotion or tenure who receives a negative recommendation from a program review committee, the Program Leader, or the Division Director may appeal the negative recommendation to the College Promotion and Tenure Committee. The appeal should be submitted in writing to the person chairing this committee within three (3) days after the candidate received the recommendation. Copies of the appeal should be sent to the appropriate program review committee, Program Leader, and Division Director. Should the candidate wish to meet with the College Promotion and Tenure Committee, this should be requested in the letter of appeal and the request shall be granted for a hearing. The candidate may have the appropriate Program Leader and/or Division Director present at the hearing if that is desired. Any candidate for promotion or tenure who receives a negative recommendation from the College Promotion and Tenure Committee may appeal to the Dean of the College. Such an appeal must be in writing and received by the Dean within three (3) days after having received the recommendation of the Committee. All requests for a meeting with the Dean shall be granted.

Specific Authority 240.227(1) FS. Law Implemented 240.227(19) FS. History–New 9-30-75, Formerly 6C2-4.35.

6C2-4.036 Department of Philosophy.

(1) Implementation. There shall be a yearly report on all scholarly activities made out by each member of the Department, including an explanation of all claims to relative merit. These reports are weighed by the Advisory Committee of the Department, and recommendations are made to the Departmental Committee of the Whole, which in turn makes its own recommendations to the Dean or higher legal committees. These procedures guarantee maximal consideration by the association of one’s peers, with due attention paid to the overlapping of the three functions of professional participation in university affairs: e.g., the way in which research affects teaching, service to one’s profession affects future modifications of both research and teaching, and administrative service affects both the climate and general effectiveness of the university community. Finally, each individual case must be determined on its own merits, with the total achievement to be judged on a specific proportion of the time spent on teaching, research, and service. Although the normal expectancy is that two-thirds of one’s professional time be spent on teaching and one-third on research, formal exceptions may be expected for greater or lesser assignments to service and research.

(2) Departmental membership and professional development. The procedures herein set down are adopted with the understanding that no member of the Department who merely holds a job is a desirable colleague, and that the professional development of each individual member, being a necessary condition for the achievement of departmental purposes, is a corresponding obligation, binding upon both the department and the individual. In exceptional cases, the “colleagueality” of a member may be found relevant to the determination of merit, as, of course, will the rate of development in professional stature of the colleague in question; both of these considerations must, however, be measured by the degree to which a colleague’s activities promote the educational aims of the department, college, and university.

(3) Yearly salary increases. Essentially the same procedures are to be employed in determining recommendations for yearly merit salary increases.

Specific Authority 240.227(1) FS. Law Implemented 240.227(19) FS. History–New 9-30-75, Formerly 6C2-4.36.

6C2-4.037 Department of History.

(1) The Committee on Promotions of the Department of History, composed of all faculty holding the rank of full professor, will review annually, ordinarily in the fall, the contributions and achievements of each department member below the rank of full professor.

(2) That review shall consider the factors of teaching, scholarship, and service, as set forth above.
(3) Teaching effectiveness shall be measured by several procedures:
   (a) An evaluation of teaching by students in each history section shall be employed each quarter for every history class taught. Arrangements shall be made by the chairman for the distribution of questionnaires and their collection and evaluation, and the results shall be considered by the Promotions committee. A new and simplified rating sheet will be employed for this purpose.
   (b) Graduate students shall also be afforded the opportunity of evaluation with the form they use being different from that of undergraduate students and separately reviewed.
   (c) An evaluation of teaching by colleagues shall also be conducted. Assistant Professors and Associate Professors will meet separately each year to designate a panel of five members of the Committee whom they regard as most competent to pass upon teaching qualifications. It is contemplated that at least three members of each panel will visit each of the Assistant and Associate Professors during the year and each visitor will make a written report. Where subject specialties are unevenly covered the Department Chairman may designate a person to cover that area. The written reports of the visitors will be reviewed by the Committee on Promotions as a whole in making its decisions. Each faculty member visited will be provided with a summary of student and colleague evaluations.
   (d) The department chairman will have the obligation not only of forwarding reports of the above considerations but also of adding his own judgments and evaluations and the evidence which he has to support them.

(4) Scholarship shall be measured by the following procedures:
   (a) Each member of the department is obligated to keep his vita file up to date and is encouraged to provide the departmental chairman with copies of published books and articles, unpublished papers presented at historical meetings, and current statements of the status of existing research plans and achievements.
   (b) A faculty member who has engaged in little or no publication is expected to contact an appropriate member of the Promotions Committee for a thorough and detailed review of the status of his research and scholarly activity. This review will require the submission of written materials at their existing status – rough drafts, draft marked for revision, whatever it may be. Failure to do so will be taken as an indication that no work is in progress. It is hoped that this procedure may not only provide the Committee with a basis upon which to evaluate scholarship capabilities but may also serve to establish a basis for mutual counsel and assistance.
   (c) An evaluation of teaching by colleagues shall also be conducted. Assistant Professors and Associate Professors will meet separately each year to designate a panel of five members of the Committee whom they regard as most competent to pass upon teaching qualifications. It is contemplated that at least three members of each panel will visit each of the Assistant and Associate Professors during the year and each visitor will make a written report. Where subject specialties are unevenly covered the Department Chairman may designate a person to cover that area. The written reports of the visitors will be reviewed by the Committee on Promotions as a whole in making its decisions. Each faculty member visited will be provided with a summary of student and colleague evaluations.
   (d) The department chairman will have the obligation not only of forwarding reports of the above considerations but also of adding his own judgments and evaluations and the evidence which he has to support them.

Specific Authority 240.227(1) FS. Law Implemented 240.227(19) FS. History–New 9-30-75, Formerly 6C2-4.37.

6C2-4.038 Department of Psychology.

(1) Teaching:
   (a) Criterion-Reference Testing. Conceptually, teaching should be inferred from the performance of the learner – consequently, the performance of the student measured against some objective norm would appear to be one appropriate procedure for evaluating teaching. From this viewpoint, the major burden rests on the answer to the question: What did the student learn? For purposes of evaluation, the department encourages each instructor to attempt, where appropriate, to obtain answers to this question. Suggested steps to this end are: Prepare an outline of content to be covered in the course in sufficient detail so that other faculty members in the same area can grasp the breadth and limits of the course with relative ease. This should include a list of both required and recommended reading. Prepare a statement of goals for each course taught. This statement should include the amount of the content he expects the student to retain, the expected level of ability of the student to apply the knowledge gained to other settings, and any other goals deemed desirable. Prepare a comprehensive examination which is designed to assess the extent to which his stated goals have been achieved. This examination should contain a strictly objective portion as well as any other evaluative exercise desired by the instructor. The objective portion of the comprehensive exam should be administered the first week of class and during the final exam period, using alternate forms. The questions on this exam should be subjected to continuing item-analysis procedures. Since standardized tests have been developed for several general areas of psychology, the use of these tests in a “before-after” procedure would be appropriate in many instances. Since the above procedure has the immediate danger of “teaching for a test” (which is not necessarily all bad), it obviously must be placed in appropriate context.
   (b) Classroom Visitation: A system permitting invited visitations among faculty for the purpose of teaching exposure will be instituted. The reports of visitors can be used as documentary material for teaching evaluation. The committee for visitation will be composed of the department chairman, a representative of the Graduate or Undergraduate Affairs Committees and one other professor of the teacher’s choice. Prior to any visitation, the teacher should make clear to the committee any exception or unusual practices that operate in his style of instruction so that the rules under which he is judged will be appropriate.
   (c) Teaching Critique: An expansion of the current system of video-tape recordings of classroom performance will be encouraged. These recordings might be used for self-study and, in some cases, as prima facie evidence of true teaching excellence. Further, outside teaching “experts” will be available for the instructor for assistance in “self-study”.

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Commitment – Activity Measure: Since truly good teaching requires a commitment not unlike that seen in research, participation in teaching-oriented activities, over an extended period, can serve as evidence for teaching ability. Specifically, reference is made to: (1) development of new materials for instructional purposes; (2) development of new technologies or methods in teaching; (3) participation in specialized teaching programs.

Questionnaire to Graduated Majors: Evaluation of teaching by students appears to be most appropriate when based upon “residual” effects and then only if it is placed in perspective to the total educational enterprise. Consequently, student evaluation of a teacher would appear to be most appropriate sometime after graduation. A system of evaluation of courses and teachers by majors graduated within one year can be established. These results might deserve heavy weighting in teacher evaluation.

Standard Student Questionnaire: Some questionnaire will be used by all faculty for all courses. Results of this questionnaire will never be used as a primary measure of a teacher’s ability, but rather, as collaborative documents in conjunction with other materials.

Preparation of Teachers in Graduate Training: If one role of graduate education is preparation for college teaching, then commitment to preparing graduate students for college teaching also provides an index of teaching commitment. This commitment can be observed either by participation of the faculty member in teacher-training roles or the presence of his students in specialized departmental teaching programs.

Scholarship: There are many specific products and/or events that are being or can be utilized in evaluating scholarship. The guidelines attempt to address the problem of differentially weighing the scholarly prestige of the product/event, the frequency of its production/occurrence, the effort required in bringing it about, and the degree to which it is recognized by other scholars in the individual’s field as worthy. Publications represent the more traditional ways of documenting scholarship, but other data also need to be considered, such as scholarly participation in learned societies, paper presentations and symposia, refereeing of papers and grant proposals, journal editorships, grant awards, inter-disciplinary activities, and other tangible evidences of scholarly regard the individual’s peers have for him.

Publications: Not all publications are equivalent. Different individuals use different criteria for deciding where, what, and when to publish, and consequently differential weighting must be given to different publications. It clearly isn’t possible to eliminate subjective judgment from this process, but identification and discussion of the major relevant considerations may clarify matters somewhat. Publications seem to fall naturally into three broad classes: typical journal articles or equivalents thereof; major integrative/theoretical contributions such as Psychological Bulletin articles and book chapters; and books. In general, the progression from articles to chapters to books reflects increasing evidence of scholarship. Within each of these major classifications, however, there are important criteria for additional differentiation, as follows:

1. Books representing major scholarly contributions to the individual’s sub-specialty constitute evidence of greater scholarship than do introductory textbooks, which in turn constitute greater evidence of scholarship than a book of readings. More advanced textbooks are obviously, ceteris paribus, more scholarly than introductory textbooks.

2. Of lesser status but still highly significant in scholarly contributions are major integrative/theoretical efforts such as articles represented in Psychological Review or Psychological Bulletin articles, chapters in handbooks, and chapters in other books of a scholarly nature. The high prestige of Psychological Bulletin and Psychological Review articles is recognized generally in psychology. Within many specialty fields, additional mechanisms for integration have been established and are well recognized, such as the Handbook of Social Psychology, the Harvard Educational Review, etc. Chapters in books addressed to specialty fields would typically be considered equivalent to these, or perhaps slightly less prestigious, unless there were strong evidence to the contrary (i.e., a book of ill-prepared, poorly-edited chapters).

3. Journal articles are by far the most frequent outlets for scholarly contributions. There are a great variety of journals, varying in content, format, presence or absence of outside refereeing, editorial review, and so on. This variety makes it necessary to identify means of differentially weighting journal articles. Three considerations seem primary: (1) prestige of the journal – more prestigious journals being more carefully refereed, generally more directly related to professional organizations, more frequently cited in scholarly publications, having a higher rejection rate, and judged by people within the field as more desirable places to publish; (2) scope of article – increasing with breadth, depth, and length, indicated tangibly by number of journal pages devoted to the article, number of references cited, number of studies in a series that are reported, and the like, but requiring peer judgment in the final analysis (note: This requires making allowances for differences in the prestige of the journals); (3) research effort required – some fields of research and some lines of investigation within those fields pose greater difficulties to the scholar in terms of the complexity of instrumentation and experimental design required, the time required to collect data, the complexity of data reduction and analysis techniques, the breadth of interdisciplinary knowledge and communication required, and so on.

Technical reports within agency publication series constitute another outlet for scholarly contributions, and one that is especially difficult to assess since agencies vary greatly in what they demand of a technical report, and technical reports may (and usually do) have objectives quite different from those of recognized journals. What is appropriate for a technical report may be quite inappropriate for a scientific journal. Nonetheless, technical reports constitute varying degrees of scholarly contributions, with many of them being equivalent to good journal articles. Usually, within special fields, everyone known to be interested in the particular line of investigation has access to the reports, and they are publications in the public domain since copies will usually be supplied upon request. Peer judgment seems to be the only way at present to determine the weight that should be given to individual technical reports, although some general judgments could probably be made with regard to the average worth of reports in particular agency series.
5. Proceedings of conventions or symposia constitute further evidence of scholarship, since participation in the convention/symposium would typically occur through invitation (evidence of the high regard in which the individual is held by others in his field) or competition (evidence of judged quality of his proposed contribution). Differential judgments of scholarship here could be based on the national/international scope of the participation, the reputation of the other participants (“know a man by the company he keeps”), longevity of the proceedings’ series (e.g., the Nebraska Symposium on Motivation) and, in the last analysis, peer judgment.

6. In addition to publications, presentations at professional meetings must also be considered in evaluating scholarship. These typically constitute less convincing evidence than journal articles and other publications in that they are seldom referred, are frequently premature disclosures of research results, and are generated in the more permissive atmosphere of conventions encouraging maximum participation and exposure of students and younger scholars. Nevertheless, paper presentations are evidences of research participation and sufficient responsibility to see projects through to the point of reporting to the scientific community. Differential weighting of papers and presentations is possible along the local-regional-national-international dimension, and in accord with the degree to which the group to which the presentation is made is an established and recognized community of scholars.

7. An individual’s scholarship is recognized tangibly further by his service as an editor or referee for recognized journals, refereeing grant proposals for agencies supporting scholarly activity, and serving on site visits for agencies in evaluating the training and/or research capability of grant-seeking or grant-holding departments or laboratories.

8. Receiving research grant awards is especially good evidence of an individual’s current scholarly standing, since this reflects current ability to put together a scholarly proposal on a topic of investigation of current interest that is of sufficiently high quality to stand critical appraisal by panels of carefully chosen experts in his field. Agencies differ, of course, in the degree to which outside refereeing of grants is sought, and this must be taken into account. It should be possible, however, to identify within each individual scholar’s field a prestige hierarchy of granting agencies. In any event, the magnitude, the complexity, and the time period of the grant would help provide differential weighting to this criterion.

9. The degree to which the individual’s scholarship is limited to a narrow field of investigation, versus broader interdisciplinary concerns, provides further evidence of scholarship. Data on this could be obtained by noting the variety of publication outlets the individual used, particularly with regard to the primary professional affiliations of the journals from the variety of professional backgrounds of the individuals with whom he has co-authored publications; the variety of professional organizations with which he is affiliated; the intensity of communications he maintains with other professions; the variety of professional meetings he attends; and the like.

10. Since the life styles of scholars differ infinitely, it’s important to recognize that many very highly regarded scholars make their contributions primarily through their students. The scholarly activity of the individual’s students reflect on the scholarship of the individual. Tangible evidence of the individual’s students’ scholarship is seen in his participation in the undergraduate research program, the Honors program, and the contributions of his graduate students (the latter judged by the same parameters as are outlined above, and is obviously of more use in judging older faculty).

11. Credit must also be given for consultancies and visiting appointments reflecting scholarship, such as post-doctoral research programs, awarded chairs or lectureships, advisory board or steering committee appointments for research groups, and so on.

(3) Service: The concept of service performed by an academic psychologist is an omnibus one including all those activities of the professor which are not considered specifically either teaching or scholarship, but in the broadest sense represent ministering to the needs of students, the department, the college, the university, the community, state, region, and nation, and perhaps mankind. Service, then, is a responsibility that falls upon the shoulders of the professor by reason of his professional, academic, and state-employee identification by society, and is an extremely important contribution to the ability of the Department to provide quality education for psychologists. There are several structures within which service is rendered, and as many ways of presenting these services, but perhaps the most meaningful presentation for the purpose of differentiating service contributions for promotion/tenure decisions can be made from the point of view of the reason for the call to service.

(a) Professional and Departmental Services: Most frequently the professor of psychology is called upon for service because he is identified with the Department and with the profession. That is, he is identified as a psychologist and serves as a representative of the Department. There are many service roles played by a member of the Department of Psychology, but six are listed as being the most frequent.

1. Departmental committees – Large departments depend upon working committees to keep the activities of the department responsive to the needs of the university. Certain faculty members are identified as having both skill and dedication to the functioning of these committees, and the reports of these committees represent significant performance each year. The work load in committees is never even, so one responsibility of the chairman is to identify members who make outstanding contributions in this way.

2. Administrative load sharing – In addition to departmental committees, departmental administrative duties, often as not of the transient nature, require an enormous investment of energy to be done correctly. Such energy investments obviously must be credited to the individual as a service contribution.
3. State professional groups – Psychological, mental health, mental retardation, vocational rehabilitation, educational and other groups within the state make significant contributions to the well-being of the residents of the state and at the same time advance the professional standards of psychology and its related fields. Psychologists who are appointed or elected to the councils and boards of these organizations make significant social contributions. Obviously some groups, by reason of their effectiveness and elite status, carry more significance than others.

4. National professional groups – In many national professional groups, psychologists serve as members, committee members, and elected officers. These include regional psychological associations, national psychological associations, and related professional groups.

5. Appointment to study committees – One of the most significant service responsibilities, which carries with it immense prestige within the profession, is membership on study committees responsible for the evaluation of major programs and research efforts in psychology and related fields. These are generally national in scope, but on occasion are regional and state groups.

6. Public advisory groups – By reason of their identification with the profession of psychology and/or the Department of Psychology, some members of the Department are appointed or elected to public advisory groups. In such roles, they serve in an advisory capacity to governmental agencies and public and private social service agencies on state, national, and international levels. These service activities not only provide service to humanity, but bring prestige to the University.

(b) College of Arts and Sciences service: By reason of his identification with the College of Arts and Sciences, the Psychology faculty member incurs duties and obligations related to the functioning of the College within the University. These services can be categorized in three broad areas.

1. Appointment or election to College committees – As in the case of the Department, much of the effectiveness of the College of Arts and Sciences depends upon committees related to policy and function. College committees, such as Area Advisory Committees, provide a service without which the College could not function.

2. Instigation of College-wide innovations – Closely related to scholarly pursuits and teaching is innovation in the function of the university above and beyond the usual teaching and research activities. This is a particular responsibility of the psychologist, because of his unique training and motivation as a behaviorist, to look creatively at the way in which the College goes about its business of education. The development of innovative education is a service function which should be given considerable weight in judging overall contribution to the College.

3. Appointment to Master and Ph.D. Directive Committees – Serving as the College representative on Master and Ph.D. Committees affords the psychologist the opportunity to add to the effort to improve the quality and relevance of graduate education throughout the College.

(c) University Service: Beyond the College, the academic psychologist has the responsibility to serve various administrative committees of the University. The Faculty Senate, the Advisory Committees, Task Force Committees, Self-Study Committees are but a few of the areas which require the attention of the participating, responsible academic psychologist. For all the service functions, the individual will have to take responsibility for keeping the Chairman and the Promotion and Tenure Committee informed of his activities. The weight given to different service contributions will depend primarily on the magnitude of the contribution, the level at which it is made, the effort required in making it, and the excellence with which it is judged by knowledgeable peers to have been executed.

Specific Authority 240.227(1) FS. Law Implemented 240.227(19) FS. History–New 9-30-75, Formerly 6C2-4.38.

6C2-4.0395 College of Law Phased Retirement Program.

(1) Eligibility. College of Law faculty who have accrued at least ten years of creditable service in the Florida or Teachers Retirement System or Optional Retirement Program and who are tenured are eligible to participate in the College of Law Phased Retirement Program. A College of Law faculty member at any age after accruing ten years of creditable service may retire from the University and participate in this Program during a six year period ending June 30, 1997. Thereafter, if phased retirement continues to be permitted by the Florida Retirement System, eligibility shall expire not later than one year after the employee’s 62nd birthday. Employees who choose to participate must provide written notice during an academic year that they will retire with an effective date to be agreed upon by the employee and the University.

(2) Program Provisions.

(a) All participants must retire and thereby relinquish all rights to tenure.

(b) Upon retirement, the participant will receive payment for any unused annual leave or sick leave to which the participant is entitled.

(c) Participants shall be offered reemployment as a College of Law Service Associate Professor or College of Law Service Professor under an Other Personal Services (OPS) contract by the University for 780 hours in any academic year (.50 FTE), one semester at full pay or two semesters at one-half pay, at a salary proportional to the salary prior to retirement, including an amount comparable to the pre-retirement employer contribution for health and life insurance during the period of reemployment.

(d) The period of reemployment obligation shall extend over five consecutive years, beginning with the academic year next following the date of retirement. If a participant chooses to decline employment for an academic year, the participant shall request a leave of absence without pay for the period of time involved with reasonable notice to the University. The period of reemployment, however, shall not be extended beyond that described above.
(e) The assignment shall begin with the academic year next following the date of retirement and shall be scheduled within one semester of the academic year, unless the participant and the University agree to reemployment for the entire academic year at 0.50 FTE. Participants who are on the Florida Retirement System or Optional Retirement Program must remain off the State payroll for one calendar month following the effective date of retirement in order to validate their retirement, and may be reemployed by the State University System for only 780 hours in the first year after retirement.

(f) Participants shall be credited with five days of paid leave at the beginning of each full-time semester appointment. The leave may be accumulated but shall not be reimbursed as unused leave at the termination of the five-year reemployment period. The leave shall be used in increments of not less than one-half day (4 hours) when the participant is unable to perform assigned duties as a result of illness or injury to the participant or a member of the participant’s immediate family which shall include only the spouse, mother, father, brother, sister, natural, adopted, or step child, or other relative living in the participant’s household.

(g) Participants shall receive all across-the-board salary adjustments available to employees in established positions in an amount proportional to their part-time appointment. They shall be eligible for discretionary salary increases on the same basis as such other employees.

(h) Participants shall retain all rights, privileges, and benefits of employment as provided by law, rules, and University policies. During the period of reemployment, participants are to be treated as tenured faculty members for the purposes of Rule 6C-5.125, F.A.C., Layoff. The participant is entitled to an allocable portion of funds normally made available to faculty for research assistants if he or she is maintaining an active research program, and for travel, books and photocopying services.

(i) Office assignments within the College of Law shall be made at the discretion of the Dean. In all likelihood the participant will have to vacate his or her office to provide space for a new faculty member; however, office space will be made available to the participant when he or she has teaching responsibilities.

(j) While under policy of the Faculty Senate participants are to be given the same opportunities to participate in faculty activities as regular non-tenured faculty members have, a participant would not be required to attend faculty meetings or serve on University committees but would be entitled to vote as a regular faculty member on any issues in which non-tenured faculty members are eligible to vote.

(k) The decision to participate in the College of Law Phased Retirement Program is irrevocable.

(l) At the conclusion of the five year period of reemployment and upon the permanent retirement of the faculty member from the College of Law Phased Retirement Program, the faculty member, at the discretion of the Dean, may be reemployed as an adjunct employee on a year-to-year basis as permitted by Board of Regents rules.

(m) Recommendation for Emeritus Status shall not be considered for faculty members until retirement from the College of Law Phased Retirement Program.

Specific Authority 240.227(1) FS. Law Implemented 121.091(9)(b)5., 240.227(1), (5), 240.227(19) FS. History–New 10-10-91.

6C2-4.040 Department of Geography.

(1) Standards for Promotion and Tenure. Since teaching and professional activity are mutually reinforcing attributes of scholarship, members of the Geography Department are required to maintain high standards in both areas. To earn tenure and (or) promotion, members of the department must demonstrate excellence in courses which will meet service obligations of the discipline as well as the training needs of its own undergraduate and graduate students. In fact, the ability to integrate modern geographical concepts into the existing program and to conceive and develop new courses which serve to upgrade the program shall be regarded as major criteria for tenure and (or) promotion along with the ability to communicate the relevance of geography in modern society by implementing and working in inter-disciplinary programs which address themselves to compelling social needs. However, being of the belief that scholarship is best enhanced by research, the department shall give primary recognition to its importance. It also subscribes to the principle that the merit of one’s research cannot be assessed objectively unless it culminates scholarly publication. Finally, it is recognized that members of the department have a service obligation to the university and the discipline, as well as to the community, state, and nation. The specific criteria for tenure shall be those which apply for promotion to the rank of Associate Professor, since that is the rank at which tenure is normally granted.

(a) Assistant Professor: Appointment at this rank shall require the completion of all requirements for the Doctor of Philosophy degree, evidence of scholarly accomplishment, either in previous appointments or in graduate school, and promise of future development toward national and international reputation as a scholar.

(b) Associate Professor: Promotion to this rank shall be based upon demonstrated effectiveness in teaching, definitive accomplishment in scholarship, and contribution to the college and university and to the discipline at the national level. Clear evidence of imagination and adaptiveness to methodological developments within the field, as well as intellectual leadership within the department, should be visible. Most important, however, through his published scholarship and participation in professional activities, the candidate should be in the process of establishing a national and international reputation.

(c) Professor. Promotion to this rank shall be based upon superior teaching, accomplishment of high order in scholarship, and leadership within the department, college and university. Most important, full professionalism of the candidate should be clearly affirmed by the fact that he has acquired a high degree of national and international esteem from other internationally renowned geographers.
(2) Evaluation of the quality of performance. The quality of teaching shall be determined by student and faculty evaluations of specific attributes appropriate to the level of instruction and to the discipline, and shall include consideration of what is taught and how it is taught, and interest in the professional development of students and the improvement of curriculum. It shall be implemented in the following manner: The general university student evaluation or suitable departmental instrument shall be used to assess the quality of instruction in the lower undergraduate courses. Graduate student and advanced undergraduate student evaluation shall be done with a questionnaire designed by the Gamma Theta Upsilon – graduate student advisory body which may include a standard university evaluation instrument. Responsibility for implementation will be vested in the above body. Faculty evaluation will be based upon inspection of course syllabi and other appropriate materials which are on file in the departmental office. The quality of scholarship shall be determined by faculty evaluation and by the degree of recognition by one’s peers at the national and international levels. The tenure committee shall be composed of three elected members of the tenured members of the department or the elected Executive Committee if all members of that committee are tenured. The tenure committee will review all of the candidate’s published research and other aspects of his resume which shall be kept up to date on an annual basis in the department office. If other evidence of scholarship can be offered, including on-going research, the responsibility to present it rests with the candidate. All candidates seeking promotion to either the associate professor or professor level must submit three letters attesting to their geographical competency from members of the profession outside the university, deemed by the Executive Committee to have high stature in the discipline. The committee shall select the three references from a list supplied by the candidate. Considerable opportunity for informal discussion exists in a small department. This means of ascertaining a candidate’s enthusiasm for geography as well as his scholarship shall therefore be utilized. All members of the department shall be encouraged to participate actively in such discussions. The quality of service shall be evaluated by the appropriate committee and shall include professional contributions to one’s departments, college and university, to geography, and to one’s community, state and nation. The candidate shall include in his resume all evidence to support service of the type suggested above.

(3) Procedure for evaluation of performance on the departmental level. All new members of the department shall be informed of departmental and university policy toward promotion and tenure by the chairman. The chairman, through informal conversation with his faculty and geography students as well as use of various types of student evaluations, shall keep informed of the quality of performance of all members of the department working toward tenure and (or) promotion. At least once each year he shall orally apprise them of their progress. At an appropriate date, but not later than October 1 of the fourth year for assistant professors, and individuals seeking tenure and promotion to the level of associate professor shall draw up a detailed resume presenting evidence supporting his candidacy. In the event that tenure and promotion is denied the candidate, he may be given the opportunity to resubmit his application in succeeding years. Only under the most extenuating circumstances, after an agreement is reached between the chairman, members of the department and the College of Arts and Sciences, shall an untenured assistant professor be retained after the seventh year. Promotion to the level of professor shall be implemented in the same manner as associate professor, but with no time interval. Untenured professors shall be obliged to request tenure within three years of arrival. If tenure is denied, the candidate may resubmit his dossier the following two years. In the event of refusal after the fifth year arrangements shall be made to terminate the individual’s services. The responsibility for obtaining the student evaluation shall rest with the chairman of the department. The material provided by the candidate, together with the student and faculty evaluations shall be assembled into a file. This file shall be circulated among all members of the appropriate committee. Each member of the appropriate committee shall review the file, and upon review, either accept or reject the application. In tenure considerations, a majority affirmative vote shall result in the recommendation to the entire tenured faculty that the candidate be awarded tenure. This shall be voted upon by secret ballot by the entire tenured faculty. The department chairman shall count the votes and announce the results to the candidate and the tenure committee. Following an affirmative vote by the tenure faculty, the departmental tenure committee shall submit such a recommendation by October 31 of any year to the Dean of the College of Arts and Sciences in the form of a dossier. This dossier shall include:

(a) Information supporting a request for confirmation of tenure, to be supplied in accordance with the Office of Academic Affairs and approved by the Board of Regents for the State University of Florida;

(b) A standard vita with such information as education, experience, courses recently taught, major committee assignments, professional activity, and bibliography;

(c) Three letters of recommendation, at least two of which must be written by members of the departmental faculty, which speak to the scholarly ability and reputation, teaching competence, and service activities of the candidate;

(d) Appropriate evaluation forms which show the results of recent evaluations of the candidate’s teaching by graduate and advanced undergraduate, as well as lower undergraduate, students;

(e) A formal, signed recommendation from the tenure committee to the Dean that tenure be confirmed;

(f) A statement from the chairman on the results of a secret ballot of all tenured members of the department as to whether or not the candidate’s application for tenure is supported. In those cases when a faculty member is a candidate for promotion, either to associate professor or to full professor, a dossier supporting the faculty member’s candidacy shall be submitted by October 31 of any year to the Dean of the College of Arts and Sciences by the Executive Committee. This dossier shall include:

1. A standard vita with such information, experience, courses recently taught, major committee assignments, professional activity, and bibliography.

2. Three letters of recommendation from members of the profession outside the department, as provided for in Section B2c of this document.
3. A cover letter from the chairman of the department setting forth in some detail the overall rationale and bases of support for his recommendation for promotion of the candidate.

4. Appropriate evaluation forms which show the results of recent evaluations of the candidate’s teaching by graduate and advanced undergraduate, as well as by lower undergraduate, students.

5. A formal recommendation for promotion signed by the members of the Executive Committee and containing a statement by the Committee of its own evaluation of the candidate in terms of teaching, scholarship, and service. In those cases when a candidate for promotion is also a candidate for tenure, a separate dossier supporting his candidacy for tenure and conforming to that stipulated in Section C-9 shall be prepared and forwarded concurrently with the dossier supporting his candidacy for promotion.

6. Appropriate evaluation forms which show the results of recent evaluations of the candidate’s teaching by graduate and advanced undergraduate, as well as by lower undergraduate, students.

7. A cover letter from the chairman of the department setting forth in some detail the overall rationale and bases of support for his recommendation for promotion of the candidate.

8. To be eligible for consideration for promotion by the Promotion Committee, a candidate must have been appointed in rank for at least twelve months at The Florida State University by October 1 of the year in which the candidate wishes to be considered for promotion for the next contract year.

9. Time in rank transferred from another library, or in appropriate professional non-library experience, or in appropriate non-professional library experience, including part-time service of a continuous nature, must be negotiated at the time of initial appointment at The Florida State University in order to be counted toward promotion. Credit for experience will be given on a pro-rata month-worked/month-credited basis. Part-time service of a continuous nature at The Florida State University may be accumulated on a pro-rata month-worked/month-credited basis for purposes of being considered eligible for promotion.

10. To be considered for promotion to the rank of Assistant University Librarian, the candidate shall have:

   (a) Earned a master’s degree in Library Science from an American Library Association accredited institution.

   (b) Completed, by the beginning of the next contract year, twenty-four months as a professional librarian, including at least twelve months in rank at the University, after receiving the master’s degree in Library Science.

   (c) Demonstrated competence in areas such as intellectual attainment, maturity of judgment, initiative, resourcefulness, teamwork, and effectiveness in working with the public and library staff.

   (d) Presented documentation of effective performance which shows an enhancement of responsibility and continuing growth with evidence of strong commitment to and potential for the library profession.

   (e) Made professional contributions deemed significant by peers to the library and/or the University.

   (f) Participated in continuing education in the form of appropriate academic course work, workshops, institutes or conferences.

   (g) Participated or maintained membership in professional associations.

   (h) Demonstrated satisfactory performance within current rank as shown in the applicable annual evaluation form.

11. To be considered for promotion to the rank of Associate University Librarian, the candidate shall have:

   (a) Earned a master’s degree in Library Science from an American Library Association accredited institution.

   (b) Completed, by the beginning of the next contract year, twenty-four months as a professional librarian, including at least twelve months in rank at the University, after receiving the master’s degree in Library Science.

   (c) Demonstrated competence in areas such as intellectual attainment, maturity of judgment, initiative, resourcefulness, teamwork, and effectiveness in working with the public and library staff.

   (d) Presented documentation of effective performance which shows an enhancement of responsibility and continuing growth with evidence of strong commitment to and potential for the library profession.

   (e) Made professional contributions deemed significant by peers to the library and/or the University.

   (f) Participated in continuing education in the form of appropriate academic course work, workshops, institutes or conferences.

   (g) Participated or maintained membership in professional associations.

   (h) Demonstrated satisfactory performance within current rank as shown in the applicable annual evaluation form.


6C2-4.0485 Criteria and Procedures for Promotion for In-Unit General Faculty Librarians.

1. Faculty-course evaluation of all 400+ level courses except research seminars by GTU – graduate student advisory body. Fall quarter sirs evaluations are mandatory. However, previous winter, spring, and summer evaluations may be submitted. Faculty service report for period July 1 – June 30 submitted to chairman along with self evaluation on three categories; teaching, research, publication, and other professional activity, and service.

2. Evaluation by Chairman and Executive Committee Weighting Factors are teaching (.3), research, and other professional activity (.5), and service (.2). Chairman and Executive Committee evaluations transmitted to faculty member if requested. Appeals and requests for explanation, if any, to Chairman and Executive Committee. All evaluations and recommended increments (in light of anticipated budget) transmitted to Dean. Dean and Chairman resolve dollar increments. Chairman informs Executive Committee of above. After resolution of inequities noted above, Chairman informs faculty member of anticipated salary when so instructed by Dean.

2. Completed, by the beginning of the next contract year, sixty months as a professional librarian, with a minimum of twenty-four months experience in an academic or research library, to including at least twelve months in rank at the University.

3. Demonstrated competence in areas such as intellectual attainment, maturity of judgment, initiative, resourcefulness, team work, and effectiveness in working with the public and library staff.

4. Presented documentation of effective performance which shows an enhancement of responsibility and continuing growth.

5. Demonstrated excellence in the candidate’s specialized area of librarianship.

6. Participated in continuing education in the form of appropriate academic course work, workshops, institutes or conferences.

7. Participated in or maintained membership in professional associations. Additionally, the candidate may submit evidence of commitment to the service concerns of the University or the community.

8. Demonstrated satisfactory performance within current rank as shown in the applicable annual evaluation form.

(d) To be considered for promotion to the rank of University Librarian, the candidate shall have:

1. Earned a master’s degree in Library Science from an American Library Association accredited institution.

2. Completed, by the beginning of the next contract year, one-hundred and eight months as a professional librarian, with at least seventy-two months experience in an academic or research library and at least forty-eight months at the Associate Librarian or equivalent level, to include at least twelve months in rank at the University.

3. Demonstrated excellence in areas such as intellectual attainment, maturity of judgment, initiative, resourcefulness, and effectiveness in working with the public and library staff.

4. Presented documentation of effective performance which shows an enhancement of responsibility and continuing growth.

5. Demonstrated excellence in the candidate’s specialized area of librarianship.

6. Participated in continuing education in the form of appropriate academic course work, workshops, institutes or conferences.

7. Participated or maintained membership in professional associations. Additionally, the candidate may submit evidence of an advanced degree or publications and evidence of commitment to the service concerns of the University or the community.

8. Demonstrated satisfactory performance within current rank as shown in the applicable annual evaluation form.

3) Procedure.

(a) The Promotion Committee, acting in an advisory capacity to the Director of Libraries, shall be responsible for recommending candidates for promotion. A candidate shall be any librarian below the rank of University Librarian who has submitted a promotion evaluation folder to the Promotion Committee chairperson. The Promotion Committee’s recommendation shall be made only on the basis of the information contained in the librarian’s promotion evaluation folder. Promotion to a higher rank shall be effective with the beginning of the next contract year.

(b) It is the responsibility of each librarian to determine when he or she is eligible to be considered for promotion, and to make and submit an application. The Office of the Director of Libraries maintains the official records which shall be used for determining eligibility. Librarians who anticipate being away from campus during the fall term, and who think they are eligible to be considered for promotion, should submit a promotion evaluation folder to the Committee Chairperson prior to departure. To be considered for promotion, the candidate’s folder must be complete.

(c) The candidate’s promotion evaluation folder shall contain the following information in this order:

1. Detailed up-to-date resume.

2. Statement from the Office of the Director of Libraries detailing the amount of professional experience credited at the time of the candidate’s initial appointment at FSU Libraries. Librarians who did not receive such a statement at the time of their initial appointments may request one from the Office of the Director of Libraries.

3. Statement from the Office of the Director of Libraries detailing number of months at FSU, and the number of months in rank at FSU, identifying any leaves of absence which do not count as time in rank.

4. Letter from immediate supervisor summarizing candidate’s scholarly or creative activity and service in terms of departmental mission and of the candidate’s assigned duties.

5. Current Statement of Assigned Duties. Statements of assigned duties, or job descriptions if applicable, shall be included for the last five years or the period being evaluated if less than five years. Assignment of duties, or job descriptions for more than five years may be included if appropriate.

6. Record of continuing education in terms of appropriate academic course work, workshops, institutes or conferences.

7. Copies of all performance evaluation documents completed since the candidate entered his or her rank.

8. Records of membership in or participation in professional organizations.

9. Additionally, the candidate may submit:

   a. Records of participation in community and university organizations and service on library, university and community committees.

   b. Evidence of publications and special projects (e.g., consultant, panel presentations).

   c. A statement by the candidate.

   d. Other pertinent communications (e.g., letters of recommendation, acknowledgments, etc.).

(d) Information contained in the librarian’s promotion evaluation folder shall be confidential as provided in Section 240.253, F.S. Promotion Committee members shall not discuss the information with any person not authorized to evaluate the candidate’s qualifications for promotion.
(e) Promotion evaluation folders shall be stored in the Office of the Director of Libraries. They will be returned to the candidates by June 1.

(f) Upon completion of its deliberation pertaining to promotion, the Committee shall submit its recommendations and its reasons for not recommending a promotion for an individual to the Director of Libraries. The Committee shall give written notification of its recommendation to each candidate at the same time the recommendation is submitted to the Director. Any candidate not recommended for promotion by the Promotion Committee shall upon request receive a letter from the Committee containing its reason(s) for the decision. This request must be received by the Committee chairperson in writing within five working days after notification of the Committee’s decision. A candidate who is not recommended for promotion by the Committee may appeal the decision in writing to the Director of Libraries within ten working days after being notified by the Committee of the reasons for its decision.

(g) The Director of Libraries shall make and submit final recommendation for promotion to the Vice President for Academic Affairs. In making that final recommendation, the Director of Libraries primarily shall consider the recommendation of the Promotion Committee, but may in his or her discretion consider other relevant factors. The Director shall give written notification of his or her recommendation to each candidate. Any candidate not recommended for promotion by the Director of Libraries shall upon request receive a letter from the Director containing his or her reason(s) for the decision. This request must be received by the Director of Libraries in writing within five working days after notification of the Director’s decision. A candidate who is not recommended for promotion by the Director of Libraries may appeal the decision in writing to the Vice President for Academic Affairs within ten working days after being notified by the Director of Libraries.

(h) The promotion process shall normally proceed according to the following schedule; however, the Director of Libraries may modify the schedule if it is in the best interest of the University. Any such modification in the schedule shall be posted not less than 7 days in advance of its implementation in the Staff lounge and Technical Services area.

March 15: New members of Promotion Committee are elected.
April 1: Terms begin for new members.
April 15: Promotion Committee sends written notice to all librarians below the rank of University Librarian that they should determine eligibility for promotion. The Office of the Director of Libraries maintains official records of time in service. A meeting of interested librarians to answer questions about the promotion procedure shall be scheduled by the chairperson of the Promotion Committee during the summer term.
August 15: Promotion Committee posts in two locations (staff lounge and Technical Services) official notification to submit promotion folders and sends written notice to all librarians below the rank of University Librarian, including with the notice a copy of “Criteria and Procedures for Promotion of Librarians.”
November 30: Candidates’ promotion folders are due to the chairperson of the Promotion Committee.
December 1: Promotion Committee begins deliberations.
January 15: Recommendations for promotion from the Promotion Committee are due in the Office of the Director of Libraries.
February 15: Recommendations for promotion from the Director of Libraries are due in the Office of the Vice President for Academic Affairs.

(4) Promotion Committee Membership and Selection.

(a) The Promotion Committee shall be composed of five elected voting members and one elected alternate, who shall vote only when serving in place of a voting member. The Dean of the Faculties or designee by that office shall be an ex-officio, non-voting member of the Committee. Those elected shall consist of three University Librarians, two Associate University Librarians and one alternate Associate or University Librarian.

(b) The Director of Libraries shall designate the Assistant Director of University Libraries for Administrative Services to supervise the election of the Committee each spring. All Associate and University Librarians who have been employed at least one year as an in-unit librarian at the University are eligible for election. Librarians who expect to qualify for promotion during the term of service shall disqualify themselves from being elected to the Promotion Committee. A member forfeits his or her right to be considered for promotion during the same year(s) he or she serves on the Committee. Additionally, a librarian who is expected to be absent due to overseas assignment or approved leave during the period November 1 to January 15 shall not be eligible for service on the Committee.

(c) Public Services Division librarians shall elect one University Librarian and one Associate University Librarian from within their own division. Technical Services Division librarians shall elect one University Librarian and one Associate University Librarian from within their division. All the librarians from both divisions shall together elect at large one University Librarian and one alternate. The Director of Libraries and Assistant Directors are not eligible to vote. One Public Services University Librarian and one Technical Services Associate University Librarian shall be elected in odd numbered years for a two year term except that during the election first held after adoption of this rule they shall be elected for a one year term only. One Technical Services University Librarian and one Public Services Associate University Librarian shall be elected in even numbered years for a two year term. The one Committee member and one alternate elected at large shall be elected annually. Consecutive terms shall be prohibited. The University Librarian in the second year of his or her term shall serve as chairman. If more than one University Librarian is in his or her second year, the Committee shall elect the chairperson from the group in the second year of term. If a University Librarian in his/her second year is unable to serve as Chairman, the University Librarian in the first year of a term shall serve as Chairman. When the FSU Libraries staff does not include enough Associate University Librarians from the appropriate
divisions who are eligible for service on the Promotion Committee, substitution shall be from among University Librarians. A vacuum caused by termination, resignation, or inability to serve shall be filled at the next regular election. However, the committee may not operate with less than four members; should more than one vacancy exist, a special election shall be called to fill the vacancies.

(5) Definitions:
(a) Academic library: A library forming an integral part of a college, university, or other academic institution for postsecondary education, organized and administered to meet the information needs of students, faculty, and affiliated staff of the institution.
(b) Research library: A reference library or a library which contains an in-depth collection in a particular subject field (such as a technical library) or in-depth collections in several subject fields (such as a university library or a large private or public library) with collections including primary sources and provides extensive chronological and/or geographical coverage.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5), (19), 240.253, 240.245 FS. History–New 7-17-86.

6C2-4.061 Travel.
(1) Definitions.
(a) Official Headquarters. The Official Headquarters refers to the city or town in which the employee’s office is located, the city or town nearest the area where an employee located in the field performs the majority of his work, or the city or town so designated by the University. If an employee is stationed in any city or town for a period in excess of 30 days, that location is deemed to be his official headquarters.
(b) Conference. A Conference is a meeting of persons or groups with a common interest or interests for the purpose of deliberation, interchange of views, or for the removal of differences or disputes; and for discussion of their common problems and interests. The term also applies to similar meetings such as seminars and workshops which are large formal group meetings that are programmed and supervised to accomplish intensive research, study, discussion, and work in some specific field or on a governmental problem.
(c) Convention. A Convention is an assembly of a group of persons representing other persons or groups, meeting for the accomplishment of a purpose of interest to the represented parties.
(2) General. Official University travel must be authorized in all cases before the travel is commenced or travel expenses are incurred. Approval is required even though the University will be reimbursed for the travel expenses. The Travel Authorization Request form must be submitted to the University Comptroller’s office five workdays before the departure of the traveler except in emergency situations or when the travel request is for the use of State owned vehicles only. The approving authorities designated within this procedure are charged with the responsibility of insuring that the most economical means of transportation is used, keeping in mind the reason for travel, the time required, the cost per diem, the number of persons making the trip, and the amount of equipment or material to be transported.
(3) Travel Authorization.
(a) An employee who intends to travel on official University business should prepare a Travel Authorization Request. All official travel within the United States, the Virgin Islands, and Puerto Rico and for less than 30 days will be approved by the department head, and by the dean or department director who is administratively responsible for the traveler. Travel expenses to be charged to contract or grant budgets will be approved by the Provost for Graduate Studies and Research.
(b) Travel requiring reimbursement for more than 30 days of per diem requires additional approval as stated in Attachment 2 to Florida State University Financial Manual Operation Procedure F-4-1.1.
(4) Blanket Travel Requests.
(a) A Blanket Travel Request may be used when an employee is required to travel to a specific destination for the same purpose on a frequent and periodic basis.
(b) The following are examples of situations where Blanket Travel Requests are appropriate:
1. When technical personnel are required to visit specific locations to provide services at those locations.
2. When instructors are teaching classes in specific locations off campus.
3. When employees are required to make frequent off-campus trips to places such as the airport, bus station, or television studio, using their own cars.
(5) Travel Advances. Travel advances may be made to travelers in the amount of 80% of the total per diem cost per trip, if the estimated cost exceeds $200.00. The Travel advance must be requested on the Travel Authorization Request form when it is submitted to the Comptroller’s Office. Requests for a travel advance must be submitted at least five days before the funds will be needed.
(6) Conference Registration Fees.
(a) Conference registration fees will be paid in advance when the following conditions are met:
1. The registration fee exceeds $50.00.
2. The request is made 20 days in advance of the start of the conference.
3. The request accompanies the Travel Authorization Request form for the entire trip.
4. The request to pay conference fees is made on a Payment of Expense Items form with literature attached that describes the conference and indicates the name of the sponsoring organization and the amount of the registration fee.

(b) Conference registration fees are paid to the conference sponsor, and in no case will fee be paid in advance to the traveler. If the registration fee is not paid in advance, it will be reimbursed with other expenses.

7. Student Government Travel. Travel requests to incur expenses in conjunction with student government activities are processed in similar fashion to travel requests for employees as discussed above under Travel Authorizations. The signatures that are required on the Travel Authorization Request form are those of the budget account manager, and activities accountant on the dean’s signature line. Advances for anticipated costs may be made to University approved student organizations for group travel. Such advances may include the cost of subsistence and mileage. Subsistence estimates cannot exceed per diem rates, and mileage is estimated at the established rate. The final accounting for student group travel will be made by the person in charge of the group at the completion of the trip.

8. Consultants, Advisors, Job Applicants. A request to pay from the expense category of the budget, the travel expenses of non-employees who are providing services to the University such as consultants, advisors, or job applicants will be processed in the same fashion as requests to pay travel expenses for employees.

9. Modes of Transportation. The modes of transportation that may be authorized for official travel include State vehicles, private vehicles, common carriers, and rental cars. For travel in the vicinity of the official headquarters, State vehicles should be used. Private vehicles may be used for official travel in the vicinity of the official headquarters provided each trip is necessary for the discharge of University related responsibilities, is entirely for business purposes, and no State vehicles are available. The use of rental cars should be limited as much as possible to situations that preclude the use of common carriers or private vehicles.

10. State Vehicles. To obtain a vehicle from the State motor pool, two copies of the Travel Authorization Request form must be submitted to the dispatcher when the vehicle is checked out.

11. Private Vehicles.
(a) The following are situations that justify the use of private vehicles for travel outside the vicinity of the official headquarters:
1. When travel is required at such time or to such places that common carrier transportation may not be reasonably available.
2. When two or more persons travel to the same destination in the car and total mileage claimed does not exceed the total airline tourist fares for transporting the same number of people.
3. When travel involves the transportation of instructional material and equipment, precluding the use of a common carrier.
(b) The maximum one-way mileage distance for reimbursement at the mileage rate ($.14 per mile) is 300 miles for an employee traveling alone in his personal vehicle, unless the above conditions preclude the use of a common carrier. Any excess over this mileage will cause the entire transportation portion of the trip to be reimbursed at the airline tourist rate.

12. Rental Cars.
(a) The use of rental cars should be limited, insofar as possible, to situations where common carriers are not available and the use of personal automobiles is precluded. Examples of such situations include:
1. Where a destination has been reached by common carrier, and several locations in the same vicinity must be visited.
2. Where transportation between airport terminal and destination is needed and taxi or limousine service is not feasible or available.
3. When schedules cannot be met through the use of common carrier.
(b) The State of Florida has contracted with Hertz Corporation for rental car service. Hertz rental cars should be used unless it can be shown that another company has lower net rates.
(c) Unless there is justification for the use of a standard size car, rental should be limited to a compact car. When a compact car is requested at the time a reservation is made, the rate charged by the rental agency must be for a compact car even though only a standard car is available at the time of pick-up.
(d) Optional collision damage waiver insurance should not be purchased when renting a car. The State has established a self-insurance program to insure against damage to rental cars for the first $100 worth of damage.

13. Travel Agencies.
(a) All types of common carrier transportation may be purchased through travel agencies. Only those travel agencies which are bonded and licensed with the State of Florida may be used. This limitation applies to those travel agencies located outside of the State as well as to those located in Florida.
(b) The normal procedure to be applied in purchasing transportation from a travel agency in Tallahassee is to contact the travel agency five of more working days before the scheduled departure date. The following information should be given to the agent:
1. Name of the traveler, the department name, and the department account number.
2. Dates of travel, complete itinerary, and desired mode of common carrier.
(c) After arrangements have been completed with the travel agency, the traveler should then obtain the ticket cost and prepare a Travel Authorization Request. The request form is then processed through the University Accounting Office, Travel Section.

14. Air Travel Credit Cards. Air Travel Credit Cards may be issued to employees whose duties require that they travel frequently. A credit card will be issued by the Comptroller’s Office when a written request is received. The request must specify the employee authorized to receive the credit card and the department account number to be charged. The request must be signed by the appropriate dean of department director. A Travel Authorization Request must be prepared for each trip even though the airline ticket was purchased by use of an Air Travel Credit Card.
(15) Expense Reimbursement. Immediately upon returning to the official headquarters, the traveler should submit a Voucher for Reimbursement of Traveling Expenses to the Comptroller’s Office.

(16) Lodging and Meal Allowances.

(a) Lodging and meal expenses that are incurred by a University employee while he is performing official travel may also be reimbursed. For reimbursement purposes, travel is considered to fall into one of the three classes listed below. A traveler on an extended trip may return home overnight, over a weekend, or during a holiday. However, any time lost from his regular duties will be taken as annual leave and authorized in the usual manner. He will not be reimbursed for traveling expenses but will receive per diem at the established rate allowable had he remained at his assigned post.

(b) Travel is classified as follows:

1. Class A Travel. Class A Travel is defined as continuous travel of 24 hours or more away from the official headquarters. There are three options for computing reimbursement for Class A Travel. The traveler may select either Option 1, Option 2, or Option 3, however, the option selected will apply for the duration of any single trip.
   a. Option 1 – Twenty dollars per diem or $5.00 per quarter day based on 6 hour periods beginning at 12 and 6 o’clock. Any portion of a trip which is part of a quarter will be reimbursed for the whole quarter.
   b. Option 2 – A maximum of twenty-five dollars per diem based upon allowance of $9.25 for meals plus actual expenses for lodging not to exceed the single occupancy rate. Lodging expense must be substantiated by paid bills. Single occupancy rate must be specified on the bill.
   c. Option 3 – For conference and convention travel which serves a direct and lawful purpose with relation to the agency served by the person attending such meeting, expenses up to the amount prescribed in sub-section 3 below, plus actual expenses for lodging at a single-occupancy rate, to be substantiated by paid bills or receipts thereof. Single occupancy rate must be specified on the bill or receipt.

2. Class B Travel. Class B Travel is defined as continuous travel of less than 24 hours requiring overnight absence from the official headquarters. Class B Travel is reimbursed at $5.00 for each six-hour interval or part of a six-hour interval, computed from the moment of departure.

3. Class C Travel. Class C Travel is defined as travel not requiring overnight absence from the official headquarters. Day trips are reimbursed for meals only on the following basis:
   a. Breakfast – $1.75 – when travel begins before 6 a.m. and extends beyond 8 a.m.
   b. Lunch – $2.50 – when travel begins before 12 p.m. and extends beyond 2 p.m.
   c. Dinner – $5.00 – when travel begins before 6 p.m. and extends beyond 8 p.m. or when travel occurs during night hours due to special assignment (e.g., bus driver).

(17) Transportation Allowances. Transportation, other than the use of a private vehicle, can usually be arranged for in advance of the trip and billed directly to the University. Expenditures made by an employee for transportation may be reimbursed with certain exceptions as stated in paragraph 19. If travel is by other than the most direct route between points where official University business is conducted, the additional cost must be borne by the traveler. No traveler can claim transportation expense when he is gratuitously transported by another person or when he is transported by another traveler who is entitled to reimbursement for transportation expenses.

(18) Private Vehicle. Each trip for which an employee requests reimbursement for the use of a private vehicle must be necessary to the discharge of his University responsibilities and must be entirely for business purposes. Mileage in excess of 300 miles that is not justified will cause the transportation portion of the trip to be reimbursed at the airline tourist rate. This mileage limitation does not apply when two or more employees are traveling to the same destination in the same vehicle. State Motor Pool vehicles should be used in preference to private vehicles for travel in the Tallahassee area. Trips that are made locally using a private vehicle and are made on a recurring basis may be requested using a blanket request.

(19) Incidental Expenses.

(a) The following incidental expenses may be reimbursed. All expenses except taxi fares must be substantiated with a receipt if the amount is greater than $1.00.
   1. Taxi fare.
   2. Ferry, bridge, road, or tunnel toll.
   3. Car storage or parking fee.
   4. Communications expense (telephone, telegram, etc.).
   5. Excess baggage charges if incurred for University equipment.
   6. Convention or conference registration fee (if meals are included in the fee, then per diem or subsistence allowances must be decreased accordingly). A brochure or printed material describing the convention or conference must be attached to the expense voucher, if it was not previously attached to the Travel Authorization Request form (see reference (2)).

(b) The following incidental expenses are not reimbursable and must not be included in the amounts recorded on the expense voucher.
   1. Personal accident insurance on rental cars.
   2. Tips and gratuities for personal services.
   3. Charges for excess personal baggage.
   4. Collision Damage Waiver Insurance (covers liability for the first $100 or damage to a rental car).
(20) International Travel. The per diem rates discussed above under Lodging and Meal Allowances will apply to international travel except for expenses to be charged to contract or grant budgets. Per diem expenses that are to be charged to contract or grant budgets will be at the rate specified in the contract or grant, or at the rate established by the U.S. Department of State, whichever is less. A schedule of the U.S. Department of State international per diem rates may be obtained from the Office of Contracts and Grants. All expenses for international travel in excess of 30 days are to be paid from contract or grant budgets.

(21) Conference and Convention Travel. Administrators who approve travel Authorization Request forms are certifying by their signature that travel to a conference or convention will be made in accordance with the following policies. To comply with State regulations, a limit has been established on the number of conferences or conventions that can be attended by Florida State University employees in a given fiscal year. In the event that this limit, which has been set at 2,000 conferences or conventions, is reached, special approval may be required for travel request involving additional conferences or conventions. Notification of the special approval requirement will be issued by the Comptroller’s Office if necessary. The provisions of this procedure will apply whether or not the limit is exceeded.

(22) Conference and Convention Travel Authorization.
(a) An employee who intends to travel to a conference or convention, including those who are invited participants, should prepare a Travel Authorization Request.
(b) A statement of justification must accompany the Travel Authorization Request. The Statement of Justification must include the following information:
1. The relationship of the conference or convention to the statutory duties and responsibilities of the University.
2. The expected benefit to the University as a result of the employee’s attendance at the conference or convention.
3. The relationship of duties and responsibilities of the employee to the objectives of the conference or convention.
(c) If it is deemed necessary to allow more than three employees to attend a conference or convention the justification statement must include a full explanation as to why the additional persons are attending the conference or convention. It is recognized that conferences and conventions may cover a wide range of concerns. Divisions or sections of a broadly constituted conference or convention may be viewed as different conferences or conventions. In this case additional justification is not required if the number of attendees to any one division or section does not exceed three employees.
(d) In addition to the statement of justification, a brochure or printed material describing the conference or convention (specifically that portion which covers the registration fee) should be attached to the Travel Authorization Request. If such material is not available at the time the Travel Authorization Request is submitted, it should be submitted with the Voucher for Reimbursement of Traveling Expenses (State of Florida FORM NO. C676).
(e) The Comptroller’s staff will verify that the justification statement is on the Travel Authorization Request form. This verification will not include a review of the contents of the statement. It is the responsibility of the initiator and approving administrator to assure that the justification statement is sufficient and complies with University policy.
(f) Conference or convention fees will be paid in advance when the following conditions are met:
1. The registration fee exceeds $50.00.
2. The request is made 20 days in advance of the start of the conference or convention.
3. The request accompanies the Travel Authorization Request for the entire trip.
4. The request to pay conference or convention fees is made on a Payment of Expense Items with literature attached that describes the conference or convention, and that indicates the name of the sponsoring organization and the amount of the registration fee.

Conference or convention registration fees will be paid in advance only to the conference sponsor. In no case will these fees be paid in advance to a traveler. If the registration fee is not paid in advance and is paid by the traveler, it will be reimbursed with other expenses.

Specific Authority 120.53(1)(b), 240.042(2)(a) FS. Law Implemented 120.53(1)(b), 240.042(2)(a) FS., 6C-4.001 (8)(f), 6C-5.019(1), (2), (3), F.A.C. History–New 9-30-75, Amended 3-24-76, Formerly 6C2-4.61.

6C2-4.062 Research Institutes, Centers and Facilities.
(1) Definitions.
(a) Research Institutes are connected with two or more departments (involving one or more schools or colleges). Both the establishment of the institute and the appointment of its director must approved by the Board of Regents. Institutes may function as an umbrella for one or more research centers. Institutes are reasonably permanent, formally organized units. Institutes may not grant degrees.
(b) Research Centers do not require Board of Regents approval. Their immediate administration may be by an individual or group of individuals. Centers are more flexible, and probably more temporary, than are institutes. Centers, like institutes, may not grant degrees. Research centers referred to here are separate from centers which would be classified as intradepartmental or intrainstitute.
(c) Facilities are entities in which the major emphasis is upon a single or a series of experimental techniques, research instrument, etc., which are likely to be utilized across departmental lines. Normally the facility will have a director who coordinates utilization of the resources of the facility. Facilities referred to here are separate from facilities which would be classified as intradepartmental or intrainstitute.

(2) Establishment of Organizations.
(a) A formal application will be made for the establishment of all three types of organizations. Such applications will set forth the aims of the proposed new organization and the means for functioning. Commitments of faculty effort and proposed sources of funding will be described. Applications will be submitted to the appropriate department chairman. After approval by appropriate departments, deans of schools or colleges, and provosts concerned, the application will be forwarded to the Provost for Graduate Studies and Research who in consultation with the Executive Vice President will normally forward it to the Graduate Research Council for recommendation. Final approval will be obtained as follows:

(b) In the case of centers and facilities, final approval is granted the Executive Vice President. In the case of institutes, the application is forwarded from the vice presidential level for approval by the Board of Regents. In general, there are three possible grounds for the establishment of new organizations. These grounds are as follows:

1. To encourage interdisciplinary research which bridges gaps left by departmental research;
2. To undertake a larger or broader research mission than can be administered feasibly by the department(s) concerned;
3. To provide better utilization of facilities and resources.

(c) In general, no new organization should be established simply on the basis of the availability of federal funding. No new organization should be established around a single “key” word likely to be of only temporary high priority in federal funding. While some researchers feel impelled to do research on important social problems, others do not. In any event, a research or service focus must be clearly kept distinct from a political focus. There should be within the faculty a core of excellence already existing before the planning of an interdisciplinary research organization. This is a corollary of the need to avoid establishment simply because funds are available.

(3) Administration of Organizations.
(a) The higher level of administration for new organizations should be as follows:

1. Most institutes and centers should operate under a provost or dean of an appropriate school or college. If the facility, institute or center cuts across school and college lines, either a group of deans should be responsible, or a committee drawn from the appropriate colleges, or the organization placed under the supervision of a central University office such as the Provost for Graduate Studies and Research or the Executive Vice President.

2. Each institute, center, or facility which cuts across departmental lines should be supervised in some way by a board or advisory committee appointed by the appropriate level administrator and selected from nominees of the departments most affected by the research organization.

(b) The director of an institute, center, or facility will be appointed by the appropriate level administrator for a specified term from nominees provided by the governing board or supervisory committee of the research organization.

(4) Evaluation of Organizations.
In addition to the continuous kind of evaluation that is assumed to take place by the administrators of organizations, and by the final approval authority which established each organization, it is desired that evaluation become more formal than in the past. The Graduate Research Council and outside consultants could be called upon in many instances. When such formal evaluations show that an organization is no longer serving its original purpose, the authority for closing down an organization rests with the final approval authority which established the organization.

(5) Faculty Appointments.
While a research organization may take the initiative in recruitment of new faculty, and may provide some of the funds for faculty salaries, appointment of new faculty members is through departments only. Such persons must take an active part in their home departments only. Such persons must take an active part in their home departments so that other members of the department, especially the chairman, are well acquainted with their performance.

While nothing in this policy forbids the employment of research personnel on a staff basis for work in research organizations, it must be observed that faculty positions temporarily paid for by research funds must be backed up by regular faculty line positions.

(6) Renaming of Organizations.
In order to achieve and maintain the uniformity in meaning of the above definitions of organizations, any existing organization designations which conflict with these definitions should be corrected to conform with these definitions. The highest level of administration now responsible for such organizations will have the responsibility for reviewing names of existing organizations and for initiating any necessary corrective action.

(7) Research Projects Involving Human Subjects.
The responsibility for administration of University policies to assure the welfare of human research subjects is assigned to the Provost, Graduate Studies and Research. University policy is mandated by the Board of Regents and the U.S. Department of Health, Education and Welfare. In this effort, the Provost, Graduate Studies and Research is assisted by a university-wide committee composed of representatives of the various schools and colleges. University policy requires prior approval of research protocols involving human subjects. Faculty members are requested to contact the Office of Graduate Studies and Research for detailed information and procedural guidelines.
6C2-4.063 University Sponsored Educational Materials.

(1) Scope of Statement of Policy.
(a) This statement of policy shall apply only to the ownership and use of University-sponsored educational materials, as defined in paragraph (2)(a), and extends to University personnel, including faculty, staff, and students, as defined in paragraph (2)(c).
(b) Unless specifically excluded by other Sections of this statement, the types of educational materials to which this policy is designed to apply include, but are not limited to, the following:
   1. Video and audio recordings;
   2. Films, filmstrips, charts, transparencies, slides, and other visual aids and accompanying sound recordings;
   3. Study guides, tests, scripts, manuals, syllabi, bibliographies, periodicals, books, or similar printed or audio materials;
   4. Computer programs and programmed instructional materials;
   5. Live audio and video transmissions open (broadcast) or closed (cable);
   6. Musical compositions and works of art to include drawings, plastic works of scientific or technical character, photographs, prints, and pictorial illustrations;
   7. Other print and non-print materials subject to Federal copyright.
(c) This policy statement does not apply to the following types of materials:
   1. Articles submitted to or published by scholarly and professional journals;
   2. Class notes produced in connection with regularly scheduled courses of instruction;
   3. Scholarly and professional books, texts, works of art, musical compositions and the like unless the author or producer was assisted by a support agency of the University as specified under sub-subparagraph (2)(a)1.a. or unless the author or producer was both specifically commissioned in writing and assisted in whole or in part as provided under sub-subparagraph(2)(a)1.b.;
   4. Sponsored grants or contracts may contain specific provisions regarding ownership, copyright, or royalty income privileges related to materials generated under the contract. These conditions are binding on the University and the author or producer. If the extramural agency does not stipulate how royalty income is to be distributed within the University then the provision of this policy shall prevail.

(2) Definitions.
(a) University-sponsored Educational Materials.
1. Educational Materials are University-sponsored.
   a. If the author or producer has employed in his developmental work, without personal charge to himself, the equipment, materials or staff services of the Computer Center, WFSU-FM, WFSU-TV, the Photo Laboratory or the Division of Instructional Research and Service, or any other new agency, or combinations of above mentioned existent agencies, and/or new agencies, established or supported by the University primarily to assist in developing and producing educational materials; or
   b. If the author or producer has been both commissioned in writing by the University, or one of its colleges, schools, departments, or by other subdivisions, to develop the materials and, in their production has received assistance in the form of released time or from University funds, including grants and contract funds administered by the University.
(b) Costs (Production Costs).
The word costs or the phrase production costs, as related to the production of University-sponsored educational materials, will include the following categories:
   1. Direct costs.
Those salaries and materials specifically identified with the production of such materials. [(2) (a)1.a., 1.b.] Direct costs are computed by those supporting agencies involved with the design, preparation, production, editing, duplication, and distribution of educational materials.
   2. Indirect costs (Overhead).
Costs for space, utilities, amortization of equipment, etc., which are generally referred to as overhead. The current University indirect cost rate will be applied for recovery of indirect costs relating to the production of University-sponsored educational materials.
(c) University Personnel.
Part-time and full-time members of the faculty, administrative and professional staff, career staff, undergraduate and graduate students, postdoctoral students, and fellows of the University.
(d) Author or Producer.
An individual, a group, a department, or other unit of the University involved in the production of educational materials.
(3) Control of the Content and the Presentation of University-Sponsored Educational Materials.
(a) Subject to the provisions of this policy, the author or producer has the right to and the responsibility for control of the content of University-sponsored educational materials.
(b) Subject to the provisions of this policy, the author or producer has the right to make other versions of the content of the materials for presentation in other media.
(4) Use of University-Sponsored Educational Materials.
(a) Internal Use.

1. Internal use within the University requires approval of the author or producer responsible for the materials, and the academic department, school, college, or agency incurs costs in making materials available for internal use, the supplying entity may require such costs to be reimbursed by the user unit.

2. As long as the author or producer of University-sponsored educational materials remains a member of the staff of the University, he or she has the right to revise any or all materials because of obsolescence; provided that the University shall not be obligated to provide further resources for the development of any such revisions unless the revisions are requested by the University or agreed upon jointly by the University and the author or producer. Should the extent of the required revision exceed the resources of University supporting agencies involved, materials may be withdrawn by agreement of the author or producer and the University. Questions regarding revisions or the withdrawal of materials will be referred to the Provost for Graduate Studies and Research, and shall be governed by the procedures outlined in subparagraph (7)(b)2.

3. If the University-sponsored educational materials are used internally without revision for a period of two years, the University shall request the author or producer and the appropriate University supporting agency or agencies to consider revising the materials or to determine whether they shall continue to be used.

4. The author or producer has the right to make personal and professional use of the materials within the University. Scheduling and arrangements to cover the costs for such personal requests will be made with the University supporting services involved with the original production of the educational materials.

5. If the author or producer terminates employment with the University, the University retains the right to continued internal use of the University-sponsored educational materials in accordance with this policy unless special conditions for subsequent internal use have been arrived at by joint written agreement of the author or producer and the University.

6. The author or producer has the right to use the University-sponsored educational materials at no cost to the University after termination of his or her employment with the University subject to the provisions of this policy.

(b) External Use.

1. Licensing or sale of publication of University-sponsored educational materials for external use shall be preceded by a written agreement between the University and the author or producer specifying the conditions of use, including provisions concerning the right of the author to revise the materials or to withdraw them from use, and the distribution of net royalty income in accordance with sub-subparagraph (5)(b)2.d.

2. Use by other institutions in the State University System shall be royalty free.

(5) Compensation for the Production and Use of University-sponsored Educational Materials.

(a) Compensation for Production Activity.

1. With the exception of payments made on an overload basis subparagraph (5)(a)3., the University shall not make any payment to the author or producer of University-sponsored educational materials other than the compensation regularly received.

2. The regular assignment of the author or producer may be adjusted to take into account the extra time required to develop, or produce, or revise the University-sponsored educational materials.

3. In accordance with the established policy which enables the Division of Continuing Education to pay for services on an overload basis, the author or producer may receive payment for the development of materials. Such additive compensation will be provided for in a written agreement between the Division of Continuing Education and the author or producer.

(b) Distribution of Royalties.

1. The University shall license the external use of University-sponsored materials only after it enters into a written agreement among the Board of Regents, the University, and the author or producer specifying the distribution of net royalty income, in accordance with (5)(b)2.d.

2. Such an agreement will be subject to the following guidelines:
   a. The University’s original production costs as defined in subparagraphs (2)(b)1. and 2., shall be recovered by the University prior to the distribution on any royalties.
   b. Expenses related to the production and distribution of additional copies of educational materials will be recovered from each sale or rental on the same basis as the original production costs.
   c. Royalties may be included in the sale or rental price subject to any limitation imposed by outside contracting or granting agencies.
   d. Fifty percent of any resultant net royalty income (royalty income after production costs and distribution costs as defined in (2)(b) derived from the external use of University-sponsored educational materials will go to the University, and fifty percent to the author or producer.

   e. Twenty-five percent of the University share shall be allocated to SRAD. The remaining royalties that accrue to the University shall be returned to the school, college and/or supporting agency to finance further the development of educational materials or for other educational purposes. Distribution shall be as negotiated among the Provost for Graduate Studies and Research and the chief administrator of the department, school, college or agency involved.

(6) Ownership and Copyright. Ownership of University-sponsored educational materials shall be vested in the University, subject to the conditions set forth in this statement of policy. Copyright of University-sponsored educational materials resides with the State of Florida. The author or producer shall cooperate with the University in obtaining copyright.

(a) Copyright Statement.

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Property rights in copyrightable material may be secured for a published work by initially publishing the work in printed or otherwise processed form bearing or displaying a proper copyright notice. Notice contains a display of the word copyright, the abbreviation COPR, or the symbol “C” enclosed in a circle, followed by year of publication and the name of the copyright owner. The “C” in the circle is preferred because it gives the work certain international copyright protection. Formal registration in the U.S. Copyright Office constitutes further evidence of copyright. The publication of a work without proper notice may forfeit copyright protection.

(b) Credit Statements on University-Sponsored Educational Materials.
1. University-sponsored educational materials should bear the name of the author or producer, The Florida State University, the date when produced, and a copyright notice. Guidance on the appropriate copyright notice should be obtained from the Provost for Graduate Studies and Research.
2. The author or producer has the right of withdrawal of personal credit.
(7) Procedures and Administration.
(a) Administration of Policy.
1. The Provost for Graduate Studies and Research shall represent the University in negotiating all agreements with authors or producers and initially in other matters covered by this policy. In drafting any agreement, he shall also consult with the heads of the author’s or producer’s unit and the heads of the production or supporting agencies. Where copyright coverage should be obtained on University-sponsored materials, the Provost for Graduate Studies and Research will initiate the copyright notice and application for copyright.
2. The President of the University shall appoint a University Committee on Copyrights consisting of three members, all knowledgeable in the field of instructional systems and materials and including representation from the faculty. The Provost for Graduate Studies and Research shall be an additional non-voting member of the Copyright Committee. The Committee shall consider all requests for reviews and reports submitted to it promptly and shall make the determinations required within a reasonable time. All University personnel involved in the development and production of materials covered by this policy shall be entitled to appear before the Committee and present evidence with respect to the determinations made by the Committee. The Committee’s determinations shall be made in writing and shall contain a statement of its findings and reasons for the decision.
(b) Procedures for Interpretation of Policy.
1. Determining the nature of educational materials. All materials which may belong to the University under the provisions of this policy shall be reported promptly in writing by the author-producer concerned through the appropriate department head and dean to the Provost for Graduate Studies and Research. Any faculty or staff member having questions as to whether certain materials, either in preparation or under planning for preparation, will be considered University property should initiate an inquiry to the Provost for Graduate Studies and Research. This inquiry shall constitute a full and complete disclosure of the subject matter and the identity of all persons participating in the development and production of the educational materials. The Provost for Graduate Studies and Research shall promptly advise the author or producer as to whether the material should be considered University-sponsored within the meaning of this policy. Such advisory opinions are subject to final clarification when production of the materials is completed. When the work has been completed, the author or producer should submit questions regarding rights in the work to the University Committee on Copyrights for review or recommendation. Recommendation by the Committee on Copyrights may be reviewed by the Research Council and the decision of the Research Council will be final subject to the provisions of paragraph (7)(b)2.
2. Reconciling Disputes.
Any differences between the author or producer on one hand and the Provost for Graduate Studies and Research or the University Committee on Copyrights on the other hand, shall be submitted to the Research Council. The Research Council shall have full access to any pertinent records over which University personnel, including the author or producer, or the University has jurisdiction. The determination of the Research Council shall be communicated to the President of the University who may review the determination or refer the matter to the Board of Regents for final determination with his recommendation.
(8) Protection and Liability.
(a) Protection.
The University Committee on Copyrights, where authorized by the Board of Regents, shall investigate allegations of unauthorized use or copyright infringement of University-sponsored educational materials and shall recommend appropriate action. If such action is started by the University all costs of such action shall be borne by the University. All proceeds in excess of such costs shall be shared as noted in paragraph (5)(b).
(b) Liability.
Before any use is made of University-sponsored educational materials, the author or producer shall hold the University harmless and certify in writing to the Office of the Provost for Graduate Studies and Research that to the best of his knowledge the materials do not infringe on any existing copyright or other legal right. When other alleged violations of personal or property rights by the University, or by the author or producer of University-sponsored educational materials, the University may assume responsibility for the defense of any action and the satisfaction of any judgments rendered against the University, or the author or producer. However, the Provost for Graduate Studies and Research acting for the University, may request or require the author or producer to indemnify and hold harmless the University for all costs to which it has been subjected when the action for personal or property
rights is based upon matters which should have been known or with reasonable care should have been discovered by the author or producer. Any judgment rendered against the University or the author or producer shall be satisfied first from net royalties received by the University and the author or producer.

(9) Radio Program Submissions for Distribution.

(a) For programs or segments to be aired on WFSU-FM prior to or simultaneously by National Public Radio (NPR) or other program distributors, transmissions, individual producers are encouraged to submit the material for nationwide distribution. For such production the producer may receive the royalty fee paid by the program distributor as compensation for his or her efforts. Any additional costs above those normally incurred by WFSU-FM to air a program on the station will be reimbursed to the station by the producer from the fee received. No additional station time may be used to revise programs to meet distribution specifications.

(b) If WFSU-FM does not desire to air the produced material, a producer may, with the advance approval of the Director of Radio, use his or her personal time for production and shall reimburse the station for use of equipment and materials.

(c) The Director of Radio must be informed in advance of such program production efforts and has the discretion to decide the amount of the reimbursements to the station on a case-by-case basis after consultation with the producer. Disagreements concerning the amount of reimbursements will be resolved by the Vice President for Public Affairs.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), 240.229 FS. History–New 9-30-75, Formerly 6C2-4.63, Amended 6-16-86.

6C2-4.064 Sick Leave Pool.

(1) Scope. This rule establishes a plan allowing participating, employees in a sick leave earning position regardless of FTE to have sick leave available for use upon the depletion of their personally accrued sick, annual, and compensatory leave, in accordance with Section 110.121, F.S.

(2) Administration of the Pool.

(a) There may be one or more sick leave pools established within The Florida State University, the number to be determined by the President. The President shall also determine which employees will be eligible to participate in each pool established.

(b) There shall be an administrator designated by the President and a committee appointed by the President who shall be jointly responsible for the operation of the sick leave pool.

(c) The administrator shall:
   1. Meet on a regular basis with the sick leave committee and review the sick leave accounts of all participating employees;
   2. Maintain in a concise and orderly fashion accurate and reliable written records regarding all functions of the sick leave pool;
   3. With the concurrence of a majority of the sick leave committee members, enter into reciprocal agreements with the administrators of sick leave pools established by other State agencies relating to the transfer of sick leave credits and pool membership for employees moving between positions in State government;
   4. Investigate alleged abuse of the sick leave pool.

(d) The sick leave committee shall:
   1. Meet on a regular basis with the administrator;
   2. Establish internal operating procedures including but not limited to enrollment of participating employees and application for use of sick leave pool credits.

(e) All records of the sick leave pool are personnel records and are open for inspection in accordance with the Public Records law.

(3) Membership and Participation.

(a) In order to be eligible for membership in the sick leave pool, a person must:
   1. Be an employee in a sick leave earning position regardless of FTE. Sick Leave when granted would be at the FTE the employee was at 30 days prior to making the request for sick leave;
   2. Have completed one year of employment with the State (or an agency of the State) prior to participation in the sick leave pool;
   3. Have a minimum of 64 hours of sick leave (after donating 8 hours of sick leave to the FSU Sick Leave Pool) accumulated at the time of the application to participate in the sick leave pool.

(b) In addition to satisfying the requirements of paragraph (a) above, an employee desiring to participate in the sick leave pool must complete and submit an application form to the administrator of the sick leave pool. This form, titled Sick Leave Pool Membership Application (7/98) which is hereby adopted by reference may be obtained from the administrator of the sick leave pool.

(c) Participating in the sick leave pool is at all times voluntary and a participating employee may withdraw from the pool at any time by written notice to the administrator of the sick leave pool. Written notice may be provided by filing the form titled Pool Terminating Form. The form may be obtained from and filed with the administrator of the sick leave pool. Upon withdrawal from the pool, an employee shall cease to be entitled to use the sick leave credits from the pool and shall not be eligible to withdraw those he/she made to the pool. The administrator shall immediately amend the roster of participating employees to reflect the employee’s withdrawal. Any sick leave contributed to the sick leave pool by a participating employee shall be forfeited upon the employee’s
cancellation of membership in the pool, upon retirement, upon leaving State government employment, or upon leaving the employ
of the University, unless the employee joins another State agency and the eligibility criteria of the pools are comparable or the
administrators of the pools have agreed on a formula for transfer of credits.

(d) A member of the sick leave pool may be expelled from the sick leave pool by a majority vote of the sick leave committee
after a determination by the administrator that such member has abused the use of the sick leave pool. The administrator shall
immediately amend the roster of participating employees to reflect the employee’s expulsion from membership. In addition, the
employee shall be subject to such other disciplinary action in accordance with the agency’s procedure for taking disciplinary
actions.

(e) If warranted by the circumstances, and upon a majority vote of the committee, an employee who abused the use of the sick
leave pool shall be required to repay all or part of the sick leave credits withdrawn from the pool by that employee. Credits shall be
repaid to the pool immediately if there is enough sick leave in the employee’s personal account to cover the total owed to the pool.
If the employee’s personal sick leave account does not have sufficient hours to repay the pool, all hours in the account will be
immediately paid to the pool, and the remainder of the hours owed will be paid each month as they are accrued by the employee
until all hours owed have been repaid.

(4) Maintenance of the Sick Leave Pool.

(a) Each participating employee will contribute eight (8) hours of sick leave; and when 720 hours have been deposited, the pool
will be activated for use by eligible participating employees. Any sick leave pooled under this rule shall be removed from the
personally accumulated sick leave balance of the employee contributing such leave.

(b) The pool will be considered depleted when less than 240 hours remain on deposit.

(c) Whenever the pool is depleted, each participating employee, with prior notification, shall automatically contribute an
additional eight (8) hours of sick leave to the pool.

(d) If the participating employee’s individual sick leave balance is less than eight (8) hours at the time the pool is depleted, he
shall contribute all hours accumulated, and shall contribute the remainder as soon as he has accrued additional sick leave credits.
The employee shall not be allowed to use his sick leave credits until the amount owed to the pool has been contributed.

(e) If a participating employee, for more than four (4) pay periods, fails to have a sufficient balance in his individual sick leave
account when requested to contribute eight (8) hours to the pool, the reasons for the use of sick leave credits by the employee shall
be investigated by the administrator for a determination as to whether the employee’s membership in the pool should be cancelled.
The decision to cancel an employee’s membership shall be by majority vote of the committee.

(f) Hours contributed to the pool shall be placed in a single account for use by all members. No contributions for the benefit of
a specific individual, illness, or position will be accepted.

(g) A participating employee shall be allowed to “donate” to the pool up to 16 hours of unused or unpaid sick leave from the
employee’s individual sick leave balance at the time of retirement or termination from state government.

(5) Use of Sick Leave from the Pool.

(a) Any sick leave in the pool shall only be used by a participating employee for the employee’s personal illness, accident, or
injury. The following occurrences or situations shall not be considered personal illness, accident, or injury for the purpose of this
rule, and shall not entitle participating employees to draw from the sick leave pool:

1. Cosmetic surgery, unless such cosmetic surgery results in serious complications or was necessitated by an illness, accident,
or injury not excluded under this subsection;

2. Intentionally self-inflicted injuries, such as resulting from a suicide attempt;

3. Illness, accident, or injury to a member of the employee’s family.

4. Any employee postponing or delaying obtaining medical attention (to correct an existing medical problem) in order to make
him/her eligible for benefits from the FSU Sick Leave Pool, shall be declared ineligible for such benefits.

(b) Sick leave accumulated in the pool shall not be used by a participating employee until all of his personally accrued sick,
annual, and compensatory leave has been used.

(c) An employee who is on leave without pay for reason other than personal illness, accident, or injury shall not be eligible to
receive sick leave from the pool.

(d) Sick leave from the pool shall be requested by filing with the administrator of the sick leave pool the form entitled Request
for Pool Sick Leave (7/98) which is hereby adopted by reference may be obtained from the administrator of the sick leave pool.
Upon using 480 FSU Sick Leave Pool hours in a 12 month period, an employee may not be granted any additional sick leave from the
FSU Sick Leave Pool for 12 months from the expiration of the last hour granted from the FSU Sick Leave Pool.

(e) During a personal illness, accident, or injury covered by Workers’ Compensation, an eligible employee may elect to use
sick leave from the pool in an amount necessary to receive salary payments that will increase the Workers’ Compensation payments
to the total salary being received prior to the occurrence of the illness, accident, or injury. In no case shall the employee’s salary and
Workers’ Compensation benefits exceed the amount of the employee’s regular salary payments. Under the following conditions, sick
leave from the pool may be used as provided above during an illness, accident or injury covered by Workers’ Compensation:

1. All other criteria in this rule for the use of sick leave from the pool must be met;

2. The employee must not be receiving full pay from the University.

(f) Medical certification of the accident, illness, or injury for which the use of sick leave from the pool is requested must
accompany the request.
(g) Abuse of the use of sick leave from the pool shall include, but not be limited to, the following:
1. Misrepresentation of an illness, accident, or injury, or the circumstances surrounding it, in order to receive leave to which the employee is not entitled under the provisions of this rule.
2. Submission by an employee of medical certification which is from other than a qualified medical practitioner or which misrepresents the nature of the employee’s illness.
(h) A participating employee who withdraws sick leave hours from the pool shall not be required to replace those hours, except as a regular contributing member of the pool, unless required to do so because it has been determined that that employee abused the use of sick leave from the pool.
(i) Extended consecutive use of the sick leave pool by an individual will require committee review on an annual basis for approval of the individual’s continued use of the leave.
(j) A participating employee may draw a maximum of 960 hours of sick leave from the pool during their employment at Florida State University.

(6) Discontinuation of the Sick Leave Pool.
(a) The President of The Florida State University or his designee may at any time, in accordance with Chapter 120, F.S., repeal this rule for the purpose of discontinuing the sick leave pool.
(b) Unless otherwise provided by rule, all hours remaining in the sick leave pool at the time it is discontinued will be divided equally between the remaining active members.

Specific Authority 240.227(1) FS. Law Implemented 110.121 FS. History–New 5-20-86, Amended 9-24-98.

6C2-4.065 Employee Recognition Program.
(1) The Florida State University Employee Recognition Program provides for recognition of eligible employees.
(2) The University is authorized to expend State funds for recognition and awards to employees in compliance with this rule. Any award will be contingent upon the availability of funds. Nothing in this rule is intended to govern the expenditure of private funds to which the University may have access.
(3) The awards provided for herein shall acknowledge employee achievement in the following two components:
(a) Superior Accomplishment – Exemplary performance by faculty members, or Administrative and Professional (A&P) or USPS employees, that is deemed to have significantly contributed to their respective field, thereby reflecting positively on the caliber of the University. Such recognized accomplishments may be either tangible ones promoting savings or revenue generation or intangible ones promoting other desired improvements without a fixed monetary benefit.
(b) Service – Sustained satisfactory service with the University by faculty members, A&P or USPS employees.
1. Eligible employees may be recognized for service upon retirement.
2. Eligible employees may also be recognized upon achieving increments of five continuous years of satisfactory service at the employing university.
(4) Superior Accomplishment:
(a) Awards for superior accomplishment may be presented to eligible employees on an individual basis or collectively for outstanding group performance.
(b) No cash award granted under the superior accomplishment component shall exceed a net of $1,000. Savings Bonds or other items in lieu of cash may be awarded, provided the cost of such item does not exceed a net of $1,000.
(c) The University may award certificates, pins, plaques, letters of commendation, or other appropriate tokens of recognition for superior accomplishment, provided that the cost of the token does not exceed $50.
(5) Service Award:
(a) The University may recognize retiring employees whose service has been satisfactory. Awards for retirees may take the form of suitable framed certificates, pins, or other tokens of recognition and appreciation, provided such awards do not cost in excess of $50 each.
(b) The University may recognize employees who have attained continuous satisfactory service in increments of five years. Awards for satisfactory service may take the form of suitable framed certificates, pins, or other tokens of recognition, provided such awards do not cost in excess of $50 each.

Specific Authority 240.227(1) FS. Law Implemented 240.2111 FS. History–New 3-20-88, Amended 9-24-98.

6C2-4.066 Personnel Exchange.
(1) There shall be established a personnel exchange program by which university employees who are instructional and research faculty and comparable administrative and professional staff may be exchanged with like personnel of other universities, governments or private industry.
(2) Any university exchanged shall maintain university salary and benefits during the term of the exchange and the personnel received in exchange shall be paid by the sending institution.
(3) Any employee exchange shall be approved by the president or designee where it will benefit the university and any such approval shall not exceed one year and must be renewed after one year if extended.
(4) Any employee exchange may be terminated by the president or designee if it is determined that the return of the exchanged employee is in the best interests of the university.

*Specific Authority 240.227(1) FS. Law Implemented 240.227(11) FS. History—New 9-24-98.*

6C2-4.070 Guidelines for Disciplinary Action.

(1) Scope. This rule applies to all University Support Personnel System (USPS) employees of the University with permanent status and Administrative and Professional (A&P) employees. The provisions of this rule are subject to applicable provisions of collective bargaining agreements. The disciplining of an employee is considered to be a very serious action that is undertaken with care, objectivity and full consideration for the rights and interest of both the employee and the University. Discipline shall be administered in a judicious manner that assures equitable treatment for all employees included in the University Support Personnel System and A&P Pay Plan.

(2) Progressive and Cumulative Discipline. Disciplinary actions described by this rule are based on the concepts of progressive and cumulative discipline. Progressive discipline is based on the idea that employees have been informed of the performance and behavior expected of them. As offenses occur appropriate discipline will be administered in a progressive manner. Penalties shall be appropriate to the circumstances of the offense. In prescribing disciplinary actions it is recognized that some offenses are so serious that suspension or dismissal may be warranted on the first occurrence even though the employee has no prior record of having been disciplined. All offenses can have a cumulative effect and offenses need not be identical to impose a penalty more severe than prescribed for a similar offense.

(3) Delegated Authority. The appropriate disciplinary action may be taken only by a supervisor who has been delegated authority from the University President. The level of delegation varies with the severity of the particular disciplinary action and is identified in the following table.

<table>
<thead>
<tr>
<th>Disciplinary Action</th>
<th>Authority Delegated to the</th>
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</thead>
<tbody>
<tr>
<td>Oral Reprimand</td>
<td>Immediate Supervisor</td>
</tr>
<tr>
<td>Written Reprimand</td>
<td>Immediate Supervisor with approval of next higher level Supervisor</td>
</tr>
<tr>
<td>Demotion and/or Reduction in Pay</td>
<td>Vice President or Designee</td>
</tr>
<tr>
<td>Suspension</td>
<td>Vice President or Designee</td>
</tr>
<tr>
<td>Dismissal</td>
<td>Vice President or Designee</td>
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(4) Types of Disciplinary Action. The type of disciplinary action taken will depend upon the gravity of the employee’s offense and the type of disciplinary action that has been taken in the past for similar offenses. Except in extraordinary situations, prior to the dismissal or suspension without pay of a permanent employee, the University shall give the employee written notice as required in the University’s Predetermination Procedures (7/98). The disciplinary proceedings shall proceed as set out in the University’s Predetermination Procedures which are hereby adopted by reference. The following types of disciplinary actions may be imposed.

(a) Oral Reprimand. This is the least severe disciplinary action. The purpose of this action is to bring a problem to the attention of an employee. Where practical, the reprimand will be delivered in private and the supervisor will clearly state that the employee is receiving an oral reprimand. The supervisor will indicate the nature of the improper behavior, cite the work standard governing the situation and explain precisely what corrective action is expected. The employee shall also be informed that future similar behavior may result in more serious disciplinary action consistent with the guidelines herein. Two copies of a completed Oral Reprimand Record will document the meeting with the original filed in the employee’s official personnel file and a copy given to the employee. The Oral Reprimand Record shall include the date, time and location at which the oral reprimand was delivered and indicate the nature of the reprimand.

(b) Written reprimand. This type of disciplinary action is issued for a more serious offense than one that warrants an oral reprimand. The purpose of a written reprimand is to help an employee recognize errors made and to correct them. The contents of the written reprimand will be concise and to the point. It will specifically state that the employee is receiving an official written reprimand, cite the specific performance or conduct standard that was violated, briefly note the specific incident prompting the discipline, indicate the corrective action expected and state that future violations may result in more severe disciplinary action consistent with the guidelines herein. The written reprimand shall be signed by the immediate supervisor and approved by the next higher level supervisor, with a signature line for the employee to acknowledge receipt. The completed written reprimand will be delivered to the employee in private, where practical. A copy of the completed reprimand shall be filed in the employee’s official personnel file and a copy given to the employee.

(c) Demotion and/or Reduction in Base Pay. The disciplining authority shall consult with the appropriate Vice President and Human Resources prior to taking this type of action. The employee shall be provided written notice by personal delivery or certified mail, return receipt requested, prior to the action being taken with notification of the employee’s appeal or negotiated contract provision rights and this notice shall become a part of the employee’s official personnel record.
(d) Suspension and Dismissal. These actions are the most severe form of disciplinary action that may result from the commission of one offense or as the result of cumulative offenses. The disciplining authority shall consult with the appropriate Vice President and Human Resources prior to initiating these actions.

(5) Extraordinary Situations. When the retention of an employee is likely to result in damage to property or injury to any individual or would be detrimental to the best interest of the University, such employee will be suspended without pay or dismissed immediately, provided that written notice of such action is furnished to the employee. These procedures shall be invoked only when an extraordinary situation exists and shall comply with the provisions of the University’s Predetermination Procedures.

(6) Abuse of Alcohol. When an employee drinks alcohol to the extent that it affects work performance the employee is a problem drinker. The employee shall be treated in accordance with the State Policy on Alcoholism as adopted by the Administration Commission, (7-17-73) which is hereby adopted by reference.

(7) Disciplinary Action. Included below are standards for the administration of disciplinary actions for various types of offenses. The disciplinary actions for the listed offenses have been established to assure that employees who commit offenses receive similar treatment in like circumstances. The suspension of an exempt employee shall be for no less than one workweek, unless required for a major safety violation. Within each level of occurrence a range may be provided to allow the supervisor flexibility in selecting appropriate discipline in order to take into consideration mitigating or aggravating circumstances.

(a) Absence Without Authorized Leave. This includes:
1. Failure to obtain approval prior to any absence from work, except in the case of a proven emergency where the employee must be absent prior to receiving approval from the proper authority, or failure to notify or call in on the first day of an absence.
2. Obtaining leave based upon a misrepresentation or falsification.
   a. First occurrence: written reprimand to dismissal.
   b. Second occurrence: suspension to dismissal.
   c. Third occurrence: dismissal.
An employee who is absent without approved leave for three or more consecutive workdays shall be considered to have abandoned the position.

(b) Assault or Fighting. Physically assaulting or fighting with another person.
1. First occurrence: written reprimand to dismissal.
2. Second occurrence: suspension to dismissal.
3. Third occurrence: dismissal.

(c) Conduct Unbecoming a Public Employee. Conduct whether on or off the job, that adversely affects the employee’s ability to continue to perform his or her current job, or that adversely affects the agency’s ability to carry out its assigned mission.
1. First occurrence: written reprimand to dismissal.
2. Second occurrence: suspension to dismissal.
3. Third occurrence: dismissal.

(d) Conviction of a Crime. The conviction of an employee for a crime where such conviction adversely affects the employee’s ability to perform his or her job, or adversely affects the agency’s ability to carry out its assigned mission.
1. First occurrence: written reprimand to dismissal.
2. Second occurrence: suspension to dismissal.
3. Third occurrence: dismissal.

(e) Drinking on the Job or Reporting to Work Under the Influence of Alcohol.
1. Drinking any alcoholic beverage on the job is prohibited.
   a. First occurrence: suspension to dismissal.
   b. Second occurrence: suspension to dismissal.
   c. Third occurrence: dismissal.
2. Reporting to work under the influence of alcohol is prohibited.
   a. First occurrence: written reprimand to suspension.
   b. Second occurrence: suspension to dismissal.
   c. Third occurrence: dismissal.
3. The State Policy on Alcoholism adopted by the Administration Commission (7-17-73) provides that when the drinking of an employee affects the employee’s work performance the employee is a problem drinker. The problem drinker, once identified, will be counseled and encouraged to secure appropriate medical or other professional help. The problem drinker shall not be dismissed until after he or she has had an opportunity to seek treatment. Discipline shall be administered if the problem drinker:
   a. Refuses to recognize his or her condition and fails to seek help; or
   b. Fails to complete the program of treatment; or
   c. Treatment is unsuccessful.
4. If public relations or working conditions are obviously and adversely affected by the problem drinker’s behavior, the employee’s removal from the job will be accomplished by placing the employee on compulsory disability leave.
(f) Reporting to Work Under the Influence of Illegal Drugs or Illegal Use of Drugs (Controlled Substances).
1. The illegal use of drugs on the job is prohibited.
   a. First occurrence: suspension to dismissal.
   b. Second occurrence: dismissal.
2. Reporting to work under the influence of any illegal drug or testing positive on a drug test is prohibited.
   a. First occurrence: written reprimand to suspension.
   b. Second occurrence: suspension to dismissal.
   c. Third occurrence: dismissal.

(g) Possession, Sale, Distribution of Alcoholic Beverages or Illegal Drugs (Controlled Substances). The possession, sale or distribution of alcoholic beverages or illegal drugs on state property or on the job is prohibited.
   1. First occurrence: suspension to dismissal.
   2. Second occurrence: dismissal.

(h) Excessive Absences. An attendance record of recurring absences, even though all or a majority of the absences were necessary and excused. This also includes a pattern of absences by the employees, such as but not limited to, consistent absences on the day preceding or following the employee’s regular days off or absence on the same day of each month.
   1. First occurrence: oral to written reprimand.
   2. Second occurrence: written reprimand to suspension.
   3. Third occurrence: suspension to dismissal.

(i) Tardiness. The failure to follow established work schedules. Includes reporting late at the beginning of the work schedule, leaving early or returning late from lunch or breaks, or leaving work early at the end of the work schedule, all without approval.
   1. First occurrence: oral reprimand.
   2. Second occurrence: written reprimand.
   3. Third occurrence: suspension.

(j) Falsification of Records. Includes misrepresentation, falsification or omission of any fact, whether verbal or written, on such records as, but not limited to: time, attendance and leave; employment status; employment application; travel vouchers; and work and production.
   1. First occurrence: written reprimand to dismissal.
   2. Second occurrence: suspension to dismissal.
   3. Third occurrence: dismissal.

(k) Horseplay. Actions whether intended or unintended to be mischievous or prankish which disrupt or have the effect of disrupting the work of the participants or other employees or have the potential for personal injury to other employees or oneself.
   1. First occurrence: oral reprimand.
   2. Second occurrence: written reprimand.
   3. Third occurrence: suspension.

(l) Improper or Careless Use or Operation of State Property or Equipment. The improper or careless use of state property or equipment including abuse or misuse. This includes failure to observe the established speed limit while driving a state vehicle.
   1. First occurrence: written reprimand.
   2. Second occurrence: suspension.
   3. Third occurrence: dismissal.

(m) Unsatisfactory Work Performance Including Continuing Inefficiency, Inability to Perform Assigned Duties and/or Substandard Performance of Assigned Duties. The failure to satisfactorily meet the minimum performance standards that specifically relate to the employee’s duties and responsibilities. An employee’s failure to meet established work standards may be addressed through the performance evaluation process and/or the use of progressive discipline.
   1. First occurrence: oral to written reprimand.
   2. Second occurrence: written reprimand to suspension.
   3. Third occurrence: suspension to dismissal.

In the case of Inability to Perform Assigned Duties due to medical reasons, the University will proceed with termination notwithstanding the above schedule of progressive discipline.

(n) Insubordination. A deliberate and inexcusable refusal to obey a reasonable order that relates to an employee’s job function. An unwillingness to submit to authority. Includes both an expressed refusal to obey a proper order and a deliberate failure to carry out an order.
   1. First occurrence: written reprimand to dismissal.
   2. Second occurrence: suspension to dismissal.
   3. Third occurrence: dismissal.

(o) Leaving Work Area or Duty Assignment Without Authorization. Absence from the work area or duty assignment during a work period without permission of the appropriate supervisor. Includes leaving a work area for lunch or a break, or at the end of a work schedule without proper relief where such relief or permission is a specific requirement.
   1. First occurrence: written reprimand.
   2. Second occurrence: suspension.
3. Third occurrence: dismissal.

(p) Loafing. Continued and deliberate idleness during work periods that results in the employee’s failure to perform assigned tasks. This includes, but is not limited to, deliberately wasting time, engaging in idle talk or gossip or conducting personal business during work periods.
   1. First occurrence: oral reprimand.
   2. Second occurrence: written reprimand.
   3. Third occurrence: suspension.

(q) Negligence. Carelessness in omission of, or inattention to the performance of assigned duties and responsibilities. Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence or discretion.
   1. First occurrence: written reprimand to dismissal.
   2. Second occurrence: suspension to dismissal.
   3. Third occurrence: dismissal.

(r) Sabotage. Participation in an act of destruction or attempted destruction of state property or equipment, or an act or attempted act that obstructs or has the potential to obstruct productivity, or normal functions or operations of the department or the University.
   1. First occurrence: suspension to dismissal.
   2. Second occurrence: dismissal.

(s) Sexual Harassment. Violation of The Florida State University Policy on Sexual Harassment, Rule 6C2-6.013, F.A.C.
   1. First occurrence: written reprimand to dismissal.
   2. Second occurrence: suspension to dismissal.
   3. Third occurrence: dismissal.

(t) Sleeping on Duty. The failure of an employee to remain awake while on duty during working periods.
   1. First occurrence: written reprimand.
   2. Second occurrence: suspension.
   3. Third occurrence: dismissal.

(u) Strike or Concerted Activity. Instigating or supporting in any manner a strike. A strike is defined as: The concerted failure of employees to report for duty; the concerted absence of employees from their positions; the concerted stoppage of work by employees; the concerted submission of resignations by employees; the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with a public employer for the purpose of inducing, influencing, condoning or coercing a change in the terms and conditions of employment or the rights, privileges or obligations of public employment; participating in a deliberate and concerted course of conduct that adversely affects the services of the public employer; the concerted failure of employees to report for work after the expiration of a collective bargaining agreement; and picketing in furtherance of a work stoppage. The term “strike” shall also mean any overt preparation including but not limited to: the establishment of strike funds with regard to the above listed activities.
   First occurrence: dismissal.

(v) Threatening or Abusive Language. The use of language that is threatening or abusive, whether directed towards a supervisor, another employee or any other person. Includes any offensive language whether or not directed toward anyone in particular regardless of intent.
   1. First occurrence: written reprimand to dismissal.
   2. Second occurrence: suspension to dismissal.
   3. Third occurrence: dismissal.

(w) Unauthorized Solicitation. The unauthorized solicitation by employee of another employee including the distribution of material while either employee is on duty.
   1. First occurrence: written reprimand.
   2. Second occurrence: suspension.
   3. Third occurrence: dismissal.

(x) Unauthorized Taking of Property. The unauthorized taking of any property of the State or another person.
   1. First occurrence: suspension to dismissal.
   2. Second occurrence: dismissal.

(y) Unauthorized Use of State Property, Equipment or Personnel. The use of any state property, equipment or personnel for any purpose other than official state business.
   1. First occurrence: written reprimand to dismissal.
   2. Second occurrence: suspension to dismissal.
   3. Third occurrence: dismissal.

(z) Violation of Safety Practices. The failure to follow established safety practices. This includes the performance of unsafe acts or failure to wear or use safety equipment including but not limited to safety belts.
   1. First occurrence: oral reprimand to suspension.
   2. Second occurrence: suspension to dismissal.
3. Third occurrence: dismissal.
   (aa) Violation of a Provision of Law or University Rule or Policy. The violation of the provisions of law or agency rules or policies. This may include but is not limited to: failure to obtain approval for outside employment; misuse of position; giving or accepting a bribe; discrimination in employment or illegal campaigning.
   First occurrence: oral reprimand to dismissal.
   (bb) Failure to Follow Instructions. An employee’s failure to follow oral or written instructions from supervisory personnel.
   1. First occurrence: oral to written reprimand.
   2. Second occurrence: written reprimand to suspension.
   3. Third occurrence: suspension to dismissal.
   (cc) Disruptive Conduct. Behavior that interferes with the employee’s work performance or the work performance of others. This may include, but is not limited to: loud, boisterous language; creating a disturbance; throwing objects; slamming doors, or other activities which would have a detrimental effect on the work environment.
   1. First occurrence: oral to written reprimand.
   2. Second occurrence: written reprimand to suspension.
   3. Third occurrence: suspension to dismissal.

(8) Appeal and Grievance Rights. USPS employees with permanent status and A&P employees may appeal or grieve any disciplinary action taken against them in accordance with this rule, or any applicable collective bargaining agreement. An employee who resigns from employment shall not have any rights of appeal. Both USPS employees and A&P employees may use the USPS and A&P Complaint Procedure in accordance with the USPS and A&P Complaint Procedure (7/98) and Form (7/98) which is hereby adopted by reference.

(9) USPS and A&P Arbitration Appeal Procedure. USPS employees who have earned permanent status in their current classification and A&P employees shall have the right to appeal to an arbitrator any suspension without pay, dismissal, layoff, demotion, job abandonment, transfer (greater than 50 miles), or reduction in pay, provided that the employee has not signed a statement indicating the action was voluntary. An employee whose position is classified to a lower class shall have the right to appeal only the reduction in pay, if any, which has occurred as a result of the demotion appointment.

(a) Request for Processing.
1. If an employee requests an arbitration, the employee shall, within 14 calendar days after the receipt of notice of the employment action from the University, file with the Director of Human Resources or designee a completed Arbitration Request Form-2003 which is hereby incorporated by reference.
2. Failure to file an Arbitration Request Form within the time limits prescribed shall be deemed a waiver of the right to arbitration. In the event of a question regarding timeliness, the date of first receipt by Human Resources shall be determinative.
3. After the Request for Arbitration has been received, the Director of Human Resources or designee shall select an arbitrator on a rotational basis from an odd-numbered panel of at least three arbitrators maintained by Human Resources and shall notify the employee or his/her representative and immediate supervisor of this determination.
4. The Director of Human Resources or designee shall select an arbitrator on a rotational basis from an odd-numbered panel of at least three arbitrators maintained by Human Resources and shall notify the employee or his/her representative of the arbitrator selected. If the parties do not agree on the arbitrator selected, the selection shall be made by alternatively striking names from the panel. The right of first strike shall be determined by a coin toss. The employee will receive notice of the identity of the arbitrator selected and may request disqualification of the arbitrator based on cause within five calendar days of receipt of the notice. Cause is present when the arbitrator was chosen through corruption, fraud, or other undue means.
5. When an action is both appealable under this rule and grievable under a collective bargaining agreement, the employee shall have the option of using either procedure. The filing of the Arbitration Request Form constitutes a waiver of any rights to review of the matter under an applicable collective bargaining agreement, Chapter 120, F.S., or any other review procedures. If the employee seeks a review of a matter in an alternative forum after requesting arbitration under this rule or fails to appear at the scheduled arbitration hearing, the University shall have no obligation to proceed further.
(b) Fees and Expenses.
1. All fees and expenses for the arbitrator will be paid by the University. However, when an employee is represented by an employee organization, the arbitrator’s fees and expenses shall be paid by the party who fails to prevail in the arbitration or evenly split if the award sustains the appeal in part and denies it in part.
2. The party desiring a transcript of the arbitration proceedings shall provide written notice to the other party of its intention to have a transcript of the arbitration made at least one week prior to the date of the arbitration and shall be responsible for scheduling a reporter to record the proceedings. The party desiring the transcript shall be responsible for the appearance fee of the reporter and the cost of obtaining an original transcript. The requesting party shall provide the other party a photocopy of the transcript received from the reporter and deliver the photocopy to the other party within five calendar days after receiving the copy of the transcript from the reporter.
(c) The employee may self represent or be represented. If the employee elects to be represented, the employee must deliver or send to the Director of Human Resources or designee within five working days after filing a Request for Arbitration, a written statement indicating the name, address, telephone number and qualifications of the representative and confirming that the employee as well as the representative will be present during the arbitration hearing, and that the employee agrees to this representation.

(d) If the aggrieved employee participates during working hours in the arbitration, the employee’s compensation will not be affected by the time spent at the arbitration hearing. The employee must notify the immediate supervisor seven days in advance of his/her anticipated absence. An employee will not be permitted to prepare the case during working hours.

(e) Hearing.

1. The arbitrator shall hold the hearing in Tallahassee, Florida, unless otherwise agreed by the parties. The hearing shall commence within 30 working days of the arbitrator’s acceptance of selection, or as soon thereafter as practicable. Arbitration proceedings shall be conducted in accordance with this rule, supplemented by the current Labor Arbitration Rules published by the American Arbitration Association which are hereby incorporated by reference.

2. The arbitrator may subpoena witnesses and compel the production of documents pertinent to the appeal. All requests for subpoenas must be made to the arbitrator no later than 10 working days prior to the arbitration date and each party is responsible for providing its own witnesses and documents which it wishes to present. The party requesting a subpoena or the production of documents from the arbitrator shall promptly provide the other party a copy of the request.

3. Within 60 calendar days, the arbitrator shall issue to the University and the employee a written order which may affirm, reverse, or alter the decision of the University.

4. The employee and the University agree that the decision of the arbitrator shall be final and binding on both parties. No judicial review of the arbitration order is available except as provided by Chapter 682, F.S.

(f) Jurisdiction of Arbitrator.

1. The arbitrator shall neither add to, subtract from, modify, or alter the provisions of these rules, University rules and policies or procedures, or an applicable collective bargaining agreement. Arbitration shall be confined solely to the application and/or interpretation of those provisions and limited to the matters in the Request for Arbitration Form submitted for arbitration. No statements of opinion or conclusions not essential to the determination of the matters submitted shall be permitted. The arbitrator shall not review managerial decisions, nor substitute his judgment for that of management, other than to ensure that such actions are in accordance with the applicable procedures under review. In the case of suspension without pay, dismissal, and reduction in pay taken as a disciplinary action, the arbitrator shall determine whether there is just cause for such action.

2. The burden of proof shall be on the employee in layoff, demotion, reduction in pay and transfer actions when not taken as a disciplinary action, and in job abandonment. The burden of proof shall be on the employer in suspension without pay, dismissal, demotion, and reductions in pay when taken as disciplinary actions.

3. The arbitrator’s order and award may reinstate an employee, with or without back pay. The back pay award shall not exceed the amount of pay the employee would otherwise have earned at the employee’s regular rate of pay and shall not be retroactive to a date earlier than the date of the occurrence of the event giving rise to the action at issue and in no event more than fourteen (14) calendar days prior to initiation of the arbitration request. In no situation will the award exceed the actual loss to the employee or provide attorney fees to either party.

4. Punitive damages are not permitted.

5. The arbitrator may reduce a dismissal to a suspension for such time as the arbitrator may fix, or reduce the period of suspension, which order shall be binding on the University and employee concerned subject to the jurisdiction of the arbitrator.

6. The arbitrator may reduce a dismissal to a suspension for such time as the arbitrator may fix or reduce the period of suspension which order shall be binding on the University and employee concerned subject to the jurisdiction of the arbitrator.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–New 6-16-87, Amended 9-24-98, 6-15-99, 4-16-03.
CHAPTER 6C2-5 ACADEMIC MATTERS

6C2-5.001 Academic Organization. (Repealed)
6C2-5.002 University Undergraduate Admission Standards. (Repealed)
6C2-5.0021 University Bulletins, Catalogs, and Applications.
6C2-5.003 University Undergraduate Admission Committee Procedures.
6C2-5.004 University Academic Requirements for Undergraduate Students. (Repealed)
6C2-5.005 University Degree Requirements. (Repealed)
6C2-5.006 Basic Studies Program. (Repealed)
6C2-5.007 Undergraduate Transfer Students. (Repealed)
6C2-5.008 Graduate Admission Policies. (Repealed)
6C2-5.009 Master’s Degree Programs. (Repealed)
6C2-5.010 Doctoral Degree Programs. (Repealed)
6C2-5.011 Regulations of Graduate Students. (Repealed)
6C2-5.012 Programs for Acceleration. (Repealed)
6C2-5.013 Orientation. (Repealed)
6C2-5.014 Inter-institutional Registration. (Repealed)
6C2-5.0146 College of Law Student Conduct Code. (Transferred to 6C2-3.045)
6C2-5.015 College of Arts and Sciences. (Repealed)
6C2-5.016 Department of Aerospace Studies. (Repealed)
6C2-5.017 American Studies Program. (Repealed)
6C2-5.018 Department of Anthropology. (Repealed)
6C2-5.019 Asian Studies Program. (Repealed)
6C2-5.020 Department of Biological Science. (Repealed)
6C2-5.021 Chemical Physics Program. (Repealed)
6C2-5.022 Department of Chemistry. (Repealed)
6C2-5.023 Department of Classical Languages, Literature and Civilization. (Repealed)
6C2-5.024 Program in Comparative and World Literature. (Repealed)
6C2-5.025 Department of English. (Repealed)
6C2-5.026 Department of Geology. (Repealed)
6C2-5.027 Geophysical Fluid Dynamics Program. (Repealed)
6C2-5.028 Department of History. (Repealed)
6C2-5.029 Program in Humanities. (Repealed)
6C2-5.030 Program in Inter-American Studies. (Repealed)
6C2-5.031 Department of Mathematics. (Repealed)
6C2-5.032 Program in Medical Technology. (Repealed)
6C2-5.033 Department of Meteorology. (Repealed)
6C2-5.034 Department of Military Science. (Repealed)
6C2-5.035 Department of Modern Languages. (Repealed)
6C2-5.036 Program in Molecular Biophysics; Special Requirements - Undergraduate and Graduate Core. (Repealed)
6C2-5.037 Department of Oceanography. (Repealed)
6C2-5.038 Department of Philosophy. (Repealed)
6C2-5.039 Department of Physics. (Repealed)
6C2-5.040 Department of Psychology. (Repealed)
6C2-5.041 Department of Religion. (Repealed)
6C2-5.042 Department of Statistics. (Repealed)
6C2-5.043 College of Business. (Repealed)
6C2-5.044 College of Communication. (Repealed)
6C2-5.045 Audiology and Speech Pathology. (Repealed)
6C2-5.046 Mass Communication. (Repealed)
6C2-5.047 Speech Communication. (Repealed)
6C2-5.048 School of Criminology. (Repealed)
6C2-5.049 Department of Dance. (Repealed)
6C2-5.050 College of Education. (Repealed)
6C2-5.051 School of Home Economics. (Repealed)
6C2-5.052 Department of Clothing and Textiles. (Repealed)
6C2-5.053 Department of Food and Nutrition. (Repealed)
6C2-5.054 Department of Home and Family Life. (Repealed)
6C2-5.055 Department of Home Economics Education. (Repealed)
6C2-5.056 College of Law. (Repealed)
6C2-5.057 School of Library Science. (Repealed)
6C2-5.058 School of Music. (Repealed)
6C2-5.059 School of Nursing. (Repealed)
6C2-5.060 College of Social Sciences. (Repealed)
6C2-5.061 Department of Economics. (Repealed)
6C2-5.062 Department of Geography. (Repealed)
6C2-5.063 Department of Government. (Repealed)
6C2-5.064 Program in International Affairs. (Repealed)
6C2-5.065 Interdisciplinary Program in Social Science. (Repealed)
6C2-5.066 Department of Sociology. (Repealed)
6C2-5.067 Department of Urban and Regional Planning. (Repealed)
6C2-5.068 School of Social Work. (Repealed)
6C2-5.069 School of Theatre. (Repealed)
6C2-5.070 Department of Art. (Repealed)
6C2-5.071 Community/Junior College Instructors Program. (Repealed)
6C2-5.072 Honors Seminars. (Repealed)
6C2-5.073 Marriage and Family Living Program. (Repealed)
6C2-5.074 Music Program; College of Arts and Sciences. (Repealed)
6C2-5.075 Yugoslav-American Studies, Research, and Exchanges. (Repealed)
6C2-5.076 Panama Canal Zone Branch.
6C2-5.077 Foreign Programs.
6C2-5.078 Department of Art Education and Craft Design. (Repealed)
6C2-5.079 Special Non-degree Seeking Students.
6C2-5.080 Grade Appeals System. (Repealed)
6C2-5.081 Tuition, Fees, Payment.
6C2-5.082 Academic Calendar. (Repealed)
6C2-5.083 Horizons Unlimited. (Repealed)
6C2-5.084 Prospective Effect of Rules.
6C2-5.085 Credit for Short Courses, Programs, Etc. (Repealed)
6C2-5.086 Cooperative Education Policy Statement. (Repealed)
6C2-5.087 Special Appeals. (Repealed)
6C2-5.088 Division of Sponsored Research.
6C2-5.0881 Sponsored Research Exemptions.
6C2-5.089 Office of Summer Sessions and Continuing Studies. (Repealed)
6C2-5.090 Center for Professional Development and Public Service.
6C2-5.091 Program in Interior Design. (Repealed)
6C2-5.092 School of Visual Arts. (Repealed)
6C2-5.093 Program in Nuclear Science. (Repealed)
6C2-5.094 Special Services Program. (Repealed)
6C2-5.095 Instructional Systems Development Center.
6C2-5.096 Curriculum. (Repealed)
6C2-5.097 Deletion of Courses.

6C2-5.0021 University Bulletins, Catalogs, and Applications.

(1) In addition to the adopted Florida State University administrative and operational rules published in the Florida Administrative Code pursuant to Florida Statutes, Chapter 120, the University publishes the following listed documents that are incorporated herein by reference which establish, contain or prescribe various academic matters that include admission and degree requirements, course offerings, fields of study, academic calendars, facilities available to students, faculty and staff of the University, and other matters of educational delivery:
(c) The Florida State University College of Law 1999/2000 Student Handbook.
(2) Those portions of the University Bulletins or Catalogs, which are not included in, or addressed by, a specific University rule as published in the Florida Administrative Code, have the force and effect of a rule by the incorporation of the text of the documents listed herein. In the event of a conflict or an inconsistency between any provisions of a Bulletin or Catalog and any adopted rule of Florida State University as published in the Florida Administrative Code, such published rules of the University shall prevail.

(3) The Bulletins and Catalogs of the University may also contain the academic calendar as set by the Florida State University within the general guidelines of the Board of Regents.

(4) Copies of the catalogs or bulletins can be obtained from the Florida State University, Office of the Registrar, Tallahassee, Florida 32306-1011.

(5) The University uses the following referenced application forms in addition to those made a part of the Graduate and Undergraduate Catalogs, all of which may be obtained from the Florida State University, Office of Admissions.

   (a) Application for Admission as an International Student to Florida State University 1999/2000.
   (b) School of Music Undergraduate Application 2000.
   (c) School of Motion Picture, Television and Recording Arts Application for Admission, Undergraduate and Graduate 2000.

(6) The University bulletins and catalogs shall have prospective effect only. A student entering an academic program of the University before the published catalog date, when requirements for degree programs where different from those under newer incorporated Bulletin catalog dates may elect to remain under the earlier requirements for such a program if the pursuit of such degree or program requirements are continuous.

(7) Curriculum of the institution and academic policies and procedures of a particular school, college, department or division, including among other academic subjects admission, registration, withdrawal, readmission, and graduation or certification requirements of particular academic programs are also currently described in various University documents available or supplied to each applicant for admission, a currently-enrolled student, or other interested parties. These publications include those referenced in paragraph (1) of this rule. These documents reflect the current curriculum, educational plans, offerings, and requirements and may be altered from time to time in order to carry out the purposes, mission and objectives of the University. The University reserves the right to change by rule, any provision, offering, or requirement at any time within the student’s period of study at the University. Material changes to the content of a currently incorporated document will be noted by supplemental amendments to this rule. The University further reserves the right to require a student to withdraw from the University for cause at any time.

Specific Authority 240.227(1) FS. Law Implemented 120.54(1)(i), 240.2097(3), 240.227(8)-(10), (14), 240.233 FS. History–New 8-29-95, Amended 9-24-97, 8-9-98, 9-9-99, 9-25-00.

6C2-5.003 University Undergraduate Admission Committee Procedures.

(1) General.

(a) Members of the University Admissions Committee are appointed by the Executive Vice President and admissions policy recommendations originating with the Committee are reported to the Executive Vice President. The Committee is reported to the Executive Vice President. The Committee membership is as follows: 6 Faculty members with 3-year terms, 2 Student members with variable terms, and 4 Ex-officio members – University Registrar, Director of Admissions, Director of Horizons Unlimited, and Director of Articulation Affairs with continuing membership. The Committee is concerned with ruling on appeal cases relating to undergraduate admission and recommending policy regarding University admission, subject to the ultimate authority and discretion of the President.

(b) The Committee will regularly meet during the fourth and eighth weeks of each quarter, with the date, time and location to be determined and announced by the Committee Chairperson. Additional meetings may be called by the Chairperson as needed. At each meeting the Committee will consider appeal cases which have occurred, with the remainder of the meeting periods being used to address other Committee business.

(c) The Director of Admissions will serve as Executive Secretary to the Admissions Committee. The Executive Secretary is responsible for: preparing appeal cases, making the full academic record for each appeal case available in the Admissions Office to the Committee membership at least one full day prior to the committee meeting in which the case is to be considered, interceding on behalf of the Committee when direct contact between the student and the Committee is requested, and recording and distributing the minutes of each Committee meeting. The voting record for each meeting will become a part of the minutes for that meeting. The Executive Secretary will prepare in advance of each Committee meeting a file on each applicant appealing to the Committee. The file will contain the appellant’s application, supporting documentation, and a completed Appeal Worksheet. An Attendance and Voting Record will be prepared by the Executive Secretary and executed by: entering each applicant’s name and status on the Record and recording the vote by the Committee membership. The Committee may not take action on any application the Committee believes to be incomplete.

(d) The Committee complies with the Florida “government in the sunshine” ruling. Students making appeal must submit a detailed letter to the committee carefully describing and documenting special circumstances constituting the basis for the appeal. Students may discuss their appeal with individual Committee members prior to regular Committee meetings. Requests for Committee member contact must be made through the Executive Secretary of the Committee.

(2) Voting Procedures.
(a) All members of the Committee, except the Director of Admissions and Committee Chairperson, are eligible to vote on appeal cases. All members of the Committee, except the Committee Chairperson, are eligible to vote on policy recommendations and other business of the Committee. The Committee Chairperson may vote in order to break a tie vote.

(b) Appeal cases and policy recommendations cannot be considered if a voting quorum is not present. A voting quorum consists of six voting-eligible Committee members. The Chairperson may be counted as a voting member in order to establish a quorum.

c) A Committee motion regarding an admission appeal will be carried by a simple majority of the voting-eligible members present. A motion concerning admissions policy recommendations will be carried by a 2/3 majority vote of the voting-eligible members present. Voting is to be “for” or “against” the motion or “abstain” by voice or hand-raised acknowledgement. The Executive Secretary for the Committee will record the vote of each voting member and the complete voting record will become a part of the minutes of the meeting.

d) Each applicant for admission is to be considered individually on his or her own merit. Motions to “move the list” or any portion of the list, are prohibited.

(3) Presentation of Appeal Cases.
(a) The Executive Secretary is responsible for insuring that a prescribed data record is prepared for each admission appeal case and seeing that data from each record are abstracted on the appropriate Appeal Worksheet.
(b) The Executive Secretary will make completed appeal records available to Committee members at least one full day in advance of the meeting date on which the cases are to be reviewed. Committee members are urged to review each case at the Admissions Office prior to the Committee meeting and then bring to the Committee meeting their tentative recommendations regarding admission or questions to be raised about each case.

(c) Case presentation proceeds by:
1. Random assignment of individual cases to committee members for presentation to the full committee;
2. A courtesy motion by the committee member case presenter for admission;
3. Courtesy second to the motion;
4. Discussion of the case by the committee member case presenter followed by a general discussion by the membership; and
5. A call for the question.

Specific Authority 240.227(1) FS. Law Implemented 240.227(8), 240.233 FS., 6C-6.001(1), F.A.C. History–New 9-30-75, Amended 7-21-76, Formerly 6C2-5.03.

6C2-5.076 Panama Canal Zone Branch.
(1) Admission and Registration FSU Canal Zone Branch.
(a) All military personnel and their dependents as well as U.S. and Panamanian civilians are eligible to enroll in the FSU Canal Zone Branch. Students who plan to obtain a degree from The Florida State University should complete all admission requirements specified for regular students. Temporary students and those students who plan to complete a degree from other institutions may enroll as Special Students.
(b) Regular Student admission requires that students present before enrolling the following documents:
1. Application for admission.
2. High school transcript or equivalency certificate.
3. Official transcript from other colleges.
4. Satisfactory scores on one of the following:
   a. Florida Twelfth Grade Test.
   b. Scholastic Aptitude Test.
   c. The American College Testing Program.
   d. The CLEP General Examinations (English Composition, Social Science, Natural Science, Humanities and Mathematics).
   e. Or an equivalent.
5. Application fee of $15.00 is charged for the first application for admission to the Canal Zone Branch.
(c) A new student will be allowed to register as a special student for one quarter without high school and college transcripts and without a record of entrance examinations.
(d) Special student admission is open to any high school graduate not seeking an academic degree. Evidence of the appropriate educational experience must be submitted to the Branch office as soon as possible and no later than the student’s second quarter registration.
(e) A new student who plans to enroll as a Special Student should make his intentions known to the Resident Director at the time of registration.
(f) Students are charged an initial $15.00 application fee, and $20.00 per quarter hour of course work. U.S. Military personnel, eligible for seventy-five percent tuition assistance from the government, are charged $5.00 per quarter hour. Military students prior to enrollment must complete a tuition assistance which may be obtained at their local education office. The FSU Canal Zone Branch is approved for Veteran’s benefits.

(2) Academic Credit Policies.
(a) Changing classification from Regular Student to Special Student category requires written permission from the Director of International Programs.

(b) A Special Student may be classified as a Regular Student upon submitting the required application and meeting all regular admission standards, provided that the student has maintained at the FSU Canal Zone Branch a minimum grade point average of 2.0 for twelve quarter hours or more.

(c) Credits earned by a Special Student who later qualifies as a Regular Student may apply toward the student’s degree upon approval of his major department and the Director, International Programs. Under no conditions may work taken as a special student while on academic dismissal count toward 180 quarter hours required for graduation.

(3) Academic Load. The recommended load for military and all working students is six to eight quarter hours per term. A full-time student may take from four to six courses per term. Exceptions to these regulations are made only with the prior approval of the Resident Director of the Canal Zone Branch. Academic work other than with the FSU Branch should be undertaken only with his concurrence. Students are expected to prepare two hours for each hour of instruction.

(4) Transfer Credit. Correspondence Courses.

(a) Correspondence work taken through other institutions while matriculating towards a degree from The Florida State University Canal Zone Branch must have prior approval of the Resident Director of the Branch. A maximum of forty-six quarter hours of correspondence, excluding USAFI Subject Examinations, extension, and military schools recommended as suitable for college credit by the American Council on Education may be applied toward a Baccalaureate Degree.

(b) All college work earned at accredited U.S. and recognized foreign institutions with a grade of “D” or better will receive full credit from The Florida State University Canal Zone Branch.

(c) After completing six quarter hours at the Branch a Regular Student may request a tentative evaluation of all previous academic work. Such requests must be approved by the Resident Director before they are sent to the main campus. In addition to college and university transcripts a military student must submit a properly certified DD form 295 which can be obtained from his education officer.

(d) In evaluating credit, Florida State University considers the institution granting the credit and the merit of the work. In general, courses completed with a grade of “D” or better which were taken at accredited universities and colleges will be accepted.

(e) Because of the variety of educational experiences which most adult students have had, an evaluation of former work is often an individual program. The FSU Canal Zone Branch follows the recommendations for credit of the American Council of Education and recognizes credit from those institutions listed in either The International Handbook of Universities and Other Institutions of Higher Education of Commonwealth Universities Yearbook.

(5) Non-Classroom Credit. Credit from non-classroom sources is limited in accordance with the following:

(a) A maximum of ninety quarter hours of non-classroom credit may be accepted toward the 180 quarter hours required for graduation. The distribution of the 90 hours may be as follows: a maximum of forty-five quarter hours earned through CLEP examinations which may apply toward Liberal Studies requirements; a maximum of forty-five quarter hours may be earned through correspondence, extension, and/or courses taken through military service schools providing the courses are evaluated and recommended as suitable for credit by the American Council on Education. With special permission the ninety quarter hours of non-classroom credit may be rearranged but under no conditions may more than forty-five hours of examination credit, or forty-five hours of extension correpondence credit, or forty-five hours of military courses apply toward the ninety hours of non-classroom credit.

(b) History. Courses approved for completion of this area requirement include any undergraduate courses in the Department of History, subject to stated prerequisites.

(c) Social Science. Courses must be selected from at least two of the departments identified in the Social Science area. Courses approved for completion of this area requirement are as follows:

- Economics: Any course subject to the stated prerequisites except Economics 375 and 475.
- Geography: Any course subject to the stated prerequisites except Geography 470, 478, and 480.
- Government: Any course subject to the stated prerequisites.
- Sociology: Any course subject to the stated prerequisites.
- Social Science: 105.
Satisfactory or better scores on test two of the CLEP General Examinations will enable a student to exempt part or all of the Social Science requirement.

(d) Humanities. This requirement may be fulfilled by electing approved courses from at least two departments listed hereinafter. One course must be in Literature. An alternate procedure would be to complete the Humanities 205, 206, 207, and 208 sequence.

Art: All Art History courses. None meets the Literature requirement.

English: All English courses numbered 200-299, 310-379, and 410-479. These courses meet the Literature requirement.

Humanities: Humanities 205, 206, 207, 208; 301, 302, 303.

Any of the Humanities courses meets the Literature requirement.

Modern Language: Modern Languages 271, 272, 273; all foreign language courses numbered 203B, 301, 302, and 303; and any 400 level Literature courses are approved and meet the Literature requirements. Language courses taken to meet degree graduation requirements may not also serve to meet liberal studies requirements.


Philosophy: Philosophy 210, 310, 315, 318, 337, 338, 340, 354, 356, 358, 359, 360, 370. Philosophy 338 is the only course which will meet the Literature requirement.

(e) Natural Science. Courses elected for fulfillment of this area must be chosen from at least three of the following departments: Anthropology, Astronomy, Biology, Chemistry, Geology, Mathematics, Meteorology, Oceanography, Physics, Psychology, and Statistics. One of the courses must be in either Chemistry or fundamental Physics. At least one of the courses must include scheduled laboratory work.

(7) Requirements For The Baccalaureate Degree. The Bachelor of Arts and the Bachelor of Science degrees are granted by their respective divisions of the University in the same manner and with the same requirements as on campus students.

(8) Special Requirements for Bachelor of Arts Degree.

(a) Completion of a classical or modern foreign language through the 203 or equivalent level.

(b) Twelve quarter hours in fields of Humanities and History, in addition to the Liberal Studies and the Foreign Language requirements. Courses may be selected from the following fields: Art, Classical and Modern Languages and Literature, English, History, Music History and Literature, Philosophy, Religion, or Communication not including work in communicative disorders.

(9) Quarter Hours and Quality Points. A minimum of 180 quarter hours earned with a minimum grade-point average of 2.00 is required for graduation. Credit cannot be earned in the same course more than once unless the course is specifically approved as a repeatable course. A transfer student must have at least a 2.00 average in Florida State University work attempted for graduation.

(10) Residence Requirements. Ninety quarter hours of the work credited toward a Baccalaureate Degree must be earned at a four year baccalaureate granting institution accredited by the appropriate regional accrediting association, and the last forty-five quarter hours must be earned in residence at either the FSU Canal Zone Branch or the University in Tallahassee, Florida. In cases of emergency, and with the permission of the Director of International Programs, a student may complete by extension, by correspondence or by residence at another accredited senior institution, a maximum of nine quarter hours of the final forty-five required for graduation, provided he has otherwise met residence requirements. Any student entering or re-entering the Branch as a senior must complete all remaining degree requirements at the Branch or at the main campus of Florida University.

(11) Requirements for Associate in Arts Certificate – Canal Zone Branch. The Associate in Arts Certificate will be granted upon formal written application to the Director of International Programs to students who have completed ninety quarter hours with a 2.00 average. Fifty-eight quarter hours must be earned in Liberal Studies distributed according to the University’s Liberal Studies requirements. A minimum of thirty of the last forty-five hours must be earned in residence at the FSU Canal Zone Branch.

(12) Requirements for Certificate In Corrections and Certificate In Law Enforcement – Canal Zone Branch. The Certificate in Corrections is granted upon completion of thirty quarter hours in the following Criminology courses, including an approved internship: 315, 316, 317, 405, 407, 436, 440, 445, 468, 469, 470. The Certificate in Law Enforcement is granted upon completion of thirty quarter hours in the following Criminology courses: 315, 316, 317, 405, 437, 439, 447, 450, 456, 468, and an approved internship. Persons determined by the Chairman of the Criminology Department to possess adequate field experience will substitute a special project for the internship. A maximum of nine quarter hours earned in Government, Sociology, and Psychology may be substituted for work in the Department of Criminology upon approval of the student’s advisor and the Chairman of the Department of Criminology.

(13) Requirements for Major in Business – Canal Zone Branch. A major in Business comprises seventy-nine hours, including (1) the basic business core courses: BSA 201, 202, Accounting 00, BSA 301, 303, 305, 312, 306, 307, 308, 309, 310, 311, 321; (2) extra general education courses required for all Business majors: MAT 131, 231, Statistics 300, Economics 201, 202, 203; and (3) major area requirements: seven upper-division courses in Accounting, Finance, Marketing, Management, and Risk and Insurance. The generalized minor (for non-Business majors minoring in Business) consists of at least twenty quarter hours in business courses.

(14) Requirements for Major in English – Canal Zone Branch. A major in English comprises thirty-nine quarter hours in courses numbered above 199. No more than nine hours of sophomore level courses may be counted. The following requirements must be met for an English major:

(a) Major in English:
1. Writing courses above the 100 level, minimum: three hours.
2. Linguistics courses, minimum: English 380.
3. Literature courses, minimum: twenty-one hours including twelve hours elected from the following courses in English Literature before 1800: 310, 316, 317, 411, 421, 426, 428, 431, 434, 435, 436.

4. A student majoring in English must have as a minor a minimum of eighteen quarter hours from an approved minor field.

(b) Minor in English. Eighteen quarter hours in English numbered above 199.

(15) Requirements For Major In English And Business – Canal Zone Branch. The student who chooses this combined major must meet the following academic requirements:

(a) English Major:
1. Writing courses above the 100 level minimum: three hours.
2. Linguistics courses, minimum: English 380.
3. Literature courses, minimum: twenty-one hours, including twelve hours elected from the following courses in English Literature before 1800: 310, 316, 317, 411, 421, 426, 428, 431, 434, 435, 436.

(b) Business Minor. Eighteen hours in one area, or twenty-four hours distributed among various areas.

(16) Requirements For Major In Social Sciences – Canal Zone Branch. This program specifies sixty-three quarter hours including a maximum of fourteen quarter hours of courses taken to meet Liberal Studies requirements. Work must be taken in at least three departments of the area. There must be a primary concentration of twenty-seven quarter hours in one department, a second concentration of eighteen quarter hours in another department, while the remaining eighteen hours may be distributed among any of the remaining Social Science Departments. Thirty quarter hours must be taken in courses numbered above 299.

(17) Requirements Inter-American Studies Major – Canal Zone Branch. The major and minor combination in Inter-American Studies comprises a minimum of sixty-three quarter hours beyond the Liberal Studies requirement. This includes major requirements in one of the departments listed below; twenty-one quarter hours distributed in courses in two other participating departments; and nine quarter hours in a fourth participating department.

(18) Requirements For Major In International Affairs With Specialization In Latin America.

(a) Major-Minor Program. The major-minor program comprises a minimum of fifty-seven quarter hours beyond the Liberal Studies requirements. A minimum of eighteen quarter hours must be concentrated in one department, work must be taken in at least three other departments, and twenty-seven quarter hours must be taken in courses numbered above 299. Individual needs and preferences may be accommodated through a judicious choice of electives. Majors are advised to become proficient in Spanish.

(b) Minor Program. A minor comprises twenty-four quarter hours beyond the Liberal Studies requirements. Work must be taken in at least three of the eight participating departments and must include Government 330, International Relations.

(19) Requirements For Major In Spanish – Canal Zone Branch.

(a) Major in Spanish. Thirty-six quarter hours, 301, 302, 303, 313, 314, 315, native speakers may not take 315, 413, 417, or 418, 425, or 426, plus nine quarter hours on the 400 level in literature. Spanish Culture and Civilization 400A or B may substitute for three of these hours.

(b) Minor Subject. Eighteen quarter hours in an approved departmental field. If a second foreign language is selected as a minor, the eighteen hours must be earned in courses numbered above 199.

Specific Authority 240.227(1) FS. Law Implemented 240.227(8), 240.233 FS., 6C-4.001(1), (5), 6C-6.001(1), 6C-7.002(6), 6C-6.004(1)(e), 6C-7.003(4), 6C-8.002(4)(d), (5)(a), (6)(a), (7)(a), (b), F.A.C. History–New 9-30-75, Formerly 6C2-5.76.

6C2-5.077 Foreign Programs.

(1) Florence Program.

(a) One is eligible to study at the Florence Study Center during September through December and January through April, of each academic year, subject to the following:

1. The Student has an average of 2.5 or better on all college work attempted. In-state students with a grade point average between 2.0 and 2.5 may petition the Faculty Coordinator to be admitted. Acceptance will depend upon the quality of the petition.

2. Students not attending a state university in Florida must have two references submit letters of recommendations directly to the Faculty Coordinator of the FSU Florence/London Programs Office, Tallahassee, Florida 32306.

3. The student will have attained at least sophomore standing, 27 semester hours, prior to commencing study at the Florence Study Center.

4. Experience in Italian is not required for acceptance; however, all students must take Elementary Italian in Florence, unless they have already completed the elementary sequence ITA 1120, ITA 1121, ITA 2230 or 12 credit hours of Italian. One semester of Italian prior to participation is recommended.

5. The student must enroll for at least 12 semester hours of study each semester of participation in the program.

6. Students enrolled in FSU Basic Studies must receive approval to participate from the Basic Studies Office, before being accepted into the program. Non-FSU students should check with their own academic deans/advisors before applying.

7. Students not enrolled at FSU at time of application, must transfer to FSU through the Florence/London Programs Office for purposes of registration and record-keeping.
(b) The costs include center-sponsored group travel, cultural and social activities, Study Center facilities and service, and medical insurance. For students in housing, fee includes room and daily continental breakfast while in Florence. Program fees do not include tuition/registration fees, personal travel, lunch and dinner (or breakfast when away from Florence), textbooks, museum fees, international identification card.

(2) London Program.

(a) One is eligible to study at London Study Center from September through December and January through April, subject to the following:
1. The student has an average of 2.5 or better on all college work attempted. In-state students with a grade point average between of 2.0 and 2.5 may petition the Faculty Coordinator to be admitted. Acceptance will depend upon the quality of the petition.
2. The student will have attained at least sophomore standing, 27 semester hours, prior to commencing study at the London Study Center.
3. The students must enroll for at least 12 semester hours of study each semester of attendance at the London Study Center.
4. Students enrolled in FSU Basic Studies students must receive approval to participate from the Basic Studies Office before being accepted into the program. Non-FSU students should check with their own academic dean/advisors before applying; and
5. Students not enrolled at FSU at the time of application must transfer to FSU through the Florence/London Programs Office for purposes of registration and record-keeping.

(b) Students will pay two program fees. One to the Florida State University which will help cover study center services and program cultural & social activities, such as field trips, tickets to theatres, and concerts. This FSU program fee does not cover FSU tuition, costs of textbooks, or other class-related expenses, or any personal expenses. The second program fee is paid to a private travel agency that has contracted with FSU to handle program facilities and round-trip travel from Atlanta to London. The travel agency fee is determined by the option chosen by the student. The options are:
   - Opt. A Round trip air/housing, insurance/services
   - Opt. B Housing/insurance/services
   - Opt. C Insurance/services

(3) Courses for both programs are taken directly from the FSU catalog and are taught by State University System of Florida faculty. The courses and faculty change each semester.

Specific Authority 240.227(1), (8) FS. Law Implemented 240.227(1), (8), (14) FS. History–New 9-30-75, Formerly 6C2-5.77, Amended 8-15-90.

6C2-5.079 Special Non-degree Seeking Students.

(1) Registration. Registration as a special student is open to any high school graduate for undergraduate study and to any college graduate for graduate study. Registration is on a space available basis. A special student will not be required to register for a minimum of twelve hours.

(2) Proof of Previous Education. Evidence of prior education must be submitted to the Office of the Registrar before the beginning of the Student’s second enrollment period.

(3) Changing from a Special Student to a Regular Student. The change in status from a special student to a regular student is processed through the admissions office or the graduate admission office. A special student who desires to pursue a degree may be reclassified as a regular student at any time upon submitting the required application and fulfilling all regular admissions standards provided he has maintained a grade point average of 2.0 or higher as an undergraduate special student or a grade point average of 3.0 or higher as a graduate level special student. A regular graduate student may not receive degree credit for more than 12 quarter hours of work taken while classified as a special student. A former regular student who has changed to the special student status may regain his regular student classification only through the formal readmissions process.

(4) Undergraduate Students who do not Meet Regular Standards. An exception may be made for a special student who wishes to be reclassified as a regular student but fails to meet the regular admissions standards, if he has maintained a superior record, 3.0 grade point average or higher, on at least twelve (12) quarter hours taken as a special student.

(5) Changing from a Regular Student to a Special Non-Degree Seeking Student. A regular student, including a student on academic dismissal, who has not been absent from the University for two or more consecutive quarters may change from a degree-seeking student to a special student only with written permission of his faculty adviser, department chairman, and academic dean. The change in classification must be initialed by the student. A former student who has not been enrolled during the last two quarters may return as a special student without such approval.

(6) Policies Governing Regular Degree Seeking Students on Academic Dismissal Who Have Changed to Special Non-Degree Seeking Students.

(a) Work taken by a special student who has been academically dismissed from the University as a degree seeking student may not be used toward the minimum hours required for graduation.

(b) The academic dean may at his discretion permit quality points earned by a special student on dismissal to be used to decrease the quality point deficiency achieved as a regular student only after the student has been readmitted on probation to degree seeking status.
considered to have been acquired while in special status classification ("7"). The subsequent transfer of such credit to a graduate acceptable to the university. Suspension of academic progress permits a student to continue attending classes, taking exams and of the Registrar and with the concurrence of the academic department involved.

students with incomplete files, students who require further departmental review of performance before final decision, and students whose undergraduate degrees are from non-accredited institutions.

degree program shall be subject to the limitations found in subsection (3) above.

a schedule change affects a change in fee assessment. Refunds will not be made to students who drop courses after the first five days of classes.

(10) Fees for Special Students. Tuition and registration fees for special students are the same as for regular students.

(11) Provisional Graduate Students.

(a) A student who has filed an application for admission to a graduate degree program, but who has not been admitted as a regular graduate student, may be admitted as a provisional graduate student, otherwise called classification “8” with the consent of his department chairman. This category will include: students who could not be admitted because the quota for a term was filled, students with incomplete files, students who require further departmental review of performance before final decision, and students whose undergraduate degrees are from non-accredited institutions.

(b) A provisional graduate student will be classified “8” and will be assigned the appropriate major and division.

(c) Under no conditions may a student remain in that classification for more than two quarters.

(d) All classification questions should be directed to the Graduate Admissions Office. The files of provisional graduate will remain in that office until the student is changed to either regular graduate or postbaccalaureate special classification.

(e) A provisional graduate student will be admitted to this category in accordance with normal admissions procedures. The Graduate Admissions Office will advise the student of his acceptance in this category and include appropriate explanation of the meaning of the “8” classification.

(f) A provisional graduate student will register in the same manner as a degree-seeking student.

(g) A provisional graduate student who meets the minimum admission requirements of the Board of Regents may be changed to regular graduate status upon request by his department chairman provided he has maintained a 3.0 average on all graduate level work taken under classification “8”. If the student does not meet the Board of Regents requirements, he must have an overall grade point average of 3.0 on at least twelve hours of graduate work and be counted in the exception quota. If a classification “8” student is changed to a classification “7” (graduate special student) and subsequently seeks admission to regular graduate status, he must also comply with the above requirements.

(h) A provisional graduate student is subject to the retention review appropriate to a regular graduate student.

(i) If a classification “8” student is changed to a classification “7” student after incurring probationary status, the permanent record will not retain the probationary status statement, and the student will not be subject to further retention review.

(j) Graduate work taken by a provisional graduate student will automatically apply toward the student’s graduate program if the student changes directly from classification “8” to classification “5” unless the academic dean directs to the contrary.

(k) Graduate work taken by a provisional graduate student who changes from classification “8” to classification “7” shall be considered to have been acquired while in special status classification (“7”). The subsequent transfer of such credit to a graduate degree program shall be subject to the limitations found in subsection (3) above.

Specific Authority 240.227(1) FS, Law Implemented 240.227(8), 240.233 FS., 6C-4.001(1), (5), 6C-6.003(4), F.A.C. History—New 9-30-75, Amended 4-19-78, Formerly 6C2-5.79.

6C2-5.081 Tuition, Fees, Payment.

(1) Tuition and fees are established by the Board of Regents and the Florida State Legislature. These matters are considered in Chapter 6C-7, F.A.C.

(2) Registration fees may be paid by cash, check, money order, VISA or MasterCard.

(3) A student’s registration will be cancelled if tuition, registration and other related fees are not paid, or other appropriate arrangements made for full payment, by the end of the fifth day of the main campus semester. The President, designated Vice President(s) or other designee of the President shall extend the deadline for fee payment when payment by a student is delayed due to university actions. In lieu of cancelling a student’s registration, the President or the designee of the President shall temporarily suspend further academic progress in those cases where a student has partially paid his fees and guarantees the university full payment before submission of the final student data course file or the end of the semester, whichever is later, from a funding source acceptable to the university. Suspension of academic progress permits a student to continue attending classes, taking exams and
completing class assignments but precludes a student from receiving grades, transcripts, or a diploma and shall deny registration for future terms until his account has been settled in full. The Office of the Registrar will be notified when a student receives suspension of academic progress for financial reasons and will flag the student’s file until his account has been settled in full.

(4) Late Registration. Students who fail to initiate registration in the regular registration period shall be assessed a fee of $100.00. Fifty percent of the fee shall be remitted to the Incidental Trust Fund and 50 percent retained by the university. The fee may be waived by the President or the President’s designee when late registration is due to university action.

(5) Late Payment Fee. Students who fail to pay registration fees or make appropriate arrangements for fee payment by the end of the fifth day of the main campus semester shall be assessed a late payment of $100.00. Academic progress will be suspended upon failure to timely pay the late fee. Fifty percent of the fee shall be remitted to the Incidental Trust Fund and 50 percent retained by the university. The fee may be waived by the President or the President’s designee when late payment is due to university’s action, e.g., miscalculation of fees.

(6) Whenever used herein, other appropriate arrangements shall mean payment of at least 50 percent of the fee liability by the end of the fifth day of the main campus semester and arranging to pay the remaining fees no later than the beginning of the second half of the academic term.

(7) In addition to sanctions provided for in subsection 6C2-5.081(3), F.A.C., when an overdue charge has been entered on the Accounts Receivable System by the university Controller and is 60 days overdue, a collection cost of $25.00 shall be assessed for each overdue charge. However, this provision shall not apply to collection of debts owed the university which are secured by a promissory note or contract.

Specific Authority 120.53(1)(b), 240.227(1) FS. Law Implemented 120.53(1)(b), 240.202, 240.235, 240.271, 240.289 FS. History–New 9-30-75, Formerly 6C2-5.81, Amended 12-24-87, 7-30-92.

6C2-5.084 Prospective Effect of Rules.

(1) The rules of The Florida State University shall have prospective effect only.

(2) A student entering an academic program of the University before the effective date of rule, when requirements for degree programs were different than those under newer adopted rules, may elect to remain under the earlier requirements for such a program.

(3) Nothing contained herein shall affect the validity or effect of any rule of the University effective before 9/30/75. From that date these rules shall replace all previous rules of the University dealing with the same subject matter.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1) FS. History–New 9-30-75, Formerly 6C2-5.84.

6C2-5.088 Division of Sponsored Research.

(1) General Policies.

(a) The following general policies govern the operation of the Division of Sponsored Research, now the Office of Graduate Studies and Research under the direction of the Provost, Graduate Studies and Research, hereinafter called the Graduate Research Office.

1. The Graduate Research Office is an integral part of the University. Operating policies and procedures as they pertain to sponsored research, development and training programs shall conform to established policies of the Board of Regents.

2. One of the general functions of the Graduate Research Office is to administer and promote the sponsored research program inclusive of sponsored training and development programs and to support the total research program of the University in a manner which assures efficiency and effectiveness, producing the maximum benefit for the educational program of the University and maximum service to the State of Florida. In the performance of this general function, the Graduate Research Office is responsible, under the Provost, Graduate Studies and Research, for:

a. Arrangements for the conduct of sponsored research, development and training programs involving the services of University personnel or the use of University facilities.

b. Negotiation of contracts and grants with sponsors.

c. Maintenance of records related to the activities of sponsored research, development and training programs.

d. Budget preparation, management of the permanent Sponsored Research Development Fund and fiscal reporting.

e. Supervision of personnel employed by the Graduate Research Office.

f. Cooperation with other divisions and departments of the University and with other State universities and the Board of Regents to assure that the sponsored research, development and training programs are effectively advancing the educational and service objectives of the university system.

3. All monies deposited in the permanent Sponsored Research Development Fund which are not required to pay for direct costs of contracts and grants shall be used to pay the cost of operating the Sponsored Research section of the Graduate Research Office and to support other research programs in any area of the institution. The cost of operating the Division of Sponsored Research shall include direct costs and expenses incurred by the division but shall not include use charges on University buildings, custodial and maintenance expense, utilities expense, expenses for general administration, other indirect costs or expenses incurred or paid by the University.
4. All expenditures for the Sponsored Research Development Fund shall conform to the terms and requirements of the grant or contract under which they are received, as well as to this policy statement and any additional policies, not inconsistent with Board of Regents policies, established by the President.

5. Salaries of persons paid in whole or in part from Sponsored Research Development or Training funds will be within the same ranges for equivalent positions paid from state funds, and equivalent criteria will be applied in determining specific salaries, regardless of source and will conform to general University and Board of Regents policies in these matters.
   a. Salaries for regular employees shall be paid through the University grants and donations trust fund on deposit in the State Treasury.
   b. Funds for the payment of salaries of these regular employees shall be transferred, as needed, into the State Treasury from the permanent Sponsored Research Development Fund.

6. Operating expenses of the Sponsored Research Division other than salaries of regular employees, shall be paid from the permanent Sponsored Research Development Funds. These expenses include other personnel services, expenses and operating capital outlay. Persons appointed or employed for periods of less than twelve (12) months may be considered as temporary employees, and their compensation shall be classified as other personal services.

7. The President is authorized in accordance with Board of Regents policies to enter into and execute contracts and to accept grants for research and training.

8. The President is authorized to make such additional policies and procedures as he deems necessary to the proper conduct of the Division of Sponsored Research under the direct supervision of the Provost, Graduate Studies and Research.

(b) Organization and Functions. The Division of Sponsored Research under the direct supervision of the Provost, Graduate Studies and Research is operated as an integral part of the University to avoid any undesirable or inefficient separation of teaching and research. Whenever possible, the administration of supporting services for sponsored research purchasing, shops, maintenance, etc., will be provided within the usual University organization with as little duplication of effort as possible. The principal functions of the Division of Sponsored Research, Graduate Research Office are enumerated in subparagraph 2. above. The duties and responsibilities of the various University Officers are as follows:

1. The President has the final university authority and responsibility for the operation of the Graduate Research Office, Division of Sponsored Research. He has delegated the authority to execute contracts and accept research, development and training grants for the University to the Provost, Graduate Studies and Research.

2. The Executive Vice President and the Provost, Graduate Studies and Research coordinate research with the teaching program of the University and provide overall supervision of the research program.

3. The Provost, Graduate Studies and Research reviews and approves all research, development and training grant and contract proposals. This review determines conformity with University, Board of Regents’ and State policies and laws; that proposals are in proper form for submission to the potential sponsors; and that implied or definite University commitments of funds, space and personnel can be met. He:
   a. Administers the University patent policy.
   b. Maintains information about potential sources of funds to support University research. Communicates information about sources of support and research, development and training opportunities to the faculty.
   c. Maintains records and information about the research program(s) of the University.
   d. Prepares general reports of research activities required by the Board of Regents and necessary reports for research, development and training grants and contracts to the University.
   e. Prepares the annual budget for the operation of the Graduate Research Office, Division of Sponsored Research.
   f. Approves all purchases made as exceptions to the usual State purchasing procedures.
   g. Recommends to the Executive Vice President action to be taken in the acquisition of computer equipment, and related computer items.
   h. Prepares for the President formal requests to the Board of Regents for the acquisition of land, construction or remodeling buildings, to be paid for with Sponsored Research Funds.
   i. Supervises employees of the Graduate Research Office, Division of Sponsored Research, except those for whom he has only a coordinative responsibility.
   j. Supervises the fiscal administration of research, development and training grants and contracts accounts and the purchasing from grants and contracts accounts.
   k. Approves appointments of all employees of the Division.

4. The Associate Provost for Research is directly responsible to the Provost, Graduate Studies and Research for:
   a. Executive management, administration and supervision of research, development and training contracts or grants administration.
   b. Establishment and maintenance of operations concerned with proposals to and projects supported by granting agencies.
   c. Liaison between University officials and faculty and sponsoring agencies in matters relating to the preparation of proposals and coordination and supervision of sponsored research, development or training projects.
   d. Developing and directing management control including personnel, operating budgets, property control, procurement, patents and copyrights and reporting systems for all sponsored research, development and training projects.
5. Under the management control of the Associate Provost the Assistant Director of Research will be responsible for budget control, record keeping and accounting for all funds in the permanent Sponsored Research Development Fund. He will maintain such records and make such reports as are required by law, by the Provost, Graduate Studies and Research, the University Comptroller, and by good accounting practice. He will be responsible for determining that expenditures are made and reported within the terms of the grant or contract as well as within the regulations of the Division of Sponsored Research.

6. Developing and maintaining liaison with the Director of Purchasing to expedite the purchases made from funds of the Sponsored Research Development Fund. He will see that the purchasing requirements of the State and of the granting agencies are met, or if exceptions to the State regulations are to be made, that such have the approval of the Provost, Graduate Studies and Research.

(2) Operating Procedures.
(a) The operating procedures of the Graduate Research Office, Division of Sponsored Research, shall conform to established policies and procedures of the Board of Regents and of the Florida State University except where otherwise specifically indicated below.

1. Regulations of Effects of Research, Development and Training Contracts, Grants and Gifts on the Educational Program of the University and on the Welfare of the State of Florida. Proposals for the solicitation of funds from agencies outside the University will be treated as follows: The principal investigator will arrange with his Department Head/Chairman for a schedule of duties that will allow adequate time to prosecute the proposed research, development or training program, obtain approval that such research, development or training is in the best interests of the department, of the Florida State University and the State of Florida, and assurance that the facilities of the department are adequate for the performance of the research, development or training project or that adequate facilities can be provided.

2. Proposals will be further reviewed by the Provost, Graduate Studies and Research to see that the research, development or training program is appropriate to the role and scope of the University and to its goals of service, good teaching and the advancement of knowledge and that the proposed contract or grant is legally and fiscally sound.

3. Administration of Personnel: Appointments of all employees shall be made in accordance with standards applicable to employment elsewhere in the University, except as set forth below, with respect to recruitment and selection; employment contracts; wage and salary administration; fringe benefits, such as holidays and prerequisites; Workers’ Compensation; unemployment compensation; retirement; nepotism; outside employment; political participation; loyalty oath and termination of employment. The following exceptions to the above general employment procedures will prevail: temporary personnel at any salary level may be appointed on the Sponsored Research Development Fund without obtaining approval outside the University.

4. Purchasing: All of the purchases of the Division of Sponsored Research shall be made in accordance with the policies and procedures of the Board of Regents for other University purchases. Exceptions to the requirements may be made in accordance with sponsored research exemption procedures set out in Rule 6C2-5.0081, F.A.C.

5. Budgeting and Accounting: The budgeting and accounting of research, development and training contracts and grants shall conform with the standards and methods of good accounting practices and in accordance with such standards and methods compatible with Agency, University and State of Florida procedures.

6. Financing, Construction and Use of Physical Facilities: Whenever Sponsored Research Development Funds, either wholly or in combination with other non-state sources, are to be used for the construction or the purchase of real property, a request for the purchase of construction shall be presented by the President to the Board of Regents for review and recommendation. Such requests will go to the Board of Education when required. Title to all real property shall vest in the Board of Education.

7. Inventory of Assets: An inventory of property acquired through the use of Sponsored Research, Development or Training Funds will be maintained in a manner similar to that employed for State fund acquired property. Custodial rights will be vested in the University – not the division of sponsored Research.

8. Insurance: Custodians of property acquired through the use of Sponsored Research, Development or Training funds will be vested in the University. It will then be the University’s responsibility to protect such property with adequate insurance.

9. Copyrights and Patents: Copyrights and patents will be administered in accordance with policy prescribed by the Board of Regents and the Florida State University. Any royalties or other revenues accruing therefrom shall be deposited in the permanent Sponsored Research Development Fund for further distribution as prescribed by the Board of Regents and the Florida State University Policy.

10. Legal Aspects of Contracts, Grants, and Gifts: All research, development and training contracts and grants shall be examined as to legality prior to their execution. Any contract or grant that may unduly obligate the University in any way shall be referred to the University Counsel for examination and opinion. If deemed necessary, the documents may be forwarded to the Attorney General for opinion and/or approval and shall be returned by him with comments to the Provost, Graduate Studies and Research, with a copy of these comments to the Board of Regents. Only the President or his duly appointed representative may execute or accept research development or training contracts and grants.

11. Solicitation of Research, Development and Training Contracts, Grants and Gifts: The Provost, Graduate Studies and Research or other authorized persons may solicit research, development or training support, but all proposals for support must conform to University policy and must have the approval of the Provost, Graduate Studies and Research.
12. Negotiation and Execution of Sponsored Research, Development or Training Contracts and Grants: Negotiations of research, development or training contracts and grants will be made between the Agency and the University. The Provost, Graduate Studies and Research is responsible for the University negotiations but shall consult with the principal investigator/project director in matters affecting the substance of the research, development or training to be conducted.

13. Fixing and Collecting of Fees, Payments and Gifts, Deposit of Receipts: Fees, Payments and other collections will be made in accordance with existing State, Board of Regents and University regulations. Other fees or payments not covered by grant and contract provisions will be fixed by the appropriate University official, in consultation with the Provost, Graduate Studies and Research and the principal investigator/project director. The collection and deposit of such fees will be made by the University Comptroller in the State Treasury.

14. Management of the Sponsored Research Development Funds:
   a. Budget preparation of the permanent Sponsored Research Development Fund is the responsibility of the Provost, Graduate Studies and Research. Fiscal accounting of the Sponsored Research Development Fund as well as the receipt and disbursement of funds shall be done by the Assistant Director of the Research under supervision of the Provost, Graduate Studies and Research cooperating with the University Comptroller. Any funds accruing after payment of all direct costs associated with sponsored research, development and training programs will be used to promote the programs of research, development or training within the University in the following ways in accordance with the State of Florida, Board of Regents and University policy.
   b. The first responsibility of the division of Sponsored Research will be to provide efficient and effective support of the sponsored research, development and training programs of the University. Administrative costs of operating the Division of Sponsored Research and of providing necessary supporting services of sponsored research and training programs shall take the first priority for use of indirect-cost funds. After these needs are provided, remaining funds will be used as directed by the Board of Regents and University policy which shall include providing for the development of new research, development or training programs and the expansion of existing ones.


6C2-5.0881 Sponsored Research Exemptions.

(1) General Information:
   (a) Subsection 240.241(9), Florida Statutes, allows the University, in particular instances, to exempt the purchase of materials, supplies, equipment or services for research purposes from the general purchasing requirements of Chapter 287, Florida Statutes. Also subsection 240.241(12), Florida Statutes, allows exemption from Chapters 215 (Financial Matters), 216 (Planning and Budgeting), and 283 (Public Printing and Stationary), subject to subsection 240.241(9), Florida Statutes.
   (b) The exemption shall be exercised only when the Vice President for Research certifies to the President, that it is necessary for the efficient or expeditious prosecution of a sponsored project.

(2) Exemption Criteria: Exemptions may be granted from various statutory requirements if the conditions noted below exist.
   (a) Competitive Bidding.
      1. The request to be exempted from the competitive bidding requirements must demonstrate that the exemption is “necessary for the efficient or expeditious prosecution of a research project”. This shall be shown, for example, where a certain vendor is specified in a prime contract or grant award; a certain vendor is approved in writing by the prime contractor or granting agency in accordance with the provisions of the prime contract or grant award; the purchase of specific goods or services from a certain vendor can be demonstrated to be more efficient or expeditious based on compatibility, availability, or the current capabilities of the Principal Investigator and staff; the purchase of specific goods or services from a certain vendor is mandated by scientific or technical requirements; the purchase of specific goods or services from a certain vendor can be demonstrated to meet the statutory criteria “necessary for the efficient or expeditious prosecution of a research project”.
      2. The Principal Investigator’s exemption request must include:
         a. Detailed justification for the request;
         b. Written quotation from the requested vendor detailing the price, the FOB point, responsibility for freight and insurance, and payment terms;
         c. Statement and/or other evidence that some form of price comparison or determination of price reasonableness has been performed; and
         d. Completed conflict of interest statement by the Principal Investigator (subsection 287.057(19), Florida Statutes)
      3. The Principal Investigator will submit the request for the sponsored research exemption to the Office of the Vice President for Research, allowing sufficient time for adequate review of the request. The request shall be accompanied by the general requisition, the documentation listed above and any additional essential documentation.
         (b) Documentation and Advance Payments. To obtain exemption authorized by Chapter 215, Florida Statutes, the following conditions must be met:
            1. Documentation:
a. Subcontractors’ invoices shall contain a level of detail that is, at a minimum, commensurate with the level of detail and reporting required of the University by the prime contract or grant award; and
b. Subcontractors’ invoices submitted to the State Comptroller for payment must contain a certification that receipts in support of the invoice are maintained in the contractor’s records and may be inspected by officials of the State of Florida.

2. Advance Payments:
   a. Advance payment must be necessary to fund extensive start-up costs, realize discounts or cost savings, or create adequate cash flow in order to provide required goods or services.
   b. The Principal Investigator must be responsible for determining that all goods/services, for which an advance payment has been made, are satisfactorily received.
   c. The University may require the vendor to secure some form of liability protection to cover the amount of advance payments. In making this determination, based upon the facts and circumstances of each case, the University’s exposure to risks shall be considered.
   d. When an exemption under paragraph (2)(b) is authorized, the contract will contain the following provision, “The Contractor agrees to return to the University any over payments due to unearned funds or funds disallowed pursuant to the terms of this Contract or by the prime agency that were disbursed to the Contractor by the University. Such funds shall be considered University funds and shall be refunded to the University within 45 days following the time the overpayment and/or disallowance is discovered unless otherwise authorized by the University in writing. In addition, the Contractor agrees to exclude from its expenditure reports and any other claims for reimbursement any amounts disallowed by the prime agency and/or the University in accordance with the terms of this contract.”

(c) Miscellaneous Exemptions.
   1. Other exemptions may also be authorized if it can be demonstrated that they are necessary for the efficient or expeditious prosecution of a project. These include but are not limited to:
      a. Travel: A subcontractor may be reimbursed for travel expenses of non-State of Florida personnel performing travel under a sponsored research subcontract in accordance with the provisions of the applicable prime contract or grant and the travel allowances normally provided by the subcontractor.
      b. Confidentiality: Where the conditions of subsection 240.241(2), Florida Statutes, are met, some information may be protected from disclosure as a public record pursuant to Chapter 119, Florida Statutes, if the research activity necessitates an exemption from public scrutiny.

(3) Certification by Vice President for Research:
   (a) The Certification shall:
      1. State the necessity for exemption;
      2. Specify the legal or procedural requirements to be set apart; and
      3. Define the purchase, contract, award, project, or interrelated activities for which the exemptions are being given, specifically identifying the project title and number, contract title and number, as appropriate.
   (b) Distribution:
      1. The original certification will be sent to the University President.
      2. A copy of the Sponsored Research Exemption Certification memorandum provided to the President, the general requisition and a copy of the other documentation listed above will be sent to Purchasing.
   (c) Purchasing will be responsible for compliance with all other State of Florida and University rules and regulations. Prior consent to a Sponsored Research Exemption by the Director of Purchasing is not required, although his/her advice and counsel may be sought. However, if after viewing the documentation provided, Purchasing has knowledge of any information that would impact the use of a sponsored research exemption, the Office of the Vice President for Research shall be contacted prior to issuance of the purchase order. Any purchase order issued under a sponsored research exemption will contain a statement indicating that a sponsored research exemption was given.
   (d) Purchasing will forward a copy of the certification, along with a copy of the contract and/or purchase order to the University Controller’s Office. The University Controller’s Office will forward a copy of these documents to the State Comptroller as an attachment to the voucher for the payment of the first invoice.

(4) Other Requirements:
   (a) A sponsored research exemption shall only be used when the purchase of goods or services is fully funded from sponsored research funds. Payments made for purchases or other actions under a sponsored research exemption shall not be reimbursed subsequently from other University funds.
   (b) A copy of the Sponsored Research Exemption Certification and any supporting documentation will be maintained in the Office of the Vice President for Research.

Specific Authority 240.227(1) FS. Law Implemented 240.241(2), (7), (9), (12) FS. History–New 10-20-91.
6C2-5.090 Center for Professional Development and Public Service.

(1) The Center for Professional Development and Public Service is the instructional outreach arm of the University. As such, it is responsible for developing, coordinating and managing educational outreach activities sponsored by the University. The mission of the Center is to bring together outstanding resources from the University and beyond for the purpose of offering life-long learning opportunities, at an academic and/or content level which complements and extends the offerings of secondary and lower division postsecondary institutions, to meet personal aspirations for professional development and advancement and for life enrichment.

(2) The overall responsibilities of the Center for Professional Development and Public Service are to:
(a) Perform the overall planning, coordination, and management of off-campus credit courses, degree programs, sponsored credit institutes, and special credit instruction serving non-regularly matriculating students.
(b) Assist the faculty and staff of the University and representatives of outside agencies in planning, managing and conducting non-credit educational programs sponsored by the University, and units thereof, for external organizations, professional groups, and other adult audiences.
(c) Manage, for the University, all programming aspects of the Florida State Conference Center, including scheduling.
(d) In coordination with the University Space Reservations Office, review and approve or disapprove for the University all space requests for non-credit conferences, seminars, meetings, workshops, classes, training sessions, teleconferences or other programs which contain an educational component, identify the Florida State University or a constituent unit of the University as the sponsor or co-sponsor, and which serve any participants other than faculty or admitted undergraduate or graduate degree-seeking students of the University. In all such cases, the Center shall be the University’s agent for the following functions:
   1. Collection of fees from participants to pay for any or all costs related to the presentation of the program.
   2. Payment of compensation by the University to participating instructors or presenters.
   3. Recording individual or institutional Continuing Education Units with the Office of Records and Registration.
(e) Off-campus credit programming is concerned with the educational needs of individuals and groups, other than students resident at the University, who require programs carrying formal academic credit, as well as with the educational needs of certain regular matriculating students of the University. The primary off-campus credit responsibilities of the Center are to provide a wide range of opportunities for the citizens of Florida to continue their formal education and learn new skills, and to utilize the resources of the University to assist business, industry, government, and the professions toward solutions to their problems.
(f) The overall objectives of the Center for Professional Development and Public Service with regard to off-campus credit programming are:
   (a) To educate and re-educate for effective participation in the world of work.
   (b) To produce informed citizens so necessary to the preservation of our free society.
   (c) To provide opportunities for optimal individual growth and personal fulfillment for adult citizens.
   (d) To maximize the University’s contribution to the solution of state and local governmental problems by maintaining proper liaison and communication with state and local governmental agencies, whereby faculty expertise, research facilities, and other resources of the University can be readily brought to bear on governmental problems.
(g) In its pursuit of the above objectives, the Center provides various types of programs and services. Among these are:
   (a) Off-campus credit courses and programs which may be applied toward baccalaureate, master’s, specialist or doctoral degrees;
   (b) A variety of intensive, short-term educational programs, such as credit workshops, seminars, or institutes, designed to accommodate adult individual and/or group needs; and
   (c) Consultations and discussions between faculty and staff of the University and public officials at the state and local levels, dealing with community and state problems.

6C2-5.090.010 Off-Campus Credit Courses.

(a) An off-campus credit course may be initiated in either of two ways: by formal request of a local group having an interest in or a need for a particular course, or at the suggestion of the faculty of a college or school within the University who determine, on the basis of their knowledge of needs in a given area of the State, that a particular course is warranted.
(b) It shall be the responsibility of the Deans and their faculties in the various schools and colleges of the University to perform the following functions in connection with the off-campus credit programs of instruction:
   1. Determine, on the basis of evaluation of requests received, which courses will be taught during a given term, indicating which instructors are authorized to receive extra compensation, and inform the Director, Center for Professional Development and Public Service of these decisions by means of forms prescribed for this purpose, and in accordance with time schedules established by the Board of Regents.
   2. Decide who will teach the courses, and make the necessary teaching appointments. All such appointments, both full-time and part-time, shall be approved in writing by the dean of the appropriate school or college, and copies of all appointments, with pertinent budgetary information, and any subsequent changes made therein, if any, will be forwarded to the Director, Center for Professional Development and Public Service.
   3. Prepares the necessary travel authorization forms for instructors’ travel.
   4. Supervise the instructional aspects of the program and provide the necessary educational counseling services to assure courses of high quality.
5. Initiate requests for instructional materials needed by the instructors, including textbooks, library materials, audiovisual aids and equipment, and consumable instructional supplies.

6. Provide information concerning their continuing education activities as requested by the Director, Center for Professional Development and Public Service.

(c) In addition to the duties and responsibilities outlined in the preceding paragraphs, the Director, Center for Professional Development and Public Service has the following responsibilities in connection with the off-campus credit program of the University:

1. Administratively coordinate the program for the University, supervise and articulate the budget, and maintain continuing liaison with the participating schools and colleges within the University, and appropriate external contact persons.

2. Provide consultative services to business and professional groups in the identification and clarification of their educational needs, and interpret these needs to the academic schools and departments within the University.

3. Assist the University Office of Records and Registration in connection with registration procedures.

4. Provide publicity for the program. This will include the preparation and release of off-campus credit course listings, brochures describing particular course offerings and special announcements of public interest concerning the program.

5. Provide information concerning the administration of the program as needed by the deans, department heads, and off-campus instructors to enable them to fulfill their responsibilities effectively.

6. Process all travel authorization requests, requisitions for the purchase of supplies, books and/or equipment, and appointment of personnel whose salaries are charged in whole or in part against the budget for the Center for Professional Development and Public Service.

(d) Procedures.

1. Course Cancellations. Once an off-campus course has been agreed upon and included in the schedule, it will not be cancelled without such action being first coordinated with the Director, Center for Professional Development and Public Service. Only under circumstances such as the unanticipated termination of the instructor, and where a qualified replacement cannot be found, should the cancellation of a scheduled course be requested. In the event that enrollment is below minimum at the first scheduled meeting of a class, the instructor will meet the class a second time, unless otherwise requested by the Director, Center for Professional Development and Public Service. If at the second scheduled meeting of the class the enrollment is still below the minimum, the instructor will, within 48 hours, call this to the attention of the Director, Center for Professional Development and Public Service, for a decision as to whether to cancel the class.

2. Course Changes. Schools and colleges will give careful thought and study to the selection and assignment of capable instructors to teach off-campus courses. Once an instructor has been designated and listed in the Program FORECAST catalog of classes, every effort should be made to assure that the designated instructor will teach the course as scheduled. Notification of a change of instructor will be sent to the Director, Center for Professional Development and Public Service with an explanation of the necessity for such changes, as soon as the need occurs. Notice of changes made will be communicated to the appropriate office and personnel by the Director, Center for Professional Development and Public Service. Classes scheduled for a particular time and location should be made, the desired change should be immediately coordinated with the Director, Center for Professional Development and Public Service, for a decision as to whether to cancel the class.

3. Use of Adjunct Professors. Members of the regular faculties of the colleges and schools of the University will be assigned to teach off-campus wherever possible. In those cases where the need for a course exists and a regular faculty member cannot be assigned to teach it, the school or college concerned is encouraged to consider the use of qualified adjuncts before refusing the request.

4. Quality of Instruction. It is the policy of the University to take such steps as are necessary to assure that the instruction in off-campus courses is of high quality. A course will be offered off-campus only when the school or college concerned has satisfied itself that the arrangements in terms of available facilities, instructional materials, and qualified instructors are such as to make possible a quality of instruction comparable to that provided when the course is offered on campus.

5. Residence Credit. Courses for credit offered away from the confines of the University campus will be accorded the same status as their counterpart courses offered on the main campus. The faculty, support services, and physical facilities shall be of such quality to assure full comparability of the course offered to its on-campus counterpart. Off-campus course credits are accepted up to the residency limitations of a given school, college or department as determined by those academic units, in accordance with such requirements for residency as published in appropriate catalogs or brochures.

7. Contract and Grant Supported Off-Campus Credit Activities.

(a) A faculty member who wishes to submit to an external funding agency a contract or grant proposal involving the services of the Center for Professional Development and Public Service will discuss the proposal at its inception with the Center Director or his designated staff representative. When agreement is reached between them on the feasibility and operational parameters of the proposed program, the faculty member will submit the proposal to his department chairman and then to his academic dean for approval. If approved by them, a copy of the proposal and the original of the transmittal form will be sent to the Director, Center for Professional Development and Public Service.
(b) The Director, Center for Professional Development and Public Service will review and approve or disapprove the proposal under existing criteria and policies of the University and regulations of the Board of Regents relating to such programs. Where the proposed program requires coordinative and logistical support services in the process of its development and implementation, Center for Professional Development and Public Service will provide such services, or arrange for them to be provided, and include the actual cost thereof in the budget of the proposal. Where a proposal contains both a research component and a credit course component, the Director, Center for Professional Development and Public Service will be concerned only with the latter.

(c) When a credit course contract and/or grant proposal is approved by the Director, Center for Professional Development and Public Service, it will be sent to the Office of the Dean, Graduate Studies and Research for final review and approval by the contracting officer for the University, and submission by him to the funding agency.

(8) Non-credit programming is concerned with the educational needs of individuals and groups other than regular matriculating students of the University. The mission of the Center non-credit programming is to bring together appropriate University educational resources to help meet the professional and personal developmental needs of the citizens of Florida, state and local government, and other public and private organizations.

(9) The primary objectives of the Center for Professional Development, and Public Service’s non-credit programming are:

(a) To educate and re-educate for effective professional growth.
(b) To educate and re-educate for personal and societal growth.
(c) To maximize the University’s contribution to the solution of state and local governmental problems by maintaining liaison and communication with state and local governmental agencies, whereby faculty expertise, research facilities, and other resources of the University can be readily brought to bear on governmental problems.
(d) To continuously assess professional development, governmental and community service needs in Florida to ensure that the activities of the Center’s non-credit programming are responsive to these needs.
(e) To engage in on-going evaluation of both the effectiveness and efficiency of all endeavors of the Center for non-credit programming.

(10) In its pursuit of the above objectives, the Center provides various non-credit programs and services. Among these are:

(a) A variety of Continuing Education Unit (CEU) programs, such as conferences, short courses, workshops, seminars, teleconferences or institutes, designed to accommodate adult individual and group needs.
(b) Receipt and deposit, on behalf of the University for the State, all fees paid for non-credit educational programs conducted on the campus or bearing the name of the University or any college, school or unit of the University.
(c) Consultation and discussions between faculty and staff of the University, representatives of the citizenry, and public officials at the state and local levels, dealing with community and state problems.
(d) On-going needs assessment and evaluation both through formal, written instruments and verbal feedback.

(11) The Director of the Center for Professional Development and Public Service will approve CEU activities on behalf of the University, and all units of the University offering non-credit programs will coordinate those programs with the Director, Center for Professional Development so that the CEUs may be properly recorded. The following policies relating to the various categories of CEU programs will be observed by all concerned.

(a) CEU Programs Planned, Developed, and Sponsored by the University for Business and Professional Groups, Governmental Agencies, Associations, and Other Outside Adult Groups.

1. The Director of the Center for Professional Development and Public Service, in considering requests and in assessing needs for such programs will be guided by the following criteria:
   a. The proposed activity is/has been developed in response to a clearly identified educational need.
   b. The educational need to be served is of collegiate nature, and involves participants who are functioning at the college level.
   c. The activity is one which a local community or junior college, if available, cannot, or does not, provide, or it is a program which the participating groups and the president of the local community or junior college feel that The Florida State University is better able to provide.
   d. The proposed activity or program is related to the program or emerging interests of one or more colleges, schools or units within the University.
   e. One or more colleges, schools or units within the University have agreed to co-sponsor the activity and to be responsible for the instructional program.
   f. Suitable space and facilities are available to accommodate the needs of the group involved.
   g. The program design is such that the educational part occupies the major portion of each participant’s time.
   h. Financial arrangements agreed to by the group, Center for Professional Development and Public Service, and departmental sponsor appear adequate to make the activity financially self-sustaining.
   i. Any liability which the University incurs as a result of its sponsorship and management of the activity is adequately covered by appropriate insurance.
   j. The program meets the seven criteria required for awarding Continuing Education Units. The criteria are: 1. The non-credit activity is planned in response to an assessment of educational need for a specific target population; 2. There is a statement of objectives and rationale; 3. Content is selected and is organized in a sequential manner; 4. There is evidence of pre-planning which should include opportunity for input by a representative of the target group to be served, the faculty area having content expertise, and continuing education personnel; 5. The activity is of an instructional nature and is sponsored or approved by an academic or
administrative unit of the institution best qualified to affect the quality of the program content and to approve the resource personnel utilized; 6. There is a provision for registration for individual participants and to provide data for institutional reporting; 7. Appropriate evaluation procedures are utilized, and criteria are established for awarding of CEU’s to individual students prior to the beginning of the activity. This may include the evaluation of student performance, instructional procedures, and course effectiveness.

2. Once the program is approved, a program administrator from the Center for Professional Development and Public Service will be assigned by the Director of the Center to work with representatives of the sponsoring school or unit, the outside group, and the various service and support units within the University, to assure that the needs of the program are accommodated. It will be the responsibility of the program administrator to render the following services, as needed:
   a. Assist in need assessment of clientele group.
   b. Assist in the design of the program in light of adult education principles.
   c. Prepare a budget for the activity and submit it to the Director of the Center for Professional Development and Public Service.
   d. Establish and supervise a budgetary account for the activity, collect and deposit into the account all fees and/or other income accruing for the support of the activity, and see that all expenses properly charged against the account are paid. No indebtedness in relation to the program will be incurred by any other department or school within the University.
   e. Provide for processing overload or dual compensation to faculty for continuing education service.
   f. Make the official commitments for University housing, food services, meeting rooms, and any special equipment required.
   g. Provide on-site program management.
   h. Arrange for transportation, photography, sign painting, and duplication of instructional materials, as needed.
   i. Assist the sponsoring faculty or staff member in the planning and operation of the instructional program and provide liaison between the sponsoring colleges, school or unit and other units and groups involved in the activity.
   j. Arrange for the preparation of announcements, brochures, certificates, and contracts for printing, duplicating, etc.
   k. Provide information for the Office of Media Relations concerning publicity for the activity if appropriate.
   l. Conduct the registration of participants and cause to be recorded a permanent record of the Continuing Education Units earned by the participants.
   m. Collect fees, issue conference packets, etc.
   n. Assist in the evaluation of the activity.
   o. Provide or assist in obtaining such other logistical services as may be required for the successful operation of the program.
(b) University unit-sponsored CEU Programs Conducted by Professional Associations and Groups not Connected with the University.
1. The faculty or staff member wishing to invite an outside group to the campus and sponsor its program will first secure permission from his department head or chairman and/or his academic dean.
2. The faculty or staff member and/or the dean will then advise the Director of the Center for Professional Development and Public Service of the request, and provide him/her with the following:
   a. The necessary information about the group and its program to enable the Director to determine space, facilities, and service requirements, and
   b. Plans for financing the activity which assure that all necessary expenses will be paid.
3. The Director of the Center for Professional Development and Public Service will make the necessary arrangements and advise the sponsoring faculty or staff member and/or dean as to the availability of the required space and facilities.
4. If the services of the Center for Professional Development and Public Service are jointly determined not be needed for the program, all details of the program will then be the responsibility of the sponsoring member who will keep the Director of the Center for Professional Development and Public Service informed of developments and changes, if any, in the scheduled plans.
5. The sponsoring member will file with the Director of the Center for Professional Development and Public Service such reports concerning the activity as may be required of the University, including the names and addresses of the participants and a copy of the program agenda.
(c) CEU Programs Designed Primarily for Youth and Sponsored by a Department within the University.
1. The following criteria will be applied in considering such activities for sponsorship and approval:
   a. The role to be performed by the sponsoring department is appropriate to the overall function of the University.
   b. A budget has been developed and agreed to by all concerned indicating that the activity can be operated on a self-sustaining basis.
   c. The space and facilities required in connection with the activity will be available for its use.
2. If the program is approved, the sponsoring department within the University and the Center for Professional Development and Public Service will jointly decide how the details of the program are to be handled.
(12) Policy on Registration and Fees in Special Programs.
(a) The Director of the Center for Professional Development and Public Service will develop appropriate forms, establish the procedures, and be responsible for the registration of participants in CEU activities such as conferences, institutes, seminars, workshops and clinics offered by the University. In so doing he will work closely with the academic deans within the University.
(b) Tuition and Fee Policy for Special Programs.
1. The following rules will govern the collection of fees for non-credit educational programs conducted on campus:
a. Fees collected for programs wherein it would reasonably be perceived by the public that the program was being conducted and/or the monies being handled by the University shall be paid to the Florida State University and shall be collected and accounted for by the Center for Professional Development and Public Service. All programs arranged by University units or University related groups or organizations shall fall within this rule.

b. When there is a non-University client of sufficient reputation and/or organizational substance to be clearly recognized by the program target population throughout the program marketing area, and that client may reasonably be expected to be financially sound and responsible, that client may conduct its program “in conjunction with” or “at” the University, and collect fees in its own name. The client will then pay the Center directly for all services rendered by the University or any of its components. When a non-University client does not, in the judgment of the responsible Center Director, meet the criteria of this rule, rule a. above shall apply.

c. Fees for meals and lodging, if collected from participants in the name of the provider and by the provider or sponsor separate and distinct from program costs, need not be collected by the Center.

d. Fees for meals and lodging, if incorporated in the program fee, or if collected by the Center, shall be paid to The Florida State University through the Center. If such fees are paid to University Food Service or Housing by the Center on behalf of a University sponsor, the Center will charge the University sponsor for the Center Services but will not charge the University support rate for the funds involved. If the sponsor is not a University unit, or if meals and lodging are paid on behalf of the sponsor to any other provider than University Food Service or Housing, the Center may charge the sponsor for Center Services and University support.

2. Conferences, Seminars, Short Courses, Workshops, Non-Grant Institutes and Clinics Supported by Fees Collected from Participants. It is not necessary to charge matriculation, out-of-state tuition, and/or application fees for participants in conferences, seminars, short courses, and non-grant institutes, provided that budgets, as approved by the Director of the Center for Professional Development and Public Service, indicate that conference registration fees charged the participants are established at a level which will cover:

   a. Substantially all direct costs of the activity.
   b. Overhead as a percentage of direct costs, at a rate to be approved by the President.
   c. Fees for meals and lodging, if collected in the name of the provider and by the provider or sponsor separate and distinct from program costs, need not be collected by the Center.

3. Instructional Institutes Supported by Grants. Matriculation, out-of-state tuition, and application fees need not be charged for participants in institutes supported by grants from sponsoring organizations and agencies where:

   a. Substantially all of the direct costs are paid by the sponsoring agency.
   b. Students participating are restricted in number by the sponsoring agency.
   c. Participants receive stipends under the terms of the grant.

In the case of a CEU, grant supported institute, where students other than those designated by the sponsoring agency are admitted, such students will be charged a registration fee commensurate with those normally charged for programs described under paragraph (12)(a) above.

4. In order that the Center for Professional Development and Public Service, a self-supporting unit of the University, may help professional organizations and state and local government agencies, serve their staff development needs, the Director of the Center is authorized to sign Letters of Agreement with external agencies committing the Center’s resources and services in working with such agencies or organizations. This authority does not extend to the acceptance of funds emanating from the federal government.

(13) Contract and Grant Supported Non-Credit Training and Professional Development Programs.

a. A faculty member who wishes to submit to an external funding agency a contract or grant proposal involving conferences, seminars, institutes and/or workshops will discuss the proposal at its inception with the Director of the Center for Professional Development and Public Service or a designated staff representative. When agreement is reached between them on the feasibility and operational parameters of the proposed program, the faculty member will submit the proposal to his department chairman and then to his academic dean for approval. If approved by them a copy of the proposal and the original of the transmittal form will be sent to the Director of the Center for Professional Development and Public Service.

   b. The Director of the Center will review and approve or disapprove the proposal under existing criteria and policies of the University and regulations of the Board of Regents relating to continuing education programs. Where the proposed program requires coordinative and logistical support services in the process of its development and implementation, the Center for Professional Development and Public Service will provide such services and include the actual cost thereof in the budget of the proposal. Where a proposal contains both a research component and a continuing education component the Director of the Center for Professional Development and Public Service will be concerned only with the latter. The Center requires a 48 hour period in which to review the grant proposal before its submission to the Graduate Research Office.

   c. When a continuing education contract and/or grant proposal is addressed to a federal or state governmental funding agency and has been approved by the Director of the Center for Professional Development and Public Service, it will be transmitted to the Graduate Research Office for final review and approval by the contracting officer for the University, and submission by him to the funding agency. Only when such a continuing education contract or grant proposal has been approved and signed by both the Director of the Center for Professional Development and Public Service and the University Contracting Officer will it be submitted to a federal or state funding agency.

(14) The Florida State Conference Center.
(a) The Florida State Conference Center is designed to equip the University with the facilities to provide continuing professional education as well as cultural and personal enrichment for adults, and to house the staff of the Center for Professional Development and Public Service. The Director, Center for Professional Development and Public Service is responsible for the operation of the Florida State Conference Center.

(b) All programs offered in the Florida State Conference Center must meet the following criteria:
   1. The program being offered must have a clearly identified educational purpose.
   2. The use must be related to the teaching, research and/or public service missions of the University;
   3. The use must have the sponsorship, co-sponsorship or nominal sponsorship of a recognized University unit, or have appropriately authorized involvement or participation of members of the University faculty or staff;
   4. The program offered must represent community, state, regional or national educational interests and needs.

(c) Authority resides in the Director, Center for Professional Development and Public Service, to make final judgments concerning program adherence to the above criteria in paragraph (14)(b) above.

(d) For purposes of extending the use of the Center facilities to members of the University community and general public, the following categories of potential users are recognized:
   1. University Units. University Units are those which are charged with carrying out an official function or purpose of the institution. These units are an official arm of the University and receive a budget allocation. Included in this category are those faculty members and administrative and professional and career service employees performing assigned duties and responsibilities. University units may use the facilities of the Center for programs which meet the Center Program Criteria listed above.
   2. Non-University State Units. Non-University State Units are offices, agencies, and institutions funded by the State of Florida, operated as a component of the public sector, but not a unit of The Florida State University. Non-University State units may use the Center facilities for programs which meet all Center Program Criteria listed above. In this case, nominal sponsorship by a University unit, is required.
   3. University Related Groups and Organizations. University related groups and organizations which are not operated as an established unit of the University fall into this category. These groups and organizations may or may not receive budgetary support. These groups or organizations may use the Center facilities for programs which meet the Center Program Criteria in which case the endorsing or participating University unit, faculty or staff member must be a signator to the program Letter of Agreement, and must provide assurance therein of the fulfillment of the Center Program Criteria.
   4. Non-State Persons, Groups and Organizations. This category consists of those which are not operated as funded units of the State or of The Florida State University. Such groups may be primarily interested in community service, organizational benefit, or private gain. Non-State persons, groups, or organizations, as a general rule, may use Florida State Conference Center facilities for offering or programs when Florida State University faculty or staff endorse or participate in the program, when the involved University unit, with the approval of the appropriate dean or director, becomes the sponsor or co-sponsor, or when nominal sponsorship is provided by the appropriate University unit.

(e) In all cases, the final decision as to whether a requestor qualifies for use of the facility for a proposed program shall rest with the Director, Center for Professional Development and Public Service.

(f) Florida State Conference Center Space Reservation Procedures. The procedures described below shall govern the reservation of space in the Florida State Conference Center:
   1. In those cases where the requestor specifically desires Florida State Conference Center facilities, the request should be initially addressed directly to the Center for Professional Development and Public Service.
   2. When requests for space are made to the University’s Space Reservation Coordinator and the facilities at the Florida State Conference Center may be the most appropriate to satisfy the need, the Space Reservation Coordinator shall refer the individual making the request to the Center for Professional Development and Public Service.
   3. When the Center for Professional Development and Public Service participates in program planning, and functions as program co-sponsor, the Center Program Administrator will assume responsibility for coordinating the reservation of Florida State Conference Center space.
   4. The Director, Center for Professional Development and Public Service, shall develop a system of space reservation procedures.
   5. Space will not be reserved for programs of less than one hour duration. There is no prescribed maximum length for programs in the Florida State Conference Center.
   6. The final decision as to the availability of space for a program rests with the Director, Center for Professional Development and Public Service.

(g) Programs conducted in the Florida State Conference Center shall be priced in accordance with pricing policies developed and promulgated by the Director, Center for Professional Development and Public Service. Differing rates may be established for different categories of users. The Director, Center for Professional Development and Public Service shall annually set these fees and rates for services on the basis of current costs associated with rendering those services. Rates shall be submitted to the University Director of Budget and Analysis for review.
(h) Space reservations may be cancelled at any time. However, in all cases, the agency or activity having reserved the space will be required to reimburse the Center for Professional Development and Public Service for all Center services and program costs accrued to the time of cancellation, and for program costs which cannot be cancelled, such as printing already in progress and hotel or motel space guarantees.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (7), (10), (14) FS. History–New 9-30-75, Formerly 6C2-5.90, Amended 7-28-86, Formerly 6C2-5.90.

6C2-5.095 Instructional Systems Development Center.

(1) Mission Statement for the Instructional Systems Development Center.

(a) It is the purpose of the Instructional Systems Development Center (ISDC) to bring to the Florida State University the tools, processes, and products of instructional science and technology in order to assist the departments and other units in the improvement of their instructional programs. ISDC serves as a University center of excellence for continuing developmental research in the area of instructional systems development. It continually seeks to discover means of organizing learning conditions so as to improve the efficiency and effectiveness of learning in both formal and non-formal settings. It attempts in collaboration with the appropriate FSU units to advance the state-of-the-art in the utilization of instructional media and technology, evaluation and measurement of instruction, and in the ways which other instructional resources can be most effectively deployed.

(b) ISDC, as its first priority, maintains itself in readiness to serve as a resource to the teaching faculty and to the academic units in the design, development, evaluation, and implementation of improved instructional programs, as requested and as its allocated resources permit.

(c) This capability also is made available to other institutions of higher education in the State University System and the community colleges of the State of Florida. It also assists the College of Education in its work with the public schools and the Elementary, Secondary and Vocational Divisions of the Department of Education of this state in its mission in instructional systems development. In these latter instances the College of Education has the primary responsibility to interfere with these agencies.

(d) Consonant with the foregoing, ISDC assists other foreign or domestic education and training agencies or institutions through research, training or technical assistance with the provision that these activities be supported by resources external to the regular University’s educational programs.

(2) The Center’s Responsibilities.

(a) Specifically, ISDC is the University’s instructional improvement services unit and one of its developmental research arms, and shares with the College of Education functions in the areas of instructional systems design and development, mediated instruction, educational technology, and in the evaluation of instruction. University activities and projects requiring support and resources in these areas turn first to ISDC for this support. If ISDC’s director indicates that such support is beyond ISDC’s capabilities or capacities, then non-ISDC resources may be developed or engaged. ISDC seeks the cooperation of the deans in relating to the faculty. ISDC seeks the written approval of any faculty member, appropriate department heads, and deans prior to obligating the member’s time on contract and grant agreements. Likewise, ISDC’s resources are not contractually obligated by any project director or administrative unit without prior consultation and the written authorization of the Center’s director.

(3) University Committee on Educational Technology.

(a) The President appoints a University Committee on Educational Technology consisting of fifteen persons representing the academic community and the community at large. The committee advises the director of ISDC on instructional improvement, educational systems development, and other applications of educational technology. The members of the council serve for three years with the initial appointments staggered to provide for rotation of the members.

(4) Personnel of the Center.

(a) Experience has shown that faculty members of ISDC have derived personal academic benefits from holding 25 percent appointments in appropriate instructional units, and that the instructional units have also derived significant advantages. Policies governing such appointments are as follows: The dean of the appropriate academic unit has the authority to grant ISDC personnel holding state-line faculty level positions a corresponding tenure-eligible appointment in an appropriate department or program if such faculty contribute an average of 25 percent of full-time academic unit in the course of a calendar year. The specific tasks the faculty member undertakes in meeting this quarter-time obligation – whether classroom teaching, student advisement, research, or service – is negotiated between the individual faculty member and his department head, subject to the concurrence of the director of ISDC and the dean of the appropriate academic unit. Any ISDC personnel on A & P or contract and grant appointment may, with the approval of the ISDC director, hold a temporary, non-tenure earning academic appointment (up to 25% full-time) in an appropriate instructional department, subject to the approval procedures of that department. Determination of the nature of the teaching assignment is the same as described in the preceding paragraph.

(b) ISDC also provides opportunities for faculty members not regularly assigned to the Center to engage in research on media, evaluation, and other aspects of instructional design. These faculty members may be assigned for varying portions of their time for such work by their department heads and deans with the concurrence of the ISDC director. This faculty time commitment may be paid for by ISDC or it may be contributed by the academic unit, which is to be determined by available resources, and the value and relevance of the work to the academic unit.
(c) Providing individual faculty members with opportunities to pursue their own research interests, and those of the Center, through voluntary participation yields highly positive effects. It allows faculty members, without projects of their own, to work in areas of their professional interests while permitting the Center access to a wide range of professional talent. This talent can be brought to bear on the problems of instructional development within the University and elsewhere.

(d) For those faculty members who spend a significant portion of their time in the Center, and are funded by the Center, the director of the Center should have input with regard to promotions, and tenure. Current University policy, based on Florida law, requires that individuals be evaluated on the basis of the performance of duties in the Center. In the case of divided members, the director of ISDC and the head of the department jointly prepare an explicit statement of these responsibilities.

(e) The Center offers faculty members and students the opportunity of working on projects outside their normal campus responsibilities. In order to maintain awareness of the state-of-the-art and to ensure that the Center is constantly abreast of new developments, faculty members have been engaged in a wide variety of projects in the United States and throughout the world. When it is mutually desirable for faculty to represent the Center off-campus, the time is negotiated with the faculty member, his department chairman, and dean, and the director of the Center. Since such projects are not usually related in a direct way to the faculty member’s primary responsibility, the academic unit will be reimbursed by ISDC for faculty time spent on these projects.

(f) When faculty level vacancies occur in the Center, the director of the Center will confer with the dean of the school and the chairman of the academic department in which the prospective faculty member will hold his academic appointment. Recruiting for such vacancies is a cooperative and coordinated effort to ensure that the best possible replacements are located and appointed. Academic appointments are subject to the normal faculty review and approval procedures.

(5) Audiovisual Media Development and Support.

(a) In order to insure technical compatibility and efficient utilization of University-owned audiovisual equipment, the Center shall monitor and advise on expenditures for such equipment. Further, in order to assure full benefit and use of audiovisual equipment, the Center shall advise on the allocation, distribution and maintenance of all University-owned major media equipment.

(b) The Center shall act as advisor and consultant to the University administration and faculty in all planning and budgeting activities related to audiovisual production, distribution, repair systems, or facilities planning.

Specific Authority 240.227(1) FS. Law Implemented 240.227(10) FS. History–New 9-30-76, Formerly 6C2-5.95.

6C2-5.097 Deletion of Courses.

(1) Any course not offered during any “eight regular semesters” will be deleted from the curriculum inventory unless there is justification for the retention. Justification for retention of a course includes: course curriculum is in process of being revised; prospective new or visiting faculty have been employed to teach the course; course was not taught due to temporary staffing and/or budgetary problems; course is part of a graduate/undergraduate combination, one part of which has been taught in the required time frame; course is required for accreditation; or the course is a type of variable topic nature which needs to be available due to public or student interest. In addition to the justification for retention of course statement a department desiring to retain a course will provide a copy of the course outline/syllabus. If approved by the University Curriculum Committee the course will be placed on probation for one academic year. This does not apply to Directed Individual Studies (DIS), Honors, Research or Internship courses.

(2) For purposes of deletion of a course, “eight regular semesters” refers to Fall and Spring semesters only, or four academic years. If a course is not taught during the eight regular semesters but is taught during a summer term within the four academic years, that course shall not be subject to deletion.

(3) The President, or Dean of Faculty if designated by the President, shall annually certify to the Board of Regents that the University has complied with the course review/deletion procedures.

Specific Authority 240.227(1) FS. Law Implemented 233.015, 240.227(1) FS. History–New 6-29-88.
CHAPTER 6C2-6 MISCELLANEOUS

6C2-6.001 Gender.
Whenever the words “she”, “he”, “chairman”, or “chairwoman” are used, such words shall not be taken to require or indicate a specific sex but shall be taken to include both sexes.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1) FS. History–New 9-30-75, Formerly 6C2-6.01.

6C2-6.002 Athletic Committee Constitution.
(1) Article I Name. This organization shall be known as the Athletic Committee of Florida State University; hereinafter referred to as the Committee.
(2) Article II Authority. Florida State University has delegated to the Athletic Committee responsibility for all matters concerned with intercollegiate athletic competition subject to the overall control of higher administrative authorities, general University policies, and the NCAA. The Athletic Committee is a presidential committee appointed for the purpose of giving advice, support and guidance to the Director of Athletics and to the President and having general advisory powers in the field of Intercollegiate Athletics.
(3) Article III Policy. The policy of Florida State University in regard to intercollegiate athletics is to compete as strongly as possible in all recognized sports within the resources available to the University and the rules and regulations of Florida State University and the National Collegiate Athletic Association.
(4) Article IV Objectives.
(a) The objective of the Committee shall be the promotion of intercollegiate athletics.
(b) The Committee shall maintain advisory control and integrity in all fiscal matters relating to intercollegiate athletics.
(5) Article V Membership. The Committee shall be constituted and organized according to the following rules:
(a) The Committee shall consist of a minimum of eight (8) members selected by the President of the University and one (1) ex-officio member, the Athletic Director. The appointed members shall be five (5) faculty or administrative staff representatives; one (1) alumni representative, one (1) Seminole Booster representative and one, or as many as two, student representatives.
(b) The President shall designate the Chairman each year from the membership of the Committee.
(c) All members who are to be appointed from the general faculty shall serve for a period of three (3) years, subject to reappointment at the will of the President of the University.
(d) The alumni representative shall be appointed from the Alumni Association by the President of the University. The period of service shall be for one (1) year.
(e) The Seminole Booster representative shall be appointed by the President of the University with advice from the President of the Seminole Boosters. The term of office of the Seminole Booster member shall be one (1) year.
(f) The student members shall be appointed by the President of the University. One (1) shall be a varsity athlete, and both (assuming two) shall have the power to vote on all matters except those effecting personnel. The term of office of student members shall be one (1) year.
(g) The Director of Athletics shall be appointed by the President with advice from the Athletic Committee.
(h) The Director of Athletics shall be a Secretary ex-officio of the Committee and shall be a non-voting member.
(i) In order to avoid conflict of interest in management of the affairs of intercollegiate athletics at Florida State University no member appointed to the Athletic Committee shall be in the employment of and/or be receiving funds from the Department of Intercollegiate Athletics, except for the student athlete member.
(6) Article VI Amendments. Amendment or revision of the Constitution may be made only after having been read at three (3) successive meetings of the Committee, followed by a two-thirds (2/3) affirmative vote of the total membership of the Committee.
Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (15) FS., 6C-4.001(5), F.A.C. History–New 9-30-75, Formerly 6C2-6.02.

6C2-6.003 Athletic Committee Bylaws.

(1) Meetings. Meetings of the Committee shall be held at least quarterly. Special meetings may be called at any time by the Chairman, the President of the University, or three or more members of the Committee upon giving notice to the members not less than twenty-four hours in advance of the time set for such meetings, notice to be confirmed in writing and for stated purposes.

(2) Officers. The Chairman of the Committee and the Secretary are appointed annually by the President of the University. The Director of Athletics shall serve as Secretary.

(3) Duties of the Officers.

(a) The duties of the Chairman and the Secretary shall be those that usually fall upon such officers; and such other duties as may be hereinafter designated.

(b) It shall be the duty of the Secretary to preserve as part of the minutes, various schedules, contracts and other data as approved by the Committee and to perform such duties as specified below. The Director of Athletics may designate a recording secretary.

(4) Duties of the Director of Athletics.

(a) The chief administrative officer of the Department of Athletics is the Director. He is responsible for the administration of the Department of Athletics consonant with the overall University policies. In the absence of the Director of Athletics the Assistant Director shall assume the responsibilities of the position.

(b) The Director of Athletics, in assuming his responsibilities, shall recommend for appointment Head Coaches, the Assistant Director of Athletics, the Academic Advisor of Athletics, and such other personnel as may be necessary to carry out the functions of the Department. The recommendation shall be made in accordance with Affirmative Action plans of the University Relations Division and the University Administration.

2. Recommendations for appointments of Head Coaches and the Assistant Athletic Director shall be submitted to the Athletic Committee, prior to the submission to the President.

3. The employment of Assistant Coaches is the responsibility of the Head Coach and is subject to the approval of the Director of Athletics.

4. The employment of all other personnel is the responsibility of the Director of Athletics. Where any member of the Department of Intercollegiate Athletics had teaching responsibilities, the recommendation for the appointment shall be made jointly by the Director of Athletics and the Head of the Department concerned.

(1) All schedules shall be made in conformity with the general policies of the NCAA, the University and the Athletic Committee.

2. The Director of Athletics is responsible for all scheduling. Each Head Coach will work directly with the Athletic Director and the Assistant Athletic Director in planning all schedules relating to his particular sport.

(d) Athletic awards may be given to those individuals who have achieved standards of social behavior and participation as determined by the operating procedures established by the Director of Athletics.

(e) Admission. The general university regulations relative to admission are those published in the most recent catalog with such additional changes as may have been put into effect since its publication. In the case of students who fail to meet minimum admission standards, they shall be treated as exceptions as permitted by the Florida Board of Regents policy. Students who are admitted under such conditions are deemed to have satisfied university admission criteria and thus are eligible to participate in intercollegiate athletic programs.

2. Academic Standing. The phrase “good academic standing” shall be interpreted to mean, “in conformance with the retention policies of Florida State University”. The retention table, adopted by the faculty of the institution and in accordance with the standards applied to all students, permits a student to continue progress toward a degree until such time as he is dismissed from the University. However, through extraordinary circumstances a dean may permit a student to be readmitted on a probationary basis.

3. Normal Progress. Student-athletes will be enrolled for a minimum of twelve quarter hours during the quarter of competition and must have passed at least thirty (30) quarter hours for the 1976-77 school year (September 1-August 31) and thirty-six (36) quarter hours for each school year thereafter.

(f) Budgets for each sport must be prepared annually by June 1 and submitted to the President’s office for approval. Budgets should be prepared initially by the Director of Athletics after conference with each respective head coach with the counsel from the Finance Sub-Committee of the Athletic Committee. The Director is responsible for all receipts and expenditures made by the Department. The Director has full authority to establish procedures within the Athletic Business Office which will assure that all the receipts and expenditures are accurately recorded and reported in accordance with general University Business Office policies.

2. Regular monthly statements are to be given to each coach showing a comparison of budgeted expenditures by object with actual expenditures and encumbrances. Quarterly statements are to be given to the President’s office and to the Finance Committee members of the Athletic Committee showing for the Department:

a. A comparison of estimated revenues with actual revenues;

b. A comparison of estimated expenditures with actual expenditures and encumbrances.

(g) The Athletic Director shall authorize and approve contracts for intercollegiate contests.
(h) The Director of Athletics shall keep records of all intercollegiate athletic contests, including in such records accurate data as to date and other receipts, attendance, weather, officials, names and eligibility of players participating and length of time of their participation.

(i) The Director of Athletics shall supervise or arrange for supervision of all trips taken for the purpose of holding intercollegiate athletic contests.

(j) The Director of Athletics shall secure and prepare all tickets and arrange for their sale and distribution. Guest tickets shall be distributed according to Board of Regents policies.

(k) The Director of Athletics shall conduct a program of public relations with the guidance of the Athletic Committee beneficial to the promotion of intercollegiate athletics.

(l) The responsibility for managing athletic facilities has been assigned to the Director of Athletics. Priority in use of these facilities will be given to intercollegiate athletic events. Such facilities may be made available to other divisions of the university and to the public under terms negotiated by the Director of Athletics.

3. The Director of Athletics and the University Vice-President for University Relations, jointly, are responsible for negotiating contracts with concessionaires subject to approval of the President and the Board of Regents.

5. Order of Business.

(a) At least five (5) members with full voting rights, three (3) of whom shall be faculty or staff representatives, are necessary to constitute a quorum.

(b) The agenda for the meeting when appropriate and with proper explanation, shall be sent to each member of the Committee by the Director of Athletics at least two (2) days in advance of each meeting. Emergency items may be considered following the unanimous consent of the Committee members present.

(c) The order of business shall be as follows:
   1. The minutes of the previous meeting shall be furnished to each Committee member at least two (2) days prior to the meeting and shall stand as approved unless corrected by motion as the first order of business.
   2. Committee reports.
   5. Director’s reports.

6. Committees.

(a) The Chairman shall appoint an Executive Committee consisting of the Chairman and one (1) regular member from the faculty members, one (1) regular member from the alumni members and one (1) regular student member of the Committee who collectively shall have the power to act for the whole committee only when it is impracticable to give notice to the whole committee, and not otherwise.

(b) The Chairman shall appoint a Finance Committee consisting of any three (3) members of the Committee.

(c) Additional committees may be appointed by the Chairman as required.

7. Contracts and Payments.

(a) The Committee shall have an advisory role in fiscal affairs. It shall recommend allocations of such amounts of money as may be necessary for the support of various sports but no money shall be disbursed except by the written approval of the Director of Athletics, and in compliance with fiscal policies of Florida State University and subject to the approval of the President of the University. Payments upon specific contracts relative to intercollegiate athletic contests or to salaries which have been authorized by the Committee may be made with the approval of the Director of Athletics.

(b) Director of Athletics shall authorize and approve all contracts for intercollegiate athletic contests.

(8) Amendments. Amendments to, or revision of, the By-Laws may be made only after such proposed change has received a two-thirds (2/3) affirmative vote of the total membership of the Committee.

Specific Authority 240.227(1) FS. Law Implemented 240.227(15) FS. History–New 9-30-75, Formerly 6C2-6.03.

6C2-6.0035 Intercollegiate Athletics; Season Ticket Allocation and Sale.

(1) Purpose and Intent. Whereas there is a significant excess of demand over supply regarding purchases of season tickets for the events of The Florida State University Intercollegiate Football Program, it is the intent and purpose of the following statements of policy to establish a priority system of ticket allocation based upon relative factors relating availability and allocation of season tickets to the contributions of prospective purchasers to the University intercollegiate athletic programs and to the University in general, including financial contributions and contributions of service and support.

(2) General Public; Point System. There is hereby established a point system by which prospective purchasers from the general public will be accorded a relative priority for the stadium location of reserved season tickets they may purchase, based upon the total number of points to which they are entitled. The more points to which a person is entitled, the higher his priority. Each season ticket purchaser under the priority system will have the same reserved seat(s) for each regular season game played during that season in Doak Campbell Stadium.
(3) Ticket Allocation; Location:
(a) The following factors will be used to determine the number of points attributed to each prospective purchaser in accord with the number of points indicated for each factor:
1. Preceding years season ticket buyer – 2 points
2. Continuous years as season ticket buyer – 1 point for each year up to a maximum of 10 points
3. Continuous years as a contributor – 1 point for each year up to a maximum of 5 points
4. Current year Booster contribution or pledge according to this scale:
   - $25 to $49: 1 point
   - $50 to $109: 2 points
   - $110 to $249: 4 points
   - $250 to $499: 5 points
   - $500 to $999: 7 points
   - $1000 to $2499: 10 points
   - $2500 to $4999: 15 points
   - $5000 to $9999: 20 points
   - $10,000 to $19,999: 25 points
   - $20,000 or more: 30 points
5. Total Booster contribution for the previous 5 years according to the same scale as above
6. Dues paying member of the F.S.U. Alumni Association – 2 points
7. Member of the Florida Legislature – 4 points
8. Member of the President’s Club – A fund for Academic Excellence – 4 points
9. Faculty and Staff and Varsity Lettermen – 2 points each
(b) Seat Location. A person’s total points will determine the seating location. Persons with higher points will be allocated seating in the preferred sections of the stadium. To the extent possible, any previous purchaser who maintains sufficient points to be entitled to seats in the same priority section in which he was seated the preceding year shall receive season tickets for the same seats.
(c) Example. The following example illustrates how this new point system would work: An individual bought season tickets in 1978 for his eighth consecutive year. He pledged $250 to the Boosters for 1979-80 and has contributed a total of $1150 to the Boosters during the previous five years. He is also a member of the F.S.U. Alumni Association and President’s Club. His points would be listed as follows:
   - 2 Prior Year Buyer
   - 8 Continuous Years as a Buyer
   - 5 Current Booster Contribution
   - 10 Total Booster Contribution for the Previous 5 Years
   - 2 Alumni, Faculty, Staff or Varsity Lettermen
   - 4 Presidents’ Club Contributor for the Current Year
   - 31 TOTAL POINTS
The individual would be assigned to a priority section in the stadium that will include individuals with 31 points.
(d) With respect to points acquired for continuous years as a season ticket buyer, persons who have previously purchased tickets through a third party shall be entitled to credit for such purchases, provided that they obtain in writing from said party a statement releasing those seats to them. If the person receiving such release shall thereby or otherwise accumulate enough total points to be entitled to seats in the same priority location, such person shall retain the seats so released and the party releasing them will not be assured of replacing them with seats in an equally good or adjacent location.
(e) Ticket Allocation; Number. Persons will be entitled to purchase the following maximum numbers of tickets in their priority location as determined by the point system described above, in accord with the following amounts of their current year contributions to the Seminole Boosters, Inc.:

<table>
<thead>
<tr>
<th>Contribution</th>
<th>Priority Tickets</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5000</td>
<td>30 tickets</td>
</tr>
<tr>
<td>$2500</td>
<td>20 tickets</td>
</tr>
<tr>
<td>$1000</td>
<td>12 tickets</td>
</tr>
<tr>
<td>$500</td>
<td>8 tickets</td>
</tr>
<tr>
<td>$250</td>
<td>6 tickets</td>
</tr>
<tr>
<td>$110</td>
<td>4 tickets</td>
</tr>
<tr>
<td>$50</td>
<td>2 tickets</td>
</tr>
<tr>
<td>$25</td>
<td>1 ticket</td>
</tr>
</tbody>
</table>

Provided, however, that persons who have purchased season tickets prior to the 1980 intercollegiate football season, including the season immediately preceding the year of purchase, shall be entitled to purchase the same maximum number of season tickets to which they were entitled pursuant to the policy in effect prior to the 1980 intercollegiate football season. Therefore, persons who
contributed the following amounts to the Seminole Boosters, Inc., during the calendar year 1979 shall be entitled to the following numbers of season tickets as long as they continue to annually contribute the same or higher amounts to the Seminole Boosters, Inc.:

<table>
<thead>
<tr>
<th>Contribution</th>
<th>Priority Tickets Allocated</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2500</td>
<td>30 tickets</td>
</tr>
<tr>
<td>$1000</td>
<td>20 tickets</td>
</tr>
<tr>
<td>$500</td>
<td>10 tickets</td>
</tr>
<tr>
<td>$250</td>
<td>2 tickets</td>
</tr>
<tr>
<td>$100</td>
<td>4 tickets</td>
</tr>
<tr>
<td>$50</td>
<td>2 tickets</td>
</tr>
<tr>
<td>$25</td>
<td>2 tickets</td>
</tr>
</tbody>
</table>

(f) Price. The University shall retain the sole and exclusive right to determine and charge the purchase price for all tickets, including any taxes applicable to purchasers thereof.

(g) Reserved Allocations. There shall be reserved in the Athletic Ticket Office up to 1000 seats to provide for last-minute large gifts to the Seminole Boosters, Inc., or the Florida State Foundation, and to resolve other problems. However, a purchaser who has met minimum requirements for seats in a given priority location will not be moved in favor of a purchaser who has acquired more points through a large contribution or similar means. The latter purchaser who thereby becomes eligible for better seats will receive them only upon their becoming available.

(h) Inquiries and Communications. Each person who purchased season tickets the preceding season and who stands to lose his seat(s) because his total number of points is below the number required to retain such seat(s) shall be advised of that fact by the Athletic Ticket Office and shall be further advised as to what must be done to retain the same seat(s). Inquiries regarding this or any other matter pertaining to intercollegiate athletic program tickets should be directed to the Athletic Ticket Office, Tully Gym, Florida State University, and will be responded to by a staff person having responsibility for the matter raised.

(4) Students. Students or student groups may purchase full-priced season tickets in the same manner and subject to the same policies as members of the general public, if they desire seats in the reserved seating sections of the stadium (west side and limited portions of the east side). Otherwise students shall be entitled to purchase tickets in the student or open seating sections of the stadium in accord with the prices and policies applicable thereto.

(5) Student Athletes, University Staff. There shall be reserved and allocated on a per game or per event basis a certain number of tickets to student athletes and staff of the intercollegiate football program and officials and staff of the Department of Intercollegiate Athletics for their use. The Director of Intercollegiate Athletics, in consultation with the Head Football Coach, and in accord with applicable provisions of the constitution, by-laws and regulations of the National Collegiate Athletic Association (NCAA), shall determine the number and location and provide for the allocation and distribution of such tickets.

(6) Applicability to Other Intercollegiate Athletic Programs. The policies contained in this rule may be applied to allocation of priorities for seat location and number of tickets for season tickets, for the events of the intercollegiate athletic program conducted by the University in any other sport or to any individual event involving the Department of Intercollegiate Athletics, whenever the University President, or his designee, determines that the ratio of demand to seating capacity or availability warrants its application. In so construing and applying these policies, the name or description of the subject sport or event shall be deemed to be substituted for the term “football” wherever it appears herein, and the policies shall otherwise be deemed to be modified as required by the circumstances to effectuate the purpose and intent hereof.

(7) Presidential Prerogative. All other provisions of this rule notwithstanding, the University President shall have the authority, in his sole discretion, to direct that any person be entitled to purchase or receive gratis season tickets or single event tickets in the location and number designated by him with regard to any program or event involving the Department of Intercollegiate Athletics whenever he deems such action to be warranted by the contribution to the University or its direct support organizations by such person, whether in money, in kind, in service, or in support, and whenever he deems such action to be in the best interest of the University.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (15), (19) FS. History–New 4-27-80, Formerly 6C2-6.035.

**6C2-6.004 Computing Center.**

(1) Requests for accounts with the Florida State University Computing Center must be made through the Director of the Computing Center to the Provost of Graduate Studies and Research using the standard application form. Requests for resources consistent with the guidelines will be processed within two (2) days. Requests for resources in excess of these guidelines and supplemental requests will be referred to the Allocations Subcommittee of the Advisory Committee for their recommendation and will be acted upon within approximately one week. For purposes of funding, an account will be classified as “Instructional”, “FSU Sponsored Research”, “Externally Sponsored Research”, or “Non-University”.

(2) Instructional accounts are to be established for regularly scheduled graduate and undergraduate courses, graduate thesis, and course development. Application must be made in the name of the faculty member who is responsible for the course. Categories are: Undergraduate course; Undergraduate DIS; Graduate course; Thesis or dissertation; and Course Development.
Accounts will be established on quarterly or annual basis as required. When a student ceases to be eligible to use an account, a request that his access to the computer be terminated might be made. Unused allocation is returned to the Center upon expiration date of the project.

(a) Florida State University sponsored accounts are established for the following purposes:
1. To meet the computing needs of new faculty members who have not had sufficient time to obtain external support for their research.
2. To help any faculty member probe a new research area preparatory to seeking external support.
3. To provide a service to faculty members who routinely use a very small amount of computing resources.
4. For department utility accounts to maintain generally useful data bases, programs, etc.
(b) Requests in excess of the guidelines are referred to the Allocations Subcommittee for its recommendation and must be accompanied by explanation commensurate with the size of the request. Unused funds are returned to the Computing Center upon expiration date of the project.

(3) Faculty members doing research as a part of the FSU program of research and graduate education, and which is financed wholly or in part by agencies external to the University, must cover the cost of their use of computing resources. If faculty members are unable to obtain full financing of computer expenses in these projects, guidelines for cost sharing by the University are subject to the following:
(a) Proposal Submission: The amount of support requested in the original proposal to the external agency must be approved by the Computing Center Director via the standard proposal transmittal form. Proposals with asking amounts consistent with the guidelines given below may be approved by the Center Director, if he believes that the resources requested will be available. Deviations from the guidelines in the asking budget must be negotiated with the Principal Investigator and the Provost and the Director of the Computing Center.
(b) Final Budget: After the proposal is accepted by the external agency and the final budget is being formulated or negotiated, all applications for an amount with FSUCC is to be submitted to the Provost via the Computing Center Director. If the application offers payment consistent with the sponsored research guidelines, then routine approval can be expected. Auxiliary operations of the University are required to pay for computing services. Visiting faculty and/or research associates will be required to finance computing services from the contract or grant by which they are funded.
(4) Non-University Accounts. As a public service, accounts classified as “Non-University”, meaning non-FSU, will be established to be used in research and instruction for other state universities, agencies of Florida government, tax-supported institutions, etc. Such accounts pay at the cost-recovery rate. Computer accounts for consulting faculty are also designated as non-university. Such accounts are subject to FSU’s policy on faculty consulting activities. The faculty member is financially responsible for a non-university account under his sponsorship. If the work is done for a profit-making organization, such accounts will be charged on an equivalent commercial rate basis. A letter of explanation to outline the intent of the request for computer resources must be submitted with the application.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), 240.541 FS. History—New 9-30-75, Formerly 6C2-6.04.

6C2-6.005 Use of Animals or of Human Beings in Research.

(1) Research Involving Animals.
(a) Several departmental animal care committees, the Laboratory Animal Resources Advisory Committee and the Laboratory Animal Resources (LAR) unit serve the faculty and administration in recommending policies to guide animal experimentation and animal care. However, such investigator must assume ultimate responsibility for the adequacy of care and the propriety of use of his animals.
(b) Space. Investigators and their departments must assure the availability and suitability of space for proposed animal research programs. Investigators should consult the LAR office to assure availability of space prior to submission of grant proposals.
(c) Cost of Animals. The LAR unit serves as the purchasing and receiving agent for all animals required in teaching and research at FSU. The approximate cost of most animals may be obtained from the LAR office.
(d) Cost of Care. The cost per day (Fiscal year 1972 rates) for maintaining animals is given below. These rates are reviewed periodically by the LAR advisory committee. The per diem rate includes the cost of food, bedding, direct animal care services, and certain supervisory costs. These figures may be used to estimate the cost of maintaining animals for any given research project. The LAR office will provide information on per diem care for animals which do not appear on the schedule.

<table>
<thead>
<tr>
<th>Animal</th>
<th>Per Diem Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rat</td>
<td>$0.50</td>
</tr>
<tr>
<td>Mouse</td>
<td>$0.20</td>
</tr>
<tr>
<td>Rabbit</td>
<td>$0.20</td>
</tr>
<tr>
<td>Pigeon</td>
<td>$0.07</td>
</tr>
<tr>
<td>Guinea Pig</td>
<td>$0.11</td>
</tr>
</tbody>
</table>

(e) Cost of Animal Cages and Related Equipment. Standard-conventional cages can be supplied by LAR. The purchase of specialized equipment should be applied for in the grant or contract.
(f) Special Costs. Items such as remodeling, special transportation of animals, freight cost, technical assistance, special foods, drugs, and related items frequently are overlooked in planning animal research. Grant applications should reflect these costs whenever possible.

(g) Special Services. Veterinary care is provided by LAR. A small diagnostic laboratory is maintained for disease prevention and control. Information and training pertaining to laboratory animal science is available for faculty, graduate students and technical staff.

(2) Research Involving Human Beings.

(a) The responsibility for administration of University policies to assure the welfare of human research subjects is assigned to the Graduate Dean and Director of Research. He is assisted in the resolution of policy questions by a committee composed of the chairmen of several review committees established by schools, colleges and research units of the University. University policy requires prior approval of the procedures of research experiments involving human subjects.

(b) It is the responsibility of each school, college and research unit having a volume of activity involving human beings as research subjects to establish a review committee. This committee will consist of associates of the investigator who have no vested interest in the specific project involved and who possess competence pertinent to the judgments that are to be made. Units of the University whose volume of research activity involving human subjects does not justify a review committee will be served by the general committee reporting directly to the Graduate Dean and Director of Research. When the Dean and Director deems it appropriate, a review committee may be established in a unit. Review committees may enlist the competence of professionals from other units in making judgments.

(c) Before a project involving human subjects may be undertaken or a proposal for its support submitted to an outside agency, the plan of investigation or research must be submitted to the appropriate review committee. If after reviewing the plan with the principal investigator the committee is satisfied with the respect to be given to the rights and welfare of the individual or individuals involved, with the appropriateness of the methods used to secure informed consent, with the determination of the risks and potential benefits of the investigation, and with the judgment of the principal investigator in matters related to the policy objectives, the chairman of the committee will confirm approval of the project by his signature in the appropriate space on the Grant Proposal Transmittal Form. It is incumbent upon the investigator to advise his review committee of any changes which might involve use of human subjects in a manner at variance with the prior approval.

(d) An essential feature and requirement of this policy is that approval by an appropriate review committee must be obtained before submission of a proposal for support or start of an investigation or research involving human subjects.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1) FS., 6C-4.001(1), (5), 6C-4.011(1), 6C-10.003 F.A.C. History–New 9-30-75, Formerly 6C2-6.05.

6C2-6.006 Florida State University Imprimatur.

(1) Academic Press and Publications Board.

To monitor publications and promote high standards for all publications which are to bear an FSU imprint, an Academic Press and Publications Board (APPB) is established. This Board supersedes and replaces the former FSU Press Committee and the Publications Committee. Its organization shall be as follows:

(a) Appointments of members of the Board shall be made by the President for staggered 3-year terms.

(b) The membership of the Board will represent the various academic units of the university.

(c) The Provost for Graduate Studies and Research, the Dean of Faculties, and the Director of APPB, or their representatives, shall be ex-officio members of the Board.

(d) The APPB shall be organized with 15 regular members plus the Director of APPB, who shall serve as Chairman of the Board. Further, 4 committees of the APPB shall represent the four (4) areas of publication namely, books, journals, monographs, and artistic works of the creative imagination. These committees shall be responsible for analyses of proposed publications in their respective areas and for making recommendations to the APPB. The President may designate the committee assignment of each member of the Board.

(e) Press publications shall bear the imprint, “The University Presses of Florida,” and the series designation “A Florida State University Book,” during the university’s participation in the State University System Press (The University Presses of Florida). Monographs and Journals will normally carry the imprint, “Florida State University,” or the name of any constituent department or other unit of the university, or both of those names.

(f) The affairs of the APPB shall be administered by its chairman, the Director of the APPB, who shall be responsible for the implementation of all recommendations made by the Board and approved by the appropriate University officers.

(2) Committees of the Academic Press and Publications Board.

The responsibilities and evaluation procedures of the three committees shall be as follows:

(a) The Florida State University Press.

1. The Director of the Academic Press and Publications Board shall serve as Director of the FSU Press. All manuscripts are submitted to the Director, who eliminates those which are obviously unsuitable. If a manuscript meets Press standards for consideration, the Director shall assign it to a scholar on campus competent in the field of the manuscript who will give it a second reading. The Director then sends a copy of the reader’s recommendation plus a prospectus describing the book to each member of
the committee for books (the FSU Press Committee). If the Committee agrees that the book shows promise, it instructs the Director to submit the manuscript to a nationally recognized, off-campus authority for a written evaluation. The Director then will send copies of the outside evaluation to the members of the Committee for books for approval to publish, not to publish, or to publish providing certain changes are made.

2. If the manuscript is accepted, the Director will be responsible for editorial work necessary prior to copy editing. The FSU Press assumes the cost of publication. Manufacturing is ordinarily supervised by the Publishing Unit of the State University System Press.

3. The Publishing Unit of the State University System Press takes over completely the manufacture, promotion, and distribution of the book.

4. The Academic Press and Publications Board shall be responsible for broad policies governing the Florida State University Press as well as monographs and journals. However, the APPB ordinarily will not review individual manuscripts offered for publication by the FSU Press.

(b) Florida State University Journal Publications.

1. Proposals for the establishment of journals to bear the FSU imprint should include detailed analysis of the economic prospects of the journal, the size of the group to which it is addressed, the nature and expected number of subscribers, as well as its impact on the University. Moreover, it must specify editorial board members who have agreed to participate in evaluating manuscripts, the majority of whom ordinarily must be from off campus. Moreover, the proposal must include budget and expected growth pattern to assure a minimum return of 50% of its cost by the end of the third year and be self-sufficient by the end of the fifth year.

2. The proposals must be submitted to and approved by the appropriate departmental, area, and college committees. If the initial screening for the proposed journal indicates that the foregoing requirements can be met, the complete proposal, evaluation, and recommendations will be sent by the School or College Dean to the Chairman of the APPB, who will refer it to the Committee on Journals.

3. Once the proposal for the creation of a new journal has been received by the Committee on Journals of the APPB, it will normally be forwarded to appropriate outside consultants for review. In particular, the consultants shall comment on the need for the journal and likelihood that it will make a significant long-term contribution to the given area of study. Moreover, it must specify editorial board members who have agreed to participate in evaluating manuscripts, the majority of whom ordinarily must be from off campus. Moreover, the proposal must include budget and expected growth pattern to assure a minimum return of 50% of its cost by the end of the third year and be self-sufficient by the end of the fifth year.

4. The APPB shall review the progress, quality, and economic status of the given journal after three (3) years. It shall determine whether the journal has a balanced point of view, assuring that it has not become a house organ for FSU faculty. It shall then recommend either continuance, perhaps with modifications, or termination.

(c) Florida State University Monographs.

Monographs of the various FSU Institutes and Departments, not to include technical reports, pre-prints, working papers, etc., shall be considered under the procedure followed by the FSU Press with review and recommendations being the responsibility of the Committee on Monographs. In addition, the FSU Press may publish approved monographs prepared by FSU Departments and Institutes. In either case, the Department or Institute is expected to supply full funding.

(d) Works of music, art, choreographic scripts, and theater scripts in graphic or recorded form shall be considered for FSU Press with review and recommendations being the responsibility of the committee on artistic works.

Specific Authority 240.227(1) FS. Law Implemented 240.227(14), 240.229 FS. History–New 9-30-75, Amended 5-11-77, Formerly 6C2-6.06.

6C2-6.007 University Marine Lab.

Operational Policy for the Marine Laboratory.

The Edward Ball Marine Laboratory operates as an all-University multi-disciplinary research and development center. Under the general supervision of the Provost, Graduate Studies and Research, the Marine Laboratory is organized under the specific administrative control of the Director appointed by the Provost, Graduate Studies and Research. To provide academic direction the Provost is aided by an Advisory Committee comprised of department chairpersons and other faculty as designated by said chairpersons.

In general, the Marine Facility and Ship Operations are governed as follows:

1. General Shop Facilities and Parts Stockroom. The Marine Laboratory maintains a general shop for use of all staff, faculty, and students working at the laboratory. All requests by students and faculty for utilization of hand tools, shop space, or materials from shop or stockroom should go directly to a member of the Marine Laboratory staff. Instructions on the use of power tools and check-out procedures should go directly to the supervisor. All students using power tools must have proper accident insurance.
(2) Small Boat Operations. All requests for use of small boats should be directed to the Director who will check insurance and transmit all requests for small boats to the marine facilities. All students going out in university boats must have proper insurance coverage. All students and faculty operating the small boats must be checked out on the operation of the equipment, boat safety and marine regulations in accordance with Standard Operating Procedures. Any damage occurring to boats must be explained in writing to the Director, Edward Ball Marine Laboratory.

(3) Sea Water System. The entire operation of the Sea Water System is under the direction of the Laboratory Supervisor as designated by the Director. Under no circumstances should any valves or machinery connected with the system be operated without the approval of the designated supervisor. In his absence responsibility for the Sea Water System will be further delegated.

(4) Marine Laboratory Vehicles. Two trucks are operated for Marine Laboratory use. One vehicle is operated out of the campus office and is scheduled by the Director. The vehicle at the Marine Laboratory is for the use of the Edward Ball Marine Laboratory Staff only and the keys and a sign-out sheet for the vehicle will be kept in the general shop office.

(5) Accident Reports. Any injury received while working with facilities related to the Marine Laboratory must be reported within 24 hours and an accident report will be filed with University officials.

(6) R/V TURSIOPS. All requests for ship-time on the R/V TURSIOPS should be filed with the Director at least six (6) months in advance of anticipated need if possible. The Ship Committee is attempting to schedule approximately six (6) months in advance. All final cruise plans for approved cruises must be filed by the Chief Scientist with the Director and the Supervisor of R/V TURSIOPS at least two (2) weeks prior to the sailing date. It is the responsibility of the Chief Scientist of any cruise to insure that all necessary research equipment is aboard. In the future all new classes utilizing the R/V TURSIOPS be given an orientation relative to duties and responsibilities while on board ship before departure. It is recommended that all cruises schedule departure at 0800 hours. Any deviation from this time will require concurrence with the Director and the Ship Committee. A users guide for the R/V TURSIOPS will be available thru the Director’s Office. This guide will include all information pertinent to scheduling, reporting and vessel capabilities, and is included for policy and rulemaking procedures.

(7) Utilization of Classroom and Dorms. All requests for use of classroom and dormitory facilities should be directed to the Director. The maintenance of these facilities is the responsibility of the facility staff. It is expected that individuals using these facilities will clean up the area before departure.

(8) Space in the Research Laboratory. All requests for research facilities and space should be directed to the Director of the Laboratory. Space assignments will be made by the Director with the assistance of the Advisory Committee on Operations and Policy.

(9) Committee. To be announced.

(10) Shore Facility Use Charges

<table>
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<tr>
<th>Facility</th>
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<tr>
<td>Dormitory Space</td>
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<tr>
<td>Faculty Guest House</td>
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<tr>
<td>14 ft. skiffs and motor</td>
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<tr>
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<td>22 ft. oyster boat</td>
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<tr>
<td>22 passenger pontoon boat</td>
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<td>65 ft. R/V TURSIOPS</td>
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Specific Authority 240.227(1) FS. Law Implemented 240.227(13) FS. History–New 9-30-75, Formerly 6C2-6.07.

6C2-6.008 University Library.

(1) The Mission of the Florida State University Library. The mission of the Florida State Library is to satisfy the informational needs of the students, faculty and administration of this University by collecting, organizing and providing access to recorded information.

(2) Checking Desk. The Checking Desk is located at the entrance to the Library. A library attendant is stationed there to see that all library materials are properly charged before they are removed from the building. All books, briefcases and containers shall be inspected by the attendant before leaving the building. Containers which one desires to be excluded from inspection should not be brought into the Library.

(3) Circulation.

(a) To Borrow. The borrower must present his punched University I.D. card bearing the current validation stamp. Books are charged for a maximum period of three (3) weeks and may be renewed provided there is no request by another borrower. If another borrower has left a request for the book, a notice will be sent. All books must be shown to the checker at the front door before leaving the building. This is done to make certain that the books have been properly charged.
library materials accrue fines at the rate of 25¢ per item per day, excluding Reserve items and other materials checked out from individual areas. Maximum fine of $5.00 per book. $3.00 of the replacement cost covers necessary processing and is non-refundable or creditable when library materials have been overdue 20 days. Upon returning the item, the replacement cost is added to the accrued fines.

Requests should have the approval of the head of the department whose library funds are to be used. Information such as address of publisher, cost, and beginning date of publication as well as publisher's announcement must be included to prove helpful. If the book desired is listed in an out-of-print dealer's catalog, attach the request to the catalog. If desired, the catalog will be returned.

Library and remaining fines and fees must be paid at the University Cashier's Office. Lost book returns must be made to the University Cashier's Office. Board of Regents policy requires that all fees, fines and delinquent accounts be paid before a student can register for the next quarter, graduate, or be sent a transcript of credits.

To return a book when borrowed entails replacement fees of $1.25 and $.75 respectively. Photocopying.

(c) Book Recalls. Books missing or checked out may be requested on a form available at the Circulation Desk. Searches will be made and/or notices sent to current borrower.

(d) Fines. The Board of Regents has adopted uniform library fines for all libraries in the State University System. Overdue library materials accrue fines at the rate of 25¢ per item per day, excluding Reserve items and other materials checked out from individual areas.

(e) Lost Books. It is advisable to report the loss of a book immediately. If it has been lost, it must be paid for and reporting it may save some fine money. When library materials have been overdue 20 days the replacement cost is added to the accrued maximum fine of $5.00 per book. $3.00 of the replacement cost covers necessary processing and is non-refundable or creditable after being assessed. When materials are returned in a damaged condition, a repair cost is determined and if irreparable, a replacement cost.

(f) Card Charges. The loss or mutilation of a Master Book Card and/or a Transaction Card (which are considered to be parts of a book when borrowed) entails replacement fees of $1.25 and $0.75 respectively.

(g) To Clear Unpaid Accounts. Students are to clear all accounts at the Library weekdays 8 a.m.-5 p.m. At the end of each quarter, uncleared accounts are reported to the University Cashier’s Office. (After this, lost book returns must be made to the Library and remaining fines and fees must be paid at the University Cashier’s Office.) Board of Regents policy requires that all fees, fines and delinquent accounts be paid before a student can register for the next quarter, graduate, or be sent a transcript of credits.

(4) Collection Development.

(a) Purpose. The principle guiding the development of the Strozier Library collection is support of the academic and research programs and the basic program of studies.

(b) Nature. The nature of the accumulation of information dictates that books, periodicals, serial publications, including government documents, and non-book materials are considered, acquired if appropriate, and made available to the University community.

(c) Method. The faculty and students are encouraged to communicate their academic needs, to suggest important acquisitions, and to recommend ways of building a solid collection to support present and future academic programs of instruction and research.

To this end, faculty are consulted, and advertisements and catalogs are forwarded for their consideration. Departmental budget allowances are made by the library to provide impetus for the faculty to recommend titles for purchase. Students may submit their suggestions to any of the librarians.

(5) Material Order Requests.

(a) Format. Order request forms printed in duplicate are available in the Acquisitions Department. These forms indicate the information to be supplied: author, title, publisher, date, price, edition, and number of copies. In order to expedite book orders faculty members are requested to comply with the following:

1. Use only the order request forms obtained from the Library. The duplicate copy may be kept as a departmental record of the order.
2. Type only one title on each form.
3. If possible, list the complete information in the appropriate spaces on the form. If there is other information which might prove helpful, attach as a memorandum or a note. If the book desired is listed in an out-of-print dealer’s catalog, attach the request form to the catalog. If desired, the catalog will be returned.
4. If the books ordered are to be placed on reserve, please give this information in an attached memorandum. Books ordered for reserve or other classroom use should be requested well in advance of the anticipated need.
5. Have each order request form signed by the head of the department or the authorized person in the department.
6. Send all order request forms to the Acquisitions Department.
7. If the request form is returned by the Head of Acquisitions, please note carefully the report given on the back of the card, particularly in the case of out-of-print books which require a longer period of time to obtain.

(b) Notification. When a book is ready for use, a notification slip showing the correct card catalog entry and call number is sent to the faculty member who requested it.

(c) Research Items. Funds for research items are not necessarily included in the departmental allocation but may be available as the need arises and as the materials are located. Such requests should be sent to the Director of Libraries or the Head, Acquisitions Department.

(d) Serial Requests. Faculty members may submit requests for current serial subscriptions to Head, Serials Department or to Head, Acquisitions. These requests may be made on regular order forms or by memoranda, and should indicate whether a current subscription or back issues are desired. When a faculty member requests a new serial title, it is helpful to include all available information such as address of publisher, cost, and beginning date of publication as well as publisher’s announcement. These requests should have the approval of the head of the department whose library funds are to be used.

(6) Photocopying.
(a) Method of billing. State agencies, legislative offices, governmental agencies, or libraries may copy library materials following either of two procedures:

1. A person from the requesting office may locate and copy the material, pay in cash ($0.05 per exposure) or supply the name and budget number of the office to which it is to be charged. The Library will bill later. There is a minimum charge of $1.00.

2. The request, stated as completely as possible, can be sent by mail to: Photoduplication Service, Strozier Library, FSU. The work is done by a student assistant, and the request will be filled and mailed. The charge is $0.05 per exposure with a minimum of $1.00. Invoices are prepaid on FSU form FS 108.

(b) Special Contracts and Grants. Charges for Academic departments and Contracts and Grants on campus may be made by I.D. Transfer according to Form GP 16, FSU.

1. Verify the fact that funds are available in the particular budgets involved.

2. The total for each budget is calculated at $0.05 per exposure with a $1.00 minimum charge.

3. These I.D. transfers must be in the Accounting Division by the fifth working day of the month in order for the transfer to take place in that month.

(7) Locating Materials. The Circulation Printout is a listing by call number of library materials charged out to students, faculty and staff; of library materials at the bindery, on reserve, on search or ready reference and all materials in storage. Computer copies of the printout are located at the Circulation Desk. Copies of each subject division only are located at the Humanities, Science-Technology, and Social Sciences Divisions desks.

(8) Storage. The Library maintains storage space in the stack area of the old library building, now called Dodd Hall, and other areas. These materials may be requested from the division reference desk in the division where they would be shelved by call number if located in Strozier. Requested storage items are brought to the Library daily, Monday through Friday. Some materials are stored in the sub-basement of the Library. These too may be requested at the division reference desks.

(9) Schedule of Hours. The Schedule of Library Hours is determined by the Library Administration with the advice of the University Library Committee and varies according to the University Academic Schedule and is subject to adjustment depending on available funds.

(10) Newspapers.

(a) General. The Library receives a number of newspapers including local, national and foreign. Each divisional catalog lists the newspapers in that particular division. The Library does not have sufficient funds to acquire every home town newspaper.

(b) Holdings. Most newspapers are received by mail and are, therefore, one (1) day to one (1) week late in appearing on the library shelves. These newspapers are kept on file for a week or month only. Permanent files of newspapers, including a complete file of the New York Times, are on microfilm in the Micromaterials Center, and entries for these may be found in the main card catalog.

(11) Circulation of Periodicals. Bound periodicals may circulate to faculty for a limited time. These are charged out from the division in which the periodical is located. Unbound periodicals may not circulate out of the building at any time. To protect and retain single issues of a periodical, it is necessary to have them bound into volumes as soon as possible. During the binding process, they are not available for use.

(12) Reserve Books. Most materials placed on reserve by the faculty for the use of their students are located at the Reserve Desk. Personal copies of the faculty do not circulate out of the building at any time. Some reserves can circulate overnight after 9 p.m. Sunday through Friday. These are due by 9:30 a.m. the following morning. On Saturday, reserves may be charged out at 3 p.m. and are due by 3:30 p.m. Sunday. A fine of $.25 per hour or fraction of an hour is charged for overdue reserve materials.

(13) Locked Boxes.

(a) General. The locked boxes are subject to periodic checks by the Administrative Office. The boxes are not storage spaces for food or drink. Any Library materials locked in a box must be properly charged. Uncharged materials will be removed. Flagrant violation, especially as concerns Reserve and Reference books, will result in the privilege of the use of the box being revoked.

(b) Keys. Locked boxes, when available, are assigned for three (3) quarters to graduate students upon application and deposit of $2.00 for a key. The deposit will be refunded when the key is returned at the end of the assigned time. The return of the key is more important to us than money.

(c) Liability. The Library is not responsible for personal property left in boxes.

(14) Faculty Borrowing. Books are charged to faculty for a minimum period of three (3) weeks with automatic renewal during the September-June academic year. All books checked out during the summer session must be returned at the end of the session. (There are many temporary summer personnel and it is often difficult to retrieve books from persons who have terminated.) If there is a request for a borrowed book which has been out for more than four (4) weeks, it shall be returned within one (1) week from the date the notice is sent. If the book is not returned within the week, the printed notice will be followed by a telephone call to the faculty member’s office. If the faculty member is out of town, the departmental secretary will be asked to search for the book and return it if found. If not found at that time, the book must be returned promptly once the faculty member has returned to campus. If the borrower has been off campus for the preceding week, one (1) more week of grace will be given before the fine begins to accrue. If the book is not returned, a fine of $.25 per day will be assessed. (Maximum fine is $5.00.) Fines not paid at the end of the current quarter will be referred to the Business Office. If a book has not been returned for 5 quarters, it will be referred to the Business Office for collection. The bill will include book cost, processing cost of $3.00, and the maximum fine of $5.00.

(a) General. The Warren D. Allen Music Library is located in the basement of Longmire Building, just west of the Music Building. Its collection includes scores, recordings, tape recordings of some of the programs given at the University, microfilms and microcards of music, a few basic reference books, and reserve materials for the courses in the School of Music. The researcher is advised to check the Music Library Catalog for materials of this kind. Listening equipment with earphones is available as are limited facilities for group listening, microfilm study, and score reading at a piano.

(b) Schedule. The schedule of the Music Library Hours is determined by the Library Administration with the advice of the Music Librarian and varies according to the University Academic Schedule and is subject to adjustment depending on available funds.

(c) To Borrow. The borrower must present his punched University I.D. card bearing the current validation stamp. Materials are charged for a maximum period of three (3) weeks and may be renewed provided there is no request by another borrower. The Music Library will renew an item only when the item is brought in to be restamped. If another borrower has left a request for the book, a notice will be sent. All materials must be shown at the Music Library exit before leaving. This is done to make certain that the books have been properly charged. The loan varies for particular kinds of music material and according to whether material is sought by a student, teaching assistant, or professor. It is necessary to consult the Circulation Guide as posted in the Music Library.

(d) To Return. Returned items are to be placed in the drop box at the Main Circulation Desk during the hours the Music Library is open. Book receipts are given if requested. Inquire about this procedure. Carelessly leaving books anywhere else in the library may result in an overdue fine. Books may be returned by using the outside drop box located outside the entrance to the Music Library during the hours the library is closed. Strozier Library materials must be returned to Strozier Library and Music Library materials must be returned to the Music Library. Scores with component parts must be returned with all parts present. The score is not considered returned until all parts are in.

(e) Score and Book Recalls. Books missing or checked out may be requested on a form available at the Circulation Desk. Searches will be made and/or notices sent to the current borrower.

(f) Fines. The Board of Regents has adopted uniform library fines for all libraries in the State University System. Overdue library materials accrue fines at the rate of $.25 per item per day, excluding Reserve items and other materials checked out from individual areas. Some Reserves can circulate overnight after 9:00 p.m. on Friday and Saturday. These are due by 10:00 a.m. the following morning or before the end of the first hour that the library is open on the following day. A fine of $.25 per hour or fraction of an hour is charged for overdue reserve materials.

(g) Returns. The borrower should return books promptly. The Music Library posts a weekly overdue list on the date of the stamped due date. The Music Library is not responsible for any omissions on this list.

(16) Library Science Library.

(a) General. The Library Science Library is a department of Strozier Library and houses materials pertaining to the subjects of libraries, librarians, and library science which are received by Strozier Library. Books and other materials in this collection are organized, maintained, and circulated to serve the faculty and students of the School of Library Science; however, these materials are available to the total population of the University. The Library Science Library is located in the basement of Strozier Library and can be approached by the west entrance opposite the Bellamy Building.

(b) Policies. Policies for the Library Science Library are determined by the Library Administration with the advice of the Library Science Librarian. The schedule of hours varies according to the University Academic Schedule and is subject to adjustment depending on available funds.

(c) Restrictions. Resources which may circulate from this division must be checked out and returned at the circulation desk in the division. Reference materials do not circulate and other materials may be limited in loan period or treated as reserve materials.

(d) Sub-collections. The collection is divided into 5 sub-collections.

1. The Reference Collection: a comprehensive collection of reference tools necessary for the study of library science plus samples of reference tools necessary for the study of other disciplines.

2. The Professional Collection, designated as the “L” Collection: a comprehensive collection of materials important to the study of library science.

3. The Adult Collection: a laboratory collection of books and non-print materials that support courses offered by the School of Library Science.

4. The Children’s and Young Adults’ Collection: a laboratory collection of books and non-print materials that support courses offered by the School of Library Science.

5. The Easy Collection: a laboratory collection of picture books, pre-school books, and non-print materials that support courses offered by the School of Library Science.

(e) Reserve. In addition to the five sub-collections, a “Reserve” collection is maintained. Materials are placed on reserve by the faculty of the School of Library Science to be used by students in their courses. This collection varies from quarter to quarter, depending on the courses offered and the readings assigned.

(f) Use. Because of their purpose, the limited size of these collections, and the heavy demands made on them by courses requiring the materials, they cannot be used to support intern teaching, for tutoring purposes, or for leisure or instructional reading by children. Every effort will be made to accommodate other disciplines that offer courses requiring the use of these materials. When the need arises, the professor teaching the courses that require the materials must consult the Library Science librarian for satisfactory arrangements.
1. The Reference Collection: may be used by faculty and students of the University;
2. The Professional (“L”) Collection: primary uses for faculty and students in the School of Library Science. Faculty and students from other disciplines may use materials in this collection if the items desired are not currently needed by Library Science students;
3. The Adult Collection: may be used only by faculty and students in the Library Science courses that require their use;
4. The Children’s and Young Adults’ Collection; and
5. The Easy Collection: both these collections may be used only by faculty and students in the Library Science courses that require their use.

(g) Circulation. The length of the circulation period varies in the sub-collections:
1. Reference Collection: does not circulate.
2. Professional (“L”) Collection: circulates for two (2) weeks.
3. Adult Collection: circulates for two (2) weeks.
4. Children’s and Young Adults’ Collection: circulates for one (1) week.
5. Easy Collection: circulates overnight only, after 9:00 p.m.; books are due one hour after the library opens the next day.
6. Reserve Books: circulate for two (2) hours during the day for use in the Library Science Library. At 9:00 p.m. they may be circulated overnight, due one (1) hour after the library opens the next day.
7. The collection contains a sampling of non-print materials. Records and audiotapes circulate for one (1) week. All other non-print materials (films, filmstrips, loop films, study prints, microfilm, media kits, slides, transparencies, etc.) do not circulate; they must be used in the School of Library Science.

(h) A-V Lab. The A-V Lab is a part of the School of Library Science. It is supervised by the Library Science librarian and staffed by graduate assistants working for the Library Science Library. Use of equipment in the lab is limited to School of Library Science faculty and students.

(17) Conference Rooms. There are no conference rooms available for the use of students and faculty.

(18) Special Permits. Special Permits to use the FSU Library are issued with the understanding that the resources of the Library are to be used only for serious research or as the duties of a state employee may require the borrowing of materials. Permits are not transferable. Only books which normally circulate may be checked out by holders of Special Permits. Interlibrary loan privileges are not available to holders of special permits. Regulations are the same as for students with fines accruing at the rate of $.25 per item per day for overdue books.

(19) Typing Facilities. Typing facilities are available in the Listening/Viewing, Humanities, Social Sciences, and Science-Technology divisions. Typing costs are assessed only to cover costs of maintenance and repair. Personal typewriters may be used in the designated rooms if space permits.

(20) Tours and Lectures. Arrangements can be made with the Orientation and Instruction Librarian for tours, both general and special. Requests for this service should be made at least a week in advance of the scheduled class time. During Orientation Week scheduled tours are available for Freshmen and other new students. Special tours for new faculty members are arranged at the beginning of Quarter I.

(21) Telephones. Public telephones are located in the basement lobby of the annex just outside the Micromaterials area. Telephones in library offices are for library business only.

(22) Study Atmosphere. The library is intended to be a reasonably quiet place for study and anyone causing a disturbance will be asked to leave. If deemed necessary the incident will be reported to Campus Security for further action.

(23) Staff Lounge. The lounge is located on the third floor in order to provide a convenient place for staff to eat lunch and for coffee breaks. Because of the quantities of paper in the building, no foodstuffs are permitted outside the lounge. Cash purchases are not permitted. Tickets for coffee may be purchased by faculty members at the reference desk in the Documents-Map Division. Since the room is small and a number of people are grateful for its existence, it should not be used for conferences.

(24) Gifts. The Library welcomes gifts of books and periodicals with the understanding that such materials become the property of the Library to use as it deems advisable. Gifts may be contributed through the Gifts and Exchanges Librarian and will be accepted at any public desk, in the Administrative Office, or in the Gifts and Exchange Office.

(25) Exhibits. Displays of library materials illustrating subjects of current or general interest are located in the entrance lobby and throughout the building. Only exhibits prepared by members of the staff are placed in the exhibit cases.

(26) Duplicating Services. Coin operated copying machines are located in the annex on all floors of the Library. The Micromaterials Center has facilities for making reproductions of library materials at a reasonable cost.

(27) Pamphlets. The pamphlets available in the Library do not appear in the card catalogs. They are assigned broad subject headings and are filed by these headings in steel filing cabinets called vertical files. Each division of the Library has a vertical file of pamphlet materials. Usually vertical file materials may circulate for a short period of time determined by the Division Librarian and is checked out from the reference desk in the division.

(28) Smoking. Smoking is permitted in the building only in areas designated as smoking lounges. Smoking is not permitted in the elevators, inner lobbies, halls, rest rooms, typing rooms, or reading areas.

(29) Dissertations and Theses.
(a) Loan. Copy one (archival copy) is deposited in the University Archives and does not circulate. Copy two is put into the circulating collection and is subject to the same use policies as the other circulating books.

(b) Copying. Theses and dissertations may not be photocopied without the permission of the author. It is the responsibility of the person desiring such copies to obtain permission from the author.

(30) Special Collections Division.

(a) General. The Special Collections Division is the location of collections of library materials of special types of interest. It includes the Florida Collection — books, periodicals, pamphlets, clippings about Florida and by Floridians; Archives — any official publication of the Florida State University, including any and all of the divisions; Rare books, including incunabula; Manuscript collections and historical papers and records; Photographic Archives — pictures of Florida events, people and places; Specialized collections, including the McGregor Collection of early Americana, the Shaw Collection of Poetry, the Lois Lenski Collection, the Louis Shores Reference and Information Collection, the Justice Glenn Terrell Collection, the Louise Richardson Collection.

(b) Arrangement. Florida books and periodicals, and the Shaw Collection of Poetry, although non-circulating, are on open shelves in the Florida Room and the Shaw Collection Room respectively, except for those items which are considered by the staff to need added security because of being irrereplaceable, or because of heavy use, fragility, size, etc. All other materials in the Division are located within “staff only” designated partitioned areas and are available only on request.

(c) Servicing Materials.

1. Like other divisions of the library, the Special Collections Division exists to help students, staff, faculty, and researchers who need materials or information, especially that within the subjects covered in the area. When its resources are exhausted, users are referred to other divisions, or when the patron can be better served by another division, he is referred to that division. Service in this division, as elsewhere in the library, includes giving help and information by mail and by telephone and as completely as possible.

2. Services are available only during the hours posted at the entrance of the area.

3. Materials in Special Collections do not circulate, but must be used in the Special Collections areas except for purposes of reproduction as outlined below.

4. Unless too fragile, Florida materials are allowed out of the area for xeroxing one copy for study, after the patron has furnished proper valid identification and filled out a xerox request form.

5. Rare books, manuscripts, and specialized collections are available to qualified researchers in the area only after the patron has presented proper valid identification and filled out a request form.

6. The use of fragile or unusually valuable materials may be limited, and the library staff may refuse access to an individual who has demonstrated such carelessness or deliberate destructiveness as to endanger the safety of the materials, or has otherwise failed to abide by the library’s regulations.

7. Rare, manuscript, and archival materials may be reproduced only if the condition of the originals will permit such reproduction and the originals have no gift, purchase, or legal restrictions on reproduction. Requests for such reproduction must be made in writing, and approval will be made at the discretion of the department head or approved representative.

8. Criteria established by the Association of College and Research Libraries in January, 1974, and adopted by the Association of Research Libraries in May, 1975, on access to manuscripts and rare books and on reproduction of manuscripts and archives for non-commercial purposes are applied.

(d) Gifts.

1. Gifts of published materials which ultimately become a part of the Special Collections are received through Gifts and Exchange and are processed through regular cataloging channels.

2. Gifts of manuscript materials, pictures, pamphlets, etc. which are not to be cataloged, are received directly in the Special Collections area and are given appropriate processing.

(31) Interlibrary Loan.

(a) General. Interlibrary Loan services at Florida State University are open for serious research of its faculty members and students only. (Undergraduates may borrow from Florida libraries but not from out-of-state libraries.) Interlibrary Loan service supplements FSU Library’s collection. Please ask area librarians for assistance in making sure that materials are not available in the FSU Library before submitting a request to Interlibrary Loan.

(b) Requests. Complete information for every request must be filled out on a request card supplied by Interlibrary Loan. The information on the request card should be typed or handprinted. Do not use abbreviations. Telephone requests are not accepted.

1. Limit requests per person to five (5) active requests, excluding photoduplication requests.

2. Use one (1) request card per item. Multiple articles from the same periodical must be treated as separate requests.

3. Patrons should not ordinarily ask to borrow the following types of materials:

   a. Fiction.
   b. Inexpensive items currently purchasable in the United States.
   c. Standard reference works.
   d. Current issues of periodicals.
   e. Material for which there is likely to be a recurring demand.
   f. Material for class use.
4. Allow an average of 20 days or more for the arrival of material requested. Most materials (except xeroxes) are shipped by the lending libraries via fourth class mail.

5. The Library and the borrowers share mailing expenses on the items requested. Each borrower pays the return postage of a borrowed item which varies from 20 cents to 50 cents or more, depending on the weight of the material borrowed.

6. Since most libraries do not lend periodicals but prefer to send a photocopy of an article, the requestor must pay for the photocopy furnished. The maximum cost a requestor is willing to pay should be indicated on the article request as one library may charge a higher rate than another.

7. Any materials ordered must be paid for within that quarter as outstanding bills will be submitted to the bursar’s office.

8. Every borrower must strictly observe all regulations imposed by the lending library. These regulations usually specify the due dates, the restriction of the use of fragile, rare or old materials to the “Library Use Only” classification, or the restriction may indicate that no photocopying be made from the item borrowed.

9. All borrowed material must be returned to the Interlibrary Loan Office on or before the due date.

(32) Studies and Carrels.

(a) General. The Library has a limited number of studies and carrels designed to bring the research worker closer to the books, periodicals and other materials he is using. Application forms for faculty studies are available in the Library Administrative Office. Carrels are assigned only to doctoral candidates who are working on their dissertation at FSU and are limited to three (3) consecutive quarters. Application forms for carrels are available at each of the reference desks on the second and third floors where the carrels are located. Application should be made well in advance of need.

(b) Faculty Studies. Faculty studies are assigned “first come, first served”. Two people are assigned to the larger studies. One person is assigned to the smaller ones unless two (2) ask to use one together. Because the demand for studies exceeds by far the number of studies available, in fairness to all concerned, assignments will be limited to three (3) quarters and no renewals unless there is no waiting list or no demand for studies; renewals will then be considered. A person who fails to make reasonable use of his study will be asked to give it up. Faculty studies may not be used as offices or conference rooms.

(c) Key Deposit. A key deposit is required on study keys which will be refunded when key is returned. Keys are picked up in the Library office. The person to whom the key is given is responsible for the key at all times and for its prompt return to the Library office when the assignment terminates. The key must not be passed on to others. Graduate assistants are not to use the studies.

(d) Other. Regulations for users of studies and carrels are posted in each study and include but are not limited to the following:
1. No typing in carrels or studies.
2. No smoking in carrels or studies.
3. No food or drinks are to be consumed in carrels or studies.
4. Carrels or studies must not be used for office or conference rooms.
5. Paging service from telephones is not provided nor are numbers of faculty studies given out.
6. Only individuals assigned to carrels are permitted to use them.
7. Library materials left in carrels must be properly charged as follows:
   a. Books which circulate are to be charged from the Circulation Desk and returned there.
   b. Books which do not circulate may be charged from the appropriate division desk upon approval of the division Librarian and returned there.
   c. Vertical file materials and pictures are to be charged from the appropriate division desk and returned to that desk.
   d. Government documents are to be charged from the Documents Division desk and returned to that desk.
   e. Reserve books, reference books, periodicals, and certain government documents may not be charged to carrels.
   f. Carrels will be checked periodically and any materials not properly charged will be removed.

(33) Reserves of Printed Materials.

(a) General. The Reserve Area processes and maintains library books, personal books and xeroxed or original articles in folders requested by faculty for reserve.

(b) Arrangement.
1. All materials are in closed stacks in the Listening/Viewing/Reserve Area and are checked out by the reserve staff members and student assistants. Books are kept on shelves in alphabetical order by the author’s name. Other materials are arranged in pamphlet boxes alphabetically by the instructor’s name.
2. All materials circulate for two-hour periods during regular library hours. No material will circulate out of the library during the day during this two-hour period. Material circulates out of the library only after 9:00 p.m. Personal materials (those without library stamp) are restricted to building use.

(c) Limitations. Because of extremely heavy use of reserve facilities as well as space and staffing factors, the following limits are upheld:
1. No more than 20 book titles per course per instructor.
2. No more than 10 packages of xeroxed materials per course per instructor will be housed at the reserve desk at one time. No more than three (3) copies of each package will be accepted, except in cases where there are more than 100 students using the material.
3. No bound periodicals or other non-circulating library materials will be placed on reserve.
4. No sample tests, exams, term papers or other student papers will be placed on reserve.
5. Staff may refuse to accept any material considered to be too bulky to be housed in the present arrangement.
6. All reserve business should be conducted Monday – Friday, 8:00 a.m. to 5:00 p.m.
7. When a course is not being taught the following quarter (according to the schedule of classes) the books for that course will automatically be released.

(d) Packaging of Materials Other Than Books.
1. Xeroxed materials and articles must be secured in a folder or binder to protect them from wear and tear during the quarter and also to provide a place for appropriate identification. Folders with pockets are good for small, loose items such as newspaper clippings and pamphlets.
2. When several articles are placed on reserve, they are to be combined into packages, if possible, rather than having each in an individual folder.

(e) The Following Information Must Be Provided:
1. Instructor’s name and phone number.
2. Department and course and prefix and number.
3. Number of students in course.
4. Quarters needed.
5. Call number, author and title of each book.
6. Author, if any, and title of each personal book and/or article, and number of copies of each.

(f) Access to Materials. A looseleaf catalog containing a copy of each reserve list is provided to assist students in identifying the materials they need. This is arranged alphabetically by the course prefix and number. Students should request the materials as they are listed in the catalog.

(g) Services Offered by the Reserve Staff:
1. Checking materials in and out to users.
2. Searching for and calling in library books requested for reserve.
3. Receiving and processing books and other personal materials.
4. Preparation and updating of looseleaf catalog for users.
5. Recording frequency of use of materials, when requested.
6. Assisting students and faculty in using facilities.

(h) Priorities of processing. Faculty members should submit reserve lists at least three (3) weeks before the materials are needed. Because of the rush at the beginning of every quarter, some priorities have been established. Books are processed in order of receipt, but those lists submitted with incomplete information take longer than those providing complete information. Bringing the books with the list speeds up the processing.

(34) FSU Search, Science-Technology Division.

(a) General. FSU Search is a service that provides online computer bibliographies of published literature and work in progress in the areas of science, technology and the social sciences. The service is available to anyone in the vicinity of Leon County, Fla. The use of Geo-Ref and Sci Search is restricted to those affiliated with Florida State University. Users should be prepared to give a detailed description of a clearly defined search topic. In addition, at least one citation to a periodical article published within the last three (3) years is helpful. For best results, the requester should submit his request in person.

(b) Schedule. The service is available Monday through Friday, 8-5, holidays excluded. Medline services are also available at the FAMU, School of Pharmacy Library.

(c) Data Bases. The files available for search include agriculture, business, cancer, chemistry, computers, dentistry, education, electronics, engineering, exceptional children, food and nutrition, geo sciences, government research and development, life sciences, management, medicine, nursing, physics, psychology, science, social sciences, and vocational and technical education.

(d) Search Results. The search result is a bibliography of retrieved documents. The output formally includes the author, title and source of the citation. Abstracts are available for some databases, a brief listing is printed on-line and a more exclusive bibliography is printed off-line and arrives within ten days.

(e) Document Delivery. FSU Search does not provide the text of the documents. If the items are not available locally they may be borrowed via Interlibrary Loans. Contact the librarian of the institution with which you are affiliated or your local public library. The FSU Library does not have a copy of every item listed in the bibliography.

(f) Types of Searches Available. Current awareness searches keep the user up-to-date on the current literature. Current awareness searches are run when the update files become available. Retrospective searches include literature from several years. The extent of the collection varies and some files cover a ten year period.

(g) Length of Search. Normally, the search is processed when submitted. Most searches are completed in a few minutes.

(h) Cost. The charge for this service varies depending upon the data base searched, amount of computer time used, and the number of citations requested. The total charge for a search is based on its complexity and is in most cases unrelated to the number of references retrieved. For details consult the price list available in Science-Technology Division. An average search uses at least ten (10) minutes of computer time.
(i) Payment. Payment may be made by cash, check or charged to the agency or department. If charged to a department, an FSU budget number, state agency or other institution, the search request must be accompanied by a letter of authorization from the person responsible for the financial aspects of that budget. If several searches are to be run, a blanket authorization is necessary. Purchase orders must accompany requests to be charged to FAMU budgets.

(35) Library Materials Theft and Destruction Policy. No person shall willfully remove from the library material which has not been properly charged out, or shall willfully injure, damage, mutilate, deface or destroy library materials.

(a) Incidents of theft or destruction of library materials shall be reported to the University Police who may refer the matter to the State Attorney for prosecution pursuant to Section 812.014, F.S. – Theft or Section 806.13, F.S. – Criminal Mischief, or any other appropriate statute, and the following authorities, where appropriate.

1. Judicial Affairs, if the individual is a student at Florida State University, Florida A & M University, or Tallahassee Community College.
2. Director of Personnel Relations, Florida State University, if career service personnel or administrative and professional staff.
3. Dean of Faculties, if faculty member.
(b) A Florida State University student who is judged guilty, or who waives his/her right to a hearing by electing summary adjudication by the University judicial officer under the Student Conduct Code, for a violation of this provision shall be suspended for at least one semester.
(c) A career service or administrative and professional employee who is found to have violated this provision shall be subject to appropriate disciplinary provisions contained in Chapter 6C-5, F.A.C.
(d) A faculty member who is found to have violated this provision shall be subject to appropriate disciplinary provisions contained in Chapter 6C-5, F.A.C.
(e) The officer investigating the incident shall submit a copy of his/her report of the action to the library administration.

Specific Authority 240.227(1), 240.261(1), 240.268(2) FS. Law Implemented 240.227(1), (13), 240.261(1), 806.13, 812.014 FS. History–New 9-30-75, Amended 4-7-83, Formerly 6C2-6.08. Cf. F.S.U. Disciplinary Guidelines; 6C2-4.052(7)(f), (g), (o) and (hh), 6C2-4.059(4) F.A.C.

6C2-6.009 Inventions and Patents.

(1) Basic Objectives.
(a) To serve the public interest by insuring that inventions which have the potential for the betterment of society are developed to the point of maximum utilization and prompt availability to the public.
(b) To encourage the creation of inventions by giving adequate recognition and incentive to inventors. In sharing the proceeds of inventions with inventors, the university recognizes inventorship and acknowledges the sizable amount of time and effort necessary to adequately disclose the invention, participate in its evaluation, assist attorneys involved in filing patent applications, and alert potential licensees.
(c) To encourage and support research within the university by returning a portion of the proceeds of an invention to support selected research programs and the patent program.
(d) To recognize the equity of any outside sponsor of research within the university by making reasonable and equitable provision for the granting of limited patent rights to the sponsor consistent with the objectives outlined above.

(2) Definitions.
(a) An “invention” includes any discovery, invention, process, composition of matter, article of manufacture, know-how, design, model, technological development, strain, variety, culture of any organism, or portion, modification, translation, or extension of these items, and any mark used in connection with these items.
(b) “University support” includes the use of university funds, personnel, facilities, equipment, materials, or technological information; and includes such support provided by other public or private organizations when it is arranged, administered, and/or controlled by the university.

(3) Rights in Inventions.
(a) An employee shall disclose all inventions which the employee may develop or discover while an employee of the university. With respect to inventions made during the course of approved outside employment, the employee may delay such disclosure, when necessary to protect the outside employer’s interests, until the decision has been made by the outside employer whether to seek a patent.
(b) All inventions made outside the field or discipline in which the employee is employed by the university and for which no university support has been used are the property of the employee, who has the right to determine the disposition of such work and revenue derived from such work. The employee and the President or representative may agree that the patent for such invention be pursued by the university and the proceeds shared.
(c) An invention which is made in the field or discipline in which the employee is employed by the university, or by using university support, is the property of the university and the employee shall share in the proceeds therefrom.
(d) While an employee may, in accordance with university rules, engage in outside employment pursuant to a consulting agreement, requirements that an employee waive the employee’s or university’s rights to any inventions which arise during the course of such outside employment must be approved by the Vice President for Research. An employee who proposes to engage in such outside employment shall furnish a copy of this patent policy to the outside employer prior to or at the time the consulting or any other agreement is signed, or if there is not a written agreement, before the employment begins.

(e) Students employed to work in research sponsored by outside agencies or otherwise funded with contract and grant funds, or who are using university support shall be governed by this rule.

(4) Reporting Procedures.

(a) The inventor shall report to the Vice President for Research the nature of the discovery or invention, together with an outline of the project and the conditions under which it was done. If the university wishes to assert its interest in the invention, the Vice President shall inform the inventor within 30 days. The Vice President shall conduct an investigation which shall assess the respective equities of the inventor and the university in the invention, and determine its importance and the extent to which the university should be involved in its protection, development and promotion. The Vice President shall inform the inventor of the university’s decision to apply for the patent within a reasonable time, not to exceed 135 days from the date of the disclosure to the Vice President.

(b) The division, between the university and the inventor, of proceeds generated by the licensing or assignment of patent rights or trade secrets, shall be reflected in a written contract between the university and the inventor which shall comply with the division of proceeds schedule contained in the policy on file in the office of the Vice President for Research. All such agreements shall comport with and satisfy any preexisting commitments to outside sponsoring agencies, but the inventor shall not commit any act which would tend to defeat the university’s interest in the matter, and the university shall take any necessary step to protect such interest.

(5) Release of Rights.

(a) At any stage of making the patent application, or in the commercial application of an invention, if it has not otherwise assigned to a third party the right to pursue its interests, the President or representative may withdraw. At the request of the inventor in such case, the university shall return the patent rights to the inventor, in which case the patent shall be the inventor’s property, and none of the costs incurred by the university or on its behalf shall be assessed against the inventor.

(b) All assignments or releases of inventions, including patent rights, by the President or representative to the inventor shall contain the provision that such invention, if patented by the inventor, shall be available royalty-free for governmental purposes of the State of Florida, unless otherwise agreed in writing by the university.

(6) Patent Committee. There shall be a Patent Committee appointed by the Vice President for Research. The committee shall, upon the request of the Vice President or his designee, advise whether the university should exert an interest in a particular invention, whether patent rights should be released to an inventor, and on any other matter relating to the exploitation of an invention. The committee shall also make recommendations on university patent policy and disputes arising under this rule.


6C2-6.0091 Ownership of Student-Produced Films: School of Motion Picture, Television and Recording Arts.

(1) Purpose and Intent: This rule establishes policy governing:

(a) The ultimate disposition of the student films;

(b) Promotion of the collective work of the School of Motion Picture, Television and Recording Arts (the “Film School”);

(c) Protection of the reputation of the School. It is also intended to recognize the equity and interest of the individual students involved in their use of these films as portfolio pieces in the advancement of their careers; and

(d) Graduate and Undergraduate programs.

(2) Ownership of student productions:

(a) Upon admission to the Film School or prior to the commencement of workshop exercises and filming, the University shall require all students to sign an acknowledgement of university ownership of all student productions. Each student enrolling in the Film School, thereby agrees to be governed by this rule and accepts all terms and conditions set out herein.

(b) The acknowledgement shall contain substantially the following wording:

“In consideration of admission to the School of Motion Picture, Television and Recording Arts and other good and valuable consideration, I hereby acknowledge that the Film School is the owner of all interests to which I may be entitled in any student production, including federal and state copyright interests. I hereby further agree to be governed by all terms and conditions of the Florida State University Film School as contained in Rule 6C2-6.0091, F.A.C.”

(3) Screenplays:

(a) Screenplays that are generated as “stand alone” products by students are the student’s individual property. They may be copyrighted in the student’s name and exploited commercially in whatever way the student wishes. However, the student will be responsible for all costs and liability associated with whatever use he or she makes of any student production.
(b) Screenplays that are submitted by the student for production either as exercises or as thesis films become the property of the university, if accepted, and if incorporated into such a film. The use of such a completed film, its screenplay and its other parts is governed by the policies set forth elsewhere in this rule.

(4) General Film and Video Works:
(a) This rule applies to student film and video products, regardless of state of completion.
(b) The Florida State University’s School of Motion Picture, Television and Recording Arts retains all rights to all student films and videos produced. In particular, the University is vested with exclusive rights and ownership to the copyright of all student works and with exclusive rights to exhibit, distribute and duplicate these films and videos and to enter into distribution or broadcast licensing arrangements, whether commercially or non-commercially.
(c) Subject to the conditions contained herein, the Film School will allow students to purchase prints of particular film and video productions on which they worked, the use of which is restricted exclusively to their inclusion in the students’ career portfolios. These prints and tapes shall not be exhibited, broadcast, distributed or duplicated in any fashion without explicit written permission from the Office of the Dean of the FSU School of Motion Picture, Television and Recording Arts.
(d) The availability of such portfolio prints for purchase is always subject to approval by the Film School. If, for example, the School’s faculty considers a particular student film too elementary or too poorly executed to represent properly in public the typical level of student achievement at the Film School, it may decline to make it available to the student filmmakers involved. In this regard, the Film School attempts to protect the reputation of both current and future students.
(e) Students who are allowed to purchase prints of their films and videos will agree to assume full responsibility and all liability for any screening of those films for potential employers and others outside FSU property.
(f) In the event any net revenues are derived from the commercial or non-commercial exhibition, distribution, broadcast or duplication of any particular student film or video, the principal student film or video makers involved in its production shall receive a royalty, the nature of which will be determined by the Dean or his designee or designees in consultation with the Office of the University Attorney. The payment of royalty to any student shall reflect general university royalty policies, as set out in the BOR/UFF Collective Bargaining Agreement, 1988-1991, Article 18; The Florida State University Faculty Handbook, Section 7; and Rule 6C2-6.009, F.A.C., which are incorporated by reference.

2. The principal film or video makers involved in the production of a film or video are the writer, the director (or writer/director), the producer/production manager, the cinematographer, the editor and the audio supervisor. Should a student musical director/composer and/or art director function on the production, they also will be considered part of the team of principal film and video makers.

(g) Any student films that are not completed within the deadlines that are set are also the permanent and exclusive property of the FSU Film School.

(5) Licenses, Contracts, Clearances, Waivers and Other Legal Agreements:
(a) The incorporation of certain elements into a student film, especially music, but also animation, art work, derivative story properties, and the use of certain types of real public or private property, may involve property that is protected by a variety of laws, including statutory copyright and common law. Students are responsible for securing appropriate legal releases for the use of such property and films; recognizing that releases may contain or be subject to constraints by law regarding their use. The faculty of the Film School will take such matters into consideration in deciding whether or not to make student film exercises and thesis films available for exhibition outside the university.
(b) The Film School will totally restrict the distribution of a student product when the appropriate releases have not been obtained for all materials used in the work.

(6) Film Festivals and Competitions:
(a) The FSU Film School reserves the exclusive right to enter its student films and tapes in festivals and competitions, whether regional, national or international. If students request, the Film School may also agree to enter student “stand alone” scripts in competitions. Alternatively, students may enter their own scripts.
(b) Any financial prizes for “stand alone” scripts done by students will go directly to the individual student(s) who wrote the script.
(c) Any financial prizes won by student films or tapes made at the Film School will be placed in a student development fund, the revenues of which will be used to support student productions, scholarships or other student benefits.
(d) Any certificates or statuettes of award received by student films will be displayed at the appropriate facilities, whether at Sarasota or Tallahassee.

(7) General Procedures:
(a) The FSU Film School will retain the motion picture negatives and/or video master tapes of all student films made as part of its programs. These will be used as needed to make prints or printing masters for either students or the School.
(b) Each of the Film School’s completed productions will bear a copyright notice in the name of The Florida State University. At the time of its release, broadcast, exhibition or duplication the copyright will be registered with the Copyright Office by the FSU Film School.
(c) Completed FSU Film School student productions will bear full credit titles in the position and order prescribed by the Film School.
(d) Any FSU Film School student productions that are released or exhibited will bear the FSU and Film School logo and name as the producing studio.


6C2-6.010 Florida Resources and Environmental Analysis Center (FREAC).
The Center is an all-University, multi-disciplinary research and development center. The major objectives of the Center program are research and analysis relating to the physical and cultural resources and the environmental quality of our nation and state. An associated goal is the educational preparation of qualified personnel to staff our society’s resource agencies. Administratively, the all-University Center is under the general supervision of the Provost of the Division of Graduate Studies and Research. Space for the Center has been provided by the Geography Department. The organization of the Center includes a director, an associated director, a full fiscal and secretarial staff, and research specialists in the areas of computer technology, cartography, statistical applications, remote sensing and a physical environments specialist. Research specialists are also readily available from other areas of the University such as education, business, communications as well as physical and social sciences. Only the director, the administrative staff and the five (5) research specialists mentioned above are assigned to the Center staff. The open nature of the Center encourages all members of the faculty to be considered as potential Center researchers. The director and his staff are available to help any professor develop, obtain and administer a research grant or contract. In every case, however, the principal investigator is in charge of, and responsible for, his project. The Center is to serve the researcher in any way that can help him be more efficient. The investigator maintains his own department as his research and academic base.

A major function of the Center is to increase communication between state agencies with research needs and research resources of the University. The Center’s function is to encourage and support research efficiency and to provide a mechanism for multi-disciplinary cooperation when available. Although the Center is vitally concerned with projects funded by the State of Florida, projects funded by the federal government and private agencies are actively sought. In no way, however, is independent resources research discouraged and internal support from the Center will be provided when available. The structure of the all-University Center is designed to provide as little interference to the researcher as possible and to allow the Center the flexibility essential to meeting the changing needs and opportunities of resource-oriented research and education.

Benefits to resource research efforts include:

1. Creation of a multi-disciplinary resources research program;
2. An increase in the number of qualified resource researchers;
3. Identification of resource scholars within the State University System; and
4. Dissemination of scientific information concerning resources and resource problems.

For the purpose of establishing priorities among state agency requests, a State Agency Priorities Committee has been established. This committee consists of one (1) representative each from the Department of Administration, Pollution Control and Natural Resources; the Trustees of the Internal Improvement Trust Fund; and the Governor’s Office. This committee meets only on those occasions when the agencies’ requests for research are more numerous than the Center can handle. The Provost of the Division of Graduate Studies and Research and a representative of the President’s Office are ex officio members and the Center Director chairs the Committee.

The Center Director also chairs an on-campus Advisory Committee consisting of two (2) representatives from each of the University divisions. These representatives are appointed by the division provosts. The function of this committee is to advise the Director in decisions concerning resource allocation or personnel. This committee also serves as an editorial board for the publication of Center technical papers and reports.

Decisions regarding faculty support from Center funds are the responsibility of the Director, with the advice of the all-University Advisory Committee and the consent of the Provost of the Division of Graduate Studies and Research. Awards from the Center for state-related research efforts are made only following the receipt of a statement, from a Florida State Agency head at the Division level or above, declaring that the suggested study is needed by his agency. This restriction does not apply to research projects funded through specific research proposals.

Graduate Assistant support decisions are the responsibility of the Director with the consent of the Provost of the Division of Graduate Studies and Research. These awards are in accordance with Center research interests and help to develop a multi-disciplinary group of students. Graduate student funding will also depend upon the agreement of the Chairman of the Department within which the student is majoring.

Specific Authority 240.227(1) FS. Law Implemented 240.241 FS. History–New 9-30-75, Formerly 6C2-6.10.

6C2-6.011 Eminent Scholars Program.

(1) SCOPE. This rule shall govern the administration and general management of the Eminent Scholars Program at the Florida State University. The purpose of the Eminent Scholars Program is to attract private financial support to state universities. The financial support will be used to enhance scholarly work through the attraction of eminent scholars to the University. This rule sets out the guidelines for the solicitation of funds, the establishment and allocation of the Chairs within the University, the selection of scholars to occupy the Chairs, and the assessment of the effectiveness of the program.
(2) MAINTENANCE AND ADMINISTRATION. The Florida State University Foundation shall have the responsibility for furthering, administering and maintaining the Eminent Scholars Program at Florida State University. The Foundation shall conduct fund raising activities as authorized by the Trust Fund for Major Gifts, Section 240.2605, F.S., and invest and manage Eminent Scholar Chair Funds under procedures recommended by the Foundation Investment Committee and approved by the Foundation Board of Trustees.

(3) ESTABLISHMENT OF CHAIRS. An Eminent Scholar Chair shall be established when the Foundation has raised contributions from private sources and the Board of Regents has released matching funds from the Trust Fund for Major Gifts for the Eminent Scholars Chair in amounts specified in Section 240.2605(3)(b), F.S. The Eminent Scholar Chair shall be established pursuant to the provisions of Rule 6C-9.019, F.A.C.

(4) ALLOCATION OF CHAIRS. Donor intent shall determine the allocation of gifts received in support of the Eminent Scholars Program. All Funds will remain in the designated School, College, or Department regardless of whether full funding of a Chair is attained. When full funding of a Chair is not attained, the final determination of the use of the funds which has been raised for the Chair will be made by the Dean of the School, College, or Department in consultation with the donor and the Florida State University Foundation.

(5) SELECTION OF SCHOLARS. After each Chair has been established, the President of Florida State University shall appoint a Selection Committee to implement the process for selecting the holder of the Chair.

The composition of the Committee and its duties are as follows:

(a) Composition of the Selection Committee. A majority of the Committee shall be faculty members.

(b) Criteria for selection of Chair Holder. The first duty of the Selection Committee for each Chair shall be to recommend to the President of Florida State University those criteria to be used in the selection of the holder of the Chair. After the President has approved the criteria, the Committee shall apply them in the selection process.

(c) Search for Candidates.

1. The Selection Committee shall conduct a search for candidates to fill the Chair under the rules governing faculty selection as set out in paragraph 6C2-1.004(6)(a) and Rule 6C2-4.027, F.A.C., which are incorporated herein by reference.

2. The Selection Committee shall recommend to the President of Florida State University for his approval one or more eligible candidates, as directed by the President, to fill the Chair. The Committee shall provide to the President written documentation on the extent to which the individual chosen to occupy the Chair meets the selection criteria established for the Chair.

3. The President shall select the candidate to be offered the Chair and shall make the written offer to the candidate.

4. If a candidate is not selected by the President or if the approved candidate does not accept the Chair, the selection process shall be repeated.

(6) EVALUATION PROCEDURE. After a Chair has been filled, the Selection Committee shall provide the President with a set of measures to be used in evaluating the success of the Chair in achieving the goals implied in the selection criteria for that Chair and the purpose of the Eminent Scholars Program.

(7) CHAIR OPERATION.

(a) There are restrictions within the Board of Regents Rule 6C-9.019, F.A.C., related to budget items which are either acceptable or unacceptable in the operation of an Eminent Scholar Chair. The resources generated by the endowment fund may be used for salaries of the Chair holder, secretarial staff and research assistants; fixed capital outlay, and other expenses associated with the Chair holder’s scholarly work such as computer time and supplies.

(b) Invasion of principal is strictly prohibited and Eminent Scholar Chair budgets are developed based upon annual projected investment income. Budget preparation and budget monitoring are cooperative functions of the Dean of the School or College in which the Chair is located, the Chair holder and the Foundation. Additionally, the University President has appointed a standing committee comprised of the Dean of the Faculties, the Director of Budget and Analysis and the President of the Florida State University Foundation, Chaired by the President of the Foundation, to review expenditures from Eminent Scholar Chair investment income periodically.

(c) Investment income is maintained in a separate Foundation fund designated for Eminent Scholar Chair operations. Expenditures in support of an established Eminent Scholar Chair are made directly by the Foundation, except in those instances where the interests of the Chair can be better served by placing investment income in a University Contracts and Grants account. Signature authority for expenditures from the Investment Income Funds rests with the Dean of the School or College or designee.

(d) In accordance with the State University System of Florida Standard Practice 00-0000-5-03-1, effective 4/20/95, which is incorporated herein by reference, the Foundation shall include information concerning collection and investment of Eminent Scholars Funds in its annual audited financial statements which are presented to the Board of Regents. The Eminent Scholar Chair funds shall be audited individually, and separate financial statements shall be prepared for each as part of the Foundation’s annual financial audit.

6C2-6.012 Alcohol Policy.
The University alcohol policy shall be that as stated in The Florida State University Alcohol Policy revised July 19, 1996 which is hereby adopted by reference.

Specific Authority 240.227(1) FS. Law Implemented 240.261 FS. History–New 2-10-93, Amended 12-28-97.

6C2-6.013 Sexual Harassment Policy.

(1) The Florida State Sexual Harassment Policy (7/1/1998) is adopted by reference as a rule of the university.

(2) The complaint form referenced in paragraph (9)(b) of the Florida State Sexual Harassment Policy (7/98) is Sexual Harassment Complaint Form-7/98, which is adopted by reference.

(3) “Corrective action” as used in paragraphs (5)(a) and (12) of the policy would be action that would be non-disciplinary on the part of the University. Such action could include conferring with the individual, asking the individual to leave campus, issuing a trespass warning, appropriate notice or warnings to students and staff or the individual allegedly engaging in the harassment, notification of persons and authorities outside the university and reassignment of students or staff.

(4) The applicable rules or policies for discipline referenced in paragraph (5)(a) and for notice as referenced in paragraph (12) of the policy are contained within Rules 6C2-4.070, 6C2-3.007, 6C2-3.004 and 6C2-3.045, F.A.C.

Specific Authority 240.227(1) FS. Law Implemented 240.132, 240.133, 240.261 FS. History–New 9-24-98.
6C3 FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY

CHAPTER 6C3-1 LOCATION, ORGANIZATION, FUNCTIONS, AND FACULTY AFFAIRS

6C3-1.001 Location. (Repealed)
6C3-1.002 Organization. (Repealed)
6C3-1.003 Faculty. (Repealed)
6C3-1.004 Faculty Senate. (Repealed)
6C3-1.005 Termination of Faculty Employment. (Repealed)
6C3-1.006 Faculty Grievances. (Repealed)
6C3-1.007 Executive Vice-president. (Repealed)
6C3-1.008 Public Meetings. (Repealed)
6C3-1.009 Agenda of Meetings and Workshops. (Repealed)
6C3-1.010 Emergency Meetings. (Repealed)
6C3-1.011 Declaratory Statement by the University. (Repealed)
6C3-1.012 Meetings, Hearings and Workshops by Communications Technology Media. (Repealed)
6C3-1.013 Public Information and Inspection of Records. (Repealed)
6C3-1.014 Agency Clerk. (Repealed)
6C3-1.015 Rules of Practice. (Repealed)
6C3-1.016 Rules of Procedure. (Repealed)
6C3-1.017 Succession to Administrative Authority and Responsibility of the President.
6C3-1.018 Indexing, Management and Availability of Final Orders. (Repealed)

6C3-1.017 Succession to Administrative Authority and Responsibility of the President.

(1) In the absence or disability of the President, the Vice President for Academic Affairs shall assume all the administrative authority and responsibility of the President.

(2) In the absence or disability of the President and the Vice President for Academic Affairs, the Vice President for Planning, Policy Analysis and Information Technology shall assume all the administrative authority and responsibility of the President.

(3) In the absence or disability of the President, Vice President for Academic Affairs and the Vice President for Planning, Policy Analysis and Information Technology, the Vice President for Administrative Affairs shall assume all administrative authority and responsibility of the President.

(4) In the absence or disability of the President, Vice President for Academic Affairs, Vice President for Planning, Policy Analysis and Information Technology and the Vice President for Administrative Affairs, the Vice President for Student Affairs shall assume all the administrative authority and responsibility of the President.

(5) In the absence or disability of the President, Vice President for Academic Affairs, Vice President for Planning, Policy Analysis and Information Technology, Vice President for Administrative Affairs and the Vice President for Student Affairs, the Vice President for University Relations shall assume all the administrative authority and responsibility of the President.

(6) The responsibility for coordination of the succession will rest with the Executive Assistant to the President.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1) FS. History–New 7-28-86.
CHAPTER 6C3-2 STUDENT AFFAIRS

6C3-2.001 Housing.
6C3-2.002 Veterans.
6C3-2.003 International Students.
6C3-2.004 Career, Human Growth and Development Center Testing Services.
6C3-2.005 Career Development Services.
6C3-2.006 Counseling Services.
6C3-2.007 Withdrawal from University.
6C3-2.008 Health Service.
6C3-2.009 Student Activities. (Repealed)
6C3-2.010 Student Traffic Court.
6C3-2.011 Student Disciplinary Records.
6C3-2.012 Conduct, Student Code of.
6C3-2.013 Due Process.
6C3-2.014 Financial Aid.
6C3-2.015 Admissions.
6C3-2.016 Tuition and Fees.
6C3-2.017 Registration.
6C3-2.018 Residency and Non-residency Status.
6C3-2.019 Credit, Transfer and Examination.
6C3-2.020 Acceleration Mechanisms for Program Completion.
6C3-2.021 Academic Records and Grades.
6C3-2.022 Access to Records.
6C3-2.023 Graduation Requirements, Honors and Commencement.
6C3-2.024 Eligibility for Student Government Association Offices.
6C3-2.025 Popular Concerts and Activities.
6C3-2.026 Student Meal Plan.
6C3-2.027 Student Publications.
6C3-2.028 Anti-hazing.
6C3-2.029 President’s Scholars Award Program.
6C3-2.030 Student Activities.
6C3-2.031 Monetary Reward Program.

6C3-2.001 Housing.

(1) Application and Advance Rent – An advance rent payment is required of each applicant, and is to accompany the Residence Hall Application form. The advance rent payment and Housing Application are to be mailed to the Director of Housing in the amount and by the deadlines listed on the application.

(2) Advance Rent Refunds – Housing applications and assignments may be cancelled and the advance rent payment refunded provided the student:
   (a) Is denied admission to the University.
   (b) Is denied permission to register.
   (c) Informs the Director of Housing in writing not less than 21 days prior to the opening date of University Housing.

(3) Housing Assignments.
   (a) Upon receipt of a completed Housing Application, the Housing Office submits advance rent payment to Student Accounts.
   (b) Building assignments are made in the Housing Office and transmitted to Data Processing for key punching and cutting of Housing Assignment Notification Forms.
   (c) Housing Assignments are mailed to assignees from the Housing Office.
   (d) Assignee reports to the office in the building/area indicated on the Housing Assignment Notification Form for room number and key issue.

(4) Rent Refunds – No refund of room rent will be made after five weeks following the official opening date of University Housing, for any one quarter. Up to five (5) weeks in residence refund will be made upon application by the resident as follows:
   From one to 16 days, 80 percent; and from 17 to 23 days, 60 percent; 24 to 30 days, 40 percent; and from 31 to 37 days, 20 percent. No refunds will be made for forced withdrawals or suspensions.

(5) Key and Lock Cylinder Charges – The first room key is issued without charge. Charges will be made for each additional key and/or keys not returned within three days after termination of occupancy. Charges will be made for lock cylinders changes made necessary by the negligence of the resident. This rule is listed in the General Housing Guidelines and Information distributed to students with housing assignments.
(6) Property Damage Charges – Residents are responsible for any and all damages to structures, contents and appurtenances of buildings, apartments, rooms and mobiles to which they are assigned. Charges will be levied against residents for damages to housing facilities and their contents.

(7) Rent Collections – All rent for housing facilities, except family student housing, is due and payable in accordance with University Rule 6C3-3.009, F.A.C.

(8) House Rules – House rules are listed under the heading of “General Housing Guidelines and Information” and, are distributed with Housing Assignments. Rules peculiar to specific areas are issued to residents upon occupancy. Residents assist in the development of other rules as necessary.

(9) Eligibility for Residency.
(a) To be eligible to reside in single student facilities, the applicant must meet University admission requirements and be enrolled during the period of occupancy.
(b) To be eligible to reside in family student facilities, the husband, wife, divorcée or single parent must meet University admission requirements and be enrolled, except for the summer period, during the period of occupancy.
(c) Other students (non-FAMU students) may be eligible to reside in University housing facilities on a space available basis. The students must be enrolled in programs that are sanctioned or approved by the University.
(d) Based upon the availability of space, non-student University-related groups may be able to make arrangements for housing for participants in special programs (seminars, workshops, etc.) for limited periods of time.

(10) There may be visitation in residence halls by members of the opposite sex in specific designated areas. The designated areas in each residence hall are the recreation, lounge, and study areas, unless otherwise approved by the President or Vice-President for Student Affairs. Each visitor to a residence hall is expected to be received in a designated receiving area, and each resident having a guest is expected to be responsible for the conduct of his/her guest while the guest is in that particular hall. All residence halls will be locked at 12 p.m. midnight Sunday through Thursday, and at 2 a.m. on Friday and Saturday nights, and no guests will be allowed in the halls after those times. Only residents of that hall will be permitted to enter after the residence hall is locked.

Violations of this rule will be handled as follows:
(a) Minor first violations by students will be handled by the residence hall organization and/or Residence Hall Counselors.
(b) Major and/or second violations by students will be referred to the Office of Student Relations.
(c) Serious and/or third violations by students will be referred to the Vice-President for Student Affairs or his designee.
(d) Violations by persons not enrolled as students at the University will be considered trespassers and referred to the Campus Police.
(e) The disposition and penalties arising from violations of this rule shall be governed by the applicable provisions set forth in Rule 6C3-2.012, F.A.C.

The residents of mobile units and apartments are expected to maintain reasonable hours and socially acceptable behavior when entertaining guests. The residents are expected to restrict visitors to the living and dining areas.

(f) Residents are to remain in the presence of their visitors during the entire visit.
(g) Residents and visitors are to remain fully dressed during the visitation.
(h) Only residents of a facility may register and/or entertain visitors in the facilities in which they reside.
(i) Visitors are to use only those restroom facilities designated for “MEN ONLY” or “WOMEN ONLY”. Unmarked restroom facilities are for use by residents “ONLY”.
(j) Residents and visitors (guests) are to abide by Visitation, Housing and University policies, and City, County, State, and Federal laws.
(k) The privilege of visitation shall be revoked for individuals or residence units where policies and laws are violated.
(l) Residents are to immediately notify the Housing Staff and/or Campus Police in the event of violations of the above policies and/or laws.
(m) Non-student violators will be treated as trespassers.
(n) Upon entering residential facilities, visitors are to call for or telephone the resident from the office or lounge.
(o) Residents to be visited are to report to the office or lounge and register their visitors in the Visitation Log.
(p) Upon leaving, the residents are to accompany their visitors to the office or lounge and sign them OUT.
(q) Minor first violations by students are to be handled by the house organizations and/or Residence Counselors.
(r) Major and/or second violations by students are to be referred to Student Relations.
(s) Serious and/or third violations by students are to be dispensed of administratively (Case Reports are to be submitted immediately to the Vice President for Student Affairs or his designee).
(t) Violations by NON-STUDENTS are to be handled as trespassing and referred to the Campus Police for disposition.
(u) In mobile units and apartments, reasonable hours and socially acceptable behavior patterns for entertaining guests are to be observed by all residents. Residents are requested to restrict visitors to the living and dining room areas at all times.

(11) Eviction and General Housing Guidelines and Information. The University Housing Eviction Procedures and the Residence Life Handbook are incorporated herein by this reference. A copy of said procedures may be obtained from the Housing Office.
(12) Family Students – Upon request, applicants are issued a Family Student Housing Application, an agreement and, a “Terms and Conditions of Occupancy” for completion and information. Upon assignment, the tenant is required to pay rent for the remaining days in the current month plus one month in advance. Thereafter, rent is due and payable monthly in advance.

(13) Beginning with the Fall Semester of the 1984-85 academic year, all freshmen (first time in college students) and/or students with less than twelve (12) semester hours credit residing in excess of thirty-five (35) miles off the campus are required to live in University residence hall facilities. This requirement may be waived by the President or his designee on a case by case basis provided there is good cause shown by the student.

(14) Any deviations from the procedures as noted in the above sections must be approved by the Vice President for Student Affairs.

Specific Authority 120.53(1)(a), (b), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1) FS. History–New 10-1-75, Amended 1-12-77, 7-2-78, 11-10-83, Amended 7-20-86, Formerly 6C3-2.01, Amended 9-14-87. 

Cf. BOR Rule 6C-6.013, F.A.C.

6C3-2.002 Veterans.

(1) The Veterans Affairs Office adheres to the rules and procedures established by the Veterans Administration concerning the eligibility of and the benefits to veterans and their dependents.

(2) Students eligible for Veterans Administration benefits must report to or contact the Veterans Affairs Office for official university enrollment certification.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS. History–New 10-1-75, Formerly 6C3-2.02. 

Cf. FAMU Rule 6C3-4.008, General Catalog of the University.

6C3-2.003 International Students.

(1) The International Student Affairs Office adheres to the rules and procedures established by the United States Immigration and Naturalization Service concerning the eligibility of International Students and their dependents for visa and enrollment certification.

(2) All International Students must report to or contact the International Student Affairs Office in order to obtain Official University certification for visas and to process other United States Immigration and Naturalization Service requirements.

(3) The Board of Regents and University policies and procedures governing the admission and retention of International Students are administered by the Office of Admissions and Records.

(4) The Board of Regents and University policies and procedures governing the eligibility of International Students for financial aid are administered by the Office of Student Financial Aid.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS., 6C-6.009, 6C-9.013, F.A.C. History–New 10-1-75, Formerly 6C3-2.03. Amended 9-14-87. 

Cf. FAMU Rules 6C3-2.014 and 6C3-2.015.

6C3-2.004 Career, Human Growth and Development Center Testing Services.

(1) Individual testing services are provided under the auspices of the Career, Human Growth and Development Center to all students, their families, and employees. Individual mental, aptitude, achievement and personality tests, and interest inventories are administered, and interpreted according to the standards set forth on testing by the American Psychological Association, the American Personnel and Guidance Association, and the National Association of School Psychologists.

(2) All individual test results remain confidential, being discussed with the individual taking the test and any individual or individuals so designated by the individual. A special test results release form must be executed by the individual.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS. History–New 10-1-75, Formerly 6C3-2.04. 

Cf. FAMU Rule 6C3-4.008, General Catalog of the University.

6C3-2.005 Career Development Services.

(1) General Statement – In order to assure compliance with federal and state laws and regulations relating to employment opportunities, it is the policy of Florida A & M University that all on-campus recruitment activities be coordinated through the centralized service provided by the University. The Career Development Service Office is designated as the official university branch responsible for all such activities (e.g. organization recruiting for permanent employees, internships, summer employment, co-op, etc.). More specifically stated, this policy prohibits any organization from recruiting on campus without having first notified the Career Development Service Office in writing of their needs, intended date for recruiting, type(s) of majors sought, classification, interviewer’s name, title, address, etc. and the sponsoring organization’s name, location, etc.

(2) Departmental Contact – An organization may contact an academic area at the University to ascertain information (e.g. number of students in program, type(s) of courses offered or other academic related information); however, no organization will be granted official permission to recruit students for employment without having provided the Career Development Service Office with the above information prior to the visit.
(3) Departmental Interviews – If an organization interviews students outside of the Career Development Service Office, prior arrangements should be coordinated through Career Development Service Office by the company. Follow-up information, such as number of students interviewed, second-level interviews/plant visits and job offers extended should be communicated to the Career Development Service Office for statistical records.

(4) On-Campus Testing – If an organization desires to test students on-campus, proof of validation of the tests must be presented to the Career Development Service Office prior to the administration of such instrument on campus.

(5) Campus Information Recruitment Form – Desired interview dates, positions expected to be available, degrees, and other pertinent information should be stated on the Campus Information Recruitment Form CRIF (dated 12-15-87), which is incorporated herein by this reference, and forwarded to the Career Development Service Office well in advance of the scheduled recruitment visit. A copy of the form may be obtained from the Career Development Service. Any changes or cancellation or original request should be made through the Career Development Service Office in writing.

(6) Prescreening and Closed Schedules – Employers may request the Career Development Service Office lists of resumes of prospective candidates for employment. Employers who are preselecting are expected to use only criteria which conform to EEOC guidelines. With the permission of the Career Development Service Office, employers may use invitational (closed) schedules. Such schedules should be used with great discretion and in conjunction with open schedules.

(7) Employer Literature – Employer materials should be supplied in sufficient quantities and well in advance of interviewing date(s). Position description(s) should also be included.

(8) Decentralized Recruiting – When both the parent organization and subsidiary or affiliated organization(s) conduct interviews on-campus concurrently, an explanation of their mission and exact affiliation should be made clear to both the Career Development Service Office staff and candidates. The number of interviewers brought on campus by an employer should be adequate for the pre-arranged schedule(s).

(9) Plant Visits – Arrangements for on-site visitation by candidates should be mutually agreeable to both the candidate and the company to be visited. Such visitations should be made in such a manner so as not to interfere with the student’s normal classes.

(10) Interview Follow-Ups – Following an interview, employers should communicate with both candidates and the Career Development Service Office concerning the outcome of interviews and subsequent negotiations.

(11) Hotel Arrangements and On-Campus Parking – Arranging hotel accommodations is the responsibility of the recruiting organization; however, a list of hotels with one necessary contact information will be included in a recruitment visit confirmation packet for the convenience of the recruiting organization. Parking permits will be provided as employer representatives check in at the Career Development Service Office on the scheduled recruitment date.

(12) Luncheons and Receptions – Organizations desiring to have lunch or receptions with academic areas, may contact that area directly or the Career Development Service Office will assist in coordinating the arrangements.

_6C3-2.006 Counseling Services._

(1) Counseling services are open to all members of the University. All referrals are by appointment only.

(2) Upon written request, the Counseling Center will make a student’s records available to the person so designated on the Release of Information Request Form, except in cases of notes extracted from therapy referencing the therapist professional opinion of the student’s condition and prognosis. The Release of Information Request Form must be submitted in writing within ten (10) days of the date the request is to be fulfilled.

(3) The parent and/or student may waive the right of privacy by written request, and the Counseling Center will consequently make the student’s record available to whomever the student designates or, if the student is incapacitated emotionally, whomever the parent or guardian designates.

(4) The parent and/or the student shall have the opportunity to challenge any information included in the student’s record on file in the Counseling Center. Further, the parent and/or the student will be provided an opportunity for making corrections and/or deletions of incorrect information contained in the file.

(5) In cases where the challenge of a student’s record is not resolved to the satisfaction of the party or parties involved, a request in writing may be made to the Director of the Counseling and Assessment Center, who shall upon receipt of the request, assemble an Appeals Committee. The Appeals Committee will hear the case within 48-72 hours. If the matter is not resolved as a result of the hearing, it will be referred to a designated representative of the university administration for action.

_Cf. BOR Rule 6C-5.103 and FAMU Rule 6C3-10.103, F.A.C._

_6C3-2.007 Withdrawal from University._

(1) A student who desires to withdraw from the University must report to the Director of the Counseling and Assessment Center and explain the circumstances which he/she feels necessitates the withdrawal. If the request is approved, a Request for Withdrawal Form (dated 10/24/85), which is incorporated herein by this reference, will be completed and signed by both the
Director of the Counseling and Assessment Center and the student. The Withdrawal forms are available at the Counseling and Assessment Center. Once the withdrawal process has been completed, the student is then required to turn in his/her student identification card to the Office of Student Activities. The student also must turn in all residence hall keys, if applicable, to the counselor of the dormitory in which the student is residing. The student is further required to turn in his/her mealbook to the Office of Student Accounts and the Withdrawal Form is deposited with the Office of the Registrar.

2) No student will be permitted to file a Withdrawal Form within the last five weeks of the semester without receiving failing grades, unless unusual circumstances, as determined by the Director of the Counseling and Assessment Center, are established.

3) Any student who withdraws from the University during the registration or late registration period will not receive grades at the closing of the semester. Those who officially withdraw after the last day to register but during the first ten weeks of the semester will receive a “W” at the closing of the semester. A grade of “F” for each course will be assigned to any student who leaves the University without filing the Withdrawal Form with the University Registrar.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS. History–New 10-1-75, Amended 7-19-85, Amended 7-20-86, Formerly 6C3-2.07.
Cf. Rule 6C3-4.008, General Catalog of the University regarding section on withdrawals.

6C3-2.008 Health Service.

1) A Student Health Fee is automatically assessed at the time of registration for each student who is registered for six (6) or more semester hours of credit. Part-time students who register for less than six (6) semester hours of credit do not pay a health fee and are not eligible to receive health care service at Florida A & M University.

2) The health fee paid each semester entitles the student to attend the Clinic and receive professional medical care as many times as he or she chooses. The fee does not pay for medical supplies, lab work, X-rays, or medication ordered by the health service. Florida A & M University students who have paid a health fee are eligible for services in the Student Health Service during the semester for which they are registered. Presentation of a validated picture I. D. card is required.

3) If the services of an off-campus medical facility are needed, the student is responsible for the bill incurred.

4) If off-campus specialized treatment is needed, the student is responsible for transportation.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS., 6C-7.003(5), 6C3-3.013, F.A.C. History–New 10-1-75, Formerly 6C3-2.08, Amended 9-14-87.

6C3-2.010 Student Traffic Court.

The Student Traffic Court is established to hear and dispose of all traffic and parking violations falling within its jurisdiction, as necessary, to insure proper handling of all cases and to protect the defendant’s right to a speedy trial. All monies collected go toward the cost of administering the traffic system and student scholarships. The Court will request the Office of the Comptroller to place a hold on a student’s registration at the University when the student fails to satisfy his fine obligation with the Court.

Specific Authority 120.53(1), 240.227(1), 240.266(2) FS. Law Implemented 120.53(1), 240.227(1), 240.266(2) FS., 6C-7.002(22), (24), F.A.C. History–New 10-1-75, Formerly 6C3-2.10.
Cf. FAMU Rule 6C3-3.004, Traffic.

6C3-2.011 Student Disciplinary Records.

1) A student’s personnel record on file in the Office for Student Relations is considered confidential and the contents will not be disclosed without prior approval of the student involved to any individual or agency except the professional staff of the Division of Student Affairs. Factual information, however, contained in student files that can normally be obtained from open public records, such as classification, place of residence, location and periods of employment, is not considered confidential.

2) Action authorized by the Vice President for Student Affairs resulting in loss of good standing (expulsion, suspension, probation or impending hearing) will be transmitted to the Registrar by the Director of Student Relations with a copy to the student involved and the parents of those students under 18 years of age. The Registrar will then place a hold on the permanent record card indicating the action that has been imposed. The hold will be maintained as long as the action is in force. It is the responsibility of the student upon satisfactory completion of the terms of the penalty to initiate, through the Director of Student Relations, the clearance of his/her record.

3) If any agency requests information as to why a hold was placed on the student’s record, the Director of Student Relations may state the general category of the hold, but will not divulge the details of the penalty without written permission of the student to release such information.

4) As otherwise applicable the provisions of Section 228.093, Florida Statutes, shall apply in conjunction with the foregoing.

Specific Authority 120.53(1), 240.227(1), 240.237, 228.093 FS. Law Implemented 120.53(1), 240.227(1), 228.093 FS. History–New 10-1-75, Amended 11-4-79, Formerly 6C3-2.11, Amended 9-14-87.
Cf. FAMU Rule 6C3-2.022, Access to Records, F.A.C.
6C3-2.012 Conduct, Student Code of.

(1) All student conduct regulations of the University shall be printed in a form or forms which make them available to all students and shall be applicable only upon publication in the Student Handbook, FANG, or other reasonable means of written or electronic notification.

(2) As members of the academic community, students enjoy the rights and privileges that accrue to such membership including, but not limited to, academic freedom and participation in the decision-making processes of the University. Additionally, students are subject to the obligations and duties which accompany this membership and are responsible for compliance with the requirements of law and with all governance by students, faculty, and staff. It is incumbent upon members of the campus community to notify the appropriate judicial body or officials of a violation of these regulations, to encourage all to comply with them, and assist in their enforcement by testifying as witnesses when called upon to do so.

(3) Discipline may be imposed for offenses against the Code occurring at any of the following locations or activities:
   (a) University campus;
   (b) University owned or controlled property;
   (c) Property or other housing units assigned for responsibility to the University, including but not limited to fraternity and sorority property;
   (d) Activities sponsored by the University wherever they may occur;
   (e) Activities officially approved by the University which are conducted by University chartered organizations wherever they may occur;
   (f) Activities occurring off campus.

(4) Felony – a serious offense against the University for which a student, upon conviction, shall be punished by:
   (a) Expulsion from the University; or
   (b) Dismissal from the University; or
   (c) Suspension from the University for a period not to exceed three years; or
   (d) Community service, not to exceed 25 hours per week and not to exceed a total of 11 weeks; or
   (e) Probation for a specified period, or for a period not to exceed a total of time needed by the student to complete requirements for graduation; or
   (f) Any combination of the foregoing that the hearing body or judicial officer may, under the circumstances, see fit to impose.

(5) Misdemeanor – an offense against the University for which the student, upon conviction, shall be punished by:
   (a) Suspension from the University for a period not to exceed two semesters; or
   (b) Community service, not to exceed 15 hours per week and not to exceed a total of 11 weeks; or
   (c) Probation for a specified period, or for a period not to exceed one year; or
   (d) A letter of reprimand; or
   (e) Any combination of the foregoing that the hearing body or judicial officer may, under the circumstances, see fit to impose.

(6) Definition of student conduct terms – The following terms used in imposing penalties for various offenses are defined as follows:
   (a) Expulsion – a student shall be deprived of his/her opportunity to reenter the University. The student is permanently separated from the University.
   (b) Dismissal – separation of the student from the University for an indefinite period of time. Readmission is conditioned by the recommendation of an ad hoc review board appointed by the President or Vice President for Student Affairs.
   (c) Suspension – separation of the student from the University for a definite period of time. The duration of the period of suspension shall be in direct proportion to the degree of seriousness attached to the misconduct.
   (d) Probation – an official warning that the student’s conduct violated the code of conduct of the University and requires the withdrawal of special privileges, participation in inter-collegiate activities, and others. The student may not be elected to office during the period of probation. If the student is holding an office, he/she must vacate the office for the term of probation. The penalty of probation may also include a specified monetary fine from $100.00 to $350.00.
   (e) Reprimand – a formal rebuke and official recognition by letter to the student of misconduct as charged by the University.
   (f) Community service – hours the student may be required to perform in specified areas of service.
   (7) A student convicted of a second misdemeanor for same offense while enrolled in the University shall be liable for punishment of a felony.

(8) The hearing body or judicial officer shall have the authority to suspend sentence or withhold sentencing for a specified period of time where circumstances warrant. A probationary period must be imposed.

(9) The President of the University or the Vice President for Student Affairs may expel, dismiss or suspend any student when the student’s conduct is detrimental to the University and involves disruption of the University process or is dangerous to the health, safety and morals of the University community.

(10) Offenses Classified as Felonies and Their Definitions.
   (a) The offense affray is defined as the fighting of two or more students in a public or private place, voluntarily or not, to the disturbance of others. Penalty: Probation up to expulsion.
   (b) The offense assault and battery is defined as the unlawful and intentional application of force to the person of another. Penalty: Probation up to expulsion.
(c) The offense assaulting a University official is defined as the unlawful attempt or offer to do bodily harm to an official of the University when the official is in the execution of his office. Penalty: Probation up to expulsion.

(d) The offense disobeying a University official is defined as an intentional defiance of authority. The offense includes disobeying orders of the University official or the use of contemptuous words toward the University official. Penalty: Probation up to expulsion.

(e) The offense breaking and entering is defined as the unlawful breaking into of a building or structure of another, with intent to commit an offense therein. The word building includes a room, classroom, office, store, or trailer. A break includes any removal of any part of the building designed to prevent entry. Opening a closed door or window or other similar fixture, or cutting out the glass or the netting of a screen is defined as breaking. Penalty: Probation up to expulsion.

(f) The student who knowingly, with the intent to deceive, falsifies records or gives misleading information, oral or written, is subject to charges of deliberate deception. Penalty: Probation up to expulsion.

(g) The offense destruction of property is defined as willful and malicious defacement, damage or destruction of University property or the private property of another. It includes vandalizing, misusing or intentional losses of University or private property. In addition to being subject to disciplinary action, students or student organizations responsible for such damage may be financially liable. The value of the property referred to must be $100.00 or more. Penalty: Probation up to expulsion.

(h) The offense hazing is defined as noted in FAMU Rule 6C3-2.028, F.A.C. Penalty: See subsections (3) and (4) of said rule.

(i) Stealing is defined as the intent to permanently deprive or defraud the true owner of his/her property or to appropriate the same to the use of the taker or someone other than the true owner. It is taking from the possession of another or obtaining from a person value of any kind, appropriating the same to personal use or to the use of another person other than the true owner. The property alleged as being stolen must be of a value of $100.00 or more. Penalty: Probation up to dismissal.

(j) Lewd and Lascivious Behavior is defined as such behavior as indicated under Section 800.03, Florida Statutes. Penalty: Probation up to expulsion.

(k) Use and/or possession of firearms, ammunition, explosives, or the use of a knife, firecracker or firework in a reckless manner is prohibited. Firecrackers or fireworks may be used only when approved by appropriate University officials.

1. “Firearm” means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a riot; the inciting or encouraging of a riot; or the commission of any felony under this Rule.

2. “Fireworks” means and includes any combustible or explosive composition or substance or combination of substances, or except as hereinafter provided, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance. The term “fireworks” does not include sparklers; toy pistols, toy canes, toy guns.

3. The term “sparkler” means a device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate or explode, is hand-held or ground-based, and cannot propel itself through the air. Penalty: Probation up to expulsion.

(l) The opening and removing of the mail of another person without authority is a violation of Federal law. University penalties may also be imposed for such a violation. Penalty: Probation up to expulsion.

(m) The student convicted of a felony by an off-campus court of competent jurisdiction may be subject to sanctions by the University. Penalty: Probation up to expulsion.

(n) Violations of the terms of disciplinary action imposed as a result of previous disciplinary proceedings under the provision of this Code will subject the student to additional sanctions. Penalty: Probation up to dismissal.

(o) The offense conspiracy is defined as planning with one or more fellow students to commit an act or acts which violate(s) the University Code of Conduct. Penalty: Probation up to expulsion.

(p) Identification violations include:

1. To fail to present identification when requested by a University Law Enforcement Officer or other university official who identifies him/herself. Penalty: Probation up to dismissal.

2. To alter, illegally use or attempt to illegally use an identification card, library card, decal or other means of identification not issued to the student. Penalty: Probation up to dismissal.

3. The student who knowingly, with intent to deceive, allows another to use his/her student identification card, decal or other means of identification. Penalty: Probation up to dismissal.

(q) Stalking:

1. Any person who willfully, maliciously, and repeatedly follows or harasses another person commits the offense of stalking. Penalty: Probation up to suspension.

2. Any person who willfully, maliciously, and repeatedly follows or harasses another person, and who makes a credible threat with the intent to place that person in fear of bodily injury or loss of life; or who fails to comply with an off-campus court order to cease and desist with any such conduct toward subject person or that person’s property commits the offense of aggravated stalking. Penalty: Suspension up to expulsion.
(r) Sexual Battery – The non-consensual oral, anal or vaginal penetration by, or union with the sexual organ of another or the anal or vaginal penetration with an object by another; however, sexual battery does not include an act done for a bona fide medical purpose. Penalty: Suspension up to expulsion.

1. “Victim” means a person who has been the object of a sexual battery.
2. “Alleged Offender” means the person who has been accused of committing sexual battery.
3. Unless expressly prohibited by law, the University is committed to affording the victim of a sexual assault the following rights:
   a. To not require the corroboration of the victim’s testimony.
   b. To prohibit the victim’s past sexual history from being admitted as testimony in university proceedings.
   c. To allow the victim to submit to the Hearing Body during the penalty phase a victim impact statement.
   d. To authorize the Vice President for Student Affairs or Dean of Students, or Director of Housing to modify living arrangements in cases where the victim and alleged offender live in the same housing complex.
   e. To authorize the Vice President for Student Affairs or Dean of Students, or the University Judicial Official to issue an immediate administrative restraining order, forbidding the alleged offender from all contact with the victim.
   f. To authorize the University provost and/or the academic deans to establish an immediate reassignment of classes for the alleged offender when both alleged offender and victim attend the same classes.
   g. To provide on-campus counseling services to victims of sexual assault.
   h. To close the proceedings from the public as provided in all other disciplinary proceedings.

(s) Academic Honesty Violations:

1. An academic honesty violation shall include a student who gives or takes information or material and wrongfully uses it to aid himself/herself or another student in academic endeavors. It shall further include receiving unauthorized written or oral information from a fellow student. Additionally, it shall include stealing, buying, selling, or referring to a copy of an exami nation aid himself/herself or another student in  academic endeavors. It shall further include receiving unauthorized written or oral
   information from a fellow student. Additionally, it shall include stealing, buying, selling, or referring to a copy of an examination before it is administered.

2. In the instance of papers written outside of the class, academic honesty violations shall include plagiarism. Plagiarism may be specifically defined for the purposes of any course by the instructor involved. Unless otherwise defined, plagiarism shall include failure to use quotation marks or other conventional markings around material quoted from any source. Plagiarism shall also include paraphrasing a specific passage from a specific source without indicating accurately what that source is. Plagiarism shall further include letting another person compose or rewrite a written assignment.

3. A student who assists in any of the academic honesty violations mentioned above shall be considered equally as responsible as the student who accepts such assistance.

4. For procedural information regarding academic honesty violations, students should consult with the academic dean or director in the respective school or college.

5. The penalties for academic honesty violations shall include: reprimand, reduction of grade; denial of academic credit; invalidation of university credit or of the degree based upon such credit; probation; suspension; dismissal; or expulsion. In addition to any other penalties that may be imposed, the individual or student may be denied admission or further registration, and the University may invalidate academic credit for work done by a student and may invalidate or revoke the degree based upon such credit if it is determined that the student has made false, fraudulent, or incomplete statements in the application, residence affidavit, or accompanying documents or statements in connection with, or supplemental to, the application for admission to or graduation from the University.

   (1) Offenses Classified as Misdemeanors and Their Definition.

(a) The offense assault is defined as an unlawful offer or attempt to do bodily harm toward the person of another. Penalty: Letter of reprimand up to suspension.

(b) The student who gives or takes any information or material with the intention of wrongly using it to aid himself or another student in academic endeavors shall be subject to the charge of cheating. Penalty: Letter of reprimand up to suspension.

(c) The offense destruction of property is defined as willful and malicious defacement, damage or destruction of University property or the property of another. It includes vandalizing, misusing or intentional loss of University or private property. In addition to being subject to disciplinary action, students or student organizations responsible for such damage may be financially liable. The value of the property referred to must be less than $100.00. Penalty: Letter of reprimand up to suspension.

(d) The offense disorderly conduct encompasses the act or acts, disorders and neglect which affect the peace, harmony, and well being of the University community to the prejudice of good order and discipline. Disorderly conduct includes, but is not limited to the use of profanity in public, drunkenness in University buildings and grounds and the use of insulting or defamatory language. Penalty: Letter of reprimand up to suspension.

(e) The offense stealing is defined as the intent to permanently deprive or defraud the true owner of his/her property or to appropriate the same to the use of the taker or someone other than the true owner. It is taking from the possession of another or obtaining from a person value of any kind, appropriating the same to personal use or to the use of another person other than the true owner. The property alleged as being stolen must be of a value of less than $100.00. Penalty: Letter of reprimand up to suspension.

(f) The possession of firearms, ammunition, explosives, firecrackers or fireworks, or the possession of a knife or other discharges or weapons of whatever kind or character is in violation of the code of conduct. Penalty: Letter of reprimand up to suspension.
The University prohibits the use, sale, possession, manufacturing, bartering, and consumption of alcoholic beverages in the residence halls, about the campus, or in any public gathering or recreational area or facility on University campus. The use, sale, possession, manufacturing, and bartering of narcotic drugs, central nervous system stimulants, hallucinogenic drugs, barbiturates, or other illicit drugs, defined by federal or state law or Board of Governors rules and policies, shall be prohibited in the residence halls, on the campus, or in any public gathering or recreational area. Said offenses shall be punishable as felonies. Penalty: Probation up to dismissal.

The University may summarily dismiss or expel any student or group of students, pending a hearing at a later date if requested, under the following circumstances:

(a) The continued presence of the student on campus is likely to create interference with the educational process and/or the orderly operation of the University; or

(b) The continued presence of the student on campus is likely to endanger the health, safety, welfare or property of the University community.

(c) The offense or conduct committed by the student is of such a serious, heinous or repulsive nature, as to adversely affect the University community and the student’s suitability as a member of the academic community.

Violation of residence hall policies and procedures are punishable as misdemeanors. Violation of the Visitation Policy as found in Rule 6C3-2.001, F.A.C., shall carry either an arrest for trespassing, suspension or probation and the removal from living in University housing.

The President or Vice President for Student Affairs may summarily dismiss or expel any student, pending a hearing at a later date if requested, who is convicted of or pleaded guilty to a criminal offense of a kind which interferes with the educational or orderly operation of the University, or a kind which, if the student were allowed to remain enrolled, would endanger the health, safety, or property of the members of the academic community.

A student who fails to respond to an administrative request to appear shall be prohibited from attending classes and participating in extra-curricular activities until compliance with the administrative request to appear is effected.

If a student charged with a violation of the Student Code of Conduct, regardless of which judicial body may hear the matter, wishes to have the hearing postponed because there is pending or possible civil or criminal litigation which he/she feels might be prejudiced by the findings of the University hearing, such postponement may be granted provided the student requests it in writing and agrees to accept the imposition of probation, suspension or withdrawal from the University voluntarily, depending upon the gravity of the offense. Such probation, suspension or withdrawal will be determined and activated by the University Judicial Officer with recommendations to the Vice President for Student Affairs. Action taken shall remain in force until such time as the student requesting a hearing appears before the appropriate hearing body and a hearing is held. The student shall be informed whether he/she would be placed on probation or would be suspended prior to his making a decision to postpone the hearing.

Students are required to carry a validated picture identification card at all times. Failure to do so, may subject them to a reasonable detention by appropriate University authorities.

In addition to the right of University officials to enter a student’s room in University housing pursuant to the terms of the Housing and Board Agreement, officials may enter when an emergency exists, where there is reasonable cause to believe there is a clear and present danger or where there is a reasonable belief that contraband is present which interferes with the educational process of the University, or where the health, safety and morals of the University community are in imminent and apparent danger.

In the event a student charged with an offense wishes to waive, in writing, his/her right to a hearing and/or an appeal of a hearing to the appropriate official or hearing body and the University Judicial Officer wishes to accept jurisdiction, the University Judicial Officer may make a determination of facts and, if the student is found responsible for the offense, make a recommendation of penalty. The student’s written waiver shall be obtained after being given an explanation of the charges against him/her and of his/her rights to a hearing and appeal under the Student Code of Conduct. The student shall have two (2) work days from the date of signing the waiver to rescind, in writing, his/her waiver and request a hearing. In the absence of a rescission of waiver, the student shall be informed in writing of the decision of his/her case within ten (10) work days from the date of the waiver.

When a student is accused of a violation, which in the opinion of the University Judicial Officer, if proven, would not warrant a penalty in excess of probation, the University Judicial Officer may channel the case to the Student Government Association Supreme Court.

In the event the offense charged is within the jurisdiction of more than one primary hearing body, the University Judicial Officer shall determine which primary hearing body shall hear the charge.

Decisions of the Student Supreme Court pursuant to subsection (21) above, Residence Life informal hearing panels and administrative hearing panels are appealed to the Dean of Students. The final appeal within the University is to the President or Vice President for Student Affairs.

(a) The student has ten (10) work days from the date of the written notification of the decision by the hearing body to make his/her appeal in writing and file same with the Office of the Dean of Students.

(b) The written appeal must specify reason(s) why consideration should be granted and should only deal with matters of record, procedure, testimony and/or evidence.

(c) No student’s final penalty shall begin to run until all University appeals are exhausted or denied.
(24) A tape recording or verbatim recording of each hearing will be made and preserved until the appeal process has been exhausted. During this period the accused, with or without the company of legal counsel, and/or advisor, and/or parent will be granted permission to listen to the recorded testimony in privacy as determined by the University Judicial Officer, with the express understanding that the record is to remain confidential to the extent provided by law. If the student chooses to appeal, the record shall be made available to the accused and the President or Vice President for Student Affairs or his designee.

(25) The President of the University or Vice President for Student Affairs reserves the right to appoint an ad hoc committee to hear matters regarding, but not specifically limited to, the subject matter of subsections (9), (12), (13), and (15) above. The chairperson of the committee, who may be an academic dean or director, shall also be appointed by the President or Vice President for Student Affairs.

(26) The hearing body, ad hoc committee or University Judicial Officer shall afford the accused student with due process as provided by FAMU Rule 6C3-2.013, F.A.C., and/or Board of Governors subsection 6C-6.0105(5), F.A.C. The regulations or codes implementing the due process provisions as well as other matters referenced in said rules but not included herein shall be printed in the student handbook, the FANG, under the section entitled “Student Rights, Responsibilities and Code of Conduct.”

(27) Students who have a change of address after registration must file a change of address form at the Office of the University Registrar. All notices, decisions and outcomes of judicial matters connected with the disciplinary process will be mailed to the student's last known local address as filed with the Registrar's Office. All notices, decisions and outcomes of judicial matters connected with the disciplinary process will be mailed to the student’s permanent home address when there is no local address furnished to the Office of the Registrar by the charged student.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10)(e), 1006.60, 1006.61, 1006.62, 1006.63 FS. History–New 10-1-75, Repromulgated 3-8-76, Amended 8-6-78, 12-22-83, Formerly 6C3-2.12, Amended 9-14-87, 1-26-04.

Cf. BOR University Rule 6C3-2.028, F.A.C., on anti-hazing.

6C3-2.013 Due Process.

(1) The due process requirements contained below shall be applicable in all cases involving academic dishonesty and matters involving alleged violations of the Student Code of Conduct. Due process as applied by the University and its schools and colleges shall include, as a minimum, the following:

(a) The student shall be provided with written notice of the charges against him/her in sufficient detail and in sufficient time to prepare for a hearing before an appropriate committee or court, as established by the University or its colleges or schools, or before the appropriate University official;

(b) The University or its colleges and schools shall establish a minimum number of days in advance of the hearing to present the written notice of charges, but in no case will this notice be less than three days, except in cases of emergency as specified below;

(c) The Student shall be entitled to a prompt hearing before an appropriate committee or court, as established by the University or its colleges and schools; or the student shall have the option to request adjudication of the matter by an appropriate official designated by the University or its colleges and schools;

(d) The student may inspect the evidence which will be presented against him/her;

(e) The student may present evidence on his/her own behalf;

(f) The student may hear and question adverse witnesses;

(g) The student shall not be forced to present testimony which would be self-incriminating; however, the university and/or its colleges and schools is not required to postpone the proceedings pending the outcome of any outside prosecution;

(h) The student may have an advisor of the student’s choice present at the hearing;

(i) The decision of guilt or innocence on the charges shall be based solely on the evidence presented at the hearing;

(j) The decisions of any committee or court, or of any university official, shall be presented to the student in writing and within a reasonable period of time following the hearing;

(k) The student may appeal the decision of any committee or court or of any university official, within a period specified by the university or its colleges and schools in the written procedures, to the president or the president’s designee; and

(l) The student’s status will remain unchanged pending the university’s final decision in the matter, except where the president or president’s designee determines that the safety, health or general welfare of the student or the university is involved. A student’s enrollment status may be changed only in cases where the president or president’s designee determines that an emergency exists, which affects the safety, health or general welfare of the student or other students or the university and/or its employees.

(m) At the conclusion of the appeals process, the decision of the president or the president’s designee shall be final.

(2) Additional due process protections as may be provided by rule of the Board of Regents shall also be applicable to cases involving academic dishonesty or violations of the Student Code of Conduct as indicated by said rule. Refer to Board of Regents subsection 6C-6.0105(5), F.A.C.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 120.57(5), 240.227(1) FS. History–New 10-1-75, Formerly 6C3-2.13, Amended 9-14-87.
6C3-2.014 Financial Aid.

(1) The Office of Student Financial Aid is responsible for the coordination of Federal, State, Institutional and private grants, scholarships, loans and work study programs.

(2) The priority deadline for applying for financial aid is April 1st of each year for the next academic year. When applicable the Office of Student Financial Aid seeks to evaluate each student’s financial need, as determined by one of the need analysis systems, to determine who can best benefit from the forms of aid available.

(3) New students must be admitted and have on file the appropriate documents/forms prior to being considered for financial aid.

(4) Student financial aid funds are provided by federal, state, public, private and institutional allocations and are therefore subject to change and/or late awarding. Therefore, the University reserves the right to modify its commitments accordingly. Awards are contingent upon actual receipt of funds from the above mentioned sources.

(5) When applicable, to be eligible to receive financial aid, a student must be enrolled as a regular student in an eligible program. Each student must maintain standards of satisfactory progress to maintain eligibility for financial aid. The Office of Student Financial Aid accepts no responsibility to replace aid which is lost when a student fails to maintain satisfactory progress.

(6) Notification must be made in writing to the Office of Student Financial Aid of the following:

(a) Changes in financial circumstances;
(b) Additional financial aid received from other sources;
(c) Application for graduation;
(d) Withdrawal from the University;
(e) Transfer to another University;
(f) Change in address, name, social security;
(g) Change in marital status; and
(h) Resident status.

(7) Students who receive one or a combination of Health Professions (Pharmacy) Loan, Nursing Loan, or National Direct Student Loan (Perkin) and Guaranteed Student Loan must have an exit interview at the time of Withdrawal or Graduation.

(8) The Student Financial Aid Committee is the policy level committee that recommends university policy on matters relating to student financial aid, program objectives and to facilitate these activities.

(9) Financial need and/or academic merit are given primary consideration in the awarding of financial aid funds. Available institutional resources such as financial aid fees, interest income, fee waivers, etc. are utilized to supplement State and Federal programs. These resources are used in a manner that serves the institution’s plan for providing educational opportunity.

(10) Private scholarship donations are administered using donor designated criteria. When such criteria are not prescribed, financial need, special talents and/or academic merit are used to determine student eligibility.

Specific Authority 120.53(1)(a), 240.227(1), 240.287 FS. Law Implemented 240.227(1), 120.53(1)(a), 240.235(2), 240.291, Chapter 240, Part IV, FS., 6C-7.003(26), F.A.C. History–New 10-1-75, Amended 11-10-80, Formerly 6C3-2.14, Amended 9-14-87.

6C3-2.015 Admissions.

(1) General Policies.

(a) Florida A&M University (FAMU) uses the common application form for undergraduate admission to any one of the state universities. Applications may be obtained from any Florida high school or Florida community college or students may write to the Office of Admissions, Florida A&M University, Tallahassee, Florida 32307-3200.

(b) Each applicant must submit an admission application along with the requisite non-refundable fee. Fee waivers are accepted from First-Time-in-College Florida residents who can document that they have received a fee waiver based on economic need as determined by the College Board or the American College Testing Program. Submission of applications may be as early as 12 months prior to the anticipated enrollment date and by the deadline stated in the university calendar.

(c) The selection of students for admission is within the jurisdiction of the university. However, all admission decisions by the university shall be pursuant to Section 1007.261, Florida Statutes, and rules of the Florida Board of Governors.

(d) Each person admitted and enrolled must have a high school diploma or its equivalent (e.g., General Education Diploma) or completed a home education program in accordance with Section 1002.41, Florida Statutes.

(e) Each student accepted for admission shall, prior to enrolling, submit a FAMU medical history form signed by the student. All entering students born in or after 1957 must provide proof of rubeola and rubella immunization which is mandatory prior to enrollment. Admission and/or registration is subject to denial for any student whose health record or report of medical examination indicates the existence of a condition that may be harmful to members of the university community.

(f) An application or residency affidavit submitted by or on behalf of a student that contains false, fraudulent, or incomplete statements may result in denial of admission or denial of further registration and/or invalidation of FAMU credits.

(g) Admission to FAMU shall be on a selective basis within curricula, space, and fiscal limitations. The selection process includes, but may not be limited to, grades; test scores; educational objectives; pattern of courses completed; past conduct; recommendations; and personal records. Admission is contingent upon the subsequent receipt of official high school and college or university transcripts and verification of high school diplomas, baccalaureate and master’s degrees. If these documents are not
received, it will result in cancellation of admission or registration. Admission to the University does not guarantee admission to a specific school or college which may have additional or higher requirements that the applicant must meet. These criteria shall be published in the University Catalog.

(h) Applicants who are denied will be notified in writing within a reasonable time period following the admission decision.

(i) Confirmation of financial aid, a scholarship, fellowship, or grant-in-aid does not guarantee admission to the university.

(j) When a former student attends another post-secondary institution since last attending FAMU the admission status requires evaluation.

(k) Any undergraduate student admitted without two years of one foreign language or American sign language or the equivalent of such instruction at the post-secondary level (except those exempted in paragraph 6C-6.004(1)(c), F.A.C.), must complete eight semester hours in one foreign language prior to graduation.

(l) Application Deadlines:

- Fall Term (end of second week in May)
- Spring Term (end of second week in November)
- Summer Sessions (end of third week in March)

(m) Transfer Applicants Deadlines:

- Pharmacy February 1
- Architecture February 1
- Occupational Therapy February 15

(2) Freshman Applicants (First-Time-in-College).

(a) Applicants seeking admission as beginning freshmen require a diploma from a Florida public or regionally accredited high school, an accredited out-of-state high school or, if foreign, its equivalent. Students admitted under accelerated mechanisms are exempted from this requirement.

(b) Students applying for admission will submit test scores from the Scholastic Aptitude Test (SAT1) of the College Entrance Examination Board or from the American College Testing (ACT) program. International applicants must present scores of at least 500 on the Test of English as a Foreign Language (TOEFL) if the native language is not English.

(c) An applicant who has at least a “B” average (3.0 on a 4.0 scale) in core academic units completed in grades 9 through 12, and who submits other appropriate evidence that indicates successful academic progress is academically eligible for admission. When computing the grade point averages, applicants receive additional credit for International Baccalaureate (IB), honors, and advanced placement courses.

<table>
<thead>
<tr>
<th>Academic Subject</th>
<th>Academic Units Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>English</td>
<td>4</td>
</tr>
<tr>
<td>(Three of which must have included substantial writing requirements)</td>
<td></td>
</tr>
<tr>
<td>Math</td>
<td>3</td>
</tr>
<tr>
<td>(At the Algebra I and above levels)</td>
<td></td>
</tr>
<tr>
<td>Natural Science</td>
<td>3</td>
</tr>
<tr>
<td>(Two of which must have included substantial laboratory requirements)</td>
<td></td>
</tr>
<tr>
<td>Social Science</td>
<td>3</td>
</tr>
<tr>
<td>(Includes: history, civics, political science, economics, sociology, psychology and geography)</td>
<td></td>
</tr>
<tr>
<td>Foreign Language</td>
<td>2</td>
</tr>
<tr>
<td>(Both credits must be in the same language. American sign language will be accepted in place of a foreign language)</td>
<td></td>
</tr>
<tr>
<td>Additional Academic electives from the above five subject areas and courses to be recommended by the Florida Association of School Administrators, or other groups, and approved by the Articulation Committee of the Department of Education</td>
<td>4</td>
</tr>
<tr>
<td>TOTAL</td>
<td>19</td>
</tr>
</tbody>
</table>

(d) A student applying for admission, who has less than a “B” average in the required academic units described above must present a combination of high school GPA and entry-level test scores as indicated on the list below. Academic eligibility for admission will be determined according to the following admissions scale:

- If the high school GPA in the required academic courses is less than a “B” average, the SAT1/ACT Score must be equal or exceed the corresponding entry in the appropriate column below.
Applicants who are dual enrolled in any course work at a college or university or as a special student must submit an official transcript from that institution.

(e) The Admissions Committee, which is appointed by the Vice President for Student Affairs, may consider any applicant who does not meet requirements but has other important attributes or special talents; and in the judgement of the Admissions Committee, it is determined from appropriate evidence that the applicant can be expected to do successful academic work. The committee may recommend admission. The University must also comply with any Alternative Admissions Rules, if any, as approved by the Board of Governors.

(f) In determining eligibility for admission, reasonable substitution for any course or night school unit may be accepted for applicants who are hearing impaired, visually impaired, or dyslexic. Applicants must provide documentation indicating failure to meet the admission requirement related to the disability or must have a specific learning disability. Documents required include, but are not limited to, a physician’s statement, vocational rehabilitation records, and school records maintained as a result of the exceptional child provisions.

(g) Applicants denied admission to the university may appeal the admissions decision to the Admissions Committee if it is felt that there are extenuating circumstances or information not revealed. Upon the applicant’s written request, the University shall provide the reasons for the denial in writing. Appeals for exception should be in writing and directed to the Office of Admissions. Petitioning for admission to the university is no guarantee of approval. The decision of the Admissions Committee is final.

(3) Undergraduate Transfer Applicants.

(a) A transfer is any student who has attended a college or university and has earned 12 or more semester hours (except as high school dual enrolled students).

(b) Undergraduate transfer applicants who enter FAMU with junior class standing must have satisfactorily completed the College Level Academic Skills Test (CLAST) in order to be admitted to the upper level and a degree program.

(c) In addition to the guidelines listed herein, an international transfer applicant, whose native language is not English, must present a minimum score of 500 on the TOEFL or a certificate from an English Language Institute.

(d) To meet graduation requirements for the baccalaureate degree, FAMU requires a student to earn at least 30 semester hours at the University.

(e) Transfer students entering FAMU must have completed two (2) years of foreign language in high school or eight semester hours (or the equivalent) of a foreign language at an accredited undergraduate institution prior to enrollment.

(f) Some academic programs have limited enrollment and student demands exceed available resources. Due to instructional facilities, laboratory space, equipment, faculty, etc., these programs use selective admission criteria to limit enrollment. Architecture, Journalism, Occupational Therapy and Nursing are State Board of Education approved limited access programs. In addition, Occupational Therapy, Physical Therapy, Pharmacy, and Social Work require applicants to complete departmental applications.

(g) The university subscribes to the Articulation Agreement between the State University System and the State Community College System. Under this agreement, graduates of Florida public community colleges are eligible for admission to non-limited access programs at a state university if the students have completed the university parallel program and have received the associate of arts degree and will receive priority admission over out-of-state students. In accordance with the Articulation Agreement, the AA degree must be awarded on the basis of the following:

1. At least 60 semester hours of academic work exclusive of occupational courses;
2. An approved general education program of at least 36 semester hours;
3. Overall grade point average of at least 2.0 on a 4.0 system;
4. Satisfactory completion of the CLAST for admission to the upper division.

(h) Undergraduate transfer applicants who receive the AA degree from a state university in Florida must meet the same minimum requirements as undergraduate transfers who receive the AA degree from a Florida public community college.
(i) Undergraduate transfer applicants who have not earned the AA degree from a Florida community college or from a state university in Florida must meet the following requirements:

1. Must be in good standing and eligible to return to the last institution attended;
2. Must have completed two years of one foreign language in high school or eight semester hours of post-secondary level instruction in one foreign language or American sign language;
3. Must have earned at least 60 semester hours and at least a “C” average (2.0 on a 4.0 scale) in all college work attempted from an accredited institution;
4. Must present passing scores on the CLAST prior to admission into the upper division of the university. Applicants entering FAMU must take the CLAST the first time it is offered after initial enrollment;
5. Transfer applicants with less than 60 semester hours must meet first-time-in-college admission requirements in accordance with Admission Rules. Profile Assessment admission standards do not apply.

(j) FAMU requires provisionally admitted transfer students to provide proof of 60 semester hours from previous institution(s) prior to registration.

(k) Awarding of credit for military service school courses is based on recommendations of the American Council of Education (ACE Manuals) when official credentials have been properly presented. However, recommendations by ACE are not binding upon the university. Applicant should request military service school course credits at the time of admission.

(l) The associate of science (AS) degree is a two-year terminal degree and does not assure admission or certify the applicant as having completed the general education requirements, or qualify for upper division status. Accordingly, final determination of AS degree credits rests with the dean of the college or school as applicable.

(4) Early Admission – The university provides an early admission program for outstanding high school students who demonstrate potential to do college-level work. Applications for early admission should be submitted during the junior year along with high school transcripts and SAT1 or ACT scores. A recommendation from the principal (or designated representative) is required. Additional requirements are as follows:

(a) A “B” or better high school average in the core academic subjects; and
(b) A minimum score of 1010 on the SAT1 or 21 on the ACT; and
(c) 19 core academic units as indicated under paragraph (2)(c) of this rule.

(5) Transient Students – Students from other colleges and universities may be permitted to enroll for one term only. Each applicant is required to complete a Special Student Application approved by the parent institution at the time of registration. Enrollment as a transient student in no way implies future admission as a regular student at Florida A&M University.

(6) International Applicants.

(a) International students must submit the following for admission to Florida A&M University:
1. Application for admission with the requisite non-refundable application fee.
2. A statement of finances;
3. A statement of health from a medical doctor;
4. Academic credentials (credentials must be certified true copies from high school, college or university);
5. Scores resulting from the SAT or ACT (College Entrance Examination-no exceptions or waivers);
6. Scores resulting from the TOEFL (minimum of 500 for undergraduates).

(b) An applicant transferring from another college or university in the United States must submit an official transcript(s) of final grades reflecting at least 60 semester or 90 quarter hours and at least a “C” average. In addition, the applicant must have been interviewed and filed Form I-538 (application for school transfer).

(c) Each international student accepted for admission shall, prior to registration, submit proof of compliance with the mandatory health and accident insurance requirement. Written proof of insurance must be provided and must be valid for one year from the date of first enrollment and each year thereafter. Coverage must be valid in the United States.

(d) The Office of International Programs is responsible for administering special programs for all sponsored international students. There is a requisite administrative cost per student per semester to the sponsoring agency for these required programs.

(7) Readmission of Former Students – Students not in attendance during two consecutive terms (exclusive of the summer term), must apply for readmission to the university. Such students should secure an application for readmission from the Office of Admissions. An application fee is not required for returning students. Applications from students who have permanent university holds or who are not in good standing with the university will not be processed.

(8) Graduate Admissions.

(a) In order to be admitted, a first-time graduate student or a student transferring from a graduate program at another university must have a bachelor’s degree or equivalent from an accredited university and meet at least one of the following criteria:
1. Shall have earned a “B” average or better in all work attempted while registering as an upper division student working for a baccalaureate degree, or
2. Shall have a total Quantitative-Verbal Graduate Record Examination (GRE) score of 1,000 or higher or an equivalent score on an equivalent measure approved by the State Board of Education, or
3. Shall have earned a graduate degree from an accredited institution.
Admissions decisions will be made on a rolling basis after all required materials have been received. Materials may be obtained from Law School Admission Services, Box 2000, Newton, PA 18940 or by calling (215) 968-1001.

Completed with all required application materials by June 1st. Application files cannot be reviewed until the files are complete.

Applicants whose circumstances are such that they can pursue a legal education only on a part-time basis.

Indicators of LSAT scores and undergraduate grade point average than the Day Program.

While the entire application file is reviewed, Evening Program admission standards place a greater emphasis on the objective work and study for Evening Program students necessitate a different emphasis on admissions criteria than in the Day Program.

Industries as documented by the employer.

After the initial application is made will not be permitted. For admission to the Part-time Evening Program, preference will be given after the initial application is made will not be permitted. For admission to the Part-time Evening Program, preference will be given.

This category will accommodate, but shall not be limited to, school teachers seeking recertification and employees of area industries as documented by the employer.

5. Other first time in college and lower division, non-Florida students.

4. Other upper division transfer students.

3. First time in college Florida students.

2. Graduate students.

1. Upper division transfer students with an AA degree from a Florida community/junior college or from another institution within the State University System.

(b) Each student who seeks admission as a first-time or transferring graduate student shall be required to present his or her score on the Aptitude Test of the GRE or an equivalent measure approved by the State Board of Education, to support the application for admission. The GRE may be waived in individual cases by the university.

(c) Each school/college may impose more restrictive admission requirements than the above established minimums for students to enter graduate programs. These criteria shall be published and the university catalog shall give notice where copies of such criteria may be obtained.

(d) In admitting students for a given academic year, up to ten percent of the graduate students admitted for that academic year may be admitted as exceptions to the above criteria. Students admitted as exceptions need not meet any of the criteria listed above but should meet other criteria devised by the university: such as excellent letters of recommendation from trusted educators or satisfactory performance in a specified number of graduate courses taken as post-baccalaureate students or practical professional experience in the discipline for a specified period of time.

(e) A score of 550 or better on the TOEFL is required for international students whose native language is not English.

(f) Applicants denied admission shall be given reasonable notice and reason for their rejection in writing. Applicants denied admission may appeal their cases to the Application Review Committee (ARC) of the Graduate Council, which is the policymaking and governing body for all graduate programs. The Application Review Committee, after careful evaluation of each case will make appropriate recommendations to the Graduate Council which will make a final determination on each appeal. The dean of the School of Graduate Studies and Research will then communicate the decision to the applicant.

(g) Applicants with bachelor’s degrees or equivalent who do not meet admissions requirements to the Graduate Studies Program and who wish to enroll in courses may apply and be considered for approval under the classification of special post-baccalaureate non-degree students. Such applicants will be limited to no more than 12 semester hours of post-baccalaureate course work. All applicants are required to sign a statement/affidavit affirming their non-degree status. (See subsection (9) below on post-baccalaureate non-degree students). An applicant who subsequently scores a total of 1000 on the Quantitative-Verbal portions of the GRE may request and be considered for reclassification as a degree seeking student.

(9) Post-baccalaureate Non-degree Students – A student with a baccalaureate degree or equivalent may seek admission as a post-baccalaureate non-degree student. Such students will be limited to no more than 12 semester hours of post-baccalaureate course work. All students will be required to sign a statement/affidavit affirming their non-degree status. Admission shall be on a selective basis within curricula, space and fiscal limitations. The selection shall be based on academic records, educational objectives, career objectives, and a need for continuing educational opportunities. This category will accommodate, but shall not be limited to, school teachers seeking recertification and employees of area industries as documented by the employer.

(10) College of Law Admissions.

(a) The standards for admission in the Full-time Day and the Part-time Evening Programs are not the same. Greater demands of work and study for Evening Program students necessitate a different emphasis on admissions criteria than in the Day Program. While the entire application file is reviewed, Evening Program admission standards place a greater emphasis on the objective indicators of LSAT scores and undergraduate grade point average than the Day Program.

(b) Applicants have the option of applying to one or both programs at the time of application. Switching between programs after the initial application is made will not be permitted. For admission to the Part-time Evening Program, preference will be given to applicants whose circumstances are such that they can pursue a legal education only on a part-time basis.

(c) The following admission requirements apply to all applicants to the College of Law:

1. All applicants for admission must have a bachelor’s degree from an accredited institution of higher education prior to enrollment.

2. All applicants must submit a completed Application for Admission, along with the requisite non-refundable application fee.

3. All applicants must take the Law School Admission Test (LSAT). For admission purposes, LSAT scores are valid for three (3) years from the test date. Applicants are encouraged to take the LSAT no later than December for admission in the following fall semester.

4. All applicants must register for the Law School Data Assembly Service (LSDAS). LSDAS information and registration materials may be obtained from Law School Admission Services, Box 2000, Newton, PA 18940 or by calling (215) 968-1001.

5. All applicants are required to submit a personal statement and two letters of recommendation.

(d) For admission to the fall entering class, applicants must submit their applications by May 1st and must have their files completed with all required application materials by June 1st. Application files cannot be reviewed until the files are complete. Admissions decisions will be made on a rolling basis after all required materials have been received.

(11) Admissions Priority.

(a) The priority for admission to FAMU shall be as follows:

1. Upper division transfer students with an AA degree from a Florida community/junior college or from another institution within the State University System.

2. Graduate students.

3. First time in college Florida students.

4. Other upper division transfer students.

5. Other first time in college and lower division, non-Florida students.
6. Post-baccalaureate non-degree, unclassified and special students.
   (b) Within each group listed in paragraph (a) above, the priority shall be as follows:
   1. Students within the University service area, if applicable.
   2. Florida students.
   3. Non-Florida students.

   Specific Authority 1001.74(10)(a) FS. Law Implemented 1007.261 FS. History–New 10-1-75, Amended 7-12-76, 11-4-79, 11-10-82, Formerly 6C3-2.15, Amended 9-14-87, 1-26-04.

6C3-2.016 Tuition and Fees.
The University adheres to all rules and policies of the Board of Regents pertaining to tuition and fees including:
   (1) The amount and types of tuition and fees to be charged;
   (2) The amounts of tuition and fees to be refunded;
   (3) The amounts and types of waivers of tuition and fees.

   Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS., 6C-7.001-7.004, 6C-7.007, 6C-7.008, F.A.C. History–New 10-1-75, Formerly 6C3-2.16.

6C3-2.017 Registration.
The University adheres to all rules and policies of the Board of Regents pertaining to registration and the defining of time periods for quarterly registration activities.

   Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS. History–New 10-1-75, Formerly 6C3-2.17.

6C3-2.018 Residency and Non-residency Status.
The University adheres to all rules and policies of the Board of Regents pertaining to the classification of students for residency and non-residency status.

   Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS., 6C-7.005, 6C-7.006, F.A.C. History–New 11-1-75, Formerly 6C3-2.18.

6C3-2.019 Credit, Transfer and Examination.
The University adheres to all rules and policies of the Board of Regents pertaining to the acceptance of transfer credit and credit by examinations.

   Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS., 6C-6.003, 6C-6.004, 6C-6.005, F.A.C. History–New 10-1-75, Formerly 6C3-2.19.

6C3-2.020 Acceleration Mechanisms for Program Completion.
The University adheres to all rules and policies of the Board of Regents pertaining to acceleration mechanisms for program completion.

   Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS., 6C-6.006, F.A.C. History–New 10-1-75, Formerly 6C3-2.20.

6C3-2.021 Academic Records and Grades.
The University adheres to all rules and policies of the Board of Regents pertaining to academic records and grades. The established grading system is included in the University Catalog.

   Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1), 240.237 FS., 6C-6.015, F.A.C. History–New 10-1-75, Formerly 6C3-2.21.

6C3-2.022 Access to Records.
(1) Each University office which generates, collects, and disseminates information on students must maintain the confidentiality of those records in their possession. The University by this Rule 6C3-2.022, F.A.C., designates the officer or director in charge of the particular unit which houses student records as the custodian of records as defined in Section 228.093(2)(e), Florida Statutes. In the absence of the custodian, the University designates the assistant to the officer or director of the unit to serve in said capacity.

(2) Personal information contained in the student educational records shall be released, or open for inspection, only to the student or parents/guardians of the students as defined in Section 228.093(3), Florida Statute. The custodian of the records shall require the student, or parent/guardian of the student when applicable, requesting the information or access to the records to present proper identification such as a valid driver’s license, FAMU student ID card or passport. The request should be in writing and signed by the student or parent/guardian. A copy of the request shall be retained in the student’s file. The custodian is allowed a reasonable time (30 days) in which to comply with the request. When the record includes information on more than one student, the
custodian shall release, or permit inspection of, only that part of the record which relates to the student who is the subject of the request. The University may release personally identifiable information kept on a student, without the student’s or parent’s consent, to those organizations and persons listed in Section 228.093(3)(d), Florida Statutes.

(3) The University normally releases or publishes directory information as defined in Section 228.093(2)(c), Florida Statutes. Students may request this information to be withheld by requesting, in writing, the University Registrar to withhold said information.

(4) All requests from individuals or organizations for the release of personal information from student educational records for the purpose of conducting legitimate research or studies shall be submitted in writing to the custodian of the records and shall disclose the purpose of the research or study. The custodian of the records shall establish that the research or study is for a legitimate purpose, that information included therein will not permit the personal identification of students and that such information will be destroyed when no longer needed. Such requests shall be approved by the appropriate Vice President.

(5) The custodian of student records shall maintain a record of each request for release of personal information from the student educational records which shall identify the person requesting the information and the legitimate interest of such person in obtaining the information. This section does not apply to information released to students, or parents of the students when applicable, or University officials as authorized by Section 228.093(3)(d), Florida Statutes.

(6) Students shall have the right to challenge the content of student records in order to insure the accuracy of such records. Any challenge shall be directed to the custodian of the records. The student shall present to the custodian of the records all available evidence relative to the data or material being challenged. The challenge may be settled informally through meetings between the students and the custodian of the records, instructors, and/or of other appropriate University officials. If an agreement is reached at such meeting, the conditions of the agreement shall be reduced to writing and signed by all parties involved. A copy of such agreement shall be maintained in the student’s file. If an agreement is not reached through the informal process, the student shall have the right to a hearing on the matter in accordance with Section 228.093(3)(c), Florida Statutes.

(7) The University may charge a fee for furnishing copies of student records and reports, or any material included therein, to individuals and organizations outside of the University.

(8) The University shall notify every student of his rights relating to student records, procedures to be followed in order to exercise such rights, type of information entered in the student records maintained by the University, and the University’s policy to support the law. Notification shall be published annually in the University catalog or in any other literature of general circulation to the student body.

(9) Any individual who feels that his (her) rights under this rule have been violated may appeal to the Vice President for Student Affairs, whose decision on the matter shall be final.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 228.093, 240.237 FS., 6C-6.015, F.A.C. History–New 10-1-75, Formerly 6C3-2.22, Amended 9-14-87.

6C3-2.023 Graduation Requirements, Honors and Commencement.

(1) Graduation requirements are established by the departments, divisions, schools, and colleges of the University and are stated in the University Catalog. In addition, candidates for graduation must satisfy Department of Education and Board of Regents requirements as may be established pursuant to their rules. This includes but is not limited to CLAST and Gordon Rule requirements.

(2) Graduation honors are based upon earning at least 60 semester hours at the University as well as the cumulative grade point average of the student and are as follows:
(a) 3.70 – 4.00 Summa Cum Laude.
(b) 3.30 – 3.69 Magna Cum Laude.
(c) 3.00 – 3.29 Cum Laude.

(3) Commencement ceremonies are normally held at the close of the Spring and Summer Semesters.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.107(3), 240.227(1), (17) FS., 6C-6.004(5), 6C-6.017, F.A.C. History–New 10-1-75, Formerly 6C3-2.23, Amended 9-14-87.

6C3-2.024 Eligibility for Student Government Association Offices.

In order for the University to give emphasis to a student’s academic program and to insure that those students holding important leadership positions in the Student Government Association give primary concern to their academic progress, the university requires that all major officers must be registered for a minimum of nine (9) quarter hours for each quarter of the academic year for which the student is elected to serve as an official of the Student Government Association. For purposes of this rule, members of the Executive Branch are considered major officers. All minor officers are required to be registered for a minimum of twelve (12) quarter hours for each quarter of the academic year for which the student is elected to serve as an official of the Student Government Association. For purposes of this rule, those officers of the Legislative and Judicial Branches are considered minor officers. Failure of a student to be registered for the required quarter hours indicated above will make the elected student ineligible to hold office in the Student Government Association for the elected term.
6C3-2.025 Popular Concerts and Activities.

(1) The University sets forth specific requirements of those students, organizations, and others who request to sponsor popular concerts in facilities administered by the University. Only those students, organizations, and others who fully comply with these requirements will be granted approval to sponsor such concerts. The intent of this rule is to cover all such concerts except those sponsored by the University or one of its academic units. A complete listing of the specific requirements to be met, based on the nature of the event, is available in the Office of Student Activities, and the Director of Student Activities is responsible for the general administration of this rule. The basic requirements to be met are as follows:

(a) That popular concerts be limited to one per semester and that prior to University approval, a screening committee approved of the nature and type of performance to be presented.

(b) Popular concerts are not to disrupt scheduled classes and the set-ups for such concerts may not commence before 5:00 p.m. on class days and all clean-up must be completed prior to 8:00 a.m. of the next scheduled class day.

(c) A cash guarantee to be determined by the Director of Student Activities, to cover security, set-up, and clean-up costs, must be made.

(d) That promoters of fund-raising popular concerts post a $4,000 bond to cover property damage, $50,000 bond to provide protection of funds, and a $100,000 bond to protect against personal liability damage. A waiver of the bonds requirement may be granted, upon request, by the President or his designee.

(e) All electrical requirements set forth by the University Physical Plant, and crowd control requirements established by the Director of University Security and the Director of Student Activities must be met. Such requirements are available in the Office of Student Activities.

(f) All sponsors of popular concerts must fully adhere to the specific requirements set forth by the Internal Auditor concerning accountability of ticket sales, cash control, and financial reporting. (The specific requirements are available in the Office of Student Activities.)

(g) Contracts on behalf of the University may only be executed by the University President, or his designee, and may not be executed until they have been reviewed and approved as legally appropriate by the University Attorney.

(h) The specific requirements for the use of Bragg Stadium for popular concerts are available in the Office of Student Activities and include requirements concerning the cost of utilities, set-up and cleaning costs, and the use of the Press Box and vehicles. (Also refer to University subsection 6C3-3.008(1), F.A.C., regarding the assessment of charges.)

Specific Authority 240.227(1), 120.53(1)(a) FS. Law Implemented 120.53(1)(a), 240.227(1) FS. History–New 7-17-78, Amended 10-16-83, Formerly 6C3-2.25.
Cf. BOR Rules 6C-5-251, 6C-4.001(5) and University Rules 6C3-10.301(2), 6C3-10.219, F.A.C.

6C3-2.026 Student Meal Plan.

All students residing in University residence halls, excluding married student apartments, the women students apartment complex and mobile units, will participate in the Student Meal Plan. The Plan offers those students fifteen (15) or nineteen (19) meal per week options. The specific meals to be offered in each option and the cost for each option will be furnished to all students at the time they request housing information. The information is also available to all interested persons in the University Housing Office and in other locations throughout the campus. Each student requesting housing in a residence hall must select the fifteen or nineteen meal per week option at the time the person registers for housing.


6C3-2.027 Student Publications.

(1) Student publications are governed by the Student Publications Board which derives its authority from the University President and the Board of Regents (paragraph 6C-6.012(7)(a), F.A.C.). The membership of the Student Publication Board, its functions and responsibilities, and its policies and procedures are set forth in the Procedures Manual, in addition to specifying criteria for applicants for leadership positions in the publications governed by the Board. The University Yearbook, The Rattler, and the University Newspaper, the FAMUAN, are both governed by the Student Publications Board. Additional student publications may be governed by the Board as approved and directed by the University President.

(2) The Rattler, University Yearbook, is governed by the Student Publications Board with all related policies and procedures set forth in The Procedures Manual, including the specific purpose and functions of the yearbook, the role of the Student Publications Board, University administration, and advisor.

(3) The FAMUAN, University Newspaper, is governed by the Student Publications Board with all related policies and procedures set forth in The Procedures Manual, including the specific purpose and functions of the newspaper, the organizational structure of the newspaper, and the principles governing news and editorial writing.
6C3-2.028 Anti-hazing.

(1) It is the policy of Florida Agricultural and Mechanical University that any student(s), group(s) of students, or student organization(s) affiliated with the Florida Agricultural and Mechanical University are prohibited from engaging in any form(s) of hazing activities.

(2) The term hazing shall include, but not be limited to, any brutality of a physical nature, such as striking in any manner, whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of food, liquor, drugs, or other substances, or other forced physical activities which would adversely affect the health or safety of the individual, and also includes any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contacts, forced conduct which would be demeaning or results in extreme embarrassment or any other forced activity which could adversely affect the mental health or dignity of the individual. For purposes of this section, any activity as described above, upon which the initiation or admission into or affiliation with a university organization is directly or indirectly a condition, shall be presumed to be a “forced” activity, the willingness of an individual to participate in such activity notwithstanding.

(3) Penalties – Any student(s), student group(s), or student organization(s) which are affiliated with the Florida Agricultural and Mechanical University, on campus or off-campus, that are found responsible for hazing will be subject to appropriate sanctions by the university, which may include the imposition of fines; withholding of grade(s), transcripts and/or diplomas pending payment of fines or pending compliance with the current Student Code of Conduct, Rule 6C3-2.012, F.A.C., of which this rule becomes a part of; the imposition of probation, suspension, dismissal or expulsion of said person(s) or organization(s), and/or the rescission of permission for the University sanctioned organization(s) to operate on the Florida A&M University campus or to otherwise operate under the sanction of the University.

(4) All penalties imposed by the University do not absolve the student(s), group(s) of students, or student organization(s) from any penalty imposed for violation of criminal laws of the State of Florida or for violation of any other university rule(s) to which the violator(s) may be subject.

(5) All existing university sanctioned organizations are required to amend their existing by-laws to include an anti-hazing section, and all future university sanctioned organizations must include the same in their by-laws. A copy of the by-laws shall be kept on file in the Office of Student Activities.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10)(d), (e), 1006.60, 1006.61, 1006.62, 1006.63 FS. History–New 4-3-83, Formerly 6C3-2.28, Amended 1-26-04.

6C3-2.029 President’s Scholars Award Program.

(1) Purpose – To those students who have demonstrated outstanding academic achievement and special talents in high school or community college, Florida Agricultural and Mechanical University (Florida A & M University) extends an invitation to apply for the President’s Scholars Award (PSA). These scholarships, in the amount of $1,000.00 each per academic year (disbursed @ $500.00 per semester), are awarded by the President as an incentive to encourage recipients to continue academic excellence. These scholarships are made solely on the basis of the applicant’s scholastic achievements and leadership skills and not on demonstrated financial need. Priority is given to Florida residents. Criteria for each participation are noted below.

(2) Criteria.

(a) First-Time-In-College Freshman.
1. A graduate of an accredited high school or otherwise eligible for admission to the University.
2. A 3.30 or above cumulative grade point average in the academic curriculum.
3. A combined SAT score of 950 or above on verbal and mathematics sections or a composite ACT score of 21 or above.
4. Evidence of effective leadership skills.
5. An application for admission to Florida A & M University on file in the Office of Admissions.
6. Filed an application for the President’s Scholars Award by April 20.
7. Two letters of recommendations, with at least one coming from a school official.
8. A 500-word, handwritten essay citing reasons for applying for the PSA, highlighting the applicant’s educational goals and leadership skills and abilities.

(b) Transfer Students – Students transferring to Florida A & M University with the A.A. degree to 60 semester hours from a community college must have:
1. A 3.3 cumulative GPA or above; having satisfied all requirements of the CLAST.
2. Evidence of effective leadership skills.
3. An application for admission to Florida A & M University on file in the Office of Admissions.
4. Filed an application for the President’s Scholars Award.
(c) Transfer students from another 4-year college or university with less than 60 semester hours must satisfy the same criteria as first-time-in-college freshmen and CLAST requirements. All transfer applicants to the upper division must present passing scores during the first term of enrollment. Also required are two letters of recommendation with at least one letter from a college official. (Applicants for the award must not have matriculated beyond their sophomore year in college.)

(3) General Information – Selection of the President’s Scholars Award recipients will be made on a competitive basis. All interested applicants are required to complete application forms for the award no later than April 20th; however, early application is encouraged. Letters of recommendation and essay, if required must be submitted also. Failure to meet the aforementioned deadline will result in automatic disqualification.

(4) Who Will Make Selections.
(a) The President’s Scholars Award Committee will screen applications and make recommendations to the President as EARLY AS FEBRUARY 15th. For scholarship information and a copy of the form, President’s Scholars Award Application, dated 1/1/85, which is incorporated herein by this reference, write to:
President’s Scholars Award Committee
Post Office Box 599
Florida A & M University
Tallahassee, Florida 32307
(b) Requests for application forms and information should be made at the beginning of the student’s anticipated graduated year from high school or community college.
(c) Students who are applying from another four-year college or university may apply during their freshman or sophomore years. All information should be addressed to the President’s Scholars Award Committee.

(5) Response Dates – Applicants will be notified of their application status in three phases.
(a) A checklist will be sent to applicants, indicating the University’s receipt of official high school and/or college transcript(s), test results, and written essay.
(b) Other applicants not selected will receive a Presidential Invitation of Merit to attend Florida A & M University. Their names will be placed on an Alternate Scholars List to be considered for further action in cases of cancellations of awards prior to enrollment.

(6) Scholarship Renewal.
(a) The award may be renewed annually for no more than four consecutive years in a four-year curriculum and for no more than six consecutive years in a six-year curriculum at the undergraduate level. Recipients must maintain an overall grade point average of no less than 3.0, be enrolled as a full-time student each semester, and pass all courses attempted. Recipients desiring to receive additional aid must apply through the Office of Student Financial Aid.
(b) After the initial selection is made, the University’s Office of Student Affairs is designated by the President to administer the program according to the policies set forth herein. Information will be forwarded to the Office of Financial Aid for authorizing the disbursement of funds and coordination with other types of financial aid the student may receive.
(c) Petitions are limited to freshmen with a grade point average no lower than 2.75. If a participant in the program fails to meet the above criteria for continuation beyond two semesters, the student may petition the President for continuance for an additional semester by written statement. A student who fails to earn a minimum of 24 semester hours over a two-semester period shall not be considered for a petition. The statement must identify clearly extenuating circumstances that inhibited the student from meeting the criteria required of all participants. The President reserves the right to accept or reject the student’s request to continue in the President’s Scholars Award Program and/or establish special criteria for said student to continue in the program.

(7) Change of Major and Test Performance.
(a) Recipients will be permitted one change in major program emphasis, provided they have maintained the grade point average required under this scholarship and have earned/passed the required number of credits/courses.
(b) Each recipient must receive passing scores on the College Level Academic Skills Test.

Specific Authority 240.227(1) FS. Law Implemented 240.287 FS. History–New 6-30-85, Formerly 6C3-2.29, Amended 9-14-87, 9-5-88.

6C3-2.030 Student Activities.

(1) An organization shall secure activity blanks from the Student Activities Office and properly fill them out before it can sponsor any activity. Under no circumstances will any organization be permitted to sponsor any activity which has not been properly approved by the Student Activities Office. The Office of Student Activities should be consulted regarding the submission of activity blanks.
(2) An organization sponsoring an activity is required to pay janitorial fees at the rate specified by the person in charge of the respective building.
(3) Any officially registered student may sponsor any activity during the year as long as the activity is in keeping with the objectives of the University. The student should consult with the Office of Student Activities regarding the scheduling of an activity.
(4) A roster of students scheduled to attend out-of-town or off-campus events must be submitted to the Office of Student Activities by all University agencies so that the information will be on file in case of emergency situations.
(5) Organizations requesting grade averages of students from the Office of the University Registrar must adhere to the Buckley Amendment guidelines and must complete a form so designated by the Director of Student Activities on which an interested person grants his/her permission to secure the designated information.

(6) When students are scheduled to hold a University-wide convocation or program to which members of the general public may attend, a program of the proceedings is required to be submitted to the Director of Student Activities at least 10 days prior to the event.

(7) All organizations which have initiation ceremonies are expected to exercise care and restraint and must conform to organizations rituals and standards as set forth by the University.

(a) Any student may be eligible to be pledged or initiated in any Greek Letter organization when he/she has been in attendance at the University at least one semester, has at least 12 hours of credit and has earned a minimum of 2.5 average. Greek letter organizations are permitted to require higher academic averages than those set by the University. Acceptance into Greek Letter organizations shall be in accordance with the policies and regulations of said organizations.

(b) No student is to be pledged or initiated in any Greek Letter organization until his or her average has been compiled from the official grade records in the Office of the University Registrar pursuant to the guidelines established under the University’s policy on access to records.

(c) The names of all persons and their averages must be submitted to the Director of Student Activities seven (7) days before they are put on probation.

(d) Hazing is prohibited by State law and University rule. Refer to Section 240.262, Florida Statutes, and FAMU Rule 6C3-2.028, F.A.C.

(e) No probation period will be permitted to last more than seven (7) days. The seven day period of “Probation Week” shall be designated by the Panhellenic Council in cooperation with the Committee on Student Activities for Social Greek Letter organizations. No secret probation or “getting ready” period will be permitted prior to and beyond the seven day period designated. Care must be taken at all times to see that pledges are not exploited.

(8) During the seven (7) day period of probation week, all activities must cease by 12:00 midnight daily and resume no earlier than 6:30 a.m. the following day unless otherwise approved by the Director of Student Activities.

(9) Rush parties and smokers shall not be scheduled beyond one month after the beginning of each semester.

(10) University advisors of Greek Letter organizations must be selected from among faculty, administrators, and professional staff at FAMU, and they must have been employed by the University for at least three years. The University will not accept liability or responsibility for acts committed by Greek Letter Organizations which might sponsor, unless official approval shall have been given by the president or his designee.

(11) The University will require all Greek Letter Organizations to execute disclaimer forms which relieve the University of responsibility for acts committed by Greek Letter Organizations which might result in personal injuries or damages sustained or claimed by a complaining party.

(12) Enforcement Responsibilities – The executive committee of the Panhellenic Council shall have the power as designated by the Vice President for Student Affairs to hear cases referred to it, emanating from social fraternities and sororities. It may levy reasonable fines and review any decision which may lead to suspension, expulsion or other appropriate disciplinary action. Written notice shall be given to the offender(s) setting forth the allegation or misconduct. Five days shall be allowed for a response to the allegation(s) and a hearing shall be set within ten days after a charge is levied and the accused shall be given an opportunity to defend against or refute the charges. All procedures and decisions shall be subject to review by the Vice President for Student Affairs or his/her designee and the President of the University. Where the Panhellenic Council fails to discharge its responsibility to hear a complaint or where a penalty is assessed that is contrary to the weight of the evidence, the Vice President for Student Affairs may impanel an administrative panel to take testimony and hear evidence and recommend its findings to the Vice President for Student Affairs who shall review and render a judgment pursuant to the recommendations. Individual cases shall be forwarded to the Office of the Vice President for review and to bring action where dictated. In any case, however, the Vice President reserves the right to decide the method of hearing Social Greek Letter violations.

(13) All recognized student organizations must send to the Director of Student Activities annual reports of their activities; and the names of their officers for the coming year.

(14) No student organization may sponsor money-making schemes such as auctions, raffles and popularity contests on the University campus without the approval of the Director of Student Activities.

(15) Outside Speakers.

(a) A sponsoring organization is responsible for informing the speaker that the University is not to be used as a platform for the organization of or the incitement of lawlessness or violence and for obtaining the speaker’s agreement not to use the event for such purposes.

(b) A recognized University organization is defined as an approved student organization, a college, school, division, department, area or unit of the University as well as honor societies and religious associations and organizations comprised entirely of faculty or their spouses.

(16) Permits for the on-campus sales of merchandise by individuals or groups must be obtained from the Director of Student Activities.

(17) Freedom of Assembly-Demonstration Policy.
(a) No one has the right to disrupt the operation of the University or to interfere with the rights of other members of the University Community. It is also agreed that the legal rights of students or other members of the University body, as those of any citizens, must not be abridged; this policy statement shall not be used in any way to infringe upon the legitimate freedoms of any person or group of persons; this policy will be impartially enforced with due process afforded to all.

(b) Florida A & M University prescribes the following guidelines: Demonstrations, picketing, and speeches must not be in violation of the state or local statutes, Board of Regents policies or University regulations governing unlawful assemblies.

(c) Student organizations, individual students, or student groups within the University may hold or conduct demonstrations and protest meetings on designated University property provided that the Director of Student Activities is notified on the proper form at least 24 hours before the demonstration or protest and that the meeting does not interfere with the orderly processes of the University.

(d) Demonstrations shall be limited to the University Quadrangle, parking lot south of the Student Union Building, Stadium parking lot, gymnasium parking lot, and west of the Student Union Building between the Student Union and Foster-Tanner Fine Arts Building. However, demonstrations must not interfere with normal operational processes of the University.

(e) If a demonstration is impeding or obstructing normal university operations, and after the demonstrators have been officially notified of this three times, the act will be considered in violation of university policy. Within a reasonable length of time, those who fail to disperse will be subject to civil as well as university disciplinary actions. Refer to FAMU Rule 6C3-2.012, F.A.C.

(f) Students who participate in protest marches, protest picketing and demonstrations are hereby notified that each student is held accountable for any actions not in keeping with the regulations of the University and laws of the State of Florida.

(18) Publicity – No representative of the University or any departmental agency or organization of the University shall use the name of Florida A & M University while engaging in any off-campus activity unless written authorization has been granted by a designated university agent with the approval of the University President.

(19) Use of Campus Bulletin Boards Policy – Florida A & M University maintains a General Information Center and bulletin boards throughout the campus for the use and benefit of students, faculty and staff. Listings on the boards include information regarding campus events and activities, general information, and classified advertisements. Such listings are limited to the Quadrangle Information Center and bulletin boards and will not be displayed, for example, on trees, buildings, or road signs, except where approval has been obtained from the Office of Student Activities or from the designated person in charge of the building.

(20) Fund Raising.

(a) Any on campus student organization project to raise funds from sources other than general membership must be approved by the Office of Student Activities.

(b) In cases where students or recognized student organizations wish to charge admission to any event, prior approval must be secured through the Office of Student Activities.

(c) Off-campus organizations not officially approved or recognized by Florida A & M University are not subject to these provisions, but should check with local, county and state authorities in order to comply with the laws governing sponsorship of activities in the community.

(21) Role of the Faculty Advisor.

(a) Every student organization must have a faculty advisor whose purpose is to assist the organization in providing an educational experience for the individual members and the university as a whole.

(b) The faculty advisor’s role and presence is basically, not to approve or direct the function of the organization. However, in case it appears to the advisor that the action of the organization may be contrary to university policy, he will be expected to raise this issue with the Director of Student Activities.

(c) The advisor’s foremost concern is his relationship to the student, the development of self-awareness within the student, and the increase in the student’s maturity as he makes decisions or assumes responsibility.

(d) The advisor must be willing and free to express his ideas and attitude, always governed by a respect for the individuality of the student. The student is under equal obligation to respect the advisor’s individuality.

(e) Advisors to student organizations are to be selected by student groups and/or appointed by the Vice President of Student Affairs.

(22) How Organizations Become Official.

(a) The organization should submit a letter of application stating its purpose and objectives to the Director of Student Activities. The letter should be accompanied by:

1. Three copies of the proposed constitution and/or by-laws, and
2. Roster of the proposed officers and faculty/staff advisor.

(b) The Student Organization Committee, comprised of faculty/staff and representatives of Student Government, will meet to consider an organization for approval or disapproval. The committee will be appointed by the Vice President for Student Affairs.

After the committee meets, the organization will be notified of the results of the decision.

(c) If the organization is approved, it shall be expected to follow the policies as set forth in the Student Handbook and rules of the University. (For information about student organizations, contact the Office of Student Activities.)

(23) Selling of Merchandise.
(a) Recognized student organizations may engage in commercial sales on campus provided the proceeds from such sales are used for organizational, charitable and philanthropic purposes. Clearance for such sales must be obtained from the Director of Student Activities.

(b) Persons seeking to sell newspapers that require vending racks must obtain approval from the Vice President for Administrative Affairs or his designee. FAMU permits for sale by persons or groups must be obtained from the Director of Student Activities.

(c) Tallahassee licensed food vendors may receive and fill specific short order food requests from students, faculty and staff members for direct delivery to campus addresses not covered by a food service agreement.

(24) Policies for Issuance and Reporting of Tickets and Finance for Paid Events and Activities Sponsored by Student Organizations.

(a) Tickets for all campus activities/events are to be secured from the University Ticket Office.

(b) Upon securing tickets, the Ticket Office will furnish the organization’s representative with a copy of the ticket issuance and accountability report. This report lists tickets and price(s) for which the organization is responsible.

(c) Upon completion of the event, the unused tickets are to be returned to the Ticket Office with a copy of tickets and accountability report showing the number sold and the total number returned, as well as an accounting of cash collected for tickets sold. THIS REPORT MUST BE MADE NO LATER THAN 24 HOURS AFTER EACH EVENT.

(d) The Accountability Report will be retained on file by the University Ticket Office for subsequent audit and review with a copy forwarded to the Office of Student Activities.

(25) Popular Concerts and Activities – Refer to University Rule 6C3-2.025, F.A.C.

(26) Guidelines for use of State Vehicles by University Students.

(a) Any student organization requesting use of a state vehicle must be recognized by the University during the academic term of which the request is submitted.

(b) Each request must be submitted on a bona fide University requisition form, must show the account number of the organization, department responsible for the charges, and bear the signature of the appropriate registered faculty member or administrator authorized to sign the account.

(c) The purpose of each request for use of state vehicle must be clearly stated on the requisition form. Each scheduled trip will be justified on condition of representing the university.

(27) Commercial Solicitation on Campus – Refer to University Rule 6C3-3.011, F.A.C.

(28) Paid Affairs Sponsored by Student Organizations.

(a) All organizations sponsoring paid affairs shall be responsible for employing, as a minimum, two (2) duly appointed Security Officers to maintain order and tranquility in the designated facility and surrounding grounds.

(b) Additional duly appointed Security Officers may be requested depending upon the type of facility and the expected number of persons to attend. Security guards employed must be approved by the Director of FAMU’s Security, or his designee.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 240.132(1), 240.227(1), 240.262 FS., 6C-6.010, F.A.C. History–New 9-14-87.

6C3-2.031 Monetary Reward Program.

(1) Purpose – In an effort to curtail property damage and vandalism of University property and to discourage other violations of the Student Conduct Code, Rule 6C3-2.012, F.A.C., Florida A & M University has established the Monetary Reward Program. The Monetary Reward Program is intended to reward those students who identify and aid in the successful prosecution of violators of the Student Conduct Code.

(2) The Monetary Reward Program shall be administered by the Vice President for Student Affairs and the University Judicial Officer. The procedures for the program are as follows:

(a) Student, Reporter, must report in person and in writing to the University Judicial Officer an account of the incidents or acts that he or she witnessed or possesses knowledge about which concern possible violations of the Student Conduct Code.

(b) The written report or statement by the Reporter must be signed by same and notarized by a notary public.

(c) The University Judicial Officer will review the statement from Reporter to determine if there are sufficient reasons to proceed with the filing of charges against the person or persons identified by the Reporter.

(d) The University Judicial Officer will inform Reporter that the University may compel his or her attendance at any judicial hearings or conferences which may be held by the University against any person or persons identified in Reporter’s statement. The University Judicial Officer will explain to Reporter that under due process as provided by the University that the accused has a right to confront and cross-examine his accuser in person.

(e) The University Judicial Officer shall obtain the Reporter’s current address and telephone number in order that the Reporter may be contacted for appearances before University proceedings.

(f) Any reward to a Reporter must be initiated and recommended by the University Judicial Officer and approved by the Vice President of Student Affairs not later than five days after the case is completed.

(g) The amount of the reward will be set by the University Judicial Officer in keeping with the guidelines as noted in Section 3 below.
(h) The University Judicial Officer and the Vice President of Student Affairs shall request, in writing, the University Comptroller to issue the reward to the Reporter.

(3) The levels of reward shall be as follows:
(a) Fire and Safety Equipment Vandalism – $50.00 for damages up to two hundred and fifty dollars. For damages more than two hundred and fifty dollars, 25% of the replacement value of the property not to exceed $500.00.
(b) Other Types of Vandalism – $25.00 for damages up to two hundred and fifty dollars. For damages more than two hundred and fifty dollars, 20% of the replacement value of the property not to exceed $500.00.
(c) Felony Offenses as defined by FAMU subsection 6C3-2.012(10), F.A.C. – $50.00.
(d) Misdemeanor or Other Unclassified Offenses as defined by FAMU Rule 6C3-2.012, F.A.C. – $25.00.

(4) At no time will total rewards from the Monetary Reward Program fund exceed the total fines collected in accordance with FAMU paragraph 6C3-2.012(5)(e), F.A.C.

*Specific Authority 120.53(1)(a), 240.227(1), 240.261 FS. Law Implemented 120.53(1)(a), 240.227(1), 240.262 FS. History–New 9-12-89.*
CHAPTER 6C3-3 ADMINISTRATION

6C3-3.001 Personnel Records. (Repealed)
6C3-3.002 Physical Plant. (Repealed)
6C3-3.003 Finance and Accounting. (Repealed)
6C3-3.004 Traffic.
6C3-3.005 Administrative Computer Center. (Repealed)
6C3-3.006 Purchasing. (Repealed)
6C3-3.007 Office of Administration. (Repealed)
6C3-3.008 Space. (Repealed)
6C3-3.009 Payment of Fees.
6C3-3.010 Code of Penalties.
6C3-3.011 Commercial Solicitation.
6C3-3.012 Waiver of Non-Florida Tuition. (Repealed)
6C3-3.013 Establishment of Fees. (Repealed)
6C3-3.014 Intercollegiate Athletic Scholarships.
6C3-3.015 Library Fines.
6C3-3.016 Environmental Health and Safety Program.
6C3-3.017 Schedule of Tuition and Fees.

6C3-3.004 Traffic.
(1) All motor vehicles operated on University property at any time by students, faculty or staff must be registered for the period of September 1 to August 31 each year. A registration fee will be charged for each vehicle registered. The amount of the fee will be based on the type of decal or permit issued.
(2) All students and employees of the University as well as other motorists on University property are expected to adhere to the established traffic regulations as printed in the booklet, University Parking and Traffic Regulations, effective August 1, 2002, which is incorporated by reference into this rule. A copy of the booklet is distributed throughout the campus and is available in the Office of University Parking and Transportation Services and the University Police Department.
(3) The following forms, effective August 1, 2001, listed in the booklet, University Parking and Traffic Regulations, are incorporated herein by reference and are available in the Office of University Parking and Transportation Services:
   (a) Vehicle Registration Form – FAM.UPS-1;
   (b) Lost/Stolen/Damaged Decal Affidavit Form – FAM.UPS-2;
   (c) Decal Replacement Form – FAM.UPS-3;
   (d) Parking and Traffic Appeal Form – FAM.UPS-4;
   (e) Immobilization Notice Form – FAM.UPS-5;
   (f) Towed/Immobilized Vehicle Authorization Release Form – FAM.UPS-6;
   (g) Appeals Ruling Report Form – FAM.UPS-7;
   (h) Gated Lot(s) Lottery Application Form – FAM.UPS-8;
   (i) Transmittal of Authorization Form – FAM.UPS-9;
   (j) Special Events Request Form – FAM.UPS-10; and
   (k) Employee Payroll Deduction Form – FAM.UPS-11.
(4) The following documents, effective August 1, 2001, in the booklet, University Parking and Traffic Regulations, are incorporated herein by reference and are available in the Office of University Parking and Transportation Services:
   (a) City of Tallahassee Ordinance, Number 95-0-0018; and
   (b) Tallahassee Code, Article VI, Rotation System Towing.

Cf. BOR Rule 6C-7.003(33) and (34) on parking fines, decals, and transportation access fee, and University Rule 6C3-3.011 on commercial solicitation.

6C3-3.009 Payment of Fees.
(1) Students are required to pay tuition and related fees in accordance with procedures prescribed herein. (See Rules 6C-7.001, 6C-7.002 and 6C-7.003, F.A.C.)
   (a) A student’s course schedule shall be cancelled if payment of tuition, or appropriate arrangements for payment, has not occurred by the end of the first week of classes. The President or the President’s designee may extend the deadline for fee payment when payment by the student is delayed due to University actions. However, the President may choose to temporarily suspend
further academic progress in lieu of cancelling a student’s course schedule in those cases where the student has partially paid the student’s tuition. Suspension of academic progress shall preclude a student from receiving grades, a transcript, or a diploma and shall deny registration for future terms until the student’s account has been settled in full.

Registration shall be defined as consisting of two components:

1. Formal selection of one or more courses approved and scheduled by the University, and
2. Tuition payment, partial or otherwise, or other appropriate arrangements for tuition payment (deferment or third party billing) for the course(s) in which the student is enrolled as of the end of the drop/add period.

(b) Tuition liability shall be defined as the liability for the payment of tuition incurred at the point at which the student has completed registration, as defined above.

(c) A student whose course schedule has been cancelled under paragraph (1)(a) above may be reinstated. To be reinstated, a student shall, by the end of the fourth week of classes, apply for reinstatement and pay 100% of tuition and the late payment fee, make appropriate arrangements for 100% payment of tuition and the late payment fee, or, through a combination of the above, cover 100% of tuition and the late payment fee.

(d) A student who is registered for six or more hours of on-campus courses, except for state employees utilizing waivers who are taking six credit hours or less, shall pay a health fee each term which provides for health care service.

(e) The University shall assess a late registration fee of $100 to students who fail to initiate registration during the regular registration period.

(f) The University shall assess a late payment fee of $100 to students who fail to make tuition payment or appropriate arrangements for tuition payment (deferment or third-party billing) by the end of the first week of classes.

(g) All or any part of the tuition and late fees may be waived by the University when deemed appropriate provided that provisions for such waivers are included in the rules of the Board of Regents.

(2) A student is allowed to pay charges for room and board in installments. However, the student is expected to use all available financial aid upon receipt to fully pay such obligations. A student who is paying in installments is required to pay a deposit in the amount of $350 prior to the initial housing assignment for the academic year and by the end of the first week of classes for the succeeding term. Fifty percent (50%) of the remaining room and board charges shall be paid no later than the end of the fourth week of classes. The balance of room and board charges shall be paid no later than the end of the first half of the academic term; otherwise, a student shall be precluded from receiving grades, a transcript, or a diploma and shall be denied registration for future terms until the student’s account is settled in full.

(3) The President or the President’s designee may approve deferred payment for a student, upon application, on grounds of: formal arrangements made with the University for payment by an acceptable third party; or eligibility for deferral guaranteed to students receiving veterans educational assistance benefits or other benefits from Federal and State assistance programs. It is the policy of the University to disburse financial aid after the end of the drop/add period. All students who have been awarded sufficient eligible financial aid to cover 100% of their tuition by the end of the first week of classes are considered to have applied for deferment and are granted deferred payment status. This shall be based on the student’s residency classification and an average of 15 semester hours for undergraduate students for the Fall and Spring semesters; 12 semester hours for graduate students for the Fall and Spring semesters; 12 semester hours for undergraduate students for the Summer session; and 9 semester hours for graduate students for the Summer session. Students whose financial aid award does not cover 100% of their tuition shall pay the difference by the end of the first week of classes in order to be granted deferred payment status.

(4) If a student’s fee account is in arrears due to errors committed in calculating tuition fees or for other valid and acceptable reasons, the student’s academic progress will be suspended. Suspension of academic progress shall preclude a student from receiving grades, a transcript, or a diploma and shall deny registration for future terms until the student’s account has been settled in full.

(5) A 100% tuition refund/charge adjustment shall be made to the student for tuition and scientific laboratory fees if official withdrawal from the University occurs prior to the end of the drop/add period and written documentation is received from the student. Terms in the student housing contract will determine the refund of room rent; whereas board will be prorated based on the approved date of cancellation.

(a) A 25% refund/75% charge adjustment of tuition and scientific laboratory fees, less building and capital improvement fees, shall be made if official withdrawal from the University occurs prior to the end of the fourth week of classes and written documentation is received from the student, or at an appropriate time as designated by the University for Summer sessions.

(b) A 100% refund/charge adjustment shall be made of the tuition and scientific laboratory fees, if a student withdraws or drops one or more courses due to circumstances determined by the University to be exceptional and beyond the control of the student, including but not limited to:
   1. Illness of a student of such severity or duration, as confirmed in writing by a physician, to preclude completion of the course(s),
   2. Death of the student or death in the immediate family (parent, spouse, child or sibling),
   3. Involuntary call to active military duty, or
   4. A situation in which the University is in error.
(c) Pursuant to Public Law 102-325, the Higher Education Amendments of 1992, and notwithstanding the provisions of subsection (5) and paragraph (5)(a) above, for the first term in which students are enrolled at the University for the first time, a pro-rata refund of tuition, fees, room and board, and other charges shall be made as required by Public Law 102-325.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.202, 240.235 FS. History–New 10-1-75, Amended 12-3-81, 12-31-85, Formerly 6C3-3.09, Amended 7-20-86, 6-17-87, 1-6-92, 8-31-95, 8-18-96.

Cf. BOR Rule 6C-7.003 on special fees, fines and penalties.

6C3-3.010 Code of Penalties.

(1) Florida A&M University shall have specific authority to impose penalties for the following categories of infraction of rules:

(a) Penalties for violation of standards of academic honesty, such as plagiarism, cheating and other activities which interfere with the educational mission of the University. These penalties may range from counseling to expulsion or termination.

(b) Penalties for failure to pay debts owed the University Penalties may range from the denial of registration for subsequent terms, withholding of transcripts and withholding diploma.

1. The following penalties may be imposed for writing bad checks:
   a. Permanent transcript hold;
   b. Refer to collection agency and/or other collection effort where appropriate;
   c. With the exception of amounts deemed to be negligible, Vice President for Administration or his designee may refer returned checks to State Attorney for legal action.

2. The following penalties may be imposed for failure to repay in accordance with the repayment schedule:
   a. Refer to collection agency.
   b. Permanent transcript hold.

3. Failure to pay other receivables such as traffic fines, library fines, and other similar fines may incur the following penalties:
   a. Permanent transcript hold.
   b. Refer to collection agency.

(c) Penalties for violation of standards of conduct for members of the faculty and staff. Penalties may range from oral reprimand to termination.

(d) Penalties for violation of standards of conduct for students. Penalties may range from counseling to expulsion.

(e) Penalties for violation of employment contracts. Penalties may range from oral reprimand to expulsion or termination.

(2) These remedies are not exclusive of other remedies provided under law.


6C3-3.011 Commercial Solicitation.

(1) All soliciting done on the University premises must be approved, annually, in advance, by the Director of Administrative Services, except for the sale of newspapers in the dormitories or housing areas, and certain activities sponsored by student organizations and those activities under contracts allowing solicitation or under the exclusive jurisdiction of other university entities.

(2) University Solicitors’ Permit.

(a) All solicitors must have a University Solicitors’ Permit, except those exempted in subsection (1) and students representing student organizations.

(b) All applicants for permits must furnish verifiable personal, and company or organization identification for all persons who will be representing their organization in the soliciting activity.

(c) The University Solicitors’ Permit shall contain, but not be limited to, the following information:

1. Name of company or organization;
2. Name(s) of individual or individuals who will solicit for the company or organization on campus;
3. Type or nature of items or services to be offered for sale;
4. Specific parking locations on campus where permit is valid, e.g., all of the campus or specific areas of campus;
5. Dates of issue and expiration of Permit.

(d) Copies of the University Solicitors’s Permit are to be in the possession of the individual or individuals who are engaged in the activity while on campus. The original permit will be kept on file in the Director of Administrative Services Office.

Solicitors must adhere to all university policies concerning contacts with faculty, staff, and students during instructional or working hours, and admittance to classroom buildings, dormitories, offices and other university buildings.

(3) Obtaining Permits. Permits are to be obtained from the Director of Administrative Services. A charge of one hundred dollars ($100) per year shall be imposed uniformly upon all vendors granted a permit pursuant to this rule. Permits, which are valid only in the parking areas so indicated, shall be issued for one year periods from date of issue. The issuance of the permits shall be governed solely by the benefits to be gained by the University Community. No items shall be sold, offered for sale or advertised by vendors that are not covered by the permit or are in competition with the University Bookstore, Food Service or any other operation or organization that has exclusive rights to sell such items, via a contractual agreement with the University. Solicitation shall be
limited to these services or items included in the Permit Application. Copies of the permit are to be carried by each individual whose name appears on the permit and are engaged in the activity, and will be presented to any University official upon request. Any issued permit is subject to cancellation at any time if it is deemed in the best interests of the University to do so. In the event a permit is cancelled, all copies of the permit are to be surrendered to the Director of Administrative Services, and soliciting by the permit holder will cease.

(4) Student Organizations. In recognition of the rights and freedom of student organizations at Florida A&M University, approved student groups are permitted to solicit for support, or sell and distribute items as a project of that organization within the limits and guidelines of University subsections 6C3-2.009(10), (11), F.A.C.

(5) The posting or distribution of advertising material will be limited to the permanent official bulletin boards of the University.

Specific Authority 120.53(1)(a), 120.60, 240.227(1), 240.263, 240.267 FS. Law Implemented 120.53(1)(a), 120.60, 240.227(1), 240.263, 240.267 FS. History–New 10-30-83, Formerly 6C3-3.11.

Cf. BOR Rules 6C-4.001(5), 6C-9.006, and FAMU Rule 6C3-3.004, F.A.C.

6C3-3.014 Intercollegiate Athletic Scholarships.
Florida A&M University is a member of the National Collegiate Athletic Association (NCAA). Therefore, it adheres to the rules and regulations of the NCAA regarding the administration of intercollegiate athletic scholarships. The procedures and eligibility requirements for receiving and administering scholarships are found in Article VI of the Manual of the National Collegiate Athletic Association which is incorporated herein by this reference. Also refer to University Rule 6C3-2.014, F.A.C., Financial Aid.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 240.287 FS. History–New 4-4-85, Formerly 6C3-3.14.

Cf. Financial information section of University Catalog – University Rule 6C3-4.008, F.A.C.

6C3-3.015 Library Fines.
(1) General Policy Statement – Circulating library resources will be charged out to faculty and staff members of the University for a loan period of 21 days. All materials are due at the end of each loan period. A “grace” period of seven (7) days is allowed before the resource is declared delinquent. A patron may request a renewal before the end of the grace period if the material is not on request by another person. No renewals will be made unless the materials and the borrower’s identification card are presented at the checkout desk.

(2) Imposition of Library Fines – Materials are due at the end of each given loan period. A grace period of seven (7) days will be allowed. Beginning with the 8th day a patron will be assessed a fine of 25¢ per day per item. When the third notice is forwarded, the cost of material is added to the fine.

(3) General Collection Procedures.
(a) A “notice”, containing delinquent items on loan, will be sent to the patron after the end of the seven (7) day grace period. Alternatives for resolving the delinquency – including a conference with the Director of Library – will be afforded the patron. If the patron does not return the materials when the first overdue notice is received, two more notices (i.e., second and third notices) will be generated at 14-day intervals.

(b) If the patron does not return the materials after the third notice, the delinquency with appropriate documentation will be sent to the University Comptroller’s Office for collection pursuant to and in accordance with applicable State Comptroller’s rules on recovery of nonsalary sums due from State officers and employees. Refer to Rules 3A-21.003, 3A-21.004 and 3A-21.005, F.A.C.


6C3-3.016 Environmental Health and Safety Program.
(1) The development and maintenance of a safe campus environment for work and study is of primary concern to the Florida Agricultural and Mechanical University. Environmental health and safety concerns are thus given a high priority for implementation. In an effort to ensure a safe campus environment, an environmental health and safety program is provided, in compliance with applicable law and Board of Regents rules. The primary objectives of the program include the following:
(a) To prevent injury or illness resulting or relating to unsafe conditions or activities in the physical campus environment.
(b) To ensure compliance with regulations and requirements of health and safety oriented state and federal agencies to which the University is subject.
(c) To maintain the physical campus environment, and to monitor occupational and other safety risks so as to minimize the number and severity of workers compensation/general liability injuries and property losses.
(d) To foster safety awareness through education and training, and in particular to educate and train personnel in the safe use of hazardous materials and chemicals.
(e) To ensure that the storage and disposal of hazardous chemicals and wastes are accomplished in a manner that does not endanger the natural environment, and that this is in compliance with applicable regulatory agencies.
(2) The responsibilities of various personnel accountable for the effectiveness of the University’s environmental health and safety program are as follows:

(a) President.
1. Responsible for all matters pertaining to environmental health and safety, and provides assurance that the University moves toward and/or maintains compliance with all state and federal regulations related to environmental health and safety, particularly those regulations promulgated under the Florida Department of Labor and Employment Security – Bureau of Industrial Safety and Health, Leon County Health Department, Florida Department of Health and Rehabilitative Services, Florida Department of Environmental Regulation, and the State of Florida Fire Marshal’s Office.
2. Responsible to ensure the adequate provision of staff, facilities, and funding necessary to pursue environmental health and safety objectives in a reasonably aggressive manner.
3. Exercises administrative authority as needed to ensure compliance and cooperation of university personnel with regard to environmental health and safety issues.
4. The President delegates operational authority for environmental health and safety to the Vice President for Administration.
(b) Vice President for Administration.
1. Assumes institutional responsibility through the Department of Environmental Health and Safety for the general pattern of overall health and safety practices and their effective administration throughout the University.
2. Works with deans, directors and departmental chairpersons through the Department of Environmental Health and Safety in establishing a program that meets all codes and standards pertaining to health and safety of all employees and personnel associated with the University.
3. Assures the existence of a strong working liaison between the Department of Environmental Health and Safety and other University departments.
4. Informs the President regarding important health and safety issues on campus.
(c) Department of Environmental Health and Safety – The Department of Environmental Health and Safety is responsible for the identification, evaluation and resolution of safety issues in the areas of fire protection, occupational safety, laboratory safety, radiation safety, hazardous waste disposal, accident prevention and other areas as needed. Specific responsibilities are as follows:
1. Provides environmental health and safety technical services support to all areas of the University as needed.
2. Responsible for matters relating to investigation, evaluation and correction of safety hazards in a timely manner.
3. Recommends and/or establishes concise and reasonable policies concerning general environmental health and safety throughout the University.
4. Develops and presents workshops and training sessions on various safety related subjects such as fire prevention, hazardous chemicals use, etc.
5. Reviews plans for new buildings and renovations with respect to fire code compliance and other applicable safety concerns.
6. Ensures compliance with requirements of FAMU’s radioactive materials agreement.
7. Ensures compliance with the Florida Department of Environmental Regulations’ requirements regarding hazardous waste storage and disposal.
8. Serves as the university liaison with all safety-oriented regulatory agencies and takes action or makes recommendations to improve and maintain compliance with requirements of such agencies.
9. Initiates enforcement action where necessary through the principal investigator or applicable department head, dean or vice president.
(d) All Vice Presidents, Deans, Directors and Department Chairpersons.
1. Responsible for enforcement and dissemination of environmental health and safety policies and operational procedures pertinent to the personnel and facilities under their direction.
2. Ensures that their areas of responsibility are in compliance regarding all safety-oriented regulations and requirements, especially with regard to the State of Florida Fire Code, the Right-to-Know Law (Chapter 442, Florida Statutes) and the use and disposal of hazardous chemicals.

Specific Authority 240.227(1), 240.202 FS. Law Implemented 240.227(1), 284.50, 442, 440.56(1) FS. History–New 1-4-88.

6C3-3.017 Schedule of Tuition and Fees.
(1) Tuition shall be defined as the basic fee charged to a student for instruction provided by the University. A charge for any other purpose shall not be included within this fee.
(a) Resident tuition and fees, comprised of the following, shall be defined as the fees charged an enrolled student who qualifies as a Florida resident as defined in Section 1009.21, F.S., and Rule 6C-7.005, F.A.C.:
1. Matriculation Fee;
2. Student Financial Aid Fee;
3. Capital Improvement Trust Fund Fee;
4. Building Fee;
5. Health Fee;
6. Athletic Fee; and
7. Activity and Service Fee.
   (b) Non-Resident tuition and fees, comprised of the following, shall be defined as the fees charged an enrolled student who
does not qualify as a Florida resident as defined in Section 1009.21, F.S., and Rule 6C-7.005, F.A.C.:
   1. Matriculation Fee;
   2. Non-Resident Fee;
   3. Student Financial Aid Fee;
   4. Non-Resident Student Financial Aid Fee;
   5. Capital Improvement Trust Fund Fee;
   6. Building Fee;
   7. Health Fee;
   8. Athletic Fee; and
   9. Activity and Service Fee.
   (2) Registration shall be defined as consisting of two components:
   (a) Formal selection of one or more credit courses approved and scheduled by the University; and
   (b) Tuition and fee payment, partial or otherwise, or other appropriate arrangements for tuition and fee payment (deferment or
third party billing) for the courses in which the student is enrolled as of the end of the drop/add period.
   (3) Tuition and fee liability shall be defined as the liability for the payment of tuition and fees incurred at the point at which the
student has completed registration, as defined above.
   (4) The following tuition and fees shall be levied and collected effective Fall Semester 2003 for each student regularly
enrolled, unless provided otherwise by law or in this chapter.
   (a) Students will be assessed the following fees per credit hour:

   Fee | Undergraduate | Graduate | Law
---|---------------|----------|----
Matriculation Fee | $63.41 | $160.22 | $182.09
Student Financial Aid Fee | $3.17 | $8.01 | $9.10
Capital Improvement Trust Fund Fee | $2.44 | $2.44 | $2.44
Building Fee | $2.32 | $2.32 | $2.32
Athletic Fee | $8.75 | $8.75 | $8.75
Activity and Service Fee | $10.00 | $10.00 | $10.00
Total Resident Tuition and Fees | $90.09 | $191.74 | $214.70
Non-Resident Fee | $328.74 | $509.08 | $530.27
Non-Resident Financial Aid Fee | $16.43 | $25.45 | $26.51
Total Non-Resident Tuition and Fees | $435.26 | $726.27 | $771.48

   (b) Students will be assessed the following fee per term:

   Fee | Undergraduate | Graduate | Law
---|---------------|----------|----
Health Fee (Six or More Hours) | $59.00 | $59.00 | $59.00

   (5) Pursuant to Section 1009.285, F.S., each student enrolled in the same undergraduate course for at least the third time shall
be assessed an additional $164.54 per credit hour.
   (6) Pursuant to Section 1009.28, F.S., each student enrolled in the same college-preparatory course for at least the third time
shall be assessed an additional $200.65 per credit hour.

Session A, 1001.74(11), 1009.01, 1009.21, 1009.24, 1009.28, 1009.285 FS, History–New 11-19-02, Amended 11-26-03.*
CHAPTER 6C3-4 ACADEMIC AFFAIRS

6C3-4.001 Curriculum Requirements.
Each college, school and/or academic unit within the University establishes curriculum standards and requirements for students as approved by the appropriate committees and officers of the college, school or unit and of the University and published in the current General University Catalog. A student is required to meet the curriculum standards and requirements set forth for his/her course of study in the University Catalog at the time the student enrolls for a continuous period of study. Should the student interrupt that course of study in any manner and for any reason, different standards and requirements may be in effect for that student at the time the student reenrolls. Such interruptions include absence from the University for a length of time requiring reenrollment, failure to reenroll in the number of hours per quarter prescribed by the course of study in which the student is enrolled, or failure to make passing grades in the courses prescribed by that course of study.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS. History–New 10-1-75, Repromulgated 3-8-76, Formerly 6C3-4.01. Cf. 120.52(15)(c)4. FS., on Rule Exclusion-Curricula.

6C3-4.002 Academic Grievances.
Each college, school and/or academic unit within the University established internal procedures for student grievances pertaining to academic matters. The student is expected to follow the procedures established by the college, school and/or academic unit in which the student is pursuing a course of study. The procedures are available in the Office of the Dean of the respective college or school, and in the office of the appropriate officer in charge of an academic unit not a part of a college or school.

Specific Authority 120.53(1), 240.227(1) FS., 6C-6.011(1), F.A.C. Law Implemented 120.53(1), 240.227(1) FS., 6C-6.011(3), F.A.C. History–New 10-1-75, Formerly 6C3-4.02.

6C3-4.003 College and School Governance.
Each college, school and/or academic unit within the University is permitted to establish its own procedures of internal governance provided such procedures do not conflict with other University rules and procedures and are approved by the Vice-President for Academic Affairs. All faculty and staff members assigned to a particular college, school and/or academic unit are expected to adhere to the established internal procedures of governance. The procedures are available in the Office of the Dean of the respective college or school and in the office of the appropriate officer in charge of an academic unit not a part of a college or school.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 120.52(15)(a) FS. History–New 10-1-75, Formerly 6C3-4.03.

6C3-4.004 Student Advisement and Transcript Evaluation.
Each student enrolled in the University shall be assigned an academic advisor. Each student is thereafter responsible for reporting to his/her advisor at regular intervals for guidance in following his/her prescribed curriculum and for evaluation of his/her progress toward the degree which he/she is pursuing. Further, each student is responsible for having his/her academic transcript evaluated by the appropriate University officials during the first quarter of the student’s senior year. If the student does not avail himself/herself continuously of professional academic advisement and senior-year official transcript evaluation, the University assumes no responsibility for the student’s inability to meet graduation requirements. This includes making available to the student any course or courses which are still required for the student’s graduation.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS., 6C-6.004(5), F.A.C. History–New 10-1-75, Formerly 6C3-4.04.
6C3-4.005 Faculty Meetings Attendance.
Each college, school and/or academic unit within the University requires faculty and/or staff members of that college, school, and/or academic unit to attend certain internal and external meetings as part of the faculty or staff members' professional obligation. Each faculty or staff member is expected to assume this obligation. The Dean of a college, school and/or academic unit within the University is expected to advise the respective faculty and staff members of required meetings.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS. History–10-1-75, Formerly 6C3-4.05.

6C3-4.006 Miscellaneous Requirements of Faculty and Staff.
Each college, school and/or academic unit within the University is permitted to establish reasonable requirements of faculty and staff members assigned to that college, school and/or academic unit. The requirements must be made available to each faculty and staff member. The requirements may include the following:

(1) Serving on college, school and/or University committees.
(2) Advising students.
(3) Assisting student organizations.
(4) Recruitment of students.
(5) Placement of students.
(6) Involvement with professional organizations.
(7) Assisting in registration of students.
(8) Maintenance of regular office hours.
(9) Participation in commencement.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS. History–New 10-1-75, Formerly 6C3-4.06.

6C3-4.007 Board of Regents Policies.
The University adheres to all rules and policies of the Board of Regents, State of Florida pertaining to academic affairs.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS. History–New 10-1-75, Formerly 6C3-4.07. Cf. BOR Chapter 6C-1 et seq., F.A.C.

6C3-4.008 General Catalog of the University.
(1) In addition to operational rules published in accordance with Chapter 120, Florida Statutes, Florida A & M University publishes the General Catalog of the University with addenda thereto which is sometimes referred to as “University Catalog” or “Catalog.” The General Catalog of the University establishes and reflects, but is not limited to, admission and degree requirements within the University, along with providing general information regarding the University, University community, curricula offerings, scholarship information and guidelines on the President’s Scholars Awards and others, policy and notice statements, and facilities of the University. In addition, the General Catalog of the University contains, but is not limited to, the academic calendar as set by the University within the general guidelines of the Florida Board of Regents.

(2) In the event of conflict between any provisions of the 1998-2000 General Catalog of the University, which is incorporated herein by this reference, and any other rules of Florida A & M University published in the Florida Administrative Code, the substantive rules of Florida A & M University published in said code shall prevail.

(3) Copies of all or portions of the General Catalog of the University and addenda thereto in which a person is interested can be obtained by writing to the Office of the Registrar, Florida A & M University, Foote-Hilyer Administration Center, Tallahassee, Florida 32307. Because of the diverse nature of the University, requests should specify that particular portion of the Catalog in which the inquirer is interested.

(4) The following applications for admission to Florida A & M University, referenced in the General Catalog of the University are available through the Office of Admissions:
   (a) BOR Form 1 Rev. 3/19/98, State University System of Florida Undergraduate Admission Application.
   (b) FAM 5100, Eff. 05/83, Rev. 9/24/96, Florida A & M University Application for Admission to a Graduate Program.
   (c) FAM 3200, Eff. 05/83, Rev. 01/94, Florida A & M University, Application for Readmission or Reactivation for Undergraduate Students.
   (d) FAM 5101, Eff. 05/83, Rev. 01/94, Florida A & M University, Application for Readmission to a Graduate Program.

Specific Authority 240.227(1) FS. Law Implemented 120.53(4), 240.227(8),(14), 240.233, 240.287 FS. History–New 6-22-83, Amended 11-10-83, 1-29-84. Formerly 6C3-4.08, Amended 4-26-94, 12-26-96, 3-24-99. Cf. Section 120.81(1)(a) FS., on Rule Exclusion – Curricula; BOR Rules on admissions – Rules 6C-6.001 through 6C-6.009, F.A.C.; BOR Form Rule 6C-1.012, F.A.C.
6C3-4.009 Degree Program Enrollment Requirements.

(1) Beginning with the Fall Semester of the 1984-85 academic year, students seeking to advance from the lower level to the upper level of the Florida A & M University must be enrolled in a specific degree program and must be following the prescribed curriculum of that degree program. This means that all lower level courses of that degree program must have been successfully completed before he can be considered for advancement to upper level status.

(2) In an effort to help students enhance their reading, writing, listening, and computational skills, the University requires that, in addition to the stated requirements of his/her degree program or any other requirements located in the University Catalog which pertain to him/her, each student must earn a minimum grade of “C” in each of the following courses in which he/she enrolls as a requirement in his/her major program.

(a) Enc 1000 – Introduction to Communication Skills.
(b) Enc 1101 – Freshman Communicative Skills, Part I.
(c) Enc 1102 – Freshman Communicative Skills, Part II.
(d) Rea 1105 – Reading Improvement.
(e) Rea 1505 – Vocabulary Improvement.
(f) Rea 1605 – Study Skills Improvement.
(g) Rea 2405 – Reading at Efficient Rates.
(h) Enc 2300 – Improving Writing Competency.
(i) Bte 2366 – Business Communications.
(j) Lit 2110 – An Approach to Literature.
(k) Lit 2120 – Approaches to Literature.
(m) Spc 2600 – Public Speaking.
(n) Phi 1100 – Critical Inquiry.
(p) Mat 1024 – Elementary Algebra and Mat 1024L – Elementary Algebra Laboratory.
(q) Mac 1100 – College Algebra.
(r) Mac 1104 – College Algebra.
(s) Mgf 1304 – Techniques of Mathematical Sciences I and Mgf 1304L – Techniques of Mathematical Sciences I Laboratory.
(t) Mac 1134 – Algebraic and Trigonometric Functions.
(u) Mgf 2202 – Finite Mathematics.
(v) Mac 2411 – Calculus I.
(w) Mat 1013 – Introduction to Quantitative Skills.
(x) Mat 1142 – Pre Calculus.
(y) Hum 2213 – Historical Survey I.
(z) Hum 2230 – Historical Survey II.
(aa) AMH 1000 – United States History: 1492 to Present.
(bb) AMH 2010 – United States History: 1492 to 1865.
(cc) AMH 2025 – United States History: 1865 to Present.
(dd) WOH 1012 – History of Civilization to 1500.
(ee) WOH 1022 – History of Civilization Since 1500.

(3) Permission to sit for the College Level Academic Skills Test will normally be granted only to students who have satisfied all of the lower level requirements mentioned in subsections (1) and (2) above, or will do so during the semester in which the test is taken. This is in addition to the requirements of the Department of Education as found in Rules 6A-10.030 and 6A-10.0314, F.A.C. and Board of Regents Rule 6C-6.017, F.A.C.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(1), (8), 240.233(5) FS, History–New 11-10-83, Amended 5-16-84, Formerly 6C3-4.09. Cf. 120.52(15)(c)4. FS., on Rule Exclusion-Curricula and BOR Rule 6C-6.017(4), F.A.C., on other Degree Program Requirements by the University.

6C3-4.010 Performing and Visual Arts Scholarships.

(1) General Statement – Florida A & M University will award Performing and/or Visual Arts Scholarships to qualified students who participate in officially recognized Performing and/or Visual Arts at the University. The awarding of scholarships is based on the availability of scholarship funds. Students having scholarships may receive additional financial aid as funds are available and needs exist.

The Performing and Visual Arts Scholarships are awarded to students in the Department of Music (band, choir and/or voice), Department of Theatre, and Department of Visual Arts and Humanities. The guidelines for receiving a Performing and Visual Arts Scholarship for each department are noted below.

(2) Band.
(a) Application and Approval Process – Students may apply for Performing and Visual Arts Scholarships in the area of band by requesting an audition with the Scholarship Committee, Department of Music (Band), Florida A & M University, Tallahassee, Florida 32307. The committee evaluates all applicants, including the audition, and submits a recommendation to the director of bands. The need for maintaining a balanced instrumentation is considered by the committee during the recommendation process. Scholarship applications must also be approved by the Dean of the College of Arts & Sciences and the Vice President for Academic Affairs.

(b) Audition – The content of the audition shall consist of scales and arpeggios, rudiments for percussion, prepared Etude and sightreading. The committee shall evaluate the audition as follows:
1. Highly complimentary.
2. Passed with compliment.
3. Passed.
4. Failed.

(c) Awards – The amounts of the scholarship may vary according to the availability of funds. Ordinarily, awards will be as follows:
1. Highly complimentary – $500 per semester.
2. Passed with compliment – $250 per semester.
3. Passed – $100 per semester.

(d) Scholarship Renewals – Scholarships may be renewed annually with the stipulation that the recipients continue participation in assigned organization(s) and meet university academic standards as established in the university catalog.

(3) Theatre.

(a) Application and Approval Process – Students may apply for Performing and Visual Arts Scholarships in the area of theatre by submitting a written request, i.e., application to the Scholarship Committee (c/o The Department of Visual Arts, Humanities and Theatre, Florida A & M University, Tallahassee, Florida 32307). The following shall also apply:
1. Actors and singers may request a scholarship by submitting a written application for an audition along with three letters of recommendation. Students outside the Tallahassee area should submit a video tape, if available, along with their application. Applicants will also be expected to present a live audition of two, two-minute monologues. Monologues should be of different styles and should show the applicant’s range of ability.
2. Technicians may request a scholarship by submitting a written application along with three letters of recommendation. Drafts and renderings, if available, will be considered in the final selection for technical applicants.
3. The Theatre Scholarship Committee will evaluate the application, recommendations, audition and support materials. The committee will exercise the sole responsibility to select students on the basis of Theatre program needs for specific types of talents and skills. Scholarship applicants will be approved by the Chairman of the Department, Dean of the College of Arts and Sciences and the Vice President for Academic Affairs.

(b) Audition – The student’s audition and/or materials (video tape, draft and rendering) evidencing his/her theatrical talents and skills shall be evaluated by the committee as follows:
1. Highly complimentary.
2. Passed with compliment.
3. Passed.
4. Failed.

(c) Awards – The amounts of the scholarship may vary according to availability of funds. Ordinarily, awards will be made as follows:
1. Highly complimentary – $500 per semester.
2. Passed with compliment – $250 per semester.
3. Passed – $100 per semester.

(d) Scholarship Renewals – Scholarships may be renewed annually with the stipulation that theatre students whose overall averages drop below “C” or students who do not show growth will be dropped.

(4) Visual Arts and Humanities.

(a) Application and Approval Process – Students may apply for Performing and Visual Arts Scholarships in the area of Visual Arts and Humanities by sending their written request to the Scholarship Committee (c/o Department of Visual Arts and Humanities, Florida A & M University, Tallahassee, Florida 32307). Applicants may request a scholarship by submitting a written application, three letters of recommendation, along with a minimum of four (4) slides of four (4) different works, or four (4) of the actual works, each one of which should be different. The letters of recommendation should include consideration of demonstrated ability in visual art; attitudes toward learning and engaging in art activities; attendance record for art classes; record of extra-curricular art activities; and need. Scholarship applicants will be approved by the Chairman of the Department, Dean of the College of Arts and Sciences and the Vice President for Academic Affairs.

(b) Awards – The amounts of the scholarship may vary according to the availability of funds. Ordinarily, the amounts will vary from $100 to $500. The committee will prioritize award recommendations based upon:
1. Grade point average (GPA).
2. Overall attitude.
3. Potential in the field.
4. Overall quality and demonstrated growth in work.
(c) Renewals – Scholarships may be renewed annually or on a semester-by-semester basis with the following stipulations:
1. Visual Arts students must maintain a “B” average in their major art professional courses.
2. Visual Arts students must maintain a “C” average in their courses, overall.
3. Visual Arts students whose overall averages drop below “C” or whose major course averages drop below “B” will be dropped from scholarship.
(d) Reinstatement – Students who have been dropped from their scholarship status may petition for reinstatement when they have satisfied both one and two of subsection (c) above. The petition, by letter, must be sent to the Visual Arts Scholarship Committee in a timely manner after receipt of the grade report.
(5) Choir and/or Voice.
(a) Application and Approval Process – Applicants may apply for Performing and Visual Arts Scholarships in the area of choir and/or voice by sending their written request to the Scholarship Committee, Department of Music (Choir), Florida A & M University, Tallahassee, Florida 32307. The Committee will evaluate the application and audition. The Committee will exercise the sole responsibility to select students on the basis of department needs for specific types of skills. Scholarship applicants will be approved by the Division Director, Dean of the College of Arts and Sciences and the Vice President for Academic Affairs.
(b) Audition – The student’s audition evidencing his/her skills shall be evaluated by the committee as follows:
1. Highly complimentary.
2. Passed with compliment.
3. Passed.
4. Failed.
(c) Awards – The amounts of the scholarship vary according to availability of funds. Ordinarily, the amounts vary from $100 to $500. The committee will prioritize award recommendations based upon:
1. Audition evaluation.
2. Overall attitude.
3. Potential in the field.
4. Overall quality and demonstrated growth in work.
(d) Scholarship Renewal – Scholarships may be renewed annually with the stipulation that the recipients continue participation in assigned organization(s) and meet university academic standards as established in the university catalog.

Specific Authority 120.53(1), 240.227(1), 240.287 FS. Law Implemented 240.287 FS. History–New 12-31-85, Formerly 6C3-4.10.

6C3-4.011 Deletion of Courses.
(1) Florida A & M University, on a biennial basis and as part of the preparation of the General Catalog of the University, shall prepare a list of courses for deletion from the Catalog. The deletion list shall include:
(a) Courses which the University desires to delete; and
(b) Courses which have not been offered during the preceding four academic years.
(2) A course to be deleted under (b), above, may be considered for retention by removal from the deletion list, if the University so desires. The course shall be reviewed in the same manner as courses proposed for addition to the Catalog and the Common Course Designation and Numbering System. If the University has reasonable cause for not having offered the course in the preceding four years and an expectation that the course will be offered in the following four years, then the course shall be removed from the deletion list.
(3) The University shall notify the Office of the Common Course Designation and Numbering System to delete those courses remaining on the deletion list.
(4) The President of the University shall annually certify to the Board of Regents that the University has complied with the requirements of Section 233.015, Florida Statutes, as required by the Board of Education Rule 6A-10.0331, F.A.C.

CHAPTER 6C3-5 MISCELLANEOUS PROVISIONS

6C3-5.001 Rule-making.
The University adheres to all rules and requirements of Chapter 120, Florida Statutes, known as the Administrative Procedure Act.

Specific Authority 120.52(1), 120.53(1) FS. Law Implemented 120.53(1), 120.54 FS. History–New 10-1-75, Formerly 6C3-5.01.

6C3-5.002 Student and Faculty Grievances.
Each student and faculty member with an alleged grievance pertaining to rules promulgated in compliance with Chapter 120, Florida Statutes, has the right to pursue the alleged grievance either through informal procedures within the University or through the formal proceedings required by Chapter 120, Florida Statutes. Should the student or faculty member elect to pursue the alleged grievance through the informal University procedures, he/she must waive the right to the formal procedures established by the Administrative Procedure Act. Should the student or faculty member elect to pursue the alleged grievance through the formal procedures offered by Chapter 120, Florida Statutes, he/she must waive the right to the procedures offered within the University.

Specific Authority 120.53(1), 240.227(1) FS., 6C-6.011(1), F.A.C. Law Implemented 120.53, 120.54(4)(a)-(d) FS., 6C-6.011(3), F.A.C. History–New 10-1-75, Formerly 6C3-5.02.

6C3-5.004 Guest Admission.
The President or President’s designee has the authority to direct that any person be entitled to purchase or receive gratis season tickets or single event tickets in the location and number designated by the President or President’s designee with regard to any program or event involving University Athletics when the President or President’s designee deems such action to be warranted by the contribution to the University or its direct support organizations by such person, whether in money, in kind, in service or in support, and whenever the President or President’s designee deems such action to be in the best interest of the University.

Specific Authority 240.227(1), (27) FS. Law Implemented 240.202, 240.227(13), (15) FS. History–New 1-29-01.
CHAPTER 6C3-6 PURCHASING PROGRAM

6C3-6.001 Purpose. (Repealed)
6C3-6.002 Standard of Conduct.
6C3-6.003 Application.
6C3-6.004 Definitions.
6C3-6.005 Procurement Organization.
6C3-6.006 Director of Purchasing.
6C3-6.007 Purchase of Commodities/Contractual Services.
6C3-6.008 No General Contract for Class B Printing.
6C3-6.009 Source Selection and Contract Formation. (Repealed)
6C3-6.010 Sole Source Procurements and Other Exemptions.
6C3-6.011 Emergency Procurement.
6C3-6.012 Cancellation of Invitation for Bids or Request for Quotation or Rejection of Bids or Proposals. (Repealed)
6C3-6.013 Responsibility of Bidders and Offerors. (Repealed)
6C3-6.014 Multi-term Contracts. (Repealed)
6C3-6.015 Lease Contracts or Lease/Purchase Agreements. (Repealed)
6C3-6.016 Use of State Contracts.
6C3-6.017 Rights to Inspect Plant. (Repealed)
6C3-6.018 Finality of Determinations. (Repealed)
6C3-6.019 Reporting of Anti-competitive Practices.
6C3-6.020 Bonds.
6C3-6.021 Acquisition of Printing, Duplicating and Reproductive Equipment.
6C3-6.022 Authority to Resolve Protested Solicitations and Awards.
6C3-6.023 Authority to Debar or Suspend Vendors.
6C3-6.024 Cooperative Purchasing.
6C3-6.025 Assistance to Small and Minority Business Enterprises. (Repealed)
6C3-6.026 Statistical Report File. (Repealed)
6C3-6.027 Eligibility Criteria for Certification. (Repealed)
6C3-6.028 Sponsored Research Exemptions.

6C3-6.002 Standard of Conduct.

(1) Employee Conflict of Interest.

Except as may be permitted by regulations formulated by the Board of Regents, it shall be a breach of ethical standards for any employee of a University to participate directly or indirectly in a procurement when the employee knows that:

(a) The employee or any member of the employee’s immediate family has a financial interest pertaining to the procurement;
(b) A business or organization in which the employee or any member of the employee’s family, spouse, children, parents, brothers and sisters, has a financial interest pertaining to the procurement; or
(c) Any other person, business or organization with whom the employee or any member of the employee’s immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

(2) Gratuities.

It shall be a breach of ethical standards and misconduct subject to disciplinary action for any employee to directly or indirectly demand, accept or agree to accept from another person, entity, or organization any compensation, consideration or a gratuity of any kind in connection with any procedure or decision, directly or indirectly related to purchasing by the University.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 287.042(13) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(13), 287.042 FS. History–New 2-17-81, Formerly 6C3-6.02, Amended 9-19-88.

6C3-6.003 Application.

These regulations shall apply to every expenditure of funds of the University, irrespective of their source, including federal assistance monies, except as may be directed by the president.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 287.042(13) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(13), 287.042 FS. History–New 2-17-81, Formerly 6C3-6.03.
6C3-6.004 Definitions.

(1) A Purchase – A purchase is defined as an acquisition by contracting in any manner, whether by rent, lease, lease/purchase or installment sales contract which may provide for the payment of interest on unpaid portions of the purchase price, or outright purchase, from a source of supply for either commodities, contractual services or construction. All such contracts shall be in writing. Prior to making a purchase, offices should review current surplus property certifications to utilize commodities listed therein to the maximum extent practicable.

(2) Informal Bid – An informal bid is defined as either a written or oral quotation not requiring a public opening of such bid at a specific time or date. Written evidence of oral quotations shall be maintained.

(3) Agency Head – An agency head, within the meaning of Chapter 287, F.S., Part I, is defined as the person or in the case of collegial body the executive director or chief administrative officer of the agency or other governmental unit who is statutorily responsible for final agency action.

(4) Contracts – Definite Quantity-Term-Contractual Service.

(a) Any contract which binds the University for purchases for a period continuing beyond the fiscal year shall include the following statement: “The State of Florida’s performance and obligation to pay under this contract is contingent upon an annual appropriation by Legislature”. Any contract between the University and a private contractor/vendor shall contain the language provided in Section 946.515(6), F.S., if at the time the contract is entered into, any product or service which is the subject of, or required to carry out, the contract has been certified by Department of Management Services commodity number pursuant to that statute, as a correctional work program item.

(b) Notice of award or intended award, including rejection of some or all of bids/proposals received, and intent to negotiate shall be given by posting the bid/proposal tabulations where the bids/proposals were opened, or by certified United States mail, return receipt requested, or other express delivery service, whichever is specified in the bid solicitation or the request for proposals. All notices of decision or intended decisions shall contain the statement: “Failure to file a protest within the time prescribed in Section 120.57(3)(b), F.S., shall constitute a waiver to proceedings under Chapter 120, F.S.”, and show the beginning and ending posting time and dates for the bid/proposal posting, or if notified by certified mail, indicate such action must be taken within 72 hours after receipt of such notice.

(b) The contract shall be awarded by purchase order, agreement or other written notice to the responsive and responsible bidder/proposer pursuant to the award criteria contained in the solicitation document for the commodities or contractual services, except that every procurement of contractual services in excess of threshold Category Two shall be evidenced by a written agreement conforming to the provisions of Section 287.058, F.S.

(c) Issuance of a purchase order or execution of a contract by both parties for the purchase of commodities, contractual services or construction shall establish a contract between the University and the supplier on the terms, conditions and prices specified in the invitation to bid/proposal and the bidder’s/proposer’s response.

(8) Purchasing Threshold Categories: The threshold categories are: Category One, Category Two, Category Three, Category Four and Category Five. The dollar amount for these categories shall be adjusted by the Department of Management Services, Division of Purchasing after June 30 of each year.

(9) Requisition – A formal written request to procure commodities, services or construction on behalf of a program area. Requisitions must be signed by an authorized person, and must be filed with the Purchasing Department. The requisition serves to notify the Purchasing Department of University needs.

(10) Purchase Order – University document to formalize a purchase transaction with a vendor/contractor. The purchase orders should be numbered consecutively and contain statements regarding the quantity, description, and price of goods and services ordered; applicable terms as to payment, discount, date of performance, and transportation; and other factors or suitable references pertinent to the purchase such as bid number or contract number and shall be signed by the Purchasing Director, Assistant Director of Purchasing or authorized designee.
(11) Blanket Purchase Order (Blanket Order) – An arrangement under which the University contracts with a vendor/contractor to provide the University’s requirements for an item or a group of items or a service, ordered on an as-needed basis. It prescribes the contract term and maximum amount of money which may be spent. No purchase may be divided into two or more purchases for the purpose of evading the competitive bidding requirement, and each purchase made under a blanket purchase order should be of the kind that could be made without competitive bidding if there were no blanket purchase order.

(12) Field Purchase Order – A purchase order issued by an office or facility of the University that is separate from the University Purchasing Department.

(13) Purchase Order Control and Accountability – It is the responsibility of the University Purchasing Director to:
   (a) Provide for securing all unused purchase orders in a safe place and restricting access to these documents.
   (b) Provide for maintenance of a file and accounting for all consecutive purchase orders issued or voided.
   (c) Maintain a record of person designated as authorized to issue and sign each type of purchase order.
   (d) Provide for a monitoring and review process for the use of blanket purchase orders and field purchase orders.

(14) Price Agreement – An agreement which the Purchasing Department negotiates with a vendor to furnish items at a predetermined price. The agreement involves a minimum number of units, provides for orders to be placed directly with the vendor by the Purchasing Department and runs for a limited period of time.

(15) Minor Irregularity – A variation from the invitation to bid/request for proposal terms and conditions which does not affect the price of the bid/proposal, or give the bidder or offeror an advantage or benefit not enjoyed by other bidders or offerors, or does not adversely impact the interests of the University.

(16) Valid Response – A responsive offer in full compliance with the bid specifications or request for proposal requirements and conditions.

(17) Construction – Construction means the process of building, altering, repairing, renovating, improving or demolishing any public facility or other improvements to any public real property by contract.

(18) May – May denotes the permissive.

(19) Shall – Shall denotes the imperative.

(20) Will – Will denotes the imperative.

(21) Should – Should denotes the desirable.

(22) Categories – Purchasing thresholds which govern the procedures to be followed in state purchasing. Thresholds are designated as categories one through five and are subject to annual adjustments by the Florida Legislature and the Department of Management Services.

(23) Minority Enterprise Assistance Officer – A senior level employee of the University responsible for overseeing the minority business enterprise utilization activities for the purchase of commodities, contractual services and minor construction.

(24) Exceptional Purchase – Any purchase of commodities, contractual services or construction excepted by law or rule from the requirements for competitive bids/proposals or acquisition including purchase from a single source, purchase upon receipt of no competitive bids/proposals and purchase through negotiation.

(25) University – University means the Florida Agricultural and Mechanical University.

Specific Authority 240.227(1) FS. Law Implemented 240.225, 240.227(12), (13), 287.017, 287.042(8) FS. History–New 2-17-81, Amended 2-3-83, Formerly 6C3-6.04, Amended 8-21-88, 1-4-98.

6C3-6.005 Procurement Organization.

As the Chief Administrative Officer of the University, the President has the authority to approve and execute contracts for goods, equipment and services to be rendered to the University provided such contracts are made pursuant to the provisions of Part I of Chapter 287, F.S., as applicable, are for the implementation of approved programs at the University and to not require expenditures in excess of $500,000.00 for any single contract.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (15), 287.042(13) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), (15), 287.057, 287.042 FS. History–New 2-17-81, Formerly 6C3-6.05.

6C3-6.006 Director of Purchasing.

(1) The President as Chief Administrative Officer of the University designates the Director of Purchasing to serve as the Central Procurement Officer for the University. The Director of Purchasing shall exercise the powers and duties as provided by Section 287.042, F.S., as well as those described in subsections (2) through (4) of this rule.

(2) Duties of the Director of Purchasing – The Director of Purchasing shall prepare, issue, revise, maintain and monitor the use of specifications for supplies, services, and construction required by the University except for the acquisition of professional architecture, engineering, landscape architecture or land surveying services.

(3) Relationship with University Departments – The Director of Purchasing shall obtain expert advice and assistance from personnel of the requisitioning departments, schools and divisions under competitive bidding or by contractual negotiations, in the manner hereinafter provided:
   (a) To plan and coordinate purchases in volume and to negotiate contracts and to execute purchase orders under which the University shall require departments to requisition.
(b) To canvass all sources of supply and contract for the purchase, lease, rental, or acquisition by purchase order or maintenance agreement for all commodities or services required by the University or any of its constituents.

(4) Powers.
(a) To prescribe the methods of securing bids or negotiating or awarding purchase orders.
(b) In the event no bids are received, to negotiate on the best terms and conditions.
(c) To establish standards, formulate specifications and determine the source of supply of any commodity or service requisitioned by any department of the University except as hereinafter provided; and to set the maximum fair price that shall be paid for any commodity or service as determined necessary by the Director.
(d) To prescribe items and quantities to be purchased locally by departments.
(e) To require that every department furnish information relative to its purchase requirements and methods of requisitioning.

(5) Exceptions – When circumstances and conditions warrant and it is determined to be in the best interest of the University, the President may delegate to any university employee not under the supervision of the Purchasing Department the authority to purchase commodities and services as described in Section 240.225 and Part I of Chapter 287, F.S., as applicable.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 287.042(13) FS. Law Implemented 120.53(1)(a), 240.202, 240.225, 240.227(12), (13), 287.042 FS. History–New 2-17-81, Formerly 6C3-6.06, Amended 5-13-86, 9-19-88.

6C3-6.007 Purchase of Commodities/Contractual Services.

(1) Purchases with value below $5,000 shall be carried out using verbal quotations or written records of telephone quotations, whenever practical. Purchases which meet or exceed $5,000, but less than the threshold for Category Two will be made on two or more written quotations, whenever practical. Should verbal quotations be received, name and address of company and amount quoted shall be a part of the written documentation. If at least two quotations are not received, a statement as to why they were not received must be shown. If the University determines that commodities/contractual services are available only from a single source, or that conditions warrant negotiation on the best terms and conditions, the University may proceed with the procurement. The University shall document the conditions and circumstances used to determine the procurement method.

(2) Competitive Sealed Bids/Proposals Required on Purchases Exceeding the Threshold Amount for Category Two –
(a) In accordance with Chapter 287, F.S., all purchases for which the total contract value is in excess of the threshold amount for Category Two for a commodity or group of commodities or contractual service shall be made by first securing formal competitive sealed bids except as provided in Section 287.057(2), F.S. The University shall not divide its purchases or its purchasing operations to circumvent these requirements. A formal invitation to bid shall be mailed at least 10 days prior to the date set for submittal of bids. Determination of the threshold amount for Category Two for lease or rental is based on a twelve (12) month period of time. Extension of a contract for an additional period of time is not subject to this provision.
(b) The following purchases are not subject to the competitive sealed bid/proposal requirements pursuant to Section 287.057(3)(f), F.S.:
1. Regulated utilities and government franchised services.
2. Regulated public communications, except long distance telecommunications services or facilities.
3. Artistic services, academic program reviews, lectures by individuals. Artistic services include any artistic work performed by an artist, as defined in Section 287.012(3), F.S., including cases in which the acquisition requires that the artist furnish a commodity created through the artistic work. An academic program review is a structured evaluation of the relative merits of an established university or secondary educational program or program component conducted by recognized experts in the field of study and resulting in a written report with specific recommendations. A lecture is a formal or methodical reading or presentation on any subject but it is not intended to be used for the purpose of, or in connection with, training of personnel.
4. Auditing services, which are services provided by a licensee under Chapter 473, F.S., in which the licensee attests as an expert in accountancy to the reliability or fairness of presentation of financial information or utilizes any form of disclaimer of opinion which is intended or conventionally understood to convey an assurance of reliability as to matters not specifically disclaimed.
5. Promotional services and events purchased from donated funds by the Secretary of State for purposes provided in Section 15.18(7), F.S.
6. Payments for membership dues pursuant to Section 216.345, F.S.
(c) Except for those contracts initially procured pursuant to Section 287.057(3)(a) or (3)(c), F.S., contracts for commodities or contractual services may be renewed for an additional term not to exceed the original contract period unless the original contract period is 24 months or less, in which case the contract may be renewed up to 2 one year periods. Renewal of the contract shall be by mutual agreement in writing and shall be subject to the same terms and conditions set forth in the initial contract. If the commodity or contractual service is purchased as a result of the solicitation of bids or proposals, the cost of any contemplated renewals shall be included in the invitation to bid or request for proposals. Renewals shall be contingent upon satisfactory performance evaluations by the University.

(3) Legal Advertisements –
(a) All purchases of commodities/contractual services in excess of the threshold amount for Category Two shall be advertised in the Florida Administrative Weekly no less than ten (10) calendar days prior to the opening for invitations to bid and no less than twenty-eight (28) calendar days prior to the proposal opening for requests for proposals. This is only a minimal requirement and does not limit frequency, lapse time, or number of newspapers in which the advertisement may appear. If the Vice President for Administration determines that an unusual problem exists so that the delay incident to giving opportunity for advertising would be detrimental to the interest of the University, then, and in such event, the Vice President for Administration may waive the advertisement in writing. The University’s decision or intended decision shall be posted in accordance with the provisions of Section 120.57(3)(b), F.S.

(b) Advertisement in the Florida Administrative Weekly is not required for the reissuance of an invitation to bid or request for proposals if the University advertised the original bid or proposal solicitation in the Florida Administrative Weekly and the University mails notice of the reissuance of the bid or proposal solicitation to all vendors that were mailed notice of the original solicitation and to all bidders or offerors that responded to the original solicitation, excluding any vendor that responded with an indication of no interest in bidding or offering.

(4) Receipt of No Competitive Sealed Bids/Proposals, in the First Invitation to Bid/Request for Proposal on Commodities/Contractual Services Exceeding the Threshold Amount for Category Two – When no competitive sealed bids/proposals are received for the purchase of a commodity or group of commodities/contractual services exceeding the threshold amount for Category Two in the sealed bid/proposal solicitation, the University shall review the situation in order to determine the reasons, if any, why no competitive sealed bids/proposals were received before issuing a second invitation to bid/request for proposals; provided, however, if the University determines that commodities/contractual services are available only from a single source, or that conditions and circumstances warrant negotiation of the best terms and conditions, then the University may proceed with procurement. The University shall document the purchasing file as to the conditions and circumstances used to determine the decision to proceed without a second call for bids.

(5) Receipt of No Competitive Sealed Bids/Proposals in the Second Bid/Proposal Solicitation on Commodities/Contractual Services Exceeding the Threshold Amount for Category Two – If a second call for bids is issued and no competitive sealed bids/proposals are received for the purchase of a commodity, group of commodities or contractual services exceeding the threshold amount for Category Two in the second bid/proposal solicitation, the University may then proceed with the procurement. The University shall document conditions and circumstances used to determine the procurement method.

(6) Conditions to be Included in Formal Invitations to Bid/Requests for Proposal for Commodities/Contractual Services –

(a) All formal invitations to bid issued by the University shall include the standard “State of Florida Invitation to Bid/Bidder Acknowledgment” Form PUR 7028 (Rev. 1-09-95), for commodities, and “State of Florida Invitation to Bid/Bidder Acknowledgment/Contractual Services”, Form PUR 7031 (Rev. 1-09-95) for contractual services, and which are hereby incorporated by reference and shall contain a statement informing persons of the provisions of Section 287.133(2)(a), F.S. An invitation to bid must contain criteria which shall include but not be limited to, price, to be used in determining acceptability of the bids. If the University contemplates a renewal of the commodities/contractual service, the invitation to bid shall so state with sufficient information, including the contract period(s) of renewal, to enable each bidder to bid on the contract including renewal(s), and in such case the contract award shall be made based upon an evaluation of bids for the entire contract period including renewal(s). Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S. The purchase order/contract shall be awarded with reasonable promptness by written notice to the responsive and responsible qualified bidder who submits the lowest responsive bid. The bid evaluation must be determined in writing to meet the requirements and criteria set forth in the invitation to bid.

(b) All formal requests for proposal issued by the University shall include the standard “State of Florida Request for Proposal Commodities Acknowledgment” Form PUR 7051 (Rev. 1-09-95) or “State of Florida Request for Proposal Contractual Services Acknowledgment” Form PUR 7033 (Rev. 1-09-95), and which are hereby incorporated by reference and shall contain a statement informing persons of the provisions of Section 287.133(2)(a), F.S. Request for proposal shall include a statement of commodities/services sought, all contractual terms and conditions applicable, and the date and time for submittal of proposals. Request for proposal must contain the criteria which shall include, but not be limited to, price, to be used in determining acceptability of the proposal. If the University contemplates a renewal of the commodity/contractual services agreement, the request for proposal shall so state and shall also provide sufficient information, including the contract period(s) of renewal, to enable each offeror to submit an offer on the contract including renewal(s), and in such case the contract award shall be made based on an evaluation of proposals for the entire contract period including renewal(s). To assure full understanding of and responsiveness to the solicitation requirements, discussions may be conducted by the University with qualified offerors. Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S.

(c) All bid or proposal solicitations for contracts which require payment for more than one (1) year and include unequal payment streams or unequal time payment periods shall include a condition stating that the evaluation shall use present value methodology with the present value discount rate as supplied by the Department of Management Services upon request, which shall be the rate identified in the Interest Rates: Money and Capital Markets Section published in the Federal Reserve Bulletin for the last published month at the time of issuance of the invitation to bid or request for proposals. If the bid or proposal requires the use of present value methodology in the evaluation, the invitation to bid or request for proposal shall state the present value discount rate which will be used in the computations and evaluation.
(7) Request to Withdraw Bid/Proposal for Commodities/Contractual Services – Requests for withdrawal will be considered if received by the University, in writing, within 72 hours after the bid/proposal opening time and date. Requests received in accordance with this provision may be granted by the University upon proof of the impossibility to perform based upon an obvious error on the part of the bidder or offeror.

(8) Right to Reject Bids/Proposals for Commodities/Contractual Services – The University shall reserve the right to reject any or all bids/proposals and such reservation shall be indicated in all advertising and invitations to bid/requests for proposal.

(9) Right to Waive Minor Irregularities for Commodities/Contractual Services – The University shall reserve the right to waive any minor irregularities in an otherwise valid bid/proposal. Variations which are not minor cannot be waived.

(10) Bid Modification for Commodities/Contractual Services – A bidder or offeror may not modify its bid after bid/proposal opening. Mistakes in an arithmetic extension of pricing may be corrected by the University taking into consideration the unit price submitted by a bidder/offeror.

(11) Bid Borrowing Commodities/Contractual Services – The practice of bid/proposal borrowing (the use of a bid/proposal received to another invitation to bid/request for proposals) does not satisfy the requirement of Section 287.057, F.S., and is prohibited.

(12) Inspection or Examination of Sealed Bids/Proposals for Commodities/Contractual Services – Sealed bids/proposals are not public records, subject to the provisions of Section 119.07(1), F.S., until such time as the University provides notice of a decision or intended decision pursuant to Section 120.57(3)(b), F.S., or within 10 days after bid or proposal opening, whichever is earliest. When the invitation to bid or request for proposal requires the bid or proposal to be placed in two separately sealed envelopes to be submitted simultaneously and not opened on the same date, the 10-day period begins the day after the opening of the second envelope. Bid or proposal opening shall be public at the date and time and at the place specified in the solicitation. The opening shall be conducted by an employee of the University and witnessed by at least one other employee of the University. Bid or proposal tabulation sheets shall be completed simultaneously with the public reading of prices whenever appropriate. Upon completion of the tabulation, a copy shall be made accessible for inspection by any interested party.

(13) Cancellation Clause – Any lease contract of commodities must include a cancellation clause of 30, 60, or 90 days, whichever is determined by the University to be the period of time necessary to procure a substitute contract. This only applies to fixed period lease contracts such as annual lease, two year lease, etc.

(14) Installment Sale and Purchase Contracts – Installment Sale and Purchase contracts shall be accomplished on the State of Florida Contract for “Installment Sale and Purchase”, Form PUR 7057 (Rev. 11-15-86) available through the Department of Management Services, Division of Purchasing and which is hereby incorporated and published by reference. The use of such contracts by the University shall be subject in each instance to preaudit review and prior approval of the Comptroller of the State and shall contain the statement “The State of Florida’s performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature”. Refinancing Installment Sale and Purchase contracts are permitted only to take advantage of a lower interest rate than that of the initial transaction or other instances of lower overall cost to the University. Refinancing for a longer period than the term of the original financing is prohibited. Payment schedules shall provide for either quarterly or semi-annual payment in advance to minimize amount of interest paid. Initial payment may be made on a pro rata basis to accommodate fiscal year funding.

(15) No Substitute – Use of the term “no substitute” shall be used only when absolutely required. The term “or equivalent” shall be used wherever an identifiable brand name or process is included in the specification.

(16) Procedures for Negotiation of Contracts for Purchase of Commodities/Contractual Services – The University Purchasing Department, when negotiating a contract, shall conduct such negotiation as follows:

(a) The negotiation shall be made on the best price, terms and conditions obtainable by the University to meet its needs. The University shall specify in writing and make available to the prospective contractors, its needs for the commodity/contractual service to be purchased prior to commencing negotiation with any vendor/contractor.

(b) If a valid bid/proposal was received, negotiations shall commence first with the bidder/proposer submitting the valid bid/ proposal. If the University is unable to negotiate a satisfactory agreement with the bidder/proposer submitting the valid bid/ proposal, negotiations may be held with the remaining bidders/proposers.

(c) If no valid bid/proposal is received or if the University was unable to negotiate a satisfactory agreement with the bidder/ proposer submitting the valid bid/proposal, negotiations shall then commence with the bidder/proposer which had the lowest responding bid/proposal to the invitation of bid/proposals until an agreement is reached. If an agreement is not reached, the University shall then commence negotiations with the next lowest responding bidder/proposer and may continue negotiations with other bidders/proposers in ascending order of the bid prices until an agreement is reached. During negotiations, each bidder/ proposer will be required to give a final firm price, terms and conditions for the specific commodity/contractual service offered. The University will select the vendor offering the commodity/contractual service with the price, terms and conditions which, in its judgment, best meets its needs. The University will maintain an accurate record of the discussions held with each bidder/proposer. If the University is unable to negotiate a satisfactory contract with any of the bidders/proposers that had responded to the invitation to bid/request for proposals, the University shall follow the steps in paragraph 6C3-6.007(16)(b), F.A.C., if it desires to proceed with negotiations.
6C3-6.008 No General Contract for Class B Printing.
No general contract shall be let to cover the printing designated as Class B, but each job coming under this classification shall be let separately to the lowest responsible bidder. Such contract shall apply only to the work under consideration, and competitive bids shall be taken on any purchase in excess of Category Two.

Specific Authority 120.53(1)(a), 240.225, 240.227(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(12), (13), 287.102, 283.42 FS. History–New 2-17-81, Formerly 6C3-6.08, Amended 8-21-88.

6C3-6.010 Sole Source Procurements and Other Exemptions.
(1) A purchase order or contract may be awarded for a supply, service or construction item without competitive bidding/request for proposals when the President or a designee determines, in writing, that there is only one source for the required supply, service or construction item.
(2) The President or the Vice President for Administration may approve and execute annual certifications for those commodities and contractual services purchased on a regular or continuing basis that have been proved to be available from a single source.

Specific Authority 240.227(1) FS. Law Implemented 240.227(12), (13), 287.042(2)(a), (13), 287.057(3)(c) FS. History–New 2-17-81, Formerly 6C3-6.10, Amended 1-4-88, 9-19-88, 1-4-98.

6C3-6.011 Emergency Procurement.
The President may make, or authorize the Director of Purchasing to make emergency procurements without competitive bidding when there exists a threat to public health, welfare or safety, under emergency conditions, or when the delay incident to such procurement may be detrimental to the interest of the University, provided that such emergency procurement shall be made with such competition as is practical under the circumstances. A written description under oath by the President outlining the basis for the emergency and the selection of the particular source shall be included in the file.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 287.042(13) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 287.062, 287.042, 283.03 FS. History–New 2-17-81, Formerly 6C3-6.11.

6C3-6.016 Use of State Contracts.
The University may acquire without competitive bidding/proposals as required by Section 287.057(1), F.S., any commodity or service which is available on State contracts executed by the Department of Management Services, other state universities or governmental agency/subdivision and such purchase is provided in the bid/proposal and contract documents.

Specific Authority 240.227(1) FS. Law Implemented 287.057(3)(b), (18) FS. History–New 2-17-81, Formerly 6C3-6.16, Amended 9-19-88, 1-4-98.

6C3-6.019 Reporting of Anti-competitive Practices.
When for any reason collusion and/or other anti-competitive practices are suspected among bidders, a notice of the relevant facts shall be reported to the Director of Purchasing who shall submit it a report to the Attorney General of the United States in accordance with Executive Order 10936, as amended.

Specific Authority 120.53(1)(a), 240.227(1), 240.225, 287.042(13) FS. Law Implemented 120.53(1)(a), 240.202, 240.225, 240.227(13), 287.042 FS. History–New 2-17-81, Formerly 6C3-6.19, Amended 9-19-88.

6C3-6.020 Bonds.
(1) Payment and Performance Bonds – When required any person entering into a formal contract with the University for the construction of a building or for the prosecution and completion of any public work or for repairs upon any building or public works for such University shall be required before commencing said work, to execute the usual payment and performance bonds, as required by Section 255.05, F.S., with good and sufficient securities, with the additional obligation that such contractor shall promptly make payments to all persons who supply him labor, material and supplies used directly or indirectly by the said contractor or subcontractors in the prosecution of the work provided for in said contract.
(2) Amount of Payment and Performance Bonds – If the contract is less than $100,000, a payment and performance bond shall not be required. If there is no payment and performance bond, up to ten percent of the invoice amounts may be retained until the project has been properly inspected and certified as complete. If the contract exceeds $100,000, the bond must be in an amount equal to 100% of the base bid.
(3) Bid Security – A cash deposit, certified check, or other security provided by law may be required in the amount of a percentage of the base bid, if it is deemed to be in the best interest of the University. The deposit shall be enclosed with the sealed bid.
6C3-6.021 Acquisition of Printing, Duplicating and Reproductive Equipment.

(1) Printing, duplicating and reproductive equipment may be acquired by the University provided such equipment is the most cost competitive, effective equipment capable of meeting the University’s needs.

(2) Usage of Printing, Duplicating and Reproductive Equipment for Purpose of Production of Material related to Business of the University – Printing, duplicating and reproductive equipment shall not be used to produce any material, the style and/or volume which is determined to be counter effective, uneconomical or illegal; nor shall it be used for any purpose other than the production material directly related to the business of the University.

(3) Cost Records – University departments operating or maintaining installations for printing, duplicating, or reproduction services shall maintain cost records on each such facility.

6C3-6.022 Authority to Resolve Protested Solicitations and Awards.

(1) Any actual or prospective vendor who is adversely affected by the University’s decision or intended decision or a purchase shall file a written notice of protest within seventy-two (72) hours after the posting of the decision or after receiving notice of the University’s decision or intended decision, and shall file a formal written protest within 10 days after the date of the filing of the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. Protests not filed within the required time limits are waived.

(2)(a) If the protest is not resolved by mutual agreement within seven (7) days, excluding Saturdays, Sundays, and legal holidays, of receipt of the formal written protest, and no disputed issue of material fact is involved, the President shall designate a hearing officer who shall conduct a hearing pursuant to Section 120.57(2), F.S. In order to qualify as a hearing officer, the person must be a full-time employee of the University in good standing with the University for the preceding two years. The appointment of a hearing officer shall be made with due regard to the expertise required for determination of such proceedings.

(b) Following the hearing the hearing officer shall file the intended decision with the President. The decision shall include the factual, legal and policy grounds for the decision. The affected party may also file a written statement of objections to the hearing officer’s intended decision, which shall be submitted to the President with the hearing officer’s intended decision. The President shall make the final order.

(c) If the petition raises a disputed issue of material fact, the petition shall be referred to the Division of Administrative Hearings for further proceedings in accordance with Section 120.57(1), F.S.

(d) In the event of a timely protest, the University shall not proceed further with the solicitation or award of the contract until such dispute is resolved, or unless the President or his designee makes a written determination that the award of the contract, without delay, is necessary to avoid an immediate danger to public health, safety and welfare of Florida A and M University.

(e) As an alternative to paragraph (d) above, the University may proceed with the bid solicitation or contract award process of a term contract bid when the President or his designee sets forth in writing particular facts and circumstances which demonstrate that the delay incident to staying the bid process or contract award process would be detrimental to the interests of the University.

(f) Any person who files an action protesting a decision or intended decision pertaining to term contracts administered by the University pursuant to Section 120.53(5)(b), F.S., or FAMU subsection 6C3-6.022(1), F.A.C., shall post with the University, at the time of filing the formal written protest, a bond payable to the University in an amount equal to 1 percent of the University’s estimate of the total volume of the contract or $5,000, whichever is less, which bond shall be conditioned upon the payment of all costs which may be adjudged against him in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. For protests of decisions or intended decisions of the University pertaining to requests for approval of exceptional purchases, the bond shall be in an amount equal to 1 percent of the University’s estimate of the contract amount for the exceptional purchase requested or $5,000, whichever is less. If, after completion of the administrative hearing process and any appellate court proceedings, the University prevails, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him. If the person protesting the award prevails, he shall recover from the University all costs and charges which shall be included in the final order of judgment, excluding attorney fees.
6C3-6.023 Authority to Debar or Suspend Vendors.

(1) The Vice President for Administrative Affairs under advisement from the Director of Purchasing shall be authorized to suspend or debar contractors. Debarment must be based on adequate evidence rather than mere accusation. This assessment should include an examination of basic documents, such as contracts, inspection reports and correspondence. Debarment or suspension will be for the purpose of protecting the interest of Florida A and M University and shall not be used as punishment.

(2) Debarment.

(a) Conviction by or a judgment obtained in a court of competent jurisdiction for:
   1. Commission of fraud or a criminal offense as an indictment to obtaining, attempting to obtain, or in the performance of a public contract;
   (b) Violation of the Federal Anti-trust Statutes arising out of submission on bids or proposals; or
   (c) Commission of embezzlement, theft, bribery, falsification of or destruction of record, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the question of present responsibility as a university contractor. NOTE: If the conviction or judgment is reversed on appeal, the debarment shall be removed upon receipt of notification thereof. The decision to debar is discretionary; the seriousness of the offense and all mitigating factors should be considered in making the decision to debar.

(d) Clear and convincing evidence of violation of contract provisions, as set forth below, when the violation is of a character so serious as to justify debarment action.

(e) Willful failure to perform in accordance with the specifications or delivery requirements in a contract;

(f) A history of failure to perform, or of unsatisfactory performance, in accordance with the terms of one or more contracts; provided, that such failure or unsatisfactory performance is within a reasonable period of time preceding the determination to debar. (Failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered as a basis of debarment.)

(3) Suspension – Upon adequate evidence a contractor may be suspended based upon suspicion of involvement in any of the causes cited in subsections 6C3-6.023(1), (2)(a), (b), (c), (d), (e), (f), F.A.C., Florida A and M Purchasing Rules.

(4) Actions taken pursuant to subsections (1), (2), and (3) shall be subject to the provisions of Chapter 120, F.S., known as the Administrative Procedures Act. (See also Chapter 28-5, F.A.C.).

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 287.042(13) FS. Law Implemented 120.53(1)(a), 120.57(2), 120.60(1), (6), (7), 240.225, 240.227(1), 287.042 FS. History–New 2-17-81, Formerly 6C3-6.23.

6C3-6.024 Cooperative Purchasing.

The University may either participate in, sponsor, conduct or administer cooperative purchasing agreements for the procurement of any supplies, service or construction with one or more University in the State University System and the Board of Regions Central Office or other Governmental Agencies/Entities. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between Universities and open-ended procurement with contracts which are made available to other state agencies.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 287.042(13) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 287.042 FS. History–New 2-17-81, Formerly 6C3-6.24.

6C3-6.028 Sponsored Research Exemptions.

(1)(a) General Information: Section 240.241(9), F.S., allows the University, in particular instances, to exempt the purchase of materials, supplies, equipment or services for research purposes from the general purchasing requirements of Chapter 287, F.S. In addition, Section 240.241(12), F.S., allows exemption from Chapters 215 [Financial Matters], 216 [Planning and Budgeting], and 283 [Public Printing and Stationary], subject to Section 240.241(9), F.S.

(b) The exemption may be exercised when the Director of Sponsored Research submits to the President a Division of Sponsored Research Exemption Form, PUR 6/88, hereby incorporated by reference, which will certify that the exemption is necessary for the efficient or expeditious prosecution of a sponsored project.

(2) Exemption Criteria: Exemptions may be granted for transactions that fall under threshold category II according to Chapter 287, F.S., when the conditions as noted exist.

(a) Competitive Bidding:

1. The request to be exempted from the competitive bidding requirements must demonstrate that the exemption is “necessary for the efficient or expeditious prosecution of a research project.” This may be shown by any one of the following conditions: where a certain vendor is specified in a prime contract or grant award; a certain vendor is approved in writing by the prime contractor or granting agency in accordance with the provisions of the prime contract or grant award; the purchase of specific goods or services from a certain vendor is demonstrated to be more efficient or expeditious based on compatibility, availability, or the current capabilities of the Principal Investigator and staff; the purchase of specific goods or services from a certain vendor is demonstrated to be necessary to meet the time requirements of the prime contract or grant award; the purchase of specific goods or
services from a certain vendor is demonstrated to be mandated by scientific or technical requirements; the purchase of specific goods or services from a certain vendor is demonstrated to be at a cost below industry norms, or other conditions which are demonstrated to meet the statutory requirements necessary for expeditious prosecution of a research project.

(b)1. The Principal Investigator will initiate the request for an exemption by submitting the request to the Division of Sponsored Research, allowing at least three days for adequate review as well as:

– a detailed justification for the request;
– a quotation showing the vendor’s price;
– a statement and/or evidence, that some form of price comparison or determination of price reasonableness has been performed.

2. The request shall be accompanied by the general requisition and by any additional essential documentation.

(c) Advance Payments and Documentation. The request for an exemption from provisions of Chapter 215, F.S., must meet the following conditions:

1. Advance Payments: The request for an advance payment must be necessary to:
   – fund extensive start-up costs, 
   – realize discounts or cost savings, or
   – create adequate cash flow in order to provide required goods or services.

2. The Principal Investigator must be responsible for determining that all goods/services, for which an advance payment has been made, are satisfactorily received.

3. Documentation: To insure the availability of adequate records for the review of fiscal records, subcontractors’ invoices shall contain a level of detail that is, at a minimum, commensurate with the level of detail and reporting required of the University by the Prime Contract or grant award.

(d) When an exemption under Section (2)(c), F.S. is authorized, the contract will contain the following provision: “The Contractor agrees to return to the University any over payments due to unearned funds or funds disallowed pursuant to the terms of this Contract or by the prime agency that were disbursed to the Contractor by the University. Such funds shall be considered University funds and shall be refunded to the University within 45 days following the time the overpayment and/or disallowance is discovered unless otherwise authorized by the University in writing. In addition, the Contractor agrees to exclude from its expenditure reports and any other claims for reimbursement any amounts disallowed by the prime agency and/or the University in accordance with the terms of this Contract.”

(e) Miscellaneous Exemptions: Other exemptions provided for in Section 240.241, F.S. may also be authorized if it can be demonstrated that they are necessary for the efficient or expeditious prosecution of a project. Exemptions may include:

1. Travel: A subcontractor may be reimbursed for travel expenses of non-State of Florida personnel performing travel under a sponsored research subcontract in accordance with the provisions of the applicable prime contract or grant and the travel allowances normally provided by the subcontractor. The exemption will accompany the Travel Authorization Request (TAR) to the University Travel Office. In addition, documentation on the travel allowance provided by the subcontractor must also accompany the TAR.

2. Confidentiality: Where the conditions of Section 240.241(2), F.S., are met, some information may be protected from disclosure as a public record pursuant to Chapter 119, F.S., if the research activity necessitates an exemption from public scrutiny.

(3) Certification by Director of Sponsored Research: To execute an exemption, the Division of Sponsored Research shall deliver to the President a notarized Sponsored Research Exemption form signed by the Director. The certification shall contain the following:

– requisition number, name of grant, grant number and other information as appropriate;
– description of item(s) requested;
– statement of the purpose of the purchase.

(a) Distribution: The distribution of the certification shall be as follows:

1. The original certification will be sent to the University President;

2. A copy of the Sponsored Research Exemption Certification memorandum provided to the President, the general requisition and a copy of the other documentation listed above will be sent to Purchasing. 

3. The general requisition and a copy of the other documentation listed above will be sent to Purchasing. The Director of Purchasing will be consulted, as necessary in the issuance of an exemption. However, prior consent to a Sponsored Research Exemption by the Director of Purchasing is not required. Upon reviewing the documentation provided with the exemption, any information that Purchasing has that would impact the use of a sponsored research exemption, should be transmitted to the Division of Sponsored Research prior to issuance of the purchase order. Purchasing will be responsible for compliance with all other State of Florida and University rules and regulations. Any purchase order issued under a sponsored research exemption will contain a statement indicating that a sponsored research exemption was given.

4. Purchasing will forward a copy of the certification, along with a copy of the contract and/or purchase order to the University Controller’s Office. The University Controller’s Office will forward a copy of these documents to the State comptroller as an attachment to the vendor for the payment of the first invoice.

(4) Other requirements:
(a) A sponsored research exemption may only be used when the purchase of goods or services is fully funded from sponsored research funds. Payments made for purchases or other actions under a sponsored research exemption may not be reimbursed subsequently from other University funds.

(b) A copy of the Sponsored Research Exemption Certification and any supporting documentation will be maintained in and obtained from the Office of Sponsored Research.

Specific Authority 120.53(1)(b) FS. Law Implemented 240.241(2), (7), (9), (12) FS. History—New 1-23-92.
CHAPTER 6C3-7 LEASED PROGRAM

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6C3-7.001 Purpose.
The purpose of this chapter is to implement the delegated authority to Florida A & M University received by the State University System in accordance with Section 240.225, Florida Statutes, with respect to those leasing functions and duties heretofore performed by the Department of General Services in accordance with Sections 225.248, 255.249, 225.25, Florida Statutes. (See also DGS Rule 60D-9.001, F.A.C.).

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. History–New 2-17-81, Formerly 6C3-7.01.

6C3-7.002 Definitions.
For the purpose of this chapter, each of these words shall have the following meaning:

(1) Lease – The contract instrument or agreement required to lease a building or any part thereof.
(2) Privately Owned – Any building not owned by a governmental agency.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.248, 254.249 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 254.248, 255.25 FS. History–New 2-17-81, Formerly 6C3-7.02.

6C3-7.003 Approval.
(1) General. Before leasing a building or any part thereof, prior approval of the need shall be obtained from the University Space Committee. Prior to occupancy, lease terms and conditions shall be approved by the University Attorney and the University President or Vice-President for Administrative Affairs. All lease agreements shall be executed by the President or a designee. All leases must be signed by the Chancellor of the State University System.

(2) Nothing in this chapter shall be interpreted as circumventing the provisions of Section 255.21, Florida Statutes.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. History–New 2-17-81, Formerly 6C3-7.03.

6C3-7.004 Standard Lease Agreement Form.
(1) The University may use the Department of General Services Standard Lease Agreement form. Should the University use its own form, such form should embrace the terms and conditions of the Department of General Services Standard Lease Agreement which may be changed or additional covenants or conditions added thereto with the prior approval of the University Attorney and the Board of Regions Central Office Attorney except for Articles III(2) and IV.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.249 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.25, 255.249 FS. History–New 2-17-81, Formerly 6C3-7.04.

6C3-7.005 Escalation Clauses Prohibited.
A lease shall not contain an open rate, such as Consumer Price Index or rental escalation clause. Any such clause in a lease shall be null and void.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.249 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.25, 255.249 FS. History–New 2-17-81, Formerly 6C3-7.05.
6C3-7.006 Right-to-terminate Clause Required.
A right-to-terminate clause shall be a part of any lease for a term exceeding one year and may not be omitted from any University lease.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.249 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.25, 255.249 FS. History–New 2-17-81, Formerly 6C3-7.06.

6C3-7.007 Renewal of Lease.
Any lease may contain an option to renew and any such renewal shall be made in accordance with the terms and conditions of such agreement.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.249 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.25, 255.249 FS. History–New 2-17-81, Formerly 6C3-7.07.

6C3-7.008 Fire Code Compliance in Leased Space.
(1) Any private sector building to be leased by the University shall comply with the fire safety standards of the State Building Code.
(2) Before construction or renovation of any state-leased building is concerned, the University shall ascertain that the proposed construction or renovation plan complies with the fire safety standards of the State Building Code.
(3) Whenever the University determines that a construction or renovation plan is not in compliance with such fire safety standard, the University may issue an order to cease all construction or renovation activities until compliance is obtained, accept those activities to achieve such compliance.
(4) The University shall withhold approval of any proposed lease until the facility and/or construction or renovation plan complies with fire safety standards.
(5) The cost of all modifications or renovations made for the purpose of bringing leased property into compliance with the fire safety standards shall be borne by the lessor.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.25 FS. Law Implemented 120.53(1)(a), 240.227(1), 255.25 FS. History–New 2-17-81, Formerly 6C3-7.08.

6C3-7.009 Lease of 2,000 Square Feet or More.
(1) The University shall not enter into a lease for 2,000 square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive bids and award to the lowest bid meeting specifications. The University shall not enter into, within any 12 month period, more than one lease for space of a total of 2,000 square feet or more in a privately owned facility or complex or except upon the solicitation of competitive bids.
(a) Exceptions.
1. This rule shall not apply to renewal of leases.
2. This rule shall not apply to any lease having a term of less than 21 consecutive days for the purpose of securing the one-time special use of the leased property.
3. This rule shall not apply to any lease for nominal or no consideration. As used herein “nominal consideration” means consideration of $1.00 or less per year.
4. This rule shall not apply to building or facilities of any leased for the purpose of providing care and living space for persons.
5. The University may approve extensions of an existing lease of 2,000 square feet or more space if such extensions are determined to be in the best interest of the state, but in no case shall the total of such extension exceed 11 months. If at the end of the period granted by the extension(s), the time of such extension(s) equal(s) 11 months, the University shall solicit competitive bids in accordance with this chapter.
(2) The University shall not enter into a lease agreement for space of 2,000 square feet or more in a privately owned building when suitable space is available in a state-owned building located in the same geographic region unless it is determined to be in the best interest of the State. The term “state-owned building” as used in this section means any state-owned facility regardless of use or control.
(a) A public solicitation for proposals will be widely publicized using newspaper advertisements and contract with owners, developers or realtors in the city or area in which space is desired.
(b) Solicitation should set forth, but not be limited to the following:
1. Approximate net square footage required.
2. General area in which space must be located.
3. Date space must be available.
4. Name and address of location where specifications may be obtained.
(4) Specifications.
(a) Specifications shall be drawn by the University in general terms. They shall afford each prospective lessor, interested in submitting a proposal, knowledge of the University’s space requirement. They shall not be constructed to favor any specific location or lessor.

(b) Specifications provided to each prospective lessor should set forth, but not be limited to, the following:
1. Approximate net square footage required, to be measured in compliance with the State University System Standard Method of Space Measurement.
2. An approximate floor plan of space needed showing partitioning and other physical requirements.
3. General location of required space.
4. Date space must be available.
5. Term of lease with option to renew, if desired.
6. Services required to include parking, dining and transportation requirements.

(c) Specifications shall also set forth that the prospective lessor will agree to:
1. Enter into a contract on the specified lease agreement form.
2. Provide a scaled floor plan showing present configurations and measurements that equate to net rentable square footage offered.
3. Comply with the requirement of Chapter 60D-1, F.A.C., Design Standards for Special Facilities for the Physically Disabled.
6. Validate the proposal for a minimum or thirty (30) or more days following the public bid opening date.
7. Provide a Life Cycle Analysis with proposal if space is for 20,000 or more square feet in any one structure with the understanding that the analysis shall be acceptable before an award can be made. (Section 255.254, Florida Statutes).
8. Comply with the fire safety standards of the State Building Code.
9. Ensure that any renovations required will comply with fire safety standards of the State Building Code before renovations are commenced. (Section 255.255, Florida Statutes.)
10. Propose a rental rate per square foot per year that will include all renovations and other special requirements to accommodate the program at the time of initial occupancy.

(d) Specifications may provide that sealed proposals are to be submitted, in a titled envelope, to a designated individual by a specified closing time and date, at which time all proposals will be publicly opened.

(5) Proposals.
(a) Proposals shall specifically respond but need not be limited to each item included in the specifications.
(b) Each proposal shall be signed by the owner(s), corporate officers, or legal representative(s). The corporate, trade, or partnership name must be either stamped, written or typewritten, beside the actual signature(s). If the proposal is signed by an agent, written evidence of his authority must accompany the proposal. If a corporation foreign to the State of Florida is the owner, evidence of authority to conduct business in Florida shall be presented.

(6) Evaluation.
(a) The University alone shall reserve the right to accept or reject any or all bids submitted and if necessary reinstitute procedures for solving competitive proposals.
(b) The University in conjunction with preparing specification, shall develop weighted evaluation criteria. The criteria items most significant to the University’s needs should bear the highest weight. The cost of relocation, if any; consolidation of activities, if desirable; and any other factors deemed necessary should be weighted.
(c) The evaluation shall be made by the University.
(d) Selection shall be made by the University.
(e) Documentation to support the selection shall be maintained and shall include but not be limited to the following:
1. A copy of all advertisements.
2. A copy of the proposal specifications.
3. A copy of all proposals received.
4. A synopsis of the University’s findings for each proposal.
5. Lease preparation and approval.
(f) Selection shall be publicly announced by the University.
(g) After the selection has been announced, a lease agreement shall be properly executed.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. History–New 2-17-81, Formerly 6C3-7.09.

**6C3-7.010 Disclosure Statements: Private Entities, Public Officials.**

(1) A statement by the owner providing for full disclosure of the names and the extent of interest of the owners holding 4% or more interest in any privately owned property leased to the state or in the entity holding title to the property, shall be secured for all new leases, renewal leases, modifications to approved leases and the notification of renewal under an existing lease option.
(2) A statement by the owner providing for full disclosure of the names of all public officials, agents, or employees holding any interest in any privately owned property leased to the state, or in the entity holding title to the property, and the nature and extent of their interest, shall be secured for all new leases, renewal leases, modifications to approved leases, and notifications of renewal under a lease option.

(3) It is not necessary to make disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to Sections 517.07, 517.051, 517.061, Florida Statutes, which stock is for sale to the general public. A statement certifying the registration shall be provided by the Lessor.

(4) It is not necessary to make disclosure under subsections (1) and (2) of any leasehold interest in property located outside the territorial boundaries of the United States.

(5) Each subsequent transaction pertaining to a lease for which a Disclosure Statement has been provided, may be accompanied by a lessor’s affidavit that the previous Disclosure Statement submitted on (date to be provided) is still valid, if no change in the interest held or individuals concerned has occurred.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. History–New 2-17-81, Formerly 6C3-7.10.

6C3-7.011 Legal Review.

(1) All leases of space in a privately owned building shall be reviewed as to form and legality by the University’s Attorney or member of the University’s legal staff and approval thereof indicated on the lease agreement.

(2) This rule shall not apply to leases for less than twenty-one (21) consecutive days.

Specific Authority 120.53(1)(a), 240.225(1), 255.249, 255.25 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. History–New 2-17-81, Formerly 6C3-7.11.

6C3-7.012 Certification of Compliance.

On a form prepared by the University, the University President shall certify that the lease is in compliance with all leasing criteria provided by Chapter 255, Florida Statutes. For leases under 2,000 square feet, certification authority shall not be delegated.

Specific Authority 120.53(1)(a), 240.225(1), 255.249, 255.25 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. History–New 2-17-81, Formerly 6C3-7.12.

6C3-7.013 Space Measurements.

The University shall utilize the State University System method of space measurement. (Reference BOR Rule 6C-17.012, F.A.C.)

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. Law Implemented 120.53(1)(a), 250.225, 240.227(1), 255.249, 255.25 FS. History–New 2-17-81, Formerly 6C3-7.13.

6C3-7.014 Space Allocation.

Space allocation shall be based on the State University Space General Formula. (Reference BOR Rule 6C-17.013, F.A.C.)

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. History–New 2-17-81, Formerly 6C3-7.14.

6C3-7.015 Rental Rates.

The rental rate for space shall be within rental rate guidelines established by the Board of Regents. (Reference BOR Rule 6C-17.014, F.A.C.)

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. History–New 2-17-81, Formerly 6C3-7.15.

6C3-7.016 Exception to Competitive Bidding.

Any lease for the purpose of providing care and living space for persons shall be exempt from the competitive bidding requirements utilized for that purpose.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. History–New 2-17-81, Formerly 6C3-7.16.

6C3-7.017 Nominal or No Consideration Leases.

Leases for nominal or no consideration shall be reported to and approved by the University President.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 255.249, 255.25 FS. History–New 2-17-81, Formerly 6C3-7.17.
CHAPTER 6C3-8 MOTOR POOL

6C3-8.001 Purpose.
The purpose of this chapter is to implement the delegated authority to Florida A and M University on Motor Pool functions received by the State University System in accordance with Section 240.225, Florida Statutes, with respect to those Motor Pool functions and duties heretofore performed by the Department of General Services. (See also DGS Rule 60B-4.004, F.A.C.).

Specific Authority 120.53(1)(a), 240.225, 240.227(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 287, Part II FS. History–New 2-17-81, Formerly 6C3-8.01.

6C3-8.002 Approval.
The University shall not acquire any motor vehicle or watercraft through lease, lease purchase, purchase or transfer from another agency without the express written permission of the President of the University or his designee. This section shall not apply to the temporary lease (less than 30 days) of a vehicle for the use of an employee for the conduct of normal university business.

Specific Authority 120.53(1)(a), 240.225, 240.227(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 287, Part II FS. History–New 2-17-81, Formerly 6C3-8.02.

6C3-8.003 Acquisition and Disposal.
(1) The procurement of all vehicles shall be executed by the Director of Purchasing.
(2) All vehicle or watercraft will be the most appropriate for the task to be performed. Specifications for all vehicles will be made by the Director of Purchasing who will consult with a representative or representatives of the using department.
(3) Disposal of surplus motor vehicles or watercraft will be executed in accordance with Surplus Property, Chapter 6C3-9, F.A.C.

Specific Authority 120.53(1)(a), 240.225, 240.227(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 287, Part II FS. History–New 2-17-81, Formerly 6C3-8.03.

6C3-8.004 Assignment and Use.
(1) Motor vehicles and watercraft will be available for University purposes only as authorized by the President or his designee.
(2) Students or other non-university personnel may be allowed to operate motor vehicles and/or watercraft on a temporary basis for the conduct of regular University business or as an emergency situation may necessitate.
(3) Special assignment vehicles shall be assigned for use upon certification of the President or his designee.

Specific Authority 120.53(1)(a), 240.225, 240.227(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 287, Part II FS. History–New 2-17-81, Formerly 6C3-8.04.

6C3-8.005 Maintenance.
(1) At the option of the University President or his designee, motor vehicle and watercraft maintenance may be performed by the University or, through negotiations, with the Department of General Services.
(2) This section does not preclude the emergency repair of a motor vehicle or watercraft when operating away from the normal geographical use area.

Specific Authority 120.53(1)(a), 240.225, 240.227(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 287, Part II FS. History–New 2-17-81, Formerly 6C3-8.05.

6C3-8.006 Aircraft.
(1) The acquisition of any aircraft for the conduct of University business or the acquisition of any aircraft using University funds shall require the prior approval of the Board of Regents.
(2) This section does not preclude the use of commercial airlines or state air pool for the normal conduct of University business nor the procurement of special charter services for the transport of groups of University personnel or sports teams or student groups.

Specific Authority 120.53(1)(a), 240.225, 240.227(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(1), 287, Part II FS. History–New 2-17-81, Formerly 6C3-8.06.
CHAPTER 6C3-9 SURPLUS PROPERTY

6C3-9.001 Purpose.
The purpose of this chapter is to implement the delegated authority to Florida A & M University on Surplus Property functions received by the State University System in accordance with Section 240.225, Florida Statutes, with respect to those Surplus Property functions and duties heretofore performed by the Department of General Services in accordance with Sections 273.04, 273.05 and 273.55, Florida Statutes. (See also DGS Rule 60A-6.001, F.A.C.)

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 273.055(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(17), 273.04, 273.05, 273.055 FS. History–New 2-17-81, Formerly 6C3-9.01.

6C3-9.002 Definitions.
(1) Custodian – Any person entitled to lawful custody of property owned by the State.
(2) Property Manager – An individual assigned by the University President to manage the assignment, accountability, transfer and disposal of state-owned property for which the University has custodial responsibility under the Florida Statutes.
(3) Tangible Personal Property – All personal property, other than Real Estate, acquired and belonging to the State of Florida.
(4) Exchange Property – Property being offered as a trade-in on the purchase of a new item.
(5) Property Survey Board – A body appointed by the University President to oversee surplus property practices and determine disposition actions.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 273.055(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(17), 273.04, 273.05, 273.055 FS. History–New 2-17-81, Formerly 6C3-9.02.

6C3-9.003 Reporting Requirements for Surplus, State-owned, Tangible Personal Property.
Tangible personal property which is determined to be surplus because it is excess, obsolete, uneconomical or inefficient for continued use shall be certified as surplus by the custodian of the property to the Property Manager. The Property Manager will agenda the certification for disposition action by the Property Survey Board.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 273.055(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(17), 273.04, 273.05, 273.055 FS. History–New 2-17-81, Formerly 6C3-9.03.

6C3-9.004 Certification.
Surplus Property Certification shall provide the following information:
(1) Complete description of property.
(2) Statement of condition and age.
(3) Original purchase price.
(4) Estimated current value.
(5) Location of property and hours when property may be examined, person to contact for examining property, and a minimum bid (if required).
(6) Any additional information that would assist in determining whether or not property should be offered to other Universities, state agencies, or governmental entities.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 273.055(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(17), 273.04, 273.05, 273.055 FS. History–New 2-17-81, Formerly 6C3-9.04.
6C3-9.005 Building and Structure.
Building, structures and other items of a semi-permanent or permanent nature shall be considered tangible personal property, if and when they are severed from the real property upon which they reside, and shall be reported in the same manner as all other surplus properties. In addition, the legal description of the location, size, type of construction, and reason for removal shall be noted. In the Certification of Surplus Property see Florida A & M University Rule 6C3-9.004, F.A.C.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 273.055(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(17), 273.04, 273.05, 273.055 FS. History–New 2-17-81, Formerly 6C3-9.05.

6C3-9.006 Items to Be Reported.
In instances of loss, theft, or fire, such property should be reported to the Property Survey Board for action on relief of accountability. (Reference Florida A & M University Rule 6C3-9.004, F.A.C.).

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 273.055(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(17), 273.04, 273.05, 273.055 FS. History–New 2-17-81, Formerly 6C3-9.06.

6C3-9.007 Procedures for Disposal of Surplus Property.
(1) Transfer to another State Agency or political subdivision. If because of its type, age or condition, the Property Survey Board feels the equipment is not useful to the University under the State University System, the Property Survey Board may authorize transfer under such conditions the Property Survey Board may determine appropriate.

(2) Scrap or cannibalization of equipment – The Property Survey Board may authorize the scrap or cannibalization of equipment if it feels it is in the best interest of the University.

(3) Abandoned equipment – The Property Survey Board may authorize the abandonment of tangible personal property, in place, upon determination that cost of return or repair exceeds the value of the property.

(4) Public sale – The Property Survey Board may authorize the public sale of such property determined to be surplus to the needs of the University.

(a) All public sales shall be conducted on a set date and time which shall be advertised in a local newspaper of general circulation no less than two weeks prior to the sale.

(b) Sale may be conducted at the discretion of the Property Survey Board, as auction or sealed bid sales.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 273.055(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(17), 273.04, 273.05, 273.055 FS. History–New 2-17-81, Formerly 6C3-9.07.

6C3-9.008 Availability of Surplus State Property.
The Property Survey Board is to approve the availability of surplus property. Certifications are to be prepared by the property Manager on all Surplus Property, that has a value. The certifications are to be sent to the BOR, Department of Business Services to be circulated to all Universities of the State of Florida to see if any of the Universities have an interest in any of this property. If none of the Universities are interested in this property, the Bureau of State Surplus Property is to be informed by sending them a copy of the certification. The University may inform other State Agencies of the availability of the Surplus Property. If no Agency is interested; then the University will proceed to dispose of this property as recommended by the University Property Survey Board.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 273.055(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(17), 273.04, 273.05, 273.055 FS. History–New 2-17-81, Formerly 6C3-9.08.

6C3-9.009 Surplus Property with an Estimated Value of $5,000 or More.
Approval of the Executive Office of the Governor is required prior to disposing of property of $5,000 or higher estimated value.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 273.055 FS. Law Implemented 240.227(17), 240.225, 273.055, 273.05 FS. History–New 2-17-81, Formerly 6C3-9.09.

6C3-9.010 Authority for Disposal.
Certified Surplus Property shall not be sold, transferred, cannibalized scrapped or destroyed without prior written authority from the University Property Survey Board.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 273.055(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(17), 273.04, 273.05, 273.055 FS. History–New 2-17-81, Formerly 6C3-9.10.

6C3-9.011 Exchange Property.
(1) When the University has property available for use as a trade-in for the purchase of new property, the Property Survey Board at its discretion may authorize the custodian to advise the Bureau of State Surplus Property of the availability of such exchange property in writing, specifying the following information, if available:

(a) Description of exchange property;

(b) Manufacturer’s name;
(c) Model number;
(d) Serial number;
(e) Age;
(f) Condition (E-Excellent, G-Good, F-Fair, P-Poor);
(g) Inventory control number;
(h) Location of property (room number, building, city);
(i) Name and phone number of person to contact for information about the exchange property;
(j) Date planned for trade-in transaction;
(k) A written trade-in quote stating the trade-in allowance and signed by prospective purchaser.

(2) Such notice of availability of property shall be forwarded to the Bureau of State Surplus Property a minimum of two weeks in advance of planned transaction date.

(3) Should the Division of Surplus Property decide to purchase the exchange property, the University should pay the full purchase price for the new property and send an invoice for reimbursement of the trade-in allowance to the Bureau of State Surplus Property.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 273.055(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(17), 273.04, 273.05, 273.055 FS. History–New 2-17-81, Formerly 6C3-9.11.

6C3-9.012 Non-state Funded Property.
All property originally purchased with non-state funds, such as contracts or grants, shall be managed in a form consistent with the applicable rules and regulations of the funding authority.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 273.055(1) FS. Law Implemented 120.53(1)(a), 240.225, 240.227(17), 273.04, 273.05, 273.055 FS. History–New 2-17-81, Formerly 6C3-9.12.
CHAPTER 6C3-10 PERSONNEL MATTERS

PART I ALL FLORIDA A & M UNIVERSITY EMPLOYEES

6C3-10.001 Purpose of Chapter 6C3-10.
6C3-10.101 Applicability of Part I.
6C3-10.103 Non-Discrimination Policy and Discrimination and Harassment Complaint Procedures.
6C3-10.105 Employment Plan for University Faculty, Administrative and Professional, University Support Personnel System and Other Personal Services Employees.
6C3-10.107 Instructional and Research Faculty and Administrative and Professional Staff Pay Plan. (Repealed)
6C3-10.109 Faculty, Administrative and Professional and University Support Personnel System Employees Promotion.
6C3-10.111 Additional State Compensation. (Repealed)
6C3-10.113 Layoff and Recall of Faculty, Administrative and Professional and University Support Personnel System Employees.
6C3-10.115 Perquisites/Sale of Goods and Services for State University System Employees. (Repealed)
6C3-10.117 Learning Opportunities.
6C3-10.119 Retirement. (Repealed)
6C3-10.121 Workers’ Compensation. (Repealed)
6C3-10.123 General Provisions. (Repealed)
6C3-10.125 Discrimination and Harassment Complaint Procedures. (Repealed)
6C3-10.127 Employee Recognition Program.
6C3-10.129 University Employee Clearance.
6C3-10.130 Faculty, Administrative and Professional and University Support Personnel System Employees Evaluation.
6C3-10.132 Predetermination Procedures for Tenured and Permanent Status Faculty and University Support Personnel System Employees.
6C3-10.133 Separation from Employment. (Repealed)
6C3-10.134 Employment of Relatives. (Repealed)
6C3-10.135 Outside Employment.
6C3-10.136 Political Activity.
6C3-10.137 Conflict of Interest.
6C3-10.138 Use of University Facilities and Services.
6C3-10.139 Other Official University Documents That Conflict.
6C3-10.140 University Sick Leave Pool.
6C3-10.141 Other Personal Services.
6C3-10.142 Copyrights and Patents.
6C3-10.143 Limited Access Records.

PART II UNIVERSITY FACULTY AND ADMINISTRATIVE & PROFESSIONAL EMPLOYEES

6C3-10.201 Applicability of Part II.
6C3-10.203 Academic Freedom and Responsibility.
6C3-10.205 Instructional and Research Faculty and Administrative and Professional Staff Selection and Appointment. (Repealed)
6C3-10.207 Employment of Relatives. (Repealed)
6C3-10.209 Faculty Evaluation and Improvement. (Repealed)
6C3-10.211 Faculty Tenure.
6C3-10.213 Permanent Status for Developmental Research School Personnel. (Repealed)
6C3-10.215 Administrative and Professional Staff Evaluation and Improvement. (Repealed)
6C3-10.217 Conflict of Interest. (Repealed)
6C3-10.219 Use of University Facilities and Services. (Repealed)
6C3-10.221 Political Activity. (Repealed)
6C3-10.223 Leave. (Repealed)
6C3-10.225 Faculty Foreign Service. (Repealed)
6C3-10.227 Exchange Program for Instruction and Research Faculty and Administrative and Professional Staff. (Repealed)
6C3-10.229 Disruptive Conduct.
6C3-10.230 Disciplinary and Separation from Employment Actions for Faculty and Administrative and Professional Employees
6C3-10.231 Other Official University Documents That Conflict. (Repealed)
6C3-10.232 Complaint Procedures for Tenured or Permanent Status Employees.
6C3-10.233 Nonreappointment of Non-tenured or Non-permanent Status Faculty or Administrative and Professional Employees.
6C3-10.234 Phased Retirement Program for Out-of-Unit Faculty.
PART I ALL FLORIDA A & M UNIVERSITY EMPLOYEES

6C3-10.001 Purpose of Chapter 6C3-10.

(1) The purpose of Chapter 6C3-10, F.A.C., is to set forth the personnel rules that are applicable to the following groups of Florida A & M University employees: Faculty, Administrative and Professional (A & P) including the Executive Service, University Support Personnel System (USPS) and Other Personal Services (OPS) employees which are specifically exempted from the State Career Service by Section 110.205(2)(d), F.S.

(2) Chapter 6C3-10, F.A.C., sets forth only those personnel rules for University Faculty, A & P including the Executive Service, and USPS employees which have universitywide application by virtue of authority granted to the University in Chapter 240, Part II, F.S. All state employees, including university employees, are subject to the provisions of Chapter 110, Part I, F.S. These universitywide personnel rules are supplemented by university rules, found under Title Designation Rule 6C3 and Chapter 6C-5, Part IX, F.A.C., and by the collective bargaining agreements between the Board of Regents (BOR) and United Faculty of Florida (UFF), Police Benevolent Association (PBA), Florida Nurses Association (FNA) and American Federation of State, County and Municipal Employees (AFSCME). Chapter 6C3-10, F.A.C., is also supplemented by applicable Federal and State laws governing employees of the Florida State University System as enumerated in Rule 6C-5.900, F.A.C.
(3) Part I sets forth only those personnel rules that are applicable to University Faculty, A & P, including the Executive Service, USPS and OPS employees, which specifically reference such OPS employees. Graduate and student assistant classifications contained in the Faculty section of the State University System (SUS) Classification and Compensation Plan, regardless of whether such employees serve in a position in one of the collective bargaining agreements are not covered by this rule.

(4) Part II sets forth rules that are applicable only to Faculty and A & P employees.

(5) Part III contains rules that are only applicable to USPS employees.

(6) The use of the term “Employee” means a member of one of the following four classification titles, Faculty, Administrative and Professional, and University Support Personnel System employee, and OPS employees. If the rule provision applies to a specific group or groups, they are specified.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(5), (19) FS. History—New 5-6-82, Amended 7-15-87, 6-27-96.

6C3-10.101 Applicability of Part I.

(1) Part I is applicable to all Faculty, Administrative and Professional (A & P) including the Executive Service, University Support Personnel System (USPS) and Other Personal Services (OPS) employees of the University, with the exception of those graduate and student assistant classifications contained in the Faculty section of the State University System (SUS) Classification and Compensation Plan of the SUS Employment Rule.

(2) The rules stated in Part I are supplemented by the provisions of the collective bargaining agreements between the Board of Regents (BOR) and United Faculty of Florida (UFF), Police Benevolent Association (PBA), Florida Nurses Association (FNA) and American Federation of State, County and Municipal Employees (AFSCME) respectively, applicable university rules published in Title Designation 6C3 and Chapter 6C-5, F.A.C., Part IX.

(3) Other Personal Services (OPS) employees are covered by the rules in part I where specifically indicated.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 110.205(2)(d), 240.227(5), (19) FS. History—New 5-6-82, Amended 7-15-87, 6-27-96.

6C3-10.103 Non-Discrimination Policy and Discrimination and Harassment Complaint Procedures.

(1) It is the policy of Florida A & M University that each member of the University community be permitted to work or attend class in an environment free from any form of discrimination including race, religion, color, age, handicap, disability, sex, marital status, national origin, veteran status, and sexual harassment, as prohibited by state and federal statutes. Organizations using University facilities, support or services must assure that they do not illegally discriminate in their membership with respect to race, color, religion, age, handicap, disability, sex, marital status, national origin, and veteran status.

(2) It is also the policy of the University to create an educational and work environment free from harassment on the basis of race, color, religion, age, handicap, disability, sex, marital status, national origin, and veteran status.

(3) Florida A & M University will actively promote equal opportunity policies and practices which conform to all laws against discrimination and harassment. Further, the University is committed to providing an environment free from discrimination with respect to race, religion, color, age, handicap, disability, sex, marital status, national origin and veteran status as protected under the Vietnam Era Veteran’ Readjustment Assistance Act. This commitment applies in all areas affecting students, Faculty, Administrative and Professional (A & P), University Support Personnel System (USPS) and Other Personal Services (OPS) employees. It is also relevant to Florida A & M University’s selection of contractors, to suppliers of goods and services, and to the use of facilities. Moreover, no person in the University community shall be denied the benefits of, or be subjected to discrimination under any educational program or activity, or in any employment conditions or practices, conducted by Florida A & M University, which is a recipient of federal and state financial assistance.

(4) Florida A & M University is committed to the principle of taking those positive steps necessary to achieve the equalization of educational and employment opportunities in public higher education as outlined in Executive Order 11246. Employment vacancies for Faculty, A & P and selected USPS positions will be announced publicly by the University in the State University System Position Vacancy Announcement, copies of which are publicly circulated to colleges and universities, and to other offices upon request. University Support Personnel System (USPS) position vacancies will be announced in accordance with applicable Board of Regents Rules.

(5) Organizations when permitted the use of university facilities, support or services must assure that they do not illegally discriminate in their membership with respect to race, color, religion, age, handicap, disability, sex, marital status, national origin and veteran status.

(6) Definition of Discrimination and Harassment.

(a) Discrimination shall include:

1. Limiting, segregating or classifying students, employees, applicants for admission, or applicants for employment, in such a way as to deprive individuals of educational or employment opportunities or otherwise adversely affect individuals because of their race, religion, color, age, handicap, disability, sex, marital status, national origin or veteran status;
2. Denying educational or employment opportunities to individuals because of their race, religion, color, age, handicap, disability, sex, marital status, national origin or veteran status;

3. Providing unequal educational or employment opportunities to individuals because of their race, religion, color, age, handicap, disability, sex, marital status, national origin or veteran status;

4. Providing unnecessarily separate educational programs or activities for individuals because of their race, religion, color, age, handicap, disability, sex, marital status, national origin or veteran status;

5. Entering into contractual or other arrangements which utilize criteria or administrative methods which have the effect of subjecting individuals to discrimination or which otherwise adversely affect individuals because of their race, religion, color, age, handicap, disability, sex, marital status, national origin or veteran status;

6. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on race, religion, color, age, handicap, disability, sex, marital status, national origin or veteran status.

(b) Harassment shall include:

1. Any slurs, innuendoes or other verbal or physical conduct reflecting on an individual’s race, ethnic background, gender or handicapping condition which has the purpose or effect of creating an intimidating, hostile or offensive educational or work environment; has the purpose or effect of unreasonably interfering with the individual’s work or school performance or participation; or otherwise adversely affects an individual’s employment or educational opportunities.

2. The denial of or the provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment on the basis of sexual advances or requests for sexual favors.

3. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational career; submission to or rejection of such conduct is used as a basis for educational or employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual’s work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

(7) Dissemination and Implementation of the Rule.

(a) The provisions of this rule are applicable to students, employees, vendors, persons or organizations using University facilities or services and applicants for admission and employment at Florida A & M University.

(b) The Office of Equal Opportunity Programs shall disseminate the Non-discriminating Policy to all units of the University which shall comply and adhere to the provisions contained in this rule. All units shall also take appropriate action to implement the provisions set forth in this rule.

(8) Procedures for Filing a Complaint.

(a) Any individual who believes that he/she is a victim of discrimination or harassment may seek guidance from the Equal Opportunity Programs (EOP) Officer who has been delegated authority by the President to receive and investigate EEO complaints, regarding the options available for resolution of his/her concern. The EOP Officer shall inform each individual of the formal and informal options by which his/her concern can be addressed and resolved. Issues handled informally, will not normally invoke the investigatory procedures set forth in this rule. Issues handled formally, shall include the full range of processes and reviews that are necessary to ascertain the facts and to lead to a fair and impartial resolution of the matter.

(b) A complaint filed under this rule shall be filed on the Charge of Discrimination/Harassment Form EOP100 Revised 12/94, which is incorporated herein by this reference, and submitted to the EOP Officer within 60 calendar days after the alleged occurrence of the discrimination/harassment incident. The form may be obtained from the EOP Office.

(c) No formal action, including investigation may be undertaken unless and until a formal complaint is filed. This provision shall not limit the University in any way from initiating its own review of the complaint and taking appropriate action should such be deemed warranted under the circumstances presented.

(d) After receiving the signed written complaint, the EOP Officer shall:

1. Notify the complainant and the person against whom the complaint has been filed of the complaint, of the allegations contained therein and provide an opportunity for response thereto. At all points of the procedure, the complainant and the person against whom the complaint has been filed shall be kept informed;

2. Conduct a full and complete investigation of the complaint. The investigation conducted pursuant to this section shall be performed on a confidential basis, and all means necessary shall be utilized to safeguard the rights of the complainant, the person against whom the complaint has been filed, witnesses, and any other involved in the proceedings;

3. File with the President within 30 working days from receipt of the complaint, a written report detailing the findings of the investigation and a recommendation of appropriate action.

(e) Presidential Review and Decision.

1. If, the President determines that the complaint is without merit, the President shall within 30 working days from receipt of the EOP Officer’s written report and recommendation, order a written decision dismissing the complaint.

2. If, the President determines that disciplinary action is warranted, the President shall within 30 working days from receipt of the EOP Officer’s written report and recommendation, issue to the complainant and the person against whom the complaint has been filed; a written notice of the proposed disciplinary action, which shall include the reasons giving rise to the proposed...
disciplinary action, and the right of the person against whom the complaint has been filed to request, within 10 working days of the receipt of the proposed disciplinary action, an investigatory interview before the University Personnel Committee appointed by the President.

3. The University Personnel Committee when charged to review a complaint, shall file with the President, their findings and recommendations.

4. The President shall render, within 20 working days of receipt of the University Personnel Committee’s recommendation, a final written decision either dismissing the complaint or taking appropriate disciplinary action. The complainant or the person against whom the complaint has been filed can upon receipt of the final decision, make an appeal to the President for a review of the decision. Any appeals, at this time, must be filed in writing within 10 working days of receipt of the President’s written decision. Any additional information provided to the President must be provided in conjunction with the written appeal addressed to the President. If an appeal is filed with the President, the President shall have the right, to affirm, modify or reverse his decision.

9) Time Limitation for Receipt of Formal Complaints, Investigation, and Disposition.

(a) Any written complaint filed under this section must be filed with the EOP Officer within sixty (60) calendar days after the alleged occurrence of the harassment incident.

(b) Upon receipt of a written complaint, the EOP Officer shall render a written report and recommendation to the President within thirty (30) working days. This time period may be extended by the EOP Officer should an extension be necessary in order to ensure a full, fair and complete investigation. The EOP Officer shall give notice to the parties if such an extension is deemed necessary.

(c) The President shall render a written decision dismissing the complaint or initiating formal action within thirty (30) working days of receipt of the EOP Officer’s report and recommendation.

(d) The person against whom the complaint has been filed shall notify the President within ten (10) working days of receipt of the notice of proposed disciplinary action of the person’s desire to appear before the University Personnel Committee and to present written or oral evidence to refute or explain charges or reasons for the action. In cases where an investigatory interview is conducted, the President shall render a written decision dismissing the complaint or taking disciplinary action within 20 working days after receipt of the recommendations from the University Personnel Committee.

(e) The Complainant or the person against whom the complaint has been filed may make an appeal to the President within 10 working days after receipt of the President’s written decision.

10) Disciplinary Actions.

(a) Any employee of the University who is found to have discriminated against or harassed a student, an employee or an applicant for admission or employment will be subject to counseling or disciplinary action. Disciplinary action may include a written reprimand, suspension or dismissal. The nature of the counseling or disciplinary action shall be guided by the seriousness of the offense.

(b) Any student who engages in discrimination against or harassment of a student or an applicant for admission or employment will be subject to counseling or disciplinary action. Disciplinary action may include a written reprimand, probation, suspension, dismissal or expulsion. The nature of the counseling or disciplinary action shall be guided by the seriousness of the offense.

(c) Any employee in a supervisory capacity who has knowledge of a complaint or a complainable offense as defined under (6) above, involving any supervised employee, and who does not take corrective action or report the matter directly to the President or the University EOP Officer will be subject to counseling or disciplinary action. Disciplinary action may include a written reprimand, suspension or dismissal. The nature of the counseling or disciplinary action shall be guided by the seriousness of the offense.

(d) Any employee in a supervisory capacity who has knowledge of a complaint or a complainable offense involving another supervisor, or involving an employee(s) supervised by another supervisor, or involving a student(s) in the class(es) of another supervisor’s employee and who does not take appropriate corrective action or report the matter directly to the President or University EOP Officer will be subject to counseling or disciplinary action. Disciplinary action may include a written reprimand, suspension or dismissal. The nature of the counseling or disciplinary action shall be guided by the seriousness of the offense.

(e) Any employee or student who knowingly files a false complaint of discrimination or harassment or who knowingly provides false testimony under this rule shall be subject to disciplinary action. For employees, disciplinary action may include a written reprimand, suspension or dismissal. For students, disciplinary action may include a written reprimand, probation, suspension, dismissal or expulsion. The nature of the disciplinary action shall be guided by the seriousness of the offense.

11) Retaliation Procedure.

(a) Complainants who feel that they have been retaliated against for exercising their rights under this rule shall have the right to file a retaliation complaint with the EOP Officer.

(b) Retaliation complaints shall be handled in the same manner and utilizing the same procedures set forth above in subsection (8).

12) Election of Remedies; Complainant’s Right to Seek Remedy Outside the University.

(a) The doctrine of election of remedies shall apply to complaints filed pursuant to this rule. Should a Complainant elect to pursue an available alternative remedy, including the filing of a grievance pursuant to the collective bargaining agreement, the filing of any such grievance shall operate as a waiver of the Complainant’s right to file a complaint and avail the Complainant of
the procedures available under this rule. Should a grievance be filed pursuant to an alternative remedy and subsequent to the filing of a complaint under this rule but before proceedings under this rule have been completed, the filing of any such grievance nonetheless will act as a waiver, and proceedings pursuant to this rule shall be terminated.

(b) The doctrine of election of remedies shall also apply to appeals filed by persons against whom a complaint has been filed. The filing of an appeal pursuant to an alternative remedy by a person against whom a complaint has been filed, including the filing of a grievance under the collective bargaining agreement or the filing of a petition for a hearing pursuant to Section 120.569, F.S., shall operate as a waiver of the right to appeal to the President pursuant to this rule.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 228.2001, 240.227(1), 760.10, 240.247, 112.044, 760.01, 110.105, 110.112, 240.133, 240.227(5), 240.261(2) FS. History–New 5-6-82, Amended 7-15-87, 6-27-96.

6C3-10.105 Employment Plan for University Faculty, Administrative and Professional, University Support Personnel System and Other Personal Services Employees.

(1) Florida A & M University shall adhere to the State University System (SUS) General Personnel Policy which is maintained by the Board of Regents (BOR) for all SUS employees – Faculty, Administrative and Professional (A & P), including the Executive Service, University Support Personnel System (USPS) employees. The University shall also adhere to the rules governing Other Personal Services (OPS) employees as stipulated in Rule 6C3-10.141 and Chapter 6C-5, Part IX, F.A.C. No position shall be filled until it has been authorized and classified in accordance with the SUS Employment Plan.

(2) The President or President’s designee shall have the authority to:
   (a) Authorize and establish positions within the authorized list of Faculty, A & P and USPS classes in the SUS Employment Plan;
   (b) Hire Faculty, A & P and USPS employees in accordance with the provisions of the SUS Employment Plan;
   (c) Assign Administrative and Professional positions to an appropriate pay range; and
   (d) Reclassify current authorized and established positions as required by the guidelines of the SUS Employment Plan.

(3) The recruitment and selection of Faculty, A & P and USPS employees shall be governed by Rule 6C-5.510, F.A.C.; applicable collective bargaining agreements and, the provisions of the University’s Affirmative Action Plan. Position vacancies shall be advertised throughout the State University System (SUS) as specified in the SUS Position Vacancy Announcement guidelines.

(4) The offer of employment to a Faculty, A & P, or USPS employee shall be made by the President or President’s designee.
   (a) Appointments to the A & P Executive Service, however, shall be made only by the President. The offer of employment to Faculty and A & P employees shall be made by means of a contract subject to the provisions of Section 216.311, F.S., and conditioned on the return of a duly executed copy of the contract by a specified date.
   (b) Employees appointed to the A & P Executive Service shall not have tenure and no expectation of appointment beyond a 60 days notice period. Executive Service positions shall be policy-making at the executive level and report directly to the President.

(5) The President or President’s designee may for the best interest of the University, and at any time, assign a faculty or A & P employee to other institutional assignment(s). This change in assignment will take place only after consultation with the employee and the departments or other affected units. Regardless of the change in assignment, however, the University is committed to compensate the employee. Change in assignments in conjunction with a nonreappointment shall be made pursuant to Rule 6C3-10.233, F.A.C.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(1), (5), (19), (22), 240.202 FS. History–New 5-6-82, Amended 7-15-87, 6-27-96.

6C3-10.109 Faculty, Administrative and Professional and University Support Personnel System Employees Promotion.

(1) Definition.
   (a) Faculty promotion – Faculty promotion is the appointment to a higher academic or equivalent rank or class.
   (b) Administrative and Professional (A & P) employee promotion is the appointment to another position or class with substantially increased responsibilities or a permanent assignment of substantially increased responsibilities for the existing classification.
   (c) University Support Personnel System (USPS) employee promotion is the appointment to a class with substantially increased responsibilities.

(2) Criteria for Promotion.
   (a) Faculty Promotion Criteria – The criteria shall include meeting the minimum qualifications for appointment to the rank or position. In addition, promotion shall be justified by the Faculty employee’s proven increased skills in performance of duties, increased knowledge in the field of specialty, potential for professional growth, and increased recognition of the faculty member as an authority in his/her field. Additional criteria may be established by each college/school.
   (b) Administrative and Professional Promotion Criteria – The criteria, for promotion shall include exemplary performance of duties in the employee’s present position and possession of the minimum qualifications for the position to which promoted.
(c) University Support Personnel System Promotion Criteria – The criteria for promotion shall, with the exception of a reclassification, include exemplary performance of duties in the employee’s present position; and possession of the minimum qualifications for the position to which the employee is promoted.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(1), (5), (19), 447.203(2), (3) FS. History–New 5-6-82, Amended 7-15-87, 6-27-96.

6C3-10.113 Layoff and Recall of Faculty, Administrative and Professional and University Support Personnel System Employees.

1. Scope – The Layoff and Recall of Faculty, Administrative and Professional and University Support Personnel System employees, unless represented by a bargaining unit, shall be made in accordance with the provisions of Rule 6C-5.955, F.A.C., unless represented by a bargaining unit. Employees who are represented by one of the following collective bargaining agreements with the Board of Regents shall be governed by the provisions of their respective agreement: United Faculty of Florida (UFF), American Federation of State, County and Municipal Employees (AFSCME), Florida Nurses Association (FNA) and Police Benevolent Association (PBA).

2. An employee may be laid off at any time as a result of adverse financial circumstances; reallocation of resources; or reorganization of the degree or curriculum offerings or requirements; reorganization of academic or administrative structures, programs, or functions; or curtailment or abolishment of one or more programs or functions; shortage of work; or a material change of duties. The layoff may be at an organizational level of the University such as a division, college, school, department, area, program, or other level of organization of unit as the President or President’s designee deems appropriate. In designating the makeup of the layoff unit, the President or President’s designee may consider the special qualifications and relevant experience required for specific positions and exclude such positions from layoff.

3. Recall and reemployment of Faculty and A & P employees – For a period of one year following layoff, an out-of-unit faculty or A & P employee who has been laid off and who is not otherwise employed in an equivalent full-time position shall be offered reemployment pursuant to this section. An offer of reemployment or recall rights in the same or similar position at the University for which he/she meets the special qualifications and relevant experience. The recall and/or reemployment of an in-unit Faculty and A & P employee shall be governed by the provisions of the BOR/UFF Collective Bargaining Agreement.

4. Recall of Tenured Faculty – For a period of one year following layoff, a faculty member, not in the bargaining unit, who has been laid off and who is not otherwise employed in an equivalent full-time position shall be offered reemployment in the same or similar position held with the University at the time of layoff, should an opportunity for such reemployment arise. Any offer of reemployment pursuant to this section must be accepted within 15 days after the date of the offer, such acceptance to take effect not later than the beginning of the academic term immediately following the date the offer was made. In the event such offer of reemployment was not accepted, the faculty member shall receive no further consideration pursuant to this section. A faculty member who held a tenured appointment on the date of separation by reason of layoff shall resume such tenured status upon recall. The faculty member shall receive the same credit for years of service for purposes of layoff as held on the date of such layoff.

5. Right of Recall for University Support Personnel System employees shall exist for one year following layoff. Employees with the highest number of retention points and who meet the specific qualifications for a vacant or new position, shall be offered reemployment in accordance with the provisions of Rule 6C-5.955, F.A.C. Employees who are members of one of the following collective bargaining unit agreements with the Board of Regents shall be governed by the provisions of their respective agreement; American Federation of State, County and Municipal Employees (AFSCME), Florida Nurses Association (FNA) and Police Benevolent Association (PBA).

Specific Authority 120.53(1)(a), (b), 240.227(1) FS. Law Implemented 110.205(2)(d), 240.202, 240.227(5), (19), (21), 447.209 FS. History–New 5-6-82, Amended 5-5-83, 7-15-87, 1-31-95, 6-27-96.

6C3-10.117 Learning Opportunities.

1. Full-time employees of the University who are in an established position and who meet academic requirements may be allowed to enroll for up to six credit hours of instruction per semester without payment of the tuition (comprised of the matriculation, student financial aid, capital improvement, building, health, athletic, and activity and service fees), and, if applicable, non-resident fees.
2. University employees who are on sabbatical, Faculty development leave, professional development leave, grants-in-aid, or any other approved educational grant or leave, with or without pay, or who have been called up involuntarily to perform active military service in accordance with Section 115.09, F.S., shall retain their eligibility to participate in this program while on such leave.

(b) An employee shall not be permitted to use any State space personnel, equipment, or supplies in conjunction with these courses, except as provided by the university as part of the course or program of instruction.

(c) Program Administration For All State Employees.

1. The University shall publish, and furnish to other State agencies and universities upon request, the procedures to be followed by eligible employees who desire to participate in this program.

2. The University shall establish the period of enrollment for all State University System (SUS) and State employees registering for these courses and program offerings.

3. Enrollment shall be authorized on a space available basis only. “Space available”, as used in the context of this rule, refers to the enrollment capacity within a scheduled course or program offering. The University may establish minimum and maximum levels of enrollment as necessary.

4. The University shall establish written criteria for designating courses and program offerings where direct costs increase with each student admitted. Space available enrollment as outlined above is not applicable to such offerings. These include, but are not limited to, Thesis, Dissertation, Internship, Directed Individual Study, and, pursuant to paragraph 6C-8.002(2)(c), F.A.C., non-credit courses and sponsored credit program offerings.

5. Any University or other state employee registering under this program for more than six credit hours shall pay tuition fees for the hours in excess of six. When different course levels are involved, the fees for the six credit hours with the higher cost shall be waived.

6. An employee shall not be permitted to use any State space, personnel, equipment, or supplies in conjunction with these courses, except as provided by the University as part of the course or program of instruction.

(2) Other Learning Opportunities.

Eligible full-time Faculty and Administrative and Professional (A & P) employees may participate in learning opportunities which include:

(a) Sabbaticals – Sabbaticals for professional development will be made available to full-time tenured faculty employees, with at least six years of full-time service within the SUS. Such sabbaticals will be granted to increase the employee’s value to the University. The requirements for Sabbaticals as outlined in the BOR/UFF Collective Bargaining Agreement shall apply.

(b) Faculty Development Leave Program – The Faculty Development Leave Program provides for faculty employees the opportunity to take a period of months, as determined by the University and the faculty employee, for purposes of professional renewal, planned study, formal education research, writing or other experience of professional value. Eligible faculty employees must have achieved the rank of assistant professor or higher and have six years of full-time service at the University. Terms of the BOR/UFF Collective Bargaining Agreement shall apply for employees who are members of the collective bargaining unit.

(c) Professional Development Leave Program – All employees with three or more years of service, except those who are serving in tenure-earning or tenured positions, shall be eligible for professional development leaves if the terms of a contract and grant through which an employee may be compensated allow for such leave, may apply for the professional development program at full pay for up to one semester for the purpose of taking academic course work, performing individual research, or other relevant activities which shall improve the employee’s professional experience. The terms of the BOR/UFF Collective Bargaining Agreement shall apply for employees who are members of the collective bargaining unit.

1. An out-of-unit A & P employee is eligible to be considered for professional leaves with pay for educational or developmental leave. The purpose of this leave is to increase the employee’s value to the University through enhanced opportunities for professional renewal, educational travel, study, formal education, research, writing, exchange programs, or other experience of professional value to the University and the employee.

2. During the period of professional leave with pay the University will continue to make contributions to the employee’s retirement and insurance programs. All other benefits will continue during the period of approved professional development leave, including the accrual of annual and sick leave proportionate to the employee’s appointment prior to the approval of the leave.

3. Funding will be from the employee’s school, college, division or unit unless otherwise approved by the President or President’s designee.

4. Employment unrelated to the purpose of the professional leave is governed by the provisions of all applicable laws, rules, policies, and procedures pertaining to outside activity and conflict of interest.

5. Professional Development Leave may be full-time or part-time, depending on the purpose of the leave. Normally, such a leave will not exceed one semester.

6. The President or President’s designee may determine the number of professional leaves in his/her area to be approved each fiscal year. Generally, no more than one employee in a school, college, division or unit may be approved for leave at the same time.

7. Return to Work Obligation – Unless a written agreement to the contrary is executed prior to participation, the following applies:

a. Upon completion of the leave, the employee is required to return to work for twice the length of time for which the leave was approved.
b. An employee who fails to complete the service requirement will return to the University the salary received during the leave unless otherwise approved.

c. An employee who fails to spend the leave time as stated in the application shall reimburse the University for the salary and any other payments or benefits provided by the university during the leave.

d. Upon completion of the leave, the employee shall provide to the President or President’s designee a brief report of the employee’s accomplishments during the Professional Development Leave and how those accomplishments may be used to enhance the University, school, college, division or unit.

8. Eligibility Criteria. At least three consecutive years of service with the University in the A & P pay plan, irrespective of funding source, provided the terms of a contract or grant through which an employee may be compensated allows for such leave.

b. The purpose of the leave is for professional development to enhance the employee’s knowledge and competencies and contribution to the organizational effectiveness of the University and his/her school, college, division or unit.

c. The University determines that the completion of the project, work, or education will improve the productivity or management of the employee’s unit or the University; or move the school, college, division or unit and the University closer to achieving its specific mission or reaching its vision.

d. The employee has not had a professional development leave for at least three years.

(d) Personnel Exchange Program.

1. The University may establish and maintain a program by which persons who occupy Faculty and A & P positions may temporarily exchange positions with persons in like capacities in government, private industry, and/or institutions of higher education outside of the SUS.

2. Scope of Program – The Exchange Program is a distinct program providing opportunities for employee exchange and will not be tied to any other personnel program.

(e) Faculty Foreign Service.

1. Full-time faculty employees of the University who work in foreign countries shall retain all rights and privileges of on-campus faculty employees, including those of salary increases, promotion and tenure.

2. No person of professional rank will be employed by the University for official duties outside of the United States in other than full professional status as a member of the faculty when such duties are expected to last for a period of 12 or more months. Persons employed for consultation or short-term tasks of less than 12 months duration will work on a special contract basis with no university rank or other connection except as specified in the individual contract.

(f) Other Educational Development Programs – The University shall make provisions for employees to have access to job-related and job-required learning opportunities. The terms of the respective collective bargaining Agreement for in-unit Faculty, A & P and USPS employees shall apply.

Specific Authority 240.227(1), (27) FS., CF. 6C-5.930, F.A.C. Law Implemented 240.202, 240.227(5), (11) FS. History–New 5-6-82, Amended 1-31-95, 6-27-96, 6-3-01.

6C3-10.127 Employee Recognition Program.

(1) The State University System (SUS) Employee Recognition Program shall provide for recognition of eligible employees and other persons as authorized in Section 240.2111, F.S.

(2) All full-time or part-time employees under the Faculty, Administrative and Professional, including the Executive Service, and University Support Personnel System Employment Plan are eligible for recognition under this program. The legislatively funded faculty awards for outstanding teaching and advising at the undergraduate level are granted under separate authority from the employee recognition program.

(3) The President or President’s designee shall appoint one or more employee recognition committees and/or awards coordinator to administer this program.

(4) Employee achievement will be acknowledged or otherwise recognized under the following components:

(a) Superior Accomplishment – For individual employees or employee teams that have contributed outstanding and meritorious service in their fields, including those who have made exceptional contributions to efficiency, economy, or other improvement in the University operations. Such contributions may include proposals adopted by the University that yield no easily measurable outcome but enhance safety, convenience, efficiency, or otherwise improve the quality of worklife at the University. Once an employee has received an award under the State University System Incentive/Efficiency Program, that proposal shall not be the basis for receiving a Superior Accomplishment Award;

(b) Satisfactory Service – For employees who have achieved increments of five continuous years of satisfactory service at the University or with the State government;

(c) Retirement – For retiring employees whose service with the University has been satisfactory; and

(d) State Board or Commission Recognition – For appointed members of a state board or commission whose service to the State University System has been satisfactory, upon the expiration of such appointed member’s final term in such position.

(5) The University Employee Recognition program committees and/or awards coordinator shall utilize the Superior Accomplishment Award Nomination form FAM UPO-500 EFF. 4/91, which is incorporated herein by this reference, for the Superior Accomplishment component and evaluate nominations for awards under such component.
(6) The University is authorized to expend State Funds for any awards in compliance with this rule. Savings bonds may be awarded in lieu of cash awards, provided that their cost does not exceed the limits specified herein for cash awards. Any award will be contingent upon the availability of funds. Nothing in this rule is intended to govern the expenditure of private funds to which the University may have access.

(a) Cash awards may be granted under the Superior Accomplishment component, provided that no individual cash award shall exceed $1,000, excluding applicable taxes. In addition to, or in lieu of, cash awards, certificates, pins, plaques, letters of commendation, and other tokens of recognition may be awarded, provided that the cost of such award does not exceed $50 each. Employees may receive more than one award within one year, the total cost of which may exceed $1,000 plus applicable taxes. Awards may be combined and issued in the most cost efficient manner for the State University System.

(b) Cash awards may be granted under the Satisfactory Service component, provided no such cash award shall exceed $50 each, excluding applicable taxes. In addition to, or in lieu of, cash awards, certificates, pins, plaques, letters of commendation, and other tokens of recognition may be awarded, provided that the cost of such award does not exceed $50 each.

(c) Suitably framed certificates, plaques, or other tokens of recognition may be awarded to retiring employees, provided that the cost of such award does not exceed $50 each.

(d) Suitably framed certificates, plaques, or other tokens of recognition may be awarded to appointed members of State boards or commissions, provided that the cost of such award does not exceed $50 each.

(7) The Personnel Office shall maintain the following information with respect to activity under this program for the preceding academic year:

(a) Number of employees recognized under each component, by employee classification;

(b) Total amount of State funds expended for cash awards and other awards under each component; and

(c) The names and titles of appointed members of State Boards or Commission who were recognized upon expiration of their final term in such position.


6C3-10.129 University Employee Clearance.

Any employee of Florida A & M University who is issued an employment contract for his or her services and is paid from any funding source, e.g., contracts & grants, educational & general, agency and others, must properly clear the University upon cessation of employment with the University. The clearance must be in accordance with the University Employee Clearance Procedures, approved March 23, 1989, and incorporated herein by this reference. The employee must have fulfilled all of his or her obligations to the University outlined in the referenced clearance procedures. To carry out the clearance process, employees shall report to the University Personnel Office for the purpose of an exit interview.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1), (5), (19), (21), (22) FS. History—New 10-5-89, Amended 6-27-96.

6C3-10.130 Faculty, Administrative and Professional and University Support Personnel System Employees Evaluation.

(1) The provisions of this rule are supplemented by Rule 6C-5.925, F.A.C., and the Collective Bargaining Agreements for Faculty, Administrative and Professional (A & P) and University Support Personnel System (USPS) employees.

(2) Faculty Employee Evaluation.

(a) The purpose of the evaluation is to assess and communicate the nature and extent of an employee’s performance of assigned duties as it relates to teaching effectiveness, contribution to the discovery of new knowledge, the development of new educational techniques, service, and other forms of creative activity.

(b) Application of the criteria for evaluating faculty employees shall not violate the faculty employee’s academic freedom or constitutional rights, nor shall a faculty employee be punished for exercising such freedom or rights, either in the performance of University duties or duties outside the University. At the same time, a faculty employee may reasonably be expected to show, both in performance of University duties and duties outside the University, an awareness that membership in the academic profession carries with it special responsibilities.

(c) The performance of employees, other than those employees who have received notice of nonreappointment or those employees who are not entitled to receive notice of nonreappointment under Rule 6C-5.910 or 6C3-10.232, F.A.C., shall be evaluated at least once annually.

(d) The criteria and procedures set forth in this rule pertain to the annual and other evaluations of faculty. In cases where dishonesty, incompetence, neglect of duty, or irresponsibility of a bargaining unit faculty member is charged, different proceedings should be undertaken pursuant to the BOR/UFF Collective Bargaining Agreement. In cases of misconduct or incompetence of an out-of-unit faculty member, different proceedings should be undertaken pursuant to applicable University rules.

(e) The performance evaluation shall be based upon assigned duties and shall consider the nature of the assignments.

(f) In evaluating teaching, the evaluation of its effectiveness shall be related to approved written objectives of each course which shall be given to each class at the beginning of the academic term.
(g) Faculty employees may be evaluated by other University officials. In this regard, a faculty employee may be evaluated for duties performed under the supervision of academic vice presidents, deans, directors, chairpersons, and/or any other University official who may supervise the faculty employee’s activities. If appropriate, a faculty employee may be evaluated by public school officials for service to public schools or school districts.

(h) Utilization of Evaluation.
   1. The chairperson of each department or other administrative unit shall collect the evaluation data for each faculty member in the department, which data shall be placed in the faculty member’s personnel file.
   2. Existing evaluations and the data in the faculty member’s personnel file upon which evaluations are based shall be considered in recommendations and final decisions on tenure, promotion, salary, and retention.
   3. The contents of the faculty evaluation file shall be confidential and shall not be disclosed except to the affected faculty employee, and to those whose duties require access to the file in accordance with the University’s evaluation procedures or by the President or President’s designee in the discharge of official responsibilities or upon order of a court of competent jurisdiction.

(3) Administrative and Professional including the Executive Service Employee Evaluation.

(a) The purpose of the evaluation shall be to aid the Administrative and Professional (A & P) employee in improving his/her performance in assigned duties. Employees appointed to Executive Service positions are not subject to performance evaluation procedures governing A & P employees. The A & P employee may be evaluated for a specific period of time but the employee shall be evaluated at least once annually. The A & P employee should have completed a minimum of 6 months of A & P service to be eligible to receive an evaluation. The evaluation shall be considered in making personnel decisions relating to salary, retention and assignment or promotion to other responsibilities.

(b) The A & P employee shall be evaluated only by the individual or individuals to whom the A & P employee reports.

(c) The contents of the evaluation file shall be confidential and shall not be disclosed except to the affected employee and those whose duties require access to the file in accordance with the University’s evaluation procedures or by the President or President’s designee in the discharge of official responsibilities, or upon order of a court of competent jurisdiction.

(d) Absence of an Evaluation.
   If an employee is not evaluated by his or her supervisor, the employee’s rating shall be considered to be satisfactory or the same rating that he or she received during the last evaluation period, whichever is higher. Such rating shall be an evaluation and shall be documented in the employee’s file and a copy of the documentation shall be furnished to the employee and the rater.

(e) Evaluations will not be required for those employees who have been given notice of nonrenewal or nonreappointment of their employment contract pursuant to the provisions of Rule 6C3-10.233, F.A.C.

(f) For A & P employees who are members of the general faculty bargaining unit, the evaluation process must comply with the collective bargaining agreement between the Board of Regents and the United Faculty of Florida.


(a) The employee performance evaluation program shall provide for overall evaluation of an employee’s performance for a specific period of time.

(b) The evaluation shall be based on measurable, observable, or verifiable performance standards which the employee is expected to achieve or the objectives which the employee is expected to accomplish. A performance standard describes fully acceptable or unacceptable performance.

(c) Employees shall be evaluated at least annually.

(d) Performance Evaluation Ratings:

An employee’s performance shall be rated at one of the following rating levels:

1. Below Performance Standards;
2. Achieves Performance Standards;
3. Exceeds Performance Standards; or

(e) Probationary Evaluations.

1. A probationary evaluation is required for any probationary period and shall be completed within 30 days prior to the end of the probationary period for the designated class or 30 days prior to the end of any probationary period extension.

2. An employee shall serve the probationary period for the designated class with a performance rating of at least Achieves Performance Standards before attaining permanent status in the class.

3. A probationary period may be extended up to six months when one of the following circumstances occur:
   a. The employee is rated Below Performance Standards;
   b. The supervisor decides that additional time is needed for appropriate training or on the job experience;
   c. The supervisor and the employee agree to extend the probationary period;
   d. the employee or supervisor is granted an approved leave of absence (other than military leave) during the probationary period; or
   e. An employee in probationary status is reassigned to a different position in the same class and requests in writing that the probationary period be extended for a period not to exceed six months.

4. An employee in probationary status shall be removed from the class if the performance is not rated at least Achieves Performance Standards within the probationary period or the extended probationary period.
5. An employee in probationary status, who is on military leave at the end of the probationary period, shall be considered to have a rating of Achieves Performance Standards. The employee shall be required to complete the remainder of the probationary period if the employee returns from military service prior to the expiration of the probationary period.

(f) Annual Evaluations.
An annual evaluation shall be completed for each employee having permanent status in the current class.
1. A permanent status employee shall receive an annual evaluation completed each year within 30 days following the date the employee was appointed to his or her current class unless the period being evaluated is extended for the length of an approved leave of absence.
2. An annual evaluation period of an employee who returns from military leave shall include only the time not on military leave. The employee’s performance level while on military leave shall be considered to be at the same rating level as the employee’s preceding rating.

(g) Special Evaluations.
1. A special evaluation for a permanent status employee may be conducted when the employee’s performance has changed from the rating level as reflected on the most recent probationary, annual or special evaluation.
2. A special evaluation shall not cover more than a 60-day period immediately preceding the special evaluation unless the evaluation period is extended.
3. When an employee’s annual evaluation is at the Below Performance Standards level, the evaluation shall become a special evaluation.
   a. When an employee who has attained permanent status in the class receives a special evaluation of Below Performance Standards, and is retained in the class, the rater, shall communicate in writing the necessary improvements to address the identified deficiencies. Under this provision, the next evaluation period(s) shall be no less than 30 days and shall be limited to an additional 120 days.
   b. The President or President’s designee may remove the employee from the class at anytime if adequate improvement is not made in the employee’s performance during the subsequent evaluation period(s) following the initial Below Performance Standards rating.
   c. An employee shall usually not remain at the Below Performance Standards level for more than 120 days, in accordance with the provisions of sub-subparagraph (4)(g)3.a. above. In circumstances which result in an authorized leave of absence of the employee or the rater (other than military leave for the employee in accordance with Rule 6C-5.920, F.A.C.) and extensions of probationary periods as provided in paragraph (4)(e) of this rule, the rater may request an extension of the evaluation period up to the length of the period of an approved leave of absence. If an employee’s performance rating level has not improved to at least the Achieves Performance Standards rating level within the designated improvement period(s), the President or President’s designee shall remove the employee from the class. Such action must be completed within 45 days of being initiated.

(h) Absence of an Evaluation.
1. For those employees who have not yet received an evaluation in the class, the employee’s rating shall be considered to be at the Achieves Performance Standards level.
2. For those employees with a previous evaluation in the class, the employee’s performance shall be considered to be at the same rating level as the preceding evaluation. If the preceding evaluation is Below Performance Standards, the employee’s rating shall be considered to be at the Achieves Performance Standards level.
3. When a rater does not extend a required performance evaluation period for the authorized leave of the rater or employee, as provided in subparagraph (4)(f)1. of this rule, and a rater desires to replace a performance evaluation rating received through the provisions of subparagraph (4)(f)2. above, he or she may complete an evaluation covering the required evaluation period within 30 days following the original due date of the evaluation.
4. An employee may make a written request for a performance evaluation to replace a rating received through the provisions of subparagraph (4)(f)2. within 30 days following the original due date of the evaluation. If an employee makes such a request, the rater shall complete the evaluation within thirty (30) days of receipt of the request.
   i) Evaluation information contained in the personnel file shall be confidential and shall not be disclosed except to the affected employee and those individuals whose duties require access to the file in accordance with applicable law, the University’s evaluation procedures or by the President or President’s designee in the discharge of official responsibilities, or upon order of a court of competent jurisdiction.


6C3-10.132 Predetermination Procedures for Tenured and Permanent Status Faculty and University Support Personnel System Employees.
(1) Written Notice – Prior to the dismissal, suspension, or disciplinary reduction in pay of a tenured or permanent status employee, the University shall give the employee written notice as follows:
   a. The employee shall be given written notice of the proposed action and the reasons therefore. Such notice shall be sent by certified mail, return receipt requested, or delivered in person with written documentation of receipt obtained.
(b) The mailed notice shall be considered received by the employee even if refused or ignored.

(2) Contents of Notice – The notice shall be signed by the President or President’s designee who makes the final decision regarding the proposed action. The notice shall include the following information:

(a) The effective date of the University’s proposed final action;
(b) The specific charges or reasons for the action;
(c) A list of documents or written explanation on which the charges are based; and a statement that documents shall be available to the employee upon request;
(d) A statement that the employee may, within 10 days of receipt of the notice, submit a request in writing for a conference at which the employee may make an oral or written statement, or both, to the University to refute or explain the charges or reasons for the action; and the name and address of the person to whom the request for a conference shall be directed;
(e) A statement that the requested conference must be held prior to the proposed effective date of the action, at a time and place determined by the University, normally during regular business hours, and that the employee may bring a representative to advise and assist;
(f) A statement that the University desires to reduce the risk of error in taking the action against the employee and to avoid damaging the employee’s reputation by untrue or erroneous charges, and therefore, the University is interested in receiving and considering the employee’s response; and

(g) A copy of this rule shall be enclosed with the notice.

(3) Conference – The conference must be conducted by the designated representative(s) of the President as follows:

(a) The purpose of the conference shall be to hear the employee’s response to the charges in order to protect the employee from erroneous or arbitrary adverse action; to afford the University an opportunity to reevaluate its position after reviewing the information presented by the employee, and to thereafter make a recommendation to affirm or alter the disciplinary action as may be warranted.

(b) The conference shall be informal and shall not be in the nature of an evidentiary hearing. The employee may bring a representative to advise and assist, but discovery, cross-examination and similar legal procedures are not permissible.

(c) The employee shall be permitted to submit relevant information, orally or in writing, or both, with the privilege being reserved to the University to give such information the weight it deems proper. If the employee chooses to make no response, the University will proceed on the basis of the best information it can obtain without such response.

(d) After the conference is conducted, the employee shall be notified, by the President or President’s designee of the University’s decision.

(4) Decision – If the University determines after the conference that it will proceed with the proposed disciplinary action, the employee shall be notified as described in this rule within five workdays prior to the date the action is effective. USPS employees shall be informed of their right to appeal to an arbitrator under the provisions of Board of Regents subsection 6C-5.950(4), F.A.C. If the employee occupies a position included in a certified bargaining unit, the employee shall be further notified that the grievance procedures as provided in the applicable collective bargaining agreement may be used. Further, the University shall follow the provisions of Part VI of Chapter 112, F.S., Law Enforcement Officers’ Bill of Rights, when Sworn Law Enforcement Personnel are involved.

(a) During the period between the first notice and the effective date of the action, one of the following options may be used by the University: retain the employee in the employee’s usual duties; temporarily assign the employee to other duties; or place the employee on administrative leave with pay.

(5) Extraordinary Situations.

(a) In extraordinary situations, when the retention of a tenured or permanent status employee is likely to result in damage to property, or is likely to result in injury to the employee, a fellow employee, or some other person, the employee may be suspended or dismissed immediately upon written or oral notice to the employee of the charges giving rise to the suspension or dismissal.

(b) If an oral notice of suspension or dismissal is given to an employee, the University shall within 24 hours issue a written notice confirming the proposed action and the reason(s) therefore.

(c) In lieu of the action to suspend or dismiss the employee, the University may place the employee on administrative leave as described in subsection 6C-5.920(14), F.A.C.

(d) USPS employees shall be informed of their right to appeal to an arbitrator under the provisions of subsection 6C-5.955(4), F.A.C.

(e) If the employee occupies a position included in a certified bargaining unit, the employee shall be further notified that the grievance procedures as provided in the applicable collective bargaining agreement may be used.

(f) Further, the University will follow provisions of Part VI of Chapter 112, F.S., Law Enforcement Officer’s Bill of Rights, when sworn law enforcement personnel are involved.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(5), (19), 240.202 FS. History–New 6-27-96.
6C3-10.134 Employment of Relatives.
(1) Employment of related persons in a single organizational unit or in job-related organizational units is permitted, provided that such employment will not involve a conflict of interest, including but not limited to participation by the relative in making recommendations or decisions specifically affecting the appointment, retention, tenure, work assignments, evaluation, promotion, demotion, or salary of the related person. The President or President’s designee shall determine, prior to employment of related persons, that a conflict of interest will not occur.

(2) Relatives or related persons mean persons who are related to each other as defined by Section 112.3135, F.S.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 112.3135, 240.202, 240.227(1), (5), 447.203(2) FS. History–New 6-27-96.

6C3-10.135 Outside Employment.
(1) “Outside employment,” as used herein, means any employment entered into in addition to employment at the University with the exception of additional employment with another state agency, including a university of the State University System.

(2) The responsibility of the University employee is the full and competent performance of all duties pertinent to his/her employment with the University. Outside employment which interferes with the employee’s obligations to the University is prohibited.

(3) Any employee who proposes to engage in any outside employment must report in writing to the President or President’s designee via the employee’s supervisor as soon as practicable in advance of such employment, by completing the Florida A & M University report of Outside Employment form (FAM UPO-402 EFF. 7/91), which is incorporated herein by reference. The President or President’s designee shall determine whether the proposed outside employment appears to constitute a conflict of interest or other interference with the employee’s duties. If it is determined that the proposed outside employment appears to constitute such a conflict of interest or interference, the President or President’s designee shall notify the employee that he/she may not engage in the proposed activity while employed as an employee of the University.

(4) No employee shall claim to be an official university representative in connection with any outside employment.

(5) Any employee who requests to use University facilities must complete the application to use University equipment, facilities and services in conjunction with outside activity/employment (FAM UPO-402, EFF. 7/91). Approval of such a request will warrant that reimbursement be made for any additional costs to the University occasioned thereby.

(6) An employee who engages in outside employment as described herein, shall be responsible for adhering to the requirements of Florida conflict of interest law – Section 112.313, F.S.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 112.313, 240.202, 240.227(1), (5), (13), (21) FS. History–New 6-27-96.

6C3-10.136 Political Activity.
(1) All employees who intend to seek election to and hold public office shall notify the President or President’s designee of their intentions.

(2) The President or President’s designee shall determine whether the employee’s candidacy for holding public office will interfere with the full discharge of the employee’s duties. If a determination is made that holding public office will interfere, the employee will be required to take a leave of absence or submit a resignation, as determined by the President or President’s designee.

(3) All employees shall adhere to the provisions of Section 104.31, F.S.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 104.31, 240.202, 240.227(1), (5), 447.203(2) FS. History–New 6-27-96.

6C3-10.137 Conflict of Interest.
(1) No employee of the University shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the full and competent performance of the employee’s duties in the public interest.

(2) All employees of the University are governed by the provision of Chapter 112, F.S., setting standards of conduct for public officers and employees of State agencies; and mandating the disclosure of certain financial interests.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 112.313, 240.227(1), (5), (19), (21), 447.203(2) FS. History–New 6-27-96.

6C3-10.138 Use of University Facilities and Services.
(1) This rule is supplemented by the provisions of the respective Collective Bargaining Agreement for employees who are members of the collective bargaining unit.

(2) University related persons, organizations and groups whose activities are related to and further the mission of the University may sponsor meetings in University space in accordance with University policies and procedures. All other groups and persons may use University facilities upon the payment of fees and adherence to published rules in Title Designation Chapters 6C and 6C3, F.A.C., when and if such facilities are available. Priority shall be given to those groups and persons whose activities are related to and further the mission of the University. Nothing in this rule shall prevent the University from making charges to recover direct costs for any use. Services, depending upon availability, may be furnished, upon payment of charges which
reimburse the University for direct costs to University related persons, organizations, and groups whose activities are related to and further the mission of the University. No person, groups, or organization shall be excluded from this rule because they have collective bargaining as one of their objectives.

(3) No group desiring to use University facilities and services shall be denied such opportunity on the basis of the membership or non-membership of members of the group in any class which is protected under State or Federal law.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(1), (13), (21), 447.203(2) FS. History–New 6-27-96.

6C3-10.139 Other Official University Documents That Conflict.

Any provisions or sections in other official University documents on said or related subject matters which are contrary and/or inconsistent with provisions or sections of this Chapter (Part I) are superseded by said sections or provisions of this Chapter (Part I).

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(1) FS. History–New 6-27-96.

6C3-10.140 University Sick Leave Pool.

(1) Purpose: The purpose of this rule is to establish a Sick Leave Pool which would allow full-time or part-time salaried employees of the University to pool voluntarily a portion of their accumulated sick leave, and upon depletion of their own sick, annual and compensatory leave to draw sick leave credits from the pool.

(2) Administration of the Sick Leave Pool.

(a) The President or President’s designee shall appoint an employee from each division of the University to serve as the Sick Leave Pool Committee. In addition, two alternates shall be appointed to serve in the absence of a Committee member. The Director, Human Resources/Personnel Relations shall serve as Administrator of the Sick Leave Pool. Both the Administrator and Committee shall be jointly responsible for the administration and operation of the Sick Leave Pool.

(b) The Administrator shall conduct open enrollment periods on an annual basis and at such other times as prescribed by the Sick Leave Pool Committee. The Administrator shall also process applications for membership in the Sick Leave Pool pursuant to the eligibility criteria established under this rule.

(c) All records regarding membership applications, usage and other transactions of the decision of the Committee and operation of the Sick Leave Pool shall be maintained by the Administrator.

(d) The Sick Leave Pool Committee shall meet at designated intervals to review, approve or disapprove by majority vote, requests for Sick Leave pool usage or the non-continuation of members. In addition, the Committee shall authorize the Administrator to deduct sick leave hours from the members’ sick leave accounts.

(e) The Sick Leave Pool Committee Alternates shall serve in the absence of a regular member and perform the same functions as the regular member. In addition, the alternates may serve in instances where a possible conflict of interest precludes another member from voting; or, serve for the remainder of the term, when a vacancy arises due to the resignation of a Committee member or the termination of a Committee member’s employment.

(f) The President or President’s designee shall appoint a Sick Leave Pool Appeals Board that shall review and/or hear discussions on issues regarding requests for Sick Leave benefits that were denied or membership cancellations by the Sick Leave Pool Committee.

(3) Membership Criteria. An employee shall meet the criteria set forth in this rule for membership in the Sick Leave Pool.

(a) The employee must be employed in a full-time or part-time salaried (non-OPS) position with Florida A&M University.

(b) The employee must have been continuously employed for one year without a break in service with the State University System or agency of the State of Florida in a position which earned sick leave credits; and

(c) The employee must have an accumulated sick leave balance of sixty-four (64) hours, (proportionate for part-time employees) at the time of application and approval for membership in the pool or at the close of the open enrollment period.

(4) Application for Membership. Application for membership in the Sick Leave Pool shall be made in writing to the Sick Leave Pool Administrator during open enrollment or during the appropriate periods indicated below:

(a) An employee who is eligible for membership on the effective date of the Sick Leave Pool Policy must apply within thirty (30) days of the effective date of the policy or during a subsequent open enrollment period. The employee shall be required to make a contribution of eight (8) hours (proportionate amount for part-time employees) of sick leave if being employed on a full-time basis.

(b) An employee who is transferring to the University from a State of Florida governmental agency or University may transfer from the exiting agency sick leave pool to the University Sick Leave Pool within (30) days of the beginning date of employment with the University. An employee transferring from an agency with which the University has a reciprocal agreement for the transfer of sick leave pool hours will not be required to contribute eight (8) hours upon transferring membership into the University pool.

(c) An employee who is transferring from the University from another State of Florida governmental agency or University and who was not a member of that agency’s sick leave pool may apply for membership in the University Sick Leave Pool within thirty (30) days of the beginning date of employment with the University if he/she meets the eligibility criteria for membership.

(d) An employee who has one year of eligible service with the State but does not have at least sixty-four (64) hours of accumulated sick leave at the initial open enrollment period of the Sick Leave Pool, may reapply during a subsequent open enrollment period if such employee has accumulated the minimum hours required for participation.

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(e) An employee who completes the first year of eligible service at a point other than during an open enrollment period and who has an accumulated sick leave balance of at least sixty-four (64) hours will have thirty (30) calendar days after the first day of eligibility to apply for membership in the Sick Leave Pool.

(5) Membership Terms and Conditions.
   (a) Membership and participation in the Sick Leave Pool shall be voluntary at all times by the employee. An employee may withdraw from the pool at any time by written notice to the Administrator. Withdrawal from the Sick Leave Pool terminates the employees’ entitlement to use sick leave credits from the pool and the employee automatically forfeits any prior contributions.
   (b) All requests for Sick Leave Pool benefits shall be made in writing by, or for, the employee and shall be accompanied by medical verification, which includes the duration of the injury or illness. Sick Leave Pool benefits may be approved, retroactive to the first day of absence, for the personal illness, accident, or injury that requires the member to be absent from work ten (10) or more consecutive workdays. If less than ten (10) workdays are required, Sick Leave Pool hours shall not be approved. A member may apply for Sick Leave Pool benefits up to a maximum of 240 hours in a twelve (12) month period. Each request for Sick Leave Pool benefits shall be limited up to 120 hours.
   (c) Sick Leave Pool benefits shall not be approved or used for the occurrences or situations described below (listing is not all inclusive):
      1. Cosmetic surgery, except due to illness, accident or injury covered by the member’s health insurance plan.
      2. Normal childbirth and recovery therefrom. Complications arising from childbirth that require hospitalization and/or a period of limited activity (complete bedrest) necessary for the safety of the mother and/or unborn child shall be an eligible illness.
      4. War or act of war.
      5. Marital, recreational, educational or speech therapy.
      6. Illness, accident or injury due to a member’s commission of a felony and/or the member’s illegal involvement in, connection with, or association with the same.
   (d) Membership in the Sick Leave Pool, due to the abuse of Sick Leave Pool benefits, shall be investigated by the Sick Leave Pool Committee, and, on a finding of wrongdoing, the member shall be required to repay all of the sick leave credits drawn from the pool and shall be subject to disciplinary action which may include a written reprimand, suspension or dismissal from employment with the University. The penalty that is imposed shall depend upon the seriousness of the offense and any aggravating or mitigating circumstances. Abuse of Sick Leave Pool benefits shall include, but not be limited to, misrepresentation of an illness, accident, or injury or the circumstances surrounding it; and/or submission of a medical certification which is from other than a qualified medical practitioner or which misrepresents the nature of a member’s illness and/or duration all for the purpose of receiving sick leave benefits to which the member is not entitled under the rule.

(6) Maintenance of the Pool.
   (a) Each full-time participating employee will contribute eight (8) hours (proportionate for part-time employees) of sick leave, and when 480 hours have been donated, the pool will be activated for use by eligible participating employees. No more than sixteen (16) hours of sick leave (proportionate amount for part-time employees) shall be contributed during a twelve (12) month period.
   (b) If a member’s sick leave balance is insufficient to deduct eight (8) hours (proportionate for part-time employees) at the time the pool is depleted, the member shall be required to contribute the total sick leave hours accumulated and shall contribute the remainder as soon as additional sick leave credits are accrued. The member shall not be allowed to use sick leave credits until the required number of hours have been contributed to the Sick Leave Pool.
   (c) Hours contributed to the Sick Leave Pool shall be placed in a single account. Contributions for the benefit of a specific individual, position or illness shall not be accepted.
   (d) The pool shall be considered to be depleted when the total hours in the pool equal 120 hours or less. Upon depletion of the hours in the Sick Leave Pool, the Administrator shall notify each pool member that additional hours of sick leave will be deducted from their sick leave accounts and deposited in the Sick Leave Pool.

(7) Discontinuation of the Sick Leave Pool.
   (a) The President or President’s designee may, at any time, in accordance with Chapter 120, F.S., repeal this policy for the purpose of discontinuing the Sick Leave Pool.
   (b) All hours remaining in the Sick Leave Pool at the time of the repeal of this policy shall be prorated equally among the membership, provided at least one hour can be returned to each full-time employed member and prorated for each part-time employed member. Otherwise, remaining hours shall be forfeited.

Specific Authority 110.121, 120.53(1)(a), 240.227(1) FS. Law Implemented 110.121, 240.202, 240.227(1) FS. History–New 6-27-96.

6C3-10.141 Other Personal Services.
(1) Every individual paid from Other Personal Services (OPS) shall be assigned to one of the following categories:
(a) Student or graduate assistants. This category is reserved for individuals for whom the University is the employer as defined in Sections 240.209(3)(f) and 447.203(2), F.S., and other bona fide, degree-seeking students in an accredited secondary or post-secondary educational program who are employed by a university or the Board Office on an occasional or part-time basis and paid from an OPS appropriation. Included in, but not limited to, this category are:

1. High school students,
2. Undergraduate students,
3. Graduate students,
4. Doctoral students,
5. Post-doctoral students,
6. Graduate teaching assistants and associates, and
7. Graduate research assistants and associates.

(b) Fellowship Recipients.

(c) Part-time Academic Employees. This category is reserved for employees who perform teaching, research, or service, and for whom the Board is the employer as defined in Sections 240.209(3)(f) and 447.203(2), F.S.

(d) Consultants. This category is reserved for independent contractors who are retained by the university through contractual agreement.

(e) Temporary Employees. This category is reserved for individuals employed for the purpose of accomplishing tasks or projects that are normally short term, peak load, or periodic in nature, including appointments through Sponsored Research. Sponsored Research appointments are anticipated to be annual appointments for the period of the grant.

(2) The President or President’s designee shall be responsible for the overall coordination, review, and control of the OPS program and its administration.

(3) The University shall communicate to the affected parties the terms and conditions governing payment from OPS.

(4) Other Personal Services employees may be paid at rates deemed appropriate by the University in accordance with prevailing rates in the labor market or as negotiated through collective bargaining agreements.

(5) Pay for OPS employment in the Temporary Employee category shall not exceed payment for 2080 hours within the same university in a 24-month period, except as stated below.

(a) Extensions beyond 2080 hours in a 24-month period for employees in the Temporary Employee category may be granted by the President or President’s designee. Other Personal Services Extensions shall be contingent on the following criteria:

1. The President or President’s designee, must document a justifiable need to retain the employee; or
2. The President or President’s designee will document that the position will be recommended as an authorized salaried position and will be included in the next legislative budget request.

(b) The beginning date for the calculation of the hours shall be the first payroll period after January 1, 1986.

Specific Authority 240.227(1) FS. Law Implemented 110.121, 240.277(1), 447.203(2) FS. History–New 6-27-96.

6C3-10.142 Copyrights and Patents.

(1) University Authority and Responsibilities. Section 240.229, F.S., authorizes the University to establish rules and procedures regarding patents, copyrights, and trademarks. This rule and the procedures stated herein are supplemented by the terms of the BOR/UFF Collective Bargaining Agreement for employees who are members of the collective bargaining agreement.

(2) Copyrights – An employee, including a University Support Personnel System employee, may procure copyrights, and receive the royalties resulting therefrom, for the employee’s products provided the ideas came from the employee, the products were the result of the employee’s independent labors, and the employer was not held responsible for any opinions expressed therein. If the products were in any way supported by University funds, personnel, facilities equipment, or materials, the employee shall report to the President or President’s designee the employee’s interest in having the product copyrighted. Within 60 days after receiving such report, the President or President’s designee will inform the employee whether the employer seeks an interest in the copyright or works, and written contract shall thereafter be negotiated to reflect the interest of both parties. All such agreements shall comport with and satisfy any pre-existing commitments to outside sponsoring agencies, but the employee shall not commit any act which would tend to defeat the employer’s interest in the matter and shall take any necessary steps to protect such interest.

(3) Patents.

(a) An employee shall disclose to the University all patentable inventions and technological developments which the employee may develop or discover while an employee of the University. With respect to discoveries or inventions made during the course of approved outside employment, the employee may delay such disclosure, when necessary to protect the outside employer’s interest, until the decision has been made whether to seek a patent.

(b) All discoveries or inventions made outside the field in which the discoverer or inventor is employed by the University and for which the employer has provided no support are the private property of the inventor. The employee and the employer may agree that the patent for any such discovery and invention be pursued by the University and the proceeds shared.
(c) Except for discoveries or inventions made during the course of approved outside employment, a discovery or invention which is made in the field in which the investigator is employed by the University or by using University funds, facilities, materials, equipment, personnel or propriety technological information, is the property of Florida A & M University and the inventor shall share in the proceeds therefrom.

(d) Although an employee may, in accordance with Rule 6C3-10.135, F.A.C., Outside Employment, engage in outside employment pursuant to a consulting agreement requiring waiver of the employee’s rights to any patentable inventions or discoveries which arise during the course of such outside employment, the employee shall not, in doing so, sell or assign patent rights to inventions or discoveries conceived or developed as an employee of the University. An employee who proposes to engage in such outside employment shall furnish a copy of this patents policy to the outside employer prior to or at the time the consulting agreement is executed.

(e) Reporting Procedures – The employee shall report to the President or President’s designee the nature of the discovery or invention together with an outline of the project and the conditions under which it was done. If the employer wishes to assert its interest in the patent, the President or President’s designee shall inform the employee within 60 days. The employer shall designate a representative to conduct an investigation which shall assess the respective equities of the employee and the employer in the invention or technological development, and determine its importance and the extent to which the employer should be involved in its protection, development, and promotion. The division of proceeds between the employer and the employee generated by the licensing or assignment of patent rights or trade secrets shall be negotiated and reflected in a written contract between the employer and the employee. All such agreements shall comport with and satisfy any pre-existing commitments to outside sponsoring agencies, but the employee shall not commit any act which would tend to defeat the employer’s interest in the matter and shall take any necessary steps to protect such interest.

(f) A decision as to whether the employer will apply for the patent will be made within 120 days from the date of the disclosure to the President or President’s designee. In the event a contractor had been offered the option to apply for the patent, the employer will use its good offices in an effort to obtain such a decision within 120 days. At any stage of making the patent application, or in the development of a patent secured, if it has not otherwise assigned to a third party the right to pursue its interests, the employer may withdraw and shall return the patent rights to the employee, in which case the patent shall be the employee’s property and none of the costs incurred by the employer or on its behalf shall be assessed against the inventor. All assignments of or release of patent rights by the employer to the employee shall contain the provision that such invention or process, if patented by the employee, shall be available royalty-free for governmental purposes of the State of Florida.


6C3-10.143 Limited Access Records.

(1) Policy.

(a) The University maintains the employment records and other employee information on each of its employees, Faculty, Administrative and Professional (A & P) including the Executive service, University Support Personnel System (USPS) and Other Personal Services (OPS) employees.

(b) The employment records are maintained in the office or department of the University’s records custodians. For Faculty, the records are maintained by the Office of the Provost and Dean of the school or college in which the faculty member is employed. For A & P, USPS and OPS employees, the records are maintained by the Office of the Director of Personnel Relations.

(c) Any records or portions which are otherwise confidential by law shall continue to be exempt from the provisions of Section 119.07(1), F.S.

(d) Except as required for use by the President or President’s designee in the discharge of his or her official responsibilities, the custodian of limited-access records may release information from such records only upon authorization in writing from the employee or upon order of a court of competent jurisdiction.

(2) This rule prescribes the contents and custody of limited-access records that the University maintains on its employees. Such limited access records are confidential and exempt from the provisions of Section 119.07(1), F.S. Those records are limited to:

(a) Records containing information reflecting academic evaluations of employee performance.

(b) Records maintained for the purposes of any investigation of employee misconduct, including a complaint against an employee and all information obtained pursuant to the investigation of such complaint, shall be confidential until the investigation ceases to be active or the University provides written notice to the employee that it has:

1. Concluded the investigation and is not proceeding with disciplinary action;
2. Concluded the investigation with a finding to proceed with disciplinary action; or
3. Issued a letter of discipline.

(3) An investigation is presumed inactive if no finding is made within ninety (90) days after the complaint is filed. Records maintained for the purposes of any disciplinary proceeding are confidential until a final decision is reached. The record of proceeding and evidence presented are open to inspection by the employee at all times.

(4) Records maintained for the purposes of a grievance proceeding brought by an employee for enforcement of a collective bargaining agreement or contract are confidential until a final decision is reached.
(5) Sexual harassment investigations, portions of such records which identify the complainant, a witness, or information which could reasonably lead to the identification of the complainant or a witness are limited-access records.

Specific Authority 240.227(1), (27), 240.253(1) FS. Law Implemented 119.07, 240.227(5), 240.253 FS. History–New 6-3-01.

PART II UNIVERSITY FACULTY AND ADMINISTRATIVE & PROFESSIONAL EMPLOYEES

6C3-10.201 Applicability of Part II.
(1) Part II is applicable only to Faculty and Administrative and Professional employees of the University.
(2) The rules stated in Part II are supplemented by the rules in Part I, of this chapter, by the provisions of the collective bargaining agreement between the Board of Regents (BOR) and United Faculty of Florida (UFF), by the applicable university rules published in Title Designation 6C3 and Chapter 6C-5, Part IX, F.A.C.
(3) University Support Personnel System employees are not covered by the rules in Part II.
(4) Other Personal Services (OPS) employees are not covered by the rules in Part II, except where specifically indicated.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 110.205(2)(d), 240.227(5), (19) FS. History–New 5-6-82, Amended 7-15-87, 6-27-96.

6C3-10.203 Academic Freedom and Responsibility.
(1) This rule is supplemented by the Board of Regents/United Faculty of Florida (BOR/UFF) Collective Bargaining Agreement, for those employees who are members of the faculty collective bargaining unit.
(2) Academic Freedom and Responsibility.
(a) The University believes that academic freedom and responsibility are essential to the full development of a true university, and such freedom and responsibility applies to teaching, research, service, and creativity. Consistent with the exercise of academic responsibility, a teacher must have freedom in the classroom in discussing academic subjects. The university student must likewise have the opportunity to study a full spectrum of ideas, opinions, and beliefs, so that the student may acquire maturity for analysis and judgment. Objective and skillful exposition of such matters is the duty of every instructor.
(b) The established policy of the University continues to be that the faculty employee must fulfill his/her responsibility to society and to his/her profession by manifesting academic competence, scholarly discretion, and good citizenship. The university instructor is a citizen, a member of a learned profession, and an academic officer of the University. The instructor should be constantly mindful that these roles may be inseparable in the public view, and should therefore at all times exercise appropriate restraint and good judgment.
(3) Morals and Influence.
(a) It has long been the established policy of the University that it shall select faculty members of good moral character and of the highest educational background. The University is also concerned with the careful selection of students and with their continuing social, economic, moral and spiritual welfare.
(b) In order to assure a wholesome educational environment, the University has adopted the following policies:
   1. Citizenship and Conduct – The University will continue to examine carefully the qualifications and records of those individuals who are to be employed by it, not only with regard to their professional and academic competency, but also with regard to their general character and their moral conduct. Furthermore, the University will continue to exercise due care in the selection of students. The University will continue to guard against activities subversive to the American democratic process and against illegal behavior.
   2. Religion – Religion plays a vital role in our American way of life and inevitably this subject will arise in classroom discussions. Religion may be properly discussed and analyzed there. The instructor bears and responsibility of pursuing such discussions objectively and impartially, without advocacy or indoctrination and with due respect for the religious beliefs of all concerned.
   3. Books and Teaching Materials – The University continues its concern that students be exposed to the best in books and teaching materials. While recognizing the right and responsibility of the individual scholar to choose teaching materials, the University enjoins each member of the faculty to select materials that are among the best available, germane and in good taste within the context of the educational or scientific purpose.
(4) Implementation of Policy.
(a) The President or President’s designee will charge the deans, and the faculty of the University to adhere to these standards within an atmosphere of academic excellence, freedom and responsibility.
(b) In reemphasizing its policy, the President or President’s designee makes completely clear his/her confidence in the high quality of the administration, faculty, and students in the University. The intent of this policy and the spirit in which it is to be implemented is that of preserving this high quality on a continuing basis.
(5) Conclusion – The President or President’s designee encourages the faculty to exercise their ingenuity and creativity in order to bring to students the maximum benefits of an enlightened education. It is further encouraged that such exercises be tempered with responsibility and due regard for sound educational principles.
6C3-10.211 Faculty Tenure.

(1) Tenure may be granted to faculty employees as herein provided. This rule is supplemented by the Board of Regents/United Faculty of Florida (BOR/UFF) Collective Bargaining Agreement for those employees who are members of the faculty collective bargaining unit.

(2) Definition of Tenure.

(a) Preamble – Institutions of higher education are conducted for the common good. The common good depends upon the unfettered search for truth and its free exposition. Academic freedom and tenure exist in order that society may have the benefit of honest judgment and independent criticism. The meaning of tenure in the academic community in the United States is simply a guarantee of annual reappointment for faculty employees until voluntary resignation, retirement, removal for just cause, or layoff in accordance with standards specified by Rule 6C-5.940, F.A.C., BOR/UFF Collective Bargaining Agreement, and standards as outlined in this chapter. Tenure assures the faculty employee security of employment and immunity from reprisals or threats due to an intellectual position or belief which may be unpopular. Tenure shall be in an academic department/unit.

(b) Criteria for Tenure – The criteria for faculty tenure shall require evidence of highly competent teaching and research and other scholarly activities, services, and contributions to the University and to society. Faculty employees considered for tenure normally shall hold the terminal degree, the President and Vice President for Academic Affairs may consider the following factors: (1) professional experiences; (2) work experiences; (3) demonstrated contributions to the teaching discipline; (4) technical and performance competencies; (5) records of publications; (6) certifications; and (7) exceptional scholarly or creative activities. The term “appropriate academic field” as used in this rule means the faculty employee’s teaching discipline or a closely related discipline. Additional criteria shall be established by the college/school. Nomination of a faculty employee for tenure shall signify that the President is satisfied that the candidate will continue to make significant professional contributions to the university and to society.

(c) Tenure in the State University System – A faculty employee who has been granted tenure by the BOR shall have the status of permanent member of the faculty and be in the continuing employment of the University until he or she:

1. Resigns;
2. Retires;
3. Is dismissed for just cause under the provision of University rules or the BOR/UFF Collective Bargaining Agreement;
4. Is discontinued pursuant to the layoff provisions in Rules 6C-5.955 and 6C3-10.113, F.A.C., and the BOR/UFF Collective Bargaining Agreement; or
5. Dies.

(3) Tenure-earning Appointments.

(a) Faculty appointments to the ranks of assistant professor, associate professor, and professor, which appointments do not include the appointment status modifiers of joint, acting, adjunct, provisional, visiting, research, clinical, courtesy, honorary affiliate or phased retirement are tenure-earning. Appointments which include the appointment status modifiers multi-year, joint, provisional, visiting, research, clinical or affiliate may or may not earn time toward tenure, as determined by the President or President’s designee at the time of appointment. Employees with appointment status modifiers of joint, provisional, visiting, research, clinical or affiliate will be notified in writing at time of appointment of the tenure-earning status of the position. In the event, the position is not designated as a tenure earning position, the time in the non-tenure earning position may be counted toward tenure-earning eligibility upon being appointed to a tenure-earning position.

(b) If a Faculty employee is initially appointed to the rank of instructor or to a position including an appointment status modifier determined by the University not to be tenure-earning, and is subsequently appointed to a tenure-earning position, all or a portion of the Faculty employee’s prior service in such a non-tenure-earning position may be counted toward time required for tenure, provided the President or President’s designee specifically agrees in writing to credit such service.

(4) Eligibility for Tenure Nomination.

(a) Only those Faculty employees serving in tenure-earning positions as described in paragraph (3)(a), above, are eligible to be recommended for tenure at the University.

(b) Except for Faculty employees who by virtue of prior service credited at the time of their appointment, are eligible for consideration earlier, a decision whether to nominate a Faculty employee for tenure shall normally be made during the sixth year of continuous full-time service, or equivalent part-time service, in a tenure-earning position. The word “normally” as used in this rule takes cognizance of the fact that an employee may satisfy the requirements for tenure in his/her department or equivalent unit after 4 or 5 years of continuous full-time service, or equivalent part-time service. It also implies that an employee’s tenure earning eligibility may be deferred for a certain period. An employee’s written request for early tenure consideration is subject to the University’s written agreement. Continuous employment for the purpose of tenure-earning eligibility consideration for full-time service shall mean employment during at least 39 weeks of any 12-month period. Continuous employment for the purpose of tenure-earning eligibility consideration for part-time service shall mean employment during at least one semester of any 12-month period. Part-time service of an employee employed at least one full semester in any 12-month period shall be accumulated. For example, two semesters of half-time service shall be considered one-half year of service for purposes of tenure eligibility.
(c) The number of years of previous tenure-earning service at other institutions of higher education which the President or President’s designee may agree to approve as credit toward a Faculty employee’s eligibility time for tenure shall be agreed upon in writing at the time of employment, subject to the following restrictions for service at other than SUS institutions: the President or President’s designee may approve credit for not more than two years of tenure-earning service for a Faculty employee hired as an assistant professor, not more than three years for a Faculty employee hired as an associate professor, and not more than four years for a Faculty employee hired as a professor. All prior SUS tenure-earning service shall be credited toward the time required for tenure unless otherwise agreed at the time of employment.

(d) Time spent by a Faculty employee under joint appointment or exchange within or without the SUS on a duly established personnel exchange program of the University or on a special assignment for the benefit of the University or for the SUS shall be counted toward the time for fulfillment of eligibility for tenure. In all such cases, the faculty employee shall be so informed in writing at the time leave is granted.

(e) Time spent on uncompensated leave shall not be credited as time earned toward tenure, except by agreement of the Faculty employee and the President or President’s designee. In deciding whether to credit uncompensated leave toward tenure eligibility, the President or President’s designee shall consider the relevance of the employees activity while on such leave to the employee’s professional development and to the employee’s field of employment, the benefits, if any, which accrue to the University by virtue of placing the employee on such leave, and other appropriate factors. Time spent on compensated leave shall be credited as time earned toward tenure, unless the Faculty employee and the President or President’s designee agree in writing that such leave is not to be credited.

(5) Granting of Tenure.

(a) By the end of six years of continuous full-time, or equivalent part-time service in a tenure-earning position in the University, a Faculty employee shall be nominated for tenure or given notice that further employment will not be offered, in the affected position with reason(s) why the employee was not nominated for tenure.

(b) Upon nomination by the President, recommendation by the Chancellor or Chancellor’s designee, and approval by the BOR, tenure shall be granted. The effective date of tenure shall be the date of approval by the BOR. Each nomination for tenure shall be acted upon with careful consideration being given to the qualifications of the faculty employee, including evaluation by colleagues and the immediate supervisor. In making judgments pertaining to the decision to award tenure, evaluation of research and other creative activities by qualified scholars in pertinent disciplines both within and outside the University should be sought. When one of the duties of the faculty employee being nominated is teaching, the quality of the faculty employee’s teaching shall be gauged by the standards outlined in this rule, the BOR/UFF Collective Bargaining Agreement, as well as Rule 6C3-10.130, F.A.C., which governs faculty evaluation and the approved criteria of the appropriate academic department/unit.

(c) With sufficient justification, an employee may be nominated by the President, recommended by the Chancellor or Chancellor’s designee and approved by the BOR for tenure at the time of initial appointment or prior to the fifth year of tenure earning service. The President or President’s designee shall consider the recommendation of the department or equivalent unit prior to making his/her tenure nomination.

(6) Transfer of Tenure – Transfer of tenure of faculty serving in bargaining unit positions is governed by the BOR/UFF Collecting Bargaining Agreement. Tenure is not automatically transferable within the SUS or within a university; however, the tenure of a faculty employee may be transferred in accordance with university rules upon the nomination by the president, recommendation by the Chancellor or Chancellor’s designee, and approval by the BOR.

(7) Standards for Maintaining Tenure of Faculty Employees.

An employee with tenure who is appointed to an Administrative and Professional position shall retain tenure in the academic position and in the academic department/unit where granted and not in the position.

(8) Duration of Tenure – A tenured faculty member retains this status as long as he/she is employed in any appropriate academic unit of the University.


6C3-10.229 Disruptive Conduct.

(1) Faculty, Administrative and Professional employees who intentionally act to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University shall be subject to appropriate disciplinary action by the University authorities.

(2) Disruptive conduct shall include, but not be limited to, the following:

(a) Violence or threat of violence against any employee, student or guest of the University community;

(b) Theft, conversion, misuse or willful damage or destruction of University property, or of the property of employees of the University;

(c) Interference with the freedom of movement of any employee or guest of the University;

(d) Deliberate impediment to or interference with the rights of others to enter, use, or leave any University facility, service, or scheduled activity, or in carrying out their normal functions or duties; or

(e) Deliberate interference with academic freedom and freedom of speech of any employee or guest of the University.
(3) The disciplinary action to be imposed against an employee for any act of disruptive conduct may include a written reprimand, suspension or dismissal from employment with the University. The penalty that is imposed will depend upon the seriousness of the offense and any aggravating or mitigating circumstances.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.261, 447.203(2) FS. History–New 5-6-82, Amended 6-27-96.

6C3-10.230 Disciplinary and Separation from Employment Actions for Faculty and Administrative and Professional Employees.

(1) The provisions of this rule are supplemented by the respective collective bargaining agreement for the employees who are represented by a collective bargaining agent.

(2) Faculty or Administrative and Professional (A & P) employees shall give one month notice of resignation from employment, if possible. An employee who resigns from employment shall not have any rights of appeal.

(3) Nontenured or Nonpermanent Faculty and A & P employees whose appointments expire after receiving notice of nonrenewal or nonreappointment or whose appointment expires without the requirement of a written notice of nonreappointment may be separated without further notice.

(4) An employee who is absent without approved leave for three or more consecutive workdays shall be considered to have abandoned the position. For employees governed by the Board of Regents and United Faculty of Florida (BOR/UFF) Collective Bargaining Agreement, the provisions of Article 16 shall apply for job abandonment.

(5) The President or President’s designee may discipline a Faculty or A & P employee for just cause in accordance with the provisions set forth herein. Counseling of any nature or degree shall not be considered disciplinary action.

(a) Just cause shall be defined as:
1. Incompetence; or
2. Misconduct.

(b) The President or President’s designee may impose progressive discipline as applied to employees. The term “progressive discipline” as used in this rule means that the form of disciplinary action imposed against the employee increases in extent or severity with each action taken. The discipline to be imposed against the employee under this paragraph may include a written reprimand, suspension or dismissal from employment with the University. The discipline that is imposed will depend upon the seriousness of the offense and any aggravating or mitigating circumstances.

(c) Written Reprimand – A written reprimand issued by the employee’s supervisor is to warn the employee in writing of the specific conduct or performance standard that was violated and to place the employee on notice of the next level of discipline if the offense is repeated. The written reprimand shall be in a letter format from the supervisor to the employee. A copy of the written reprimand shall be placed in the employee’s personnel file. The employee must be informed of the possible consequences if the offense is repeated or the performance fails to improve.

(d) Suspension – The President or President’s designee may suspend the appointment of the employee during the term of the employment contract for just cause. The President or President’s designee shall also determine whether the suspension shall be with or without pay, which will depend upon the seriousness of the offense and any aggravating or mitigating circumstances. The employee shall be given written notice of the suspension action by the President or President’s designee specifying the reason(s) therefor. Following appropriate written notice, the employee may be reassigned by the President or President’s designee depending upon the nature of the offense and any aggravating or mitigating circumstances.

(e) Suspension Pending Hearing – When the President or President’s designee has reason to believe that the employee’s presence on the job would adversely affect the functioning of the University or jeopardize the safety or welfare of the employee, other employees or students, the President or President’s designee may immediately suspend the employee from the performance of duties, pending a hearing under the complaint procedure outlined in Rule 6C3-10.232, F.A.C. The President or President’s designee shall also determine whether the suspension shall be with or without pay in the manner outlined in paragraph (4)(d) of this rule. If the employee has been suspended without pay and subsequently is reinstated as a result of the complaint procedure under Rule 6C3-10.232, F.A.C., the employee shall be reinstated with back pay.

(f) Dismissal – The employee may be dismissed during the term of the employment contract for just cause, regardless of tenure status where it appears to the President or President’s designee that an employee’s actions adversely affect the functioning of the University or jeopardize the safety or welfare of the employee, other employees or students. The employee shall be given written notice of the dismissal by the President or President’s designee specifying the reason(s) therefor. The dismissal shall take effect at the time determined by the President or President’s designee and as written in the notice of dismissal.

(g) The President or President’s designee may impose other disciplinary action for just cause. The term “other disciplinary action” is defined as discipline incidental or in addition to a written reprimand or suspension. Examples of other disciplinary action may include a demotion, reduction in pay, removal of administrative duties or restitution. Any other disciplinary action imposed will occur simultaneously with a written reprimand or suspension. The other disciplinary action imposed will depend upon the nature of the offense and any aggravating or mitigating circumstances. Written notice of such disciplinary action, specifying the reason(s) therefor, shall be given to the employee by the President or President’s designee.
time without requirements of notice or reason and without rights of appeal. It is incumbent upon the University, however, to see that a continuing effort is made to notify the employee satisfy the requirement of notification, and failure of the employee to receive notification does not inval idate the disciplinary action nor its effective date. Rule 6C3-10.232, F.A.C.

complaints filed by Faculty or Administrative and Professional employees of the University who have tenure or permanent status or personnel System employees who may file a complaint pursuant to Rule 6C3-10.338, F.A.C. The provisions of this Rule are not applicable to University Support Personnel System employees who may file a complaint pursuant to Rule 6C3-10.338, F.A.C.

(6) Definitions.

(a) The term “complaint” is the allegation by the employee that any condition affecting the employee’s terms and conditions of employment is unjust, inequitable, or creates a problem. An employee shall not have the right to file a complaint concerning evaluations of performance, unless the employee alleges that the evaluation is based on factors other than performance.

(b) The term “complainant” shall mean the employee whose rights have been directly affected by an act or omission and who has filed a complaint.

(c) The term “days” shall mean calendar days.

(d) The term “counsel” shall mean a lawyer or other qualified representative.

(e) The term “presiding officer” shall mean the person, either a Division of Administrative Hearing (DOAH) hearing officer or the President or President’s designee, who conducts a hearing under the Formal Procedure below.

(f) The term “party” shall mean the University or the complainant.

(g) The term “substantial interest” shall mean an act or omission involving tenure, termination, suspension, or other discipline for just cause, nonrenewal of employment contract, salary and layoff.

(7) Step One – All complaints shall be filed with the person designated by the President or President’s designee as Step One Representative for the unit of the University, in which the complainant performs the complainant’s duties, within 30 days following the act or omission giving rise thereto, or the date on which the complainant knew or reasonably should have known of such act or omission if that date is later. The complainant may, in the written complaint which is filed, request the postponement of any action in processing the complaint formally for a period of up to 30 days, during which period efforts to resolve the complaint informally shall be made. Upon the complainant’s written request, an additional 30-day extension should be liberally granted unless to do so would impede resolution of the complaint. Upon the request, the Step One representative shall, during such postponement period(s) arrange an informal conference between the appropriate administrator and complainant. The complainant may at any time terminate a postponement period by giving written notice to the Step One Representative that the complainant wishes to proceed with the Step One meeting provided for below. If the initial postponement period, or any extension thereof, expires without such written notice, the complaint shall be deemed informally resolved to the complainant’s satisfaction and need not be processed further. The Step One Representative shall conduct a meeting no sooner than seven and no later than 15 days following (1) receipt of the complaint if no postponement is requested, or (2) receipt of written notice that the complainant wishes to proceed with the
Step One meeting. In advance of the Step One meeting, the complainant shall have the right upon request to a copy of any identifiable documents relevant to the complaint. At the Step One meeting, the complainant shall have the right to present any evidence in support of the complaint. The Step One Representative shall issue a written decision, stating the reasons therefor, within 30 days following the conclusion of the meeting. In the event the decision at Step One refers to documents not requested or presented by the complainant, copies of such documents shall be attached to the decision.

(8) Step Two – If the complaint is not satisfactorily resolved at Step One, the complainant may file a written request for review with the appropriate Vice President or representative within 30 days following receipt of the Step One decision. The appropriate Vice President or representative and the complainant shall schedule a meeting for the purpose of reviewing the matter no sooner than seven and no later than 15 days following receipt of the request for review. The meeting shall afford the complainant or counsel an opportunity to present written and/or oral evidence opposing the University’s act or omission including a written statement challenging the grounds upon which such act or omission is justified. If the issue involves a substantial interest of the complainant, the complainant may use the provisions of Step Three below. If the issue does not involve a substantial interest of the complainant, the Step Two decision shall be final and binding. The Step Two decision shall be in writing and be issued within 90 days of the meeting. The record of the Step Two meeting shall only consist of:

(a) The notice of the University’s act or omission, and the grounds therefor;
(b) Evidence received or considered;
(c) All written statements submitted by parties to the complaint and by any other persons;
(d) A complete record of any ex parte communication made relative to the complaint, along with the disposition thereof; and
If after the Step Two decision has been issued, and the complaint is not related to a substantial interest, no further review of the complaint is required. However, if the complaint is related to a substantial interest and the complaint has not been resolved to the satisfaction of the complainant, the complainant may, within 30 days of the receipt of the Step Two decision, file a request for a hearing pursuant to Step Three below, which is written to comply with the requirements of Section 120.57(1), F.S.

(9) Step Three: Formal Procedure – Either the President of the University or President’s designee, or a hearing officer assigned by the Division of Administrative Hearings (DOAH) shall conduct the hearing at this step. If the University elects to use a DOAH hearing officer, it shall notify the Division within 10 days of the receipt of the request for the hearing. A notice of the hearing shall be sent to all parties at least 14 days before it is to take place. The notice shall include: (1) A statement of time, place, and nature of the hearing; (2) A statement of the legal authority and jurisdiction under which the hearing is to be held; (3) A reference to the particular section(s) of the statutes and rules involved; (4) A short and plain statement of the matters asserted by the University and by all parties of record at the time notice is given.

If any party is unable to state the matters in sufficient detail at the time the initial notice is given, the notice may be limited to a statement of the issues involved, and thereafter, upon timely written application, a more definite and detailed statement shall be furnished not less than three days prior to the date set for the hearing.

(a) Rights of the parties under the Formal Procedure:
1. To respond to allegations and evidence;
2. To present evidence and argument on all issues;
3. To conduct cross-examination and submit rebuttal evidence;
4. To submit proposed findings of facts and orders;
5. To be represented by counsel;
6. To file exceptions to any order or hearing officer’s recommended order.
(b) The University shall accurately and completely preserve all testimony in the proceedings before the President or DOAH hearing officer and, upon the request of any party of the complaint, shall make full or partial transcript available at no more than actual cost.
(c) After a hearing conducted under this subsection, the presiding officer shall submit a recommended order to all parties. Each party shall have 10 days in which to submit written exceptions to the recommended order. The University may adopt the recommended order in the final order or may reject or modify the findings therein, except that the findings of fact of a DOAH hearing officer may be modified or rejected only after a review of the complete record and must be accompanied by a statement that such findings were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential evidence or that the proceedings on which the findings were based did not comply with essential requirements of law.
(d) The record for purposes of Step Three shall consist only of:
1. All notices, pleadings, motions, and intermediate rulings;
2. Evidence received or considered;
3. A statement of matters officially recognized;
4. Questions and proffers of proof and objections and rulings thereon;
5. Proposed findings and exceptions;
6. Any decision, opinion, proposed or recommended order, or report by the presiding officer;
7. All staff memoranda or data submitted to the hearing officer during the hearing or prior to its disposition, after notice of the submission to all parties, except communications by advisory staff as permitted under Section 120.66(1), F.S., if such communications are public records;
8. All matters placed on the record after an ex parte communication made to DOAH hearing officer pursuant to Section 120.66(2), F.S.; and

9. The official transcript.

(e) The final order shall be issued within 90 days of the final date on which written exceptions to the recommended order must be received by the University. The final order shall be in writing and include separately stated findings of fact and conclusions of law.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(c), 120.57(1), 240.202, 240.227(1), (5) FS. History–New 6-27-96.

6C3-10.233 Nonreappointment of Non-tenured or Non-permanent Status Faculty or Administrative and Professional Employees.

(1) This rule is supplemented by the provisions of the Board of Regents/United Faculty of Florida (BOR/UFF) Collective Bargaining Agreement for Faculty and Administrative and Professional (A & P) employees who are members of the collective bargaining unit.

(2) Nonreappointment of Non-Tenured or Non-Permanent Status Faculty or Administrative and Professional employees.

(a) The President or President’s designee may choose not to renew the employment of a non-tenured or non-permanent status faculty employee (Refer to subsection 6C-5.910(3), F.A.C.). Therefore, notice of non-reappointment or intention not to reappoint a non-tenured or non-permanent status Faculty employee shall be given in writing with the following time limits;

1. In the first two years of continuous University service, a Faculty employee must be notified one full semester (or its equivalent, 19.5 weeks, for employees appointed for more than an academic year) prior to the expiration of the appointment.

2. In the third and succeeding years of continuous service, a Faculty employee must be notified one full year prior to the expiration of the appointment.

3. In the event of a break in service for more than one semester in one full year or more than two semesters in two full years, only service following such break shall be counted for purposes of determining length of service. Paid or unpaid leaves shall not be considered a break in service.

4. The requirement of written notice of non-reappointment set forth in this rule is applicable to all Faculty except: those holding multi-year contracts; those holding a visiting appointment status; those who are appointed for less than one academic year; or those with less than five years continuous service who are on “soft” money, e.g., contracts and grants, sponsored research funds, and grants and donations trust funds. Faculty not entitled to a written notice of nonreappointment shall have the following statement included in their employment contracts: “Your employment hereunder will cease on the date indicated. No further notice of cessation of employment is required.”

(b) The notice of non-reappointment or intention not to reappoint an A & P employee, except those employees who are appointed to the Executive Service shall be given in writing with the following time limits;

1. For employees with up to one year of employment, one month prior to the effective date of non-reappointment.

2. For employees with more than one year of service, a minimum notification period based upon one month per year, or part thereof, of full-time employment, plus one month, up to a maximum of six months notification, prior to the effective date of non-reappointment.

3. For Administrative & Professional employees appointed to positions in the classification of Head Athletic Coach, Associate Head Athletic Coach, or Assistant Athletic Coach, may be non-reappointed as indicated in subparagraphs 1. and 2. above unless they are exempt from any additional notice of non-reappointment based on the terms and conditions of their specific employment contracts.

4. Administrative and Professional employees who are appointed to established positions with an appointment status modifier or type, other than Regular (for example Acting, or Visiting) are not entitled to a notice of non-reappointment.

5. For employees in the Executive service, sixty (60) days notice prior to the effective date of the non-reappointment.

6. Employees who are issued an employment contract with a clause providing that employment will cease on the date indicated and further notice is not required, are not entitled to the notice of non-reappointment referenced in this rule.

7. In the event of a break in service for more than four consecutive months in a year, only service following such break shall be counted in determining years of employment under this section. “Break in service” is defined as an absence, not including approved leaves of absence, following which the employee is treated as a new employee.

(c) The decision not to offer further appointment to an A & P employee, or non-tenured or non-permanent status Faculty employee, shall not be based on constitutionally impermissible grounds.

(d) An employee, other than one specified in subparagraph (2)(a), and paragraph (2)(b), as not entitled to a written notice of non-reappointment, who receives a written notice that the employee will not be offered further appointment shall be entitled upon request, within 25 days of date of notice, to a written statement of the specific basis for the decision not to reappoint. Thereafter, the President or President’s designee will have 25 days to provide a statement to the employee.

(e) The notice of non-reappointment shall include the expiration date of the current contract and the last date of employment with the University, and shall be accompanied by a copy of the appropriate appeal procedures in effect at the University. (Refer to Rule 6C3-10.232, F.A.C.).
(3) The President or President’s designee may for the best interest of the University, at any time, assign such Faculty or A & P employee to other University assignments only after consultation with the employee and the departments or other units affected. Regardless of a change in assignment, however, the University is committed to compensate the employee until the effective date of non-reappointment.


6C3-10.234 Phased Retirement Program for Out-of-Unit Faculty.

(1) Eligibility – Out-of-Unit Faculty who have accrued at least ten (10) years of creditable service in the Florida Retirement System or the Optional Retirement Program, are eligible to participate in the phased retirement program. Such eligibility shall expire on the employee’s 63rd birthday. Out-of-Unit Faculty who choose to participate must provide written notice to the University of their decision to participate prior to the expiration of their eligibility or thereafter to forfeit such eligibility. Employees who choose to participate under the provisions of this paragraph must retire with an effective date not later than 180 days, or less than 90 days, after they submit written notice of their decision to participate, except when the end of this 180-day period falls within a semester, the period may be extended to no later than the beginning of the subsequent semester.

(2) Program Provisions.

(a) All participants must retire and thereby relinquish all rights to tenure as described in Rule 6C3-10.211, F.A.C., except as stated otherwise in this rule. Participants’ retirement benefits shall be determined as provided under the rules of the Division of Retirement.

(b) Participants shall, upon retirement, receive payment for any unused annual leave or sick leave to which they are entitled.

(c) Participants on academic year appointments or who are employed for more than nine months shall be offered reemployment by the University for one-half (0.5 FTE) of the academic year (780 hours, or 191/2 weeks), at a salary proportional to their salary prior to retirement. The assignment shall be scheduled within one semester unless the participant and the University agree otherwise. Participants shall also be offered the option of continuing their pre-retirement appointment during the year next following the date of retirement. If the employee retires under the Florida Retirement System, and accepts reemployment by the University during any portion of the 12-month period following the employee’s effective date of retirement, the employee shall not receive retirement benefits during such reemployment in accordance with Section 121.091(9)(b), F.S.

(d) Participants whose appointments are less than nine months, or less than 1.0 FTE, shall be reemployed for one-half of their pre-retirement appointment, not to exceed 19 1/2 weeks, and at a proportional salary. These participants may exercise the option of continuing their pre-retirement appointment during the year following retirement, subject to conditions as outlined above and in paragraph (f) below.

(e) Each participant shall be credited with five days of sick leave, at the beginning of each full-time semester appointment. Participants will not be reimbursed for unused sick leave at the termination of their post-retirement reemployment periods.

(f) A participant who was formerly a twelve month appointee and whose assignment during the period of reemployment is the same or similar to that of the twelve month appointment shall be credited with five days of personal non-medical leave at the beginning of each full-time semester appointment (i.e., the assignment is administrative in nature rather than that of a traditional ranked faculty member).

(g) The period of reemployment obligation shall extend over five consecutive years, beginning with the academic year next following the date of retirement, except that for those participants who exercise the option of continuing their pre-retirement appointment the year following retirement, the period of reemployment obligation shall extend over four consecutive years beginning with the academic year next following the date of retirement. The period of reemployment obligation shall not be shortened by the University except under the provisions of Rules 6C3-10.233 and 6C3-10.134, F.A.C. During the period of reemployment, participants are to be treated as tenured or as having more than five years of continuous service, as appropriate, for purposes of Rule 6C3-10.134, F.A.C.

(h) A participant may decline an offer of reemployment, with reasonable notice to the University. Such a decision shall not extend the period of reemployment beyond the period described above. At the conclusion of the reemployment period, the University may, at its option, continue to reemploy participants in this program on a year-to-year basis.

(i) Participants shall receive all across-the-board salary adjustments available to employees, in an amount proportional to their part-time appointment, and shall be eligible for discretionary salary increases on the same basis as other employees.

(j) Participants may participate in all fringe benefit programs for which they are otherwise eligible as part-time employees and retirees. The University will provide additional salary to participants in an amount equal to the State’s contribution to the State Health Insurance Program.

(k) Participants shall retain all rights, privileges, and benefits of employment, as provided in laws, rules and university policies, subject to the conditions contained in this rule.

(l) Nothing shall prevent the employer or the participant, consistent with law and rule, from supplementing the participant’s employment with contracts or grants.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5) FS. History–New 6-27-96.
6C3-10.235 Change-in-Assignment of Faculty and Administrative and Professional Employees.  
The President or the President’s designee may for the best interests of the University, at any time, assign a Faculty or Administrative and Professional (A & P) employee to other institutional assignments only after consultation with the employee and the departments or other units affected. Regardless of the change-in-assignment, however, the University is committed to compensate the employee. Employees whose assignments are being made in conjunction with a nonreappointment shall be reassigned pursuant to Rule 6C3-10.235, F.A.C. This Rule (Rule 6C3-10.235, F.A.C.) shall only apply to a change-in-assignment when nonreappointment is not intended by the University. Work assignments are grievable pursuant to Rule 6C3-10.232, F.A.C.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.202, 240.227(5) FS. History–New 6-27-96.

6C3-10.236 Permanent Status for Developmental Research School Faculty Employees.  
(1) Permanent Status may be granted to Developmental Research School (DRS) Faculty employees as herein provided.

(a) Appointments of DRS employees to the ranks of University School Assistant Professor, University School Associate Professor, and University School Professor are permanent status earning when the appointments do not include the appointment status modifiers acting, adjunct, joint, provisional, visiting, research, courtesy, honorary, or affiliate. The University may make employees who are appointed to the rank of University School Instructor eligible for permanent status. Appointments which include the appointment status modifiers joint, provisional, visiting, research, or affiliate may or may not earn time toward permanent status, as determined by the University at the time of appointment. If a DRS employee is initially appointed to the rank of University School Instructor or to a rank including the appointment status modifiers joint, provisional, visiting, research, or affiliate determined by the University not to earn time toward permanent status, and is subsequently appointed to a permanent status earning position, all or a portion of the employee’s prior service in the non-permanent status-earning position may be counted toward permanent status, provided the University agrees in writing to credit such service.

(b) Permanent status shall become effective at the beginning of the school year following it being granted by the President.

(c) An employee with permanent status shall be entitled to continue in the same or a similar position in the DRS until the employee resigns; the employee is removed for just cause; the employee is laid off; or, the employee’s contractual status is changed.

(d) Permanent status earned by any DRS employee prior to assuming an administrative or supervisory position shall be retained in the position in which it was attained. Upon release from an administrative or supervisory position, the employee shall be entitled to reassignment to the same or a similar position in which permanent status was attained, at the classification level and salary range that would have been earned had the position been held continuously.

(2) Any employee of a DRS may be disciplined, suspended or dismissed for just cause at any time during the school year in accordance with the Rule 6C3-10.133, F.A.C.

(3) Professionals in the Developmental Research School, excluding supervisors and principals, shall be entitled to and shall enjoy permanent status, who:

(a) Hold the required educational qualifications;
(b) Have completed three years of service in a permanent status-earning position in the school, such service being continuous except for leave duly authorized and granted, and have been reappointed for the fourth year; and
(c) Have been recommended by the Director of the Developmental Research School and Dean for a permanent status based on successful performance of duties and demonstration of professional competence. Eight weeks prior to the end of three continuous years of full-time service (part-time service of an employee employed at least one semester in any 12-month period shall be one accumulated) in a permanent status accruing position, the President or President’s designee shall provide notification of the permanent status to the employee. Such notice shall indicate the granting of permanent status or the required one-year notice of non-reappointment. The employment of a faculty employee who has not been approved for permanent status prior to the completion of a fourth consecutive year of employment (or its equivalent in part-time service) shall be terminated at the end of the fourth year.

(4) The provisions of this rule are supplemented by the Board of Regents/United Faculty of Florida Collective Bargaining Contracts for those DRS Faculty employees who are members of the collective bargaining unit.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(1), (5), (19), 447.203(2) FS. History–New 6-27-96.

PART III UNIVERSITY SUPPORT PERSONNEL SYSTEM EMPLOYEES

6C3-10.336 Applicability of Part III.

(1) Part III is applicable to University Support Personnel System (USPS) employees of the University.

(2) The rules stated in Part III are supplemented by Board of Regents Chapter 6C-5, F.A.C., Part IX and by applicable university rules published in Title Designation 6C3, F.A.C. To the extent the rules in Part III pertain to employees whose positions are in a collective bargaining unit said rules are supplemented by the provision of the appropriate collective bargaining agreement.

Specific Authority 110.205(2)(d), 120.53(1), 240.227(1), (5) FS. Law Implemented 110.205(2)(d), 120.53(1)(a), 240.227(5), (19) FS. History–New 6-27-96.
(1) Scope and Purpose – The purpose of this rule is to establish minimum standards for supervisors and administrators to use in administering discipline for various types of offenses committed by a University Support Personnel System (USPS) employee.

(a) The provisions of this rule are supplemented by Rules 6C-5.950 and 6C-5.955, F.A.C., and the respective collective bargaining agreement for the employees who are represented by a collective bargaining agent.

(b) The following guidelines and standards for performance shall govern the manner and extent to which disciplinary action is taken, except that greater or lesser penalties may be imposed, dependent upon the seriousness of the offense and any aggravating or mitigating circumstances. The Director of University Personnel Relations provides guidance to University department heads and supervisors in the administration of discipline within these standards.

(c) Delegation of Authority – The authority to discipline employees resides with the President or President’s designee. The President has further delegated the authority to department heads and immediate supervisors to administer written reprimands. All other forms of discipline are administered in writing by the President or President’s designee.

(2) Types of Disciplinary Action.

(a) Written Reprimand – For more serious or repeated cases of rules infractions, the supervisor, warns the employee in writing of the specific conduct or performance standard that was violated and places the employee on notice of the next level of discipline if the offense is repeated or the performance fails to improve.

(b) Suspension – This is a severe form of discipline which may be administered as a step in progressive discipline following a written reprimand or may be administered as the first discipline for the commission of a serious offense. Suspension is defined as an action taken by the University to temporarily relieve the employee of duties and place the employee on leave without pay. In an extraordinary situation, such as when the retention of a permanent status USPS employee is likely to result in damage to property or is likely to result in injury to the employee, a fellow employee, or some other person, the employee may be suspended immediately.

(c) Dismissal – This is the final and most severe form of discipline that may be imposed upon an employee. Dismissal is defined as the action taken by the University to separate an employee from the USPS when continued employment would be counter-productive to the operations and welfare of the University. Dismissal may be appropriate for the first discipline for a serious offense or as the final step in progressive discipline.

(3) Offenses – Standards for Disciplinary Action. The most common occurrences are listed below, but the list is not all-inclusive. The disciplinary actions for the listed offenses have been established to help assure that employees who commit offenses receive similar treatment in like circumstances.

(a) Excessive Absenteeism – An attendance record of recurring absences, even though all or a majority of the absences were necessary and/or excused. This also includes a pattern of absences by an employee, such as consistent absences on the day preceding or following the employees regular days off or absence on the same day of each week or month.

1. First occurrence – Written Reprimand.
2. Second occurrence – Three (3) to five (5) days suspension.
3. Third occurrence – Dismissal.

(b) Excessive Tardiness and Early Quits – The failure to follow established work schedules, including reporting late at the beginning of the work schedule, leaving early or returning late from lunch or rest breaks, or leaving work early at the end of the work schedule, all without approval.

1. First occurrence – Written Reprimand.
2. Second occurrence – Three to five days suspension.
3. Third occurrence – Dismissal.

(c) Loafing – Continued and deliberate idleness during work periods which results in the employee’s failure to perform assigned tasks. This includes deliberately wasting time, engaging in idle talk including personal computer chat rooms, gossip or conducting personal business during work periods.

1. First occurrence – Written Reprimand.
2. Second occurrence – Three (3) to five (5) days suspension.
3. Third occurrence – Dismissal.

(d) Negligence – The failure to use ordinary or reasonable care in, or the omission of or inattention to, the performance of assigned duties and responsibilities. Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence or discretion.

1. First occurrence – Written Reprimand.
2. Second occurrence – Three (3) to five (5) days suspension.
3. Third occurrence – Dismissal.

(e) Willful Poor Workmanship, Including Deliberately Not Performing Assigned Duties – The intentional disregard of instructions, procedures, work/performance standards and/or deadlines in the performance of an employee’s job duties.

1. First occurrence – Written Reprimand.
2. Second occurrence – Three (3) to five (5) days suspension.
3. Third occurrence – Dismissal.
(f) Unauthorized Solicitation – The solicitation of an employee by another employee, including the distribution of material, for any purpose not specifically authorized by the State or University while either employee is on duty.

1. First occurrence – Written Reprimand.
2. Second occurrence – Three (3) to five (5) days suspension.
3. Third occurrence – Dismissal.

(g) Unauthorized Use of State Property, Equipment or Personnel – The use of any State property, equipment, or personnel for any purpose other than official State business. This includes the unauthorized use of office supplies, such as postage and stationery, and the unauthorized use of the telephone for personal long distance calls.

1. First occurrence – Written Reprimand, three (3) to five (5) days suspension or dismissal.
2. Second occurrence – Three (3) to five (5) days suspension or dismissal.
3. Third occurrence – Dismissal.

(h) Improper and/or Careless Use or Operation of Property or Equipment – The improper and/or careless use of State property or equipment (abuse or misuse). This includes personal use of state vehicles, where prohibited, failure to observe the established speed limit while driving a State vehicle or failure to use seat belts if provided.

1. First occurrence – Written Reprimand, three (3) to five (5) days suspension or dismissal.
2. Second occurrence – Three (3) to five (5) days suspension or dismissal.
3. Third occurrence – Dismissal.

(i) Leaving Work Station or Duty Assignment Without Authorization – Absence from the work area or duty assignment during a work period without permission of the appropriate supervisor. This includes leaving a work area for a lunch, rest break, personal business or at the end of a work schedule without proper relief, where such relief or permission is a specific requirement.

1. First occurrence – Written Reprimand.
2. Second occurrence – Three (3) to five (5) days suspension.
3. Third occurrence – Dismissal.

(j) Unauthorized Taking (Theft) – The unauthorized taking of any property of the State or other employees.

1. First occurrence – Five (5) days suspension or dismissal

(k) Threatening and/or Abusive Language – The use of language which is threatening or abusive, whether directed toward a supervisor, a fellow employee, or a member of the public.

1. First occurrence – Written Reprimand.
2. Second occurrence – Three (3) to five (5) days suspension.
3. Third occurrence – Dismissal.

(l) Horseplay – Actions which, even though intended to be mischievous or prankish, disrupt or have the effect of disrupting the work of the participants or other employees.

1. First occurrence – Written Reprimand.
2. Second occurrence – Three (3) to five (5) days suspension.
3. Third occurrence – Dismissal.

(m) Violation of Safety Practices NOT Resulting in Injury to Others and/or Property – The failure to follow established safety practices. This includes the performance of unsafe acts, or failure to wear and/or use safety equipment.

1. First occurrence – Written Reprimand or five (5) days suspension.
2. Second occurrence – Five (5) days suspension or dismissal.
3. Third occurrence – Dismissal.

(n) Discrimination and Harassment – Actions as defined by Rule 6C3-10.103, F.A.C.

1. First occurrence – Written Reprimand, five (5) days suspension or dismissal.
2. Second occurrence – Five (5) days suspension or dismissal.
3. Third occurrence – Dismissal.

(o) Violation of Safety Practices and Safety Rules RESULTING in Injury to Others and/or Property – The failure to follow established safety practices and safety rules, including the performance of unsafe acts and/or failure to use safety equipment.

1. First occurrence – Five (5) days suspension.

(p) Gambling – The active participation by an employee in an unlawful game of chance in which money, goods or services could be won by the employee.

1. First occurrence – Five (5) days suspension.

(q) Sleeping on Duty – The failure of an employee to remain awake while on duty during work periods.

1. First occurrence – Written Reprimand.
2. Second occurrence – Three (3) to five (5) days suspension.
3. Third occurrence – Dismissal.
Insubordination – A deliberate and inexcusable refusal to obey a reasonable order which relates to an employee’s job function. This includes an unwillingness to submit to authority, failure to follow oral or written instructions from a supervisor or both an expressed refusal to obey a proper order, as well as a deliberate failure to carry out an order.

1. First occurrence – Written Reprimand.
2. Second occurrence – Five (5) days suspension or dismissal.
3. Third occurrence – Dismissal.

Unauthorized Use or Threatened Use of Weapons – This includes the open display of a weapon as a threat to a co-worker, supervisor or person in authority with or without verbal threat of violence.

1. First occurrence – Five (5) days suspension.

Assault or Battery/Fighting or causing a Disturbance – A physical assault or battery on or fighting with another employee or a member of the public while on University property or while on job duty.

1. First occurrence – Written reprimand or five (5) days suspension or dismissal.
2. Second occurrence – Five (5) days suspension or dismissal.
3. Third occurrence – Dismissal.

Drinking on the Job or Reporting to Work Under the Influence of Alcohol – The State policy on alcoholism provides that when the drinking of an employee affects the employee’s work performance, the employee is a problem drinker. The problem drinker, once identified, will be counseled and encouraged to secure appropriate medical or other professional help. The problem drinker shall not be disciplined until after he/she has had an opportunity to seek treatment. If the problem drinker refuses to recognize his/her condition and fails to seek help; fails to complete the program of treatment; or treatment is unsuccessful, discipline shall be administered. However, if public relations or working conditions are obviously and adversely affected by the problem drinker’s behavior, the employee’s removal from the job shall be accomplished by placing the employee on compulsory leave.

1. Drinking of any alcoholic beverage on the job is prohibited.
   a. First occurrence – Three (3) to five (5) days suspension.
   b. Second occurrence – Dismissal.
2. Reporting to work under the influence of alcohol is prohibited.
   a. First occurrence – Written reprimand or five (5) days suspension.
   b. Second occurrence – Five (5) days suspension or dismissal.
   c. Third occurrence – Dismissal.

Sabotage – Participation in or act of destruction or attempted destruction of State property or equipment.

1. First occurrence – Dismissal.

Falsification of Records – This includes misrepresentation, falsification or omission of any fact, whether verbal or written, of work and production records including attendance and leave, employment status, employment application, travel vouchers, work orders, and payroll certifications.

1. First occurrence – Written reprimand, five (5) days suspension or dismissal.
2. Second occurrence – Five (5) days suspension or dismissal.
3. Third occurrence – Dismissal.

Reporting to Work Under the Influence of or Use of Illegal Drugs.

1. The use of any illegal drug on the job is prohibited.
   a. First occurrence – Three (3) to five (5) days suspension or dismissal.
   b. Second occurrence – Dismissal.
2. Reporting to work under the influence of any illegal drug is prohibited.
   a. First occurrence – Written reprimand or five (5) days suspension.
   b. Second occurrence – Five (5) days suspension or dismissal.
   c. Third occurrence – Dismissal.

Willful Violation of University Written Rules: Regulations and Policies; or Willful Violation of State Laws – This includes the willful disregard of internal department written rules and policies.

1. First occurrence – Written reprimand, five (5) days suspension or dismissal.
2. Second occurrence – Five (5) days suspension or dismissal.
3. Third occurrence – Dismissal.

Strikes of Concerted Work Activity – Instigating a strike or supporting a strike in any manner. A strike is defined as: the concerted failure of employees to report for duty; the concerted absence of employees from their positions; the concerted stoppage of work by employees; the concerted submission of resignations by employees; the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with a public employer for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or the rights privileges, or obligations of public employment, or participating in a deliberate and concerted course of conduct which adversely affects the services of the public employer; the concerted failure of employees to report for work after the expiration of a collective bargaining agreement; and picketing in furtherance of a work stoppage.
The term “strike” shall also mean any overt preparation, including, but not limited to, the establishment of strike funds with regard to the above-listed activities.

1. First occurrence – Dismissal.
   (aa) Possession, Sale, Distribution of Alcoholic Beverages or Illegal Drugs – The possession, sale, or distribution of alcoholic beverages or illegal drugs on State property or on the job is prohibited.
   1. First occurrence – Five (5) days suspension or dismissal.
   (bb) Conviction of a Crime – The conviction of an employee for a crime where such conviction adversely affects the employee’s ability to perform his/her job, or which adversely affects the University’s ability to carry out its assigned mission.
   1. First occurrence – Written reprimand, five (5) days suspension or dismissal.
   2. Second occurrence – Five (5) days suspension or dismissal.
   3. Third occurrence – Dismissal.
   (cc) Conduct Unbecoming a Public Employee – Conduct, whether on or off the job, that adversely affects the employee’s ability to continue to perform his/her current job, or which adversely affects the University’s ability to carry out its assigned mission.
   1. First occurrence – Written reprimand, five (5) days suspension or dismissal.
   2. Second occurrence – Five (5) days suspension or dismissal.
   3. Third occurrence – Dismissal.
   (dd) Unauthorized Leave of Absence – Absence from work of less than three consecutive workdays without prior permission of the appropriate supervisor.
   1. First occurrence – Written Reprimand.
   2. Second occurrence – Three (3) to five (5) days suspension.
   3. Third occurrence – Dismissal.
   (ee) Unsatisfactory Work Performance Including Continuing Inefficiency, Inability to Perform Assigned Duties or Substandard Performance of Assigned Duties. The failure to satisfactorily meet the minimum performance standards that specifically relate to the employee’s duties and responsibilities.
   1. First occurrence: Written Reprimand.
   2. Second occurrence: Three (3) to five (5) days Suspension.
   3. Third occurrence: Dismissal.

(4) All appealable disciplinary actions shall be communicated to the employee as prescribed by the applicable Board of Regents rules and/or collective bargaining agreements.


(1) Definition of a complaint.
   (a) A complaint is defined as the allegation by the employee that any condition affecting the employee’s terms and conditions of employment is unjust, inequitable, or creates a problem, except that an employee shall not have the right to file a complaint concerning evaluations of Performance unless the employee alleges that the evaluation is based on factors other than performance.
   (b) Suspensions, dismissals, reductions in pay, demotions, layoffs, job abandonment and transfers shall not be considered as complaints. A review of such actions shall be reviewed in accordance with the provisions of subsection 6C-5.950(4), F.A.C., USPS Arbitration Appeal Procedures, or in accordance with the grievance procedures contained in an applicable collective bargaining agreement.
   (c) Employees who have not obtained permanent status in the USPS may bring a complaint concerning only nondisciplinary matters to their immediate supervisor. If the decision of the immediate supervisor is not satisfactory, the employee may discuss the complaint with the next level supervisor, whose decision shall be final.

(2) A complaint may be filed, by an employee with permanent status, in accordance with University Complaint Procedures for University Support Personnel System Employees, dated July 1, 1986 and amended July 1, 1996, which are incorporated herein by this reference. A copy of said procedures may be obtained from the Office of University Personnel Relations.

Specific Authority 120.53, 240.227(1) FS. Law Implemented 240.227(1), (5), (19) FS. History–New 6-27-96.


(1) Permanent status for University Support Personnel System (USPS) employees shall be granted in the class after successful completion of the designated probationary period for the class. Permanent status assures the employee the right to remain in the class or to appeal any disciplinary action taken against the employee while serving in the class.
   (a) A USPS employee who earns permanent status in a time-limited position shall not have retention rights as provided by Rule 6C-5.955, F.A.C.
(b) A USPS employee who does not have permanent status in any class may be terminated at any time without the right to appeal such action.

(2) The provisions of this rule are supplemented by the applicable collective bargaining agreement for those USPS employees who are members of the collective bargaining unit.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(1), (5), (19), 447.203(2) FS. History–New 6-27-96.

6C3-10.340 Other Official University Documents That Conflict.
Any provisions or sections in other official University documents on said or related subject matters which are contrary and/or inconsistent with provisions or sections of this chapter (Part III) are superseded by said sections or provisions of this chapter (Part III).

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(1) FS. History–New 6-27-96.
CHAPTER 6C3-11 DIRECT SUPPORT ORGANIZATIONS

6C3-11.001 Requirements for Certification, Budget and Audit Review.

(1) In order to be certified as a direct support organization, as provided in Section 1004.28, F.S., an organization wishing to become a Florida Agricultural and Mechanical University (“University”) Direct Support Organization (“DSO”) shall fulfill the requirements of Section 1004.28(1)(a), F.S., and shall request approval of the Florida Agricultural and Mechanical University Board of Trustees (“the Board”). Upon the approval of the University President (the “President”) and approval by the Board, a direct support organization shall be considered to be certified and authorized to use the property, facilities, name and personal services of the University.

(2) The senior operating officer of the DSO shall report to the President.

(3) Operating budgets of DSOs shall be prepared at least annually, approved by the organization’s governing board and by the President and submitted to the Board for approval.

(4) A DSO shall have the authority to amend its budget. Budget amendment requests for less than 15%, but not to exceed $40,000, of the total amount of the annual budget shall require the approval of the President, provided that no budget amendment affecting the President or the President’s compensation, salary or other benefits shall be made without the approval of the Board. Other budget amendment requests shall require the approval of the President and the Board.

(5) Direct support organizations shall provide for an annual audit and management letter, as prescribed by applicable laws and rules, which shall be submitted to the President and to the Audit Committee of the Board for Board review and approval.

(6) If the President determines that the DSO is no longer serving the best interests of the University, the President may request that the Board decertify a DSO. The Board has the authority to request that the President investigate any DSO that is acting inconsistently with the best interests of the University. The request for decertification shall include a plan for disposition of the DSO’s assets and liabilities.

Specific Authority 1001.74(4), 1004.28(2) FS. Law Implemented 1001.74(37), 1001.75(19), 1004.28 FS. History–New 1-1-04.
CHAPTER 6C4-1 UNIVERSITY ORGANIZATION

6C4-1.005 Undergraduate Catalog and Graduate School Programs Catalog of the University.

(1) In addition to operational rules published in accordance with Chapter 120, Florida Statutes, the University of South Florida publishes the Undergraduate Catalog (2000-2001) and Graduate School Catalog of the University (1999-2001), incorporated by reference herein. The catalogs of the University establish and reflect admission and degree requirements within the University of South Florida along with providing general information regarding the University, University community, curricular offerings and facilities available to students, faculty, and staff of the University of South Florida. In addition, the Catalogs of the University contain the academic calendar as set by the University of South Florida within the general guidelines of the Board of Regents.

(2) In the event of conflict between any provisions of the catalogs of the University and any rules of the University of South Florida published in the Florida Administrative Code, such rules of the University of South Florida shall prevail.

(3) Copies of the catalogs can be obtained from the following offices. The Undergraduate Catalog is provided to continuing and newly admitted or readmitted students at no charge through the Office of the Registrar, University of South Florida, Student Services Building, Tampa, Florida 33620-6950. The general public can obtain this catalog at the USF Bookstore; cost is $1.00 in person or is available by sending $3.00 to the USF Bookstore; Tampa, Florida, U.S. mail only. The Graduate Catalog can be obtained through the Office of Admissions, University of South Florida, Student Services Building at no charge.

(4) The following applications for admission to the University of South Florida, are available through contacting the Office of Admissions.

(a) Rev 8/00, Undergraduate Application for Admission, Office of Admissions, University of South Florida.

(b) Rev 6/00, University of South Florida Application to Graduate Studies.

(c) Rev 8/00, University of South Florida, Office of Undergraduate Admissions, Tampa, Florida 33620-6900 U.S.A., International Student Application for Admission and accompanying Application for Evaluation of Foreign Educational Credentials and confidential University of South Florida, Office of Undergraduate Admissions, Financial Statement for Undergraduate International Students.

(d) Rev 01/00, International Application to Graduate Studies, University of South Florida.

Specific Authority 240.227(1) FS. Law Implemented 240.227(8), (14), (15), (17), 240.233 FS. History–New 2-22-82, Formerly 6C4-1.05, Amended 4-18-90, 8-19-90, 5-27-92, 2-21-93, 5-24-94, 1-8-95, 4-2-95, 10-19-95, 5-2-96, 10-6-96, 2-3-99, 8-8-01.
CHAPTER 6C4-2 GENERAL

6C4-2.001 Equal Opportunity. (Repealed)
6C4-2.002 Limited Access Student Records. (Repealed)
6C4-2.0021 University of South Florida Student Records Policy.

6C4-2.0021 University of South Florida Student Records Policy.

(1) Introduction. The policies and procedures outlined in this rule are designed to implement the provisions of the Family Educational Rights and Privacy Act [“FERPA”; 20 U. S. C. § 1232g], and Sections 228.093 and 240.237, Florida Statutes, pursuant to which the University of South Florida is obligated to inform students and parents of their rights to review and inspect education records, to challenge and seek to amend education records, to control disclosure of education records, and to complain to the FERPA Office or to Florida Circuit Court concerning alleged violations by the University of South Florida of any of such rights. The University of South Florida has placed the responsibility for administration of this rule with its FERPA Coordinator who is the University Registrar.

(2) Definitions. The following definitions of terms apply to the construction of this rule:

(a) Student – an individual who is registered for an on-or-off campus program leading to the award of academic credit from the University. “Student” does not include individuals participating in the Common Learning Network, Language Institute, Gifted programs, Speech and Hearing Clinics and non-credit Continuing Education programs.

(b) Education records – those records which are maintained by the University and employees/agents of the University which contain information directly related to a student. “Record,” as used herein, includes any information or data recorded in any medium, including but not limited to handwriting, print, magnetic tapes and disks, film, microfilm, and microfiche. “Agents,” as used herein, means any individual who, pursuant to express or implied authorization, represents and acts for the University.

(c) Record, as used herein, means any individual who, pursuant to express or implied authorization, represents and acts for the University. The following types of records are expressly exempt from the definition of “education records”:

1. Sole possession records – personal record of University employees/agents which meets the following test:
   a. It was created by the University employee/agent as a personal memory aid; and
   b. It is in the sole possession of the University employee/agent who created it; and
   c. The information contained in it has never been revealed or accessible to any other person, including the student, except the University employee/agent’s “temporary substitute.” “Temporary substitute,” as used herein, means an individual who performs on a temporary basis the duties of the University employee/agent.

2. Employment records – records which are used only in relation to an individual’s employment by the University. However, the following are education records rather than employment records:
   a. Records relating to a student’s employment by the University if the position in which the student is employed depends on his/her status as a student.
   b. Records relating to a student’s employment by the University if the student receives a grade or credit based on his/her performance as an employee.

3. Pre-attendance records – records relating to an individual’s application for admission to the University of South Florida prior to his/her actual attendance as an enrolled student in the program for which application was made. This includes records relating to an application for admission to one of the colleges within the University prior to the individual’s actual attendance as an enrolled student in that college.

4. Alumni records – records created and maintained on an individual as an alumnus/alumna of the University of South Florida.

5. Law enforcement records – records created and maintained by the University Police which are used solely for law enforcement purposes, are maintained apart from education records, and are not disclosed to individuals other than law enforcement officials of the same jurisdiction; provided that, in addition, no member of the University Police shall have access to education records except where this rule authorizes release without the student’s prior written consent.

6. Health records – records of the University’s Student Health Services and Counseling Center for Human Development which are used only for the provision of medical, psychiatric, or psychological treatment and which are kept separate from education records.

(c) Personal identifier – any data or information that relates a record to an individual. This includes the individual’s name, the name of the individual’s parents, or other family members, the individual’s address, the individual’s social security number and any other number or symbol which identifies the individual, a list of the individual’s personal characteristics, or any other information which would make the individual’s identity known and can be used to label a record as the individual’s record.

(3) Annual Notification.

(a) The University will publish annually in the graduate and undergraduate catalogs a notice of student rights under FERPA and Sections 228.093 and 240.237, Florida Statutes.

(b) The notice will include, but not be limited to, the following:
   1. The right of the student to inspect and review his/her education records.
   2. The intent of the University to limit the disclosure of information contained in a student’s education records to the following circumstances:
      a. With the student’s prior written consent; or
b. As an item of directory information which the student has not refused to permit the University to disclose; or,
c. Under the FERPA and Florida Statutes provisions which allow the University to disclose information without the student’s prior written consent.

3. The right of a student to request the University to amend any part of his/her education record which he/she believes to be inaccurate, misleading, or in violation of his/her privacy or other rights; and, should the University deny the student’s request, the right of the student to a hearing to present evidence that the record is inaccurate, misleading, or in violation of his/her privacy or other rights.

4. The right to report violations of FERPA to the Family Policy Compliance Office of the U.S. Department of Education, and to bring an action in Florida Circuit Court for violations of Section 228.093, Florida Statutes.

5. The locations where copies of this rule are available to students.

(4) Locations of Education Records.

   (a) Admission records are located in the Office of Admissions, Student Services Building, and the custodian for such records is the Director of Admissions, University of South Florida, SVC 1036, 4202 Fowler Avenue, Tampa, Florida 33620.

   (b) Cumulative academic records are located in the Office of the Registrar, Student Services Building, and the custodian for such records is the University Registrar, University of South Florida, SVC 1034, 4202 Fowler Avenue, Tampa, Florida 33620-6950.

   (c) Medical records are located in Student Health Services, and the custodian for such records is the Director, Student Health Services, SHS 100, 4202 Fowler Avenue, Tampa, Florida 33620.

   (d) Psychological/Psychiatric counseling records are located in the Counseling Center for Human Development, Student Services Building, and the custodian for such records is the Director, Counseling Center for Human Development, University of South Florida, SVC 2125, 4202 Fowler Avenue, Tampa, Florida 33620.

   (e) Student employment records are located in the Student Employment Office, Student Services Building, and the custodian for such records is the Director, Student Employment, University of South Florida, SVC 1037, 4202 Fowler Avenue, Tampa, Florida 33620.

   (f) Financial aid records are located in the Financial Aid Office, Student Services Building, and the custodian for such records is the Director, Financial Aid Office, University of South Florida, SVC 1102, 4202 Fowler Avenue, Tampa, Florida 33620.

   (g) Financial records are located in the Division of Finance and Accounting, Administration Building, and the custodian for such records is the University Controller, Division of Finance & Accounting, University of South Florida, ADM 147, 4202 Fowler Avenue, Tampa, Florida 33620.

   (h) Cooperative education and placement records are located in the Career Resource Center, Student Services Building, and the custodian for such records is the Director, Career Development Services, University of South Florida, SVC 2088, 4202 Fowler Avenue, Tampa, Florida 33620.

   (i) College records are located in the college dean’s office and/or departmental offices of each college or department and in the faculty offices at each college or department and the custodian for such records is the appropriate dean, department chairperson, professor, instructor or lecturer.

   (j) Disciplinary records are located in the Office of Student Affairs, Administration Building, and the custodian for such records is the Associate Vice President for Student Affairs and Dean of Students, University of South Florida, ADM 151, 4202 Fowler Avenue, Tampa, Florida 33620.

   (k) Continuing Education records are located in the Office of the Registrar, Student Services Building, and the custodian for such records is the University Registrar, University of South Florida, SVC 1034, 4202 Fowler Avenue, Tampa, Florida 33620-6950.

   (l) All records relating to students enrolled in the University’s College of Medicine are located in the appropriate College of Medicine office, and the custodian for such records is the Office of Student Affairs, College of Medicine, University of South Florida, MDC 4, 12901 Bruce B. Downs, Tampa, Florida 33612.

   (m) Records relating to students enrolled in the New College program of the University are located in the appropriate New College office, and the custodian for such records is the Provost, New College, University of South Florida, 5700 North Tamiami Trail, Sarasota, Florida 34243.

   (n) Occasional records, student education records not included in the types or systems listed above, such as copies of correspondence in offices not listed, etc., the FERPA Coordinator will collect such records, direct the student to their location, or otherwise make them available for inspection and review.

(5) Procedure to Inspect Education Records.

   (a) Students who wish to inspect and review their education records should submit a written request to the appropriate record custodian or to the FERPA Coordinator. The request should identify as accurately as possible the specific records the student wishes to inspect and review. It may identify records according to the types listed in subsection (4) of this rule, as records located at specific places, or as records under the custodianship of specific University employees/agents identified by title. Records listed in this rule as “occasional records” should be identified in terms which will make it possible for the FERPA Coordinator to locate them and make them available for the student to inspect and review.

   (b) The FERPA Coordinator or the record custodian shall either permit the student to immediately inspect and review his/her education records or advise the student when and where the records will be available for inspection and review. Access to education records requested in compliance with this rule shall be granted within a reasonable period of time, but in no case more than thirty
(30) calendar days after the FERPA Coordinator or the record custodian receives the student’s written request. The FERPA Coordinator or the record custodian or his/her designee shall have the right to be present while the student inspects and reviews the records. Upon reasonable request, the University shall furnish the student with an explanation or interpretation of his/her record.

(c) Upon reasonable request and demonstration to the FERPA Coordinator that the failure to provide the student with copies of the requested education records will effectively deny the student the right to inspect and review such records, the University will arrange for the student to obtain copies of such records. In the event that the student has an unpaid financial obligation to the University, he/she shall not be entitled to transcripts or copies of education records.

(d) When records contain personally identifiable information about more than one student, a student may inspect only that information which relates to him/her.

(e) The University reserves the right to refuse to permit a student to inspect and review the following education records:

1. The financial records of the parents of the student or any information contained therein.
2. Statements and letters of recommendation prepared by University officials or submitted with the student’s application for admission which were placed in the student’s records before January 1, 1975 or for which the student has waived his/her right of access in writing; provided, however, that if such statements and letters of recommendation have been used for any purpose other than that for which they were originally prepared, the student may inspect and review them.
3. Those records which are excluded from the definition of “education records” under this rule.


(a) Fees. The University will charge the following fees for copies of education records:

1. University of South Florida official transcripts – $5.00.
2. FERPA required copies of education records – the fee for FERPA required copies of education records shall be Ten Cents ($0.10) per page, which reflects actual copying costs but does not include the cost of search and retrieval. Copies of education records are required by FERPA under the following circumstances:
   a. A failure to provide such copies would effectively deny the student the right to inspect and review his/her records; or
   b. The University has disclosed information from the student’s education records under authority of the student’s prior written consent and the student requests a copy of the information disclosed; or
   c. The student requests copies of records the University has disclosed to other schools where the student seeks or intends to enroll.
3. Copies (not signed and certified) of education records will be available to students when administratively possible, even though not required by FERPA, at a copying cost of One Dollar ($1.00) per page plus the actual cost of search, retrieval, and mailing.

(b) When administrative costs of collecting fees exceed the amount which would be received, the FERPA Coordinator shall be authorized to waive such fees.

(c) The University reserves the right to deny transcripts or copies of records not required by FERPA in any of the following situations:

1. The student has an unpaid financial obligation to the University of South Florida.
2. There is an unresolved disciplinary action against the student.
3. There is an unresolved litigation between the student and the University of South Florida.

(7) Directory Information.

(a) Designation of directory information. The University hereby designates the following described personally identifiable information contained in a student’s education record as “directory information” in order that the University may, at its discretion, disclose the information without a student’s further prior written consent:

1. The student’s name.
2. The student’s local and permanent addresses.
3. The student’s local and permanent telephone listing.
4. Date and Place of Birth.
5. The student’s classification and major field of study.
6. The student’s participation in officially recognized activities and sports.
7. The weight and height of members of athletic teams.
8. The student’s dates of attendance, part-time or full-time status, degrees and awards received, and most recent previous educational agency or institution attended.
9. The student’s photographic image.
10. Other similar information.

(b) Student’s refusal to permit disclosure of “directory information.” The University will publish in the Schedule of Classes for each academic term the above list, or a revised list, of the items of information it proposes to designate as “directory information.” Students must notify the FERPA Coordinator in writing if they refuse to permit the University to disclose directory information about themselves; such notification must be received by the FERPA Coordinator no later than the end of the second week of classes of the academic term or the student will be deemed to have waived his/her right of refusal until the next academic term. When the FERPA Coordinator receives a student’s refusal to permit the University to disclose “directory information” about that student, the
FERPA Coordinator will notify the appropriate records custodians of the student’s action. The records custodians will not make any further disclosures of directory information about that student without the student’s prior written consent except to the extent authorized by FERPA and the Florida Statutes.

(c) Publication of directory information in the University Directory. The University of South Florida proposes to publish for each academic year a University Directory which will contain certain items of directory information respecting students who are registered during the Fall Semester of such academic year. Students registering during the Fall Semester must notify the FERPA Coordinator in writing of their refusal to permit the University to disclose or publish directory information in the University Directory; such notification must be received by the FERPA Coordinator no later than the end of the second week of classes of the Fall Semester or the student will be deemed to have waived his/her right of refusal with respect to the University Directory until Semester One of the next academic year.

(d) Requests for directory information. All requests for directory information about students should be referred to the FERPA Coordinator.

(8) Use of Education Records. All custodians of a student’s education records and other University employees/agents will follow a strict policy that information contained in a student’s education record is confidential and may not be disclosed to third parties without the student’s prior written consent except as otherwise provided in this section.

(a) University officials shall have access to student education records for legitimate educational purposes.

1. “University official,” as used herein, means:
   a. A person currently serving as a member of the Florida Board of Regents.
   b. A person under contract to the Florida Board of Regents/University of South Florida or the Florida Department of Administration in any faculty or staff position at the University of South Florida.
   c. A person employed by the Florida Board of Regents as a temporary substitute for a staff member or faculty member at the University of South Florida for the period of his/her performance as a substitute.
   d. A person employed by the Florida Board of Regents or under contract to the Florida Board of Regents to perform a special administrative task for the University of South Florida. Such persons may be employed as secretaries, clerks, attorneys, auditors, and consultants. They shall be considered to be University officials for the period of their performance as an employee or contractor.

2. “Legitimate educational purpose,” as used herein, means a University official’s need to know in order to:
   a. Perform an administrative task outlined in the official’s position description or contract; or
   b. Perform a supervisory or instructional task directly related to the student’s education; or
   c. Perform a service or benefit for the student such as health care, counseling, student job placement, or student financial aid.

(b) Under the following circumstances, University officials may make disclosures of personally identifiable information contained in the student’s education records without the student’s consent:

1. To another college or university where the student seeks or intends to enroll.
2. To certain federal and state officials who require information in order to audit or enforce legal conditions related to programs at the University supported by federal or state funds.
3. To parties who provide or may provide financial aid to the student in order to:
   a. Establish the student’s eligibility for the financial aid;
   b. Determine the amount of financial aid;
   c. Establish the conditions for the receipt of the financial aid; or
   d. Enforce the terms of the agreement between the provider and the receiver of the financial aid.
4. To state or local officials in compliance with state law adopted prior to November 19, 1974.
5. To an individual or organization under written agreement or contract with the University of South Florida or the Florida Board of Regents for the purpose of conducting a study on the University’s behalf for the development of tests, the administration of student aid, or the improvement of instruction.
6. To accrediting organizations to carry out their accrediting functions.
7. To parents of a student if the parents claim the student as a dependent under the Internal Revenue Code of 1954. The University will exercise this option only on the condition that evidence of such dependency is furnished to the FERPA Coordinator.
8. To comply with a lawfully issued subpoena or judicial order of a court of competent jurisdiction. The University will make a reasonable effort to notify the student before it makes a disclosure under this provision.
9. The result of a disciplinary proceeding may be released to the victim of the student’s crime of violence.
10. All requests for disclosure under the nine (9) circumstances listed above, where the University may disclose personally identifiable information without the student’s prior consent to third parties other than its own officials, will be referred to the FERPA Coordinator or appropriate records custodian.

(c) University officials are authorized to make necessary disclosures from student education records, without the student’s prior consent in a health or safety emergency if the University official deems:

1. The disclosure to be warranted by the seriousness of the threat to the health or safety of the student or other persons; and
2. The information disclosed is necessary and needed to meet the emergency; and
3. The persons to whom the information is disclosed are qualified and in a position to deal with the emergency; and
4. Time is an important and limiting factor in dealing with the emergency.
(d) University officials may not disclose personally identifiable information contained in a student’s education record, except directory information or under the circumstances listed above, except with the student’s prior written consent. The written consent must include the following:

1. A specification of the information the student consents to be disclosed;
2. The person or organization or the class of persons or organizations to whom the disclosure may be made; and
3. The date of the consent.

(e) The student may obtain a copy of any records the University discloses pursuant to the student’s prior written consent.

(f) The University will not release information contained in a student’s education records, except directory information, to any third parties except its own officials, unless those third parties agree that they will not redisclose the information without the student’s prior written consent.

(9) Records of Requests for Access and Disclosures Made from Education Records.

(a) All requests for disclosures of information contained in a student’s education record or for access to the record made by persons other than University officials or the student or those requests accompanied by the student’s prior written consent will be submitted to the FERPA Coordinator or appropriate records custodian. The FERPA Coordinator or appropriate records custodian will approve or disapprove all such requests for access and disclosures and, except for requests for directory information, he/she will maintain a record of these actions.

(b) This record of requests/disclosures shall include the following information:

1. The name of the person or agency that made the request.
2. The interest the person or agency had in the information.
3. The date the person or agency made the request.
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

(c) The University will maintain this record of requests/disclosures as long as it maintains the student’s education record.

(10) Procedures to Request Amendment of and Challenge Education Records.

(a) Students have the right to, in accordance with this rule, request amendment of and challenge the content of their education records.

(b) Definitions.

1. The term “incorrect” is used herein to describe a record that is inaccurate, misleading, or in violation of the privacy or other rights of students. A record is not “incorrect,” for purposes of this rule, where the requestor wishes to challenge the evaluation reflected by the grade an instructor assigns for a course.
2. The term “requestor” is used herein to describe a student or former student who is requesting the University to amend a record.

(c) Students who believe that their education records contain information which is incorrect should informally discuss the problem with the record custodian. If the record custodian finds the information is incorrect because of an obvious error, and it is a simple matter to amend it to the satisfaction of the requestor, the record custodian may make the amendment.

(d) If the record custodian cannot amend the record to the requestor’s satisfaction or if the record does not appear to be obviously incorrect, the record custodian will:

1. Provide the requestor a copy of the questioned record at no cost; and
2. Ask the requestor to initiate and provide the record custodian a written request for the amendment; such written request must identify the information which the requestor believes is incorrect, must state why such information is incorrect, and must be dated and signed by the requestor.

(e) The record custodian will send the request, together with a written explanation of his/her refusal to amend the record to the requestor’s satisfaction, to the FERPA Coordinator. The FERPA Coordinator will examine the request, discuss it with appropriate University officials, including the person who initiated the record, the University General Counsel, and other persons who might have an interest in the questioned record. At the conclusion of this investigation, the FERPA Coordinator will summarize his/her findings, make a recommendation for the University’s action, and deliver the request, the record custodian’s written explanation, his/her summary of findings, and his/her recommendation to the University President.

(f) The University President will instruct the FERPA Coordinator whether the record should or should not be amended in accordance with the request. If the University President’s decision is to amend the record, the FERPA Coordinator will advise the record custodian to make the amendment. The record custodian will advise the requestor in writing when he/she has amended the record and invite the requestor to inspect the record.

(g) If the University President’s decision is that the record is correct and should not be amended, the FERPA Coordinator will prepare and send the requestor a letter stating the decision. This letter will also inform the requestor that the requestor has a right to a hearing pursuant to the Florida Administrative Procedures Act to challenge the University’s decision not to amend.

(h) In the event the education records are not amended to the requestor’s satisfaction, the requestor shall have the right to place with the education records a written statement explaining, commenting upon, or disagreeing with information contained in the education records. This statement shall be maintained as part of the student’s education record for as long as the University maintains the questioned part of the record. Whenever the questioned part of the record is disclosed, the student’s written statement shall also be disclosed.
(11) Right of Waiver of Access – The University may request a waiver of access to evaluations and letters of recommendation related to admissions, employment applications and receipt of honors. While such a waiver may be requested, requests for waivers do not constitute a pre-condition for admission, financial aid, or any services or benefits. Upon request, students who have waived access to such items can receive a listing of all individuals providing confidential recommendations or evaluations.

Specific Authority 120.53(1)(a), (b), 240.227(1), 240.237 FS. Law Implemented 120.53(1)(a), (b), 240.227(1), 228.093, 240.237 FS. History–New 4-19-83, Formerly 6C4-2.021, Amended 3-15-92, 1-7-93.
CHAPTER 6C4-3 ACADEMIC AFFAIRS

6C4-3.001 Division of Academic Affairs; Organization. (Repealed)
6C4-3.0015 Academic Dishonesty and Disruption of Academic Process: Definitions, Punishments and Procedure. (Repealed)
6C4-3.002 University Requirements for Faculty Promotion.
6C4-3.003 University Requirements for Tenure.
6C4-3.004 Grading System and Grade Regulations. (Repealed)
6C4-3.005 Advanced Placement. (Repealed)
6C4-3.006 University Graduation Requirements - Undergraduate. (Repealed)
6C4-3.007 Admission to Graduate Studies.
6C4-3.008 Graduate Degree Requirements.
6C4-3.009 Academic Minor.
6C4-3.010 Academic Advising. (Repealed)
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6C4-3.012 Non-Resident Tuition Waivers.
6C4-3.013 Student Exchange Programs.
6C4-3.014 Non-Resident Tuition Waivers.
6C4-3.016 Academic Advising. (Repealed)
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6C4-3.021 Academic Advising. (Repealed)
6C4-3.022 Academic Advising. (Repealed)
6C4-3.023 Academic Advising. (Repealed)
6C4-3.024 Academic Advising. (Repealed)


(1) Students attending the University of South Florida are awarded academic degrees in recognition of successful completion of course work in their chosen fields of study. Each individual is expected to earn his or her degree on the basis of personal effort. Consequently, any form of cheating on examinations or plagiarism on assigned papers constitutes unacceptable deceit and dishonesty. Disruption of the classroom or teaching environment is also unacceptable. This cannot be tolerated in the University community and will be punishable, according to the seriousness of the offense, in conformity with this rule.

(2) Plagiarism –
(a) Plagiarism is defined as “literary theft” and consists of the unattributed quotation of the exact words of a published text, or the unattributed borrowing of original ideas by paraphrase from a published text. On written papers for which the student employs information gathered from books, articles, or oral sources, each direct quotation, as well as ideas and facts that are not generally known to the public at large, or the form, structure, or style of a secondary source must be attributed to its author by means of the appropriate citation procedure. Only widely known facts and first-hand thoughts and observations original to the student do not require citations. Citations may be made in footnotes or within the body of the text. Plagiarism, also, consists of passing off as one’s own, segments or the total of another person’s work.

(b) Punishment Guideline: The student who submitted the subject paper, lab report, etc. shall receive an “F” with a numerical value of zero on the item submitted, and the “F” shall be used to determine the final course grade. It is the option of the instructor to fail the student in the course.

(3) Cheating – Cheating is defined as follows:
(a) The unauthorized granting or receiving of aid during the prescribed period of a course graded exercise: students may not consult written materials such as notes or books, may not look at the paper of another student, nor consult orally with any other student taking the same test;
(b) Asking another person to take an examination in his or her place;
(c) Taking an examination for or in place of another student;
(d) Stealing visual concepts, such as drawings, sketches, diagrams, musical programs and scores, graphs, maps, etc., and presenting them as one’s own;
(e) Stealing, borrowing, buying, or disseminating tests, answer keys or other examination material except as officially authorized, research papers, creative papers, speeches, etc.;
(f) Stealing or copying of computer programs and presenting them as one’s own. Such stealing includes the use of another student’s program, as obtained from the magnetic media, or interactive terminals or from cards, print-out paper, etc.
(4) Punishment Guidelines for Academic Dishonesty: Punishments for Academic Dishonesty will depend on the seriousness of the offense and may include receipt of an “F” or “Zero” grade on the subject paper, lab report, etc., an “F” in the course, suspension or expulsion from the University. The University drop and forgiveness policies shall be revoked for a student accused of academic dishonesty. The internal transcript of a student who is awarded an “F” for academic dishonesty will read “FF”.

(a) For observation of or exchanging test information with other students during the course of a classroom test, the students who receive or give such information may receive an “F” with a numerical value of zero on the test, and the “F” shall be used to determine the final course grade. It is the option of the instructor to fail the student in the course.

(b) For use of any prohibited device, such as a cheat sheet, recording, calculator if forbidden on exam, etc., during the course of a classroom test to assist the student or other students, the student using such prohibited device may receive an “F” in the course.

(c) For the use of another student, a stand-in, to take an examination for the enrolled student, it is suggested that the enrolled student receive an “F” in the course and be suspended from school for one year and that the stand-in, if a University student, be suspended from school for one year.

(d) For stealing, borrowing, or buying of research papers, creative works, speeches or tests and other exam materials, or the dissemination of such materials, or the manipulation of recorded grades in a grade book or other class records, the student, if enrolled in the course, may receive an “F” in the course and may be expelled from the University.

(e) It is suggested that students who receive or give stolen computer programs receive an “F” with a numerical value of zero on the program or programs, and the “F” be used to determine the final course grade. It is the option of the instructor to fail the student in the course.

(5) Disruption of Academic Process – Disruption of the academic process is defined as the act or words of a student or students in a classroom or teaching environment which in the reasonable estimation of a faculty member:

(a) Direct attention from the academic matters at hand, such as noisy distractions; persistent, disrespectful or abusive interruptions of lecture, exam or academic discussions, or

(b) Present a danger to the health, safety or well being of the faculty member or students.

(6) Punishment Guidelines for Disruption of Academic Process: Punishments for disruption of academic process will depend on the seriousness of the disruption and will range from a private verbal reprimand to dismissal from class with a final grade of “W,” if the student is passing the course, shown on the student record. If the student is not passing a grade of “F” will be shown on the student record.

(7) Procedure.

(a) Alleged violations of academic dishonesty or alleged disruptions of academic process will be handled initially by the instructor, who will discuss the incident with the student. It must be noted that the Faculty Senate considers the traditional relationship between student and faculty member as the primary means of settling disputes that may arise. If the instructor observes alleged dishonesty occurring during an examination, he/she should, with discretion, notify the student of the fact before the student leaves the examination. In all cases, the instructor must attempt to schedule a meeting with the student to discuss the alleged dishonesty or disruptions.

(b) After the discussion, if the student and instructor have reached a mutual agreement as to the solution, the instructor shall file a statement with the chairperson of the department or equivalent eg. Campus Dean responsible for the course outlining the facts of the incident and the agreed-upon solution signed by both the instructor and the student. If no solution is reached, the matter will be referred to the Chairperson of the department or the equivalent eg. Campus Dean for attempt at resolution. If no resolution is reached, the matter will be referred to the Dean of the College for attempt at resolution. If no solution is reached, the dean shall appoint a student/faculty committee consisting of an equal number of students and faculty to hear the two sides of the incident and to advise the dean regarding the disposition of the case.

(c) Academic Committee Pre-Hearing Procedure. Within a reasonable time following the failure of the student/instructor/dean meetings to bring about a solution, and in no event later than three (3) months after such failure, the dean shall cause formal charges to be filed with the appointed academic committee. The charged student shall be provided a written notice of charges, in sufficient detail to prepare for the hearing, no less than three (3) days before the hearing, except in cases of emergency as specified below.

(d) Hearings.

1. Emergency Hearings. An expedited emergency hearing may be held before an academic administrator appointed by the dean or by the appointed academic committee in cases which involve the safety, health or welfare of any student or staff member.

2. Non-Emergency Hearings before the Academic Committee – General Principles.

a. Burden of Proof. The burden of proof shall be on the complainant. The standard of proof for decision shall be “substantial evidence,” that is, whether it is reasonable to conclude from the evidence submitted that the student did commit the violations for which he/she has been charged and shall not be the strict criminal law standard of proof beyond a reasonable doubt.

b. Record. The proceedings of all hearings shall be recorded.

c. Inspection of Evidence. The student may inspect the evidence which will be presented against him/her.

d. Present Evidence. The student may present evidence on his/her own behalf.

e. Question Witnesses. The student may hear and question adverse witnesses.

f. Self-Incrimination. The student shall not be forced to present testimony which would be self-incriminating.
g. Advisor. The student may have an advisor of his choice present, however, the role of such a person is as an advisor to the student only. The advisor may speak to and consult with the student, but may not serve as the student’s advocate, question witnesses or otherwise participate in the proceedings.

h. Decision Based on Evidence. The decision of the academic committee or appointed academic administrator shall be based solely on the evidence presented at the hearing.

i. Decision in Writing. The decision of the academic committee or appointed academic administrator, including findings of fact and a determination of penalty or sanction if any, shall be presented to the student in writing within a reasonable period of time following the hearing.

j. Enrollment Status. The student’s enrollment status will remain unchanged pending final decision, except in cases of emergency, as described above. If the issue remains open at the end of the semester, the instructor shall give the student an “I” grade in the course until all issues are resolved.

k. Closed Hearings. All hearings shall be closed unless specifically requested otherwise in writing by the charged student prior to hearing.

l. Failure to Appear. If a student against whom charges have been made fails to appear, the academic committee or academic administrator may proceed in his/her absence.

3. Hearing on Appeal. The charged student may appeal the decision of the academic committee or appointed academic administrator within thirty (30) working days of decision to the Dean of Undergraduate Studies or the Dean of the Graduate School, whichever is appropriate. The record of the initial hearing may be considered on appeal and the student is entitled to access to the record when appealing. The decision of the Dean of Undergraduate Studies or the Dean of the Graduate School is final.

Specific Authority 120.53(1)(b), (c), 240.227(1), 240.261 FS. Law Implemented 120.53(1)(b), (c), 120.57(5), 240.133, 240.227(1), 240.261 FS. History–New 8-30-83, Amended 6-10-84, Formerly 6C4-3.015, Amended 1-27-87, 6-23-87, 4-5-90, 3-6-91.

6C4-3.003 University Requirements for Faculty Promotion.
The teaching and research faculty holding the academic ranks of Instructor, Assistant Professor, and Associate Professor may be promoted to the next higher academic rank. If approved, the promotion usually will become effective at the beginning of the contractual period of the next academic year. The procedure for this promotion is as follows:

(1) The University shall establish and publish guidelines and criteria for faculty promotion.

(2) The University shall maintain and use a Tenure/Promotion Application Packet USF #TP91.003, eff. 4/92 incorporated by reference herein, that shall call for and accommodate data required by the University for the evaluation of faculty eligible for promotion. These data shall be used by University of South Florida administrators, including chairpersons and deans, and by University of South Florida faculty involved in peer evaluation pertaining to the evaluation of the performance of assigned duties of the faculty member involved.

(3) Each college/campus/unit shall establish and publish guidelines and criteria, based on the University guidelines and criteria approved by the Provost/Vice President for Academic Affairs for faculty promotion. These guidelines and criteria shall include all information/procedures needed for the University evaluation but are not limited to them. Additional criteria suited to the goals and missions of the academic unit(s) may be added.

(4) Promotion applications shall originate with the candidate who, with the assistance of the department/program/division administrator, shall have the responsibility for the completion of the promotion form. The completed form shall be forwarded to the dean of the appropriate college and, if applicable, the dean of the appropriate campus; the college dean’s recommendations shall be added and the form forwarded to the Provost/Vice President for Academic Affairs for further review and evaluation. Positive recommendations by the Provost/Vice President for Academic Affairs shall be submitted to the President for final action.

(5) Each faculty member considered for promotion by the Provost/Vice President for Academic Affairs shall be notified in writing of the final action taken by the Provost/Vice President for Academic Affairs regarding the promotion of that faculty member.

Specific Authority 240.202, 240.227(1) FS. Law Implemented 120.53(1)(a), 240.202, 240.227(1), (5), 240.245(1) FS. History–New 10-6-75, Formerly 6C4-3.03, Amended 5-26-92.

6C4-3.004 University Requirements for Tenure.
(1) University Procedures – The University shall establish and publish guidelines for the evaluation of tenure-eligible faculty that follow the evaluation standards established by the BOR regulations but may impose additional standards for tenure that fit the goals and mission of the University and do not contradict the BOR regulations.

(2) Department/College Procedures – each academic program/department, college, and campus shall establish and publish guidelines and criteria, approved by the Provost/Vice President for Academic Affairs, for the evaluation of faculty eligible for tenure. These guidelines and criteria shall follow those evaluation standards established in the Board of Regents’ regulations but may impose additional standards for tenure that fit the goals and missions of the academic area and do not contradict Board of Regents’ regulations.
The University shall maintain and use a Tenure/Promotion Application Packet, as incorporated in Rule 6C4-3.003, F.A.C., that shall collate and accommodate data required by the University for the evaluation of faculty eligible for tenure. These data shall be used by University of South Florida administrators, including chairpersons and deans, and by University of South Florida faculty involved in peer evaluations pertaining to recommendations for tenure. Among data required will be information pertaining to the evaluation of the performance of assigned duties of the faculty member involved.

Tenure applications shall originate with the candidate who, with the assistance of the department/program/division administrator, shall have the responsibility for the completion of the tenure form. The completed form shall be forwarded to the dean of the appropriate college and, if applicable, the dean of the appropriate campus; the college dean’s recommendations shall be added and the form forwarded to the Provost/Vice President for Academic Affairs for further review and evaluation. Positive recommendations by the Provost/Vice President for Academic Affairs shall be submitted to the President for final University approval and submission to the Board or Regents for their approval.

Each faculty member considered for tenure by the Provost/Vice President for Academic Affairs shall be notified in writing of the final action taken by the Provost/Vice President for Academic Affairs regarding the tenure status of that faculty member.

Tenure, once granted by the Board of Regents, shall become effective at the beginning of the contractual period of the next academic year.

Evaluative information concerning an employee’s performance which is used in promotion and tenure or other evaluative processes shall be confidential and shall not be disclosed except to the evaluated employee, University officials whose duties to supervise or evaluate the employee require access to the records, the President or his/her designee in the discharge of official duties, or pursuant to an order of a court of competent jurisdiction.


6C4-3.007 University Graduation Requirements - Undergraduate.

The University has established basic requirements that all students must meet before graduation.

While each college sets specific requirements for graduation, the basic University requirements must be met by every student upon whom a degree is conferred. These basic requirements specify that a student obtain at least 120 semester hours of credit with an overall 2.00 GPA, including a 2.00 GPA on all courses attempted at the University of South Florida in order to be eligible for graduation. The hours for a course that has been repeated may be counted only once toward this minimum 120 semester hours of credit. At least 40 of the 120 semester hours must be for upper division level work, course number 3000 or above; 60 semester hours must be from a four-year institution.

All students entering the University of South Florida with fewer than 60 semester hours of credit shall be required to earn at least 9 semester hours of credit prior to graduation by attendance during one or more summer terms. The University may waive the application of this rule in cases of unusual hardship to the individual.

In addition to specific requirements of their academic major and college, candidates must satisfy the University General Education and Exit Requirements. Candidates must be recommended for graduation by the dean of the college granting their degree and must have completed at least 30 semester hours of the last 60 semester hours of their undergraduate credit in USF courses. The approval of the dean of the college granting their degree must be secured for any transfer credits offered for any part of these last 60 semester hours.

Approved exchange program students may take courses off-campus which will be considered as on-campus courses. Cooperative Education students, while on their training periods, will have any work given by University advisors counted as residence work.

In order to graduate from the University of South Florida, each student shall meet all of the graduation requirements specified in the University of South Florida catalog of his/her choice, including all Board of Regents’ rules and Legislative policies and law.

A degree seeking student may choose any University of South Florida catalog published during his/her continuous enrollment. Students who have transferred from a public institution of higher education in Florida to the University of South Florida are treated the same as native students. At the University of South Florida continuous enrollment is defined as completing a minimum of two semesters as a degree seeking student per academic year at USF, Fall, Spring, Summer, inclusive of receipt of grades for courses, including W’s through time of graduation. Therefore, students cannot choose a University of South Florida catalog published prior to or during an academic year in which they did not maintain continuous enrollment.

Each University of South Florida catalog is considered to be published during the academic year printed on the title page.

If the student cannot meet all of the graduation requirements specified in the University of South Florida catalog of his/her choice due to decisions and changes by the University in policy matters, course offerings, etc., appropriate substitutions will be determined by the chairperson of the department or program of the student’s academic major.

University policies are subject to change and apply to all students regardless of their choice of University of South Florida catalog. If the student’s graduation requirements are affected by change in University policy, appropriate arrangements will be made to preclude penalization of the student.
(e) While every effort will be made to give each student appropriate advice in meeting academic major and graduation requirements, the final responsibility for meeting these rests with the student. Students should study the University of South Florida catalog carefully and seek advice when in doubt. In any case, the appropriate dean or his/her representative should be consulted when 90 semester hours are completed to be certain that program plans are complete.

(7) University Liberal Arts Requirements consist of General Education Requirements and Exit Requirements. These requirements may be satisfied over the four-year period by the completion of 36 semester hours of General Education Requirements and 9 semester hours of Exit Requirements.

(a) The General Education Requirements consist of:

1. English Composition – Freshman English (ENC 1101 and ENC 1102) – 6 semester hours.
2. Quantitative Methods – 6 semester hours – students should refer to the current University of South Florida catalog for specific courses.
3. Natural Sciences – 6 semester hours – students should refer to the current University of South Florida catalog for specific courses.
4. Social Sciences – 6 semester hours – students should refer to the current University of South Florida catalog for specific courses.
5. Historical Perspectives – 6 semester hours – students should refer to the current University of South Florida catalog for specific courses.
6. Fine Arts – 3 semester hours – students should refer to the current University of South Florida catalog for specific courses.
7. African, Latin American, Middle Eastern, or Asian Perspectives – 3 semester hours – students should refer to the current University of South Florida catalog for specific courses.

(b) Exit Requirements consists of Major Works and Major Issues – 6 semester hours, Literature and Writing – 3 semester hours – students should refer to the current University of South Florida catalog for specific courses.

(c) All A.A. degree holders from Florida public community colleges will be considered as having met only the General Education Requirements and not the Exit Requirements and 60 semester hours of work will be transferred. The determination of the prerequisites for a given academic program will remain the prerogative of the college in which the student is majoring.

(d) Courses required for a student’s major program will not be counted in the total of the 36 semester hours of General Education.

1. Specialization. These are courses required to give the student academic concentration and baccalaureate identification such as Math, Accounting, Psychology, etc.
2. Supporting or Related. These courses may be prerequisites to the specialization courses, or they may support specialized courses by giving preparation or breadth to the area of specialization. These courses are often referred to as college or program core courses.
3. Program Electives. These are usually a broad band of courses offered by the college offering the academic major to further enrich the student in the general academic field in which he/she has chosen to major.

(e) No more than 8 semester hours in a single department may be counted toward distribution requirements for any area.

(f) A student may appeal to the Coordinator of Advising in his/her college for exceptions to these prefixes or courses prior to registration in such courses.

(g) A student must check with his/her college to be sure he/she is meeting liberal arts requirements and special certification or accreditation requirements where appropriate.

(8) Degree Completion for Early Admissions of Medical or Dental Schools. Students who are admitted to a medical or dental school after completing their junior year at the University of South Florida may be awarded the B.A. degree in Interdisciplinary Natural Sciences from the College of Natural Sciences subject to the following conditions:

(a) Transfer of a minimum of 30 semester hours of science courses from an approved medical or dental school.
(b) Interdisciplinary Natural Sciences academic majors at the University of South Florida must fulfill the following minimum requirements:

1. 90 credit hours with at least a “C” average (2.0) in those credit hours completed at the University of South Florida.
2. Completion of a sequence of courses constituting a major program with courses in a department of concentration and supporting courses in related departments. In this major program there must be a 2.0 grade point ratio in the department of concentration, and also a 2.0 grade point ratio in the entire sequence of courses in the major program. S/U grades are not permitted in the major program requirements except for courses designated S/U only. For a more detailed description of the major program requirements, consult the appropriate departmental requirements.

(9) Double Undergraduate Major. Students may elect to graduate with two academic majors. In that event, they must apply independently to each college and be assigned an advisor in each discipline. The student must meet all requirements of each academic major separately and must be certified for graduation by the appropriate dean(s).

(10) Second Undergraduate Major. A student who wishes to work for a second academic major, after receipt of a baccalaureate degree, must apply through the Office of Admissions and meet the academic major requirements as determined by the University of South Florida catalog. Exceptions to this rule are students who have already been accepted for a “Double Undergraduate Major”
but graduate with only one academic major. After acceptance by the appropriate college and proof of completion, the student’s “permanent academic record” will be posted accordingly. Students who complete the requirements for a second academic major must be aware that they will not receive a second degree.

(11) Two Degrees. A student at the University of South Florida may receive two baccalaureate degrees provided he/she meets the University’s graduation requirements; a minimum of 30 semester hours must be earned in on-campus undergraduate courses to apply to the second degree; the student must meet the requirements of the colleges awarding the degrees and the residency requirement.

(12) Second Baccalaureate Degree (first received at another institution). Students already graduated from accredited four-year institutions who apply for admission to work toward another undergraduate degree must meet the University’s regular graduation requirements, including the 9 semester hours of Exit Requirements. A minimum of 30 semester hours must be earned in USF courses to apply toward his/her degree, and the student must meet the requirements of the college awarding the degree and the residency requirement.

(13) Procedures.

(a) Applying for Degree. Application must be made prior to the deadline as stated in the current University of South Florida catalog for accepting Application for Degree for the academic term the student expects to complete requirements. The Application for Bachelor’s Degree form #USF 2075b Rev. 3/95, Eff. 7/95 incorporated by reference herein is available through the college and after completion is to be filed at the Office of the Registrar.

(b) Withdrawal of Application for Degree. Application submitted may be withdrawn through the sixth week of the academic term upon receipt of written notification by the Office of Records and Registration. A student may not reinstate his/her application once it has been withdrawn. After the sixth week, application may be withdrawn through the college with its approval.

(c) If a student has been denied graduation, or if his/her application has been withdrawn, he/she must submit another Application for Degree the academic term he/she is ready to complete his/her requirements.

(d) A student may receive a second or replacement diploma, provided he/she makes payment of a $5.00 fee to defray cost of reorder and resources are available to process the order.

(14) A student may enroll in a baccalaureate degree program while enrolled in or after graduation from a five-year Master’s Degree program. In consultation with an advisor in the five-year program and an advisor in the baccalaureate level program and with the approval of the college dean(s) offering the programs the student is required to complete the following:

(a) Satisfied degree requirements for the five-year Master’s Degree program,

(b) Satisfied requirements for the baccalaureate level program.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(1) FS. History–New 10-6-75, Amended 7-3-79, 2-22-82, Formerly 6C4-3.07, Amended 4-19-90, 8-19-90, 12-2-92, 8-10-93, 7-17-94, 7-20-95.

6C4-3.008 Admission to Graduate Studies.

Information regarding admission to graduate studies is provided in the University of South Florida Catalog incorporated in Rule 6C4-1.005, F.A.C.

Specific Authority 229.0081(2) FS. Law Implemented 229.0082(4), 240.233 FS. History–New 10-6-76, Amended 7-3-79, 5-6-81, Formerly 6C4-3.08, Amended 1-19-92, 5-16-02.

6C4-3.009 Graduate Degree Requirements.

Information regarding graduate degree requirements is provided in the University of South Florida Graduate Catalog incorporated in Rule 6C4-1.005, F.A.C.

Specific Authority 229.0081(2) FS. Law Implemented 229.0082(10) FS. History–New 10-6-75, Amended 7-3-79, 2-22-82, Formerly 6C4-3.09, Amended 1-19-92, 5-16-02.

6C4-3.010 Academic Minor.

(1) Departments and other academic units at the University of South Florida are authorized to offer academic minors to undergraduate degree seeking students at the University of South Florida under the following conditions:

(a) Conditions defining an academic minor – The academic minor will normally approximate one half of the upper division credits required for an academic major subject to variance as allowed below and subject to modifications if the area is other than that which has an academic major for the baccalaureate degree:

1. An academic minor can be applied for and received:

   a. In conjunction with applying for and receiving a baccalaureate degree.

   b. By students who have already received a baccalaureate degree from the University of South Florida who take additional course work at the University and apply for the certification.

2. A student desiring a minor must have a major in a different program option.

3. University of South Florida course work for an academic minor must have a GPA of at least 2.0.

4. A minimum of 8 semester hours of credit used to satisfy the requirement of a minor must be from USF course.
5. A student can apply for an academic minor, subject to rules specified when the unit defines its academic minor programs; and, before being recognized, the courses involved in the academic minor shall be approved by an authorized advisor from the defining unit.

6. The unit offering the academic minor may specify the courses required to complete the academic minor, providing that the upper division prerequisites do not materially increase the number of required credits. The unit may require whatever admission and/or retention standards or procedures required of the academic major (e.g., GPA for entrance and completion). These requirements must be contained in the original definition of the academic minor or approved modification.

7. The unit offering the academic minor may restrict the number of credits that can be taken in the academic minor before application for the academic minor, and no department or unit can require that more than 80% of the needed courses or credits be taken in residence.

8. Inter-departmental academic minors may be defined by cooperative action, providing that each participating department approve of the program as proposed and providing that the student shall not be required to have more than one academic minor advisor. No more than one half of the required courses or credits shall be from one of the participating units in the academic minor.

   (b) The procedural guidelines contain the following:
   (1) No department or discipline is required to offer an academic minor, nor can a student claim an academic minor which is not listed in the official University of South Florida catalog which specifies academic programs of the University.
   (2) Before an academic minor can be announced in the University of South Florida catalog, it must be:
      a. Recommended and defined by the department or other academic unit;
      b. Approved by the appropriate dean or deans after review with favorable recommendations by college committee(s);
      c. Reviewed with favorable recommendations by the Undergraduate Council; and
      d. Approved by the Dean of Undergraduate Studies.
   (3) Each proposal must contain a statement attesting the fact that no resource reallocation is required for the implementation of the academic minor, that it is basically a name given to a set of courses taken by the student.
   (4) Variances may be requested and each must carry a separate action of approval; in committees, this would require a distinct motion to approve each proposed variance; at administrative levels, a separate signature of the approving officer is required.
   (5) Genuinely new programs must seek approval and complete accepted and necessary procedures for the planning and implementation.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(1) FS. History–New 7-3-79, Amended 2-22-82, Formerly 6C 4-3.10, Amended 4-11-90.

6C4-3.011 Graduate Study Requirements.

(1) Major Professor. An advisor will be appointed for each student during the first semester of work and will be designated by the chairperson of the department or area in which the degree is sought upon a mutual recommendation from the student and professor concerned.

(2) Quality of Work. Graduate students must attain an overall average of 3.0 (B) in all courses. No course with a grade below “C” will be accepted toward a graduate degree, but all grades will be counted in computing the overall average.

(a) Any graduate student who at the end of a semester is not in good standing under the published requirements for the degree pursued shall be considered to be on probationary status. Such a student may be dropped from degree-seeking status after one semester of probation by the dean of the college. Notification of probation shall be made to the student in writing by the advisor or major professor, with a copy to the college dean and Graduate Dean. At the end of the probationary semester, the advisor or major professor shall recommend to the college dean and the Dean of the Graduate School, in writing, one of three alternatives.

   1. Removal of probationary status;
   2. Continued Probation;
   3. Drop from degree program.

(b) Every effort will be made during the probationary period to aid the student in reestablishing his/her standing.

(3) Appeals. Graduate students may appeal actions regarding their academic status:

   (a) In actions based on departmental requirements, the student may appeal first to the department through the advisor or major professor, then to a college dean or dean’s representative, and then to the Graduate School, if necessary.
   (b) In actions based on the University minimum requirements, appeal shall be made directly to the Graduate School.
   (c) Reports of actions and appeals will be maintained in the student’s permanent department file.

(4) Enrollment Requirements – Minimum University Regulations. A student taking nine or more hours toward his/her degree in a semester will be classified as a full-time student. The normal graduate load is 9-12 credit hours.

   (a) Students who have completed their course work and continue to occupy space and to receive faculty supervision but who have not made a final thesis/dissertation submission shall register for a minimum of two hours of Thesis or Dissertation. The exact number of hours is determined by staff and facilities needed to support the student.
   (b) Graduate students having completed all requirements except for comprehensive exams or completion of “I” and/or “Z” grades will be allowed use of University Library facilities for one semester with approval of department chairperson.
(c) Graduate Teaching and Research Assistants shall pursue a full-time course load each semester. Exceptions may occur but only after careful review by the department chairperson and concurrence by the college dean and Dean of the Graduate School.

(5) Transfer Credit.
(a) Transfer of credit from another recognized graduate school is limited to eight semester hours. All transferred credits must:
1. Be approved by the program or college concerned, and
2. Have been completed with grades of “B” or better.
(b) Transfer (post-baccalaureate, transfer credits from other institutions) and special student credits must be evaluated and transferred by the time of formal acceptance and enrollment. The graduate department/program will be responsible for evaluating and initiating the transfer.

(6) Changes of Graduate Degree Program. If a degree-seeking student changes his/her graduate program, the receiving program may accept all, some, or none of the previous graduate work taken by the student and only those courses accepted will be computed in the grade point average.

(7) Comprehensive Examination. When graduate students take their comprehensive examination, they must be enrolled for a minimum of two (2) semester hours of graduate work of their discipline. If all course work has been completed, such student should be enrolled in Independent Studies.

(8) Application for Degree. Each student who plans to complete graduation requirements by the end of a term must complete the Application for Degree (Master’s, E.D.S. or Ph.D.) form #USF 2075g Rev. 3/95 Eff. 7/95, available through the Registrar incorporated by reference herein. The application is available through the college or the Office of the Registrar, and after completion must be returned to the Office of the Registrar prior to the deadline as stated in the current University of South Florida Catalog for accepting application for degree for the academic term the student expects to complete requirements.

(9)(a) S/U Grades in the Graduate Program. No graduate student may take a course in his/her major on an S/U basis except for certain courses that are specifically designated in the catalog. A graduate student may take courses outside of his/her major on an S/U basis with prior approval of the professor of the course, his/her advisor or major professor, and the dean of the college who will approve the degree.

(b) The student may apply a maximum of six hours of such credit, excluding Directed Research, Thesis/Dissertation, Design, Practicum, or Internship, toward a Master’s degree. Courses are designated as “Credit Varies” and are awarded credit on an S/U basis only. Before a student undertakes work under Directed Research a written agreement between the student and the professor concerned, setting forth in detail the requirements of the course, shall be completed.

(10)(a) The Z Grade. The Z grade shall be used to indicate continuing registration in thesis/dissertation courses, where the final grade to be assigned will be that of the completed sequence. Upon satisfactory completion of the thesis/dissertation course, the Z grade will be changed to S.

(b) Procedures requiring petitions are processed through the Graduate School.

(11) Exclusions. Members or former members of the faculty who hold or who have held the rank of Assistant Professor, Associate Professor, or Professor are not eligible to be granted degrees from the University of South Florida except upon prior authorization of the Dean of the Graduate School and the Provost.

(a) In cases where a member of the immediate family of the faculty is enrolled in a graduate degree program the faculty member may not serve on any advisory or examination committee nor be involved in any determinations of academic or financial status of that individual.

(b) Further requirements and procedures governing master’s and doctoral degrees are specified in the current University of South Florida Graduate School Catalog incorporated in Rule 6C4-1.005, F.A.C.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1) FS. History–New 7-3-79, Formerly 6C4-3.11, Amended 1-19-92, 8-4-93, 7-17-94, 7-20-95.

6C4-3.012 External Degree Program, Bachelor of Independent Studies.

(1) Bachelor of Independent Studies (BIS) is an undergraduate degree program based on a curriculum of Interdisciplinary Studies. It is offered statewide on a predominantly external basis for adults whose life style is incompatible with residential study. The adult oriented curriculum and learning format based on tutorials and seminars represent a unique approach to completing a college degree.

(a) BIS Program Budget. The statewide Program operates on a base budget authorized and assigned to the University of South Florida by the Board of Regents in 1986.

(b) Program Administration. The BIS Faculty Committee, which is advisory to the Provost for Academic Affairs, initiates and monitors program policy and operation. The Committee, for example, oversees curriculum changes, student admissions and faculty selection. The statewide Program includes all State Universities with faculty representatives teaching in the Program. The central administrative office for the BIS Program is located at the University of South Florida in Tampa. The special degree program reports to the Dean of the College of Arts and Sciences.
(c) Faculty. BIS mentors and seminar faculty are appointed for the statewide Program from the faculty of participating universities which currently include the University of South Florida, Florida State University, the University of Florida and the University of North Florida. Approvals for faculty assignments and payment require signatures from the faculty member, from the department chair, the college dean, the person responsible for certifying overload and the Director of the BIS Program.

(d) Admission Requirements. BIS applicants must meet the same requirements for admission to the University as any other degree-seeking student. Admission to the BIS Program is determined by the BIS Faculty Committee. A student cannot be concurrently enrolled as a degree-seeking candidate in a traditional degree Program at the University of South Florida while enrolled as a degree-seeking candidate in the BIS Program.

(e) Academic Requirements. The student with a four area curriculum contract completes four areas of study – Humanities, Social Sciences, Natural Sciences and Tutorial Studies as illustrated below:

- **HUM 4909** BIS Humanities, Independent Study 15
- **HUM 4939** BIS Humanities, Seminar 15
- **ISS 4909** BIS Social Sciences, Independent Study 15
- **ISS 4939** BIS Social Sciences, Seminar 15
- **ISC 4909** BIS Natural Sciences, Independent Study 15
- **ISC 4939** BIS Natural Sciences, Seminar 15
- **IDS 4990** BIS Inter-Area Studies 30

Students must earn a grade of “Satisfactory” for the guided independent study and resident seminar units associated with each of the first three study areas. Completion of guided independent study is achieved through demonstrated proficiency via an area comprehensive examination. Seminar performance is evaluated by the seminar faculty. Fourth Area study culminates with the satisfactory defense of the inter-area thesis. The student with a two area curriculum contract – community college graduate with an A.A. or an A.S. in selected health related fields – completes two rather than four study areas – more explicitly, two units of independent study and two seminars.

(f) Credit Hours and Grades. Credit hours are awarded when a student earns a rating of satisfactory in a tutorial, seminar or thesis requirement. The grading system for the BIS student is as follows:

1. **S** – Satisfactory. Student has completed unit of study.
2. **PWD** – Passed with deficiency. Changes to an “S” after the student has satisfied the deficiency.
3. **U** – Unsatisfactory. Student continues reading program and is eventually scheduled for a retest.

(g) Undergraduate Profile Exam. The taking of the Undergraduate Profile in Social Sciences, Humanities, and Natural Sciences is a requirement for graduation.

Specific Authority 120.53(1)(a) FS. Law Implemented 120.53(1)(a), 240.227 FS. History–New 7-3-79, Formerly 6C4-3.12, Amended 5-7-90.

6C4-3.014 Associate of Science Degrees from Florida Community Colleges.

1. A student who has been academically dismissed from the University of South Florida or whose GPA falls below a 2.00 and subsequently achieves an AS degree in an approved, articulated program from a Florida public community college or a Florida public four-year institution, when (re)admitted to the University will be credited with a maximum of 60 semester hours and have his/her academic record clear. A USF GPA will begin again.

2. An inventory of the approved articulated programs are maintained in the Community College Relations Office.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.115(1), 240.227(1), (8) FS. History–New 2-22-82, Formerly 6C4-3.14, Amended 4-19-90.

6C4-3.017 Deletion of Courses from Catalogs and Common Course Designation and Numbering System.

1. The University of South Florida, on an annual basis, as part of the procedure for the preparation of the undergraduate and graduate programs catalogs, will ensure that courses which have not been taught for the preceding five years, or less if desired, and which are not expected to be offered within the next five years are deleted from the catalogs. The University shall also notify the Office of the Common Course Designation and Numbering System to delete said courses.

2. The course review process will be conducted by the Undergraduate Council for undergraduate courses and by the Graduate Council for graduate courses.

3. Any courses which have not been taught in the preceding five years which the University wishes to continue shall be reviewed in the same manner as courses which are proposed for addition to the catalogs and Common Course Designation and Numbering System. A course may be continued if the University determines there was reasonable cause for the course not to have been offered and there is an expectation that it will be offered again within the following five years. Courses not taught for ten consecutive years will be deleted regardless of expectation.

4. The President of the University shall certify annually to the Board of Regents that the University has complied with the requirements of Section 233.015, Florida Statutes, as required by Board of Education Rule 6A-10.0331, F.A.C.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 233.015, 240.115(1), 240.202 FS. History–New 6-12-88.
6C4-3.018 Admission to the University of South Florida.

1) General Policies.

(a) Admission of students to the University of South Florida is within the jurisdiction of the University, but subject to the rules of the Florida Board of Education (FBOE).

(b) Admission of new students at all levels is on a selective basis within curricular, space and fiscal limitations. Satisfaction of minimum admission requirements does not guarantee acceptance. The selection process may include such factors as grades, test scores, pattern of courses completed, class rank, educational objectives, past conduct, school recommendations, personal recommendations and personal records. Preference for admission in any term will be given to those applicants whose credentials indicate the greatest promise of academic success.

(c) The University encourages applications from qualified applicants of both sexes and from all cultural, racial, religious, ethnic and age groups and does not discriminate in the admission process on the basis of these factors.

(d) The University does not discriminate on the basis of disability in the admissions process or in access to programs or activities.

(e) The University considers for admission those applicants who do not fully meet minimum requirements but who have special attributes, special talents or unique circumstances that may contribute to a representative and diverse student body. These applicants will be considered for admission under established alternative policies which are described under admissions requirements for entering freshman, undergraduate transfer and graduate applicants.

2) Enrollment Limitations.

(a) The admission of students to the University of South Florida shall be in accord with the University’s missions and goals and shall comply with enrollment limitations established by the Florida Board of Education and the Florida Legislature. The enrollment plan of the University establishes the following priorities for admissions:

1. Transfer students with Associate of Arts (AA) degrees from Florida community/junior colleges or from other SUS institutions who have not attended another institution after earning the AA degree.
2. Graduate students.
3. Entering freshman students.
4. Other transfer students with 60 or more semester hours.
5. Transfer students with fewer than 60 hours.

(b) Within the categories set forth above, these priorities will be followed:

1. Florida residents.
2. Non-Florida residents.
3. International students living outside the United States.

(c) Non-degree-seeking students will be permitted to register for courses on a space-available basis.

3) Limited Access Programs.

(a) USF, with approval of the Florida Board of Education and the Articulation Coordinating Committee, has established the following undergraduate programs as limited access: College of Arts & Sciences – Liberal Studies, Mass Communications, Social Work; College of Business Administration – all degree programs; College of Education – all degree programs; College of Engineering – all degree programs; and College of Nursing – all degree programs.

(b) The admissions criteria and procedures for limited access programs at USF furnish equal access to AA degree holders from Florida public community/junior colleges, AA degree transfers from other SUS institutions and USF students of equivalent status.

(c) Undergraduate transfer applicants with 90 or more transferable semester hours who are seeking admission to limited access programs must meet the overall grade point average criterion specified by program in order to be eligible for admission to USF.

4) Application and Admission Procedures.

(a) An application for admission must be submitted by all students who have not previously been admitted to a University of South Florida degree program. Current or former USF degree-seeking students must file another application when applying for a second degree program, another level of study or readmission, but will not be required to pay another application fee.

(b) Applications for admission are accepted as early as 12 months before the requested entry date. Applications for admission and non-refundable application fees must be submitted by the appropriate published application deadline date for the requested term of entry or the requested degree program, whichever is earlier. USF reserves the right to return to the sender the application and application fee when the application is received after the published closing date or after any enrollment limit or program limit is reached for the requested term of entry.

(c) For graduate and international applicants, the deadline for receipt of credentials is the same as the governing application deadline.

(d) Admission is granted for a specific term and program as designated in the Official Acceptance Notice. If an admitted student does not enroll in the specific term for which admission has been granted, the student must request a new entry date.

(e) All official transcripts, test scores and other credentials must be received directly from the issuing institution or agency. Undergraduate admissions test scores (SAT and ACT) may be considered to be official if they are recorded on an official high school transcript. It is the applicant’s responsibility to request all required credentials and to assure their receipt by either the USF
Office of Admissions or Office of Graduate Admissions, whichever is appropriate, in Tampa. All documents and credentials submitted become the property of the University of South Florida. The originals or copies of the originals will not be returned to applicants or forwarded to a third party.

(f) The University of South Florida reserves the right to request the testing agency to validate any applicant’s admissions test scores (e.g. SAT, ACT, GRE, GMAT) prior to making an admission decision if, in the specific judgment of an admissions officer, there is reason to warrant this validation.

(g) An applicant admitted on a provisional status must submit the requested missing credentials, such as official final transcripts or test scores, which must substantiate eligibility for admission before a second term of enrollment as a degree-seeking student will be permitted.

(h) Performance in courses taken as a non-degree seeking student will not qualify an applicant for admission as a degree-seeking student.

(i) A non-degree seeking student who has been dismissed from USF is not eligible for admission to USF as a degree seeking student at the undergraduate level. If extenuating circumstances contributed to the academic dismissal and the student meets other admissions requirements, a request for the waiver of this rule may be submitted to the Faculty Committee on Student Admissions. This rule does not apply to a student who has earned a degree from a regionally accredited institution subsequent to academic dismissal.

(j) Freshman or undergraduate transfer applicants denied admission to the University of South Florida as degree seeking students will not be permitted to enroll as non-degree seeking students.

(k) An application or residency affidavit submitted by or on behalf of a student which contains false, fraudulent or incomplete statements shall result in denial of admission or denial of further registration and/or degrees awarded.

(l) The University shall refuse admission to a student whose record shows previous misconduct not in the best interest of the University community. The Vice President for Student Affairs or his/her designee will review all applications in which a prior legal or behavioral problem is noted. When necessary, this officer will contact appropriate individuals having knowledge of the applicant and/or the incident. Thereafter, the Vice President for Student Affairs or his/her designee will review the entire record and make a decision, with the assistance of the recommendations from the above sources, as to whether the admission of the applicant will be in the best interests of the University. In addition to this clearance by the Vice President for Student Affairs, the applicant must satisfy the academic requirements for admission. Any applicant denied admission under this policy may appeal to the Vice President for Student Affairs within ten (10) days after receiving notification of denial of admission.

(m) Prior to beginning classes, all new undergraduate students and former students returning are required to participate in an Orientation/Advising/Registration program on the University of South Florida campus where they will take all or the majority of courses in their first semester.

(n) Applicants may request consideration of admission for other terms that begin within 12 months of the originally requested entry date without submitting a new application and fee. All requests for changes of entry dates must be submitted in writing, must specify any college(s) attended and/or college work attempted that was not reflected on the original application and must be received by the appropriate published application deadline for the new term of entry or degree program specified, whichever is earlier. A new application and fee must be submitted when applicants wish to be considered for admission for a term that begins more than 12 months after the originally requested entry date.

(o) Applicants who request new entry dates as specified above must meet the admissions requirements and selection criteria in effect for the new term requested. Entry dates for some programs are limited to specified terms.

(p) Applications and documents submitted by those applicants who apply and are denied, or who are admitted and do not enroll, or who do not complete the application process, are retained as inactive files for one year only. These files are destroyed after receipt of authorization from the Division of Archives, History and Records Management, State of Florida.

(5) Admission Requirements.

(a) The admissions requirements stated below are minimum requirements. Satisfaction of minimum requirements does not guarantee admission to USF. Preference for admission in any term will be given to those applicants whose credentials indicate the greatest promise of academic success.

(b) The following information must be submitted to receive consideration for admission to the University of South Florida:

1. Entering Freshman applicants: application for admission (incorporated in Rule 6C4-1.005, F.A.C.), non-refundable application fee, official high school transcript, official GED scores if applicable, SAT or ACT scores, TOEFL score if applicable.

2. Early admission/freshman applicants: All information required of “Entering Freshman applicants,” plus the “Supplemental Information for Early Admission To The University of South Florida”, Rev. 3/00, incorporated herein and a personal letter outlining reasons for seeking early admission. The Early Admissions form is available from the Office of Admissions.

3. Transfer applicants with fewer than 60 semester hours of transferable college credit earned: application for admission, non-refundable application fee, official high school transcript, official GED scores if applicable, SAT or ACT scores, official transcripts from all colleges attended, TOEFL scores if applicable.

4. Transfer applicants with 60 or more semester hours of transferable college credit earned: application for admission, non-refundable application fee, official transcripts from all colleges attended, TOEFL score if applicable.

5. Graduate Applicants: Domestic and International Graduate applicant information submission requirements are provided in the Graduate Catalog incorporated in Rule 6C4-1.005, F.A.C.
6. International undergraduate applicants (not permanent U.S. residents): USF International Student Application for Admission (incorporated in Rule 6C4-1.005, F.A.C.), non-refundable application fee payable in U.S. dollars, TOEFL score if applicable, USF Financial Statement, Visa Clearance Form if currently enrolled in a U.S. Institution, undergraduate admissions test scores as specified for the appropriate applicant category, transcripts showing subjects and grades from the first year of secondary work to the time of application. Transcripts in a language other than English must be accompanied by a certified English translation. Foreign transcripts must be evaluated by a credential evaluation service, as specified in the international application.

(c) Requirements for Entering Freshmen.
1. The admission of entering freshmen is governed by Florida law and Florida Board of Education rules.
2. Normally a diploma from a Florida public or regionally accredited high school or the state-approved General Education Development (GED) diploma is required for freshman admission. Students admitted under the Early Admission Program are exempted from this requirement.
3. A test score from the Scholastic Aptitude Test (SAT) of the College Entrance Examination Board or from the American College Testing program (ACT) must be submitted by all freshman applicants.
4. In computing the high school grade point average for purposes of admission, USF adds one quality point for grades earned in College Board Advanced Placement Courses, International Baccalaureate course, and grades earned in high school designated honors or advanced courses.
5. When applicants present scores from more than one administration of the SAT, the highest verbal score and the highest quantitative score from among the different administrations are combined to determine eligibility for admission. In cases when applicants present multiple ACT scores, the highest possible composite score, obtained from using the highest of each of the sub scores from among multiple administrations, is used to determine eligibility for admission.
6. A minimum score of 550 on the written version of the Test of English as a Foreign Language (TOEFL), or a minimum score of 213 on the computer-based version, if the applicant’s native language is not English. This requirement shall be waived if, immediately prior to the expected USF entry date, the applicant has spent four consecutive years in a school where all courses are taught in English. If otherwise qualified, applicants who present TOEFL scores between 500 and 550 for the written version or 173-213 for the computer-based version (“cbv”) may be considered for admission with the condition that they must take a specified sequence of English courses. All applicants to Business and Engineering programs must meet the minimum TOEFL score requirement of 550 for the written version or 213 for the cbv. International citizens who are not permanent U.S. residents must also comply with all requirements for admission of international applicants.
7. For high school applicants earning a high school diploma:
   a. The following academic units, college-preparatory, year-long courses or equivalents normally offered in grades nine through twelve are required: four (4) units of English – three of which must have included substantial writing requirements; three (3) units of mathematics – at the algebra I and above levels; three (3) units of natural science – two of which must have included substantial laboratory requirements; three (3) units of social science – history, civics, political science, economics, sociology, psychology and geography; two (2) units of the same foreign language; and four (4) additional academic elective units from among these five academic areas and other courses approved by the Florida Board of Education.
   b. Each freshman applicant must meet one of the following:
      I. At least a “B” average (3.0 on a 4.0 scale) as computed by USF in the required high school academic units in English, mathematics, natural science, social science and foreign language; or
      II. A combination of high school GPA and admission test scores equivalent to a 2.5 (on a 4.0 scale) as computed by USF in the required high school academic units in English, mathematics, natural science, social science and foreign language, and a 1010 on the combined verbal and quantitative parts of the Scholastic Aptitude Test (SAT), or a comparable score on the American College Testing program (ACT) as indicated by the Admissions Scale of the Florida Board of Education.
   c. As required by Y 240.152, F.S., the University provides for reasonable substitution for any requirement for admission for any person who is hearing impaired, visually impaired, dyslexic or who has a specific learning disability. Documentation must be provided that the failure to meet the admission requirement is related to the disability, and the University may request pertinent documents as needed to determine eligibility for substitution under this subsection.
8. For applicants earning a GED diploma, an overall percentile score of at least 60 for all five tests and a percentile score of at least 50 on each of the five tests, and a total score of at least 1010 on the combined verbal and quantitative parts of the SAT or a composite score of 21 on the Enhanced ACT.
9. Freshmen applicants who do not meet the standard admissions criteria established by the Florida Board of Education and the University of South Florida may be admitted by the Faculty Committee on Student Admissions under authority delegated by the Florida Board of Education if there is evidence that the student can be expected to do successful academic work at USF. This alternative will be utilized for applicants who have important attributes, special talents or unique circumstances that may contribute to a representative and diverse student body.
10. First-time-in-college applicants who have been denied admission may petition the Faculty Committee on Student Admissions in writing within 30 days for reconsideration of the admissions decision. The request must contain reasons why this reconsideration is warranted based on extenuating circumstances and/or appropriate alternative evidence of academic achievement,
ability, motivation and responsibility that indicates potential for success at the University of South Florida. Student-initiated petitions that are denied by the Faculty Committee on Student Admissions may be further appealed to the Dean of Undergraduate Studies, and then to the Provost and Vice President for Student Affairs acting jointly.

11. Each student admitted by the Faculty Committee on Student Admissions shall have an individual learning plan. Annual follow-up reports of the success of these students shall be submitted for FBOE review.

12. Entering freshman applicants denied admission to the University of South Florida as degree seeking students will not be permitted to enroll as non-degree seeking students.

13. In addition to the minimum University requirements for admission set forth above, freshman applicants seeking entrance to limited access programs must meet additional requirements published and announced by each specific program.

(d) Requirements for Early Admission. The University of South Florida provides an early admission program for mature high school students to enter the University prior to graduation from high school. Applicants for early admission are evaluated on an individual basis and must demonstrate strong capability for academic work based on the high school record and admission test scores.

(e) Requirements for Undergraduate Transfer Students.
1. The admission of undergraduate transfers is governed by Rule 6C-6.004, F.A.C.
2. The University of South Florida accepts transfer credits only from those institutions accredited at the time the credits are earned by one of the six regional accrediting associations: New England Association of Schools and Colleges, Commission on Institutions of Higher Learning; Middle States Association of Colleges and Secondary Schools, Commission on Higher Education; North Central Association of Colleges and Schools; Northwest Association of Schools and Colleges; Southern Association of Colleges and Schools, Commission on Colleges; and Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Accrediting Commission for Junior Colleges. All credits earned during the period of time a regionally accredited institution was in a candidacy status for accreditation are considered for transfer credit. Credits earned at an institution that is currently in candidacy status will not be considered for transfer credit until such time as the awarding institution receives full regional accreditation. If the applicant is applying from a non-regionally accredited school, the admission decision will be based on the student’s prior work, if any, at a regionally accredited institution.
3. The University of South Florida reserves the right to evaluate specific courses and deny transfer credit. Courses that are remedial, occupational or vocational in nature are not accepted for transfer credit.
4. Grade point averages for the purpose of admission will be computed based on grades earned in courses that are acceptable for transfer credit. In the computation, incomplete grades will be computed as failures.
5. Transfer applicants must have completed two credits of one foreign language or American sign language in high school or eight to ten semester hours in the undergraduate institution(s) attended or demonstrate equivalent foreign language competence as described in Rule 6C-6.004, F.A.C. Transfer students are exempt from this admissions requirement if they received an Associate in Arts degree prior to September 1, 1989, or if prior to August 1, 1989, they enroll in a program of studies leading to an Associate degree from a Florida community college and maintain continuous enrollment until they are admitted to a university. Continuous enrollment will be established if the student enrolls in at least one term in each twelve-month period beginning with the student’s first enrollment in a community college and continuing until the student enrolls in a university. Lower level transfer students not to exceed 5 percent of the total number of freshmen enrolled in the prior academic year may be admitted without satisfying the foreign language requirement provided all such students admitted satisfy the foreign language requirement prior to admission to the upper division. All AA degree holders who are not exempt from this requirement and all other upper level transfer students admitted without meeting the foreign language admission requirement must satisfy the foreign language requirement prior to graduation.
6. Within curricular, space and fiscal limitations, admission as a junior to the upper division of the University will be granted to any Associate of Arts degree graduate of a state-approved Florida community/junior college or a transfer applicant from an SUS institution who has received the AA degree/certificate. The admission of Florida community/junior college AA transfer students is governed by the Articulation Agreement between the state universities and public community/junior colleges in Florida.
7. Undergraduate transfer students who have not earned the AA degree/certificate from a public community/junior college or state university in Florida or who have attended another college after receipt of the AA degree/certificate from a public community/junior college or state university in Florida must:
   a. Be in good standing and eligible to return to the last regionally accredited institution attended as a degree-seeking student;
   b. Have an overall 2.0 grade point average on a 4.0 system in all college level courses attempted and acceptable in transfer;
   c. Satisfy the minimum admission requirements for entering freshmen if transferring with fewer than 60 semester hours. With the approval of the Chancellor and of the Executive Director of the Community College System, exceptions to this requirement may be granted.
8. In determining eligibility for admission, the University provides for reasonable substitution for any course or high school unit requirement for any person who is hearing impaired, visually impaired, dyslexic or who has a specific learning disability. Documentation must be provided that the failure to meet the admission requirement is related to the disability, and the University may request pertinent documents as needed to determine eligibility for substitution under this subsection.
9. A minimum score of 550 on the written version of the TOEFL, or 213 on the computer-based version, is required if the applicant’s native language is not English. The TOEFL requirement shall be waived under two conditions: first, if the applicant has an AA degree/certificate from a Florida community/junior college or SUS institution; second, if, immediately prior to expected
USF entry date, the applicant has spent four consecutive years in a school where all courses are taught in English. If otherwise qualified, applicants who present TOEFL scores between 500 and 550 on the written exam or 173-213 on the computer-based version may be considered for admission with the condition that they must take a specified sequence of English courses. All applicants to Business and Engineering programs must normally meet the minimum TOEFL requirement of 550 on the written exam or 213 on the computer-based version. International citizens who are not permanent U.S. residents must also comply with all requirements for international applicants.

10. In certain cases, exceptions to admission criteria may be made on an individual basis by the Faculty Committee on Student Admission under authority delegated by Rule 6C-6.004, F.A.C., in accordance with Section 240.233, F.S. Exceptions will be made when a student can reasonably be expected to do satisfactory work at the University of South Florida and who has important attributes, special talents or unique circumstances that may contribute to a representative and diverse student body.

11. If eligible for appeal, undergraduate transfer applicants who have been denied admission may petition the Faculty Committee on Student Admissions in writing within 30 days for reconsideration of the admissions deadline. The request must contain reasons why this reconsideration is warranted based on extenuating circumstances and/or appropriate alternative evidence of academic achievement, ability, motivation and responsibility that supports potential for academic success at the University of South Florida. Student-initiated petitions that are denied by the Faculty Committee on Student Admissions may be further appealed to the Dean of Undergraduate Studies, and then to the Provost and Vice President for Student Affairs acting jointly.

12. Undergraduate transfer applicants denied admission to the University of South Florida as degree seeking students will not be permitted to enroll as non-degree seeking students.

13. In addition to the minimum University requirements for admission set forth above, undergraduate transfer applicants seeking entrance to limited access programs must meet additional requirements published and announced by each specific program.

14. Undergraduate transfer applicants with 90 or more transferable semester hours who are seeking admission to quota/limited access programs must meet the overall grade point average criterion specified by program in order to be eligible for admission to the university.

(f) Requirements for Entering or Transferring Graduate Students and Post-baccalaureate Professional Students are provided in the Graduate Catalog incorporated in Rule 6C4-1.005, F.A.C.

(g) Requirements for International Applicants who are not permanent U.S. residents.

1. The admission of international students who are not permanent U.S. residents is governed by Rule 6C-6.009, F.A.C.
2. International applicants must submit applications for admission, application fees and all required supporting documents no later than four (4) months prior to the date of desired entry or meet any earlier application deadline specified by the degree program requested.

3. A minimum score of 550 on the test of English as a Foreign Language (TOEFL) is required if the applicant's native language is not English. For undergraduate – entering freshmen and undergraduate transfer applicants – the TOEFL requirement shall be waived under two conditions: first, if applicant has an AA degree/certificate from a Florida community/junior college or SUS institution; second, if, immediately prior to expected USF entry date, applicant has spent four consecutive years in a school where all courses are taught in English. If otherwise qualified, undergraduate applicants who present TOEFL scores between 500 and 550 may be considered for admission with the condition that they must take a specified sequence of English courses. All undergraduate applicants to Business and Engineering programs must normally meet the minimum TOEFL requirement of 550 (or 213 if the computer-based version).

4. In addition, international applicants must:
   a. Meet all admission requirements for their appropriate applicant category – entering freshmen, undergraduate transfer, graduate. International applicants seeking entrance to limited access programs at the undergraduate level must meet additional requirements announced by each specific program. International applicants seeking admission to graduate study must meet any college or program requirements as published and announced by each specific college/program.
   b. Present appropriate diploma(s), certificate(s), degree(s) and/or examination(s) passed from the home country as evidence of United States equivalent qualifications and academic preparation for degree program requested.
   c. Be in good standing at the last institution attended.
   d. Show proof of availability of financial resources sufficient to cover all educational, maintenance, personal and travel expenses while attending USF without financial assistance from the University.
   e. If currently enrolled in a U.S. institution, submit a Visa Clearance Form signed by the Foreign Student Advisor.

(6) Readmission (Undergraduate Former Students Returning).

(a) Any degree seeking student who has not earned his/her degree, who has not been enrolled at USF in any of the last three terms and who wishes to re-enroll in the University must apply for readmission.

(b) In order to be considered for readmission, a former student should file a new Application for Admission with the Office of Admissions by the deadline indicated in the Academic Calendar for the term of requested reentry. A new application fee is not required.

(c) Undergraduate students returning to seek a baccalaureate degree must:
   1. Be eligible to return to the University of South Florida.
   2. Be in good standing and eligible to return to the last institution attended as a degree seeking student, if any.
3. Have achieved a grade point average of at least 2.0 on a 4.0 scale on all college-level academic courses attempted at institution(s) since last enrolled at USF.

(d) Students who have attended one or more institutions since their last enrollment must request official transcripts of all work attempted at the other institution(s) to be sent to the USF Office of Admissions. Acceptability of transfer credits toward completion of USF degree programs will be determined by the college of the student’s major.

(7) Evaluation of Transfer Credit.

(a) The receipt and evaluation of transfer credits is the responsibility of the Office of Admissions. The Office of Admissions will evaluate the acceptability of total credits transferable to the University. The college of the student’s major will assign equivalent courses in determining which courses are applicable toward a specific degree at the University. In some instances, exact course equivalents will also be determined by other colleges which offer the same or similar courses as part of their programs of study.

(b) The University of South Florida accepts transfer credits only from those institutions accredited at the time the credits are earned by one of the six regional accrediting associations: New England Association of Schools and Colleges, Commission on Institutions of Higher Learning; Middle States Association of Colleges and Secondary Schools, Commission on Higher Education; North Central Association of Colleges and Schools; Northwest Association of Schools and Colleges; Southern Association of Colleges and Schools, Commission on Colleges; and Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Accrediting Commission for Junior Colleges. All credits earned during the period of time a regionally accredited institution was in a candidacy status for accreditation are considered for transfer credit. Credits earned at an institution that is currently in candidacy status will not be considered for transfer credit until such time as the awarding institution receives full regional accreditation. If the applicant is applying from a non-regionally accredited school, the admission decision will be based on the student’s prior work, if any, at a regionally accredited institution.

(c) After enrollment, students may request validation of transfer credits earned at non-regionally accredited institutions by petition to the USF department that offers comparable courses with approval from the college of the student’s major.

(d) The University of South Florida reserves the right to evaluate specific courses and deny transfer credit. Courses that are remedial, occupational or vocational in nature are not accepted for transfer credit.

(e) Associate of Arts (AA) degree holders from Florida public accredited institutions will be considered as having met USF General Distribution Requirements and are automatically awarded 60 semester hours of credit. A course-by-course transfer credit evaluation will be done for all out-of-state and private in-state AA degree holders.

(f) Effective Fall Quarter, 1976, all courses from a Florida Community College/University bearing the same State Common Course prefix and last three numbers as a USF course are automatically transferred and transfer students may not be required to repeat these courses unless a college age-of-record policy is involved. Excluded are graduate courses, studio courses in art, internships, practicums and performing arts courses in dance, acting, and vocal and instrumental music.

(g) Credit will not be awarded for GED tests.

(h) Service school courses will be evaluated with reference to the recommendations of the American Council of Education when official credentials have been presented. Such recommendation, however, is not binding upon the University.

(i) Effective Fall Quarter, 1975, the maximum credit awarded for ROTC and military science courses will vary with each college. ROTC and military science courses taken prior to Fall 1975 are not acceptable for transfer credit.

(j) A maximum of 45 semester hours of College Level Examination program, subject and general examinations, credits can be accepted for transfer credit.

(k) A maximum of 30 semester hours of extension, correspondence, and military service education credits can be applied toward a degree.

(l) Grades earned in transferred courses are not computed in the student’s USF grade point average except for the purposes of admission to limited access programs, awarding of Honors at Graduation, and class ranking of baccalaureate students.

(m) A continuously-enrolled USF degree-seeking student must obtain prior written approval from the college of the student’s major in order for courses taken at other regionally-accredited institutions to be applied to the USF degree program.

Specific Authority 229.0081, 240.233 FS. Law Implemented 240.233 FS. History-New 3-26-91, Amended 1-7-93, 6-19-02.

6C4-3.019 Associate of Arts Certificate.

Upon the student’s successful completion of the minimum requirements for the Associate of Arts certificate the University will present the student who has properly made application with an appropriate certificate.

(1) To receive the Associate of Arts, the student must complete 60 semester hours of university credit; at least twenty of the last thirty semester hours must be completed in residence at the University of South Florida; the minimum grade point average must be 2.0 based on work attempted at University of South Florida; in addition, a transfer student must have a GPA of 2.0 or higher when combined with transfer work accepted and evaluated by USF Office of Admissions and the General Distribution Requirements of the University of South Florida must be satisfied. Physical Education and military science credits do not count within the 60 semester hours toward the Associate of Arts. In addition, the student must present a score, passing score after August 1984, on the College-Level Academic Skills test and fulfill the writing and computation course requirements of Rule 6A-10.030, F.A.C., prior to receiving Associate of Arts degree.
(2) Application Procedure for the Associate of Arts Certificate. The Application for an Associate of Arts Certificate form #USF 2075 Rev. 3/93, Eff. 9/93 can be obtained from the Center for Academic Advising in the Division of Undergraduate Studies prior to the application deadline. The deadline to apply for a degree in each semester is stated in the Academic Calendar in the catalog.

(3) The Associate of Arts must be awarded prior to the term that the student becomes eligible for the baccalaureate degree.

(4) Final processing for the Associate of Arts will be done after grades are processed at the end of the semester for which the student applied. All work, including transfer work, taken in that semester will be evaluated at that time with respect to the requirements for the Associate of Arts Certificate.

(5) Any incomplete grades shown on the permanent record of an Associate of Arts applicant at the time grades are processed will be treated as an F in the calculation of grade point average.

(6) The General Distribution Requirements will be based on the approved University policy in effect in the catalog year the student chooses according to the University policy regarding the choice of catalog. The consideration of whether or not General Distribution Requirements are met will be made without consideration of the student’s choice of major at the time he/she applies.

(7) Residence credit will be broadly defined to include USF sponsored student exchange programs and the University of Florida Correspondence Division. Where the grades from these institutions, except those earned through the University of Florida Correspondence Division, are recorded on the permanent record at the University of South Florida, and included in the grade point average calculation, they will also be counted in the student’s grade point average as work attempted at University of South Florida for the Associate of Arts.

(8) An applicant who has not been enrolled at USF for three semesters may be contacted to ascertain whether or not that applicant meets the residency requirements.

(9) In approving any application for the Associate of Arts certificate, satisfactory/unsatisfactory grades will be accepted according to the approved University policy in effect during the terms of the student’s enrollment without regard for the student’s declared major. Students must be aware that if they have taken any courses on a satisfactory/unsatisfactory basis where such grades are not acceptable by the college of the major, the students may be required to repeat particular courses for a traditional letter grade or take additional courses for a traditional letter grade to meet the college requirements.

(10) All University of South Florida colleges with undergraduate programs will accept the Associate of Arts from University of South Florida. That is, the student will be placed at least, at the junior level and will be considered to have met the University’s General Distribution Requirements. The applicability of the courses taken by the student toward his/her major program will be determined by the College of the student’s major. Similarly, any special requirements for a student’s professional certification (e.g., Education and Engineering) are not necessarily met by the Associate of Arts certificate, but could be included as part of the General Distribution Requirements. Thus, students should check with their colleges concerning meeting any special requirements in an efficient manner.

(11) The awarding of the Associate of Arts is posted on the permanent record but does not alter the calculation of the grade point average nor does it interrupt the accumulation of the student’s record.

(12) Students who follow a baccalaureate degree program as recommended by a college will not necessarily be eligible for the Associate of Arts Certificate prior to the completion of 90 semester hours.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1), 240.239 FS. History–New 4-19-90, Amended 8-19-90, 10-27-92, 9-19-93.

6C4-3.022 Use of University Career Resource Center Facilities and Services.

(1) Students must register with the Career Resource Center (CRC) to utilize the services of the CRC. There are two levels of registration:

(a) Any student who wants to utilize any of the CRC services (library, video, job data bank, advising) must complete a Personal Data form, USF form #CDS 003, Eff. 9/91, which is available at the CRC office, incorporated by reference herein.

(b) Students who want to participate in on-campus interviewing, resume referral, and all other services must attend the Placement Services Orientation. Students must complete and return the placement package or electronic registration which includes a Consent To Disclosure To Third Parties Information Contained In Records form also known as a Credentials Release form, USF form #CDS 002, Eff. 9/91, incorporated by reference herein. Students may register three full semesters before graduation.

(2) Students who fully register with the Career Resource Center will have three months of service after their date of graduation with the exception of on-campus interviewing.

(3) Graduating students and alumni are given priority of services over the other State University System of Florida students who are served on reciprocal basis.

(4) All company representatives making on-campus visits for the purpose of interviewing graduating students and alumni are required to work through the Career Resource Center for scheduling rooms, interviews, etc.

(5) All companies are required to have a copy of the University’s Equal Opportunity Employer Statement on file.

(6) No listing will be provided to any person or organization who asks for specific categories such as race, color, creed, religion, sex, age or national origin.

(7) Employers have two options when recruiting on campus:
(a) Pre-Selection – Resumes of qualifying students will be forwarded one month prior to the scheduled visit. Two requirements must be met for employers selecting this method of recruitment:

1. Employers must provide a COD Express Mail account number, i.e. Federal Express, Airborn or Emory Express, to the Career Resource Center on the Recruitment Information Form, USF form #CDS 001, Eff. 9/91, incorporated by reference herein.

2. Names of pre-selected students must be forwarded in writing by the deadline date.

(b) Open – Interview schedules will be made available for student sign-up two weeks prior to the interview date. Every effort will be made to assure that students meet the requirements on the Recruitment Information Form.

(8) Employers who request resumes for specific positions and desire to interview referred students on-campus will be responsible for contacting those students. Interview space will be arranged through the Career Resource Center.

(9) Students will provide ten resumes to be used for mailing by the CRC. Students will be notified in writing when additional resumes are needed.

(10) All appointments for campus interviews will be made personally by each student requesting that appointment. No interview appointments will be made over the telephone except as by special arrangements with other USF campuses.

(11) Any student scheduling an interview finding it necessary to cancel must notify the Career Resource Center 48 hours prior to the scheduled interview. Less than 48 hours constitutes a “no-show”. A student having a “no-show” will be denied campus interviews until he/she can talk personally with the Assistant Director or the Coordinator of Placement.

(12) Students who sign up for employer pre-selection must also sign up for an interview time or be considered a “no-show”.

(13) Only students who are fully registered with the Career Resource Center have access to the Job Data Bank, position vacancies listed with this office.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1) FS. History–New 10-1-91.

6C4-3.023 Student Exchange Programs.
The University of South Florida has exchange programs which involve students at the university and students in institutions of higher learning, either within or without the state, which are not in the State University System as follows:

(1) Plan A – the out-going USF student pays to USF a fee which covers the cost of his/her full time registration while on exchange. Full time registration is calculated as 2 credits minus health fees plus 10 credits minus bond and trust fees. The former is used to pay for actual course registration, while the latter goes to the university miscellaneous account. The student is also charged an amount sufficient to cover the cost of a double room and a 20 meal plan for the incoming exchange student as well as for administrative costs involved in running the overall international student exchange program. In this plan, the USF student does not pay for registration, room, or meal plan to the other institution while on exchange. Likewise, visiting students will pay fees to his/her home institution but will not pay for registration, room, or meal plan to USF. Registration fees for those students are waived, and the International Student Exchange Office pays the Division of Housing and Food Services for the room and meal plan from the funds paid by the outgoing students.

(2) Plan B – the out-going student pays the same registration and administrative costs as outlined above but pays for housing and meal plan at the exchange school. The visiting student does not pay for registration fees here since they are waived but does pay for his/her room and meal plan.

Specific Authority 240.227(24) FS. Law Implemented 120.53(1)(a), 240.227(24) FS. History–New 6-1-93.

6C4-3.024 Non-Resident Tuition Waivers.
(1) The University of South Florida will use graduate out-of-state tuition waivers to offer tuition support to non-resident Graduate Assistants who have a minimum .25 FTE. and to non-resident graduate students who are recipients of Fellowships that award a stipend equivalent to State mandated minimum for matching waiver support per semester of tuition assistance. The Graduate Dean’s allocation of out-of-state tuition waiver dollars to non-resident graduate students, other than those above, shall be given to graduate students having exceptional academic capabilities or skills provided funds are available.

(2) To the extent funds are available, out of state tuition waivers are awarded to undergraduate students having exceptional academic capabilities or skills who apply to and meet the criteria of the appropriate USF college or unit, e.g. degree-seeking Junior or Senior, etc.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1) FS. History–New 12-20-93, Amended 5-19-94.
CHAPTER 6C4-4 ADMINISTRATIVE AFFAIRS

6C4-4.001 Division of Administrative Services; Organization. (Repealed)
6C4-4.002 Driving and Parking on Campus. (Repealed)
6C4-4.0021 Bicycle Traffic and Parking Regulations. (Repealed)
6C4-4.00210 Traffic Regulations.
6C4-4.00211 Regulations Governing Scooters, Motorcycles, Bicycles and Mopeds.
6C4-4.00212 Towing/Immobilizing of Vehicles.
6C4-4.00213 Violations, Penalties and Fines.
6C4-4.00214 Citation - Payment and Appeal Process.
6C4-4.0022 Canines on Campus.
6C4-4.0023 Driving and Parking on Campus.
6C4-4.0024 Definitions for 6C4-4.0023 through 6C4-4.00214.
6C4-4.0025 Registration Regulations.
6C4-4.0026 Vehicle Registration Fees.
6C4-4.0027 Parking Regulations.
6C4-4.0028 Visitor/Temporary Parking Permits.
6C4-4.0029 Disabled Parking.
6C4-4.003 University Property.
6C4-4.004 Check Cashing. (Repealed)
6C4-4.005 Refunds. (Repealed)
6C4-4.006 Grievances - (Non-Unit) University Support Personnel Staff (USPS). (Transferred to 6C4-10.016)
6C4-4.007 University Support Personnel Staff (USPS) Personnel Files. (Transferred to 6C4-10.014)
6C4-4.008 Disciplinary Action - (Non-Unit) University Support Personnel Staff (USPS). (Transferred to 6C4-10.015)
6C4-4.009 Accounts Receivable.
6C4-4.0095 Employee Debt Collection.
6C4-4.010 Cancellation of Registration for Nonpayment of Tuition and Fees and Returned Checks in Payment of Tuition and Fees.
6C4-4.0101 Student Registration.
6C4-4.0102 Tuition and Fees.
6C4-4.0107 Special Fees, Fines and Penalties.
6C4-4.011 Purpose. (Repealed)
6C4-4.01101 Application. (Repealed)
6C4-4.01103 Definitions. (Repealed)
6C4-4.01107 Delegations of Authority. (Repealed)
6C4-4.01109 Formal Bids Required. (Repealed)
6C4-4.01111 No General Contract for Class B Printing. (Repealed)
6C4-4.01112 Request for Proposals. (Repealed)
6C4-4.01113 Source Selection and Contract Formation. (Repealed)
6C4-4.01115 Sole Source Procurement. (Repealed)
6C4-4.01117 Emergency Procurement. (Repealed)
6C4-4.01119 Cancellation of Invitation to Bid, Request for Proposal, or Request for Quotations. (Repealed)
6C4-4.01121 Responsibility of Bidders. (Repealed)
6C4-4.01123 Multi-term Contracts. (Repealed)
6C4-4.01125 Cancellation Clause. (Repealed)
6C4-4.01127 Use of Contracts Issued by the Florida Division of Purchasing. (Repealed)
6C4-4.01129 Right to Inspect Bidder’s Facility. (Repealed)
6C4-4.01131 Reporting of Anticompetitive Practices. (Repealed)
6C4-4.01133 Specifications. (Repealed)
6C4-4.01135 Performance Deposits and Payments and Performance Bonds. (Repealed)
6C4-4.01137 Acquisition of Printing, Duplicating, and Reproductive Equipment. (Repealed)
6C4-4.01139 Legal and Contractual Remedies. (Repealed)
6C4-4.01141 Authority to Debar or Suspend Vendors. (Repealed)
6C4-4.01143 Cooperative Purchasing. (Repealed)
6C4-4.01145 Assistance to Small and Minority Business Enterprises. (Repealed)
6C4-4.01147 Code of Ethics and Conduct. (Repealed)
6C4-4.01149 Classes of Contractual Services and Statistical Reporting. (Repealed)
6C4-4.012 Purpose.
6C4-4.01201 Definitions.
6C4-4.01203 Approval.
6C4-4.01205 Standard Lease Form.
6C4-4.01207 Fire Code Compliance in Leased Space.
6C4-4.01209 Leases of 5,000 or More Square Feet.
6C4-4.01211 Competitive Bidding.
6C4-4.01212 Single Source Facilities.
6C4-4.01213 Disclosure Statements.
6C4-4.01215 Legal Review.
6C4-4.01217 Certification of Compliance.
6C4-4.013 Purpose.
6C4-4.01301 Approval for Vehicles and Watercraft Acquisitions.
6C4-4.01303 Acquisition and Disposal.
6C4-4.01305 Assignment and Use.
6C4-4.01307 Maintenance.
6C4-4.01309 Aircraft.
6C4-4.014 Purpose.
6C4-4.01401 Definitions.
6C4-4.01403 Reporting Requirements for Surplus, State-owned, Tangible Personal Property.
6C4-4.01405 Certification.
6C4-4.01407 Buildings and Structures.
6C4-4.01409 Items to Be Reported.
6C4-4.01411 Procedures for Disposal of Surplus Property.
6C4-4.01413 Availability of Surplus State Property.
6C4-4.01415 Surplus Property with an Estimated Value of $5,000 or More.
6C4-4.01417 Authority for Disposal.
6C4-4.01419 Exchange Property.
6C4-4.01421 Contract/Grant Funded Property.
6C4-4.01423 Disposition of Monies.
6C4-4.01425 Fee Assessment and Remittance. (Repealed)
6C4-4.02000 Statement of Intent.
6C4-4.02010 Definitions.
6C4-4.02020 Purchasing Services Duties.
6C4-4.02030 Competitive Solicitation Requirements.
6C4-4.02040 Purchase of Commodities or Contractual Services.
6C4-4.02050 Bonds.
6C4-4.02060 Contracts.
6C4-4.02070 Standards of Conduct.
6C4-4.02080 Purchase of Motor Vehicles.

6C4-4.00210 Traffic Regulations.
(1) Traffic rules, regulations and directive signs governing the use of motor vehicles are in effect 24 hours a day, all year long. Inclement weather does not bar their enforcement.
(2) Motorists shall yield the right-of-way to pedestrians within a crosswalk.
(3) The Tampa campus speed limit is 30 m.p.h. unless otherwise posted. Speed limit in parking lots is 10 m.p.h.
(4) It is unlawful to drive in the opposite direction of the normal flow of traffic.
(5) It is unlawful to remove, alter, or change any traffic control device, sign, barricade, or traffic cone. It is also unlawful to drive around barricades, traffic cones in the roadway, or parking lots that are closed by PATS.
(6) ALL FLORIDA TRAFFIC LAWS ARE ENFORCEABLE ON CAMPUS.

Specific Authority 240.227(1), (27), 240.264 FS. Law Implemented 240.227(13), 240.264, 240.265 FS. History–New 4-29-01.

6C4-4.00211 Regulations Governing Scooters, Motorcycles, Bicycles and Mopeds.
(1) Drivers of scooters, motorcycles, bicycles and mopeds are responsible for observing the same traffic regulations as those governing vehicles.
(2) Drivers may not drive, ride or park scooters, mopeds, or motorcycles on grass, sidewalks or in the confines of a building.
(3) It is unlawful for more than one person to ride on a vehicle at the same time, unless the vehicle is designed for and equipped with a seat for each person.
(4) Drivers may not park two-wheeled motorized vehicles in an automobile space. They are, however, allowed to park at paid meters. There are designated motorcycle spaces available.

(5) Holders of motorcycle or bicycle permits are entitled to a maximum of five (5) days, annually, of temporary parking permits for four-wheeled vehicles.

(6) All two-wheeled motor vehicles must be registered with PATS.

(7) Motorcycles cannot display automobile permits at any time, therefore, registered owners of four-wheeled vehicles who have motorcycles, are required to register and purchase permits for each vehicle or motorcycle they wish to park on campus.

(8) Bicyclists will be ticketed for MOVING VIOLATIONS on streets or sidewalks by University Police. Bicycle Regulations are outlined in Section 316.2065, F.S.

(9) A person propelling a bicycle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances, but the cyclist shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

Specific Authority 240.227(1), (27), 240.264 FS. Law Implemented 240.227(13), 240.264, 240.265 FS. History–New 4-29-01.

6C4-4.00212 Towing/Immobilizing of Vehicles.

(1) Vehicles are subject to being immobilized by a mechanical boot or towed away at the operator’s or USF department’s expense under any of the following conditions:

(a) Those listed in the Parking Brochure incorporated in Rule 6C4- 4.0023, F.A.C.

(b) Unauthorized parking in reserved or disabled spaces.

(c) Parking out of assigned area (e.g., staff parking in student lot or vice versa) or without a valid permit.

(d) Abandoning a vehicle (disabled or otherwise) for three (3) consecutive days or more (disabled or abandoned vehicles must be attended to promptly with immediate notification made to PATS between 8:00 a.m. and 5:00 p.m. and to the University Police after 5:00 p.m. on weekdays and on weekends and holidays).

(e) Parking in such a way as to interfere with University operational activities.

(2) Vehicles that have been immobilized by a mechanical boot are towed at the owner’s/department’s expense. The owner/department is required to pay for the outstanding citations, and the immobilization fee and applicable towing charges prior to claiming their vehicle. The fact that a previously immobilized vehicle has been removed from the area without authorization from PATS shall be prima facie evidence that the registered owner has tampered with the immobilized vehicle. Owners of immobilized vehicles may make restitution during PATS’ office hours at the main building or at the Campus Information Center. Such payments will not be accepted after hours or through the weekend/holidays, so vehicles will remain immobilized until restitution is made on one of the next business days.

(3) A signed release slip must be obtained from PATS before owner’s towed vehicle may be reclaimed from the towing company. The release slip will be issued after vehicle registration fees and outstanding citation fees are paid at PATS. In addition, the owner or operator of the towed vehicle must provide proper identification to the towing company and pay the towing charges in cash to the towing company before reclaiming the vehicle from the towing company.

Specific Authority 240.227(1), (27), 240.264 FS. Law Implemented 240.227(13), 240.264, 240.265, 240.266 FS. History–New 4-29-01.

6C4-4.00213 Violations, Penalties and Fines.

(1) Moving violations will be referred to the City of Tampa by PATS.

(2) Operators of vehicles are subject to be fined in accordance with the schedule of violation charges as provided in the Parking Brochure incorporated in Rule 6C4- 4.0023, F.A.C.

(3) In addition, permission to operate a vehicle on campus may be revoked for a period up to twelve (12) months and the operator so notified by PATS whenever:

(a) The person falsifies or misrepresents information on any PATS’ documents.

(b) The person/department lends his/her vehicle to another person when the latter is not entitled to driving privileges.

(c) The person/department required to register a vehicle does not respond to citations.

(d) The person/department demonstrates actions that show a willful disregard for public safety or property, or engages in other types of disruptive behavior with another member of the University community.

(e) The person owes a delinquent debt to USF.

(4) Any violation not cleared at the end of twenty-one (21) days shall be referred to the Division of Purchasing and Financial Services for collection. Outstanding student accounts may also result in student records and registration being placed on hold until the debt is settled.

Specific Authority 240.227(1), (27), 240.264, 240.291 FS. Law Implemented 240.227(13), 240.264, 240.265, 240.266, 240.291 FS. History–New 4-29-01.

6C4-4.00214 Citation - Payment and Appeal Process.

VIOLATION PAYMENT PROCEDURE:
(1) Unless otherwise specified in these rules, all persons or departments who are cited for non-moving violations may make payment to the PATS in person, mail payment in the envelope provided, or place payment in envelope and deposit in the drop box at the PATS. If payment is mailed or deposited in the drop box, payment shall not be made using cash.

(2) Students and staff may participate in the Campus Litter Cleanup Program to satisfy charges not to exceed $40.00 for the academic year. Details may be obtained at PATS.

(3) APPEAL PROCESS:
(a) Only those persons or departments responsible for incurring the citation or the registrant of the vehicle cited may appeal to PATS or the USF Parking Citation Final Appeal Committee.
(b) Any person or department who wishes to appeal a citation shall do so within fourteen (14) calendar days from the date of issuance on the citation. (Note: Warning citations may not be appealed.) Appeals may be submitted in writing, in person, or via the Internet at the Website published in the Parking Brochure. The USF Parking & Transportation Services Parking Citation Appeal form (Rev. 10/99), incorporated by reference herein, is available at the PATS main building and the Campus Information Center. A copy may also be obtained by calling (813) 974-3990. The person or department appealing the decision must explain the circumstances existing at the time of the citation in the appeal for review of the citation.
(c) If an appeal is not submitted within fourteen (14) calendar days from the date the citation was issued, the right to appeal is forfeited.
(d) The written appeal will be reviewed by the Appeals Mediator/Staff, adjudicated based on the current PATS Regulations and a letter of decision will be issued.
(e) If the person or department is dissatisfied with the decision of the Appeals Mediator/Staff, they may appeal the Appeals Mediator/Staff’s decision to the USF Parking Citation Final Appeal Committee. Such appeals must be requested in one of the following ways: in writing, by appearing in person or by having the original appeal forwarded to the Committee. Such appeal requests must be made within fourteen (14) calendar days from the date of the Appeals Mediator/Staff’s letter of decision. The USF Parking Citation Final Appeal Committee will review the matter and may excuse or uphold the citation, but the Committee may not contradict the prevailing parking and registration regulations. The USF Parking Citation Final Appeal Committee is the final appeal authority.

Specific Authority 240.227(1), (27), 240.264, 240.266 FS. Law Implemented 240.227(13), 240.264, 240.265, 240.266 FS. History–New 4-29-01.

6C4-4.0022 Canines on Campus.
(1) Canines are not permitted in University of South Florida patio areas adjacent to swim facilities, in recreational facilities such as racquet ball and tennis courts, in food or dormitory facilities, inside University buildings, or at special events such as flea markets and open air concerts, excepting seeing eye dogs.
(2) In all other parts of campus where canines may be permitted, such animals must be kept securely tied by a line or leash not to exceed ten (10) feet in length. Canines are not permitted to run at large on any of the streets, unimproved lots or premises within the boundaries of the University of South Florida and should not be tethered and left unattended.
(3) Consequences for violation:
(a) Student violators will be referred to the Office of Student Affairs for disciplinary action in accordance with the University’s student disciplinary procedure.
(b) Staff violators will be referred to their supervisor.
(c) Non-University violators will be referred to the Division of Public Safety. The first violation will result in a warning; further violations will result in a charge of trespass.

Specific Authority 120.53, 240.227 FS. Law Implemented 240.227 FS. History–New 6-6-90.

6C4-4.0023 Driving and Parking on Campus.
(1) AUTHORIZATION: The University of South Florida ("University") strives to provide an adequate parking and transportation system for its employees, students and visitors. The University charges fees for use of its parking spaces in order to pay for the operation and maintenance of campus parking facilities and may assess a Transportation Fee, as described in subsection (3) of this rule, to provide an adequate transportation system for students. Due to the size of the staff and student bodies, the University does not guarantee parking to all students and staff paying for spaces. For those community members parking on campus, the University provides for, but does not guarantee, the safety and security of vehicles, property and persons within the University parking facilities. All persons of the University community holding a valid operators license are privileged to use properly registered motor vehicles, motor scooters, bicycles and other mechanical conveyances on the campuses of the University of South Florida in accordance with the terms of these regulations.

(2) ENFORCEMENT:
(a) University Police are authorized to directly and immediately enforce these regulations on the University campuses and to make arrests and issue moving traffic citations on campus and off campus in cases where the offenses occur on campus.
(b) University Police, Parking Patrol Officers, Security Officers, or specially designated personnel are authorized to issue parking citations for parking and registration violations in accordance with these regulations twenty-four (24) hours a day.
(3) TRANSPORTATION FEE PLAN: To support the University transportation infrastructure and increase student access to transportation services, the University shall maintain a Transportation Access Fee Plan. The University of South Florida President (“University President”) may, from time to time, convene a Transportation Access Fee Committee. The Committee shall be composed of at least one-half student representatives appointed by the student body president. The remainder of the committee shall be appointed by the University President. A chairperson shall be jointly appointed by the University President and student body president and shall only vote in case of a tie. The Committee may recommend that fees or fee increases be assessed upon all courses and fundable credit hours taken by individuals at the University. The recommendations shall take effect if approved by the University President, after consultation with the student body president, and approved by the University Board of Trustees.

(4) BROCHURES: The University of South Florida brochures 2003-2004 “Parking at the University of South Florida” (“Parking Brochure”) are incorporated into this rule by reference, and may be obtained at the local parking services office.

6C4-4.0024 Definitions for 6C4-4.0023 through 6C4-4.00214.
(1) DISABLED PARKING: Specifically designated parking for anyone legally qualified to use disabled parking.
(2) GOLD LOT PARKING: Designated premium parking lots requiring a special permit.
(3) HOLIDAYS: Official State of Florida holidays only. Academic breaks and weekends are not holidays.
(4) LICENSEE: A person or entity that is present on the grounds of the University of South Florida because they have entered into an agreement with the University for use of the University’s facilities.
(5) LOADING/UNLOADING ZONES: Zones specifically designated for vehicles making deliveries and pick-ups.
(6) PARKING: Stopping a vehicle on the side of the road, on the road, or off the road when not required to do so by law or regulation. The parked condition is not altered by occupancy of the vehicle, leaving the vehicle’s motor running, or engaging the vehicle’s flashing hazard light.
(7) PATS: Parking and Transportation Services.
(8) PERMIT: A distinctive University adhesive decal or hangtag issued by PATS.
(9) REGISTERED VEHICLE: Any vehicle that is registered with PATS by filing an application which provides the necessary vehicle/owner driver identification information and paying the appropriate fee. These applications, listed below and incorporated by reference herein, are available at the PATS main building and the Campus Information Center:
(a) USF Parking & Transportation Services Student Vehicle Information (Rev. 6/00).
(b) USF Parking & Transportation Services Staff Vehicle Information (Rev. 6/2000).
(c) USF Parking & Transportation Services Disabled Vehicle Information (Rev. 6/2000).
(d) USF Parking & Transportation Services Reserved Parking Request (Rev. 7/99).
(e) USF Parking & Transportation Services Vendor/Contractor Information (Rev. 7/99).
(f) USF Parking & Transportation Services Department Information (Rev. 7/99).
(10) RESERVED SPACE: Individually marked space reserved for the specified user from 7:00 a.m. – 5:30 p.m. Monday-Friday.
(11) SERVICE DRIVE: Those areas of campus that provide access for delivery service and emergency vehicles only.
(12) STAFF: The term STAFF includes faculty, adjuncts, administrative and professional, USPS employees, full-time, part-time and OPS employees (non-student), those students who work for the University thirty hours or more a week during a complete semester or complete term and licensees of the University.
(13) STUDENT: For the purpose of these regulations, the term STUDENT includes all persons, other than Staff, as defined above, enrolled with the University; day or night, full-time or part-time, regardless of the number of hours or days attending classes.
(14) TEMPORARY PERMIT: A permit issued by PATS for visitors, persons temporarily incapacitated, non-enrolled students (Life-long Learning, etc.), persons on special University assignment and persons temporarily using another vehicle.
(15) TIMED SPACES: Parking spaces specifically designated for vehicles making short term stops of no greater than thirty minutes.
(16) VENDOR/CONTRACTOR: Any person/company that has entered into a contract with the University to provide a service, regardless of the length of the contract, to the University.
(17) VISITOR: Any person who is not a member of the University community (student, staff, faculty, vendor/contractor or licensee) on any of the USF campuses.
(18) VOLUNTEER: Any person who provides volunteer services and receives no compensation from the University for those services.
(19) REGIONAL CAMPUS: St. Petersburg, Sarasota, and Lakeland.
(20) RETIRED: Faculty and staff who have retired at USF and are not currently employed by the University.

Specific Authority 1001.74(4) FS. Law Implemented 1006.66 FS. History–New 4-29-01, Amended 11-22-01, 5-9-02, 7-31-02, 8-7-03.

Specific Authority 240.227(1), (27), 240.264 FS. Law Implemented 240.227(13), 240.264 FS. History–New 4-29-01.
6C4-4.0025 Registration Regulations.
(1) VEHICLES USED ON CAMPUS BY STAFF AND ENROLLED STUDENTS, REGARDLESS OF NUMBER OF HOURS OR DAYS, NIGHT OR DAY, FULL TIME OR PART TIME, MUST BE REGISTERED AND MUST BEAR A VALID UNIVERSITY PERMIT.

(2) Vehicles may be registered during business hours Monday through Friday, at PATS or at a designated satellite location.

(3) Upon requests by PATS, the person registering a vehicle must present a valid USF faculty/staff, or student ID card, or a letter from employer which justifies the type of permit requested. Resident students must present a copy of their housing contract or check-in sheet. Disabled registrants must present a copy of their disabled registration. All registrants are responsible for providing PATS with a current address and keeping all information about vehicle ownership updated.

(4) All vehicles used on campus must be registered prior to parking in any non-visitor spaces on campus.

(5) There is no grace period for registration of vehicles and acquisition of university permits. New and returning employees may obtain a temporary permit for fourteen (14) calendar days from the start date of their employment. Proof of employment status is required.

(6) Reserved spaces may be purchased for a yearly fee. Requests for spaces must bear the concurrence of the President, a vice president, or a dean, and attest to the fact that the space is needed based upon the registrant’s work requirements. These spaces are not transferable and cannot be sold to another individual in the event the registrant of the reserved space leaves the University. Reserved parking locations are established by PATS to allow improved parking efficiencies.

(7) Commercial representatives in commercial vehicles using marked delivery trucks, telephone and power service vehicles, limousine service automobiles, taxis and buses making brief stops in the appropriate spaces or zones at one or more points on campus are not required to pay a parking fee or display a permit unless the vehicles will be parked.

(8) Vendors/Contractors and sales or service representatives must display a USF Vendor/Contractor permit on their commercially or privately owned vehicles to park on USF campuses. These vehicles may be parked in any designated, unreserved non-gold lot parking space. Special parking arrangements must be approved in advance by PATS. Vendor/Contractor permit holders may also utilize designated loading/unloading zones for periods of thirty (30) minutes or less.

(9) Permit regulations:
(a) When the vehicle is parked, hangtags must be hung from the rearview mirror bracket with the registration number plainly visible through the front window of the vehicle. Note: Having tinted windows, or using a sunscreen or a car cover does not preclude the necessity of ensuring the hangtag is plainly visible.

(b) Hangtags may not be transferred from registrant to another vehicle operator who would otherwise be required to register their vehicle.

(c) Hangtags are transferable to any vehicle owned by the registrant.

(d) Adhesive decals are only issued to those registrants with convertibles or other open vehicles. The decal must be permanently affixed to the left rear bumper and/or the left side rear windshield of the vehicle (outside only). Improper display of decal may result in a citation being issued and a fine being charged.

(e) Adhesive decals for all two-wheeled vehicles must be displayed on the rear fender of the vehicle unless otherwise approved by PATS.

(f) University permits may not be reproduced, altered, or transferred by anyone other than PATS.

(g) The person who owns or registers a vehicle is responsible for assuring that the vehicle, regardless of who drives it, is parked in conformance with the rules and regulations and for knowing when the issued permit expires.

(h) All citations issued to a permit will be that registrant’s responsibility regardless of which vehicle the permit is on at the time of the infraction, unless a lost/stolen affidavit form regarding that permit has previously been submitted to PATS. The USF Parking & Transportation Services Request for Replacement or Exchange of Parking Permit form (Rev. 10/99), incorporated by reference herein, may be obtained by writing to University of South Florida, Parking Services, 4202 Fowler Avenue, PSB101, Tampa, Florida 33620.

(i) Any vehicle parked on campus is parked at the risk of the operator. Permits declared lost or stolen will immediately become invalid. An affidavit must be completed for lost or stolen permits or in the event that the permit was sold with the car. If recovered, the permit will be reclaimed by the PATS and destroyed. Any vehicle bearing a lost/stolen permit is subject to immediate tow, even if the vehicle bearing the permit is owned by the person who has reported the permit as lost/stolen.

(j) All University staff, students and visitors who own, register, and have more than one vehicle on campus at the same time are required to have a valid permit displayed on each vehicle.

Specific Authority 240.227(1), (27), 240.264 FS. Law Implemented 240.227(13), 240.264 FS. History–New 4-29-01.

6C4-4.0026 Vehicle Registration Fees.
(1) Payroll Deduction: Those persons employed as faculty, A & P, or USPS may pay for their permits through payroll deduction. Those employees not considered permanent employees, i.e., OPS, graduate assistants, visiting and adjunct professors, etc. are not eligible to use payroll deduction. Payroll deduction cannot be used between March 31 and July 31.
(2) Refunds: No full refunds are issued for permits, including replacement permits, unless the refund is requested within 14 calendar days of the initial date of validity of the permit. To receive the refund, the permit must be returned to PATS with the receipt. Refund requests received after 14 calendar days of the initial date of validity of the permit are pro-rated.

(3) Permits for change of status, commuter to resident, resident to commuter, student to staff, or hangtag to adhesive, are issued free of charge upon presentation of the old permit and proof of status change.

(4) Coins are not accepted for payment of registration or citations unless the coins are properly rolled in bank wrappers and identified with payee’s name, and student ID number or Driver’s License number.

Specific Authority 240.227(1), (27), 240.264 FS. Law Implemented 240.227(13), 240.264, 240.267 FS. History–New 4-29-01.

6C4-4.0027 Parking Regulations.

(1) The absence of “No Parking” signs or curb markings does not mean that parking is allowed. Parking is permitted only within marked spaces.

(2) Parking on or over a marker line is prohibited. Vehicles parked parallel to a curb shall be within one foot of the curb and inside parking markers.

(3) Vehicles shall not be parked facing traffic in those lots with angled parking. For those lots with straight in parking (90 degree), a vehicle may also be parked with the rear of the vehicle towards the closed end of the parking space.

(4) Where parallel parking is permitted, vehicles must be parked facing with the flow of traffic.

(5) Vehicles shall not be parked in such a manner as to obstruct vehicular/pedestrian traffic, wheelchair ramps, to interfere with normal University operational activities or to create a hazard.

(6) Double parking is prohibited at all times.

(7) Parking on grass, sidewalks, crosswalks, service drives, loading zones, truck spaces, or on streets, except where specifically marked for parking, is prohibited.

(8) Major repairs to non-University owned vehicles shall not be performed on campus.

(9) Unauthorized parking in RESERVED spaces is prohibited.

(10) A vehicle parked and remaining at the same meter, unloading zone, or timed space will not receive more than two tickets for overtime violations in the same calendar day.

(11) Campus map and parking lot signs indicate where staff, resident, and commuter students shall park according to the type of permit displayed on the vehicle. Vehicles may only be parked in the appropriate lots and spaces.

(12) PATS reserves the right to establish some lots as joint-use lots to accommodate two or more categories of registered vehicles, i.e., commuter, staff. This will be accomplished with proper signage and announcement of the designation.

(13) Staff and students may purchase a Park-n-Ride permit which is a restrictive remote parking lot permit. Vehicles with this permit may be parked only in Lots designated as Park-n-Ride lots in the Parking Brochure. However, Park-n-Ride permit holders may pay to park at a metered or timed space or park for 15 minutes or less in a 15 minute space during the time between 7:00 a.m. and 5:30 p.m.

(14) All loading/unloading zones have a 30 minute time limit.

(15) All vehicle operators using a parking space controlled by a mechanical meter must deposit the proper legal currency to occupy the space in accordance with the instructions on the meter.

(16) Only authorized vehicles may park in disabled spaces.

(17) Oversized vehicles such as trucks, trailers, motor homes, or any vehicle that occupies more than one standard car space or extends beyond the space shall be parked in an area designated by PATS. The maximum allowance time for parking in this manner is seven (7) calendar days.

(18) Vehicles may not be used as overnight domiciles, except under emergency conditions and only with the prior approval of PATS.

(19) SPECIAL EVENTS/MAINTENANCE: PATS has authority to close streets, lots and parking spaces to facilitate University special events, and to perform necessary maintenance. Contact PATS when planning a special events, and to perform necessary maintenance. Contact PATS when planning a special event at the University to receive proper parking permits and assignments. No department has the authority to close any lots prior to 5:00 p.m. without first seeking permission from PATS.

Specific Authority 240.227(1), (27), 240.264 FS. Law Implemented 240.227(13), 240.264, 240.265 FS. History–New 4-29-01.

6C4-4.0028 Visitor/Temporary Parking Permits.

(1) A person who is currently registered with PATS and temporarily not in possession of his/her permit must obtain a temporary parking permit before parking on campus.

(2) On request to PATS, permits may be issued to park out of assigned area, for extraordinary reasons, such as, temporary incapacitation or for security reasons.

(3) USF departments that are sponsoring or co-sponsoring an event on campus shall request temporary parking permits at least two weeks in advance from PATS for the event participants.

(4) Visitors must obtain daily permits from the Campus Information Center, a permit vending machine, or PATS to legally park on campus. Visitors may also pay to park in metered spaces.
6C4-4.0029 Disabled Parking.

(1) Any staff member or student with a physical disability (temporary or permanent) which impedes walking may apply with authorized documentation, to PATS for a special disabled parking permit.

(2) Wheelchair-bound registrants are entitled to a special disabled parking space.

(3) All spaces designated for the disabled are reserved twenty-four (24) hours a day.

(4) Holders of special disabled spaces are required to advise PATS when assigned special disabled spaces are no longer required.

Specific Authority 240.227(1), (27), 240.264 FS. Law Implemented 240.227(13), 240.264 FS. History–New 4-29-01.

6C4-4.003 University Property.

(1) Definition of “Equipment” or “Property”. The words “equipment” or “property” used herein are interchangeable and refer to tangible items of personal property of a non-expendable nature, the normal life of which is one year or longer and the cost of which is $500.00 or more. Regardless of source of funds, all items meeting the above definition will be considered as property. Source of funds may include items purchased from Expense, Operating Capital Outlay, State and Federal surplus, and Construction funds. In addition, Hardback-covered bound books that are circulated to students or the general public, the value or cost of which is $25 or more, the hardback-covered bound books, the value or cost of which is $100.00 or more, are considered property and will be purchased from Operating Capital Outlay funds.

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

(a) Bar Code Label with readable number.

(b) Indelible pencil.

(c) Etching needle.

(d) Metal Tags.

(e) Steel Dies.

(f) Branding Irons.

(g) Paint or Stencils.

(3) Physical Inventory.

(a) All University property must be physically inventoried annually and it is required that property be inventoried upon change of accountable officer to establish responsibility for such items. It is the accountable officer’s responsibility to maintain control over all equipment listed on his or her inventory. Accountable officers must also maintain control over items with a value under $500.00.

(b) Finance and Accounting’s Property Department staff will conduct cyclical property inventories and have the responsibility for University property management and control techniques.

(4) Disposition – Relief from responsibility must be obtained by completion of USF Form 3008, Eff. 9/91 “Relief from Property Accountability”, incorporated herein, whenever an item of equipment is:

(a) Excess to the needs of a department – to be disposed of.

(b) Obsolete – to be used for trade-in.

(c) Worn out – to be scrapped or cannibalized.

(d) Unlocated – due to inventory shortages.

(5) Stolen Property – Any department experiencing a theft or sudden and mysterious disappearance of equipment shall immediately report this fact to the University Police. A request for “Relief from Property Accountability” form must also be obtained completed obtaining the appropriate Vice President’s signature, and the police report case number. It is not necessary to report inventory shortages to the Police as they will be reported in accordance with “unlocated” items as described above. Upon completion of investigation, the University Police will notify Finance and Accounting if the stolen item is not recovered. Finance and Accounting will remove the item from the property record and notify the appropriate accountable officer.

(6) Off-Campus Use. When University property is to be removed from campus for some official purpose, an “Off Campus Equipment Use Permit,” USF form 6028, Eff. 9/91, incorporated herein, must be submitted. The form must be approved by the appropriate dean or division head. No new equipment shall be removed from campus prior to being decaled and having a completed and approved “Off Campus Equipment Use Permit” form.

(7) Property Transfers – Whenever property is physically relocated on a permanent basis or changes accountable officers, a USF form 3009, Eff. 9/91 “Report of Change of Location of Property”, incorporated herein, shall be completed and submitted to Finance and Accounting. When equipment is transferred on a temporary basis, it is recommended that the accountable officer maintain adequate internal records for locating all properties under his/her control.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(1), 273.01, 273.02 FS. History–New 10-6-75, Amended 7-3-83, 8-30-83, 5-21-84, 9-19-91.
6C4-4.009 Accounts Receivable.
(1) The Controller’s office shall place accounts referred by USF units on accounts receivable.
(2) The Controller may employ any of the following means of collecting monies due the University:
   (a) Issue University collection letters.
   (b) Hold all transcripts or current grades.
   (c) Refuse registration for any future semester until the accounts receivable has been collected.
   (d) Turn delinquent account balances over to a collection agency after six months from the date a charge was posted to Accounts Receivable.
   (e) Cancel the current semester’s registration.
   (f) Hold an employee’s final paycheck or deduct from the current paycheck the amount due the University to the extent that such amount on accounts receivable represents a set off of monies wrongfully paid by the State to the employee in accordance with University Rule. (See Rule 6C4-4.0095, F.A.C.)
(3) The University Controller is authorized to annually write-off delinquent balances as may prove uncollectible after every reasonable effort has been made to collect said delinquent balance.
(4) Student Disbursements and Collections will withhold diplomas and place students on pending status:
   (a) For nonpayment of any obligation, or
   (b) For not completing the exit interview which is required by 20 USC § 1092(b) for all students who receive long-term loans (ie. for repayment over term of 1 year or more).

Specific Authority 229.0081(2), 240.291 FS. Law Implemented 229.0081(2), 240.291 FS. History–New 10-6-75, Amended 7-3-79, Formerly 6C4-4.09, Amended 3-13-91, 12-30-92, 7-31-02.

6C4-4.0095 Employee Debt Collection.
(1) Purpose – Pursuant to Section 240.291, F.S., the University is directed to exert every effort to collect all delinquent accounts. The purpose of this rule is to provide procedures for collection of funds owed to the University by its employees.
(2) Categories of employee debt, grouped according to the department which has responsibility for collection, are as follows:
   (a) Travel Advances.
   (b) Accounts Receivable Charges – Tuition and fees, returned checks and fees, physical education equipment, keys, library fines, learning technologies fines/sales, graduation fees, health services, food services, rental fees, housing, child care, traffic fines, overpayments, copy charges, and other miscellaneous charges.
   (c) Loan Repayments – Perkins Loans, USF student loans, health profession loans, nursing loans, short-term loans, Scholarship and/or grant repayments.
   (d) Salary Overpayments.
(3) Preliminary collection procedures:
   (a) Travel Advances.
      1. All employees who receive travel advances must complete and return a reimbursement voucher immediately upon returning from the trip for which the advance was made.
      2. If no voucher is filed within one (1) week from the employee’s date of return, a letter of notice that the employee has ten (10) days to file a travel reimbursement voucher will be sent to the employee’s campus address.
      3. If no travel voucher is received by Travel by the end of the ten (10) day period, set-off procedures will be implemented.
   (b) Accounts Receivable Charges – Set-off procedures may be implemented for an accounts receivable balance over $20 when the charges represented by the balance have gone unpaid more than ten (10) days after the employee was notified to either pay the charges or make arrangements for payment of the charges.
   (c) Loan Repayments – Repayment of Perkins Loans, USF student loans, health profession loans, and nursing loans is made through a billing service contracted by the University. The billing service will send each employee a past due notice at the following intervals after payment is due: fifteen (15) days, forty-five (45) days, sixty (60) days and seventy-five (75) days. At ninety (90) days, the delinquent account is turned over to the University and the borrower is contacted by telephone and advised that repayment must be made. If no contact is made, or no reasonable repayment agreement can be made, employee debtors will be sent a letter at their residence informing them that set-off procedures may be implemented. If the employee does not contact the Accounts Receivable Department of Purchasing and Financial Services within ten (10) days after receipt of the above letter, set-off procedures may be implemented as stated below.
   (d) Salary Overpayments.
      1. When a department identifies that a salary overpayment has occurred, the Payroll Office is contacted to determine the exact amount of the overpayment. The department is then responsible for providing written notification of the overpayment to the affected employee. This notification must advise him/her of the overpayment situation and request a response within ten (10) days.
      2. At the expiration of this ten (10) day period, if the overpayment has not been repaid or if no response with a reasonable repayment agreement has been received, the department must notify the Payroll Office for implementation of set-off procedures, stated below.
(4) Set-Off Procedures.
(a) The employee is advised by certified letter (return receipt) that he/she has twenty-one (21) calendar days to either clear the account, make satisfactory payment arrangements, or submit documentary evidence disputing his/her debt. The employee is also advised of his/her right to administrative review of the decision to set-off his/her debt and deduct sums from the employee’s paycheck.

(b) If no arrangements have been made at the end of twenty-one (21) days, all evidence of the employee’s debt is reviewed.

(c) If, upon review, a determination is made that the debt is in fact due and owing, set-off procedures are implemented and the employee is advised in writing of the amount and duration of the deductions from his/her salary warrant.

(5) Amount of Payroll Deduction.

(a) In the event that the total amount of the debt is less then ten percent (10%) of the employee’s biweekly gross salary, the full amount of the employee’s debt will be deducted in the first or second pay period after the decision to set-off the debt is made.

(b) If the amount of the debt is greater than ten percent (10%) of the employee’s biweekly gross salary, the amount deducted each pay period will be at least ten percent (10%) of the employee’s gross salary and will not exceed twenty percent (20%) of the employee’s net salary after mandatory deductions.

(c) In the event that an employee-debtor is terminated or voluntarily leaves the University’s employ, the entire amount of the debt will be deducted from the employee’s final paycheck.

Specific Authority 229.0081(2), 240.291 FS. Law Implemented 240.291 FS. History–New 8-29-83, Formerly 6C4-4.095, Amended 8-19-90, 4-27-94, 7-20-95, 7-31-02.

6C4-4.010 Cancellation of Registration for Nonpayment of Tuition and Fees and Returned Checks in Payment of Tuition and Fees.

(1) Reasons for Cancellation.

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

(b) Prior Term – Prior term’s registration may be cancelled only for nonpayment of tuition and fees in extraordinary circumstances where the collection process is delayed, and by the end of the process, a new term has begun and the debt is thus for the prior term.

(2) The Division of Purchasing and Financial Services will attempt to notify students by mail of possible registration cancellation for registration returned checks and associated service fees. This notification must include the specific reason for proposed cancellation and the deadline for payment before cancellation will be made. In addition, the notice of possible cancellation must inform the student that cancellation of registration will result in his/her record appearing as if he/she had never attended the University during that term and that he/she will receive no credit for the classes. Notice should be sent to the student’s last known address. Students will also be placed on pending for future registrations, transcripts, grades, diplomas, etc. until the Office of the Registrar has completed the cancellation.

Specific Authority 229.0081(2), 240.291 FS. Law Implemented 229.0081(2), 240.291 FS. History–New 10-6-75, Amended 7-3-79, 12-13-81, Formerly 6C4-4.10, Amended 1-8-92, 4-27-94, 7-20-95, 7-31-02.

6C4-4.0101 Student Registration.

(1) Assessment of Tuition and Fees. Tuition and fees shall be assessed in accordance with Chapters 6C4-4 and 6C-7, F.A.C., and Florida law.

(a) Registration Procedures.

1. The student must supply all information and satisfy all conditions of eligibility required by the University.

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

(b) Registration Periods – These periods are defined in the USF Catalogs and other University publications. A student who initiates registration after an applicable registration period shall incur a $100.00 Late Registration Fee. Registration may be initiated, on an exceptional basis, after the end of a late registration period when the following three conditions are met:

1. Requested by the student;
2. Justified by extraordinary circumstances including, but not limited to, administrative error; and
3. Approved by the President or President’s designee.

(c) Late Registration Fee Waivers – A waiver of the Late Registration Fee will be approved if a student registers late due to circumstances determined by the Registrar’s Office to be exceptional and beyond the control of the student. Determination will be based on review of a completed Late Registration Fee Waiver Request Form, USF #2091, Rev. 01/02, incorporated by reference herein, (may be obtained from the Registrar’s Office) submitted by the student to the Registrar’s Office. Students may request a waiver of the $100.00 Late Registration Fee for one of the five following reasons:

1. Student illness of such severity or duration that precludes timely registration, as confirmed in writing on letterhead by physician (M.D.).
2. Death in the immediate family (parent, spouse, child or sibling) that precludes timely registration, as confirmed by documentation indicating the student’s relationship to the deceased. (Obituaries, birth and death certificates, etc.)

3. Involuntary call to active military duty or return from active duty that precludes timely registration, as confirmed by military orders.

4. University error which precludes timely registration, as confirmed in writing on letterhead signed by an appropriate University official or by appropriate official University documents.

5. Other documented exceptional circumstances beyond the control of the student that precludes timely registration, accompanied by a letter of explanation and appropriate documentation.

Completed forms including documentation should be submitted to the Registrar’s Office at SVC1034. Students should allow three weeks for processing and notification via mail.

(d) Drop/Add Period – The Drop/Add Period shall begin on the first day of classes for the term and end as specified in the University catalog, but not later than the fifth day of the term. During the Drop/Add period, registered students may add to, delete from or otherwise adjust their schedule of courses. Add transactions may occur on an exceptional basis after the end of the Drop/Add period when the following three conditions are met:

1. Requested by the student;
2. Justified by extraordinary circumstances including, but not limited to, administrative error; and
3. Approved by the President or President’s designee.

(e) Tuition and Fee Liability.

1. Tuition and fees for the term shall be based on the courses remaining on the record at the close of the Drop/Add period.

2. No tuition and fees shall be assessed, and no grades or credits shall be awarded, for course(s) dropped during the Drop/Add period.

3. If a student adds a course or courses on an exceptional basis, tuition and fees for the added course(s) shall be assessed.

(2) Payment of Tuition and Fees.

(a) For all Programs Except the Doctor of Medicine (MD) Program – Tuition and fees must be paid by the close of the drop/add period to avoid assessment of a $100.00 Late Payment Fee unless appropriate arrangements for payment of tuition and fees have been made in accordance with subsections (3) and (4) of this rule, i.e., installment payment and deferment, respectively. Failure to satisfy this requirement will result in cancellation of a student from the scheduled courses. Payment of tuition and fees may be made in person at the Cashier’s Office during scheduled office hours published in the USF Catalogs and other University publications for each term. Payments that are made by mail must be postmarked by a U.S. Post Office by the respective tuition payment deadline listed in the Academic Calendar in order to be considered timely paid.

(b) Late Payment Fee Waivers – A waiver of the Late Payment Fee will be approved if a student is unable to make payment on time due to circumstances determined by the University to be exceptional and beyond the control of the student. Determination will be based on review of a completed Late Payment Fee Waiver Request Form, Rev. 01/92, incorporated by reference herein, (form may be obtained from the Cashier’s Office) submitted by the student to the Cashier’s Office. Students may request a waiver of the $100.00 Late Payment Fee for one of the five following reasons:

1. Student illness of such severity or duration that precludes timely payment of tuition, as confirmed in writing on letterhead by physician (M.D.).

2. Death in the immediate family (parent, spouse, child or sibling) that precludes timely payment of tuition, as confirmed by documentation indicating the student’s relationship to the deceased. (Obituaries, birth and death certificates, etc.)

3. Involuntary call to active military duty or return from active duty that precludes timely payment of tuition, as confirmed by military orders.

4. University error which precludes timely payment of tuition, as confirmed in writing on letterhead signed by an appropriate University official or by appropriate official University documents.

5. Other documented exceptional circumstances beyond the control of the student that precludes timely payment of tuition, accompanied by letter of explanation and appropriate documentation.

Completed forms including documentation should be submitted to the Cashier’s Office. Students should allow ten business days for processing and notification via mail.

(c) For the Doctor of Medicine (MD) Program – Tuition and fees are assessed on an annual basis and are collected by the Registrar in the College of Medicine. Billings are prepared at least 30 days prior to the payment dates. The student is expected to make semi-annual payments by the designated due dates, unless appropriate arrangements for payment have been made in accordance with subsection (4) of this rule, i.e., deferment. Failure to make payments as prescribed will result in cancellation of a student from the scheduled courses; the student will receive no credit for any course work, and will be prohibited from attending classes. A student who has received an incomplete grade will be given the opportunity to complete the course by a specified date during the succeeding academic year. A student who takes advantage of this opportunity will not be assessed additional tuition and fees. If the student is required to repeat the entire year, he/she will be required to pay the entire year’s tuition and fees in effect for the year in which the repeat occurs.
(3) Payment of Tuition and Fees in Installments. When a student experiences an unexpected financial hardship that makes it impossible to make full payment of assessed tuition and fees by the payment deadline, the student may request approval to pay in installments. Approval of this request will require the payment of at least 50% of the tuition and fee liability and the execution of a promissory note by the fifth day of the term/session. The remaining amount shall be paid no later than the end of the sixth week of the term/session.

(4) Deferred Payment of Tuition and Fees.
(a) Recipients of VA Benefits – Upon application by the student, the University President or President’s designee may award to eligible VA benefit recipients one 60-day payment deferment each academic year.
(b) Delay of Financial Aid – Students who have completed and submitted the required documents for financial aid by the last day of the drop/add period for the term and who appear to be eligible for financial aid, may request a tuition and fees deferment contract.
(c) Third Party Agreements – Tuition and fees will be deferred for any student when a third party has agreed in writing to pay them. The written agreement must identify the student, the third party and billing address and amount(s) to be paid.

(5) Reinstatement of a Student’s Cancelled Courses. A student whose scheduled courses have been cancelled for financial reasons may request reinstatement through the fourth week of classes. Upon approval for reinstatement, tuition and fees, the late registration fee, if applicable, the late payment fee and other debts owed the University must be paid in full by cash, check, money order, cashier’s check or credit card before reinstatement will be effected. After the fourth week of classes, a request for reinstatement must be made to the Office of the Vice President for Student Affairs. Approval will be granted only when extraordinary circumstances warrant such approval.

(6) Refund of Tuition and Fee Payment. The University authorizes certain refunds of tuition and fees, less deductions for unpaid debts to the University. The late registration fee and late payment fee are non-refundable fees. To initiate the refund process, a Refund Request Form, USF #3104, Rev. 12/98, incorporated by reference herein, (form may be obtained from the Cashier’s Office or the Cash Accounting Office) must be completed and presented to the Division of Purchasing and Financial Services.
(a) 100% of the applicable tuition and fees will be refunded if the student drops classes or causes his/her enrollment at the University to be terminated by the Registrar’s Office prior to the end of the drop/add period and submits a completed Refund Request Form.
(b) 25% of tuition and fees, less building and capital improvement fees, will be refunded if the student drops classes or causes his/her enrollment at the University to be terminated by the Registrar’s Office prior to the end of the fourth week of classes, or at an appropriate time as designated by the University for summer sessions, and submits a completed Refund Request Form.
(c) 100% of tuition and fees will be refunded when a student withdraws or drops a course due to circumstances determined by the Registrar’s Office to be exceptional and beyond the control of the student. Determination will be based on review of a completed Fee Adjustment Request Form, USF #2091, Rev. 1/02, incorporated by reference herein, (form may be obtained from the Registrar’s Office) submitted by the student to the Registrar’s Office. These circumstances include but are not limited to:
   1. Illness of a student of such severity or duration, as confirmed in writing by a physician, to preclude completion of the course(s),
   2. Death of the student or death in the immediate family (parent, spouse, child or sibling),
   3. Involuntary call to active military duty,
   4. A situation in which the University is in error, or
   5. Other documented exceptional circumstances beyond the control of the student which precluded completion of the course(s) accompanied by letter of explanation and appropriate documentation.
(d) Pursuant to Public Law 102-325, the Higher Education Amendments of 1992, students attending the University for the first time who withdraw are entitled to a pro rata refund of tuition, fees, room and board.
(e) A student who receives financial aid and subsequently changes the enrollment status which results in a refund in accordance with this section, will have the appropriate share of the refund returned to the University’s financial aid programs in accordance with the Financial Aid Policy on Refunds and Repayments.
(7) A written appeal for a refund or other appeal action must be submitted to the University within six (6) months of the close of the semester to which the refund or other appeal action is applicable.

Specific Authority 229.0081(2) FS. Law Implemented 229.0081(2), 229.0082(11), 240.209(2)(e), 240.235(2) FS. History–New 5-11-94, Amended 7-20-95, 7-31-02, 11-14-02.

6C4-4.0102 Tuition and Fees.
(1) Tuition is defined as fees assessed to students for enrollment in credit courses at the University of South Florida. Tuition consists of the following fees, depending on whether a student is a resident or a non-resident:
(a) Resident tuition, comprised of the following, is defined as the fees charged an enrolled student who qualifies as a Florida resident:
   1. Matriculation Fee;
   2. Student Financial Aid Fee;
   3. Capital Improvement Trust Fund Fee;
4. Building Fee;
5. Health Fee;
6. Athletic Fee;
7. Activity and Service Fee;
8. Transportation Fee; and

(b) Non-Resident tuition, comprised of the following, is defined as the fees charged an enrolled student who does not qualify as a Florida resident:
1. Matriculation Fee;
2. Non-Resident Fee;
3. Student Financial Aid Fee;
4. Non-Resident Financial Aid Fee;
5. Capital Improvement Trust Fund Fee;
6. Building Fee;
7. Health Fee;
8. Athletic Fee;
9. Activity and Service Fee;
10. Transportation Fee; and

(2) Registration consists of two components:
(a) Formal selection of one or more credit courses approved and scheduled by the University; and
(b) Tuition payment, partial or otherwise, or other appropriate arrangements for tuition payment (e.g., installment payment plans, deferment, or third party billing) for the courses in which the student is enrolled as of the end of the drop/add period.

(3) The Health and Athletic fees will be implemented beginning with the fall 2004 semester. All other fees were implemented beginning with the fall 2003 semester.

(a) Students enrolled in programs other than the MD program are assessed the following tuition and fees per student per credit hour:

<table>
<thead>
<tr>
<th></th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Resident</td>
<td>Non-Resident</td>
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<tr>
<td>Matriculation Fee</td>
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<tr>
<td>Capital Improvement Trust Fund Fee</td>
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<tr>
<td>Building Fee</td>
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</table>

Other Fees

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<tr>
<th></th>
<th>Lakeland Campus</th>
<th>Sarasota Campus</th>
<th>St. Pete Campus</th>
<th>Tampa Campus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Fee</td>
<td>$____</td>
<td>$2.00**</td>
<td>$0.60**</td>
<td>$6.84**</td>
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<tr>
<td>Athletic Fee</td>
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<td>$2.10</td>
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<td>$9.08</td>
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<tr>
<td>Activity &amp; Service Fee</td>
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<td>$9.82</td>
<td>$9.16</td>
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<tr>
<td>Transportation Fee</td>
<td>$____</td>
<td>$____</td>
<td>$2.25</td>
<td>$2.25**</td>
</tr>
<tr>
<td>Marshall Center Use Fee***</td>
<td>$1.50</td>
<td>$1.50</td>
<td>$1.50</td>
<td>$1.50</td>
</tr>
</tbody>
</table>

*Health Fee not charged for the Summer term at Sarasota Campus.
** These fees are not charged for “Your Open University” or off-campus courses.
In addition, each student is charged a flat fee per academic term as follows:
Activity and Service Flat Fee: Tampa Campus only – $7.00.
Athletic Flat Fee: $10.00 – Tampa Campus, $5.00 for all other campuses.

***Marshall Center Use Fee @ $20.00 Flat Fee (Tampa Campus) being in addition to the above referenced per credit hour fee.
In-State and Out-of-State tuition is assessed on the basis of course classification; courses numbered through 4999 are assessed at the undergraduate level, and those courses numbered 5000-8999 are assessed at the graduate level. Each student enrolled in the same undergraduate course more than twice, shall be assessed $164.54 per credit hour in addition to the fees outlined above for each such course.

(b) Students enrolled in the MD program are assessed the following fees per student per academic year:
Matriculation Fee  
Resident $13,925.40  
Non-Resident $13,925.40  
Non-Resident Fee $27,856.87  
Student Financial Aid Fee $696.27  
Non-Resident Financial Aid Fee $1,392.84  
Capital Improvement Trust Fund Fee $97.60  
Building Fee $92.80  
Health Fee $200.32  
Athletic Fee $272.00  
Athletic Flat Fee $20.00  
Activity & Service Fee $227.20  
Activity & Service Flat Fee $14.00  
Transportation Fee $72.00  
Marshall Center Use Fee $48.00  
Marshall Center Use Flat Fee $40.00  

(c) Audit Registration Fees – Audit registration assures a course space for the student; however, no grade is awarded. The fee to audit a course is the same as the In-State Tuition and other fees provided above.

(d) Registration for Zero Hours – Registration for zero hours provides for examinations, graduations, use of facilities, etc., when deemed appropriate by the University. The student is assessed In-State tuition and other fees provided above for one credit hour.


6C4-4.0107 Special Fees, Fines and Penalties.

(1) The Board of Trustees, hereinafter referred to as the “Board,” must authorize all fees assessed by the University of South Florida, hereinafter referred to as the “University.” For purposes of clarification, the term “at cost” or “cost” as used in this rule includes those increased costs that are directly related to the delivery of the goods or services. All special fees, fines and penalties collected by the University shall be allocated to the appropriate account as required by Section 1009.24, F.S., or Board Rule. The Board hereby authorizes the following fees:

(a) Audit Registration Fees – Audit registration assures a course space for the student, however, no grade is awarded. This fee is the same as the Resident tuition provided in Rule 6C4-4.0102, F.A.C. Depositing of fee proceeds shall be the same as that provided for tuition.

(b) Registration of Zero Hours – Such registration provides for examinations, graduations, use of facilities, etc., when deemed appropriate by the institution. The student is assessed Resident tuition for one credit hour. The Zero Credit Fee shall be distributed in the same manner as tuition.

(c) Application Fee – Individuals who make application for admission to the University shall pay a non-refundable Application Fee of $30.00. This fee will be waived for applicants who can document that they have received a fee waiver because of economic need as determined by the College Board or the American College Testing Program.

(d) Late Registration Fee – A Late Registration Fee shall be assessed against students who fail to initiate registration in the regular registration period. The fee shall be $100.

(e) Late Payment Fee – A Late Payment Fee will be assessed to students who fail to pay, or make appropriate arrangements for payment (installment payment, deferment, or third-party billing), of tuition by the deadline set by the University, which shall be no later than the end of the second week of classes. The fee shall be $100. Provisions will be made to waive the Late Payment Fee for minor underpayment as specified by the University and as outlined in Rule 6C4-4.0101, F.A.C.

(f) Health Fee – The student Health Fees shall be established pursuant to subsections 1009.24(3), 1009.24(8) and 1009.24(10), F.S., and are set forth in Rule 6C4-4.0102, F.A.C. The President of the University, hereinafter referred to as the “President,” shall submit requests to change the student Health Fee, to be effective the following fall semester, to the Board for approval at the first Board meeting of the calendar year. In addition, the President, or his or her designee, will assess miscellaneous health-related charges for services provided at cost by the health center which are not covered by the Health Fee.

(g) Athletic Fee – The Athletic Fee shall be established pursuant to subsections 1009.24(3), 1009.24(8) and 1009.24(11), F.S., and are set forth in Rule 6C4-4.0102, F.A.C. The President shall submit requests to change the Athletic Fee, to be effective the following fall semester, to the Board for approval at the first Board meeting of the calendar year.
(h) Activity and Service Fee – The Activity and Service Fees are established pursuant to subsections 1009.24(3), 1009.24(8) and 1009.24(9)(a), (b), F.S., and are set forth in Rule 6C4-4.0102, F.A.C. The President shall submit requests to change the Activity and Service Fee, to be effective the following fall semester, to the Board for approval at the first Board meeting of the calendar year.

(i) Library Fees:Amount
1. Overdue fine per book or unit, per day $.25
2. Overdue fine on reserve item, per hour $.25
3. Overdue fine for Interlibrary loan item, per day Cost
4. Overdue library equipment fee, per hour $1.00
5. Duplicating/Photocopying fee for personal use only, per copy Cost
6. Binding fee, Theses and Dissertations Cost
7. Loss or damage of library material Cost plus processing fee
8. Loss or damage of library equipment Cost plus processing fee

(j) Late Equipment Fee, Physical Education – per item, per day $.25

(k) Security/Access/Identification Card, Duplicate Security/Access/ Identification Card, Fee Card, or Passbook:
1. One time fee $10.00
2. Duplicates $10.00

(l) Standardized Tests – the fee for all standardized tests, (GRE, URE, etc.) will consist of the direct costs of administering the tests.

(m) Microfilm Fee – Thesis and Dissertation Cost
(n) Copyright Fee – Dissertation Cost
(o) Thesis and Dissertation Processing Fee Cost
(p) Lost Keys (includes cylinder change) Cost
(q) Facilities/Equipment Use Charge Cost

(r) Orientation Fee $35.00
(s) Transcript Fee, Per item $8.00
(t) Diploma Replacement Fee, Per item $5.00

(u) Marshall Center Use Fee – All students who enroll at the University of South Florida, Tampa Campus shall pay a non-refundable flat fee of $20.00 per semester and an additional $1.50 per credit hour fee to facilitate the use of student union facilities.

(v) Off-Campus Educational Activities – Fees will be charged for off-campus course offerings when the location results in specific, identifiable increased costs to the University. These fees will be in addition to the regular Student Credit Hour fees charged to students enrolling in these courses on-campus. The additional fees charged are for the purpose of recovering the increased costs resulting from off-campus vis-a-vis on-campus offerings. As used herein, “off-campus” refers to locations other than regular state-funded main campuses, branch campuses, or centers. The University shall use the additional fees collected to cover the increased cost of these courses.

(w) Material and Supply Fees – Material and Supply Fees will be charged, but will not exceed the amount necessary to offset the cost of materials or supply items which are consumed in the course of the student’s instructional activities, excluding the cost of equipment and equipment repairs and maintenance.

(x) Housing Rental Rates – Basic rates for housing rental shall be set by the Board. The President shall submit requests to change the basic rates for housing rental, to be effective the following fall semester, to the Board for approval at the first Board meeting of the calendar year. Current housing rental rates are found in the Residence Services brochure: “Live the Campus Life” (Rev. 12/2002). Copies of the brochure may be obtained from the University of South Florida Department of Residence Services, Division of Student Affairs.

(y) Parking Fines and Decals – A schedule of parking fines and a charge for parking decals, are set forth in Rule 6C4-4.0023, F.A.C., and the referenced, “Parking at the University of South Florida” brochures.

(z) Transportation Access Fee – Pursuant to the University’s authorization to adopt by rule a transportation access fee, with appropriate input from students, to support the University’s transportation infrastructure and to increase student access to transportation services, a transportation access fee set in the sum of $2.25 per credit hour, shall be charged, commencing with the fall term, 2003.

(aa) Returned Check Fee – The University shall assess a service charge as authorized by subsection 832.07(1), F.S., for unpaid checks returned to the University.

(bb) Collection Costs – The University will assess a charge representing reasonable cost of collection efforts to effect payment for overdue accounts. Collection costs will be assessed to the student for collection of debts owed the University not secured by a promissory note or contract.
(cc) Educational Research Center for Child Development Fee – The Center shall submit a request to establish or change child care and service fees to the President, who shall make a recommendation to the Board by November 1, of each year, to become effective the subsequent fall semester. Current fees are posted on the Center website: http://www.coedu.usf.edu/clar/ercd.htm.

(2) The Board will establish additional fees in order to meet specific higher education needs of the State when special circumstances result in specific, identifiable increased costs to a University. These fees will be in addition to the regular Student Credit Hour fees charged to students enrolling in these courses on-campus. The additional fees charged shall be sufficient to recover all increased costs. The University shall use the additional fees collected to cover the increased cost of these courses.

Specific Authority 1001.74(4), (11) FS. Law Implemented 832.07(1), 1009.24, 1009.26 FS., CS/CS/HB 1567, 2000 Legislative Session. History–New 8-31-03.

6C4-4.012 Purpose.
The purpose of Rules 6C4-4.012-.01217, F.A.C., is to implement the delegated authority received by the State University System in accordance with Section 240.225, F.S., with respect to those functions and duties regarding leasing heretofore performed by the Department of General Services in accordance with Sections 255.248, 255.249 and 255.25, F.S.

Specific Authority 240.227(1), 255.249(2) FS. Law Implemented 240.225, 240.227(1), (17), 255.248, 255.249, 255.25 FS. History–New 6-4-80, Formerly 6C4-4.12.

6C4-4.01201 Definitions.
For the purpose of this chapter, each of these words shall have the following meaning:

(1) Lease – The contract instrument or agreement required to lease a building or any part thereof.
(2) Privately Owned – Any building not owned by a governmental agency.
(3) Nominal Consideration – Consideration of $1.00 or less for the term of the lease.
(4) State Owned Building – Any facility owned by the state regardless of use or control.
(5) State University System Standard Method of Space Measurement – As specified in the HEGIS Facilities Inventory and Classifications Manual, incorporated by reference in Rule 6C-17.012, F.A.C., of the Board of Regents.

Specific Authority 240.227(1), 255.249(2) FS. Law Implemented 240.225, 240.227(1), (17), 255.25(2) FS. History–New 6-4-80, Formerly 6C4-4.1201.

6C4-4.01203 Approval.
(1) General. Before leasing a building or any part thereof for other than nominal or no consideration, the University Space Committee shall certify the need for each space. Occupancy, lease terms and conditions shall be reviewed by the University Attorney and approved by the University President or a designee. The University President or a designee shall execute all leases for less than 21 days or for nominal consideration or no consideration. All other lease agreements shall be executed by the Chancellor or a designee.

(2) Nothing in Rules 6C4-4.012-.01217, F.A.C., shall be interpreted as circumventing the provisions of Section 255.21, F.S.

Specific Authority 120.53(1)(a), 240.227(1), 255.249(2) FS. Law Implemented 240.225, 240.227(1), (17), 255.25, 255.249(3) FS. History–New 6-4-80, Formerly 6C4-4.1203.

6C4-4.01205 Standard Lease Form.
The University adopts the Department of General Services Standard Lease Agreement form as its form for purposes of Rules 6C4-4.012-.01217, F.A.C.

Specific Authority 120.53(1)(a), 240.227(1), 255.249(2) FS. Law Implemented 240.225, 240.227(1), (17), 255.249(3) FS. History–New 6-4-80, Formerly 6C4-4.1205.

6C4-4.01207 Fire Code Compliance in Leased Space.
(1) Any private sector building to be leased by the University shall comply with the fire safety standards or the State Building Code.

(2) Before construction or renovation of any state-leased building is commenced, the University shall ascertain that the proposed construction or renovation plan complies with the fire safety standards of the State Building Code. This responsibility may be discharge by ex officio agents of the State Fire Marshal, as provided by Section 633.121, F.S.

(3) Whenever the University or ex officio agents of the State Fire Marshal determine that a construction or renovation plan is not in compliance with such fire safety standards, the University may issue an order to cease all construction or renovation activities until compliance is obtained.

(4) University shall withhold approval of any proposed lease until the facility and/or construction or renovation plan complies with fire safety standards.

(5) The cost of all modifications or renovations made for the purpose of bringing lease property into compliance with fire safety standards shall be borne by the lessor.
6C4-4.01209 Leases of 5,000 or More Square Feet.

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

(a) Is the renewal of an existing lease.
(b) Has a term of less than 21 consecutive days.
(c) Is for nominal or no consideration.
(d) Is for the purpose of providing care and living space for persons, provided that the President or designee certifies that the space is to be used for that purpose.
(e) Is an extension of an existing lease of 5,000 square feet or more, provided that such extension is in the best interest of the State and is for a period not to exceed 11 months. If at the end of the period granted by the extension, the time of all such extensions on the lease equals 11 months, the University shall proceed with a competitive solicitation.

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

6C4-4.01211 Competitive Bidding.

(1) Public solicitation for proposals.
(a) A public solicitation for proposals will be widely publicized using newspaper advertisement and contact with owners, developers or realtors in the city or area in which space is desired.
(b) Solicitation should set forth, but not be limited to the following:
1. Approximate net square footage required.
2. General area in which space must be located.
3. Date space must be available.
4. Name and address of location where specifications may be obtained.
(2) Specifications.
(a) Specifications shall be drawn by the University in general terms which will afford each prospective lessor knowledge of the University’s space requirements. They shall not be structured to favor any specific facility or lessor.
(b) Specifications provided to each prospective lessor should set forth but not be limited to the following:
1. Approximate net square footage required, as determined in accordance with the State University System Standard Method of Space Measurement, (as specified in the HEGIS Facilities Inventory and Classifications Manual, incorporated by reference in Rule 6C-17.012, F.A.C., of the Board of Regents).
2. Approximate floor plan indicating partitions and other physical requirements.
3. General location of required space.
4. Date space must be available.
5. Term of lease with option to renew, if requested.
6. Services required such as parking, dining and transportation.
(c) Specifications shall also set forth that the prospective lessor will agree to:
1. Enter into a contract on the specified lease agreement form.
2. Provide a scaled floor plan showing present configurations and measurements that equate to net rentable square footage offered.
3. Comply with the requirement of Chapter 60D-1, F.A.C., Design Standards for Special Facilities for the Physically Disabled.
5. Provide full disclosure statements of ownership.
6. Validate the proposal for a minimum of thirty (30) or more days following the public bid opening date.
7. Provide a Life Cycle Analysis with proposal if space is for 20,000 or more square feet in any one structure with the stipulation that the analysis shall be acceptable to the University before an award can be made.
8. Comply with the fire safety standards of the State Building Code.
9. Ensure that any renovations required will comply with fire safety standards of the State Building Code before renovations are commenced.
10. Propose a rental rate per square foot per year that will include all renovations and other special requirements necessary to accommodate the program at the time of initial occupancy.
(d) Specifications may provide that sealed proposals are to be submitted, in a titled envelope, to a designated individual by a specified closing time and date, at which time all proposals will be publicly opened.

(3) Proposals:
(a) Proposals shall specifically respond but need not be limited to each item included in the specifications.
(b) Each proposal shall be signed by the owner(s), corporate officers, or legal representative(s). The corporate, trade, or partnership name must be either stamped, written or typewritten, beside the actual signature(s). If the proposal is signed by an agent, written evidence of his authority must accompany the proposal. If a corporation foreign to the State of Florida is the owner, evidence of authority to conduct business in Florida shall be presented.

(4) Evaluation:
(a) The University alone shall reserve the right to accept or reject any or all bids submitted and, if necessary, reinitiate procedures for soliciting competitive proposals.
(b) The University, in conjunction with preparing specifications, shall develop weighted evaluation criteria. The criteria items most significant to the University’s needs should bear the highest weight.
(c) Documentation to support the University’s selection shall be maintained and shall include but not be limited to the following:
1. A copy of all advertisements.
2. A copy of the proposal specifications.
3. A copy of all proposals received.
4. A synopsis of the University’s findings for each proposal.
(d) The University shall publicly announce its selection.

Specific Authority 240.227(1), 255.249(2) FS. Law Implemented 240.225, 240.227(1), (17), 255.249(2)(b), (h), (i), 255.25(3), 255.254 FS. History–New 6-4-80, Formerly 6C4-4.1211.

6C4-4.01212 Single Source Facilities.
Specialized educational facilities, excluding classrooms, may be leased without competitive bidding when the President certifies, in writing, that the facility is available from a single source and that the competitive bidding requirements would be detrimental to the State. Such certification shall include documentation of evidence of steps taken to determine sole source status. This duty is not delegable.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 255.249, 255.25 FS. Law Implemented 240.225, 240.227(1), (17), 255.249, 255.25 FS. History–New 1-18-82, Formerly 6C4-4.1212.

6C4-4.01213 Disclosure Statements.
(1) A statement by the owner providing for full disclosure of the names and the extent of interest of the owners holding 4% or more interest in any privately owned property leased to the state or in the entity holding title to the property shall be secured for all new leases, renewal leases, modifications to approved leases and the notification of renewal under an existing lease option.
(2) A statement by the owner providing for full disclosure of the names of all public officials, agents, or employees holding interest in any privately owned property leased to the state, or in the entity holding title to the property, and the nature and extent of their interest, shall be secured for all new leases, renewal leases, modifications to approved leases, and notifications of renewal under a lease option.
(3) It is not necessary to make disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to Chapter 517, F.S., which stock is for sale to the general public. A statement certifying the registration shall be provided by the Lessor.
(4) It is not necessary to make disclosure under subsections (1) and (2) of any leasehold interest in property located outside the territorial boundaries of the United States.
(5) Each subsequent transaction pertaining to a lease for which a Disclosure Statement has been provided, may be accompanied by a lessor’s affidavit that the previous Disclosure Statement submitted on (date to be provided) is still valid, if no change in the interest held or individuals concerned have occurred.

Specific Authority 240.227(1), 255.249(2) FS. Law Implemented 240.225, 240.227(1), (17), 255.249(2)(b), (h), (i), 255.25(3) FS. History–New 6-4-80, Formerly 6C4-4.1213.

6C4-4.01215 Legal Review.
All leases of space in a privately owned building shall be reviewed as to form and legality by the University Attorney. Notation of this review shall be indicated on the Lease Agreement.

Specific Authority 240.227(1), (17), 255.249(2) FS. Law Implemented 240.225, 240.227(1), (17) FS. History–New 6-4-80, Formerly 6C4-4.1215.
6C4-4.01217 Certification of Compliance.
(1) The University President shall certify to the Board of Regents that all leases of privately owned property except those for less than 21 days or for nominal or no consideration are in compliance with Chapter 255, F.S. This duty is not delegable.
(2) Compliance with Standards. The University is responsible for ensuring that private sector space leased by the University is in substantial compliance with the standards established by the Department of General Services and outlined in Chapter 60D-1, F.A.C., Standards for Special Facilities for Physically Disabled.
(3) Standards Waived or Modified. The University President shall appoint a committee to review requests for modifications or waiver of standards outlined in Chapter 60D-1, F.A.C., for private sector space leased by the University. The committee shall be comprised of no less than three members and shall include at least one member who is physically disabled and who is not employed by the University. The committee shall make recommendations to the University for approval or denial of the requests as provided in Section 255.21(2), F.S.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), (17), 255.21(5), 255.249, 255.25 FS. Law Implemented 240.225, 240.227(1), (17), 255.249, 255.25 FS. History–New 6-4-80, Amended 1-18-82, Formerly 6C4-4.1217.

6C4-4.013 Purpose.
The purpose of Rules 6C4-4.013-.01309, F.A.C., is to implement the delegated authority received by the State University System in accordance with Section 240.225, F.S., with respect to those functions and duties regarding motor pool heretofore performed by the Department of General Services in accordance with Chapter 287, Part II, F.S.

Specific Authority 240.227(1), 287.16(6) FS. Law Implemented 240.225, 240.227(1), (17), 287.15, 287.16 FS. History–New 6-4-80, Formerly 6C4-4.13.

6C4-4.01301 Approval for Vehicles and Watercraft Acquisitions.
The University shall not acquire any motor vehicle or watercraft through lease, lease purchase, purchase or transfer from another agency without the express written permission of the President of the University or designee. This section shall not apply to the temporary lease (less than 30 days) of a vehicle for the use of an employee for the conduct of normal University business.

Specific Authority 240.227(1) FS. Law Implemented 240.227(12) FS. History–New 6-4-80, Formerly 6C4-4.1301, Amended 7-11-99.

6C4-4.01303 Acquisition and Disposal.
(1) The procurement of all vehicles and watercraft shall be executed by the Director in accordance with these Purchasing Rules.
(2) All vehicles or watercraft will be the most appropriate for the task to be performed. Specifications for all vehicles and watercraft will be made by the Director, with the advice of a representative or representatives of the using department.
(3) Disposal of surplus motor vehicles or watercraft will be executed in accordance with the Surplus Property Rules 6C4-4.014-.01423, F.A.C.

Specific Authority 240.227(1) FS. Law Implemented 240.227(13) FS. History–New 6-4-80, Formerly 6C4-4.1303, Amended 6-10-99.

6C4-4.01305 Assignment and Use.
(1) Motor Vehicles and watercraft will be available for special University business only as authorized by the President or his designee.
(2) Students or other non-university personnel may be allowed to operate motor vehicles and/or watercraft on a temporary basis for the conduct of regular University business or as an emergency situation may necessitate.
(3) Special assignment vehicles shall be assigned for use upon certification of the President or his designee.

Specific Authority 240.227(1), 287.16(6) FS. Law Implemented 240.225, 240.227(1), (17), 287.15, 287.17 FS. History–New 6-4-80, Formerly 6C4-4.1305.

6C4-4.01307 Maintenance.
(1) Motor vehicles and watercraft maintenance may be performed in a manner consistent with the best interest of the University.
(2) This section does not preclude the emergency repair of a motor vehicle or watercraft when operating away from the normal geographical use area.

Specific Authority 240.227(1), 287.16(6) FS. Law Implemented 240.225, 240.227(1), (17), 287.16 FS. History–New 6-4-80, Formerly 6C4-4.1307.

6C4-4.01309 Aircraft.
(1) The purchase of any aircraft for the conduct of University business or the acquisition of any aircraft using University funds shall require the prior approval of the President and the Board of Regents.
(2) This section does not preclude the use of commercial airlines or state air pool for the normal conduct of University business nor the procurement of special charter services for the transport of groups of University personnel or sports teams or student groups nor the rental of aircraft for special purposes.

Specific Authority 240.227(1), 287.16(6) FS. Law Implemented 240.225, 240.227(1), (17), 287.15, 287.16 FS. History–New 6-4-80, Formerly 6C4-4.1309.

6C4-4.014 Purpose.
The purpose of Rules 6C4-4.014-.01423, F.A.C., is to implement the delegated authority received by the State University System in accordance with Section 240.225, F.S., with respect to those functions and duties regarding surplus property heretofore performed by the Department of General Services in accordance with Sections 273.04, 273.05 and 273.055, F.S.

Specific Authority 240.227(1), 273.055 FS. Law Implemented 240.225, 240.227(1), (17), 273.05 FS. History–New 6-4-80, Formerly 6C4-4.14.

6C4-4.01401 Definitions.
(1) Custodian – An individual assigned by the University President or his designee with the responsibility of accounting for the specific use of property owned by the state.
(2) Property Manager – An individual assigned by the University President to manage the assignment and accountability of state-owned property for which the University has custodial responsibility under the F.S.
(3) Surplus Property Manager – An individual assigned by the University President to manage the transfer and disposal of state-owned property.
(4) Tangible Personal Property – All personal property acquired and belonging to the State of Florida.
(5) Exchange Property – Property being offered as a trade-in on the purchase of a new item.
(6) Property Survey Board – A body appointed by the University President to oversee surplus property practices and determine disposition actions.

Specific Authority 240.227(1), 273.055 FS. Law Implemented 240.225, 240.227(1), (17), 273.05 FS. History–New 6-4-80, Formerly 6C4-4.1401.

6C4-4.01403 Reporting Requirements for Surplus, State-owned, Tangible Personal Property.
Tangible personal property which is determined to be surplus because it is excess, obsolete, uneconomical or inefficient for continued use shall be certified as surplus by the custodian of the property to the Property Manager for transmittal to the Surplus Property Manager for disposal, upon recommendation of the Property Survey Board. The Surplus Property Manager will agenda the certification for disposition action by the Property Survey Board.

Specific Authority 120.53(1)(a), 240.227(1), 273.055 FS. Law Implemented 240.225, 240.227(1), (17), 273.05, 273.055 FS. History–New 6-4-80, Formerly 6C4-4.1403.

6C4-4.01405 Certification.
Surplus Property Certifications shall provide the following information:
(1) Complete description of property.
(2) Statement of condition and age.
(3) Original purchase price.
(4) Estimated current value.
(5) Location of property and hours when property may be examined, person to contact for examining property, and a minimum bid (if required).
(6) Any additional information that would assist in determining whether or not property should be offered to other universities, state agencies, or governmental entities.

Specific Authority 240.227(1), 273.055 FS. Law Implemented 240.225, 240.227(1), (17), 273.05 FS. History–New 6-4-80. Formerly 6C4-4.1405.

6C4-4.01407 Buildings and Structures.
Buildings, structures and other items of a semipermanent or permanent nature shall be considered tangible personal property if they are severed from the real property and shall be reported in the manner prescribed by Rule 6C4-4.01405, F.A.C. In addition, the legal description of the location, size, type of construction, and reason for removal shall be noted in the Surplus Property Certification.

Specific Authority 240.227(1), 273.055 FS. Law Implemented 240.225, 240.227(1), (17), 273.05, 273.055 FS. History–New 6-4-80, Formerly 6C4-4.1407.

6C4-4.01409 Items to be Reported.
In instances of loss, theft, or fire, such property should be reported in the manner prescribed by Rules 6C4-4.01405 and 6C4-4.01407, F.A.C., to the University Police and the Property Manager for action on relief of accountability.
6C4-4.01411 Procedures for Disposal of Surplus Property.

(1) Transfer to another State Agency or political subdivision. If because of its type, age or condition the Property Survey Board feels the equipment is not useful to any university in the State University System, the Property Survey Board may authorize transfer under such conditions the Property Survey Board may determine to be appropriate.

(2) Scrap or cannibalization of equipment. The Property Survey Board may authorize the scrap or cannibalization of equipment if it feels it is in the best interest of the University.

(3) Abandoned equipment. The Property Survey Board may authorize the abandonment of tangible personal property belonging to the State of Florida, upon certification by the Property Manager that cost of return or repair exceeds the value of the property.

(4) Public sale. The Property Survey Board may authorize the public sale of such property determined to be surplus to the needs of the University.

(a) All public sales shall be conducted by the Surplus Property Manager at a set date and time which shall be advertised in a local newspaper of general circulation no less than two weeks prior to the sale.

(b) The Property Survey Board shall advise the Surplus Property Manager whether such sales shall be by auction or sealed bid.

6C4-4.01413 Availability of Surplus State Property.
The Property Survey Board may at its discretion recommend the circulation of surplus property having a useful life to other agencies. Listings of such property available on a bid basis may be sent to other state agencies and the Bureau of State Surplus Property. Property listings will include condition and location of property available for viewing.

6C4-4.01415 Surplus Property with an Estimated Value of $5,000 or More.
Approval of the Executive Office of the Governor is required prior to disposing of property with an estimated or sale price of $5,000 or more.

6C4-4.01417 Authority for Disposal.
Certified surplus property shall not be sold, transferred, cannibalized, scrapped or destroyed without prior written authority from the University Property Survey Board.

6C4-4.01419 Exchange Property.
(1) When the University has property available for use as a trade-in for the purchase of new property, the Property Survey Board at its discretion may authorize the Surplus Property Manager to advise the Bureau of State Surplus Property of the availability of such exchange property in writing, specifying the following information, if available:

(a) Description of exchange property.
(b) Manufacturer’s name.
(c) Model number.
(d) Serial number.
(e) Age.
(f) Condition (E-Excellent, G-Good, F-Fair, P-Poor).
(g) Inventory control number.
(h) Location of property (room number, building, street address, city).
(i) Name and phone number of person to contact for information about the exchange property.
(j) Date planned for trade-in transaction.
(k) A written trade-in quote stating the trade-in allowance and signed by prospective purchaser.
(2) Such notice of availability of property shall be forwarded to the Bureau of State Surplus Property a minimum of two weeks in advance of planned transaction date.
(3) Should the Division of Surplus Property decide to purchase the exchange property, the university should pay the full purchase price for the new property and send an invoice for reimbursement of the trade-in allowance to the Bureau of State Surplus Property.

Specific Authority 120.53(1)(a), 240.227(1), 273.055 FS. Law Implemented 240.225, 240.227(1), (17), 273.04, 273.055 FS. History—New 6-4-80, Formerly 6C4-4.1419.

6C4-4.01421 Contract/Grant Funded Property.
All property originally purchased with funds provided by contracts or grants, shall be managed in a form consistent with the applicable rules and regulations of the funding authority and where the provisions of Rules 6C4-4.014-.01423, F.A.C., are not in conflict, in accordance with Rules 6C4-4.014-.01423, F.A.C.

Specific Authority 240.227(1) FS. Law Implemented 240.225, 240.227(1), (17) FS. History—New 6-4-80, Formerly 6C4-4.1421.

6C4-4.01423 Disposition of Monies.
All monies received from the sale of such surplus property shall be forwarded to the University Comptroller for appropriate disposition.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.225, 240.227(1), (17) FS. History—New 6-4-80, Formerly 6C4-4.1423.

6C4-4.02000 Statement of Intent.
In order to meet the University’s mission it is the intent of Purchasing Services to acquire quality commodities and contractual services while promoting fair and open competition in the public procurement process. Responsible Purchasing officials shall be protected from improper pressures of external political or business interests. The process shall reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services, in order to preserve the integrity of public purchasing and contracting.

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5) FS. History—New 4-29-03.

6C4-4.02010 Definitions.
(1) Artistic Services – Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.

(2) Commodity – Any of the various supplies, materials, goods, merchandise, food, equipment, software or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. “Commodity” also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. Printing of publications shall be considered a commodity when let upon contract in accordance with Section 283.33, F.S.

(3) Competitive Solicitation – An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor/vendor.

(4) Contractor/Vendor – A person or firm who contracts to sell commodities or contractual services to the University.

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

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

(7) Independent Contractor – A person or firm who provides a service to the University and is in compliance with Section 112.313 and Chapter 440, F.S. and IRS Code.

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

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

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

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

(12) Purchases for Resale – The purchase of commodities or contractual services by the University for the purpose of selling commodities and contractual services for the benefit of the University.

(13) Purchasing Services – A University department responsible for the acquisition of commodities and contractual services, which is located at the Tampa campus at University Tech Center I.
(14) Renewal – Contracting with the same contractor for an additional period of time after the initial contract term, provided the original terms of the agreement specify an option to renew.

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

(16) Responsive and Qualified Bidder or Offeror – A contractor/vendor who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.

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

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5) FS. History–New 4-29-03.

6C4-4.02020 Purchasing Services Duties.

(1) Canvass sources of supply and contracting for the purchase or lease of all commodities and contractual services for the University, in any manner, including purchase by installment or lease-purchase contracts. Installment or lease-purchase contracts can provide for the payment of interest on unpaid portions of the purchase price.

(2) Remove any contractor from the University’s competitive vendor list that fails to fulfill any of its duties specified in a contract with the University (or another State University) and to reinstate such contractor when satisfied that further instances of default will not occur.

(3) Plan and coordinate purchases in volume and negotiate and execute agreements and contracts for commodities and contractual services under which the University has the option to make purchases.

(4) Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities or contractual services that are frequently purchased and are available from a single source.

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

(6) Award contracts for commodities and contractual services to multiple suppliers, if such is determined to be in the best interest of the University. Such awards can be on a University, regional or state university wide basis and for multiple years.

(7) Reject or cancel any or all competitive solicitations when determined to be in the best interest of the University.

(8) Authorize the payment of deposits or advance payments for a commodity or contractual service when the Director or designee determines that it is in the best interest of the University.

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5), 1001.75(5) FS. History–New 4-29-03.

6C4-4.02030 Competitive Solicitation Requirements.

(1) The purchase of commodities or contractual services exceeding $50,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized.

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

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

(4) The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

(5) The award of a competitive solicitation shall be publicly posted by Purchasing Services, located at the Tampa campus, for 72 hours excluding Saturdays, Sundays or State of Florida holidays.

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5), 1010.04(4) FS. History–New 4-29-03.

6C4-4.02040 Purchase of Commodities or Contractual Services.

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

(a) Physical damage on vehicles and boats;
(b) Inland marine on property owned, leased, or loaned to or by the University;
(c) Building and property damage;
(d) Equipment losses due to theft;
(e) Equipment subject to transportation;
(f) Loss of rental income;
(g) Commercial general liability insurance for scientific equipment;
(h) Excess general liability coverage;
(i) Camps insurance;
(j) Health insurance.
(2) Purchase of Printing. Printing shall be purchased in accordance with Chapter 283, F.S.
(3) Purchasing actions that are not subject to the competitive solicitation process include:
   (a) Emergency Purchases. When the President or designee determines, in writing, that a condition exists that threatens the health or safety of person(s) or animal(s) or the preservation of property or the continuance of a vital university function, the university shall proceed with an emergency purchase. The emergency purchase is limited to the purchase of only the type of items and quantities of items necessary and for only the time period necessary to meet the immediate need.
   (b) Sole Source Purchases. Commodities or contractual services available from a single source are exempt from the competitive solicitation process. Sole Source document shall be publicly posted by Purchasing Services at the Tampa campus for 72 hours, excluding Saturdays, Sundays and State of Florida holidays.
   (c) Purchases from contracts of other governmental or educational agencies resulting from their competitive solicitation process and Negotiated Annual Price Agreements established by the State of Florida are not subject to further competitive solicitations.
(4) Types of commodities and contractual services that are not subject to the competitive solicitation process include:
   (a) Artistic services;
   (b) Academic reviews;
   (c) Lectures;
   (d) Auditing services;
   (e) Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
   (f) Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided such devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;
   (g) Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of s. 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;
   (h) Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed;
   (i) Family placement services;
   (j) Training and education services;
   (k) Advertising;
   (l) Commodities or contractual services provided by governmental agencies, other State of Florida universities or other private or public colleges and universities;
   (m) Programs, Conferences or Continuing education events that are offered to the general public for which fees have been collected to pay all expenses associated with the program or event;
   (n) Programs, conferences or events that have been specified by a grant, can include, but are not limited to items such as lodging, meeting rooms, services and food;
   (o) Purchases from firms or individuals that are prescribed by state or federal law or specified by granting agency;
   (p) Regulated utilities and governmental franchised services;
   (q) Extension of an existing contract;
   (r) Renewal of an existing contract if the terms of the contract specify renewal option(s);
   (s) Purchases from the Annual Certification List;
   (t) Purchases for resale;
   (u) Accountant Services;
   (v) Commodities or contractual services provided by an affiliate of or direct support organization of the University;
   (w) Direct owner purchases for construction or renovation projects.
(5) No individual or firm who performs a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be eligible to contract with the University dealing with the same subject matter.
(6) Individuals taking part in the development of criteria for evaluation, the evaluation process or the award of the contract for any purchase shall be independent of and have no conflict of interest in the entities evaluated and awarded the contract. The University has the option to require the individuals to attest to such in writing.

(7) Items requested that are of a personal nature or for personal convenience of employees shall not be purchased. Examples are: fans, heaters, coffee pots, mugs, refrigerators, microwaves, picture frames, wall hangings, smoke/air filters and various decorative items.

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5), 1001.75(5) FS. History–New 4-29-03.

6C4-4.02050 Bonds.

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

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

(3) Competitive Solicitation Protest Bond. Any contractor that files an action pursuant to Section 120.57(3)(b), F.S., protesting a decision or intended decision shall at the time of filing of the formal written protest, post with the University, a bond payable to the University in an amount equal to: 10% of the estimated value of the protestor’s bid or proposal; 10% of the estimated expenditure during the contract term; $10,000; or whichever is less. The bond shall be conditioned upon the payment of all costs that can be adjudged against the contractor filing the protest action. In lieu of a bond, the University has the option to accept a cashier’s check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier’s check or money order by the time of filing the formal written protest shall, constitute a waiver of proceedings under Chapter 120, F.S., and the University shall summarily dismiss the petition.

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 120.57(3)(b), 255.051, 255.0516, 1001.74(5) FS. History–New 4-29-03.

6C4-4.02060 Contracts.

(1) Contracts for commodities or contractual services or licenses shall consist of a purchase order or bilateral agreement signed by the President or designee prior to the commodities being delivered or contractual services being rendered or in unusual circumstances, within thirty (30) days of the commodities being delivered or contractual services being rendered by the vendor.

(2) Extension of a contract shall be for a period not to exceed 12 months, shall be in writing, shall be signed by both parties prior to the expiration date, and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract permitted.

(3) A contract may be renewed. If the commodity or contractual service is purchased as a result of a competitive solicitation, the cost of any contemplated renewal must be included in the competitive solicitation. All contract renewals are subject to sufficient annual appropriations and a renewal shall be signed by both parties prior to the expiration of the initial contract.

(4) The President or designee has the authority to enter into contracts with the Consolidated Equipment Financing Program.

(5) In order to promote cost-effective procurement of commodities, contractual services or licenses the University has the authority to enter into contracts that limit the liability of a vendor consistent with Section 672.719, F.S.

(6) The total value of a contract is the value of the initial term plus the value of all renewal terms.

(7) Any contract entered into for a period in excess of one (1) fiscal year shall state: “The University’s performance and obligation to pay under this contract is contingent upon an annual appropriation by the legislature.”

(8) All bilateral agreements for services shall be written and:
(a) Provide dates of services;
(b) Provide payment terms;
(c) Indicate the University’s ability to unilaterally cancel the contract;
(d) Provide renewal terms, if any;
(f) Reference the Travel statute in Chapter 112, F.S.;
(e) Provide units of deliverables;
(g) Require contractor to submit invoices in sufficient detail to allow for a proper pre-audit and post-audit;
(h) Provide that the University does not indemnify any person, party or entity;
(i) Contain the signature of the President or designee and contractor.

(9) In lieu of a written bilateral agreement for services, the University has the option to issue a purchase order that includes the above items (a) – (h).
6C4-4.02070 Standards of Conduct.
It is a breach of ethical standards for any employee of the University to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. It is also a breach of ethical standards for any potential contractor to offer an employee of the University a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services.

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5) FS. History–New 4-29-03.

6C4-4.02080 Purchase of Motor Vehicles.
(1) The term “motor vehicle” includes any automobile, truck, watercraft, construction vehicles, equipment, or other vehicle designed primarily for transporting people.
(2) The university has authority to:
   (a) Establish standard classes of motor vehicles to be leased, purchased or used by University personnel;
   (b) Obtain the most effective and efficient use of motor vehicles for University purposes;
   (c) Establish and operate facilities for the acquisition, disposal, operation, maintenance, repair, storage, control and regulation of University-owned motor vehicles. Acquisition can be by purchase, lease, installment-purchase, loan or by any other legal means and can include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport University personnel and adequately meet the requirements of the University;
   (d) Contract for specialized maintenance services.
(3) Motor vehicles owned, leased or operated by the University shall be used for official University business only.

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5) FS. History–New 4-29-03.
CHAPTER 6C4-5 FINANCE AND PLANNING

6C4-5.001 Finance and Planning Organization. (Repealed.)
6C4-5.002 Campus Master Plan. (Repealed.)
6C4-5.003 Use of University Space for Class or Class Related Activities and Other Events. (Repealed.)
CHAPTER 6C4-6 STUDENT AFFAIRS

6C4-6.001 Division of Student Affairs; Organization. (Repealed)
6C4-6.002 Student Disciplinary Offenses and Procedures. (Repealed)
6C4-6.0021 Student Code of Conduct.
6C4-6.003 Commercial Solicitation and Distribution or Posting of Commercial Material on Campus. (Repealed)
6C4-6.004 Distribution of Literature. (Repealed)
6C4-6.005 Alcoholic Beverages. (Repealed)
6C4-6.006 Public Organized Events Not Involving Off-campus Speakers. (Repealed)
6C4-6.007 Amplification of Sound and Music. (Repealed)
6C4-6.008 Appearance of Off-campus Speakers. (Repealed)
6C4-6.009 Cooperative Education. (Repealed)
6C4-6.010 Use of University Placement Facilities and Services. (Repealed)
6C4-6.011 Counseling Center for Human Development Services.
6C4-6.012 Financial Aid.
6C4-6.0121 Financial Aid Administration, Distribution and Use of Financial Aid Resources.
6C4-6.013 University Residence Halls.
6C4-6.014 Entry and Search of Resident Students’ Rooms. (Repealed)
6C4-6.015 Athletic Service Awards. (Repealed)
6C4-6.0151 Athletic Grants in Aid. (Repealed)
6C4-6.016 Student Health Center Services. (Repealed)
6C4-6.0161 Tampa Campus Student Health Center Services.
6C4-6.0162 Health Insurance for International Students and Research Scholars.
6C4-6.017 Registration and Conduct of Student Organizations.
6C4-6.018 Use of University of South Florida Riverfront Park.
6C4-6.019 Student Publications. (Repealed)
6C4-6.020 Use of Marshall Center and Special Events Center Facilities and Equipment.
6C4-6.021 Admission to the University of South Florida. (Repealed)
6C4-6.022 Associate of Arts Certificate. (Repealed)
6C4-6.023 New Student Relations. (Repealed)
6C4-6.024 Academic Advising (University Studies). (Repealed)
6C4-6.025 Canines on Campus. (Repealed)
6C4-6.026 Distribution of Material and Solicitation on Campus.
6C4-6.027 Residency. (Repealed)
6C4-6.028 Student Government Association.

6C4-6.0021 Student Code of Conduct.

(1) Students are responsible for compliance with all public laws as well as university rules and regulations. Students accused of a crime can be prosecuted under Florida criminal laws and also disciplined under the Student Code of Conduct. The University may pursue disciplinary action even if criminal justice authorities choose not to prosecute.

(2) Any member of the University community may file charges against a student for an alleged violation of the Student Code of Conduct. Such charges must be filed in writing with the Office of Student Judicial Services. Student Judicial Services also reserves the right to initiate or follow-up any investigative leads where there is reasonable belief of possible violations of the Student Code of Conduct.

(3) Jurisdiction of the University – University jurisdiction and discipline extends to conduct which occurs on University premises or which adversely affects the University community and/or the pursuit of its mission. A student, registered organization or a person who has submitted an application for admission, housing, or any other service provided by the University which requires student status will be subject to the Student Code of Conduct for any action found in violation of the Code which occurs on University property, at University-sponsored events, or off campus if the action adversely affects the University community and/or the pursuit of the University’s mission.

(4) Offenses – Any of the following actions, or the aiding, abetting, or inciting of any of the following actions, constitutes an offense for which a student, a group of students, or a student organization will be subject to the student judicial process:

(a) Misuse of Keys – Unauthorized possession or use of any key or key type device to any university facility or property.

(b) Misuse of Identification – The use of falsified identification documents or of another’s identification card/document, including the use of another’s computer account/password.

(c) False Information – Knowingly making a false oral or written statement to any university board, committee, office or member of the University faculty, administration, staff or student body.
(d) Misuse of Materials – Unauthorized reading, removing, duplicating, photographing, and/or forging, counterfeiting, altering or misusing of any university material, file, document or record, computer records, software, data files and similar entities owned or maintained by any member of the faculty, administration, staff, or student body.

(e) Response to Notice – Failure to make a timely response to any official request from a member of the faculty, administration, or staff. The University requires that each student maintain on file with the University a current address. Official university correspondence mailed to that address is deemed sufficient as notice to the student. It is a student’s responsibility to notify the University immediately of any change of address.

(f) Response to Instructions – Failure to comply with authorized oral instructions from or agreements with University officials, including student employees, acting in accordance with their assigned duties.

(g) Misuse of Property – Destruction, damage, misuse or defacing of, or unauthorized entry into university buildings or property, private property and personal property, on the campus of the University, including but not limited to files, documents, records, research apparatus, or library materials, including computer systems, networks, and peripherals, owned or maintained by members of the faculty, administration, staff, or student body. Intentional misuse of any university fire alarm or fire fighting or safety equipment.

(h) Aiding and Abetting – Any student who knowingly acts in concert to violate a Student Code of Conduct policy, who knowingly acts to conceal, or who knowingly obstructs an investigation will be subject to the student judicial process.

(i) Theft – The unauthorized taking, misappropriation or possession of any real, personal, or intellectual property owned or maintained by the University or any person on campus.

(j) Gambling – Conducting or organizing any form of gambling which harms or exploits any member of the University community.

(k) Hazing – Hazing means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into an affiliation with an organization. Such actions shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

(l) Weapons, Firearms, or Explosive Devices – The unauthorized possession, use or sale of any weapon, firearm, or any incendiary, explosive or destructive device, including fireworks. The University Police Department maintains facilities for the storage of student’s weapons or firearms.

(m) Bomb Threat – Reporting false presence of an explosive or incendiary device.

(n) Illegal Use or Possession of Drugs – Illegal possession, use, sale or attempt to obtain any drug. The term “drugs” includes any narcotic drug, central nervous system stimulant, hallucinogenic drug, barbiturate, or any other substance treated as such and defined by the law.

(o) Privacy – Failure to respect the right to privacy of any member of the University community, including accessing another’s computer files and/or e-mail, prying observation, or voyeurism.

(p) Student Expression – The University recognizes that students must be free to utilize their constitutional rights to freedom of speech and freedom to assemble. While students are encouraged to express those rights, any demonstrations or protests must be non-violent in nature, and must be conducted without endangering the safety, health, or life of themselves, other students, faculty, staff, or visitors. Students shall not knowingly damage any University or personal property. No student or group of students shall obstruct the free movement of other persons, including police and other emergency service personnel about the campus, interfere with the use of University facilities, or prevent the normal operation of the University, both inside and outside the classroom setting.

(q) Harassment – Conduct which creates an intimidating, hostile, offensive working, or educational environment.

(r) Retaliation – Harassment of complainant or other person alleging misconduct, including, but not limited to intimidation and threats.

(s) Stalking – To repeatedly follow or encounter another person so as to harass that person.

(t) Sexual misconduct, including sexual harassment and public indecency and voyeurism – Sexual harassment is conduct of a sexual nature or with sexual implications, which interferes with a student’s or an employee’s status or performance by creating an intimidating, hostile or offensive educational or working environment. This conduct may include, but is not limited to the following: inappropriate and unwanted touching; the display of sexually explicit or suggestive materials; use of sexually explicit or suggestive language or gestures; and subtle pressure for sexual activity, as well as demands for sexual favors or physical assault. Public indecency is open and notorious actions which are offensive to common propriety, e.g., public sexual intercourse.

(u) Domestic/Relationship Violence – Assault or battery to a person who is a relative, spouse, boyfriend, girlfriend, or other intimates of the student. This can occur without regard to the gender of the victim or the student in question.

(v) Disorderly Conduct – Breach of peace, such as causing a disturbance or being unruly.

(w) Disruptive Conduct – Actions that impair, interfere with or obstruct the orderly conduct, processes and functions of the University. Disruptive conduct shall include, but not be limited to the following:

1. Interference with freedom of movement of any member or guest of the university;
2. Impeding or interference with the rights of others to enter, use or leave any university facility, service or scheduled activity, or carry out their normal functions or duties; or

3. Interference with academic freedom and freedom of speech of any member or guest at the University.

(x) Threats of Violence – An intentional threat by word or act to do violence to another person, and doing some act which creates a well-founded fear that such violence is imminent.

(y) Violent Misconduct – When one person actually and intentionally touches or strikes another person against his/her will, or intentionally causes bodily harm.

(z) Sexual battery/rape – According to Section 794.011(1)(h), F.S., sexual battery is the “Oral, anal or vaginal penetration by union with a sexual organ of another or anal/vaginal penetration by another object.” The act is performed against the victim’s will or without her/his consent. An individual who is mentally incapacitated, asleep or physically helpless or unconscious due to alcohol or other drug consumption is considered unable to give consent. The same definition applies regardless of whether the assailant is a stranger or an acquaintance or a group of individuals. The type of force employed may involve physical violence, coercion or threat of harm to the victim. Date or acquaintance rape is the sexual battery of an individual by someone the victim knows. Group or gang rape is the sexual battery of an individual by multiple perpetrators.

(aa) Underage Zero Tolerance – As referenced in Section 322.2616, F.S., the State of Florida prohibits persons under the age of 21 from having a breath-alcohol level of 0.02 percent or higher and to drive or be in actual physical control of a motor vehicle. Such violations shall result in the State suspending your license and referral to the student judicial process.

(bb) Disorderly Intoxication – No student shall be publicly intoxicated to the point of being unruly, causing a disturbance, or endangering the safety of himself/herself or another person or property.

(cc) Violation of USF Alcohol Policy (1998).

(dd) Inappropriate Conduct at University-sponsored Events – Students are expected to govern their behavior at University-sponsored events and conduct themselves within the guidelines of the Student Code of Conduct. Such events may include, but are not limited to athletic events.

(ee) Violation of Residence Hall Policy (1998).

(ff) Bikes/Skateboards/Rollerblading – Riding a bicycle, skateboard, or rollerblades within an area on campus where there are signs posted that such actions are strictly prohibited is cause for referral to Student Judicial Services.

(gg) Violation of USF traffic rules and regulations.

(hh) Violation of any law, ordinance or rule of the Board of Regents, or USF policy.

(ii) Violation of probation – Failure to abide by conditions of probation.

(jj) Off Campus Misconduct – The University generally does not regulate the off-campus conduct of its students. However, misconduct occurring off-campus will be disciplined where the conduct directly impedes the effective operation of the University, as for example, where the off-campus conduct constitutes a danger to the health, safety or welfare of University students, faculty or staff.

(kk) Obstruction of Student Judicial Process – Acts that disrupt the University judicial process, including attempting to coerce or influence a person in order to discourage their participation in any judicial proceeding. Such acts shall include, but may not be limited to:
   1. Failure to appear at an official university hearing when proper notification has been provided;
   2. Knowingly falsifying, distorting or misrepresenting information before a judicial proceeding;
   3. Deliberate disruption or interference with the orderly conduct of a judicial proceeding;
   4. Knowingly initiating a complaint/referral without cause;
   5. Use of threats, coercion, or intimidation to discourage proper participation or use of the judicial process;
   6. Attempting to influence the impartiality of a member of the judicial process prior to or during the course of the judicial proceeding;
   7. Harassment or intimidation of any participant in the judicial process.

(5) Sanctions – Sanctions shall be commensurate with an offense with consideration given to any aggravating or mitigating circumstances. Any of the following sanctions will be imposed on a student, a group of students, or a student organization:

(a) Expulsion – Permanent termination of a student’s privilege to attend the University, including trespass from campus. In cases where the student resides on campus, the student will be given reasonable time to vacate the residence halls, (e.g., 24 to 48 hours). During the period of the expulsion, all of the student’s contact with University departments/services must be through the Office of Student Judicial Services.

(b) Suspension – Termination of a student’s privilege to attend the University for an indefinite or a specified period of time, including trespass from campus. In cases where the student resides on campus, the student will be given a reasonable time to vacate the residence halls, (e.g., 24 to 48 hours). During the period of the suspension, all of the student’s contact with University departments/services must be through the Office of Student Judicial Services.

(c) Probation – An official warning that the student’s continued enrollment depends upon the maintenance of satisfactory citizenship during the period of probation. A favorable recommendation normally will not be furnished by the University during a period of probation.
When probation is imposed as a sanction, the student should be advised of the consequences of violation of probation, e.g., suspension. In the event probation terms or conditions are violated, the Associate Vice President for Student Life & Wellness or the Student Judicial Officer will immediately impose the consequence of the probation violation.

(d) Restrictions – Conditions imposed on a student that would specifically dictate and limit future presence on campus and participation in University-related activities. The restrictions involved will be clearly identified and include but are not limited to a requirement to remain on campus or in rooms during specified periods of time or a University restraining order forbidding the offender from all contact with the victim. Restrictions also include denial of the privilege to operate a motor vehicle on campus, participation in certain activities/events/organizations, access and use of University services, and presence in certain buildings or locations on campus.

(e) Restitution – A payment for injury to an innocent party in cases involving theft, destruction of property, or deception.

(f) Trespass – A restriction from the campus or specific area on the campus.

(g) Reprimand – A letter which makes a matter of record an incident which reflects unfavorably on a student’s file as long as he or she is a student of the University.

(h) Warning – An oral reprimand.

(i) Restrictions on or revocation of financial aid where appropriate pursuant to law or NCAA policy.

(j) Involuntary withdrawal – University withdrawal of student from enrollment and student status.

(k) Other appropriate sanctions, such as community service hours, educational programs, written assignments, counseling, and evaluation.

(6) Student Judicial Process and Proceedings –

(a) Prehearings –

1. The written complaint of violation of the Student Code of Conduct should be referred to the Office of Student Judicial Services within a reasonable time following the discovery of the violation and in no event, later than six (6) months after the discovery, except in extraordinary cases (e.g., hospitalization of the student, etc.). The Associate Dean for Student Affairs acts as the Student Judicial Officer, and all charges of violation are originated by the Associate Dean.

2. The Associate Vice President for Student Affairs will appoint faculty/staff members from outside Student Affairs to serve as alternate judicial officers in appropriate cases (e.g., when the Associate Vice President is unavailable or has a conflict of interest) and the Associate Vice President for Student Affairs will prepare and maintain a list of individuals for this purpose.

3. Interim Suspension – The President or Student Judicial Officer will have the authority to suspend a student from the University or from participating in official University functions, programs, intercollegiate competitions, and other student activities if in the judgment of the Student Judicial Officer the student’s continued presence or use of privilege at the University pending outcome of the proceedings, is likely to cause harm to members of the University community. Any interim sanction judgment will be based on evidence gathered in the initial stage of an investigation of student misconduct. Students issued an interim suspension from the University will be provided an expedited emergency hearing as outlined in the “Hearings” section.

4. The Student Judicial Officer will inform the University Police of possible serious criminal activity in cases where it is not clear that the University Police already possess the information. The Student Judicial Officer will request information concerning prior misconduct of the student from the University Police and other appropriate persons or offices.

5. The Student Judicial Officer will require meetings with students referred for misconduct to determine whether relevant evidence exists and if there is a reasonable basis for believing the University’s Student Code of Conduct was violated. The student can choose to have an advisor of his/her choice present; however, University employees who have a potential conflict of interest are not to serve. The advisor can speak with the student but cannot speak for the student, act as attorney, nor otherwise participate.

6. In some cases involving disputes between individuals, mediation will be offered as an alternative when both parties agree. In these situations, the complainant does not wish to initiate formal judicial action, yet the parties continue to have indirect contact, such as two members of a student organization. If mediation is used, formal judicial action is not pursued.

7. The Student Judicial Officer will have meetings with alleged perpetrators of violent misconduct for the purpose of documenting such incidents in cases where the victim declines to make a formal complaint or serve as a witness; the victim reserves the right to decline the pursuit of any further action. The records of such meetings will be considered in future judicial proceedings.

8. The Student Judicial Officer will offer the student an informal disposition deciding whether a violation of the Student Code of Conduct has occurred. If charged, the student will have the option to admit responsibility for the charge and agree to the imposition of sanctions. The charged student can choose to decline the informal disposition and request an official university hearing before either an administrative officer or a University Judicial Board. The student will have five (5) business days from the date of the charge letter to request a hearing. If no response is received within this time frame, the student forfeits his or her right to an official university hearing and all charges and sanctions become effective.

9. In order to prepare for the hearing, the charged student shall be provided a written notice of charges no less than three (3) days before the hearing, except in cases of emergency.

10. The prehearings or informal disposition process must be completed within three (3) weeks of Student Judicial Services’ receipt of the complaint of misconduct, except in extraordinary cases (e.g. witness in coma or hospital, etc.) as determined by the Student Judicial Officer.
11. The hearing must be set to be held on a date not later than six (6) weeks following Student Judicial Services’ receipt of the complaint of misconduct, except in extraordinary cases (e.g., witness called for military duty or to mother’s funeral) as determined by the Student Judicial Officer.

(b) Hearings – Except in cases of emergency, the charged student shall have the option of a hearing before an Administrative Officer, or a hearing before the University Judicial Board.

1. Hearings before an Administrative Officer – If the student chooses a hearing before an Administrative Officer, such hearing will be conducted by a USF faculty or staff member selected from a pool of volunteer individuals trained by the Student Judicial Officer. The charged student shall be informed of the Administrative Officer appointed to hear his/her case and shall have the opportunity to challenge the impartiality of that individual within three (3) working days of notification. An Administrative Officer so challenged will be excused; however, indiscriminate challenges are not permitted.

2. University Judicial Board – A student who chooses a hearing before the University Judicial Board will be heard by a panel composed of three (3) faculty/staff members, one of whom shall be appointed chairperson, and three (3) students. The panel members will be selected at random from a bank of faculty/staff and student volunteers who have received training from the Office of Student Judicial Services. The charged student shall be informed of the panel members selected to hear his/her case and shall have the right to challenge the impartiality of any panel member within three (3) working days of notification. A panel member challenged for impartiality will be excused; however, indiscriminate impartiality challenges shall entitle the panel to proceed without regard to the challenge. Any board member not present for the taking of testimony at the hearing may not further participate. A quorum for hearing shall consist of a simple majority of the panel. However, the charged student has the right to choose to proceed or to request that the hearing be rescheduled if the judicial board present does not consist of 50% faculty/staff and 50% students. After the hearing, the board will reach its decision in executive session. A simple majority of the quorum is required for decision.

3. Emergency Hearings – Emergency hearings involve the safety, health, welfare of student/staff, e.g., violence. An expedited emergency hearing will be held before the Student Judicial Officer in cases which involve the safety, health or welfare of any student or staff member, as for example in cases involving complaints of violent misconduct. The President or the Student Judicial Officer as the President’s designee will immediately suspend or withdraw a student pending a hearing in emergency cases.

4. Hearing on Appeal – The charged student may appeal in writing the decision of the University Judicial Board or Administrative Officer within five (5) calendar days of the decision to the Associate Vice President for Student Life & Wellness. The Associate Vice President for Student Life & Wellness may impose the sanction recommended at the hearing or any other sanction, pending final decision on appeal. The record of the initial hearing will be considered on appeal as well as any new information that comes to the attention of the Associate Vice President for Student Life & Wellness. The Associate Vice President for Student Life & Wellness is authorized to contact any participants in the initial hearing for clarification and the student is entitled access to the record when appealing. The decision of the Associate Vice President for Student Life & Wellness will be rendered within two (2) weeks of receipt of the appeal except in extraordinary cases (e.g., witness is abducted or student disciplinary records destroyed in fire) as determined by the Associate Vice President for Student Life & Wellness and is the final decision of the University of South Florida.

(7) General Principles Applicable to Hearings –

(a) All hearings will be closed to spectators. No irrelevant information, especially irrelevant sexual history, will be discussed or considered in the hearing.

(b) Due Process Rights of Charged Student.

1. Burden of Proof – The burden of proof shall be on the complainant. The standard of proof for decision shall be “substantial evidence”, that is, whether it is reasonable to conclude from the evidence submitted that the student did commit the violation(s) for which he or she has been charged, and shall not be the strict criminal law standard of proof beyond a reasonable doubt.

2. Record – The proceedings of all hearings shall be recorded.

3. Inspection of Evidence – The student may inspect the evidence which will be presented against him/her.

4. Present Evidence – The student may present evidence on his/her own behalf.

5. Question Witnesses – The student may hear and question adverse witnesses, except in cases of violent misconduct where the student may submit questions to the hearing officer for use in questioning adverse witnesses.

6. Self-Incrimination – The student shall not be forced to present testimony which would be self-incriminating.

7. Advisor – The student may have an advisor of his/her choice present, which advisor may also be a legal counsel; however, university employees who have a potential conflict of interest are not to serve. The advisor may speak with the charged student but may not speak for the charged student, act as attorney, nor otherwise participate.

8. Decision Based on Evidence – The decision of the University Judicial Board or Administrative Officer shall be based solely on the evidence presented at the hearing, including any file referencing prior misconduct or meetings with the charged student in the custody of Student Judicial Services.

9. Decision in Writing – The decision of the University Judicial Board or Administrative Officer, including findings of fact and a determination of sanction, if any, shall be presented to the student in writing within two (2) weeks following the hearing.

10. Enrollment Status – The student’s enrollment status will remain unchanged pending final decision, except in cases of emergency, as considered above.
11. Failure to Appear – If a student against whom charges have been made fails to appear, the University Judicial Board or Administrative Officer may proceed in his/her absence.

(c) Rights of the Complainant/Victim.
1. The complainant shall have the right to submit a list of questions related to the alleged incident for consideration prior to the hearing, that he/she feels the accused should be asked during the hearing process.
2. In cases of violent misconduct, as defined by Section 16 Title 18 United States Code, the following additional rights pertain:
   a. The complainant shall be entitled to the assistance and advice of a person designated by the University with substantial knowledge of the USF student judicial process.
   b. The complainant shall have the right to submit an impact statement to the Student Judicial Officer for use during the sanctioning portion of the judicial process.
   c. The complainant shall have the right to be present during the entire hearing, notwithstanding the fact that the complainant is to be called as a witness. In extraordinary cases (e.g., complainant suffers from panic disorder or contagious disease), alternate arrangements may be made for the complainant to participate in the hearing without being present in the same room.
   d. The complainant may have an advisor of his/her choice present, which advisor may also be a legal counsel; however, University employees who have a potential conflict of interest are not to serve. The advisor may speak with the complainant, but may not speak for the complainant, act as attorney or otherwise participate.
   e. The Student Judicial Officer will inform the complainant, whenever possible, of the outcome of the judicial proceeding.
(8) Regional Campuses – The foregoing applies to all campuses of the University of South Florida; however, non-substantive procedural modifications to reflect the particular circumstances of each regional campus are permitted. Information concerning these procedures is available through the student affairs office at those regional campuses.
(9) Review of Student Code of Conduct – A student judicial advisory group, a committee consisting of faculty/staff and students appointed by the Vice President for Student Affairs shall periodically evaluate the Student Code of Conduct.


6C4-6.011 Counseling Center for Human Development Services.
(1) Description. The Counseling Center is a comprehensive, community-oriented facility that provides services in educational skill enhancement, career development and mental health to University of South Florida students.
(2) Eligibility for Services.
   a. University applicants who have not yet registered, alumni, special students and continuing students who are not registered for the semester in question will be offered services on a staff-availability basis. Normally, this will be one or two sessions for evaluation and referral.
   b. To receive services in the Counseling Center, a prospective user must provide personal data. Services at the Counseling Center are available to full-time and part-time students. If the presenting problem involves spouses, parents, or children, they may be included in the therapy program.
(3) Confidentiality.
   a. The confidentiality of professional communications about individuals is maintained. Psychological information about users of services shall be released only under the following conditions:
      1. With the written consent of the user directly involved or his/her guardian or attorney, or where directed by statute, regulation, or court order.
      2. Raw psychological data shall be released only with the written consent of the user, his/her guardian or attorney, and released only to a person recognized by the psychologist as competent to use the data.
      3. Where there is clear and imminent danger to an individual or to society, and then only to appropriate professional workers or public authorities.
   b. Provisions are made for the maintenance of confidentiality in the preservation and ultimate disposition of confidential records.
(4) When it is the judgment of the intake therapist that a user’s problems cannot be appropriately maintained in the Counseling Center, a referral to an appropriate public or private community resource will be made.
(5) The Counseling Center’s representative in the Academic Regulations Committee is empowered to issue withdrawals with or without refunds as appropriate, based on clinical evaluation of a student’s ability to function in a university setting. Where a student’s functioning is seriously disrupted, an involuntary withdrawal may be issued. Students who may have been withdrawn by the Counseling Center from the University are placed on Pending status until they have demonstrated their ability to function in the University by virtue of a psychological/psychiatric evaluation in the Counseling Center.
(6) Dependent upon demand for services and adequate staff availability, the Counseling Center may participate in the practicum or internship training of students enrolled in applied graduate programs on campus.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(1), 394.459(9) FS. History–New 10-6-75, Amended 7-3-79, Formerly 6C4-6.11, Amended 9-15-91.
6C4-6.012 Financial Aid.
Eligibility for assistance.

(1) In addition to meeting all standards established by the granting agency, the student must:
   (a) Be admitted, or
   (b) Once admitted, meet the Standard of Satisfactory Progress for financial aid recipients. The standard is based on Title IV Federal Financial Aid Regulations (Rev. 11/1/00).
   (c) On a timely basis, provide all requested documentation needed to complete their file.

(2) Awards are made based on financial need and the packaging policies established by the Office of Financial Aid. USF uses the Free Application for Federal Student Aid (FAFSA) and the federal need analysis for determining financial need. Applicants meeting the priority application dates, published in the USF Financial Aid Guide, are given priority consideration for need-based aid.

(3) If the student’s application for financial aid is selected for verification by the Federal government or the USF Office of Financial Aid, eligibility for aid is contingent upon completion of the verification process.

Specific Authority 240.227(1), (27), 240.404(2) FS. Law Implemented 240.227(26), 240.404 FS. History—New 10-6-75, Amended 7-3-79, Formerly 6C4-6.12, Amended 6-17-91, 12-23-92, 7-29-01.

6C4-6.0121 Financial Aid Administration, Distribution and Use of Financial Aid Resources.

(1) The Office of Financial Aid is the single office designated to coordinate and administer financial aid at the University of South Florida. All USF offices and departments must report any and all awards made to students to the USF Office of Financial Aid, in a timely manner, so that this information is properly included in the University’s reports to the Board of Regents and others.

(2) Two University committees were established to assist in policy formation and to handle appeals and grievances related to the award or administration of financial aid.
   (a) Financial Aid Policy and Advisory Committee. This committee provides advice and recommendations to the Vice President for Student Affairs on financial aid related matters. It is chaired by the Associate Vice President for Enrollment Planning and Management and includes the Director of Financial Aid, the Director of Admissions, the Director of University Budgets, and the University Comptroller. Committee responsibilities include:
      1. Reviewing and recommending changes to University policies related to the administration of institutional financial aid programs.
      2. Reviewing the University’s Five-Year Financial Aid Plan and recommending changes to the plan so as to keep it consistent with the University’s Master Plan and strategic direction.
      3. Reviewing new and continuing University aid programs so as to evaluate their viability and effectiveness.
      4. Reviewing and approving over-commitment amounts/percentages for the packaging of institutionally administered aid programs.
      5. Review revenue sources and expenditure plans.
   (b) Financial Aid Appeals and Grievance Committee. This committee is chaired by the Associate Dean of Student Life and Wellness, and includes a financial aid representative, a faculty member, and a student representative appointed by the Vice President for Student Affairs.
      1. Any appeal/grievance must be presented in writing to the Director of Financial Aid, who will forward it to the Committee Chair.
      2. The Committee Chair is responsible for convening the committee and distributing the appeal/grievance information to the members.
      3. The committee should convene, consider the appeal/grievance and make its recommendation to the Vice President for Student Affairs within 30 days. The decision of the Vice President for Student Affairs is final.

(3) Institutional resources include all programs in the University of South Florida Financial Aid Five-Year Plan, tuition remissions and waivers, and federal, state, institutional, foundation, and other aid programs that are locally administered.
   (a) Financial need and academic merit are given primary consideration in the awarding of financial aid to students. Also considered are the balance of funding levels between need-based and non-need-based programs to reflect the needs and diversity of the USF student population, the necessity for increasing current programs versus the need for new programs and assuring fiscal integrity within the USF Five-Year Financial Aid Plan.
   (b) Information concerning any institutional need-based financial aid program may be obtained from the Office of Financial Aid. This office coordinates the distribution and use of all need-based resources, as well as all merit-based programs awarded by the Office of Admissions, the Graduate School, the individual colleges or departments, and the other campuses of the University. Additionally, this office coordinates scholarships awarded to students by donors external to the University.

Specific Authority 240.227(1), 240.287, 240.404(2) FS. Law Implemented 240.227(13), 240.287, 240.404(2) FS. History—New 12-31-86, Amended 10-1-91, 11-8-93, 7-29-01.
6C4-6.013 University Residence Halls.

(1) Any student who wishes to live in University of South Florida (“University”) housing shall be required to enter into a housing contract for the academic year during which they propose to reside in the residence halls. The University housing contract is a binding contract in which the University promises to provide University housing to the student, and the student promises to pay for such housing, and abide by the contract provisions and all University rules.

(2) As noted in the Resident Handbook section of the “USF Student Planner-2003-2004,” living groups within residence halls at the University are required to select a visitation program within the following parameters:

(a) No guest visitation; or
(b) Guest visitation between 10:00 a.m. and 2:00 a.m., Monday through Thursday with weekend guest visitation beginning at 10:00 a.m. Friday and continuing until 2:00 a.m. Monday; or
(c) Twenty-four (24) hours a day/seven (7) days a week guest visitation. Visitation within student rooms must be determined by mutual agreement among roommates.

(3) In accordance with this rule, to provide, administer and maintain student housing, the University acknowledges:

(a) The right to privacy of students in their residences; and
(b) The promotion of:
   1. Student safety and welfare, and
   2. Student social responsibility and leadership.

Specific Authority 1001.74(4), 1006.60 FS. Law Implemented 1001.74(6), 1006.60 FS. History–New 10-6-75, Amended 7-26-76, 7-3-79, Formerly 6C4-6.13, Amended 1-8-92, 1-28-04.

6C4-6.0161 Tampa Campus Student Health Center Services.

(1) Persons eligible for services:

(a) Registered University of South Florida students who have paid the appropriate fee.
(b) Continuing University of South Florida students not registered for the current academic term.
(c) Enrolled students from other State Universities who are visiting the Tampa campus.
(d) Students attending summer courses, if prior approval has been granted by the Health Service Director.
(e) Other students not covered under the preceding categories, at the discretion of the Health Service Director.

(2) The services available to persons defined in paragraphs (1)(a) and (b) of this rule include but are not limited to:

(a) A walk-in out-patient clinic staffed by Registered nurses and/or licensed medical practitioners.
(b) Gynecology Clinic.
(c) Dermatology Clinic.
(d) Allergy Clinic.
(e) Clinical Laboratory Service.
(f) Dispensing of selected prescription drugs by Physicians at the time of the medical examination.

(3) Students who are eligible for services pursuant to paragraph (1)(b), (c), or (e) of this rule:

(a) Will be charged for services at the published fee for service charges extant at the time of service.
(b) May be personally responsible for charges incurred at the time of visit, or if prior arrangements have been made, the referring University department will be charged for services, at the published fee for service charges extant at the time of service.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1), 240.235(1) FS. History–New 7-3-79, Amended 8-25-81, Formerly 6C4-6.161, Amended 7-17-91.

6C4-6.0162 Health Insurance for International Students and Research Scholars.

(1) All students who are not United States citizens or Permanent Residents of the United States (both non-degree seeking and those having been admitted to an academic program at USF including the English Language Institute) must demonstrate that they have adequate health insurance coverage for accidents and illness prior to registration for classes. International students who do not demonstrate such coverage will not be allowed to register for classes or continue enrollment at USF. International students are defined as all USF students who are not U.S. citizens or U.S. Permanent Residents.

(2) International students in F-1, F-2, J-1 or J-2 visa classes who enroll at USF as special, non-degree seeking students through the Registrar’s Office must demonstrate that they have adequate insurance coverage prior to enrollment.

(3) An adequate health insurance policy must contain the following elements: 1) 52 weeks of continuous coverage; 2) Basic benefits: room, board, hospital services, physician fees, surgeon fees, ambulance, outpatient services and outpatient fees paid at 80% of usual, customary and reasonable (UCR) charges after deductible is met; 3) Inpatient mental health care – paid at 50% of UCR; 4) Outpatient mental health care – paid at 50% of UCR with a $100 cap; 5) Maternity benefits – treated as any other temporary medical condition; 6) Coverage for inpatient/outpatient prescription medication; 7) $7,500 coverage for repatriation; 8) $10,000 coverage for medical evacuation; 9) Exclusion period of pre-existing conditions not to exceed six months; 10) Deductible: $50 per occurrence if treatment is rendered at USF Student Health Services, and $100 if rendered elsewhere; 11) $200,000 lifetime aggregate cap.
(4) All J-1 Exchange Visitors and their accompanying dependents on J-2 visas are required to have adequate health insurance coverage during their period of stay at USF on the university’s J-1 program pursuant to 22 CFR 514.14.


6C4-6.017 Registration and Conduct of Student Organizations.

(1) Any student group wishing to organize on campus can do so by following the procedures and fulfilling these criteria:

(a) Provisional Status.

1. Students wanting to form a new organization are granted provisional status by submitting the following to the Office of Student Activities.

a. A statement of purposes and goals.
b. A list of three organizers who are presently enrolled students, with addresses and phone numbers.
c. Signature waivers of the Family Educational Rights & Privacy Act also known as the Buckley Amendment confidentiality rights for the purpose of verification of student status and release of information about the new organization to the student body.
d. The name, address and signature of USF faculty or staff person who will serve as the organization’s advisor.

2. An organization petitioning for provisional status will be notified in writing by the Office of Student Activities of its approval or, in cases of denial, the reasons for denial. In the event of denial, the organization may appeal the decision to the Director of the Marshall Center whose decision shall be final.

3. Provisional status entitles a group to the following:

a. Use of the organization’s name for publicity which cannot include the name of the University.
b. Use of University meeting rooms, maximum of one time per week. This request must be submitted by a currently enrolled officer.
c. Use of student organization mailbox, if available.
d. Use of the Office of Student Activities equipment and services.
e. One fund raising day during provisional status.

4. Provisional status lasts at least 30 days, but no longer than 90 days, excluding semester breaks. After the one month provisional period, a request for official registration may be made.

(b) Official Registration.

1. A student organization with provisional status which desires official registration must submit the following to the Office of Student Activities:

a. Official Request. A request to the Office of Student Activities for registration of the proposed organization. This request must state the purpose of the group.
b. Constitution. One (1) copy of the proposed constitution must accompany the official request.
c. Officers List. A list of three presently enrolled student Officers, student I.D. numbers, their addresses, and phone numbers must be filed with the Office of Student Activities.
d. Advisor. Name and department of proposed faculty or staff advisor.
e. Financial Records. An agreement to supply the Office of Student Activities with a review of the books and records of the organization upon request.

2. Upon receipt of all the above information, the request is referred to the Student Organizations Advisory Board (SOAB) which reviews the constitution at the earliest possible time according to its agenda procedures. The Board makes its recommendations to the Assistant Director of the Marshall Center.

3. The petitioning organization will be notified in writing by the Assistant Director of the Marshall Center of its acceptance or, in cases of denial, the reasons for denial. The petitioning organization may submit an appeal to the Director of the Marshall Center.

4. Although not an entity of or a division of the University, a student organization is given the opportunity to operate as a member of the University community with the privileges and mutual responsibilities that its status implies. Registration does not signify endorsement or approval by the University of specific ideas, programs, or activities of the organization, but provides an opportunity for these groups to utilize University services and facilities and other privileges as set out in this rule.

5. Once the official registration is attained the student organization must continue to comply with the following:

a. Officer Listing. Register the names, student I.D. numbers, addresses and phone numbers of three officers at the beginning of each term. This information must be completed by the end of the third week of each semester.
b. Finances. An agreement to supply the Office of Student Activities with a review of the books and records of the organization upon request.
c. Insurance. As student organizations are entities independent from the University, the University can not provide insurance protection for student organizations. Student organizations are encouraged to consider procuring general liability insurance for all purposes and insurance to protect the property of the Organization.
d. Conduct of Business.

(I) All members shall be entitled to attend any scheduled meeting and records shall be available to all members.
Conformance to law and regulations. Each student organization’s membership purposes and activities will conform and comply with the United States Constitution, the laws of the State of Florida, policies of the University of South Florida and the purposes set forth in the constitution. The student organization is independently and solely responsible and accountable for the conduct and all actions of the organization and its members. Any violation of law, Board of Regents policy, or the rules and regulations of the University will be considered as violations by the organization and its officers and, in cases involving deliberate, intentional complicity or assistance in any such violation by other individuals, shall also be considered as violations by those individuals.

(2) Sales and solicitations, fund-raising, collections.
   (a) Each student organization may engage in fund-raising activities, the proceeds of which may be devoted to the activities and projects of the organization itself in furtherance of its goals and objectives, subject to the following rules and regulations:
   (b) Registered student organizations desiring to engage in fund-raising activities must secure approval at least five working days in advance from the Office of Student Activities. The Office of Student Activities should notify the petitioning student organization in writing of the approval and conditions for the solicitation of funds or denial of the fund-raising request within one working day from the date of request. If the request is denied, the reasons for denial must be stated. If the request is approved, calendar-clearance and the conditions for the solicitation of funds will be given with the approval.
   (c) Fund-raising activities which require the use or reservation of University space or facilities, such as lobby areas of academic buildings, Marshall Center Elm Street Market, etc., are limited to four per semester and must be registered in accordance with Rule 6C4-6.020, F.A.C. Use of Marshall Center Facilities and Equipment. Each use or reservation of University space or facilities shall be considered as a separate fund-raising activity for the purpose of this rule, and no fund-raising activity may last longer than two days. Provisional groups permitted one day only.
   (d) Fund-raising activities in the residence halls areas may be conducted as part of a fund-raising activity which requires use or reservation of University space or facilities, subject to residence hall rules and regulations. Each residence hall living unit is empowered to entirely prohibit any fund-raising activities or to prescribe the days and hours when solicitation of funds is permitted, but in any event, door-to-door solicitation will not be permitted.
   (e) The organization will be responsible for all direct costs, if any, involved in the use of the facilities.
   (f) All funds so raised must be reported to the Assistant Director of the Marshall Center, upon request.
   (g) An organization’s privilege of engaging in fund-raising activities is subject to immediate cancellation if the methods used are disorderly, improper, or if they annoy or otherwise interfere with any individual’s rights to privacy and freedom from harassment.

(3) Compliance.
   (a) Any organization or its members failing to comply with the requirements listed above or which violates the standards, policies, or principles of the University is subject to review at any time.
   (b) Upon becoming aware of a possible violation, the Assistant Director of the Marshall Center will review the matter.
   (c) The Assistant Director of the Marshall Center may involve the Student Organizations Advisory Board in the review of the matter and if so the Board will forward its findings and recommendations to the Assistant Director of the Marshall Center.
   (d) Once the Assistant Director of the Marshall Center reviews the possible violation then a decision will be issued in writing to the organization involved, the Student Organizations Advisory Board, if applicable and the Director of the Marshall Center.
   (e) Any appeals of this decision may be made to the Director of the Marshall Center.
   (f) If an organization fails to follow the procedures of an official organization as outlined, it will be deactivated and will lose the privileges granted to a registered organization. A deactivated organization must petition in writing to the Assistant Director of the Marshall Center to re-establish their status. Review of an organization as outlined above or deactivation of an organization does not preclude handling of an incident in accordance with the processes of the student conduct code.

(4)(a) Advisors. All student organizations are required to have faculty or staff advisors.
   (b) The function of advisors is to act as the liaison or communication link with the University administration and other community persons, as needed. Advisors do not have the authority or responsibility to control or supervise the activities of the organization. Advisors are the University’s representatives to the organizations and may report or relay University rules and procedures to the organizations, as needed. The Office of Student Activities may condition its approval of certain organizational events (e.g. those which in the view of the University Police pose a security risk) on the attendance of the organization’s advisor.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1) FS. History–New 10-6-75, Amended 7-3-79, Formerly 6C4-6.17, Amended 10-4-90, 12-23-92, 8-31-94.

6C4-6.018 Use of University of South Florida Riverfront Park.
(1) Use of the Riverfront Park shall be restricted to University students, faculty, staff and their invited guests. The park is available for reservation by University units and University-related organizations. Reservations may be made through the Campus Recreation Office.
(2) All University rules and policies must be complied with by groups and individuals using the park.
(3) An hourly user fee will be charged for use of canoes by students, faculty, and staff with valid University identification. Additional fees will be assessed for damaged or lost equipment.
(4) Driving and parking of vehicles shall be limited to designated areas. Vehicles parked in unauthorized areas or remaining after the park closes shall be towed at the owner’s expense.

(5) No person shall damage or remove park property, including plants and trees. No person shall molest, harm, or feed any wildlife in the park.

(6) There shall be no swimming, wading, or bathing in the Hillsborough River along or adjacent to the park boundaries. There shall be no fishing from park land or dock areas.

(7) The boat ramp may be used only for hand-carried boats, canoes, or other watercraft. Boat trailers are prohibited in the parking areas.

(8) No ground fires are permitted without specific written permit. No firearms are permitted in the park. No horseback riding is permitted within park boundaries.

(9) All dogs, cats, or other animals must be kept on a leash at all times within park boundaries.

(10) Failure to comply with any of the provisions of this rule may result in the suspension of privileges of using or reserving this facility, as well as other sanctions which may be appropriate.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1) FS. History–New 10-6-71, Amended 7-3-79, Formerly 6C4-6.18, Amended 1-8-92.

6C4-6.020 Use of Marshall Center and Special Events Center Facilities and Equipment.

(1) Scheduling and use of Marshall Center and Special Events Center.

(a) Marshall Center space is available on a first come, first serve basis to eligible groups. In the event that the same space is requested simultaneously, the priority of use for eligible groups is as follows:

Activities generated by students have the first priority for use of the Marshall Center and the Special Events Center. Activities generated by University Departments are the second priority for use of the Marshall Center and Special Events Center. The Coordinator of Public Functions may extend the privilege of using the Center’s venues to non-University Clientele that advance the mission of the University, educational and community interests. The Coordinator of Public Functions shall have discretionary authority to assign the Center’s venues without compromising student accessibility.

(b) Requests for use of space will be honored by the Marshall Center Reservations Office. Reservations may be made one year in advance. Requests for special or occasional meetings or events should be made as soon as need is determined, and at least two weeks prior to the event. Special consideration is made for emergency meetings when required.

(c) Reservation conditions and agreements:

1. Eligibility for the reservation of University facilities by student organizations is determined by the Office of Student Activities. Administration of reservations for student organizations’ use of on-campus facilities is the responsibility of the Marshall Center Reservations Office.

2. Assignment of rooms: The room or facility requested will be assigned whenever possible. However, the right is reserved to change the reservation to other rooms or facilities if scheduling conditions make the change necessary. Room assignments will be posted on the “Events Scheduled Today” bulletin boards located adjacent to the elevators on each floor of the Marshall Center.

3. Confirmation: The Marshall Center Reservations Office will tentatively confirm those dates for which rooms, facilities, or other services have been requested and are available. Final confirmation will be issued when event approval, if required, and other pending requirement/specifications have been met.

4. Cancellations: Student organizations that do not cancel reservations with at least 72 hours advance notice will be charged for support services and/or setup labor. Continued offenses by the student organization will result in loss of reservation privileges for the student organization for the semester. Reservation cancellation must be received by the Reservations Office at least 72 hours before an event. Other clients (non-student organizations) that do not cancel with at least 72 hours advance notice will be charged for rental space and support services.

5. Any organizations using space in the Marshall Center or the Special Events Center must utilize already contracted food services. With prior approval from the food service purveyor, a small amount of food may be brought in.

6. Charges for the use of Marshall Center and Special Events Center facilities, equipment and services will be assessed in accordance with the Marshall Center existing rates and fees structures.

(d) Responsibility of sponsoring student organization:

1. The privilege granted University student organizations to use State facilities and sponsor activities on the campus places the responsibility for proper use and conduct of such activities on the sponsoring student organizations and the officers representing the group.

2. The student organization requesting use of facilities shall be responsible for all damages and out-of-the-ordinary expenses involved in the use of these facilities.

3. The Marshall Center maintains the sole right to determine appropriate staffing for events.

4. The facilities requested will be used solely for the activities of the student organization reserving facilities and only for the purposes specified on the application.
5. If facilities are used for any purposes other than those stated on the application, e.g., a student organization transferring its privilege to another group or conducting activities other than those specified on the application, the Marshall Center reserves the right to cancel the privileges and reservations confirmed for the events, and any other pending applications of this student organization. Appeal from administrative decisions may be taken to the Office of the Associate Vice President for Student Affairs.

(e) Any student organization not in compliance with the above regulations is subject to cancellation of privilege of use of University space.

(2) Use of Marshall Center Games Area and Equipment.

(a) Eligibility:
1. University of South Florida students, staff, faculty, and alumni.
2. Non-University of South Florida persons.

(b) Identification:
1. University of South Florida persons should present a valid University of South Florida identification (ID) card.
2. Non-University of South Florida persons may check out equipment by presenting a photo identification card or making a five dollar ($5.00) deposit.
3. Persons under 16 years of age must be a University of South Florida student or accompanied by an eligible person.

(c) Responsibility: It is understood that the individual checking out equipment will be responsible for proper use of the equipment, prompt return of all equipment and assumes the responsibility for loss or damage to the Marshall Center property involved. Conduct/behavior of guest will likewise be considered the responsibility of the person to whom the equipment is issued. Individuals who leave the Games Area without checking in their equipment or paying for the rental fee will have their ID or deposit held by the Games Area manager for three days. If debt is not resolved during that time the manager will then file a report to the Associate Dean of Students’ Office for appropriate action.

(d) Equipment will only be issued to properly identified and authorized persons. The identification card of the person will be retained by the Games Area attendant while equipment is checked out. The individual who has been issued equipment is responsible for the equipment, its use and its return. Failure of the individual to comply with this procedure more than three times will result in ineligibility to use equipment.
1. No equipment will be checked out within fifteen minutes of closing.
2. In order to control the use of available facilities and to enforce time limits as required, only one set of equipment may be checked out on any one ID card.
3. Table reservations may be made for Marshall Center recognized tournament play only. Request for reservation must be made at least two hours prior to play.
4. The management reserves the right to establish time limits when excessive waiting is experienced.

(e) Use of Facilities and Equipment:
1. Equipment will be recalled for violation, misuse, or unusual conditions.
2. During busy periods when facilities desired are in use, one may print his or her name in the proper space of the waiting list. By so doing, he will be given priority accordingly.
3. Equipment may not be issued from the Games Area except when scheduled and approved by the Games Area Manager.

6C4-6.026 Distribution of Material and Solicitation on Campus.

(1) General Rules.
(a) Distribution – ie. handing out, stacking, placement in racks, etc. of commercial material or advertisements is prohibited.
(b) Commercial solicitation and business transactions are prohibited.
(c) No material of any kind may be placed on automobile windshields.
(d) Posting of any material is prohibited.
(e) Non-Commercial material or literature, the author of which must be identified, may be handed out in any outdoor University location open to the general public.

(2) Exceptions.
(a) Fundraising and promotional activities by student organizations shall be reviewed and approved in accordance with USF Rule 6C4-6.017, F.A.C.
(b) Fundraising and promotional activities by employees shall be reviewed and approved by the appropriate Vice President.
(c) Exceptions to the above are not granted to non-university groups or persons unless they have entered into one of the three following written agreements with the University:
1. An agreement to participate in the USF Elm Street Market Mall.
2. An agreement solicited by the University permitting commercial activity.
3. An agreement or written approval to post notices executed by a University Building Supervisor responsible for posting in a particular building.
6C4-6.028 Student Government Association.

(1) The Student Government Association (SGA) of the University of South Florida is organized and maintained by students as the official representative of the student body.

(a) The President is responsible for the operations and administration of the University, including the Student Government Association.

(b) The President delegates administrative authority for the Tampa Campus Student Government to the Vice President for Student Affairs. The President delegates administrative authority for the Regional Campus Student Governments to the Provost.

(2) The Student Government Association is authorized to allocate and expend Activity and Service (A & S) fees subject to the veto power of the President.

(a) Fees must be allocated and expended for lawful purposes to benefit the student body as a whole.

(b) The Student Government Association or SGA will propose a budget for submission to the President on an annual basis.

1. Student organization funding priority should take the nature of the organization (e.g., service vs. recreation) and the number of organization members into account.

2. Information concerning the membership and mission of each student organization must be provided upon request for the President’s consideration prior to approval of the budget.

(c) Expenditures of budgeted/allocated A & S funds must be in accordance with Section 240.235, F.S., and BOR Rule 6C-6.0103, F.A.C. Thus, all SGA purchases, contracts, expenditures and disbursements must be reviewed and approved by the Vice President’s representative to assure compliance.

(d) The Vice President requires that SGA officers and appropriate University staff undergo periodic training concerning application of laws and administrative rules to SGA expenditures.

(3) Any elected student government official who is convicted of a violation of criminal law or is found civilly liable for an act of moral turpitude will be immediately suspended from office and temporarily replaced. The Vice President for Student Affairs will appoint a temporary replacement if the succession process is unable to produce a replacement. If the conviction or verdict is overturned on appeal, the suspended student government official will retake the office. If the conviction or verdict is not overturned and all rights of judicial appeal have been exercised, waived or expired, the suspension will become a permanent removal. This procedure is distinct from and in addition to the processes of the USF Judicial Code.

(4) Registered students may petition for a referendum on whether an elected student government official should be removed from office anytime after the official is convicted of a violation of criminal law or is found civilly liable for an act of moral turpitude regardless of appeal status. Such referendums will be held within 60 days of the filing of the petition and the recommendation to remove the official is made by majority vote of students participating in the referendum. A recommendation to remove an official may be appealed to the Vice President for Student Affairs whose decision on behalf of USF is final.

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6C4-9.005 Graduation Requirements - College of Medicine.
(1) Graduation and award of the M.D. Degree by the College of Medicine is predicated upon competitive admission, satisfactory academic performance and completion of the basic and clinical science curricula, and demonstration of professional standards and competence as specified in the College of Medicine Bulletin. (See Rule 6C4-9.010, F.A.C.)
(2) The Bulletin may be obtained by written request to the Director of Admissions, College of Medicine, 12901 Bruce B. Downs Boulevard, Box 3, Tampa, Florida 33612 or by telephone (813)974-2229.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1) FS. History–New 5-19-91.

6C4-9.010 University of South Florida - College of Medicine Bulletin and Brochure.
(1) The University of South Florida, College of Medicine publishes the Bulletin of the College of Medicine (1990-92) and the College of Medicine Admission Recruitment Brochure (1993), incorporated by reference herein. The Brochure establishes and reflects admission and degree requirements. Curricular offerings and facilities available to students, faculty and staff at the University of South Florida, College of Medicine are presented in the Bulletin. In addition, College of Medicine Graduate Degree Programs are described in the USF Graduate School Catalog which is incorporated in Rule 6C4-1.005, F.A.C.
(2) In the event of conflict between any provisions of the Bulletin of the College of Medicine and any other rules of the University of South Florida published in the Florida Administrative Code, such other rules of the University of South Florida shall prevail.
(3) Applications for admission to the College of Medicine USF 8029 Eff. 8/90, incorporated herein, may be obtained upon direct request from the Office of Admissions, College of Medicine, 12901 Bruce B. Downs Boulevard, MDC Box 3, University of South Florida, Tampa, Florida 33612-4799.

Specific Authority 120.53(1)(a), (b), 240.227(1) FS. Law Implemented 120.53(1)(a), (b), 240.227(1), 240.233 FS. History–New 1-18-82, Amended 8-30-83, Formerly 6C4-9.10, Amended 8-19-90, 9-15-91, 1-8-92, 6-14-94.

6C4-9.011 College of Nursing Student Handbook.
(1) The University of South Florida, College of Nursing publishes a Student Handbook for the Undergraduate Program in the College of Nursing. The Student Handbook is provided only to matriculated students in the College of Nursing. The Student Handbook (1990), incorporated herein, establishes and reflects program progression requirements, health requirements, and clinical facilities available to students, faculty, and staff at the University of South Florida, College of Nursing. In addition, College of Nursing Undergraduate and Graduate program admission and degree requirements and curricular offerings are described in the USF Undergraduate and Graduate School Catalogs which are incorporated in Rule 6C4-1.005, F.A.C.
(2) In the event of conflict between any provisions of the Student Handbook Undergraduate Program of the College of Nursing, and any other rules of the University of South Florida published in the Florida Administrative Code, such other rules of the University of South Florida shall prevail.
(3) Copies of the College of Nursing Student Handbook may be seen at the College of Nursing. The “Application for Admission to the College of Nursing”, USF form # NSG1, Eff. 4/91, incorporated herein, may be obtained upon direct request from the College of Nursing, 12091 Bruce B. Downs Boulevard, MDC Box 22, University of South Florida Tampa, Florida 33612-4799.

Specific Authority 120.53(1)(a), (b), 240.227(1) FS. Law Implemented 120.53(1)(a), (b), 240.227(1), 240.233 FS. History–New 5-19-91.

6C4-9.012 College of Public Health.
(1) The University of South Florida, College of Public Health publishes the Bulletin of the College of Public Health (1999-2000) and the College of Public Health recruitment Brochure, incorporated by reference herein. The Bulletin establishes and reflects admissions and degree requirements. Curricular offerings and facilities available to students, faculty and staff at the
University of South Florida, College of Public Health are presented. The brochure reflects an overview of the College of Public Health departments and degree programs. In addition, College of Public Health Graduate Degree Programs are described in the USF Graduate School Catalog which is incorporated in Rule 6C4-1.005, F.A.C.

(2) In the event of conflict between any provisions of the Bulletin of the College of Public Health and any other rules of the University of South Florida published in the Florida Administrative Code, such other rules of the University of South Florida shall prevail.

(3) Applications for admission to the College of Public Health may be obtained upon direct request from the Office of Academics, College of Public Health, University of South Florida, 13201 Bruce B. Downs Boulevard, MDC 56, Tampa, Florida 33612.

Specific Authority 240.227(1) FS. Law Implemented 240.227(8), 240.233 FS. History–New 10-10-00.
CHAPTER 6C4-10 UNIVERSITY PERSONNEL MATTERS

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6C4-10.012 Inventions and Works.
(1) Definitions. The following definitions shall apply for purposes of interpreting and implementing this rule:
(a) A “work” includes any copyrightable material such as printed material, computer software or databases, audio and visual material, circuit diagrams, architectural and engineering drawings, lectures, musical or dramatic compositions, choreographic works, pictorial or graphic works, and sculptural works.
(b) An “invention” includes any discovery, invention, process, composition of matter, article of manufacture, know-how, design, model, technological development, strain, variety, culture of any organism, or portion, modification, translation, or extension of these items, and any mark used in connection with these items.

(c) “Instructional technology material” includes video and audio recordings, motion pictures, film strips, photographic and other similar visual materials, live video and audio transmissions, computer programs, computer assisted instructional coursework, programmed instructional materials, three dimensional materials and exhibits, and combinations of the above materials, which were prepared or produced in whole or in part by an employee, and which are used to assist or enhance instruction.

(d) “University support” includes the use of University funds, personnel, facilities, equipment, materials, or technological information; and includes such support provided by other public or private organizations when it is arranged, administered, and/or controlled by the University.

(e) “Employee” means all General Faculty, Administrative and Professional, USPS, and OPS employees of the University, in-unit or non-unit, regardless of classification or source of funding of the position, and volunteers and other persons who engage in University-supported effort.

(2) Works.

(a) Independent Efforts. A work made in the course of independent efforts is the property of the employee, who has the right to determine the disposition of such work and the revenue derived from such work. As used in this section, the term independent efforts means that:

1. The ideas came from the employee;
2. The work was not made with the use of University support; and
3. The University is not held responsible for any opinions expressed in the work.

(b) University-Supported Efforts. If the work was not made in the course of independent efforts, the work is the property of the University and the employee shall share in the proceeds thereof. However, in keeping with tradition, it is not the intent of the University to assert rights to books, articles, and similar works, the intended purpose of which is to disseminate the results of academic research or scholarly study nor to assert rights to instructional technology material which is developed without the use of appreciable University support and is used solely for the purpose of assisting or enhancing the employee’s instructional assignment.

(c) Disclosure.

1. Upon the creation of a work, and prior to any publication, the employee shall disclose to the President or Vice President for Research any work made in the course of University-supported efforts, together with an outline of the project and the conditions under which it was done.

2. The President or Vice President for Research shall gather information to assess the relative equities of the employee and the University in the work.

3. Within sixty (60) days after such disclosure, the President or Vice President for Research will inform the employee whether the University seeks an interest in the work, and a written contract shall thereafter be negotiated to reflect the interests of both parties, including provisions relating to the equities of the employee and allocating proceeds resulting from such work. All such agreements shall comport with and satisfy any preexisting commitments to outside sponsoring contractors.

4. The employee and the University shall not commit any act which would tend to defeat the University’s or employee’s interest in the work and shall take any necessary steps to protect such interests.

(3) Inventions.

(a) Disclosure/University Review.

1. An employee shall fully and completely disclose to the President or Vice President for Research all inventions which the employee may develop or discover while an employee of the State University System together with an outline of the project and the conditions under which it was done. With respect to inventions made during the course of approved outside employment, the employee may delay such disclosure, when necessary to protect the outside employer’s interest, until the decision has been made by the outside employer whether to seek a patent.

2. If the University wishes to assert its interest in the invention, the President or Vice President for Research shall inform the employee within one hundred twenty (120) days of the employee’s disclosure to the President or Vice President for Research.

3. The President or Vice President for Research shall conduct an investigation which shall assess the respective equities of the employee and the University in the invention, and determine its importance and the extent to which the University should be involved in its protection, development, and promotion.

4. The President or Vice President for Research shall inform the employee of the University’s decision regarding the protection to be sought for the invention within a reasonable time, not to exceed 135 days from the date of the disclosure to the President or Vice President for Research.

5. The division, between the University and the employee, of proceeds generated by the licensing or assignment of an invention, shall be negotiated and reflected in a written contract between the University and the employee. All such agreements shall comport with and satisfy any preexisting commitments to outside sponsoring contractors.

6. The employee shall not commit any act which would tend to defeat the University’s interest in the matter, and the University shall take any necessary steps to protect such interest.
(b) Independent Efforts. All inventions made outside the field or discipline in which the employee is employed by the University and for which no University support has been used are the property of the employee, who has the right to determine the disposition of such work and revenue derived from such work. The employee and the President or Vice President for Research may agree that the patent for such invention be pursued by the University and the proceeds shared.

(c) University-Supported Efforts. An invention which is made in the field or discipline in which the employee is employed by the University or by using University support is the property of the University and the employee shall share in the proceeds therefrom.

(d) Outside Employment.
1. While an employee may, in accordance with Rule 6C4-10.005, F.A.C., and the pertinent collective bargaining agreement, engage in outside employment pursuant to a consulting agreement, requirements that an employee waive the employee’s or University’s rights to any inventions which arise during the course of such outside employment must be approved by the President or Vice President for Research.
2. An employee who proposes to engage in such outside employment shall furnish a copy of this rule and, if applicable, the pertinent collective bargaining agreement, to the outside employer prior to or at the time a consulting or other agreement is signed, or if there is no written agreement, before the employment begins.

(e) Release of Rights.
1. In the event a sponsored research contractor has been offered the option to apply for the patent to an invention or other rights in an invention, the University will use its good offices in an effort to obtain the contractor’s decision regarding the exercise of such rights within 120 days.
2. At any stage of making the patent applications, or in the commercial application of an invention, if it has not otherwise assigned to a third party the right to pursue its interests, the President or Vice President for Research may elect to withdraw from further involvement in the protection or commercial application of the invention. At the request of the employee in such case, the University shall transfer the invention rights to the employee, in which case the invention shall be the employee’s property, and none of the costs incurred by the University or on its behalf shall be assessed against the employee.
3. All assignments or releases of inventions, including patent rights, by the President or Vice President for Research to the employee shall contain the provision that such invention, if patented by the employee, shall be available royalty-free for governmental purposes of the State of Florida, unless otherwise agreed in writing by the University.
4. Execution of Documents. The University and the employee shall sign an agreement individually recognizing the terms of this rule.
5. Responsibility. The authority and responsibility for administration and implementation of this rule is delegated to the Vice President for Research.

Specific Authority 120.53(1)(a), 240.227(1), 240.241(2) FS. Law Implemented 120.53(1)(a), 240.202, 240.227(1), 240.229, 240.241(2) FS. History–New 8-10-89, Amended 1-8-92.

6C4-10.017 Limited-Access Personnel Records.

Pursuant to Section 240.253, Florida Statutes, except as required for use by the president or president’s designee in the discharge of his or her official responsibilities, the following records are confidential and exempt from the provisions of Section 119.07(1), Florida Statutes, and will only be released upon the written authorization of the employee or upon order of a court of competent jurisdiction:

1. Evaluative information created prior to July 1, 1995. Any and all information, wherever maintained, which reflects an evaluation of an employee’s performance and was created prior to July 1, 1995 shall be confidential and shall not be disclosed except to the evaluated employee, or the University officials whose duties to supervise or evaluate the employee require access to the records.

2. Records containing information reflecting academic evaluations of employee performance.

3. Records maintained for the purposes of an investigation of employee misconduct, but only until:
   (a) The investigation is no longer active;
   (b) The University gives written notice to the employee that the investigation is concluded; or
   (c) A letter of discipline issues.

In addition, for sexual harassment investigations, portions of the records which identify the complainant, a witness, or information which could reasonably lead to the identification of either remain confidential after the completion of the investigation.

4. Records maintained for the purposes of any disciplinary proceeding brought against an employee, but only until a final decision is made in the proceeding.

5. Records maintained for the purposes of any grievance proceeding brought by an employee for enforcement of a collective bargaining agreement or contract, but only until a final decision is made in the proceeding.

6. Any records or portions thereof which are otherwise confidential by law.


PART I FACULTY PERSONNEL MATTERS
Chapter 6C4-10, Part I - Faculty Personnel Rules.

(1) Chapter 6C4-10, Part I, F.A.C., contains personnel rules for all University of South Florida faculty, unless otherwise exempted from these rules. Faculty personnel rules are structured within the framework provided by principles of academic freedom/responsibility and shared governance. A University policy on Academic Freedom and Responsibility approved by the Faculty Senate and the Administration supports this principle.

(a) The University of South Florida affirms the principles of academic freedom and responsibility, which are rooted in a conception of the University as a community of scholars united in the pursuit of truth and wisdom in an atmosphere of tolerance and freedom.

(b) Academic Freedom is the freedom to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression; to speak freely on all matters of university governance, and to speak, write, or act as a public citizen without institutional discipline or restraint.

(c) On the part of the faculty, Academic Responsibility implies the honest performance of academic duties and obligations, the commitment to support the responsible exercise of freedom by others, and the candor to make it clear that the individual, while he or she may be freely identified as a member of the University faculty, is not speaking as a representative of the University in matters of public interest.

(d) On the part of the Administration, Academic Responsibility implies a commitment actively to foster within the University a climate favorable to responsible exercise of freedom, by adherence to principles of shared governance, which require that in the development of academic policies and processes, the professional judgments of faculty members are of primary importance.

(2) Chapter 6C4-10, Part I, F.A.C., supplements rules promulgated by the Florida Board of Governors, if applicable.

(3) For purposes of these rules, faculty employment is defined as positions assigned the principal responsibility of teaching, research, or public service, or for administrative responsibility for functions directly related to the academic mission. University faculty members comprise those persons who have been hired by the University as faculty members, who receive financial compensation to perform services for the University, and whose work is directed and controlled by the University. The term does not include volunteers or independent contractors.

(4) University faculty members and administrators are expected to adhere to the Federal and State Constitutions, and all applicable federal and state laws and rules, including but not limited to, those governing public employment, civil rights, discrimination, conflicts of interest, nepotism, campaigns and elections, purchasing and contracts, grant procurement and administration, public records, military personnel and veterans, and budgets and finances. The lack of a specific reference in this section to a particular provision of federal or state law or rule is not intended to constitute a waiver of a faculty member’s responsibility to adhere to all applicable rules and laws.

(5) For faculty members covered by a collective bargaining agreement, the provisions of that agreement shall also be applicable.

(6) Personnel Programs:

(a) The University President, as the Chief Administrative Officer for the University, will be responsible and accountable for establishing, administering and maintaining the personnel programs at the University. The word “University” generally refers to the faculty members, the students, the staff, as well as the Board of Trustees (“Board”) of the University of South Florida. However, for purposes of these faculty rules, “University” refers to the administration. The phrase “Chief Administrative Officer” includes the President or his/her designee, and may be referred to in these rules as the “CAO.”

(b) The Chief Administrative Officer will establish and maintain all documentation and records which are necessary to substantiate the University’s compliance with all federal and state laws and rules relating to employment. To the extent necessary to implement the rules of the University, the CAO may delegate authority to appropriate University officials.

(c) The University is committed to equal employment opportunity and nondiscrimination towards applicants, faculty members, and other employees with respect to race, color, religion, age, disability, sex, marital status, national origin, sexual orientation, political affiliation, union membership status and veteran status.

(7) If any court of competent jurisdiction finds any provision of any University rule contained in Chapter 6C4-10, Part I, F.A.C., to be unconstitutional or inconsistent with any requirement of federal or state law, then that provision may be stricken without affecting the applicability of any other provision of the University rules.

(8) The University rules contained in Chapter 6C4-10, Part I, F.A.C., are not a contract or a guarantee of faculty employment for any specified period of time. However, faculty appointments may be terminated only in accordance with University rules, applicable collectively bargained contracts, and tenure provisions.

(9) These rules may be changed at any time in accordance with state and University rulemaking provisions. In accordance with principles of shared governance, no rules applying to faculty will be changed without full consultation with the Faculty Senate.

(10) The provisions of Rule 6C4-10.100, F.A.C., are applicable to and incorporated by reference in all rules contained in Chapter 6C4-10, Part I, F.A.C.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), 1001.74(34), 1001.75(16) FS. History–New 10-5-03.
6C4-10.101 Presidential Search, Selection, Appointment and Evaluation.

1. The Board of Trustees will establish a committee that is representative of the Board and the University community to assist the Board in its selection of a President. This committee will include significant representation from the University Faculty, with nominees selected by the Faculty Senate Executive Committee. The Committee will be appointed by the Chair of the Board and will recommend to the Board a procedure for conducting the search and selection.

2. The President will be appointed by a majority vote of the Board and will serve at the pleasure of the Board.

3. Any award of tenure upon appointment as President should be subject to the same requirements as for other faculty appointments, as specified in these rules.

4. The Chair of the Board will conduct an annual evaluation of the President based on institutional goals. In the spirit of shared governance, this evaluation shall include input from faculty members selected by the Faculty Senate. The President’s compensation will be recommended by the Chair of the Board and approved by the Board.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), (21), (22), (34) FS. History–New 10-5-03.

6C4-10.102 Faculty Recruitment, Selection, Appointment.

1. The following provisions govern recruitment, selection and appointment of faculty members.

(a) Qualified applicants are those who meet the minimum qualifications defined by the University, which pertain to the required level of education, training, and experience appropriate for a specific position.

(b) Any person who has been convicted of a felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance as described in Chapter 893, F.S., is disqualified from employment unless conditions outlined in Section 775.16, F.S., are met. Individuals will not be eligible for employment if they have been convicted of a felony or first degree misdemeanor, as defined by Florida law, when in the judgment of the University the nature of the crime would create a risk for the University or be contrary to the best interests of the University. Failure to disclose such conviction is cause for dismissal.

(c) The University will ensure the spoken English language competence of all prospective and current faculty members involved in classroom instruction, other than courses conducted primarily in a foreign language. For current faculty, this competence will be ascertained during the annual evaluation. For faculty appointed after the effective date of this rule and for current faculty promoted or changing job classification after the effective date of this rule, competence will be ascertained prior to appointment, promotion or reclassification. If it is determined that testing is required to demonstrate proficiency, the University will offer support for the faculty member to promptly take such a test.

2. The University’s offer of employment and appointment procedures shall be consistent with the following:

(a) No faculty appointments at Lecturer, Instructor, Assistant Professor, Associate Professor, and Professor, or equivalent Librarian levels, will be made without full consultation with, and majority approval of, the faculty members in the relevant department or unit in accordance with the governance document of the department concerned.

(b) The offer of employment for faculty positions shall be conditioned on the return of written acceptance by a specified date.

(c) Each faculty member shall be issued an employment contract or documented appointment. This documentation will include: specific job title, percent of full time equivalency (FTE) assigned, salary rate, principal unit and place of employment, tenure status, length of appointment, start-up funds (if appropriate), and any special conditions of employment.

(d) An offer of tenure upon appointment is conditioned upon recommendation of approval by (i) a majority of the faculty members of the relevant department or unit in accordance with departmental or unit governance documents; (ii) the Chief Administrative Officer; and (iii) the University Board of Trustees.

(e) An appointment will not create any right, interest or expectancy beyond the established term set forth in the appointment document. Appointments may be extended beyond or ended in advance of the established term.

Specific Authority 1001.74(4), (19), 1012.94(1) FS. Law Implemented 112.011, 1001.74(19), (20), (34), 1001.75(3), (16), 1012.93 FS. History–New 10-5-03.

6C4-10.103 Faculty Compensation.

1. Pay actions will be administered consistent with the provisions of this rule.

2. Base rate of pay is the pay provided faculty members. Regular rate of pay is the base rate of pay plus any other pay, which may be necessary to meet the requirements of any applicable federal or state law. Hourly pay is computed based on 2088 work hours annually. A factor of 26.1 is used for annualizing biweekly pay.

3. (a) Merit pay for faculty will be distributed according to models developed through a majority vote of members in the faculty member’s primary unit or department.

(b) A faculty member must be in pay status in order to receive a pay increase of any kind. Pay increases that would have been granted except for a leave of absence will be granted upon return to pay status.

(c) Faculty paid from contracts and grants, auxiliaries or local funds will be eligible for pay increases provided such increases are permitted and funded by the funding entity. Such pay increases will be consistent with legislative appropriations and/or the provisions of this rule. The appropriate University authority will request that contracts, grants, auxiliaries, and local funds permit and fund such pay increases.

(d) A retroactive effective date for a pay action will not be permitted without the approval of the CAO.
(e) A faculty member returning from unpaid leave will receive mandatory pay increases granted during the period of unpaid leave, unless pay implementation instructions provide otherwise. Faculty returning from unpaid leave will also be eligible for discretionary increases, merit pay increases, and special incentive programs, unless pay implementation instructions provide otherwise.

(4) Other pay increases may be provided under the following categories:
   (a) Increased responsibilities;
   (b) Market conditions including verified counter-offers and retention due to specialized or extensive investment or training;
   (c) Salary compression or inversion;
   (d) Increases to resolve a pay disparity considering education, experience, or duties and responsibilities of other faculty members;
   (e) Lump sum payments to recognize the successful completion of a special project or assignment, which is in addition to the faculty member's regularly assigned duties, or to recognize special achievement; and
   (f) Payments in response to changes in cost of living and inflation.

(5)(a) When the assignment of a faculty member serving in an administrative position such as Vice President, Dean or Director is changed, the pay and appointment period will be adjusted commensurate with the new appointment.

(b) When a faculty member's appointment is changed from a calendar year to an academic year appointment with duties remaining the same, his or her pay will be adjusted to 81.8 percent of the calendar year base pay. For a faculty member whose appointment was previously changed from academic year to calendar year where the pay was adjusted other than by 122.2 percent, pay will be adjusted to the percent which is the reciprocal of the percent previously used.

(6)(a) Pay for appointments to an established position up to the available established FTE for the position will be from funds designated as salaries.

(b) Pay for the portion of an appointment in excess of the available established FTE for the position and for activities of limited duration where no FTE is assigned will be from funds designated as OPS.

(c) Employment with any State or other public agency will be processed consistent with its requirements after appropriate USF approvals are received.

(7) Summer Salary: A faculty member will be compensated for summer teaching at the same rate of compensation as for the same or equivalent course taught during the regular academic year.

(8)(a) Any perquisites, sale of goods or services, or payment of moving expenses associated with a current or prospective faculty member, where appropriate, must be approved in advance by the CAO. The provision of such items must be job or class related and documented to demonstrate that the approval is in the best interest of the University.

(b) Approval is not required when sales to faculty members are at the same rate as they are ordinarily sold to the public.

(c) Moving expenses will be limited to the cost of packing, shipping, and storage of household goods, not to exceed 15,000 pounds, and reasonable expenses incurred for moving one automobile.

Specific Authority 1001.74(4), (19), 1012.94(1) FS. Law Implemented 1001.74(19), (34), 1001.75(3) FS. History–New 10-5-03.

6C4-10.104 Faculty Benefits and Hours of Work.

(1) Faculty members receive paid and unpaid leave, holidays, insurance programs, retirement and any other benefits that may be designated in the future. Benefits and hours of work requirements shall be administered consistent with this rule, and any applicable federal or state law.

(2) The University recognizes that in the case of faculty members, professional obligation is comprised of both scheduled and non-scheduled activities. Instructional activities, office hours, and other duties and responsibilities may be required to be performed at a specific time and place, while other non-scheduled activities are more appropriately performed in a manner and place determined by the faculty member in consultation with his/her supervisor.

(3) Annual and/or sick leave will be accrued while in pay status in accordance with this rule. Leave will be credited at the end of that pay period in which it is earned, or in the case of separation, on the last day the faculty member is on the payroll. Leave may not be used in the pay period in which it is accrued.

(4) During approved unpaid leave for parental, foster care, medical, or military reasons, a faculty member may use accrued leave to continue the contributions to State benefits and other expenses.

(5) Unless agreed otherwise, a faculty member shall be employed in the same or similar status upon completion of the approved leave period. While on paid leave, he or she may not be employed elsewhere unless the requirements for outside activity and/or extra or dual compensation have been met.

(6) The University may establish reciprocal agreements with other government entities for the transfer of accrued sick leave and accrued annual leave. Such agreements must be in writing and consistent with applicable State law.
(7) The University will withhold any payment due to a faculty member for accrued sick leave or accrued annual leave if the faculty member, after the request by the University, fails to return all University property in the custody or control of that individual. The University shall inform the faculty member of the reason(s) for withholding such payments.

(8) Sick leave accrual for full-time faculty members shall be as follows with proportionate accrual for less than full-time:
- Hours accrued during pay period – Monthly: 8.667 hours; Biweekly: 4 hours.
- (a) Sick leave must be accrued before use unless available through a University approved sick leave pool or donated sick leave program. There is no maximum on the amount of sick leave that can be accrued.
- (b) With the appropriate approvals, sick leave is authorized for the following purposes:
  1. The faculty member’s personal illness, injury, exposure to a contagious disease, disability, appointments with health care providers, or other health related conditions as determined by the University, where the faculty member is unable to perform assigned duties.
  2. The illness, injury, appointments with health care providers, or death of a member of the family.
- (c) Notice of absence due to illness, injury, disability, or exposure to a contagious disease must be given as soon as practicable.
- (d) Upon separation, a faculty member with ten (10) or more years of service shall be paid for one-fourth of all unused accrued sick leave, up to a total of 480 hours. Upon reemployment by the University within one hundred (100) days or upon recall from layoff by the University within one year, all unpaid sick leave paid at time of separation may be restored upon repayment of the full value of the leave that had been previously accrued. A faculty member with less than ten (10) years of service shall not be paid for any unused sick leave and such leave shall be forfeited unless reemployed by the University within one hundred (100) days.

(9) Annual leave for full-time faculty will be as follows with proportionate accrual for less than full-time employment. A faculty member employed for an academic year (39 weeks) or less does not accrue annual leave.

### Annual Leave Accrual

<table>
<thead>
<tr>
<th>Pay Period</th>
<th>Monthly</th>
<th>Biweekly</th>
<th>Year-End Maximums</th>
<th>Maximum Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>14.667</td>
<td>6.769</td>
<td>352</td>
<td>352</td>
</tr>
</tbody>
</table>

(a) Annual leave must be accrued prior to use. In extraordinary circumstances, annual leave may be advanced.

(b) Faculty may accrue annual leave in excess of the year end maximum during a calendar year. Those with accrued annual leave in excess of the year end maximum as of December 31 shall have any excess converted to sick leave on an hour-for-hour basis on January 1 of each year.

(c) A faculty member who separates from employment with six (6) months or more of continuous service in an established position will be paid for all unused accrued annual leave hours up to the year end maximum allowed. Upon reemployment by the University within one-hundred (100) days, all unpaid annual leave paid at the time of separation may be restored upon repayment of the full value of the annual leave that had been previously accrued. Upon entering into the Deferred Retirement Optional Program (DROP), faculty may elect to be paid up to the year end maximum of their unused annual leave. If a faculty member does not elect to receive payment for all accrued annual leave due at the time of entering DROP, any amount accrued remaining due will be paid upon final separation of employment.

(d) A faculty member will be paid for unused annual leave up to the allowable maximum upon transfer from an annual leave-accruing position to a non-annual leave-accruing position, unless he or she elects to retain accrued leave balances upon such a transfer for up to a maximum of two years, after which the eligible unused leave will be paid. The rate of payment for this eligible unused leave will be at the rate of pay in effect at the time of leaving the leave-accruing position and will be paid by the department in which the faculty member was employed before accepting the non-leave accruing position. The provision does not apply to a faculty member leaving an established position to accept an OPS appointment.

(10) Compulsory leave provisions shall be consistent with the following:

(a) Medical certification by a health care provider, approved by the University or designated by the University, will be required.

(b) Notice will be provided to the faculty member identifying the duration of the leave, the conditions for return to the position, and include a designation stating whether such leave will be counted in accordance with any applicable federal or state law.

(c) The faculty member may be allowed to use accrued paid leave during compulsory leave to continue the contributions to State benefits and other expenses.

(d) Unless agreed otherwise, a faculty member shall be employed in the same or similar status upon completion of the approved leave period and upon receipt of medical certification to return to work.

(e) Faculty members who fail to meet the conditions of the compulsory leave, who fail to obtain medical certification to return to work at the same or similar status as before the leave began and/or are unable to perform duties will be:
1. Offered part-time employment, or
2. Placed on unpaid leave or have such leave extended, or
3. Requested to resign, or
4. Dismissed for inability to perform the duties of the position.
(11) Faculty members are provided with twelve (12) workweeks of Family and Medical Leave within a 12-month period in compliance with the Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3) and the Final Regulations of the Family and Medical Leave Act of 1993 (29 CFR Part 825), and as may be amended. The twelve (12)-month period is defined as the fiscal year (July 1 – June 30). Faculty may use accrued paid leave for an FMLA leave event and the use of such accrued paid leave will be counted toward the FMLA entitlement.

(12) Faculty members will be provided with up to six (6) months unpaid parental leave. They may use accrued paid leave upon becoming biological or adoptive parents, or when a child is placed in the home prior to finalization of adoption.

(13) Faculty are provided paid administrative leave as follows:
   (a) Administrative leave for jury duty. Any jury pay can be retained by the faculty member.
   (b) Administrative leave will be provided to a faculty member summoned as a witness in a matter not involving personal interests. Administrative leave will not be provided for serving as an expert witness, but witness pay can be retained by the faculty member.
   (c) Administrative leave for athletic competition or in another official capacity in Olympic or other international events will be provided when it will not adversely impact the operation of the University.
   (d) Administrative leave, up to four (4) days, will be provided to a faculty member upon the death of a family member as defined in Faculty Ethical Obligations: Conflicts of Interest and Outside Employment; Employment of Relatives; Seeking or Holding Public Office, subsection 6C4-10.107(11), F.A.C.
   (e) Administrative leave for Florida Disaster Volunteers will be provided when it will not adversely impact the operation of the University.
   (f) Administrative leave for civil disorder or disaster for a faculty member who is a member of a volunteer emergency response team will be granted when it will not adversely impact the operation of the University.
   (g) A faculty member under investigation will be placed on administrative leave for a period up to the length of the investigation, when it is determined to be in the best interest of the University.
   (h) A faculty member will be placed on administrative leave between the notice of suspension or dismissal and the effective date of such action, when it is determined to be in the best interest of the University.
   (i) Administrative leave will be provided for any emergency closing of University facilities. Only faculty members scheduled to work during the time of the emergency closing shall be provided administrative leave. Faculty members already on approved leave at the time of the emergency closing may not have the approved leave changed to administrative leave.
   (j) When it is determined to be in the best interest of the University, the CAO will place a faculty member on paid administrative leave if the faculty member’s behavior or extraordinary circumstances indicate the probability that the faculty member’s presence in the workplace will result in damage to property or injury to others.

(14) Military leave and reemployment rights shall be provided to faculty, consistent with federal and state laws.

(15) Workers’ Compensation benefits for an injury compensable under the Florida Workers’ Compensation Law shall be provided consistent with the following:
   (a) A faculty member will remain in full pay status for a period up to a maximum of forty (40) hours without being required to use accrued leave credits. If, during that period, the faculty member receives Workers’ Compensation benefits then the faculty member will reimburse the University the amount of the benefits. Such reimbursement will not include payments for expenses related to medical, surgical, hospital, or nursing treatment or payments of disability losses.
   (b) A faculty member may elect to use accrued paid leave to supplement Workers’ Compensation payments up to the regular salary.
   (c) The period of paid or unpaid job-related disability leave will be in accordance with Chapter 440, F.S., or any other applicable Florida law.
   (d) If at the end of the leave period, a faculty member is unable to return from leave to work full-time and perform the duties of the position, the University shall have the same options as specified in paragraph 6C4-10.104(10)(e), F.A.C.

(16) Learning opportunities may be available to all University faculty members in accordance with this section. Faculty members eligibility for benefits listed in subsection (17) of this rule will be established and maintained by the Office of the Provost, the Campus Executive Officers and/or the Vice President, Health Sciences Center.

(17) Faculty learning opportunities involving professional renewal, planned travel, study, formal education, research, writing, or other experience of professional value may include the following:
   (a) Sabbaticals. The University guarantees the availability of sabbaticals for eligible faculty members; those awarded competitively will only be done so after an evaluation process in which peer review is central.
     1. The University shall make available to each faculty member whose application has been reviewed by the University, a sabbatical for two (2) semesters (i.e., one (1) academic year) at half pay subject to conditions set out in subparagraph (17)(a)3., of this rule.
     2. Each year, the University will make available at least one (1) sabbatical at full pay for one (1) semester for each forty (40) eligible faculty members subject to the conditions set out in subparagraph (17)(a)3., of this rule. In addition, the University will make available at least one (1) sabbatical at two-thirds pay for two (2) semesters for each forty (40) eligible faculty members subject to the conditions set out in subparagraph (17)(a)3., of this rule, and with a minimum of twelve (12) years service without having received a sabbatical in that time.
3. Eligibility for sabbaticals. Full time tenured faculty members with at least six (6) years of full-time service at the University of South Florida shall be eligible for a sabbatical (twelve (12) years for a two-semester, two-thirds pay sabbatical). Upon returning from a one-semester full-pay or two-semester half-pay sabbatical, faculty members are again eligible for a similar sabbatical after six (6) years of full-time service (twelve (12) years for a two-semester, two-thirds pay sabbatical). A faculty member who is compensated through a contract or grant may receive a sabbatical only if the contract or grant allows a sabbatical and the faculty member meets all other eligibility requirements.

(b) Faculty member development or certification.
(c) Leave to pursue educational goals and University approved faculty member education programs.
(d) Professional development leave.

1. Professional development leave shall be made available to faculty members who meet the requirements set out in subparagraph (17)(d)3. of this rule. Such leaves are granted to increase a faculty member’s value to the University through enhanced opportunities for professional renewal, educational travel, study, formal education, writing, or other experience of professional value, not as a reward for service.

2. Each year the University will make available at least one professional development leave at full-pay for one (1) semester or its equivalent (for example, half-pay for two semesters) for each twenty (20) eligible faculty members subject to conditions set out in subparagraph (17)(d)3. of this rule.

3. Eligibility for professional development leave. Full time faculty members with three (3) or more years of service shall be eligible for professional development leaves except for those faculty members who are serving in tenure earning or tenured positions. A faculty member who is compensated through a contract or grant may receive professional development leave only if the contract or grant allows for such leaves and the faculty member meets all other eligibility requirements. Faculty members will be notified annually regarding eligibility requirement and application deadlines.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), (34), 1001.75(3) FS. History–New 10-5-03, Amended 12-30-03.

6C4-10.105 Faculty Tenure.

(a) Recommendations for awarding tenure shall be made by the faculty member’s supervisor, and shall include a vote by secret ballot of the tenured members of the candidate’s department or unit.

(b) Faculty tenure will be administered consistent with the following provisions:

(a) Approval of the Chief Administrative Officer, and (ii) Approval of the University Board of Trustees (See paragraph 6C4-10.102(2)(d), F.A.C.).

(b) The award of tenure will provide annual reappointment until voluntary resignation, retirement, or removal for “just cause” or layoff.

(c) Tenure will be held as ranked faculty in an academic department/unit and does not extend to administrative appointments. However, tenured faculty members who accept administrative appointments will not lose their tenured status.

(d) The Board of Trustees may award tenure upon the demonstration of highly competent performance, as determined by peer review, and through procedures established at the departmental, college, and university levels. Tenure criteria include the areas of teaching; research and other scholarly activities; and service to the public, the discipline, and the university, including those professional responsibilities consistent with faculty status, although individual assignments will vary according to which criteria are relevant.

(e) Appointments to the ranks of assistant professor, associate professor, and professor are tenure-earning unless they include one of several specific types of appointments (such as temporary, research, clinical, courtesy, honorary, or affiliate). If a faculty member is initially appointed to the rank of instructor or other non-tenure-earning rank and is subsequently appointed to a tenure-earning position, all or a portion of the prior service will be credited toward tenure, if the CAO and the faculty member agree in writing at the time of initial appointment to the tenure-earning position.

(f) The decision to recommend a faculty member for tenure shall be made no later than the sixth year of continuous full-time service or equivalent part-time service in a tenure-earning position. Tenure-earning faculty not recommended for tenure by the end of six years of continuous full-time, or equivalent part-time service, will be given written notice that further employment will not be offered. Fulltime service for the purpose of tenure eligibility means employment at 1.0 FTE during at least thirty-nine (39) weeks of any twelve (12) month or nine (9) month contract. Part-time service means employment during at least one (1) semester of any twelve-(12) month period.

(g) At the time of employment, the CAO may credit a faculty member with tenure earning service from another institution of higher education, the specific number of years to be negotiated at the time of appointment. The agreement to award credit for tenure-earning service at another institution of higher education will be made in writing.

(h) Time spent on a joint appointment or approved personnel exchange program of the University, or a special assignment that benefits the University will be counted toward tenure eligibility. Time spent away from the University for other purposes will not be counted toward tenure eligibility.

(i) Time spent on paid leave will be tenure-earning unless otherwise agreed at the time of such leave. Time spent on unpaid leave will not be credited as tenure-earning except as approved by the CAO, based on an evaluation of the relevancy of the activities occurring in the unpaid leave period.
6C4-10.102(2)(d), F.A.C.

Specific Authority 1001.74(4), (19), 1012.94(1), FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 10-5-03.

6C4-10.106 Faculty Promotion and Change in Assignment.

Promotion and change in assignment will be administered consistent with the following provisions:

1. Faculty promotion is the appointment to a higher academic or equivalent rank or class and may also be combined with an application for tenure. To be promoted, a faculty member will meet the minimum qualifications for appointment to the rank or position, demonstrate superior accomplishments in teaching, scholarship, and service (or a combination of any of these three areas appropriate to the major assignment), as determined by criteria developed at the department, college, and university levels. The Faculty will have the primary role in developing promotion recommendations, procedures, and criteria for Faculty promotion.

2. Faculty with administrative responsibilities serve at the will of the CAO and may, with or without advance notice, receive a change in assignment at any time. A change in assignment under this rule will not affect the tenure status of a tenured faculty member.

Specific Authority 1001.74(4), (19), 1012.94(1) FS. Law Implemented 1001.74(19), 1001.75(3), 1012.94(2) FS. History–New 10-5-03.

6C4-10.107 Faculty Ethical Obligations: Conflicts of Interest and Outside Employment; Employment of Relatives; Seeking or Holding Public Office.

1. Faculty members must be aware of their obligations and responsibilities as public employees of the University.

(a) No faculty members may have an interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature that is in substantial conflict with the full and competent performance of their duties.

(b) University faculty members are required to observe, in all official acts, the highest standards of ethics and conduct consistent with the code of ethics and the financial disclosure requirements of the State of Florida, Chapter 112, Part III, F.S., all definitions contained in that Part or supplemented by this rule, and State advisory opinions issued regarding that Part. Other provisions within these rules govern obligations and responsibilities of employees who receive employment compensation in addition to their annual salary.

2. For purposes of this rule:

(a) “Outside Activity” means any employment, private practice, private consulting, service on boards or commissions, or any other activity, which is not part of the employee’s University duties and for which the University does not provide compensation.

(b) “Compensation” includes but is not limited to, wages, salary, stock options, use of airplanes or vacation/resort areas, or any other type of remuneration received for services performed by the faculty member during the outside activity.

(c) “Conflict of interest” means any conflict between private interests of the faculty member and public interests of the University or State of Florida.

3. Faculty members must not engage in any outside activity that interferes with the full performance of their institutional responsibilities and obligations. Nothing in this rule is intended to discourage a faculty member from engaging in outside activity in order to increase his/her professional reputation, service to the community, or income, subject to the conditions stated in this rule.

4. Faculty members who wish to engage in any outside activity making use of facilities, equipment, services, students or employees of the University in connection with such outside activity must obtain prior written approval of the appropriate University official and complete the Outside Activity Form, as described in subsection (6) of this rule. The University will administer the use of University facilities, however, space assignments will be on a space available basis with priority given to any groups and/or persons whose activities are related to the mission of the University.

5. A faculty member engaging in outside activity must take reasonable precautions to ensure that the public, the outside employer or other recipient of services understands that the faculty member is functioning as a private citizen and not as an employee, agent, or spokesperson of the University.

6. A faculty member who intends to engage in any outside activity that the employee should reasonably conclude may create a conflict of interest, or in any outside compensated professional activity, shall report any information requested by the University about the outside activity to his/her supervisor, in writing, prior to engaging in the outside activity. The supervisor will accept or reject the report in writing and deliver it to the Provost or appropriate Vice President or CEO.

(a) The report shall include where applicable the name of the employer or other recipient of services; the funding source; the location where the activity will be performed; the nature of the activity; and any intended use of university facilities, equipment, services, or students.

(b) The reporting provisions will not apply to activities performed wholly during a period in which the faculty member has no appointment with the University.
(c) The appropriate University official will notify the faculty member if it is believed that a conflict of interest will result from a proposed outside activity and will deny the request. Faculty members have the right to grieve this decision, and to have the grievance heard expeditiously, and may continue the activity until the matter is resolved. If it is resolved that there is a conflict of interest, the faculty member shall cease such activity immediately and, when determined to be in the best interest of the University, shall make payment to the university all or part of the compensation earned therefrom.

(7) The Vice President for Research is responsible for all intellectual property, inventions and works developed by University employees and will develop guidelines for the administration and protection of any intellectual property, inventions or works, and any copyright, patent or licensing interests of the University. Faculty representatives must be included in the process of developing such guidelines.

(8) A faculty member who proposes to engage in outside professional employment that may lead to the development of some invention or work in which the University may have or claim an interest must furnish a copy of this rule and any other applicable University procedures or governing documents to the outside employer or entity either at the time negotiations for other employment is occurring, or if there is no written agreement, before the employment begins.

(9) The CAO or Vice President for Research shall approve any requirement(s) that faculty members, engaged in an outside activity, must waive their or the University’s rights or interests to any inventions or works which may be developed during the course of outside employment.

(10) Any agreement by the CAO or the Vice President for Research to assign or release any invention or work, including patent rights, to a faculty member must include that such invention or work, if patented by the employee, must be available royalty-free for governmental purposes of the State of Florida, unless otherwise agreed in writing by the University.

(11) Employment of related persons in a single organizational unit is permitted, only when such employment will not involve or create a conflict of interest, and no faculty member may participate in making recommendations or influencing decisions specifically affecting the appointment, retention, tenure, work assignments, evaluation, promotion, demotion, or salary of any relative. The Provost or Vice President responsible for the subject organizational unit will determine, and document in writing, prior to employment of related persons, that a conflict of interest will not occur.

For the purpose of this rule, “relative” or “related” persons are those related to each other in one of the following ways: husband; wife; parent; child; brother; sister; spouse of a child, brother, sister, or parent; or parent, child, brother, or sister of spouse; grandparent; grandchild; aunt, uncle, first cousin, niece or nephew. “Relative” or “related” person also includes a person who is engaged to be married to an employee or who otherwise holds himself or herself out as or is generally known as the person whom the employee intends to marry or with whom the employee intends to form a household, or any other person having the same legal residence as the University employee.

(12) Faculty members who intend to seek election to and hold public office will provide written notification to the CAO of their intentions and must adhere to the provisions of Section 104.31, F.S., or any successor statute.

Specific Authority 1001.74(4), (19), 1004.23 FS. Law Implemented 104.31, 112.313, 112.3145, 1001.74(19), (34), 1001.75(3), (16) 1004.22, 1004.23 FS. History–New 10-5-03.

6C4-10.108 Faculty Evaluations.

(1) Evaluations will be provided to faculty members on a regular basis.

(a) Faculty evaluations will be based only on assigned duties.

(b) The faculty evaluation process will consider all relevant documents and information provided by the faculty member.

(c) Faculty evaluations will include evaluation by faculty peers, if so required by departmental or unit guidelines, and will include the right of faculty members to respond to evaluations in writing.

(2) The evaluation document will communicate to the faculty member the level of his/her performance, aid in improving performance in the assigned duties, and if necessary, serve as a part of a performance plan to assist in correcting deficiencies for a faculty member not meeting performance standards. The evaluation must be considered in making personnel decisions.

Specific Authority 1001.74(4), (19), 1012.94(1) FS. Law Implemented 1001.74(19), 1001.75(3), 1012.94 FS. History–New 10-5-03.

6C4-10.109 Official Faculty Personnel Files.

(1) The Division of Human Resources maintains the only official personnel files for all University employees, including faculty. Human Resources is authorized to delegate all or any portion of this function to the Deans and Directors through the Provost and Vice Presidents.

(2) The CAO may retain the official promotion and tenure files for faculty.

(3) The faculty member’s home department or unit may retain duplicate copies of documents contained in the official personnel files. They may also retain originals of pre-discipline, counseling, and performance documents leading up to official actions, which at the time of that action will be made a part of the official file.

(4) The official personnel file will contain the following:

(a) Information gathered as part of an employment procedure, such as applications, letters of reference, letters of offer, and letters of appointment.
(b) Information substantiating salary transactions, if applicable, such as appointment papers, approvals of special salary rates, employment contracts, and salary adjustments.

(c) Documentation of performance and conduct, such as performance evaluation forms, letters of recognition, reprimands, letters of dismissal, suspension, disciplinary reduction in pay, and approvals to take appealable disciplinary actions.

(d) Any records relating to a faculty member’s grievance or complaint, appeals, arbitration awards/findings, or administrative hearing recommendations, and these records will be treated as exempt during any proceeding specified by Florida law.

(e) Medical records which address the faculty member’s ability to do the job or for any other legitimate business purposes; however, these records are confidential records that will be maintained separately from the official personnel file in accordance with applicable Federal and/or State law.

(f) Other documents deemed appropriate by Human Resources, such as letters of resignation, layoff notices, etc.

(5) The personnel file will not include:

(a) Benefits enrollment information, which is separately maintained by Human Resources.

(b) Anonymous material of any kind, with the exception of numerical summaries of student evaluations and narratives contained in student evaluations.

(6) Access to the official personnel files of University faculty:

(a) Access to the official personnel files of University faculty is governed by the Florida Public Records Law Chapter 119, F.S., and Section 1012.91, F.S. Those wishing to review personnel files of University faculty members may do so during normal business hours of the Division of Human Resources. Access to and copying of any document or file will be provided in accordance with federal and state law and these rules.

(b) Any material exempt from disclosure by federal or state law will be removed prior to inspection or copying unless disclosure of such exempt material is authorized by the faculty member or required by any superceding law.

(7) Faculty rights to append or request removal of material:

(a) Faculty members have the right to append responses to any material in the evaluation file, and to place appropriate information or documentation relating to their employment into their personnel files, by forwarding the information to Human Resources with a request for the material to be placed in their file. Examples of the types of information employees may place in their files are updating of education or training and clarification or rebuttal of evaluative or disciplinary information placed in their files by University officials. Such items received by Human Resources will be reviewed for compliance with this rule and will then be placed in the file or returned to the sender with an explanation describing why the items are not in compliance.

(b) Faculty members will have the right to request removal of any documentation shown to be factually incorrect.

Specific Authority 1001.74(4), (19), 1012.91 FS. Law Implemented 119.07(1)(a), (2)(a), (3), 1001.74(19), (34), 1012.91 FS. History–New 10-5-03.

6C4-10.110 Faculty Non-Reappointment.

(1) Non-tenured faculty members may be denied reappointment upon written notice from the CAO or upon the appointment end date, if the employment contract or letter of offer or other documented appointment includes a statement that employment will end as of a certain date without additional notification. Absent such a statement, the period of notification (prior to the effective date of non-reappointment) is based on the faculty member’s length of continuous employment as faculty as follows:

(a) One full semester notification for Instructional and Research Faculty in their first or second years of employment, and three (3) months for others;

(b) One year’s notice for all faculty members with two (2) or more years of service, with employment in the summer conditional upon the summer assignments procedures in the relevant department or unit.

(2) Faculty members appointed for less than one (1) year, or appointed as temporary, or visiting, are not entitled to a notice of non-reappointment.

(3) Faculty members appointed to “soft-money” (contract, grant, or other temporary funding source) are entitled to ninety (90) days notice if they have been employed for three (3) years or more at the University.

(4) Following receipt of the notice of non-reappointment, the CAO has the option to change the faculty member’s assignment if necessary. The University is committed to compensate the faculty member, and to maintain current benefits for which he/she is otherwise eligible until the effective date of non-reappointment or separation from employment for other reasons, whichever is sooner. However, if administrative duties or temporary additional duties are removed for which a temporary special pay increase was granted, that increase will be removed.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 10-5-03.

6C4-10.111 Faculty Separations from Employment and Layoff.

(1) Separations from employment will be conducted consistent with the following provisions and administered by the Provost or appropriate Vice President or CEO:

(a) A faculty member who resigns from employment has no rights of appeal.

(b) Faculty members absent without authorization for twelve (12) days will be deemed to have abandoned the position, unless they provide information about an emergency that made them unable to contact a supervisor.
(c) The CAO may dismiss a faculty member for “just cause” in accordance with University rules and relevant law. For the purposes of this rule, “just cause” is defined as incompetence or misconduct. In keeping with principles of shared faculty governance, tenured faculty members who receive notice of actual or intended termination of employment for “just cause” will have the right (though not the obligation) to have the case heard before a committee of faculty peers. If they choose to use this option, they will notify the Faculty Senate President, under whose authority the committee will be constituted. The committee’s decision will be advisory, not binding, and it will not affect either the faculty member’s or the Administration’s rights and responsibilities under any existing laws, these rules, or Collective Bargaining Agreements.

(2) Layoffs shall be conducted consistent with the following provisions and in accordance with University provisions of tenure. Furthermore, in the spirit of shared governance, decisions regarding layoffs must be made with participation of a committee designated by the Faculty Senate.

(a) Faculty may be laid off as a result of: adverse financial circumstances; reorganization of degree or curriculum offerings or requirements; reorganization or abolition of academic or administrative structures or programs.

(b) The layoff unit will be at an organizational level such as a campus, division, college, school, department or program.

(c) A tenured faculty member will not be laid off if there are non-tenured faculty members in comparable positions in the layoff unit. The CAO will determine the priorities for retaining faculty in consultation with faculty representatives in appropriate units, taking into account faculty members’ length of continuous University service and other appropriate factors.

(d) The CAO will make a reasonable effort to locate appropriate alternative/equivalent employment for laid-off faculty members within the University, and will inform them of the results of such efforts.

(e) The following employees do not have layoff rights:
   1. Faculty members appointed for less than one (1) academic year;
   2. Faculty members appointed to a position funded solely from contracts and grants, auxiliaries or local funds;
   3. Faculty members whose appointments expire after receiving timely notice of non-renewal/non-reappointment; and
   4. Faculty members whose appointments expire when the position did not require written notice of reappointment, including those serving on an appointment with an appropriately documented fixed term or a multi-year contract.

(f) Faculty members are to be informed of layoff as soon as practicable, and with no fewer than thirty (30) days’ notice, and Instructional and Research Faculty will not be laid off until the end of the semester in which they receive notice. A notice of layoff will be sent by certified mail, return receipt requested, with a copy delivered to the person in the faculty member. The notice will include reasons for layoff; statement of recall rights; statement of appeal/grievance rights.

(g) Faculty members have recall rights at the University for two (2) years following layoff, if they have been employed for more than two (2) years, and for one (1) year if they have been employed for less than two (2) years. They will be offered reemployment/recall rights in the same or similar position for which they meet the qualifications and experience.

(3) Reemployment offers will be made in accordance with University procedures.

Specific Authority 1001.74(4), (19) FS. Law Implemented 447.209, 1001.74(19), 1001.75(3) FS. History—New 10-5-03.

6C4-10.112 Faculty Misconduct and Incompetence.

(1) Disciplinary action may be taken against faculty members for “just cause,” which is defined as:
   (a) Incompetence, or
   (b) Misconduct.

(2) Discipline includes oral or written reprimands, suspension with or without pay, or dismissal. Discipline does not include transfers, change in assignments, non-reappointment, layoff, voluntary reduction in pay, employee evaluations, counseling or mandatory leave (e.g., military leave or required use of annual leave).

(3) Faculty members have the right to grieve all disciplinary actions in accordance with Rule 6C4-10.113, F.A.C., and to defend themselves in accordance with the principles of progressive discipline. Furthermore, faculty members are entitled to their rights defined under federal and state law.

Specific Authority 1001.74(4), (19), 1012.92(1), (3) FS. Law Implemented 447.209, 1001.74(19), (34), 1001.75(3), (16), 1012.92(1),(3) FS. History—New 10-5-03.

6C4-10.113 Faculty Grievances.

(1) Faculty grievances.
   (a) Faculty members may file grievances in accordance with this rule if they believe that:
      1. A term or condition of employment is unjust;
      2. A University rule, policy or procedure has been wrongfully applied to them;
      3. A University rule, policy or procedure has been applied to them in a manner that violates the rule, policy or procedure;
      4. A disciplinary action, including reprimand, is inappropriate; or
      5. They have been wrongfully denied permission to pursue outside activities or political office.

   (b) Performance evaluations cannot be grieved under this rule unless the faculty member believes the evaluation is based on factors other than performance. Grievances on the basis of performance, layoffs, and non-disciplinary matters may be grieved only to the Provost or the appropriate Vice President.
(c) Administrative leave with pay or pending investigation, voluntary reductions in pay, or oral or written counseling are not disciplinary actions and may not be grieved.

(d) Claims of illegal discrimination are to be filed with the University Office of Diversity and Equal Opportunity and any grievance or part of a grievance that makes such claims will not be processed as grievances under this rule.

(2) The University is committed to open communication between faculty and supervisors to address concerns through Informal Resolution before a grievance is necessary.

(3) At any and all stages of the grievance process, grievants may choose to represent themselves, or may designate any person to assist or represent them.

(4) To maintain their rights, faculty members attempting to resolve a grievance informally must file a written Step 1 grievance by the deadline (as specified in subsection (8) of this rule). By filing a Step 1 grievance, a faculty member consents to a thirty (30) day Informal Resolution period to be conducted in accordance with University requirements.

(5) The initial thirty (30) day Informal Resolution period may be extended for a specific period of time by mutual written agreement between the Grievant and the University. This agreement will specifically state any deadline(s) to submit documents or information required for processing the grievance. In the appropriate circumstances, the parties may agree to an indefinite extension of the Informal Resolution period.

(6) The University must engage in Informal Resolution unless the Grievant specifically requests a Step 1 meeting, which the grievant must do in writing.

(7) In accordance with this rule, a grievance filed by any faculty member that involves any disciplinary action may proceed after Step 1 to Administrative Review.

(8) Grievance Process: Step 1.

(a) An employee must file a Step 1 grievance by the close of regular business hours no more than thirty (30) calendar days after the act or omission which the faculty member knows or should have known constitutes the basis for an alleged violation or upon receiving the written notice of disciplinary action. The faculty member must file the Step 1 grievance form with the administrator in the Office of the Provost or the appropriate Vice President who is designated to accept the Step 1 form.

(b) The Step 1 grievance must be in writing, signed by the Grievant, and contain the following information:

1. Name of the Grievant, and the name and address of the Grievant’s representative, if any;
2. Statement specifying which University Rules, Policies or Procedures the employee believes were violated;
3. A brief factual narrative of the act(s) or omission(s) which the Grievant alleges led to the violation and the date(s) on which the violation occurred;
4. The names (including contact information) of any witnesses; and
5. A statement identifying what the employee is seeking to resolve the matter.

A Grievant may also provide any documents that he/she believes support their grievance, and they are encouraged to do so.

(c) It is the Grievant’s obligation to file the Step 1 grievance in accordance with this rule. If he or she fails to file the Step 1 grievance by the deadline, to sign the Step 1 grievance document, or to include all of the information required in a Step 1 grievance document, the Grievant has no right to further processing of the Step 1 grievance. The University will be under no further obligation to process the grievance and will notify the Grievant of the reasons for not processing the grievance.

(d) If the grievance is not resolved in accordance with the Informal Resolution provisions of this rule, then the Provost or the appropriate Vice President will designate the University’s Step 1 Representative.

(e) The Step 1 Representative will meet the Grievant within fourteen (14) calendar days of:

1. The University’s receipt of the Step 1 form, if the required period of Informal Resolution stipulated in subsection (4) of this rule has been waived; or
2. The end of Informal Resolution. At the Step 1 meeting, the Grievant may, if he or she chooses, present additional information or documents for consideration by the Step 1 Representative. A Step 1 Representative may review and/or use any additional business records of the University they believe are relevant to their review of the Step 1 grievance.

(f) The Step 1 Representative must issue a written decision no later than thirty (30) calendar days after the Step 1 meeting. This decision must discuss the reasons for the decision and what documents supported the Step 1 Representative’s review, a statement about what actions are or are not to be taken by the University and/or faculty member, and a copy of all documents used in reaching the decision.

(9) Grievance Process: Step 2.

(a) If the Grievant is not satisfied with the Step 1 resolution, the Grievant may request an Administrative Review (A/R) in accordance with this rule. A Grievant must file a request for an Administrative Review by the close of regular business hours no more than fourteen (14) calendar days after receiving the written Step 1 decision. The Administrative Review request must be filed with the Agency Clerk in the Office of the General Counsel, with a copy to the Provost or the appropriate Vice President.

(b) The A/R request must be in writing, signed by the Grievant, and contain the following: (i) a copy of the Step 1 grievance document; (ii) a copy of the Step 1 response; (iii) if applicable, a list of the rules and/or policies the grievant believes may have been misapplied in the Step 1 decision; and (iv) a brief statement or outline of the basis for challenging the Step 1 decision. A faculty member may also provide any documents they believe support their request for an A/R.
(c) The Grievant may initiate a proceeding to be conducted in accordance with the provisions of Chapter 120, Administrative Procedure Act, Florida Statutes, and Chapter 28-106, F.A.C., Decisions Determining Substantial Interests, by submitting a petition to the Agency Clerk in the University’s Office of the General Counsel, with a copy to the President, within fourteen (14) calendar days of receipt of the Step 1 decision.

(d) It is the Grievant’s obligation to file the A/R review request in accordance with this rule. If an employee fails to file the A/R request by the deadline, to sign the A/R request document, or to include all of the information required for an A/R review, the Grievant has no right to further processing of the A/R review request. The University will be under no further obligation to process the A/R and will notify the Grievant of the reasons for not processing the grievance.

(e) The election of one type of A/R in accordance with this rule constitutes the Grievant’s waiver of any right to avail himself/herself of any of the process, rights and/or remedies that may be available in any other process. Once the election is made, a Grievant may not withdraw his/her request to initiate another type of A/R; a Grievant’s withdrawal at any point after filing a request for A/R will constitute a dismissal of the action with prejudice.

(10)(a) Within ten (10) calendar days of the faculty member’s election of an Administrative Review by arbitration, the parties will meet to follow the American Arbitration Association procedure for the selection of an arbitrator. The arbitration shall be held within sixty (60) days following the selection of the arbitrator.

(b) The University and the grievant will coordinate with the arbitrator to arrange the arbitration date, time and place, and such communications will not be deemed to be an inappropriate, unethical or ex parte communication.

(c) For purposes of this section only, all notices and/or objections must be received by the other party within the ten (10) day time period unless extenuating circumstances interfere with the ability to comply.

(11)(a) In any non-disciplinary matter or in any non-disciplinary aspect of a case involving multiple issues, the Grievant has the burden of proof and going forward at all times.

(b) In any disciplinary matter or in any disciplinary aspect of a case involving multiple issues, the University has the burden of proof and going forward at all times.

(c) The arbitrator’s authority is to determine whether the University had just cause to impose discipline and whether the discipline imposed was appropriate.

(12) The arbitrator may use the Florida Rules of Civil Procedure to govern the arbitration. If the arbitrator intends to use any other rules, he/she must notify the parties no later than ten (10) calendar days before the hearing.

(13) The arbitrator must issue his/her decision within sixty (60) calendar days of the completion of the arbitration. The arbitrator’s decision is binding.

(14) Neither party may appeal the arbitrator’s decision except in accordance with Florida law.

(15) In the event a Grievant is represented by any employee representative entity, the University and that entity will equally bear any fee charged for the Administrative Review process. In all other cases, the losing side will bear the cost of any such fees for the Administrative Review process.

(16) Time limits in this rule will be calculated in accordance with the Florida Rules of Civil Procedure, unless otherwise specified in this rule. In the case of grievances claiming arbitrarily-denied permission to pursue outside activities or political office, an expedited process will be used, wherein time deadlines will be shortened by a factor of one-half.

(17) No reprisal of any kind will be made by the Board or the University against any grievant, witness, or designated representative, or any other participant in the grievance procedure by reason of such participation in the grievance process.

Specific Authority 1001.74(4), (19), 1012.92(3) FS. Law Implemented 447.209, 1001.74(19), (34), 1001.75(3), (16), 1012.92(3) FS. History–New 10-5-03.

PART II STAFF PERSONNEL MATTERS

6C4-10.200 Purpose of Chapter 6C4-10, Part II - Staff Personnel Matters.

(1) Chapter 6C4-10, Part II, F.A.C., contains personnel rules for University of South Florida Administrative & Professional (A&P), University Support Personnel System (USPS), and Other Personnel Services (OPS) employees, unless otherwise exempted from these rules.

(2) Chapter 6C4-10, Part II, F.A.C., supplements rules promulgated by the Florida Board of Governors, where applicable.

(3) For purposes of these rules, University employees are those persons who have been hired by the University and receive financial compensation to perform services for the University and whose work is directed and controlled by the University. The term “employee” includes those identified in subsection (1) above and subsection (6) below and does not include volunteers or independent contractors.

(4) University employees are expected to adhere to the Federal and Florida Constitutions, and all applicable federal and Florida laws and rules, including those governing public employment, civil rights, discrimination, conflicts of interest, nepotism, campaigns and elections, purchasing and contracts, grant procurement and administration, public records, military personnel and veterans, and budgets and finances. The lack of a specific reference in this section to a particular provision of federal or Florida law or rule is not intended to constitute a waiver of an employee’s responsibility to adhere to all applicable rules, laws and collective bargaining agreements.
(5) Personnel Programs.
(a) The University President, as the Chief Administrative Officer for the University, will be responsible and accountable for establishing, administering and maintaining the personnel programs at the University. The word “University” includes the Board of Trustees (“Board”), as well as the University of South Florida. The phrase “Chief Administrative Officer” includes the President or his/her designee, and may be referred to in these rules as the “CAO.”

(b) The Chief Administrative Officer will establish and maintain all records that are necessary to substantiate the University’s compliance with all applicable federal and Florida laws and rules relating to employment. To the extent necessary to implement the rules of the University, the CAO may delegate authority to appropriate University officials.

(c) The University is committed to equal employment opportunity and non-discrimination towards applicants and employees with respect to race, color, religion, age, disability, sex, marital status, national origin, and veteran status consistent with federal and Florida law, and with respect to sexual orientation.

(6) University employment consists of the following defined categories:
(a) A&P: positions assigned administrative and management responsibilities or professional duties at the department/unit level, or above. A&P employment is at will and can be terminated at any time in accordance with these rules.

1. The CAO designates A&P positions as Executive Service. Employees in A&P positions designated in the Executive Service serve at the will of the CAO, do not have tenure, and have no expectation of appointment beyond a sixty (60) days’ notice period.

2. Executive Service positions ordinarily report directly to the CAO, unless otherwise specified in writing, and include the vice presidents and other positions responsible for policy-making at the executive level.

(b) USPS: positions assigned professional, paraprofessional, administrative, clerical, secretarial, technical, skilled crafts, service, or maintenance duties.

(c) OPS: at-will temporary employment.

(7) If any court of competent jurisdiction finds any provision of any University rule contained in Chapter 6C4-10, Part II, F.A.C., to be unconstitutional or inconsistent with any requirement of federal or Florida law, then that provision may be stricken without affecting the applicability of any other provision of the University rules.

(8) The University rules contained in Chapter 6C4-10, Part II, F.A.C., are not a contract or a guarantee of employment for any specified period of time. Employment may be terminated at any time in accordance with other provisions of these rules.

(9) These rules may be changed at any time in accordance with state and University rule-making provisions.

(10) The provisions of Rule 6C4-10.200, F.A.C., are applicable to and incorporated by reference in all rules contained in Chapter 6C4-10, Part II, F.A.C.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), (34), 1001.75(16) FS. History–New 10-5-03.

6C4-10.201 Recruitment, Selection, Appointment.

(1) (a) All applicants must meet the minimum qualifications contained in the University’s class specifications and the additional competencies required for the specific position. If necessary to meet employment needs of the University an applicant who does not meet the minimum qualifications as stated above, will be appointed with an emergency, provisional, trainee or similar status. The University will determine the required level of education, training, and experience appropriate for a specific position.

(b) Any person who has been convicted of a felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance as described in Chapter 893, F.S., is disqualified from employment unless conditions outlined in Section 775.16, F.S., are met. Failure to disclose such conviction is cause for dismissal.

(c) The ability to effectively communicate in and comprehend English is a minimum requirement for all A&P, USPS, and OPS employees hired (new hires or reemployment) after the effective date of this rule and for any existing employee who after the effective date of this rule seeks and is accepted for a promotion or is hired into a new class.

(2) The University’s offer of employment and appointment will be consistent with the following:
(a) The offer of employment for A&P positions will be conditioned on the return of written acceptance by a specified date.
(b) Each A&P employee will be issued an initial employment contract or appointment document.
(c) An appointment will not create any right, interest or expectancy beyond the specific term set forth in the documented appointment. Appointments will be extended beyond or ended in advance of the established term in accordance with these rules.

(3)(a) An employee who is initially appointed to a USPS position, when the employee meets the minimum qualifications for the position, will serve a probationary period for an amount of time designated on the class specification and in accordance with these rules.

(b) When determined to be in the best interests of the University, continuous successful performance in a USPS class with temporary status will be counted toward completion of the required probationary period. The decision to count such time toward completion of the probationary period will be made at the time the employee is initially appointed with probationary status.

(c) A USPS employee must successfully complete the required probationary period with performance at a satisfactory level or above in order to attain permanent status in a class. Probationary periods may be extended with approval of the CAO to allow additional time to acquire required competencies or knowledge, upon a change in supervisor or to improve performance to a
satisfactory level. A USPS employee will serve a new probationary period each time he/she is hired into a new classification, unless, at the time of the hire, the employee is currently employed by the University in a USPS position and has already satisfactorily completed probation while holding a previous job in that class.

(d) An appointment to a USPS position funded by contract, grant, auxiliary, or local funds, may be time-limited as appropriate for a particular project, enterprise, or amount of time. Such designation must be made to the position at the time of recruitment or when a waiver of recruitment is approved. An employee appointed to a time-limited position will have the same rights as a regular appointment, except the employee will not have any rights provided for layoff and recall.

(4)(a) OPS employees may be appointed to meet temporary or non-permanent employment needs.
(b) OPS employees have no right, interest or expectancy of continued employment.
(c) OPS employees are not assigned to a specific classification other than exempt (salaried) or non-exempt (hourly).
(5) The University may use appointment modifiers to define the status of an employee’s appointment. Appointment modifiers are defined by the appropriate administrator as designated by the CAO.

Specific Authority 1001.74(4), (19), 1012.97 FS. Law Implemented 1001.74(19), 1001.75(3), (16) FS. History–New 10-5-03.

6C4-10.202 Compensation.

(1) Pay actions for USPS and A&P employees will be administered consistent with the provisions of this rule. This rule does not apply to OPS employees except as specifically stated. OPS may receive pay adjustments as determined by the CAO.
(2) The CAO will establish and maintain the pay plans for University employees. Pay will not exceed the maximum of an established pay range without the approval of the CAO based on market competition, difficulty in recruiting or retaining, and/or sustained exceptional performance.

(3) Base rate of pay is the pay provided employees excluding any additives identified in paragraph (7)(h) of this rule. Regular rate of pay is an employee’s base rate of pay plus any other pay, which may be necessary to meet the requirements of any applicable Federal or Florida law or these rules. Hourly pay is computed based on 2088 work hours annually. A factor of 26.1 is used for annualizing biweekly pay.

(4) Pay increases:
(a) An employee must be in pay status in order to receive a pay increase of any kind. Pay increases that would have been granted except for the employee’s leave of absence will be granted upon an employee’s return to pay status, if otherwise eligible.
(b) Employees paid from contract, grant, auxiliary or local funds will be eligible for pay increases provided such increases are permitted and funded by the funding entity. Such pay increases will be consistent with legislative appropriations and/or the provisions of these rules. The appropriate University authority will strive to have contract, grant, auxiliary, and local funds permit and fund such pay increases.
(c) A retroactive effective date for a pay action will be permitted with the approval of the CAO when determined to be in the best interests of the University.
(d) When a pay increase is provided for a temporary change in assignment it will be in accordance with subsection (7) of this rule below. Upon the employee’s return to his/her original responsibilities, the pay will be adjusted to the original base rate of pay. The employee will be entitled to receive any mandatory pay increases granted to the employee’s original class during the time of the employee’s temporary assignment, unless pay implementation instructions provide otherwise.
(e) An employee returning from unpaid leave will receive mandatory pay increases granted during the period of unpaid leave, unless pay implementation instructions provide otherwise.
(5) When a USPS employee is called back to work beyond the employee’s scheduled hours of work for that day, the employee will be credited with the greater of the actual time worked, including time to and from the employee’s home to the assigned work location, or two hours.
(6) Pay upon original appointment for A&P and USPS will be made within the established pay range, if applicable, unless otherwise approved by the CAO to meet employment needs of the University.
(7) Other pay increases may be provided under the following categories:
(a) Increased responsibilities;
(b) Market conditions including counter-offers and retention due to specialized or extensive investment or training;
(c) Salary compression or inversion;
(d) Increases to resolve a pay disparity considering education, experience, or duties and responsibilities of other employees;
(e) Lump sum payments to recognize the successful completion of a special project or assignment, which is in addition to the employee’s regularly assigned duties, or a documented significant increase in productivity or productivity goal achievement including a group incentive program. Such payment, for an employee in any position covered by any applicable federal or Florida law governing wages, will not exceed the greater of ten percent of the employee’s annual base pay or $3,000 (before taxes);
(f) Increases to recognize sustained superior performance;
(g) Approved career development/apprenticeship programs;
(h) Pay additives including those for asbestos-related activities, lead abatement activities, lead worker pay, shift differentials, on-call pay, field training officer activities, premium pay for law enforcement officers working special events, and other approved activities; or
(i) Increases in response to changes in cost of living and/or inflation indices.

(8)(a) An employee who is demoted will receive pay commensurate with the responsibilities assigned. This action may be with or without a reduction in base rate of pay based on the duties, the employee’s experience, and/or related market salary data. In no case, however, may the pay exceed an assigned pay range except when determined to be in the best interests of the University.

(b) An employee whose assigned duties are substantially reduced may have a reduction in base pay, in accordance with these rules, while continuing to serve in the same class based on the duties, the employee’s experience and/or the related market salary data. Salary may also be reduced as a form of disciplinary action.

(c) The removal of pay additives, correction of overpayment, or reduction to the maximum of the pay range do not constitute a reduction in pay action and are not grievable under University Rule 6C4-10.213, F.A.C.

(d) When an employee’s appointed FTE is changed, the salary will be adjusted proportionately in accordance with these rules.

(e) Changes to an established pay plan or pay range may affect an employee’s base rate of pay to raise an employee’s base rate of pay to the new pay range minimum or to maintain appropriate internal salary relationships.

(f) Work schedules will be arranged to minimize overtime. Overtime compensation will be consistent with any applicable provision of federal or Florida law and University fiscal considerations.

(9) Extra Compensation.

(a) To meet employment needs of the University, an employee may be appointed to more than one position up to a total of one (1.0) FTE for all appointments.

(b) To meet employment needs of the University, an employee may be appointed for a limited time for more than one (1.0) FTE. Such appointments in excess of one (1.0) FTE will be considered OPS appointments and will not create any new or additional rights to benefits, except where this represents overtime in accordance with the FLSA for non-exempt USPS employees.

(c) Employment with any State or other public agency or with any private organization or agency will be considered Outside Activity in accordance with these rules. Such employment will be processed consistent with the other employer’s requirements after appropriate USF approvals are received. This activity will be governed by these rules.

(10)(a) Any perquisites to employees, sale of goods or services, or payment of moving expenses associated with a current or prospective employee should normally be approved in advance by the CAO. After the fact approvals will only be given in emergency or other unexpected situations. The provision of such items must be job or class related and documented to demonstrate that the approval is in the best interest of the University.

(b) Approval is not required when sales to employees are at the same rate as they are ordinarily sold to the public.

(c) Moving expenses will ordinarily be limited to the cost of packing, shipping, and storage of household goods, not to exceed 15,000 pounds, and reasonable expenses incurred for moving one automobile. Exceptions to the 15,000 pounds limit may be made to meet employment needs of the University.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), (34), 1001.75(3), (16) FS. History–New 10-5-03.

6C4-10.203 Benefits and Hours of Work.

(1) A&P and USPS employees receive paid and unpaid leave, and university-designated holidays. They may also participate in insurance programs, retirement and other benefits as provided for in Florida law and/or through University approved programs. Benefits and hours of work requirements will be administered consistent with this rule, and any applicable federal or Florida law.

(2)(a) OPS employees are not eligible for benefits unless specifically provided for in these rules or required by an applicable federal or Florida law.

(b) OPS employees are eligible for unpaid leave, in accordance with any applicable federal or Florida law.

(c) Non-exempt OPS employees are eligible for overtime compensation for work beyond forty (40) hours in an approved workweek.

(d) Exempt OPS employees are eligible to be paid for University-designated holidays that fall within the period of their appointment proportionate to the time in pay status.

(e) OPS employees are eligible to participate in University-offered tax sheltered annuities and deferred compensation programs.

(3) Each employee is expected to work the number of hours in the employee’s established workweek unless on approved leave. Benefits will be provided proportionate to the time in pay status in accordance with these rules.

(4) The minimum workweek is forty (40) hours for full-time employees. Holiday pay, up to a maximum of twelve (12) hours per holiday (based on the number of hours the employee is normally scheduled to work on that day) and paid leave are not considered overtime and are paid at the employee’s regular pay rate. Approved leave will be adjusted to ensure an employee’s workweek will not exceed forty (40) hours.

(5) Compensatory leave will consist of the following types and such unused leave will be transferred or paid in accordance with these rules.

(a) Overtime compensatory leave is provided in lieu of payment for overtime for nonexempt USPS employees at the rate of one and one half times the total hours worked beyond forty (40) in the workweek.

1. Overtime will normally be paid no later than the end of the following pay period, unless accrued as overtime compensatory leave.
2. If an employee changes departments or class title, unused overtime compensatory leave will be transferred or paid.
   (b) Regular compensatory leave may be provided to a USPS exempt employee for work beyond forty (40) hours in the
   workweek on an hour-for-hour basis in accordance with the approved pay plan. The transfer or payment for unused regular
   compensatory leave will be in accordance with the approved pay plan.
   (c) Special compensatory leave is provided to USPS as follows:
       1. Special compensatory leave is provided to compensate an employee for an official holiday, as designated by the University,
          when:
          a. The employee observed the holiday and also worked forty (40) hours the week during which the holiday occurred;
          b. The holiday falls on the employee’s regularly scheduled day off; or
          c. The employee is required to work the holiday.
       2. Special compensatory leave is provided to compensate an employee for administrative leave for jury duty or court
          appearance provided in paragraphs (17)(a) and (b) below when the employee also worked forty (40) hours the week during
          which the jury duty or court appearance occurred.
       3. Special compensatory leave is provided to employees required to perform essential duties during an emergency closing for
          the hours worked during the closing.
       4. The Chief Administrative Officer (“CAO”) may elect to pay an employee for a part of or all accrued special compensatory
          leave at any time. If the employee separates from the University, the employee will be paid for all unused special compensatory
          leave at the employee’s regular rate of pay.
       (d) Special compensatory leave is provided to A&P employees to compensate for an official University-designated holiday
          when the holiday falls on the employee’s regularly scheduled day off or the employee is required to work the holiday.
       (6) An employee, other than a non-exempt OPS employee, will be paid proportionate to the time in pay status for all holidays
          designated by the University or Florida law.
       (7) Annual and/or sick leave will be accrued while in pay status in accordance with these rules. Leave will be credited at the
          end of the pay period in which it is earned, or in the case of separation, on the last day the employee is on the payroll. Leave may
          not be used in the pay period in which it is earned.
       (8) During approved unpaid leave for parental, foster care, medical, or military reasons, an employee may use accrued leave to
          continue the contributions to State benefits and other expenses.
       (9) Unless agreed otherwise, an employee will be employed in the same or similar status upon completion of the approved
          leave period. While on paid leave, an employee may not be employed elsewhere unless the requirements for outside activity and/or
          extra or dual compensation have been met.
       (10) The University may establish reciprocal agreements with other government entities for the transfer of accrued sick leave
           and accrued annual leave. Such agreements must be in writing and consistent with applicable Florida law.
       (11) The University will withhold any payment due to an employee upon separation from employment for accrued sick leave
           or accrued annual leave unless and until all University property in the custody or control of the employee is returned or properly
           accounted for.
       (12) Sick leave accrual for full-time employees will be as follows with proportionate accrual for less than full-time.

<table>
<thead>
<tr>
<th>Hours Accrued During Pay Period</th>
<th>Monthly</th>
<th>Biweekly</th>
</tr>
</thead>
<tbody>
<tr>
<td>A&amp;P</td>
<td>8.667</td>
<td>4</td>
</tr>
<tr>
<td>Ex. Service</td>
<td>10.833</td>
<td>5</td>
</tr>
<tr>
<td>USPS</td>
<td>8.667</td>
<td>4</td>
</tr>
</tbody>
</table>

(a) Sick leave must be accrued before use unless available through a University approved sick leave pool or donated sick leave
program. There is no maximum on the amount of sick leave that can be accrued.
(b) With the appropriate approvals, accrued sick leave is authorized for the following purposes:
   1. The employee’s personal illness, injury, exposure to a contagious disease, a disability where the employee is unable to
      perform assigned duties, or appointments with health care providers.
   2. The illness, injury, appointments with health care providers, or death of a member of the employee’s family; family, for the
      purpose of this rule, is defined as the spouse and the grandparents, parents, brothers, sisters, children and grandchildren of both the
      employee and the spouse.
   (c) Notice of absence due to illness, injury, disability, or exposure to a contagious disease must be given on the first day of
       absence, unless the nature of the illness or injury precludes such notice the first day.
(d) Upon separation, an employee with ten (10) or more years of service will be paid for one-fourth of accrued unused sick leave up to a total of 480 hours. Upon reemployment by the University within thirty (30) days or upon recall from layoff by the University within one (1) year, all sick leave paid at the time of separation may be restored upon repayment by the employee. An employee with less than ten (10) years of service will not be paid for any unused sick leave and such leave shall be forfeited unless reemployed by the University within thirty (30) days or recalled from layoff by the University within one (1) year.

(e) The CAO will approve continuation and/or modification of the current sick leave pool or the donated sick leave program when determined to be in the University’s best interests.

(13) Annual leave for full-time employees will be as follows with proportionate accrual for less than full-time employment. An employee appointed for fewer than ten (10) months does not accrue annual leave. Hours of accrual for USPS employees are based on years of creditable service and such service will be awarded as one month of service credit for each calendar month that the employee is on the salaried (non-OPS) payroll of the University or during authorized unpaid leave.

<table>
<thead>
<tr>
<th>Monthly</th>
<th>Biweekly</th>
<th>Payment Maximums</th>
</tr>
</thead>
<tbody>
<tr>
<td>A&amp;P</td>
<td>14.667</td>
<td>6.769</td>
</tr>
<tr>
<td>Ex.Service</td>
<td>20</td>
<td>9.195</td>
</tr>
</tbody>
</table>

USPS (Years of Service)

<table>
<thead>
<tr>
<th></th>
<th>Monthly</th>
<th>Biweekly</th>
<th>Payment Maximums</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-6 months</td>
<td>8.667</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Greater than 6 months–5 yrs.</td>
<td>8.667</td>
<td>4</td>
<td>240</td>
</tr>
<tr>
<td>Greater than 5 yrs.–10 yrs.</td>
<td>10.833</td>
<td>5</td>
<td>240</td>
</tr>
<tr>
<td>Greater than 10 yrs.</td>
<td>13</td>
<td>6</td>
<td>240</td>
</tr>
</tbody>
</table>

(a) Annual leave must be accrued prior to use. In extraordinary circumstances, annual leave may be advanced to meet employment needs of the University.

(b) Employees may accrue annual leave in excess of the year-end maximum during a calendar year. Employees with accrued annual leave in excess of the year-end maximum as of December 31, will have any excess converted to sick leave on an hour-for-hour basis on January 1 of each year.

(c) An employee who separates from employment with six (6) months or more of continuous service in an established position will be paid for all unused accrued annual leave hours up to the year-end maximum allowed for the pay plan. Upon reemployment by the University within thirty (30) days or upon recall from layoff by the University within one (1) year, all annual leave paid at the time of separation may be restored upon repayment by the employee. Upon entering into the Deferred Retirement Optional Program (DROP), employees may elect to be paid up to the year-end maximum of their unused accrued annual leave. If an employee does not select to receive payment for all unused accrued annual leave due at the time of entering DROP, any amount accrued remaining due will be paid upon final separation of employment.

(d) An employee will be paid for unused accrued annual leave up to the allowable maximum upon transfer from an annual leave-accruing position to a non-annual leave-accruing position.

(14) Compulsory leave provisions will be consistent with the following:

(a) Medical certification by an approved health care provider will be required.

(b) Notice will be provided to the employee identifying the duration of the leave, the conditions for return to the position, and include a designation stating whether such leave will be counted in accordance with any applicable federal or Florida law.

(c) The employee may be allowed to use accrued paid leave during compulsory leave to continue the contributions to State benefits and other expenses.

(d) Unless agreed otherwise, an employee will be employed in the same or similar status upon completion of the approved leave period and upon receipt of medical certification to return to work.

(e) Employees who fail to meet the conditions of the compulsory leave, who fail to obtain medical certification to return to work at the same or similar status as before the leave began and/or are unable to perform duties will be:
1. Offered part-time employment;
2. Placed on unpaid leave or have such leave extended;
3. Requested to resign; or
4. Dismissed for inability to perform the duties of the position.

(15) Employees are provided with twelve (12) work weeks of Family and Medical Leave within a twelve (12)-month period in compliance with the Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3) and the Final Regulations of the Family and Medical Leave Act of 1993 (29 CFR Part 825), and as may be amended. The twelve (12)-month period is defined as the fiscal
year (July 1 – June 30). Eligible employees, including OPS, are those who have worked at least twelve (12) months (these need not have been consecutive) and who have worked at least 1250 hours in the twelve (12) months prior to the leave. Faculty, A&P, and USPS employees may use accrued paid leave for an FMLA event and the use of such leave will be counted toward the FMLA entitlement. Leave for OPS employees under the FMLA is unpaid leave and such unpaid FMLA leave will only be granted through the end of the established appointment period or twelve (12) weeks, whichever occurs first.

(16) Employees will be provided with up to six (6) months unpaid parental leave unless the employee already has an established end date prior to that period of time. Non-OPS employees may use accrued paid leave when the employee becomes a biological or adoptive parent in accordance with these rules.

(17) Employees are provided paid administrative leave as follows, provided that such paid leave will not cause the full-time employee to exceed forty (40) hours during the workweek. Administrative leave is not accrued.

(a) Administrative leave for jury duty will not cause an employee’s total number of hours to exceed the number of hours in the employee’s normal workday or workweek. If jury duty does not require absence for the entire workday, the employee will return to work immediately upon release by the court. If jury duty does not coincide with the regular work schedule, the employee will be granted administrative leave based on the total hours served on jury duty and such leave will be granted on the next scheduled work shift. Any jury duty pay can be retained by the employee.

(b) Administrative leave will be provided to an employee summoned as a witness in a matter not involving personal interests. Administrative leave will not be provided to an employee serving as an expert witness. Witness pay can be retained by the employee.

(c) Administrative leave for athletic competition in Olympic events will be provided when determined to be in the best interests of the University.

(d) Up to four (4) days of administrative leave will be provided to a University employee upon the death of a family member as defined in subparagraph (12)(b). of this rule.

(e) Administrative leave will be provided as follows for any official emergency closing of University facilities. Only employees scheduled to work during the time of the emergency closing will be provided administrative leave. Employees already on approved leave at the time of the emergency closing may not have the approved leave changed to administrative leave. Special compensatory leave will be provided to USPS employees required to perform essential services during the emergency closing.

(f) When the operation of the University will not be adversely impacted, the CAO will approve administrative leave for:

1. Florida Disaster Volunteers.
2. Up to two (2) days for civil disorder or disaster for an employee who is a member of a volunteer emergency response team.
3. Up to two (2) hours for voting in public elections when the employee lives at such a distance that he/she cannot vote during the hours the polls are open or when the employee’s regularly scheduled hours are equal to or exceed the hours that the polls are open.

(g) When determined to be in the University’s best interests, the CAO will grant an employee administrative leave:

1. When the employee is under investigation; for a period up to the length of the investigation.
2. Between the notice of suspension or dismissal and the effective date of such action.
3. When the employee’s presence in the workplace may result in damage to property, or injury to the employee or others.

(18) Military leave and reemployment rights will be provided to A&P and USPS employees consistent with Federal and Florida laws.

(19) Workers’ Compensation benefits for an injury compensable under the Florida Workers’ Compensation Law will be provided consistent with the following:

(a) A USPS, A&P or OPS employee will remain in full pay status for a period up to a maximum of forty (40) hours without being required to use accrued leave credits or take leave without pay. If, during that period, the employee receives Workers’ Compensation benefits, the employee will reimburse the University the amount of the benefits. Such reimbursement will not include payments for expenses related to medical, surgical, hospital, or nursing treatment or payments of disability losses.

(b) A USPS or A&P employee may elect to use accrued paid leave to supplement Workers’ Compensation payments to bring the total amount of compensation up to the employee’s regular salary.

(c) The period of paid or unpaid job-related disability leave will be in accordance with Chapter 440, F.S., or any other applicable Florida law.

(d) When it is determined to be in the best interest of the University, an employee who was injured in the workplace will be returned to alternate duty when full recovery is anticipated in a reasonable period of time consistent with these rules.

(e) If at the end of the leave period an employee is unable to return from leave to work full-time and perform the duties of the position, the CAO will offer the employee a part-time appointment, place the employee on unpaid leave or extend the leave status, request the employee’s resignation, or terminate the employee from employment.

(20) Learning opportunities for University employees include:

(a) Learning opportunities for A&P and USPS employees involving professional renewal, planned travel, study, formal education, research, writing, or other experience of professional value may include the following:

1. Employee development or certification; or
2. Leave to pursue educational goals.

(b) University approved employee education programs;
(c) Attendance at related professional conferences, workshops or seminars.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), (34), 1001.75(16), (19) FS. History–New 10-5-03.

6C4-10.204 Permanent Status.
(1) Permanent status for USPS employees is granted consistent with the following provisions:
   (a) An employee earns permanent status in the class after successful completion of the designated probationary period and has
       rights to remain in the class or to grieve in accordance with these rules adverse action taken against the employee while serving in
       the class.
   (b) An employee with permanent status filling a time-limited position will not have retention rights or other rights provided
       under layoff and recall provisions.
   (c) An employee without permanent status in any class may be terminated at any time without the right to grieve such action.
(2) A&P employees do not earn permanent status or tenure.
(3) OPS employees do not have or earn permanent status or tenure and have no right or expectation to continued employment.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), 1001.75(3), (19) FS. History–New 10-5-03.

6C4-10.205 Promotion and Change in Assignment, Demotion and Transfer.
(1) Promotion, change in assignment, demotion and transfer will be administered consistent with the following provisions.
   (2)(a) A&P promotion is the appointment to a class or another position with substantially increased responsibilities, or to a
       higher pay range, if applicable.
   (b) USPS promotion is the appointment to a class or a position with substantially increased responsibilities or to a higher pay
       range, if applicable.
   (c) Upon promotion, the employee’s appointment status will be determined pursuant to these rules. A USPS employee who has
       earned permanent status in the class to which promoted and who has not had a break in service in USPS with the University will be
       promoted with permanent status.
   (3)(a) An A&P or USPS change in assignment is the appointment to a different position in the same class or in a different class
       having the same pay range maximum, if applicable.
   (b) A&P employees serve at the will of the CAO and may, with or without advance notice, receive a change in classification or
       assignment at any time.
   (c) If a USPS employee who has not attained permanent status in the current class receives a change in assignment to a
       different position in the same class, the employee’s status remains the same until the designated probationary period has been
       successfully completed. Probationary periods may be extended due to a change in supervisor when additional time is required to
       evaluate the employee’s performance, due to a change in duties, to provide additional training and/or to acquire and demonstrate
       required competencies or to provide additional time for the employee’s performance to improve.
   (d) A USPS employee with or without permanent status in the current class who receives a change in assignment to a different
       position in a different class will be given probationary status. The employee will serve the designated probationary period in the
       new class if the employee meets the minimum qualifications for the position, unless the employee previously held permanent status
       in the class to which reassigned and has not had a break in USPS service with the University, in which case the change in
       assignment will be with permanent status.
   (4) A demotion is an appointment to a class or position having less responsibility or a lower pay range, if applicable. If a USPS
       employee previously held permanent status in the class to which he/she is demoted, the demotion will be with permanent status.
   (5) A transfer is the appointment of an employee from one geographic work location of the University to a different geographic
       work location of the University in excess of 50 miles from the employee’s current work location.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 10-5-03.

6C4-10.206 Employee Ethical Obligations: Conflicts of Interest and Outside Employment; Employment of Relatives; Seeking or Holding Public Office.
(1)(a) For purposes of this rule, employee is defined as an A&P, USPS, or OPS employee. Employees are required to be aware
       of their obligations and responsibilities as public employees of the University. No employee will have any interest, financial or
       otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature that is
       in substantial conflict with the full and competent performance of the employee’s duties.
       (b) University employees are required to observe, in all official acts, the highest standards of ethics and conduct consistent with
           the code of ethics and the financial disclosure requirements of the State of Florida, Chapter 112, Part III, F.S., all definitions
           contained in that Part or supplemented by this rule, and State advisory opinions issued regarding that Part. Other provisions within
           these rules govern obligations and responsibilities of employees who receive employment compensation in addition to their annual
           salary.
(2) Outside Activity.
   (a) For purposes of this rule:
1. “Outside Activity” means any employment, private practice, private consulting, service on boards or commissions, or any other activity, which is not part of the employee’s University duties and for which the University does not provide compensation. Outside activity includes activities that are uncompensated, compensated, and/or which may eventually be compensated, either directly or indirectly.

2. “Compensation” includes, but is not limited to, wages, salary, stock options, use of airplanes or vacation/resort areas, or any other type of remuneration or benefit received for services performed by the University employee during the outside activity.

(a) An employee must not engage in any outside activity that interferes with the full and competent performance of the employee’s duties. Nothing in this rule is intended to discourage an employee from engaging in outside activity in order to increase his/her professional reputation, service to the community, or income, subject to the conditions stated in these rules.

(b) An employee who intends to engage in any outside activity that is compensated or that may be compensated in the future must discuss such activity with his/her supervisor prior to engaging in the outside activity.

(1) If there is any possibility that a conflict will occur, the supervisor will require the employee to make the request in writing. The employee will be notified if it is believed that a conflict of interest will result from a proposed outside activity, and will deny the request.

(2) If the employee fails to discuss the outside activity in advance of its inception, the employee will provide a written explanation of the reason(s) for not discussing and/or seeking approval in advance.

(c) The reporting provisions will not apply to activities performed wholly during a period in which the employee has no appointment with the University.

(d) The supervisor or other appropriate University official will assure that approval for the outside activity is granted only when a conflict under this rule will not occur. The employee will be notified if it is believed that a conflict of interest will result from a proposed outside activity, and will deny the request.

(e) The CAO or Vice President Research (or the successor of such office should there be a change in title) is responsible for all intellectual property, inventions and works developed by University employees and will develop guidelines for the administration and protection of any intellectual property, inventions or works, and any copyright, patent or licensing interests of the University.

2. An employee who proposes to engage in outside employment that may lead to the development of some invention or work in which the University may have or claim an interest must furnish a copy of this rule and any other applicable governing documents to the outside employer or entity either at the time negotiations for other employment is occurring, or if there is no written agreement, before the employment begins.

3. Any requirement(s) that an employee who is engaged in an outside activity must waive the employee’s or University’s rights or interests to any inventions or works, which may be developed during the course of such outside employment, must be approved by the CAO or Vice President Research.

4. Any agreement by the CAO or the Vice President Research to assign or release any invention or work, including patent rights, to an employee must include that such invention or work, if patented by the employee, must be available royalty-free for governmental purposes of the State of Florida, unless otherwise agreed in writing by the University.


(a) Employment of related persons in a single organizational unit or in work related organizational units is permitted only when such employment will not involve or create a conflict of interest. An employee will not participate in making recommendations or influencing decisions specifically affecting the appointment, retention, work assignments, evaluation, promotion, demotion, or salary of any relative. Prior to the employment of related persons or as soon as the relationship is created or discovered, the Provost or Vice President responsible for the subject organizational unit will determine, and document in writing, that a conflict of interest will not occur or will require that the employment not occur or cease.

(b) For the purpose of this rule, “relative” or “related” persons are those related to each other in one of the following ways: husband; wife; parent; child; brother; sister; spouse of a child, brother, sister, or parent; or parent, child, brother, or sister of spouse; grandparent; grandchild; aunt, uncle, first cousin, niece or nephew. “Relative” or “related” person also includes a person who is engaged to be married to an employee or who otherwise holds himself or herself out as or is generally known as the person whom the employee intends to marry or with whom the employee intends to form a household, or any other person having the same legal residence as the University employee.

5. Seeking Election/Holding Public Office.

(a) Employees who intend to seek election to and hold public office will provide written notification to the CAO of their intentions and must adhere to the provisions of Section 104.31, F.S., or any successor statute.
(b) The CAO will determine whether the employee’s candidacy for and/or holding of public office will interfere with the full discharge of the employee’s duties.

(c) If the CAO determines that the candidacy will interfere with the full discharge of the employee’s duties, the employee will be advised in writing that if he/she chooses to continue to pursue the candidacy, he/she will be required to take a leave of absence or submit a resignation as determined by the CAO.

(d) Sworn law enforcement officers must take a leave of absence without pay during the period of office seeking, pursuant to Section 99.012, F.S., or any successor statute.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), (34), 1001.75(16) FS. History–New 10-5-03.

6C4-10.207 Evaluations.
(1) Evaluations will be provided to employees on a regular basis.

(2) The evaluation document is intended to communicate to the employee the level of his/her performance and should aid in improving the employee’s performance of assigned duties. If necessary, the evaluation will serve as part of a plan to assist in correcting deficiencies of an employee not meeting performance standards. Evaluations will be considered in making personnel decisions.

(3) This rule does not apply to OPS employees or to those employees who have received a notice of non-reappointment or termination or who have resigned from employment with the University.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), 1001.75 FS. History–New 10-5-03.

6C4-10.208 Recognition of Employees.
(1) The University will establish employee recognition programs. The University may expend state funds for recognizing and rewarding eligible employees, contingent upon the availability of funds. Private funds may be available to fund recognition awards and will be used in accordance with the governing practices for those funds.

(2)(a) The University will recognize employee achievement or superior accomplishment.

(b) The University will recognize employees for service given to the University.

(3) OPS employees are eligible for performance or service awards.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), 1001.75(3), (19) FS. History–New 10-5-03.

6C4-10.209 Official Personnel Files.
(1) The Division of Human Resources maintains the official personnel files for University employees. Human Resources is authorized to delegate to the University Provost and/or to the Vice Presidents of the Health Sciences Center, and/or the regional campuses, all or any portion of this function for Faculty as appropriate.

(2) All or portions of the official promotion and tenure files for Faculty may be retained in separate files based on the delegation authorized in subsection (1) above.

(3) The department where the employee is assigned may retain duplicate copies of documents contained in the official personnel files. They may also retain originals of pre-discipline, counseling, and performance documents leading up to official actions, which at the time of that action will be made a part of the official file.

(4) The official personnel file will generally contain the following:

(a) Information gathered as part of an employment procedure, if applicable, such as applications, letters of reference, letters of offer, letters of appointment, acceptance of appointment, employment test results, loyalty oath, and substitutions of training and experience;

(b) Information substantiating salary transactions, if applicable, such as appointment papers, approvals of special salary rates, employment contracts, and salary adjustments;

(c) Documentation of performance and conduct, such as performance evaluations; letters of recognition; reprimands; letters or notices of dismissal, suspension, disciplinary reduction in pay; and approvals to take grievable disciplinary actions;

(d) Any records relating to an employee’s grievance or complaint, appeals, arbitration awards/findings, or administrative hearing recommendations; however, such items may be kept in a separate file and may be treated as exempt during any proceeding specified by Florida law;

(e) Medical records which address the employee’s ability to do the job or for any other legitimate business purposes; however, these records are confidential records that will be maintained separately from the official personnel file in accordance with applicable federal and/or Florida law;

(f) Other documents deemed appropriate by Human Resources, such as letters of resignation, layoff notices, etc.; or

(g) Benefits enrollment information is separately maintained by Human Resources.

(5) Access to the official personnel files of University employees is governed by the Florida Public Records Law Chapter 119, F.S., and Section 1012.91, F.S. Employees or other individuals wishing to review personnel files of University employees may do so during normal business hours of the Division of Human Resources. Access to and copying of any document or file will be
provided in accordance with federal and Florida law, and these rules. Any material exempt from disclosure by federal or Florida law will be removed prior to inspection or copying unless disclosure of such exempt material is authorized by the employee or required by any superceding law.

(6) Employees have the right to place appropriate information or documentation relating to their employment into their personnel files by forwarding the information to Human Resources with a request for the material to be placed in their file. Examples of the types of information employees may place in their files are updates of education or training and clarification or rebuttal of evaluative or disciplinary information placed in their files by University officials. Such items received by Human Resources will be reviewed for appropriateness and compliance with these rules and will then either be placed in the file or returned to the sender.

Specific Authority 1001.74(4), (19), 1012.91(1) FS. Law Implemented 119.07(1)(a), (2)(a), (3), 1001.74(19), 1001.75(16), 1012.91 FS. History–New 10-5-03.

6C4-10.210 Non-Reappointment.

(1) A&P employment is at will and A&P employees may be non-reappointed upon written notice from the CAO or upon the appointment end date, if the employment contract, letter of offer, or other appointment document includes a statement that employment will end as of a specific date without additional notification. Absent such a statement, the period of notification (prior to the effective date of non-reappointment) is based on the employee’s length of continuous employment as A&P as follows:

(a) Three (3) months’ notification for employees in their first year of employment;
(b) Six (6) months’ notification for employees after their first year of employment;
(c) Sixty (60) days’ notice for employees who are designated as Executive Service;
(d) The notification period for employees assigned to Athletic Coach classes will be the period that is customary and usual for the sport and will be indicated on the employee’s letter of offer, initial employment contract, or a subsequent appointment document.

(2) (a) Employees appointed for less than one (1) year, appointed as temporary or provisional, or appointed to a contract, grant or other temporary funding source do not receive a notice of non-reappointment, except in cases where such notice is to end their employment prior to their designated appointment end date.

(b) Employees who are issued an employment contract, letter of offer, or other official appointment document stating that employment will cease on the date indicated and no further notice of cessation of employment is required, do not receive a notice of non-reappointment, except in cases where such notice is to end their employment prior to their designated appointment end date.

(3) Following receipt of the notice of non-reappointment, the CAO has the option to assign the employee other duties and responsibilities and/or to require the employee to use accrued annual leave. The University is committed to compensate the employee and maintain current benefits for which he/she is otherwise eligible until the effective date of non-reappointment or separation from employment for other reasons, whichever is sooner; however, an assignment change during the notice period can affect the employee’s compensation as follows:

(a) If administrative duties are removed for which a salary increase was granted, that salary increase will be removed;
(b) If temporary additional duties are removed for which a temporary pay increase was granted, the temporary pay increase will be removed; and/or
(c) If the employee agrees to a voluntary demotion that includes a reduction in salary.

(4) When an employee receives appropriate written notice of non-reappointment or when such notice is not required in accordance with these rules, the employee does not have the right to grieve termination from employment at the end of the notice period.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 10-5-03.

6C4-10.211 Separations from Employment and Layoff.

(1) Separations from employment will be conducted consistent with the following provisions:

(a) An employee who resigns from employment has no right to grieve.
(b) An A&P or USPS employee who is absent without approved leave for three (3) or more consecutive workdays will be deemed to have abandoned the position, unless the employee provides information regarding the existence of an emergency situation that impaired his/her ability to contact his/her supervisor.
(c) The CAO may dismiss an employee for just cause in accordance with these rules.
(d) The following employees may be separated from employment at any time without any requirements of notice or reason and without any right to grieve such a termination:
   1. OPS employees; and
   2. USPS employees without permanent status in any class.
(e) An A&P employee may be separated from employment without any right to grieve such termination when his/her appointment ends after receiving written notice of non-reappointment or written notice upon appointment that employment will cease on the date indicated with no further notice of cessation of employment required.

(2) Layoffs will be conducted consistent with the following provisions:
(a) Employees may be laid off at any time as a result of adverse financial circumstances; reallocation of resources; reorganization of academic or administrative structures, programs, or functions; curtailment or abolishment of one or more programs or functions; shortage of work; or a material change of duties.

(b) The layoff unit may be at an organizational level such as a campus, division, college, school, department, area, program, or other level of organization as the CAO deems appropriate. In designating the makeup of the layoff unit, the CAO may consider the special qualifications and relevant experience required for specific positions and excludes such positions from layoff.

(c) A permanent status USPS employee will not be laid off if there are nonpermanent USPS employees in comparable positions in the layoff unit. Those employees will be retained who, in the judgment of the CAO, will best contribute to the mission and purpose of the University when taking into account the employee’s length of continuous satisfactory University service and other appropriate factors.

(d) The CAO will make a reasonable effort to identify appropriate alternative/equivalent employment opportunities within the University for laid-off employees.

(e) The following employees do not have layoff rights:
   1. An A&P employee appointed for less than one (1) year;
   2. An A&P employee appointed to a position funded solely from contract, grant, auxiliary or local funds;
   3. An A&P employee whose appointment expires after receiving timely notice of non-reappointment;
   4. An A&P employee whose appointment expires without the requirement of a written notice of non-reappointment, including an employee serving on an appointment with an appropriately documented fixed term or an employee on a multi-year contract;
   5. A USPS employee without permanent status in any class;
   6. A USPS employee appointed to a position which has been designated time-limited; and
   7. An OPS employee.

(f) Within the layoff unit, USPS employees with permanent status in the affected class will be ranked on a layoff list based on retention points derived from length of service and evaluations. Employees who work less than full-time will have their retention points determined in proportion to the time worked. Layoff rights extend only to employees who meet the specific qualifications and equivalent FTE of the position, regardless of their placement on the layoff list.

(g) Employees are to be informed of layoff as soon as practicable. Where circumstances permit, all employees are to be provided at least thirty (30) calendar days notice. However, a USPS employee with permanent status will be given no less than fourteen (14) calendar days notice of layoff or in lieu thereof, two (2) weeks’ pay at the employee’s current regular hourly rate, or a combination of notice and pay. A notice of layoff will be sent to the employee by certified mail, return receipt requested or hand-delivered to the employee.

(h) Within seven (7) calendar days after receiving the notice of layoff, the USPS employee has the right to request a change in assignment or, if not available, at the employee’s preference, a demotion in lieu of layoff to a position in a class in which the employee held permanent status, or to a position in a class in which the employee has not held permanent status if the employee has previously held permanent status in a higher or equal level class within the series. Appointment to positions, in lieu of layoff, is conditioned on the employee meeting the specific qualifications for the position and having an overall history of meeting performance standards.

(i) Employees with layoff rights who are laid off will have recall rights at the University as follows:
   1. A&P employees have recall rights for one year following layoff. Employees will be offered reemployment/recall rights in the same or similar position within the same layoff unit from which the employee was laid off for which they meet the special qualifications and have the relevant experience.
   2. USPS employees have recall rights for one year following layoff. When a vacancy occurs or a new position is established in the same class within the same layoff unit from which the employee was laid off, the employee with the highest number of retention points who meets the specific qualifications for the position will be offered reemployment.
   3. An employee who refuses an offer of reemployment forfeits any further recall rights.

(j) Layoffs are grievable only through the Informal Resolution process in accordance with these rules.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History—New 10-5-03.

6C4-10.212 Discipline, Misconduct and Incompetence.

(1) The provisions in these rules constitute the basis for just cause disciplinary actions by the University. “Just cause” is defined as:
   (a) Incompetence, which includes, but is not limited to, the documented inability to perform assigned duties and/or substandard performance of assigned duties on a continuing basis; or
   (b) Misconduct.

(2) Discipline includes, oral and written reprimands, involuntary demotion, suspension with or without pay, involuntary reduction in pay for just cause, and dismissal. Discipline does not include transfer, change in assignment, non-reappointment, layoff, voluntary demotion, voluntary reduction in pay, employee evaluations, counseling, or mandatory leave (e.g., military leave, compulsory disability leave, or required use of annual leave).

Specific Authority 1001.74(4), (19), 1012.92 FS. Law Implemented 1001.74(19), 1001.75(3), 1012.80, 1012.92 FS. History—New 10-5-03.
6C4-10.213 Grievances.

(a) Grievances can occur when an employee believes that: a term(s) and/or condition(s) of his/her employment is unjust; in non-disciplinary matters, a University rule or policy has been wrongfully applied to him/her or applied in a manner that violates the rule or policy; or a disciplinary action taken against him/her is inappropriate.

(b) An employee may file a grievance in accordance with these rules if he/she believes that:
1. A term(s) or condition(s) of employment is unjust;
2. In non-disciplinary matters, a University rule or policy has been wrongfully applied to him/her or applied in a manner that violates the rule or policy; or
3. A disciplinary action is inappropriate.

(c) Non-permanent employees (OPS employees or USPS employees without permanent status in any class) and temporary A&P employees may file a grievance only if they believe that a University rule or policy has been wrongfully applied to them or applied in a manner that violates the rule or policy. Such employees may not grieve any action beyond the Informal Resolution process, as defined below.

(d) Except as noted in paragraph (1)(c) above, grievances regarding layoffs from established positions as defined in these rules, non-disciplinary matters, reprimands, and/or actions that do not involve a substantial interest are grievable only through the Informal Resolution process, as defined below.

(e) Except for non-permanent employees and temporary A&P employees, a grievance filed by any employee for disciplinary actions that involve a suspension without pay, involuntary reduction in pay, involuntary demotion, or dismissal, or a grievance filed for other matters involving a substantial interest, may be processed after the waiver or completion of the Informal Resolution process to the next stage of Step 1, as defined below.

(f) Administrative leave, voluntary reductions in pay, voluntary demotions, and oral and written counseling are not disciplinary actions and may not be grieved by any employee.

(g) Removal of pay additives or temporary pay increases, correction of overpayments, or reduction to the maximum of the pay range do not constitute a reduction in pay action and may not be grieved by any employee.

(h) The following employees do not have a right to grieve termination:
1. Non-permanent employees or temporary A&P employees:
2. A&P employees when their appointment ends after they have received a written notice of non-reappointment or have received a written notice upon appointment that employment will cease on the date indicated with no further notice of cessation of employment required; and
3. Employees who voluntarily resign from employment with the University.

(i) Non-permanent employees or temporary A&P employees do not have the right to grieve layoff, as defined in these rules.

(j) A performance evaluation cannot be grieved unless it is alleged that the evaluation is based on factors other than performance. Such evaluation is grievable only through the Information Resolution process, as defined below.

(k) Claims of illegal discrimination are to be filed with the University’s Office of Diversity and Equal Opportunity and any grievance or part of a grievance that makes such claims will not be processed under this rule.

(2) Step 1 of the Grievance Process.

(a) To maintain his/her rights under these rules, an employee must file a Step 1 Grievance by the close of regular business hours no later than thirty (30) calendar days after the act(s) or omission(s) which the employee knows, or should know, constitutes the basis for the grievance. The employee must submit the Step 1 Grievance to the Division of Human Resources.

(b) The Step 1 Grievance must be in writing signed by the Grievant, and must include the following information, at a minimum:
1. The name of the Grievant and of the Grievant’s representative, if any, including contact information;
2. A statement specifying which University rule(s) or policy(s) the Grievant believes were violated, if any;
3. A brief description of the act(s) or omission(s) which the Grievant alleges is the basis for the grievance;
4. The names (including contact information) of any witnesses or of those who have direct knowledge of the alleged act(s) or omission(s); and
5. An explanation of what the Grievant is seeking in order to resolve the matter. A Grievant may also provide any documents that he/she believes support the grievance and is encouraged to do so.

(c) If the Grievant fails to file the signed Step 1 Grievance by the deadline or to include all of the information required for a Step 1 Grievance, the Grievant has no right to further processing of the grievance. The University will be under no further obligation to process the grievance and will notify the Grievant that the grievance will not be processed.

(d) The University encourages open communication between employees and supervisors to address employee concerns before an employee believes it is necessary to file a grievance. The University is committed, whenever possible, to address employee concerns through Informal Resolution. By filing a Step 1 Grievance, a Grievant consents to a mandatory thirty (30) calendar day Informal Resolution process.

(e) The initial thirty (30) calendar day Informal Resolution time period may be extended for a specific period of time by mutual written agreement between the Grievant and the University. This agreement will specifically state any deadline(s) for submitting documents or information required to process the grievance. Upon mutual agreement, the parties may agree to an indefinite extension of the Informal Resolution period.
(f) Notwithstanding paragraph (2)(d), of this rule, the Grievant may specifically request a waiver of the Informal Resolution process for matters involving a substantial interest. This request must be made in writing at the time of filing the Step 1 Grievance and must fully explain the reasons or extenuating circumstances in support of the request for a Step 1 meeting without participating in the Informal Resolution process. For matters involving a substantial interest, the Informal Resolution process will be waived by the Division of Human Resources, without the Grievant’s request or consent, when determined to be in the best interests of the University.

(g) If the Grievant takes no action on the grievance during the Informal Resolution process, the University will treat the grievance as if it is resolved in a satisfactory fashion and accepted by the Grievant at the end of the Informal Resolution period. The University will discontinue any and all further processing of the grievance and will notify the Grievant that all processing of the grievance has ceased.

(h) If the grievance is not resolved in accordance with the Informal Resolution process provided for in these rules, and the grievance is eligible for processing at the next stage of Step 1, as defined above, the Division of Human Resources will designate the University’s Step 1 Representative.

(i) The Step 1 Representative will meet with the Grievant within fourteen (14) calendar days after:
   1. The University’s acceptance of the Grievant’s request for waiver of the Informal Resolution process;
   2. The Division of Human Resources’ waiver of the Informal Resolution process; or
   3. The end of the Informal Resolution process.

   At the Step 1 meeting, the Grievant may, if he/she chooses, present additional information or documents for consideration by the Step 1 Representative. The Step 1 Representative may review and/or use any additional business records of the University that are believed to be relevant to the processing of the grievance.

(j) The Step 1 Representative must issue a written decision no later than thirty (30) calendar days after the Step 1 meeting, unless the Step 1 Representative and the Grievant mutually agree to an extension in writing.

(3) Step 2 of the Grievance Process – Administrative Review.

(a) If the Grievant is not satisfied with the Step 1 decision and the matter involves a substantial interest, the Grievant may request a Step 2 Administrative Review in accordance with this rule. The Step 2 Administrative Review may be conducted by arbitration or an administrative hearing in accordance with Chapter 120, F.S., as defined in subparagraph (3)(b)1. or (3)(b)2. below.

(b)1. A request for a Step 2 Administrative Review by arbitration must be filed by the close of regular business hours no later than fourteen (14) calendar days after the Grievant receives the written Step 1 decision. The request must be submitted in writing to the Office of the General Counsel with a copy to the Division of Human Resources. The request must be signed by the Grievant and must include the following:
   a. A copy of the Step 1 Grievance and all associated documents;
   b. A copy of the Step 1 decision;
   c. If applicable, a list of the rule(s) and/or Policy(s) the Grievant believes may have been misapplied in the Step 1 decision; and
   d. A brief description of the basis for challenging the Step 1 decision.

   The Grievant may also provide any documents that he/she believes will support the request for an Administrative Review.

   2. The Grievant may request a Step 2 Administrative Review conducted in accordance with the provisions of Chapter 120, Administrative Procedure Act, F.S., and Chapter 28-106, F.A.C., Decisions Determining Substantial Interests, by submitting a request to the University’s Office of the General Counsel, with a copy to the CAO and the Division of Human Resources, by the close of regular business hours no later than fourteen (14) calendar days after the Grievant receives the written Step 1 decision.

   (c) It is the Grievant’s obligation to file the Step 2 Administrative Review request in accordance with this rule. If a Grievant fails to file the request by the deadline, to sign the request, or to include all of the information required for the request, the Grievant has no right to further processing of the Administrative Review request. The University will be under no further obligation to process the Administrative Review request and will notify the Grievant of the reasons why the Administrative Review will not be conducted.

   (d) The election of one type of Administrative Review in accordance with this rule constitutes the Grievant’s waiver of any right to avail himself/herself of any of the processes, rights, and/or remedies that may be available in any other process. Once the election is made, a Grievant may not withdraw his/her request to initiate another type of Administrative Review. A Grievant’s withdrawal at any point after filing a request for an Administrative Review will constitute a dismissal of the action with prejudice.

   (4)(a)1. Within ten (10) calendar days of the employee’s election of an Administrative Review by arbitration, the University will notify the Grievant of the name of the next scheduled arbitrator.

   2. Either party may object to the appointment of this arbitrator and request the name of the next available arbitrator within ten (10) calendar days.

   3. Upon the appointment of this arbitrator, the previously non-objecting party may file an objection within ten (10) calendar days.

   4. Unless both parties mutually object to the third arbitrator appointed, this arbitrator will conduct the Administrative Review arbitration.

   5. The University will coordinate with the arbitrator to arrange the date, time, and place of the arbitration, and such communications will not be deemed to be an inappropriate, unethical, or ex parte communication.
6. For purposes of this section only, all notices and/or objections must be received by the other party within the required time period, unless extenuating circumstances interfere with the party’s ability to comply.

   (b) 1. In any non-disciplinary matter or in any non-disciplinary aspect of a case involving multiple issues, the Grievant has the burden of proof and going forward on those non-disciplinary issues at all times.

   2. In any disciplinary matter or in any disciplinary aspect of a case involving multiple issues, the University has the burden of proof and going forward on those disciplinary issues at all times.

(5)(a) The arbitrator’s authority is to determine whether the University had just cause to impose discipline or, for matters not involving discipline, whether the action was appropriately taken by the University.

(b) The arbitrator may use the Florida Rules of Civil Procedure to govern the arbitration. If the arbitrator intends to use any other rules, he/she must notify the parties no later than ten (10) calendar days before the arbitration.

(c) The arbitrator must issue his/her decision within sixty (60) calendar days of the completion of the arbitration. The arbitrator’s decision is binding.

(d) Neither party may appeal the arbitrator’s decision except in accordance with Florida law.

(6) In the event a Grievant is represented by any employee representative entity, the University and that entity will equally bear any fees and/or costs charged for the Administrative Review process. In all other cases, the losing side will bear the cost of any such fees and/or costs for the Administrative Review process.

(7) Time limits in this rule will be calculated in accordance with the Florida rules of Civil Procedure unless otherwise specified in this rule.

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Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(4), (34), 1001.75(3), (16), FS. History–New 10-5-03.
CHAPTER 6C4-11 UNIVERSITY ADVANCEMENT

6C4-11.001 Division of University Advancement. (Repealed)
6C4-11.002 Florida Endowment Trust Funds for Eminent Scholars and Challenge Grants.
6C4-11.003 Dissemination of Public Information. (Repealed)
6C4-11.004 Newspaper/Literature Containers on Campus.

6C4-11.002 Florida Endowment Trust Funds for Eminent Scholars and Challenge Grants.

(1) The Trust Funds established in the State Treasury for Eminent Scholars, New Donors, and Major Gifts and administered by the Chancellor of the Florida Board of Regents provide the opportunity for the University of South Florida to receive matching funds for challenge grants to enhance specific programs and activities at the University. The University of South Florida shall administer the Endowment Trust Funds for Eminent Scholars and Challenge Grants as prescribed by BOR Rule 6C-9.019, Florida Administrative Code.

(2) The Vice President for University Advancement acting as Executive Vice President of the University of South Florida Foundation, Inc. shall be responsible for directing the solicitation and acceptance of gifts for Endowment Trust Funds for Eminent Scholars and Challenge Grants at USF, including: communications to donors; negotiation and execution of Endowed Chair Agreements and other Challenge Grant Agreements; reservation and disbursement of Trust Fund challenge grants; and other functions and responsibilities of the Foundation under Florida law and pertinent Endowed Chair Agreements.

(3) The University President shall have the right to approve or disapprove the terms of any agreement to establish a Challenge Grant fund, to establish an Endowed Chair for an Eminent Scholar, or to establish a Distinguished Professorship on the Faculty of the University of South Florida.

(4) Trust Fund Challenge Grants established for the endowment of scholarships, library resources, academic programs and other endowed activities shall be administered as provided by Florida law and the pertinent Endowment Agreements.

(5) The recruiting, selection, appointment and reappointment of Eminent Scholars and Distinguished Professors shall be the responsibility of the University President, Provost and Executive Vice President, and Vice President for Health Sciences, with the advice of the Vice President for University Advancement and the appropriate dean and department head.

(6) The Eminent Scholars and Distinguished Professors shall be individuals outstanding in their field. The University President shall establish a committee to process each application or nomination. The committee will consist of members appointed in accordance with Florida law and BOR and USF rules, policies and procedures, and shall include, but not be limited to, representatives from the Faculty of the University of South Florida and the University of South Florida Foundation. The committee shall recommend to the President for his/her approval one or more eligible candidates as evidenced by his/her previous achievements in:

(a) Contributions to the advancement of knowledge in his/her field as demonstrated by research and other creative activities which have resulted in publication or presentation of speeches or papers,

(b) Teaching excellence,

(c) Ability to attract other kinds of support to the University (e.g., students, scholars, external funding, etc.).

(7) As part of the annual evaluation of employee performance, the appropriate deans or department heads shall annually provide a written evaluation of the performance of Eminent Scholars and Distinguished Professors. This evaluation of performance shall be based on his/her achievements while at the University of South Florida in:

(a) Contributing to the advancement of knowledge in his/her field as demonstrated by research and other creative activities which have resulted in publication or presentation of speeches or papers,

(b) Teaching excellence,

(c) Ability to attract other kinds of support to the University (e.g., students, scholars, external funding, etc.).

(8) This annual written evaluation will be used as a measure in evaluating each Eminent Scholar and Distinguished Professor in achieving the objectives set forth in Florida law.

(9) The routine daily expenditure of available allotted earnings on Challenge Grant Endowment accounts, and accountability for same, and other ongoing support relative to the functioning of the Endowments shall be the responsibility of the dean or department head in accordance with Florida law, BOR, University, and Foundation rules, policies and procedures, and the pertinent Endowment Agreements.

(10) As soon as a prospective donor is identified, the Vice President for University Advancement shall be notified. All further negotiations or matters related to the solicitation of funds for a Challenge Grant Endowment shall then be coordinated with the Vice President, acting on behalf of the Foundation.

(11) All matters related to the solicitation of the gift shall remain confidential until the gift is secure and the donor grants permission for release of pertinent information, except for such disclosures of information as may be required under Florida law.

(12) The Vice President for University Advancement, in cooperation with the Office of Public Affairs, shall coordinate the release of publicity on the establishment of each Challenge Grant Endowment Fund, including notification of key constituent groups.
(13) The Vice President for University Advancement shall be responsible for communications with the BOR regarding the eligibility of prospective gifts for matching Trust Fund challenge grants, and for the prompt reservation and disbursement of such Trust Fund challenge grants for accepted and executed Endowment Funds. Information concerning requirements for eligibility for matching Trust Fund Challenge grants can be obtained from the University Development office.

(14) The Vice President for University Advancement shall maintain a file on each Endowment Challenge Grant fund including but not limited to the following items:

(a) All related correspondence.
(b) Copies of all cancelled checks relating to the payment of the gift.
(c) Copies of the appropriate agreement and other related legal documents. At least one Endowment Agreement with original signatures shall be maintained by the University’s Office of the General Counsel.
(d) All related financial statements.
(e) Eminent Scholar’s or Distinguished Professor’s vita and other pertinent documents.
(f) Copies of announcements and press releases pertinent to the Endowment Fund.
(g) Copies of annual reports submitted to the BOR, donor, and President.

(15) The Vice President for University Advancement shall be responsible for preparing the Foundation’s annual report to the Board of Regents including the information concerning collection, investment, and audit of all funds for each Challenge Grant program. This report may coincide with, but shall be in addition to, the Foundation’s comprehensive annual report to the Board of Regents.

(16) The Vice President for University Advancement shall be responsible for preparing an annual report to each donor including, but not limited to, the following items:

(a) A narrative, submitted by the appropriate dean or department head, relating the activities, accomplishments and current status of the chair and its associated activities.
(b) Any other report or information required by the donor under the pertinent Endowment Agreement.

(17) The Vice President for University Advancement acting as Executive Vice President of the Foundation shall report the actual or projected earnings from each Challenge Grant Endowment account to the Provost and Executive Vice President, or Vice President for Health Sciences prior to the start of each University fiscal year. These offices shall transfer or allocate such available funds, and authorize expenditure thereof by or under the direction of the dean or department head as with any other academic or research account. The appropriate dean or department head shall be responsible for submitting appropriate budget reports on each Challenge Grant Endowment account to the Provost and Executive Vice President, or Vice President for Health Sciences and the Vice President for University Advancement.

(18) In cases where the Challenge Grant Endowment has not yet been fully funded, upon approval from the Foundation and the Provost, and Executive Vice President, and consistent with the pertinent Challenge Grant Endowment agreements, the earnings from a Challenge Grant Endowment account may be expended by the dean or department head in the interim. Such expenditures may include: recruiting the Eminent Scholar or Distinguished Professor; engaging consultants; acquiring supporting equipment or facilities; interim employment of an Eminent Scholar or Distinguished Professor in the specific field for which the Endowment is designated; and any other use directly associated with the development and functioning of the Challenge Grant Endowment fund.

(19) Once sufficient earnings are accumulated on each Endowment account, the Vice President for University Advancement shall notify the Provost and Executive Vice President, or the Vice President for Health Sciences so that approved activities can be initiated. No commitments or obligations shall be made for expenditure of available earnings unless authorized by the Provost and Executive Vice President, or Vice President for Health Sciences upon such notification from the Vice President for University Advancement.

(20) The Vice President for University Advancement shall be responsible for coordinating all official recognition of donors of funds for Challenge Grant Endowments. The Vice President shall draft and propose formal acknowledgement and appreciation letters for the President’s signature. With the exception of personal correspondence by the President or Vice President, all formal contact with Challenge Grant Endowment should be forwarded through or copied to the University Development office.

(21) In cooperation with the academic area receiving the Challenge Grant Endowment, the Vice President shall initiate and coordinate all social activities designed to recognize the donors for their contribution. The Vice President shall be responsible for procuring and delivering USF mementos and tangible forms of recognition.

(22) All media announcements, press releases, and other public communications relative to the establishment and development of a Challenge Grant Endowment shall be the responsibility of the Division of University Advancement through appropriate staff and support from the Office of Public Affairs or the Health Sciences Center. Each formal public announcement of a gift establishing a Challenge Grant Endowment shall be issued by or through the University President.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5), (13), 240.2605 FS. History–New 10-10-90, Amended 4-19-01.

6C4-11.004 Newspaper/Literature Containers on Campus.

1 In the interests of providing opportunities for members of the USF community to access newspapers and other educational literature and in maintaining an appropriate educational and aesthetic environment, the University will designate areas in which literature containers/dispensers may be placed.
(2) All containers/dispensers must be located in designated areas and may not consist of open racks. No outdoor areas will be designated by the University except those areas under some cover (e.g., breezeway, building overhang).

(3) Requests to place literature racks, stacks or containers on campus or requests for information concerning designated areas should be referred to the Director of Media Relations and Publications. Such requests will be considered in consultation with appropriate personnel in the area(s) of the campus affected, and where space is available will normally be approved, with appropriate notification to the offices concerned.

(4) This rule applies only to newspapers/literature dispensed from containers and does not affect the applicability of any USF rule or policy concerning commercial solicitation.

*Specific Authority 240.227(1) FS. Law Implemented 240.227(13) FS. History–New 10-6-75, Formerly 6C4-7.04, Amended 7-17-91, Formerly 6C4-7.004, Amended 11-2-00.*
CHAPTER 6C4-12 RESEARCH

6C4-12.002 Exemptions from General Accounting and Purchasing Procedures.

(1) Purpose – This rule provides procedures for the administration of exemptions of the Division of Sponsored Research from certain general statutory requirements relating to accounting and purchasing.

(2) Purchasing – The Director of the Division of Sponsored Research may authorize the exemption of a contract related to a research project from the competitive bidding requirements of Sections 287.057 and 287.062, Florida Statutes, in accordance with the following provisions.

(a) The Principal Investigator will submit a memorandum to the Director of the Division of Sponsored Research requesting the exemption of a contract. This memorandum must contain a justification for the request and information showing that some form of price comparison or some form of price reasonableness has been performed.

(b) In order to authorize the exemption of a contract, the Director of the Division of Sponsored Research will complete and submit a certification to the Director of the Division of Purchasing. This certification is made with USF Form DSRPE1 Eff. 12/90 “Exemptions from General Accounting and Purchasing Procedures”, incorporated herein. Pursuant to USF Form DSRPE1, the Director of the Division of Sponsored Research must certify that the purchase of goods or services is fully funded from sponsored research funds and that one or more of the following conditions exist in order to support the exemption.

1. A certain vendor is specified in a prime contract or grant award.
2. A certain vendor is approved in writing by the prime contractor or granting agency in accordance with the provisions of the prime contract or grant award.
3. The purchase of specific goods or services from a certain vendor can be demonstrated to be more efficient or expeditious based on compatibility, availability, or the current capabilities of the principal investigator and staff.
4. The purchase of specific goods or services from a certain vendor can be demonstrated to be necessary to meet the time requirements of the prime contract or grant award.
5. The purchase of specific goods or services from a certain vendor can be demonstrated to be mandated by scientific or technical requirements.
6. The purchase of specific goods or services from a certain vendor can be demonstrated to be at a cost below industry norms.
7. Other conditions which demonstrate that the exemption is necessary for the efficient or expeditious prosecution of a research project.

(c) Payments made for purchases under a sponsored research exemption may not subsequently be reimbursed from other University funds.

(d) It is not required that the Director of the Division of Purchasing agree with the exemption of a research contract from the general purchasing requirements. However, the Director of the Division of Sponsored Research may seek the advice and counsel of the Director of the Division of Purchasing.

(3) Confidentiality – The Director of the Division of Sponsored Research may authorize the exemption of a contract related to a research project from the requirement of Section 287.058(1)(c), Florida Statutes. In order to authorize the exemption of a contract from this requirement, the Director of the Division of Sponsored Research will complete and submit a certification to the Director of the Division of Purchasing. This certification is made with USF Form DSRPE1. Pursuant to USF Form DSRPE1, the Director of the Division of Sponsored Research must certify that the level of detail and documentation for reporting and payment required by the prime contractor or granting agency in the provisions of the prime contract or grant award, or approved in writing by the sponsor, is less than that required by the State of Florida.

(4) Documentation – The Director of the Division of Sponsored Research may authorize the exemption of a contract related to a research project from the requirement of Chapter 215, Florida Statutes, and related rules and practices in implementation thereof, relative to the level of detail and documentation for reporting and payment, in accordance with the following provisions.

(a) In order to authorize the exemption of a contract from this requirement, the Director of the Division of Sponsored Research will complete and submit a certification to the Director of the Division of Purchasing. This certification is made with USF Form DSRPE1. Pursuant to USF Form DSRPE1, the Director of the Division of Sponsored Research must certify that the level of detail and documentation for reporting and payment required by the prime contractor or granting agency in the provisions of the prime contract or grant award, or approved in writing by the sponsor, is less than that required by the State of Florida.

(b) When an exemption from the general provisions of Chapter 215, Florida Statutes, and related rules and practices, is authorized, subcontractors’ invoices shall contain a level of detail that is commensurate with the level of detail and reporting required of the university by the prime contract or grant award. It is not necessary for copies of receipts to be obtained or submitted.
with the voucher to the State Comptroller for the payment of such invoices if the invoice contains a statement certifying that receipts in support of the itemized invoice are maintained in the contractor’s records and may be inspected by officials of the State of Florida.

(5) Advance Payment – The Director of the Division of Sponsored Research may authorize the exemption of a contract related to a research project from the requirement of Chapter 215, Florida Statutes, and related rules and practices, relative to advance payments, in accordance with the following provisions.

(a) In order to authorize the exemption of a contract from this requirement, the Director of the Division of Sponsored Research will complete and submit a certification to the Director of the Division of Purchasing. This certification is made with USF Form DSRPE1. Pursuant to USF Form DSRPE1, the Director of the Division of Sponsored Research must certify that the subcontractor or vendor requests an advance payment and it can be demonstrated that the advance payment is necessary to fund extensive start-up costs, realize discounts or cost savings, or create adequate cash flow in order to provide required goods or services. The University shall retain the documentation justifying advance payments in the Division of Sponsored Research Office contract file and implement appropriate procedures to ensure that goods and services are received as required.

(b)1. If an exemption from the general provisions of Chapter 215, Florida Statutes, and related rules and practices, is authorized by the Director of Sponsored Research, the provisions of the contract between the university and the subcontractor must include essentially the following language:

2. The contractor agrees to return to the University any overpayments due to unearned funds or funds disallowed pursuant to the terms of this Contract or by the “Primary Awarding Agency” that were disbursed to the Contractor by the University. Such funds shall be considered University funds and shall be refunded to the University within 45 days following the time the overpayment and/or disallowance is discovered unless otherwise authorized by the University in writing. In addition, the Contractor agrees to exclude from its expenditure reports and any other claims for reimbursement any amounts disallowed by the “Primary Awarding Agency” and the University in accordance with the terms of this Contract.

(6) Travel – The Director of the Division of Sponsored Research may authorize the exemption of a subcontract related to a research project from the requirement of Section 112.061, Florida Statutes, and related rules and practice in implementation thereof. In order to authorize the exemption of a subcontract from this requirement, the Director of the Division of Sponsored Research will complete and submit a certification to the Director of the Division of Purchasing. This certification is made with USF Form DSRPE1. Pursuant to USF Form DSRPE1, the Director of the Division of Sponsored Research must certify that non-State of Florida personnel performing travel under the sponsored research subcontract will be reimbursed for travel expenses in accordance with the provisions of the applicable prime contract or grant and the travel allowances established by the subcontract.

(7) Other – The Director of the Division of Sponsored Research may authorize the exemption of a contract related to a research project from other requirements or laws in conflict with Section 240.241, Florida Statutes, including Chapters 215, 216, 283 and 287, Florida Statutes. In order to authorize the exemption of a contract from said requirements or laws, the Director of the Division of Sponsored Research will complete and submit a certification to the Director of the Division of Purchasing. This certification is made with USF Form DSRPE1. Pursuant to USF Form DSRPE1, the Director of the Division of Sponsored Research must certify that there are conditions which can be demonstrated to meet the statutory criteria of “necessary for the efficient or expeditious prosecution of a research project”. The specific conditions must be fully explained in USF Form DSRPE1.

(8) A copy of the pertinent USF Form DSRPE1 shall be made a permanent part of the documentation contained in the Division of Sponsored Research Office file relative to the research contract for which an exemption is authorized. A copy of the pertinent USF Form DSRPE1, along with a copy of the contract, shall be forwarded to the State Comptroller as an attachment to the voucher for the payment of the first invoice. Additionally, a copy of all written documentation to support the use of the exemption shall be made a permanent part of the documentation contained in the Division of Sponsored Research Office file relative to the research contract for which an exemption is authorized.

CHAPTER 6C4-13 EXECUTIVE VICE PRESIDENT

6C4-13.001 Office of the Executive Vice President; Organization. (Repealed)
6C4-13.002 University of South Florida Direct-Support Organizations.

6C4-13.002 University of South Florida Direct-Support Organizations.

(1) An organization may request approval by the University of South Florida (“University”) Board of Trustees (“University Board”) to become a direct-support organization, as provided in Section 1004.28, Florida Statutes. Upon approval by said University Board, a direct-support organization shall be certified and authorized to use the property, facilities and personnel services of the University to the extent permissible by applicable law, the conditions prescribed by this rule, and internal management memoranda of the University.

(2) The Articles of Incorporation and Bylaws of a direct-support organization of the University and all amendments of such Articles or Bylaws, shall be subject to recommendation by the President of the University (“President”) to the University Board for review and approval.

(3) Operating budgets of direct-support organizations shall be prepared at least annually, approved by the organization’s governing board, and presented by the President to the University Board for review and approval.

(4) Expenditure plans of direct-support organizations shall be reviewed and approved quarterly by the President or designee; said designee shall be a vice president, provost or other duly authorized senior officer of the University reporting directly to the President and having operational responsibility on behalf of the University for the direct-support organization.

(5) Direct-support organizations shall provide for an annual financial audit and management letter, as prescribed by applicable law, rules, and in accordance therewith, internal management memoranda of the University, which shall be forwarded to the University Board for review, oversight and approval.

(6) The University Board shall revoke certification of an organization as a direct-support organization of the University if it determines, in its sole discretion, that the organization is no longer serving the best interest of the University. The University Board shall determine the disposition of the organization’s assets and liabilities in accordance with applicable laws, the organization’s Articles of Incorporation, and Bylaws.

Specific Authority 1001.74(4), 1004.28(2)(b) FS. Law Implemented 1004.28, 1001.74(37) FS. History–New 11-20-03.
CHAPTER 6C4-14 DIVISION OF PLANNING, BUDGET AND INFORMATION TECHNOLOGY

6C4-14.001 Division of Planning, Budget and Information Technology; Organization. (Repealed)
6C4-14.002 Identifying and Allocating Equity Accountability Plan Position Pool. (Repealed)
CHAPTER 6C4-15 DIVISION OF HUMAN RESOURCES AND DIVERSITY

6C4-15.001 Division of Human Resources and Diversity; Organization. (Repealed)
6C4-15.002 Identifying and Allocating Equity Accountability Plan Position Pool. (Transferred to 6C4-14.002)
6C5 FLORIDA ATLANTIC UNIVERSITY

CHAPTER 6C5-1 ORGANIZATION

6C5-1.001 General Information.
6C5-1.002 Administrative Organization.
6C5-1.003 University Senate.
6C5-1.004 Statutory References.
6C5-1.005 Public Information and Inspection of Records.
6C5-1.006 Declaratory Statements.
6C5-1.007 Agency Clerk.
6C5-1.008 Forms Index.

6C5-1.001 General Information.
Florida Atlantic University (FAU) is a state university having the principal assignment of educating undergraduate and graduate students. It is also a center for the development of new knowledge through research, for dissemination of knowledge and culture through public and professional service, and for the preservation of knowledge through the maintenance of library and archival materials. The University is part of the State University System. Administrative officers and other employees are appointed as needed by the president, subject to rules of the Board of Regents where required. The general office of Florida Atlantic University is located on the University campus in Boca Raton. Normal office hours are from 8 a.m. to 5 p.m. weekdays. Applications for admission are available from the director of admissions and general student information and forms are obtained from the Office of the Registrar. Memoranda of internal management such as may be referred to in these rules are available in the office of the appropriate Vice President or University Provost.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1), (5) FS. History–New 10-1-75, Amended 12-17-78, Formerly 6C5-1.01, Amended 11-11-87.

6C5-1.002 Administrative Organization.
(1) The principal officers of the University are:
(a) The President. The president is the chief executive officer of the University and is responsible for the operation and administration of the University. He/she is appointed by the Board of Regents.
(b) The University Provost. The University Provost shall be responsible to the President for the administration of the academic affairs of the University and shall perform such other duties as the President may designate.
(c) The Vice President for Administrative Affairs. The Vice President for Administrative Affairs shall be responsible to the President for the administration of the University’s business affairs and for campus security at the University, and shall perform such other duties as the President may designate.
(d) The Vice President for University Relations. The Vice President for University Relations shall be responsible to the President for the administration of the Division of University Relations, the Division of Development/Alumni Affairs and the Florida Atlantic University Foundation, to encourage advocacy and support of the University by its various constituencies, the general public and the media and to perform such other duties as the President may designate.
(e) The Vice President for Student Affairs. The Vice President for Student Affairs shall be responsible to the President for the administration of the University’s student affairs and shall perform such other duties as the President may designate.
(f) Other Administrative Officers. The President may appoint, subject to the rules of the Board of Regents, such other administrative officers as he/she deems necessary with assignment of duties in the interest of the University.

(2) The academic programs of the University shall be administered by the Colleges. Creation of a new College shall require study and recommendation by the University senate and approval by the President and the Board of Regents. The President grants degrees on the recommendation of the faculties of the several Colleges. The Deans of the several Colleges shall administer the academic and budgetary policies of the Colleges and are responsible to the Vice President for Academic Affairs.

(3) Academic units such as the Library, Division of Learning Resources, Computer Center, Office of the Registrar, Institutes, Division of Sponsored Research, Division of Continuing Education, and similar University agencies shall be administered by the Vice President for Academic Affairs unless otherwise specified by the President.

(4) Organizational Chart. The graphic description of lines of authority on file in the President’s office shall be the organization of the University until changed by the President as prescribed by these rules.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1), (5), (21), (23) FS. History–New 10-1-75, Amended 5-24-76, 12-17-78, 11-1-82, Formerly 6C5-1.02, Amended 11-11-87.
6C5-1.003 University Senate.
(1) The University Senate shall be the representative body of the academic community of the University. In this capacity, the Senate shall take cognizance of and comply with Board of Regents’ policies on all matters which concern the University. The Senate shall be primarily concerned with:
(a) Matters of general educational policy, including curriculum, admission, degree programs, and registration;
(b) Matters of general faculty interest, including tenure, hiring policies, promotion, academic freedom, and conditions of employment;
(c) Student affairs;
(d) Certain administrative procedures of general University interest, including college or division reorganization, the budgetary process, and the awarding of honorary degrees.
(2) In exercising its functions,
(a) The Senate may recommend rules pursuant to Section 120.54(5), F.S. The President will respond in writing to the Senate, accepting or rejecting the recommendation within 30 days.
(b) The President shall respond in writing within 60 days to Senate recommendations which do not require rules.
(c) Senate recommendations shall prevail in matters of curricula, if not in conflict with University rules, the Board of Regents’ policies or rules, other state or federal rules or statutes and if not vetoed by the President in writing in 60 days of adoption.
(3) The University Senate may perform all activities consistent with its purposes as set forth above and may promulgate its constitution, by-laws and such other guidelines for operation as may be necessary and in conformance with applicable laws, rules of the Board of Regents and these rules of the University.

6C5-1.004 Statutory References.
Florida Atlantic University is governed by the laws of Florida and applicable rules implementing such laws as may be published in the Florida Administrative Code. Persons doing business with the University are directed to Chapter 240, F.S., and should be aware that other laws and rules also may apply.

6C5-1.005 Public Information and Inspection of Records.
All records of the University are open for public access during normal office hours except records excluded by law. Persons qualified by law or agency rule may examine student records through the office of the Registrar and may examine personnel records through the office of the Director of Personnel. Fiscal and business records are available through the office of the Vice President for Administrative Affairs. Copies of public records may be procured upon payment of such costs of reproduction as may be provided by law.

6C5-1.006 Declaratory Statements.
Chapter 28-4, F.A.C., Rules of the Administration Commission, containing the model rules of procedure pertaining to declaratory statements pursuant to Section 120.565 F.S. is hereby incorporated by reference as the University rule.

6C5-1.007 Agency Clerk.
(1) The University by this rule designates the executive secretary to the President of the University as the Agency Clerk.
(2) The address of the Agency Clerk is Room 333, Administration Building, Florida Atlantic University, Boca Raton, Florida 33431. Telephone: Area Code (305) 393-3450.
(3) Duties and responsibilities and the implementation of the duties and responsibilities of the Agency Clerk shall be such as mandated by Chapter 120, Florida Statutes and other applicable law and rules.
6C5-1.008 Forms Index.
The following is an index of Florida Atlantic University approved forms, which forms may be obtained at the office, department or college listed as using said forms. This listing may include forms of other departments of the State of Florida, which forms are used according to applicable law. The University may utilize these forms as supplied by the adopting agency and has not filed said forms with this rule. Unless otherwise indicated, all Florida Atlantic University approved forms are effective April 1983.

(1) ADMINISTRATIVE AFFAIRS.
   (a) FINANCE AND ACCOUNTING.
   1. Cashiers Receipt.
   2. Departmental Cash Receipt.
   3. FAU Student Loan Program – Request for Deferment of Payment.
   4. Fee Petition.
   5. Invoice.
   6. Request for Professional Service.
   7. Special Services Invoice.
   8. Student Loan Repayment Schedule.
   (b) OFFICE OF VICE PRESIDENT FOR ADMINISTRATIVE AFFAIRS.
   1. Policy Memorandum #60 re: Use of University Property and Facilities.
   (c) PERSONNEL.
   1. Eligibility for Enrollment in Tuition Free University Courses (Pers/82) (DOA-79-1-TB).
   2. FAU Faculty and Staff Academic Enrollment Waiver of Registration Fee (Pers-17 Rev. 11/75).
   (d) POLICE.
   1. Arrest Booking Form.
   2. Courtesy Ticket (parking violation – warning).
   4. FAU Campus Bicycle Registration.
   5. FAU Traffic Citation.
   6. FAU Campus Police Property Voucher.
   7. FAU Campus Vehicle Registration.
   10. Notice of Impoundment if delinquent citation not paid.
   11. Notice of Impoundment if disabled vehicle not removed.
   12. Officer’s Statement on citation under review.
   13. Request for Hearing.
   15. Supplement to Arrest Booking Form.
   17. Traffic Rules.
   18. Trespass Warning.
   19. Warning (moving violation).
   (e) PURCHASING.
   1. Bid Tabulation Form.
   3. Contractors Bid Bond Form.
   5. Equal Opportunity Certificate.
   6. Expediting Form.
   7. Invitation to Bid Form.
   8. Letter Quote Form.
   10. Notice to Proceed Form.
   11. Purchase Order.
   12. Records Inspection Form.
   13. Speed Message.
   14. Vendor Registration Form.
   (2) UNIVERSITY RELATIONS – VICE PRESIDENT.
   (a) REQUEST FOR QUOTE.
   (3) ACADEMIC AFFAIRS.
   (a) LEARNING RESOURCES.
1. Audiovisual Work Order LR-1, Rev. 9/77.
2. Graphics Department Requisition, LR-8, 6/82.
3. Instructional Services-Work Order, LR-4, Rev. 9/77.
5. Off-Campus Materials/Equipment Checkout, LR-3, Rev. 9/77.
6. Participant Consent Agreement, Rev. 7/17/81.
7. Program Production Acquisition, LR-12, 9/75.
8. Phono-Discs Received, LR-2, Rev. 7/73.
10. TV Daily Log, LR-11, Rev. 9/77.

(b) LIBRARY.
1. FAU Center Libraries, Overdue Notice.
2. Fort Lauderdale Center: Interlibrary Loan Request Form.
3. Fort Pierce Center: Interlibrary Loan Request Form.
4. Hold Notification.
5. Interlibrary Loan, LY-12, 7/75.
6. Interlibrary Loan, LY-13, 7/75.
7. Interlibrary Loan Request Form, LY-2, 3/82.
8. Interlibrary Loan, FAU Library.
12. Recall Notice.
13. Report of Books and/or Periodicals not found, LY-5/76.
14. Request for Reserve, LY-1, Rev. 5/74.
15. West Palm Beach Center: Interlibrary Loan Request Form.

(c) TESTING AND EVALUATION.
1. CLEP: Administrator’s Report Form.
2. CLEP: Registration Attendance Roster.
3. Education: Foundations Department, Admission to test.
4. Foundations Department and Exceptional Education Department.
5. Mathematics, TEWS and Reading Form.
6. NCS General Purpose Answer Sheet Trans-Optic T4887.
7. NCS General Purpose Answer Sheet Trans-Optic E08-4521.
8. NCS Operation Header/Trailer Trans-Optic B01-32442-3.
17. University Center Poster Request Form.

(d) SPONSORED RESEARCH AND FACULTY SCHOLARS PROGRAM.
1. Record of Research Grants, DSR Rev. 8/82.
2. Sponsored Research Agreement, SR-2, Rev. 2/82.
3. Admissions Information, ACA-1, 10/70.

(e) PLANNING AND EVALUATION AND DEAN FOR ADVANCED STUDIES.
3. Course Instructor Audit, 10/79.
4. Course Instructor Audit – Team Taught Courses.
6. Non-Resident Tuition Waiver, ACA 22, Rev. 8/81.

(f) ALEXANDER D. HENDERSON UNIVERSITY SCHOOL.
1. Admission Agreement.
2. Application for Admission.
3. Application for Free and Reduced Price Meals.
5. EEO Form.
6. Family Information and Developmental History.
7. Memo to Parents re Disciplinary Action.
8. Notification of Action Taken on Application for Free and Reduced Price Lunches.
9. Parent or Guardian Approval for School Trips.
13. Remain After School.
15. Student Health (head lice) Report to Parent.
17. Teaching Application.
18. Waiting List Application Received.
(g) COMPUTER CENTER.
1. File Request Form.
2. Job Request.
3. Request for Computer Services Account Number, Southeast Regional Data Center, ACT 01-78.
4. Request to “Reset” A Current Account, ACT 04-78.
5. Request to Update an Account/User ID(s), Act 03/78.
6. Tape Log Change.
(h) CONTINUING EDUCATION.
1. Activity Report.
2. Confirmation of Consultant Participation.
3. Continuing Education Course Schedule Update Request, CE 10, Rev. 8/78.
4. Income and Expense Estimate, CE-10, 7/77.
5. Letter of Agreement.
6. Non Credit Activity Registration Record, CE-7, Rev. 3/82.
7. Request for Professional Staff Services, 7/1/81.
(i) COLLEGE OF SOCIAL SCIENCE.
1. Annual Faculty Evaluation.
2. Appraisal of Progress Toward Tenure.
3. Check List for Degree.
4. Check List for Degree, MA, MAT, MPA.
6. Memo to Registrar re Student Change of Major, CSS-4, 2/77.
7. Petition Form.
8. Program Planning and Advisement Form CSS-3, 6/71.
(j) COLLEGE OF BUSINESS.
1. Accounting Scholarship Application.
2. College Audit for Master’s Program.
3. Degree Statement to Registrar.
5. Graduate Check – Masters.
6. Graduation Check List.
7. Graduate Requirements for Master of Public Administration, Business Administration, Applied Science, Accounting.
8. Master of Public Administration, Approved Course of Study.
9. MBA Association – Information Profile.
10. Notice to student of failure of the MBA Comprehensive Examination.
11. Notice to student re application for admission to Graduate Program.
12. Notice to student re Admission to Candidacy.
13. Notice to student re Consideration of Petition.
14. Notice to student re enrollment in Graduate Level Classes.
15. Notice to student re passing grade on Comprehensive Examination
16. Notice to student re failure on portions of MBA Comprehensive.
17. Notice to Vet’s Coordinator.
18. Quantitative Methods Equivalency Examination.
19. Requirements for Computer Systems, Accounting, B. A.
20. Student Petition.
21. Request to Register in a Closed Course.
22. Vita Sheet.

(k) COLLEGE OF EDUCATION.
1. Admission to Candidacy, Ced-22, Rev. 9/80.
2. Application for Degree, Reg 44, Rev. 9/81.
3. Application for Change of College, Reg 7, Rev. 9/81.
5. Application to Teacher-Education Program.
6. Application for Qualifying Examination, Doctor of Education.
8. Changes of Major.
9. Course Lists, Department of Administration & Supervision.
10. E. D. S. Comprehensive Examinations.
12. Graduate Program Change.
13. Name Removed from Graduation List.
15. Program for Validating a Degree, Ed. 3-23-82.
18. Referral for Admittance to Graduate Program, Ced-14, 1/76.
19. Request for Official Transcript sent to Student.
20. Waiver of Courses to be added to Transcripts.

(l) OFFICE OF THE REGISTRAR.
1. Admissions Office – Appointments.
2. Application for Admission, Undergraduate and Graduate.
3. Application for Change of College, Reg 7, Rev. 9/81.
4. Application for Degree, Reg 44, Rev. 5/82.
5. Application for Re-Admission, Reg 26, Rev. 5/81.
6. Certification re admission, 4/77.
7. Change of Address Notification, Reg 1, Rev. 9/81.
8. Change of Residency Status, Reg 58, 4/78.
9. Change of Name Request, Reg 16, Rev. 9/76.
10. College Audit for Master’s Programs, 3/81.
11. Drop/Add Request, Reg 59, Rev. 4/81.
13. FAU I. D. Number Change Request.
14. Foreign Student Preliminary Application, Reg 54, Rev. 2/80.
15. In-Service Teacher Registration and Application Form.
16. Miscellaneous Notices to Students seeking Admission.
18. Notification of Repeat of Class, Reg 57, Rev. 6/80.
19. Official Withdrawal and Refund Request, Reg 18, Rev. 9/81.
21. Record of Inquiry.
22. Registration Form for Non-Degree, Continuing Education or Audit, Reg 51, Rev. 2/82.
23. Reminder to Students seeking Admission re Missing Items.
25. Request for Second Bachelor Degree Status.
27. Request to See Student Records.
29. Request for Unofficial Copy of FAU Academic Record.
30. Request to Waive a University Policy, Undergraduate, Reg 48, Graduate ACA 20, Rev. 4/80.
31. Transcript Request Form.

(m) STUDENT FINANCIAL AID.
1. BROCHURES.
a. Guaranteed Student Loan (Florida Student Financial Assistance Commission).
b. Meeting College Costs (College Scholarship Service of the College Board).
c. Scholarship.
d. State/Federal Program (FSFAC).
e. Student Employment.
f. Student Financial Aid.
2. CAMPUS-BASED APPLICATION FORMS.
a. FAU Financial Aid Application.
b. Financial Aid Form (College Scholarship Service).
c. Financial Aid Packet Instructions.
d. Financial Aid Transcript.
e. Notification letter (1).
f. Notification letter (2).
g. Other Income Sources Form.
h. Updated Financial Statement.
3. AWARD NOTIFICATION.
a. Award Letter.
b. Conditions of the Award.
c. Consumer Information Forms: CWS, PELL, SEOG, NDSL, FAU Grant.
d. Denial (“no need”) Letter.
e. Housing Deferment.
f. NDSL Promissory Note.
h. Revised Award Letter.
i. Satisfactory Progress Letter.
j. Tuition Deferment.
k. Truth in Lending Note.
4. PELL GRANT.
a. Application (Federal Student Aid Program).
b. Request for Duplicate SAR Form.
c. Special Condition Form (FSAP).
d. Statement of Educational Purpose Form.
e. Validation Letter.
f. VA/Social Security Letter.
5. GUARANTEED STUDENT LOAN.
a. Application Cover Letter.
b. Cancellation/Check returned to Lender Letter.
c. Data Sheet.
d. Denial (“no need”) Letter to Campus-Based Aid Recipients.
e. Denial (“no need”) Letter.
f. GSL Application (FSFAC).
g. GSL Needs Test (FSFAC).
h. Letter of Introduction to Lending Institution.
j. Notice of Incomplete Application.
6. STUDENT EMPLOYMENT.
a. CWS Introduction Card.
b. Off-Campus Employer Letter.
c. Off-Campus Employment Application.
d. Off-Campus Employment Introduction Card.
e. Off-Campus Job Order.
7. FLORIDA STUDENT ASSISTANCE GRANT FSAG.
b. Summer Application (D. O. E.).
8. SCHOLARSHIPS.
a. Application.
b. Application Card.
c. Community College Scholar Award Letter.
d. Donor Form.
e. PTK Award Letter.
f. Request for Additional PTK Funds.
9. EMERGENCY LOANS.
   a. Application.
   b. Request for Extension.
   c. Terms/Question & Answer Form.
10. RELEASE OF INFORMATION.
    a. Food Stamp Letter.
    b. Release of Information Form (1).
    c. Release of Information Form (2).
(n) ATHLETICS, INTRAMURALS AND RECREATION.
   1. Assumption of Risk and Release.
   2. Athlete Information Sheet.
   3. Facilities Use Application.
   4. Intramural Agreement.
   5. Memorandum Agreement.
   6. NAIA Certificate of Clearance (National Association of Intercollegiate Athletics).
   7. Prospective Athlete Questionnaire.
   8. Statement of Intent.
   9. Student Employment Form.
10. Transfer Player Eligibility Statement (NAIA).
11. Use of Materials.
(o) HOUSING DEPARTMENT FORMS.
   1. Balance Payment Form (Fall 82).
   2. Bunk Bed Policy.
   3. Equipment Check-Out Forms.
   4. Fall '82 Agreement Information Packet.
   5. Housing Agreement Cancellation Request.
   7. Key Card.
   8. Loft/Bunk Policy.
   9. Off-Campus Housing Information Form.
10. Partial Payment Form/Balance Payment Form (Spring '83).
11. Refrigerator Registration Request.
12. Residence Hall Interest Card.
13. Request for Private Room.
14. Room Clearance Form.
15. Room Painting Procedures.
16. Room Transfer Request (During Semester).
17. Room Transfer Request (End of Semester).
18. Summer Storage Form.
(p) UNIVERSITY CENTER.
   1. Facilities Use Agreement.
   2. Facilities Use Application/Reservation.
   3. Student Agreement, SA 6, Rev. 8/81.
   4. Student Assistant Employment Application.
   5. University Center Poster Request Form.
(q) STUDENT AFFAIRS.
   1. BROWARD CAMPUS.
      a. Program Registration Form.
   2. COUNSELING CENTER.
      a. Application for Internship.
      d. Preliminary Information Blank.
      e. Taping Release.
   3. HANDICAPPED STUDENT SERVICES.
      a. Agreement to Provide Services to Disabled Students.
b. Application for Employment.
c. Self Identification Form for Handicapped Services.
(r) CAREER PLANNING AND PLACEMENT CENTER.
  1. Educational Placement Service.
  2. Educational Placement Service for Confidential Information.
  3. Equal Employment Form.
  4. Hires/Offered for Graduates.
  5. Immediate Position Openings.
  6. Incomplete file for education majors (sent to student).
  7. Incomplete file for education majors (sent to employer).
  8. Instructions for completing educational placement credentials, includes University Interview form and evaluation of candidates form.
  9. Recruitment Information form.
  10. Registration Procedures for all degree candidates, includes University Interview form.
  11. Self-Review.
  12. Sign up for interviews (Form A used for Accounting Firms, Form B all other firms).
(s) HEALTH AND DENTAL SERVICES (STUDENT AFFAIRS).
  1. Application for Accident and Sickness Insurance Plan.
  4. Health Service Referral Form.
  5. Notice that Health Form is incomplete.
  6. Student Health Form (Foreign).
  7. Student Medical History and Record of Current Immunization.
  9. Health Form for A. W. A. R. E. Clinic.
(t) COOPERATIVE EDUCATION.
  1. STUDENT FORMS.
   b. Application for Cooperative Education Program.
   c. Assignment Record.
   d. Departmental Approval.
   e. Finance Card.
   g. Housing Questionnaire.
   h. Sample Resume Format.
   i. Student Agreement.
   j. Student Guidelines.
   k. Student Information Sheet.
  2. EMPLOYER FORMS.
   a. Employer’s Evaluation of Cooperative Student.
   b. Employer Guidelines.
   c. Employer’s Information.
   d. Employer Information Questionnaire.
   e. Planning Information.
   f. Statement of Understanding and Affiliation.
   g. Employment offer postcard.
(u) VETERANS AFFAIRS.
  1. FAU V. A. Certification Request Card.
(v) STUDENT ACTIVITIES.
  1. Application for Recharter.
  3. Constitution for Student Organizations.
  5. Invitation to Bid, Program Registration Form, Beer Request, Wine Request.
  7. Performance Agreement.
  8. Petition for Official Registration.
  9. Statement of Intent to Organize.
10. Student Agreement, SA-6, Rev. 8/81.

(4) Where forms are presently in use, present stock will be completely used first. New forms will be controlled by the current rules of Florida Atlantic University.

Specific Authority 120.53(1)(b), 240.227(1) FS. Law Implemented 120.53(1)(b) FS. History—New 5-16-83, Formerly 6C5-1.08.
CHAPTER 6C5-2 ACADEMIC AFFAIRS

6C5-2.001 Admission Requirements.
6C5-2.002 Course Repetition and Grade Forgiveness.
6C5-2.003 Degree Requirements.
6C5-2.004 Enrollment Priorities and Limitations.
6C5-2.005 Sponsored Research Exemptions.

6C5-2.001 Admission Requirements.

(1) Florida Atlantic University (FAU) encourages applications from qualified applicants and is committed to non-discrimination regardless of race, creed, color, sex, ethnic origin, age or physical handicap. Application materials may be obtained from the Director of Admissions, FAU, Boca Raton, Florida 33431.

(2) Applications for admission to FAU should normally be filed with the Director of Admissions no less than three months, and no more than twelve months, prior to the anticipated date of registration. Applications remain in effect for one academic year only.

(a) If the number of qualified applicants exceeds the number that the University is permitted to enroll, admissions will be on a selective basis. The selection process may include such factors as grades, test scores, educational objectives, class rank, pattern of courses completed, school recommendations, personal recommendations, and personal records. Priorities for admission will be as outlined in Rule 6C5-2.004, F.A.C. Enrollment Priorities and Limitations. In addition, maximum numbers of credit hours allowed may be limited. Application of these criteria to prospective students will be made in such a way as to avoid reducing the proportion of minority students. Waiver of admission criteria up to the maximum allowed by the Board of Regents may be utilized for minority students. FAU is committed to realizing the goals established under the Equal Opportunity Plan of Florida (See Section 110.112, F.S., re Affirmative Action).

(b) Applications must be accompanied by a non-refundable application fee.

(c) Official transcripts from all previous institutions attended must be forwarded to the Director of Admissions.

(3) Admission and credit by examination is permitted.

(4) Requirements for Admission.

(a) Faculty Scholars. Students may be admitted directly to the upper division without prior higher education experience on the basis of outstanding performance in high school and compliance with the following requirements:

1. Receipt and submission of satisfactory scores on either the Scholastic Aptitude Test of the College Board or the American College Testing Program.
2. Demonstrated competence in English composition.
3. Favorable recommendations from the student’s high school guidance counselor.
4. Approval by the affected department on the basis of personal interviews.

(b) Undergraduate Upper-Division Transfer.

1. Applicants must be in good standing at the last institution attended.
2. Applicants holding an Associate in Arts (A.A.) degree from a Florida public community college or university are academically qualified for admission under the articulation agreement between the State University System and the Division of Community Colleges of Florida (See BOR Rule 6C-5.004, F.A.C.).
3. Applicants not holding an A.A. degree must satisfy all of the following:
   a. Successful completion of at least 60 semester (90 quarter) hours of academic credit at an approved college or university.
   b. An overall C or higher average in all college work attempted, using only the final grade earned in repeated courses.
   c. Successful completion of a general education program consisting of 36 semester hours (54 quarter hours) including the following specific requirements:

<table>
<thead>
<tr>
<th>Course</th>
<th>Sem Hrs.</th>
<th>Qtr. Hrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>English Composition (not Literature)</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Humanities</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Art Appreciation/History</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drama Appreciation/History</td>
<td></td>
<td></td>
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<tr>
<td>Music Appreciation/History</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foreign Language Literature</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Literature</td>
<td></td>
<td></td>
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<tr>
<td>Philosophy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mathematics</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Algebra</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analytic Geometry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Calculus</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Math for General Education</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
d. Curriculum content and determination of preparedness for participation in the curriculum is within the purview of the several colleges. (In extraordinary circumstances a student who fails to meet the regular admission requirements may be admitted with the approval of both the Director of Admissions and the dean of the college in which he or she will enroll, under conditions specified by the University Admissions Committee). A student who fails to meet admission requirements may appeal to the Academic Petitions Committee for waiver of admission requirements.

(c) Graduate – Master’s Degrees.
1. Applicants must hold a baccalaureate degree from an approved college or university.
2. Applicants must have a B or higher average on the last 60 semester (90 quarter) hours of work prior to receipt of the bachelor’s degree, or a score of 1000 or higher on the verbal/quantitative sections of the Graduate Record Examination (GRE). For master of business administration applicants, a score of 450 or higher on the Graduate Management Admission Test (GMAT) is required.
3. Applicants must have the approval of the college in which admission is sought.

(d) Graduate – Specialist and Doctoral Degrees.
1. Applicants must have a master’s degree from an approved college or university.
2. Proof of required grade point averages and GRE scores for the Department of Curriculum and Instruction and the Department of Counselor Education must be submitted as follows:
   a. An average of 3.25 or higher on all graduate work attempted, and
   b. A score of 1000 or higher on the verbal/quantitative sections and a score equivalent to at least the 50th percentile on the appropriate advanced test of the GRE.
3. Proof of required grade point averages and GRE scores for the Department of Administration and Supervision as provided in a. or b. below must be submitted:
   a. An average of 3.0 or higher in the last 60 semester (90 quarter) hours of work prior to the receipt of the baccalaureate degree, an average of 3.25 or higher on all graduate work attempted, a score equivalent to at least the 50th percentile on the appropriate advanced test of the GRE, and an official GRE aptitude test score on file.
   b. A score of 1000 or higher on the aptitude test of the GRE (verbal plus quantitative), and a score equivalent to at least the 50th percentile on the appropriate advanced test of the GRE.
4. Applicants must have at least three years of full-time teaching experience or its equivalent.
5. Applicants must be approved for admission by the department in which the applicant is seeking a degree and by the College of Education.

(e) Foreign Student Admission. Applicants who are present in this country on student visas must satisfy all University and college requirements for admission. Additionally, applicants are required to:
1. Submit application for admission at least three (3) months prior to the date classes begin for any term.
2. Submit scores on the test of English as a foreign language (TOEFL) to show proficiency in English.
3. Submit two financial statements showing amounts and sources of financial support.
4. Submit required health forms to the University Health Service attesting to the good health of the applicants and proof of acceptable major medical insurance coverage (see University Rule 6C5-4.010, F.A.C.).

(f) Non-Degree. Non-degree seeking students registrations must be endorsed each term by the dean of the college in which the student takes course-work. Registration in this category is on a space available basis.

(g) Re-admission.
1. Students must be in good standing at FAU or other institutions attended since enrollment at FAU to be eligible for re-admission.

2. Students must submit applications for re-admission if enrollment is not continuous. Students not enrolled in summer sessions who have attended the preceding spring semester are considered to be continuously enrolled.

(5) Applicants who meet the minimum system-wide standards and have been denied admission to graduate study at FAU may request reconsideration in writing within thirty days of the date of denial. Such requests should be sent to the chairperson of the department to which the applicants seek admission and should include the reasons for requesting reconsideration. Supporting materials and information justifying the request should be supplied. Requests for reconsideration and all supporting documentation will be reviewed by the department and/or college. Departmental and/or college recommendations will be forwarded with all documentation to the University Graduate Council for action. Applicants will be provided timely notification of determinations.

(6) Other general requirements and policies.
(a) A placement examination must be taken by undergraduate students.
(b) Registration is required during the term of admission.
(c) The GRE must be taken by degree-seeking students.
(d) Orientation must be completed by undergraduate students.
(e) Special College Admission Requirements.
1. Engineering – Master’s Degree.
   a. A baccalaureate degree in engineering or the physical sciences.
   b. A 3.0 (on a 4.0 scale) grade point average in the last 60 semester (90 quarter) hours attempted prior to receipt of the bachelor’s degree.
   c. A combined score of 1000 or higher on the verbal and quantitative portion of the GRE.
   a. Approval of the proposed major department.
   b. A quantitative-verbal score of 1100 or higher on the aptitude portion of the GRE.
   c. A 3.0 average in the last 60 semester (90 quarter) hours of undergraduate work prior to receipt of the bachelor’s degree.
   a. Approval of the proposed major department.
   b. A quantitative-verbal total score of 1000 or higher on the aptitude portion of the GRE.
   c. An average of 3.0 or higher in the last 60 semester (90 quarter) hours of work prior to the receipt of the baccalaureate degree.

Specific Authority 240.227(1), 240.233 FS. Law Implemented 240.115, 240.227(8), 240.239 FS. History–New 10-1-75, Amended 5-24-76, 8-23-79, 11-1-82, Formerly 6C5-2.01.

6C5-2.002 Course Repetition and Grade Forgiveness.
(1) Grades for undergraduate and graduate courses are reported as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Grade Point</th>
<th>Per Qtr. Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>A (Excellent)</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>B (Good)</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>C (Average)</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>D (Unsatisfactory)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>F (Failure)</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>W (Withdrawal)</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>I (Incomplete)</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>P (Pass)</td>
<td>Hours Only</td>
<td></td>
</tr>
<tr>
<td>S (Satisfactory)</td>
<td>Hours Only</td>
<td></td>
</tr>
<tr>
<td>U (Unsatisfactory)</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

(a) A student who registers for a course but fails to meet the course requirements, without officially dropping the course, will receive a grade of F in the course.

(b) A student who is passing a course but has not completed all of the required work due to circumstances beyond his control may, with the approval of the instructor, receive a grade of incomplete which is a deferred grade, and is not used in computing a student’s grade average. Failure to complete the course requirements may result in changing the incomplete to an F at any time after the quarter in which the incomplete was received, at the discretion of the instructor or, in his or her absence, of the department chairperson.

(c) Courses may be dropped or added during the first three weeks of the quarter without penalty. Courses dropped during the 4th and 5th weeks of the quarter are graded W. Courses cannot be dropped after the end of the fifth week of the quarter without receiving a grade of F.
(d) Withdrawal from the university may occur during the first three weeks of a quarter and the student will not receive grades nor will the courses appear on the academic record. Withdrawal from the university during the fourth through the eighth week of the quarter will result in grades of W. A student who withdraws from the university after the eighth week of the quarter will receive a failing grade in each course for which he or she is registered.

(2) In certain designated courses students may elect to receive a grade of pass (P) or fail (F) rather than a standard grade. The following limitations apply:

(a) The student who chooses to register for the pass-fail grading system in a course may not convert his registration in that course to the regular grading system after the official deadline for adding courses.

(b) The student who chooses to register for the regular grading system in a course may not convert his registration in that course to the pass-fail option after the official deadline for adding courses.

(c) The pass-fail option is not available to any student for a course in his or her major field of study.

(d) The student may not elect the pass-fail option while on probation.

(e) The maximum credit available to any student on the pass-fail option is one course per term, up to a cumulative total of 18 credits.

(3) Grade point average computation and requirements:

(a) An undergraduate student’s grade point average is computed by dividing the sum of all grade points earned at FAU by the total number of credits in all courses for which grades of A, B, C, D, or F have been received. Where the student’s last previous grade in a course is a grade of D or F only the final grade in the repeated course shall be used in computing the grade point average. A student who has earned a grade of C, B, or A is allowed to repeat a course only one time, and the grade previously received will be averaged with the most recent grade received to get the final grade for the course. The student must request that this policy be applied, and the course repeated must be verified by the department as a previously taken course. Courses in which grades of W, S, U, I or P have been received will not be used in computing a student’s grade point average.

(b) An average of 2.0 or higher on all work attempted is required for the baccalaureate degree.

(c) A student whose academic performance is unsatisfactory in any course may be dropped from the course with a failing grade after written warning by the instructor. Courses failed in this manner are regarded as hours attempted in the computation of the grade point average for the term.

(d) A graduate student’s grade point average is computed on the basis of course work taken after admission to the master’s program by dividing the sum of the grade points earned at FAU by the total number of credits in all courses for which grades of A, B, C, D, or F have been received. A maximum of 15 hours completed at FAU prior to admission to the graduate program may be applied to that program and incorporated into the grade point average computation, at the request of the student’s supervisory committee. Any course taken after admission to the graduate program, but not applicable to that program, may be excluded from the graduate grade point average computation if so requested by the student prior to the end of the add period for the term in which the course is taken.

(e) Satisfactory scholarship in a graduate program is defined as an average of 3.0 or higher in all work attempted while enrolled as a graduate student or taken for graduate credit while enrolled as an undergraduate student. No credit is counted toward a graduate degree from any course in which the grade earned is below C.

(4) All students are responsible for informing themselves of all rules, regulations and requirements; for complying with all official procedures; and for fulfilling all course and degree requirements in proper sequence with satisfactory scholarship.

(5) Undergraduate probation for academic deficiency:

(a) A student who fails to earn a satisfactory average (2.0 or higher) on all work attempted in any term is considered to be on academic probation.

(b) A student on academic probation who fails to earn a 2.0 average on all work attempted in any term but who has cumulative average of 2.0 or higher at Florida Atlantic University will be continued on academic probation.

(c) A student on academic probation who earns a 2.0 average or higher in his next period of enrollment but whose cumulative average at Florida Atlantic University is lower than 2.0 will be continued on academic probation.

(d) Academic probation may be removed only by earning a 2.0 average or higher in all work attempted in his next period of enrollment and having a cumulative average of 2.0 or higher at Florida Atlantic University.

(6) Undergraduate suspension and dismissal.

(a) A student on academic probation who fails to earn a 2.0 average on all work attempted in any term and who has a cumulative average lower than 2.0 at Florida Atlantic University will be suspended from the university. A student may apply for readmission after a minimum of two quarters, and if granted readmission, will be readmitted on academic probation. Failure to meet the terms of probation will result in dismissal from the university and the student will not be eligible for readmission.

(7) Undergraduate honors.

(a) Undergraduate students completing a full-time load (at least 12 quarter hours) with a grade point average of 3.0 or higher and who rank in the upper ten percent of the students enrolled in their college will be placed on the dean’s list which is published at the end of every quarter.

(b) The president’s honors list, published at the end of each quarter of the academic year includes the names of all undergraduate students completing a full-time load (at least 12 quarter hours) who have attained a grade point average of 4.0.
(c) The selection of honors lists students is based on grades reported on the official grade reporting date for each quarter. No changes are made to the lists as a result of grade changes and removal of I grades. P grades are not used in determining eligibility.

(d) A small number of baccalaureate degrees “with honors,” are granted, subject to the following regulations:
   1. The student must have earned at least 75 quarter credits at FAU.
   2. The student must have attained a Florida Atlantic University average of 3.6.
   3. The student must be recommended for graduation “with honors” by the faculty of the college that is granting the degree.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (28) FS. History–New 10-1-75, Amended 7-7-81, Formerly 6C5-2.02.

6C5-2.003 Degree Requirements.
(1) Baccalaureate degrees will be conferred by Florida Atlantic University as appropriately indicated under the curriculum of each college. General requirements for all baccalaureate degrees are:
   (a) A minimum of 180 hours in academic courses (subject to additional requirements of the colleges). At least half of the degree program must be completed at the upper division level.
   (b) The last 45 hours in the degree program must be taken in residence.
   (c) The candidate must have earned an average of C or higher in all work attempted at Florida Atlantic University.
   (d) At least 18 quarter hours of the upper-division work presented for the degree must be taken outside the college of enrollment.

   (e) Students must file formal application for a degree in the office of the registrar in the quarter in which they expect to receive the degree. The official calendar published in the catalog designates the last date on which this can be done.

(2) Bachelor of arts and bachelor of science. These degrees are regularly offered for completion of programs in the colleges of humanities, science and social science but are available to students in all colleges. Florida Atlantic University will award the bachelor of arts or the bachelor of science degrees to students who meet the following requirements:
   (a) All of the general baccalaureate degree requirements of the university.
   (b) All bachelor of arts or bachelor of science requirements of the college in which the student is registered.
   (c) Proficiency in a foreign language except where a substitute requirement for the bachelor of science degree is approved by the curriculum committee.

(3) Second baccalaureate degree. The requirements for a second baccalaureate degree are:
   (a) A minimum of 45 credits in residence in addition to the first degree (a minimum total of 225 credits for concurrent degrees) must be completed.
   (b) The student must meet the admission requirements of the college granting the second degree.
   (c) All college degree requirements must be met.

(4) Undergraduate enrollment in graduate courses.
   (a) Undergraduate students within 30 quarter hours of fulfilling their baccalaureate degree requirements, who have at least a 3.0 average, may enroll in graduate courses (600 level) for credit with permission of their department chairperson and the instructor of the course. A maximum of 15 quarter graduate credits, taken before the student has fulfilled the baccalaureate requirements, may be applied to a graduate program with the approval of the department. No credits applied toward a graduate degree may be used to fulfill requirements for the baccalaureate degree. Suitably prepared undergraduate students may, with the consent of the instructor of the course, their advisor and the dean for advanced studies, enroll in 600 level courses for undergraduate credit.

(5) Master's degrees are conferred by Florida Atlantic University as indicated under the curriculum of each college. General requirements for all master’s degrees are:
   (a) A minimum of 45 credits shall be earned.
   (b) At least on-half of the credits included in any master’s degree program shall be designated at 600 level courses or above.
   (c) At least one-half of the credits offered for any master’s degree shall be in a single field of concentration.
   (d) A minimum grade point average of 3.0 shall be earned on all work attempted in a graduate program.
   (e) Students seeking the master of arts or master of science degree must have satisfied the foreign language requirement before being admitted to candidacy.
   (f) Students must file formal application for a degree in the office of the registrar in the quarter in which they expect to receive the degree. The official calendar published in the catalog designates the last date on which this can be done.
   (g) No credit may be counted toward a graduate degree at Florida Atlantic University which is more than seven years old at the time the degree is awarded.
   (h) The student should consult that portion of the catalog dealing with the chosen program for any special or additional requirements for the graduate degree being sought.

(6) Requirements for the master of arts or master of science degrees are:
   (a) A thesis prepared under the supervision of a major professor and graduate committee appointed for each student by the chairman of the major department with the approval of the dean of the student’s college. The thesis must be an original work in the student’s major area of specialization.
(b) Demonstrated reading knowledge of a foreign language appropriate to the student’s area of specialization and certified by the department of languages and linguistics.

(c) A minimum of 45 credits earned beyond the requirements of the bachelor’s degree, of which at least 10 credits must be in graduate level courses in the major. Thesis course credit is in addition to this requirement in the major and is determined by the major department.

(d) Such additional requirements as the faculty of a college or department may consider desirable, e.g., courses in research methodology, orientation examinations, qualifying examinations, comprehensive examination or oral examination in defense of the thesis.

(7) The master of arts in teaching and master of science in teaching degrees are offered in any department which offers the master of arts or master of science degree. These degrees are offered to prepare teachers of the major subject at the secondary and junior college level.

(a) The admission requirements are outlined in the section on graduate admission requirements. If the student is planning to teach in high school, a regular Rank III secondary certificate valid in Florida is required.

(b) Degree requirements are a minimum of 45 quarter credits (excluding internship) beyond the baccalaureate which include:
   1. Major field. A minimum of 27 quarter credits in the major subject, of which 18 must be in graduate level courses.
   2. Cognate requirement. A minimum of 8 credits in education. Another cognate field may be substituted if the student is planning to teach in high school and holds a Rank III secondary certificate; or, if the student intends to teach in junior college and has completed one course each concerning the junior college student and community college philosophy.
   3. Thesis and research methodology. A minimum of 6 credits involving the study and report of a significant instructional problem in the major discipline. The thesis may be waived and course work substituted by the supervisory committee or advisor.
   4. Internship. 9 credits. The internship requirement may be waived if two years of competent teaching experience is attested by the college of education, or the student has satisfactorily completed student teaching or a teaching internship at the secondary or the junior college level. The internship will be assigned by the major department but will be coordinated through the college of education.

(8) A second master’s degree will not be conferred upon the same individual unless the second degree represents at least 45 hours of additional work and until all of the requirements of the college awarding the degree have been met.

(9) Admission to candidacy. Each college will prescribe the conditions under which the student will be admitted to candidacy. To be eligible for candidacy the student must file an approved plan of work. In preparing the plan, the student should evaluate his or her professional objectives as well as all degree, departmental and college requirements. After the plan has been filed, subsequent changes must be approved by the dean of the college.

(10) The college of education offers programs of study leading to the education specialist degree in administration and supervision, curriculum and instruction (community college instruction) and guidance and counseling. The doctor of education degree is offered in administration and supervision, and curriculum and instruction in community college instruction.

(a) Specialist Degree Requirements.
   1. Completion of a minimum of 50 hours above the Master’s degree on an approved program.
   2. Completion of a minimum of 30 quarter credits after admission to candidacy.
   3. Completion at least one quarter of full-time graduate study at Florida Atlantic University.
   4. Achieve a grade point average of at least 3.0 on all graduate work attempted.
   5. Completion of all internship and/or teaching experience required.
   6. Completion of specialization requirement of 25-30 credits of graduate level courses.
   7. Completion of 20-25 credits of cognate requirements in one or more fields outside of the specialization.
   8. Pass qualifying examination.
   9. Completion of the entire program of studies, as certified by the student’s advisor or chairman.
   10. Be recommended for the degree by the College of Education faculty.

(b) Doctoral Degree Requirements.
   1. Administration and Supervision.
      a. The total earned post-baccalaureate credit in the planned program shall be no less than 135 quarter credits.
      b. Research and Statistics: This requirement to be satisfied by 5 credits in statistics in the social sciences, 5 credits in advanced statistics in education, and 5 credits in education research . . . 15 credits.
      c. Pass qualifying examination.
      d. Dissertation: The dissertation must be a scholarly work of recognized caliber which contributes to original knowledge or attacks a significant field or professional problem . . . 30 credits.
      e. A supervised internship of field project, where appropriate, may be required.
      f. Completion of at least three quarter hours of full-time resident graduate study beyond the Master’s.
      g. Completion of a minimum of 30 quarter credits after admission to candidacy.
      h. Pass an examination defense of the dissertation.
      i. Recommended for the degree by the faculty of the College of Education.
   2. Curriculum and Instruction.
      a. First teaching field in graduate level courses . . . 44 credits.
b. Cognate to first teaching field . . . 24 credits.
c. Professional education in graduate level courses. This work must include Community College Curriculum, Learning Theory, and Testing and Evaluation . . . 30 credits.
d. Research and Statistics: This requirement to be satisfied by 5 credits in statistics in the social sciences, 5 credits in advanced statistics in education, and 5 credits in education research . . . 15 credits.
e. Qualifying Examination: Pass the exam.
f. Dissertation: The dissertation will be either an original contribution to knowledge or a study problem in the first teaching field. Eligibility for dissertation credit comes only after admission to candidacy . . . minimum of 30 credits.
g. Supervised Internship: This requirement may be satisfied by experience in teaching at the college level . . . 9 credits.
h. Completion of at least three quarters of full-time resident graduate study beyond the Master’s.
i. Completion of a minimum of 30 quarter credits after admission to candidacy.
j. Pass an examination in defense of the dissertation.
k. Be recommended for the degree by the faculty of the College of Education.

(1) Residence requirements for graduate degrees.
(a) Students completing master’s thesis or doctoral dissertations must register in the term in which the degree is to be awarded.
(b) Education specialist candidates must complete at least one quarter of full-time graduate study on campus.
(c) Doctor of education candidates must have at least three quarters of full-time resident graduate study beyond the master’s degree.

(12) Course loads for undergraduate and graduate students.
(a) Full-time undergraduate students are those who are registered for 12 or more credits in any quarter.
(b) Part-time undergraduate students are those who are registered for less than 12 credits. Students who drop courses during a quarter and reduce their registration below 12 credits will be regarded as part-time students.
(c) Full-time graduate students are those who are registered for 9 or more quarter credits of work.
(d) Graduate students who drop courses during a quarter and reduce their registration below 9 quarter credits will be regarded as part-time students.
(e) As determined by the Board of Regents, the maximum number of allowable per quarter credits attempted may be reduced.

Specific Authority 240.042(1) FS. Law Implemented 6C-4.001(1), 6C-6.004(5), F.A.C. History–New 10-1-75, Amended 5-24-76, Formerly 6C5-2.03.

6C5-2.004 Enrollment Priorities and Limitations.
(1) Florida Atlantic University recognizes that because of space and fiscal considerations, it may become necessary to limit the number of students enrolling in the university. In accordance with Board of Regents Rules designation Chapter 6C-6, F.A.C., the following priorities for admission and registration are established: (The distinction made between admission and registration is necessary because non-degree students are not officially admitted, they are granted permission to register).
(a) Current, degree-seeking students.
(b) Former returning, degree-seeking students in good standing.
(c) New degree-seeking students.
(d) Non-degree students on a space available basis and all others. Newly applying foreign students are included in this category.
(2) Florida Atlantic University may designate programs registered and approved by the Board of Regents and the articulation coordinating committee as limited access programs.
(3) The following admission priorities are established for the implementation of the Board of Regents enrollment limitation plan:
(a) Upper division transfer students from Florida public junior/community colleges and other state university system institutions holding an associate in arts degree.
(b) Upper division transfer students from Florida public junior/community colleges and other state university system institutions who meet minimum university admission requirements, graduate students and faculty scholars.
(c) Transfer students who are U. S. citizens or resident aliens but not Florida Residents.
(d) Non-degree and foreign students.

Specific Authority 240.227(1), 240.227(8) FS. Law Implemented 240.233 FS. History–New 5-3-82, Formerly 6C5-2.04.

6C5-2.005 Sponsored Research Exemptions.
(1) General Information: Subsection 240.241(9), Florida Statutes, allows the University, in particular instances, to exempt the purchase of materials, supplies, equipment or services for research purposes from the general purchasing requirements of Chapter 287, Florida Statutes. Additionally, subsection 240.241(12), Florida Statutes, provides that the operation of divisions of sponsored research and the conduct of the sponsored research program are expressly exempted from the provisions of any other laws or portions of laws in conflict with that provision and that they are (subject to the requirements of subsection (9)) exempted from the provisions of Chapters 215, Florida Statutes, (Financial Matters: General Provisions), 216 (Planning and Budgeting) and 283
(Public Printing). A sponsored research exemption shall only be used when the proposed purchase is fully funded from sponsored research funds. Payments made for purchases or other actions under a sponsored research exemption shall not be reimbursed subsequently from other University funds.

(2) Exercise of Exemption: The exemption will be exercised only when the Director of Sponsored Research certifies to the President that, in a particular instance, the exemption is necessary for the efficient or expeditious prosecution of a sponsored research project. The exemption will be processed through use of a preprinted form which the Director of Sponsored Research will complete and submit to the President or the President’s designee. The form, entitled “Sponsored Research Exemption Certification” (DSR Form 94-1, effective 10/94, which is incorporated by this reference), will identify the applicable project title, the University account number, the principal investigator, the proposed purchase and the selected vendor. The form will also state the necessity for the exemption sought.

(3) Exemption Criteria: The Director of Sponsored Research is authorized to seek to exempt a purchase under a grant or contract from the requirements of law which are otherwise applicable by demonstrating that one or more of the following conditions exist:

(a) Competitive bidding is not feasible. This condition shall be applicable if:

1. The Principal Investigator (i.e., the faculty member supervising the research) has submitted a memorandum to the Director of Sponsored Research to justify the necessity for requesting a sponsored research exemption. In addition to a detailed justification for the request, the memorandum must include a written quotation from the vendor desired, detailing the price, the FOB point, responsibility for freight and insurance and payment terms; a statement, other evidence or both, showing that some form of price comparison or determination of price reasonableness had been performed; and a written statement signed by the Principal Investigator certifying that he or she is independent of, and has no conflict of interest in, any of the entities evaluated and selected (Section 287.057(19), Florida Statutes).

2. The vendor is a governmental agency and the purchase is excluded from competitive bid requirements as stated in Section 287.012(4)(c), Florida Statutes.

3. Justification is furnished. One or more of the following criteria shall be used to support such justification:

   a. A certain vendor is specified in a prime contract or grant award, or approved in writing by the prime contractor or granting agency in accordance with the provisions of the prime contract or grant award.

   b. The purchase of specific goods, services or both from a certain vendor is demonstrated to be more efficient or expeditious for conducting the research (based on compatibility, availability or the current capabilities of the Principal Investigator and staff) or meet the time requirements of the prime contract or grant award, or is mandated by scientific or technical requirements, or is at a cost below industry norms, or otherwise meets the statutory requirements of “necessary for the efficient or expeditious prosecution of a research project.”

The specific criteria relied upon must be fully explained.

(b) Advance payments are required. If the vendor requires an advance payment and it is demonstrated that such payment is necessary to fund extensive start-up costs, realize discounts or cost savings, or create adequate cash flow in order to provide required goods or services, an exemption shall be requested. The Principal Investigator shall be responsible for determining that all goods, services or both, for which an advance payment has been made, are received and that they are satisfactory.

(4) Execution and Distribution:

(a)1. Submissions. If the request is for an exemption from competitive bid requirements, the Principal Investigator will submit the request for the sponsored research exemption to the Director of Sponsored Research, allowing sufficient time for adequate review of the request. The request shall be accompanied by a general requisition, the documentation listed above and any additional documentation which would serve to support the request.

2. Requests for other sponsored research exemptions shall be initiated by the Principal Investigator, the Director of Sponsored Research or other University personnel.

(b)1. Processing. The Director of Sponsored Research will review the request for a sponsored research exemption to determine if all of the required conditions have been met. The certification will be prepared by the Office of the Director of Sponsored Research, signed by the Director of Sponsored Research and forwarded to the University President.

2. Advice and counsel of the Director of Purchasing shall be sought prior to the granting of a sponsored research exemption. If after reviewing the materials provided by the Principal Investigator and the Division of Sponsored Research the Purchasing Department has any knowledge or information that would affect the granting of a sponsored research exemption, the Division of Sponsored Research shall be notified prior to the issuance of a purchase order. The Division of Sponsored Research shall send a copy of the approved Sponsored Research Exemption Certification and all other documentation to the Purchasing Department. Any purchase order issued under a sponsored research exemption will contain a written statement showing that a sponsored research exemption has been granted.

3. The Purchasing Department will forward a copy of the certification, along with a copy of the contract, purchase order or both, to the University’s Controller’s Office. The University Controller’s Office will forward a copy of the documents to the State Comptroller as an attachment to the voucher for the payment of the first invoice.

4. A copy of the Sponsored Research Exemption Certification and any supporting documentation will be maintained in the Division of Sponsored Research.
Specific Authority 240.227(1) FS. Law Implemented 240.241(9), (12) FS. History–New 12-11-94.
CHAPTER 6C5-3 EDUCATIONAL DELIVERY

6C5-3.001 Continuing Education.

6C5-3.001 Continuing Education.

1) Off-Campus credit courses funded by the education and general appropriation.

(a) The Dean of Continuing Education shall implement all procedures necessary to effect off-campus credit courses.

(b) When a request for an off-campus course is received, the Dean of Continuing Education will evaluate the request and forward it to the Dean of the appropriate college. The Dean of the sponsoring college must determine whether the course can be offered under the terms requested. If the course cannot be offered by Florida Atlantic University, the request for an off-campus credit course will be sent to the Board of Regents for referral to other institutions in the state university system with a copy to the requesting party. Written requests for off-campus courses may be made to the Dean of Continuing Education by:

1. Local groups or contact persons having an interest in or a need for a particular course; or
2. The Department Chairpersons from colleges within the University who believe that a particular course is needed.

(c) It is the policy of the University to offer off-campus courses comparable in quality with courses provided on the central campus.

(d) Scheduled courses in off-campus locations may be canceled only by the Dean of Continuing Education.

2) Non-credit educational programs are financially self-supporting educational activities which do not provide regular course credit to those who participate.

(a) Any non-credit educational program, on or off-campus, which involves expenditure of University funds or resources, or uses the University name will be coordinated through and approved by the Dean of Continuing Education.

(b) Requests for non-credit educational program planned, developed, or sponsored by the University for business and professional groups, government agencies, associations, or other outside groups may be made by such groups or by a member of the University community.

3) Contract programs conducted by Continuing Education.

(a) Contract programs are those offerings of a credit or non-credit nature which are provided as a service to private or public organizations under the terms of written contracts.

(b) Planners of contract or grant proposals which involve programs to be directed through or administered by Continuing Education, must obtain the approval of the Dean of Continuing Education.

(c) The Dean of Continuing Education shall be responsible for and approve programs to be sponsored by Continuing Education, which may include entering into agreements related to non-credit activities in accordance with University policies and procedures.

4) Overload payment for Continuing Education.

(a) Overload payment is payment made to a University employee in addition to the regular contract salary for services rendered to continuing Education above and beyond those expected as conditions of his/her University position.

(b) Any individual who is employed full time in a position covered by the Board of Regents Classification and Pay Plan may receive overload compensation for participation in activities sponsored or coordinated by the Division of Continuing Education.

(c) To receive overload compensation, participation in the Continuing Education activity must be in addition to and not interfere with the employee’s regular assigned responsibilities.

(d) No employee may receive overload compensation in excess of 20% of the employee’s base salary.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.227(9), (10) FS. History–New 10-1-75, Amended 5-24-76, 5-8-83, Formerly 6C5-3.01, Amended 11-11-87.
CHAPTER 6C5-4 STUDENT AFFAIRS

6C5-4.001 Honor Code, Academic Irregularities, and Student’s Academic Grievances.
6C5-4.002 Non-Academic Irregularities.
6C5-4.003 Traffic Regulations. (Transferred to 6C5-7.004)
6C5-4.004 Miscellaneous Student Rules.
6C5-4.005 Residence Halls Policies.
6C5-4.006 Directory Information. (Repealed)
6C5-4.007 Student Organizations.
6C5-4.008 Student Disciplinary Procedures.
6C5-4.009 Access to Student Records.
6C5-4.010 Major Medical Insurance Requirements for Foreign Students.
6C5-4.011 Payment and Refund of Tuition and Registration Fees.
6C5-4.012 Educational Research Center for Child Development.
6C5-4.013 Student Affairs: Student Financial Aid.

6C5-4.001 Honor Code, Academic Irregularities, and Student’s Academic Grievances.

(1) Academic irregularities frustrate the efforts of the faculty and serious students to meet University goals. Since faculty, students and staff have a stake in these goals, the responsibility of all is to discourage academic irregularities by preventative measures and by insuring that appropriate action is taken when irregularities are discovered. Thus, FAU has an honor code requiring a faculty member, student or staff member to notify an Instructor when there is reason to believe an academic irregularity is occurring in a course. The Instructor’s duty is to pursue any reasonable allegation, taking action, as described below, where appropriate.

(2) The following shall constitute academic irregularities:

(a) The use of notes, books or assistance from or to other students while taking an examination or working on other assignments unless specifically authorized by the Instructor are defined as acts of cheating.

(b) The presentation of words or ideas from any other source as one’s own – an act defined as plagiarism.

(c) Other activities which interfere with the educational mission within the classroom.

(3) Initially, the Instructor will determine whether available facts and circumstances demonstrate that there is reason to believe that a student is involved in an academic irregularity.

(a) The Instructor will, in conference, apprise the student with the Instructor’s perception of the facts. Early appraisal is desirable.

(b) If, after this conference, the Instructor continues to believe that the student was involved in an academic irregularity, the Instructor will mail or give the student a brief written statement of the charges and the penalty.

(c) A copy of this statement shall be sent to the Department Head, who will notify the Registrar that an electronic notation of the irregularity should be attached to the student’s transcript. The notation will be part of the student’s internal University record, but will not appear on the printed transcript. If the charges are dropped in the appeal process, or if there is no second offense during the student’s stay at the University, the notation will be expunged from the record upon written request from the student following graduation from or two semesters of non-attendance at the University.

(d) The student may appeal the Instructor’s actions by requesting a departmental conference within ten (10) days. The conference, held as soon as possible, will be among the student, the Instructor, and the Head of the Department administering the course. An advisor may attend to provide counsel to the student, but not to answer in place of the student. The Department Head’s written statement of action taken pursuant to the conference will be delivered to the student and the Dean of the College administering the course.

(4) When the Department Head notifies the Registrar of the irregularity (paragraph (3)(c)), the Registrar will inform the Department Head as to whether the student is a repeat offender. If the student is a repeat offender, the Department Head will recommend to the Dean a penalty suspension or expulsion. The Dean will make the decision as to the penalty and notify the student in writing.

(5) The student may appeal the actions of the departmental conference or the Dean, at a faculty-student council. This council will be established by each College and will be composed of the Dean, two faculty members, and two students. Requests for a hearing must be presented in writing within ten (10) days of the departmental conference. Records of appeals and minutes will be maintained by the Dean. These hearings are considered to be educational activities. The strict rules of evidence do not apply. Students may be assisted by attorneys, but may not abdicate the responsibility to respond to charges to their legal advisors.

(6) The student may appeal the faculty-student council’s action to the Vice President of Academic Affairs by requesting a hearing within ten (10) days of the committee’s decision. These appeals are limited to the following bases:

(a) Failure to receive due process.

(b) Arbitrary actions including lack of commensurateness of penalty to offense.

(c) New pertinent information not available during earlier proceedings.

(7) Penalties will vary with the offenses.
(a) The Instructor’s penalty, paragraph (3)(b) above, ranges from a grade of F on any work up to an F for course.
(b) Penalty grades cannot be removed by drop or forgiveness policy.
(c) Penalties assigned by the Dean, subsection (4) above, may include suspension or dismissal.
(d) Each College or Department may adopt a policy of penalties more severe than prescribed above. Such a policy must be widely distributed in the Colleges.

(8) The Vice-President for Academic Affairs may act on an appeal as follows:
(a) Dismiss the appeal and uphold the action taken by the College.
(b) Order a new hearing by a different student-faculty council.
(c) Reduce the severity of the penalty administered.

(9) Student grievances arising from academic activities require a written request for conference with the Instructor. If unsatisfied, the student may request further discussion in a department conference similar to the one in paragraph (3)(d) above. Grades will not be changed except by the Instructor, and grievances involving the judgment and discretion of a faculty member in assigning grades shall not proceed under this rule beyond the conference with the Instructor. This is an application of the concept of academic freedom. The exception to this rule occurs if the student can demonstrate malice on the part of a faculty member. A grievance involving a charge of malice may be appealed to the student-faculty council, as above, and subsequently to the Vice President of Academic Affairs. In the event of a finding of malicious action, the University may take disciplinary action against the faculty member and, at the option of the student, remove the grade from the record and refund the student’s fees for the courses. Students, whose accusations of malice are found to be frivolous by the Vice President of Student Affairs, are subject to disciplinary action.

Specific Authority 240.227(1), 240.261 FS. Law Implemented 120.53(1)(b), 240.202, 240.261 FS., 6C-6.0105, F.A.C. History–New 10-1-75, Amended 12-17-78, 3-28-84, Formerly 6C5-4.01, Amended 11-11-87.

6C5-4.002 Non-Academic Irregularities.

Non-Academic irregularities includes disruptive conduct and violations of public laws.

(1) Disruptive conduct is conduct which interferes with the orderly operations of the University. Disruptive conduct may result in disciplinary action. Rule 6C5-7.007, F.A.C., further defines disruptive conduct.

(2) Violation of public laws. Students are responsible for compliance with all federal, state, and local laws and ordinances. Any act that could constitute a violation of public laws will establish cause for legal and/or disciplinary action by the University.

Specific Authority 240.227(1) FS. Law Implemented 240.261, 240.132, 240.133 FS. History–New 10-1-75, Amended 12-17-78, 3-26-80, Formerly 6C5-4.02, Amended 11-11-87.

6C5-4.004 Miscellaneous Student Rules.

(1) Change of Address: It is necessary for any student changing his place of residence after registration to contact the Registrar’s Office and submit Form REG-1 REV 12/83, titled Change of Address Notification which is hereby incorporated by reference and made a part of this rule. A copy of the form may be obtained from the Office of the Registrar. Any notices or other correspondence from the University will be mailed to the student’s last address on file in the Registrar’s Office.

(2) Promotional Materials: Advertising, promotional, and informational materials of non-University persons must be submitted to the Assistant Vice President for Administrative Affairs before they may be displayed on campus. Campus organizations and departments submit material to be displayed to the Director of Student Activities before displaying promotional materials on campus.

(3) Fiscal Integrity: Students are required to promptly discharge all financial responsibilities to the University. Students who, by the first calendar day after the deadline, have neither paid fees nor made arrangements with the University for late payment as authorized by the Board of Regents, are subject to dismissal and assessment of additional fees as may be prescribed in Board of Regents subsection 6C-7.003(4), F.A.C.

(4) Smoking Regulations: Smoking is authorized only where posted.

(5) Holds on Registrations. The following types of holds may prevent registration of students:

(a) Financial. If a student owes the University money.

(b) Medical. If a student has a medical condition, which, in the opinion of the Medical Advisory Committee, based on competent medical opinion, constitutes a threat to his own well-being or to the University community if he is allowed to attend the University.

(c) Student Affairs. If a student has a problem involving nonacademic irregularities. In the event one of these holds has been placed on a student’s registration, the Office of the Registrar will direct the student to the office placing the hold. A hold will be removed upon satisfaction of the condition giving rise to the hold. Requests for review may be made to the Dean of Students.

(6) Withholding of transcripts and diplomas. Students who fail to promptly pay debts owed to the University will be denied access to official transcripts and shall have their grades and diplomas withheld.

(7) Medical Withdrawal. A student may be withdrawn for medical reasons by the Vice President for Student Affairs upon the recommendation of the Medical Advisory Committee.
(a) This committee serves as an advisory committee to the Vice President for Student Affairs on matters pertaining to the admission, continued attendance, and withdrawal of students for reasons of physical or mental health.

(b) The specific duties of this committee are to make recommendations to the Vice President for Student Affairs on the admission, retention, or withdrawal of a student in any case wherein the student’s presence or continued presence on campus may constitute a health hazard or danger to him/herself or to others. If conditions warrant immediate action, a medical withdrawal may be initiated by the Dean for Student Affairs with the approval of the Vice President for Student Affairs. The case will be presented to the committee as soon thereafter as possible for approval, modification, or revision.

Any student whose registration is withdrawn by the Vice President upon the committee’s recommendation and whose withdrawal is after the published deadline for withdrawal will receive grades of W in his/her course work for the semester. Any student who is withdrawn under this procedure may be permitted to enroll at a future date after having satisfied the specific conditions required by the committee.

(c) The committee shall be chaired by the Dean for Student Affairs and shall include the Director of Counselling Center and the Supervisor of the Health Service. When appropriate, consultants may include a physician, the Dean, Department Chairperson, or Academic Advisor of the student, the University Attorney, and other University personnel serving at the request of the Dean for Student Affairs.

(d) The Dean for Student Affairs shall arrange for the student to meet with the committee. The Dean for Student Affairs shall direct procedures for conducting these meetings so as to best insure the health and welfare of both student and the University community.

(e) The committee shall interview the student and shall consider all relevant information available including the oral or written reports of professionals such as physicians, psychologists or psychiatrists, regarding the health of the student being interviewed. If sufficient medical information exists, the committee may arrange for the student to be evaluated by a medical or psychological specialist at the expense of the University. Failure of a student to meet with the committee or to cooperate with an order of the committee to appear for a medical or other evaluation may result in a recommendation for immediate medical withdrawal of the student.

(f) Nothing herein shall reduce the commitment of the University to accommodate the needs of handicapped students who are able to participate in University functions without hazard to themselves or to others.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (23), 240.291(1), 386.205 FS. History–New 10-1-75, Amended 12-17-78, Formerly 6C5-4.04, Amended 11-11-87, 6-7-88.

6C5-4.005 Residence Halls Policies.

(1) The opportunity to enter into a residence halls agreement is a privilege, not a right. If there is evidence of abuse by a resident of this privilege by violating FAU rules, residence halls guidelines and regulations or terms of an executed agreement for residency, FAU reserves the right to take disciplinary action as set forth under Rule 6C5-4.008, F.A.C., which may include among other sanctions, a change of residence hall assignment, cancellation of the residence halls agreement and refusal to enter into further residence halls agreements. Prior to imposing such sanctions, the resident will be given notice and an opportunity to be heard in conference with the Director of Housing or his designee. Appeals from residence halls disciplinary decisions may be made to the Vice President for Student Affairs.

(2) Internal guidelines for residence halls living are published and available to residents through the housing office. Each resident is required to execute an agreement for residency which may further prescribe conditions for residency.

Specific Authority 240.227(1) FS. Law Implemented 240.261, 240.227(1), 243.04(5) FS. History–New 10-1-75, Amended 5-24-76, 11-22-78, 5-3-82, Formerly 6C5-4.05, Amended 11-11-87.

6C5-4.007 Student Organizations.

(1) Procedure for the formation of a registered student organization.

(a) A student representative of the group wishing to be registered files with the Student Activities Office in the University Center a statement of intent to organize. When approved by the President of the Student Government Association and the Director of Student Activities, the group may then hold and advertise meetings on campus. The privilege is granted for a period of six weeks during which time the group should submit a petition for registration.

(b) The petition for registration is filed as soon as the membership of the organization is largely complete and should include the names of the members and a list of the officers. All officers and at least a majority of the membership must be registered students of Florida Atlantic University. At this time the group must submit its constitution and bylaws to the Student Activities Office and select an advisor. The advisor must be a full-time faculty or staff member employed by Florida Atlantic University. Special national restrictions on the qualifications for advisors to social fraternities and sororities may prohibit the selection of an FAU faculty or staff member as the advisor. Such cases will be reviewed on an individual basis by the Director of Student Activities and the Dean of Student Affairs. If the organization is affiliated with an off-campus organization, the constitution of the parent organization must also be filed. When these documents have been approved by the President of Student Government, the Director of Student Activities and the Dean of Student Affairs, the group is eligible for the privileges set out below.
(c) All clubs and organizations must file a status report each term with the Student Activities Office. Any club or organization not filing a status report will be considered inactive and will not be eligible to sponsor activities on campus. Authorized signature cards are also required each term by the Student Activities Office for those organizations establishing a University banking account. Each club is responsible for keeping its own financial records.

(d) Organizational composition. All officers and at least a majority of the active membership of all student organizations must be registered students of Florida Atlantic University.

(2) Responsibilities of registered student organizations. Registered student organizations must maintain active files with the Student Activities Office by notification of any changes in the status of the organization and/or any change of officers. In addition, each organization is responsible for:

(a) Complying with local, state, and national laws and University policies and regulations in the functioning of the organization.

(b) Accepting responsibility for sponsoring and supervising their programs.

(c) Assuring that University facilities are used only for the purposes for which they were scheduled by the organization.

(d) Reimbursing the University for damage to University property or facilities, including clean-up costs, which occur in connection with the organization’s activities or programs.

(e) Assuring that all promotion and advertising of events involving the use of University facilities shall identify the sponsor of the event.

(f) Failure to comply with any of the responsibilities of registration may result in revocation of the group’s status as an FAU student organization.

(3) Use of facilities. Registered student organizations and acknowledged student groups (Student Government and its agencies, housing staff, student advisory committees, etc.) may temporarily use or sponsor the temporary use of certain University facilities.

(4) Contracts. Students or student organizations may not enter into agreements which purport to bind the University for any purpose.

(5) Non-discrimination. Campus organizations shall be open to all students without respect to race, creed, or national origin.

(6) Amplification of sound. Amplified sound may be presented in any facility on campus which is reserved for that purpose, including the outdoor stage and the barbecue complex. Sound may not be amplified out of doors in areas other than the latter two mentioned areas (unless approved by the Dean of Student Affairs) and must be in accordance with procedures for management of amplified sound. Complete requirements for the use of amplified sound on campus are available through the office of the Dean of Student Affairs.

(7) Program registration. Any of the following activities sponsored by student organizations must be registered with the Director of Student Activities at least seven (7) days prior to the date of the proposed event:

(a) Any activity involving alcoholic beverages.

(b) Any activity involving sales.

(c) Any outdoor activity.

(d) Any activity involving contractual agreements and/or liability insurance.

(e) Any activity advertised to the public.

(f) Any activity involving the active participation of non-university people.

(g) Any activity with an anticipated attendance of 100 people or more (except regular organizational business meetings).

(h) Any activity requiring police support.

(i) Any activity projecting a higher non-student than student attendance.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1) FS., 6C-4.001(1), 6C-6.011, 6C-6.012, F.A.C. History–New 10-1-75, Formerly 6C5-4.07, Amended 11-11-87.

6C5-4.008 Student Disciplinary Procedures.

(1) Code of Conduct. Any of the following actions, constitutes conduct for which a student, a group of students, or a student organization may be subject to disciplinary action:

(a) Violence or threat of violence to others or against oneself or actions which endanger any member or guest of the university community; including physical or sexual assault and relationship/domestic violence.

(b) Theft, conversion, misuse, damage, defacing or destruction of University property or of the property of members of the University community.

(c) Interference with the freedom of movement of any member or guest of the University.

(d) Interference with the rights of others to carry out their activities or duties at or on behalf of the University.

(e) Interference with academic freedom and freedom of speech of any member or guest of the University.

(f) Noncompliance with written, oral requests or orders of authorized university officials or law enforcement officers in the performance of their duties.

(g) Providing false information to university officials, forgery, the withholding of required information or the misuse or alteration of University documents or the University’s name or logos.

(h) Misuse or duplication of any University key or access card to any university premises or services.
(i) Possession or use of firearms, explosives, ammunition, fireworks, weapons or unauthorized possession or use of hazardous materials or dangerous chemicals on University premises.

(j) Actions which cause or attempt to cause a fire or explosion, false reporting of a fire, explosion or an explosive device; tampering with fire safety equipment or failure to evacuate university buildings during a fire alarm.

(k) Disorderly Conduct – Breach of peace, such as causing a disturbance or being unruly.

(l) Soliciting, aiding, abetting or inciting others to participate in conduct which violates this rule.

(m) Lewd, obscene, indecent behavior or voyeurism.

(n) Acts of verbal, written or physical abuse, threats, intimidation, harassment, coercion or other conduct which is intimidating or offensive.

(o) Violation of the University Discrimination Policy, Rule 6C5-7.001, F.A.C., or the Sexual Harassment Policy, Rule 6C5-5.012, F.A.C.

(p) Violation of Section 5, 6, 7 or 8 of the University’s Student Organization and Student Officers Policy (2/1/01), which is adopted by reference.

(q) Possession, use, delivery to, sale of, distribution of, controlled substances or drug paraphernalia; as defined in Chapter 893, Florida Statutes.

(r) Posting of commercial advertising or engaging in commercial activity without appropriate authorization.

(s) Endangering the health, safety or welfare of members or guests of the University.

(t) Engaging in Hazing. Hazing is prohibited. Hazing is defined as an action or situation which recklessly or intentionally endangers the mental or physical health or safety of a person(s), for the purpose of initiation or admission into, affiliation with, or as a condition for the continued membership in a group or organization whether conducted on or off campus.

(u) Computer, Network and/or data misuse.

1. Unauthorized access, entry or use of a computer, computer system, network, software, password, account or data.

2. Unauthorized alteration or degradation of computer equipment, software, network, data or system performance.

3. Unauthorized copying or distribution of computer software or data.

4. Theft of intellectual property.

5. Use of a computer or computer system in the commission of a crime or to violate university rules.

6. Any unauthorized commercial use of University computer or computing resources.

(v) Repeated following or contacting of another person to the extent that it places that person in reasonable fear for his or her physical or emotional welfare.

(w) Any sexual act that occurs without the consent of the victim, or that occurs when the victim is unable to give consent.

(x) Any act which could constitute a violation of any municipal or county ordinance, State of Florida or Federal law.

(y) Use of Alcoholic Beverages.

1. Underage drinking of alcoholic beverages is prohibited.

2. The consumption of any alcoholic beverage in public places on the campus is prohibited except where specifically authorized by the University. All buildings, lobbies, walkways, and grounds of the campus are, for the purpose of this rule considered to be public places. Dormitory rooms and suites are considered to be private living quarters and are exempt from the public places restriction.

(z) Inappropriate Conduct at University-sponsored Events – Students are expected to govern their behavior at all University-sponsored events and conduct themselves within the guidelines of the Student Code of Conduct. This applies to events that are held on or off campus.

(aa) Violation of probation – failure to abide by conditions of probation.

(bb) Obstruction of Student Judicial Process – Acts that disrupt or interfere with the University judicial process, including but not limited to:

1. Failure to appear at an official university hearing when proper notification has been provided; (nothing in this subsection shall be construed to compel self-incrimination).

2. Knowingly falsifying, distorting or misrepresenting information before a judicial proceeding.

3. Deliberate disruption or interference with the orderly conduct of a judicial proceeding.

4. Knowingly initiating a complaint/referral without cause.

5. Use of threats, coercion, or intimidation to discourage an individual’s participation in or other proper participation or use of the judicial process.

6. Tampering with evidence to be used in a University Judicial Hearing.

7. Attempting to influence the impartiality of a member of the judicial process prior to or during the course of the judicial proceeding.

8. Harassment or intimidation of any participant in the judicial process.

9. Violating and/or failing to comply with or fulfill disciplinary sanctions.

(cc) Disruptive Conduct – Any other action that impairs, interferes with or obstructs the mission, purposes, order, academic atmosphere, operations, processes and/or functions of Florida Atlantic University including conduct set forth in Rule 6C5-7.007, F.A.C.
(2) Off-Campus Conduct: The University shall take disciplinary action against a student or student organization for violations committed off campus if at least one of the following applies:
   (a) The off-campus conduct is specifically prohibited by law or, based on the University’s code of conduct, is subject to university discipline.
   (b) The off-campus conduct demonstrates that the continued presence of the student on campus presents a danger to the health, safety, or welfare of the university community; is disruptive to the orderly conduct processes and functions or the university; or is intimidating or threatening to the university community or an individual within the university community.
   (c) The off-campus conduct is of such a serious nature that it adversely affects the student’s suitability to remain a part of the university community.

(3) Court or Administrative proceedings outside of the University:
   (a) The University shall charge a student with a violation of the student conduct code even if the student is also charged by public authorities.
   (b) If a student is charged by the public authorities with an act that is also a violation of a University rule, the University reserves the right to stay or not stay its proceedings pending the outcome of the off-campus case based on the nature of the offense and potential harm to members of the University community.
   (c) Any admission of guilt, responsibility or against the student’s interest made by a student shall be conclusive for University purposes.
   (d) A verdict of guilty, a plea of guilty or a plea of no contest (nolo contendere) in a court of law by a charged student will operate as a conclusive finding that the student is “responsible” for the purpose of these disciplinary proceedings.
   (e) The University will amend its charge(s) based on information obtained through an outside proceeding where that information is relevant to activity adversely affecting the University community.
   (f) The outcome of outside charges will not affect the University disciplinary charges. Therefore, even if the outside charges have been dismissed, are not prosecuted, are not heard, or if adjudication of guilt is withheld, such action will have no bearing on the University charges.

(4) Students’ Rights. A student against whom disciplinary action may be taken shall have the following rights:
   (a) The right to be notified in writing of the charges against him or her in sufficient detail to prepare for a hearing.
   (b) The right to a hearing no less than three academic days after the University provides the student with a notice of charges.
   (c) The right to a fair and impartial hearing on the charges by a duly constituted panel of the University Judicial Council.
   (d) The right to review, not less than three academic days prior to the hearing, the evidence which will be used by the University.
   (e) The right to present evidence and witness relevant to his or her defense at the hearing.
   (f) The right to have one advisor, of the students’ own choosing, present at the hearing. The advisor may not present statements, arguments, or question witnesses.
   (g) The right to question adverse witnesses at the hearing.
   (h) The right to not be compelled to present testimony which would be self-incriminating. However, the University is not required to postpone disciplinary proceedings pending the outcome of any criminal prosecution.
   (i) The right to request an appeal of the sanction imposed as long as appropriate appeal procedures are followed.
   (j) The right to have his or her status remain unchanged pending final judicial action except in cases involving the health, safety or welfare of the University community.
   (k) The right to have character witnesses testify at the University Judicial Council hearing. The maximum number of character witnesses may be limited by the University Judicial Council depending on the number of witnesses and the time available.

(5) Structure of the University Judicial Council:
   (a) The University Judicial Council shall consist of the following four persons: two students, one faculty member/administrator and a fourth member who may be a student or a faculty member/administrator. The chairperson of a University Judicial Council hearing shall be one of the faculty members/administrators that serves on the panel.
   (b) Faculty members/administrators are chosen by the Dean of Students Office. The students shall be appointed by the Student Government President. If however, the Student Government President fails to provide a list of students to serve for disciplinary proceedings or if the student charged is an officer in student government, the Dean of Students or designee may select students from the Judicial branch of the Student Government Association or other disinterested impartial students to serve on the University Judicial Council or to serve as Council members for a particular disciplinary proceeding.

(6) University Judicial Council Hearing Procedures – Common sense and not legal technicalities will govern the hearing process.
   (a) Witnesses. Witnesses at hearings before the Judicial Council will not be sworn in. Each witness will be admonished that he or she is required to tell the truth. A student giving untrue testimony at a hearing is subject to disciplinary charges.
   (b) Evidence. The technical rules of evidence do not apply to hearings before the University Judicial Council.
   (c) Burdens of Proof. The University or complainant bears the burden to prove the charges by a preponderance of the evidence at University Judicial Council hearings.
(d) The charged student may choose one advisor to be present at the hearing. The advisor/attorney may not present statements, arguments, or question witnesses. Members of the Judicial Council may not serve as a student’s advisor at the hearing. If the charged student retains the services of an attorney to advise or counsel him or her at the hearing, he or she must inform the Dean of Students or designee three academic days before the hearing. In such cases the University Judicial Council, or the Dean of Students or designee or both will be advised by an attorney as well.

(e) Hearings.
1. All hearings before the University Judicial Council will be tape recorded by the University. That recording will serve as the only official record of these proceedings. No other recordings are permitted.
2. The following is the format for hearings by the University Judicial Council. The Council may change the order if necessary.
   b. Reading of Charges.
   c. Opening statement by the University, followed by the opening statement of the charged student.
   d. Questioning of university witnesses.
   e. Questioning of charged student’s witnesses.
   f. Questions directed to the charged student and the University by the Council.
   g. Closing statement by the University, followed by the closing statement of the charged student.
   h. Deliberation by the Council.
   i. Decision.
   f. The University Judicial Council shall find the student “Responsible” or “Not Responsible” of the alleged violations listed on the Notice of Charges. If the Council can not reach a finding of “Responsible” or “Not Responsible” within a reasonable time period based on the complexity of the case, the chairperson shall call the Council as deadlocked and the Dean of Students or designee shall call a new hearing date with new council members. No person serving on the first council shall serve on the second council. If the second council also deadlocks, then the charges against the charged student shall be dismissed.
   g. If the charged student fails to appear at the scheduled hearing of the University Judicial Council (after proper notice), the hearing will proceed as scheduled.
   h. The Dean of Students or designee shall send notification in writing (Notice of Decision) to the student of the decision of the University Judicial Council within three academic days of the conclusion of the hearing.
   i. The Dean of Students or designee shall send notification in writing (Notice of Sanction) of the sanction(s) to the student within three academic days of the Notice of Decision.

7) Disciplinary Sanctions. In light of the facts and circumstances of each case, the following sanctions or combination of sanctions shall be imposed upon any individual student or student organization found “Responsible” to violations of this Code.
   (a) Educational Activities – required attendance at educational programs, meeting with appropriate officials, written research assignments, planning and implementing educational programs, or other educational activities at the student’s or student organization’s own expense.
   (b) Counseling Assessment and Recommended Treatment – referral for assessment and treatment to the University Counseling Center or another agency at the student’s expense.
   (c) Community/University Service – required completion of a specified number of hours of service to the campus or general community.
   (d) Termination of or Change in University Housing Agreement or Assignment.
   (e) Fines not to exceed $250.00 per case.
   (f) Restitution – Payment made for damage or loss caused by the responsible student.
   (g) Restriction or Revocation of Privileges. Temporary or permanent loss of privileges, including, but not limited to the use of a particular University facility, resources, equipment or visitation privileges.
   (h) Disciplinary Warning – A disciplinary sanction in writing notifying a student that the student’s behavior did not meet University standards. All disciplinary warnings will be taken into consideration if further violations occur.
   (i) Disciplinary Probation – A disciplinary sanction in writing notifying a student that his or her behavior is in serious violation of University standards and that restrictions are being placed on his or her activities. Sanctions that may be placed on a student during a probationary period include; restriction of the privilege to: participate in student activities or in student organizations; represent the University on athletic teams, student organizations or in other leadership positions; gain access to University Housing buildings or other areas of campus; use University resources and/or equipment; or to engage in contact with specified person(s).
   (j) Suspension – Mandatory separation from the University. During the period of suspension the student is barred from all FAU campuses unless specific permission is granted by the Dean of Student Affairs or designee. Once the entire period of suspension has been served, the student may seek readmission by submitting a written request to the Dean of Student Affairs or designee.
   (k) Expulsion – Permanent dismissal from the University with no right for future readmission under any circumstances. A student who has been expelled is barred from all FAU campuses.
   (l) Deactivation of the Student Organization’s status at the University.

8) Appeals. A student may appeal the finding of the University Judicial Council (Responsible/Not responsible) or the sanctions imposed by the Dean of Students or designee.
   (a) Standards for Appeal.
1. Failure to receive due process during the hearing.
2. Severity of the sanction.
3. New material or evidence that could not be discovered at the time of the hearing.
   (b) All appeals must be submitted in writing within five academic days of the date of the Notice of Decision/Sanction to the Senior Vice President for Student Affairs. All appeals must specify the basis for the appeal.
   (c) The burden of proof at the appellate level rests with the charged student.
   (d) The student’s status will remain unchanged pending the determination by the Senior Vice President for Student Affairs or designee, except where the Senior Vice President for Student Affairs or designee, determines that the safety, health or general welfare of the student or the university community is involved.
   (e) The determination of the Senior Vice President for Student Affairs is final. There are no further appeals within the University.

(9) Emergency or Interim Measures.
   (a) The Senior Vice President for Student Affairs or designee has the authority to take appropriate immediate action under conditions warranting such action, as follows:
   1. Emergency Measures. Interim Suspension: Where the Dean of Student Affairs or designee determines that an emergency exists which affects the health, safety or welfare of a student of the university community, he or she shall, with the approval of the Senior Vice President for Student Affairs, temporarily suspend a student. A student temporarily suspended may not attend classes, may not be on or come onto University property and may not use University facilities, equipment or resources.
   2. Interim Measures. Restrictions on Activity: Where the Dean of Student Affairs or designee determines that the health, safety or welfare of a student or the university community is involved, he or she has the authority, with the approval of the Senior Vice President for Student Affairs to take any or all of the following actions on a student or student organization: restrict or bar attendance of classes; restrict or bar access or contact with individuals; restrict or bar access to University property, places, facilities or equipment; restrict or bar participation in University activities or organizations; or otherwise restrict or ban conduct.
   (b) Emergency or Interim Measures may be taken at any time prior to the conclusion of the University Judicial process including during the appeal process.
   (c) Notice of the Emergency or Interim measure must be provided to the student or student organization in writing.

(10) Definitions.
   (a) Academic Days – Only those days when the University’s classes are in session, excluding holidays and weekend days.
   (b) Student – The term “student” refers to any person who is enrolled in any credit-bearing course or program in any school or division of Florida Atlantic University; any person admitted to the University and present on campus for the purpose of being enrolled in any University course or program, or any person who has been enrolled in any credit-bearing course or program at the University and continues to be associated with the University because he or she has not completed the course or program in which he or she was enrolled. The term “Student” will also refer to student clubs, groups and organizations.
   (c) University – The term “University” refers to Florida Atlantic University, including all of its campuses and sites. The Student Conduct Code applies to all campuses of the University.
   (d) University Official – The term “university official” refers to any person employed by the University to perform assigned teaching, research, administrative, professional or other responsibilities.

(11) Rule/Policy Review. Florida Atlantic University shall establish a committee once every five years beginning five years after the adoption of this rule amendment to review, evaluate and recommend changes to this rule to the Senior Vice President for Student Affairs. This committee shall be appointed by the Senior Vice President for Student Affairs with at least one-half of the committee being students appointed by the Student Government President. This committee shall have as its charge to review and evaluate this rule to determine that it ensures fairness and due process in disciplinary/judicial proceedings at the University.

Specific Authority 1001.74(4), 1006.60(1), (2), (5) FS. Law Implemented 1001.74(10)(e), 1006.60, 1006.61, 1006.62, 1006.63 FS. History–New 10-1-75, Amended 12-17-78, 6-9-83, Formerly 6C5-4.08, Amended 11-11-87, 6-7-88, 9-16-03.

6C5-4.009 Access to Student Records.
   (1) The following information is directory information that Florida Atlantic University may release upon request, or otherwise publish, unless specifically notified by the student in writing:
      (a) Student name.
      (b) Student address.
      (c) Student telephone listing.
      (d) Student class and college of enrollment.
      (e) Student academic major.
      (f) Student degrees awarded.
      (g) Student awards received.

If any student does not wish to have directory information released, the student must notify the registrar in writing on or before the end of the first week of classes of any semester. All other personally identifiable records kept by the University concerning students shall be considered confidential and access to them shall be limited.
(2) The University maintains through its designated custodians, certain limited access records. The following list is not exclusive:

<table>
<thead>
<tr>
<th>RECORDS</th>
<th>CUSTODIAN</th>
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<tbody>
<tr>
<td>Student Health &amp; Medical Records</td>
<td>Student Health Services Manager</td>
</tr>
<tr>
<td>Student Disciplinary Records</td>
<td>Dean, Student Affairs</td>
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<tr>
<td>Records of Student Personal</td>
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<tr>
<td>Non-Academic Counselling</td>
<td>Director, Counselling Center</td>
</tr>
<tr>
<td>Student and Family Financial Records</td>
<td>Director, Student Financial Aid</td>
</tr>
<tr>
<td>International Student Records</td>
<td>International Student Advisor</td>
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<tr>
<td>Student Academic Records</td>
<td>University Registrar</td>
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<tr>
<td>Student Placement Records</td>
<td>Director, Career Development Services</td>
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(3) The custodians of limited access records may release information from such records only:
(a) With the written consent of the student whose records are sought to be released.
(b) As required by the President of the University or the President’s designees in the discharge of official duties.
(c) As otherwise provided by law.

Specific Authority 240.227(1) FS. Law Implemented 240.237, 228.093 FS. History–New 3-26-80, Formerly 6C5-4.09, Amended 11-11-87.

6C5-4.010 Major Medical Insurance Requirements for Foreign Students.
No foreign student shall be permitted to register or be permitted to continue enrollment at Florida Atlantic University without demonstrating that he/she has adequate major medical insurance coverage for illness or accidental injury. A medical insurance policy or certificate which restricts its use to a specific institution, hospital, clinic, infirmary or other health care agency or restricts its use to a particular locale or provides that the insurance proceeds are not payable in United States currency will not be deemed adequate.

Specific Authority 240.227(1) FS. Law Implemented 240.233(2) FS. History–New 4-19-82, Formerly 6C5-4.10.

6C5-4.011 Payment and Refund of Tuition and Registration Fees.
(1)(a) Registration shall be defined as consisting of these components:
1. Provision of appropriate background information;
2. Provision of course and schedule information; and
3. Fee payment or other appropriate arrangements for fee payment (installment payment, deferment, or third party billing).
(b) Fee liability shall be incurred at the point that the student has completed registration as defined above, including fee payment or other appropriate arrangements for fee payment. The registered student shall be held liable for all courses that remain on the student’s schedule at the end of the drop/add period.
(2) All or any part of the tuition and registration fees may be waived by the University when deemed appropriate provided that provisions for such waiver are included in the rules of the Board of Regents.
(3)(a) Payment of Fees in Installments. The University President has established a procedure for the payment of registration and tuition fees in installments. Such procedure requires the payment of at least 50% of the fee liability by the end of the drop/add period and the balance shall be paid no later than the beginning of the second half of the academic term. Students will be required to sign a note indicating that they understand their fee liability and that all Florida Atlantic University refund and withdrawal procedures are applicable. Students canceled for non-payment of the second half payment may be required to petition the Academic Petitions Committee to be reinstated for grade purposes.
(b) The President, University Controller, or other appropriate designees may establish other appropriate arrangements for fee payment under special hardship or emergency conditions upon written request of the student. These limited arrangements will be in writing and will contain an explanation of the circumstances, the date payment is promised, current student information and a signature of the student acknowledging that debt for collection purposes. Students canceled for non-payment of special arrangements may be required to petition the Academic Petitions Committee to be reinstated for grade purposes.
(4) The President, University Controller or other appropriate designees may choose to temporarily suspend further academic progress in lieu of canceling student registrations. Students who have not made arrangements for payment of their tuition and fees shall be precluded from receiving grades, transcripts or a diploma. Registration for future terms will be denied until all accounts have been settled in full.
(5) The President, University Controller or other appropriate designees may extend the deadline for individual fee payment or waive the late fee when payment is delayed due to University actions.
(6) Students who drop a class or withdraw from the University during the drop/add period shall receive a full refund.
(7)(a) Students who drop a class after the drop/add period will not receive a refund unless the drop takes place due to exceptional circumstances, such as death, illness, military conscription or University error. Job changes or home relocation are not considered exceptional circumstances.
(b) If a student drops a class after the drop/add period due to exceptional circumstances, a 100% refund may be granted upon the student’s filing of a petition for refund with the office of the University Controller. The refund will not be granted until the exceptional circumstances have been verified by the Office of the Dean of Students or the University Controller.

(8)(a) Students who withdraw from the University after the drop/add period due to exceptional circumstances such as death, illness, military conscription or University error, may receive a 100% refund, upon the student’s filing of a petition for refund with the office of the University Controller. The refund will not be granted until the exceptional circumstances have been verified by the office of the Dean of Students or the University Controller.

(b) Students who withdraw from the University for purposes other than exceptional circumstances during weeks two through four shall receive a 25% refund less nonrefundable fees. No refunds for withdrawal other than for exceptional circumstances will be granted after the fourth week of classes.

(9) Approval or disapproval of refund will be determined and announced by the Office of the Controller.


6C5-4.012 Educational Research Center for Child Development.

(1) The Educational Research Center for Child Development at Florida Atlantic University is established to provide educational opportunities and practical experience to Florida Atlantic Students through internships, supervised teaching and research experiences; and to provide a high-quality educational environment/experience for the children of FAU students, staff and faculty.

(2) There shall be a Director for the Center, selected by the Board of Directors of the Center. The Board of Directors shall consist of the President of the University or his/her designee, the Student Government Association President or his/her designee, the Chairperson of each department participating in the Center or his/her designee, and one parent for each 50 children enrolled in the Center, elected by the parents of children enrolled in the center. The Director of the Center shall be an ex officio, nonvoting member of the Board. The Board shall establish local policies and perform local oversight and operational guidance for the Center, and insure that the ERCCD is operated in accordance with the laws of Florida and regulations of Florida Atlantic University and the Board of Regents.

(3) The Center is funded through Capital Improvement Trust Fund Fees and user’s fees. Operations may also be financed by Student Activity and Service Fee allocations, grants, and donations, in accordance with the law. The Center shall receive and monitor funds in accordance with the laws of Florida and the rules and regulations of Florida Atlantic University and the Board of Regents.

Specific Authority 240.227(1), 240.209(1), (3)(m), 240.531 FS. Law Implemented 240.209(1), (3)(m), 240.531 FS, 6C-10.004, F.A.C. History–New 11-11-87.

6C5-4.013 Student Affairs: Student Financial Aid.

(1) General Information. Florida Atlantic University offers a variety of financial aid programs including grants, scholarships, loans and part-time employment to help students meet educational expenses. Assistance is provided in compliance with federal and state regulations, in a manner that serves the University’s plan for equalizing educational opportunity.

(a) All financial assistance programs are administered by the Student Financial Aid Office in accordance with a nationally accepted policy that the family, meaning parents, student, and spouse (if applicable), is responsible for the student’s educational expenses. Financial need for aid programs is established by a comparison of the total educational cost (budget) with the expected family contribution.

(b) Financial aid is awarded on the basis of greatest financial need and academic merit. Priority is given to those students who apply by the priority deadline of March 1 for the following academic year. Awards for late applicants are contingent upon the availability of student aid funds. The FAU financial aid program is administered without regard to race, creed, color, sex, physical handicap or national origin.

(2) Financial Aid Committee. The Financial Aid Committee, appointed by the Vice President for Student Affairs, recommends policy on matters relating to financial aid and program objectives in support of the University’s master plan. The Committee is composed of academic and administrative representatives of the various colleges and departments of the University and includes one student member.

(3) Application Procedures. Student aid applicants must complete the steps listed below, before an aid offer can be made to them:

(a) Return the completed FAU Financial Aid Application to the Student Financial Aid Office.

(b) File the Financial Aid Form (FAF) with the College Scholarship Service.

(c) Apply for admission to the University and be accepted as a degree seeking student.

(d) Submit financial aid transcripts from all post-secondary institutions previously attended (if applicable).

(e) Submit signed copies of parent’s and/or student’s income tax forms for the previous year.

(f) Submit a copy of the resident alien card or valid non-citizen document (if applicable).
1. Financial assistance is awarded for the Fall and Spring semesters prior to the beginning of the academic year. Applications for the Summer semester are available during the Spring term of the award year.

2. Students must reapply for all financial aid programs annually. To remain eligible for assistance at Florida Atlantic University a student must be eligible for continued enrollment at the University and make measurable academic progress in earning a degree according to the requirements of the Satisfactory Academic Progress Policy for financial aid recipients.

   (4)(a) Awards. The student’s financial need is met by an aid package which combines gift aid (grant and/or scholarships) and self-help (loans and/or employment). Students are notified of financial aid awards beginning in May for the following academic year. An award must be accepted (or rejected) and the official Award Letter signed and returned to the Student Financial Aid Office, along with a signed copy of the Conditions of the Award, within two weeks of receipt by the student.

   (b) Students must notify the Students Financial Aid Office of any changes in financial resources which might have a bearing on their financial aid award. The Student Financial Aid Office reserves the right to cancel or revise an award due to changes in the student’s financial or academic status.

   (5)(a) Enrollment Requirements. Priority for financial aid is given to full-time students (with the exception of the Pell Grant and Guaranteed Student Loan programs). Undergraduate students enrolled on a part-time basis (6-11 credits) will be considered for aid as funds permit. Graduate students must be enrolled for at least half-time (5 graduate credits) in order to receive financial assistance.

   (b) Students who participate in a concurrent enrollment program with an eligible community college must be enrolled for a minimum of six credits at Florida Atlantic University during that term in order to be eligible to receive financial aid from FAU. In addition, the following forms must be submitted to the FAU Student Financial Aid Office:

   1. A copy of the FAU dual enrollment registration authorization form, signed by the student’s advisor.
   2. A validated copy of the student’s course schedule and fee receipt form for fees paid at the other institution.
   3. A copy of the grade report for courses taken at the other institution is required, for verification of satisfactory academic progress.

   (6) Satisfactory Academic Progress. In order to be eligible to receive financial aid funds, Federal regulations require that students must demonstrate satisfactory academic progress in their selected course of study according to standards described in the University’s policy. These standards include qualitative (grade point average) and quantitative (number of credit hours) requirements as well as a maximum time frame (number of semesters) allowed to complete a degree. A copy of the Satisfactory Academic Progress Policy is enclosed with the award letter for review by the student prior to the acceptance of any aid offered.

   (7) Financial Aid Appeals. Petitions for review of decisions made by the Student Financial Aid Office must be submitted in writing with attached supporting documentation. Requests may be made for the review of financial aid offered and/or review of termination from financial aid due to lack of satisfactory academic progress. Notification of the petition outcome is made by mail. Students who wish to pursue their appeal further may request a review by the Dean of Students.

   (8)(a) Deferments. Tuition fee deferments may be issued only to financial aid recipients whose projected aid resources will not be available for disbursement during the first week of classes. Students seeking a deferment must have the Controller’s Office defer their fees prior to the last day of the first week of classes in order to avoid cancellation of courses and/or payment of a late fee.

   (b) Housing deferments can only be issued to financial aid recipients receiving enough aid to cover both tuition and housing fees. Housing deferment forms will be mailed each term by the Student Financial Aid office to eligible students for submission to the Cashier’s Office by the published payment deadline.

CHAPTER 6C5-5 PERSONNEL

6C5-5.004 Faculty Evaluation.
(1) The following will implement the provisions of Rule 6C-5.221, F.A.C., which requires that each faculty member be evaluated annually on the basis of his or her total performance in fulfilling responsibilities to the University.
(2) The annual evaluation shall take place during the Spring Semester and shall evaluate the faculty member’s performance during the previous calendar year.
(3) Each Department Chairperson or comparable administrator in an academic unit, shall be responsible for developing and collecting appropriate data required to evaluate the teaching, research and other creative activities, service and other University duties of each department faculty member. Faculty members with duties performed under the supervision of University officials such as Deans, Directors or the University Provost may have the performance of these duties evaluated by their immediate supervisors.
(4) A faculty member’s performance evaluation shall include a summary written by the Department Chairperson based where appropriate upon evaluations by the member’s colleagues and consideration of student evaluations of teaching. In completing this summary cognizance shall be taken of the duties formally assigned to the faculty member each term.
(5) Evaluation shall be based on performance in the areas of teaching, research and other creative activity, service including service to public schools, where applicable, and other University duties.
(6) Where appropriate, the evaluation shall include evaluations by students, other faculty members, public school officials, and other University officials responsible for supervision of the faculty member.

Specific Authority 240.227(1), 240.245(1) FS. Law Implemented 240.245 FS. History–New 7-20-76, Formerly 6C5-5.04, Amended 11-11-87.

6C5-5.005 Limited Access to Employee Records.
The contents of employee evaluation files shall be confidential, and shall conform to the requirements of applicable law rules and collective bargaining agreements. Employee evaluation files shall not be disclosed except to the evaluated employee, to persons so authorized by the employee, to University officials whose duties require access to the file in accordance with University and departmental evaluation and supervisory procedures, to the President and to the President’s designees in the discharge of official responsibilities as provided in Rule 6C5-1.002, F.A.C., and as may be provided by law. Refer to FAU Rule 6C5-1.002, F.A.C.

Specific Authority 240.227(1), 240.253 FS. Law Implemented 240.253 FS. History–New 10-17-79, Formerly 6C5-5.05, Amended 11-11-87.

6C5-5.006 Procedures Related to the Free Course Enrollment of Full-Time State Employees.
(1) Free course enrollment information: Inquiries regarding the free course enrollment benefit for full-time state employees should be made to the University Personnel Office.
(2) Eligible Employees.
(a) Full-time Administrative and Professional employees and faculty members who have been employed for at least six months in an established position in the State University System (SUS) (length of service will be calculated from the date of initial employment to the first day of classes as listed in the University Catalog), and who meet academic requirements may be allowed to enroll for up to six (6) credit hours of on-campus instruction per term without payment of the registration fee, on a space available basis. On-campus instruction is provided by courses offered at the Boca Raton or Fort Lauderdale Campuses and at the West Palm Beach Center. Extension, contract courses or any activity not funded in the education and general budget are not considered to be on-campus instruction.
(b) Permanent, full-time state employees in an established position other than those listed above, who at the time of registration have been employed for at least six (6) months (length of service will be calculated from the date of initial employment to the first day of classes as listed in the University Catalog), and who meet academic requirements may be allowed to enroll on a space available basis for up to six (6) credit hours of on-campus instruction per term without payment of the registration fee. The instruction must be in a job-related course or program as determined by the employee and verified by the supervisor and the employing agency head or designee.

(3) Enrollment.

(a) Prior to registration, the Faculty, A & P or other eligible employee shall obtain from the University Personnel Office required fee waiver forms, said forms identified as Eligibility for Enrollment in Tuition Free University Courses, “DOA 79-1-TB” and F.A.U. Faculty and Staff Enrollment Waiver of Registration Fee “PERS-17 Rev. 11/75.” These forms are to be completed, necessary approvals are to be obtained and returned to the University Personnel Office for verification and final approval.

(b) Admission, counselling, registration, fee payment, drop/add, refund and grade policies and procedures for the employee will be the same as for other students as outlined in the University Catalog and the schedule of courses for each term except for the following:

1. The employee will be assigned to classes on a space available basis only and therefore will not be permitted to register until after 1 p.m. on the last day of regular registration. Courses which have been designated by the University as having a direct cost relationship to each student admitted will not be available to employees under the fee waiver provision. Criteria to be used in determining courses with direct cost relationship will include but not be limited to faculty time required beyond normal time for lecture, discussions and examinations; additional special equipment; additional special supplies; and additional computer time. (For example, thesis, dissertation, and directed independent study courses.) A list of courses with direct cost relationship is available in the Personnel Office.

2. Prior to fee payment, but in no case prior to 1 p.m. on the last day of registration, the faculty, A & P or other eligible employee shall obtain from the Personnel Office, the previously submitted fee waiver form.

3. The employee should submit the approved fee waiver form to the cashier in lieu of fee payment. The employee must pay for any credits scheduled in excess of six hours. When different course levels are involved, the credit hours with the higher cost shall be waived. The employee must pay application fees and late registration fees, if applicable.

(c) Academic counselling, testing, learning resources and all other facilities of the University will be available to employees registering for courses on the same basis as to other students except that employees registering for four or less hours will not be privileged to use the Student Health Services. A Health Service fee of $24 per term will be required of all registrants of 5 or more credits.

(d) Employees enrolling for six or less credit hours, under the fee waiver program, do not pay activity and service fees, except for the Health Service fee where applicable, and are not eligible for free admission to activity and service fee sponsored activities.

(e) Intern supervisors – Refer to B. O. R. subsection 6C-5.133(2), F.A.C. The President of the University may also authorize for inclusion under this intern supervision program persons who supervise interns where the supervisor is required to engage in direct supervision of an intern for 300 contact hours. For the purpose of this program, the 300 contact hours may be incurred over a number of semesters provided there is at least 100 hours of direct supervision per semester.

Specific Authority 240.227(1), 240.209(1) FS., 6C-5.133, F.A.C. Law Implemented 240.209(3)(e), (m), 240.235 FS., 6C-5.133, F.A.C. History–New 12-5-79, Amended 12-1-82, Formerly 6C5-5.06, Amended 11-11-87.

6C5-5.007 Promotion Procedures.

(1) DEFINITION. Promotion is a change in job classification in recognition of significant achievement or the result of new or expanded duties and responsibilities. For administrative and professional staff, a promotion may result in the assignment to a higher pay grade.

(2) FACULTY.

(a) The criteria for faculty promotion shall include the minimum qualifications for initial appointment to the various ranks or positions according to the State University System Instructional and Research Faculty and Administrative and Professional Staff Classification Systems, BOR Rule 6C-5.105, F.A.C. Promotion criteria shall include increased skills and accomplishments in the performance of teaching, research and service assignments (including service to public schools if applicable), increased knowledge in the field of specialty, increased recognition of the faculty member as an authority in his/her field, and potential for professional growth.

(b) The promotion process will be initiated by Department Chairperson, Division Head, Dean, or may be self-initiated.

(c) The Department Chairperson or Division Head shall obtain opinions from the faculty about candidates for promotion, using any procedures adopted by the Division, Department, or the College. The Chairperson’s recommendations shall be forwarded to the Dean of the College.

(d) Each College shall have procedures to elect a Committee on Promotion and Tenure advisory to the Dean of the College. The Committee shall set forth procedures by which recommendations are made to the Dean. Written procedures adopted by the Committee must be approved by the Dean.
(e) The Dean shall convene the College Committee on Promotion and Tenure to make recommendations concerning those faculty members whose names have been submitted for promotion through their departments to the Dean. The Dean must give consideration to such recommendations but need not follow them. The Dean may also seek recommendations from such other peer and supervisory sources as he deems appropriate. The Dean will make a decision to give a favorable or unfavorable recommendation regarding a candidate for promotion and will forward appropriate background materials along with the written recommendations to the Vice President for Academic Affairs.

(f) The Vice President for Academic Affairs may submit the names and available pertinent materials to the University Committee on Promotion and Tenure. This Committee shall be comprised of the Chairpersons of the College Committees on Promotion and Tenure. The University Committee shall review and make its recommendations regarding candidates for promotion. The recommendations shall be communicated in writing to the Vice President for Academic Affairs.

(g) The Vice President for Academic Affairs must give consideration to such recommendations but need not follow them in arriving at a decision. The Vice President for Academic Affairs may also seek recommendations from other peer and supervisory sources and will then make a written recommendation to the President and forward all appropriate materials for the President’s review.

(h) The President shall make the final decision on promotions and the President or his/her designee will notify the affected faculty member in writing of his/her decision. This notification will constitute final action of the University.

(i) Faculty members being considered for promotion shall be notified of unfavorable recommendations at the Departmental, College and University levels.

(3) ALEXANDER D. HENDERSON UNIVERSITY SCHOOL (ADHUS) FACULTY.

(a) Criteria for promotion shall include the minimum qualifications for initial appointment to the various ranks or positions. In addition, promotion criteria shall include increased skill and accomplishments in the performance of teaching, research and service assignments, increased knowledge in the field of specialty, and increased recognition of the faculty member as an authority in his/her field, and potential for professional growth.

(b) The Director of ADHUS will determine eligibility of a faculty member for consideration for promotion based on minimum qualifications for initial appointment to the rank for which promotion is to be considered and on increased skills in the performance of duties. Faculty members eligible for consideration will be informed by the Director at least forty work days in advance of the date set by FAU for recommendation for promotion to be due to the appropriate University administrative office. The Director will request the candidate’s consent to continue the process of consideration for promotion. Candidates wishing to be considered for promotion will so notify the Director in writing within five work days. Each candidate will be instructed to prepare written and graphic evidence of:

1. The degree to which he/she is recognized as an authority in his/her area of assignment.

2. The degree to which his/her knowledge of the area has increased over the period of employment at ADHUS. The evidence will be submitted by the faculty member within fifteen work days following his/her consent to the ADHUS Advisory Committee on Promotion which shall evaluate it, and within fifteen work days of receipt, recommend promotion or non-promotion to the Director of ADHUS. Upon receipt of the Committee’s recommendations, the Director will submit a recommendation to the Vice President for Academic Affairs who will make a recommendation to the President. The Vice-President must take the recommendation of the Director into consideration but need not follow it. The President will take final action on the promotion, and the President or his/her designee will notify the candidate of the decision.

(c) ADHUS faculty shall have procedures to elect a Committee on Promotion. The Committee shall have procedures by which recommendations shall be made to the Director about faculty nominated for promotion.

(d) The candidate will be notified of unfavorable recommendations at each level of consideration.

(4) ADMINISTRATIVE AND PROFESSIONAL STAFF.

(a) Promotions may be awarded to persons who have demonstrated outstanding achievement in the performance of assigned duties or have substantially increased responsibilities within present classifications, and who have demonstrated the ability to assume expanded duties and responsibilities in a new classification or higher pay grade. Evidence of such ability may include fulfillment of educational and other requirements for the new and/or expanded duties.

(b) The employee’s supervisor shall make a recommendation to the appropriate Vice President in accordance with established procedures.

(c) The Vice President shall evaluate the proposed promotion and the employee’s qualifications and shall recommend a decision to the President.

(d) The President shall take final action on the promotion.

(5) This rule is subject to Board of Regents Rule 6C-5.113, F.A.C., other rules which may be applicable and collective bargaining agreements.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5) FS., 6C-5.113, 6C-5.235, F.A.C. History–New 4-20-81, Formerly 6C5-5.07, Amended 11-11-87.

6C5-5.008 Tenure Procedures.

(1) The procedures which follow shall apply to the granting of tenure:
(a) Definition. Tenure is a guarantee of continued employment of faculty members as defined by Board of Regents’ rule and by collective bargaining agreements.

(b) Criteria. The criteria for faculty tenure at Florida Atlantic University are achievement and highly competent performance in the areas of: 1. teaching; 2. scholarly research or creative activity; and 3. service to the University and to the community. This section is to be consistent with requirements in Rule 6C-5.225, F.A.C.

(2) Tenure consideration may be commenced by nomination by Department Chairperson, Division Head, Dean, nomination by the President as set forth in subsection (10), or may be self-initiated. In either case the faculty member will be notified by the Dean that he/she is eligible to be considered.

(3) The Department Chairperson or Division Head shall submit the names of candidates for tenure to the tenured faculty of the Department. The tenured faculty of the Department shall be polled by secret ballot regarding recommendations about each candidate eligible for tenure. These recommendations will be forwarded to the Department Chairperson or Division Head who shall write a recommendation to the Dean of the College regarding each nominee for tenure and report the vote of tenured faculty.

(4) Each College shall elect a committee of faculty members to serve in an advisory capacity to the Dean of the College regarding recommendations for promotion and tenure. The College Committee shall set out the procedures it will use to evaluate a candidate’s attainment of the criteria for granting tenure.

(5) The Dean shall convene the College Committee on Promotion and Tenure to make recommendations concerning those faculty members who have been nominated for tenure. The Committee will be provided with the available pertinent materials for all such candidates. The Dean must give consideration to the Committee’s recommendations but need not follow them. The Dean shall also seek recommendations from qualified scholars in pertinent disciplines both within and outside the University and from such supervisory sources as deemed appropriate. The Dean will make the decision to give a favorable or unfavorable recommendation to a candidate for tenure and will forward the written recommendation along with appropriate background materials to the Vice President for Academic Affairs.

(6) The Vice President for Academic Affairs may submit the names, and available pertinent material for candidates for tenure to the University Committee on Promotion and Tenure. This Committee shall be comprised of the Chairpersons of the College Committees on Promotion and Tenure. The University Committee shall review and make its recommendations regarding those candidates which it has considered. The recommendations shall be communicated in writing to the Vice President for Academic Affairs.

(7) The Vice President for Academic Affairs must give consideration to such recommendations in arriving at a decision to award tenure but need not follow the recommendation of the University Committee. The Vice President for Academic Affairs may also seek recommendations from other faculty and supervisory sources and will then make a written recommendation to the President of the University and forward all appropriate materials for the President’s review.

(8) The President shall make the final recommendation on the granting of tenure for faculty members and the President or designee shall communicate favorable recommendations to the chancellor for final action by the Board of Regents. Tenure may only be granted by affirmative act of the Board of Regents. The faculty members being considered shall be notified in writing of the President’s decision. This notification will constitute final action of the University.

(9) The candidate will be notified in writing at the Departmental, College and University level of an unfavorable tenure recommendation.

(10) Nothing herein shall limit the authority of the President to nominate a faculty member for tenure and forward such recommendation as provided in subsection (8).

Specific Authority 240.227(1) FS. Law Implemented 240.227(5), (6) FS., 6C-5.225, F.A.C. History–New 4-20-81, Formerly 6C5-5.08, Amended 11-11-87.

6C5-5.009 Termination, Suspension and Other Disciplinary Action for Cause for Instructional and Research and Administrative and Professional Employees.

(1) Scope. This rule applies to instructional and research and administrative and professional employees not covered by a collective bargaining agreement.

(2) Definition. “Cause” shall include:

(a) Incompetence, or
(b) Job-related misconduct, such as malfeasance, misfeasance and nonfeasance, or
(c) Other misconduct such as defined in FAU Rule 6C5-7.007, F.A.C.

(3) Termination.

(a) The appointment of an employee may be terminated or suspended for cause. An employee shall be given written notice of termination or suspension by the President or the Vice President to whom the employee reports. The notice shall state the reason for the termination or suspension. The termination or suspension imposed under this sub-section shall take effect when the time for filing a grievance has passed or when final administrative action has been taken under the grievance procedure in this chapter. During the period following notice, the employee may be reassigned at the discretion of the President or Vice President to whom the employee reports.
(b) The President or Vice President to whom the employee reports retains the right to impose disciplinary action, other than termination or suspension, for cause. The employee shall be given written notice of any disciplinary action. The President or Vice President to whom the employee reports shall state in the notice reasons for the disciplinary action. Any disciplinary action taken under this section shall be subject to the grievance procedure set out in this chapter. Counselling shall not be considered disciplinary action under this section.

(4) Suspension pending investigation. Notwithstanding the provisions of subsection (3) above, the President or Vice President to whom the employee reports may immediately suspend an employee from the performance of duties with or without pay when the President or Vice President to whom the employee reports has reason to believe that the employee’s presence on the job would adversely affect the functioning of the employee’s office or the University, or jeopardize the safety or welfare of other employees, colleagues, or students. A suspension may be with or without pay, pending final administrative action as determined by deadlines for filing grievances. Within two work days, excluding weekends and official holidays, the President or Vice President to whom the employee reports shall serve written notice upon the employee including a statement of the reasons for any action taken. If the employee has been suspended without pay and ultimately prevails in the grievance procedure, the employee shall be reinstated with back pay.

(5) Notification. Notices given under this rule shall be hand-delivered or sent “return receipt requested” to the employee’s address of record with the University. It is the duty of employees to keep current their address of record by notification to the University Personnel Office.

Specific Authority 240.227(1), 120.53(1)(a) FS. Law Implemented 240.227 FS. History–New 7-6-81, Formerly 6C5-5.09, Amended 11-11-87, 6-7-88.

6C5-5.010 Resignation and Non-reappointment.

(1) Non-reappointment by the University.

(a) This rule applies to non-tenured or non-permanent status Faculty and Administrative and Professional employees who are not subject to a collective bargaining agreement.

(b) Service in pay plans other than those described in (1)(a) above, or with any entity other than Florida Atlantic University, does not count toward length of employment for purposes of this rule.

(c) Employees in the following categories are not covered by this rule and are not entitled to notice of non-reappointment. In addition, service in the following categories does not count toward length of employment for purposes of this rule:

1. Employees holding acting, temporary or part-time appointments.
2. Employees holding visiting appointments.
3. Employees who are appointed for less than one academic year.
4. Employees who are appointed to multi-year contracts.
5. Employees who are in positions funded through contracts and grants or sponsored research funds.
6. Employees who are issued a contract which states, in substance, that their employment will cease on the date indicated and no further notice of cessation of employment is required.

(2) Non-reappointment Advance Notice Periods.

(a) Employees covered by this rule, whose appointments will not be renewed, shall be given a written notice of non-reappointment with the following advance notice periods:

   a. In their initial year of covered employment, three months.
   b. In their second year of covered employment, six months.
   c. With two or more years of covered employment, twelve months.
2. Employees hired on or after August 29, 2001.
   a. In their initial year of covered employment, one month.
   b. In their second year of covered employment, three months.
   c. With two or more years of covered employment, six months.

(3) Terms and Conditions of Non-reappointment.

(a) The employee’s current contract rate of pay shall remain unchanged through the end of the current contract period or the advance notice period, whichever is longer. The employee shall not receive any pay increases during the advance notice period.

(b) The University’s right to reassign the employee to other duties and responsibilities remains in effect during the non-reappointment period. The University’s right to terminate the employee for just cause remains in effect during the advance notice period.

(c) The University may offer an employee a contract of reappointment of a duration necessary to fulfill any advance notice requirement of this rule.

(4) Requirements of Non-reappointment Notice.

(a) All notices of non-reappointment for Administrative and Professional employees shall be approved by the Vice President for Finance or the President’s designee.

(b) All notices of non-reappointment for Faculty shall be approved by the President or his or her designee.
6C5-5.011 Grievance Procedure.

(1) The purpose of this rule is to set out a procedure for the investigation and resolution of grievances filed by instructional and research faculty and administrative and professional staff members at Florida Atlantic University who are not subject to the terms of collective bargaining agreements, or to University Support Personnel Service (U.S.P.S.) rules.

(2) Job-related problems should be resolved, whenever possible, before the filing of a grievance. Open communication and informal resolution are encouraged so as to avoid the necessity for formal grievances.

(3) The burden of proof shall be on the University in grievances alleging terminations for cause. In all other cases, the burden of proving a grievance, by a preponderance of evidence, shall be on the grievant.

(4) It is the purpose of this procedure to provide a complete response to a grievance and to discourage multiple processing of the same issue. Therefore, if prior to or while seeking resolution of a dispute under this rule, a grievant seeks resolution of the matter in any other forum, administrative or judicial, FAU shall have no obligation to entertain or proceed further with the matter pursuant to this rule. Further, since it is not intended that the grievance procedure be a device for appellate review, the response of the President or designee to a recommended order of a presiding officer acting pursuant to Chapter 120, F.S., or to another individual or group having appropriate jurisdiction in any other procedure shall not be an act or omission giving rise to a grievance under this procedure.

(5) All time limits contained in this rule may be extended by agreement of the parties. Upon failure of the grievant to file an appeal within the time limits provided in this rule, the grievance shall be deemed to have been resolved at the prior step.

(6) Definitions:

(a) The term “grievance” means a dispute concerning the grievant’s rights regarding the terms and conditions of employment.

(b) The term “grievant” means a member or members of the instructional and research or administrative and professional staff, not governed by a collective bargaining agreement, or by U.S.P.S. rules, who has filed a grievance and whose rights have been directly affected by an act or omission of a Supervisor or Administrator at FAU.

(c) The term “days” means calendar days. In the event an action falls due on Saturday, Sunday or a state holiday, the action will be considered timely if it is accomplished by 5:00 p.m. on the following business day.

(d) The term “counsel” means a lawyer or lay advisor.

(e) The term “party” means FAU or the grievant.

(7) Step One – All grievances shall be filed with the person designated by the President as Step One Representative for the unit in which the grievant performs duties, within 15 days following the act or omission giving rise thereto, or the date on which the grievant knew or reasonably should have known of such act or omission if that date is later. The written grievance shall contain the following information: The grievant’s name, name and address of counsel, if any, specific provision(s) of BOR rules under agency Title designation 6C, F.A.C., if any, or FAU rules under agency Title designation 6C5, F.A.C., or other rule, statute or agreement claimed to have been violated, a statement of the grievance, including the acts or omissions which are claimed to have given rise to the grievance, the remedy sought, and the grievant’s signature. The Step One Representative shall arrange an informal meeting, to be held within 15 days of the filing date, between the grievant and the grievant’s Supervisor. In advance of the Step One meeting, the grievant shall have the right, upon request, to a copy of identifiable documents relevant to the grievance. The Supervisor and Step One Representative shall have 7 days from the informal meeting to resolve the dispute to the satisfaction of both parties. The Step One Representative shall notify the grievant in writing of the decision.

(8) Step Two – If the grievant is not satisfied with the Step One decision, the grievant shall request in writing a conference with the appropriate Vice President by delivering a written request to the Vice President and a copy to the Step One Representative. This request must be made within 10 days of the date of the Step One decision. The Vice President or the Vice President’s designee shall schedule a conference, to be held within 7 days, with the grievant and any other persons believed to be necessary to the equitable settlement of the grievance. The Vice President or designee will endeavor to settle the dispute and will notify the grievant of the Step Two decision in writing within 5 days of the conference.

(9) If the grievant is not satisfied with the decision of the Vice President, and the matter is one of substantial interest, the decision of the Vice President shall constitute final agency action and the grievant may proceed under Section 120.57, F.S., as amended, within 25 days of the decision of the Vice President.

(10) Step Three – The grievant may, within 25 days of the date of the Step Two decision, request a Step Three hearing in writing to the President and shall waive any other review procedures. The President or the President’s designee shall schedule a hearing pursuant to Section 120.57, F.S., to be held no sooner than 7 days and no later than 15 days of the request for hearing. The employee shall have the right at the hearing to:

(a) Review all evidence and argument against the employee.

(b) Present evidence and argument on all issues.
(c) Submit rebuttal evidence.
(d) Be represented by counsel.
(e) Provide for transcription of testimony. The President or the President’s designee shall issue findings of fact and a final written order within 25 days of the conclusion of the hearing, which shall be final and binding.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5), (6), 120.57, 120.53(1) FS. History–New 7-6-81, Formerly 6C5-5.11, Amended 11-11-87.

6C5-5.012 Sexual Harassment.

1. GENERAL STATEMENT. Sexual harassment is a form of employee or student misconduct which undermines the integrity of the working or learning relationship. All members of the University community are entitled to study and work in an atmosphere free from any form of sexual harassment. Therefore, it is a violation of this rule for any employee or student to engage in conduct constituting sexual harassment. It is also a violation of this rule to retaliate against anyone who complains of sexual harassment or who participates in a proceeding related to a sexual harassment complaint.

2. DEFINITION OF SEXUAL HARASSMENT.
   (a) For purposes of this rule, sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, or other communication or physical conduct of a sexual nature from any person when:
   1. Submission to such conduct or request is made either explicitly or implicitly a term or condition of an individual’s employment; or
   2. Submission to such conduct or request is made either explicitly or implicitly a term or condition of academic achievement; or
   3. Submission to or rejection of such conduct or request by an individual is used as the basis for an employment or academic decision affecting such individual; or
   4. Such conduct or request unreasonably interferes with an individual’s work or academic performance or creates an intimidating, hostile, or offensive environment for working or learning.
   (b) The definition of sexual harassment excludes the use of sexual material in a classroom setting for academic purposes.

3. RESPONSIBILITIES.
   (a) All members of the University community are responsible for ensuring that their conduct does not sexually harass any member of the University community.
   (b) Third parties doing business with the University are responsible for ensuring that their conduct and the conduct of their employees or agents does not sexually harass any member of the University community.

4. REPORTING OF SEXUAL HARASSMENT. The University’s Sexual Harassment Policy is designed to protect all members of the University community. The responsibility for reporting incidents of sexual harassment rests with the members of the University community.
   (a) Employees.
   1. Employees who have been sexually harassed report the facts and circumstances of sexual harassment to the Director of Equal Opportunity Programs, or to any of the following, who in turn, must notify the Director of the Office of Equal Opportunity Programs: immediate supervisors, Directors, Department/Division Heads, College Deans, Vice Presidents, University Provost or Director of Personnel Services.
   2. Employees who observe or learn of conduct that they reasonably believe to be sexual harassment, report the facts and circumstances to the Director of Equal Opportunity Programs, or to any of the following, who in turn, must notify the Director of Equal Opportunity Programs: immediate supervisors, Directors, Department/Division Heads, College Deans, Vice Presidents, University Provost or Director of Personnel Services.
   (b) Students.
   1. Students who have been sexually harassed report the facts and circumstances to the Director of the Office of Equal Opportunity Programs or to any of the following, who in turn, must notify the Director of the Office of Equal Opportunity Programs: supervisors of the department involved, Department/Division Chairs, Directors, Department/Division Heads, College Deans, Vice Presidents, Dean of Students, University Provost or Director of Personnel Services.
   2. Students who learn or observe conduct they reasonably believe to be sexual harassment, report the circumstances to any of the following, who in turn, must notify the Director of Equal Opportunity Programs: supervisor of the department involved, Department/Division Chairs, Directors, Department/Division Heads, College Deans, Vice President, Dean of Students, University Provost or Director of Personnel Services. Students may also report the matter to the Director of the Office of Equal Opportunity Programs.

5. FILING A COMPLAINT. A complaint must be filed with the Director of Equal Opportunity Programs within one-hundred-eighty (180) calendar days after the last incident of alleged sexual harassment. The filing of a complaint under this policy, whether the complaint is dismissed or not, does not preclude the complainant from also filing a complaint with the Florida Commission on Human Relations or the Federal Equal Employment Opportunity Commission (EEOC) or the Federal Office of Civil Rights (OCR) and has no effect on the filing time limits of those agencies.

6. PROCESSING COMPLAINTS.
(a) Upon receipt of a complaint, written or oral, the Director of Equal Opportunity Programs discusses the complaint with the complainant and the alleged offender.

(b) The Director of Equal Opportunity Programs discusses the receipt of the complaint with the supervisor of the alleged offender.

(c) The Director of Equal Opportunity Programs attempts a resolution satisfactory to the complainant, the alleged offender and the University within fifteen (15) days.

(d) If the complaint is not resolved within fifteen (15) days, the Director of Equal Opportunity Programs interviews witnesses and reviews documents.

(e) This review should conclude within sixty (60) days. If additional time is required, the complainant and alleged offender will be notified.

(f) The Director of Equal Opportunity Programs submits a report to the appropriate Vice President, or the Associate Provost (Boca Raton campus). In the case of a student, the report will be submitted to the Dean of Students. In the event any of the above is the alleged offender in a complaint, the report will instead be submitted to his or her immediate supervisor.

(7) DISCIPLINARY ACTION.

(a) Any member of the University community found to have violated this rule shall be subject to disciplinary action up to and including dismissal or expulsion.

(b) Any member of the University community in a supervisory capacity who has knowledge by direct observation or by receipt of a complaint of sexual harassment involving anyone he or she supervises, must report the matter directly to the Director of the Office of Equal Opportunity Programs. Any supervisor who fails to report the matter directly to the Director of the Equal Opportunity Programs office will be subject to disciplinary action up to and including dismissal.

(c) Where the alleged offender is an employee, the report described in paragraph (6)(f) of this rule will be reviewed by the Vice President or the Associate Provost (Boca Raton campus). The Vice President or Associate Provost will, in consultation with the Office of Equal Opportunity Programs and the Director of Personnel Services, determine if disciplinary action is warranted, and if so, the nature of the disciplinary action to be taken.

(d) The factors to be considered in making this determination include, the nature and severity of the harassment, any prior warnings given to the alleged offender, any prior incidents of harassment by the alleged offender, and the facts and circumstances of the case.

(e) Where the alleged offender is a student, the report described in paragraph (6)(f) of this rule will be reviewed by the Dean of Students. The Dean of Students will handle the matter in accordance with the Student Conduct Code.

(f) All disciplinary action shall be subject to applicable University rules and collective bargaining agreement provisions.

Specific Authority 240.227(1), 240.261 FS. Law Implemented 240.261 FS. History–New 5-3-82, Amended 4-25-83, Formerly 6C5-5.12, Amended 11-11-87, 7-5-99.

Cf. FAU Rule 6C5-4.008, F.A.C., Student Disciplinary Procedures; FAU Rule 6C5-5.009, F.A.C., Termination, Suspension and Other Disciplinary Action for Cause for Instructional and Research and Administrative and Professional Employees.

6C5-5.013 University Ethics.

(1) State Code of Ethics.

The Code of Ethics for Public Officers and Employees, Chapter 112, Part 3, F.S., is a part of the law of the State of Florida. The Code of Ethics declares that it is the policy of the state that no employee of a state agency may have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest. The University adopts and reaffirms the State Code of Ethics and further adopts the following supplementary policies as part of the FAU Ethics Rule. The terms used are to be given the broadest definitions appropriate, so as to best implement the state policy and to evade even the appearance of impropriety in transactions and relationships involving University employees.

(2) Collective Bargaining Agreements.

This rule applies to all University employees. The provisions of this rule are subject to applicable provisions of collective bargaining agreements. In the event of conflict between this rule and a collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.

(3) Purchasing Activities.

(a) Application. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of the University and the taxpayers of the State of Florida. All University personnel engaged in purchasing activities including, but not limited to the President, Vice President, Deans, Chairpersons, Directors, Budget Committee Members, Initiators of Requirements, Receiving Personnel, Recommending Advisors, Finance and Accounting, Purchasing Agents, and all persons involved in purchasing activities, and their Supervisors, are bound by the standards of conduct for public officers and employees set forth in Chapter 112, Part 3, F.S.

(b) All employees. No full or part-time University employee may rent, lease or sell any goods, services or realty to the University, either directly, indirectly.
(c) Employees Involved in Purchasing. No full or part-time University employee who participates through decision, approval, recommendation or preparation of any part of a purchase request or who influences the content of any specification or procurement standard, may contract with or become the agent contracting with University. Nor shall such an employee permit the sale or lease of anything to the University through the employee’s spouse or minor children, or through any business entity of which the employee’s spouse or minor children, in any combination, have a material interest. “Material interest” is defined as having direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity.

(4) Conflicts of Interest.

(a) No University employee may have outside employment or a contractual relationship with any business entity which is doing business with the University, whether compensated or uncompensated, which would create a continuing or frequently recurring conflict between private interests and the full and faithful performance of the employee’s public duties.

(b) No University employee may solicit or accept anything of value, including gifts, loans, rewards, promise of future employment, favor or service the employee knows or should have known that it was given to influence the judgment or official action of the employee.

(c) The University reserves the right to refrain from contracting with any vendor of goods or services, if it determines that such a contract would involve or would appear to involve a conflict of interest.

(5) Exemptions: University employees may be exempted by the University from the foregoing prohibitions against doing business with the University, if:

(a) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder; and

1. The employee or the employee’s spouse or child has in no way used or participated in the determination of the bid specifications for the determination of the lowest or best bidder;

2. The employee or the employee’s spouse or child has in no way used or attempted to use influence to persuade the University or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The employee, prior to or at the time of the submission of the bid, has filed a statement with the Department of State, disclosing the interest of the employee or the employee’s spouse or child, and the nature of the intended business.

(b) An emergency purchase or contract which would otherwise violate this Code of Ethics must be made in order to protect the health, safety, or welfare of the citizens of the state.

(c) The business entity involved is the only source of supply and there is full disclosure of the employee of his interest in the business entity to the University prior to the business being transacted. Additional documentation may be required to verify sole source purchases.

(d) The total amount of the subject transaction does not exceed $500.00.

(e) The employee is engaged in research and development pursuant to a University copyright or patent, or under the auspices of the University’s Division of Sponsored Research. Such transaction must be approved by the President and the Chancellor and reported to the Governor and the Legislature.

(f) As a matter of policy, exemptions will not be approved by the University if other means of procurement of goods or services are available and more appropriate.

(6) Outside Employment, Business and Professional Activities.

(a) All Faculty and Administrative and Professional Employees.

1. It is the obligation of each faculty and staff member to keep the Chairman or Supervisor informed in detail as to all outside employment. Keeping the Supervisor informed, however, does not relieve the faculty or staff member of final responsibility for his or her actions. The attention of faculty members is directed to the possibility of conflict of interest between their outside activities and work at the University.

2. This University subscribes in principle to the statement on this subject by the American Council on Education and the American Association of University Professors. Before assuming outside employment, business or professional activities, the University faculty or staff member shall complete a University Outside Activity Form and submit it to his or her Department or Supervisor. Approval of Outside Activities is granted for a period not to exceed one year.

3. In general, outside activities shall not require absence from assigned duties. Situations which are not satisfactorily resolved between a faculty or staff member and the appropriate Chairman or Supervisor may be referred or appealed through normal administrative channels.

4. Any University employee who proposes to engage in outside employment or any continuing business activity shall obtain approval, in writing, as far in advance as is practical. The request for approval shall include at a minimum the name of the proposed employer, or recipient of services and funding source; the location where such activity will be performed, the nature and extent of the activity; and any intended use of University facilities, equipment, or services. The employee shall inform the Supervisor of any changes in outside activities prior to engaging in the change. University Outside Activity Forms are public records under the laws of Florida.

5. If the request for approval of outside activities includes an intended use of University facilities, equipment, or personnel, approval may be conditioned upon reimbursement to the University for any additional costs resulting from such use. Outside activities may be approved without approval of the use of University facilities, equipment, or personnel.

(b) In-Unit Faculty and Administrative and Professional Employees.
1. In-Unit Faculty and Administrative and Professional Employees may undertake outside employment pursuant to the provisions of applicable collective bargaining agreements.

2. A University Outside Activities Form must be filed prior to undertaking outside activities:
   a. If any employee is compensated for outside professional activities, or,
   b. If one could reasonably conclude that the activity could create conflict of interest, or which could otherwise interfere with the full performance of the employee’s professional or institutional responsibilities.
   c. University Support Personnel Service Employees, Student Employees and Others.

1. University’s Support Personnel Service employees, student employees and all other part-time University employees not mentioned in paragraphs (a) and (b) above, may undertake outside employment or business or professional activities provided it does not interfere with the regular work of the employee and does not result in any conflict of interest between the outside activity and the employee’s responsibility to the University.

2. It is the obligation of the employee to inform his/her Supervisor in writing on the University Outside Activity Form as to all outside employment, professional and business activities, if one could reasonably conclude that the activity is likely to create a conflict of interest or the appearance of a conflict of interest, interfere with the full performance of the employee’s duties, if the business entity, which the employee proposes to be employed by or to contract with, does business with the University.

7. Use of University Name and Symbols.

No employee shall claim to represent the University or use University letterhead or the University seal, logos, or other marks in connection with any outside employment or activity, unless authorized in writing to do so, by the University President or the President’s representative.

8. Faculty Produced Books and Materials.

   a. An employee may procure copyrights, and receive the royalties resulting therefrom, for the employee’s products, provided the ideas came from the employee, the products were the result of the employee’s independent labors, and the University was not held responsible for any opinions expressed therein. If the products were in any way supported by University funds, personnel, facilities, equipment, or materials, the employee shall report to the president or representative the employee’s interest in having the product copyrighted.

   b. University faculty members are expected to be eminent in their areas of expertise. Faculty members are also encouraged to engage in creative pursuits and to publish the products of those pursuits. The result is that the best text for use in a faculty member’s class is often written by the faculty member. A faculty member may require students to buy textbooks he or she has written provided that textbook has been published by a nationally recognized, commercial book company other than vanity press companies. The decision of the College Dean as to whether a company is a vanity press company shall be binding upon the college.

   c. Faculty members may require students in their classes to buy course manuals, studies guides, and other materials prepared by the faculty member if such materials are produced off campus, comply with copyright laws, and are offered for sale by the University Bookstore or if the materials are produced and sold by the University Copy Center. The charges to students for these materials will cover only the cost of producing and distributing the material and must be approved by the Department Chairperson and College Dean.

   d. Faculty members may not sell books or materials to the University except in conformity with other provisions of the University Ethics Rule.


University employees who are determined by the University President to have violated the Ethics Rules are subject to disciplinary action. Actions may include penalties specified by law, such as dismissal, suspension, demotion, reduction in salary, forfeiture of salary, restitution, public censure, and reprimand, or such other actions as may be deemed appropriate by the University President.


6C5-5.014 University Support Personnel System (USPS) Employee Standards and Disciplinary Procedures.

1. (a) Scope and Authority. This rule applies to all University Support Personnel System employees of the University with permanent status. The provisions of this rule are subject to applicable collective bargaining agreement provisions, and Board of Regents System-Wide Personnel Rules. Disciplinary action will be taken in a positive and constructive manner designed to assist employees in meeting expected standards.

   b. The authority to discipline USPS employees is vested in the University President. The President has delegated this authority to the Vice President for Administrative Affairs, who except for suspensions and dismissals, has delegated all other authority for disciplinary actions to immediate supervisors.

2. Standards of Conduct. The following standards are required for all employees. Departure from these standards by an employee will constitute offenses and will result in disciplinary action being taken.

   a. Employees shall respect the rights of others.

   b. Employees shall exhibit level of behavior supporting the mission, purposes and best interests of the University.

   c. Employees shall perform assigned duties in an orderly and efficient manner.

   d. Employees shall adhere to all University rules and directives.
(3) Disciplinary Procedures. Progressive and Cumulative Discipline. Disciplinary action can be both progressive and cumulative. An employee who commits different offenses and, who despite repeated warnings, fails to correct his behavior to conform to reasonable conduct or work standards will be subject to progressive and disciplinary action.

(a) Progressive discipline means that the employee is subjected to progressively more severe discipline for continued violations of the same standard of conduct. The standards for disciplinary action specify the range of disciplinary action that can be taken for each offense and the progressive discipline applicable for each succeeding offense.

(b) Cumulative discipline means that prior offenses for which an employee was disciplined may be used by the disciplining authority to determine the severity of the action to be taken for the current offense. To determine the severity of the action to be taken for the current offense, the disciplining authority may use the progressive discipline applicable for offenses for which an employee has been disciplined formally. Prior offenses need not be similar to the current offense.

(c) Establishing Cause.

1. Job-related offenses. The standards for disciplinary action apply to offenses that occur while the employee is at work or are job-related. If offenses occur while the employee is off duty, and away from the job, any disciplinary action taken must be preceded by a decision, supported by facts, that the offense adversely affects the employee’s ability to perform assigned duties, or the University’s ability to carry out its mission and purposes.

2. Counselling. Except for offenses which require that immediate disciplinary action be taken, employees will receive counselling and will be given an opportunity to comply with the supervisor’s instructions before disciplinary action is taken. Counseling shall be constructive and done with the primary purpose of helping the employee correct a problem. The supervisor shall speak privately with the employee and state the specific disciplinary standard involved. The supervisor shall seek employee input in trying to correct the situation. If the problem is not resolved, the supervisor will communicate to the employee the action to be taken.

3. Investigatory Interview. An investigatory interview may be used by the supervisor to determine whether the employee committed the alleged offense. The employee shall be advised prior to the interview that the supervisor will be conducting an investigatory interview. A permanent USPS employee, covered by a collective bargaining agreement, may have a union spokesperson, nor argue facts or conclusions. The provisions of Part VI of Chapter 112, F.S., shall apply to law enforcement employees covered by that statute.

(d) Taking Disciplinary Action.

1. Procedure. Disciplinary action shall be taken only for just cause. The disciplining authority shall review alleged offenses to determine the following:
   a. Notice – Whether the employee knew or should have known that the behavior is not acceptable. If it is a repeated offense, whether the employee was previously warned of the consequences of a repeated offense?
   b. Job Related – Whether the offense for which the employee is subject to discipline is related to the job?
   c. Proof of Misconduct – Whether the alleged offense has been investigated objectively and the investigation has established a reasonable belief that the University’s standards of conduct have been violated?
   d. Past Practice – Whether the proposed discipline is consistent with past treatment of employees who have committed similar offenses?
   e. Appropriateness of Discipline – Whether the severity of the proposed discipline is reasonably related to the seriousness of the offense and the employee’s past record of work performance, conduct, and discipline has been given consideration?

2. Types of Disciplinary Action. The following types of disciplinary actions shall be administered in accordance with this rule:
   a. Oral Reprimand.
   b. Written Reprimand.
   c. Suspension.
   d. Discharge.

3. Probationary Employees. Probationary employees may be disciplined without a right of appeal and are subject to dismissal for any single offense or for failure to meet required performance levels during the probationary period.

   a. Oral Reprimand. This is the least severe type of disciplinary action. The purpose is to cause the employee to correct inappropriate behavior after counselling has been unsuccessful. The immediate supervisor shall:
      i. Meet privately with an employee and advise the employee that an oral reprimand is being applied;
      ii. Cite the specific conduct needing to be corrected;
      iii. Explain what corrective action is required; and,
      iv. Confirm the employee’s understanding of the problem and advise him of possible future consequences if not corrected.
   b. Written Reprimand. A written reprimand is more severe than an oral reprimand. Its purpose is to warn the employee in writing of a specific offense or deficiency in performance standards and give notice to the employee of the next level of discipline for a repeated offense. The written reprimand shall be in a memorandum format informing the employee of the possible consequences if the offense is repeated. A copy shall be provided to the Personnel Office for inclusion in the employee’s personnel file. The immediate supervisor shall:
      i. Meet privately with the employee and advise the employee of the written reprimand;
ii. Cite the specific offense or the performance standard that has been violated;

iii. Discuss the specific incident that prompted the discipline and indicate the corrective action required;

iv. Confirm the employee’s understanding of the problem and advise him of the next step in progressive discipline for continued violations.

c. Suspension. This is a severe form of discipline which shall be administered as a step in the progressive and cumulative discipline procedure following one or more written reprimands, or for the first discipline for the commission of a serious offense. Suspension is defined as an action taken by the University to temporarily relieve the employee of duties and place the employee on leave without pay. Supervisors and the Vice President for Administrative Affairs shall determine whether an employee’s alleged failure to meet the University’s Standards of Conduct warrants suspension. The University Personnel Director shall notify the employee in writing of the proposed suspension stating the standard violated. Notice shall be given, offering the employee the opportunity for a predetermination conference pursuant to Board of Regents Personnel Rules. After a review and completion of the predetermination procedure, the Vice President for Administrative Affairs shall implement the proposed suspension for cause based upon a reasonable belief. A copy of the notice of suspension shall be placed in the employee’s personnel file and conform to the requirement of Board of Regents Personnel Rules, which include:

i. Notice to the employee of the action taken and the reason for such action;

ii. Listing the specific offense(s) or performance for which the employee is being disciplined;

iii. Advising the employee of the possible consequences if the offense is repeated or the performance fails to improve;

iv. Advising the employee of the right to appeal the action. If the employee is covered by a collective bargaining agreement, of the right to file a grievance.

d. Dismissal. This is the final and most severe form of discipline that may be imposed on an employee. Dismissal is defined as the action taken by the University to separate an employee from the USPS. Dismissal of permanent employees should only be used in the case of major offenses or as the final step in progressive discipline. If it is determined by supervisors and the Vice President for Administrative Affairs that the employee’s alleged failure to meet the University’s Standards of Conduct warrants dismissal, the University Personnel Director shall notify the employee in writing of the proposed dismissal, stating the standard violated. Notice shall be given, offering the employee the opportunity for a predetermination conference pursuant to Board of Regents Personnel Rules. After a thorough review and completion of the predetermination procedure, the Vice President for Administrative Affairs may implement the proposed dismissal for cause based on a reasonable belief. A copy of the final notice of dismissal shall be placed in the employee’s personnel file and shall conform to the requirements of the USPS Personnel Rules, which include:

i. Advising the employee of the action taken and the reason for such action;

ii. Listing the specific offense or performance deficiency for which the employee is being disciplined;

iii. Advising the employee of the right to appeal the action or if the employee is covered by a collective bargaining agreement, of his right to file a grievance.

(4) Standards for Disciplinary Action. The following standards for disciplinary action shall be used by supervisors to assure uniformity in treatment in the most common disciplinary problems. The list of offenses is not exclusive. It is meant to be illustrative of the most common disciplinary problems and the actions to be taken.

(a) Tardiness. The failure to follow established work schedules, reporting late at the beginning of the work schedule, or leaving early or returning late from breaks or lunch, or leaving work early at the end of the schedule, without approval, shall constitute tardiness, subject to disciplinary action.

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<tr>
<th>First Occurrence</th>
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(b) Absences. Employees shall be available to perform work regularly. A pattern of absences by an employee, whether necessary or excusable, such as recurring absences on the day preceding or following the employee’s regular days off, or absences on the same day of each week or month, shall be considered excessive. The supervisor shall review the use of employee’s sick leave to determine if such patterns of sick leave exist.

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(c) Loafing. Continued and deliberate idleness during working hours which results in the employee’s failure to perform assigned tasks shall constitute idleness, subject to disciplinary action. This includes, but is not limited to, deliberately wasting time, engaging in idle talk or conducting personal business during the work period.

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(d) Unauthorized Distribution and Solicitation. The distribution of written, printed or reproduced material of any kind, sales to, or solicitation of, students or employees by another employee, for any purpose not specifically authorized by the University, while either employee is on duty shall constitute unauthorized distribution and solicitation, subject to disciplinary action.

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(e) Unauthorized Use of State Property, Equipment or Personnel. The use of any State property, equipment or personnel for any purpose other than official University business shall constitute unauthorized use subject to disciplinary action.

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(f) Leaving the Work Station Without Authorization. The unauthorized absence by an employee from the work station or duty assignment during the established work period, or the leaving of the work station for a lunch or rest period without being properly relieved, if that station must be maintained during such period, shall constitute leaving the work station without authorization, subject to disciplinary action.

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(g) Horseplay. Actions which disrupt or have the effect of disrupting the work of the participants or other employees, whether intended to be mischievous or prankish or not, shall constitute horseplay, subject to disciplinary action.

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(h) Sleeping on Duty. The observed failure of an employee to remain awake while on duty shall constitute sleeping on duty, subject to disciplinary action.

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(i) Insubordination. A deliberate and inexcusable refusal or failure to obey a reasonable order which relates to an employee’s job function shall constitute insubordination, subject to disciplinary action. It includes both an expressed refusal to obey a proper order, as well as a deliberate failure to carry out an order.

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(j) Fighting. An intentional battery on another person shall constitute fighting, subject to disciplinary action.

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(k) Threatening or Abusive Language Directed Toward Another Person. The use of language which is threatening or abusive, whether directed toward a supervisor, fellow employee or the public shall be subject to disciplinary action. It includes offensive language, whether or not directed toward anyone in particular, regardless of the intent.

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(l) Drinking on the Job or Reporting to Work under the Influence of Alcohol. Drinking of any alcoholic beverage on the job or reporting to work under the influence of alcohol is prohibited and subject to disciplinary action. An employee exhibiting a pattern of alcohol abuse to the extent that it affects work performance is a problem drinker. A problem drinker shall not be subject to disciplinary action, unless the employee has refused to recognize the condition, failed to cooperate by not seeking help, or treatment has proved unsuccessful.

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(m) Reporting to Work Under the Influence or Use of Non-prescribed Drugs. The use of any non-prescribed drug on the job or reporting to work under its influence is prohibited and subject to disciplinary action.

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(n) Sabotage. Participation in an act of destruction or attempted destruction of University property or equipment which obstructs University operations shall constitute sabotage, subject to disciplinary action. Deliberate acts intended to interfere with the normal operation of the University shall constitute sabotage and will be subject to discipline.

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(o) Falsification of Records. The willful and deliberate misrepresentation, falsification or omission of any fact whether verbal, written, or communicated in some other medium, including but not limited to application, time and attendance, employment status, travel, or work and production records shall constitute falsification of records, subject to disciplinary action.

First Occurrence: Dismissal

(p) Conviction of a Crime. The conviction of an employee of a crime, which would affect adversely the employee’s ability or availability to perform the duties of the job, or the University’s ability to carry out its mission shall be subject to disciplinary action.

First Occurrence: Dismissal

(q) Theft. The unauthorized taking of any property of the University or of any other person or entity shall be subject to disciplinary action.

First Occurrence: Dismissal

(r) Violation of Safety Practices. The failure to follow established safety practices shall be subject to disciplinary action. This includes the performance of unsafe acts or failure to wear or use safety equipment.

First Occurrence: Oral Reprimand to Three-day Suspension
Second Occurrence: Three-day Suspension to Dismissal
Third Occurrence: Dismissal

(s) Sexual Harassment. As defined in Rule 6C5-5.012, F.A.C., sexual harassment is any repeated or unwelcome verbal or physical abuse which causes the recipient discomfort or humiliation or which interferes with the recipient’s educational or job performance and shall be subject to disciplinary action. Copies of this rule may be obtained from the University Personnel Office.

First Occurrence: Written Reprimand to Dismissal
Second Occurrence: Three-day Suspension to Dismissal
Third Occurrence: Dismissal

(t) Absence Without Authorized Leave. Failure to obtain approval prior to any absence from work, to notify or call the appropriate supervisor or the supervisor’s designee on the first day of an absence or obtaining leave based upon a misrepresentation or falsification shall be subject to disciplinary action. In the case of a proven emergency, an employee who must be absent, prior to receiving approval from the proper authority, shall not be subject to disciplinary action.

First Occurrence: Written Reprimand to Three-day Suspension
Second Occurrence: Three-day Suspension to Dismissal
Third Occurrence: Dismissal

(u) Conduct Unbecoming a Public Employee. Conduct, whether on or off the job, which adversely affects the employee’s ability to continue to perform his assigned duties, or the University’s ability to carry out its assigned mission shall be subject to disciplinary action.

First Occurrence: Written Reprimand to Dismissal
Second Occurrence: Three-day Suspension to Dismissal
Third Occurrence: Dismissal

(v) Possession, Sale, Distribution of Alcoholic Beverages or Illegal Drugs. The possession, sale, or distribution of illegal drugs on University property or on the job is prohibited at all times and shall be subject to disciplinary action. Possession, sale or distribution of alcoholic beverages except at authorized events is prohibited and shall be subject to disciplinary action.

First Occurrence: Three-day Suspension to Dismissal

Second Occurrence: Dismissal

(w) Improper or Careless Use or Operation of State Property or Equipment. The improper or careless use of State property or equipment, abuse or misuse, shall be subject to disciplinary action. This includes failure to observe the established speed limit while driving a State vehicle.

First Occurrence: Written Reprimand
Second Occurrence: Three-day Suspension
Third Occurrence: Dismissal

(x) Negligence. Carelessness in, omission of, or inattention to, the performance of assigned duties and responsibilities shall be subject to disciplinary action. Negligence constitutes lack of care, caution, attention, diligence, or discretion.

First Occurrence: Written Reprimand
Second Occurrence: Three-day Suspension
Third Occurrence: Dismissal

(y) Strike or Concerted Activity. Instigating or supporting in any manner a strike shall be subject to disciplinary action. A strike constitutes the concerted failure of employees to report for duty, the concerted absence of employees from their positions, the concerted stoppage of work by employees, the concerted submission of resignations by employees, the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with a public employer for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or the rights, privileges, or obligations of public employment, or participating in a deliberate and concerted course of conduct which adversely affects the services of the public employer, the concerted failure of employees to report for work after the expiration of a collective bargaining agreement, and picketing in furtherance of a work stoppage. The term strike also shall mean any overt preparation, including, but not limited to, the establishment of strike funds with regard to the above, listed activities.
First Occurrence Dismissal
(z) Violation of a Provision of Law or University Rule. The violation of the provisions of law or University rule shall be subject to disciplinary action. This may include, but is not limited to, misuse of position, giving or accepting a bribe, discrimination in employment, illegal campaigning, or any other act or omission which could constitute a violation of Federal, State Laws or University Rules.

First Occurrence Written Reprimand to Dismissal
Second Occurrence Dismissal

(aa) Failure to make Restitution of Debts. The accumulation of debts owed to the University or State of Florida and the failure to make restitution shall be subject to disciplinary action. Nothing herein restricts the right of the University or the State to offset debts owed by the employee against wages or any sums due to the employee.

First Occurrence Written Reprimand if restitution is not arranged to the satisfaction of the agency to which the debt is owed after the first notice to pay the debt.
Second Occurrence Dismissal if restitution is not made after second notice to pay the debt.

(bb) Failure to Report Revocation or Suspension of Driver’s License. The failure to immediately report the revocation or suspension of an employee’s driver’s license to a supervisor shall be subject to disciplinary action where driving is a job-related function or the employee has access to University owned vehicles.

First Occurrence Written Reprimand
Second Occurrence Written Reprimand to Three-day Suspension
Third Occurrence Thirty-day Suspension to Dismissal

(cc) Improper Uniform or Untidy Appearance. If an employee must wear a uniform during the performance of duties, non-compliance with the Department’s uniform and dress appearance code shall be subject to disciplinary action.

First Occurrence Oral Reprimand
Second Occurrence Written Reprimand
Third Occurrence Three-day Suspension
Fourth Occurrence Dismissal

(dd) Failure to Report Bribe. An employee has the duty to report any bribe or attempted bribe of a department employee or public official. The failure to immediately report a bribe or attempted bribe shall be subject to disciplinary action.

First Occurrence Written Reprimand to Dismissal
Second Occurrence Three-day Suspension to Dismissal
Third Occurrence Dismissal

(ee) Abuse of Position or Unauthorized Use of Department Identification. An employee who abuses his position or identification as an employee of the department for personal gain or influence or to avoid the consequences of unlawful acts shall be subject to disciplinary action. The following acts are illustrative of what constitutes abuse:
Soliciting or accepting any gratuity, gift loan, reward, promise of future employment, favor or service that would cause the employee to be influenced in the exercise of official duties or that is based on any understanding that any official action or judgment of the employee may be influenced thereby. Use of name, photograph, or title which identifies one as an employee of the University or a department in connection with testimonial, advertisements of any commodity or service, commercial enterprise, charity or other public or private uses without the written approval of the supervisor.

First Occurrence Written Reprimand to Dismissal
Second Occurrence Three-day Suspension to Dismissal
Third Occurrence Dismissal

(ff) Unlawful or Careless Use or Display of a Weapon. An employee required to carry a weapon during the performance of duties shall be subject to disciplinary action for the unlawful or careless use or display of a weapon.

First Occurrence Written Reprimand to Dismissal
Second Occurrence Thirty-day Suspension to Dismissal
Third Occurrence Dismissal

(gg) Divulging Confidential Information or Unauthorized Release of Records. An employee who divulges confidential information or disseminates, releases, alters, defaces or removes any department record without proper authorization shall be subject to disciplinary action.

First Occurrence Three-day Suspension to Dismissal
Second Occurrence Dismissal

(hh) Handling of Evidence by Law Enforcement Officers. A University law enforcement officer who fails to inventory, process and reasonably care for recovered or seized property or who converts, falsifies, conceals, destroys or withholds any property or evidence shall be subject to disciplinary action.

First Occurrence Written Reprimand to Dismissal
Second Occurrence Thirty-day Suspension to Dismissal
Third Occurrence Dismissal
(ii) Failure to Give Truthful or Requested Information During Internal Investigation. An employee who fails to give truthful or requested information during the course of an internal investigation shall be subject to disciplinary action.

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<th>First Occurrence</th>
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<td>Second Occurrence</td>
<td>Thirty-day Suspension to Dismissal</td>
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(jj) Substandard Performance of Assigned Duties. The failure to satisfactorily meet the minimum performance standards that specifically relate to the employee’s duties and responsibilities shall be handled according to Board of Regents and University rules pertaining to performance evaluations.

(5) Extraordinary Situations. Extraordinary situations may arise where it is determined that a violation of the University’s Rules and Standard of Conduct or State or Federal Law is serious enough to warrant immediate suspension or dismissal. Use of the Extraordinary Situations provision is appropriate when the retention of a permanent USPS employee would result in injury to the employee or another person, damage to property, or be detrimental to the best interests of the University. The Vice President for Administrative Affairs, after review of the pertinent facts, may take action immediately to suspend or dismiss the employee in accordance with the Board of Regents Personnel Rules.

(6) Investigatory Leave. If an employee is under investigation by the University for violation of the University’s Standard of Conduct, the employee may be placed on Administrative Leave. When an employee’s absence from the University is determined to be in the best interest of the University, Administrative Leave shall be granted in accordance with the Board of Regents Personnel Rules.

(7) Demotion. Demotion is defined as moving an employee from a position in one class to a different position in another class having a lesser degree of responsibility and a lower salary range maximum. An employee shall not be demoted as a form of disciplinary action. Demotion shall be used to remove an employee from his class when the employee fails to achieve performance standards in his assigned duties.

Specific Authority 120.53(1)(a), (b), 240.227(1), (5), 240.261 FS. Law Implemented 120.53(1)(a), (b), 240.227(1), (5), 240.261 FS. History–New 6-7-88.

6C5-5.016 Executive Service.

(1) The University hereby adopts an Executive Service Classification for employees whose positions are in the Administrative and Professional Classification and Pay Plan, at a University-wide, policy-making level, who report directly to the University President, and who do not hold tenured positions in accordance with the Board of Regents Rule 6C-5.315, F.A.C.

(2) Employees in the Executive Service may have their contracts of employment terminated by the President upon notice of at least sixty calendar days.

Specific Authority 240.227(1), (5) FS. Law Implemented 240.227(1), (5), 240.209(3)(e), 240.283 FS. History–New 6-7-88.

6C5-5.017 University Support Personnel System Employee Performance Evaluations.

(1) The University will administer a procedure for evaluating the performance of all University Support Personnel System employees on an impartial basis in accordance with the provisions of Board of Regents Rule 6C-5.315, F.A.C.

(2) Performance evaluations shall be made according to the criteria and specifications set forth on the University USPS Performance Appraisal Form.

Specific Authority 120.53(1)(a), (b), 240.227(1), (5), 240.261 FS. Law Implemented 240.227(5) FS. History–New 6-7-88.
CHAPTER 6C5-6 PROPERTY AND FINANCE

6C5-6.001 Fiscal Policy.
(1) The University is committed to providing the best and the most education at the least cost. Institutional fiscal policy is set by the President.
(2) The Vice President for Administrative Affairs is the designee of the President for fiscal management of the University.
(3) The Vice President for Administrative Affairs may delegate such parts of his/her responsibility to Directors reporting directly to him/her.

Specific Authority 240.227 FS. Law Implemented 240.227 FS. History—New 10-1-75, Formerly 6C5-6.01, Amended 11-11-87, 6-7-88.

6C5-6.002 Approval and Execution of Contracts.
(1) The President of the University may approve and execute contracts on behalf of the University as provided in Section 240.227(12), F.S. and as delegated by the Board of Regents.
(2) No person, except as provided elsewhere by rule, or as otherwise delegated by the President, is authorized to enter into any agreement which purports to bind the University.

Specific Authority 240.227(1) FS. Law Implemented 240.227(12) FS. History—New 10-1-75, Amended 5-24-76, 7-17-83, Formerly 6C5-6.02, Amended 11-11-87.

6C5-6.003 Grants, Contracts and Unrestricted Gift Funds.
(1) The purpose of this rule is to define the general policies for all sponsored and directed research activities involving grants or contracts, provide procedures for submitting proposals for outside support, and define the roles of delegated individuals.
(2) The Sponsored Research Administrator will approve all research, grant, and contract proposals after reviewing them to insure that they conform to University, Board of Regents, and state policies and laws. All proposals will also be reviewed to insure that they are in proper form for submission to the potential sponsors and that implied or definite University commitment of funds, space, and personnel can be met.
(3) The University Controller shall be responsible for budget control, record keeping, formal financial reports and accounting for all contract and grant funds. The sponsored research development trust fund, which is derived from grant overhead cost sharing, will be accounted for in a separate fund. The University Controller will maintain such records and make such reports as are required by law and by the administrator of the Division of Sponsored Research using acceptable accounting practices. The Controller and the Research Administrator will be responsible for determining that expenditures are made in accordance with the terms of the grant or contract, as well as with the regulations of the Division of Sponsored Research.
(4) The President or the University Provost is authorized, on behalf of the Board of Regents, to enter into and execute contracts and to accept grants for research. Subcontracts, expenditures and other commitments may be made only after official notification of the grant award is made to the University, unless the contract carries the following or its equivalent: “This contract (or agreement) is contingent upon receipt by Florida Atlantic University of funds from _________ (Granting Agency) for _________ (Grant Title).” Solicitation of bids should be made to qualified firms, agencies or persons. Advice and assistance of the Director of Procurement should be utilized by the Principal Investigator. The best and lowest bid is to be selected. The contract is to be signed by the Principal Investigator, the Dean of the College concerned and the President or the University Provost.

Specific Authority 240.241(2) FS. Law Implemented 240.241 FS. History—New 10-1-75, Amended 5-24-76, 12-17-78, Formerly 6C5-6.03, Amended 11-11-87.
6C5-6.004 Traffic Violation Fees.
Monies collected on campus from traffic penalties and violations are deposited in appropriate funds and may be used to defray the administrative costs of collection, for student scholarship and loan purposes, or to provide for maintenance of parking facilities on campus. See Rule 6C5-7.004, F.A.C., for traffic rules which apply to all persons on campus.

Specific Authority 240.227(1), 240.267 FS. Law Implemented 240.265, 240.266, 240.267 FS. History–New 10-1-75, Amended 5-24-76, Formerly 6C5-6.04, Amended 11-11-87.

6C5-6.005 Use of University Property and Facilities.
Florida Atlantic University Physical facilities and property have been provided and are maintained primarily for the academic and related functions of teaching, research, support services, and administration. Individuals and recognized organizations of the University community (students, faculty, staff, and alumni) may temporarily use or sponsor use of certain University facilities and properties in accordance with Board of Regents’ rules. Non-University entities whose activities relate to and further the mission and purposes of the University will be allowed to use University facilities and properties in accordance with the provisions of Presidential Memorandum #60 (Revised 9-28-84), entitled Use of University Property and facilities, and herein incorporated by reference and made part of these rules. However, as a general rule, entities which exist primarily for the purpose of carrying on commercial activity for profit, or which otherwise exist primarily for private individual gain or benefit, will not be permitted to use campus facilities.

Specific Authority 240.227(1) FS. Law Implemented 235.02, 240.227(1) FS. History–New 10-1-75, Amended 8-1-82, Formerly 6C5-6.05, Amended 1-11-87, 6-7-88.

6C5-6.006 Property Responsibility.
(1) The responsibility and authority for all University property is delegated to the Vice President for Administrative Affairs, who shall serve as Property Manager. The Property Manager shall manage the assignment, accountability, transfer and disposal of state-owned property for which the University has custodial responsibility under the Florida Statutes. To assist the Vice President for Administrative Affairs, the custodial responsibility is further delegated to the administrative heads of departments to which property is assigned.

(2) In the case of property acquired by grant or contract, the Principal Investigator will be the accountable officer until such time as title to the property is transferred to the University. Thereafter, responsibility is transferred to the administrative head of the department to which the property is transferred.

Specific Authority 240.227(1) FS. Law Implemented 273.03, 240.227(13) FS. History–New 10-1-75, Amended 5-24-76, Formerly 6C5-6.06, Amended 11-11-87.

6C5-6.007 Surplus Property.
(1) Purpose. The purpose of this rule is to implement the delegated authority received by Florida Atlantic University in accordance with Section 240.225, F.S., with respect to those functions and duties concerning surplus property management heretofore performed by the Department of General Services in accordance with Sections 273.04, 273.05 and 273.55, F.S.

(2) Definitions.
(a) Custodian – Any person entitled to lawful custody of property owned by the state.
(b) Property Manager – An individual assigned by the University President to manage the assignment, accountability, transfer and disposal of state-owned property for which the University has custodial responsibility under the Florida Statutes.
(c) Tangible Personal Property – All personal property, other than real estate, acquired and belonging to the State of Florida.
(d) Exchange Property – Property being offered as a trade-in on the purchase of a new item.
(e) Property Survey Board – A body appointed by the University President to approve surplus property disposal and relief of accountability.

(3) Reporting Requirements for Surplus, State-Owned, Tangible Personal Property.
(a) Tangible personal property which is determined to be surplus because it is excess, obsolete, uneconomical or inefficient for continued use shall be certified as surplus by the custodian of the property to the Property Manager.
(b) The Property Manager or his/her designee will agenda the certification for disposition action by the Property Survey Board.
(4) Certification – Surplus Property Certifications shall provide the following information:
(a) Complete description of property,
(b) Statement of condition and age,
(c) Original purchase price,
(d) Estimated current value,
(e) Location of property and hours when property may be examined, person to contact for examining property, and a minimum bid (if required), and
(f) Any additional information, when needed, that would assist in determining whether or not property should be offered to other universities, state agencies, or governmental entities.
(5) Buildings and Structures – Buildings, structures and other items of a semi-permanent or permanent nature shall be considered tangible personal property, if and when they are severed from the real property upon which they reside, and shall be reported in the same manner as all other surplus property. In addition, the legal description of the location, size, type of construction, and reason for removal shall be noted.

(6) Items to Be Reported – In instances of loss, theft or fire, such property should be reported to the Property Manager for action on relief of accountability in the same manner as all other surplus, state-owned, tangible property. (Refer to subsection (3) of this rule.) The Property Manager shall obtain the approval of the State Comptroller for relief of accountability for property items involved in mysterious disappearance, theft or malicious damage.

(7) Procedures for Disposal of Surplus Property.

(a) Transfer to another state agency or political subdivision.

If, because of its type, age or condition, the Property Survey Board feels the equipment is not useful to any university under the State University System, the Property Survey Board may approve transfer under such conditions the Property Survey Board may determine appropriate.

(b) Scrap or cannibalization of equipment.

The Property Survey Board may approve the scrap or cannibalization of equipment if it feels it is in the best interest of the University.

(c) Abandoned equipment.

The Property Survey Board may approve the abandonment of tangible personal property, in place, upon determination that cost of return or repair exceeds the value of the property.

(d) Public sale.

1. The Property Survey Board may approve the public sale of such property determined to be surplus to the needs of the University.

2. All public sales shall be conducted on a set date and time which shall be advertised in a local newspaper of general circulation no less than two weeks prior to the sale.

3. Sales may be conducted at the discretion of the Property Manager, as auction or sealed bid sales.

(e) If the cost of disposal of an item appears to be greater than the amount to be gained through a public sale, the Property Survey Board may approve the Property Manager to donate these items to a non-profit charity. The Board may direct that items be cannibalized, scrapped or destroyed in the event that no suitable non-profit organization can be found.

(8) Availability of Surplus State Property – The Property Survey Board may at its discretion approve the circulation of surplus property having a useful life to other agencies. Listings of such property available on a bid basis may be sent to other state agencies and the Bureau of State Surplus Property. Property listings will include condition and location of property available for viewing.

(9) Authority for Disposal – Certified surplus property shall not be sold, transferred, cannibalized, scrapped or destroyed without prior approval of the Property Survey Board.

(10) Exchange Property.

(a) When the University has property available for use as a trade-in for the purchase of new property, the Property Survey Board at its discretion may approve that the Property Manager advise the Bureau of State Surplus Property of the availability of such exchange property in writing, specifying the following information, if available:

1. Description of exchange property,
2. Manufacturer’s name,
3. Model number,
4. Serial number,
5. Age,
6. Condition (E-Excellent, G-Good, F-Fair, P-Poor),
7. Inventory control number,
8. Location of property (room number, building, city),
9. Name and phone number of person to contact for information about the exchange property,
10. Date planned for trade-in transaction, and
11. A written trade-in quote stating the trade-in allowance and signed by the prospective purchaser.

(b) Such notice of availability of property shall be forwarded to the Bureau of State Surplus Property a minimum of two weeks in advance of planned transaction date.

(c) Should the Division of Surplus Property decide to purchase the exchange property, the University should pay the full purchase price for the new property and send an invoice for reimbursement of the trade-in allowance to the Bureau of State Surplus Property.

(11) Non-State Funded Property – All property originally purchased with non-state funds, such as contracts or grants, shall be managed in a form consistent with the applicable rules and regulations of the funding authority.

(12) Disposition of Monies – All monies received from the sale of such surplus property, less costs associated with the disposal action, shall be deposited to the Incidental Trust Fund or departmental accounts which funded the original acquisition of the property. (See subsection 6C5-6.007(11), F.A.C.)
6C5-6.008 Purchasing.

(1) Definitions.
   (a) Artistic Services – Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.

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

   (c) Competitive Bid/Proposal – The response submitted to an Invitation to Bid, Request for Proposal, or an Invitation to Negotiate by responsive and qualified bidders or offerors.

   (d) Competitive Negotiation – The establishment of a contract through deliberation, discussion or conference on the specifications, terms and conditions of a proposed agreement.

   (e) Competitive Solicitation – An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor.

   (f) Contractor/Vendor – A person or firm who contracts to sell commodities or contractual services to the University.

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

   (h) Extension – An increase in the time allowed for the performance of the contract.

   (i) Independent Contractor – A person or firm who provides a service to the University but does not have any employment or other relationship or connection with the University, except as provided in Section 112.313, F.S.

   (j) Invitation to Bid – A written solicitation for competitive sealed bids, designating the title, date, and hour of the public bid opening and also defining the commodity, group of commodities or services.

   (k) Invitation to Negotiate – An invitation extended to prospective contractors, whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services.

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

   (m) Purchase – An acquisition of commodities, services or licenses obtained by purchase order, contract or other authorized purchasing method, whether by rent, lease, installment, lease-purchase or outright purchase.

   (n) Purchases for Resale – The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.

   (o) Renewal – Contracting for an additional period of time after the initial contract term, provided the original terms of the agreement specify an option to renew.

   (p) Request for Proposal – A written solicitation for competitive proposals for commodities or contractual services designating the title, date, and hour of the public opening. The request for proposal is used when the scope of work is not clearly defined.

   (q) Responsive and Qualified Bidder or Offeror – A contractor/vendor who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.

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

   (s) Vehicles – Includes any automobile, truck, motorcycle, bicycle, golf cart, watercraft or other vehicle designed primarily for transporting persons as well as construction vehicles or farm equipment. Vehicles owned, leased or operated by the University shall be available for official University business only.

   (2) Authority. The President shall delegate to the Purchasing Department the powers and duties prescribed in Section 1001.75(5), F.S., as appropriate. In addition, the Purchasing Department has the responsibility to:

   (a) Canvass sources of supply and enter into contracts for the purchase of goods or services including installment or lease-purchase contracts.

   (b) Evaluate the ability of any vendor to remain on a competitive vendor list, based on the Vendor’s responsiveness to competitive solicitations, the Vendor’s ability to fulfill the duties specified in contracts, or any disruptive or unprofessional conduct or conduct which is not conducive to the University environment on the part of the Vendor or its agents.

   (c) Negotiate with Vendors.

   (d) Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/services that are frequently purchased and are available from a single source.
(e) Evaluate and approve contracts let by the Federal Government, the State, other states, political subdivisions or entities, colleges, universities, educational cooperatives or educational consortia for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts let by such other entities.

(f) Elect as an alternative to the provisions of Section 120.57(3)(c), F.S., to proceed with a bid solicitation or contract award process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the University.

(g) Award contracts for commodities and contractual services. This includes the authority to make awards to multiple suppliers, awards in multiple year terms, or award contracts on behalf of multiple institutions or entities.

(h) Reject or cancel any or all competitive solicitations, in whole or in part, when determined to be in the best interest of the University.

(i) Purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University.

(3) Competitive Solicitations.

(a) General.
1. The opportunity to bid on a University contract is a privilege, not a right.
2. All contracts for the purchase of commodities or contractual services exceeding $50,000 shall be awarded pursuant to a competitive solicitation, unless otherwise set forth in this rule.
3. The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.
4. In the event that no quotes, bids, proposals, or responses to Invitations to Negotiate are received in response to a competitive solicitation, the University shall negotiate the purchase at the best possible price.
5. When only one response is received to a competitive solicitation for commodities or contractual services exceeding $50,000, the Purchasing Department shall review the solicitation response to determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined by the Purchasing Department that a second call would not serve a useful purpose, the University will proceed with the acquisition.
6. When multiple responses that are equal in all respects are received to a competitive solicitation, the Purchasing Department shall give a preference to responses that include minority business enterprise participation, commodities manufactured in the State, Florida businesses, businesses with a drug-free workplace program, or foreign manufacturers located in the state, in determining the contract award. If these conditions do not exist, or are the equivalent between two or more responses, a coin toss will be used.
7. The intended award shall be publicly posted by the Purchasing Department for 72 hours which is interpreted as three working days excluding Saturdays, Sundays, and State and University Holidays.
8. Advertisements. Invitations to Bid, Requests for Proposal, and Invitations to Negotiate expected to be in excess of $150,000 shall be advertised in the Florida Administrative Weekly, the Florida Communities Network (MyFlorida.com), or on the Purchasing Department’s web site.
9. The contents of Requests for Proposal, Invitations to Bid and Invitations to Negotiate shall be kept confidential by the University until the date of award, or for up to 10 calendar days after the opening date, whichever is earlier, pursuant to Section 119.07(3)(m), F.S.
10. In the case of extension errors, the extended price (unit price multiplied by the quantity) will be based on the unit price as stated in the Vendor’s Response.

(b) Purchasing actions that are not subject to the competitive solicitation process include:
1. Emergency Purchases. When the President or designee determines, in writing, that the delay due to the competitive solicitation process would cause an immediate danger to the public health, safety or the welfare of person(s), animal(s), the preservation or protection of property, or the continuance of a vital University function, the Purchasing Department is permitted to proceed with the procurement of commodities or contractual services without a competitive solicitation. The emergency purchase shall be limited to the purchase of the type of items and quantities needed, or for a time period sufficient to meet the immediate threat, and shall not be used to meet long-term requirements.
2. Sole Source Purchases. The Purchasing Department shall certify in writing that a particular commodity or service is available from a single source and shall publicly post the certification for three working days.
3. Purchases from contracts and negotiated annual price agreements established by the Federal Government, the State, other states, political subdivisions or entities, colleges, universities, educational cooperatives or educational consortia are not subject to further competitive solicitation.
4. Construction Direct Purchase Program (Owner/Contractor Program). Commodities to be incorporated into any public work (as that term is defined in Rule 12A-1.094, F.A.C.), which are procured by the University in accordance with the requirements of the University’s direct purchase program, are not subject to any further competitive solicitation.

(c) Commodities and contractual services that are not subject to the competitive solicitation process include:
1. Artistic services;
2. Academic reviews;
3. Lectures;
4. Auditing services;
5. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services. Written approval from the Attorney General is not required for private attorney services acquired by the University, pursuant to Section 287.059, F.S.;

6. Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;

7. Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of s. 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;

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

9. Family placement services;
10. Training and education services;
11. Advertising;
12. Services or commodities provided by the Federal Government, the State, other states, political subdivisions or entities, colleges, and universities;
13. Continuing education events or programs that are offered to the general public for which fees have been collected to pay all expenses associated with the event or program;
14. Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;
15. Regulated utilities and government-franchised services;
16. Regulated public communications, except long distance telecommunication services or facilities;
17. Extension of an existing contract;
18. Renewal of an existing contract if the terms of the contract specify renewal option(s);
19. Purchases from the Annual Certification List developed by the University;
20. Purchases for resale;
21. Accountant Services;
22. Contracts or services provided by not-for-profit, direct support, health support and University affiliated organizations;
23. Implementation, programming, or training services available from the owner of copyrighted software or its agent; and
24. Purchases of materials, supplies, equipment, or services for research purposes when the Director of Sponsored Research or designee, certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project.

4) Bonds.

(a) Bid Bonds. The University will require payment of a bid bond when the Purchasing Department determines that it is necessary based on the following factors: the size of the contract, the nature or scope of the project, the financial stability of the bidder or the ability of the bidder to fulfill the contract. The payment of the security shall be in the form of a certified, cashier's or treasurer's check, bank draft or bid bond.

(b) Payment and Performance Bonds. The University shall require a contractor to furnish a payment and performance bond, prior to the issuance of a contract, with good and sufficient securities, when the total contract amount is greater than $200,000 and the Purchasing Department is uncertain about the contractor’s ability to perform.

(c) Solicitation Protest Bond. Any contractor that files an action pursuant to Section 120.57(3)(b), F.S., protesting a decision or intended decision pertaining to a solicitation, shall at the time of filing of the formal protest, post with the University, a bond payable to the University in an amount equal to: 10% of the estimated value of the protestor's bid or proposal; 10% of the estimated expenditure during the contract term or $10,000, whichever is less. The bond shall be conditioned upon the payment of all costs that can potentially be adjudged against the contractor filing the protest action. In lieu of a bond, the University will accept a cashier's check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier's check or money order at the time of filing the formal protest shall result in the denial of the protest.

5) Contracts.

(a) Contracts for commodities or contractual services or licenses shall consist of a purchase order or bilateral agreement signed by the President or designee prior to goods or services being rendered by the contractor.

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

(c) Contract extensions, renewals, modifications to terms, conditions and scope, or amendments shall be permitted, shall be in writing, signed by all parties, and where applicable, are subject to annual appropriations by the Florida Legislature.

(d) The University will enter into deferred payment agreements utilizing the State of Florida Comptroller’s Consolidated Equipment Financing Program when the Purchasing Department determines that it is financially favorable to the University to do so. No agreement shall establish a debt of the State or shall be a pledge of the faith and credit of the State; nor shall any agreement be a liability or obligation of the State except from appropriated funds.
(e) Contracts entered into by the University that limit the liability of the Vendor shall be consistent with Section 672.719, F.S.
(f) The total value of a contract shall be defined as the initial cost or revenue to the University for the maximum term of the contract including all options, extensions, and renewals.

(6) Purchases from Minority Business Enterprises.
   (a) Purchasing from Minority Business Enterprises. The University is an equal opportunity institution and encourages procurement contracting with Minority Business Enterprises.
   (b) Certifications of minority business enterprises granted by state and local entities, and business organizations are eligible for acceptance in the University’s MBE Program. MBE certifications by the State of Florida will be accepted by the University.

(7) Standards of Conduct and Limitation on Participation.
   (a) All individuals participating in the procurement process are bound by the State of Florida Code of Ethics for Public Employees, Chapter 112, Part 3, F.S., and Florida Atlantic University Rule on University Ethics, Rule 6C5-5.013, F.A.C.
   (b) It shall be a breach of ethical standards for any employee of the University to accept, solicit, or agree to accept a gratuity of any kind for personal gain in connection with any contract for commodities or services. Current or potential contractors are prohibited from offering an employee of the University a gratuity of any kind for the employee’s personal gain to influence the development of a contract or potential contract for commodities or services.
   (c) All individuals taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall be independent of, and have no conflict of interest in the entities evaluated and selected.
   (d) The University shall not accept a competitive solicitation from, or purchase commodities or contractual services from a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida's convicted vendor list for a period of 36 months from the date the person or affiliate was added to the convicted vendor list.
   (e) A person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be ineligible to contract with the University dealing with the specific subject matter.

Specific Authority 1001.74(4) FS, Law Implemented 120.57(3)(b), 672.719, 1001.74(5), (17), (23), (29), 1001.75(5) FS, History–New 3-26-80, Amended 11-10-82, Formerly 6C5-6.08, Amended 11-11-87, 2-13-03.

6C5-6.009 Motor Pool.
(1) Acquisition and Disposal.
   (a) Acquisition of motor vehicles, watercraft and aircraft for University purposes shall be executed by the Director of Purchasing in accordance with University rules. (Refer to Rule 6C5-6.008, F.A.C.)
   (b) Disposal of state-owned motor vehicles, watercraft and aircraft shall be in accordance with University Surplus Property Rules. (Refer to Rule 6C5-6.007, F.A.C.)

(2) Assignment and Use.
University motor vehicles, watercraft and aircraft shall be used only for legitimate University business and purposes.

Specific Authority 240.227(1), 287.16 FS, Law Implemented 240.225, 287, Part II FS, History–New 3-26-80, Formerly 6C5-6.09, Amended 11-11-87.

6C5-6.010 Leasing.
(1) Purpose. The purpose of this chapter is to implement the delegated authority received by the State University System in accordance with Section 240.225, F.S., with respect to those leasing functions and duties heretofore performed by the Department of General Services in accordance with Sections 255.248, 255.249, and 255.25, F.S.

(2) Definitions. For the purpose of this chapter, each of these words shall have the following meaning:
   (a) Lease – The contract instrument or agreement required to lease a building or any part thereof.
   (b) Privately Owned – Any building not owned by a governmental agency.
   (c) Nominal Consideration – Consideration of $10.00 or less for the term of the lease.
   (d) State-Owned Building – Any facility owned by the state regardless of use or control.
   (e) State University System Standard Method of Space Measurement – As specified in the HEGIS Facilities Inventory and Classifications Manual. (Refer to BOR Rule 6C-17.012, F.A.C.)

(3) Lease Certifications, Approvals, and Execution.
   (a) Before leasing a building or any part thereof, for other than nominal or no consideration, lease terms and conditions shall be reviewed as to form and legality by the University Attorney and approved by the University President. The University President shall execute all leases. Prior approval is not required for leases of less than 21 days or for nominal consideration or no consideration.
   (b) Nothing in this chapter shall be interpreted as circumventing the provisions of Section 255.21, F.S., as it relates to facilities for the handicapped.

(4) Standard Lease Form. The University adopts the Department of General Services Standard Lease Agreement form as its form for purposes of this chapter.

(5) Fire Code Compliance in Leased Space.
(a) Any private sector building to be leased by the University shall comply with the fire safety standards of the State Building Code.

(b) Before construction or renovation of any state-leased building is commenced, the University shall ascertain that the proposed construction or renovation plan complies with the fire safety standards of the State Building Code.

(c) Whenever the University determines that a construction or renovation plan is not in compliance with such fire safety standards, the University may issue an order to cease all construction or renovation activities until compliance is obtained, except those activities required to achieve such compliance.

(d) The cost of modifications or renovations made for the purpose of bringing lease property into compliance with fire safety standards shall normally be borne by the lessor.

(6) Leases of 2,000 Square Feet or More.

(a) The University shall not enter into a lease for 2,000 square feet or more of space in a privately-owned building except upon advertisement for and receipt of competitive bids and award to the lowest bid meeting the specifications. The University shall not enter into, within any 12-month period, more than one lease for space of a total of 2,000 square feet or more in the same privately-owned facility or complex except upon the solicitation of competitive bids.

(b) Competitive bidding shall not be required for leases of space of 2,000 or more square feet in a privately owned building where such leases:

1. Are renewals of existing leases,
2. Have a term of less than 21 consecutive days,
3. Are for nominal or no consideration,
4. Are for the purpose of providing care and living space for persons, or
5. Are extensions of an existing lease of 2,000 square feet or more, provided that such extensions are in the best interest of the state and are not for a period exceeding 11 months. If at the end of the period granted by the extension(s), the time of such extension(s) equal(s) 11 months, the University shall solicit competitive bids in accordance with this chapter.

(c) The University shall not enter into a lease for space of 2,000 or more square feet in a privately-owned building when suitable space is available in a state-owned building located in the same geographic region unless it is determined by the University that lease of non-state property is in the best interest of the state.

(d) The University shall establish a rate it will pay for leased space based on average rental rates in the local area for facilities of use. These rental rate guidelines shall be used in evaluating lease decisions.

(e) Invitation for Proposals.

1. A public invitation for proposals will be publicized using newspaper advertisements and contact with owners, developers or realtors in the city or area in which space is desired.
2. Invitation shall set forth, but not be limited to the following:
   a. Approximate net square footage required,
   b. General area in which space must be located,
   c. Date space must be available, and
   d. Name and address of person where specifications may be obtained.

(f) Specifications.

1. Specifications shall be drawn by the University in general terms. They shall afford each prospective lessor, interested in submitting a proposal, knowledge of the University’s space requirements. They shall not be structured to favor any specific location or lessor.
2. Specifications provided to prospective lessors should be set forth, but not be limited to, the following:
   a. Approximate net square footage required, to be measured in compliance with the State University System Standard Method of Space Measurement (refer to BOR Rule 6C-17.012, F.A.C.),
   b. An approximate floor plan of space needed showing partitioning and other physical requirements,
   c. General location of required space,
   d. Date space must be available,
   e. Term of lease with option to renew, if requested,
   f. Services required such as parking, dining and transportation requirements.
3. Specifications shall also set forth that the prospective lessor will agree to:
   a. Enter into a contract on the specified lease agreement form,
   b. Provide a scaled floor plan showing present configurations and measurements that equate to net rentable square footage offered,
   c. Comply with the requirement of Chapter 60D-1, F.A.C., Design Standards for Special Facilities for the Physically Disabled,
   d. Be an Equal Opportunity Employer,
   e. Provide Full Disclosure Statements of Ownership,
   f. Validate the proposal for a minimum of thirty (30) or more days following the public bid opening date,
   g. Provide a Life Cycle Analysis with proposal if space is for 20,000 or more square feet in any one structure with the understanding that the analysis shall be acceptable before an award can be made (Section 255.254, F.S.),
   h. Comply with the fire safety standards of the State Building Code,
i. Ensure that any renovations required will comply with fire safety standards of the State Building Code before renovations are commenced (Section 255.25(5), F.S.), and

j. Propose a rental rate per square foot per year that will include all renovations and other special requirements necessary to accommodate the program at the time of initial occupancy.

4. Specifications may provide that sealed proposals are to be submitted, in a titled envelope, to a designated individual by a specified closing time and date, at which time all proposals will be publicly opened.

(g) Proposals.
1. Proposals shall specifically respond but need not be limited to each item included in the specifications.
2. Each proposal shall be signed by the owner(s), corporate officers, or legal representative(s). The corporate, trade, or partnership name must be either stamped, written or typewritten, beside the actual signature(s). If the proposal is signed by an agent, written evidence of his authority must accompany the proposal. If a corporation foreign to the State of Florida is the owner, evidence of authority to conduct business in Florida shall be presented.

(h) Evaluation.
1. The University alone shall reserve the right to accept or reject any or all bids submitted and if necessary reinitiate procedures for soliciting competitive proposals.
2. The University in preparing specifications, shall develop weighted evaluation criteria. The criteria items most significant to the University’s needs should bear the highest weight.
3. Documentation to support the selection shall be maintained and shall include but not be limited to the following:
   a. A copy of all advertisements,
   b. A copy of the proposal specifications,
   c. A copy of all proposals received,
   d. A synopsis of the University’s findings for each proposal,
   e. Selection shall be publicly announced by the University,
   f. Lease preparation and approval – After the selection has been announced, a lease agreement shall be drafted by the University and executed, and
   g. Disclosure Statements – Private Entities, Public Officials.
      (i) A statement by the owner providing for full disclosure of the names and the extent of interest of the owners holding 4% or more interest in any privately owned property leased to the state or in the entity holding title to the property, shall be secured for all new leases, renewal leases, modifications to approved leases and the notification of renewal under an existing lease option.
      (ii) A statement by the owner providing for full disclosure of the names of all public officials, agents, or employees holding any interest in any privately owned property leased to the state, or in the entity holding title to the property, and the nature and extent of their interest, shall be secured for all new leases, renewal leases, modifications to approved leases, and notifications of renewal under a lease option.
      (iii) It is not necessary to make disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to Chapter 517, F.S., which stock is for sale to the general public. A statement certifying the registration shall be provided by the lessor.
      (iv) It is not necessary to make disclosure under subsections 1. and 2. of any leasehold interest in property located outside the territorial boundaries of the United States.
      (v) Each subsequent transaction pertaining to a lease for which a disclosure statement has been provided, may be accompanied by a lessor’s affidavit that the previous disclosure statement submitted on (date to be provided) is still valid, if the interest held or individuals concerned has not changed.

Specific Authority 240.227(1) FS. Law Implemented 240.225, 255.248, 255.249, 255.25 FS. History–New 3-26-80, Formerly 6C5-6.10, Amended 11-11-87.

6C5-6.012 Accounts Receivable.
(1) Any Department desiring to initiate a program to issue charge documents must first seek the approval of the University Controller, to assure compliance with the Florida Statutes, Board of Regents’ policy and University policies and practices.
(2) The Controller may employ any of the following means of collecting monies due the University.
   (a) Issue University collection letters.
   (b) Have all transcripts or current grades held.
   (c) Have registration refused at any State University until the accounts receivable has been collected.
   (d) Turn delinquent accounts over to a collection agency and pay the collection agency an acceptable percentage of the receivable.
   (e) Cancel the current registration per the cancellation procedures of the University.
   (f) Hold an employee’s final paycheck or deduct from the current paycheck the amount due the University to the extent that such amount on accounts receivable represents a set off of monies wrongfully paid by the State to the employee.
   (g) Any other action which is legal and not in conflict with the Board of Regents’ policy.
(3) The University Controller is authorized to request write-off of uncollectable amounts per Board of Regent’s policy schedule. This includes short term loans receivable.

(4) The University may withhold diplomas and place students on pending status:
(a) For nonpayment of any obligation, or
(b) For not completing the exit interview which is required for all students who receive long-term loans.


6C5-6.013 Employee Debt Collection.

(1) Purpose – Pursuant to Section 240.291, F.S., the University is directed to exert every effort to collect all delinquent accounts. The purpose of this rule is to provide procedures for collection of funds owed to the University by its employees.

(2) Accounts Receivable. Employees will be placed on the Accounts Receivable system after conventional attempts by the University to obtain payment are unsuccessful. Once the charges are put on the Accounts Receivable system, the employee will be billed monthly. If Accounts Receivable does not receive payment within three months of the date of the first billing, the employee will be notified that if arrangements are not made within ten days, set-off procedures will be implemented on his/her debt.

(3) Set-Off Procedures.
(a) The employee is advised by certified letter (return receipt) that he/she has ten calendar days to either clear the account, make satisfactory payment arrangements, or submit documentary evidence disputing his/her debt.
(b) If no arrangements have been made at the end of ten (10) days, all evidence of the employee’s debt is reviewed.
(c) If, upon review, a determination is made that the debt is in fact due and owing, set-off procedures are implemented and the employee is advised in writing of the amount and duration of the deductions from his/her salary warrant. The employee is also advised of his/her right to administrative review of the decision to set-off his/her debt and deduct funds from the employee’s paycheck.
(d) Within ten days of receipt of notice the employee may petition the appropriate Vice President or University Provost, who shall serve as the designee of the President, to review the decision to set-off the debt and deduct funds from the employee’s paycheck. The appropriate Vice President or University Provost will review the facts of the case as are known to the University and will hear any explanations and mitigating factors as may be presented by the employee. The appropriate Vice President or University Provost will decide if a fair process has taken place as to debt claimed and whether the amount to be set-off is appropriate. The findings of the appropriate Vice President or University Provost will be reviewed by a member of the Florida Atlantic University Legal Staff for legal sufficiency. The employee will receive written notification of the decision of the appropriate Vice President or University Provost which shall stand as final agency action, for purposes of any further actions which may be taken by the employee under the Florida Administrative Code, Section 120.57, F.S., unless a hearing has been requested under that section.

(4) Amount of Payroll Deduction.
(a) In the event that the total amount of the debt is less than 10% of the employee’s biweekly gross salary, the full amount of the employee’s debt will be deducted in the first or second pay period after the decision to set-off the debt is made.
(b) If the amount of the debt is greater than 10% of the employee’s biweekly gross salary, the amount deducted each pay period will be at least 10% of the employee’s gross salary and will not exceed 20% of the employee’s net salary after mandatory deductions.
(c) In the event that an employee-debtor is terminated or voluntarily leaves the University’s employ, the entire amount of the debt will be deducted from the employee’s final paycheck.

Specific Authority 120.53, 240.227(1) FS. Law Implemented 240.291 FS. History–New 11-11-87.
CHAPTER 6C5-7 MISCELLANEOUS PROVISIONS

(1) The following policy for the State University System was adopted by the Board of Regents on December 8, 1974: “The State University System believes in equal opportunity practices which conform to both the spirit and the letter of all laws against discrimination and is committed to non-discrimination because of race, creed, color, sex or national origin. This commitment applies in all areas with students, faculty and other personnel. It is also relevant to those aspects of the University System concerned with the choice of contractors, suppliers of goods and services, and to the use of facilities. The State University System through its education and precept, strives for a society in which opportunity is equalized and supports the development of skills and opportunities of the members of all groups so they may plan responsible and productive roles in society.” Florida Atlantic University is totally committed to the implementation of both the direction and spirit of this policy. That commitment applies to all personnel actions effected at this institution. Affirmative Actions will be taken, as appropriate in order to implement this policy.

(2) The President, as chief administrative officer of the University, the University Provost and the Vice-Presidents, as principal administrators in each major organizational element of the University, are primarily responsible for carrying out this policy. Every member of the faculty and the staff of this University who has recommending authority with respect to any personnel action, will be guided by the terms of this policy. The Assistant to the President and Director of Equal Opportunity Programs, through the President is responsible for the development of the University Affirmative Action Plan, for the coordination and implementation of affirmative action programs, for assisting unit and division heads in the development of affirmative action programs, which includes providing information and assistance in recruiting efforts, and for monitoring and evaluating the University-wide affirmative action programs to assure overall effectiveness.

(3) Faculty and administrative and professional personnel actions will be based on merit, qualification, and demonstrated performance and ability, and will evidence no negative impact based on considerations of race, creed, color, sex, age, marital status or national origin, political affiliations, veteran status, or physical or mental handicap – provided such handicap, with reasonable accommodation, does not prevent satisfactory work performance. Affirmative action in the attainment of established goals with respect to appointment, the equalization of salaries, and promotion will be a consideration in each personnel action. When a position becomes vacant in Faculty, or Administrative and Professional, and selected University Support Personnel System classifications, these positions will be open to outside recruitment. Recruitment efforts will be directed at securing applications from qualified minority and female applicants. Qualified internal candidates are encouraged to apply for these positions, however, appointments will not be made to instructional or professional positions until a good faith effort has been made to secure applications from women and persons of minority identification. Public announcements and advertisements of position vacancies will be placed in local, regional, or national media, journals or professional publications, or communications to professional societies, and all will clearly and plainly indicate that “Florida Atlantic University is an Equal Opportunity Affirmative Action Employer.” Each Administrator involved in recruitment will maintain adequate records and keep them available for review by appropriate authority.

Specific Authority 240.227(1), (5) FS. Law Implemented 6C-4.001, FAC. History–New 10-1-75, Amended 5-24-76, Formerly 6C5-7.01, Amended 11-11-87.

6C5-7.002 Records Management and Control.
(1) The Director of the University Library is appointed Records Management Liaison Officer for Florida Atlantic University. This appointment includes the responsibility for the development and implementation of the University’s records management program and all communications between the University and Division of Archives, History and Records Management.

(2) The University Library is designated the responsible unit for the organization and maintenance of the University’s historical archives. The function of the historical archives is to serve as a depository or central information source for all significant Florida Atlantic University publications, documents, correspondence, minutes of meetings, special reports, and other material that has had prior clearance through the Records Management Center.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (7) FS. History–New 10-1-75, Formerly 6C5-7.02, Amended 11-11-87.

6C5-7.004 University Traffic and Parking Rules.
(1) AUTHORIZATION.
(a) Any person possessing an operator’s license valid in the State of Florida is permitted to operate a properly registered motor vehicle on the campuses of Florida Atlantic University and the Palm Beach Community College-South Campus, collectively referred to as the “campus” or the “University.”

(b) The University Police Department and the Traffic and Parking Department and individuals designated by the Traffic and Parking Department, are authorized to enforce this Traffic and Parking rule. Regulatory signs and traffic control devices have the force and effect of University rules.

(c) All vehicles driven or parked upon University property are subject to the provisions of this rule.

(d) This rule is in effect twenty-four (24) hours of every day of the year.

(e) Any vehicle not parked at a meter must display a valid decal or parking permit.

(2) DEFINITIONS.

(a) Abandoned Vehicle. A vehicle or conveyance which has not been moved in at least thirty (30) days, or has been moved to various spaces on campus because it cannot be driven legally on roadways, has an invalid or expired license tag or is inoperable.

(b) Access Aisle. An access aisle is the area between two (2) disabled accessible parking spaces, or the area adjacent to a disabled accessible parking space that is indicated by diagonal lines. This area allows wheelchair users to enter and exit their vehicles.

(c) Assigned Space. An assigned space is an individual parking space, assigned by the President or designee, to a specific person or department and includes service vehicle spaces. These spaces are reserved twenty-four (24) hours a day, seven (7) days a week.

(d) Card Access Lot. A card access lot is a parking lot in which use is controlled by a key card issued upon payment of a card access fee.

(e) Controlled Access Lot. A controlled access lot is a parking lot that requires a special permit in addition to a valid decal, which is issued upon payment of a controlled access lot fee.

(f) Decal. A decal is a color coded sticker affixed to each vehicle, issued by FAU Traffic and Parking Department authorizing parking of a vehicle on campus for a specified length of time.

(g) Disabled Accessible Parking Space. A disabled accessible parking space is a space for use only by an individual with a valid disabled parking permit, placard or license plate registered in the individual’s name.

(h) Faculty. Faculty includes all FAU professors, visiting professors, adjunct professors and instructors.

(i) Immobilized Vehicle. A vehicle that is rendered inoperable by a lawfully attached mechanical device such as a “boot” or clamp device.

(j) Motorcycle. Motorcycle, for the purpose of this rule, includes motorcycles, motor-driven bicycles, mopeds, motor scooters and other similar motorized vehicles.

(k) Non-University Vehicle. A non-University vehicle is a vehicle not registered with the Traffic and Parking Department.

(l) Permit. A permit is authorization issued by the FAU Traffic and Parking Department for parking a vehicle on campus for a specified length of time. A permit may be issued by parking decal, temporary parking permit or by hangtag.

(m) Staff. Staff includes A&P, USPS and OPS non-student employees.

(n) Student. Student, for the purpose of this rule, includes full-time, part-time, daytime, evening and weekend FAU students and students of any other institutions leasing land or facilities on any FAU campus.

(o) Lifelong Learning Society Student – for the purpose of this rule is a non-degree seeking student who is a current member of and is enrolled in the Lifelong Learning Society.

(p) Traffic and Parking Department. Traffic and Parking Department includes other offices designated to conduct business on behalf of the Department.

(q) Transportation Access Fee. All students will be assessed a Transportation Access fee at the time of registration to be paid along with their tuition to support the University’s transportation infrastructure and to increase student access to transportation services.

(r) Vehicle. Vehicle includes all automobiles, trucks, motorcycles, mopeds, motor scooters and other similar conveyances including those that are leased or rented.

(s) Visitor. Visitor, for the purposes of this rule, is a person who is neither a student, faculty or staff member, who is driving a vehicle or parking on campus.

(3) REGISTRATION, FEES AND DECALS.

(a) Registration.

1. Faculty and staff must register all vehicles parked on campus and pay the appropriate registration fee.

2. Students must register all vehicles parked on campus and must pay the Transportation Access Fee as provided in paragraph (3)(b).

3. The owner’s current state vehicle registration will be requested at the time of registration.

4. A parking decal will be issued upon payment of the appropriate fee and presentation of the current valid vehicle registration to the Traffic and Parking Department. The issuance of a decal does not guarantee a parking space.

5. All vehicles parked on campus must be registered with Traffic and Parking and must display a valid decal that is properly affixed to the vehicle.
6. Each individual to whom a decal is issued is responsible for any infraction caused by or citation issued to any vehicle bearing that individual’s decal.

7. The registered owner of a non-University vehicle shall be responsible for all on-campus parking violations involving that vehicle.

(b) Fees.

1. Student Transportation Access Fee.

   a. All students are required to pay a Transportation Access fee at the time of registration to be paid along with their tuition. THIS FEE IS NON-REFUNDABLE. A parking decal will be issued to each registered student. The amount of the fee is as follows:

<table>
<thead>
<tr>
<th>Academic Year(s) for Which Fee Is Applicable</th>
<th>Semester</th>
<th>Fee Per Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-2004</td>
<td>Fall, Spring, Summer</td>
<td>$47.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$15.00</td>
</tr>
<tr>
<td>2004-2005</td>
<td>Fall, Spring, Summer</td>
<td>$48.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$15.00</td>
</tr>
<tr>
<td>2005-2006</td>
<td>Fall, Spring, Summer</td>
<td>$50.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$15.00</td>
</tr>
</tbody>
</table>

   b. All Lifelong Learning Society students are required to pay a Transportation Access Fee at the time of Lifelong Learning registration to be paid along with tuition. THIS FEE IS NON-REFUNDABLE. A parking decal will be issued to each registered student. The amount of the fee is as follows:

<table>
<thead>
<tr>
<th>Academic Year(s) for Which Fee Is Applicable</th>
<th>Term</th>
<th>Fee Per Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-2004</td>
<td>Fall, Winter, Spring</td>
<td>$12.00</td>
</tr>
<tr>
<td>2004-2005</td>
<td>Fall, Winter, Spring</td>
<td>$12.00</td>
</tr>
<tr>
<td>2005-2006</td>
<td>Fall, Winter</td>
<td>$14.00</td>
</tr>
<tr>
<td>2006</td>
<td>Spring</td>
<td>$12.00</td>
</tr>
</tbody>
</table>

2. Registration Fees for Employees and Others.

   a. Parking decals will be issued to staff/faculty and other persons upon payment of the applicable fee.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Decal</th>
<th>Academic Year(s) for Which Fee Is Applicable</th>
<th>Fee Per Year (except as noted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Card access lot</td>
<td>Red</td>
<td>2003-2005</td>
<td>$200</td>
</tr>
<tr>
<td>Controlled access lot</td>
<td>Red/Green/Silver</td>
<td>2003-2005</td>
<td>$225 /semester</td>
</tr>
<tr>
<td>Assigned spaces</td>
<td>Red</td>
<td>2003-2005</td>
<td>$375</td>
</tr>
<tr>
<td>Faculty (except adjunct professors)</td>
<td>Red</td>
<td>2003-2005</td>
<td>$105</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fall 2005+</td>
<td>$107</td>
</tr>
<tr>
<td>Staff (USPS pay grade 21 and above and all A&amp;P)</td>
<td>Red</td>
<td>2003-2005</td>
<td>$105</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fall 2005+</td>
<td>$107</td>
</tr>
<tr>
<td>USPS (USPS pay grades 16–20)</td>
<td>Red</td>
<td>2003-2005</td>
<td>$77</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fall 2005+</td>
<td>$79</td>
</tr>
<tr>
<td>USPS (USPS pay grade 15 and below, OPS)</td>
<td>Red</td>
<td>2003-2005</td>
<td>$55</td>
</tr>
<tr>
<td>All adjunct professors (regardless of FTE)</td>
<td>Red</td>
<td>Fall 2005+</td>
<td>$57</td>
</tr>
<tr>
<td>PBCC Students Residing in FAU Housing</td>
<td>Green</td>
<td>2003-2004</td>
<td>$109</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2004-2005</td>
<td>$111</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2005-2006</td>
<td>$115</td>
</tr>
<tr>
<td>Vendors</td>
<td>Hangtag</td>
<td>2003-2004</td>
<td>$109</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2004-2005</td>
<td>$111</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2005-2006</td>
<td>$115</td>
</tr>
</tbody>
</table>

b. All employees, except student OPS employees, are authorized to elect to pay for decals via payroll deduction. The maximum number of payroll deductions shall not exceed four (4).

c. Registration Fee Reductions – The following registration fee reductions are authorized to be used in combination with other reductions, but do not apply to temporary parking permits:

   (i) Fee for employees whose total appointment is halftime or less are one-half of the regular registration fees. A statement, signed by the employee’s immediate supervisor, indicating the employee’s total appointment, is required to qualify an employee for a reduced fee under this provision. This reduction is not available to adjunct professors.

   (ii) Fees for a second or subsequent faculty or staff vehicle are one-half of the regular registration fee.
The decal must be visible at all times while the registered vehicle is parked on campus. Decals may not be affixed by means other than the adhesive of the decal. A vehicle with a decal not affixed in accordance with this rule will be cited and fined for improper display.

d. Lost, misplaced, defaced or stolen decals must be reported immediately to the Traffic and Parking Department and replaced. A decal reported lost which is later found, must be turned in to the Traffic and Parking Department. The fee for a replacement decal is $15.00. However, a free replacement decal will be issued where proof of purchase of the original decal is submitted together with the following documentation:

(i) For a stolen decal – a signed stolen decal report filed with the Traffic and Parking Department;
(ii) For a stolen vehicle – presentation of a police report or insurance verification.
(iii) Totally destroyed vehicles – presentation of insurance claim that the vehicle has been deemed “totaled.”

Any individual who has any unpaid FAU Traffic and Parking citations will not be permitted to register his or her vehicle or receive a parking decal until all outstanding fines are paid. However, an individual whose only citation(s) is pending appeal and where the appeal(s) is timely, will be permitted to purchase a temporary parking permit during the appeal process.

f. Reproducing or defacing a decal or temporary hangtag is prohibited. An individual using a decal that has been reproduced, altered or defaced, in violation of this rule, or which has been reported lost or stolen, will be referred to law enforcement authorities. If the individual is a student, he or she will also be referred to the Dean of Students for disciplinary action. If the individual is an employee, he or she will also be referred to the appropriate Vice President for disciplinary action. In addition, the individual will be subject to a fine of $250.00 and the vehicle to which the decal was affixed will be immobilized or towed and stored at the owner’s expense.

2. Temporary Parking Permits.
   a. Issuance. Temporary parking permits will be issued by the Traffic and Parking Department. Temporary parking permits are available during regular business hours from the Traffic and Parking Department and from the University Police Department after regular business hours and on weekends. Temporary parking permits are valid only for the dates indicated on the front of the permit.
   b. Non-decal Holders. Upon request, a non-decal holder will be issued one (1) temporary parking permit without a fee valid up to one (1) day each semester.
c. Decal Holders. Upon request, a decal holder will be issued a temporary parking permit without a fee for a maximum of three (3) consecutive days. Upon request, a decal holder whose vehicle is being repaired or was stolen will be issued a temporary parking permit without a fee for a maximum of 28 consecutive days.

d. Purchase of Temporary Permits. Temporary permits can be purchased from the Traffic and Parking Department at the rate of $5.00 per week or $15.00 per month (28 days). No temporary permit will be issued for more than twenty-eight (28) consecutive days except as provided in subparagraph (3)(c)2.e.

e. Construction Contractors. Construction contractors, working on University construction projects, which require a parking permit for more than twenty-eight (28) days, will only be issued a permit in excess of twenty-eight (28) days if the need has been verified by the University Architect or designee.

f. Visitors. All visitors to the campus must obtain temporary parking permits to park anywhere on campus other than at a meter or reserved spaces.

g. Improper Use. Improper use of a permit will result in revocation of the permit and parking privileges.

(4) RULES FOR PARKING AND OPERATION OF VEHICLES ON CAMPUS.

(a) Rules for Parking.

1. Parking.
   a. The registered owner or operator of a vehicle assumes all liability for parking on University property.
   b. All vehicles without valid decals or parking permits must park at parking meters and pay the appropriate fees.
   c. Parking at the University is regulated and controlled by designated decals and permits. Each vehicle owned or operated by a student or employee must have a valid decal or parking permit to park anywhere on campus other than at a meter.

   d. Vehicles must park in appropriately designated lots with valid decals as follows:

<table>
<thead>
<tr>
<th>Decal Designation</th>
<th>Permitted to Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty/Staff</td>
<td>Faculty/Staff Lot or “All Decal Lot”</td>
</tr>
<tr>
<td>Commuter Student</td>
<td>“All Decal Lot”</td>
</tr>
<tr>
<td>Resident Student</td>
<td>Resident Students Lot or “All Decal Lot”</td>
</tr>
<tr>
<td>Board of Trustees</td>
<td>Any Lot or Metered Space</td>
</tr>
</tbody>
</table>

   e. Between the hours of 7:00 a.m. and 5:00 p.m. all vehicles, except those covered in subparagraph (4)(a)2., must park in appropriate designated lots, unless posted otherwise. After 5:00 p.m. and before 7:00 a.m. on weekdays and anytime on weekends, vehicles with valid decals may park in any lot unless posted otherwise.

   f. Vehicles with valid parking decals may park at meters without paying during the hours of 6:30 p.m. and 7:00 a.m. weekdays and any time on weekends, unless posted otherwise.

   g. The fee for use of metered parking is set on a sliding scale. Fees shall be based upon demand for use. The maximum hourly fee shall not exceed $2.00.

   h. Parking violators will be issued a citation and subject to a fine as prescribed in these regulations as follows:

   (i) Parking on grass, a sidewalk, a crosswalk, a loading zone, a fire lane, a street, unimproved land or any other “no parking” area is prohibited. Violators will be subject to a fine of $15.00.
   (ii) A parked vehicle failing to display a valid parking decal or permit will be subject to a fine of $15.00.
   (iii) A vehicle that is parked in a lot designated for a decal other than the type of the decal affixed to the vehicle will be fined $15.00.
   (iv) Overtime parking at a meter is subject to a fine of $15.00 per incident except as provided in sub-subparagraph (4)(a)2.a.
   (v) Overnight parking on campus for the purpose of sleeping in a vehicle or using it as living accommodations is prohibited.
   (vi) Motorcycles must be parked in areas designated for motorcycle parking. Bicycles must park in bike racks only. Violators will be subject to a fine of $15.00.
   (vii) Repairing any vehicle on campus is prohibited, except in an emergency. The emergency must be reported to the University Police Department prior to the repair being made.
   (viii) Parking of a trailer, boat, camper, large van, airplane or commercial truck (except construction vehicles with FAU permits) is prohibited.
   (ix) Vehicles may not be abandoned on campus. The registered owner of an abandoned vehicle will be notified by mail that his or her vehicle has been deemed abandoned by the Traffic and Parking Department. An abandoned vehicle not removed within ten (10) days of the date of the notification shall be towed and stored at the owner’s expense.
   (x) Any parked vehicle creating a hazard, a nuisance or an impediment to traffic flow shall be subject to a fine of $25.00 and will be towed and stored at the owner’s expense.
   (xi) All vehicles must be parked in one marked space only or will be subject to a fine of $15.00. White, blue or red painted lines or concrete bumpers identify a parking space.

2. Disabled Accessible Parking.
   a. Any student or employee with a valid decal, who properly displays a valid state disabled parking permit, placard or license plate that is registered to the student or employee using the vehicle, may park in any disabled accessible parking space. Such individuals may park in any parking space in any lot except in assigned spaces, service vehicle spaces, or in card access or controlled access lots. Such individuals may also park free in metered spaces for up to four (4) hours.
b. A student or employee with a temporary physical disability may obtain a temporary disabled parking permit from FAU by submitting certification from his or her treating physician. The certification must be issued on the physician’s official letterhead stationery and must be dated no earlier than ten (10) calendar days before submission to the Traffic and Parking Department. The treating physician must certify that the temporary disabled parking permit is medically necessary and the length of time it is needed. FAU temporary disabled parking permits will be issued for up to thirty (30) days. A properly displayed valid temporary disabled parking permit or placard entitles an individual to park as indicated in sub-subparagraph (4)(a)2.a.

c. Any vehicle parked in a disabled accessible parking space without a valid disabled parking permit, placard or license plate will be issued a $250.00 fine.

d. An individual fined under the provisions of sub-subparagraph (4)(a)2.c. to whom a disabled parking placard was issued prior to the date of the citation, can request that the fine be reduced from $250.00 to $15.00 for failure to display the placard. The request must be submitted to the Traffic and Parking Department within fifteen (15) calendar days of the date of the citation along with the valid placard and proof that the placard was registered in the individual’s name and was valid on the date the citation was issued.

e. A student or employee to whom a disabled parking placard is issued who fails to display the placard when parked in a lot designated other than the designation of the decal affixed to his or her vehicle, will be fined $15.00. Proof of ownership of the disabled placard must be provided to the Traffic and Parking Department within 14 calendar days of issuance of the citation.

f. No vehicles may park in a disabled accessible access aisle, even those displaying a valid disabled parking permit, placard or license plate. Vehicles parked in a disabled accessible access aisle will be fined $250.00 and will be towed and stored at the owner’s expense.

g. The owner or operator of any vehicle found displaying a disabled parking permit, placard or license plate not registered to the individual using the vehicle and parked in a disabled accessible parking space will be issued a $250.00 fine and the vehicle will be towed and stored at the owner’s expense.


a. A current FAU parking decal is required to park in the garage. Visitors using the garage must park at metered spaces only.

b. The garage will be closed and locked each night as posted.


a. A current FAU parking decal is required to park in the garage. Visitors using the garage must park at metered spaces only.

b. The garage will be closed and locked each night as posted.

c. No overnight parking. Vehicles remaining in the garage after closing will be cited.

d. All vehicles must adhere to posted signage.

e. Event visitors may park in the garage at the rates established for the event, which shall not exceed $10.00.

(b) Rules for Operation of Vehicles on Campus.

1. All vehicle operators must comply with all State of Florida traffic laws and comply with ordinances of adjacent municipalities which are not inconsistent with this rule.

2. The maximum speed limit on any street on all FAU campuses is twenty-five (25) miles per hour, unless otherwise posted.

3. The maximum speed limit in parking lots is ten (10) miles per hour, unless otherwise posted.

4. Pedestrians always have the right-of-way.

5. All traffic signs must be fully obeyed. A vehicle must be brought to a complete stop before proceeding past any stop sign.

6. Driving or operating any vehicle on campus is restricted to streets and drives designed for vehicular traffic.

7. Only bicycles shall be operated on pathways specifically marked for bicycle use.

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7. Only bicycles shall be operated on pathways specifically marked for bicycle use.

5. FINES, PENALTIES AND RELATED FEES.

(a) Fines.

1. Any person in violation of any State of Florida traffic law set forth in subparagraph (4)(b)1. through 6. shall be subject to the applicable state fines.

2. An individual charged with an infraction must either pay the prescribed fee or appeal the citation within 14 calendar days of issuance of the citation. If payment of the fine is not received in the Traffic and Parking Department within fourteen (14) days, a $10.00 late fee will be imposed.

3. Any student with an unpaid parking or other citation will not be permitted to register for classes nor receive a transcript of academic achievement, grades or a diploma until all fines and fees are paid in full.

(b) Fines and Fees.

1. Schedule of fines and fees.

<table>
<thead>
<tr>
<th>Violations</th>
<th>Fines</th>
</tr>
</thead>
<tbody>
<tr>
<td>No decal/expired decal</td>
<td>$ 15</td>
</tr>
<tr>
<td>Improperly affixed or displayed decal</td>
<td>$ 15</td>
</tr>
<tr>
<td>Failure to display a valid decal</td>
<td>$ 15</td>
</tr>
<tr>
<td>Parking in inappropriate color coded lot</td>
<td>$ 15</td>
</tr>
<tr>
<td>Parking in service vehicle/reserved space</td>
<td>$ 25</td>
</tr>
<tr>
<td>Overtime meter</td>
<td>$ 15</td>
</tr>
<tr>
<td>Hazardous parking</td>
<td>$ 25</td>
</tr>
<tr>
<td>Parking in a disabled access aisle</td>
<td>$250</td>
</tr>
<tr>
<td>Parking in a disabled accessible space without valid disabled parking placard</td>
<td>$250</td>
</tr>
<tr>
<td>Failure to display valid disabled parking placard registered to vehicle user</td>
<td>$ 15</td>
</tr>
<tr>
<td>Defaced decal/hangtag/stolen decal</td>
<td>$250</td>
</tr>
<tr>
<td>Replacement decal</td>
<td>$ 15</td>
</tr>
</tbody>
</table>
Administrative fees (refund) $10
Administrative fees (release) $25
Inappropriate parking of motorcycle or bicycle $15
All other violations (except otherwise noted in this rule) $15
Late fees $10
Overnight Parking in the Garage $15
Tow Fee $35
Boot Fee $25

2. Fines and Fees Information.
   a. If a vehicle accumulates three (3) unpaid parking violations, regardless of type, upon the occurrence of a subsequent offense, the vehicle will be immobilized or towed and stored at the owner’s expense.
   b. All towing and storage authorized under this rule will be done at the registered owner or operator’s expense. Charges for towing or storage may vary according to type of vehicle, type of equipment needed and costs charged by towing or storage companies. Immobilized, towed or stored vehicles will be released when all unpaid fines and fees have been paid to the University.
   c. Payment of fines and fees shall be made by cash, check, money order or credit card.

(6) TRAFFIC COMMITTEES AND PARKING VIOLATIONS APPEAL BOARD.
   (a) The Traffic Safety and Parking Committee, referred to as the “Committee” for purposes of this rule, is established by the President of the University to serve as an advisory group to the Traffic and Parking Department. The Committee is composed of seven (7) members: two (2) faculty, one (1) representative from the Office of the Vice President of Student Affairs, one (1) representative from the Office of the Vice President for Finance, one (1) representative from each Campus Vice President or equivalent, two (2) students and two (2) alternates. The Director of the University Police Department or designee will act as advisor to the Committee.
   (b) The Parking Violations Appeal Board, referred to as the “Board” for purposes for this rule, is a subcommittee of the Traffic, Safety and Parking Committee. It is composed of a minimum of any three (3) members who sit as an appellate body. The Board will meet as often as necessary to discharge its duties. A majority of voting members present will be required to render decisions and take action.
   (c) The Director of the Traffic and Parking Department and the Parking Violations Appeal Board are both designated as University Traffic Authorities to hear violations of traffic rules. In carrying out its duties, either University Traffic Authority may sustain or dismiss charges and, in its discretion, impose appropriate penalties and fees.

(7) APPEALING A CITATION.
   (a) A citation may be appealed by filing a Request for Appeal form within fourteen (14) calendar days of issuance of the citation. A Request for Appeal form (05/14/03), which is incorporated by reference into this rule, can be obtained from the Traffic and Parking Department or at www.fau.edu/parking. The completed form, together with the appropriate supporting documentation, must be returned to the Traffic and Parking Department or submitted via e-mail (supporting documents should be scanned and attached). Lack of knowledge of Traffic and Parking rules is not an acceptable basis on which to appeal a citation. The Director of the Traffic and Parking Department will review the documentation submitted and make a determination on the appeal within fifteen (15) days. The individual will be notified in writing of the Director’s decision. If the citation is sustained, the fine must be paid within 14 days of the date of the Director’s decision, unless a final appeal is timely filed.
   (b) A final appeal of the citation may be made by requesting a hearing before the Parking Violations Appeal Board. A Request For Hearing form (05/14/03), which is incorporated by reference into this rule, is available at the Traffic and Parking Department or at www.fau.edu/parking within fourteen (14) calendar days of the Director’s decision. The documentation that was reviewed by the Director will be forwarded to the Board, however the Board will make a new determination of the case. The individual appealing the citation may indicate on the form an intention to be present at the Hearing. The individual will be notified of the date, time, and location of the hearing and may present evidence. The individual will be notified in writing of the decision of the Board. If the citation is sustained, the fine must be paid within 14 calendar days of the Board’s decision. The decision of the Board is final; no further appeals are permitted.

Specific Authority 1001.74(4), 1006.66(2) FS. Law Implemented 316.1955, 316.1964, 1006.66 FS. History—Formerly 6C5-4.03, 10-1-75, Amended 5-24-76, Renumbered and Amended 10-11-77, Amended 8-23-79, 11-10-82, 8-17-83, Formerly 6C5-7.04, Amended 11-11-87, 7-19-89, 8-25-90, 9-8-93, 12-10-95, 8-24-98, 8-11-01, 7-10-03.

6C5-7.006 Code of Penalties.
   (1) The following constitutes a uniform Code of Penalties for violation of rules at Florida Atlantic University not otherwise provided by law: The University is authorized to impose penalties for the following categories of infraction of rules:
      (a) Penalties for violation of standards of academic honesty, such as plagiarism, cheating, and other activities which interfere with the educational mission of the University. These penalties may range from counselling to expulsion or termination.
      (b) Penalties for failure to pay debts owed the University. Penalties may range from the assessment of a penalty fee to withholding of official records or benefits.
      (c) Penalties for violation of standards of conduct for members of the faculty and staff. Penalties may range from oral reprimand to termination.

- 1042
(d) Penalties for violation of standards of conduct for students. Penalties may range from counselling to expulsion.
(e) Penalties for violation of employment contracts. Penalties may range from oral reprimand to termination of contract.
(f) Penalties for falsification of records. Penalties may range from oral reprimand to expulsion or termination.
(2) These remedies are not exclusive of other remedies provided under law.

Specific Authority 240.227(1) FS. Law Implemented 240.261 FS. History–New 10-17-79, Formerly 6C5-7.06, Amended 11-11-87.

6C5-7.007 Disruptive Conduct.
(1) Faculty, students, administrative staff, and employees who intentionally act to impair, interfere with, or obstruct the mission, purposes, order, academic atmosphere, operations, processes, and functions of Florida Atlantic University shall be subject to appropriate disciplinary action by University authorities for disruptive conduct, as set forth in Rules 6C5-7.006, 6C5-4.008, F.A.C., and applicable collective bargaining agreements.
(2) Disruptive conduct shall further be defined as misconduct which shall include, but shall not be limited to, the following:
(a) Violence, or threat of violence to others or against one’s self.
(b) Theft, conversion, misuse, damage or destruction of University property or of the property of members of the University community.
(c) Interference with the freedom of movement of any member or guest of the University.
(d) Interference with the rights of others to carry out their activities or duties at or on behalf of the University.
(e) Interference with academic freedom and freedom of speech of any member or guest of the University.
(f) Non-compliance with written or oral requests or orders of authorized University personnel in the performance of their official duties. Such orders may include but not be limited to orders given by authorized University facilities managers or University Police to vacate campus premises.
(g) Providing of false information to University officials, the withholding of required information, or the misuse of University documents.
(h) Misuse or duplication of any University key.
(i) Possession of fireworks, explosives or weapons on campus without the express approval of the appropriate University authority.
(j) Creating a false alarm.
(k) Misuse of, or interference with, firefighting equipment.
(l) Disturb ing the peace.
(m) Violation of the University policy concerning the use of alcoholic beverages on campus. The consumption of any alcoholic beverage in public places on the campus is prohibited except within the rathskeller of the University Center. All other buildings, lobbies, walkways and grounds of the campus are, for the purpose of this policy, considered to be public places. Dormitory rooms and suites are considered to be private living quarters and are exempt from this policy. Exceptions to this policy may be made only by the President, or the Vice President of Student Affairs, when provisions of University Policies, rules and procedures, and all agreements with the University food service contractor have been satisfied.
(n) Illegal possession or misuse of drugs and other controlled substances.
(o) Unauthorized solicitation of funds. University buildings and campus areas may not be entered for the purpose of raising funds for any person or organization other than officially registered student organizations, recognized University-related organizations, or officially recognized non-profit charitable organizations. Requests for solicitations must be submitted to the Vice President for Administrative Affairs, or his/her designee, in advance and must conform to University procedures and to applicable law. Written materials may be distributed on campus in designated exterior campus spaces unless the distribution is primarily for commercial purposes.
(p) Violation of the Laws of Florida. Any act that could constitute a violation of the laws of this state will establish cause for legal and disciplinary action by the University.
(q) Endangering the health, safety and welfare of members or guests of the University.
(r) Hazing prohibited. Attention is called to Presidential Policy Memorandum 59 for guidelines defining actions by students or other persons associated with any University organization which actions are prohibited by Florida Statutes.
(3) This rule shall apply to acts conducted on or off campus when relevant to the orderly conduct, processes and functions of the University.

Specific Authority 240.227(1), 240.261, 240.262 FS. Law Implemented 240.261(2), 240.262, 240.132, 240.133 FS. History–New 3-26-80, Amended 8-1-82, Formerly 6C5-7.07, Amended 11-11-87.

6C5-7.008 Trespass and Loitering.
(1) Florida Atlantic University is a member of the State University System. The President, as the chief administrative officer of the University, has the responsibility for the operation and administration of the University. The Vice-President for Administrative Affairs is hereby appointed and designated as the representative of the President to effect the purposes and policies of this rule.
(2) Definitions.
(a) University persons. Those persons who are faculty, staff, students or employees of Florida Atlantic University, or Palm Beach Junior College and persons on campus fulfilling contractual obligations or acting as members of registered University organizations.

(b) Non-University persons. All other persons who are not classified above as University persons.

(c) Authorized University business. Activity which furthers the mission and purposes of the University and which has been approved by the appropriate University officers mentioned below.

(3) Non-University persons are allowed to use the public areas of the University during normal business hours or when present on campus for authorized University business, and are allowed to attend lectures, plays and other activities on the University campus in the designated buildings or areas when such attendance is permitted by the sponsoring organization. It is the responsibility of the Vice-President for Administrative Affairs or his/her designee to control the use of all campus areas. Non-University persons are not allowed on campus except as authorized by this rule. Non-University persons on campus for other than authorized University business will be ordered to leave if their continued presence on the campus is deemed by the Vice-President for Administrative Affairs or his/her designee to be disruptive to the orderly conduct of the University.

(4) The presence of non-University persons in offices of the University is permitted when on authorized University business. The Supervisor of each office as the designee of the Vice-President for Administrative Affairs is delegated the authority to warn those persons present not on University business that they must leave the campus or be subject to arrest for trespassing. The University Police is to be notified of any such incidents.

(5) Only students registered for a class may be in attendance in instructional areas unless permission of the Instructor is given. The Instructor as the designee of the Vice-President for Administrative Affairs is authorized to warn non-students that they are trespassing and must leave the area of instruction or be arrested for trespass. Any such incident will be reported to the University Police. Non-University persons are not allowed in classroom buildings unless present on authorized University business.

(6) The Director of the Library or his/her designee is designated by the Vice-President for Administrative Affairs to warn those Non-University persons who are not using the Library in an appropriate manner or who are creating an atmosphere not conducive to its use by University students and personnel, that they must leave the campus or they will be subject to arrest for trespassing.

(7) Athletic, intra-mural and recreational facilities are for the use of University students, faculty, staff and their invited guests. Identification may be requested for the use of these facilities. The Director of Athletics or his/her designee is hereby designated by the Vice-President for Administrative Affairs as the person to warn all unauthorized persons found at these facilities that they must leave the campus or be subject to arrest for trespassing. Any such incidents will be reported to the University Police.

(8) Residence halls are considered to be the home of students. No one is allowed in a residence hall except authorized University personnel, resident students, and resident students’ guests according to published visitation policies. The Director of Housing or his/her designee is designated by the Vice-President for Administrative Affairs to warn all other persons to leave the residence hall facility and to have such persons arrested for trespassing if they do not comply.

(9) Section 856.021(1), F.S., specifies that “It is unlawful for any person to loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.”

(10) Non-University persons who, in the opinion of the officials designated above, are loitering, do not use FAU facilities in an appropriate manner or who are creating an atmosphere not conducive to the use of such facilities by other University persons or guests, may be warned by the authorized persons designated above to leave the facility or be arrested.

(11) All persons who have been notified by an authorized designated official to leave and remain out of a specified area or areas are subject to arrest for trespassing and/or loitering without further warning.

(12) Nothing in the foregoing shall preclude or be interpreted to preclude or otherwise diminish the exercise of the statutory authority of University Police Officers to arrest in accordance with the laws of this state any person for violation of state law or applicable county or city ordinances when such violations occur on any property or facilities which are under the guidance, supervision, regulation, or control of the State University System.

(13) The University Police is designated as authorized representatives of the President and Vice-President for Administrative Affairs, to effect the purposes and policies of this rule, for all campus facilities and areas.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), 810.08, 810.09, 856.021, 240.268(1)-(3), 856.031 FS. History–New 9-14-81, Formerly 6C5-7.08, Amended 11-11-87.
CHAPTER 6C5-8 TUITION AND FEES

6C5-8.001 Tuition, Fee Schedule and Percentage of Cost.
6C5-8.002 Fee Assessment and Remittance.
6C5-8.003 Special Fees, Fines and Penalties.
6C5-8.004 Deferred Payment of Fees.
6C5-8.006 Limitation on Non-Resident Student Enrollment.
6C5-8.007 Waiver of Tuition and Other Fees.

6C5-8.001 Tuition, Fee Schedule and Percentage of Cost.

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

(a) Resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who qualifies as a Florida resident:

1. Matriculation Fee;
2. Student Financial Aid Fee;
3. Capital Improvement Trust Fund Fee;
4. Building Fee;
5. Health Fee;
6. Athletic Fee;
7. Activity and Service Fee; and
8. University Matriculation Fee.

(b) Non-Resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who does not qualify as a Florida resident:

1. Matriculation Fee;
2. Non-Resident Fee;
3. Student Financial Aid Fee;
4. Non-Resident Student Financial Aid Fee;
5. Capital Improvement Trust Fund Fee;
6. Building Fee;
7. Health Fee;
8. Athletic Fee;
9. Activity and Service Fee;
10. University Matriculation Fee; and
11. University Non-Resident Fee.

(2) Registration shall be defined as consisting of three components:

(a) Formal selection of one or more credit courses approved and scheduled by the University; and

(b) Tuition payment, partial or otherwise, or other appropriate arrangements for tuition payment (installment payment plans, deferment, or third party billing) for the courses in which the student is enrolled as of the end of the drop/add period; and

(c) Provision of background information where appropriate.

(3) Tuition liability or fee liability shall be defined as the liability for the payment of tuition and fees incurred at the point at which the student has completed registration, as defined above. All payments made to the University shall first be applied to any past due obligations from prior semesters, then to current tuition and fees as set forth in paragraph (4)(a) and then, in the order in which they were incurred, to other fees and charges.

(4) The following tuition and fees shall be levied and collected effective the Fall 2003 semester for each student regularly enrolled.

(a) Students enrolled in programs at Florida Atlantic University will be assessed the following fees per credit hour:

<table>
<thead>
<tr>
<th></th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In-State</td>
<td>Out-of-State</td>
</tr>
<tr>
<td>Matriculation Fee</td>
<td>$63.41</td>
<td>$63.41</td>
</tr>
<tr>
<td>Differential Fee</td>
<td>8.08</td>
<td>8.08</td>
</tr>
<tr>
<td>Non-Resident Fee</td>
<td>317.60</td>
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<tr>
<td>Non-Resident Differential Fee</td>
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<td>Student Financial Aid Fee</td>
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</tr>
<tr>
<td>Capital Improvement Fee</td>
<td>2.44</td>
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</tbody>
</table>
(b) Students enrolled in medical programs may be charged additional fees as prescribed by the Medical Partnership Program.

(c) Each student enrolled in the same undergraduate course more than twice, shall be assessed an additional $174.42 per credit hour charge in addition to the fees outlined above for each such course.

(5) The following process shall be used to determine the percentage of cost paid by students for setting the matriculation and non-resident fees.

(a) The most recent expenditure analysis, developed in compliance with Florida Statutes, will be used as the base for the full expenditure by level of instruction. Fundable credit hours estimated by the Florida Atlantic University Board of Trustees, for the year prior to the effective date of the fees, will be used for the enrollment base for each level. Expenditures for each level of instruction will be adjusted by using the percentage change in the total expenditures reported in the expenditure analysis as compared to the estimated total expenditures for the year prior to the effective date of the fees.

(b) The adjusted expenditures for each level of instruction will be divided by the credit hours to obtain the full expenditure per credit hour. The percentage of cost paid by students will be determined by finding the percentage the Matriculation Fee is of the full expenditure per credit hour, by level, for resident students; and by finding the percentage the sum of the Matriculation Fee and the Non-Resident Fee is of the full expenditure per credit hour, by level, for non-resident students.


**6C5-8.002 Fee Assessment and Remittance.**

(1) The Matriculation Fee, Non-Resident Fee, Application Fee, 50 percent of the Late Payment Fee, and 50 percent of the Late Registration Fee shall be remitted to the appropriated Student Fee Trust Fund or appropriate local fund.

(2) The Building Fee and Capital Improvements Fee shall be remitted to the appropriate fund and utilized as provided in Sections 1010.86, 1011.48 and 1013.74, F.S.

(3) Student Financial Aid Fees – The Student Financial Aid fees shall be remitted to the appropriate fund at the University. The University will use up to 15 percent of the fees collected to pay for administrative costs associated with administration of financial aid programs.

(4) Independent and/or external degree programs – All independent and/or external degree programs must be approved by the Florida Atlantic University Provost. Any credit instruction undertaken through such programs shall be charged and funds remitted in the same manner as other credit instruction, except as provided in subsection 6C5-8.003(25), F.A.C.

(5) Course Classification – Tuition shall be assessed on the basis of course classification: courses numbered through 4999 shall be assessed at the undergraduate level, courses numbered 5000-8999 shall be assessed at the graduate level, and those courses identified by the Florida Atlantic University Medical Partnership Program shall be assessed at the graduate level.

(6) If payment of tuition and fees has not been made by the deadline set by the University, which shall be no later than the end of the second week of classes, a student’s enrollment will be cancelled unless an appropriate arrangement for payment has been made. Appropriate arrangements include but are not limited to: a promissory note, a third party guarantee, an installment payment plan, an emergency loan, or a University deferment based on granted financial aid pursuant to Rule 6C5-8.004, F.A.C. The University will reinstate a student’s enrollment once payment or appropriate arrangements for payment have been made. The University will extend the deadline for fee payment when payment by the student is delayed due to University actions. The University will suspend further academic progress in lieu of canceling a student’s enrollment in those cases where the student has partially paid tuition and the University guarantees full payment from an authorized and existing fund. Suspension of academic progress for purposes of this paragraph prohibits a student from receiving grades, transcripts, or a diploma, and shall prohibit registration for future terms until the student’s account has been settled in full.

(7) Installment Payment Plan – Students unable to make full payment of assessed tuition and fees by the payment deadline established by the University, may request approval to pay in installments. Approval of this request will require a minimum payment of 50 percent of the tuition and fees by the end of the drop/add period and the execution of a promissory note for the balance due. The remaining balance shall be paid by the date(s) established by the University. The University will charge an administrative fee of $15.00 for installment payments plans. The installment payment plan is not available for summer semesters.

(8) Tuition Refund/Release of Liability.

(a) Tuition (the full amount, adjusted for waivers, minus non-refundable fees), will be refunded upon request to a student who officially withdraws from the University prior to the end of the drop/add period.

<table>
<thead>
<tr>
<th>Building Fee</th>
<th>2.32</th>
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<tr>
<td>Activity &amp; Service Fee</td>
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<tr>
<td>Health Fee</td>
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<tr>
<td>Athletic Fee</td>
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<td>11.75</td>
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<tr>
<td>Total Per Credit Hour</td>
<td>98.09</td>
<td>465.17</td>
<td>209.82</td>
<td>775.15</td>
</tr>
</tbody>
</table>

* This schedule does not include all fees that students will be charged.
(b) Tuition (in an amount not to exceed 25%, adjusted for waivers, minus non-refundable fees), will be refunded upon request to a student who officially withdraws from the University prior to the end of the fourth week of classes, or as designated by the University for summer sessions.

(c) Tuition (adjusted for waivers minus non-refundable fees), will be refunded upon request to a student who withdraws or drops one or more credit courses due to circumstances determined by the University to be exceptional and beyond the control of the student, including but not limited to:

1. Illness of a student of such severity or duration, as confirmed in writing by a physician, to preclude completion of the course(s),
2. Death of the student or death in the immediate family (parent, stepparents, spouse, child, sibling, or grandparents),
3. Involuntary call to active military duty, or
4. A situation in which the University determines that it is in error.

Requests for Exceptional Circumstance Withdrawal must be filed with the Dean of Students during the semester for which the refund is requested.

(9) A written request for a refund, or other adjustment, other than as provided in paragraph (8)(c), above, must be submitted to the University within six (6) months of the close of the semester to which the refund is applicable.

Specific Authority 100.74(4) FS. Law Implemented 1001.74(11), 1009.24, 1010.86 FS. History–New 12-31-02, Amended 10-14-03.

6C5-8.003 Special Fees, Fines and Penalties.
The Florida Atlantic University Board of Trustees authorizes the following fees. The term “at cost” or “cost,” as used in this rule, includes those increased costs that are directly related to the delivery of the goods or services.

(1) Audit Registration Fees – Audit registration assures a course space for the student; however, no grade is awarded. This fee is the same as the Resident tuition provided in Rule 6C5-8.001, F.A.C. Depositing of fees shall be treated in the same manner as tuition.

(2) Registration of Zero Hours – Such registration provides for examinations, graduations, use of facilities, etc., when deemed appropriate by the University. The student is assessed Resident tuition for one credit hour. The Zero Credit Fee shall be distributed in the same manner as tuition.

(3) Application Fee – Individuals who make application for admission to Florida Atlantic University shall pay a non-refundable Application Fee of $30.00. The fee shall be remitted to the appropriated Student Fee Trust Funds. The College Board or the American College Testing Program may waive this fee for applicants who can document that they have received a fee waiver based on economic need.

(4) Late Registration Fee – The University will assess a Late Registration Fee against students who fail to initiate registration in the regular registration period. The Late Registration fee shall be $50. Beginning Fall Semester 2004, the Late Registration fee shall be $75.

(5) Late Payment Fee – The University will assess a Late Payment Fee to students who fail to pay, or make appropriate arrangements for payment (as provided in subsection 6C5-8.002(6), F.A.C.), of tuition and fees by the deadline set by the University, which shall be no later than the end of the second week of classes. The Late Payment fee shall be $50. Beginning Fall Semester 2004, the Late Payment fee shall be $75.

(6) Health Service Charges – Charges for all services not covered by the Student Health fee – at cost.

(7) Developmental Research School Fees:
   Activity Fee – $600 per year for each student. This amount is reduced to $300 for each student approved for reduced lunch or $150 per year for each student approved for free lunch pursuant to Florida Board of Education Rule 6A-7.0421, F.A.C.

(8) Library Fines – per book or app. SFTF $.25 unit, per day.
(9) Overdue Reserve Library app. SFTF $2.50 books – per book, per library hour.
(10) Late Equipment Fee, Physical app. SFTF $2.50 Education – per item, per day.

(11) Photo Identification Card – This fee is non-refundable:
   (a) Annual cost – $10.00.
   (b) All duplicates – $15.00.

(12) Duplicating/Photocopying fee – Amounts as posted.

(13) Standardized Tests – The fee is based on the direct cost of administering the standardized tests, (GRE, GMAT, LSAT etc.).

(14) Binding Fee – Thesis and University Dissertation – At cost.
(15) Microfilm Fee – Thesis and University Dissertation – At cost.
(16) Copyright Fee – Thesis and University Dissertation – At cost.
(17) Lost or Damaged Library Materials – At cost.
(18) Lost Keys – (includes cylinder/core exchange) – At cost.
(19) Equipment Damage and Loss – At cost.
(20) Interlibrary Loans Searches – At cost.
(21) Facilities/Equipment Use Charge – In accordance with Presidential Memorandum #60, dated April 23, 2001, which is incorporated herein by reference.

(22) Orientation Fee – $35 for Freshman, $15 for transfer students. This fee is non-refundable.

(23) Transcript Fee – $10.00 per item. This fee is non-refundable.

(24) Diploma Replacement Fee – $10.00 per item. This fee is non-refundable.

(25) Additional fees for credit courses will be charged where circumstances result in specific, identifiable increased costs to the University. This includes, but is not limited to, Continuing Education credit courses, accelerated courses and courses or programs delivered off-campus. “Off-campus” as used in this rule, refers to locations other than Florida Atlantic University designated campuses. These fees will be in addition to the regular Student Credit Hour fees for on-campus courses. The University shall remit the regular Student Credit Hour fees collected for these courses to the appropriated Student Fee Trust Fund. The University will use the additional fees collected to cover the increased cost of these courses and reimburse the appropriate fund in which the costs are incurred.

(26) Material and Supply Fees – Assessed in an amount not to exceed the amount necessary to offset the cost of materials or supply items which are consumed in the course of the student’s instructional activities, excluding the cost of equipment and equipment repairs and maintenance. Revenues from such fees shall be deposited into the Auxiliary Trust Fund.

(27) Housing Rental Rates – Housing rental rates shall be set by the University each academic year. In addition, the University will charge residents at cost for miscellaneous services provided by the University.

(28) Parking Fines, Parking Registration and Transportation Access Fees – Parking fines, parking registration and transportation access fees are charged in accordance with Rule 6C5-7.004, F.A.C. The Transportation Access Fee is non-refundable.

(29) Returned Check Fee – Florida Atlantic University shall assess a service charge as authorized by Section 832.07(1), Florida Statutes, for unpaid checks returned to the University.

(30) Collection Costs – Actual cost of collection will be assessed to students for collection of debts owed to the University which are not secured by a promissory note or agreement.

(31) Service Charge – The University will assess a service charge on University loans in lieu of interest and administrative handling costs in an amount of $5.00.

(32) Educational Research Center for Child Development Fee – The center shall submit a request to establish or change child care and service fees to the Florida Atlantic University Board of Trustees by November 1 of each year, to become effective the subsequent Fall Semester.


6C5-8.004 Deferred Payment of Fees. The University will approve a deferred payment plan for students who have been awarded and have accepted financial aid where financial aid is delayed due to circumstances beyond the student’s control.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(11), 1009.27 FS. History–New 12-31-02, Repromulgated 10-14-03.

6C5-8.006 Limitation on Non-Resident Student Enrollment. Florida Atlantic University will accept non-resident students in numbers not to exceed 15 percent of its total enrollment.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(1), (10) FS. History–New 12-31-02, Repromulgated 10-14-03.

6C5-8.007 Waiver of Tuition and Other Fees. (1) Sponsored Institutes and Programs – Tuition and other fees will be waived by the University for participants in sponsored institutes and programs where:

(a) All the direct costs are paid by the external sponsoring agency, and

(b) Where there is no direct expenditure of Educational and General funds to conduct the program, and

(c) Where no fees or other assessments are collected from students by the sponsoring agency, or any other entity.

In determining whether the direct costs are paid by the sponsoring agency, funds paid directly to the participants in a form such as, but not limited to, stipends, travel or book allowances should not be taken into account. “Direct costs” refers to the costs associated with the instruction or training which a participant receives. All funds collected from sponsoring agencies for sponsored credit institutes will be remitted to the University’s contract and grants trust fund and/or auxiliary trust fund.

(2) Florida Atlantic University shall waive the activity and service, health, athletic, and material and supply fees, assessed on a per credit hour basis, for credit hours for which the tuition is waived. The University shall waive the activity and service, health, athletic, and material and supply fees assessed on a per student basis only if a student’s tuition is waived for all credit hours. If a student is required to pay any portion of the assessed tuition, that student shall pay the activity and service, health, athletic, material and supply fees, in full, assessed on a per student basis.
Specific Authority 1001.74(4) FS. Law Implemented 1001.74(11), 1009.26 FS. History–New 12-31-02, Repromulgated 10-14-03.
6C6 UNIVERSITY OF WEST FLORIDA

CHAPTER 6C6-1 DESCRIPTION, ORGANIZATION, AND COUNCILS

6C6-1.001 Description and Organization Policy. (Repealed)
6C6-1.002 Organization. (Repealed)
6C6-1.003 Institutional Councils. (Repealed)
6C6-1.004 Declaratory Statements. (Repealed)
6C6-1.005 Code of Penalties.
6C6-1.006 Agency Clerk. (Repealed)

6C6-1.005 Code of Penalties.

(1) The following constitutes a uniform code of penalties for violation of rules not otherwise provided by law:
   (a) The President is authorized to administer penalties for the following categories of infraction of rules:
      1. Penalties for violation of standards of academic honesty, such as plagiarism, cheating, and other activities which interfere
         with the educational mission of the University. These penalties may range from counseling to expulsion or termination.
      2. Penalties for failure to pay debts owed the University. Penalties may range from assessment of a penalty fee to withholding
         of official records or benefits.
      3. Penalties for violation of standards of conduct for members of the faculty and staff. Penalties may range from oral reprimand
         to termination.
      4. Penalties for violation of standards of conduct for students. Penalties may range from counseling to expulsion.
      5. Penalties for violation of employment contracts. Penalties may range from oral reprimand to termination of contract.
      6. Penalties for falsification of records. Penalties may range from oral reprimand to expulsion or termination.
   (2) These remedies are not exclusive of other remedies provided under law.

Specific Authority 240.261 FS. Law Implemented 240.261(1), (2) FS. History–New 10-24-79, Formerly 6C6-1.05.
CHAPTER 6C6-2 PERSONNEL MATTERS

6C6-2.005 Use of Facilities.

(1) Facilities must be used for lawful purposes, compatible with the purpose and mission of the University. Facilities must be used in a safe and orderly manner without undue hazard which may endanger the welfare of persons or cause damage to the facility. University facilities utilization and scheduling procedures are specified in Management Memoranda Nos. 9, 15 and 19, and the Student Organization Handbook.

(2) The Office of Administrative Affairs is charged with the overall responsibility for administering and coordinating the use of all University facilities.

(3) Use of facilities by non-University organizations or groups must be sanctioned by the Office of University Relations.

Specific Authority 240.227(1), 120.53(1) FS., BOR Rule 6C-5.016, F.A.C. Law Implemented 240.227(1), (17), 120.53(1) FS., BOR Rule 6C-5.016, F.A.C. History–New 10-1-75, Formerly 6C6-2.05.


(1) The University of West Florida shall take fair and equitable disciplinary action against an employee who has violated work standards.

(2) The following words and phrases when used in this chapter, unless the context clearly indicates otherwise, have the following meanings:

(a) Work Station – That area defined by the supervisor, however large or geographically diverse, that would be covered by an employee in the performance of his or her duties. It may vary from the position description and the official headquarters.

(b) Property – Any tangible item of value, regardless of amount, such as personalty, real estate, motor vehicles, boats, fuel, lodging accommodations; or services such as telephone, electricity and water.

(c) Unauthorized Use – Use of property in a manner, place, time, or for a purpose other than intended or authorized, or contrary to the State’s interests.

(d) Misuse – Careless or negligent use of property.

(e) Abuse – Intentionally negligent use of property resulting in damage.

(f) Discourteous Language or Actions – Language or actions that are impolite, unfriendly, or uncooperative.
(g) Threatening or Abusive Language – Language that is clearly menacing, damaging, or injurious to another, including but not limited to vulgar, offensive, slanderous, discriminatory, sexist, or ethnic remarks.

(h) Threatening or Abusive Actions – Acts that express a present intent to injure or damage another or which actually result in injury or damage to another.

(i) Weapons – Firearms, explosives, or other instruments that, when put to their intended use, could be used to injure or damage.

(j) Unsafe Actions – Acts by which an individual endangers himself or herself or others or property and which would be recognized by a reasonable person as being dangerous or which are prohibited by University safety rules.

(k) University – The University of West Florida.

(l) Employee of the University of West Florida – Any individual who is filling an established Career Service position.

(m) Work Standard – The criterion established by which the quality of job-related effort, results, and behavior is measured.

(n) Director of Personnel – Director of University (West Florida) Personnel Relations.

(3) Work standards and examples of violations as presented in subsection (15) of this rule are provided as examples and are not intended to be inclusive. The identification of these examples does not preclude management from taking appropriate disciplinary action for violations not specifically cited. The supervisor may recommend more severe disciplinary action provided the circumstances surrounding or resulting from the work standard violation warrant more severe action.

(a) Time Management, Work Effort, Work Station.

1. Work Standard – Each employee of the University of West Florida is expected to put forth his or her best effort and to manage his or her work time for maximum efficiency and effectiveness. Each employee should be at his or her work station during work hours unless excused or on authorized leave.

2. Examples of Violations.

a. Excessive Tardiness – when an employee does not adhere to established and approved work hours and/or develops a pattern of lateness that adversely affects an employee’s work or the work of others or that is inconsistent with the position description, personnel Rules, or University policies and procedures.

b. Unauthorized absence from Work Station – failure of the employee to obtain permission from his or her supervisor to leave or be away from the work station.

c. Unauthorized Leave – failure of the employee to obtain approval from his or her supervisor to be absent. This includes taking leave after it has been disapproved as well as taking leave without approval.

d. Loafing, Dozing, and Sleeping While At Work or On Duty – Loafing includes wasting time, chatting and horseplay as well as such non-work related activities as balancing a personal checkbook, reading the newspaper, or non-work related books and other materials, conducting personal business over the telephone, or writing personal letters during work hours.

e. Abuse of Alcohol During Work Hours – reporting to work under the influence of any intoxicants in amounts which prevent the employee from coherently or satisfactorily carrying out his or her duties and responsibilities; sale, use, or distribution of alcohol at work. Use of alcohol shall be handled in accordance with the State Policy on Alcoholism and subsection (14) of this rule.

f. Abuse of Drugs During Work Hours – reporting to work under the influence of drugs in an amount which prevents the employee from coherently or satisfactorily carrying out his or her duties and responsibilities; sale, use or distribution of illegal drugs at work.

(b) Performance of Duties.

1. Work Standard – each employee of the University of West Florida is expected to perform to the best of his or her ability the duties and responsibilities set forth in his or her job description. Each employee of the University of West Florida is expected to give complete and accurate information to co-workers and the general public. In a work-related situation, employees shall not deliberately make oral or written statements that are false or misleading.

2. Examples of Violations.

a. Failure to Follow Instructions – when an employee makes little or no attempt to comply with a written or oral work assignment.

b. Insubordination – when an employee refuses or deliberately fails to comply with a work assignment.

c. Falsification of Records – deliberate misrepresentation of fact on official documents such as employment application, expense account, leave records, personnel file, permit application.

d. Lying – statements, written or oral, that are deliberately inaccurate, incorrect, or misleading.

(c) Property Rights.

1. Work Standard – each employee of the University of West Florida is expected to respect the rights of the State and of others to the use and benefit of property. Unauthorized use, misuse, and abuse of State property is strictly prohibited.

2. Examples of Violations.

a. Theft – stealing the property of the State, co-workers, contractors, or anyone else while at work or in work situations.

b. Unauthorized Use of State Property – using a University boat for personal recreation, making personal long distance telephone calls charged to a department telephone, using State property such as copying machines or typewriters for personal business, using a State vehicle for personal errands.

c. Misuse or Abuse of State Property or Equipment – using lab equipment to prepare food, striking equipment so hard as to damage it, reckless driving or handling of a State motor vehicle or boat.
(d) Personal Rights.
1. Work Standard – each employee of the University of West Florida is expected to respect the personal rights of others. While on State property or in a work-related situation, employees should refrain from discourteous language or actions directed toward co-workers or any member of the public. Threatening or abusive language or actions directed toward others is prohibited. Display of a weapon in a careless, reckless, angry, menacing, or threatening manner is prohibited.

2. Examples of Violations.
   a. Rudeness to the Public – impolite, unfriendly, or uncooperative language or actions toward the public.
   b. Threatening or Abusive Language – ethnic or sexist jokes, or remarks, unsolicited familiarity, offensive language, slander, insults, or threats toward others.
   c. Threatening or Abusive Actions – fighting, physical abuse, unsolicited familiarity, horseplay that is carried too far, as well as incidents in which serious harm is threatened.
   d. Threatening or Abusive Actions Involving a Weapon – fighting, physical abuse, unsolicited familiarity, horseplay that is carried too far, as well as incidents in which serious harm is threatened with a weapon.

(e) Safety Practices.
1. Work Standard – each employee of the University of West Florida is expected to conduct himself in a manner which seeks to protect people and property from unsafe actions. The possession or use of firearms, explosives, or other dangerous weapons is prohibited on State property or in work-related situations unless specifically authorized for the performance of a work assignment. Employees are expected to adhere to agency, State and manufacturers safety rules, policies, regulations, and practices.

2. Examples of Violations.
   a. Violation of Disregard of Safety Practices – horseplay, careless driving or handling of equipment.
   b. Possession or Use of Weapons – use of weapons for purposes other than their work-related intent, reckless display of weapons, threatening with weapons.
   c. Violation of Laws.
1. Work Standard – each employee of the University of West Florida is expected to obey all Federal, State, or local laws while on State property, using State watercraft and vehicles or in a work-related situation. Failure to do so subjects the employee to disciplinary action as well as penalties under the law.

2. Examples of Violations.
   a. Discrimination with Respect to Employment – on the basis of race, color, creed, sex, age, handicap, religious creed, national origin, sexual orientation, or political opinions or affiliations.
   b. Giving or Accepting a Bribe – for appointment or promotion to a University of West Florida position, for student registration, for award of contract.
   c. Political Campaigning – during work hours, coercing a State employee to support or contribute to a political issue, candidate, or party.
   d. Other Statutory Prohibitions – such as gambling, possession or distribution of illegal drugs, exceeding speed limits, violating local ordinances or federal regulations.
   e. Conflict of Interest – Chapter 112, Part III, Florida Statutes.
   f. Misuse of Position – abuse of powers of authority that accompany the position for personal reasons, such as to assist friends or family for financial gain.
   g. Violation of University of West Florida Rules, Regulations, Policies or Procedures.
1. Work Standard – each employee of the University of West Florida is required to know and follow the written rules, regulations, policies and procedures of the University which apply to his or her area of responsibility as well as the administrative rules, regulations, policies, and procedures.

2. Examples of Violations – willful violation of written rules, regulations, or policies – violation of safety rules, smoking while on duty in areas that have been designated as non-smoking areas, violation of administrative policies and procedures of the Personnel Manual.

(4) Immediate supervisor determines level of disciplinary action – supervisor must decide that disciplinary action will be taken [see subsection (5)] and shall take such action in accordance with the Standards of Disciplinary Action. This will depend on consideration of all pertinent facts and circumstances including, but not limited to: employee’s past record (performance and longevity, prior violations); severity of the violation; past disciplinary action for similar infringements.

(a) Disciplinary action must be initiated as soon as possible after the supervisor has knowledge of the violation.
(b) Employees must be made aware that disciplinary action is being taken and why. In other words, an oral reprimand must be distinguished from a mere “calling down”. It is the duty of the supervisor to impress the seriousness of the offense on the employee. Documentation of an oral reprimand should be brief, but complete, giving at least the offense, date, place, factual circumstances, names of others present or involved, date of reprimand, employee response, and special comments.

(5) Disciplinary actions described within this section may be implemented by the designated level of supervisor.
(a) Immediate supervisor may, as appropriate:
1. Use corrective consultation with subordinates (this is not considered disciplinary action, but rather is used to ensure that the subordinate understands work rules and standards, assignments, policies, procedures, and rules before disciplinary action is taken);
2. Issue oral reprimands without prior review or approval of a higher-level supervisor;
3. Issue written reprimands. Prior to issuing a written reprimand, the immediate supervisor must obtain approval from the next higher-level supervisor and consult with the Director of University Personnel Relations. After it is issued, a copy of the written reprimand will be provided to the Personnel Office for inclusion in the employee’s official personnel file.

4. In accordance with subsection 60K-5.013(12), F.A.C., the Personnel Director may place an employee on up to ten days administrative leave until an investigation is completed to determine if disciplinary action should be taken;

5. Document substandard work performance and violations of disciplinary standards;
   (b) Higher-level supervisor may, as appropriate:
   1. Approve the issuance of a written reprimand after consultation with the Personnel Director.
   2. In the absence of the supervisor, take disciplinary action as authorized for the immediate supervisor;
   3. Take disciplinary action against an employee when the immediate supervisor of that employee refuses to take appropriate disciplinary action against the employee;
   (c) Director of University Personnel Relations may:
   1. Place an employee on up to ten days of administrative leave pending the outcome of an investigation of an alleged violation which may result in dismissal when the employee’s absence from the work location is essential to the investigation.
   2. Upon recommendation by the immediate supervisor or higher-level supervisor, and after investigation, suspend or dismiss an employee;
   3. Conduct predetermination conferences; sign notices of suspension and dismissal.
   (d) Appropriate Vice President or designee may:
   1. Conduct predetermination conferences; sign notices of suspension and dismissal;
   2. Upon recommendation by the immediate supervisor or higher-level supervisor, and after investigation, suspend or dismiss an employee.

6. Progressive discipline for cumulative offenses is utilized when an employee has demonstrated, despite warnings, a refusal and/or inability to act in accordance with acceptable and reasonable work standards. The disciplinary action is progressive in that the employee will be disciplined for each subsequent offense in accordance with the next step for the previous offense. The offenses involved need not be identical in nature to be cumulative or for the discipline to be progressive. Therefore, if an employee, within a one year period, commits two similar major offenses, consideration might be given to dismissing the employee. For example, to commit the major offenses of theft and record falsification within a one year period would warrant dismissal.

(a) New Employees – A new employee who does not have permanent status in any Career Service class may be dismissed for any single offense listed in this policy or for other appropriate reasons. New employees who are dismissed during the probationary period should be advised that they have failed to satisfactorily complete the probationary period.

(b) Permanent Employees – for employees who have permanent status in the Career Service, the basic pattern of discipline is progressive and cumulative. Specifically, reprimands are retained on record and can have a cumulative effect leading to more serious discipline up to and including dismissal. Once a reprimand is issued, it becomes a permanent part of the employee’s record. Although the reprimand is never physically removed, it will be considered to have served its purpose one year from the date of issuance, unless there has been one or more subsequent reprimands issued during that year’s period. In other words, if one year lapses without a reprimand being issued to the employee, all previous reprimands will be considered inactive in the application of cumulative discipline for conduct considered minor offenses.

7. Procedure for oral reprimand is in response to an infraction by an employee which is considered minor. The immediate supervisor must be willing to document the incident in writing and follow through with more severe disciplinary action if the activity is repeated. This activity might not be reflected in a performance evaluation.

(a) Immediate supervisor investigates reported or observed violation.

(b) After the immediate supervisor determines that the severity of the violation warrants an oral reprimand, the immediate supervisor gives the employee an oral reprimand in private. The employee shall be advised that he/she is receiving an oral reprimand.

(c) Oral reprimand is briefly documented in memorandum format from the immediate supervisor to the employee with a copy to the Personnel Office for inclusion in the employee’s personnel file. The memorandum shall include: employee’s name, supervisor’s name, work standard violated, date of violation, date of oral reprimand; future violations may result in further and possibly more severe disciplinary action.

8. Procedure for written reprimand is in response to a violation by the employee which is more serious than an infraction which warrants an oral reprimand and has a negative impact on the work environment, productivity, or the morale or other employees.

(a) Immediate supervisor investigates reported or observed violation including the interview of employee and witnesses.

(b) After determining that the severity or frequency of the violation warrants a written reprimand, the immediate supervisor obtains approval from the next higher-level supervisor to issue a written report and consults with the Director of University Personnel Relations concerning the proposed disciplinary action.

(c) The written reprimand should be in memorandum or letter format, from the immediate supervisor to the employee, with copies provided to the Director of University Personnel Relations, for inclusion in the employee’s personnel file, and the employee’s next higher-level supervisor. The memorandum should contain a signature line for employee acknowledgment of receipt, and should be presented to the employee in a private conference when applicable.
(9) Procedure for suspension without pay is in response to a violation by the employee which is more serious than an infraction which warrants a written reprimand and results in threatened or actual damage to State property, possible or actual harm to himself or others, prevents completion of a major work assignment or continually disrupts the work unit, or represents a lack of due care on the part of the employee. The employee’s past work record does not warrant permanent removal from the University. The specific violation does not warrant dismissal.

(a) The immediate supervisor investigates the reported or observed violation including the interview of witnesses and employee.

(b) After determining that the severity or frequency of the violation warrants suspension without pay, the immediate supervisor recommends to the Personnel Director that the employee be suspended without pay, the duration of such suspension, and the rationale behind the decision to suspend the employee.

(c) If the Personnel Director agrees, the Personnel Director notifies the employee in writing of the proposed suspension [see subsection (11)].

(d) The President, the appropriate Vice President, or the Personnel Director conducts a presuspension meeting to hear the employee’s side and to affirm or alter the action proposed [see subsection (12)].

(e) Suspension without pay is appealable by the employee to the Career Service Commission within 20 days after receipt of the official notice of such action, or if the employee is in a certified bargaining unit, the employee may file a grievance under the contract. Supervisors shall consult the appropriate contract and the Personnel Office in the event a contract grievance is filed by the employee.

(10) Procedure for dismissal is in response to a violation by the employee which results in actual damage to State property, actual harm to himself or others, prevents completion of a major work assignment, or continually disrupts the work unit or represents a lack of due care on the part of the employee and/or the employee’s past record warrants permanent removal from the University.

(a) Immediate supervisor investigates reported or observed violation including the interview of witnesses and employee.

(b) After determining that the severity of the violation warrants dismissal, the immediate supervisor recommends to the Personnel Director that the employee be dismissed.

(c) If the Personnel Director agrees, the Personnel Director notifies the employee in writing of the proposed dismissal [see subsection (11)].

(d) The President, the appropriate Vice President or the Personnel Director conducts a pretermination meeting to hear the employee’s side and to affirm or alter the action proposed [see subsection (12)].

(e) Dismissal is an action appealable to the Career Service Commission within 20 days after receipt of the official notice of such action, or if the employee is in a certified bargaining unit, the employee may file a grievance under the contract. Supervisors shall consult the applicable contract and the Personnel Office for specifics.

(11) Notice of suspension or dismissal shall be in accordance with procedures set forth in Rules 60K-9.0041 through 9.0046, F.A.C.; be signed by the Personnel Director or other individual, such as the President or appropriate Vice President authorized to make the final decision, and addressed to the employee, and be sent by certified mail – return receipt requested. In addition, the notice may be delivered to the hand of the employee. The mailed notice shall constitute full and complete notice even if the mail is refused or ignored by the employee.

(12) Presuspension and pretermination conferences shall be conducted by the Personnel Director, appropriate Vice President or appropriate designee, and in accordance with Sections Rules 60K-9.0043, 60K-9.0044, and 60K-9.0045, F.A.C.

(13) Extraordinary situations may call for procedures which may be invoked only with the approval of the Director of Personnel and in accordance with Rule 60K-9.0046, F.A.C.

(14) Alcoholism and alcohol abuse, manifested by problem drinking, alcoholism and habitual drunkenness shall not be handled as a disciplinary problem unless the employee refuses to attempt to resolve the problem or efforts toward rehabilitation fail.

(a) Through the Employee Assistance Program, the employee will be asked to enroll in a detoxification program. The employee may be placed on compulsory disability leave during this time if the employee has enough accrued leave credits; otherwise, the employee may be placed on leave without pay.

(b) An employee who reports to work under the influence of alcohol or who uses alcohol on the job will be sent home and charged leave. (Sick leave credits will be charged first, then regular compensatory, annual, special compensatory, and leave without pay). Disciplinary action will be taken depending on factors such as the severity of the violation of the work standard and impact on the University and work unit.

(c) An absence without authorized leave shall be handled in accordance with subsection 60K-5.002(5), F.A.C., (Personnel Rules and Regulations).

(d) If the employee refuses to attempt to resolve the problem or efforts fail, the employee shall be terminated.

(15) Work standards and standards for disciplinary action are contained in Exhibit A.

SEE FLORIDA ADMINISTRATIVE CODE FOR “EXHIBIT A”

Specific Authority 110.201(2), 240.227(1) FS. Law Implemented 110.201(2) FS. History—New 12-8-80, Formerly 6C6-2.11.
6C6-2.012 Grievance Procedure for Administrative and Professional Staff and Faculty Personnel Not Included in a Collective Bargaining Unit.

(1) The purpose of this rule is to promote a prompt and efficient procedure for the investigation and resolution of grievances filed by Administrative and Professional staff and Faculty personnel not included in a collective bargaining unit.

(2) All problems should be resolved, whenever possible, before the filing of a grievance, and open communication is encouraged so that resort to the formal grievance procedure will not normally be necessary.

(3) It is the intent of this procedure to provide a complete response to a grievance but not to encourage multiple processing of the same issue. Therefore, if, prior to or while seeking resolution of a dispute under this rule, a grievant seeks resolution of the matter in any other forum, administrative or judicial, the University shall have no obligation to entertain or proceed further with the matter pursuant to this rule. Further, since it is not intended that the grievance procedure be a device for appellate review, the response of the President or designee to a recommended order of a presiding officer acting pursuant to Chapter 120, Florida Statutes or to other individual or group having appropriate jurisdiction in any other procedure shall not be an act or omission giving rise to a grievance under this procedure.

(4) All time limits contained in this rule may be extended by agreement of the parties. Upon failure of the University of West Florida or its representative to provide a decision within the time limits provided in this rule, the grievant may appeal to the next appropriate step. Upon the failure of the grievant or counsel to file and appeal within the time limits provided in this rule, the grievance shall be deemed to have been resolved at the prior step.

(5) Definitions.

(a) The term “grievance” means a dispute concerning promotion, non-renewal and termination of employment contracts, salary, work assignment, annual evaluation, layoff and recall, and other rights accruing to grievants pursuant to Chapters 6C-5, and 6C6-2, F.A.C.

(b) The term “grievant” means a member or members of the University of West Florida Administrative and Professional staff and Faculty personnel not included in a collective bargaining unit whose rights have been directly affected by an act or omission of the University or its representative and who has filed a grievance.

(c) The term “days” means calendar days. In the event an action falls due on Saturday, Sunday, or a State holiday, the action will be considered timely if it is accomplished by 5:00 p.m. on the following business day.

(d) The term “substantial interest” means an act or omission involving termination, suspension, or other discipline for just cause, non-renewal of employment contract, salary and layoff.

(e) The term “University” means the University of West Florida.

(6) Step One – all grievances will be filed with the person designated by the President as step one representative for the area of the University in which the grievant performs duties (such as Academic Affairs, the Colleges, Administrative Affairs, Students Affairs, and University Relations) within 25 days from the date following the act or failure to act giving rise to the grievance, or 25 days from the date the grievant knew or should have known of the act or omission.

(a) The written grievance should contain the grievant’s name; name and address of counsel, if any; specific rules or statutes claimed to have been violated; a statement of the grievance, including the acts or omissions which are claimed to have given rise to the grievance; remedy sought; signature and date. A copy of the grievance should be provided by the grievant to the Director of University Personnel Relations.

(b) A step one meeting must be scheduled by the step one representative no later than 15 days after receipt of the grievance. In advance of step one meeting, the grievant has the right upon request to a copy of any identifiable documents relative to the grievance. At this meeting, the grievant has the right to present any evidence in support of the grievance.

(c) Within 15 days after the scheduled meeting, the step one representative will issue a written decision, stating the reasons for the decision. The decision will include a finding as to whether the grievance concerns a substantial interest of the grievant and/or whether any issue of fact material to the grievance remains in dispute.

(7) Step Two.

(a) If the grievance is not satisfactorily resolved and it has been determined that a substantial interest of the grievant is not involved, the grievant may file a written request for review to the President within 15 days of the date of receipt of the step one decision. The President or designee will schedule a meeting with the grievant no later than 15 days after the request for review was filed. The meeting will offer the opportunity for the grievant to present written or oral evidence in support of the grievance. No later than 25 days after the meeting, the President will issue to the grievant a written decision on the matter, stating the reasons for the decision.

(b) If the grievance is not satisfactorily resolved and it has been determined that a substantial interest of the grievant is involved, the grievant may file with the President a written appeal for review no later than 25 days after receipt of the step one decision. If determined in the step one decision that material facts remain in dispute, the President or designee or a hearing officer assigned by the Division of Administrative Hearings (DOAH) will conduct a hearing according to provisions contained in Section 120.57(1), F.S. If a Section 120.57, F.S., hearing is waived (in writing) by all parties, the hearing may be conducted as provided in paragraph (7)(a) of this rule.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (6), 120.57 FS. History–New 12-8-80, Amended 6-30-81, Formerly 6C6-2.12.
6C6-2.013 Grievance Procedure for Career Service Employees.

(1) Any Career Service employee with permanent status shall be allowed to bring grievances to the attention of the President of The University of West Florida when such grievances cannot be resolved to the employee’s satisfaction at the supervisory or Vice Presidential level. The President shall take specific action on all written grievances. No retaliatory action shall be taken against an employee who files a grievance.

(2) References to time limitation in this rule constitute calendar days and references to grievance are in accordance with Rules 2A-10.004 and 10.005, F.A.C.

(3) Procedure for Employees Who Have Not Attained Permanent Status in the Career Service.
(a) Employees shall file the grievance either orally or in writing with the immediate supervisor within 7 days following the act or event giving rise to the grievance whereupon the supervisor shall attempt to resolve the grievance within 15 days.
(b) If the employee is not satisfied with the immediate supervisor’s decision, he or she may discuss the grievance with the appropriate Dean or Vice President, whose decision shall then be final.
(c) Employees shall not have the right to proceed with a grievance to a review by a grievance committee and a final decision by the President.

(4) Procedure for Career Service/Permanent Status Employees.
(a) Step One – Discussion Between Employee and Immediate Supervisor – The employee shall file the grievance initially either orally or in writing with the immediate supervisor within 7 days following the act or event giving rise to the grievance. The immediate supervisor shall attempt to resolve it within 15 days from the date it is filed. If not resolved, the grievance may proceed to Step Two.
(b) Step Two – Employee’s Written Statement of Grievance to Appropriate Vice President.
1. If the employee decides to proceed with the grievance to the Step Two level, the grievance must be filed, in writing, with the appropriate Vice President within 7 days after receiving the response from Step One. The original of the written grievance shall be given to the immediate supervisor. In addition to the appropriate Vice President, copies shall be provided immediately to intervening levels of supervision and the Personnel Director. Upon receipt of a copy of the written grievance, if the Personnel Director determines that the grievance is one over which the President has no control, the Personnel Director shall deny the grievance and notify the employee in writing. Copies of the grievance and denial shall be furnished to both the President and the Department of Administration. Intervening levels of supervision shall attempt to resolve the grievance, before and after it is forwarded to the appropriate Vice President. The Vice President, however, must attempt to resolve it within 15 days from the date the grievance was first filed and the copy received by the Personnel Director.
2. The Vice President will advise the Personnel Director, the aggrieved employee, and the employee’s department head in writing of the decision. If not resolved, the grievance may proceed to Step Three.
(c) Step Three – Submission for Grievance Committee Review.
1. The employee shall advise the Personnel Director in writing that he or she intends to pursue the grievance to a grievance committee level and shall provide the Personnel Director with the name of the individual who has agreed to be the aggrieved employee’s appointee on the three-member committee. This committee will be constructed according to the provisions set forth in subsection 60K-9.004(4), F.A.C.
2. If within thirty (30) days from the date of the initial filing, the Personnel Director has not been notified by the aggrieved employee of the desire for committee review, the grievance will be considered resolved unless violation of this procedure by the immediate or higher level supervisor(s), up to the Vice Presidential level, precluded advising the Personnel Director within the proper time frame. In that case, upon request by the aggrieved employee, the grievance will be heard by a committee in accordance with this procedure. Additionally, termination of employment with the university prior to the grievance’s reaching full committee state will result in the grievance being considered resolved.
3. The president or his designee shall appoint a member of the committee who shall also serve as the Chairperson. The members appointed by the aggrieved employee and the President shall then appoint a third member and advise the Personnel Director in writing of their appointee. The third member shall be selected by the other committee members within seven calendar days. If not, the Personnel Director shall notify the Department of Administration which shall appoint a member to serve on the committee. The employee’s immediate supervisor, Vice President, intervening levels of supervision, the President, and members of the Department of University Personnel Relations are precluded from serving on the committee.
4. The Grievance Committee members shall meet, call witnesses as necessary, and submit written recommendations to the President within 15 days from the date the full committee was appointed. If necessary, the committee chairperson may request in writing an extension of the reporting period from the Personnel Director for a period not to exceed an additional 15 calendar days.
(d) Step Four – President’s Decision – The President’s decision is final and shall be issued in writing to the employee with a copy to the Personnel Director and the employee’s Vice President and department head within 15 days from the date the committee reports its recommendations. The president shall discuss the committee recommendations with the appropriate Vice President before making a final decision.
(5) Disposition of Grievance When an Employee Terminates Prior to Final Resolution or Fails to Timely File the Grievance at the Next Step.
(a) If the aggrieved employee terminates employment with the University, the grievance is considered resolved. However, the Chairperson of the Grievance Committee, Vice President, or Personnel Director may decide to pursue the grievance in the form of an agency complaint/investigation should it appear the issues warrant the attention of the President.

(b) In this case, the President or his designee may maintain the present committee and direct them to review and investigate the complaint in accordance with committee procedures and/or any subsequent guidelines, appoint a new committee, and/or extend the review period an additional 15 days.

(6) Grievance Committee Chairperson’s Responsibilities.
(a) Make arrangements for a suitable place to hold the grievance review and notify the other members of the time and place of such grievance review.
(b) Assure that the grievance review is conducted in an orderly manner.
(c) Prepare a written summary of the findings and recommendations of the committee.
(d) Obtain the signature of all members on the written summary of findings and recommendations.
(e) Submit the committee’s written summary of the findings and recommendations to the President.
(f) Request extension of the reporting period, if necessary, from the Personnel Director.
(g) Recommend that the grievance of a terminated employee be handled as the agency complaint. Refer to subsection (5).

(7) Guidelines for the Grievance Committee.
(a) Any employee who is involved in or materially affected by the facts or allegations contained in a grievance will be interviewed by the committee and given the opportunity to respond for the record.
(b) The Grievance Committee will limit its inquiries and investigations to the issues expressed by the aggrieved employee.
(c) The Grievance Committee shall, insofar as possible, conduct all meetings and investigations during regular working hours.
(d) A majority vote by the Committee shall prevail in all committee actions, reports, and recommendations.
(e) Within 15 days from the date the full committee is appointed, the committee shall make a written recommendation to the President.

(8) Higher Level Review – The President’s decision is final in all grievances except where the aggrieved employee has alleged in filing the grievance that the University has failed to comply with the provisions of the Career Service Personnel Rules. Under these circumstances, the employee may submit the grievance to the Department of Administration pursuant to Rule 60K-9.005, F.A.C., if the employee disagrees with the decision by the President. The employee shall advise the Director of Personnel in writing if he or she submits the grievance to the Department of Administration.

(9) Union Contract Grievance Procedure – Some employees of the University are covered by an employee agreement for their bargaining unit which contains a grievance procedure. If an employee is in a bargaining unit having an agreement, the employee has the option of filing the grievance under the Career Service Procedure or the union contract procedures and may not change procedures once the grievance is initially filed.

6C6-2.016 Disruptive Conduct.
(1) University personnel who engage in disruptive conduct by intentionally acting to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University shall be subject to appropriate disciplinary action by the university authorities.

(2) Disruptive conduct shall include, but not be limited to, the following:
(a) Violence against any member or guest of the university community;
(b) Theft or willful destruction of university property or of the property of members of the university;
(c) Interference with the freedom of movement of any member or guest of the university;
(d) Deliberately impeding or interfering with the rights of others to enter, use or leave any university facility, service, or scheduled activity, or in carrying out their normal functions or duties; or
(e) Deliberate interference with academic freedom and freedom of speech of any member or guest of the university.

6C6-2.019 University Procedures Relating to Suspension, Termination, and Other Disciplinary Action for Non-Unit Faculty.

(1) Termination and Suspension.
(a) The appointment of any non-unit faculty member will be terminated or suspended with or without pay during the term of the faculty member’s employment contract for just cause. The faculty member shall be given written notice of termination or suspension by the President or the Vice President for Academic Affairs. The notice shall specify the reasons for termination or suspension. Such notice shall be sent in accordance with the provision of subsection (4) below. Following the sending of the notice of termination or suspension the faculty member may, at the discretion of the President or Vice President for Academic Affairs, be reassigned.
(b) Termination or suspension imposed under this section shall take effect on the date set out in the notice of termination or suspension.
(c) Within ten (10) days, excluding Saturdays, Sundays, and University holidays, following the receipt of a notice of termination or suspension without pay, the faculty member may respond in writing to the President or the Vice President for Academic Affairs regarding the reason(s) stated in the notice, and a meeting of the faculty member with the President or the Vice President for Academic Affairs shall be scheduled to allow the faculty member to present any matter which should be brought to the attention of the President or the Vice President for Academic Affairs regarding the termination or suspension without pay.

(2) Suspension Pending Investigation and Hearing – Notwithstanding the provisions of paragraph (1)(b) above, if the President or the Vice President for Academic Affairs has reason to believe that the faculty member’s actions or presence on the job would adversely affect the orderly conduct and processes of the University or jeopardize the safety or welfare of the faculty member, colleague(s), other employee(s), or student(s), the President or the Vice President for Academic Affairs will immediately suspend with or without pay the faculty member from the performance of duties pending an investigation by the President or the Vice President for Academic Affairs. Such investigation shall not exceed thirty (30) days without appropriate justification.

(a) Within two (2) days following such suspension, excluding Saturday, Sunday, and University holidays, the President or the Vice President for Academic Affairs shall send a written notice to the faculty member. Such notice shall specify the reason(s) for the suspension and shall be sent in accordance with the provisions of subsection (4) below.

(b) At the close of the investigation described above, the President or the Vice President for Academic Affairs shall send written notice to the faculty member of any additional action, such as termination, to be taken by the University. Such notice shall specify the reason(s) for such action and shall be sent in accordance with the provisions of subsection (4) below.

(3) Notification of Disciplinary Action – Written notice of disciplinary action, specifying the reason(s) therefor, shall be sent to the faculty member by the President or the Vice President for Academic Affairs. Whenever notice is required to be sent under this rule, the notice shall be hand delivered or forwarded to the faculty member by registered mail with a return receipt requested.

(4) Records of Disciplinary Action.

(a) If a non-unit faculty member prevails in a grievance procedure arising from termination, suspension, or other disciplinary action, all records concerning such disciplinary action shall be placed in the President’s confidential file.

(b) If a non-unit faculty member is dismissed, the records of any hearing and actions of the President or the Vice President for Academic Affairs shall be included as part of the official personnel records of the faculty member.

(5) Just Cause – Just cause for termination, suspension, or other disciplinary action imposed on a non-unit faculty member shall be defined as incompetence or misconduct, which shall include, but not be limited to, the following:

(a) Neglect of duty or responsibilities which impairs teaching, research, or other normal and expected services to the University;

(b) Failure to perform the terms of employment;

(c) Willful violation of the rules and regulations of the Board of Regents or the University;

(d) Failure to discharge assigned duties effectively because of incompetence;

(e) Conduct, professional or personal, involving moral turpitude;

(f) Violation of the ethics of the academic profession;

(g) Action(s) which impair, interfere with, or obstruct; or aid, abet, or incite the impairment, interference with, or obstruction of; the orderly conduct, processes, and functions of the University.


6C6-2.020 University Procedures Relating to Non-Renewal of Non-Tenured Status, Non-Unit Faculty Appointments.

(1) The President or the Vice President for Academic Affairs may choose not to renew the employment of a non-tenured status faculty member. The non-tenured status faculty members subject to the provisions of this rule include those non-unit faculty members who have not been awarded tenure or who are employed in non-tenure earning positions and those A & P staff members not included in the collective bargaining unit. The decision not to renew such an individual’s appointment shall not be based on constitutionally-impermissible grounds.

(2) By the end of the sixth year of continuous full-time, or equivalent part-time employment or service, a non-unit faculty member in a tenure-earning position who has not been granted tenure shall be given notice of non-renewal of employment as provided for in subsection (6) of this rule.

(3) Non-tenured status faculty who are appointed to serve in an academic-administrative classification or administrative position and who will not be offered further employment with the University shall be entitled to written notice of non-renewal.

(4) In the event of a break-in-service for more than one semester in one full year or more than two semesters in two full years, only service following such break shall be counted for purposes of determining length of service. Approved paid or unpaid leaves shall not be considered a break in service.

(5) Non-tenured faculty appointments shall not create any rights, interest, or expectancy of employment beyond the term specified in the contract.

(6) Non-renewal Notification Requirements – Notice of non-reappointment or intention not to reappoint, shall be given in writing within the following time limits:
(a) For non-unit faculty in their initial contract year of employment with the University, a minimum of three (3) months prior to expiration of their contract;
(b) For non-unit faculty in their second contract year of employment with the University, a minimum of six (6) months prior to the effective date of non-reappointment; and
(c) For non-unit faculty in their third contract year of employment or beyond with the University, twelve (12) months prior to the effective date of non-reappointment.

(7) The requirement of written notice of non-reappointment set forth in subsection (6) of this rule is not applicable to the following non-tenured status faculty appointments:
(a) Those holding visiting appointments;
(b) Those who are appointed for less than one (1) academic year; or
(c) Those with less than five (5) years continuous service whose salary is funded through “soft” money, e.g., contracts and grants, sponsored research funds, and grants and donations trust funds.

(8) Faculty not entitled to a written notice of non-appointment as provided in subsection (7) above, shall have the following statement included in their employment contracts: “Your employment hereunder will cease on the date indicated. No further notice of cessation of your employment with the University is required.”

(9) Prior to the transmission of the notice of non-reappointment, the President or the Vice President for Academic Affairs shall confer informally with the faculty member and explain the reason(s) for non-reappointment.

(10) The notice of non-renewal shall include the following:
(a) A statement of the reasons for non-renewal;
(b) A reference to the informal conference held with the President or the Vice President for Academic Affairs to explain the reason(s) for the non-reappointment;
(c) The expiration date of the current contract;
(d) The last date of employment with the University; and
(e) A copy of the appropriate appeal procedures in effect at the University.

Specific Authority 240.227(1), (5) FS. Law Implemented 240.227(5) FS. History–New 5-26-88.

6C6-2.028 University Holidays.
(1) The University observes the following paid holidays:
(a) Birthday of Martin Luther King, Jr., third Monday in January.
(b) Memorial Day, last Monday in May.
(c) Independence Day, July 4.
(d) Labor Day, first Monday in September.
(e) Veterans’ Day, November 11.
(f) Thanksgiving Day.
(g) Friday after Thanksgiving.
(h) Winter Holiday, all regularly scheduled work days beginning December 24 and continuing through January 1.

(2) If any holiday listed in paragraphs (a)-(g) above falls on a Saturday, the Friday preceding that holiday shall be observed as a holiday. If any holiday listed in paragraphs (a)-(g) above falls on a Sunday, the Monday following that holiday shall be observed as a holiday.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–New 10-20-03.
CHAPTER 6C6-3 STUDENTS

6C6-3.001 Undergraduate Admissions and Articulation.

6C6-3.002 Admission to Graduate Programs.

6C6-3.003 Admission of Non-Immigrant Foreign Nationals. (Repealed)

6C6-3.004 Academic Policies.

6C6-3.005 Appeal of Denial Admission - Academic.

6C6-3.006 Application for Readmission. (Repealed)

6C6-3.007 Admission of Applicants with Records of Previous Misconduct or Medical/Psychological Problems.

6C6-3.008 Academic Probation, Suspension, Reinstatement.

6C6-3.009 Withdrawal from Courses and the University. (Repealed)

6C6-3.010 Student Conduct Code - Administration and Procedures.

6C6-3.011 Student Grievances.

6C6-3.012 Outside Speakers. (Repealed)

6C6-3.013 Pamphlets and Petitions.

6C6-3.014 Freedoms of Speech and Assembly.

6C6-3.015 Residence Hall Regulations. (Repealed)

6C6-3.0151 Student Housing Conduct.

6C6-3.016 Residence Hall Hours of Visitation. (Repealed)

6C6-3.017 Release of Student Educational Records.

6C6-3.018 Prohibition of Hazing - Procedures and Penalties.

6C6-3.019 Student Financial Assistance. (Repealed)

6C6-3.020 Student Government Association: Function and Purpose.

6C6-3.021 Alcoholic Beverages.

6C6-3.022 Student Publications.

6C6-3.023 Student Organizations.

6C6-3.024 Lower Division Admissions: Substitution of Requirements for Disabled Students. (Repealed)

6C6-3.025 Upper Division Admissions: Substitution of Requirements for Disabled Students. (Repealed)

6C6-3.026 Admission to a Specific Program of Study at the University of West Florida: Substitution of Requirements for Disabled Students. (Repealed)

6C6-3.027 Substitution of Graduation Requirements for Disabled Students. (Repealed)

6C6-3.028 Religious Observance.

6C6-3.029 Involuntary Withdrawal for Medical or Psychological Reasons. (Repealed)

6C6-3.001 Undergraduate Admissions and Articulation.

(1) Admission of Freshmen and Sophomores – Admission is on a selective basis. Applications must be received no later than thirty days prior to the beginning date of the term; those received after that date will be considered on a space available basis.

(a) Requirements for Admission/Freshmen – Students must meet criteria established by the Board of Regents for the State University System. Specific criteria for freshmen are:

1. A diploma from a Florida public or regionally accredited high school; a regionally accredited out-of-state high school, or if foreign, its equivalent; or a state approved high school equivalency examination.

2. Scores from the Scholastic Aptitude Test (SAT) of the College Entrance Examination Board or from the American College Test (ACT).

(b) Freshmen Eligibility – Freshmen are eligible for admission in one of three ways:

1. A student who has a satisfactory high school record, with a “B” average (3.0 on a 4.0 scale) in required high school academic units normally offered in grades 9 through 12 and who submits other appropriate evidence that he/she can be expected to attain successful academic progress in the university is academically eligible for admission. Additional weight will be assigned to grades in Honors/Advanced Placement courses for admissions purposes. Total number of required academic units is 19. Specific unit requirements are: four units of English, three of which must have included substantial writing requirements; three units of Mathematics at the Algebra I and above level; three units of Natural Science, two of which must have included substantial laboratory requirements; three units of Social Science, i.e., history, civics, political science, economics, sociology, psychology, or geography; two units of Foreign Language with both credits in the same language; and four additional academic electives from the above five subject areas/courses recommended by the Florida Association of School Administrators, or other groups, and recommended by the Articulation Committee, and approved by the Department of Education and the Board.

2. Students applying for admission who have less than a “B” average in the required academic units described above must present a combination of high school GPA and entry level test scores equivalent to 2.5 on a 4.0 scale in the required academic units, and 900 on combined verbal and quantitative parts of the Scholastic Aptitude Test or a composite score of 19 on the American
College Test. Academic eligibility for admission will be determined according to the following Admissions Scale. If the High School GPA in the required academic courses equals any entry in Column I, the SAT/ACT scores must equal or exceed the corresponding entry in Column II.

<table>
<thead>
<tr>
<th>Column I</th>
<th>Column II</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0</td>
<td>1,050/24</td>
</tr>
<tr>
<td>2.1</td>
<td>1,020/23</td>
</tr>
<tr>
<td>2.2</td>
<td>990/22</td>
</tr>
<tr>
<td>2.3</td>
<td>960/21</td>
</tr>
<tr>
<td>2.4</td>
<td>930/20</td>
</tr>
<tr>
<td>2.5</td>
<td>900/19</td>
</tr>
<tr>
<td>2.6</td>
<td>890/19</td>
</tr>
<tr>
<td>2.7</td>
<td>880/18</td>
</tr>
<tr>
<td>2.8</td>
<td>870/18</td>
</tr>
<tr>
<td>2.9</td>
<td>860/18</td>
</tr>
</tbody>
</table>

3. Students applying for admission who do not meet these requirements may be admitted if, in the judgment of the University Admissions Committee, it is determined from appropriate evidence the student can be expected to do successful academic work.

(c) Requirements for Admission/Sophomore – Applicants must meet the requirements for freshmen as outlined; must have completed a comparable freshman program with a grade point average of at least 2.0 on a 4.0 scale; and must be in good standing and eligible to return to the last institution attended without academic probation or suspension.

1. Curriculum Requirements (General Education).
   a. Students accepted and credited with fewer than 45 semester hours are required to complete the lower division core curriculum.
   b. Students credited with 45 or more semester hours must complete the transfer general education requirements outlined in paragraph five (5).

(d) Requirements for Admission/Juniors and Seniors – Students must qualify under one of the following:
   1. Hold the Associate of Arts degree from a Florida public community college.
   Applications from students who have attended another college after receipt of the A.A. degree will be processed as Transfer Students as outlined in paragraph 3. below.
   2. Hold the Associate of Science degree from a Florida public community college with a minimum of 36 semester hours of specified general education courses included in the community college program.
   3. Transfer with a minimum of 60 semester hours of acceptable college-level course work including a minimum of 36 semester hours of specified general education courses. Applicants may be admitted with deficiencies in general education courses but should present a minimum of 24 semester hours in required courses. Any deficiencies in general education must be completed prior to graduation from The University of West Florida.

(2) Academic Standing – To be considered for admission all applicants must:
   a. Have maintained an overall average of at least a 2.0 on a 4.0 scale on all college work attempted including all grades for repeated courses.
   b. Be in good standing and eligible to return without academic or disciplinary probation to the college-level institution last attended.

(3) Required Documents – All applicants must submit the following:
   a. Application for admission with the non-refundable $15 application fee.
   b. Completed and notarized residence affidavit and supporting documents as required by Section 240.1201, F.S., if entitled to Florida fees.
   c. Official transcripts from each high school, ACT or SAT scores (if freshman or sophomore applicant), and transcripts from each college or university previously attended. These and other documents such as CLEP scores, DD-295 or DD-214 (when military credit is requested) must be requested in writing by the applicant to be mailed directly to Director of Admissions from the institution/organization concerned. Evaluation of military credits must be requested at the time of original application for degree status.

(4) Students From Non-Accredited Institutions – Students from non-accredited institutions may be considered for admission upon submission of satisfactory scores from the General Examinations of the College-Level Examination Program. Information about this examination may be obtained by writing the College-Level Examination Program, Box 1821, Princeton, New Jersey 08540. Students may also be admitted by the University Admissions Committee to validate work from non-accredited institutions. To validate such work, the student must earn a grade point average of at least 2.00 on the first thirty semester hours attempted at The University of West Florida.

(5) Students Admitted With Deficiencies – Students entering with deficiencies in the general education areas must complete such deficiencies prior to graduation. Every student must have completed 36 semester hours of general education courses evenly divided among: English-Humanities; Social Science-History; Science-Mathematics. In the English-Humanities area, at least two
Courses must be English composition. These courses must meet the requirements of Rule 6A-10.030, F.A.C. In the science-mathematics area, two courses must be in mathematics at the level of college algebra or above. Applicants holding the Associate of Arts degree from a Florida public institution will have completed all general education requirements.

Courses may be selected from:

<table>
<thead>
<tr>
<th>Social Science-History</th>
<th>Science-Mathematics</th>
<th>English-Humanities</th>
</tr>
</thead>
<tbody>
<tr>
<td>History</td>
<td>Mathematics</td>
<td>English Composition</td>
</tr>
<tr>
<td>Sociology</td>
<td>Chemistry</td>
<td>Art-nonperforming</td>
</tr>
<tr>
<td>Geography-social or cultural</td>
<td>Physics</td>
<td>Music-nonperforming</td>
</tr>
<tr>
<td>Psychology</td>
<td>Biology</td>
<td>Drama-nonperforming</td>
</tr>
<tr>
<td>Government</td>
<td>Zoology</td>
<td>Literature</td>
</tr>
<tr>
<td>Economics</td>
<td>Botany</td>
<td>Philosophy</td>
</tr>
<tr>
<td>Political Science</td>
<td>Biological Science</td>
<td>Religion (individual course)</td>
</tr>
<tr>
<td>Anthropology</td>
<td>Physical Science</td>
<td>evaluation</td>
</tr>
<tr>
<td>Social Sciences</td>
<td>Geology</td>
<td>Logic</td>
</tr>
<tr>
<td></td>
<td>Astronomy</td>
<td>Foreign Languages</td>
</tr>
<tr>
<td></td>
<td>Earth Science</td>
<td>Speech (to include voice, diction, and phonetics)</td>
</tr>
<tr>
<td></td>
<td>Physical Geography</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Statistics</td>
<td></td>
</tr>
</tbody>
</table>

(6) Upper Division Students – Upper-division students must document at least 60 semester hours of acceptable college-level credits for consideration.

(7) University Admissions Committee – Students admitted by special consideration of the University Admissions Committee may be placed on probation.

(a) Appeals – The University Admissions Committee shall meet as necessary to review marginal cases and to consider appeals of admissions decisions by applicants.

(b) Procedure – Appeal shall be initiated by a letter of request addressed to The University Admissions Committee.

(c) Appeal of Committee decisions shall be addressed to the Vice President for Academic Affairs.

(8) Credit from Non-Traditional Sources – A combined total of 60 semester hours of which not more than 20 semester hours may be upper-level credit may be accepted for transfer.

(a) Categories and maximum acceptable limits are:

<table>
<thead>
<tr>
<th>Category</th>
<th>Maximum Acceptable Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military Service Schools</td>
<td>30 semester hours</td>
</tr>
<tr>
<td>USAFI/DANTES Credit</td>
<td>30 semester hours</td>
</tr>
<tr>
<td>Civilian Non-Traditional Credit</td>
<td>30 semester hours</td>
</tr>
<tr>
<td>Correspondence/Extension Credit</td>
<td>20 semester hours</td>
</tr>
<tr>
<td>College Level Examination Program</td>
<td>30 semester hours</td>
</tr>
<tr>
<td>Advanced Placement Program</td>
<td>30 semester hours</td>
</tr>
<tr>
<td>International Baccalaureate Program</td>
<td>30 semester hours</td>
</tr>
<tr>
<td>Departmental Proficiency Examination</td>
<td>30 semester hours</td>
</tr>
<tr>
<td>Proficiency Examination Program</td>
<td>30 semester hours</td>
</tr>
</tbody>
</table>

(b) Acceptability of Credit – Acceptability of credit from all other sources will be determined by the Director of Admissions.

(9) Recency of Credit – Credits which are more than 10 years old may be reviewed and re-evaluated for use toward degree requirements at The University of West Florida.

(10) Level of Transferred Courses – Courses are acceptable for transfer at the level e.g., junior, senior, etc., at which the course was classified by the institution granting the credit.

(11) Choice of Catalog – A student has a choice of meeting the requirements of the catalog in effect at the time of (1) admission to the University; (2) declaration of a major; or (3) his/her graduation. A student who changes majors has a choice of meeting the requirements of the catalog in effect at the time of (1) said change of major; or (2) his/her graduation. A student who is readmitted to the University after more than one year of non-enrollment has a choice of meeting the requirements of the catalog in effect at the time of (1) readmission; or (2) his/her graduation. The use of a combination of catalogs to fulfill degree requirements is not permitted.

(12) Optional Requirements.

(a) A student holding an Associate of Arts degree with certification of the completion of general education requirements from a Florida public junior or community college may elect to complete the degree requirements of The University of West Florida which were in effect at the time the student first entered the junior/community college as a degree-seeking student. The transcript of the student granted this option must demonstrate that a four-year plan was made by the inclusion of the proper lower-level courses.

(b) A Florida public junior/community college graduate who does not enter the University within three years of the date of initial enrollment in the junior/community college as a degree-seeking student forfeits the option to pursue degree requirements which were in effect before the initial term of that student’s enrollment at the University.
(13) Minimum Grade Required for Transfer Credit.

(a) Students with an Associate of Arts degree transferring to The University of West Florida directly from a Florida public junior or community college which awarded the degree will receive credit for courses completed with a grade of “D” or higher.

(b) Students transferring to The University of West Florida without an Associate of Arts degree, but with an overall grade-point average of 2.0 or higher, will receive credit for all freshman and sophomore courses completed with a grade of “D” or higher. No credit will be allowed for junior or senior level courses completed with a grade of “D”.

(c) Students accepted for admission with a grade-point average lower than 2.0 by the University Admissions Committee will have courses in which they received a grade of “D” reviewed by this committee. Recommendation concerning the amount of credit to be awarded for courses in which a grade of “D” was received will be made to the chairperson of the department in which the student enrolls. No credit will be allowed for junior or senior level courses completed with a grade of “D”.

(14) Provisional Admission – The University may, on a provisional basis, admit a student who, through no fault of his own, has been unable to complete the required admission documents. Only those students who indicate eligibility (based on information submitted by the student) for admission will be accepted provisionally; students must provide all required documents before the deadline, four weeks after the first day of classes of the student’s first semester, or be denied further registration as a degree-seeking student.

(15) Required Summer Attendance – All students entering a university in the State University System of Florida with fewer than 60 semester hours of credit will be required to earn at least 9 semester hours of credit prior to graduation by attendance at one or more summer terms in a State University System Institution.

(16) State Assessment Requirements – Prior to receiving an associate of arts or a baccalaureate degree, a student must present passing scores on all four subtests of the College Level Academic Skills Test (CLAST). A student who graduated with the associate of arts degree from a Florida public community/junior college prior to September 1, 1982 is exempt from this requirement. A student who has a specific learning disability such that he cannot demonstrate successful completion of one or more sections of the CLAST and who is achieving in every area except that of the disability, and whose diagnosis indicates that further remediation will not succeed in overcoming the disability, may appeal through the appropriate dean to the CLAST Appeals Committee for consideration. The Committee will, after examining the student’s academic and medical records and hearing relevant testimony, grant or deny a waiver for one or more sections of the CLAST. In addition to the CLAST, applicants must complete twelve (12) semester hours of English coursework and six (6) semester hours of mathematics coursework at the level of college algebra or higher, as required by the State Board of Education in Rule 6A-10.030, F.A.C. Students must complete these requirements before earning the baccalaureate degree. Students will not be advanced to upper division status until these assessment requirements are met.

(17) Quota Limited Access Programs.

(a) An undergraduate student who is admitted to The University of West Florida and who wishes to major in special education must present a cumulative grade point average of at least 2.5 on course work completed prior to admission to the University. Students who do not have a 2.5 cumulative grade point average upon admission to the University may request a change of major to the special education program after completing at least 10 semester hours in another major and attaining a grade point average of at least 2.5 on this course work. The request for a change of major will be evaluated by a committee of the department of special education.

(b) Admissions requirements for the Bachelor of Science degree program in medical technology include an overall GPA of 2.5 or better; satisfactory completion of lower division prerequisite courses to include general chemistry I & II, organic chemistry I & II, botany, zoology, anatomy and physiology (strongly recommended), and college algebra or equivalents; satisfactory completion of junior level prerequisite courses to include genetics, biochemistry I, pathophysiology, general microbiology, applied microbiology, immunology, hematology, and two non-science electives or equivalents; and completion of the application process to include completion of an application form, a letter of interest, three (3) letters of recommendation, all transcripts, a NAACLS approved transcript evaluation, and a personal interview. Applications must be submitted by February 1; admission decisions are announced April 1.

(18) Cancellation of Admission – Students are admitted to the University only for the term for which they apply. Students who do not enroll in the term for which they have been admitted lose their admission status and must notify the Director of Admissions to change their admission applications for a later term. They will be considered under the policies in effect at that time. Admission is not automatic. If a student has attended another collegiate institution prior to updating the application, the student must provide an official transcript of all course work completed.

Specific Authority: 240.1201, 240.227(1), 240.233 FS. Law Implemented: 240.1201, 240.115, 240.227(1), (8), 240.233 FS. History—New 10-1-75, Formerly 6C6-3.01, Amended 5-20-87, 3-1-88.

6C6-3.002 Admission to Graduate Programs.

(1) The University is governed by the rules of the Department of Education, Florida Board of Regents, Rule 6C-6.003, F.A.C.

(2) Admission requirements to graduate programs of students who meet minimal requirements are determined by the faculties who administer the programs. Graduate student applicants shall be informed in writing by a department if any additional departmental requirements apply. Such additional requirements are specified in the University catalog.
(3) Prospective students who have been denied admission to a graduate program at The University of West Florida may appeal, in writing, to the chief academic officer of the appropriate college. The chief academic officer will refer the appeal to a committee composed of faculty members representing graduate disciplines in the college. The committee will make recommendations to the President, or his designee, whose decisions will be final.

Specific Authority 120.53(1)(a), 240.227(1), 240.233(1) FS., 6C-6.003, F.A.C. Law Implemented 240.227(1), 240.227(9), 240.233(1) FS., 6C-6.003, F.A.C. History–New 10-1-75, Amended 1-2-79, Formerly 6C6-3.02.

6C6-3.004 Academic Policies.

(1) The University catalog prescribes current retention, grading, and degree requirements for all students.

<table>
<thead>
<tr>
<th>Grade</th>
<th>Description</th>
<th>Grade Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Outstanding</td>
<td>4.0</td>
</tr>
<tr>
<td>A -</td>
<td></td>
<td>3.7</td>
</tr>
<tr>
<td>B +</td>
<td>Above Average</td>
<td>3.3</td>
</tr>
<tr>
<td>B</td>
<td></td>
<td>3.0</td>
</tr>
<tr>
<td>B -</td>
<td></td>
<td>2.7</td>
</tr>
<tr>
<td>C +</td>
<td>Average</td>
<td>2.3</td>
</tr>
<tr>
<td>C</td>
<td></td>
<td>2.0</td>
</tr>
<tr>
<td>C -</td>
<td></td>
<td>1.7</td>
</tr>
<tr>
<td>D +</td>
<td>Below Average</td>
<td>1.3</td>
</tr>
<tr>
<td>D</td>
<td></td>
<td>1.0</td>
</tr>
<tr>
<td>F</td>
<td>Failure</td>
<td>0</td>
</tr>
<tr>
<td>WP</td>
<td>Withdrawn/Passing</td>
<td>R*</td>
</tr>
<tr>
<td>WF</td>
<td>Withdrawn/Failing</td>
<td>0</td>
</tr>
<tr>
<td>AU</td>
<td>Audit</td>
<td>*</td>
</tr>
<tr>
<td>I</td>
<td>Incomplete</td>
<td>*</td>
</tr>
<tr>
<td>G</td>
<td>Deferred (thesis only)</td>
<td>*</td>
</tr>
<tr>
<td>P</td>
<td>Pass</td>
<td>*</td>
</tr>
<tr>
<td>W</td>
<td>Withdrawn</td>
<td>*</td>
</tr>
</tbody>
</table>

* Grade not included when computing the grade point average.

(2) A student is responsible for the department or program requirements in effect at the time of initial registration at the University. A student who changes majors is responsible for the departmental or program requirements in effect at the time of such change.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (18), (26) FS., BOR Rule 6C-4.001(1), F.A.C. History–New 10-1-75, Amended 9-1-77, Formerly 6C6-3.04.

6C6-3.005 Appeal of Denial Admission - Academic.

Any undergraduate student who is denied admission for academic reasons may appeal this decision as follows:

(1) The student submits a letter of appeal to the University Admissions Committee.

(2) The University Admissions Committee considers the student’s letter of appeal, previous academic record, and other information submitted in behalf of the petition, and notifies the student in writing of its decision.

(3) Appeal of the decision of the University Admissions Committee can be made in writing to the Vice-President for Academic Affairs, then to the President.

Specific Authority 120.53(1), 240.223(1), 240.227(1) FS. Law Implemented 120.53(1)(a), (c), 240.233(1), (3), 240.227(1), (9) FS., 6C-6.001(2), F.A.C. History–New 10-1-75, Amended 10-6-80, Formerly 6C6-3.05.

6C6-3.007 Admission of Applicants with Records of Previous Misconduct or Medical/Psychological Problems.

Applicants with records of previous medical/psychological problems will provide information as requested related to the misconduct or medical/psychological problems to the Director of Student Affairs.

(1) The Director of Student Affairs will review all information provided and contact other appropriate individuals having knowledge of the applicant or incident of misconduct.

(2) The applicant will be required, depending on the nature, severity of the misconduct, or personal problems, to have a personal interview with the Director of Student Affairs or to undergo a psychological evaluation in the Counseling Center.

(3) An applicant will be rejected for admission if upon review of all available information and surrounding circumstances, the Director of Student Affairs and the Vice President for Student Affairs find by a preponderance of evidence that:

(a) The applicant poses a significant danger of imminent and serious physical harm to himself/herself or others at the University;

(b) The applicant poses a significant threat to the health and welfare of the applicant or others at the University.
(4) An applicant denied admission under this policy may appeal to the President or his designee within 10 days of receipt of notification of denial of admission.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), 240.233(3) FS. History–New 10-1-75, Amended 9-17-78, Formerly 6C6-3.07, Amended 5-20-87.

**6C6-3.008 Academic Probation, Suspension, Reinstatement.**

(1) Undergraduate Policy and Procedures: An undergraduate degree-seeking student will be placed on academic probation or admitted to the University on probation, if after completion of fifteen (15) hours grades fall below a cumulative 2.0 grade point average in courses earned at the University, or if a student registers for only one course and fails that course.

(a) Students on probation may return to good standing by meeting the requirements specified in their notice of probation. Failure to meet these requirements causes the student to be subject to academic suspension.

(b) A student on probation is not eligible for office in any student organization and cannot represent the University in any official capacity during the term of the probation.

(c) The decision to suspend a student for academic reasons is made by the Dean of the College on the recommendations of the committee charged to administer the provision of this rule.

(d) Notification to the student and to the Office of the Director of Registration and Records is the responsibility of the college.

(e) A student under academic suspension may not enroll as a regular or special student at any of the University’s campuses or centers.

(f) After suspension for at least one quarter, a student may request reinstatement by notifying in writing the Dean of the college which suspended him/her at least two weeks in advance of the first day of classes of the quarter for which reinstatement is requested. A student who has been recommended for reinstatement must file an application for readmission with the Office of Registration and Records.

(2) Graduate Policy and Procedures: A graduate degree-seeking student admitted in a graduate program will be placed on probation by the department or coordinating authority at the completion of the quarter during which the cumulative grade point average falls below 3.0. The student will be informed in writing by the department with a copy sent to the Office of Registration and Records.

(a) A student having probationary status may return to good standing by achieving a cumulative average of 3.0 no later than at the completion of fifteen quarter hours of graduate work following the period in which probation was assigned. Courses in which a student earns a grade of “P” are not considered in the evaluation of academic standing.

(b) Probationary status may be continued beyond fifteen hours of graduate work only on the recommendation of the College Academic Standards Committee and the approval of the Dean.

(c) A graduate student who does not return to good standing within the period designated will be suspended from the program. The student will be informed of the action in writing by the department or coordinating authority with a copy to the Registrar.

(d) Students suspended from a program may, with the approval of the prospective department chairman or coordinating authority and Dean, apply for admission to another graduate program if the requirements for admission to that program are met.

(e) Students suspended from a program may be considered for reinstatement after the lapse of one academic quarter during which the student is not enrolled at The University of West Florida. The student may petition for reinstatement by presenting evidence of eligibility in writing to the Dean of the College.

(f) A graduate student may appeal probation or suspension in writing to the Dean of the college, who may refer the matter to the Academic Standards Committee.

Specific Authority 120.53(1)(c), 240.227(1) FS., BOR Rule 6C-4.001(1), F.A.C. Law Implemented 120.53(1)(c), 240.227(1) FS., BOR Rule 6C-4.001(1), F.A.C. History–New 10-1-75, Amended 4-6-80, Formerly 6C6-3.08.

**6C6-3.010 Student Conduct Code - Administration and Procedures.**

The University establishes the following rules governing student conduct:

(1) Student conduct is expected to be lawful and to abide by University regulations. The University distinguishes its responsibilities for student conduct from the control functions of the wider community. The conduct of students both on the campus and in the wider community outside the campus is ordinarily of University concern when:

(a) The conduct interferes with the University’s responsibility of ensuring members of the University community full and equal opportunity to obtain their educational objectives; or

(b) The conduct interferes with the University’s responsibility to protect the health, safety, and general welfare of persons in the University community, to protect property, to maintain the ordinary rules of good conduct, and to sponsor non-class activities.

(2) Violation of any of the following actions by a student constitutes an offense which will result in disciplinary action.

(a) Academic misconduct – Fraudulent or deceptive action involving academic matters and includes:

1. Cheating – The unauthorized giving or taking of any information or material on academic work considered in the determination of a grade.

2. Plagiarism – The act of representing the ideas, words, creations, or work of another as one’s own.

3. Bribery – The offering, giving, receiving, or soliciting of anything of value to influence a grade.
4. Conspiracy – Planning with others to commit any form of academic misconduct.
5. Misrepresentation – Any action or omission with intent to deceive a teacher so as to affect a grade.
   (b) Non-academic misconduct which constitutes an offense under this rule includes the following:
   1. Forgery, alteration, or misuse of documents or records.
   2. Intimidation, harassment or physical abuse of persons.
   3. Destruction, damage, or misuse of public or private property.
   4. Theft.
   5. Lewd and indecent conduct.
   6. Disorderly conduct.
   7. Disruptive conduct – Individual or group conduct of a nature that interrupts or interferes with educational activities, infringes upon the rights and privileges of others, results in the destruction of property, or is otherwise prejudicial to the maintenance of order.
8. Possession, consumption or furnishing alcoholic beverages in violation of University Rule 6C6-3.021, F.A.C., or state laws controlling same. See Rules 562.11 and 768.125, F.S.
9. Possession, consumption, or furnishing of controlled substance as prohibited by the Laws of Florida. See Rules 893.13 and 893.147, F.S.
10. Possession or use of weapons and firearms, fireworks and explosive devices as prohibited by the Laws of Florida. See Rules 790.01, 790.02, 790.165, 790.19, 790.25(2), 790.225, F.S.
11. Violations of federal or state law, respective county and city ordinances, and all University or Board of Regents rules which bring discredit to the University or result in disruption of the normal operation of the University.
12. Failure to heed an administrative summons issued pursuant to University rules and regulations.
   (3) Sanctions – Students adjudicated guilty of violation(s) of the conduct code will be subject to one or more of the following sanctions with the objective of protecting the university community and deterring the repetition of the act by the offending party by imposing sanctions sufficient to serve notice of the unacceptability or continuation of the conduct in question.
   (a) Counseling – Confidential psychological service to help students deal more effectively with conduct.
   (b) Reprimand – Formal written notice and official recognition is taken of the violation.
   (c) Community service – Performance of a specified service for a prescribed number of hours to the University Community.
   (d) Degree program modification – Additions to or substitutions in the current degree program.
   (e) Grade reduction – Reductions of grade(s) for test(s), assignment(s), or course(s).
   (f) Restriction – The withdrawal of specified privilege(s) for a definite period of time. Restrictions may include requirements such as vacating campus housing or not operating motor vehicles on campus.
   (g) Restitution – A payment for financial injury in cases involving theft, destruction of property, or deception.
   (h) Probation – An official written warning that the student conduct constitutes an offense, but is not sufficiently serious to warrant probation with restrictions, suspension, or expulsion. Students are restricted from holding office in any student organization and cannot represent the University in any official capacity during the term of the probation. Continued enrollment depends on maintenance of satisfactory conduct during the period of probation.
   (i) Suspension – The termination of the student’s attendance at the University for an indefinite or specified period of time.
   (j) Expulsion – The involuntary and permanent separation of the student from the University.
   (4) Administration – For these procedures, the university shall utilize as appropriate an academic standards committee appointed by the appropriate dean or division head; the membership shall consist of at least two faculty members and one student or The University Conduct Committee appointed by the president. Its membership shall consist of at least two faculty and one student.
   (a) Academic misconduct – When a student is alleged to have violated the Academic Conduct Code, and disciplinary action is warranted, the faculty member must exercise option one or option two below. If the violation is not the student’s first offense or the circumstances suggest the imposition of a sanction other than reduced or failing grade(s), the faculty member will refer the charge directly to the Dean.
      1. Option one – Within five (5) working days after discovery of the alleged misconduct, the faculty member shall notify the student in writing of the allegation and invite the student to respond within five (5) working days. The faculty member’s decision shall be sent in writing to the student within fifteen (15) working days after the date of the initial notification of the allegation sent to the student. The written decision shall describe any imposed sanctions of reduced or failing grade(s), and the student’s right to appeal within five (5) working days to the appropriate Academic Standards Committee; or state that the charges have been referred to the appropriate Dean for adjudication. Copies of the above notifications shall be sent to the Chairperson, Dean, and Vice President for Student Affairs, or
      2. Option two – The faculty member will refer the charge in writing to the appropriate Dean for adjudication. The Dean will notify the student in writing of the charge and may designate an agent to investigate the charge. In investigating the charge, the agent will discuss the charge with the student and with others who have personal knowledge of the alleged misconduct.
a. If the Dean determines the charge warrants adjudication, the Dean shall notify the Academic Standards Committee and the student. The Academic Standards Committee shall conduct a hearing unless the student elects within three (3) working days after receipt of the notification to have the hearing conducted by the Dean. In electing one, the student waives the right to the other. The Academic Standards Committee must include student membership when holding academic conduct hearings, and shall follow the procedures outlined in (5) Hearing Procedures.

b) Non-academic misconduct – Charges of non-academic misconduct shall be filed within five (5) working days of the discovery of the misconduct with the Vice President for Student Affairs or designee. The Vice President will notify the student in writing of the charge and may designate an agent to investigate the charge. In investigating the charge, the agent will discuss the charge with the student and with others who have personal knowledge of the alleged misconduct.

1. If the Vice President determines the charge warrants adjudication, the Vice President shall notify the University Conduct Committee and the student. The University Conduct Committee shall conduct a hearing unless the student elects within three (3) working days after receipt of the notification to have the hearing conducted by the Vice President. In electing one, the student waives the right to the other. The hearing shall be conducted in accordance with the procedures outlined in (5) Hearing Procedures.

2. The Vice President for Student Affairs, or Associate Vice President for Student Affairs, may order any student to cease and desist from any activity adjudged disruptive to the University. If the student fails to cease and desist from such activity, the Vice President for Student Affairs, or Associate Vice President for Student Affairs, may immediately suspend the student for a maximum of ten (10) calendar days, pending a conduct hearing.

(5) Hearing Procedures.

(a) Pre-hearing information to assist the student in preparing for the hearing is available from the Vice President for Student Affairs, the Associate Vice President for Student Affairs, and the Deans.

(b) All hearings are governed, as a minimum, by the following due process:

1. Student shall be entitled to a prompt hearing.

2. Student will receive written notice at least five (5) working days in advance of the date, time, and place of the hearing, and of the specific charge(s) and factual basis including the section of the Conduct Code upon which charge(s) are based.

3. The instructor or other University official who has brought the charge of misconduct shall provide evidence and, as appropriate, bring witnesses to the hearing to support the charge(s).

4. Student is entitled to have any person present at the hearing to serve as advisor. However, the advisor cannot examine or cross examine those giving testimony otherwise participate in the hearing.

5. Student may inspect all documentary evidence to be presented at the hearing, may hear and question adverse witnesses, and may present evidence and call witnesses.

6. Students shall not be forced to present self-incriminating testimony; however, the University is not required to postpone disciplinary proceedings pending the outcome of any criminal proceeding.

7. The burden of proof rests with the University. The standard of proof shall be “greater weight of evidence” i.e., whether it is reasonable to conclude from all the evidence submitted by both the University and the student that the student did commit the violation(s) with which charged.

8. Decision of guilt or innocence on the charge(s) shall be based solely on the evidence presented at the hearing.

9. All hearings shall be closed and confidential unless specifically requested otherwise in writing by the student before the hearing.

10. If student fails to appear at the hearing, the hearing may proceed in the student’s absence.

11. A record of the hearing shall be made by the presiding hearing officer. The record may be in written form or in any other form capable of being converted into written form within a reasonable time. The student shall be entitled to a copy of the written record of the hearing for cost.

12. A decision shall be available in writing to the student within five (5) working days following the hearing.

13. Student may appeal the decision to the President within five (5) working days after receipt of the written decision. The appeal shall be in the form of a written request for review. The appeal shall consist of a review of the prior proceedings; there shall not be another hearing. At the conclusion of that appeal, the decision of the President shall be final.

6. Student’s standing on campus will remain unchanged pending the final decision, except in cases of emergency where the President determines that the safety, health, or general welfare of the student or University is involved. See University Rule 6C6-3.029, F.A.C.

(7) Records – The Office of the Vice President for Student Affairs is the official custodian of all educational records involving misconduct. Records will be managed pursuant to Section 228.093, F.S.

(a) If a charge is dismissed, all records in the case shall be destroyed immediately.

(b) Student files containing records of a single offense shall be destroyed after five (5) years or after the student’s graduation, whichever occurs first.

(c) Student files containing records of more than one offense, or of an offense transcending behavior in one course, shall be permanent.

Specific Authority 240.227(1), 240.261(2) FS. Law Implemented 120.53(1)(a), 120.57(5), 120.62, 228.093, 240.132, 240.133, 240.227(1), 240.237, 240.261 FS. History–New 10-1-75, Amended 10-24-79, 12-29-80, 8-9-81, 8-30-83, Formerly 6C6-3.10, Amended 10-26-86, 4-21-91.
6C6-3.011 Student Grievances.

(1) A grievance is defined as a complaint or dissatisfaction occurring when a student thinks that any condition at the University affecting him/her is unjust, inequitable, or creates unnecessary hardship. Such grievances include but are not limited to mistreatment by any University employee; discrimination; problems with student or academic services; and contested grades for courses, academic probation, suspension, or readmission actions, or other academic matters. Such grievances do not include matters which have been determined through procedures prescribed for the Student Conduct System.

(2) Exclusions – Excluded from this process are grievances concerning:
(a) Discrimination – grievances related to charges of discrimination due to race, sex, or handicap shall be directed to the Equal Opportunity Coordinator.
(b) Fees – grievances concerning the assessment or refund of tuition and fees shall be directed to the Fee Appeals Committee.
(c) Financial Aid – grievances related to financial aid shall be directed to the Financial Aid Appeals Committee.
(d) Parking and Traffic – grievances related to parking or traffic regulations shall be made to the designated police representative, and appeals to the Parking Violation Appeals Board.

(3) Students are afforded opportunity to bring complaints to the attention of University personnel with the assurance that a prompt and fair determination of grievances shall result by taking the following steps:
(a) Step 1 – requires oral discussion between the student and the person(s) alleged to have caused the grievance. The student should meet with the person(s) as soon as practical after becoming aware of the act or condition which is the basis for the grievance. If the student considers the response to this discussion to be unsatisfactory he/she should initiate the action outlined in Step 2.
(b) Step 2 – requires the student to submit a written petition within five (5) calendar days after receiving notification of the Step 1 decision to the immediate supervisor of the person(s) alleged to have caused the grievance.
   1. The supervisor is empowered to take testimony, receive evidence, provide other affected persons the opportunity to submit written statements, and make or receive offers of settlement, stipulations, or adjustments.
   2. The supervisor will render a written decision to the student within five (5) calendar days of the date the petition was filed or, if mutually agreed upon by both parties, within an extended period of time.
(c) Step 3 – any student who is not satisfied with the response after completing Steps 1 and 2 may present the grievance in written form to the appropriate Dean, or Vice President, within five (5) calendar days after receiving notification of the Step 2 decision. The Dean will refer grievance concerning academic misconduct to the Academic Standards Committee. The student shall be informed of the Step 3 decision within five (5) calendar days of the date the petition was filed or, if mutually agreed upon by both parties, within an extended period of time.
(4) Appeal – The President of the University or designee shall be the final appeal but only after the prescribed grievance process has been exhausted. The President or designee shall review the matter and decide what action, if any, should be taken.
(5) All petitions filed shall be adjudicated to finality even if the aggrieved is no longer a student at the time of the proceeding.

Specific Authority 240.227(1) FS. Law Implemented 760.01, 120.53(1)(c), 240.227(1) FS. History–New 10-1-75, Amended 10-24-79, 8-9-81, 8-30-83, Formerly 6C6-3.11, Amended 10-28-86.

6C6-3.013 Pamphlets and Petitions.

Written materials may be distributed free of charge by University students on the campus, either individually or as officials of registered student organizations, pursuant to the following regulations:
(1) Materials distributed must identify the author or publisher.
(2) Distributors must register the distribution and a specimen copy of the material with the Office of Student Activities.
(3) Distributors may not in any way interfere with the orderly process of the University. They shall not, for example:
   (a) Obstruct vehicular, bicycle, pedestrian or other traffic;
   (b) Obstruct entrances or exits to buildings or driveways;
   (c) Interfere with educational activities, inside or outside any building;
   (d) Harass passersby or otherwise disrupt normal activities;
   (e) Interfere with or preclude a scheduled speaker from being heard;
   (f) Interfere with scheduled University ceremonies or events;
   (g) Damage property, including lawns, shrubs, or trees.
(4) Materials must not be left unattended and must be removed when distribution terminates.
(5) This rule does not apply to official printed materials of the University.

Specific Authority 240.227(1) FS., BOR Rule 6C-6.012, F.A.C. Law Implemented 240.227(1) FS. History–New 10-1-75, Formerly 6C6-3.13, Amended 5-31-87.

6C6-3.014 Freedoms of Speech and Assembly.

The freedoms of speech and assembly guaranteed by the United States and Florida Constitutions shall be enjoyed by students and faculties of The University of West Florida as respects the opportunity to exercise public expression and assembly. The on-campus exercise of public expression and assembly by students and faculty shall be in accordance with the guidelines set forth herein:
(1) Responsibility – Each speaker shall be fully responsible for any violation of Federal and State law or University regulation committed by him.

(2) Scheduled Assembly and Public Expression – Areas on the campus, except for the assembly area designated on the campus map must be scheduled for organized assemblies and public expression in the Office of Student Activities.

(3) Permission for Use of Sound Equipment – Permission for the use of sound equipment for assemblies anywhere on campus must be secured from the Office of Student Activities. The use of sound equipment and degree of amplification for scheduled activities must be reasonable and must not interfere with the normal processes and activities of the university.

(4) Unscheduled Assembly and Public Expression – The assembly area designated on the campus map is established as the only campus location for unscheduled and unorganized public expression. However, all outdoor areas on the campus which are not committed to a specific use or assigned for use to a specific University agency are available to be used for informal, unscheduled, and unamplified expressions of opinion by individual members of the faculty and student body participating as individuals without prior registration or approval, provided other applicable University regulations shall be observed.

(5) Noninterference with University Operation – In order that assemblies and public expression, scheduled and unscheduled, not interfere with the operation of the University or the rights of others, they shall not, for example:
   (a) Obstruct vehicular, bicycle, pedestrian, or other traffic;
   (b) Obstruct entrances or exits to buildings or driveways;
   (c) Interfere with University operation inside or outside any buildings;
   (d) Harass passersby or otherwise disrupt normal activities;
   (e) Interfere with or preclude a scheduled speaker from being heard;
   (f) Interfere with scheduled University ceremonies of events;
   (g) Damage property, including lawns, shrubs, or trees; or
   (h) Prejudice the safety of person or property.

Specific Authority 240.227(1) FS., BOR Rule 6C-6.012, F.A.C. Law Implemented 240.227(1) FS. History–New 10-1-75, Formerly 6C6-3.14, Amended 5-31-87.

6C6-3.0151 Student Housing Conduct.

The University establishes the following rules governing student conduct of on-campus resident students:

(1) Student conduct is expected to be lawful and to abide by University regulations. The University distinguishes its responsibilities for student conduct from the control functions of the wider community. The conduct of students both on the campus and in the wider community outside the campus is ordinarily of University concern when:
   (a) The conduct interferes with the University’s responsibility of ensuring members of the University community full and equal opportunity to obtain their educational objectives; or
   (b) The conduct interferes with the University’s responsibility to protect the health, safety, and general welfare of persons in the University community, to protect property, to maintain the ordinary rules of good conduct, and to sponsor non-class activities.

(2) The Director of Housing is assigned original jurisdiction in all matters which involve:
   (a) Infractions of published housing regulations.
   (b) Aberrant or disruptive behavior in the residence halls which necessitates immediate action to protect the health, safety, and welfare of persons in the University community.

(3) Sanctions.
   (a) Warning – A written or oral warning which cautions the student that further behavior of the same or similar type will be cause for University disciplinary action.
   (b) Restitution – A financial payment for property damage, theft, or destruction.
   (c) Community Services – Work, educational tasks, or projects designed to redirect student behavior relating to the violation committed.
   (d) Restriction – Withdrawal of specified privilege(s) for a prescribed period of time which relates to the violation committed.
   (e) Probation – An official warning that the student’s conduct constitutes an offense but is not sufficiently serious to warrant removal from University housing. Students are restricted from holding office on the Residence Hall Advisory Council or working in the Housing Office during the term of the probation. Continuance in University housing depends on maintenance of satisfactory citizenship during probation.
   (f) Suspension from University Housing – The termination of the student’s privilege to occupy University housing for an indefinite or specified period of time.

(4) Hearing Procedures.
   (a) Charges of misconduct shall be filed within five (5) calendar days of the discovery of the misconduct with the Director of Housing.
(b) Student shall be entitled to a prompt hearing before the Director of Housing or Assistant Director of Housing or shall have the option to request adjudication by the Housing Conduct Committee. In selecting one, the student waives the right to the other. The Housing Conduct Committee consists of two students selected by the Residence Hall Advisory Council and two faculty/staff appointed by the Director of Housing. The Chair is appointed by the Vice President for Student Affairs from among the faculty/staff members.

(c) Student will receive written notice at least five (5) calendar days in advance of the date, time, and place of the hearing and of the specific charge(s) and factual basis upon which the charges are based.

(d) All hearings are governed, as a minimum, by the following due process:
1. Student is entitled to an advisor of his/her choice to be present at the hearing.
2. Student may inspect all documentary evidence which will be presented against him/her.
3. Student may hear and question adverse witnesses.
4. Student may present evidence on his/her own behalf.
5. Student shall not be forced to present self-incriminating testimony.
6. The standard of proof for the University shall be “substantial evidence,” i.e., whether it is reasonable to conclude from evidence submitted that the student did commit the violation(s) with which charged.
7. Decision of guilt or innocence on the charges shall be based solely on the evidence presented at the hearing.
8. All hearings shall be closed and confidential unless specifically requested otherwise in writing by the student prior to the hearing.
9. A record of hearing shall be in written form or in any other form, such as tape recording, capable of being converted into written form within a reasonable time.
10. If the student fails to appear at the hearing, the hearing may proceed in the student’s absence.
11. Decision shall be presented in writing to the student within five (5) calendar days following the hearing.
12. Student may appeal the decision in writing to the Director of Student Affairs within five (5) calendar days after receipt of the written decision. At the conclusion of the appeals process, the decision of the Vice President for Student Affairs shall be final.


6C6-3.017 Release of Student Educational Records.
The University established the following standards for access to student educational records:

(1) Educational records comprise any written information or recorded data maintained by the University which are directly related to a student who has applied for admission or who is or has been in attendance.

(a) The following include most educational records maintained by University custodians:
1. Academic Records (Departmental) – Faculty Chairpersons and Deans.
2. Academic Records (Permanent) – Academic Services/University Registrar.
5. Counseling Records (Non-Academic) – Director, University Counseling Center.
6. Disciplinary Records – Vice President for Student Affairs.
8. Health and Medical Records – Director, University Health Center.
9. Housing Records – Director, University Housing.
11. Student Teaching Records – Director, Student Teaching.

(b) The following are not educational records and are not subject to this policy:
1. Records maintained by individual University personnel which are solely in their possession and are not revealed to others.
2. Records maintained by University police which are solely for law enforcement purposes and are not revealed to others for any other purpose.
3. Records maintained by University employees which relate solely to the student as an employee and are not revealed to others for any other purpose.
4. Records maintained by University medical or psychological personnel which are solely for treatment and counseling purposes and not revealed to others for any purpose.
5. Records maintained by University personnel which contain only information relating to persons after they are no longer students.
8. Confidential letters and confidential statements of recommendation written after January 1, 1975, provided the student waived in writing the right of inspection and review.

(2) The University may disclose to the general public any information from student educational records which is designated as “directory information.” The following student data comprise University directory information and are available to the public.
(a) Student name, address, and telephone number.
(b) Date and place of birth.
(c) Major field of study.
(d) Class schedule.
(e) Participation in recognized activities and sports.
(f) Weight and height of athletic team members.
(g) Dates of attendance.
(h) Degrees and awards received.
(i) Most recent school previously attended.
(3) Access to student educational records.
   (a) Access by Students – Students who are or have been in attendance are permitted to inspect and review their educational records as defined above in (1).
   (b) Access by Others – Students must provide written consent before personally identifiable information can be disclosed to others from their educational records. The exception is that the University may disclose identifiable information from student educational records, without student consent, as follows:
   1. Officials and faculty of the University or other State of Florida school officials who have a legitimate educational interest in the information.
   2. Officials of other schools in which the student seeks to enroll.
   3. Federal, state, local and independent agencies, and representatives as authorized by federal and state law, who have a legitimate educational interest in the information.
   4. Officials presenting a judicial order or lawfully issued subpoena.
   5. Appropriate parties in a health or safety emergency.
   6. Parents or legal guardian of a dependent student as defined in the Internal Revenue Code of 1954, after presenting proof of student dependency.
   (4) Procedures for Access:
      (a) Students who wish to have material disclosed to others from their educational records must contact the custodian of those records and sign the proper consent form. All other requests to inspect and review student educational records should also be directed to the records’ custodian.
      (b) Within a reasonable time period, the University Custodian will provide the requested records, explanation and interpretation of the records, or copies of the records. Copy of disclosed materials will be provided to student upon request. A fee may be charged to cover actual cost of reproducing the records.
      (c) Custodians will maintain a record of the disclosures of personally identifiable information and of the parties who have obtained such information from student educational records.
      (d) Custodians will specify in writing the criteria for determining “school officials” and “legitimate educational interest.”
   (5) Students have the following rights:
      (a) Students shall be informed annually of their rights and procedures relating to educational records. Students may waive in writing any of their rights regarding educational records. Complete information and regulations governing educational records are available in the Office of the Vice President for Student Affairs and Office of Academic Services/University Registrar.
      (b) Students may authorize in writing the disclosure to others of personally identifiable information from their educational records.
      (c) Students may challenge the accuracy of their educational records and request the University to amend them. If the request is refused, students will be so informed and advised of the right to a hearing in accordance with the Student Grievance Process, Rule 6C6-3.011, F.A.C. Students may place in their educational records a statement commenting upon the contents of the records.
      (d) Students may refuse in writing to permit the designation of any or all categories of personally identifiable information available to the public.

6C6-3.018 Prohibition of Hazing - Procedures and Penalties.
(1) The University establishes the following rules prohibiting hazing.
   (a) University registered student organizations are expected to adhere to local, state, and federal laws regarding membership practices and activities.
   (b) University registered student organizations are prohibited from hazing in any form both on campus and off campus.
   (c) Each University registered student organization must incorporate a provision prohibiting hazing in its by-laws.
(2) Definition of Hazing – Hazing is defined as any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a person for the purpose of initiation or admission into any organization registered by the University. This includes, but is not limited to, beating, branding, forced exercise, forced consumption of food or beverage or any other substance. Also included are activities causing mental stress such as sleep deprivation, exclusion from contact with others, or forced conduct that could result in extreme embarrassment or adversely affect the dignity of the individual. For the purpose of clarity, any activity described above that is directly or indirectly a condition of initiation or admission into a registered University organization shall be presumed to be a forced activity, the willingness of an individual to participate in such activity notwithstanding.

(3) Administration – University Organizations:
   (a) Filing of charges – Any charges of violation of the hazing policy shall be filed with the Coordinator of Student Affairs (Student Activities).
   (b) Investigation of charges – When charges of hazing are filed against an organization, the Coordinator of Student Affairs will investigate the charges. If no probable cause is found, the charges will be dismissed. If probable cause is found, the Coordinator will notify the chief executive officer of the organization in writing, setting forth the facts and circumstances upon which the charges are based.
   (c) Adjudication.
      1. Informal – When probable cause is found and the spokesman for the University organization agrees with the statement of facts and circumstances upon which the charges are based, the Coordinator for Student Affairs will determine the penalty, if any, and notify the organization in writing.
      2. Formal – When probable cause is found but there is a disputed issue of material fact, the organization through its chief executive officer may request a formal hearing. Charges will be heard by a panel composed of members of the Student Affairs Council and shall include one student, one faculty member, and one administrative-professional staff member from that group. The panel will issue its decision and penalty to be imposed, if any, in writing to the chief executive officer of the organization within five calendar days of the hearing.
      3. Appeal – Appeal of disciplinary action may be made to the Vice President for Student Affairs. The President of the University or designee shall be the final appeal.
   (d) Penalties.
      1. Probation – This penalty includes informing the University community, through campus media, of the hazing policy violation and puts the organization on notice that should another hazing violation occur within a specified period of time (not to exceed 2 years), the organization will immediately lose its status as a registered student organization at The University of West Florida. Probation may include loss of one or several organizational privileges such as use of University facilities, use of University bulletin boards, duplicating services, etc.
      2. Suspension – All organization privileges will be suspended for a period of time not to exceed one year.
      3. Termination – Registration as a student organization is revoked permanently.
      4. Administration – Student Conduct: Disciplinary charges may be brought against individual students who violate this policy in accordance with the University of West Florida Student Code of Conduct, Rule 6C6-3.010, F.A.C.
   (4) Administration – Student Conduct: Disciplinary charges may be brought against individual students who violate this policy in accordance with the University of West Florida Student Code of Conduct, Rule 6C6-3.010, F.A.C.

6C6-3.020 Student Government Association: Function and Purpose.
(1) The Student Government Association at the main campus and extension centers are authorized to represent students on all matters concerning student life.
(2) The basic purposes of the Student Government are:
   (a) To provide students an opportunity to participate in the decision-making process of the University.
   (b) To allocate activity and service fee monies as allowed by state law and implemented by Rule 6C6-4.006, F.A.C., Activity and Service Fees.
   (c) To consider and make recommendations on all phases of student life.
   (d) To serve as the principal forum for discussion of matters of broad concern to students.

6C6-3.021 Alcoholic Beverages.
(1) Possession and use of alcoholic beverages on University premises shall comply with state law. Consumption of alcoholic beverages in public places on campus is prohibited except in those areas and under those conditions specified herein. All buildings and grounds of the campus are considered to be public places with the exception of residence hall units, which are considered to be private living quarters and are, therefore, excluded from the provisions of this regulation.
(2) The possession and consumption of alcoholic beverages are permitted in those approved and designated public areas listed in the Student Handbook, “Student Life”, published March, 1990 (see pages 43-44) and “Alcohol Policy and Guidelines” brochure dated 8-16-90. When necessary to avoid conflicts with other scheduled activities, to accommodate large groups, or meet the special needs of a scheduled activity, the Vice President for Student Affairs will authorize use of an alternate location.

(3) Possession and consumption of alcoholic beverages in the Commons are restricted to that sold by the University food concessionaire. The University food concessionaire is responsible for the supervision of all alcoholic beverage sales in the Commons.

(4) The University does not approve the sale, possession, or consumption of any alcoholic beverages at the Fort Walton Beach Center.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), 240.261 FS. History–New 5-12-88, Amended 3-28-91.

6C6-3.022 Student Publications.

(1) Definition – Student publications comprise the printed media authorized by the President as campus-wide university publications produced by students. The one such authorized student publication is the VOYAGER.

(2) Purpose – The University considers the VOYAGER a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. In order to maintain integrity of purpose as vehicles for free inquiry and expression in an academic community, the VOYAGER is responsible for observance of the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment.

(3) Authority – The University President, as publisher, has final authority and responsibility in matters relating to the VOYAGER.

(a) The Vice President for Student Affairs is responsible to the President for the general administration of the VOYAGER and shall recommend to the President the appointment of an Advisor.

(b) The VOYAGER advisor shall be responsible for the professional instruction and guidance, for recommending appointment of student editors, and for administering fiscal affairs of the VOYAGER.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1) FS. History–New 12-13-88.

6C6-3.023 Student Organizations.

(1) Official Registration – Every student organization must apply for and be officially registered annually. The Student Activities Office will be responsible for the registration process and will forward appropriate recommendation to the Vice President for Student Affairs for approval. Officially registered organizations shall have the following rights and privileges:

(a) May use The University of West Florida name to identify institutional affiliation.

(b) May recruit members on campus.

(c) May use University facilities for meetings and functions.

(d) Will be provided a mailbox and other services by the Student Activities Office.

(e) Will have access to free publicity in Student Activities publications.

(2) Requirements for Official Registration – To obtain and maintain official registration as a University of West Florida student organization, the applicant organization must:

(a) Present evidence that its purpose and activities are lawful and consistent with University objectives.

(b) Present evidence that its membership is open to all regardless of race, creed, color, or national origin and that it does not illegally discriminate in membership on the basis of sex.

(c) Warrant that the organization will comply with the University’s policy on hazing practices.

(d) Conduct its affairs in accordance with its constitution and University regulations.

(e) Conduct its financial affairs in accordance with sound business procedures and appropriate University requirements.

(f) Have a primary advisor who is a full-time faculty or staff member of the University.

(3) Procedures and Documentation – The Office of Student Activities shall establish and maintain procedures and shall require the following:

(a) An application for official registration.

(b) The organization’s constitution and by-laws.

(c) A list of officers and, in the case of a new organization, charter members.

(d) Any other documentation that is deemed necessary by the Director of Student Activities.

(4) Organizational Meeting and Publicity – Any new group may hold one organizational meeting and conduct publicity exclusively for that meeting prior to being officially registered. The Director of Student Activities must approve this meeting.

(5) Conformance to Law and Regulations – Any violation of law or rules of the University may jeopardize the status of the organization and could result in one or more of the following actions:

(a) A written warning.

(b) Probation, which is defined as a loss of some or all privileges for a specified period of time.

(c) Cancellation of organization’s registration with the University.
(6) Determination of Sanctions and Organizational Appeals – Appropriate action for violation of law and rules and regulations of the University will be recommended by the Director of Student Activities to the Director of Student Affairs. The organization will be notified of the action in writing by the Director of Student Activities. Any decision may be appealed to the Vice President for Student Affairs within ten business days from the date of the notification.

Specific Authority 240.227(1) FS., BOR Rule 6C-6.011, FAC. Law Implemented 120.53(1)(a), 240.227(1) FS. History–New 5-31-87.

6C6-3.028 Religious Observance.

(1) The University of West Florida recognizes the concept of religious freedom of students. This rule sets forth the framework within which religious observance, practice and belief of students is recognized in regard to admissions, class attendance, class work assignments and the scheduling of examinations, major class events, work assignments and University activities.

(2) Admissions – The University of West Florida shall not deny admission to any student because of his religious belief or practice.

(3) Class Attendance – Professors and University Administrators shall in no way penalize students absent from academic or social activities because of religious observances. Any student shall, upon notifying the instructor, be excused from class to observe a religious holy day of his faith. Such notification shall be made no later than one week prior to the holy day, or as prescribed by the instructor at the beginning of the term.

(4) Scheduling of Examinations, Major Class Events, Work Assignment and University Activities – No major test, class event, work assignment, or University activity shall be scheduled on a major religious holy day. A major religious holy day shall be a significant day of religious observance as recognized by the highest governing body of that particular religious faith. Evidence of such recognition shall be provided by the student unless previously designated by the University.

(5) Any student who believes that he has been unreasonably denied an educational benefit because of his religious belief or practices may seek redress by implementing the University of West Florida’s student grievance procedures as described in the UWF Student Handbook.

CHAPTER 6C6-4 TUITION AND FEES

6C6-4.001 Appeal of Late Fee Assessments. (Repealed)
6C6-4.002 Waiver of Tuition and Fees.
6C6-4.003 Application Fee, Enrollment and Payment of Tuition and Fees.
6C6-4.0031 Fee Refunds.
6C6-4.0032 Cancellation of Registration and Reinstatement.
6C6-4.004 Deferral of Tuition and Fee Payment.
6C6-4.005 Student Health Fee. (Repealed)
6C6-4.006 Activity and Service Fees. (Repealed)
6C6-4.007 Scientific Laboratory Fees. (Repealed)
6C6-4.008 Tuition Rates, Fees, Fines, and Penalties.
6C6-4.009 Delinquent Accounts.

6C6-4.002 Waiver of Tuition and Fees.
(1) The University will waive tuition and fees as required in Section 1009.26, F.S.
(2) The University will waive the tuition, financial aid fee, health fee and athletic fee for Florida residents 60 years of age or older under the conditions set forth in Section 1009.26, F.S.
(3) The University will waive the out-of-state per credit hour fees for qualified graduate students from the Alabama counties listed below, provided those students pay a $20.00 differential out-of-state fee per credit hour: Baldwin, Barbour, Butler, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Mobile, Monroe, Pike, and Washington.
(4) The University will, upon appeal of the student, waive the late registration, late payment and/or reinstatement fee when the University determines:
   (a) The University is primarily responsible for the delinquency, or
   (b) Extraordinary circumstances beyond the control of the student prevented registration or the payment of fees.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), (11), 1001.75(11), 1009.24, 1009.26 FS. History–New 12-29-80, Formerly 6C6-4.02, Amended 11-2-03.

6C6-4.003 Application Fee, Enrollment and Payment of Tuition and Fees.
(1) Application Fee.
   (a) Applicants for degree-seeking status pay a non-refundable application fee. The fee is good for three consecutive semesters.
   (b) The application fee will be waived for applicants from Florida high schools who can document that they have received an examination fee waiver from the College Board or the American College Testing Program because of economic need.
   (c) Applicants enrolling under the non-degree seeking category are not required to pay the application fee until such time that they want to be considered for degree-seeking status.
(2) Enrollment is defined as consisting of three major components:
   (a) Application – Student provides information requested by the University for purposes of establishing and administering academic and financial relationships that exist between the University and its students.
   (b) Registration – Student registers for one or more courses approved and scheduled by the University and provides information needed to assess fees and tuition.
   (c) Payment of Fees – Student pays all assessed tuition and fees and satisfies all due and/or delinquent amounts payable to the University.

Students who withdraw from all courses for a semester will be considered no longer enrolled at the time of withdrawal.
(3) Registration Period.
   (a) The registration period(s) for any term begins on the date specified by the University and ends not later than 11:59 p.m. on the day immediately preceding the first day of classes for that term.
   (b) A student’s failure to properly register for a particular term during the registration period specified for that term will result in assessment of the late registration fee or student’s ineligibility to register.
(4) Drop/Add Period.
   (a) The drop/add period begins on the first day of classes for the term and ends not later than 11:59 p.m. on the fifth (5th) day of classes for the term. During the drop/add period, students have the opportunity to adjust their schedules by adding or deleting courses. No tuition and fees will be assessed, and no grades or credits will be awarded for course(s) dropped during the drop/add period.
   (b) Students can late register during the drop/add period. Students who properly register during the drop/add period or later will be assessed the late registration fee.
   (c) Drop/add transactions can occur on an exceptional basis after the end of the drop/add period when:
      1. The University is primarily responsible for the delinquency, or
      2. Extraordinary circumstances beyond the student’s control prevented student’s registration or payment of fees.
(d) Student’s failure to pay all tuition and fees or to obtain deferred payment status by 11:59 p.m. on the last day of the drop/add period will result in the assessment of the late payment fee.

(5) Courses whose duration is other than the semester term, for example modular courses or minicourses, have registration and drop/add periods appropriate to their duration.

(6) Students paying fees using the Florida Prepaid College Program must pay the balance due, if any, before the fee payment deadlines to avoid being assessed the late payment fee.

(7) Students can pay for fees via the Internet or phone by paying with a credit card. A non-refundable convenience fee is assessed on such payments.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), (24), 1001.75(7), 1009.24(12), (14) FS. History–New 12-30-81, Formerly 6C6-4.03, Amended 10-30-89, 1-8-91, 11-2-03.

6C6-4.0031 Fee Refunds.

(1) The University will refund a student’s fees (except for fees that are indicated as nonrefundable) for those credit hour(s) affected when a student properly withdraws from a course(s) under the circumstances noted below:

(a) Student provides notice of withdrawal from the University prior to the end of the drop/add period.
(b) Student drops credit hour(s) during the drop/add period.
(c) The University cancels the student’s course(s).
(d) The student is called to, or enlists in, active military service. Notwithstanding anything herein to the contrary, pursuant to Section 1004.07(1), F.S., no student enrolled at the University will incur academic or financial penalties by virtue of performing military service on behalf of the United States of America. Accordingly, any student enrolled in a postsecondary course(s) at the University of West Florida who is called to, or enlists in, active military service will be permitted the option of either completing the course(s) at a later date without penalty or withdrawing from the course(s) with a full refund of fees paid. If the student chooses to withdraw, the student’s record will reflect that the withdrawal is due to active military service and the student will be responsible for repayment of financial aid received prior to withdrawal.
(e) Death of the student or member of his/her immediate family (parent, spouse, child, sibling) occurs and student/student’s legal representative provides written documentation of such.
(f) Student illness of such severity or duration, as confirmed in writing by a physician, that student’s completion of the semester is precluded.

(g) Exceptional circumstances upon approval of the University when:
   1. The University is primarily responsible for the delinquency, or
   2. Extraordinary circumstances beyond the student’s control prevented registration or payment of fees.

(2) A refund of 25% of the total fees paid (less any nonrefundable fees) is available when a student properly and completely withdraws from all courses prior to the end of the fourth (4th) week of classes for full semester course(s), or a proportionately shorter period of time for shorter term course(s).

(3) When a student who receives financial aid subsequently changes his/her enrollment status, and that change results in a refund of fees to the student, the University will first return the appropriate share of such refund to the appropriate financial aid program before providing the refund, if any, to the student. The student is ultimately responsible for repaying to the University any financial aid received by or on behalf of the student that is required to be repaid and is not covered by such refund.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), (11), 1001.75(11), 1004.07, 1009.24, 1010.03 FS. History–New 11-2-03.

6C6-4.0032 Cancellation of Registration and Reinstatement.

(1) The University will cancel the registration of any student who has not paid fees by the end of the fifth (5th) week of classes for a regular semester or the proportionate period of time for courses whose duration is other than a semester.

(2) A student may seek reinstatement; however, the student must pay all delinquent liabilities, including the late registration, reinstatement and late payment fees before being reinstated.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), (11), 1001.75(7), (11), 1009.24, 1010.03 FS. History–New 11-2-03.

6C6-4.004 Deferral of Tuition and Fee Payment.

The University defers the payment for tuition and fees for the following:

(1) Students whose state or federal financial assistance is delayed due to circumstances beyond the control of the student.

(2) Veterans and other eligible students receiving benefits under Chapter 30, 32, or 35 or 1606 of Title 38 U.S.C., whose benefits are delayed according to documentation provided by and with the approval of the Veterans Association.

(3) Students for whom formal arrangements have been made with the University for payment by an acceptable third-party donor.

(4) Students who have entered into an installment fee payment agreement with the University (Tuition Loan Program). The student’s initial payment must be at least one-half of the total fees due and is due by the fee payment deadline. Failure to pay the initial payment by the fee payment deadline or the balance of fees by the second installment deadline will result in the assessment
of the late payment fee. A non-refundable installment service fee is assessed at the time of the first payment. The Tuition Loan Program is not automatically available for all students as the University Controller or designee must first approve the student’s participation based on the student’s prior credit history with the University.

(5) Students who have established a fee deferment. Fee deferments must be established with the University Cashier prior to the fee payment deadlines. Failure to establish the deferment will subject the student to assessment of the late payment fee and/or cancellation of registration.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), (11), 1001.75(11), 1009.24, 1010.03 FS. History–New 12-30-81, Formerly 6-4.04, Amended 11-2-03.

6C6-4.008 Tuition Rates, Fees, Fines, and Penalties.
Beginning Fall 2003, the matriculation fees for resident students and matriculation plus differential cost or out-of-state fee for non-resident students (“Tuition”) at the University shall be as follows:

Undergraduate Level Coursework
- Undergraduate Matriculation fee per Student Credit Hour (SCH) $63.41
- Undergraduate Alabama Differential out-of-state fee per SCH $20.00
- Undergraduate out-of-state fee per SCH $350.10

Graduate Level Coursework
- Graduate Matriculation fee per SCH $170.63
- Graduate out-of-state fee per SCH $542.17

Tuition and fees for each student shall be the Tuition plus the applicable mandatory fees below and any optional fees charged by the University:

Mandatory Fees
- Student Financial Aid Fee
  - Undergraduate Resident per SCH $3.17
  - Undergraduate Non-resident per SCH $20.67
  - Undergraduate Qualified Alabama resident per SCH $4.17
  - Graduate Resident per SCH $8.63
  - Graduate Non-resident per SCH $35.64
- Capital Improvement Trust Fund Fee per SCH $2.44
- Building Fee per SCH $2.32
- Health Fee per SCH $3.00
- Athletic Fee per SCH $11.60
- Activity and Service Fee per SCH $8.25
- Third Time Repeat Fee (in addition to matriculation fee) per SCH $164.54
- Transportation Fee per SCH $1.00

Optional Fees
- Non-Refundable Application Fee $30.00
- Admissions Deposit Fee $200.00
- Orientation Fee $35.00
- Identification Card (Nautilus Card)
  - New Card-Initial Cost $10.00
  - Replacement Card $15.00
- Fee for Transcripts $5.00
- Fee for Diploma Replacement $10.00
- Registration Fee for a Zero-Hours Course
  - Undergraduate same as cost to take 1 credit hour
  - Graduate same as cost to take 1 credit hour
- Returned Check Fee for Unpaid Checks (NSF)
  - $0.00 – $50.00 $25.00
  - $50.01 – $300.00 $30.00
  - $300.01 and up greater of 5% or $40.00
- Late Payment Fee $50.00
- Late Registration or Reinstatement Fee $50.00
- Fee for Collection of Overdue Accounts
Specific Authority 1001.74(4), (11), 1001.75(11), (35), 1006.66, 1009.24, 1009.285 FS. Law Implemented 2003-04 General Appropriations Act, 1001.74(24), 1001.75(11), (35), 1006.66, 1009.24, 1009.285 FS. History–New 5-18-03, Amended 8-18-03.

6C6-4.009 Delinquent Accounts.

(1) Students whose accounts with the University are delinquent will be denied the release of transcripts, the award of a diploma(s), and the ability to register. A delinquent account is created when the student has a financial obligation to the University, the University has billed the student for the obligation, and the student has not paid the financial obligation in full by the established date.

(2) The University will refer any delinquent accounts to a collection agency after the University has made reasonable efforts to collect the accounts. The collection costs are added to the student’s outstanding delinquent account balance.

(3) The student may not use financial aid awards applicable to a current academic term to pay delinquent account balances in excess of $100.00 from a prior academic term.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), (11), 1001.75(11), 1009.24, 1010.03 FS. History–New 11-2-03.
CHAPTER 6C6-5 MISCELLANEOUS PROVISIONS

6C6-5.001 Safety and Traffic Control.
6C6-5.002 Use of Seal. (Repealed)
6C6-5.003 Publications Procedures. (Repealed)
6C6-5.004 Private Gifts; Donations and Loans of Books, Papers or Equipment. (Repealed)
6C6-5.005 Information Services and Public Relations. (Repealed)
6C6-5.006 Non-credit Discussion Groups. (Repealed)
6C6-5.007 Proposals or Applications for Grants-in-aid, Research or Training Contracts, Matching Funds. (Repealed)
6C6-5.008 Special Facilities for the Physically Disabled - Lease Space. (Repealed)
6C6-5.009 Smoking and Consumption of Food in University Buildings. (Repealed)
6C6-5.0091 Smoking and Consumption of Food Policy: University Properties. (Repealed)
6C6-5.010 Educational Research Center for Child Development.
6C6-5.011 Non-Discrimination and Harassment. (Repealed)
6C6-5.012 Eminent Scholars Trust Funds. (Repealed)
6C6-5.013 Deletion of Courses from UWF Catalogs and Common Course Designation and Numbering System. (Repealed)
6C6-5.014 Public Access to University Records. (Repealed)
6C6-5.015 Environmental Health and Safety Program. (Repealed)
6C6-5.016 Direct Support Organizations.

6C6-5.001 Safety and Traffic Control.

(1) It is the policy of the University to provide a safe environment for its faculty, staff, students, and visitors, and to the greatest degree possible, provide all mechanical and physical facilities required for personal safety and health.

(2) Copies of this rule will be supplied at the time of the purchase of parking decals. Copies of this rule can also be obtained from the Department of Public Safety (University Police). The text of this rule is also available pursuant to Section 120.53(2), Florida Statutes.

(3) Traffic Control.

(a) Registration – Automobiles and other mechanical conveyances used on campus by faculty, A & P, staff, students and contracted employees (including part-time students and employees) must be registered with the Department of Public Safety during the first day the vehicle is on campus. Vehicle registration expiration dates appear on each issued decal/permit and represent either an academic year expiration date or an academic semester expiration date.

1. Registration Regulations.
   a. Any person wishing to register a vehicle must be able to present a valid operator’s license.
   b. No person under his name can register a vehicle that belongs to another employee or student.
   c. Any person who temporarily drives a vehicle other than that which he or she has registered must obtain a temporary parking permit at the Department of Public Safety, Bldg. 19, or the Information Center, Bldg. 81, prior to parking that vehicle on campus. The temporary permit will be issued at no charge.
   d. The person who registers his vehicle with the University shall be responsible for any violations committed by persons operating the vehicle.
   e. Any faculty, A & P, staff, student, or other person with a temporary or permanent physical disability can apply to the State of Florida for a handicap permit. State acceptable handicap placards are required to be displayed in order to utilize handicap permit parking areas.
   f. No application for renewal will be accepted from any faculty member, A & P member, staff, student, or contracted employee who has a delinquent traffic citation.
   g. Replacement decals will be issued upon payment of a specified fee and in the following cases only: when a registered automobile is no longer to be used on campus and is replaced by a different automobile (the individual requesting a replacement must furnish proof by presenting remains of the original decal or sign an affidavit assuming responsibility for any misuse of the original decal); when the decal of a registered vehicle is stolen or defaced, and a complaint has been filed with the Department of Public Safety; when the decal has been lost and proof of prior registration can be demonstrated.
   h. Students enrolled at off-campus educational centers will be required to obtain parking permits if their vehicle is to be operated on the UWF campus. These permits will be issued at no cost to the individual. If any course work is to be completed on main campus, the appropriate decal fee schedule will apply.
   i. Employees retiring, and not subsequently in employment status, with at least 10 years of service within the State University System will be granted an appropriate decal upon written request at no cost.
   j. University employees whose duty station is officially assigned and physically located off the main campus will be issued appropriate decals upon written request from the employee’s administrative department head at no cost.
   k. Students of University employees who possess their own vehicle are not entitled by virtue of their parents’ or spouse’s employment status a decal designation other than a student decal registration.
1. The Vice President for Administrative Affairs will authorize the issuance of decals without charge to individuals having a business need to parking accessibility to University facilities. These include, but are not limited to, staff and faculty of off-campus centers, concessionary employees and employees of vendors. In addition, the Vice President for Administrative Affairs will authorize the issuance of cost-free decals to University retirees.

m. Visitor parking permits are available for non-university affiliated guests from the Information Center, Bldg. 81, or the Department of Public Safety, Bldg. 19. Visitors may utilize metered parking spaces (at no cost), designated visitor parking spaces, or any white/unpainted curb.

n. Active Alumni Association member decals are acceptable in lieu of visitor passes.

o. Current faculty, A & P, staff, and students are not eligible for visitor passes and are not entitled to park as a result of membership in the Alumni Association.

2. Vehicle Registration Fees – A registration fee will be charged for each vehicle registered during an academic year. The following fees shall be in effect:

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3. Decals and Temporary Permits – A decal is issued for a specific vehicle either for an academic year or an academic semester and is not transferable to another vehicle or individual owner. Decals can be purchased at the UWF Cashier’s Office, Building 20E. Resident decals are obtained through the University Cashier’s Office; renewal resident decals are obtained at the Department of Public Safety. Resident students are required to display the UWF resident decal. Upon sale or disposal of a registered vehicle, the decal must be destroyed. Temporary permits are issued upon request at the Department of Public Safety, Building 19S, or the Information Center, Bldg. 81, for special circumstances including, but not limited to, daily visitors, vendors, borrowed vehicles, temporary and volunteer workers who qualify and special user needs. These permits must be immediately affixed to the prescribed location.

Issued decals and temporary permits should be immediately affixed to the prescribed location indicated on the back of the decal/permit. Special instructions will be given for other conveyances and for situations wherein the prescribed location is inappropriate. Registrations will be invalid when decals are not affixed in the designated place, or if registration form is not signed and complete. Holders of state handicap permits may obtain a parking decal in accordance with Section 316.1964, Florida Statutes.

4. Registration Violations.
   a. Any registration obtained through falsehood or misrepresentation.
   b. Failure to attach/display decal or parking permit on vehicle in accordance with instructions in subparagraph (2)(a)3. of these regulations.
   c. Attaching decal to vehicle other than for which it was obtained.
   d. Failure to register vehicle.
   e. Failure to cancel registration or remove decal upon disposal of vehicle.
   f. Reproducing, modifying or defacing decal/permit.
g. Failure to complete and sign vehicle registration form.
h. Display of an expired decal/permit.
   i. Taping or temporarily affixing decal/permit to vehicle unless otherwise directed by Public Safety.
   j. Affixing decal to location other than specified.

(b) Traffic and Parking Regulations – All of those regulations embodied in Chapter 316, Florida Statutes, and all ordinances of
the adjacent municipality and/or county related to traffic which are not in conflict or inconsistent with the University’s rules are
applicable pursuant to Section 240.264, Florida Statutes, and will be enforced on The University of West Florida campus.

University regulations for traffic and parking follow:

1. Traffic Regulations will be enforced 24 hours daily.
   a. The campus speed limit is 30 MPH unless otherwise posted. Speed limit in parking lots is 15 MPH.
   b. Motorists will yield right-of-way to pedestrians crossing the roadway in crosswalks.
   c. Skateboarding in University parking lots or on University roadways or sidewalks is prohibited. Bicycle traffic should
      proceed in the same direction as vehicular traffic; joggers should proceed against vehicular traffic, off the roadway surface.
   d. Driving on sidewalks, paths, or grass is prohibited.
   e. Movement of traffic on campus roads is not to be obstructed by stopping in the streets or in parking lots for any purpose
      other than parking or complying with traffic regulations.
   f. Vehicles illegally parked or abandoned on campus in such a way as to create a hazard or to constitute a nuisance will be
towed away immediately at the owner’s expense.

2. Parking regulations will be enforced 24 hours daily unless otherwise specified in these regulations.
   a. Parking on grass, sidewalks, crosswalks, or on the streets or on unimproved areas except where specifically marked for
      parking is prohibited. Special loading or unloading requirements will be met by request to the Department of Public Safety. Prior
      approval MUST be received.
   b. Motor vehicles must be parked within the markers whenever provided. Parking on or over a line or curb is prohibited.
   c. Spaces, lots and areas specifically designated are restricted 24 hours per day, 7 days a week. These spaces will include, but
      are not limited to, the following: Resident Parking, Special Permit Only, State Vehicle, Loading Zone, Police, Visitor, and other
      spaces, lots and areas as specifically identified.
   d. Blue curb spaces are restricted 24 hours per day, 7 days per week.
   e. Faculty, A & P (Yellow Curb); Staff and contracted employees (Green Curb) spaces are reserved 7:30 a.m. - 4:30 p.m.,
      Monday through Friday.
   f. Holders of blue and gold (Administrative), gold or green decals/permits are allowed to park in the spaces or area to which
      they are entitled by virtue of the type decal/permit issued at the time of vehicle registration. Overflow parking for a particular type
      decal/permit is allowed ONLY into white or unpainted curb areas in the most convenient as well as adjacent parking lots when the
      spaces or area assigned a particular decal/permit are occupied. Individuals who willfully violate or abuse the overflow parking
      privilege as a personal convenience shall be deemed guilty of improper parking. Faculty and staff who park-down as a result of
      overflow parking must report the park-down to the Department of Public Safety.
      (i) Holders of non-resident student decals are entitled to park only in spaces designated as white or unpainted.
      (ii) Holders of handicapped decals are entitled to park in all color areas not specifically reserved, only if reserved handicapped
          spaces are not available.
   g. Vehicles must be parked with front of vehicle toward curb.
   h. Parking overtime in areas with specified time limits or on an expired meter is prohibited.
   i. Parking regulations in Loading Zones will be enforced at all times. The period of use will be restricted to thirty minutes with
      prior permission from the Department of Public Safety required.
   j. The responsibility for locating legal parking rests with the operator of the motor vehicle. Lack of space will not be considered
      a valid excuse for violating any parking regulations.
   k. Any vehicle parked on campus will be parked at the risk of the owner.
   l. Overnight parking of any type vehicle for the purpose of residing or sleeping is not allowed on the property of The
      University of West Florida.

m. Resident students are restricted to blue resident curbs 24 hours per day, 7 days per week with the following exceptions: Lot
   #10 (Water Tower); 25 and 31 (Center for Fine and Performing Arts): 73, 75, and 77 (College of Education); and 96, 98 (Sports
   Complex).

n. Metered/Special Parking (Lot 22) is available, unless otherwise reserved, to all faculty, staff, and students, for limited
   intervals upon payment of fee specified on the parking meter. There is no charge for metered parking between the hours of 4:30
   p.m. and 7:30 a.m. as well as on weekends and holidays.

o. Motorcycle parking is provided at specific locations on campus. Check with University Police.

3. Violators of traffic and parking regulations are subject to citations resulting in assessment of fines.
(c) Enforcement and Adjudication: Florida Uniform Traffic Citations issued by officers of the Department of Public Safety for traffic violations occurring on campus as enumerated in Florida Statutes will be answerable in the County/Circuit Court(s) of Escambia County. The fine amounts shall be those as established by the County/Circuit Court(s) of Escambia County, Florida. Any person receiving University of West Florida parking citations for violations on campus will pay the fine or appeal according to procedures described in these rules.

1. Schedules of Fines — Unless stated otherwise in applicable laws of the State of Florida or the municipal code of the City of Pensacola, or in ordinance established by Escambia County, a person who violates the provisions of these regulations shall be subject to payment of the following charges: parking violations $5.00; vehicle registration violations $10.00; handicapped violations $100.00; unauthorized driving on service road, sidewalks or grass $25.00; improper registration information $5.00; violations of sub-sub-paragraph(3)(b)1.c. $15.00.

2. Fines, if paid at the University, will be collected and receipted by the Office of the University Controller, University Cashier. Fines for Uniform Traffic Citations are established by the State of Florida and are payable through the appropriate court of jurisdiction.

3. Persons with delinquent UWF parking violation fines may be subject to having their privilege of operating a motor vehicle on campus revoked and/or the possible towing and impoundment of the registrant’s vehicle at the registrant’s expense. No person who is delinquent in the payment of a parking violation fee shall be permitted to register at a state university, be granted a degree, or be furnished an academic transcript during such delinquency.

(d) Appeal procedure:

1. The appeal of Rules and Regulations under Rule 6C6-5.001, F.A.C., shall be conducted on two progressive levels. The first level of appeal is at the Department of Public Safety and must be filed within seven (7) calendar days of issuance of the citation. The purpose of the Level I parking review process is to allow the Department of Public Safety to correct any obvious issuance errors. Decisions by the Department of Public Safety will be posted weekly in Building 19, Department of Public Safety, and in Building 22, Student Government. Decisions will be listed according to citation number in order to maintain violator confidentiality.

2. The second level of appeal is through the Parking Violations Appeals Board which rules on all parking citations upheld by the Department of Public Safety. Decisions by the Department of Public Safety to uphold parking citations shall automatically be forwarded to the Parking Violations Appeals Board. The date, time, and location of the next Parking Violations Appeals Board will be indicated on the list published weekly by the Department of Public Safety. Violators will be afforded an opportunity to appear before the Parking Violations Appeals Board to present their appeal in person if so desired; otherwise, all appeals will be heard “in absentia.” Decisions of the Parking Violations Appeals Board will likewise be posted, according to citation number, in Building 19, Department of Public Safety and in Building 22, Student Government. Appeal results will also be made available to the campus paper for publication.

3. The PVAB will render a decision and announce it at the hearing. Assessed fines must be paid immediately after the date of the scheduled hearing. THE BOARD’S DECISION IS FINAL AND BINDING.

(e) The Parking Violations Appeal Board.

1. Purpose – The Parking Violations Appeals Board is established under the authority of the President of The University of West Florida to adjudicate parking citations issued on the campus. In carrying out this function the Board will sustain or dismiss charges, levy appropriate fines, and deny on-campus driving privileges to certain offenders under the authority of the appropriate Florida Statute and The University of West Florida Parking and Traffic Regulations.

2. Jurisdiction – The Parking Violations Appeals Board shall have review authority over parking citations issued on the UWF campus to faculty, staff, students, or other persons. At no time will this Board have appeal and review powers over Uniform Traffic Citations issued under the authority of Chapter 316 or 318, Florida Statutes. The Board will review delinquent citations of offenders and take necessary action as set forth in paragraph (3)(d). The Board will hear appeals of citations and render decisions. The Board will restore privileges after fines have been paid and will remove other administrative sanctions.

3. Membership – The Board is comprised of six members appointed by the President upon recommendations from the Vice President for Administrative Affairs from at least three nominations for each position submitted as follows:
   a. One faculty member (nominations from Faculty Senate).
   b. One A & P staff member (nominations from Vice President for Administrative Affairs).
   c. One staff member (nominations from the USPS Council).
   d. Two students, one resident, one commuter (nominations from the Vice President for Student Affairs).

   The Director of Public Safety shall serve as a non-voting, ex-officio member. The chairperson will be elected annually by the members and have full voting rights.

4. Operating Procedures.
   a. The Board will meet as required to discharge their responsibilities.
   b. A quorum will consist of at least three members. A simple majority of Board members will be required to render decisions and take action.
   c. After each case is considered, the decision will be rendered in writing on the appeal or referral form and returned to the Department of Public Safety for filing and/or action, if necessary.
6C6-5.010 Educational Research Center for Child Development.

(1) The Educational Research Center for Child Development (ERCCD) is established at The University of West Florida to achieve the following goals:
   (a) To give convenient and affordable educational experience to children of students, faculty, staff, and alumni at the University,
   (b) To conduct child development research by drawing on the interdisciplinary resource of the University, and
   (c) To provide a setting to learn more about the art of teaching as it is accomplished by parents, professionally trained teachers, and para-professionals.

(2) The Center is governed by a Board of Directors consisting of the University President or designee, the Student Government Association President or designee, a faculty representative from each department participating in the Center, and one parent for each 50 enrolled children. The Director of the Center is an ex officio, non-voting member of the Board. The Board performs local oversight and operational guidance for the Center. The Board of Directors ensures that the Center is operated according to Board of Regents Rule 6C-10.004, F.A.C., and University rules which apply to the function of the ERCCD.

(3) The Admissions policy seeks to provide educational opportunities for a varied segment of the community regardless of race or sex.

(4) The Center is funded by a portion of the Capital Improvement Trust Fund Fees and user’s fees. Operations may also be financed through Student Activity and Service Fee allocations, grants, and donations in accordance with the law. The receipt and monitoring of all funds are in accordance with the laws of the State of Florida and rules of the University and Board of Regents.

(5) The Center furnishes internships and clinical experiences for students at UWF. These student interns are supervised by the staff of the Center and function under guidelines of both the Center and academic departments.

(6) The research initiated within the ERCCD complies with ethical standards of research followed by the University and includes:
   (a) An explanation of the purpose of the research and the procedures to be followed.
   (b) A description of discomforts and risks to be expected and of benefits to be derived.

6C6-5.016 Direct Support Organizations.

(1) The President shall recommend to the University of West Florida Board of Trustees that an organization meeting the requirements of Section 1004.28, F.S., be certified as a University of West Florida Direct Support Organization (“DSO”).

(2) To be considered for certification, the Articles of Incorporation and Bylaws of the proposed DSO together must provide:
   (a) The DSO is a Florida not for profit corporation under the provisions of Chapter 617, F.S., or the DSO will, upon certification by the UWF Board of Trustees, file for such incorporation with the Department of State.
   (b) Any person employed by the DSO shall not be considered to be an employee of the University by virtue of employment by the DSO.
   (c) The chief executive officer or director of the DSO shall be selected by the President and shall report to the President or a designee reporting directly to the President.
   (d) Any amendments to the Articles of Incorporation or Bylaws shall be submitted by the President to the UWF Board of Trustees for approval prior to becoming effective.
   (e) The President or designee(s) shall have the following authority and duties:
      1. Monitor and control the use of University resources by the DSO.
      2. Establish fundraising priorities that are consistent with the University’s mission and ensure coordination of fundraising activities among all DSO’s.
      3. Control the use of the University name by the DSO.
      4. Monitor compliance of the DSO with federal and state laws.
      5. Recommend to the governing board of the DSO an annual budget.
      6. Review and approve quarterly expenditure plans.
      7. Approve contributions of funds or supplements to support intercollegiate athletics.
   (f) If the DSO is decertified, all assets revert to the University.

(3) Upon approval by the UWF Board of Trustees, a DSO is certified and authorized to use the property, facilities and personal services of the University, to receive, hold, invest or administer assets or property and to make expenditures for the benefit of the University. A DSO is further authorized to issue revenue bonds or other forms of indebtedness upon approval of the UWF Board of Trustees in accordance with Section 1010.60, F.S., and to enter into agreements to finance, design and construct, lease, lease-purchase, purchase, or operate facilities necessary and desirable to serve the needs and purposes of the University.
(4) The Chair of the UWF Board of Trustees shall appoint a representative to the governing body and the executive committee of each DSO. The President or designee shall also serve on the governing body and executive committee of each DSO.

(5) Each DSO shall prepare and submit to the President or designee no later than the first day of each quarter of the DSO’s fiscal year a quarterly expenditure plan that delineates planned actions which would cause a commitment of University resources or represent a significant commitment of the resources of the DSO, including, but not limited to:

(a) Major fund raising events and campaigns and their purpose.
(b) Compensation and benefits to University employees and employees of the DSO.
(c) Capital projects, including land acquisition, construction, renovation or repair.

(6) Each DSO shall conduct its financial operation observing a fiscal year ending on June 30 of each year and shall cause a financial audit of its accounts and records to be conducted by an independent certified public accountant within 180 days of the close of each fiscal year as follows:

(a) Audits shall be conducted pursuant to Section 1004.28, F.S., and in accordance with rules adopted by the Auditor General pursuant to Section 11.45, F.S.
(b) The President of the University shall submit the annual audit report to the UWF Board of Trustees and the Auditor General within nine months after the end of the fiscal year.

(7) The President of the University shall recommend to the UWF Board of Trustees that a DSO be decertified if the President determines that the organization is no longer serving the best interests of the University. In the event that a DSO is decertified, all assets shall revert to the University. The recommendation for decertification shall include a plan for disposition of the organization’s assets and liabilities.

(8) Notwithstanding the above, the West Florida Historical Preservation, Inc. DSO of UWF is also governed by Section 267.173 or 267.1732, F.S. To the extent the requirements above are in conflict with such statutes, West Florida Historical Preservation, Inc. is exempt from complying with those requirements.

Specific Authority 267.1732(5), 1001.74(4), 1004.28(2) FS. Law Implemented 267.173, 267.1732, 1001.74(37), 1004.28 FS. History–New 3-8-04.
CHAPTER 6C6-6 PURCHASING PROGRAM

6C6-6.001 Purchasing Program. (Repealed)
6C6-6.002 Leasing Program.
6C6-6.003 Motor Pool Program.
6C6-6.004 Surplus Property.
6C6-6.005 Statement of Intent; Purchasing.
6C6-6.0051 Standard of Conduct.
6C6-6.0052 Definitions.
6C6-6.0053 Authorities and Responsibilities of Board and University Purchasing Department.
6C6-6.0054 Competitive Solicitation Requirements.
6C6-6.0055 Purchasing Actions Not Subject to Competitive Solicitation Process.
6C6-6.0056 Minority Business Commitment.
6C6-6.0057 Bond Requirements.
6C6-6.0058 Contracts.
6C6-6.0059 Purchases of Motor Vehicles.

6C6-6.002 Leasing Program.

(1) Purposes – The purpose of this rule is to implement the delegated leasing authority received by The University of West Florida in accordance with Section 240.225, F.S., with respect to those functions and duties heretofore performed by the Department of General Services in accordance with Sections 255.248, 255.249, and 255.25, F.S.

(2) Definitions – For the purpose of this rule, each of these words shall have the following meaning:

(a) Lease – The contract instrument or agreement required to lease a building or any part thereof.

(b) Privately Owned – Any building not owned by a governmental agency.

(3) Approval – Before leasing a building or any part thereof, prior approval of the need shall be obtained from The Vice President for Administrative Affairs. Prior to occupancy, lease terms and conditions shall be executed by the Attorney. All lease agreements shall be executed by the President or a designee.

(4) Standard Lease Agreement Form – The Department of General Services Standard Lease Agreement form may be used. If another format is used, such form should embrace the terms and conditions of the Department of General Services Standard Lease Agreement. Provisions of the Department of General Services Standard Lease Agreement may be changed or additional covenants or conditions added thereto with the prior approval of The University of West Florida Attorney. Articles III (2) and VI of the General Services Standard Lease Agreement may be deleted without attorney approval.

(5) Escalation Clauses Prohibited – A lease shall not contain an open rate, such as Consumer Price Index or rental escalation clause. Any such clause in a lease shall be null and void and unenforceable.

(6) Right-to-Terminate Clause Required – A right-to-terminate clause shall be a part of any lease for a term exceeding one year and may not be omitted from any lease.

(7) Renewal of Leases – Any lease may contain an option to renew and any such renewal shall be made according to the terms and conditions of such agreement.

(8) Fire Code Compliance in Leased Space.

(a) Any private sector building to be leased shall comply with the fire safety standards of the State Building Code.

(b) Before construction or renovation of any state-lease building is commenced, the proposed construction or renovation plan shall comply with the fire safety standards of the State Building Code. This responsibility may be delegated to any ex-officio agent of the State Fire Marshal.

(c) Whenever it is determined that a construction or renovation plan is not in compliance with such fire safety standards, an order may be issued to cease all construction or renovation activities until compliance is obtained, except those activities required to achieve such compliance.

(d) Approval of any proposed lease shall be withheld until the facility and/or construction or renovation plan complies with fire safety standards.

(e) The cost of all modifications or renovations made for the purpose of bringing lease property into compliance with the fire safety standards shall be borne by the lessor.

(9) Leases of 2,000 Square Feet or More.

(a) The University of West Florida shall not enter into a lease for 2,000 square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive bids and award to the lowest bid meeting specifications. More than one lease shall not be entered into, within any 12 month period, for space of a total of 2,000 square feet or more in a privately owned facility or complex except upon the solicitation of competitive bids.

Exceptions.

1. This rule shall not apply to renewal of leases.

2. This rule shall not apply to any lease having a term of less than 21 consecutive days for the purpose of securing the one-time special use of the leased property.
3. This rule shall not apply to any lease for nominal or no consideration. As used herein, “nominal consideration” means consideration for $1.00 or less per year.

4. This rule shall not apply to building or facilities of any size leased for the purpose of providing care and living space for persons.

5. Extensions of an existing lease of 2,000 square feet or more space may be approved if such extensions are determined to be in the best interest of the State, but in no case shall the total of such extensions exceed 11 months. If at the end of the period granted by the extension(s), the time of such extension(s) equal(s) 11 months, competitive bids shall be solicited in accordance with this chapter.

6. This rule shall not apply for specialized educational facilities excluding classrooms, provided the President or Vice President for Administrative Affairs certifies in writing that the space is available only from a single source. The certification and documentation determining the sole source status shall be filed with the official records of the University of West Florida.

(b) A lease agreement for space of 2,000 square feet or more in a privately owned building shall not be entered into when suitable space is available in a state-owned building located in the same geographic region unless it is determined to be in the best interest of the State. The term “state-owned building” as used in this section means any state-owned facility regardless of use or control.

(c) Solicitation.
1. A public solicitation for proposals will be widely publicized using newspaper advertisements and contact with owners, developers or realtors in the city or area in which space is desired.
2. Solicitation should set forth, but not be limited to the following:
   a. Approximate net square footage required.
   b. General area in which space must be located.
   c. Date space must be available.
   d. Name and address of location where specifications may be obtained.

(d) Specifications.
1. Specifications shall be drawn in general terms. They shall afford each prospective lessor interested in submitting a proposal, knowledge of the user’s space requirements. They shall not be structured to favor any specific location or lessor.
2. Specifications provided to each prospective lessor should set forth, but not be limited to, the following:
   a. Approximate net square footage required, to be measured in compliance with the State University System Standard Method of Space Measurement.
   b. An approximate floor plan of space needed showing partitioning and other physical requirements.
   c. General location of required space.
   d. Date space must be available.
   e. Term of lease with option to renew, if desired.
   f. Services required to include parking, dining and transportation requirements.
3. Specifications shall also set forth that the prospective lessor will agree to:
   a. Enter into a contract on the specified lease agreement form.
   b. Provide a scaled floor plan showing present configurations and measurements that equate to net rentable square footage offered.
   c. Comply with the requirement of Chapter 60D-1, F.A.C., Design Standards for Special Facilities for the Physically Disabled.
   d. Be an Equal Opportunity Employer.
   e. Provide Full Disclosure Statements of Ownership.
   f. Validate the proposal for a minimum of thirty (30) or more days following the public bid opening date.
   g. Provide a Life Cycle Analysis with proposal if space is for 20,000 or more square feet in any one structure with the understanding that the analysis shall be acceptable before an award can be made. (Section 255.254, F.S.)
   h. Comply with the fire safety standards of the State Building Code.
   i. Ensure that any renovations required will comply with safety standards of the State Building Code before renovations are commenced. (Section 255.25(5), F.S.)
   j. Propose a rental rate per square foot per year that will include all renovations and other special requirements necessary to accommodate the program at the time of initial occupancy.
4. Specifications may provide that sealed proposals are to be submitted, in a titled envelope, to a designated individual by a specified closing time and date, at which time all proposals will be publicly opened.
   (e) Proposals – Each proposal shall be signed by the owner(s), corporate officers, or legal representative(s). The corporate, trade, or partnership name must be either stamped, written or typewritten, beside the actual signature(s). If the proposal is signed by an agent, written evidence of his authority must accompany the proposal. If a corporation foreign to the State of Florida is the owner, evidence of authority to conduct business in Florida shall be presented.
   (f) Evaluation:
1. The University of West Florida alone shall reserve the right to accept or reject any or all bids submitted and if necessary reinitiate procedures for soliciting competitive proposals.
2. Weighted criteria shall be developed. The criteria items most significant to the user’s needs should bear the highest weight. The cost of relocation, if any; consolidation of activities, if desirable; and any other factors deemed necessary should be weighted.

3. The evaluation shall be made by The University of West Florida.

4. Selection shall be made by The University of West Florida.

5. Documentation to support the selection shall be maintained and shall include but not be limited to the following:
   a. A copy of all advertisements.
   b. A copy of the proposal specifications.
   c. A copy of all proposals received.
   d. A synopsis of the findings for each proposal.

6. Selection shall be publicly announced.

(g) Lease preparation and approval – After the selection has been announced, a lease agreement shall be properly executed.

(h) Disclosure Statements – Private Entities, Public Officials.
   1. A Statement by the owner providing for full disclosure of the names and the extent of interest of the owners holding 4% or more interest in any privately owned property leased to the state or in the entity holding title to the property, shall be secured for all new leases, renewal leases, modifications to approved leases and the notification of renewal under an existing lease option.
   2. A statement by the owner providing for full disclosure of the names of all public officials, agents, or employees holding any interest in any privately owned property leased to the state, or in the entity holding title to the property, and the nature and extent of their interest, shall be secured for all new leases, renewal leases, modifications to approved leases, and notifications of renewal under a lease option.
   3. It is not necessary to make disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to Chapter 517, F.S., which stock is for sale to the general public. A statement certifying the registration shall be provided by the Lessor.
   4. It is not necessary to make disclosure under subparagraphs (h)1. and 2. of any leasehold interest in property located outside the territorial boundaries of the United States.
   5. Each subsequent transaction pertaining to a lease for which a Disclosure Statement has been provided, may be accompanied by a lessor’s affidavit that the previous Disclosure Statement submitted on (date to be provided) is still valid, if no change in the interest held or individuals concerned has occurred.

(10) Legal Review.
   a. All leases of space in a privately owned building shall be reviewed as to form and legality by The University of West Florida Attorney or member of the legal staff and approval thereof indicated on the Lease Agreement.
   b. This rule shall not apply to leases for less than twenty-one (21) consecutive days.

(11) Certification of Compliance – The President, Vice President for Administrative Affairs, or authorized designee shall certify that the lease is in compliance with all leasing criteria provided by Chapter 255, F.S. The certification shall be filed with the official records of the University of West Florida.

(12) Space Measurement – The State University System method of space measurement as specified in the HEGIS Facilities Inventory and Classification Manual shall be utilized.

(13) Space Allocation – Space allocation shall be based on the State University System Space Generation Formula.

(14) Rental Rates – The rental rates of space shall be established by the University Office of Facilities Planning.

(15) Exception to Competitive Bidding – Any lease for purposes of providing care and living space for persons shall be exempt from competitive bidding requirements provided the President, Vice President for Administrative Affairs, or authorized designee certifies that the space is to be used for that purpose.

(16) Nominal or No Consideration Leases – Leases for nominal or no consideration shall be reported to and approved by the Vice President for Administrative Affairs annually.

Specific Authority 240.227(1) FS. Law Implemented 240.225, 240.227(17), 255.248, 255.249, 255.25 FS. History–New 6-30-81, Amended 4-12-84, Formerly 6C6-6.02.

6C6-6.003 Motor Pool Program.

(1) Purpose – The purpose of this rule is to implement the delegated authority received by The University of West Florida in accordance with Section 240.225, F.S., with respect to those functions and duties heretofore performed by the Department of General Services in accordance with Chapter 287, Part II, F.S.

(2) Approval – The University shall not acquire any motor vehicle or watercraft through lease, lease purchase, purchase or transfer from another agency without the express written permission of the President of the University or his designee. This section shall not apply to the temporary lease (less than 30 days) of a vehicle for the use of an employee for the conduct of normal university business.

(3) Acquisition.
   a. The procurement of all vehicles shall be executed by the Director of Purchasing in accordance with Section 287.061(1), F.S.
(b) All vehicles or watercraft will be the most appropriate for the task to be performed. Specifications for all vehicles will be made by the interaction of the Director of Purchasing and a representative or representatives of the using department.

(c) Disposal of surplus motor vehicles or watercraft will be executed in accordance with Surplus Property, Sections 273.04, 273.05, and 273.55, F.S.

(4) Assignment and Use.
(a) Motor vehicles and watercraft will be available for University purposes only as authorized by the President or his designee.
(b) Students or other non-university personnel may be allowed to operate motor vehicles and/or watercraft on a temporary basis for the conduct of regular University business or as an emergency situation may necessitate.

(c) Special assignment vehicles shall be assigned for use upon certification of the President or his designee.

(5) Maintenance.
(a) At the option of the University President or his designee, motor vehicle and watercraft maintenance may be performed by the University or, through negotiation, with the Department of General Services. A contract or contracts with a private business or non-government entity may be established for the purpose of maintaining and/or repairing motor vehicles and watercraft.

(b) This section does not preclude the emergency repair of a motor vehicle or watercraft when operating away from the normal geographical use area.

(6) Aircraft.
(a) The acquisition of any aircraft for the conduct of University business or the acquisition of any aircraft using University funds shall require the prior approval of the Board of Regents.

(b) This section does not preclude the use of commercial airlines or state air pool for the normal conduct of University business nor the procurement of special charter services for the transport of groups of University personnel or sports teams or student groups.

Specific Authority 240.227(1), 287.16(6) FS. Law Implemented 240.225, Chapter 287, Part II FS. History–New 6-30-81, Formerly 6C6-6.03.

6C6-6.004 Surplus Property.

(1) Purpose – The purpose of this Rule is to implement the delegated authority received by The University of West Florida in accordance with Section 240.225, F.S., with respect to those functions and duties concerning surplus property management heretofore performed by the Department of General Services in accordance with Sections 273.04, 273.05 and 273.55, F.S.

(2) Definitions.
(a) Custodian – Any person entitled to lawful custody of property owned by the state.

(b) Property Manager – An individual assigned by the President to manage the assignment, accountability, transfer and disposal of state-owned property for which The University of West Florida has custodial responsibility under the Florida Statutes.

(c) Tangible Personal Property – All personal property, other than real estate, acquired and belonging to the State of Florida.

(d) Exchange Property – Property being offered as a trade-in on the purchase of a new item.

(e) Property Survey Board – A body appointed by the President to oversee surplus property practices and determine disposition actions.

(3) Reporting Requirements for Surplus, State-Owned, Tangible Personal Property – Tangible personal property which is determined to be surplus because it is excess, obsolete, uneconomical or inefficient for continued use shall be certified as surplus by the custodian of the property to the Property Manager. The Property Manager will agenda the certification for disposition action by the Property Survey Board.

(4) Certification – Surplus Property Certifications shall provide the following information:
(a) Complete description of property.

(b) Statement of condition and age.

(c) Original purchase price.

(d) Estimated current value.

(e) Location of property and hours when property may be examined, person to contact for examining property, and a minimum bid (if required).

(f) Any additional information that would assist in determining whether or not property should be offered to other universities, state agencies, or governmental entities.

(5) Building and Structures – Buildings, structures and other items of a semi-permanent or permanent nature shall be considered tangible personal property, if and when they are severed from the real property upon which they reside, and shall be reported in the same manner as all other surplus property. In addition, the legal description of the location, size, type of construction, and reason for removal shall be noted.

(6) Items to Be Reported – In instances of loss, theft, or fire, such property should be reported to the Property Survey Board for action on relief of accountability in the same manner as all other property.

(7) Procedures for Disposal of Surplus Property.
(a) Transfer to Another State Agency or Political Subdivision – If because of its type, age or condition the Property Survey Board feels the equipment is not useful to any University under the State University System the Property Survey Board may authorize transfer under such conditions the Property Survey Board may determine appropriate.
(b) Scrap or Cannibalization of Equipment – The Property Survey Board may authorize the scrap or cannibalization of equipment if it feels it is in the best interest of The University of West Florida.

(c) Abandoned Equipment – The Property Survey Board may authorize the abandonment of tangible personal property, in place, upon determination that cost of return or repair exceeds the value of the property.

(d) Public Sale – The Property Survey Board may authorize the public sale of such property determined to be surplus to the needs of The University of West Florida.

1. All public sales shall be conducted on set date and time which shall be advertised in a local newspaper of general circulation no less than two weeks prior to the sale.

2. Sales may be conducted at the discretion of the Department of Purchasing as auction or sealed bid sales.

(8) Availability of Surplus State Property – The Property Survey Board may at its discretion recommend the circulation of surplus property having a useful life to other agencies. Listings of such property available on a bid basis may be sent to other state agencies and the Bureau of State Surplus Property. Property listings will include condition and location of property available for viewing.

(9) Surplus Property with an Estimated Value of $5,000 or More – Approval of the Executive Office of the Governor is required prior to disposing of property of $5,000 or higher estimated value.

(10) Authority for Disposal – Certified surplus property shall not be sold, transferred, cannibalized, scrapped or destroyed without prior written authority from The University of West Florida Property Survey Board.

(11) Exchange Property.

(a) When The University of West Florida has property available for use as a trade-in for the purchase of new property, the Property Survey Board at its discretion may authorize the custodian to advise the Bureau of State Surplus Property of the availability of such exchange property in writing, specifying the following information, if available:

1. Description of exchange property.
2. Manufacturer’s name.
3. Model number.
4. Serial number.
5. Age.
6. Condition (E-Excellent, G-Good, F-Fair, P-Poor).
7. Inventory control number.
8. Location of property (room number, building, city).
9. Name and phone number of person to contact for information about the exchange property.
10. Date planned for trade-in transaction.
11. A written trade-in quote stating the trade-in allowance and signed by prospective purchaser.

(b) Such notice of availability of property shall be forwarded to the Bureau of State Surplus Property a minimum of two weeks in advance of planned transaction date.

(c) Should the Division of Surplus Property decide to purchase the exchange property, the university should pay the full purchase price for the new property and send an invoice for reimbursement of the trade-in allowance to the Bureau of State Surplus Property.

(12) Non-State Funded Property – All property originally purchased with non-state funds, such as contracts or grants, shall be managed in a form consistent with the applicable rules and regulations of the funding authority.

(13) Disposition of Monies – All monies received from the sale of such surplus property shall be deposited to appropriate accounts as determined by the University controller.

Specific Authority 240.227(1), 273.055(1) FS. Law Implemented 240.225, 273.04, 273.05, 273.055 FS. History–New 6-30-81, Formerly 6C6-6.04.

6C6-6.005 Statement of Intent; Purchasing.

In order to meet the University’s mission, it is the intent of Purchasing Services to acquire quality goods and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process. Responsible purchasing officials shall be protected from improper pressures of external political or business interests. The process shall reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services, in order to preserve the integrity of public purchasing and contracting. The opportunity to bid on University contracts is a privilege, not a right.

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5) FS. History–New 7-1-03.

6C6-6.0051 Standard of Conduct.

(1) Employees shall give first consideration to the objectives and policies of the University, adhere to all legal and regulatory requirements, and strive to avoid the appearance of unethical or compromising practice in relationships, actions, and communications. Procurement activities shall be conducted in a professional, fair, and impartial manner granting equal consideration to all competitive suppliers.
(2) It shall be a breach of ethical standards for any employee of the University to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. Further, no employee shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for the University from any business entity in which the employee or the employee’s spouse or child has a material interest.

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 112.3148, 1001.74(5) FS. History–New 7-1-03.

6C6-6.0052 Definitions.

(1) Artistic Services – Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.

(2) Bid/Proposal Response – The response submitted to an Invitation to Bid, Invitation to Negotiate, or a Request for Proposal by responsive and qualified bidders or respondents.

(3) Commodity – Any of the various supplies, materials, goods, merchandise, food, equipment, software, or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. “Commodity” also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. Printing of publications shall be considered a “commodity” when let upon contract in accordance with Section 283.33, F.S. Software to be used pursuant to license agreements shall be considered a “commodity.”

(4) Contractor/Vendor – A person or firm who contracts to sell commodities, contractual or construction services to the University.

(5) Contractual Service – An activity which consists primarily of the performance by an independent contractor of its time and effort rather than the furnishing of specific commodities. “Contractual service” does not include labor or materials or selection of professional services for the construction, renovation, repair or demolition of facilities.

(6) Independent Contractor – A person or firm who provides a service to the University, but does not have any employment or other relationship or connection with the University, except as provided in Section 112.313, F.S.

(7) Invitation to Bid – A published solicitation for competitive bids with the title, date, and hour of the public bid opening designated and the commodity, group of commodities or services specified, for which bids are sought.

(8) Invitation to Negotiate – A formal invitation extended to prospective contractors by the University in order to obtain the best value for the required goods or services.

(9) Minority Business Enterprise – A business concern as defined in Section 288.703(2), F.S.

(10) Negotiation – The establishment of a contract through deliberation, discussion and agreement.

(11) President – The chief executive officer of the University.

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

(13) Purchase – An acquisition of commodities or services obtained by any legal manner.

(14) Purchases for Resale – The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.

(15) Qualified Respondent – An individual or firm determined by the University to meet the standards of competence, reputation, financial ability and product or service quality.

(16) Request for Proposal – A published solicitation for competitive proposals for commodities or contractual services with the title, date, and hour of the public opening designated. The request for proposal may be used when considered in the best interest of the University.

(17) Responsible Bidder or Respondent – Bidder or Respondent who has the capability in all respects to perform in full the contract requirements.

(18) Responsive Bidder or Respondent – Person or firm who submitted a bid or proposal that conforms in all aspects to solicitation.

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

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5) FS. History–New 7-1-03.

6C6-6.0053 Authorities and Responsibilities of Board and University Purchasing Department.

(1) The University Board of Trustees has authority to establish a system of coordinated procurement policies, procedures, and practices to be used in acquiring commodities and contractual services required by the University.

(2) The Purchasing Department is responsible for:

(a) Obtaining and providing commodities and services for the University, through any legal manner and business instrument.

(b) Denying any contractor from the University’s future business that failed to perform any of its duties specified in a contract with the University. The Purchasing Department shall also have the authority to reinstate any such contractor when satisfied that further instances of default will not occur.
(c) Evaluating and approving for University use, contracts let by other governmental entities, political subdivisions, educational entities, cooperatives, and consortiums when it is determined to be in the best interest of the University.

(d) Purchasing shall refer to the President any written notice of intent to protest. In accordance with Section 120.57(3)(c), F.S., the President may elect to proceed with a bid solicitation or contract award process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the University.

(e) Awarding contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University.

(f) Rejecting or canceling any or all competitive solicitations.

(g) Authorizing the payment of deposits or advance payments for a commodity or contractual service when the Director or designee determines that it is in the best interest of the University.

(h) Ensuring that items that are of a personal nature or for personal convenience of employees shall not be purchased. Examples are: fans, heaters, coffee pots, mugs, refrigerators, microwaves, picture frames, wall hangings, smoke/air filters and various decorative items.

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5), 1001.75(5) FS. History–New 7-1-03.

6C6-6.0054 Competitive Solicitation Requirements.

(1) All contracts for the purchase of commodities or contractual services exceeding $50,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized herein.

(2) When only one response is received to a competitive solicitation for commodities or contractual services exceeding $50,000, the University will review the solicitation response and circumstances surrounding the solicitation to determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined that a second call would not be in the best interest of the University, the University will proceed with the acquisition.

(3) When multiple responses that are equal in all respects are received to a competitive solicitation, the University will give preference to responses in the following order of precedence:
   (a) Commodities manufactured in the state;
   (b) Florida businesses;
   (c) Businesses with a drug-free workplace program; and
   (d) Foreign manufacturers located in the state.

If these conditions do not exist or are equivalent between two or more responses, the award will be based on the toss of a coin.

(4) The purchase of commodities and contractual services shall not be divided with the intent to avoid the requirement of competitive solicitation.

(5) The intended award shall be publicly posted in accordance with Section 120.57(3), F.S., by the Purchasing Department for 72 hours prior to award which is interpreted as three working days excepting Saturdays, Sundays, or State holidays. Any person who is adversely affected by the University’s decision or intended decision may file a written notice of protest with the Director of Purchasing, provided such is done in accordance with Florida law.

(6) Bid/proposal responses shall remain confidential until notice of final contract award or ten (10) days after the bid or proposal due date, whichever is earlier.

(7) As a general rule, in the case of extension errors, the unit price will prevail. However, the University reserves the right to disqualify bid responses for lack of clarity.

(8) Modifications to bid or proposal response. A bidder or respondent may amend its bid or proposal, including revocation, in writing up until the due date and time of responses.

(9) Withdrawal of bid or proposal response. A bidder or respondent may revoke its bid or proposal in writing up until the due date and time of responses.

Specific Authority 1001.74(4), 1010.01(2) FS. Law Implemented 1001.74(5), 1016.04(4) FS. History–New 7-1-03.

6C6-6.0055 Purchasing Actions Not Subject to Competitive Solicitation Process.

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

(1) Emergency Purchases. When the President or designee determines in writing, that the delay due to the competitive solicitation process poses an immediate danger to the public health or safety or the welfare of the University, the University may proceed with the procurement of commodities or contractual services without a competitive solicitation.

(2) Sole Source Purchases. Commodities or contractual services available from a single source shall be exempted from the competitive solicitation process. The notice of intent to award for procurements over the competitive bid threshold will be publicly posted in accordance with Section 120.57(3)(c), F.S.

(3) Commodities and services covered by contracts established by entities as described in Rule 6C6-6.0053, F.A.C.

(4) Construction Direct Purchase Program. Commodities to be incorporated into any public work, which are procured by the University in accordance with the requirements of the University’s direct purchase program are not subject to any further competitive solicitation.
Additional commodities and contractual services that are not subject to the competitive solicitation process include:

(a) Artistic services;
(b) Academic reviews;
(c) Lectures;
(d) Professional services, including, but not limited to, architectural, engineering, accounting, auditing, and legal services;
(e) Insurance;
(f) Health-care and related services under provisions of the Internal Revenue Code;
(g) Family placement services;
(h) Training and education services;
(i) Advertising;
(j) Services or commodities provided by governmental agencies, another university in the state of Florida or other independent colleges and universities;
(k) Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;
(l) Regulated utilities and government franchised services;
(m) Regulated public communications, except long distance telecommunication services or facilities;
(n) Extension or renewal of an existing contract;
(o) Purchases for resale;
(p) Commodities or services provided by not-for-profit support and affiliate organizations of the University, direct support organizations, health support organizations and faculty practice plans;
(q) Proprietary or copyrighted goods or services;
(r) Purchases of materials, supplies, equipment, or services for instructional or research purposes when a director of sponsored research or designee certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project in accordance with sponsored research procedures or to attain the instructional objective; and
(s) Programs, conferences or events that have been specified by a grant, can include, but not limited to items such as lodging, meeting rooms, services and food.

6C6-6.0056 Minority Business Commitment.

Purchases from Minority Business Enterprises. The University is committed to providing competitive business opportunities to state certified minority and woman-owned businesses. This commitment includes establishment of a formal minority business program to lead efforts to identify certified, or potentially certifiable, MBEs and to encourage and assist MBEs in doing business with the University and its general or prime contractors and in responding to competitive solicitations.

6C6-6.0057 Bond Requirements.

1. Solicitation Bonds (a.k.a. bid bonds). The University is authorized to require a certified, cashier’s or treasurer’s check, bank draft or bid bond as a condition for participating in a competitive solicitation. The University will require solicitation bonds when there is a risk that bidders might not honor their bids for a particular project and is mandatory for sealed bids for construction projects when the construction cost is estimated to exceed $100,000; such a bond requirement will be included in the competitive solicitation documents.

2. Payment and Performance Bonds. The University is authorized to require any contractor/vendor to furnish payment and performance bonds, with good and sufficient securities, to the University prior to the issuance of the contract at the sole discretion of the University. The University will require payment and performance bonds when there is a risk that bidders might not honor their payments to subcontractors or material suppliers for a particular project; such a bond requirement will be included in the competitive solicitation documents.

3. Solicitation Protest Bond. Any contractor that files an action pursuant to Section 120.57(3)(b), F.S., protesting a decision or intended decision pertaining to a solicitation, shall post with the University at the time of filing of the formal protest, a bond payable to the University of West Florida Board of Trustees in an amount equal to:

(a) Commodities or Contractual Services – Ten percent of the estimated value of the protestor’s bid or proposal or ten thousand dollars ($10,000), whichever is less;
(b) Construction –

1. Twenty-five thousand dollars ($25,000) or two percent of the lowest accepted bid, whichever is greater, for contracts valued over $500,000; or

2. Five percent of the lowest accepted bid for all other contracts.

The bond shall be conditioned upon the payment of all costs, which may be adjudged against the contractor filing the protest action. In lieu of a bond, the University will accept a cashier’s check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier’s check or money order at the time of filing the formal protest shall result in the denial of the protest.

Specific Authority 1001.74(4) FS. Law Implemented 120.57(3)(b), 255.051, 255.0516, 1001.74(5), 1010.04(2), 1010.07(2) FS. History–New 9-23-03.

6C6-6.0058 Contracts.

(1) Contracts for commodities or contractual services or licenses shall consist of a purchase order or bilateral agreement signed by the University officials designated by Presidential authority prior to the goods or services being rendered by the contractor.

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

(3) Extension of a contract without an expressed renewal option shall be in writing, shall be signed by both parties, and shall be subject to the approval of the Director of Purchasing and shall be subject to the same terms and conditions set forth in the initial contract.

(4) A contract may contain provisions for renewal. The total value of the contract shall be the sum of the purchase price for the initial term plus all renewal costs. All contract renewals are subject to sufficient annual appropriations and a renewal shall be signed by both parties prior to the expiration of the initial contract.

(5) The University may enter into deferred payment agreements utilizing the State of Florida Controller’s Consolidated Equipment Financing Program or other financing program when deemed in the best interest of the University.

(6) In order to promote cost-effective procurement of commodities, contractual services or licenses the University has the authority to enter into contracts that limit the liability of a vendor consistent with Section 672.719, F.S.

(7) All bilateral agreements for services shall be written and:

(a) Provide dates of services;

(b) Provide payment terms;

(c) Indicate the University’s ability to unilaterally cancel the contract;

(d) Provide renewal terms, if any;

(e) Reference the Travel statute in Chapter 112, F.S., if applicable;

(f) Provide units of deliverables;

(g) Require contractor to submit invoices in sufficient detail to allow for a proper pre-audit and post-audit;

(h) Provide that the University does not indemnify any person, party or entity; and

(i) Contain the signature of the President or designee and contractor.

(8) In lieu of a written bilateral agreement for services, when the relationship of the parties is not complex and thereby necessitating a detailed contract, the University has the option to issue a purchase order that includes the above items (a)-(i).

Specific Authority 1001.74(4) FS. Law Implemented 1001.75(5), 1010.04(2) FS. History–New 9-23-03.

6C6-6.0059 Purchases of Motor Vehicles.

The University has the authority to acquire motor vehicles by purchase, lease, installment purchase, rent, or by any other legal means, which may include trade-in of current University-owned vehicles.

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5) FS. History–New 7-1-03.
6C7 UNIVERSITY OF CENTRAL FLORIDA

CHAPTER 6C7-1 LOCATION, ORGANIZATION AND FUNCTIONS

6C7-1.001 Offices. (Repealed)
6C7-1.002 Nature of Business. (Repealed)
6C7-1.003 Organization. (Repealed)
6C7-1.004 Agency Head. (Repealed)
6C7-1.005 Executive Committee. (Repealed)
6C7-1.006 Publications, Documents and Applications. (Repealed)
6C7-1.007 Florida Statutes Affecting Agency Operation. (Repealed)
6C7-1.008 Availability of Public Records. (Repealed)
6C7-1.009 Service of Process. (Repealed)
6C7-1.010 Constitutions of Organizations. (Repealed)
6C7-1.011 Official Seal and Name of the University.
6C7-1.0111 Clerk of the University. (Repealed)
6C7-1.012 University Relations. (Repealed)
6C7-1.0121 University Foundation. (Repealed)
6C7-1.0122 Trust Fund for New Donors. (Repealed)
6C7-1.0123 Florida Endowment Fund for Eminent Scholars. (Repealed)
6C7-1.0124 Trust Fund for Major Gifts. (Repealed)
6C7-1.013 Model Rules of Procedure. (Repealed)
6C7-1.014 Committees.
6C7-1.015 Athletic Associations. (Repealed)
6C7-1.016 Internal Auditors. (Repealed)
6C7-1.017 Utilization of University Recognized Organizations.

6C7-1.011 Official Seal and Name of the University.
(1) The University of Central Florida claims exclusive rights to its name and to the University seal. Authorization for any party to use the name or seal may be granted by the University General Counsel or the Director of University Marketing, whose authorization must be in writing. The Director of University Marketing will establish and maintain graphic standards guidelines and policies.

(2) The seal consists of the head and hoof of the horse Pegasus in right profile on a black circular background, the words "REACH FOR THE STARS" written along the arch of the neck, with flowing wings covering the left side of the design and a four pointed star near the top of the background, all being circumscribed with the words "UNIVERSITY OF CENTRAL FLORIDA 1963". The colors of the seal are black and gold, but it may be reproduced in other colors with the specific written permission of the Director of University Marketing.

(3) The University reserves the right to license on a nonexclusive basis other persons To Whom It May Concern: use the University’s name and seal upon payment of a negotiated license fee.

Specific Authority 1001.74(4), 1001.74(6) FS. Law Implemented 1001.74(6) FS. History–New 10-8-75, Amended 11-27-80, Formerly 6C7-1.11, Amended 3-16-03.

6C7-1.014 Committees.
The University may establish committees as necessary to carry out specific functions of the institution. These committees will be classified as follows:

(1) Advisory Committees. These committees will function only as a recommending body to the appointing authority or designee.

(2) Operating Committees. These committees will be invested with the authority to formulate the university position within their area of interest. They are the final deciding body and decisions or recommendations will not require approval by the appointing authority. These include:

(a) The Committee for the Resolving of Residency Questions – appointed by the President of the University for the purpose of hearing appeals from out-of-state students who, under the provisions of the Board of Governors subsection 6C-7.005(5), F.A.C., have been denied change of residency status.

(b) The Committee for the Resolving of Fee Payment Questions – appointed by the Vice President for Business Affairs for the purpose of hearing appeals from students who have been denied fee deferment, refund, waiver, etc.
(c) The Admissions and Standards Committee – a reporting committee of the Faculty Senate comprised of faculty and non-faculty members for the purpose of determining eligibility for admission or readmission to the university of applicants who do not meet regular admission or readmission standards.

(d) The University Parking Appeals Committee – appointed pursuant to Section 1006.66(5), F.S., for the purpose of hearing appeals from persons issued parking violation tickets by the university police.

(3) Decisions of operating committees affecting substantial interest are subject to review by the appointing official or designee but may be appealed formally only by the initiation of procedures pursuant to Chapter 120, F.S.

Specific Authority 1004.74(10), 1006.66 FS. Law Implemented 1001.75(12) FS., 6C-7.005(5), F.A.C. History—New 1-6-82, Formerly 6C7-1.14, Amended 3-16-03.

6C7-1.017 Utilization of University Recognized Organizations.

(1) The organizations listed herein are recognized and accepted and may be called upon by the President to render advisory services in their areas of interest and thereby participate in the governance of the university. Note, the provisions of this rule shall not prohibit the exercise of presidential responsibility to seek advice or assistance from other sources.

(2) Subject to the approval of the President, each of these organizations has its own constitution and by-laws, is self-governing and may utilize university facilities as required to carry out its functions. Any constitution adopted in accordance with this rule shall not be in conflict with Board of Governors or UCF rules, or any other applicable laws.

(3) University recognized organizations:

(a) The Faculty Assembly and its representative body, the Faculty Senate.

(b) The Staff Assembly and its representative body, the Staff Council.

(c) The Student Body of the University of Central Florida and its representative body the University of Central Florida Student Government Association, referred to as “Student Government Association” or “SGA” (see also Rule 6C7-5.0021, F.A.C.).

Specific Authority 1001.74(4) FS. Law Implemented 1001.75(12) FS. History—New 12-31-87, Amended 3-16-03.
6C7-2.001 Admissions and Readmissions.

(1) Admissions.
(a) Admission of students to UCF is within the jurisdiction of the University, but subject to the minimum standards adopted by the Board of Governors. In all admission activity, the University will give attention to the need to satisfy equal opportunity affirmative action goals.
(b) No person shall be admitted, enrolled, or matriculated who has not received a high school diploma or its equivalent (e.g., GED), except as provided in Section 1007.271, F.S.
(c) A medical history form is required of UCF students. UCF reserves the right to refuse registration to any applicant, former student, or student whose health record indicates the existence of a condition which may be harmful to the members of the University community. In addition, the following immunizations are required prior to registration at UCF.
1. Tetanus toxoid – evidence of the completion of an initial series consisting of three spaced injections within ten years or evidence of an appropriate booster after a completed initial series within ten years;

2. Tuberculin skin test or chest x-ray within one year – tuberculin skin test is preferred over the x-ray. However, all persons with a positive skin test must have a chest x-ray.

   (d) An application or residency affidavit submitted by or on behalf of a student which contains false, fraudulent, or incomplete statements may result in denial of admission or denial of further registration and/or invalidation of UCF credit.

   (e) Admissions shall be on a selective basis within curricular, space, and fiscal limitations. The selection process shall include consideration of multiple factors such as grades, test scores, educational objectives, class rank, pattern of courses completed, past conduct, school recommendations, personal recommendations, and personal records.

   (2) Readmissions. The admission status of a former student shall be reviewed if the student attended another post-secondary institution since last attending UCF.

Specific Authority 1001.74(1), (10), 1007.261 FS. Law Implemented 1007.261, 1007.271 FS. History—New 10-8-75, Amended 3-22-76, 5-22-80, 1-6-82, Formerly 6C7-2.01, Amended 4-23-03.

6C7-2.002 New Entering Freshmen.

(1) To be considered for admission as new entering freshmen all applicants must meet the minimum requirements set forth in Board of Regents Rule 6C-6.002, F.A.C.

(2) The Provost and Vice President for Academic Affairs shall evaluate the projected FTIC enrollment in light of ongoing recruitment and retention efforts and establish a projected number of admission exceptions to be reported to the Board of Regents yearly. Exceptions to the standards set forth shall be made to ensure equality of access to higher education for ethnic minorities.

(3) Admission to the University shall be on a space available basis. Students judged to have a greater probability of academic success at University of Central Florida will be given admission priority when FTIC enrollment must be limited.

Specific Authority 240.227(1), 240.233 FS. Law Implemented 120.53(1)(a), 240.227(8), 240.233 FS. History—New 10-8-75, Amended 5-22-80, 1-6-82, 7-27-83, Revised 7-21-85, Amended 9-8-85, Formerly 6C7-2.02.

6C7-2.003 Graduate Students.

(1) Students who seek admission as first-time or transfer graduate students to a master’s or doctoral (free-standing or cooperative) degree program at UCF are required to meet certain minimal requirements.

(2) In order to be admitted, a first-time graduate student or a student transferring from a graduate program at another university must have a bachelor’s degree or equivalent from an accredited university and meet at least one of the following criteria:

   (a) The applicant shall have earned a “B” average or better (3.0 or higher on a 4.0 scale) in the last 60 semester hours attempted while registered as an upper division student working for a baccalaureate degree, or

   (b) The applicant shall have a total Quantitative-Verbal Graduate Record Examination score of 1000 or higher or an equivalent score on an equivalent measure approved by the Board of Regents, or

   (c) Have a graduate degree from an accredited institution.

(3) Applicants whose native language is not English shall be required to meet a minimum score on the Test of English as a Foreign Language (TOEFL) in order to be eligible for admission to a graduate program. The TOEFL requirement varies by program.

   (4) In admitting students for a given academic year, up to 10 percent of the graduate students admitted for that academic year may be admitted as exceptions to the above criteria. Students admitted as exceptions need not meet any of the criteria listed above but should meet other criteria devised by UCF, such as excellent letters by respected colleagues, or satisfactory performance in a specified number of graduate level courses taken as post-baccalaureate students or practical professional experience in the discipline for a specified period of time.

(5) Applicants denied admission shall be given timely notice and reason for their rejection in writing. Applicants denied admission who meet the minimum systemwide standards may request reconsideration by written request to the dean of the college within thirty days of the date of denial. The request shall contain reasons why reconsideration is warranted. If the decision to deny admission is upheld, an applicant may appeal (through the college dean) the decision in writing within thirty days to the Graduate Council. The decision of the Graduate Council shall be forwarded to the Vice President for Academic Affairs who shall notify the applicant of the final decision.

   (6) Further specific graduate procedures are contained in the UCF Graduate Procedure Manual which is available for review in the Office of Graduate Studies.

Specific Authority 120.53(1)(a), 240.227(1), 240.233 FS., 6C-6.003, F.A.C. Law Implemented 120.53(1)(a), 240.209(1), 240.227(1), 240.233 FS., 6C-6.003, F.A.C. History—New 10-8-75, Amended 9-27-79, 1-6-82, Formerly 6C7-2.03.

6C7-2.0031 Post-baccalaureate Non-degree Students.

A student with a baccalaureate degree or equivalent may seek admission as a post-baccalaureate non-degree student. Admission of post-baccalaureate non-degree students shall be on a selective basis within curricular, space and fiscal limitations. The selections shall be based on academic records, educational objectives, career objectives, and need for continuing educational opportunities.
This category will accommodate (1) school teachers seeking recertification and (2) employees of area industries as documented by
the employer. In order to continue, students who are given temporary acceptance in the post-baccalaureate category must submit,
by the end of the first term, an official transcript which indicates a bachelor’s degree or equivalent. Failure to do so will lead to
cancellation of any further registration as a post-baccalaureate student.

Specific Authority 120.53(1)(a), 240.227(1), (9), 240.233 FS. Law Implemented 120.53(1)(a), 240.227(9), 240.209(1), 240.233 FS., 6C-6.003,
FAC. History—New 1-6-82 (Formerly 6C7-2.03(4)), Formerly 6C7-2.031.

6C7-2.004 Undergraduate Transfer Student Admissions.

(1) The admission of Florida public community college Associate of Arts resident transfer students is governed by the
Articulation Agreement between the state universities and the public community colleges of Florida, the University of Central
Florida general admissions policy and the appropriate UCF foreign student admission policy. Within curricular, space and fiscal
limitations, Associate of Arts degree recipients of the State University System and public community colleges of Florida shall be
admitted.

(2) Undergraduate transfer students who have not earned the Associate of Arts degree from a state university or public
community college of Florida must meet the general admission requirements of the University and the following requirements:

(a) Applicants applying for admission at the freshman or sophomore levels must satisfy the same admission requirements as
first time in college students.

(b) Applicants must be in good standing and eligible to return to the last institution they attended.

(c) Applicants must have a grade point average of at least 2.0 on a 4 point scale for all college level course work attempted as
well as at the last institution attended.

(d) Applicants whose native language is not English shall be required to meet a minimum score of 550 on the Test of English
as a Foreign Language (TOEFL).

(3) Exceptions may be made on an individual basis when a student in the judgment of the Admissions and Standards
Committee, can reasonably be expected to do satisfactory academic work.

Specific Authority 120.53(1)(a), 240.227(1), (9), 240.233 FS. Law Implemented 120.53(1)(a), 240.115, 240.209(1), 240.227(9), 240.233 FS.,
6C-6.004, F.A.C. History—New 10-8-75, Amended 3-22-76, 5-22-80, 1-6-82, Formerly 6C7-2.04.

6C7-2.006 Acceleration Mechanisms.

(1) The use of acceleration mechanisms shall be governed by the Articulation Agreement between the state universities and the
public community colleges of Florida, the Rules of the Board of Governors and Sections 1009.539 and 1007.23, F.S.

(2) A maximum of 45 semester hours in any combination of extension, correspondence, credit by examination and Armed
Forces credit accepted by the University may be applied toward an undergraduate degree. The acceptance of credit for degree
purposes shall be subject to state statutes and review by the appropriate college academic standards committee.

(3) The University of Central Florida shall award credit for specific courses identified by the Department of Education for
which competency has been demonstrated by successful passage of examinations of the College Level Examination Program
(CLEP), College Board Advanced Placement Program (AP) and International Baccalaureate Program (IB). Credit will not be
awarded if it duplicates credit already awarded.

(4) Regularly enrolled degree-seeking undergraduate students at the University of Central Florida may participate in the
University course credit by examination program. Prior approval to participate in the program must be obtained from the chair of
the department in which the course is offered. Credit by examination shall not be given for any course lower in content than courses
in the same discipline in which a student is currently enrolled or has completed.

(5) Credit by examination cannot be used to raise a grade in a course previously completed or to meet the twenty-five percent
residency hours requirement.

Specific Authority 1001.74(4), (10) FS. Law Implemented 1007.23, 1009.539 FS., 6C-6.006, F.A.C. History—New 10-8-75, Amended 7-14-80,
Formerly 6C7-2.06, Amended 3-16-03.

6C7-2.008 Undergraduate Interinstitutional Transient Registration.

(1) A student, by mutual agreement of the appropriate Dean or designated academic authorities at both the parent and host
institutions, may be allowed to register as non-degree seeking transient student. Transient applicants may receive a waiver of
regular admission requirements of the host institution if credit earned will be accepted by the parent institution.

(2) Interinstitutional transient status is normally limited to one term.

Specific Authority 120.53(1)(a), 240.227(1), 240.233 FS. Law Implemented 120.53(1)(a), 240.227(1), 240.233 FS., 6C-6.008, F.A.C. History—New
10-8-75, Amended 7-14-80, Formerly 6C7-2.08.

6C7-2.009 Foreign Students.

Admission of foreign students to UCF is governed by the university admission rules (Rules 6C7-2.001, 6C7-2.003 and 6C7-2.004,
F.A.C., as applicable), Board of Governors Rule 6C-6.009, F.A.C., and the following:
(1) Eligible foreign students may be accepted at the appropriate level subject to space and fiscal limitations.

(2) In addition to University admission requirements international students must meet the following requirements as a minimum:
   (a) The applicant shall be academically eligible for further study in his own country.
   (b) The applicant whose native language is other than English shall meet Board of Governors requirements for English as expressed in subsection 6C-6.009(4), F.A.C. Effective Fall Term 1981, a student who scores below 550 on the test of English as a Foreign Language (TOEFL) and otherwise meets admission standards must satisfactorily complete a “English as a Second Language” program and then achieve a score of 550 on TOEFL or a UCF designated examination.
   (c) The applicant shall be classified a superior student (overall GPA of at least 3.0 on a 4 point scale or equivalent).
   (d) The applicant shall furnish a detailed statement showing specific sources of a satisfactory level of financial support and the amount expected from each source.
   (e) The applicant shall submit a health examination form to the University physician indicating his fitness, mentally and physically to pursue a college level study program.
   (f) Foreign student applications, undergraduate and graduate, along with all other records required for admission must be received at least three months prior to the beginning of the desired term.

Specific Authority 1001.74(4), (10) FS. Law Implemented 1001.74(10)(a) FS., 6C-6.009, F.A.C. History–New 10-8-75, Amended 7-14-80, Formerly 6C7-2.09, Amended 3-16-03.

6C7-2.010 Degrees.
(1) Earned degrees shall be awarded upon the recommendation of the appropriate Dean and the Vice President of Academic Affairs. These degrees shall be limited to those awarded pursuant to degree programs approved by the Board of Governors.
(2) The curricular requirements for each University program shall be those delineated in the University bulletin in force at the beginning of the student’s most recent period of continuous attendance.
(3) Honorary degrees may be awarded by the President upon the recommendation of the Vice President of Academic Affairs.

Specific Authority 1001.74(4), (10) FS. Law Implemented 1001.74(10)(b) FS. History–New 10-8-75, Amended 7-14-80, Formerly 6C7-2.10, Amended 3-16-03.

6C7-2.0121 Limited Non-Degree-Seeking Applicants.
(1) A student may enroll in selected courses with no immediate intention of pursuing a degree. Most opportunities in this status will occur at branch campus for courses that are taught out of the regular semester or term cycle, or for special programs mandated by the State of Florida. Successful completion of courses while in this classification does not provide a basis for regular admission at a later date.
(2) Programs using the Limited Non-Degree-Seeking status include:
   (a) High school dual enrollment;
   (b) Soldiers-to-scholars;
   (c) Continuing education;
   (d) Area campuses; and
   (e) Off-campus credit.
(3) Teacher certification or re-certification. Students registering for classes in the Limited Non-Degree-Seeking status are subject to the following regulations:
   (a) Students are required to provide evidence of their educational qualifications for attending classes in order to meet the intent of this enrollment classification;
   (b) Students who have been previously denied admission or disqualified for enrollment are eligible;
   (c) Limited Non-Degree-Seeking students are subject to the same rules and regulations as Degree-Seeking students;
   (d) Registration is permitted on a space-available basis;
   (e) A maximum of fifteen (15) undergraduate semester hours or six (6) graduate semester hours may be earned as a Limited Non-Degree-Seeking student;
   (f) International students may not register as Limited Non-Degree-Seeking due to immigration regulations;
   (g) Limited Non-Degree-Seeking students are not eligible to receive financial aid nor enjoy the other privileges of Degree-Seeking students to participate in intercollegiate sports or enjoy the other privileges of Degree-Seeking students; and
   (h) Students must complete, hereby incorporated by reference, the Limited Non-Degree-Seeking Status Registration Form (Rev. 2-17-03) which shall be obtained when a faculty member refers a student to a registration facilitator or directly from a faculty member who is teaching a Limited Degree-Seeking class.
(4) Students registering in this category should be aware about the limitations of this status, and are encouraged to apply for regular admission to the University.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10) FS. History–New 4-23-03.
6C7-2.017 Non-Credit Programs.

(1) Policy Statement.

(a) The university cooperates in presenting a variety of non-credit educational programs. These are identified as conferences, institutes, seminars, discussion groups, short courses, workshops, clinics, etc. Proposals for these educational programs may come from faculty, staff, business leaders, school teachers, or other professional persons and organizations.

(b) These programs may be scheduled on the main campus of the university, or downtown Orlando, and other off-campus locations, depending upon space requirements and space availability, particular requirements of the group to be served and other determining factors. The following policies and procedures have been developed so that each kind of educational program may be channeled properly.

(c) Sponsored educational program developed independently by professional associations not connected with the university.

1. The sponsoring association must submit the request in writing for the educational program to the Office of Continuing Education.

2. The Office of Continuing Education, after conferring with appropriate university personnel, will then approve or disapprove the request. Disapproval may be necessary due to conflicting dates, lack of facilities, inadequate facilities, size of group, etc.

3. If the educational program is approved and space is provided, all program details will be the responsibility of the association. However, all details relating to the program must be submitted to the Office of Continuing Education as they are developed, to be certain that the proper university officials are fully informed.

4. Approved programs will be assigned to a conference coordinator on the staff of the Office of Continuing Education. The coordinator will handle all program details in cooperation with the academic and other representatives designated.

5. The Office of Continuing Education will establish fees and pay expenses of the program, if these are a necessary part of the conference.

(d) Educational programs developed by the university for professional associations, groups, and individuals in cooperation with the university administration, faculty, and staff.

1. The implementation of this type of program is a joint effort of the Office of Continuing Education, representatives of the cooperating associations or groups.

2. The request for a program of this type may originate with a university administrator, faculty member, or staff member, or by direct request from a professional association, group, or individual.

3. If the request is initiated by a faculty member, he must secure the approval of (1) his department chairman, and (2) his dean.

4. The request should then be forwarded to the Office of Continuing Education for approval.

5. Approved programs will be assigned to a conference coordinator on the staff of the Office of Continuing Education. The coordinator will handle all program details in cooperation with the academic and other representatives designated.

6. The Office of Continuing Education will establish fees and pay expenses of the program, if these are a necessary part of the conference.

(e) Educational programs designed primarily for public or private school and college students, sponsored by a department within the university.

1. Educational programs designed primarily for public or private school and college students, sponsored by a department within the university should be channeled through the administrative route as indicated in (d)3. and submitted to the Office of Continuing Education for approval. The department sponsoring the program will handle all details for the program and will be responsible for keeping the Office of Continuing Education informed.

2. The Office of Continuing Education will establish fees and pay expenses of the program, if these are a necessary part of the conference.

(f) Educational programs sponsored by UCF student groups in cooperation with their advisors.

1. Educational programs designed by and for UCF student groups, or for their counterparts in other institutions, should follow the procedures outlined immediately above, except that prior approval must come from the Vice President for Student Affairs. The student group and advisor will be responsible for all program details, including keeping the Office of Continuing Education informed.

2. The Office of Continuing Education will establish fees and pay expenses of the program, if these are a necessary part of the conference.

(2) Meetings by Invitation. If a faculty or administrative staff member invites a group to campus for a meeting which relates to on-going campus activities, arrangements must be made directly with the university space coordinator, and all details will be handled by the sponsoring faculty or administrative staff member. The Office of Continuing Education shall be informed by memorandum.

(3) Compatibility of Programs. All programs approved in the aforementioned instances and others must be based upon compatibility with the educational aims and objectives of the university, and should provide learning experiences of the highest quality.

*Specific Authority 120.53(1), 240.227(1), (11) FS., 6C-6.014, 6C-8.002, F.A.C. Law Implemented 120.53(1), 240.227(1), (11) FS., 6C-6.014, 6C-8.002, F.A.C. History–New 10-8-75, Formerly 6C7-2.17.*
6C7-2.018 Access to Student Records.
(1)(a) The Registrar of University of Central Florida has been designated custodian of limited access records of students. The following student records are open for inspection only by the student, and those members of the professional staff of the university, as designated by the Registrar, as have responsibility working with the student or with the student’s records:
(b) Limited Access Records.
1. Student Health and Medical Records;
2. Student Disciplinary Records;
3. Records of Student Personal Non-Academic Counseling;
4. Required Student and Family Financial Income Records;
5. Student Permanent Academic Records (from which transcripts are made), and
(2) Except as required for use by the President in the discharge of his official responsibilities, the Registrar may release information from such records only upon authorization in writing from the student or upon order of a court of competent jurisdiction.

Specific Authority 120.53(1), 240.227(1), 240.237 FS., 6C-6.015, F.A.C. Law Implemented 120.53(1), 240.227(1), 240.237 FS., 6C-6.015, F.A.C.
History–New 10-8-75, Formerly 6C7-2.18.

6C7-2.023 Calendar.
(1) Effective August 1981, University of Central Florida shall operate under a semester calendar plan, with two semesters of from 15 to 16 weeks with a final exam period, and a summer term that may consist of one 12-week term and/or two 6-week terms. The 6 and 12 week terms may run concurrently.
(2) The University of Central Florida calendar shall be arranged so that the first semester of each year closes immediately prior to Christmas.
(3) Provisions shall be made in the summer terms for the enrollment of teachers employed in the public schools and for other students desiring to enter or to continue their studies during that period.

Specific Authority 1001.74(4) FS. Law Implemented 1001.75(7) FS. History–New 10-8-75, Amended 6-17-82, Formerly 6C7-2.23, Amended 3-16-03.

6C7-2.027 Sponsored Research.
(1) Definition of Sponsored Research – Sponsored Research is research, as defined in paragraph (2)(a) below, executed by university employees using any university space, facilities, materials, equipment, or property, and which is financed by contract payments, grants, or gifts from any source.
(2) Policy statement – University of Central Florida will recognize and encourage sponsored research activity by its faculty members. Such activity is desirable for the following reasons:
(a) One of the principal objectives of the University is to encourage and support research (broadly interpreted as all forms of scientific inquiry, creative effort, and scholarly activity) by all interested faculty members pertinent to the role and scope of the University;
(b) The objectives of the University will be best fulfilled when it is engaged in a research program which continually promotes the professional development of the faculty and results in the improvement of the quality and scope of its educational program. To do less will jeopardize top level performance on the part of the University; and
(c) The ability to provide leadership (both academic and otherwise) in the community served by University of Central Florida will be strongly enhanced by a strong effective research program. The primary guiding consideration should be that all research must be closely integrated with and contribute to the objectives of the University, whether support comes from internal or external sources.
(3) Policy Guidelines.
(a) Sponsored Research and Training Programs will be administered as an integral part of the University to avoid any undesirable or inefficient separation of teaching and research.
(b) The responsibility for the sponsored programs of the University will reside in the Office of Research.
(c) The Office of Research is to administer and promote the programs of sponsored research and training of the University.
(d) Operating policies and procedures of the Office will conform to those established by the University and the Board of Governors.
(e) The Office of Research will act as a central clearing house for all outgoing proposals and all incoming grants and contracts.
(f) Wherever possible, the administration of supporting services for sponsored research and training (purchasing, personnel, shop, maintenance, finance and accounting, etc.) will be provided within the usual University organization with as little duplication of effort as possible.
(4) Procedural Steps.
(a) The President will have final University authority and responsibility for Sponsored Research and Training Programs. The President or designee will approve, sign, and accept all grants and contracts for the University where required. Normally, approval, signatory and acceptance authority is delegated to the Vice President for Research.

(b) The Provost and Vice President for Research will have the authority and responsibility of coordinating research with the teaching program of the University. The Provost will review research proposals upon the request of the Vice President for Research.

(c) The Vice President for Research will approve all research grant and contract proposals after reviewing them to insure that they conform to University and Board of Governors policies and State laws; that they are in proper form for submission to the potential sponsors, that they are conducive to promoting the best teaching and research interests of the University; and that implied or definite University commitment of funds, space, and personnel can be met. The Vice President of Research will:

1. Maintain information about potential sources of funds to support University Research. Communicate information about sources of support and research opportunities to the faculty;
2. Maintain records and information about the research programs of the University;
3. Prepare general reports of research activities required by the Board of Governors, President, and other administrative officers of the University.
4. Conduct necessary negotiations of research contracts and grants and consummate applicable grants and contracts with funding agencies.
5. Prepare recommendations for the budgets for the operation of University Research, manage any University Research Trust Fund established, and review fiscal reporting.
6. Administer project initiation and termination and, where appropriate, internal disposition of property purchased with grant funds.
7. Coordinate the fiscal administration of research grants and contracts accounts and the purchasing from grants and contracts accounts.
8. Administer the University patent and copyright policies and negotiate patent and copyright matters as required.
9. Recommend appointment of and supervise all employees of the office.
10. Prepare for the President formal requests for acquisition of land, construction or remodeling of buildings, to be paid for with sponsored research funds.
11. Recommend research policy changes to higher authority.
12. Promote constant review of the administrative procedures governing Sponsored Research and related programs to insure that adequate service is provided to all principal investigators.
13. Administer any Surplus Property programs.

(5) The University Comptroller will be responsible for budget control, record keeping, and accounting for all sponsored research funds. She will maintain, in accordance with acceptable accounting practices, such records and make such reports as are required by the Board of Governors policy, by applicable laws, by the granting agency, Vice President for Research and by the Vice President for Administration and Finance. She will be responsible, with the Vice President for Research and the Principal Investigator for determining that expenditures are made in accordance with the terms of the grant or contract.

(6) Purchases. The Director of Procurement will expedite the purchases made for the Office of Research and/or Principal Investigators. The Director will see that the purchasing requirements of the State and granting agencies are met.

(7) Solicitation of Funds – Proposals for the solicitation of funds from agencies outside the University will be treated as follows:

(a) The Vice President for Research or other authorized persons may solicit research support, but all proposals for support must conform to University policy and must have the approval of the Vice President for Research or designee and will be transmitted to the granting agency by the Vice President for Research. Acceptance of funds will be made by the Vice President for Research or designee on the President’s behalf.

(b) The Principal Investigator will arrange with his Department Chairman and College Dean:
1. For a schedule of duties that will allow adequate time to carry out the proposed research program;
2. To obtain approval that the proposed research is in the best interests of the Department, the College, University of Central Florida, and the State of Florida, and;
3. For assurance that facilities of the Department are adequate and available for the proposed research or that adequate facilities can be provided.

(c) Proposals will be further reviewed by the Vice President for Research or designee to see that the research is appropriate to the role and scope of the University and to its goal of service, good teaching, and the advancement of knowledge, and that the proposed contract or grant is legally and fiscally sound.

(d) Negotiations of research contracts and grants will be made between the University and the agency. The Vice President for Research or designee will be responsible for the University negotiations in all matters affecting the substance of the research to be conducted and associated fiscal matters. The approval of the Principal Investigator will be obtained before final submission to the agency.
(e) Upon acceptance of a grant or contract by the President or the Vice President for Research, the Vice President will issue authorization to the University Comptroller to establish the necessary accounts for the project and designate the Principal Investigator.

(f) The Principal Investigator will carry out the project in accordance with provisions of contract or grant document.

(g) The Principal Investigator forwards copies of all reports required by the granting agency to the Office of Research in addition to copies of pertinent correspondence.

(h) All personnel engaged on funded projects will respond to the Office of Research on all pertinent matters such as security classifications, the use of human subjects, animal housing, and patent and copyright matters as required by the policy of the Board of Governors, University of Central Florida, and the funding agency.

(i) Upon completion of the project, the filing of final reports with the granting agency, the Vice President for Research will issue authorization to the University Comptroller to deactivate the project account(s).

(8) Reporting.

(a) Annual Report.

1. The Principal Investigator (i.e. the faculty member supervising the research) must submit a memorandum to the Director of Sponsored Research requesting a sponsored research exemption. The memorandum must include: a detailed justification for the request; a written quotation from the requested vendor detailing the price, the FOB point, responsibility for freight and insurance, and payment terms; a statement and/or other evidence, that some form of price comparison or determination of price reasonableness has been performed; a written statement signed by the Principal Investigator certifying that he or she is independent of, and has no conflict of interest in the entities evaluated and selected. See Section 287.057(19), Florida Statutes.

2. If the vendor is a governmental agency, the acquisition is excluded from competitive bidding requirements as stated in Section 287.012(4)(c), Florida Statutes.

3. If the vendor is a governmental agency, the acquisition is excluded from competitive bid requirements as stated in Section 287.012(4)(c), Florida Statutes.

4. The following criteria must be used to justify a request for a sponsored research exemption from competitive bidding: a certain vendor is specified in a prime contract or grant award; a certain vendor is approved in writing by the prime contractor or granting agency in accordance with the provisions of the prime contract or grant award; the purchase of specific goods or services from a certain vendor can be demonstrated to be more efficient or expeditious based on compatibility, availability, or the current capabilities of the Principal Investigator and staff; the purchase of specific goods or services from a certain vendor can be demonstrated to be necessary to meet the time requirements of the prime contract or grant award; the purchase of specific goods or services from a certain vendor can be demonstrated to be mandated by scientific or technical requirements; the purchase of specific goods or services from a certain vendor can be demonstrated to be at a cost below industry norms; other conditions which can be demonstrated to meet the statutory criteria of “necessary for the efficient or expeditious prosecution of a research project.” The specific condition must be fully explained. Any and all changes or corrections to a purchase order or contract issued on the basis of a sponsored research exemption must also be approved by the Director of Sponsored Research or his/her division staff designee.

(b) Confidentiality: This matter shall be controlled as a confidential matter in the event the prime contract, grant award, or subcontract contains a confidentiality clause requiring the research materials to be exempt from public scrutiny, or if it is determined that, pursuant to Section 1004.22, Florida Statutes, the research activity necessitates an exemption from public scrutiny.

(c) Documentation and Advance Payments.

1. Documentation: The University will supply documentation and detail for reporting and payment at the level required by the prime contractor or granting agency which are based upon the provisions of the prime contract or grant award. When an exemption from the general provisions of Chapter 215, Florida Statutes, and related rules and practices is authorized, subcontractors’ invoices
shall contain a level of detail that is, at a minimum, commensurate with the level of detail and reporting required of the University by the prime contract or grant award. It is not necessary for copies of receipts to be obtained or submitted with the voucher to the State Comptroller for the payment of such invoices, if the invoice contains a statement certifying that receipts in support of the itemized invoice are maintained in the contractor’s records and may be inspected by officials of the State of Florida.

2. Advance Payments: The subcontractor or vendor requests an advance payment and it can be demonstrated that the advance payment is necessary to fund extensive start-up costs, realize discounts or cost savings, or create adequate cash flow in order to provide required goods or services. The University shall retain the documentation justifying advance payments in the Office of the Director of Sponsored Research. The Principal Investigator is responsible for determining that all goods/services, for which an advance payment has been made, are satisfactorily received. In addition to the sponsored research exemption certification, the Office of the Director of Sponsored Research will provide the Purchasing Department with specific payment details for inclusion in the purchase order. In the event the University believes a vendor will have difficulty in meeting the conditions and terms of the purchase agreement, the University will require the vendor to secure some form of liability protection to cover the amount of advance payments.

3. When an exemption from the general provisions of Chapter 215, Florida Statutes, and related rules and practices for documentation or advance payment, is authorized the provisions of a contract between the University and the subcontractor must include the following language: “The Contractor agrees to return to the University any overpayments due to unearned funds or funds disallowed pursuant to the terms of this Contract or by the prime agency that were disbursed to the Contractor by the University. Such funds shall be considered University funds and shall be refunded to the University within 45 days following the item the overpayment and/or disallowance is discovered unless otherwise authorized by the University in writing. In addition, the Contractor agrees to exclude from its expenditure reports and any other claims for reimbursement any amounts disallowed by the prime agency and the University in accordance with the terms of this Contract.”

   (d) Travel: A subcontractor may be reimbursed for travel expenses of non-State of Florida personnel performing travel under a sponsored research subcontract in accordance with the provisions of the applicable prime contract or grant and the travel allowances normally provided by the subcontractor.

   (e) Other: Other conditions which can be demonstrated to meet the statutory criteria of “necessary for the efficient or expeditious prosecution of a sponsored project.” The specific condition must be fully explained.

3. Execution and Distribution.

   (a) If the request is for an exemption from the competitive bidding requirements, the Principal Investigator will submit the request for the sponsored research exemption to the Office of the Director of Sponsored Research, allowing sufficient time (48 hours or less) for review of the request as applicable to the project needs. The request should be accompanied by the general requisition, the documentation listed above, and any additional documentation which would further support the request.

   (b) Requests for other sponsored research exemptions may be initiated by the Principal Investigator, the Office of the Director of Sponsored Research, or other University personnel.

   (c) The Office of the Director of Sponsored Research will review the request for sponsored research exemption to determine if all of the required conditions have been met. The certification will be prepared by the Office of the Director of Sponsored Research, signed by the Director of Sponsored Research, and be forwarded to the University President.

1. Prior consent to a sponsored research exemption by the Director of Purchasing is not required, although his/her advice and counsel may be sought. The Office of the Director of Sponsored Research will send a copy of the Sponsored Research Exemption Certification memorandum provided to the President, the general requisition, and a copy of the other documentation listed above, to Purchasing. Purchasing will be responsible for compliance with all other State of Florida and University rules and regulations. Further, if after viewing the documentation provided, Purchasing has knowledge of any other information that would impact the use of a sponsored research exemption, the Office of the Director of Sponsored Research should be contacted prior to issuance of the purchase order. Any purchase order issued under a sponsored research exemption will contain a statement indicating that a sponsored research exemption was given.

2. Purchasing will forward a copy of the certification, along with a copy of the contract and/or purchase order to the University Controller’s Office. The University Controller’s Office will forward a copy of these documents to the State Comptroller as an attachment to the voucher for the payment of the first invoice.

3. A sponsored research exemption may only be used when the purchase of goods or services is fully funded from sponsored research funds. Payments made for purchases or other actions under a sponsored research exemption may not be reimbursed subsequently from other University funds.

4. A copy of the Sponsored Research Exemption Certification and any supporting documentation will be maintained in the Office of the Director of Sponsored Research.

(4) Any contract which has been exempted from general purchasing provisions for herein shall contain the following language: “The contractor agrees to return to the University any overpayments due to unearned funds or funds disallowed pursuant to the terms of this contract or by the ‘Primary Awarding Agency’ that were disbursed to the contractor by the University. Such funds shall be considered University funds and shall be refunded to the University within 45 days following the item the overpayment and/or disallowance is discovered unless otherwise authorized by the University in writing. In addition, the contractor agrees to exclude from its expenditure reports and any other claims for reimbursement any amounts disallowed by the ‘Primary Awarding Agency’ and the University in accordance with the terms of this contract.”
6C7-2.029 Copyrights and Patents.

(1) General.
(a) The University of Central Florida shall have the authority to take any action necessary to secure letters of patents, copyrights, and trademarks, on any such work products produced by an employee of the University as described below, and to enforce its rights therein.
(b) The University may seek letters of patents, copyrights, or trademarks at the option of the appropriate University official on products resulting from investigations financed by the University, that is sponsored by the University and/or carried out by public funds and by persons paid by the University.
(c) Projects resulting from an investigation which is financed by the University and another co-sponsor not connected with the University shall be undertaken in accordance with the execution of a written agreement made prior to the actual initiation of the investigation. Each contract shall stipulate the patent, copyright and trademark rights of the University and the co-sponsor.
(d) All University profits derived from patents, copyrights, or trademarks shall go to the “sponsored research development fund” to be administered for the further promotion of research.

(2) Copyrights.
(a) An investigator who develops a product in any way supported by University funds, personnel, facilities, equipment, or materials shall report to the Vice President for Research his interest in having the product copyrighted. Within 120 days, the Vice President shall inform the employee whether the University seeks an interest in the copyright and a written contract shall be negotiated to reflect the interest of both parties.
(b) An investigator may procure the copyrights and receive the royalties for products provided (i) the ideas were the investigator’s, (ii) the product resulted from the investigator’s independent labor, and (iii) the University is not held responsible for any opinions expressed therein.

(3) Patents.
(a) Projects resulting from an investigation which is financed by a sponsor not connected with the University shall be undertaken in accordance with the execution of a written agreement made prior to the actual initiation of the investigation. Each contract shall stipulate the patent rights of the University and the co-sponsor. The University may obtain letters of patents at the option of the appropriate University official on products resulting from an investigation performed by a University employee at his own expense and on his own time in the field in which the investigator is employed by the University.
(b) The University shall not seek a letter of patent on a product resulting from an investigation performed by a University employee outside of the field in which the investigator is employed by the University and at his own expense and on his own time.
(c) The University reserves the right to enter into contract with recognized patent management and development agencies for the purpose of patent application, patent development, and patent management. In such cases, the terms of the contract shall provide for a distribution of the proceeds from the disposal of the patent between the contracting parties and the discoverer or inventor. In no case shall the proceeds allocated to the discoverer or inventor be less than 15 percent (15%) of the gross proceeds. In the event the product involved in the patent comes from research done in dissertations or in connection with dissertation problems, the amount allocated to the discoverers shall be divided between the faculty member who directed the research and the graduate student who helped with the work in a manner determined by the University to reflect their relative contribution to the research.
(d) The investigator shall report to the Vice President of Research the nature of the discovery or invention together with an outline of the project and the conditions under which it was done. The Vice President shall inform the investigator within 120 days if the University wishes to assert its interest in a patent. A decision as to whether the University will prosecute the patent will be made within 120 days from the date the discovery was announced to the Office of Research. In the event the University elects not to obtain a letter of patent, all rights to the product shall be released to the inventor or discoverer. However, the University’s obligation to release the patent shall be contingent upon the execution of a written agreement with the inventor or discoverer granting the University a 10% royalty on all income generated directly or indirectly from the patented invention.
(e) When the University elects to obtain a letter of patent, the University shall pay the cost of obtaining such documents.
(f) At any stage of making the application or in securing the letter of patent, the University may withdraw and return all rights to the inventor or discoverer. Under these circumstances subject to paragraph (e), the product shall be the property of the inventor or discoverer and none of the costs incurred by the University or on its behalf shall be assessed against the inventor or discoverer.
(g) All assignments of or release of patent rights by the University to the inventor shall contain the provision that such invention and/or process if patented by the inventor shall be available royalty free for governmental purposes of the State of Florida.

Specific Authority 1001.74(4) FS. Law Implemented 1004.22 FS. History–New 4-28-91, Amended 3-16-03.
6C7-2.031 Establishment and Evaluation of Institutes.

(1) Purpose – The purpose of this rule is to establish policies and procedures regarding the establishment of research-oriented institutes, centers, and units (ICU’s) at University of Central Florida. Those research organizations or ICU’s within the University which receive research grants and contracts from or through the Division of Sponsored Research, must meet unique needs and opportunities for research beyond what is normally expected of faculty and staff at the University. The establishing, disbanding, classifying, and reviewing of ICU’s will be determined by the Vice President for Research upon recommendation by the Research Council.

(2) Establishment Procedures of an ICU.

(a) All ICU applicants must submit a proposal through the academic Dean(s) or appropriate Administrator(s) to the Office of the Vice President for Research for the evaluation and recommendation of the Research Council for consideration of establishing the proposed ICU. The Research Council are members selected by the Vice President for Research upon nomination by the academic Dean(s) or appropriate Administrator(s). The Research Council shall consist of a minimum of one representative from each college at all times.

(b) The proposal must include the title of the ICU, the type of category requested, a background statement, identification of necessary facilities, anticipated funding sources, the biography of the proposer(s), and a charter.

(c) The charter must describe:
1. The justification – what necessity or major advantage the ICU would offer.
2. The objectives.
3. The activities.
4. The organizational structure including a reporting line.
5. AS method of review and evaluation of the proposed ICU.

(d) The charter may describe:
1. The types of positions and personnel who might become involved.
2. The qualification for membership.
3. The relationship with other organizations.

(e) Criteria for the establishment of an ICU depends upon:
1. Uniqueness of research capabilities and opportunities provided by the ICU.
2. Appropriateness to the University mission and support structures.
3. Feasibility of implementation.
4. Potential of enhancing the research capability of UCF.
5. Funding potential.
6. Relevance and importance of other activities.

(3) Review of Current ICU’s.

(a) All ICU’s must submit an annual report such as a report prepared in the format as prescribed in (see CM-C-07.00-01/99) which will be utilized for a general public release.

(b) The Research Council will upon request of the Vice President for Research, review ICU’s in accordance with the evaluation and/or accreditation methods prescribed in their charters. Based on this review, the Research Council will make a recommendation to the Vice President for Research concerning continuation and/or modification of the ICU. The ICU is to be categorized as a Type 1 or Type 2 ICU (see CM-C-07.00-01/99 for a complete description of these types) and to be presented to the President’s Advisor Staff (PAS) (which is comprised of all of the Vice-Presidents of the University) for their review.

(4) All existing ICU’s or those established by legislative mandate shall prepare a charter (if one does not exist) in accordance with the description given above subparagraph (2)(a)3. for use by the Vice President for Research in evaluating the ICU’s.

(5) Policy Regarding Non-Research ICU’s. The Research Council will review only those ICU’s which meet the criteria of being research oriented. All ICU’s which do not meet this criteria shall be forwarded to and delegated by the Office of the Vice President for Academic Affairs.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(8) FS. History–New 10-8-75, Formerly 6C7-2.31, Amended 4-21-91, 4-23-03.
CHAPTER 6C7-3 PERSONNEL MATTERS

6C7-3.001 Non-Discrimination.
6C7-3.00101 Search Committees. (Repealed)
6C7-3.0011 Abbreviations and Definitions. (Repealed)
6C7-3.002 University System Personnel Classification and the Classification and Pay Plan for Non-career Service Personnel. (Repealed)
6C7-3.0021 Career Service Employees. (Repealed)
6C7-3.003 Compensation, Perquisites, and Benefits. (Repealed)
6C7-3.0031 Employee Tuition Free Course Enrollment.
6C7-3.0032 Additional State Compensation for UCF Employees.
6C7-3.004 Workers’ Compensation. (Repealed)
6C7-3.005 Fingerprinting. (Repealed)
6C7-3.006 Leave. (Repealed)
6C7-3.007 Retirement. (Repealed)
6C7-3.0071 Phased Retirement Program for Non-Unit I & R Faculty. (Repealed)
6C7-3.008 Conflict of Interest.
6C7-3.009 Faculty Selection and Appointment. (Repealed)
6C7-3.0091 Non-unit Faculty and Administrative and Professional (A&P) Staff Selection and Appointment. (Repealed)
6C7-3.010 Faculty Evaluation and Improvement.
6C7-3.011 Tenure.
6C7-3.012 Termination, Layoff and Non-renewal of Faculty Appointments. (Repealed)
6C7-3.0121 A&P Staff Evaluation and Improvement.
6C7-3.0122 Resignation and Non-reappointment of Non-unit Faculty and Administrative and Professional Staff Members.
6C7-3.0123 Layoff.
6C7-3.0124 Discipline and Termination for Cause of Non-unit Faculty and A&P Staff Members.
6C7-3.0125 Employee Termination Responsibilities. (Repealed)
6C7-3.013 UCF Faculty Grievance Procedures. (Repealed)
6C7-3.0131 Grievance Procedures for In-unit Employees.
6C7-3.0132 Grievance Procedures for Non-unit Faculty and A&P Staff Members.
6C7-3.0133 University Support Personnel System Non-Unit Grievance Procedure.
6C7-3.0134 Grievances Alleging Discrimination.
6C7-3.014 Faculty and Administrative and Professional Development Leave Program.
6C7-3.0141 Course Work by Faculty and A&P Employees. (Repealed)
6C7-3.015 Administrative Authority and Responsibility. (Repealed)
6C7-3.016 Titles and Ranks for Teaching Research Faculty. (Repealed)
6C7-3.017 Promotion of Faculty.
6C7-3.018 Outside Activity or Employment.
6C7-3.019 Disruptive Conduct.
6C7-3.020 Employment Considerations. (Repealed)
6C7-3.0201 Employment of Relatives. (Repealed)
6C7-3.0202 Employee Political Activity. (Repealed)
6C7-3.021 Hearings and Appeals. (Repealed)
6C7-3.022 Foreign Faculty Service. (Repealed)
6C7-3.023 Appointment and Payment of Adjunct Faculty. (Repealed)
6C7-3.024 Adjunct Faculty Rank. (Repealed)
6C7-3.025 Collective Bargaining Agreements. (Repealed)
6C7-3.026 USPS Sick Leave Pool.
6C7-3.0261 Faculty and A&P Sick Leave Pool.
6C7-3.0262 Meritorious Service Awards Program.
6C7-3.0263 The Incentive/Efficiency Program and Intangible Suggestion Component. (Repealed)
6C7-3.027 University Closings Due to Emergency Conditions. (Repealed)
6C7-3.028 Lunch Breaks. (Repealed)
6C7-3.001 Non-Discrimination.
6C7-3.029 Hepatitis B Virus (HBV) Vaccination. (Repealed)
6C7-3.030 Confidential Information Policy for Faculty.
6C7-3.031 Personnel Protective Equipment Directive. (Repealed)
6C7-3.032 Faculty Annual Assignments.

6C7-3.001 Non-Discrimination.
The University of Central Florida, in association with the Board of Governors position of affirming equal opportunity practices, is committed to a continuing program of promotion and maintenance of an affirmative action plan that is directed to concerns in all areas with students and personnel. For further information, please contact the Office of Equal Opportunity and Affirmative Action Programs, University of Central Florida, Orlando, Florida 32816.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 10-8-75, Amended 1-10-82, 1-9-83, 12-27-83, 12-27-84, Formerly 6C7-3.01, Amended 3-27-86, 1-6-93, 3-16-03.

6C7-3.0031 Employee Tuition Free Course Enrollment.
(1) University has a program to provide limited tuition-free course enrollment to eligible employees on a space available basis. Enrollment of employees under this rule shall be permitted on a space available basis only.
(2) Space shall be considered to be available only when:
   (a) The direct cost of a course does not increase for each student admitted thereto (as it may do for such courses as Thesis, Dissertation, Directed Individual Study, etc.).
   (b) The enrollment does not result in a class size in excess of the maximum established by room capacity or educational requirements for the particular course sought.
(3) Eligibility.
   (a) Academic: UCF employees who intend to enroll for the first time at UCF for tuition free courses under this rule must possess a high school diploma or its equivalent (e.g., GED) and meet the university’s admission requirements as set forth in the applicable portions of Chapter 6C7-2, F.A.C.
   (b) Administrative: All UCF employees are required to comply with administrative prerequisites for Tuition Free enrollment, including securing administrative approval for enrollment.
(4) Registration. In order to receive tuition free privileges eligible UCF employees must register at the time and date published in the UCF class schedule for such registration for the semester in which the courses are to be taken.
(5) Limitations on Tuition Free Course Enrollment.
   (a) If all approvals have been received, an employee may enroll for up to six (6) credit hours each semester at UCF as a regular student. Vouchers will be accepted as “payment” for the course(s) in which the employee enrolls and as long as he or she earns a grade of ‘C’ (2.00) or better in an undergraduate course or a ‘B’ (3.00) or better in a graduate course, no repayment to the university is expected. Should the employee earn a grade below that specified, he or she shall be held responsible to repay the university an amount equal to the voucher in question to cover tuition and fee cost, not including late fees. Repayment in full is expected if withdrawal from a course occurs after the official withdrawal date. The Student Accounts Office will bill employees, if applicable.
   (b) The Tuition Free Program vouchers cannot be used in conjunction with any other voucher or tuition waiver program.
   (c) The University has the authority to designate which courses are classified as eligible for the tuition voucher program. Courses ineligible for the tuition voucher program include, but are not limited to: courses offered through other State Universities or Community Colleges: Continuing Education; independent study; supervised research; supervised teaching labs; thesis hours; dissertation; internships; co-ops; or applied, individualized instruction in Music, Art or Dance.

Specific Authority 1001.74(19), 1001.75(3), 1009.26 FS. Law Implemented 1001.74(19), 1001.75(3), 1009.26 FS. History–New 4-30-81, Formerly 6C7-3.031, Amended 1-6-93, 3-16-03.

6C7-3.0032 Additional State Compensation for UCF Employees.
(1) The Dual Compensation and Overload Policies of the University of Central Florida shall operate in accordance with the following paragraphs.
(2) University employees engaged in activities for which additional state compensation will be provided and who are otherwise employed on a full-time basis by this university may be compensated for the total of all additional state compensation activities during each fiscal year at a level not to exceed twenty-five percent (25%) of their contracted salary rate or $6500 whichever is greater, for the same fiscal year.
(3) UCF employees who accrue annual leave are required to take annual leave or leave without pay if the activity for which additional state compensation is requested conflicts with their primary assigned work schedule.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19) FS. History–New 4-8-82, Formerly 6C7-3.032, Amended 8-25-92, 3-16-03.
6C7-3.008 Conflict of Interest.
The policies and requirements set forth in the Board of Governors Rule 6C-5.945, F.A.C., entitled “Employee Ethical Obligations and Conflicts of Interest” and in Chapter 112, F.S., shall apply to all UCF employees including Faculty, Administrative and Professional staff and University Support Personnel System employees whether or not they are members of a bargaining unit.

Specific Authority 1001.74(4) FS. Law Implemented 112.313, 1001.74(19) FS. History–New 10-8-75, Amended 4-30-81, Formerly 6C7-3.08, Amended 3-16-03.

6C7-3.010 Faculty Evaluation and Improvement.

(1) This rule shall apply to all regular faculty members, tenured or non-tenured.

(2) General Policy.

(a) Faculty members, tenured or non-tenured, shall be evaluated at least once annually by their supervisor on the basis of individual total performance in fulfilling responsibilities to the university. The basic purpose of the evaluation is faculty improvement in the functions of teaching, research, service, and any other duties that may be assigned or that may be appropriate to the assignment, with the resulting enhancement of learning, cultural advancement, and the production of new knowledge. This evaluation shall precede and be considered in recommendations and final personnel decisions. The following evaluation shall be made for each I & R faculty member:

1. Chairman’s Evaluation – annual – see subsection (3) below.
2. Faculty Evaluation of Faculty – see subsection (4) below.
3. Student Evaluation of Faculty – see subsection (5) below.

(b) The annual evaluation period shall begin at the start of the summer session (if appropriate) and will end at the termination of the following spring session of classes. Annual evaluations will be performed in accordance with the section on Chairman’s Evaluation of Faculty (see subsection (3) below).

(3) Chair Evaluation of Faculty.

(a) The Chair’s evaluation shall be prepared in writing on a form approved by the Provost see UCF Form AA-17. This evaluation shall be based upon assigned duties and shall take into account the nature of the assignment including: Teaching effectiveness; research & creative activities; service; and other assigned university duties. This evaluation will provide an assessment of overall performance. Ratings shall be in the form of a 5-category scale (outstanding, above satisfactory, satisfactory, conditional, unsatisfactory).

(b) Evaluations by chair should take into consideration the faculty member’s performance in each area (e.g., teaching, research, service, other assigned duties) utilizing all available evaluation materials. FTE assignments should be considered in arriving at the final overall rating; however, the categories which have been identified by the department and/or college as being particularly important to the mission and objectives of department and/or college should influence the overall rating substantially.

(c) A detailed and comprehensive commentary on outstanding, conditional or unsatisfactory ratings shall be furnished by the chair.

(d) The evaluation shall include suggestions for improvement where appropriate and provides for comments and signature by the person being evaluated.

(e) 1. Each department chair will complete a draft of the annual evaluation of each departmental faculty member prior to the end of the spring session.
2. Copies of the finalized written evaluation shall be filed in the faculty member’s official personnel evaluation file that is maintained in the dean’s office.

(4) Faculty Evaluation of Faculty.

Faculty evaluation of faculty will be utilized in review of faculty promoting and tenure applications.

(5) Student Evaluation of Faculty.

Input from students shall constitute only one appropriate source of data to be considered in the evaluation of teaching effectiveness. The teaching effectiveness of each faculty member may be evaluated in writing by students enrolled in his or her classes.

(a) All class taught by full or part-time faculty members, including those taught by adjuncts, instructors, or graduate assistants, are to be assessed, with the exception of courses described in paragraph (b) below.

(b) Courses or class sections that may be excluded from student assessment include:

1. Courses involving individual instruction such as independent study, internship, and practicum;
2. Courses or call sections involving types of instruction that occur outside the traditional classroom or laboratory setting and for which these assessment items would not be appropriate, i.e., distance learning courses; and
3. Class sections for which the number of respondents to the instrument is so small as to make the results of limited statistical usefulness.

(c) For class sections co-taught by two or more faculty members separate assessment of each instructor is encouraged.

(d) The student evaluation is to be administered during the last three weeks of scheduled instruction and during class session in which no exam is scheduled.

(e) Students shall be given a minimum of (15) fifteen minutes for explanation and completion of the student evaluation instrument during which time the instructor(s) shall not be present.
(f) Full- and part-time faculty including instructors, adjuncts, and graduate assistants may add individualized questions to the student evaluation instrument.

(g) Full- and part-time faculty members, including instructors, adjuncts, and graduate assistants may use other forms of student evaluation for their individual use.

(h) Summaries of all evaluations shall be sent to the college dean for distribution to the department or unit and the faculty member being evaluated.

(6) Terminal Degree Expectations.

Regular faculty members whose appointment was made with mutual expectation of rapid attainment of the terminal degree in their field must be evaluated with regard to their progress toward that degree. Three years is the maximum time allowable for completing the degree. Written reminder of this policy shall be given prior to June 1 of the second year of service if the degree has not been awarded by that time. Progress toward the completion of the terminal degree is acceptable and may be included as part of professional development in the annual evaluation (however, anticipation of the receipt of an advanced degree alone is insufficient as support for tenure, promotion, or salary adjustment).

Specific Authority 1001.74(4), 1012.94 FS. Law Implemented 1001.74(19), 1001.75(3), 1012.94 FS. History–New 10-8-75, Amended 11-10-77, 7-7-81, Formerly 6C7-3.10, Amended 4-23-03.

6C7-3.011 Tenure.

(1) Scope. This rule shall apply to all faculty members.

(2) General Policy.

(a) The award of tenure shall provide annual reappointment until voluntary resignation, retirement, removal for just cause, or layoff.

(b) University of Central Florida adheres to the Board of Governors Rules 6C-5.940, F.A.C., governing tenure and permanent status.

(c) University of Central Florida adheres to the provisions of any applicable collective bargaining agreement regarding tenure procedures.

(d) There shall be sufficient discipline flexibility in the interpretation of the standards for tenure so that individuals have a reasonable expectation of fulfilling the requirements.

(e) A faculty member shall be recommended for promotion to associate professor prior to or at the same time tenure is recommended. To save time for both faculty members and committees, the application for both status changes shall proceed simultaneously. A vote for promotion to associate professor shall precede the vote on tenure at department, college, and university levels.

(f) If an employee has at least three (3) years of tenure-earning credit as of the effective date of a modification to the tenure criteria, the employee shall be evaluated for tenure under the criteria as it existed prior to modification unless the employee notifies the university at least thirty (30) days prior to the commencement of the tenure consideration that he/she chooses to be evaluated under the newly adopted criteria.

(3) Tenure Criteria.

(a) “Tenure is awarded upon the demonstration of highly competent performance. Tenure criteria shall address the areas of teaching; research and other scholarly activities; and service to the public, the discipline, and the university including those professional responsibilities consistent with faculty status. These criteria shall take into account the mission and needs of the institution and shall place appropriate emphasis upon teaching and teaching-related scholarship. In this regard, the institution shall ensure that teaching is evaluated broadly, including assessments by peers and students, and that teaching performance is prominently considered in the award of tenure.” (paragraph 6C-5.940(1)(b), F.A.C.)

(b) “The recommendation of an employee for tenure shall signify that the Chief Administrative Officer is satisfied the employee will continue to make significant professional contributions to the University and the academic community. Upon recommendation by the Chief Administrative Officer and approval by the Board, tenure shall be awarded.” (paragraph 6C-5.940(1)(j), F.A.C.)

(c) Tenure is an employment classification achieved by the faculty member and shall be based on demonstrated ability and performance in the areas of teaching, research, other scholarly activities, and service. For tenure, performance over the entire term of appointment at UCF shall be considered. For candidates with prior credit towards tenure, performance before appointment at UCF shall also be considered.

(d) The quality, quantity, and consistency of such performance must provide evidence of the candidate’s value to the university and assurance of potential for the future.

(e) In general, the standards of performance expected for tenure in teaching, research, scholarship, and service shall be the same as for the rank the candidate shall hold for the year in which tenure shall be awarded.
(f) Candidates for tenure shall have demonstrated effectiveness in teaching. Evaluation of teaching by peers, students, administrators, and the candidates themselves as well as teaching-related scholarship shall be considered in assessing competency in teaching and teaching effectiveness. Development of innovative course materials and teaching methodology, curriculum development, special teaching responsibilities, awards or other public recognition of teaching, and other teaching related activities shall also be considered in assessing competency in teaching and teaching effectiveness.

(g) It is the responsibility of the candidate to ensure that the tenure file is accurate and complete.

(4) Procedure for Granting Tenure.

(a) At the time a faculty member becomes eligible for tenure consideration, he/she shall submit an application in accordance with the application format that is available in the Office of Academic Affairs. Normally, a faculty member will consult with the appropriate department chair or unit administrator before submitting an application. However, a faculty member may submit an application without an endorsement from the department chair. Time spent on paid leave shall be tenure-earning unless otherwise agreed at the time of such leave. Time spent on unpaid leave shall not be credited as tenure-earning except as approved by the President or designee.

(b) Outside review: Each faculty member being considered for tenure shall have all relevant material from his/her application file submitted to four outside experts for evaluation. The outside experts are to be selected using the following procedures:

1. The department chair and the department promotion and tenure committee shall jointly select a panel of four outside reviewers; and the faculty member being considered for tenure shall nominate a panel of four outside reviewers. The final panel of outside reviewers shall consist of four persons: two selected by the faculty candidate from the panel proposed by the chair and the promotion and tenure committee, and two selected by the chair and the promotion and tenure committee from the panel proposed by the faculty candidate. When a department chair is under consideration for tenure, his/her dean shall appoint a person to participate in the tenure process in the role of the chair’s supervisor.

2. Outside reviews shall be required for all tenure candidates.

3. Outside reviewer’s comments shall be based upon a professional resume and relevant material provided jointly by the chair and the candidate to the outside reviewers. In the event that an agreement cannot be reached on the relevant material, the department promotion and tenure committee shall adjudicate the matter.

4. In all instances, a standard letter provided by the Office of Academic Affairs shall be used by the department chair for the purpose of submitting material for outside review. When a chair is a candidate, his/her immediate supervisor shall handle this process.

(c) The vote of the tenured members of the department or unit shall be obtained by the appropriate department or unit administrator in a secret poll, the results of which shall be forwarded with the tenure application. The administrator shall not vote in this secret poll.

(d) Evaluation of the candidate by a committee consisting of other tenured or tenure-earning faculty members shall also be considered during the process.

(e) The tenure application shall be evaluated by the appropriate department chair, the college dean, the vice president for academic affairs, and the president. The tenure application shall be approved by the president before the president can submit the tenure nomination to the Board of Governors.

(f) The recommendation shall be accompanied by supporting materials as listed below:

1. An application in a format provided by the Office of Academic Affairs.

2. All annual performance evaluations over the entire term of appointment at UCF.

3. The candidate has the option of not including annual tenure appraisals from the entire term of appointment at UCF. However, the reviewers at any stage during the review process may request to include the annual tenure appraisals.

4. Annual assignments for at least the prior five (5) years at UCF, or such years, if fewer than five (5), that the faculty member has been at UCF. The faculty member may supplement this submission with annual assignments from other accredited universities.

5. A summary evaluation by the department chair in a format provided by the Office of Academic Affairs.

6. An evaluation of the candidate by faculty in a format provided by the Office of Academic Affairs. These evaluations, which shall be made by committees at department, college, and university levels, shall be in accordance with the procedures regarding these committees as outlined in paragraphs 6C7-3.017(3)(e), 6C7-3.017(3)(f), and 6C7-3.017(3)(g), F.A.C.

(g) The evaluation sequence begins with the department committee, and then advances to the tenured faculty in the department, the department chair, the college committee, the college dean, the university committee, the vice president for academic affairs, and then to the president. Positive and negative recommendations shall be forwarded successively, and the faculty member shall receive a notice of each recommendation at the time it is forwarded.

(h) If the president approves the candidate, the nomination shall be forwarded to the Board of Governors or designee for action. The president shall provide the nominee with a written report of the final action taken by the Board of Governors or designee on the nominated candidate for tenure.

(i) Presidential denial of nomination may be appealed under the applicable UCF grievance procedure (Rule 6C7-3.0131 or 6C7-3.0132, F.A.C.).

Specific Authority 1001.74(4) FS. Law Implemented 447.203(2), 1001.74(19), 1001.75(3) FS. History–New 10-8-75, Amended 11-10-77, 4-30-81, 8-4-85. Formerly 6C7-3.11, Amended 8-14-88, 8-2-89, 3-11-93, 9-15-96, 12-9-97, 3-16-03.
6C7-3.0121 A&P Staff Evaluation and Improvement.
(1) General.
(a) A&P staff members of the university shall be evaluated at least annually on the basis of their total performance in fulfilling their assigned responsibilities. The primary purpose of this evaluation is to aid the A&P staff member and University of Central Florida in improving performance and efficiency.
(b) Evaluations shall be considered in recommendations and final decisions relating to salary, retention and assignment or promotion to other responsibilities.
(2) Method of Evaluation.
(a) Evaluators may solicit information from other sources, including where appropriate, faculty and student evaluation material.
(b) Written evaluations shall be prepared in a format approved by the Director of Human Resources, hereby incorporated by reference, entitled “University of Central Florida Administrative & Professional Performance Review” effective 10-2002 which can be obtained by the Department of Human Resources.
(c) A written evaluation shall be reviewed with the A&P staff member prior to being placed in the member’s file.
(d) The absence of a written appraisal in a given year shall result in the same overall rating for the employee as she/he received on the most recently completed written evaluation.
(3) Evaluation Files.
A&P evaluations, when in written form, shall be filed in either the member’s personnel file which is kept in Human Resources, or the members department file.
(4) In addition to the foregoing, evaluations of in-unit A&P staff members shall be subject to the provisions of any applicable collective bargaining agreement.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3), 1012.91 FS. History–New 4-30-81, Amended 11-4-90, Formerly 6C7-3.121, Amended 4-23-03.

6C7-3.0122 Resignation and Non-reappointment of Non-unit Faculty and Administrative and Professional Staff Members.
(1) Resignation by the Employee.
(a) Non-unit Faculty and Administrative and Professional (“A&P”) staff members shall give one month written notice of resignation if possible.
(b) Failure to provide at least two (2) weeks written notice of resignation will result in the employee being designated as ineligible for rehire, except in cases of medical or family emergency, or where the employee’s early departure is approved by the University.
(2) Non-reappointment by the University.
(a) Non-unit administrative faculty and A&P staff members have no expectation of continued employment beyond the terms of non-reappointment listed herein. These employees may be given a notice of non-reappointment for any reason, subject to the reasonable notice provisions herein. Notice is provided to allow time for the employee to seek other employment, either with UCF or elsewhere.
(b) The University reserves the right to terminate an appointment contract. An employee may be notified of non-reappointment at any time during the term of the appointment contract, and this supersedes any term provisions of a contract.
(c) Non-reappointment means an employee is given written notice of termination of the employment relationship with the University after the end of the applicable notice period as set forth below.
(3)(a) Non-unit Faculty and A&P staff members with up to 6 months of employment in their current pay plan, may be given two weeks notice terminating the employment relationship. Two weeks pay may be given in lieu of notice.
(b) Non-unit Faculty and A&P staff members with at least six months but fewer than 12 months of employment in their current pay plan may be given three months written notice terminating the employment relationship.
(c) Non-unit Faculty and A&P staff members with at least 12 months but fewer than 24 months of employment in their current pay plan, may be given six months written notice terminating the employment relationship.
(d) Non-unit Faculty and A&P staff members with two or more years of employment may be given twelve months written notice terminating the employment relationship.
(4) The decision not to offer further appointment to a University staff member shall not be based on constitutionally or statutorily impermissible grounds.
(5) Following receipt of the notice of non-reappointment, a University staff member may be reassigned to other duties and responsibilities. Regardless of a reassignment, however, the employer is committed to compensate the employee until the effective date of non-reappointment.
(6)(a) Notwithstanding paragraph (d) above, for employees who are on “soft money,” e.g., contracts and grants, sponsored research funds, and donations trust funds with less than five continuous years of service on such “soft money” appointments in their current pay plan, no notice need be provided. For employees on “soft money” with five years or greater of such continued service in their current pay plan, ninety (90) days notice shall be provided contingent upon funds being available in the contract, grant or fund.
(b) All such employees referenced in paragraph (a) above shall have the following statement included in their employment contracts: “Your employment is funded by ‘soft money’ as defined in paragraph 6C7-3.0122(6)(a), F.A.C., and may cease with little or no notice as provided therein.”

(7) Notwithstanding any of the above, employees hired on Executive Service appointments may have their employment terminated with sixty (60) days written notice.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 4-30-81, Formerly 6C7-3.122, Amended 1-6-93, 4-23-03.

6C7-3.0123 Layoff.
Layoff of any UCF Faculty member or any UCF A&P or USPS staff member will be made in accordance with the provisions of Board of Governors Rule 6C-5.955, F.A.C. The UCF President, or designated representative, is responsible for issuance of any notifications required.

Specific Authority 447.209, 1001.74(4), (19) FS. Law Implemented 447.209, 1001.74(19), 1001.75(3) FS., 6C-5.955, F.A.C. History–New 4-30-81, Formerly 6C7-3.123, Amended 4-23-03.

6C7-3.0124 Discipline and Termination for Cause of Non-unit Faculty and A&P Staff Members.
(1) Just cause shall be defined as:
   (a) Incompetence or.
   (b) Misconduct.

(2) Termination and Suspension.
   (a) The appointment of a non-unit faculty or an A&P staff member may be terminated or suspended during its term for just cause. The employee shall be given a written predetermination notice of a proposed termination or suspension by the president or his designee. The notice shall state the reasons for the proposed termination or suspension. The predetermination notice shall provide the opportunity for a predetermination conference, if requested in writing within five days of receipt of the predetermination notice. A final notice shall be issued to notify the employee of the University’s final decision. Any termination or suspension imposed under this subsection shall take effect as set forth in the final notice issued by the President or designee. An employee who is terminated or suspended under this subsection may grieve such action as set forth in Rule 6C7-3.0132, F.A.C.

   (b) The president or designee retains the right to impose disciplinary action, other than termination or suspension, for just cause. The employee shall be given written notice of any disciplinary action. The notice shall state the reasons for the disciplinary action. Any disciplinary action taken under this section shall be subject to the grievance procedure found in Rule 6C7-3.0132, F.A.C., as applicable. Counseling shall not be considered disciplinary action under this section.

(3) Suspension Pending Hearing. Notwithstanding the provisions of paragraph (2)(a) above, the president or his designee may immediately suspend an employee from the performance of duties when the president or designee has reason to believe that the employee’s presence on the job would adversely affect the functioning of the university or jeopardize the safety or welfare of any employees or colleagues. A suspension may be with or without pay. Within two work days of the effective date of a suspension, excluding weekends and official holidays, the president or president’s designee shall serve written notice upon the employee, including a statement of the reasons for any action taken. If the employee has been suspended without pay and ultimately prevails in the predetermination procedure, the employee shall be reinstated with back pay.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 4-30-81, Formerly 6C7-3.124, Amended 3-16-03.

6C7-3.0131 Grievance Procedures for In-unit Employees.
(1) Scope.
This rule applies to those university employees whose terms of employment are covered by the provisions of a binding collective bargaining agreement.

(2) Faculty and A&P.
In-unit Faculty and A&P employee grievances shall be processed in accordance with the procedures established by the applicable collective bargaining agreement.

(3) University Support Personnel System.
   (a) If a USPS employee has a grievance which may be processed under the provisions of the applicable bargaining agreement and which also may be appealed through the procedures set forth in Rule 6C-5.760, F.A.C., the employee shall elect at the outset which procedure is to be used and such election shall be binding on the employee. In the case of duplicate filing, the action first filed will be the one processed.

   (b) When an in-unit employee selects to process a grievance through the non-unit procedures authorized by Rule 6C-5.760, F.A.C., said grievance shall be handled in accordance with the terms of the university’s “Non-Unit Grievance Procedures,” Rule 6C7-3.0133, F.A.C. Copies of these university grievance procedures may be obtained from University Personnel Services.

(4) Discrimination Grievances.
In addition to the foregoing procedures, whenever a written grievance alleges discrimination against an employee, the provisions of UCF Rule 6C7-3.0134, F.A.C., also apply.
6C7-3.0132 Grievance Procedures for Non-unit Faculty and A&P Staff Members.

(1)(a) The purpose of this rule is to promote a prompt and efficient procedure for the investigation and resolution of grievances filed by non-unit Faculty and A&P employees of the University.

(b) All problems should be resolved, whenever possible, before the filing of a grievance, and open communication is encouraged so that resort to the formal grievance procedure will not be necessary. Informal resolution of grievances is encouraged, and may be continued throughout the process.

(c) The burden of proof shall be on the University in a grievance alleging violation of Rule 6C7-3.0124, F.A.C., entitled “Discipline and Termination for Cause of Non-Unit Faculty and Administrative and Professional Staff Members”. In all other grievances, the burden of proof shall be on the grievant.

(d) An employee who receives written notice of non-reappointment may grieve the decision because of an alleged violation of a specific University rule or because of an alleged violation of law.

(2) Resort to Other Procedures. It is the intent of this procedure to provide a complete response to a grievance but not to encourage multiple processing of the same issue. Therefore, if, prior to seeking resolution of a dispute by filing a grievance under this rule, or while the grievance proceeding is in progress, a grievant seeks resolution of the matter in any other forum, administrative or judicial, the University has no obligation to enter or proceed further with the matter pursuant to this grievance procedure. It is not intended that the grievance procedure be a device for appellate review. The University’s response to a recommended order of a hearing officer acting pursuant to Chapter 120, Florida Statutes, or to other individuals or groups having appropriate jurisdiction in any other procedure, shall not be an act of omission giving rise to a grievance under this procedure.

Nothing in this rule shall be construed to restrict the rights of employees to seek redress or remedy under Chapter 120, Florida Statutes, where substantial interests of a party are involved. The University shall not entertain a grievance based upon the same issue adjudicated in another forum.

(3) Time limits. All time limits contained in this rule may be extended either upon approval by the director of Human Resources or by mutual agreement of the parties. Upon failure of the university or its representatives to provide a decision within the time limits provided in this rule or any extension thereof, the grievant may appeal to the next appropriate step. Upon the failure of the grievant or counsel to file an appeal within the time limits provided in this rule or any extension thereof, the grievance shall be deemed to have been resolved at the prior step.

(4) Definitions.

(a) The term “grievance” shall mean a dispute concerning the interpretation or application of a university or State Board of Education rule, regulation, or policy.

(b) The term “days” shall mean calendar days. In the event an action falls due on Saturday, Sunday or a State Holiday, the action will be considered timely if it is accomplished by 5:00 p.m. on the following business day.

(c) The term “grievant” shall mean a non-unit Faculty or A&P employee who has been directly affected by an act or omission and who has filed a grievance. The term “grievant” shall not mean a former employee, except that a terminated employee may present a grievance within the time limit set forth below following his or her termination.

(d) The term “Vice President” shall mean the University of Central Florida Vice President of the division in which the grievant is employed.

(e) The term “Division” shall mean an area administered by a Vice President.

(f) The term “counsel” shall mean an attorney or lay advisor.

(5) Presentation of a Grievance.

(a) Informal resolution of grievances is encouraged with resort to formalized procedures established by this rule being utilized only when informal discussions and procedures at the appropriate lowest administrative level do not satisfactorily resolve differences.

(b) A Step One grievance within the meaning of these procedures shall be commenced upon filing with the appropriate Vice President a written grievance in a form approved by the Director of Human Resources, as follows. If the act or omission on which the grievance is based is alleged to have been made personally by the grievant’s vice president, the grievant may, in writing, request the university president to appoint another vice president described.

GRIEVANCE

STEP ONE

DATE: ________________

NAME: ______________________________________________________________

DIVISION: ______________________________________________________________

DEPARTMENT: ____________________________________________________________

HOME ADDRESS: _________________________________________________________

HOME PHONE: ____________________________________________________________

CAMPUS ADDRESS: ________________________________________________________

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University Rule or Regulation Violated:
Statement of grievance including date of act(s) or omission(s) complained of:

Remedy Sought:
I will be represented in this grievance by: (check one) ( ) Myself ( ) Legal Counsel ( ) Other, specify
I do ( ) do not ( ) want a postponement for up to 25 days to seek further informal resolution of this grievance.
I understand that this grievance will not be processed if the act(s) or omission(s) complained of herein are, or become, the
subject of any other administrative or judicial proceeding.

This grievance was filed with the Vice President of _____ on the _____ day of ____, 20___, by (check one)
( ) certified or registered, restricted delivery, return receipt requested mail
( ) personal delivery ___________________

(c) A grievance shall be filed no later than 25 days from the date following the act or omission giving rise to the grievance, or
25 days from the date the grievant acquires knowledge, or could have reasonably been expected to have acquired knowledge, of the
act or omission.

(6) Step One Procedures.
(a) If informal resolution is not successful and the grievant wishes to pursue the matter the grievance shall be committed to
writing and shall be submitted to the Vice President. Upon receipt of the written grievance the Vice President shall name three
persons to serve on the grievance panel and shall designate one of the three persons to serve as a chair. The Panel shall be composed
of three University of Central Florida non-unit Faculty or A&P employees. The Panel shall be selected from a pool of panelists
consisting of at least three employees from each division of the University.

(b) The Grievance Panel shall meet with the Grievant and the Grievant’s representative if the Grievant so desires, and establish
the facts giving rise to the grievance through informal conferences which shall be completed within twenty-five (25) days following
receipt of the grievance by the Vice President. The Panel shall interview the Step One reviewer and others in addition to the
Grievant to seek out other evidence in order to recommend an appropriate resolution of the grievance. The investigation shall be as
informal as possible, yet compatible with the interests of determining a rational resolution of the grievance. The Panel shall, within
twenty-five (25) days following the conclusion of the informal conferences with the Grievant, submit to the Vice President findings
with respect to the grievance, together with a proposed resolution of the matter grieved. The report shall indicate what evidence is
deemed pertinent, and upon what basis the proposed resolution was reached.

(c) Within twenty-five (25) days following the receipt of the findings and proposed resolution, the Vice President shall render
a decision in writing which shall either:
1. Accept the findings and proposed resolution as submitted, or
2. Modify the findings and proposed resolution, but in such cases, shall state in writing the reasons for departing from the
report, and distribute the decision to the Grievant.

(7) Step Two Procedures.
(a) If the Grievant is unsatisfied with the decision in Step One, and wishes to pursue the matter, the Grievant may file a written
appeal with the President within twenty-five (25) days from the date of the grievant’s receipt of the Vice President’s Step One
decision. The President may elect to hear the matter personally, may appoint a representative to hear the matter, or, if the matter
grieved involves a substantial interest of the grievant, may request that a hearing officer be appointed from the Division of
Administrative Hearings. In any event, a hearing shall be commenced and conducted in accordance with Section 120.57, Florida
Statutes. Such hearings shall be open to the public. Time limits shall be as established by law. The report of the president’s designee
or hearing officer shall be considered by the President in accordance with the procedures established by Chapter 120, Florida
Statutes, and may be adopted, modified, or rejected by the President or designee. The decision of the President or designee shall be
a final agency order.

(b) For the purpose of the hearing conducted pursuant to Step Two, the grievant shall be deemed the petitioner, and the
University the respondent, except in those instances where the grievant has been charged with misconduct, whereupon the
University shall prepare the petition and carry the initial burden of proceeding with the evidence before the hearing party.

In addition to the foregoing procedures, whenever a written grievance alleges discrimination against an employee, the
provisions of UCF Rule 6C7-3.0134, F.A.C., also apply.

Specific Authority 1001.74(4), 1001.75(3) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 4-30-81, Amended 12-27-83,
Formerly 6C7-3.132, Amended 3-16-03.
6C7-3.0133 University Support Personnel System Non-Unit Grievance Procedure.

(1) STATEMENT OF PURPOSE:

(a) The primary purpose of this grievance procedure is to maintain sound employee relations. It is essential that each employee be given the opportunity to bring complaints and problems to the attention of management with the assurance that they will receive appropriate review. All parties to this process should remain aware that it is the intent of this grievance procedure that, whenever possible, grievances should be resolved at the lowest level possible.

(b) Questions regarding the procedure may be directed to the employee relations section of Human Resources. The time limits expressed in this procedure should be viewed as maximum and all efforts should be directed at resolving a grievance in the most timely manner possible. Extensions to these time limits will require the approval of the Director of Human Resources. When a management representative fails to communicate a required decision within the specified time limit, the employee is authorized to proceed to the next step. Failure to proceed to the next step shall be deemed a withdrawal of the grievance without resolution.

(2) GRIEVANCE GENERALLY:

(a) A grievance is defined as the dissatisfaction that occurs when an employee believes that any condition affecting the employee’s terms and conditions of employment is unjust, inequitable, or creates a problem, except that an employee shall not have the right to file a grievance concerning performance appraisals unless it is alleged that the appraisal is based on factors other than the employee’s performance.

(b) Suspensions, involuntary reductions in pay, transfers, layoffs, involuntary demotions and discharges shall not be considered as grievances under this process, and review of such actions may be handled in accordance with the provisions of Board of Governor Rule 6C-5.950, F.A.C.

(c) Employees who have not obtained permanent status in the University Support Personnel System (USPS), may bring a grievance to the immediate supervisor. If the decision of the immediate supervisor is not satisfactory, the employee may discuss the grievance with the next level supervisor whose decision shall be final. Employees without permanent status shall not have the right to proceed with a grievance to a review and final decision of the appropriate vice president.

(d) The burden of proof shall be on the University in a grievance alleging violation of Rule 6C7-3.0191, F.A.C., entitled “Disciplinary Action – University Support Personnel System.” In all other grievances, the burden of proof shall be on the employee.

(3) STEP ONE: An employee must file a grievance with the employee’s immediate supervisor either orally or in writing. It is suggested at this step that the grievance be handled orally. The employee must request a meeting with the supervisor in order to discuss and resolve the problem. The meeting must be requested within five work days (excluding official paid holidays) from the date that the employee becomes aware of the act or omission giving rise to the grievance. The immediate supervisor shall provide the employee with a response to the grievance within five work days of the date of the discussion.

(4) STEP TWO:

(a) If the employee considers the immediate supervisor’s grievance response unsatisfactory, believes the grievance discussed with the immediate supervisor still exists, and wishes to pursue resolution of the grievance, the grievance shall be reduced to writing, hereby incorporated by reference, on Form No. HR-930, entitled “University Support Personnel System (USPS), University Grievance Procedure, (Rev. 9-22-00) which is incorporated herein by reference and may be obtained from Human Resources. The employee should be specific in the written grievance and clearly show what term or condition of employment is adversely affected and what action is requested to resolve the grievance. The grievance shall be filed with the college dean or director within five work days after receiving the immediate supervisor’s response at the informal step, with a copy sent to the Director of Human Resources.

(b) The college dean or director should confer with the aggrieved employee and others, as appropriate, in order to fully investigate the grievance. Human Resources will remain available to assist in any problem resolution and to ensure that no violation of applicable rules or regulations is involved. The college dean or director shall provide a written response to the grievance within five work days after receiving the employee’s written grievance and send a copy to the Director of Human Resources.

(5) STEP THREE: If the employee considers the college dean’s or department director’s response unsatisfactory and wishes to pursue resolution of the grievance, the employee shall file the written grievance and response with the appropriate vice president within five days after receiving the college dean’s or department director’s decision, with a copy sent to the appropriate college dean or department director (step two administrator) and the Director of Human Resources. The vice president shall, within fifteen work days after receiving the grievance, appoint a five member Peer Review Committee and name one of its members chair. The Peer Review Committee shall meet and within fifteen work days after appointment, provide the appropriate vice president with a written recommendation. The vice president shall issue a final decision to the grievant, within fifteen work days after receiving the recommendations of the Peer Review Committee and send a copy to the appropriate college dean or department director (step two administrator) and the Director of Human Resources.

(6) APPEAL PROCESS: The vice president’s decision shall be final and binding on all parties with the exception of grievances alleging the university’s failure to comply with Board of Governor Rules, in which case, having completed steps one through three, the aggrieved employee shall have the right to file a grievance within five work days of the university’s decision with the Chancellor.

(7) PEER REVIEW COMMITTEE:
(a) A pool shall be appointed, composed of at least three employees from each vice presidential or like divisional area, to serve on peer review committees. A vice president or like division head may then appoint any five pool members to a Peer Review Committee for the purpose of reviewing a specific grievance. A chair of a Peer Review Committee shall be responsible for the following:

1. Making arrangements for a suitable meeting place for grievance reviews and notifying the other members of the time and place of such meetings.
2. Assuring that the grievance review meetings are conducted in an orderly manner.
3. Assuring that the committee’s written summary of the findings and recommendations is submitted to the appropriate vice president in a timely manner.

(b) The Peer Review Committee shall conduct a full review of the grievance, and consider:

1. A review of the written record of the grievance;
2. Asking questions of the grievant, step two administrator and supervisor; and
3. Contacting individuals who have information concerning the grievance.

(c) Shall present in writing to the appropriate vice president the committee’s summary of its findings and its recommendations for the disposition of the grievance.

Specific Authority 1001.74(4) FS. Law Implemented 110.205(2)(d), 1001.74(19), 1001.75(3) FS. History–New 12-27-83, Formerly 6C7-3.133, Amended 11-8-87, 1-6-93, 4-23-03.

6C7-3.0134 Grievances Alleging Discrimination.

(1) This rule applies to all university faculty, A&P and USPS employees.
(2) General. UCF Rules 6C7-3.0131, 6C7-3.0132 and 6C7-3.0133, F.A.C., provide the administrative procedures to be used for processing employee grievances. In addition to those procedures, employee grievances alleging discrimination against the employee are subject to the additional regulations shown in subsection (3) below.

(3) Processing Grievances Alleging Discrimination.

(a) When an allegation of discrimination is involved, the grievant may elect to submit a written grievance as follows:

1. Through the channels prescribed by the applicable rule listed in subsection (2) above, OR
2. Unless specifically prohibited by the terms of an applicable collective bargaining agreement, directly to the university’s Office of Equal Opportunity and Affirmative Action (EO/AA). A representative of that office will communicate with those involved in the grievance.

(b) If the grievance is submitted through the channels prescribed by subsection (2) above, the supervisor or other official first receiving the written grievance shall bring the matter to the attention of the Director of EO/AA and that director’s recommendations shall be considered during the formal processing procedure.

(c) If the grievance is submitted directly to the Director of EO/AA, the grievant will be notified in writing of the findings of the investigation. Findings from this procedure may be considered in a process initiated in subsection (2) above, but no grievance will be considered in more than one forum at a time.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 12-27-83, Formerly 6C7-3.134, Amended 1-6-93, 4-23-03.

6C7-3.014 Faculty and Administrative and Professional Development Leave Program.

(1) Purpose: To make available to eligible faculty and A&P members a period to be devoted to scholarly activities for the purpose of intellectual renewal and improvement and updating of professional competence to enhance the employee’s potential to the university.

(2) In-unit Faculty and A&P: All leave programs for in-unit employees shall be conducted in accordance with the applicable provisions of any then-current collective bargaining agreement.

(3) Non-Unit Employees:

(a) The following leave programs are available to non-unit Faculty and A&P:

1. Professional Development Leave.
2. Job-Required Study Leave which shall, upon determination of the supervisor that course work is job required and that departmental needs can be met while employee is on leave, be made available to employees required to take academic course work as part of their assigned duties. Time spent during work days to attend classes under this leave shall not be charged to the employee’s accrued leave time.
3. Job-Related Leave. Leave may be granted to permit the employee to attend up to six credits of course work during work hours when the supervisor determines that the course work is job-related and that departmental needs can be met while the employee is on leave. Time spent during work days to attend classes under this type of leave shall be charged against the employee’s accrued leave time.
4. Leave Without Pay, subject to the provision that any accrued annual or compensatory leave must be taken prior to the beginning of a leave without pay granted for the purpose of taking course work.

(b) Non-Unit Employee Applications:
1. Applications for Job-related leave, Job-required study leave or Leave Without Pay (when for the purpose of attending course work) shall be made, in writing, to the employee’s immediate supervisor. Supervisors are authorized to select the recipients of these types of leave subject to any quotas which may be imposed by the university.

2. Applications for Professional Development Leave must be submitted, through administrative channels, to a selection committee composed of personnel as may be appointed by the president or designee. Persons serving on the selection committee must be non-tenure or administrative faculty, non-unit faculty, or A&P employees.

(c) Selection Criteria: Selection of non-Unit recipients will be made on the basis of a briefly outlined planned development program furnished in writing by the applicant. The following will be the primary elements considered in determining priority:

1. The merit and logic of the project presented;
2. A realistic assessment of the benefits to accrue to the individual and the university;
3. Availability of awards, fellowships, or grants to the applicant which will supplement the leave;
4. Length of time since the individual has last been relieved of teaching or administrative duties for the purpose of research or scholarly activities.

5. In the case of Professional Development Leave for non-unit faculty, special consideration will be given to administrators returning to full teaching assignments.

(d) The selection committee shall provide the president with a priority listing of eligible, non-unit, applicants for Professional Development and/or Faculty Development Leave. Final selection shall be made by the president.

(e) Recipients of Faculty and Administrative and Professional Employee Development Leave agree to forego other applicable professional development leave which might be available, such as sabbatical leave.

6C7-3.017 Promotion of Faculty.

(1) Policy.

(a) University of Central Florida adheres to the regulations of the Board of Governors governing promotion (Rule 6C-5.935, F.A.C.).

(b) There should be sufficient discipline flexibility in interpretation of the standards for promotion so that individuals may have reasonable expectation of fulfilling the requirements.

(c) A faculty member should normally be recommended for promotion to associate professor prior to or at the same time that tenure is recommended. To save time for both faculty member and committees, the necessary papers for both will go forward simultaneously. It is recommended that the vote for promotion precede the vote on tenure at department, college, and university levels.

(2) Nomination Eligibility.

(a) Promotion to assistant professor. The candidate is expected to have demonstrated his/her competency in the area of teaching. Except in unusual cases, the individual should hold the doctorate or terminal degree in his/her field of specialization.

(b) Promotion to associate professor.

1. The rank of associate professor signifies significant accomplishment in scholarship, teaching, and service worthy of status as a member of the senior faculty.

2. Promotion from assistant to associate professor calls for substantial contributions in teaching, scholarship, as well as acceptable service contributions or other university duties. The record must demonstrate professional accomplishment beyond the doctoral or terminal degree level of the specific discipline. Contributions must be substantive, although the quality of the contributions or the length of time over which the contributions have been accumulated may be less than that required for the rank of professor.

(c) Promotion to professor. The rank of professor reflects not only an individual’s contributions within the institution but also denotes a status and level of significant achievement among one’s disciplinary peers on a national or international level. The standards in each of the colleges call for distinction in scholarship or teaching with substantial accomplishments in service or other university duties. Substantial contributions of a continuing nature in each of the areas, beyond that expected of an associate professor, are necessary components for the achievement of the rank of professor.

(d) Criteria for promotion to all faculty ranks shall also consider service to public schools. Service to public schools shall be included under service or research/creative activities, as appropriate. Judgments pertaining to the decision to promote a faculty member being nominated shall include the faculty member’s activities involving public schools under the following circumstances:

1. The faculty member has been assigned such activities and has been given a reasonable opportunity to perform such activities, or
2. The faculty member requests that such activities be included.

(3) Procedures for Recommending Faculty Members for Promotion.

(a) Recommendations for promotion will be initiated by the department chair and evaluated successively by the dean of the college, the vice president for academic affairs, and the president. The dean of the college will initiate recommendations for promotion of chairs, assistant deans, and persons occupying similar positions.
(b) Recommendations by chairs and deans should be brief, and cite reasons for recommendations.

(c) Outside review. Each faculty member being considered for promotion will have all relevant material from his/her application file submitted to four outside experts for evaluation. The outside experts are to be selected using the following procedures.

1. The department chair and the department promotion and tenure committee shall jointly select a panel of four outside reviewers; and the faculty member being considered for promotion shall nominate a panel of four outside reviewers. The final panel of outside reviewers shall consist of four persons: two selected by the faculty candidate from the panel proposed by the chair and promotion and tenure committee, and two selected by the chair and the promotion and tenure committee from the panel proposed by the faculty candidate. When a department chair is under consideration for promotion, his/her dean shall appoint a person to participate in the promotion process in the role of the chair’s supervisor.

2. Outside reviews shall be required for all promotion candidates except that promotion from instructor to assistant professor does not require outside review.

3. Outside reviewers’ comments shall be based upon a professional resume and selected material provided jointly by the chair and the candidate to the outside reviewers. In the event that an agreement cannot be reached as to the selected material, the department promotion and tenure committee shall adjudicate the matter.

4. In all instances, a standard letter provided by the Office of Academic Affairs shall be used by the department chair for the purpose of submitting a file for outside review. When a chair is a candidate, his/her immediate supervisor shall handle the letters and file distributions.

(d) The recommendations will be accompanied by the supporting materials as listed below:

1. A nomination format which will be provided by the Office of Academic Affairs.
2. A summary evaluation by the department chair in a format to be provided by the Office of Academic Affairs.
3. An evaluation of the faculty (candidate) by faculty in a format to be provided by the Office of Academic Affairs. These evaluations will be made by committees at department, college, and university levels, in accordance with the following procedures.

(e) Department promotion and tenure committee:

1. A department promotion and tenure committee shall be established within each academic department to function as an advisory group to the department chair. This committee shall normally not exceed five persons elected by majority vote of the tenured and tenure-earning members of the department. Membership shall be elected from either all tenured and tenure-earning members of the department or only the tenured members (as determined prior to the election process). College promotion and tenure committee members are not eligible for service on a department promotion and tenure committee. If a faculty member is a candidate for promotion and/or tenure, that individual shall not be eligible to serve on the committee.

Department promotion and tenure committee members must remove themselves from voting and be replaced by an alternate in the following cases:

a. Where there is a conflict of interest,
b. If the promotion and tenure committee member is non-tenured and is voting on an applicant who serves in an administrative capacity over that voting member, and
c. If in their judgment, personal factors might impair their objectivity regarding an individual applicant.

2. The committee chair shall be a member of the committee elected by majority vote of its members and shall call the committee into session to transact such business as required. The committee shall, at the request of the department chair, review the evaluation folders of faculty under consideration for a change of status. The department may designate, with approval of the vice president for academic affairs, criteria for evaluation in addition to those in subsection 6C7-3.017(2), F.A.C. Additional criteria must be approved by a majority of the regular full-time faculty members of the department, the department chair, and the dean. The committee will be discriminating in its decision making and will make its review based on consideration of facts and supportive evidence contained in the evaluation folder.

3. An evaluation of the faculty (candidate) by faculty shall be completed for each faculty member evaluated. Each committee member shall vote on each case considered, and the result shall be recorded. Each evaluation must be accompanied by an explanation of the committee’s action.

4. The committee chair shall forward to the department chair the following:

a. A copy of the record of attendance,
b. A copy of each faculty evaluation of faculty (candidate), and
c. The evaluation file.

The committee shall also designate one of its members to orally report the basis for the committee recommendation to the department chair and to the college promotion and tenure committee, if requested by either.

5. The department chair shall, within five calendar days, notify the faculty candidate of the committee’s evaluation.

6. Evaluated faculty members may review the committee’s evaluation. Evaluated candidates choosing to rebut the committee’s evaluation may do so in writing within five calendar days after receipt of notice of the committee’s decision and this rebuttal shall be placed in the candidate’s evaluation file.

(f) College promotion and tenure committee:
1. A college promotion and tenure committee shall be established within each college to function as an advisory group to the dean. The size of this committee, for the purpose of evaluation of faculty, shall be determined by a vote of the majority of faculty members in the college. In no case shall there be less than five members nor more than the number of departments in the college, plus two who will be “at large” representatives. Every department consisting of more than two members shall have at least one representative unless a majority of the members of the department vote to decline to be represented. Each committee member shall serve a term of two academic years. Terms shall be staggered to provide for continuity and uniformity of committee action. Committee members are not allowed to serve two successive terms.

2. The number of committee members shall be the quantity determined in subparagraph 1. above plus one (elected) alternate member.

3. Each department shall elect a representative to the college promotion and tenure committee. “At large” representatives of the college, shall be elected by the faculty of the college. Representatives shall be tenured faculty members elected by majority vote of tenured and tenure-earning faculty of the department (or the college for “at large” representatives). If a department does not have tenured faculty, then the departmental representative will be elected from the tenure-earning faculty of the department. Exempted from service on college promotion and tenure committees are faculty not eligible because of prior service (see subparagraph 1. above), faculty who are candidates for promotion and/or tenure, and those who are members of either department or university promotion and tenure committees. Deans and department chairs are not eligible to serve on college promotion and tenure committees.

4. Members of the college promotion and tenure committee shall be elected at department (or college, for “at large” members) meetings in April. The dean of the college shall serve as the election official. College promotion and tenure committee members must remove themselves from voting and be replaced by an alternate in the following cases:
   a. Where there is a conflict of interest, and
   b. If in their judgment personal factors might impair their objectivity regarding an individual applicant.
   5. No more than two members may be elected from one department.
   6. Nominations for “at large” members shall be restricted to tenured members of the college, and shall be from the floor at the April meeting of the tenured and tenure-earning college faculty. Selection of members shall be by secret ballot and at least by a simple majority of those voting. In the event no nominee receives a majority of the votes cast, a runoff election shall be held among the fewest number of nominees for that particular committee seat whose total vote accumulates to be fifty percent or more of the votes cast. Election results are to be reported by the college dean to:
      a. The college faculty,
      b. The department chairs, and
      c. The vice-president for academic affairs.
   7. The committee chair shall be a member of the committee elected by a majority vote of its members, and shall call the committee into session to transact such business as required. Except for the College of Arts & Sciences, a quorum shall consist of the attendance of all regular committee members. Attendance by eighty percent of the committee members representing the College of Arts & Sciences will constitute a quorum. In case of serious or prolonged illness, the alternate member will serve.

8. The committee shall, at the request of the dean, review those credentials submitted by the department chairs for consideration of faculty change of status. The college may designate, with approval of the vice president for academic affairs, as provided for by the Collective Bargaining Agreement, additional criteria for evaluation at the college-wide level in addition to those in applicable rules. Such additional criteria must be approved by a majority of the regular full-time faculty members of the college and its dean. The committee will be discriminating in its decision making and will make its review based on consideration of the facts and supporting evidence contained in the evaluation folder as well as the written and verbal reports of the department promotion and tenure committee, and the recommendation of the department chair.

9. An evaluation of the faculty (candidate) by faculty shall be completed for each faculty member evaluated. Each committee member shall vote on each case considered, and the result shall be recorded. Each evaluation must be accompanied by an explanation of the committee’s action. Evaluations shall not be an order ranking.

10. The committee chair shall forward to the dean the following:
   a. A copy of the record of attendance,
   b. A copy of each faculty evaluation of faculty (candidate), and
   c. The evaluation file.

11. The dean shall, within five calendar days, notify the evaluated faculty and advise that they may review their evaluation. Evaluated members choosing to rebut the committee’s evaluation may do so in writing within five calendar days after receipt of notice of the committee’s decision, and this rebuttal shall be placed in the member’s evaluation file.

(g) University promotion and tenure committee:

1. The university promotion and tenure committee shall be established to function as an advisory group to the vice president for academic affairs. The university promotion and tenure committee is a reporting committee of the Faculty Senate. It shall consist of six tenured faculty members, elected for staggered two-year terms, who hold the rank of professor, and are active scholars within their particular fields. Each college shall have one member except for the College of Arts and Sciences, which shall have two. The
committee chair is elected by the committee. No member of the committee may be a member of a college promotion and tenure committee. Vacancies are filled during the term in which they occur from the area of the vacating member for the remainder of that person’s term. The committee shall submit all policy concerns regarding promotion and tenure to the chair of the Faculty Senate for consideration by the Faculty Senate. The committee membership will be a matter of public record.

University promotion and tenure committee members must remove themselves from voting and be replaced in the following cases:

a. Where there is a conflict of interest, and
b. If in their judgment personal factors might impair their objectivity regarding an individual applicant.

2. The committee shall, upon request of the vice president for academic affairs, review the evaluation folders of faculty under consideration for change of status. In this review, the committee will rely upon the same criteria used by the department promotion and tenure committee and the college promotion and tenure committee. It will be discriminating in its decision making and will make its review based on consideration of the facts and supporting evidence in the evaluation folder as well as the written reports of the department promotion and tenure committee and department chair, written and verbal reports of the college promotion and tenure committee, and recommendation of the college dean.

3. The committee chair shall forward to the vice president for academic affairs the following:

a. A copy of the record of attendance,
b. A written recommendation,
c. A copy of a memorandum informing the faculty member of the committee’s recommendation and advising the member that any response must be submitted within five calendar days, and
d. The evaluation file.

4. Promotion Decision and Notification.

a. The department chair will notify a faculty member of his/her intent to support or not support promotion and explain the procedure involved.
b. The evaluation process is chair to dean to vice president for academic affairs to president. Positive and negative recommendations will be forwarded successively, and the faculty member will receive a notice of each recommendation at the time it is forwarded.
c. All candidates will be reviewed by the vice president for academic affairs and the president. Final decisions shall be made by the president and rendered in writing.
d. Promotions will normally become effective at the beginning of the succeeding academic year.

5. New Rules. New Rules adopted at any time by the University of Central Florida in regard to Rule 6C7-3.017, F.A.C., shall not become effective to the exclusion of prior rules for a period of one year.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3), 1012.94 FS. History–New 10-8-75, Amended 11-10-77, 9-27-79, 11-14-83, 8-4-85, 12-9-85, Formerly 6C7-3.17, Amended 8-14-88, 8-2-89, 5-17-90, 2-8-93, 12-9-97, 3-16-03.

6C7-3.018 Outside Activity or Employment.

1. General.

a. For in-unit Faculty and A&P whose terms of employment are covered by a collective bargaining agreement, the provisions of that collective bargaining agreement apply to engagement in outside activity or employment by in-unit Faculty and A&P.
b. For all other employees the provisions of paragraph (1)(c) through subsection (5) of this rule apply.
c. The responsibility of university employees is the full and competent performance of all duties pertinent to their employment. Outside activity or employment which interferes with an employee’s obligations to the university or which represents a conflict of interest are prohibited.
d. Employees are required to submit a report of their intention to engage in outside activity or employment in advance of such engagement; and to resubmit such report annually. If in the opinion of the university president, or his representative, a conflict of interest or interference with the employee’s duties exists, the employee will be so notified.
e. Any employee who intends to use any university facility or equipment in connection with outside activity or employment is also required to submit a report of such intention, in accordance with paragraph (3) below. See also UCF Rules 6C7-4.029 and 6C7-4.0291, F.A.C.

2. Submission of Reports.

a. Initial report of intention to engage in outside activity or employment shall be submitted in advance on the applicable UCF Form, hereby incorporated by reference, HR11, entitled “Report of Potential Conflict of Interest, Outside Activity/Employment” (Rev. 10-02) if A&P or USPS or Form AA21, entitled “Report of Potential Conflict of Interest, Outside Activity/Employment” (Rev. 10-02) if Faculty. A request to use university facilities equipment, personnel or services must be reported using Form AA22, entitled “University Personnel, Equipment, Facilities, Students, or Services” (Rev. 10-02) if the employee is Faculty, or using HR12, entitled “University Personnel, Equipment, Facilities, Students, or Services” (Rev. 02-03), if the employee is either USPS or A&P. Copies of these forms can be obtained from Human Resources or the Provost’s Office. Subsequent annual reports shall be submitted in the fall of each year.
b. Submission channels are as follows:
   1. Employee to supervisor.
2. Supervisor to Dean or Director.
3. Dean or Director to the Assistant Vice-President for Academic Affairs or applicable Vice President or President’s representative.
   (c) The Assistant Vice-President for Academic Affairs and any Vice-President are authorized by the President to take final action with respect to a conflict of interest under this rule.
4. Other Applicable Regulations. Any employee who accepts compensation for outside employment shall comply with the applicable requirements of Section 112.313, Florida Statutes, and Rule 6C7-3.0032, F.A.C.
5. Nothing contained in this rule shall excuse any employee from engaging in outside employment or other activities which constitute a conflict of interests. A determination not to object to outside employment does not preclude a finding by the State Ethics Commission that the employment is not in accordance with all applicable laws and regulations respecting conflict of interests. The employee’s obligation to avoid conflict of interests is a continuing one.

6C7-3.019 Disruptive Conduct.
   (1) Any employee who engages in disruptive conduct by intentionally acting to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the university shall be subject to appropriate disciplinary action by the university authorities. This rule applies to acts conducted on or off campus when relevant to such orderly conduct, processes, and functions of the University.
   (2) Disruptive conduct shall include, but not be limited, to the following:
      (a) Violence against any member or guest of the university community;
      (b) Theft or willful destruction of university property or of the property of members of the university;
      (c) Interference with the freedom of movement of any member or guest of the university;
      (d) Deliberately impeding or interfering with the rights of others to enter, use or leave any university facility, service, or scheduled activity, or in carrying out their normal functions or duties; or
      (e) Deliberate interference with academic freedom and freedom of speech of any member or guest of the university.

   (1) Scope and Purpose.
      (a) This rule applies to all University Support Personnel System employees of the university with permanent status. The provisions of this rule are subject to applicable provisions of collective bargaining agreements. Employee discipline is an action that is to be undertaken with care, objectivity and with full consideration of the rights and interests of both the employee and the university.
      (b) The university subscribes to the principle of the use of discipline to correct employee conduct and behavior. Such discipline will normally be issued in a progressive manner dependent upon the facts and circumstances of each case. Penalties will be imposed, dependent upon the seriousness of the offense and any aggravating or mitigating circumstances, or as otherwise required by law.
      (c) Probationary Employees: The probationary period shall be a working-test period required of any USPS employee following appointment to any class in which the employee does not hold permanent status. It is important to note that for purposes of discipline, permanent status refers to an employee’s status in the USPS and not a specific job. Consequently, an employee with permanent status in USPS, but in probationary status in a class, may be removed from the class during this probationary period, without the application of these standards. New employees, in probationary status in the USPS, may be dismissed during this probationary period without the use of these standards and without the right of appeal.
   (2) Guidelines on Employee Discipline. The immediate supervisor has the primary responsibility for taking or requesting disciplinary action against an employee. Human Resources has the responsibility of providing guidance to the various departmental units with regard to the administration of disciplinary actions and for assuring that they are accomplished in accordance with USPS regulations and the policies and guidelines of the university.
   (3) Delegation of Authority. Discipline may only be administered by the supervisor who has been delegated the authority to do so. This delegation of authority varies with the severity of the disciplinary action and is identified in the following table:
Disciplinary Action Authority

Oral Reprimand Employee’s immediate supervisor or higher level supervisor

Written Reprimand Employee’s immediate supervisor or higher level supervisor with the approval of the department head

Suspension, Discharge The dean, director or department head shall arrange for a review of the proposed action by the Director of Human Resources, or his/her designee. If the proposed action is approved, the Director of Human Resources, or his/her designee, will implement the suspension/discharge.

(4) Types of Disciplinary Action.
(a) Oral Reprimand – Involves a discussion between the supervisor and the employee regarding the infraction with an emphasis on correcting the employee’s behavior. A confirmation of an oral reprimand may be kept in the employee’s personnel file.

(b) Written Reprimand – For more serious or repeated cases of rules infractions, the supervisor, with approval of the second level supervisor, will counsel the employee as to the correct and expected behavior as well as record the circumstances of the violation in memorandum form, giving the original to the employee and sending a copy to the Human Resources Office.

(c) Suspension – The suspension of an employee shall normally be based on the recommendations of the supervisor and shall be subject to the approval of the dean, director or department head and the Director of Human Resources or his/her designee to ensure consistency of action throughout the institution. The Director of Human Resources or his/her designee will issue all suspensions.

(d) Discharge – When less severe actions fail in correcting an employee’s job related behavior, or when the offense requires immediate separation from employment, a discharge action should be taken. The supervisor shall normally recommend the action, and it shall be subject to the approval of the dean, director or department head and the Director of Human Resources or his/her designee, who shall issue the discharge.

(5) Standards for Disciplinary Actions. Included herein are standards for the administration of disciplinary actions for various types of offenses. The following is not all-inclusive, and the disciplinary action selected for a particular offense will be chosen based on the facts of the specific situation taking into consideration any extenuating circumstances. These standards do not preclude the imposition of more or less severe penalties depending upon all circumstances surrounding a particular incident.

(a) Absence Without Authorized Leave. The failure to secure approval for an absence from work during the established shift or work period.
   1. First occurrence: Written reprimand.
   2. Second occurrence: Suspension.
   3. Third occurrence: Discharge.

Provided, however, that the failure to secure approval for an absence of two or more consecutive days shall be considered a second occurrence; and the failure to secure approval for an absence of three or more consecutive days shall be considered a third occurrence. This rule shall apply, but shall not be limited to, employees who fail to return to work as specified in an approved leave of absence.

(b) Abuse of Alcohol. Reporting to work under the influence of alcohol or consuming any alcoholic beverage while on duty.
   1. First offense: Suspension.
   2. Second offense: Discharge.

(NOTE: If any employee is determined to be an alcoholic or problem drinker, the employee shall be dealt with in accordance with the State Policy on Alcoholism, as adopted by the Administrative Commission.)

(c) Abuse of Sick Leave. Falsification by an employee of a notification of absence due to personal illness, injury or exposure to contagious disease.
   1. First occurrence: Suspension or discharge.
   2. Second occurrence: Suspension.

(d) Possession or Use of a Deadly Weapon or a Dangerous Material. Possession or use of firearms, fireworks of any description, explosives, chemicals which are disruptive, explosive, or corrosive in nature, or any weapon other than a common pocket knife.
   1. First occurrence: Suspension or discharge.
   2. Second occurrence: Suspension.

(e) Damage or Destruction of University Property or Equipment. The actual or attempted damage, destruction, or careless operation of university property or equipment which may or may not result in personal injury. (If personal injury does result, more severe discipline may be imposed.)
   1. First occurrence: Written reprimand to discharge.
   2. Second occurrence: Suspension or discharge.
   3. Third occurrence: Discharge.
(f) Conduct Unbecoming a Public Employee. Any act or acts on or off the job, that renders an employee ineffective within the university, affects the ability for acceptance by others, or poses a threat to the safety and well-being of members of the university community.

1. First occurrence: Suspension or discharge.
2. Second occurrence: Discharge.

(g) Conviction of a Misdemeanor or Felony. When an employee is convicted of a misdemeanor or felony as a result of a crime committed on or off the job and that conviction results in a negative effect on the employee’s ability or availability to perform the duties of the job whether immediate or in the future.

1. First occurrence: Suspension or discharge.
2. Second occurrence: Discharge.

(h) Absenteeism. The university has a right to expect that employees will be available to perform work with a reasonable degree of regularity and to conduct their personal business using accrued leave without the need to resort to the use of approved leave without pay. If there is a pattern of absence by the employee, such as consistent absence on the day preceding or following the employee’s regular days off, absence on the same day of each week or each month, or absences that occur with such frequency as to constitute a hardship on the office/department, these absences may be considered excessive.

1. First occurrence: Oral reprimand.
3. Third occurrence: Suspension.

(i) Tardiness. The failure to report to work at an established time at the beginning of the work shift, or the late return to work at the established time after lunch or rest period.

1. First occurrence: Oral reprimand.
3. Third occurrence: Suspension.

(j) Falsification of Records. The misrepresentation or omission of any facts, whether verbal or written, with the intent to defraud or otherwise mislead.

1. First occurrence: Written reprimand to discharge.
2. Second occurrence: Discharge.

(k) Fighting. A physical assault on or against another person.

1. First occurrence: Written reprimand to discharge.
2. Second occurrence: Discharge.

(l) Horseplay. Actions which are intended to be mischievous or prankish rather than malicious. If personal injury results, more severe disciplinary action up to and including suspension or discharge will be considered on the first occurrence.

1. First occurrence: Oral reprimand.
3. Third occurrence: Suspension.

(m) Insubordination. The unwillingness or refusal to comply with a direct order or any established work assignment of immediate supervisor or higher level supervisor.

1. First occurrence: Suspension.
2. Second occurrence: Discharge.

(n) Leaving Work Station Without Authorization. The unauthorized absence by an employee from the work station or duty assignment during the established work period or the leaving of a work station for a lunch or rest period without being properly relieved where that station must be maintained during such period.

1. First occurrence: Written reprimand to suspension.
2. Second occurrence: Suspension.
3. Third occurrence: Discharge.

(o) Loafing. The continued idleness or nonproductiveness during working hours which diverts the employee from performing assigned tasks. This includes wasting time, engaging in idle talk or gossip, or conducting personal business.

1. First occurrence: Oral reprimand to written reprimand.
2. Second occurrence: Written reprimand to suspension.
3. Third occurrence: Suspension to discharge.

(p) Misuse of Position. The misuse of powers of authority that accompany a position for personal advantages such as to assist friends or family for financial or other gains.

1. First occurrence: Written reprimand to discharge.
2. Second occurrence: Discharge.
(q) Misuse of University or University Controlled Property or Equipment. The unauthorized use of any university or university controlled property or equipment for any reason other than for official university business.
   1. First occurrence: Written reprimand to discharge.
   2. Second occurrence: Discharge.

(r) Neglect of Duty. Carelessness in omission of, or inattention to, the performance of assigned duties and responsibilities. Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence, or discretion.
   1. First occurrence: Written reprimand to discharge.
   2. Second occurrence: Discharge.

(s) Abuse of Drugs. Being under the influence of, being in possession of, the sale of, or the distribution of any controlled substances or illegal drugs while on duty. (This provision does not extend to prescribed use of prescription medications.)
   1. First offense: Suspension to discharge.
   2. Second offense: Discharge.

(t) Rudeness to Students, Staff or the Public. Impolite, discourteous, unprofessional, or uncooperative language or actions towards students, staff, or the public.
   1. First occurrence: Oral reprimand.
   3. Third occurrence: Suspension.

(u) Sexual Harassment. Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment, (2) submission to or rejection of such conduct by an individual is used as basis for employment or personnel decisions, or (3) when such conduct has the purpose or effect of substantially interfering with performance of work or creating an intimidating, hostile, or offensive working environment.
   1. First occurrence: Written reprimand to discharge.
   2. Second occurrence: Discharge.

(v) Sleeping While on Duty. The failure of an employee to remain awake while on duty during the established work shift.
   1. First occurrence: Suspension.
   2. Second occurrence: Discharge.

(w) Theft or Stealing. The unauthorized taking of any property or service.
   First occurrence: Discharge.

(x) Threatening and/or Abusive Language. The use of language which is threatening, profane, vulgar, or abusive.
   1. First occurrence: Written reprimand to discharge.
   2. Second occurrence: Discharge.

(y) Violation of Safety Practices. The failure to adhere to or follow established safety rules. This includes the failure to wear safety equipment and the performing of any unsafe action.
   1. First occurrence: Written reprimand to suspension.
   2. Second occurrence: Discharge.

(z) Willful Violation of a Provision of Law or State Board of Education or University Rule. The deliberate failure to abide by State Board of Education or University Rules or to follow the statutes governing employment by the State of Florida. This may include, but is not limited to giving or accepting a bribe, discrimination in employment, or illegal campaigning.
   1. First occurrence: Written reprimand to discharge.
   2. Second occurrence: Discharge.

(aa) Strike or Concerted Activity. Instigating or supporting in any manner a strike. A strike is defined by Florida Statute as: The concerted failure of employees to report for duty; the concerted absence of employees from their positions; the concerted stoppage of work by employees; the concerted submission of resignations by employees; the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with the university for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or participating in a deliberate and concerted course of conduct which adversely affects the services of the public employer; the concerted failure of employees to report for work after the expiration of a collective bargaining agreement; and picketing in furtherance of a work stoppage. The term “strike” shall also mean any overt preparation, including but not limited to, the establishment of strike funds with regard to the above activities.
   First occurrence: Discharge.

Specific Authority 1001.74(4), 1012.92 FS. Law Implemented 447.209, 1001.74(19), 1001.75(3), 1012.92 FS. History–New 1-10-82, Amended 10-26-82, 12-29-88, Formerly 6C7-3.191, Amended 3-2-94, 4-23-03.

6C7-3.026 USPS Sick Leave Pool.
(1) General.
The purpose of this rule is to establish a USPS Sick Leave Pool to allow full-time and part-time employees to voluntarily pool a portion of their unused sick leave and, upon depletion of their own sick, annual and compensatory leave, to draw leave credits from the pool as prescribed in subsections (2) and (3) below.

(2) Membership.
(a) Internal membership requirements are specified herein.
(b) Application for membership shall be in writing addressed to the pool administrator.
(c) Membership shall be allowed only during open enrollment periods conducted during March and September of each year or at such other times as may be announced by the president or the pool administrator to meet program needs.
(d) No employee shall be unreasonably denied enrollment in the sick leave pool.

(3) Administration.
(a) The Vice President for Administration and Finance will appoint four USPS employees who have elected to participate in the pool to serve as the pool’s committee. Each will be appointed to serve alternating two year terms. A fifth member will be appointed each year from the Staff Council to serve for one year.
(b) The Director of Human Resources or designee shall serve as pool administrator.
(c) The administrator shall have the authority to approve all recommendations of the sick leave pool committee.
(d) The duties of the pool committee and the administrator shall be as described herein.
(e) The pool shall be administered as described herein:
   1. Participating employees who require hospitalization or extended medical care as the result of any injury or illness which exhausts all of their accrued personal sick, annual and compensatory leave credits and which results in serious or major medical or health problems, may request permission to utilize leave credits from the pool.
   2. All requests for sick leave pool credit utilization shall be made in writing by, or for, the employee and shall be accompanied by medical verification of the injury or illness. These requests shall be reviewed by the pool committee which shall recommend the number of pool leave credits which may be utilized in each case.
   3. Employees who are not members of the sick leave pool at the time of a qualifying illness or injury shall not be eligible to utilize sick leave pool credits.

(4) Maintenance of Sick Leave Pool. The pool shall be maintained as described herein:
(a) Should the membership drop below 50 employees the pool shall become inactive and the remaining leave credits shall be prorated equally among the membership at time of inactivation.
(b) When the total credits available in the pool amount to 120 hours or less, it shall be considered to be depleted. Upon depletion, the pool members will be notified that eight hours of sick leave credit will be deducted from their account unless they inform the pool administrator (in writing within two weeks of the date of the notice), of their intention to discontinue membership.

Specific Authority 110.121, 1001.74(4) FS. Law Implemented 110.121, 1001.74(19), 1001.75(3) FS. History–New 12-12-83, Formerly 6C7-3.26, Amended 11-8-87, 1-6-93, 3-16-03.

6C7-3.0261 Faculty and A&P Sick Leave Pool.
(1) General.
(a) The purpose of this rule is to establish a Sick Leave Pool to allow full-time and part-time Faculty and A&P employees to voluntarily pool a portion of their unused sick leave and, upon depletion of their own sick, annual and compensatory leave, to draw leave credits from the pool as prescribed in subsections (2) and (3) below.
(b) Any sick leave pool established pursuant to this rule shall automatically terminate at the end of each fiscal year unless specific approval for continuation is secured from the president.

(2) Membership.
(a) Initial membership requirements are specified in Department of Management Services Rule 60L-11.003, F.A.C.
(b) Applications for membership shall be in writing addressed to the pool administrator.
(c) Following the initial open enrollment period, additional membership shall be allowed only during open enrollment periods conducted during March and September of each year or at such other times as may be prescribed by the sick leave pool committee.
(d) No employee shall be unreasonably denied enrollment in the sick leave pool.

(3) Administration.
(a) The president will appoint six Faculty or A&P employees who have elected to participate in the pool to serve as the pool’s committee. Four of these will be selected from the membership of the Faculty Senate. In addition he will appoint another participating employee to serve as pool administrator. Appointments will be for a two year period.
(b) All decisions of the committee shall be by majority vote of those present and shall require assent by at least three members. The committee’s findings shall be reported to the pool administrator who shall have the authority to approve the committee’s recommendations and to cast the deciding vote in case of a tie vote within the committee.
(c) The pool shall be administered as described in Rule 60L-11.002, F.A.C., and the following:
   1. Participating employees who require hospitalization or extended medical care as the result of catastrophic injury or illness which exhausts all of their accrued personal sick, annual and compensatory leave credits and which results in serious or major medical or health problems, may request permission to utilize leave credits from the pool.
2. All requests for sick leave pool credit utilization shall be made in writing by, or for, the employee and shall be accompanied by medical verification of the injury or illness. These requests shall be reviewed by the pool committee which shall decide the number of pool leave credits which may be utilized in each case.

3. After each 20 day utilization the employee must request additional sick leave pool credits.

4. The maximum number of sick leave pool credits which may be granted to an employee shall be sixty (60) days.

5. There shall be a two week period following depletion of an individual’s personal sick, annual and compensatory leave credits before pool credits may be used.

6. Employees who are not members of the sick leave pool at the time of a qualifying illness or injury shall not be eligible to utilize sick leave pool credits. Exceptions to this limitation may be made by the president after review and recommendation by the sick leave pool committee and the pool administrator.

(4) Maintenance of Sick Leave Pool. The pool shall be maintained in accordance with Rule 60L-11.002, F.A.C., and the following:

(a) The Sick Leave Pool shall not be activated unless a minimum of 50 employees agree initially to participate in the pool and deposit eight hours of their accrued sick leave therein. Following establishment, should the membership drop below 50 employees the pool shall become inactive and the remaining leave credits shall be prorated equally among the membership at time of inactivation.

(b) When the total credits available in the pool amount to 120 hours or less, the pool shall be considered to be depleted. Upon depletion, the pool members will be notified that eight hours of sick leave credit will be deducted from their account unless they inform the pool administrator (in writing within two weeks of the date of the notice), of their intention to discontinue membership.

6C7-3.0262 Meritorious Service Awards Program.

(1) The State University System (SUS) Meritorious Service Awards Program provides for the recognition of eligible employees.

(2) This university is authorized to expend State funds for recognition and awards to employees in compliance with this rule. Any award will be contingent upon the availability of funds. Nothing in this rule is intended to govern the expenditure of private funds to which the university may have access.

(3) The awards provided for herein shall acknowledge employee achievement in the following three components:

(a) Suggestion – A procedure or idea submitted by a faculty member, A&P or University Support Personnel System (USPS) employee that, when implemented, results in eliminating or reducing expenditures, improving operations, or generating additional revenues for the State University System. Three types of suggestions may be considered:

1. Tangible, i.e., having a measurable outcome in terms of cost savings or revenue generation.

2. Intangible, i.e., proposing improvements in procedures that enhance safety, convenience, etc., but cannot be calculated in dollar terms; or

3. Trigger, i.e., not directly providing the solution to the problem being addressed, but triggering the action necessary to bring about a solution that might have been overlooked otherwise.

(b) Superior Accomplishment – Exemplary performance by faculty members, or Administrative and Professional (A&P) or USPS employees, that is deemed to have significantly contributed to their respective fields, thereby reflecting positively on the caliber of the State University System.

(c) Service – Sustained satisfactory service with this university by faculty members, A&P or USPS employees.

1. Eligible employees will be recognized for service upon retirement.

2. Eligible USPS employees shall also be recognized upon achieving increments of five continuous years of satisfactory service at this university.

3. Eligible A&P employees shall be recognized upon achieving increments of ten continuous years of satisfactory service at this university.

(4) Suggestion Program Component.

(a) In order to be eligible, suggestions must be submitted on UCF Form No. HR 3 “Suggestion Form” (Rev. 02-03) and signed by the suggester(s). The Suggestion Form is hereby incorporated by reference and may be obtained from the UCF Human Resources Office. The following suggestions are ineligible:

1. Suggestions that deal with personal grievances or compensation and classification of individual positions;

2. Suggestions which could be implemented by the employee without prior clearance or approval from a supervisor or department chair and are a logical extension of an assigned duty and responsibility; or

3. Suggestions which are a duplicate of, or significantly similar to, a suggestion which has been adopted by another university of the SUS.

(b) Suggestion System Coordinator. The Suggestion System Coordinator is responsible for the suggestion component by administering internal procedures for the timely processing of suggestions.

(c) Employee Suggestions.
1. Employee suggestions shall be processed and a final determination made by 90 days from the date received by the Coordinator. Adoption of an employee suggestion must be made within this prescribed period. Extensions, not to exceed another 90 days, may be granted by the chief administrative officer based on the following criteria:
   a. The suggestion was properly documented, and failure to make a final determination within 90 days was not caused by any action of the employee making the suggestion.
   b. The Director of Human Resources recommends the extension.
2. When an employee’s suggestion is significantly modified during the evaluation process so that the suggestion is adopted in a different form, the employee shall be eligible for an award if the original suggestion was directly responsible for the university taking action; under these circumstances the suggestion will be deemed a “trigger”.
3. A suggestion which is not adopted will be kept on file for one year from the date it was originally received by the Coordinator. The original suggestion will be available for an award as provided by this rule if the suggestion is adopted during this time. Thereafter, the suggestion must be resubmitted by any eligible employee before it can be reconsidered.
4. If a university adopts and implements a suggestion previously implemented by another university, the suggester will not be entitled to any additional monetary award.
5. A suggestion may be made by a group of employees and the amount of any award shall be divided among those employees making the suggestion.
6. Tangible suggestions may be recognized through cash awards, U. S. Savings Bonds, or other items in lieu of cash. Normally the amount of cash of the cost of bonds or other items shall not exceed 10% of the first year’s savings or revenue increases.
   a. Cash awards for tangible suggestions will be made after the suggestion has been implemented and actual savings or revenue for the first year have been calculated. However, a partial award shall be made if the university wishes to provide recognition to an employee in a more timely manner and chooses to measure benefits on a quarterly or semester basis. Final payment should be paid promptly after the first year’s savings or revenue has been documented.
   b. Any payment of cash to an employee as the result of fraudulent action award must be recovered from the employee.
7. The amount of a cash award for an intangible or “trigger” suggestion that is adopted should be based on a prorated measure of the suggestion’s worth, not to exceed $300. U. S. Savings Bonds or other items awarded in lieu of cash shall not exceed $300 in cost. The university may award certificates, pins, plaques, letters of commendation, or other appropriate tokens of recognition in lieu of cash to honor eligible employees for intangible or “trigger” awards, provided that the cost of the token does not exceed $50.
8. The acceptance of an award for any suggestion adopted through this program shall constitute an agreement by the employee that the employee waives all claims, immediate and future, on the State of Florida, regardless of the use of the suggestion.
(5) Superior Accomplishment Component.
   (a) Awards for superior accomplishment may be presented to eligible employees on an individual basis or collectively for outstanding group performance.
   (b) No award granted under the superior accomplishment component shall exceed $1,000.
   (c) The university may award certificates, pins, plaques, letters of commendation, or other appropriate tokens of recognition for superior accomplishment, provided that the cost of the token does not exceed $50.
(6) Service Award Component.
   (a) The university recognizes eligible retiring employees whose service has been satisfactory. Awards for retirees may take the form of suitable framed certificates, pins, or other tokens of recognition and appreciation, provided such awards do not cost in excess of $50 each.
   (b) The university recognizes eligible employees who have attained sustained satisfactory service in increments of five years (for USPS or ten years for A&P). Awards for satisfactory service may take the form of suitable framed certificates, pins, or other tokens of recognition, provided such awards do not cost in excess of $50 each.
(7) The university’s Director of Human Resources shall be responsible for regular monitoring of departments in order to gather data regarding the number of individual employees being recognized under any component of this program and the monetary impact of such recognition.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3) FS. History–New 8-30-87, Amended 5-11-89, 10-6-91, 4-23-03.

6C7-3.030 Confidential Information Policy for Faculty.
Information which reflects evaluations of employees performance and which is used in promotion, tenure, annual, and other evaluation processes constitutes confidential information which may be disclosed only to those individuals who participate in the process, upon written authorization of the employee, or upon order of a court of competent jurisdiction. However, records comprising the core items contained in the State University System Assessment of Instruction or a comparable instrument for student evaluation of faculty are not confidential, if created after July 1, 1995.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3), 1012.91 FS. History–New 10-14-92, Amended 3-16-03.
6C7-3.032 Faculty Annual Assignments.

(1) Policy. All full-time tenured, tenure-earning, and recurring non-tenure-earning faculty shall receive an annual assignment. This annual assignment should be given to the faculty member no later than six weeks prior to the starting date of the assignment, if practicable.

(2) Scope. Faculty have a professional obligation to complete assigned duties, including instructional activities, research and creative activities, public service and professional activities, university governance, academic administration, leave of absence with pay, and release time for other approved activities.

(3) Full Time Equivalence (FTE). Faculty assignments for full-time faculty are based on a minimum 40-hour workweek. FTE is assigned to faculty regularly assigned duties in such proportion to each duty as to reach a 1.0 FTE. The FTE figures are estimates for the total academic year and may vary by semester. If a revised semester assignment will result in significant changes in the annual FTE distribution, a new assignment form shall be completed.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(19), 1001.75(3), 1012.94 FS. History–New 3-16-03.
6C7-4.007 Property Control.

(1) All non-expendable tangible personal property, the value of which is $1,000 or more per item, and any other items at the discretion of the University Controller, acquired by purchase, grant, transfer, donation or manufacture shall be accounted for on a University property record. University Departmental custodians will be appointed to conduct or assist with the annual inventories, maintain control over movement, and report any cases of loss or damage to the University’s Property Board.
(2) The Property Board may relieve persons from accountability and/or responsibility in cases up to $5,000 and make recommendations on losses over $5,000 to the Vice President for Administration and Finance.

(3) The Vice President for Administration and Finance shall act on any recommendations requiring that an individual be held pecuniarily responsible for loss or damage to property.

(4) Additional information regarding the establishment of property records, custodian’s actions, property board duties, to see the University of Central Florida Procedural Manual. Number 4102, Revised 7-1-96.

(5) See Rule 6C-5.016, F.A.C., for rules as to the use of University property.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6) FS. History–New 10-8-75, Amended 3-22-76, Formerly 6C7-4.07, Amended 3-16-03.

6C7-4.008 Razing of Building.

(1) The President shall authorize the razing or other disposition of buildings or minor structures of less than 5,000 square feet gross area which, in his opinion, should not continue to be used for University purposes. The criteria for determination by the University President with respect to such razing or disposition may include but are not limited to:

(a) Consideration of the safety for continued occupancy of the structure;
(b) The cost of its maintenance or upkeep; and
(c) Alternative uses of the site upon which the structure is presently located including its use for new construction.

(2) For buildings whose gross area is 5,000 square feet or greater, razing or disposition shall require the authorization of the University Board of Trustees upon the recommendation of the President.

(3) A report of each building razed or otherwise disposed of shall be filed with the State Board of Education.

Specific Authority 120.54, 1001.74(4), (6) FS. Law Implemented 120.54, 1001.74(6) FS. History–New 10-8-75, Formerly 6C7-4.08, Amended 4-27-03.

6C7-4.010 Solicitation on Campus.

(1) Off-campus profit making businesses and interests will not be permitted to post materials or make handouts on campus except as provided below.

(2) Permissible. Advertising, promotional, or informational materials designed for position or display inside and outside University Buildings are restricted to official bulletin boards or areas approved in advance by the Building Manager based upon the relationship of the materials to the University’s mission.

(3) All signs, posters, etc. must receive approval by official stamp of the Director of the Student Union prior to display.

(4) Solicitors and tradesmen, including students, faculty and other University personnel, are prohibited from conducting business transactions with individuals or organizations on campus unless a permit has been issued. Permits to conduct such business with students and student organizations may be issued by the Director of Student Union, and Recreation and Wellness Center for all others by the Director of Business Services based upon a determination of the relative benefit to students.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6) FS. History–New 10-8-75, Amended 10-30-78, Formerly 6C7-4.10, Amended 4-27-03.

6C7-4.013 Budgets of University of Central Florida.

(1) Budgets for the operation of the University of Central Florida shall be submitted by the University Board of Trustees to the Board of Governors at a time and in the form designated by the Board of Governors. All budgets, before becoming final, must be approved by the appropriate authorities, except for any funds that are exempted from this requirement which will require only approval of the UCF President or his designee.

(2) The budgets of the University of Central Florida after final approval by the University Board of Trustees, or for any exempted from the foregoing requirement (item 1) by the UCF President or his Designee, become the basis of operations during the fiscal year, subject to the rules and regulations formulated by the Board of Governors providing for budget revisions and amendments. The University Board of Trustees delegates to the President or his designee the authority to amend the initially approved operating budgets during the year.

(3) Proposed salary increases for University of Central Florida employees shall not become effective until after budgets have been approved by the appropriate authorities or special authority has been given to implement the salary portion of the budgets by appropriate authorities.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(12) FS. History–New 10-8-75, Formerly 6C7-4.13, Amended 3-16-03.

6C7-4.014 Investments.

(1) Any idle (e.g., not required to be disbursed within 30 days) University funds shall be invested in U. S. Government securities, or such other securities as may be designated by the State Board of Administration pursuant to Section 215.44, F.S. (See also Dept. of Banking & Finance Rules Part VII Chapter 3A-40, F.A.C.)
Any idle agency and activity funds of the University shall be invested in U. S. Government securities, or local bank saving accounts, or local bank certificates of deposits. Earnings from investments of University funds may be used for operating expenses. The University Controller under the direction of the Vice President for Administration and Finance, shall be responsible for investing funds, liquidating investments and maintaining adequate cash balances to meet current cash requirements. Securities in funds belonging to the University and held in accounts belonging to the University shall be purchased through authorized local banks by the University’s Controller. Securities, savings accounts, certificates of deposits in accounts belonging to the University shall be purchased through authorized local banks by the University’s Controller. All investments shall be duly recorded on records maintained in the University’s Finance and Accounting Department.

Specific Authority 1001.74(4) FS. Law Implemented 1011.42(5) FS. History–New 10-8-75, Amended 7-14-80, Formerly 6C7-4.14, Amended 3-16-03.

6C7-4.019 Fee Policy - Payments.
(1) Tuition, Registration, Special Fees and Fines schedules that are authorized by Board of Governors Rules 6C-7.001 and 6C-7.003, F.A.C., are collected by the university.
(2) Past Debts: Prior to registration for any term, students must satisfy all due/delinquent amounts owed to the university.
(3) At the time of registration, each student will be furnished with an invoice for all tuition and registration fees due. This invoice will be updated whenever the student adds or drops a course during the scheduled “add/drop” period.
(4) Except in the cases of authorized deferred payment the University Finance and Accounting Office of Student Accounts will notify the Registrar’s Office to cancel the registration of any student who fails to pay required tuition and registration fees by midnight of the last day of the official “add/drop” period.
(5) Students who fail to pay fees by the published deadline and whose registration is cancelled in accordance with subsection (4) above and who feel they have justification for their failure to pay fees, may apply to Committee for Resolving Fee Payment Questions (appointed pursuant to Rule 6C7-1.014, F.A.C.), for approval to pay the cancelled fee assessment. If late payment of fees is approved by the Committee, the student will automatically be reinstated in all courses in which they originally enrolled. A $100.00 late payment fee as established pursuant to Section 1009.24(12), Florida Statutes will be assessed to each student whose application for reinstatement is approved unless the fee is specifically waived by the Committee for Resolving Fee Payment Questions.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(11), 1009.24 FS. History–New 10-8-75, Amended 8-4-82, Formerly 6C7-4.19, Amended 4-27-03.

6C7-4.022 Deferred Payment Status.
(1) This rule provides a method whereby student fee payments shall be deferred under the circumstances listed herein.
(2) The University Controller or designee shall award deferred payment status upon application by a student on grounds that:
(a) Eligibility for the deferral guaranteed to students receiving veterans education assistance benefits or other benefits from federal or state assistance programs, where such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. One 90 day deferment shall be granted for each full semester and one 30 day deferment for each summer or mini-semester. OR
(b) Formal arrangements have been made with the university for payment by an acceptable third party. OR
(c) The student is being processed to receive financial aid from the university’s financial aid office. OR
(d) Extraordinary circumstances exist and the deferral has the concurrence of the Committee for Resolving Fee Payment Questions.

Specific Authority 1001.74(4) FS. Law Implemented 1007.74(11) FS. History–New 10-8-75, Amended 1-7-82, Formerly 6C7-4.22, Amended 10-14-03.

6C7-4.029 Use of University Buildings and Grounds.
(1) University buildings and grounds which constitute the facilities of the University are used primarily for the official and regular conduct of the University’s business. Buildings and campus areas are available for functions originating within the divisions, colleges, departments and offices of the university, as well as direct support organizations established or recognized pursuant to Rules of the University.
(2) In the event facilities are available for uses other than as described above, particular facilities may be assigned on a noninterference basis for use in the following order of priority:
(a) Meetings, events and functions sponsored by University related organizations;
(b) Meetings, events and functions sponsored by other local or state agencies, or agencies of the Federal Government;
(c) Meetings, events and functions sponsored by nonprofit organizations where a purpose of the meeting, event or function is to further the educational mission of the University;
(d) Meetings, events and functions sponsored by other organizations which the University determines further the interests of the Community.

(3) No commercial activities, including outside food service, shall be permitted on University premises by any University related or non-University related organization during, or in conjunction with, any meeting, event or function without the specific written approval of the University Vice President for Administration and Finance or designee based upon the needs of the University.

(4) The general public shall be deemed to have access to all yards, walkways, pavilions, libraries, book stores, and parking lots (assuming vehicles have appropriate parking permits) on the campus. Unless invited, the general public shall not have access to lecture halls, classroom buildings, classrooms, laboratories, dormitories, research areas, faculty or staff offices, or other buildings and areas specifically reserved as University housing areas or for University teaching, research, administration, recreation, and athletic activities.

(5) University facilities shall not be used for any purpose which will impair or interfere with the orderly processes and functions of the University, or which pose an unreasonable and immediate threat to the safety of University students and personnel or to property on campus, or are otherwise contrary to law. University athletic facilities may be used for personal recreation purposes by UCF employees, students and their immediate families providing such use is authorized by the department controlling the facility.

(6) Facilities shall not be used for any purpose other than that for which they were designed, nor will any use be permitted which will likely cause bodily injury or property damage or both.

(7) Unless specifically waived by the University Vice President for Administration and Finance based upon the financial status of an organization, non-university related organizations must provide with their application a certificate of insurance provided by a corporation licensed to do business in the State of Florida, indemnifying and saving harmless the University and the Board of Governors, their officers and employees from any and all liability, whatever its nature or description, caused by or resulting from the use or proposed use of the University facilities, in an amount not less than $100,000 per individual and $500,000 per occurrence, and $100,000 for property damage per event, or such further amounts as the Vice President for Administration and Finance deems appropriate based upon financial status and nature of the event.

(8) Except for facilities used for scheduled educational purposes, no outside organization will be permitted to utilize University facilities on any basis until such organization shall provide the name of a University faculty or staff member officially representing a department, administrative unit or a registered student organization who shall serve as University sponsor of the meeting, event or function and shall be present in person, or through a designee acceptable to the University, throughout the meeting, event or function which takes place on campus.

(9) Use of University facilities made pursuant to subsection (2) above may be subject to the rental and/or service charges established by Rule 6C7-4.0291, F.A.C.

(10) As an exception to the foregoing, space within the Student Union and the Student Services Buildings, if otherwise available, may be used for student events and other activities where no major expenditures of University, state, or public resources are required, and where the primary beneficiaries of such use are students, staff, and faculty.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6) FS. History–New 10-8-75, Amended 10-20-81, 5-5-83, Formerly 6C7-4.29, Amended 10-19-86, 4-27-03.

6C7-4.0291 Charges and Applications for the Use of UCF Buildings and Grounds.

(1) This rule supplements UCF Rule 6C7-4.029, F.A.C. The amounts chargeable for the use of UCF buildings and grounds pursuant to this rule are listed below:

(2) Rental and Service Charges:

(a) Rental Charges:

1. No rental charges shall be made when buildings and/or grounds are used for the following:
   a. Education or academic classrooms for courses conducted by a UCF department, accredited educational institution, or testing organization sponsored by a university department.
   b. Use by a recognized student organization or employee group when no admission is charged or when the admission charged is solely for the purpose of offsetting the cost the group incurs in holding the event.
   c. Uses determined by the Vice President for Administration and Finance to result in benefit to the university community.

2. When charged, rental rates shall conform to the schedule shown below:

(b) Service Charges:

1. Service charges shall be levied in an amount sufficient to reimburse the university department whose facilities are being used for any direct OPS and/or overtime costs (including benefits) expended by that department in order to prepare for, operate equipment and/or furnish personnel during and clean up after an event.

2. No service charge will be made for use of buildings and grounds for university classes.

3. No service charge will be made for classes conducted at an area campus or at FSEC when those classes are sponsored by the campus or center director.

(c) Rental Rates for UCF Building and Grounds:
## Applications for Use of Buildings and Grounds

(a) Organizations authorized by Rule 6C7-4.029, F.A.C., to use UCF facilities shall apply for permission for such use on UCF supplied forms.

(b) Upon receipt of a properly completed application, the applicable office shown above will secure all necessary internal concurrences and notify the applicant of approval or disapproval of the request.

<table>
<thead>
<tr>
<th>Building</th>
<th>Contact</th>
<th>*Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education Building</td>
<td>Facilities Coordinator</td>
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</tr>
<tr>
<td>Gym</td>
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<tr>
<td>Multipurpose Room</td>
<td>Assistant Director for Conferences</td>
<td>Plan I ¹ $24/day Plan II ²$29/day</td>
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<td>Dormitories</td>
<td>Residence Halls</td>
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<td>Lake Claire Apartments</td>
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<td>Academic Village Apartments</td>
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<td>Wired Café</td>
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<tr>
<td>Student Center Auditorium</td>
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<td>Arena</td>
<td>Director for Arena</td>
<td>Non-for-Profit Organization $2,000/Day ³ $2,500/Day ³</td>
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<td>Intramural Fields</td>
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</table>

*All costs are subject to change. Additional service charges may apply. Contact responsible area for current information.

1 Includes furnishings only
2 Includes furnishings and linens
3 $2500/day or 10% of gross ticket sales
(c) In those instances where gross income determines the final rental charge, the applicant shall pay in advance the applicable flat rate charge and shall make arrangements with the university to supplement this payment, if appropriate, immediately after the event.

(4) UCF Equipment.
(a) The applicant may request the use of UCF equipment that is permanently located in the facility to be used. Permission for such use must be secured from the department in charge thereof and that department may require the presence of an approved equipment operator and, if it furnishes the operator, the assessment of a service charge.
(b) If other UCF equipment is needed, the applicant should request the sponsor to determine availability and make arrangements to have the equipment on hand.

(5) The University's approval for the use of its facilities under this rule does not imply any obligation on its part to furnish equipment.

(6) Additional Conditions of Rental. All rentals of university buildings and grounds shall be subject to such additional conditions as may be imposed by the university from time to time.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6) FS. History–New 10-20-81, Formerly 6C7-4.291, Amended 4-27-03.

6C7-4.0292 Potentially Hazardous Events.

(1) Scope.
(a) This rule applies to the holding of potentially hazardous events on university controlled property. Excepted from this rule are official events which are scheduled annually in university publications (classes, orientation, registration, etc.).
(b) A potentially hazardous event is defined as any activity that might possibly result in some degree of harm to persons or in defacement or damage to public or private property. Examples include, but are not limited to: bonfires; use of firearms, explosives or munitions; fireworks; helicopter or other aircraft landings; low level aircraft demonstrations or fly-bys; motor vehicle races; gatherings in excess of 150 persons, including unregistered campus athletic events.

(2) Required Approvals.
(a) Except as otherwise provided in paragraph (1)(a) above, any university or non-university person or organization must secure approval in advance before conducting or publicly announcing intent to conduct a potentially hazardous event on university controlled property. In the case of a university person, concurrence of the individual’s supervisor is required in advance.
(b) Applications for approval shall be made in writing to the university’s Director of Public Safety and Police on a University approved Form, 40-2 (effective 1-2-87) entitled “Application to Conduct a Potentially Hazardous Event”, at least 15 calendar days in advance of the proposed event, unless this time limit is waived by the director. The Director of Public Safety and Police will, upon request, furnish the applicant with blank copies of this form.
(c) Each application shall be accompanied by proof of insurance as specified in subsection (6) below.
(d) The Director of Public Safety and Police will circulate applications received to the following university officials for their information and approval and will advise the applicant of the university’s approval or disapproval:
   1. Director of Environmental Health and Safety.
   2. Director of Physical Plant.
   3. Risk Manager.
   4. Director of Student Union and Recreation and Wellness Center.
(3) Cancellations and Terminations.
(a) Application or approval for conducting a potentially hazardous event may be cancelled by either the applicant or the university upon giving written notice to the other party.
(b) Any event may be terminated at any stage by the university Director of Police and Public Safety if that official determines that the event is not being conducted strictly in accordance with the terms of the approved application, or in the event of disruptive or unsafe situations.

(4) Applicant’s Responsibility. In addition to securing university approval to conduct the event, applicants shall be responsible that:
(a) The event is conducted as described in the approved application including any requirements thereon for clean-up, extra security, etc.
(b) All restrictions placed on the event by the university are followed.
(5) University Assistance. If facilities and personnel are available, the university may be able to assist applicants by providing security, clean-up crews, etc., at cost. However, there is no assurance that such assistance will be available for any specific event.

(6) Insurance Requirements.
(a) All potentially hazardous events must be covered by liability insurance in amounts appropriate for the event as determined by the University.
(b) University departments acting as applicants shall contact the university’s insurance office to determine if the current UCF liability coverage provides the required protection or if a special rider must be obtained. Cost of such rider shall be charged to the applying department’s account.
(c) All other applicants must furnish at their own cost appropriate proof of adequate insurance from a surety firm licensed to do business in the State of Florida by the Florida Department of Insurance.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6) FS. History–New 5-28-85, Formerly 6C7-4.292, Amended 12-22-86, 7-27-92, 4-27-03.

6C7-4.0293 Free Assembly Areas.

(1) University Buildings and Grounds may be scheduled for political activity and other exercises of free speech and assembly in areas specifically designated for that purpose by the President or designee. Such use must be on a noninterference basis with the conduct of classes or other normal activities of the university. Determination of what constitutes interference shall be made by the university president or designee in the best interests of the university.

(2) In the absence of specific designation made pursuant to subsection (1) above, and subject to other regulations of the university regarding the assembly of large numbers of people, the use of sound amplification equipment, and maintenance of free access to all university facilities, four areas shall be deemed “Free Assembly Areas” for the conduct of political activity and other exercises of free speech:

(a) The open grass area between the Student Government Kiosk and the Math and Physics Building as bounded by Apollo Circle and the sidewalks leading to the southwest entrance of the Math and Physics Building.

(b) The brick mall area between the John T. Washington Center and the Student Union.

(c) Open grass area bounded by the Chemistry Building and Apollo Circle to the north and south and the sidewalks to the east and west.

(d) The grounds near the northeast corner of the Arena, across the entry driveway and the service access road at that northeast corner.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6) FS. History–New 10-19-86, Amended 3-16-03.

6C7-4.030 Boating on University Lakes.

It shall be the policy at University of Central Florida that the lakes on its campus are considered natural elements contributing to the beauty of the campus and its surroundings. Therefore, in order to maintain the lakes in the most natural state possible and to protect the wildlife, fish, and shorelines, as well as the lives of persons swimming or otherwise enjoying the lake, boats using motors will not be permitted thereon. Boats using human energy or other non-mechanical propulsion devices shall be encouraged. The exception to the use of motor powered boats shall be those maintained by the Security Offices for rescue purposes.

Specific Authority 120.53(1), 240.227(1) FS., 6C-5.016, F.A.C. Law Implemented 240.227 FS. History–New 10-8-75, Formerly 6C7-4.30.

6C7-4.031 Assignment and Use of University Vehicles.

(1) All vehicles owned, rented or otherwise contracted by the University shall be operated in consonance with the following policies and implementing regulations.

(a) These vehicles will be used only for official business or to relieve emergency situations where the protection of life or property is involved and there is no other means of transportation available.

(b) Department heads requesting and/or authorizing the use of University controlled vehicles are responsible that such use is for official business.

(c) Only drivers authorized under these procedures shall be permitted to drive these vehicles.

(d) Only on special occasions in connection with official travel being performed in state owned or rented vehicles, when it has been determined by a University Vice President that the purposes of the travel can be more usefully served by including persons other than state officials, employers, or students, such persons may be authorized to travel in such vehicles provided no expense to the state is involved.

(2) Compliance with Parking and Traffic Regulations. University owned or leased vehicles shall be operated in accordance with all state, county, municipal and university parking rules and regulations.

(3) Responsibilities of Operators of University Vehicles. Persons operating university owned or leased vehicles are personally responsible that these vehicles are operated in accordance with all applicable state, county, and local motor vehicle traffic and parking ordinances and regulations.

(4) Payment of Traffic and Parking Violation Citations (Fines). All traffic and parking citations issued to a university owned or leased vehicle shall be paid by the operator of the vehicle whose actions caused the citation to be issued. Such citations that are not paid directly by the responsible individual may have to be paid by the university and in such case the university shall have the power to recover the amount paid directly from that individual.

Specific Authority 1001.74(4) FS. Law Implemented 316.1967, 1001.74(6) FS. History–New 10-8-75, Formerly 6C7-4.31, Amended 1-20-87, 3-16-03.
6C7-4.033 Delinquent Accounts Receivable.

(1) The University shall enforce the collection of all delinquent unpaid and uncancelled accounts receivable through the use of lawful procedures.

(2) Collection efforts may include the employment of the services of a collection agency. However, no collection agency shall be paid a commission in excess of 35 percent of the amount collected.

(3) In addition, students with delinquent accounts shall not be permitted to register and shall have a “hold” placed on their records based on current university collection procedures. This hold shall continue in force until the student debt is paid, settled, or discharged through federal court bankruptcy proceedings. If the student account is charged off pursuant to the procedures in subsection (4) below, the hold will continue in force until the indebtedness is paid, settled, or discharged.

(4) Except for such delinquent, unpaid and uncancelled scholarship loan notes and student loan agreements as may be collected pursuant to Rule 6A-7.0395, F.A.C., by the Department of Education:
   a. The Student Accounts Office is authorized to charge off as uncollectable delinquent accounts with past due balances of $500 or less when those accounts become six (6) months past due and the cost of further collection effort or assignment to a collection agency would not be warranted.
   b. The University Controller is authorized to settle or charge off as uncollectable delinquent accounts under $1000.00 after all reasonable and lawful collection attempts have failed.
   c. The Vice President for Administration and Finance is authorized to institute settlement or charge-off procedures for uncollectible delinquent accounts over $1000.00 after all reasonable and lawful collection attempts have failed.

Specific Authority 1001.74(4) FS. Law Implemented 1010.03 FS. History–New 7-14-80, Formerly 6C7-4.33, Amended 4-27-03.

6C7-4.034 University Direct Support Organizations.

(1) As provided in Section 1004.28, Florida Statutes, a Direct Support Organization is an organization that is certified by the University of Central Florida Board of Trustees as operating in a manner consistent with the goals of the University and the best interest of the State.

(2) To obtain certification as a Direct Support Organization, the organization must submit to the Board of Trustees the following:
   a. The proposed Articles of Incorporation.
   b. The proposed Bylaws, which shall describe the operating procedures and specific individual responsibilities of the Board of Directors, committees, and officers of the organization.

(3) The Articles of Incorporation and the Bylaws, together, shall provide that:
   a. Persons employed by the organization shall not be considered to be employees of the State of Florida by virtue of employment by the organization.
   b. The chief executive officer or director of the organization shall be selected and appointed by the governing board of the organization, subject to prior approval by the President of the University. The director or chief executive officer shall report to the President of the University or the President’s designee, who shall be a vice president or other senior officer reporting directly to the President.
   c. The chair of the Board of Trustees may appoint a representative to the board of directors and executive committee of the organization, and the President of the University or his/her designee will serve on the board of directors and executive committee of the organization.
   d. Any subsequent amendments to the Articles of Incorporation or Bylaws of the organization must be submitted to the Board of Trustees for approval prior to becoming effective.
   e. The organization shall provide equal employment opportunities for all persons regardless of race, color, religion, gender, age, or national origin.

(4) Upon certification by the Board of Trustees, a direct support organization is authorized to use the property, facilities and personal services of the University.

(5) The President of the University shall have the authority to monitor and control the use of University name and resources by the organization, monitor compliance of the organization with state and federal laws and rules of the Board of Trustees, and approve salary supplements and other compensation or benefits paid to the University faculty and staff from organization assets.

(6) The President of the University shall determine the compensation of athletic personnel from organization assets and such authority may not be delegated.

(7) A Direct Support Organization shall prepare, at least annually, a budget to be reviewed and approved by the organization’s governing board and recommended by the president of the University to the Board of Trustees for review.

(8) The Direct Support Organization shall prepare quarterly Expenditure plans for review and approval by the President or designee, who shall be a vice president or other senior officer of the university reporting directly to the President.

(9) Direct support organizations shall provide for an annual audit by an independent certified public accountant, as prescribed by applicable law and rules, which shall be forwarded to the Board of Trustees for review and oversight.
(10) The University President may request that the Board of Trustees decertify a direct support organization if the President determines that the organization is no longer serving the best interest of the university. The request for decertification shall include a plan for disposition of the direct support organization’s assets and liabilities.

(11) The organization shall comply with all other obligations required by law, including those required by Section 1004.28, Florida Statutes.

Specific Authority 1001.74(4), 1004.28(2)(b) FS. Law Implemented 1001.74(37), 1004.28 FS. History–New 4-3-03.
CHAPTER 6C7-5 STUDENTS

6C7-5.001 Student Affairs. (Repealed)
6C7-5.002 Institutional Responsibility for Student Life. (Repealed)
6C7-5.0021 Student Government and Organizations.
6C7-5.0022 Social Fraternities and Sororities. (Repealed)
6C7-5.003 Student Rights and Responsibilities.
6C7-5.0031 Student Grievance Procedure. (Repealed)
6C7-5.0032 Student Affairs Advisory and Judicial Boards. (Repealed)
6C7-5.0033 Religious Observances. (Repealed)
6C7-5.004 Student Indebtedness. (Repealed)
6C7-5.0041 Student Discipline.
6C7-5.0042 Student Academic Behavior.
6C7-5.0043 Student Grade Appeals. (Repealed)
6C7-5.00431 Student Academic Appeals.
6C7-5.0044 Sexual Misconduct.
6C7-5.005 Housing. (Repealed)
6C7-5.0051 Greek Park House Director Guidelines. (Repealed)
6C7-5.006 Residence Hall Visitation - and Overnight Guests. (Repealed)
6C7-5.008 Access to Student Records. (Repealed)
6C7-5.009 Financial Aid. (Repealed)
6C7-5.010 Student Disruptive Conduct. (Repealed)
6C7-5.011 Student Health Services. (Repealed)
6C7-5.012 Use of Alcoholic Beverages on University Premises. (Repealed)
6C7-5.013 University Events Which May Be Potentially Dangerous. (Repealed)
6C7-5.014 Hepatitis B Virus (HBV) Vaccination. (Repealed)

6C7-5.0021 Student Government and Organizations.
   (1) Student Government.
   (a) Student Government shall be the official representative of all students and student functions on campus with the recognition
   that the ultimate authority for University affairs rests with the University’s Board of Trustees, President or their designee.
   (b) Student Government is authorized to make recommendations through the Vice President for Student Development and
   Enrollment Services concerning all University policies, regulations and operating procedures which significantly affect students
   and is authorized to nominate students to serve on University committees, councils and boards which have student membership or
   representation.
   (c) Subject to the approval of the President, Student Government may adopt a constitution and by-laws, establish appointed or
   elected offices and recommend employment of personnel required to carry out its functions.
   (d) Through its own constitutional procedures and in accordance with Section 1009.24(9)(b), Florida Statutes, Student
   Government may determine the allocation and use of that portion of University fees fixed by law and designated as Activity and
   Service Fees.
   (e) All Activity and Service Fees shall be maintained in accounts kept by the UCF Finance and Accounting Office. All
   contracts and purchases shall be made in accordance with university rules, and all appointments and payments of personnel shall be
   made in accordance with University personnel and payment procedures.
   (f) Student Government shall make arrangements for audits of all accounts which receive and/or expend Activity and Service
   Fees.
   (g) At the end of each university fiscal year, unexpended Activity and Service Fees shall revert to Student Government for
   reallocation in the subsequent year.
   (2) Student Organizations.
   (a) Any student association, group, or organization other than the Student Government Association whose objectives are
   consistent with the organizational goals and mission of the University is eligible for active registration. Registration is permitted
   and completed upon the recommendation of the Student Government Association, the review and concurrence of the Office of
   Student Activities and approval of Associate Vice President for Campus Life or designee.
   (b) Registration of student organizations by the University shall not imply support for any student organization’s purpose,
   philosophy, or activities. The University will not assume any legal liability for any student organization’s activities.
(c) To be considered for registration, a student organization must submit in writing to the Office of Student Activities a list of 12 (8 at area campuses) UCF student members and their UCF ID numbers, a list of all officers and their UCF ID numbers, the signature of all officers and the faculty/staff advisor(s), and the organization’s constitution. In seeking, securing and maintaining the privilege to be registered, each student organization must agree in writing to abide by all University policies, procedures, and regulations and to hold harmless the University for any actions or activities of the organization.

(d) Student Organizations registered by the University shall be granted the following privileges as provided below:

1. The privilege to use university facilities depending on availability, program and guidelines,
2. The privilege to request Student Government Association funds,
3. The privilege to establish dues and sponsor money raising projects,
4. The privilege to use the University’s name as part of the organization’s name,
5. The privilege to invite guest speakers to campus, and
6. The privilege to grant awards and honors to organization members.

(e) Organizations which violate University regulations are subject to disciplinary action as described elsewhere in these rules. Such action shall include:

1. Recommendation for Charter Revocation: An official request to a national office that the local chapter’s charter be revoked.
2. Revocation of UCF Registration: Permanent severance of the organization’s relationship with UCF.
3. Suspension of UCF Registration: Temporary severance of the organization’s relationship with UCF for a specific period of time. The period of time and any requirements that must be satisfied before re-registration must be specified in the decision of the hearing panel.
4. Probation: Temporary restrictions of certain activities on the part of the organization as defined by the hearing panel and/or an officially sanctioned status of the organization whereas further violations of UCF policy could result in suspension, revocation of registration, etc.
5. Restitution: Reimbursement for a loss caused by the organization’s actions.
6. Community Service: Assignment to work a specific number of hours at a community service agency or project.
7. Mediation: Official mediation between the organization and any offended parties.
8. Restrictions: Restriction of some or all of the organization’s activities or privileges, including, but not limited to, social activities, intramural competition, organizational competition, Homecoming, etc.
9. Organizational Suspension (see Administrative Action). Note: disposition of administrative action may be extended in cases involving student organizations.
10. Required Educational Programs: Alcohol awareness programs, risk management programs, etc. for a specified percentage of organizational membership.

Specific Authority 1001.74(4) FS. Law Implemented 1006.20(2), 1009.24 FS. History–New 11-8-79, Amended 12-4-83, Formerly 6C7-5.021, Amended 4-23-03.

6C7-5.003 Student Rights and Responsibilities.

Student Rights.

(1) Upon enrollment, students are entitled to the following freedoms and rights. Provided the exercise thereof is accomplished in accordance with University procedures and does not result in disruption or disturbance as elsewhere described in the rules:

(a) Participation in Student Government Association and its elective process.
(b) Membership in Student Organizations.
(c) Freedom of Expression – the basic freedom of students to hear, write, distribute, and act upon a variety of thoughts and beliefs is guaranteed. Freedom of expression carries with it the responsibility for seeing that the essential order of the University is preserved.
(d) Freedom to hold public forums – the University desires to create a spirit of free inquiry and to promote the timely discussion of a wide variety of issues, provided the views expressed are stated openly and subject to critical evaluation. Restraints on free inquiry are held to a minimum and are consistent with preserving an organized society in which peaceful, democratic means for change are available. Guest lecturers or off campus speakers sponsored by student groups may appear on the UCF campus following arrangements with the designated University authority for such appearances.
(e) Freedom to hear, write, distribute and act upon a variety of thoughts and beliefs. This freedom is subject to the following regulations:

1. Written materials identified by authorship and sponsorship may be sold or distributed on campus within the guidelines of propriety and responsible journalism as established and supervised by the University Board of Publications which is appointed by the President or his designee. The distribution of such material, as is arranged by the Director of the Office of Student Activities, is permissible for student organizations provided steps have been taken to preserve the orderliness of the campus.
2. Non-university or off-campus printed materials shall not be distributed or circulated by students or student organizations without first being stamped by the Director of the Office of Student Activities.
3. The distribution of materials or circulation of petitions to captive audiences such as those in classrooms, at registration, in study areas or in residential units is not allowed without prior permission. Such permission may be requested from the appropriate University vice president, dean or director.

(f) Student rights to peaceful assembly is recognized. Existing laws and University rules shall be observed. Student gatherings must neither disrupt or interfere with the orderly educational operation of the institution; nor violate state or local laws, or University rules.

(g) Fair and impartial hearing. These matters shall include, but not be limited to:
   1. Disciplinary proceedings involving alleged violation of academic and non-academic rules and regulations (see also Rule 6C7-5.0041, F.A.C.).
   2. Refunds and charges. The status of a student charged with a violation of University regulations shall not be affected pending final disposition of the charges except in the case of administrative action.
   (h) Confidentiality of student records. Each University office and agency which generates, collects, and disseminates information on students must follow Florida and Federal laws regarding confidentiality of those records in their possession.
   (i) Provisions for Victims/Survivors of Acts of Violence. To ensure fairness to victims/survivors of acts of violence throughout the disciplinary process, the University has established the following policy on victims/survivors:
      1. A victim or a survivor may have a person of her or his choice accompany her or him throughout the Student Conduct Review process. This person will act as a support person or advisor but will not represent the victim or survivor.
      2. A victim or survivor may submit a list of questions related to the alleged incident, prior to the hearing, that she or he feels that charged student should be asked during the hearing process.
      3. A victim or survivor may not have her or his irrelevant past conduct, including sexual history, discussed during the hearing.
      4. A victim or a survivor may make a “victim or survivor impact statement: and suggest an appropriate sanction (to include appropriate compensations) if the charged student is found to have been in violation of the Rules of Conduct.
      5. A victim or survivor may know the outcome of the student conduct review process, after making a commitment to protect the confidentiality for all persons involved as outlined in the Family Educational Rights and Privacy Act Regulation, 99.31.13. See subsection 6C7-5.0041(11), F.A.C., for specific student rights during disciplinary process.

(2) UCF Rules of Conduct.
   (a) These conduct rules shall apply to all undergraduate students, graduate students, and student organizations of the University and its area campuses and shall be deemed a part of the terms and conditions of admission and enrollment of all students. Failure to comply with duly established laws or University regulations may subject violator(s) to appropriate civil authorities. Violations of University regulations shall be recorded in the disciplinary file of the individual(s) and/or the organization.
   (b) Generally, authority necessary to enforce regulations is vested in the Vice President for Student Development and Enrollment Services or designee. Selected functions of this authority are shared with faculty, staff and students. Some functions of student conduct administration are assisted through review boards or councils.
   (c) Students and student organizations are also subject to University disciplinary sanctions for the violation of a University rule or federal, state, county, or city law, which has an adverse impact on the University.
   (d) The following defined and described actions constitute conduct for which disciplinary action may be taken. These rules apply to all students for conduct that occurs against other students or non-students on University premises, while participating in University sponsored or related activities, during school sessions, during holidays, and during periods of continuous enrollment, or off-campus when that conduct is determined to adversely affect the interest(s) of any part of the University. A student is continuously enrolled, once admitted, unless the student fails to register in two consecutive terms, excluding summer terms, and must re-apply for University admission.
   1. Misuse of Computing and Telecommunications Resources. The University supports open access to electronic communication and information. Nevertheless, the preservation of an open computing and communications environment requires adherence by users to applicable law and University’s rules regarding the responsible use of computing systems, software and telecommunication networks. Suspected criminal violations of applicable laws shall be reported to the University Police Department, appropriate law enforcement agencies or any other applicable authorities or agencies.

2. Disruptive Conduct.
   a. An act which intentionally impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof.
   b. Violence which deliberately impedes or interferes with the normal flow of pedestrian and vehicular traffic.
   c. An act which deliberately impedes or interferes with the normal flow of pedestrian and vehicular traffic.
   d. An act which tampers with the election(s) of any University student organization or group.
   e. Willful destruction of University property or property of members or guests of the University.
   f. Misuse of any University safety equipment, fire fighting equipment, or fire alarms.
   g. An act which deliberately interferes with the academic freedom or the freedom of speech of any member or guest of the University community.
   h. A false report of an explosive or incendiary device, which constitutes a threat or bomb scare.
   i. Conduct which is lewd or indecent.
j. Breach of peace: an act, which aids, abets, or procures another person to breach the peace on the University premises or at University sponsored/related functions.

k. Failure to comply with oral or written instruction from duly authorized University officials acting within scope of their job duties or law enforcement officers acting in the performance of their duties, including failure to identify oneself to these persons when requested to do so.

3. Providing False and Misleading Information and/or Falsification of University Records.
   a. Withholding related information or furnishing false or misleading information (oral or written) to University officials, faculty or staff, including use or attempted use of a fraudulent identification card or driver’s license.
   b. Forgery, alteration or misuse of any University document, material, file, record or instrument of identification.
   c. Deliberately and purposefully providing false or misleading verbal or written information about another person that results in damage to the person’s reputation.

4. Possession and/or Use of a Firearm and/or Dangerous Material.
   a. Possession or use of firearms or any weapon other than a common pocket knife on University premises or at University sponsored/related activities.
   b. Possession or use of, fireworks of any description, explosives, or chemicals which are disruptive, explosive or corrosive, on University premises or at University sponsored/related activities.

5. Gambling.
   a. Play in an unlawful game of chance for money or for anything of value on University premises or at any affair sponsored by a student or student organization.
   b. Unlawfully sell, barter, or dispose of a ticket, order or any interest in a scheme of chance by whatever name on University premises or at any affair sponsored by a student or student organization.
   c. Wager on a University team or organization in a competition, with a direct influence in the success of the competition.

6. Instigation or Participation in Group Disturbances During Demonstrations, Parades, or Picketings.
   a. Participation in a demonstration(s), parade(s), or picketing which invades the rights of others, which interferes with the educational function of the University, or which jeopardizes public order and safety.
   b. Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

   a. Any action or situation which recklessly or intentionally endangers the mental or physical health and/or safety of a student for the purpose of initiation or admission into, or affiliation with, any organization operating under registration with the University.
   b. Brutality of a physical nature such as whipping, beating, branding, forced calisthenics, exposure to the elements; forced consumption of any food, liquor, drug, or other substances; or other forced elements; or other forced activity which could adversely affect the physical health or safety of the individual.
   c. Any activity which could subject the individual to mental stress such as sleep deprivation, forced exclusion from social contact, forced contact which could result in embarrassment, or any other activity which could adversely affect the mental health or dignity of the individual.

8. Unauthorized use of Keys and/or Entry.
   a. Unauthorized possession, duplication or use of keys to any University premises.
   b. Unauthorized entry or attempted entry to any University premises.

9. Larceny. Unauthorized use, possession, or services or theft of property. Such property may be personal or public.

    a. Verbal or written abuse of any person, including lewd, indecent, or obscene expression of conduct.
    b. Physical abuse or threat of physical abuse to any person.
    c. Harassment: defined as behavior (including written or electronic communication such as AOL, IM, ICQ, etc.) directed at a member of the University community which would cause severe emotional distress, intimidation, or coercion to a reasonable person in the victim’s position, or would place a reasonable person in the victim’s position in fear of bodily injury or death. This definition, however, shall not be interpreted to abridge the right of any member of the University community to freedom of expression protected by the First Amendment of the United States Constitution and any other applicable law.
    d. Failure to respect the privacy of other individuals.
    e. Retaliation against or harassment of complaint(s) or other person(s) alleging misconduct.

11. Property Damage. Damage or defacing of University property or the property of another person whether or not it is on University premises.

12. Commission of a felony or a misdemeanor. Commission of an act, which is a felony or misdemeanor as provided in local, state, or federal law.

13. Misconduct at University Sponsored/Related Activities. Violation of University rules, or regulations of a host institution sponsored/related activity.

14. Unlawful possession, use, or sale of any controlled substance. Use, possession, sale, distribution or attempt to obtain any narcotic or other controlled substances, and possession and/or use of drug paraphernalia, except as expressly permitted by law is prohibited.

15. Academic Dishonesty/Cheating.
a. Cheating is a violation of student academic behavior standards. The common forms of cheating include:

I. Unauthorized assistance; communication to another through written, visual, or oral means. The presentation of material which has not been studied or learned, but rather was obtained through someone else’s efforts and used as part of an examination, course assignment or project. The unauthorized possession or use of examination or course related material may also constitute cheating.

II. Plagiarism: whereby another’s work is used or appropriated without any indication of the source, thereby attempting to convey the impression that such work is the student’s own. Any student failing to properly credit ideas or materials taken from another is plagiarizing.

b. Any student who knowingly helps another violate academic behavior standards is also in violation of the standards. See Rule 6C7-5.0042, F.A.C.


a. Sexual Assault: acquaintance rape (date, friend, someone the victim knows casually or through mutual friends) or any other form of rape. Rape is defined as nonconsensual sexual penetration, coercion, or penetration against the victim’s will. Any sexual conduct which occurs between members of the University community on or off the UCF campus shall be consensual, meaning that willing and verbal agreement shall be clearly given in advance by all persons involved at each new level of such conduct. A person shall not knowingly take advantage of another person who is under 18 years of age, mentally defective, under the influence of prescribed medication, alcohol or other chemical drugs, or who is not conscious or awake, and thus is not able to give consent as defined above. Further, a person shall not physically or verbally coerce another person to engage in any form of sexual conduct, to the end that consent as defined above is not given.

b. Sexual Harassment: unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature which prevents or impairs another person’s full enjoyment of the educational benefits, atmosphere, or opportunities provided as part of the University.

c. Public Indecency: exposure of one’s body in such a manner that another party reasonably could be offended or to display sexual behavior which another person reasonably finds offensive.

d. Voyeurism: sexual stimulation sought through trespass, spy, or eavesdrop activities.

NOTE: UCF will use discretion in accommodating the victim as well as protecting the rights of the accused violator(s). As a result of these special circumstances, a case of student sexual misconduct may be resolved before a hearing officer. UCF will not attempt to shelter students from federal, state, and/or local laws pertaining to sexual misconduct.

17. Alcoholic Beverages Violation. Use, possession, sale and/or distribution of alcoholic beverages except as expressly permitted by the law and University rules, and behavior under influence of alcoholic beverages, including operating a vehicle, is prohibited.

18. University Designated Student Residence Violations. Repeated or flagrant violations of regulations governing University student residences.

19. University Wordmark Violations. Unauthorized use of the official University wordmark, Pegasus, monogram, seal, or other graphic identity symbol.

20. Outstanding Debt. Failure to insure that all organization bills are paid.

21. Use of Facilities. Failing to properly register student events.

22. Advertising.

a. Origination or circulation of any advertising media that contains matter that violates federal, state and/or local law is prohibited.

b. Origination or circulation of any advertising media containing false or misleading information or obscene language or patently offensive material is prohibited.

23. Social Events. Allowing crowd size that exceeds such limits so as to infringe upon the rights and/or property of others and/or endanger those in attendance is prohibited. Failing to provide adequate parking so that vehicles are impeding the normal flow of traffic, parked illegally or parked on private property without proper authorization is prohibited.

24. Solicitation and Fundraising. Conducting in any solicitation and fundraising activities in a manner that violates or is contrary to the policies of UCF or its Office of Student Activities, the Student Union, and/or federal, state and/or local law.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10)(e) FS. History–New 10-8-75, Amended 11-8-79, 6C7-5.03(2)(c)1., Amended and Transferred to 6C7-5.042, Amended 8-15-84, 9-8-85, Formerly 6C7-5.03, Amended 4-23-03.

6C7-5.0041 Student Discipline.

(1) Scope.

(a) This rule shall apply to all undergraduate students, graduate students, and student organizations of the university and its branch campuses and shall be deemed to be a part of the terms and conditions of admission, enrollment and retention of all students.

(b) Excluded from this particular rule are disciplinary actions which are described in the following UCF Rules except that repeated or aggravated cases may be subject to action under this rule:
Rule 6C7-6.007, F.A.C., Parking and Traffic Violation.

Rule 6C7-5.0042, F.A.C., Student Academic Behavior – action taken by instructor unless referred by a college dean or designee to the Director of the Office of Student Rights and Responsibilities or designee under this rule.

(2) Rules of Conduct. The following listed actions, which are more fully described in paragraph 6C7-5.003(2)(c), F.A.C., are a list of the actions for which students may be subject to disciplinary action under the provisions of this rule. These rules apply to all students and student organization for conduct that occurs against other students or non-students on University premises, while participating in University sponsored or related activities, during school sessions, during holidays, and during periods of continuous enrollment, or off-campus when that conduct is determined to adversely affect the interest(s) of any part of the University. A student is continuously enrolled, once admitted, unless the student fails to register in two consecutive terms, excluding summer terms, and must reapply for University admission.

(a) Subparagraphs 6C7-5.003(2)(c)1. through 19., F.A.C., including:
2. Providing False and Misleading Information and/or Falsification of University Records.
4. Unauthorized Use of Keys and/or Entry.
5. Personal Abuse.
6. Commission of a Felony or a Misdemeanor.
7. Unlawful Possession, Use, or Sale of any Controlled Substances.
8. Instigation or Participation in Group Disturbances During Demonstrations, Parades or Picketing.
10. Possession and/or Use of a Firearm and/or Dangerous Materials.
11. Hazing.
12. Larceny.
13. Property Damage.
14. Misconduct at University Sponsored/Related Activities.
17. Alcoholic Beverages Violations.
18. University Designated Student Residence Violations.

(b) See also paragraph (1)(b) above.

(3) Disciplinary Sanctions. The sanctions which may be imposed on students for violation of any of the rules of conduct of this University shall include any of the sanctions listed under informal disposition in subsection (6) below or any of the following. Review boards may recommend any sanction listed below with any appropriate modifications as well as any from the sanctions listed under informal disposition.

(a) Disciplinary Warning – An official warning that the student’s behavior is in violation of the UCF Rules of Conduct, and that if the student is subsequently found in violation of this rule, subsequent action may be more severe.

(b) Disciplinary Probation – Disciplinary probation status shall be for a specific length of time extending from a week to a number of semesters. Restrictive conditions may be imposed and vary according to the severity of the offense. Restrictive conditions may include, but may not be limited to, the following: loss of good standing which may become a matter of record; ineligibility to receive any university award, scholarship, loan, honorary recognition, or initiation into any local or national organizations; denial of the privilege to occupy a position of leadership or responsibility in any university student organization, publication or activity, or ability to represent the University in an official capacity or position. Under disciplinary probation, the student may continue to attend classes and is given a chance to show capability and willingness to live in accordance with University rules. However, if the student is subsequently found in violation of a rule while on disciplinary probation, the University may suspend or expel the student from the University.

(c) Disciplinary Suspension – A student involved in an offense warranting consideration of action more serious than disciplinary probation, or one involved in repeated misconduct, may face suspension. The length of the suspension period shall be defined and may extend from days to a number of semesters. During the period of suspension, a student may not attend classes and may not otherwise be present on University premises unless authorized in writing in advance under conditions approved by the Director of the Office of Student Rights and Responsibilities. In determining if and to what extent suspended students shall be authorized to be on University premises, the Director of the Office of Student Rights and Responsibilities or designee shall consider whether the suspension creates an undue hardship on the suspended student in regard to considerations that include, but are not limited to, the medical needs of the student.

(d) Disciplinary Expulsion – When an offense is of such severity that the University will not allow the student to re-enroll, the student will be expelled. When a student has been expelled from the University for disciplinary reasons, a full report will be placed in the permanent record of the individual concerned.
(4) Violation Reports. Alleged violations of the UCF Rules of Conduct shall be reported in writing to the Director of the Office of Student Rights and Responsibilities (OSRR), or designee. The written complaint of violation of the UCF Rules of Conduct shall be made no later than one year following discovery of the alleged violation. The Director of the Office of Student Rights and Responsibilities or designee shall make appropriate inquiries into the circumstances of the case to determine one of the following dispositions:
   (a) Case dismissal.
   (b) Administrative action.
   (c) Mediation.
   (d) Informal disposition.
   (e) Formal disposition.
(5) Case Dismissal. The Director of OSRR or designee shall dismiss a case if it is found to not have sufficient facts or evidence to substantiate the claim of misconduct, the accused person is not a student or the misconduct is not a violation of the rules of conduct.
(6) Administrative Action.
   (a) In unusual cases, which dictate a decision for the welfare of any individual, the student body, or any part of the University or its community, the Director of OSRR, or designee, may take immediate and summary action to resolve the situation. This summary action may include any of the disciplinary sanctions described in subsection (3) of this rule (warning, probation, suspension, or expulsion) or any lesser sanction that the Director of OSRR, or designee, determines necessary to protect the interests of any or all concerned. Such action is subject to review within three (3) working days by the Vice President for Student Development and Enrollment Services or designee. In the instance of summary suspension or expulsion, there will be a scheduling of a hearing within three (3) days to determine the status of the summary suspension or expulsion.
   (b) Sanctions taken through administrative action shall remain in effect until the final disposition of formal charges resulting from the circumstances of the case, unless the Vice President for Student Development and Enrollment Services or designee shall decide otherwise.
(7) Mediation. Depending on the nature and severity of the alleged violation, the Director of OSRR or designee may refer the case to the Dispute Resolution Services Office for mediation as an alternative to disciplinary action. Mediation is a confidential process whereby two or more parties voluntarily meet with an impartial mediator to communicate their concerns and needs to each other and to reach their own agreement on the resolution of the case. The participants in mediation are responsible for keeping their agreement or re-negotiating it, if necessary. In the event that the participants do not reach a full and final resolution, the case will be referred back to the Director of OSRR or designee for disciplinary action.
(8) Informal Disposition. At the discretion of the Director of OSRR, or designee, violations found not to warrant formal disposition may be referred to the appropriate forum for proper disposition and/or settled by one or more of the following outcomes: disciplinary warning; disciplinary probation; restitution; community service; counseling; or other educational sanctions.
(9) Formal Disposition.
   (a) If an alleged violation of the Rules of Conduct is not handled through other appropriate channels, is not dismissed, or is not settled informally, then the Director of OSRR or designee shall present in writing formal charges to the student.
   (b) This written notification shall include:
      1. The student’s name, social security number, and address.
      2. Brief description of the alleged violation including dates, times and places known at the time formal charges are prepared.
      3. Names of potential witnesses known at the time formal charges are prepared.
      4. A description of any written or physical evidence known at the time charges are prepared.
      5. An invitation to attend an information session during which the student will receive instructions regarding the disciplinary process and the student’s rights, confirmation of the forum in which the case will be heard, and an opportunity to inspect and/or copy the evidence known at the time charges are prepared that likely could be presented at the hearing.
   (c) The charged student may request either a hearing before a panel of the Student Conduct Board or before an Administrative Hearing Officer appointed by the Vice President for Student Development and Enrollment Services or designee.
(10) Formal Hearings.
   (a) Student Conduct Boards. The Student Conduct Board and the Student Organization Hearing Board shall consist of twenty (20) persons appointed by the Vice President for Student Development and Enrollment Services. The Student Conduct Board shall consist of not less than five (5) faculty members, and/or five (5) administrative staff members representing the various administrative divisions of the university, and ten (10) student members. Board members shall serve annual terms beginning and ending in August of each academic year. When a vacancy occurs, the vice president shall make new appointments to fill unexpired terms. Whenever the number of board members available to serve in a particular disciplinary hearing is reduced, the vice president may appoint additional members on an ad hoc basis.
   (b) Student Hearing Panel. A student hearing panel to consider individual cases shall be randomly selected by the Director of OSRR or designee from the Student Conduct Board and shall consist of two (2) faculty and administrative staff members combined, and two (2) student members. Each panel shall elect from among its number an individual to conduct that hearing and to
report its decisions to the Director of OSRR or designee. At hearings conducted by a student or student organization hearing panel, the Director of OSRR or designee shall act as an advisor to the panel, receive the panel’s recommendation as to in violation or not in violation of the Rules of Conduct, and consider any sanctions recommended by the panel.

(c) The Director of OSRR or designee shall: Accept the recommendation of “in violation” or “not in violation” or remand the case for rehearing. If the Director of the OSRR or designee accepts the recommendation of “in violation”, they may approve, mitigate or increase the sanctions recommended by the panel, based on standards set forth in the Disciplinary Sanctions section of the Student Conduct Review Process.

(d) Administrative hearings shall be conducted by a faculty or staff member randomly selected by the Director of OSRR or designee from the Student Conduct Board. The charged student shall be informed of the hearing officer assigned to his/her case and shall have the opportunity to challenge the impartiality of the individual within three (3) school days of notification. The student shall state in writing the basis for such challenge. A hearing officer so challenged will be excused; however, indiscriminate challenges shall not be permitted.

(e) Any decision by the Director of OSRR or designee to alter sanctions or return a case under paragraph (c) of this subsection shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

(11) Conduct of Hearings – The following is furnished as a guide to the sequence of events in a hearing:

(a) Reading of charges.
(b) Presentation of evidence against the charged student.
(c) Presentation of evidence in defense of the charged student.
(d) Deliberation (in executive session).
(e) Announcement of the decision.

(12) Case Record – The case record shall consist of the following items:

(a) A copy of the formal charges in writing.
(b) A video tape recording of the hearing.
(c) All staff memoranda and/or data submitted.
(d) All items of physical evidence submitted, provided such items are not returned to a rightful owner. In that case, photographs or other facsimiles shall be made before return.
(e) The recommendation by the hearing panel, if any.
(f) The Director of OSRR decision.

(13) Student Rights During the Student Conduct Review Process. The following rights shall be explained to each charged student prior to the commencement of any formal disciplinary hearing:

(a) All parties shall be afforded reasonable written notice, at least five (5) calendar days prior to the hearing. A letter sent to the charged student at the address listed in the Registrar’s records shall constitute full and adequate notice. Written notice shall include:

1. A statement of the time, place, and nature of the proceeding hearing.
2. A statement of the nature of the case and of the forum under which it is to be heard.
3. A brief statement of the behavior of the accused student that serves as the basis for the violation(s) being charged. If the University is unable to state the behavior in detail at the time notice is served, the initial statement may be limited to an explanation of the general issues involved. Thereafter, upon request by the student, a more detailed and definitive statement will be furnished prior to the commencement of any formal hearing.

(b) The student may have an advisor of the student’s choice present at the hearing. The Director of OSRR shall maintain a list of impartial advisors and resources available to the student for preparing his/her defense. The advisor shall assist the student in the disciplinary process but shall not speak for or present the case on behalf of the student.

(c) All hearings shall be conducted on the basis that the charged student is not in violation until the preponderance of evidence proves otherwise.

(d) The student may inspect any evidence presented in support of the charges.
(e) Evidence may be presented in defense of the student.
(f) The student may hear and question adverse witnesses.
(g) The student shall not be forced to present self-incriminating evidence; however, the University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal prosecution.

(h) The decision of “in violation” or “not in violation” on the charges shall be based solely on the evidence presented at the hearing.

(i) The results of any formal hearing shall be furnished in writing to the student within two (2) working days following the hearing.

(j) The student’s enrollment status shall remain unchanged pending the University’s final decision in the matter except in cases where the Vice President for Student Development and Enrollment Services or designee determines that the safety, health, or general welfare of the student, any individual, or any part of the University may be involved.

(14) Appeals – Students found in violation as the result of a hearing may appeal that finding and sanction(s) imposed as a result thereof on the basis of one or more of the following:

(a) Irregularities in fairness and stated procedures of the hearing that could have affected the outcome of the hearing.
(b) Discovery of new and significant evidence that could have affected the outcome of the hearing and that was not known or could not reasonably have been discovered and/or presented at the time of the initial hearing.

(c) The sanctions are extraordinarily disproportionate to the violation(s).

(d) The appeal must be made in writing to the Associate Vice President for Campus Life within seven (7) calendar days after the date of notification to the student of the disciplinary decision.

(e) The Associate Vice President for Campus Life shall first determine if sufficient grounds for appeal exist and then, if so, may either deny the appeal (thus sustaining the initial decision and sanctions) or remand the case to the original hearing forum for re-consideration.

(f) Further administrative appeal may be made in writing by the student to the Vice President for Student Development and Enrollment Services. Such appeal must be made within seven (7) calendar days after the date that the student was notified of the Associate Vice President’s decision. The Vice-President may approve, modify or reject the original decision or sanction, or approve or reject Associate Vice President’s decision. The Vice President’s decision will be considered final agency action.

(g) Expungement of a Student Conduct Record – A student’s conduct record is eligible for expungement if it is a single minor offense that did not result in suspension or expulsion and where a second violation would not likely result in suspension or expulsion from the University. A student conduct record may be expunged upon the successful submission and review of appropriate paperwork to the Office of Student Conduct. The factors influencing the decision by the Director of the OSRR for expungement are the severity of the violation, effect of the violation on the University community, sanctions applied, completion of sanctions, and ethical development demonstrated by the student. There is not an appeals process regarding student conduct records expungements.

15) Rule Evaluation. This rule will be evaluated not less than every three (3) calendar years by a University committee composed of three student members appointed by the Student Body President to the Vice President for Student Development and Enrollment Services and three (3) faculty and/or staff members appointed by the Vice President for Student Development and Enrollment Services.

Specific Authority 1001.74(4) FS, Law Implemented 1001.74(10)(e) FS, History–New 11-8-79, Amended 9-8-85, Formerly 6C7-5.041, Amended 5-15-86, 10-11-92, 10-8-00, 4-23-03.

6C7-5.0042 Student Academic Behavior.

(1) Academic Behavior Standards.

(a) UCF is committed to a policy of honesty in academic affairs. Conduct that comprises a breach of this policy may result in academic action and disciplinary action. Academic action affects student assignments, examinations or grades. Disciplinary action affects student enrollment status.

(b) Violations of student academic behavior standards on the undergraduate or graduate level include the following:

1. Cheating—whereby non-permissible written, visual or oral assistance, including that obtained from another student or another source is utilized on examinations, course assignments or projects. The unauthorized possession or use of examination or course-related material shall also constitute cheating.

2. Plagiarism—whereby another’s work is deliberately used or appropriated without any indication of the source, thereby attempting to convey the impression that such work is the student’s own. Any student failing to properly credit ideas or materials taken from another has plagiarized.

3. A student who has assisted another in any of the aforementioned breaches of standards shall be considered equally culpable.

(2) Academic Action.

Action by the instructor:

(a) When an instructor becomes aware of a violation of student academic behavior standards, and before any academic action is taken, the instructor shall inform the student of the violation, citing the information on which the allegation is based. The instructor shall give the student the opportunity to respond in defense. If the instructor continues to believe a violation of academic behavior standards has occurred, the instructor in consultation with the unit head shall duly inform the student in writing of the academic action being taken and the reasons for such action. Reports of the initial violation and the final academic action report shall also be sent to the director of the Office of Student Rights and Responsibilities (OSRR) or designee.

(b) In response to a violation of the student academic behavior standards, the instructor, along with the unit head shall, for each infraction, take appropriate measures ranging from counseling to an academic action (loss of credit for a specific assignment, examination or project; failure of the course; or removal of the offender from the course with a grade of “F”) to a recommendation for disciplinary action forwarded to the director of the OSRR or designee.

(c) Should an alleged violation of academic behavior standards arise before the withdrawal deadline in a term, the instructor shall notify the unit head who will notify the registrar that the student shall not be withdrawn from the course in question. Only a written release from the instructor or the authorized party deciding a student appeal will permit withdrawal. However, if the student appeals that academic action and desires to withdraw from the course, the process shall be initiated by the student immediately in the normal University manner. Such withdrawal requests will be held in abeyance until a ruling on an appeal is obtained. If resolved in favor of the student, the withdrawal request will be processed at that time. The individual empowered to rule on the student appeal shall appropriately notify both the registrar and director of the OSRR or designee of the outcome.
(3) Coordination of Academic and Disciplinary Action.

(a) When an instructor initiates academic action as the result of the student’s alleged violation of academic behavior standards, the academic action will be processed before any disciplinary action is sought. At the time of the final academic action report the instructor can recommend, through the unit head and college dean or designee to the director of the OSRR or designee, that disciplinary action should be pursued by means of the Student Conduct Review Process.

(b) When information concerning an alleged violation of academic standard is received by the director of the Office of Student Rights and Responsibilities or designee from somewhere other than instructional sources (e.g., other student, University police, etc.), the director or designee shall inform the dean or designee of the college in which the violation allegedly took place. The college dean or designee shall inform the unit head who, in turn, will notify any affected instructor. The instructor, in consultation with the unit head will then determine if an academic action is appropriate. At the time of the final academic action report, the instructor can recommend through the unit head and college dean or designee to the director of the OSRR or designee that disciplinary action should be pursued by means of the Student Conduct Review Process.

(c) In the case of multiple aggravated violations of academic behavior standards, the director of the OSRR or designee shall initiate disciplinary action based on information contained in University records upon consultation with the college dean or designee.

General Policy – The Following Assumptions are Adopted.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10)(e) FS. History–New 8-15-84, Formerly 6C7-5.003(2)(c)1., 6C7-5.042, Amended 5-15-86, 5-20-90, 9-15-96, 4-23-03.

6C7-5.00431 Student Academic Appeals.

(1) Scope.

(a) This rule shall apply to undergraduate and graduate student appeals of the following:
   1. Grades (typically limited to final grades) resulting from an instructor’s:
      a. Alleged deviation from established and announced grading policy;
      b. Alleged errors in application of grading procedures; and
      c. Alleged lowering of grades for non-academic reasons including discrimination.
   2. Actions taken by an instructor pursuant to the provisions of the UCF policy on “Student Academic Behavior.” See UCF Rule 6C7-5.0042, F.A.C.
   (b) This rule shall also apply to undergraduate program requirements of departments, schools, or colleges.
   (c) Appeals of graduate program actions or decisions by a faculty member, program, or college, including termination from an academic program, are discussed in UCF subsection 6C7-5.00431(6), F.A.C.
   (d) The professional judgment exercised by an instructor in assigning a grade or in conducting a class is excluded from the provisions of this rule except as noted here in subsection (1).

(2) General Policy – The Following Assumptions are Adopted.

   (a) Students are entitled to a fair, prompt, and open resolution of complaints.
   (b) Faculty members and administrators are entitled to a fair, prompt, and open forum in defense of their action.
   (c) Students have access to published materials and student government representatives to help them become familiar with and understand procedures for handling complaints.
   (d) Faculty members and administrators have access to published materials and University staff to help them know and understand procedures through which charges against them will be addressed.
   (e) Resolution of student appeals should be made as speedily and informally as possible.
   (f) The University as an institution and its faculty are entitled to procedures that ensure the maintenance of academic standards.
   (g) The appropriate forum for discussion or alteration of academic matters is the academic unit responsible for these matters.

(3) Resolution of Student Appeals at Informal Level.

(a) All student academic appeals or wrongful academic action(s) by an instructor or administrator shall first be brought to the attention of the instructor of the course or administrator perpetuating the action. This action must be initiated within one semester of the alleged wrongful action or grade, or as soon thereafter as the student becomes aware of such action. The administrator shall, with the consent of the student, attempt to resolve the problem in an expedient and satisfactory manner. If dissatisfied with the decision of the person whose action is being appealed, or if that person is not available, the student may continue to pursue a reasonable efforts to apprise the instructor or administrator of the situation. The person whose action is being appealed may elect to
(4) Resolution of Student Academic Appeals at the College Level.
(a) If not satisfied with the resolution of the complaint proposed by the unit head or supervisor, the student may proceed within 10 school days of receipt of the unit head’s or supervisor’s decision to file a written appeal with the office of the dean of the college in which the action occurred. The written appeal must clearly specify the action that the student perceives as wrong.
(b) An assistant or associate dean in the college appropriate to the case will hear the appeal and render an opinion within 10 days. If the student is not satisfied with the finding of this administrator, the student within 10 days may request an appeal to a Student Academic Appeals Committee.
(c) The purpose of the Student Academic Appeals Committee is to determine whether a broader segment of the campus represented by the committee also judges the action as wrong. If so, they are to suggest a resolution for the action. Before filing the complaint, the student must consult with the director of the OSSR or designee, who shall furnish advice as to the student’s rights and responsibilities with respect to this policy. The written appeal shall include the basis of the original complaint, the dates when the instructor, unit head, administrator, or supervisor met with the student to discuss the problem, and the suggested resolution at that time.
(d) Student Academic Appeals Committee.
1. Each college shall establish a Student Academic Appeals Committee whenever required.
2. The committee shall be made up of at least three and no more than five tenured faculty members and an equal number of students.
3. Student members shall be selected by the dean or designee of the college from a panel of 20 students appointed by the vice president of Student Development and Enrollment Services from a list of students furnished for this purpose by the president of the Student Government Association.
4. Any member may be challenged for cause by either party. The validity of such challenges shall be decided by the Office of Student Rights and Responsibilities. If a challenge is upheld, the college dean or designee shall appoint a replacement from the college’s tenured faculty or the student panel.
(e) The college dean or designee shall call the Student Academic Appeals Committee together and arrange an appeal date.
(f) In conducting a formal review, the Academic Grade Appeals Committee shall adhere to the following guidelines:
1. The time limits specified in the following review procedure may be extended by mutual agreement of the parties.
2. The student and the instructor or instructor’s replacement shall be permitted to have a non-lawyer representative appear with them before the committee if they so choose.
3. The committee shall not be officially convened to review the appeal until the faculty member involved, or replacement, has received a copy of the appeal or complaint and has had at least 5 school days to submit, if desired, any information. The student will be provided with a copy of any material submitted by the instructor at least 5 school days before the committee meets to review the case.
4. The committee should make every reasonable effort to meet for review of the case within 15 school days after receipt of the student’s written appeal and any information provided by the faculty member and/or chair.
5. The committee will function as an objective, fact-finding body when examining all available and relevant information concerning the student’s appeal of academic action by the instructor. Such information shall include the student’s written appeal, written and/or oral information provided by the instructor, statements made by both parties before the committee, and any other information the committee may deem relevant.
6. The student and faculty member shall be invited to meet with the committee. Each shall be allowed adequate time to respond to the appeal and material as submitted, to any questions from committee members, and to present additional information needed to clarify the issues involved.
7. After meeting with both parties, the committee shall develop its recommendations by majority vote. The committee chair shall designate a member to record the committees’ recommendations. These recommendations concerning the disposition of the case shall be submitted to the college dean.
8. The college dean shall render a decision within 10 school days of the conclusion of the committee hearing. Copies of the committee’s recommendation and the dean’s decision shall be made available to both parties concerned, to the provost, and all other involved parties and departments.
(5) Final Appeal.
(a) If dissatisfied with the college dean’s decision, the student may, within 10 school days, file a written request for review with the dean of undergraduate studies or the dean of graduate studies (depending upon the classification of the student) stating the basis for review and the resolution sought by the student.
(b) Acting as the University president’s representative, the dean of undergraduate studies or the dean of graduate studies shall make a final decision on the matter within 10 school days of receipt of the student’s request for review. Copies of the dean’s written decision and the basis therefore shall be sent to the student, the college dean, the chair, the director of the OSSR, the instructor involved (if any), and other involved parties.
(6) Appeals of Graduate Program Actions or Decisions.
(a) Review of Academic Performance. The primary responsibility for monitoring academic performance standards rests with
the degree program. However, the college and university shall monitor a student’s progress and shall, absent extenuating
circumstances revert any student to non-degree status if performance standards as specified by the program, college or university
are not maintained. Satisfactory academic performance in a program also involves maintaining the standards of academic and
professional integrity expected in a particular discipline or program. Failure to maintain these standards shall, absent extenuating
circumstances result in termination of the student from the program.

A degree program may revert any graduate student to non-degree status at any time, when, in its judgment, the individual is deemed
incapable of successfully performing at required standards of excellence. Once reversion to non-degree status has occurred, a
student will not be allowed to enroll in graduate courses in that major and will be removed from courses currently being taken. If a
student is reverted to non-degree status, reinstatement to graduate student status can occur only through a formal grievance process.
(See Academic Grievance Procedure in the following paragraph).

(b) Academic Grievance Procedure. The Office of Graduate Studies follows the procedures for academic grievances as
outlined below. Academic matters are those involving graduate instruction, graduate research, or decisions involving graduate
instruction or affecting academic freedom of graduate students.
The Appeals Subcommittee of the Graduate Council is the committee that has jurisdiction for issues involving graduate students
enrolled for graduate credit, with the exclusion of the following:
1. Grade appeals for individual courses (not thesis or dissertation requirements).
2. Non-academic issues of a disciplinary nature.
(c) The Academic Grievance Procedure is designed to provide a fair means of dealing with graduate student complaints
regarding a specific action or decision by a faculty member, program or college, including termination from an academic program.
Academic misconduct complaints associated with sponsored research will invoke procedures determined by the Office of
Research.
(d) Students who believe they have been treated unfairly, with the previous exceptions, may initiate a grievance. The procedure
provides several levels of review, and at each level of review the participants are further removed and have a broader outlook than
where the grievance originated.
1. The graduate student should discuss the matter within the academic unit of the grievance and attempt to resolve the
grievance informally.
2. If an informal resolution fails, the procedure is as follows:
a. The graduate student requesting consideration of a grievance, must state the nature of the grievance in writing to the
graduate program coordinator, within one year of the date of the occurrence of the grievance. The statement should include a brief
narrative of the grievance, the parties involved, and a statement of what remedy is requested.
b. The graduate program coordinator may ask the unit graduate committee responsible for hearing graduate student grievances
to examine the necessary information. The unit graduate committee may invite the grievant as well as others who may provide
useful information to a scheduled meeting to present arguments for the grievance. The unit graduate committee will recommend a
response to the grievance to the graduate program coordinator.
c. The graduate program coordinator will consider the input of the unit graduate committee and make a recommendation to the
unit head about the grievance. The unit head will then make a final unit decision about the grievance at that level.
d. Should the graduate student wish to appeal the decision of the unit head, the student or unit head may request in writing to the
college graduate coordinator (if this is the next most appropriate unit) or the Office of Graduate Studies (if this is the next most
appropriate unit) that the grievance be considered at this level. The college graduate coordinator may ask the college graduate
committee to examine the information and consider the grievance at a scheduled meeting. The college graduate committee may
request that the graduate student attend and present information and arguments about the grievance and invite others who may
provide useful information to do the same. The college graduate committee will recommend a response to the grievance to the
college graduate coordinator.
e. The college graduate coordinator will consider the input of the college graduate committee and make a recommendation to the
college dean about the grievance. The college dean will then make a final decision about the grievance at that level.
f. Should the graduate student wish to appeal the decision of the college or unit (whichever is appropriate), the student may
request in writing to the Vice Provost and Dean of Graduate Studies that the grievance be considered at the university level. The
Vice Provost and Dean may ask the Appeals Subcommittee of the Graduate Council of the Faculty Senate to examine the
information and consider the grievance at a scheduled meeting. The Appeals Subcommittee may request that the graduate student
attend and present information and arguments about the grievance and invite others who may provide useful information to do the
same. Graduate students who would like to invite advisors or others to the committee meeting may do so, but the advisor is only
there to provide consultation with the student and not to participate in the committee meeting. The Appeals Subcommittee solicits
information and then dismisses any invited parties to consider the recommendation that it will make, either at a continuation of the
meeting or at a future meeting.
g. The Vice Provost and Dean of Graduate Studies will consider the input of the Appeals Subcommittee of the Graduate
Council and make a final decision about the grievance for the university.

Specific Authority 1001.74(4), (10)(e) FS. Law Implemented 1006.60(4) FS. History–New 4-23-03.
6C7-5.0044 Sexual Misconduct.

(1) Policy. In keeping with efforts to establish an environment in which the dignity and worth of all members of the institutional community are respected, it is the policy of UCF that sexual misconduct of students is unacceptable conduct that will not be tolerated. Examples of sexual misconduct behaviors that are prohibited by UCF shall include but are not limited to:

(a) Sexual Assault: Rape, acquaintance rape (date, friend, someone the victim knows casually or through mutual friends) which is defined as coerced sexual intercourse against the victim’s will.

(b) Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature which prevents or impairs that person’s full enjoyment of educational benefits, climate, or opportunities.

(c) Public Indecency: Exposing one’s body in such a manner that another party reasonably could be offended or sexual conduct where another party reasonably could be offended.

(d) Voyeurism: To trespass, to spy or eavesdrop for sexual arousal.

(2) UCF will use discretion in accommodating the victim as well as protecting the rights of the accused violator(s). As a result of these special circumstances a case of student sexual misconduct may not be resolved through a student hearing board. Rather, it may be resolved through a hearing before a judicial officer (see subsection 6C7-5.0041(5), F.A.C.).

(3) UCF will not attempt to shelter students from federal, state, and/or local laws pertaining to sexual misconduct.

(4) Rights for Victims/Survivors of Sexual Misconduct – To ensure fairness to victims/survivors of sexual misconduct throughout the disciplinary process the University has established the following policy on victim/survivor’s rights:

(a) The right of a victim/survivor to have a person of their choice accompany her/him throughout the disciplinary hearing. This person will act as a support person or counsel but will not represent the victim/survivor while he/she appears as a witness.

(b) The right of the victim/survivor to submit a list of questions related to the alleged incident, prior to the hearing, that she/he feels the accused should be asked during the hearing process.

(c) The right not to have his/her irrelevant past conduct, including sexual history, discussed during the hearing. The issue of irrelevancy shall be determined by the hearing board or judicial officer.

(d) The right to make a “victim/survivor impact statement” and to suggest an appropriate penalty (to include appropriate compensations) if the accused is found in violation of the Student Rules of Conduct.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.261, 240.132, 240.133 FS. History–New 12-24-91.
CHAPTER 6C7-6 MISCELLANEOUS PROVISIONS

6C7-6.001 Occupational Safety and Health. (Repealed)
6C7-6.0011 Room Capacity. (Repealed)
6C7-6.002 Day Care Center. (Repealed)
6C7-6.003 Use of Radiation Sources. (Repealed)
6C7-6.004 Communicable Diseases: Preventive Medicine. (Repealed)
6C7-6.005 Animals on Campus. (Repealed)
6C7-6.006 Display of Flag. (Repealed)
6C7-6.007 Traffic/Parking Rule.
6C7-6.0071 Meter Parking. (Repealed)
6C7-6.0072 Transportation Access Fee.
6C7-6.008 Lost and Found. (Repealed)
6C7-6.009 Smoking in University Buildings. (Repealed)

6C7-6.007 Traffic/Parking Rule.

(1) General Information.
(a) Definitions.
1. The term “vehicle” shall include bicycles, motorcycles, automobiles, trucks, and other mobile equipment.
2. Decals are printed labels or hang tag permits issued by the university evidencing vehicle registration. For the purposes of this rule, the words “decal” and “permit” are synonymous.
3. The University Parking and Traffic Advisory Committee is composed of two students, two faculty members, one administrative and professional employee, and two USPS employees. The University Parking and Traffic Advisory Committee is the principal advisory body to the president through the vice president for administration and finance recommending policies and regulations governing traffic and parking on the UCF campus.
4. The University Parking Citation Appeals Committee is composed of one faculty member, four students, two university employees and one chair. The University Parking Citation Appeals Committee has jurisdiction over violations of these regulations. In those cases heard before it, this committee will render decisions adjudicating guilt and will impose appropriate monetary or restrictive penalties. The University Parking Citation Appeals Committee reports to the vice president for administration and finance.
(b) Applicability – The provisions of this rule shall be applicable at all times to vehicles which are operated or parked on the UCF campus. The fines, penalties and other sanctions against persons in violation of the provisions of this rule will be enforced as follows:
1. In the case of a vehicle registered with the Parking Services Office, the university shall assess fines for parking violations against the person in whose name the vehicle is registered.
2. In the case of a vehicle not so registered, assessments for parking violations shall be made against the operator if it is determined that the operator at the time of the violation is associated with the university and, in fact, should have registered the vehicle with the Parking Services Office.
3. If a vehicle is not registered with the university and the operator is not associated with the university, fines will be assessed against the vehicle’s state registration vehicle certificate holder.
(c) Responsibility – Unless otherwise noted, the Parking Services Office of the University Police Department is responsible for the implementation and enforcement of this rule. Requests for resolution of disputes with regard to the parking and traffic regulations contained in this rule shall be directed to said office.
(d) Authorizations.
1. Operation of a motor vehicle upon the campus of UCF is a privilege granted by the university. The university is authorized and reserves the right to regulate the use of any or all of its vehicle parking facilities for the exclusive use of designated groups or individuals.
2. Any individual possessing a valid driver’s license may operate a properly registered motor vehicle on the UCF campus in accordance with the provisions of these regulations.
3. UCF police officers and parking patrollers are authorized to issue a university parking and traffic citation to any person or vehicle violating university parking and traffic regulations.
4. Vehicles are subject to immobilization or being towed from the campus, depending upon the need for such action, as set forth in these rules and regulations.
(2) Registration Regulations.
(a) All motor vehicles parked on the UCF campus must be registered with the Parking Services Office and have the appropriate parking permit properly displayed prior to being parked on campus. This includes vehicles used by evening and special students. Exceptions to this regulation are as follows:
1. Vehicles displaying “government” license plates need not be registered.
2. Properly identified Government officials, such as FBI, ATF, US Customs, etc., who park on campus on official business, but whose vehicles are unmarked or do not bear “official” government-issued license plates, may be issued a parking permit free of charge, but for a period of no longer than one day per permit. These permits may be issued at either the Visitors Information Center or the Main Parking Services Office.

3. Construction personnel and contractors engaged in projects on campus may park within the designated fenced enclosure of the construction site without a UCF parking permit.

4. Visitors need not register their vehicles but shall comply with subparagraph (i)10. below.

(a) Registration of more than one automobile and one motorcycle is permissible by paying full price for each permanent decal or by purchasing a hang tag permit that is transferable from vehicle to vehicle.

(b) The vehicle registration year begins September 1 and ends August 31 the following year. Each vehicle must be registered no later than the end of the first full week of classes of each fall semester, and no later than the first day following the expiration date of the applicable permit for subsequent semesters. Vehicles not yet registered that are driven onto the campus at a later time during the registration year, must be registered prior to being parked. Free parking is available at the Parking Services Office to accommodate the registering of such vehicles.

(c) The vehicle registration year begins September 1 and ends August 31 the following year. Each vehicle must be registered no later than the end of the first full week of classes of each fall semester, and no later than the first day following the expiration date of the applicable permit for subsequent semesters. Vehicles not yet registered that are driven onto the campus at a later time during the registration year, must be registered prior to being parked. Free parking is available at the Parking Services Office to accommodate the registering of such vehicles.

(d) All individuals who register their vehicles at the University must register them online. Registrants may also purchase their parking permits online with a credit card or buy them in person at the Parking Services Main Office in the South Parking Garage or the Auxiliary Office in the West Parking Garage.

(e) Decal Display – Issued decals, except hang tags, are to be permanently affixed to the registered vehicle. Decals must be placed on either the left rear bumper or on the outside of the rear window of the driver’s side. Motorcycle decals must be affixed to the left front fork. Decals affixed elsewhere, or temporarily affixed by glue or tape will result in a citation for improper display.

(f) Hang tag permits must be displayed on the rear view mirror with the permit number facing forward.

(g) Registrants must register their own conveyance. The University Parking Services Office must be notified of any change in ownership or license plate number. A vehicle registration certificate or photocopy must be presented at the time a decal is purchased.

(h) Permanent decals are not transferable between individuals or vehicles. Upon sale or other disposal of a registered vehicle, the permanent decal must be destroyed.

(i) Parking permits are sold or issued under the following guidelines:

1. The university president, vice presidents, deans and others approved by the University Traffic and Parking Advisory Committee are eligible to purchase only an “A” permit. An “A” permit authorizes parking in individually reserved “A” spaces and any other legal parking space on campus not reserved for 24 hours daily.

2. Except as provided otherwise above in subparagraph (i)1., faculty members, administration and professional staff are eligible to purchase only “B” decals. USPS employees in pay grade 24 and above are also eligible to purchase “B” permits. A “B” permit authorizes parking in designated “B”, “C”, and “D” parking areas or in any parking garage. Adjunct faculty members may purchase either the “B”, “C”, or Daily Permit, but they must park in the type of facility designated by the permit they choose, or in any parking garage.

3. Except as provided otherwise above in subparagraph (i)2., full-time USPS staff are eligible to purchase only “C” permits. A “C” permit authorizes parking in designated “C” and “D” parking areas only. Persons who work on campus on a regular basis but are not university employees are eligible to purchase “C” permits only.

4. All OPS employees are eligible to purchase only “C” permits and may park in designated “C” and “D” parking areas only.

5. All students are eligible to purchase only “D” permits. A “D” permit authorizes parking in designated “D” parking areas only. Graduate Teaching Assistants, Graduate Research Assistants and all other student OPS employees are eligible to purchase only “D” permits.

6. All students, staff and faculty parking motorcycles, mopeds, or motor scooters on campus must purchase motorcycle permits “MC.” An “MC” permit authorizes parking in designated motorcycle areas only.

7. Persons holding current disabled parking placards, whether “permanent” (blue) or “temporary” (red), or disabled veteran or wheelchair license plates must purchase university disabled (“H”) parking permits at the regular parking fee for their respective category, ie. Faculty, Staff, or Student, etc. The “H” permit authorizes parking in the “H” or disabled parking spaces only, of any parking facility, including parking garage.

8. Employees of the Central Florida Research Park are eligible to purchase only “RP” permits. An “RP” permit authorizes parking in designated “C” and “D” areas only as well as in any parking garage.

9. Special guests of the university shall be issued “G” permits, subject to the availability of such permits. A “G” permit authorizes parking in any legal parking space on campus other than those reserved twenty-four (24) hours a day. Requests for this permit shall be submitted to the Parking Services Office.

10. Visitors to the campus shall be issued dated visitor’s parking permits by the Visitors Information Center attendant or Parking Services Office personnel. These permits are to be displayed on the vehicle as instructed and authorize parking in student parking lots unless otherwise directed by the parking personnel. Visitors may also park in any metered space by paying the appropriate meter fee.
11. Temporary parking permits must be obtained when an unregistered substitute vehicle is being parked on campus. Temporary permits may be obtained at the Visitors Information Center between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between 7:30 a.m. and 4:00 p.m., Saturday. Summer weekday hours are 7:00 a.m. to 7:00 p.m. These permits can also be obtained at the Parking Services Office. Temporary permits for substitute vehicles are issued at no charge and have the same parking privileges as do the permanent decal for which they substitute. Temporary permits shall be issued for a maximum period of fourteen (14) days. A maximum of six (6) temporary permits may be issued to a vehicle in a single semester. Failure to obtain a temporary permit will result in a citation for registration violation. Temporary permits are to be displayed on the vehicle dashboard.

12. Replacement permits:
   a. Replacement permits shall be issued for $5.00 provided the original permit is returned, (even if in remnants) and proof of sale of the original vehicle, or transfer of title is presented.
   b. When the original permit, or remnants thereof, is not returned or proof of sale or transfer is not provided, the replacement fee shall be the full fee in effect at the time of the replacement. The full fee also applies to permits to replace those that are reported lost. The replacement fee for a stolen permit is $20.00, however, if a permit is stolen, a police report must be filed and a stolen permit form signed before a replacement permit may be issued for the $20.00 fee.

(3) Vehicle Registration Fees for 2003-2004 academic years are as follows:
All fees, as posted, include applicable State Sales Taxes. Vehicle permit fees are subject to change at the beginning of each academic year.

   (a) Decal fees for the 2003-2004 academic years are:

<table>
<thead>
<tr>
<th>Classification</th>
<th>3 Semesters</th>
<th>2 Semesters</th>
<th>1 Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>“B”</td>
<td>$210</td>
<td>$210</td>
<td>$113</td>
</tr>
<tr>
<td>“C”</td>
<td>126</td>
<td>102</td>
<td>57</td>
</tr>
<tr>
<td>“D”</td>
<td>63</td>
<td>63</td>
<td>32</td>
</tr>
<tr>
<td>“H”</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>“G”</td>
<td>No charge</td>
<td>No charge</td>
<td>No charge</td>
</tr>
<tr>
<td>“AV”</td>
<td>95</td>
<td>95</td>
<td>47</td>
</tr>
<tr>
<td>“GP”</td>
<td>63</td>
<td>63</td>
<td>32</td>
</tr>
<tr>
<td>“LC”</td>
<td>95</td>
<td>95</td>
<td>47</td>
</tr>
<tr>
<td>“MC”</td>
<td>32</td>
<td>21</td>
<td>13</td>
</tr>
<tr>
<td>“RP”</td>
<td>126</td>
<td>102</td>
<td>57</td>
</tr>
</tbody>
</table>

Daily Visitor $3.00 per day
Temporary, No Charge (available to current permit holders only)
Meters $.50 per hour
Pay-By-Space (Visitors Lot Only) $1.00 per hour for a 2-hour maximum
Beginning with the 2002-2003 academic years, residents of both Lake Claire Apartments and Academic Village must pay a premium of 50% above the regular price of a decal.

NOTE: Parking in Lake Claire Lot H-1 is open to all classifications of parking. Parking Lots H-2 through H-5 are designated for Lake Claire residents only.

   (b) Hangtag fees for the 2003-2004 academic years are:

<table>
<thead>
<tr>
<th>Classification</th>
<th>3 Semesters</th>
<th>2 Semesters</th>
<th>1 Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>“A”</td>
<td>$714</td>
<td>$479</td>
<td>$285</td>
</tr>
<tr>
<td>“B”</td>
<td>315</td>
<td>315</td>
<td>162</td>
</tr>
<tr>
<td>“C”</td>
<td>189</td>
<td>152</td>
<td>85</td>
</tr>
</tbody>
</table>
(4) Parking Regulations.

(a) The responsibility of locating a legal parking space rests with the motor vehicle operator. Lack of a convenient space shall not be considered as a valid excuse for violation of any parking regulation. The fact that a person parks, or observes others parking in violation of any parking regulation without being cited does not mean that the regulation is not in effect.

(b) Except as noted herein, all parking regulations apply twenty-four (24) hours a day, seven (7) days a week and parking areas are restricted to specific decal or decals as designated by posted signs or curb markings. However, after 5:30 p.m. any registered vehicle may utilize any “B” (Faculty), “C” (Staff) or “D” (Student) parking space except where otherwise specified by appropriate signs or markings. “A” (Reserved 24 hours), and “H” (Disabled) parking spaces shall not be utilized at any time except by vehicles with decals authorizing use of these specific spaces.

(c) Metered parking is enforced from 7:00 a.m. to 9:00 p.m. on all class days, examination days, registration periods and term breaks. Drivers of all vehicles utilizing metered spaces are responsible for meter fees.

(d) The following parking practices are specifically prohibited:

1. Parking on lawns, landscaped areas, sidewalks, or other areas not specifically designated by signs or curb markings as parking areas. The absence of a “No Parking” sign does not mean parking is permissible in an area.

2. Double parking, parking any portion of a vehicle outside a line or beyond a post or other delineation device indicating a valid parking space or row.

3. Parking so as to block traffic, parked vehicles, service areas, roadways, crosswalks, or wheelchair access aisles and ramps.

4. Parking in an access lane. An access lane is any area that is not designated as a parking space and that provides an avenue for traffic flow.

5. Except as noted in paragraphs (b) and (c) above, parking in any space designated for decals other than the one displayed on the vehicle.

6. Parking in a metered or pay-by-space area after purchased amount of time has expired.

7. Unauthorized parking in “A”, “H” or reserved twenty-four (24) hours spaces.

8. Unauthorized parking in a service area.

9. Parking an unregistered vehicle without a valid parking permit anywhere on the UCF campus.

10. Displaying a parking permit obtained through willful misrepresentation or theft.

11. Failure to display parking permits properly: not permanently affixed, improperly placed, or not displayed on the vehicle for which purchased.

12. Failure to cancel registration or to destroy decal upon disposal of the registered vehicle.

13. Unauthorized or fraudulent use of a parking permit.

14. Parking a bicycle in a motor vehicle space, on disabled ramps, in areas designated by signs as no bicycle parking, on sidewalks or crosswalks, or in any way to hamper ingress to or egress from a building.

“D”  95  95  47
“AV”  142  142  71
“LC”  142  142  71
“RP”  189  152  85
“V”  $45.00 monthly; and $400.00 annually from date of purchase.
(5) Schedule of Parking Violation Fines 2003-2004 academic years.

<table>
<thead>
<tr>
<th>Violation (Description of Fine)</th>
<th>Amount Due (if paid within seven (7) working days*)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unregistered or No Permit Displayed</td>
<td>$25.00</td>
</tr>
<tr>
<td>Improper Display of Permit</td>
<td>$20.00</td>
</tr>
<tr>
<td>Unauthorized or Fraudulent Use of Permit</td>
<td>$100.00</td>
</tr>
<tr>
<td>Expired Registration</td>
<td>$40.00</td>
</tr>
<tr>
<td>Parking in a Disabled Space Without Proper Permit</td>
<td>$100.00</td>
</tr>
<tr>
<td>Blocking a Disabled Ramp</td>
<td>$50.00</td>
</tr>
<tr>
<td>Unauthorized Parking in a 24-Hour Reserved Space</td>
<td>$50.00</td>
</tr>
<tr>
<td>Blocking Traffic or a Roadway</td>
<td>$30.00</td>
</tr>
<tr>
<td>Parking in a Service Vehicle Space Without Proper Permit</td>
<td>$25.00</td>
</tr>
<tr>
<td>Parked Out of Assigned Area</td>
<td>$20.00</td>
</tr>
<tr>
<td>Overtime Parking at a Meter or in a Pay-by-Space Parking Space</td>
<td>$20.00</td>
</tr>
<tr>
<td>Parked in an Undesignated Area</td>
<td>$25.00</td>
</tr>
<tr>
<td>Any Other Parking Violation Not Herein Specified</td>
<td>$20.00</td>
</tr>
</tbody>
</table>

*If fine is not paid within seven (7) working days, a $10.00 late fee will be imposed.

Other Fees:
- Immobilization (Boot) Fee $50.00
- Impoundment Fee $20.00

(6) Disposition of Parking Citations.
  (a) Payments of non-contested parking citations must be received at the Parking Services Office or the Cashier’s Office located in Millican Hall within seven (7) working days from the date of citation issue. A late charge of $10.00 shall be assessed each citation if payment is received after the seven (7) working day period. Payments shall be made by mail, in person, or by deposit in campus fine collection boxes. Campus fine collection boxes are yellow in color and located at various locations around campus.
  (b) When an individual tenders more than forty-nine (49) pennies in payment of a fine, the Parking Services Office shall make suitable coin wrappers available and the individual paying a fine shall present the pennies wrapped in $.50 increments before acceptance of a fine payment is acknowledged.
  (c) Persons unable to pay the violation charge should report to the Parking Services Office within seven (7) days from the date of citation issuance and request a payment time extension.
  (d) Any person who alleges being unjustly ticketed shall appeal the citation at the Parking Services Office within seven (7) working days from the date the citation was issued. The Manager of Parking Services shall delete late charges or dismiss the citation altogether if it was issued in error. Appeals not sustained by the Manager of Parking Services shall be heard by the Parking Citation Appeals Committee. Individuals requesting appeals shall be notified of their scheduled hearing date. Appellants submitting written appeals shall be notified in writing of the committee’s decision.
  (e) The decisions of the Parking Citation Appeals Committee shall be based upon the provisions set forth in this rule and extenuating circumstances, if any, and are final and binding.

(7) Vehicle Immobilization.
  (a) Vehicles are subject to immobilization under the following circumstances:
  1. The vehicle has accumulated three or more unpaid parking citations.
  2. For law enforcement purposes, in which case an immobilization release fee will not be charged.
  (b) Cost of release from immobilization is $50.00. Release is available from Parking Services Personnel Monday through Thursday, 7:30 a.m. to 6:00 p.m., and Friday 7:30 a.m. to 5:00 p.m., and at all other hours from the UCF Police Department.
  (8) Tow Away – Vehicles are subject to being towed from campus at the owner’s expense under the following circumstances:
  (a) The vehicle is parked in a hazardous manner blocking traffic, roadways, crosswalks, sidewalks, handicapped ramps.
  (b) The vehicle is parked in a space reserved twenty-four (24) hours per day.
  (c) When arrangements to release an immobilized vehicle have not been made within forty-eight (48) hours of the original immobilization.
  (d) When the vehicle is abandoned on campus for any reason whatsoever for more than forty-eight (48) hours.
  (e) When immobilization is not appropriate due to vehicular construction.
  (f) When the vehicle owner has previously removed an immobilization device without authorization.
  (9) Revocation of Campus Parking Privileges – The Parking Services Manager shall revoke permission to park a vehicle on campus for a period of one year when it is determined that:
  (a) Any person falsifies or willfully misrepresents vehicle registration information.
  (b) The owner or operator displays a fraudulent permit on a vehicle.
(c) Any person has accumulated six (6) or more parking citations during an academic year.

(10) Administrative Penalty for Non-Payment of Parking Citations – A student who is delinquent in the payment of parking citations shall not be permitted to register for class, drop or add classes, receive transcripts or diplomas until the debt has been satisfactorily resolved.

(11) Traffic Regulations.
(a) Florida Uniform Traffic Control Law, Chapter 316, F.S., is in effect on campus at all times.
(b) U-turns are prohibited on campus at all times.
(c) Unnecessary noise from horns and mufflers or any other noise making device is strictly prohibited on campus at all times.
(d) Pedestrians have the right of way.
(e) Campus speed limits are 10 mph in parking lots and 30 mph on roads unless otherwise posted.
(f) It is a violation to drive in the direction opposite to that indicated by signs and directional arrows.
(g) Parking bicycles, scooters or vehicles on grass or on sidewalks not used as access areas is a violation. Conveyances used by disabled persons are exempt from this regulation.

(h) Traffic citations issued on campus by university police officers shall be referred to appropriate local government courts for disposition.

Specific Authority 1001.74(4), 1006.66(2) FS. Law Implemented 1006.66, 1009.241(12)(p) FS. History–New 3-22-76, Amended 8-19-82, 5-5-83, 8-14-83, Formerly 6C7-6.07, Amended 8-188-82, 9-20-89, 8-12-90, 7-21-91, 10-11-92, 9-8-93, 9-15-96, 8-14-02, 12-8-03.

6C7-6.0072 Transportation Access Fee.
Based on recommendations from the University Traffic and Parking Committee, and to support the university transportation infrastructure and increase student access to transportation services at the University of Central Florida, the University shall assess a transportation fee. The University Traffic and Parking Committee may recommend fees or fee increases be assessed upon all courses and fundable credit hours taken by individuals at the University. Beginning the fall term, 2002, the fee shall be $3.90 per credit hour.

Specific Authority 229.0081(2), 240.264 FS. Law Implemented 229.0082(11), 240.209(2)(e)8.q. FS. History–New 8-14-02.
CHAPTER 6C7-7 PURCHASING DIVISION

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PART I PURCHASING AND CONTRACTING

6C7-7.101 Statement of Intent and Application - Part I.

(1) Statement of Intent. It is the intent of the University to acquire quality goods and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process. Responsible purchasing officials shall be protected from improper pressures of external political or business interests. The process shall reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services, in order to preserve the integrity of public purchasing and contracting. The opportunity to bid on University contracts is a privilege, not a right.

(2) Application. These regulations shall apply to every expenditure applying to every fund held by the University, irrespective of source, including federal assistance monies, except University direct-support organization, (as defined in Section 1004.28, F.S.) support funds (UCF Foundation, Alumni Association non-appropriated funds, etc.). Excepted funds may be expended otherwise as may be directed by the President.

(3) Except as otherwise provided herein to adopt operation procedures necessary to carry out the purpose of this section, including the authority to delegate to any department any or all of the responsibility conferred by this chapter to the Purchasing Department, and all authority for supervision thereof; such purchasing by departments shall be in strict accordance with these rules and the Florida Statutes.

Specific Authority 1001.74(4), 1010.04 FS. Law Implemented 1001.71(4), (5), 1001.75(5), 1004.28, 1010.04 FS. History–Formerly 6C7-4.05(1), (2), 5-13-82, Amended 3-16-03.

6C7-7.102 Definitions.

(1) Artistic Services – Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.

(2) Commodity – Any of the various supplies, materials, goods, merchandise, food, equipment or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. “Commodity” also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. Printing of publications shall be considered a “commodity” when let upon contract either in accordance with Section 283.33, F.S., or in accordance with University guidelines. Software to be used pursuant to license agreements shall be considered a “commodity.”

(3) Competitive Bid/Proposal – The response submitted to an Invitation to Bid, Invitation to Negotiate, or a Request for Proposal by responsive and qualified bidders or offerors.

(4) Competitive Solicitation – An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor.

(5) Contractor/Vendor – A person or firm who contracts to sell commodities or contractual services to the University.

(6) Contractual Service – The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. “Contractual service” does not include labor or materials or selection of professional services for the construction, renovation, repair or demolition of facilities, pursuant to Chapter 255, F.S.

(7) Direct Owner Purchase – The purchase of materials and equipment by the university that are originally included in a Construction Managers, Contractors or subcontractors bid or proposal for a university construction project.

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

(9) Independent Contractor – A person or firm who provides a service to the University, but does not have any employment or other relationship or connection with that University, except as provided in Section 112.313, F.S.
Informal Bid – An Informal Bid is defined as either a written or verbal quotation not requiring a public opening of such at a specific time or date. Written evidence of verbal quotations shall be maintained.

Invitation to Bid – A written solicitation for competitive bids with the title, date, and hour of the public bid opening designated and the commodity, group of commodities or services defined, for which bids are sought.

Invitation to Negotiate – An invitation extended to prospective contractors by the University, whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services. Cost may or may not be a consideration in the initial stages of negotiating.

Definite Quantity Contract – Definite Quantity Contract whereby the contractor(s) agrees to furnish a specific quantity of an item or items at a specified price and time. Delivery and acceptance of the specific quantity at the University or such place designated in the contract completes such contract.

Term Contract – Indefinite Quantity Contract whereby a contractor(s) agrees to furnish an item or items during a prescribed period of time (such as 3, 6, 9, 12 months or a specific date). The specified period of time or date completes such contract.

Printing – The term “printing” shall include “commercial printing services” and shall mean and include any mechanical process whereby ink is transferred to paper, except internal photocopy reproduction. Printing shall include duplicating when used to produce publications and also the process of and the materials used in binding.

Class B Printing – Shall be defined as that portion of printing (other than Class A Legislative Printing) which may be circulated to and/or used by the general public and public or governmental entities other than agencies of the State of Florida.

Competitive Bids – Competitive Bids shall mean two or more valid responses to a bid invitation.

Valid Response – A responsible offer to full compliance with the bid specifications and conditions.

Department – Department means any college, school, department, principal investigator, club, organization or other budget entity which has been assigned a departmental account number by the University Controller.

Limited Purchase Orders (LPOs) – LPO shall mean a combination purchase order-receiving report-vendor’s invoice issued to departments by the Director of Purchasing for use in the purchase of minor (not over $500.00 FOB origin per order) quantities of commodities, printing, or services.

Minority Business Enterprise – A business concern as defined in Section 288.703(2), F.S.

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

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

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

Purchases for Resale – The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.

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

Request for Proposal – A written solicitation for competitive proposals for commodities or contractual services with the title, date, and hour of the public opening designated. The request for proposal may be used when the scope of work is not clearly prescribed.

Responsive and Qualified Bidder or Offeror – A contractor/vendor who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.

Small Business Enterprise – An independently owned and operated business concern that employs fewer than 100 or fewer permanent full-time employees, and has a net worth of not more than $3 million.

Specific Authority 1001.74(4), 1010.04 FS. Law Implemented 288.703(2), 1001.74(5), (29), 1001.75(5), 1010.04 FS. History–Formerly 6C7-4.05(3), 5-13-82.

6C7-7.113 Responsibility of Bidders and Offerors.
The failure of a bidder or offeror to supply information or literature in connection with an Invitation for Bids, Request for Quotation or other solicitation may be grounds for a determination of non-responsiveness with respect to such bid or offer.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1), (14), 240.225 FS. History–Formerly 6C7-4.05(12), 5-13-82.

6C7-7.124 Authority to Suspend or Debar Vendors.
(1) The Vice President for Administration and Finance, under advisement from the Director of Purchasing, shall be authorized to suspend or debar contractors. Debarment or suspension is a serious action which must be based on adequate evidence rather than mere accusation. This assessment should include an examination of basic documents, such as contracts, inspection reports and correspondence. Debarment or suspension will be for the purpose of protecting the interests of the University and shall not be used for punishment.
(2) Grounds for Suspension (removal of name from bid mailing list for a period not to exceed six (6) months).
(a) Failure to respond to three consecutive invitations to bid.
(b) Failure to comply with the conditions, specifications, drawings or terms of contractor’s contractual agreement with the University on any one contract.
(c) Being charged before a court of competent jurisdiction with committing a fraud, misdemeanor or felony in connection with the vendor’s commercial enterprise. (If charges are dismissed or if the vendor is found not guilty, the suspension shall be lifted immediately upon notification from the vendor.)
(d) Bankruptcy.
(3) Grounds for Debarment.
(a) Failure to request reinstatement on the bid mailing list within six months after receiving a notice of suspension based on sub-subparagraph 1.a. above.
(b) Willful failure to fully comply with the conditions, specifications, drawings or terms of contractor’s contractual agreement with the University twice in any one year period.
(c) Conviction by or judgment obtained in a court of competent jurisdiction for commission of a fraud or criminal offense in connection with the vendor’s commercial enterprise. However, if the conviction or judgment is reversed through the appellate process, the disbarment shall be removed immediately upon notification to the University by the vendor of the reversal.
(d) Violation of the Federal Anti-trust Statutes arising out of submission of bids or proposals.
(e) A history of failure to perform, or of unsatisfactory performance, in accordance with the terms of one or more contracts; provided that such failure or unsatisfactory performance is within a reasonable period of time preceding the determination to debar. (Failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered as a basis for debarment.)
(4) Any suspension or debarment under this rule shall not become effective until 21 days after the date of a notification letter from the University informing the vendor of the intended action. This written notification shall clearly state the reasons for the suspension or debarment and shall inform the vendor that the action shall become final within 21 days after the date of the notification unless:
(a) The vendor demonstrates to the satisfaction of the University that he has complied with all lawful requirements for retention on the mailing list and acceptance of his bids, or
(b)1. The vendor requests that a hearing be conducted under the provisions of Section 120.57, F.S.
2. If a hearing is requested by the vendor within 21 days after the date of the suspension or disbarment notice, the proposed suspension or disbarment shall be held in abeyance, unless otherwise ordered by the University pursuant to Section 120.60(7), F.S., pending the outcome of the hearing which will be conducted in the manner prescribed in subsection 6C7-7.123(3) or (4), F.A.C.
Specific Authority 1001.74(4), 1010.04 FS. Law Implemented 1001.74(5), 1001.75(5) FS. History–Formerly 6C7-4.05(22), 5-13-82, Amended 12-29-91, 3-16-03.

6C7-7.126 Assistance to Small and Disadvantaged Businesses.
(1) The University of Central Florida shall assist and encourage the growth of small and minority owned business by avoiding unnecessary burdens on the businesses and by promoting an atmosphere conducive to the development of these business concerns.
(2) Progress Payments – The Director of Purchasing may make such special provisions for progress payments as such officer may deem reasonably necessary to encourage purchase from small and disadvantaged businesses.
(3) It is the obligation of all university departments involved in purchases to seek out and identify small and minority owned businesses in bidding and contract opportunities.
Specific Authority 1001.74(4), 1010.04 FS. Law Implemented 1001.74(5), (29), 1001.75(5), 1010.04 FS. History–Formerly 6C7-4.05(24), 5-13-82, Amended 3-16-03.

6C7-7.130 Administration and Finance; Purchasing.
(1) The University Board of Trustees has authority to establish a system of coordinated procurement policies, procedures, and practices to be used in acquiring commodities and contractual services required by the University. The Purchasing Department has the duty to:
(a) Develop purchasing procedures.
(b) Canvass sources of supply and contracting for the purchase or lease of all commodities and contractual services for the University, in any manner, including purchase by installment- or lease-purchase contracts. Installment- or lease-purchase contracts may provide for the payment of interest on unpaid portions of the purchase price.
(c) Recommend or advise the suspension or debarment of a contractor in accordance with Rule 6C7-7.124, F.A.C.
(d) Plan and coordinate purchases in volume and negotiate and execute agreements and contracts for commodities and contractual services under which the University may make purchases.
(e) Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/ services that are frequently purchased and are available from a single source.
(f) Evaluate and approve contracts let by the Federal Government, other states, political subdivisions, or any independent
college or university or educational cooperative or educational consortium for the procurement of commodities and contractual
services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts let
by such other entities.

(g) Elect as an alternative to any provision in Section 120.57(3)(c), F.S., to proceed with a bid solicitation or contract award
process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying
the solicitation or contract award process would be detrimental to the interests of the University. After the award of contract
resulting from a competitive solicitation in which a timely protest was received and in which the University did not prevail, the
contract may be canceled and re-awarded to the prevailing party.

(h) Award contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest
of the University. Such awards may be on a university, regional or multiple state university-wide basis and the contracts may be for
multiple years.

(i) Reject or cancel any or all competitive solicitations when determined to be in the best interest of the Institution.

(j) Inspect the part of the plant or place of business to determine the capability of contract performance of a contractor or any
subcontractor which is related to the performance of any contract awarded or to be awarded by the University, when specified in the
agreement.

(2) Competitive Solicitations Required.

(a) All contracts for the purchase of commodities or contractual services exceeding $50,000 shall be awarded pursuant to a
competitive solicitation, unless otherwise authorized herein.

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

(c) When multiple responses that are equal in all respects are received to a competitive solicitation, the University will give
preference to responses that include commodities manufactured in the state, Florida businesses, businesses with a drug-free
workplace program, or foreign manufacturers located in the state to determine the contract award, or, if these conditions do not
exist, will use toss of the coin.

(d) The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive
solicitation.

(e) Intended award shall be publicly posted by the Purchasing Office which issues the Invitation to Bid, Request for Proposal
or Invitation to Negotiate for 72 hours, which is interpreted as three working days. (Working days do not include Saturdays,
Sundays, or State or University holidays.)

(f) Advertisement. Invitations to Bid, Requests for Proposals, and Invitations to Negotiate for commodities expected to be in
excess of $150,000 and for contractual services expected to be in excess of $50,000 shall be advertised in the Florida
Administrative Code or Florida Communities Network, the Director of Purchasing shall have the authority to waive the
advertisement requirement when the number of potential bidders or proposers is limited and can otherwise be solicited, when the
availability of funding so requires, or where delivery is urgent.

(g) Bids and proposals shall remain sealed (with the exception of typical information revealed at the Bid/RFP opening for the
tabulation sheet) until notice of final contract award is given or in accordance with Florida Statute as appropriate.

(h) In the case of extension errors, the unit price will prevail.

(i) Withdrawal. A vendor may withdraw his or her bid or proposal in writing if done within seventy-two (72) hours of the bid
or proposal opening, if the bid or proposal is clearly erroneous and it is withdrawn prior to final award or the purchase order being
issued.

(j) Bid Proposal Evaluations – Bids/Proposals shall be evaluated based on the requirements set forth in the Invitation for Bids/
Request for Proposals, which may include criteria to determine acceptability such as inspection, testing quality, workmanship;
delivery and suitability for a particular purpose. Those criteria that will affect the bid/proposal price and be considered in evaluation
for award shall be objectively measured, such as all or none, discounts, transportation costs and total or life cycle costs. The
Invitation for Bids or Request for Proposals shall set forth the criteria to be used. No criteria may be used in bid/proposal evaluation
that is not set forth in the Invitation to Bid or Request for Proposal.

(3) Purchase of Commodities or Contractual Services.

(a) Purchase of Products with Recycled Content. The University encourages the purchase and use of products and materials
with recycled content and post consumer recovered material.

(b) Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney
services acquired by the University.

(c) Purchase of Insurance. The University has the authority to purchase insurance as deemed necessary and appropriate for the
operation and educational mission of the University. Examples of insurance coverage that may be acquired by the University
include (but are not limited to) insurance coverage for:

1. Physical damage on vehicles and boats;

2. Inland marine on property owned, leased, or loaned to or by the University;
3. Building and property damage;
4. Equipment losses due to theft;
5. Equipment subject to transportation;
6. Loss of rental income;
7. Commercial general liability insurance for scientific equipment;
8. Excess general liability coverage;
9. Campus insurance; and

(d) Purchase of Printing. Printing shall be purchased in accordance with the requirements of these rules. The University may refer to the requirements of Chapter 283, F.S., and rules promulgated thereto for guidance with respect to the purchase of printing services.

(e) Purchases from Minority-Owned and Small Business Enterprises. The University is an equal opportunity institution and encourages procurement contracting with Minority-Owned and Small Business Enterprises.

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

(g) Preference Given Within the State – Preference shall be given to manufacturers located within the state when awarding contracts whenever such commodities or services can be purchased at no greater expense than, and at a level of quality comparable to, that obtainable from a manufacturer located outside the state.

(h) Purchasing actions that are not subject to the competitive solicitation process include:
1. Emergency Purchases. When the President or his or her designee determines in writing, that a condition exists that threatens the health or safety of person(s) or animal(s) or the preservation or protection of property or the continuance of a vital University function, the University may proceed with an emergency purchase without a competitive solicitation. The emergency purchase shall be limited to the purchase of only the type of items and quantities or for a time period sufficient to meet the immediate threat and shall not be used to meet long-term requirements.
2. Sole Source Purchases. Commodities or contractual services available from a single source shall be exempted from the competitive solicitation process. Sole Source document shall be publicly posted by the Purchasing Office for three working days. Working days do not include Saturdays, Sundays, or State or University Holidays.
3. Purchases from competitively bid Contracts and Negotiated Annual Price Agreements established by the State, other governmental entities, other public or private educational institutions, and educational cooperatives and educational consortia are not subject to further competitive solicitation.
4. Construction Direct Purchase Program. Commodities to be incorporated into any public work (as that term is defined in Rule 12A-1.094, F.A.C.) which are procured by the University in accordance with the requirements of the University’s direct purchase program are not subject to any further competitive solicitation.

(i) Commodities and contractual services that are not subject to the competitive solicitation process include:
1. Artistic services;
2. Academic reviews;
3. Lectures;
4. Auditing services;
5. Legal services, including attorney, paralegal, expert witness, appraisal, lobbyist, arbitrator or mediator services;
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;
7. Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of Section 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;
8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed;
9. Family placement services;
10. Training and education services;
11. Advertising;
12. Services or commodities provided by governmental agencies, another university in the State of Florida or other independent colleges and universities;
13. Programs or continuing education events that are offered to the general public for which fees have been collected to pay all expenses associated with the program or event;
14. Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;
15. Regulated utilities and government franchised services;
16. Regulated public communications, except long distance telecommunication services or facilities;
17. Extension of an existing contract;
18. Renewal of an existing contract if the terms of the contract specify renewal option(s);
19. Purchases from the Annual Certification List developed by the University;
20. Purchases for resale;
21. Accountant Services, including auditor services;
22. Contracts or services provided by not-for-profit support and affiliate organizations of the University, direct support organizations, health support organizations and faculty practice plans;
23. Implementation/programming/training services available from the owner of copyrighted software or its contracted vendor;
24. Purchases of materials, supplies, equipment, or services for research purposes when a director of sponsored research or designee(s) certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project; and
25. Purchases for the Florida High Tech Corridor initiative.
(j) Participants in Contract Awards Not Subject to Competitive Solicitations.
1. No person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be eligible to contract with the University dealing with the specific subject matter.
2. The individuals taking part in the development or selection of criteria for evaluation, the evaluation process and the contract award in any purchase shall be independent of, and have no conflict of interest in, the entities evaluated and selected and may be required to so attest in writing.
(4) Bonds.
(a) Solicitation Security. A certified, cashier’s or treasurer’s check, bank draft or bid bond may be required as a condition for participating in a competitive solicitation where the University is reasonably uncertain about the contractor’s ability to perform, and the expected value of the contract is in excess of $100,000.
(b) Payment and Performance Bonds for Commodities Contracts. The Purchasing Director is authorized to require any contractor contracting with the University to provide commodities or commodities which include installation to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract when the total contract amount is greater than $100,000 and the University is uncertain about the contractor’s ability to perform.
(c) Solicitation Protest Bond. Any contractor that files an action pursuant to Section 120.57(3)(b), F.S., protesting a decision or intended decision pertaining to a solicitation, shall at the time of filing of the formal protest, post with the University, a bond payable to the University in an amount equal to: 10% of the estimated value of the protestor’s bid or proposal; 10% of the estimated expenditure during the contract term; $10,000; or whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the contractor filing the protest action. In lieu of a bond, the University may accept a cashier’s check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier’s check or money order at the time of filing the formal protest shall result in the denial of the protest.
(5) Contracts.
(a) Contracts for commodities or contractual services or licenses shall consist of a purchase order or bilateral agreement signed by the President of the University or designee prior to or within thirty (30) days of the goods or services being rendered by the contractor.
(b) Any contract for the purchase of services or tangible personal property for a period in excess of one fiscal year shall include the following or an equivalent statement: “The State of Florida’s and University’s performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature.”
(c) Extension of a contract shall be for a period not to exceed 12 months, shall be in writing, shall be signed by both parties, and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract.
(d) A contract may contain provisions for renewal. If the commodity or contractual service is purchased as a result of a competitive solicitation, the cost of any contemplated renewal must be included in the competitive solicitation. All contract renewals are subject to sufficient annual appropriations.
(e) When any commodity contract requires deferred payments and the payment of interest, such contract may be submitted to the State of Florida Comptroller for the purpose of pre-audit review and approval prior to acceptance by the University. The President shall have the authority to enter into deferred payment agreements utilizing the State of Florida Comptroller’s Consolidated Equipment Financing Program. No agreement shall establish a debt of the state or shall be a pledge of the faith and credit of the state; nor shall any agreement be a liability or obligation of the state except from appropriated funds.
(f) In order to promote cost-effective procurement of commodities and contractual services, the University may enter into contracts that limit the liability of a vendor consistent with Section 672.719, F.S.
(g) The total value of the contract shall be the purchase price for the initial term plus all renewal costs.
(h) If a contractor does not furnish proof of payment to subcontractors, materialmen, or laborers within 60 days after the project is certified to be finally complete by the University, the University will pay any retainage, on a pro-rata basis, directly to the subcontractors, materialmen or laborers. In order to obtain payment, subcontractors, materialmen, or laborers who have not been
paid after the 60 days have passed have an additional 30 days to submit documentation satisfactory to the University showing that they have performed work on the project, the amount due, and certifying that they have not been paid. If a contractor does not complete a project, the University will use any retainage to complete the work and then pay any balance of the retainage, on a pro-rata basis, to subcontractors, materialmen, or laborers who provide the above required documentation within 30 days after the completion of the project.

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

(7) Purchase of Motor Vehicles.
(a) The term “motor vehicle” includes any automobile, truck, watercraft or other vehicle designed primarily for transporting persons, and construction vehicles or farm equipment.
(b) The University has authority to:
1. Establish standard classes of motor vehicles to be leased, purchased or used by University personnel;
2. Obtain the most effective and efficient use of motor vehicles for state purposes;
3. Establish and operate facilities for the acquisition, disposal, operation, maintenance, repair, storage, control and regulation of University-owned motor vehicles. Acquisition may be by purchase, lease, installment-purchase, loan or by any other legal means and may include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport University personnel and adequately meet the requirements of the University.
4. Contract for specialized maintenance services.
(c) Motor vehicles owned, leased or operated by the University shall be available for official University business only.

Specific Authority 1001.74(4) FS. Law Implemented 112.313, 120.57(3), 283.33, 672.719, 1001.74(5), (29) FS. History–New 4-23-03.

PART II REAL PROPERTY

6C7-7.201 Purpose and Application - Part II.
(1) The purpose of Part II of this Chapter is to provide procedures for the university’s acquisition, management or sale of real property.
(2) These regulations shall apply to all university real property transactions irrespective of source or destination of funds involved except for transactions involving university direct support organizations as defined in Section 1004.28, F.S., and support funds (UCF Foundation, Alumni Association, etc.). Transactions involving the above exempted organizations shall be conducted as directed by the university president.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(5), 1001.75(5) FS. History–New 8-4-82, Amended 3-16-03.

6C7-7.202 Purchase and Sale of Real Property.
(1) The Vice President for Administration and Finance will review requests for acquisition or disposal of real property and shall furnish his or her recommendations thereon to the President.
(2) Purchase and sale transactions shall be coordinated by the Director of Purchasing.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(5) FS. History–Formerly 6C7-4.03, Renumbered 5-8-82, Amended 3-16-03.

6C7-7.203 Real Property Leasing.
(1) Purpose. The purpose of those rules numbered Rules 6C7-7.203 through 6C7-7.220, F.A.C., is to implement the authority given to the University of Central Florida to lease real property for the use and benefit of approved programs of the University.
(2) Exceptions. These rules shall not apply to leases for less than 21 consecutive days.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(5), 1001.75(5), 1010.04(1), 1013.171 FS. History–Formerly 6C7-4.052(1), (11)(b), F.A.C., Renumbered and Amended 8-4-82, 3-16-03.

6C7-7.204 Definitions.
For purposes of these rules, a lease is a document containing the terms and conditions establishing the relationship of landlord and tenant for real property, including land and any improvement thereon.

Specific Authority 1001.74(4), 1013.171 FS. Law Implemented 1001.74(5), 1001.75(5), 1013.171 FS. History–Formerly 6C7-4.052(2), F.A.C., Renumbered 8-4-82, Amended 3-16-03.

6C7-7.205 Approval of Real Property Leases.
(1) General – Before leasing a building or any part thereof and occupying such space, lease agreements shall be approved by the University Attorney and the President or Vice President for Administration and Finance or the President’s designee. All lease agreements in excess of $1,000,000 shall be approved also by the Board of Trustees or their designee.
(2) Nothing in this rule shall be interpreted as circumventing the provisions of Section 255.21, F.S.

Specific Authority 1001.74(4), 1013.171 FS. Law Implemented 1001.74(5), 1001.75(5), 1013.171 FS. History–Formerly 6C7-4.052(3), F.A.C., Renumbered, Rettitled and Amended 8-4-82, Amended 6-22-83, 3-16-03.

6C7-7.206 Standard Lease Agreement Form.

(1) The University uses a standard lease form, which may be obtained from the Purchasing Division, Orlando Tech Center, 12479 Research Parkway, Orlando, Florida. Provisions of the University’s Standard Lease Agreement may be changed or additional covenants or conditions added thereto with the prior approval of the University Attorney.

(2) Escalation Clauses Prohibited. A lease shall not contain a rental escalation clause or an open rental rate that permits an adjustment in the amount paid by the University based on the happening of a future event, such as a change in the Consumer Price Index. Any such clause in a lease shall be null and void and unenforceable. The final cost to the University for the complete term of a lease, including the projected costs for all renewal periods, must be clearly set forth in the lease or calculable based on the terms of the lease.

(3) Right-to-Terminate Clause Required. A right-to-terminate clause shall be a part of any lease for a term exceeding one fiscal year and may not be omitted from any University lease. To comply with this provision, each lease for a term exceeding one fiscal year shall contain the following clause; “The State of Florida’s performance and obligation to pay under this lease is contingent upon an annual appropriation by the legislature.”

(4) Renewal of Leases. Any lease may contain an option to renew. Any such renewal shall be made according to the terms and conditions of the lease.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(5), 1001.75(5), 1013.171 FS. History–Formerly 6C7-4.052(4), (5), (6), (7), F.A.C., Renumbered 8-4-82, Amended 3-16-03.

6C7-7.207 Code Compliance in Lease Space.

(1) Any privately owned building or any part thereof to be leased to the University shall comply with those portions of Chapters 553 and 633, F.S., applicable to University buildings, including but not limited to fire safety, life safety and disabled access standards.

(2) Before construction or renovation of any state-leased building is commenced, the University shall ascertain that the proposed construction or renovation plan complies with those portions of Chapters 553 and 633, F.S., applicable to University buildings.

(3) The cost of all modifications or renovations made for the purpose of bringing lease property into compliance with fire safety, life safety, and disabled access standards applicable to University buildings shall be borne by the lessor unless otherwise agreed in writing by the University.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(5), 1001.75(5), 1013.171 FS. History–Formerly 6C7-4.052(8), F.A.C., Renumbered 8-4-82, Amended 3-16-03.

6C7-7.208 Leases of 5,000 Square Feet or More.

(1) The University shall not enter into a lease for 5,000 square feet or more in a privately owned building except upon advertisement for and receipt of competitive bids and award to the lowest bid meeting specifications. The University shall not enter into, within any 12 month period, more than one lease for space of a total of 5,000 square feet or more in a privately owned facility or complex except upon the solicitation of competitive bids.

(2) Exceptions.

(a) This rule shall not apply to renewal of leases when the lease contains renewal terms or to leases otherwise excepted from the competitive bidding requirements of Section 255.25, F.S., by its terms.

(b) This rule shall not apply to any lease having a term of less than 21 consecutive days for the purpose of securing the one-time special use of the leased property.

(c) This rule shall not apply to any lease for nominal or no consideration. As used herein, “nominal consideration” means consideration for $10.00 or less per year.

(d) This rule shall not apply to building or facilities of any size leased for the purpose of providing care and living space for persons.

(e) The University may approve extensions of an existing lease of 3,000 square feet or more space if such extensions are determined to be in the best interest of the State, but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month the University still needs space, it shall be procured by competitive bid. However, if the University determines it is in the best interest to remain in space it currently occupies, the University may negotiate a replacement lease with the landlord if an independent market analysis demonstrates that the lease rates offered are within market rates for the space and the cost of the new lease does not exceed the cost of a comparable lease plus documented moving costs. The term of such replacement lease may not exceed the base term of the expiring lease. The decision to extend a lease and to remain in space currently occupied shall be based on the following factors: the cost of moving, the disruption of activities that will occur as a result of moving, the location of the space, the suitability of the space, the proximity of services, the layout and type of space, and the quality of space involved.
(f) Specialized educational facilities excluding classrooms shall be exempt from the competitive bid requirements for leasing upon certification by the University President or designee that said facility is available from a single source and that compliance with competitive bid requirements would be detrimental to the University.

(g) Leases of educational facilities in the Central Florida Research Park, “with which the University is affiliated,” are exempt, pursuant to Section 240.242, F.S.

(h) Leases of space in the event of emergency space needs where existing state- or University-owned or leased space is destroyed or rendered uninhabitable and the President or designee certifies that other University controlled space is not available and the term of the lease does not exceed 11 months, provided the University may modify the lease to extend month to month for up to 6 additional months to allow completion of construction or renovation.

(3) The University shall not enter into a lease agreement for space of 5,000 square feet or more in a privately owned building when suitable space is available in a state-owned building located in the same geographic region unless it is determined to be in the best interest of the University State, such as when the cost of the move from a private building to the state-owned building would be prohibitive. The University is exempt from these requirements when leasing space in the Central Florida Research Park.

Specific Authority 1001.74(4), 1013.171 F.S. Law Implemented 255.25(3)(a), 1001.74(5), 1013.17, 1013.171 F.S. History–Formerly 6C7-4.052(9)(a), (b), F.A.C., Renumbered 8-4-82, Amended 12-29-91, 3-16-03.

6C7-7.209 Solicitation for Lease Space.
(1) A public solicitation for proposals will be widely publicized using newspaper advertisement and contact with owners, developers or realtors in the city or area in which space is desired.

(2) Solicitation should set forth, but not be limited to the following:
   (a) Approximate net square footage required to be measured in accordance with subsection 60H-2.003(2), F.A.C.
   (b) General area in which space must be located.
   (c) Date space must be available.
   (d) Name and address of location where specifications may be obtained.
   (e) Terms and conditions of lease.

Specific Authority 1001.74(4), 1013.171 F.S. Law Implemented 1001.74(4), 1001.74(5), 1013.171 F.S. History–Formerly 6C7-4.052(9)(c), F.A.C., Renumbered and Retitled 8-4-82, Amended 3-16-03.

6C7-7.210 Lease Specifications.
(1) For all leases to be awarded based upon competitive bid, bid specifications shall be drawn by the University in general terms. They shall afford each prospective lessor, interested in submitting a proposal, knowledge of the University’s space requirements. They shall not be structured to favor any specific location or lessor.

(2) Specifications provided to each prospective lessor should set forth, but not be limited to, the following:
   (a) Approximate net square footage required, to be measured in accordance with subsection 60H-2.003(2), F.A.C.
   (b) Approximate floor plan of space needed showing partitioning and other physical requirements.
   (c) General location of required space.
   (d) Date space must be available.
   (e) Term of lease with option to renew, if desired.
   (f) Services required to include parking, dining and transportation requirements.

(3) Specifications shall also set forth that the prospective lessor will agree to:
   (a) Enter into the University’s standard lease.
   (b) Provide a scaled floor plan showing present configurations and measurements that equate to net rentable square footage offered.
   (c) Be an Equal Opportunity Employer.
   (d) Provide Full Disclosure Statements of Ownership.
   (e) Validate the proposal for a minimum of forty-five (45) days following the public bid opening date.
   (f) Provide a Life Cycle Analysis with proposal if the space is for 20,000 or more square feet in any one structure with the understanding that the analysis must be acceptable before an award can be made. (Section 255.254, F.S.)
   (g) Propose a rental rate per square foot per year that will include all renovations and other special requirements necessary to accommodate the program at the time of initial occupancy.

(4) Specifications may provide that sealed proposals are to be submitted, in a titled envelope, to a designated individual by a specified closing time and date, at which time all proposals will be publicly opened.

Specific Authority 1001.74(4) F.S. Law Implemented 255.254, 1001.74(5), 1001.75(5), 1013.171 F.S. History–Formerly 6C7-4.052(9)(d), Renumbered and Amended 8-4-82, 3-16-03.

6C7-7.211 Proposals to Lease.
(1) Proposals shall specifically respond, but need not be limited, to each item included in the specification.
Each proposal shall be signed by the owner(s), corporate officers, or legal representative(s). The corporate, trade or partnership name must be either stamped, written or typewritten, beside the actual signature(s). If the proposal is signed by an agent, written evidence of his authority must accompany the proposal. If a corporation foreign to the State of Florida is the owner, evidence of authority to conduct business in Florida shall be presented.

Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.25(2)(c) FS., 13D-19.001(5), F.A.C. Law Implemented 120.53(1)(a), 240.225, 240.227(14), (16), 255.249(2)(b) FS. History–Formerly 6C7-4.052(9)(e), F.A.C., Renumbe red and Retitled 8-4-82.

6C7-7.212 Evaluation of Lease Proposals.
(1) The University alone shall reserve the right to accept or reject any or all bids submitted and if necessary reinitiate procedures for soliciting competitive proposals.
(2) The University in conjunction with preparing specifications, shall develop weighted evaluation criteria. The criteria items most significant to the University’s needs should bear the highest weight. The cost of relocation, if any; consolidation of activities, if desirable; and any other factors deemed necessary should be weighed.
(3) The evaluation shall be made by the University.
(4) Selection shall be made by the University.
(5) Documentation to support the selection shall be maintained and shall include but not be limited to the following:
   (a) A copy of any advertisements.
   (b) A copy of all proposal specifications.
   (c) A copy of all proposals received.
   (d) A synopsis of the University’s findings for each proposal.
(6) After the selection has been awarded, a lease shall be properly executed.

Specific Authority 1001.74(4), 1013.171 FS. Law Implemented 1001.74(5), 1001.75(5), 1013.171 FS. History–Formerly 6C7-4.052(9)(f), F.A.C., Renumbe red and Amended 8-4-82, 3-16-03.

6C7-7.214 Disclosure Statements - Private Entities, Public Officials.
(1) A statement by the owner providing for full disclosure of the names and the extent of interest of the owners holding 4% or more interest in any privately owned property leased to the University or in the entity holding title to the property, shall be secured for all new leases, renewal leases, modifications to approved leases and the notification of renewal under an existing lease option.
(2) A statement by the owner providing for full disclosure of the names of all public officials, agents or employees holding any interest in any privately owned property leased to the state, or in the entity holding title to the property, and the nature and extent of their interest, shall be secured for all new leases, renewal leases, modifications to approved leases, and notifications of renewal under a lease option.
(3) It is not necessary to make disclosure under subsections (1) and (2) of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to Chapter 517, F.S., which stock is for sale to the general public. A statement certifying the registration shall be provided by the Lessor.
(4) It is not necessary to make disclosure under subsections (1) and (2) of any leasehold interest in property located outside the territorial boundaries of the United States.
(5) Each subsequent transaction, pertaining to a lease for which a Disclosure Statement has been provided, may be accompanied by a lessor’s affidavit that the previous Disclosure Statement submitted on (date to be provided) is still valid, if no change in the interest held or individuals concerned has occurred.

Specific Authority 1001.74(4), 1013.171 FS. Law Implemented 1001.74(5), 1013.171 FS. History–Formerly 6C7-4.052(10), Renumbe red 8-4-82, Amended 7-27-83, 3-16-03.

6C7-7.216 Certification of Compliance - Leases.
The University President shall certify that each lease is in compliance with all leasing criteria provided by Chapter 255, F.S., and these rules. Certification authority shall not be delegated.

Specific Authority 1001.74(4), 1013.171 FS. Law Implemented 1001.74(5), 1001.75(5), 1013.171 FS. History–Formerly 6C7-4.052(12), Renumbe red and Retitled 8-4-82, Amended 3-16-03.

6C7-7.217 Space Measurement.
The University shall utilize the method of space measurement of usable space as set forth in Rule 60H-2.003, F.A.C.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(5), 1013.171 FS. History–Formerly 6C7-4.052(13), Renumbe red and Amended 8-4-82, 3-16-03.

6C7-7.218 Space Allocation.
Space Allocation shall be based on the formula contained in BOR Rule 6C-17.013, F.A.C.
Specific Authority 120.53(1)(a), 240.225, 240.227(1), 255.25(2)(c) FS., 13D-19.001(5), F.A.C. Law Implemented 120.53(1)(a), 240.225, 240.227(14), (16), 255.249 (2)(d) FS. History–Formerly 6C7-4.052(15), F.A.C., Renumbered and Retitled 8-4-82.

6C7-7.219 Rental Rates.
The rental rate for space shall be within rental rate guidelines established by the University.

Specific Authority 1001.74(4), 1013.171 FS. Law Implemented 1001.74(5), 1013.171 FS. History–Formerly 6C7-4.052(15), F.A.C., Renumbered and Amended 8-4-82, 3-16-03.

6C7-7.220 Exception to Competitive Bidding for Leased Space.
In any lease of space that is accomplished without competition, the individuals taking part in the development or selection of criteria for evaluation, in the evaluation, and in the award processes shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected.

Specific Authority 1001.74(4), 1013.171 FS. Law Implemented 255.25(11), 1001.74(5), 1013.171 FS. History–Formerly 6C7-4.052(16), F.A.C., Renumbered and Re_titles 8-4-82, Amended 3-16-03.

PART III MISCELLANEOUS PURCHASING FUNCTIONS

6C7-7.302 Surplus Property.
(1) Purpose. The purpose of this rule is to set forth guidelines with respect to the disposition of state-owned tangible personal property in the custody of the University in accordance with Sections 273.04, 273.05, 273.055, F.S.

(2) Definitions.
(a) Custodian – Any person entitled to lawful custody of property owned by the State.
(b) Property Manager – An individual assigned by the University to manage the assignment, accountability, transfer, and disposal of state-owned property for which the University has custodial responsibility under the Florida Statutes.
(c) Tangible Personal Property.
1. All personal property, other than real estate, acquired by and belonging to the State of Florida.
2. Buildings and structures if and when they are severed from the real property on which they reside are also considered as tangible personal property and will be reported as prescribed in this rule.

(3) Reporting Requirements.
(a) Surplus, state owned, tangible personal property which is determined to be surplus because it is excess, obsolete, uneconomical, or inefficient for continued use shall be certified as surplus by the custodian of the property to the Property Manager.
(b) The Property Manager will schedule the certification for disposition action by the Property Board.

(4) Certifications. Surplus property certifications shall provide the following information:
(a) Complete description of property.
(b) Statement of condition and age.
(c) Original purchase price.
(d) Estimated current value.
(e) Location of property and hours when property may be examined, person to contact for examining property, and a minimum bid (if required).
(f) Any additional information that would assist in determining whether or not property should be offered to other universities, state agencies, or governmental entities.
(g) In addition, certifications pertaining to buildings and structures which are tangible personal property in accordance with subparagraph (2)(c)2. above, will also include the legal description, location, size, type of construction, and reason for removal.

(5) Property Board.
(a) The Property Board will consist of the following:
1. Chairman and three (3) faculty and/or staff members appointed by the Vice President for Administration and Finance.
2. Advisory, non-voting member – Property Manager.

(b) Board Duties and Authority.
1. The Board will meet at the call of the Chairman to determine the disposition of certified surplus property.
2. Board action in cases up to $1000 is final. Where the amount on any one certificate exceeds $1000 the Board shall secure concurrence in its determination from the Vice President for Administration and Finance before ordering disposition.

(6) Disposition Actions. The Property Board’s disposition actions may include one or more of the following:
(a) Transfer. If because of type, age, or condition the Property Board feels that the equipment is not useful to any University under the State University System, the Board may authorize transfer to another State Agency or political subdivision under such conditions as it may determine appropriate.
(b) Scrap or cannibalization of equipment. The Property Board may authorize the scrapping or cannibalization of equipment if it feels it is in the best interest of the University.
(c) Disposal as Waste. The Property Board may authorize the disposal of tangible personal property upon determination that cost of return or repair exceeds the value of the property and the item(s) has no saleable value.

(d) Public sale.
1. The Property Board may authorize the public sale of such property determined to be surplus to the needs of the University.
2. All public sales shall be conducted on a set date and time which may be advertised in a local newspaper of general circulation no less than two weeks prior to the sale.
3. Sales may be conducted at the discretion of the Property Board as auction or sealed bid sales.

(e) Circulation to other agencies. The Property Board may at its discretion recommend the circulation of surplus property having a useful life to other agencies. Listings of such Property available on a bid basis may be sent to other state agencies and the Bureau of State Surplus Property. Property listings will include condition and location of property available for viewing.

(f) Transfer or donate to any private non-profit agency.

(g) Donation to other organizations. The property Board may authorize the donation of such property determined to be surplus to other organizations as provided in Section 273.055, F.S.

(7) Physical Disposition of Surplus Property.
(a) Certified surplus property shall not be sold, transferred, cannibalized, scrapped, or destroyed without prior written authorization from the Property Board.
(b) Property custodians certifying property as surplus shall be responsible to take reasonable care of the property until written disposition instructions are received from the Property Board.

(8) Exchange of Property.
(a) When the University has property available for use as a trade-in for the purchase of new property, the University at its discretion may advise the Bureau of State Surplus Property of the availability of such exchange property in writing, specifying the following information, if available:
1. Description of exchange property.
2. Manufacturer’s name.
3. Model number.
4. Serial number.
5. Age.
6. Condition (E-Excellent, G-Good, F-Fair, P-Poor).
7. Inventory control number.
8. Location of property (room number, building, city).
9. Name and phone number of person to contact for information about the exchange property.
10. Date planned for trade-in transaction.
11. A written trade-in quote stating the trade-in allowance and signed by prospective purchaser.
(b) Such notice of available property shall be forwarded to the Bureau of State Surplus Property a minimum of two weeks in advance of planned transaction date.
(c) Should the Division of Surplus Property decide to purchase the exchange property, the University should pay the full purchase price for the new property and secure reimbursement of the trade-in allowance from the Bureau of State Surplus Property.

(9) Non-State Funded Property. All property originally purchased with non-state funds, such as contracts or grants, shall be managed in a form consistent with the applicable rules and regulations of the funding authority. In the absence of an authority’s rules and regulations such property shall be managed in accordance with this rule.

(10) Disposition of monies.
(a) Except as noted in paragraph (b) below, the first $100.00 per item received from each item of surplus property sold shall be deposited to the Auxiliary Services Department’s account to defray the expenses incurred by that department in conducting the sale. The remaining proceeds shall be deposited to the accounts from which the original purchase was made if the accounts are still in operation or if not to the university department originally controlling the defunct account.
(b) Sales or other disposition of property purchased by Contract and Grants accounts shall be handled in accordance with the terms of the university’s agreement with the source of the funds financing these accounts.

Specific Authority 1001.74(4) FS. Law Implemented 273.04, 273.05, 273.055, 1001.74(5), (6), 1001.75(5) FS. History–Formerly 6C7-4.04, Renumbered and Amended 6-22-83, Amended 1-31-85, 8-7-86, 12-29-91, 3-16-03.
CHAPTER 6C7-8 FLORIDA SOLAR ENERGY CENTER PROGRAM

6C7-8.001 Florida Solar Energy Center Operations.
(1) The Florida Solar Energy Center, as established by Section 377.705, F.S., shall be administered by the University of Central Florida for and on behalf of the Board of Regents. The Center is located at 300 State Road 401, Cape Canaveral, Florida. The development of standards and testing criteria for solar energy systems, and testing or evaluation of performance of solar energy systems, as described in Section 377.705, F.S., will be carried out at the Florida Solar Energy Center.

(2) The Center will operate as a Type I Center in accordance with the Institutes and Centers in the State University System of Florida document adopted by the Board of Regents May 2, 1977. In accordance with the enabling legislation (Chapter 74-185, Laws of Florida), the purpose of the Center is to advance research and development in solar energy, to disseminate information on the result of such research, and to engage in projects designed to exemplify the capability of solar energy as a resource for meeting state energy needs. The Director of the Center reports to the Vice President for Research. The Director shall advise the President or his designee who, through the Chancellor, advises the Board of Regents. The Florida Solar Energy Center will also conduct programs to comply with Section 377.705, F.S. – Solar Energy Center; development of solar energy standards and Section 212.087(7)(p), F.S. – Sales tax exemption of solar energy systems.

(3) Copies of standards and schedules published by the Florida Solar Energy Center and incorporated by reference in this rule Chapter 6C7-8, F.A.C., may be obtained from the center in accordance with the provisions of Section 120.53(2) F.S.

Specific Authority 240.209(4), 120.53(1)(a), 240.227(1), 377.705(4)(a), (b) FS., 6C-12.001, F.A.C. Law Implemented 377.705(4)(d), 240.209(3)(m), (4), (5)(c), 240.277(1), 240.279, 240.281, 20.05(1)(b) FS. History–Formerly 6C-12.01, Revised and Renumbered 1-3-85, Formerly 6C7-8.01.

6C7-8.002 Solar Collector Testing, Standards.
(1) The Florida Solar Energy Center Collector Testing and Minimum Collector Standards Program applies to collectors submitted for testing and evaluation by manufacturers, distributors, or retailers (herein called the “Seller”). The procedures and requirements for participating in the program shall be those described in “Test Methods and Minimum Standards for Certifying Solar Collectors,” FSEC-GP-5-80 (January 1985), and “Operation of the Collector Certification Program,” FSEC-GP-6-80 (January 1985). A copy of each of these publications is incorporated in this rule by reference.

(2) The standards for flat plate solar collectors shall be those described in FSEC-GP-5-80. To receive a label of certification under this rule a seller’s collector must meet these standards. Sellers are required to have a label of certification or meet these standards in order to sell collectors in Florida.


(4) Results of tests, as described in FSEC-GP-5-80, conducted by organizations other than the Florida Solar Energy Center may be accepted by the Center when the testing organization meets the requirements and criteria of FSEC-GP-6-80. Partial test results consisting of the results of thermal performance tests conducted prior to implementation of this rule will not be accepted when application for acceptance is made after April 1, 1978. The Center may refuse to accept test results from other testing organizations which do not meet the criteria of FSEC-GP-6-80.

Specific Authority 240.209(4), 120.53(1)(a), 240.227(1), 377.705(4)(a), (b) FS. Law Implemented 377.705(4)(a), (b), 240.277(1), 240.279, 240.281, 240.209(3)(m), (4), (5)(c) FS. History–Formerly 6C-12.02, Renumbered and Amended 1-3-85, Formerly 6C7-8.02.

6C7-8.003 Solar Collector Certification.
The Center will provide a Label of Certification to the Seller of a collector model which has met the standards of FSEC-GP-5-80 and for which there are acceptable thermal performance test results, subject to compliance with the provisions of FSEC-GP-6-80. Contents of the label of certification will include but not be limited to:

(1) Certification that the collector meets the minimum standards of the Center.
(2) A collector thermal performance rating or ratings calculated by the method of FSEC-GP-6-80.
(3) A measure of the collector’s gross area.
(a) As a condition for displaying a label of certification on a collector, the Seller must abide by the conditions of the Solar Collector Labeling Agreement, FSEC-GP-6-80.
(b) The contents and format of the Label of Certification may be revised as deemed necessary by the Center.

**6C7-8.004 Testing Fees, Testing, Inspection, Services.**

A fee sufficient to cover the costs of tests, inspections and services performed by the Center shall be collected at the Florida Solar Energy Center prior to the performance of such tests, inspections or services. The fees charged shall be those given in the FSEC Fee Schedules, FSEC-GP-6-80, and Section 4.0, “Operation of the Florida Standards Program for Solar Domestic Water & Pool Heating Systems,” FSEC-GP-8-80 (January 1985). The Center may revise the Fee Schedules as deemed necessary to cover testing costs as authorized by Section 377.705(4)(c), F.S.

Specific Authority 240.209(4), 120.53(1)(a), 240.227(1), 377.705(4)(c) F.S., 6C-12.001, F.A.C. Law Implemented 377.705(4)(c), 240.227(23), 240.277(1), 240.279, 240.281, 240.209(3)(m), (4), (5)(c) FS. History–Formerly 6C-12.04, Renumbered and Amended 1-3-85, Formerly 6C7-8.04.

**6C7-8.005 Solar Domestic Water Heating and Solar Pool Heating System Standards and Certification.**

The Florida Solar Energy Center Solar Domestic Water Heating and Solar Pool Heating System Standards Program applies to such systems submitted for evaluation and approval by manufacturers, distributors or retailers (herein called the “seller”). Requirements for approval are those described in “Florida Standard Practice for Design and Installation of Solar Domestic Water and Pool Heating Systems,” FSEC-GP-7-80 (January 1985). Owner-designed and constructed systems do not require FSEC approval but must comply with safety and health requirements of applicable local codes. The Center will issue a System Approval Certificate to the Seller of a solar water heating or solar pool heating system as defined by Section 2.3 of FSEC-GP-8-80.

1. The System Approval Certificate will include but not be limited to:
   a. Identification of primary and alternate collector storage tanks, pump, controller and other major components.
   b. Schematic diagram of the system.

2. As a condition for receiving the System Approval Certificate, the Seller must submit specifications and application information pertaining to major components of the system and an owners manual describing installation, operation and maintenance for the system.

3. The contents and format of the System Approval Certificate may be revised as deemed necessary by the Center.

Specific Authority 240.209(4), 120.53(1)(a), 240.227(1), 377.705(4)(d) F.S., 6C-12.001, F.A.C. Law Implemented 377.705(4)(d), 240.209(3)(m), (4), (5)(c), 240.277(1), 240.279, 240.281 FS. History–Formerly 6C-12.05, Renumbered 1-3-85, Formerly 6C7-8.05.
CHAPTER 6C7-9 TUITION AND FEES

6C7-9.001 Fall 2003 Schedule of Tuition and Fees.

(1) Tuition shall be defined as the basic fee charged to a student for instruction in credit courses at the University of Central Florida. Tuition consists of the following fees, depending on whether a student is a resident or a non-resident:

(a) Resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who qualifies as a Florida resident as defined in Rule 6C-7.005, F.A.C.:

1. Matriculation Fee;
2. Student Financial Aid Fee;
3. Capital Improvement Trust Fund Fee;
4. Building Fee;
5. Health Fee;
6. Athletic Fee;
7. Activity and Service Fee; and
8. Transportation Access Fee.

(b) Non-Resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who does not qualify as a Florida resident as defined in Rule 6C-7.005, F.A.C.

1. Matriculation Fee;
2. Non-Resident Fee;
3. Student Financial Aid Fee;
4. Non-Resident Student Financial Aid Fee;
5. Capital Improvement Trust Fund Fee;
6. Building Fee;
7. Transportation Access Fee;
8. Health Fee;
9. Athletic Fee; and
10. Activity and Service Fee.

(2) Registration shall be defined as consisting of two components:

(a) Formal enrollment in one or more credit courses approved and scheduled by the university; and

(b) Tuition payment or other appropriate arrangement for tuition payment (installment, deferment, or third party billing) for the courses in which the student is enrolled as of the end of the drop/add period.

(3) Tuition liability shall be defined as the liability for the payment of tuition incurred at the point at which the student has completed registration.

(4) The following tuition shall be levied and collected effective the fall semester indicated for each student regularly enrolled, unless provided otherwise by law or in this chapter.

(a) Students will be assessed the following fees per credit hour:

FALL 2003

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</table>

*The Health Fee has a $36.00 minimum fee and a $90.00 maximum fee per term.

(b) Pursuant to Section 240.124, F.S., each student enrolled in the same undergraduate course more than twice shall be assessed an additional $164.54 per credit hour charge in addition to the fees outlined above for each such course.

(5) Non-Fundable Undergraduate Admissions Deposit $200.00.
(a) The term “cost” as used in this provision includes those increased costs to the University that are reasonable, specific, identifiable and directly related to the goods or services.

(b) The President or designee shall waive the undergraduate non-fundable admissions deposit in subsection (5) for applicants who document that they have a financial hardship. To be eligible for a financial hardship waiver, a student shall apply for federal financial assistance by submitting a valid Free Application for Federal Student Aid (FAFSA) to the United States Department of Education in accordance with 34 C.F.R. §668.

(c) A “financial hardship” is defined as an Expected Family Contribution (EFC) of zero for the academic year on the applicant’s Student Aid Report after requesting and accepting all types of financial assistance. A financial hardship also will be found to exist for applicants who document that they have received a fee waiver because of economic need as determined by the College Board or the American College Testing Program.

Specific Authority 229.0081(2), (5) FS. Law Implemented 1009.01, 1009.21, 1009.24(3) FS. History—New 9-25-02, Amended 12-8-03.
6C8 FLORIDA INTERNATIONAL UNIVERSITY

CHAPTER 6C8-1 ORGANIZATION, POWERS, DUTIES AND FUNCTIONS

6C8-1.001 Purpose.
It shall be the business of Florida International University to provide for:
(1) Education of Students – to provide a university education for qualified students which prepares them for useful careers in education, social service, business, industry, and the professions, furnishes them with the opportunity to become effective members of society, and offers them an appreciation of their relations to their cultural, aesthetic and technological environments.
(2) Service to the Community – to serve the greater community, with a primary emphasis on serving the Greater Miami and South Florida area, in a manner which enhances the area’s capability to meet the ecological, cultural, social and urban challenges which it faces.
(3) Greater International Understanding – to become a major international education center with a primary emphasis on creating greater mutual understanding among the Americas and throughout the world.

Specific Authority 1001.74(4) FS., 6C-1.003, 6C-4.001, F.A.C. Law Implemented 1001.74(4) FS., 6C-4.001, F.A.C. History–Formerly 6P-1.01, 10-1-75, Repromulgated 12-23-76, Formerly 6C8-1.01.

6C8-1.009 Non-Discrimination Policy and Discrimination Complaint Procedures.
(1) General Statement.
(a) Florida International University affirms its commitment to ensure that each member of the University community shall be permitted to work or study in an environment free from any form of illegal discrimination, including race, color, religion, age, disability, sex, national origin, marital status, and veteran status. The University recognizes its obligation to work towards a community in which diversity is valued and opportunity is equalized. This rule establishes procedures for an applicant or a member of the University community to file a complaint of alleged discrimination or harassment.
(b) It shall be a violation of this rule for any officer, employee or agent to discriminate against or harass, as hereinafter defined, any other officer, employee, student, agent, or applicant. Discrimination and harassment are forms of conduct which shall result in disciplinary or other action as provided by the rules of the University (see Rules 6C8-4.006 and 6C8-4.019, F.A.C.).

(2) Definitions.
(a) For the purpose of this rule, discrimination or harassment is defined as treating any member of the University community differently than others are treated based upon race, color, religion, age, disability, sex, national origin, marital status and/or veteran status.
(b) Conduct which falls into the definition of discrimination includes, but is not limited to:
1. Disparity of treatment in recruiting, hiring, training, promotion, transfer, reassignment, termination, salary and other economic benefits, and all other terms and conditions of employment on the basis of membership in one of the listed groups.
2. Disparity of treatment in educational programs and related support services on the basis of membership in one of the listed groups.
3. Limitation in access to housing, or to participation in athletic, social, cultural or other activities of the University because of race, color, religion, age, disability, national origin, marital status and/or veteran status.
4. Discrimination of the foregoing types on the basis of sex, unless based on bona fide requirements or distinctions, in housing, restrooms, athletics and other such areas.
5. Retaliation for filing complaints or protesting practices which are prohibited under this rule.
(c) Conduct which falls into the definition of harassment includes, but is not limited to, harassment based on race, color, religion, age, disability, gender, national origin, marital status or veteran status. (For harassment on the basis of sex, see Rule 6C8-1.010, F.A.C.) Within the content of this rule, harassment is defined as conduct which unreasonably interferes with an employee’s, student’s or applicant’s status or performance by creating an intimidating, hostile, or offensive working or educational
environment. It includes offensive or demeaning language or treatment of an individual, where such language or treatment is based typically on prejudicial stereotypes of a group to which an individual may belong. It includes, but is not limited to, objectionable epithets, threatened or actual physical harm or abuse, or other intimidating or insulting conduct directed against the individual.

(d) Scope of prohibitions: Activities covered under this rule include, but are not limited to, all educational, athletic, cultural and social activities occurring on a campus of or sponsored by Florida International University, housing supplied by the University, and employment practices between the University and its employees, including Other Personnel Services (“OPS”) employees.

(e) When referred to in this rule, days means calendar days unless otherwise noted.

(3) Procedures for Reporting Violations and Conducting Investigations and Complaints.

(a) Administration and Consultation. The Office of Equal Opportunity Programs shall administer the policies and procedures outlined in this rule. The Office of Equal Opportunity Programs shall answer inquiries regarding the procedures contained in this rule and may provide informal advice regarding issues of discrimination. In cases where the potential complainant chooses not to file a formal complaint, action will be taken to inform the alleged offender of the concerns, suggesting that the individual monitor and modify (if necessary) his/her behavior.

(b) Complaints.

1. A complaint must be made in writing to the Office of Equal Opportunity Programs. The complaint shall contain the name of the complainant and state the nature of the act(s) complained of, including such details as the name of the alleged offender and the date(s) or approximate date(s) on which the offending act(s) occurred, the name(s) of any witnesses, and the desired resolution(s).

2. A complaint must be filed within one hundred (100) days of the alleged act(s) of discrimination, or in the case of a student complaint against a faculty member, within ten (10) University business days of the beginning of class of the following semester.

3. The Office of Equal Opportunity Programs shall investigate the complaint. This investigation may include, but shall not be limited to, interviewing the person complained about regarding the allegations, interview of other persons who may have information relevant to the allegations, preparation of witness statements for all persons interviewed, and review of any relevant documents. Upon completion of the investigation, a report shall be prepared which includes a summary of the complaint, a description of the investigation, the findings, and recommendations.

(c) Conciliation. The Office of Equal Opportunity Programs may attempt conciliation during the course of an investigation of a complaint. If conciliation is not achieved, then the Office of Equal Opportunity Programs shall continue to investigate the complaint, and shall issue a written finding concerning probable cause within a maximum of one hundred (100) days. If conciliation of the complaint was achieved between the parties in cooperation with the Office of Equal Opportunity Programs, and the alleged offender fails to abide by the agreement or retaliates against the complainant, the complainant or supervisor should notify the Office of Equal Opportunity Programs. The Vice President for Student Affairs and Human Resources or a designee may then require the complaint to proceed as if conciliation had not been reached.

(d) Findings. The report of the Office of Equal Opportunity Programs shall be made known to the Vice President for Student Affairs and Human Resources or designee, the complainant, the alleged offender, the immediate supervisor of the alleged offender, and the appropriate vice president.

(e) Review.

1. Either party may seek review of the finding of the Office of Equal Opportunity Programs to the Vice President for Student Affairs and Human Resources or a designee by filing a request for a review within twenty (20) days of receipt of the Office of Equal Opportunity Programs finding. It shall specify the basis of the appeal. The appeal shall be based on one or more of the following: relevant evidence was not reviewed and/or new evidence is available; or, the factual evidence was insufficient to support the findings.

2. The request shall be in writing, and shall set forth the issues to be considered in the appeal. Copies of the appeal shall be provided to the opposing party and to the Director, Equal Opportunity Programs.

3. The opposing party and the Director, Equal Opportunity Programs, may file a response to the appeal to the Vice President for Student Affairs and Human Resources or designee within twenty (20) days of receipt of the appeal.

4. The Vice President for Student Affairs and Human Resources or designee shall issue a written finding no more than twenty (20) days after receipt of the appeal, or of a response to the appeal, whichever is later.

(f) Resolution. Upon final acceptance by the Vice President for Student Affairs and Human Resources or designee of a finding on the complaint, the immediate supervisor of the alleged offender may provide a reasonable resolution to the complaint (e.g., that a student be allowed to change sections, that the employee report to a different supervisor) and may also recommend or take disciplinary action against the alleged offender; the proposed resolution shall be approved by the Office of Equal Opportunity Programs. Disciplinary action shall be taken in accordance with the rules and regulations affecting the class of employee and the terms of any applicable collective bargaining agreement.

(g) Prohibition of Retaliation. No University employee shall retaliate against a complainant. Any attempt to penalize a student, employee or agent for initiating a complaint through any form of retaliation shall be treated as a separate allegation of discrimination.

Specific Authority 1001.74(4) FS. Law Implemented 1000.05, 1001.74(10), (19), 1006.60, 1012.92 FS. History–New 7-6-97, Amended 11-3-02.
6C8-1.010 Sexual Harassment.

(1) General Statement.
(a) Sexual harassment undermines the integrity of the academic and work environment, and prevents its victims and their peers from achieving their full potential. All members of the University community are entitled to work and study in an atmosphere free from sexual overtures or innuendos that are unsolicited and unwelcome. It is the particular responsibility of those members of the University community who hold positions of authority over others to avoid actions that are or can be considered sexually abusive or unprofessional.

(b) It shall be a violation of this rule on sexual harassment for any officer, employee, student or agent to sexually harass, as sexual harassment is hereinafter defined, any other officer, employee, student, visitor or agent. Sexual harassment is a type of misconduct which shall result in disciplinary or other action as provided by the rules of the University (see Rules 6C8-4.006 and 6C8-4.019, F.A.C.).

(c) When an individual evaluates or supervises another individual with whom he or she has an amorous or sexual relationship, a conflict is created. The University discourages amorous or sexual relations between employees and students. Such relationships, even when consensual, may be exploitive, and imperil the integrity of the educational process or work environment. They may also lead to charges of sexual harassment. The University requires the resolution of any conflict of interest created by these relationships.

(d) Whenever a conflict of interest situation arises or is reasonably foreseen, the employee in a position of authority must resolve any potential conflict of interest by taking necessary steps, including removing himself or herself from evaluative decisions concerning the other individual. If he or she is unable to resolve personally the conflict of interest, he or she is required to inform the immediate supervisor promptly and seek advice and counsel in dealing with the conflict. The employee, along with the supervisor, is responsible for taking steps to ensure unbiased supervision or evaluation of the employee or student. Failure to resolve potential or actual conflict of interest situations as described in this rule may result in disciplinary action, in accordance with Rules 6C8-4.006 and 6C8-4.019, F.A.C.

(2) Definitions.
(a) For the purpose of this rule, sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature which:

1. Makes submission to or rejection of such conduct either an explicit or implicit basis for employment and/or academic decisions affecting the individual; or,
2. Unreasonably interferes with the individual’s employment or academic performance by creating an intimidating, hostile or offensive environment.

(b) Conduct which falls into the definition of sexual harassment includes, but is not limited to:

1. Unwelcome physical contact of a sexual nature such as patting, pinching or unnecessary touching.
2. Overt or implied threats against an individual to induce him or her to provide sexual favors or to engage in an unwelcome sexual relationship.
3. Verbal harassment or abuse of a sexual nature, including intimating by way of suggestion a desire for sexual relations, or making jokes or remarks of a sexual nature which are not germane to academic course content.
4. Use of sexually suggestive terms or gestures to describe a person’s body, clothing, or sexual activities.
5. Displaying or posting through any medium, including, but not limited to, electronic communication, offensive sexually suggestive pictures or materials in the workplace.

(3) Procedures for Reporting Violations and Conducting Investigations and Complaints. The procedures described in Rule 6C8-1.009, F.A.C., shall be followed.

(4) Prohibition of Retaliation. No University employee shall retaliate against a complainant. Any attempt to penalize a student, employee or agent for initiating a complaint through any form of retaliation shall be treated as a separate allegation of discrimination.

(5) Frivolous or Malicious Complaints. In the event that a claim of sexual harassment is found to be frivolous or malicious, appropriate University sanctions shall be taken against the complainant, including disciplinary action where appropriate. Disciplinary action against students shall be taken in accordance with the University’s code of conduct for students.

(6) General University Responsibility.
(a) It is expected that vice presidents, deans, chairs, department heads, directors and other supervisors shall continue to monitor and take corrective action whenever instances of sexual harassment are either observed or reported to them. While the decision regarding resolution remains within the unit, all allegations of sexual harassment are to be immediately reported to the Office of Equal Opportunity Programs, which will provide advice and monitor the administrator’s actions and/or take appropriate action.

(b) There may be instances in which a potential complainant is unable or unwilling to pursue a complaint of sexual harassment, but where the University administration is aware of the behavior and may incur liability if action is not taken. In such instances, the Office of Equal Opportunity Programs may choose to pursue an investigation of the alleged offense. The decision of whether or not to pursue an administrative complaint will be based on the egregiousness of the alleged offense, the bases for the aggrieved party’s decision not to pursue a complaint, and the apparent evidence supporting the allegations. The decision to pursue an administrative complaint shall be made by the director of the Office of Equal Opportunity Programs in consultation with the Vice President in
charge of the aggrieved party’s unit and the Vice President in charge of the alleged offender’s unit, in the event that the two parties are in different units. An administrative complaint must be filed within 60 days of the alleged act(s) of discrimination and shall follow the same procedures and timelines as formal complaints except that no complainant will be named.

(7) Education and Notification.

(a) Copies of this rule shall be widely disseminated in order that faculty, staff and students clearly understand which acts constitute sexual harassment and recognize that the University regards sexual harassment as a serious offense.

(b) The rule shall also be made available to vice presidents, deans, chairs, department heads and directors and other supervisors. Requests for additional copies of this rule should be directed to the Office of Equal Opportunity Programs. Abbreviated versions shall be made available to students, faculty and staff. Additionally, this rule shall be included in the University catalog, the student handbook, and other available University media. Periodic workshops and other educational programs shall be offered to University personnel regarding the topic of sexual harassment.

(8) The rule will be reviewed on a periodic basis to ensure responsiveness to campus needs. This review may include follow-up interviews with complainants, persons complained against, and administrators who have used the process.

*Specific Authority 1001.74(4) FS. Law Implemented 1000.05, 1001.74(10), (19), 1006.60, 1012.92 FS. History–New 7-6-97.*
CHAPTER 6C8-2 MEETINGS AND RULEMAKING PROCEEDINGS

6C8-2.001 Agenda and Scheduling of Meetings and Workshops. (Repealed)
6C8-2.002 Rulemaking Proceedings. (Repealed)
6C8-2.003 Declaratory Statements. (Repealed)
6C8-2.004 Decisions Determining Substantial Interests. (Repealed)
CHAPTER 6C8-3 STUDENT AND ACADEMIC REGULATIONS

6C8-3.003 Undergraduate Admissions.
(1) A student who has completed an Associate of Arts degree at a Florida public community college or has earned 90 quarter hours (60 semester hours) of collegiate work at any other accredited institution at an acceptable performance level, and has completed the general education requirements (or the equivalent) as enumerated in subsection 6C8-3.002(1), F.A.C., is eligible for admission to the degree program of his or her choice.

(2) A student who has completed an Associate of Science degree or has earned 90 quarter hours at a Florida community college, and who has completed at least 40 quarter hours of the 54 quarter hours of general education requirements (or the equivalent) as enumerated in subsection 6C8-3.002(1), F.A.C., is eligible for admission to the degree program of his or her choice.

(3) A student who meets such admission requirements, but who has not completed the remaining general education course requirements or the prerequisite courses for admission to a particular degree program, may complete his or her preparatory work either (1) at a Florida community college or accredited institution, or (2) in the College and Schools of Florida International University or (3) achieve a satisfactory score on the approved CLEP examination.

(4) The School of Technology normally regards the Associate of Science degree in an appropriate technical discipline as the full equivalent to the first two years (90 quarter hours) of the Bachelor of Technology program.

(5) An undergraduate student who has been denied admission to a program of the University for academic reasons may appeal the decision through the following Officials: the Chairperson of the program, the Dean of the College or School of the program, and the Vice President for Academic Affairs. An undergraduate student who has been denied admission to the University for other than academic reasons may appeal to the Dean of Student Services.

(6) Admissions procedures for undergraduate students shall otherwise comply with regulations set forth in Chapter 6C-6, F.A.C.

Specific Authority 1007.261 FS., 6C-6.001, 6C-6.002, 6C-6.004, 6C-6.005, F.A.C. Law Implemented 1007.261, 1007.23 FS., 6C-6.001, 6C-6.002, 6C-6.004, 6C-6.005, F.A.C. History–Formerly 6P-3.02(2), 10-1-75, Repromulgated 12-23-76, Formerly 6C8-3.03.

6C8-3.004 Graduate Admissions.
(1) A student seeking admission into a graduate program of the University must meet the minimum standards set forth by subsection 6C8-3.002(1) and Rule 6C8-3.003, F.A.C.

(2) An applicant who does not have a “B” average in his or her upper level work is required to present a score of 1,000 on the Graduate Record Examination (GRE), for the School of Education, School of Health and Social Services, and the School of Hotel, Food and Travel Services, or 450 on the Admission Test for Graduate Study in Business (ATGSB) for the School of Business and Organizational Sciences. All graduate applicants to the School of Business and Organizational Sciences, regardless of previous...
grade-point average, are required to submit the appropriate aptitude test scores. If applying to the Public Administration or the Health Care Management programs in the School of Business and Organizational Sciences, the appropriate test is the GRE rather than the ATGSB.

(3) Grades earned at institutions with non-traditional grading systems will be given every consideration at Florida International University, and applicants will be treated equally with students from institutions with additional grading systems.

(4) An applicant who fails to meet these criteria but who shows unusual promise for success in a graduate program may be admitted on a provisional basis as follows:
   (a) Up to ten percent (10%) of the applicants admitted to a graduate program in any one academic year may be admitted as exceptions to the graduate admission standards of the University.
   (b) The academic unit wishing to admit a graduate applicant as an exception notes the exceptional status on the Graduate Evaluation Form.
   (c) The completed Graduate Evaluation Form must be signed by the appropriate Dean or designee and forwarded to the Office of Admissions and Community College Relations.
   (d) If the ten percent limitation has been exceeded for that graduate program for that academic year, the academic unit shall be notified.

Specific Authority 1007.261 FS., 6C-6.001, 6C-6.003, 6C-6.005, F.A.C. Law Implemented 1007.261 FS., 6C-6.001, 6C-6.003, 6C-6.005, F.A.C. History–Formerly 6P-3.02(3), 10-1-75, Repromulgated and Amended 12-23-76, Formerly 6C8-3.04.

6C8-3.006 Foreign Student Admissions; Exchange Visitor Insurance Requirements.

(1) A foreign student must meet the regular admission requirements as set forth in Rules 6C8-3.002, 6C8-3.003 and 6C8-3.004, F.A.C. In addition, the student must show evidence of English proficiency by presenting:
   (a) A minimum score of 500 on the Test of English as a Foreign Language (TOEFL); or
   (b) An ELS Language Center Certification of satisfactory completion at the 109 level of proficiency; or
   (c) Successful completion of 45 quarter hours (30 semester hours) of course work in an American college or university, including 9 quarter hours (6 semester hours) of English composition.

(2) A Declaration and Certification of Finances must be submitted before the Certificate of Eligibility will be issued by the University. The total funds available to the student for the first and/or second academic years must at least equal the total estimates of institutional costs and living expenses. For foreign applicants living outside the U.S., the Declaration and Certification of Finances must be received by the University at least two months prior to the beginning of the quarter for which student expects to register. If the student is living in the U.S. this document is due at least one month before the first day of classes.

(3) Regulations governing admission of foreign students will otherwise comply with Rule 6C-6.009, F.A.C.

(4) In compliance with its responsibilities under 22 C.F.R., § 514.14, the University requires that exchange visitors with J-1 immigration status who are sponsored by the University shall maintain a policy or policies of medical insurance, including repatriation and medical evacuation coverage, for themselves and their accompanying J-2 dependents for the full duration of their sponsored enrollment or program. For purposes of this rule the term “exchange visitor” means a citizen of a foreign country who is sponsored by the University as either a student, teacher, professor, researcher, short-term scholar, specialist, visitor or other category of exchange visitor status as defined by the United States Information Agency.

   (a) Only the following insurance policies will be considered adequate to meet this requirement:
      1. The University approved policy offered for purchase by exchange visitors; or,
      2. The insurance offered as part of the standard benefits package to exchange visitors who are University employees if such insurance covers their dependents and is supplemented by a separate policy providing medical evacuation and repatriation.
   (b) Proof of this type of insurance coverage for exchange visitors and all accompanying J-2 dependents shall be demonstrated as follows:
      1. For exchange visitors other than students, proof of insurance coverage shall be provided to the Office of International Student and Scholar Services prior to the issuance of a United States Information Agency Form IAP-66 by the Office of International Student and Scholar Services.
      2. For exchange visitor students who are not degree-seeking students, proof of insurance coverage shall be provided to the Office of International Student and Scholar Services before a United States Information Agency Form IAP-66 is issued by the Office of International Student and Scholar Services.
      3. For exchange visitor students who are admitted as degree-seeking students, proof of insurance coverage shall be provided to the Office of International Student and Scholar Services when the exchange visitor student arrives in the United States and prior to registering for classes for the semester in which the exchange visitor student has been admitted.
   (c) The Form IAP-66 will be issued only for the stated period of insurance coverage. Proof of the extension of major medical, repatriation and medical evacuation insurance must be provided prior to the issuance of the extended IAP-66. Exchange visitors who are eligible for the insurance available to University employees must obtain coverage under subparagraph (4)(a)1., above, and demonstrate proof thereof to the Office of International Student and Scholar Services for themselves and any accompanying dependents until such time as their employee and dependent coverage becomes effective before the Office of International Student and Scholar Services will issue the Form IAP-66.
(d) This rule should not be interpreted to mean that the University recommends or encourages any prospective exchange visitor to cancel existing insurance coverages. The insurance coverage required by this rule satisfies the requirements of the United States Information Agency, the State of Florida Board of Regents and the University and may not cover all medical conditions which the exchange visitor and accompanying dependents may develop or the treatments which they require.

(e) Willful failure to maintain the required insurance coverage shall result in termination of participation in the exchange visitor program and/or employment.

Specific Authority 1007.261 FS. Law Implemented 1007.261 FS. History–Formerly 6P-3.02(5), 10-1-75, Repromulgated 12-23-76, Formerly 6C8-3.06, Amended 1-10-95.

6C8-3.0081 Students in Military Service.

(1) General. A student who, while enrolled at the University, is called to or enlists in, active military service shall not incur academic or financial penalties as a result of performing military service.

(2) A student described in subsection (1) shall have the option of completing the course(s) in which the student was enrolled at a later date without penalty, or withdraw from the course(s) with a full refund of fees paid. If the student chooses to withdraw, the student's academic record shall reflect that the withdrawal was due to active military service.

(3) For purposes of this rule, “active military service” means active duty with any branch of the United States Army, Air Force, Navy, Marine Corps, Coast Guard, National Guard of the State of Florida, or other service as provided in Section 115.08, F.S., as verified by official orders or appropriate military certification.

Specific Authority 1001.74(4), 1004.07 FS. Law Implemented 1004.07 FS. History–New 5-8-03.
CHAPTER 6C8-4 UNIVERSITY PERSONNEL


6C8-4.002 Hours of Work for Full-time Administrative, Professional and Career Service Employees. (Repealed)

6C8-4.003 Full-time Employee Fringe Benefit Programs. (Repealed)

6C8-4.004 Career Service Employee Performance Evaluations. (Repealed)

6C8-4.005 Career Service Employee Grievances. (Repealed)

6C8-4.006 Career Service Employee Disciplinary Actions.

6C8-4.007 Career Service Employee Layoffs. (Repealed)

6C8-4.008 Administrative, Professional and Faculty Leave. (Repealed)

6C8-4.009 Student Employment. (Repealed)

6C8-4.010 University Sick Leave Pool. (Repealed)

6C8-4.013 Overload Policy. (Repealed)

6C8-4.014 Bargaining Unit and Nonbargaining Unit Faculty and Administrative and Professional (A & P) and University Support Personnel System (USPS) Staff Vacancies, Selection, Appointments, Promotions, Internal Promotions, Reassignments, Transfers, and Demotions.

6C8-4.015 Faculty Evaluation and Improvement. (Repealed)

6C8-4.016 Nonreappointment and Resignation of Faculty.

6C8-4.017 Administrative and Professional Staff Evaluations and Improvement. (Repealed)

6C8-4.018 Termination of Employment of Administrative and Professional (A & P) University Support Personnel System (USPS) and Other Personal Services (OPS) Staff.

6C8-4.019 Termination for Cause and Other Disciplinary Actions for Faculty, Administrative and Professional (A & P), and University Support Personnel System (USPS) Staff.

6C8-4.020 Grievance Procedure for Faculty, Administrative and Professional (A & P) and University Support Personnel System Staff. (Repealed)

6C8-4.021 Sexual Harassment. (Repealed)

6C8-4.022 Early/Phased Retirement Program for Non-Unit I & R Faculty. (Repealed)

6C8-4.024 Meritorious Service Awards Program.


Bargaining and nonbargaining unit faculty, bargaining and nonbargaining unit Administrative and Professional (A & P), University Support Personnel System (USPS) and Other Personal Services (OPS) staff shall be governed by the rules and policies of Florida International University and the Board of Regents, and applicable bargaining unit agreements.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19) FS. History–Formerly 6P-4.01, 10-1-75, Repromulgated 12-23-76, Formerly 6C8-4.01, Amended 8-7-96.

6C8-4.006 Career Service Employee Disciplinary Actions.

(1) Employee behavior which necessitates the taking of a disciplinary action shall be determined by the employee’s supervisor. The employee’s supervisor shall also determine the appropriate action to be taken.

(2) Each incident for which disciplinary action is taken shall be documented by the supervisor and copies thereof provided to the affected employee and to the Director of Personnel.

(3) The Director of Personnel shall review disciplinary actions to ensure that supervisors are being reasonably consistent in taking disciplinary actions against employees involved in similar situations.

(4) Offenses and disciplinary actions shall include but not be limited to those enumerated on the following pages:
<table>
<thead>
<tr>
<th>OFFENSES ON THE JOB AND DEFICIENCIES</th>
<th>FIRST OFFENSE</th>
<th>SECOND OFFENSE</th>
<th>THIRD OFFENSE</th>
<th>FOURTH OFFENSE</th>
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<td>Oral reprimand</td>
<td>Written reprimand</td>
<td>3 days’ suspension</td>
<td>Dismissal</td>
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<td>Oral reprimand</td>
<td>Written reprimand</td>
<td>3 days’ suspension</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Leaving the work station without authorization</td>
<td>Oral reprimand</td>
<td>Written reprimand</td>
<td>3 days’ suspension</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Malicious use of profane or abusive language to others</td>
<td>Oral reprimand</td>
<td>Written reprimand</td>
<td>3 days’ suspension</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Unauthorized distribution of written or printed material of any description</td>
<td>Written reprimand</td>
<td>3 days’ suspension</td>
<td>Dismissal</td>
<td></td>
</tr>
<tr>
<td>Unauthorized solicitations or sales on State premises</td>
<td>Written reprimand</td>
<td>3 days’ suspension to dismissal</td>
<td>Dismissal</td>
<td></td>
</tr>
<tr>
<td>Destruction or misuse of property or equipment</td>
<td>Written reprimand</td>
<td>3 days’ suspension</td>
<td>1 week</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Unauthorized use of State equipment or property</td>
<td>Written reprimand</td>
<td>3 days’ suspension</td>
<td>Dismissal</td>
<td></td>
</tr>
<tr>
<td>Tardiness (within 2-month period)</td>
<td>Oral reprimand</td>
<td>Written reprimand</td>
<td>1 day’s suspension</td>
<td>3 days’ suspension to dismissal</td>
</tr>
<tr>
<td>Excessive absenteeism</td>
<td>Oral reprimand</td>
<td>Written reprimand</td>
<td>3 days’ suspension</td>
<td>1 weeks’ suspension to dismissal</td>
</tr>
<tr>
<td>Failure to request supervisor’s permission to leave the job</td>
<td>Written reprimand</td>
<td>3 days’ suspension to dismissal</td>
<td>Dismissal</td>
<td></td>
</tr>
<tr>
<td>Fighting</td>
<td>3 days’ suspension</td>
<td>1 weeks’ suspension to dismissal</td>
<td>Dismissal</td>
<td></td>
</tr>
<tr>
<td>Insubordination</td>
<td>Written reprimand</td>
<td>1 weeks’ suspension to dismissal</td>
<td>Dismissal</td>
<td></td>
</tr>
<tr>
<td>Violating decency or morality</td>
<td>1 weeks’ suspension to dismissal</td>
<td>Dismissal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Absence without authorized leave</td>
<td>Written reprimand</td>
<td>3 days’ suspension</td>
<td>1 weeks’ suspension</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Falsification of records</td>
<td>3 days’ suspension</td>
<td>Dismissal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(5) The Director of Personnel shall advise the employee of those disciplinary actions which are appealable to the Career Service Commission.

Specific Authority 1012.92 FS., 6C-4.001, 6C-5.017, 22A-10.003, F.A.C. Law Implemented 1012.92 FS., 6C-4.001, 6C-5.017, 22A-10.003, F.A.C. History—Formerly 6P-4.06, 10-1-75, Repromulgated 12-23-76, Formerly 6C8-4.06.

6C8-4.014 Bargaining Unit and Nonbargaining Unit Faculty and Administrative and Professional (A & P) and University Support Personnel System (USPS) Staff Vacancies, Selection, Appointments, Promotions, Internal Promotions, Reassignments, Transfers, and Demotions.

(1) Applicability. This rule is supplemented by Article 8 of the Board of Regents/United Faculty of Florida (BOR/UFF) Collective Bargaining Agreement for bargaining unit faculty and A & P staff, BOR/AFSCME Collective Bargaining Agreement for USPS staff and by applicable University rules, policies, procedures, and provisions of the University’s affirmative action plans including the University search and screen procedures.

(2) Vacancies. The University seeks to maintain the highest possible standard of fairness and equity in its employment practices. All position vacancies in classifications for budget entities in the employee categories of general faculty, A & P, and selected USPS must be announced in the SUS position vacancy listings, unless otherwise exempted under the provisions of the Chancellor’s Memorandum on Announcement of Vacancies and Compliance with Affirmative Action Plans. The University shall give equitable consideration to all applicants in accordance with Chapter 6C-5, F.A.C., of the Board of Regents rules and applicable University policies and procedures for determining eligibility for appointments to positions in faculty, A & P, and USPS employee categories. Employee career advancement is encouraged by assuring consideration of qualified permanent employees within the University, in accordance with the University’s internal promotion policy and appropriate bargaining unit agreement.

(3) Bargaining and Nonbargaining Unit Faculty and A & P Staff Screening and Selection.

(a) The department should first define the nature of the vacant position(s) and what it expects from a prospective colleague selected to fill the vacancy. The department will advertise the position and its general requirements.

(b) The department will use the University’s search and screen procedures or personnel policies and procedures as appropriate to the pay plan and level of the position.

(c) The department will assess the eligibility of candidates and reach decisions on their relative merits. The department should also communicate to final candidates information regarding the position, the State University System, and the institution.

(d) If practicable, the candidates reaching the final stages of screening should be invited to the campus for personal interviews with the department and appropriate officials.

(4) Bargaining and Nonbargaining Unit Faculty and A & P Staff Appointments.

(a) If, after receipt of the recommendation of the search and screen committee, if applicable, the chairperson or other appropriate administrator decides to recommend that a candidate be offered a position, the recommendation will be transmitted to the appropriate administrative officer.

(b) The President, or designated representative, may then offer the candidate employment by means of a contract or letter of offer. The offer of employment shall be conditioned on the return of a duly executed copy by a specific date and a fully executed contract by the President.

(c) The contract or letter of offer shall indicate whether the appointment is for one year or multiple years.

(d) The contract shall be issued in accordance with the requirements of the BOR/UFF Bargaining Agreement, if applicable, and shall include, but not be limited to, the following elements:

1. Date;
2. Rank and professional classification system title and class code;
3. Department, program, college, or employment unit;
4. Salary and administrative salary supplement when appropriate;
5. Employment period;
6. Special conditions of employment;
7. The duties and responsibilities of the employee;
8. The percent of full-time equivalency;
9. A statement that in the performance of the contract both parties are subject to the Constitution and laws of the State of Florida and the rules and regulations of the University and the Board of Regents;
10. Position number;
11. A statement indicating the tenure earning status during the appointment, including any tenure credit, if applicable;
12. The formula by which an annual contract shall be converted to an academic year contract, if applicable.

5) Selection and Appointment of USPS Staff Members. Selection and appointment of USPS staff members will be in accordance with applicable Board of Regents rules, BOR/AFSCME Bargaining Agreement, and University rules, policies, and procedures.

6) A & P and USPS Promotions, Reassignments, Transfers, and Demotions.
   (a) Promotions. Promotion of all categories of employees will be in accordance with applicable bargaining unit agreements and University policies and procedures.
   (b) Internal Promotions. When a department wishes to consider only applicants from within the University for a vacancy, the internal recruitment and promotion policy and procedure may be used. All USPS vacancies, and A & P vacancies in pay grades one (1), two (2), and three (3) may be approved for internal recruitment by the Office of Personnel Relations upon request from the hiring official and recommendation by the Office of Equal Opportunity Programs. Positions in job groups with identified underutilization (University or department) of minority group members and women may not be recommended for internal posting.
   (c) Reassignments and Transfers.

1. Voluntary. Employees may request a voluntary reassignment or transfer to positions within the University by completing and submitting the appropriate form to the Office of Personnel Relations. The request will be considered for vacancies for which the employee qualifies.

2. Involuntary. The University may reassign or transfer A & P and USPS staff in accordance with University policies and procedures and applicable collective bargaining agreements.

(d) Demotions. Any employee who has permanent status may be subject to demotion in accordance with Board of Regents rules, University policy and procedures and appropriate collective bargaining agreements, where applicable.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19) FS. History–New 4-30-81, Formerly 6C8-4.14, Amended 8-7-96.

6C8-4.016 Nonreappointment and Resignation of Faculty.

(1) Nonreappointment. The nonreappointment of bargaining and nonbargaining unit faculty is subject to the provisions of the Board of Regents/United Faculty of Florida (BOR/UFF) Collective Bargaining Agreement. The President or designated representative may choose not to renew the appointment of a nontenured faculty member. The decision not to renew a faculty member’s appointment may not be based on constitutionally impermissible grounds. Notice of nonreappointment or intention not to renew the appointment shall be given in writing in accordance with the provisions of Article 12 of the BOR/UFF Collective Bargaining Agreement. The notice requirements are not applicable to employees holding temporary appointments. The nonreappointment of non-ranked, non-bargaining unit faculty shall be in accordance with the provisions of Rule 6C8-4.018, F.A.C.

(2) Resignation by Faculty. A faculty member who wishes to resign has the professional obligation, when possible, to provide the University with at least one semester’s notice. Upon resignation, all consideration for tenure and reappointment shall cease. A resignation may not be rescinded by the employee without concurrence of the University.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19) FS. History–New 4-30-81, Formerly 6C8-4.16, Amended 8-7-96.

6C8-4.018 Termination of Employment of Administrative and Professional (A & P) University Support Personnel System (USPS) and Other Personal Services (OPS) Staff.

(1) Termination of Employment of A & P Staff.

(a) The employment of a non-bargaining unit A & P staff may be terminated without cause prior to the expiration of the employment contract by giving written notice to the employee as follows:

1. Employees with up to one year of service, a minimum notification period of one month, prior to terminating the employment relationship.

2. Employees with more than one year of service, a minimum notification period based upon one month per year, or part thereof, of full-time employment, plus one month, up to a maximum of six months notification, prior to terminating the employment relationship.

(b) The employee will be granted a review of the termination action by the University President or designee upon request. The decision not to offer further employment shall be approved in writing by the employee’s second level supervisor and such decision shall not be based on constitutionally or other legally impermissible grounds.

(c) The employee may be assigned other duties and responsibilities at any time. Such a reassignment does not release the institution from the contractual commitment to compensate the employee until the date of termination of the employment.

(d) The Office of Personnel will assist employees whose employment is terminated under this rule to locate alternative employment while the employee is employed at the University.
(e) The employment of bargaining unit A & P staff may be terminated in accordance with Rule 6C8-4.016, F.A.C., and applicable collective bargaining agreement.

(2) Termination of Employment of USPS and OPS Employees. USPS employees without permanent status in any job class or on time-limited appointments and OPS employees may be separated from employment at any time without any requirements of reason for the decision and without rights of appeal. The decision to terminate the employment shall not be based on constitutionally or other legally impermissible grounds.

(3) Resignation by A & P, USPS, and OPS Staff. Staff members will give three months written notice of resignation when at all possible. A resignation may not be rescinded by the staff member without concurrence of the University.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19) FS. History–New 4-30-81, Formerly 6C8-4.18, Amended 8-7-96.

6C8-4.019 Termination for Cause and Other Disciplinary Actions for Faculty, Administrative and Professional (A & P), and University Support Personnel System (USPS) Staff.

(1) Just cause shall be defined as:
   (a) Incompetence; or
   (b) Misconduct.

(2) Termination or Suspension. Faculty, A & P, and USPS staff may be terminated from employment or suspended, with or without pay, for just cause. An employee shall be given written notice of termination or suspension specifying the reason(s) and such action shall be in accordance with Board of Regents Rules 6C-5.950 and 6C-5.955, F.A.C., University policies and procedures, and applicable collective bargaining agreements. Following the issuance of termination or suspension notice, the employee may be reassigned.

(3) Disciplinary action other than termination or suspension, with or without pay, may be imposed for just cause. Written notice of such disciplinary action, specifying the reason(s) therefor, shall be given to the employee by the President or representative. Any disciplinary action taken pursuant to this section shall thereafter be subject to Board of Regents Rules 6C-5.950 and 6C-5.955, F.A.C., applicable collective bargaining agreements, and University policies and procedures. Counseling shall not be considered disciplinary action.

(4) Termination or Suspension Pending Hearing. Notwithstanding the provisions of subsection (2) above, when the President or representative has reason to believe that an employee’s presence on the job would adversely affect the functioning of the University or jeopardize the safety or welfare of any University employee or student, the President or representative may immediately suspend the employee from the performance of duties, with or without pay, pending an investigation or any requested grievance, arbitration or administrative hearing under University procedures or applicable Board of Regents rules or collective bargaining agreements, and final administrative action pertaining hereto. If an employee suspended without pay under this section ultimately prevails in any grievance arising therefrom, the employee shall be reinstated with back pay.

Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19) FS. History–New 4-30-81, Formerly 6C8-4.19, Amended 8-7-96.

6C8-4.024 Meritorious Service Awards Program.

(1) General. This rule establishes the University’s Meritorious Service Awards Program authorized by Section 240.2111, Florida Statutes. The program consists of awards and incentives to acknowledge exemplary or exceptional employee achievement which benefits the University or the state university system. Awards and acknowledgments earned through the Meritorious Service Awards Program may be funded by state and private sources. The Meritorious Service Awards Program shall acknowledge or reward employee achievement in the following areas:
   (a) Suggestions, defined as a procedure or idea submitted by a faculty member or University Support Personnel System (USPS) employee that, when implemented, results in elimination or reduction of expenditures, improvement in operations, or generation of additional revenues for the University.
   (b) Superior Accomplishment, defined as exemplary performance by faculty members, or Administrative and Professional (A & P) or USPS employees, that is deemed to have significantly contributed to their respective fields or areas valued by the University, thereby reflecting positively on the caliber of the University or the State University System.
   (c) Service, defined as sustained satisfactory service with the University by faculty members, or A & P or USPS employees. Members of state boards or commissions may also be recognized under this component of the program for service to the University or the State University System.

(2) Meritorious Service Awards Program Coordinator. The Vice-President of Business and Finance shall appoint a person to serve as the Meritorious Service Awards Program Coordinator for all of the components of the program. The Coordinator shall be responsible for administering the program and for setting up internal procedures to timely process and review award nominations. The University community shall be notified periodically of the place in which to contact the Coordinator and the Meritorious Service Awards Committee.
(3) Meritorious Service Awards Program Committee. The Vice-President of Business and Finance shall biennially appoint three employees to serve as the Meritorious Service Awards Program Committee. The committee shall be chosen one each from among the faculty, A & P, and USPS staff. The committee shall apply the criteria contained in this rule for evaluating nominations for awards for each component of the program. The committee shall meet as needed to evaluate award nominations and to make recommendations concerning recipients of awards and the type of awards.

(4) Suggestion Program Component.
(a) Eligibility. In order to be eligible for a meritorious service award under the Suggestion component of the program, a faculty member or a USPS employee must submit his or her suggestion in writing to the Meritorious Service Award Committee. The proposal must be able to be implemented under current statutory authority. At a minimum, the employee shall provide the following information:
1. Name;
2. Work address;
3. Job title and description;
4. A complete description of the suggestion;
5. The benefit to be derived by the University, the Board or the system in adopting and implementing the suggestion; and
6. Any facts or figures which tend to support the perceived benefit to the University, the Board or the system.

The employee shall sign and date the suggestion and deliver it to the Meritorious Service Awards Committee.

(b) Evaluation of Suggestions. Employee suggestions shall be channeled by the Coordinator to the Committee. Upon receipt, the Committee shall evaluate the suggestion and categorize it based upon the following criteria:
1. Tangible whether the suggestion will result in a measurable outcome in terms of cost savings or revenue generation;
2. Intangible whether the suggestion proposes new or different procedures that will result in improved safety, convenience, or the like which cannot readily be calculated in terms of money; or
3. Catalyst whether the suggestion triggers another idea which, but for the suggestion, might have been overlooked as a solution to a problem. The Committee shall evaluate the suggestion based upon the amount of savings or increased revenue to the University, whether the savings will be permanent and recurring, and the ease of implementation of the idea. The Committee shall report its findings on each suggestion to the Vice-President of Business and Finance. The Vice-President of Business and Finance shall make a final determination within ninety days from the date the suggestion is received by the Meritorious Service Awards Coordinator of whether the suggestion shall be adopted and if so, the type of award which the employee will receive. The ninety day period can be extended where the University is unable to adequately evaluate the suggestion based upon the information supplied, or otherwise upon consent of the employee.

(c) Suggestions in the following area will not be considered in the meritorious service awards program:
1. Those involving the resolution of personal grievances;
2. Those which could be implemented by the employee without prior clearance or approval by an academic or administrative supervisor;
3. Those which could have been conceived as part of, or are a logical extension of, the employee's normal assigned duties;
4. Those which duplicate or significantly resemble a suggestion which has been implemented by the Board or another state university.

(d) A suggestion which is not adopted will be kept on file for one year from the date received by the Coordinator. The employee will be eligible for an award as provided by this rule if the suggestion is adopted during this time.

(e) An employee's suggestion which is implemented by the University may be subsequently implemented by any other component of the State University System without further monetary award to the employee.

(f) A suggestion can be submitted by a group of eligible employees. In such a case, the employees shall be entitled to only one monetary award which shall be divided equally among them.

(g) Awards for tangible suggestion will be made at the end of the first year after implementation. However, where the savings or revenue to be generated directly from implementation of the suggestion are easily calculable and readily verifiable, the University may grant a proportionate share of the award on a periodic basis. At the end of the first year, the University shall promptly calculate the actual savings or revenue generated as a result of the implementation of the suggestion. Where an award is made to an employee due to inaccurate measurement or calculation, the University reserves the right to recoup the overpayment from the employee.

(h) Employees whose intangible or catalyst suggestion is implemented will be awarded certificates, pins, plaques, letters of commendation, or other appropriate tokens of recognition, provided the cost of the award does not exceed $50. When an intangible or catalyst suggestion results in exceptional increase in time, production, safety or other benefit to the University, the employee may be recognized and rewarded monetarily in an amount not to exceed $300. Monetary awards in such circumstances may be given in the form of cash, U. S. Savings Bonds or other items in lieu of cash.

(i) The acceptance of an award for a suggestion which is adopted through this program constitutes a waiver by the employee of all claims, immediate and future, against the State of Florida for all use of the suggestion.
(5) Superior Accomplishment Component. Awards for superior accomplishment may be presented to eligible employees on an individual or collective basis in recognition for outstanding performance or accomplishment either within or outside of the University, in the community, or to advancement in their respective fields. Such awards and recognition shall not be granted solely on the job performance.

(6) Service Award Component. Retiring employees whose service to the University has been rated satisfactory for the course of their employment are eligible to receive an appropriate service award based upon years of service. Additionally, service by appointed members of a state board or commission who have advanced the goals of education or of the University may be given special recognition through an appropriate award upon the expiration of their final term in such position. Employees who have given satisfactory service to the University shall be given an appropriate form of recognition on the anniversary of each five years of continuous service to the University.

(7) Reporting Requirements. The Vice-President of Business and Finance shall be responsible of preparing and filing all reports which are required to be made by statute or Board rule regarding the University’s Meritorious Service Awards Program.

*Specific Authority 1001.74(4), (19) FS. Law Implemented 1001.74(19) FS. History–New 7-17-90.*
CHAPTER 6C8-5 UNIVERSITY FACILITIES AND SERVICES

6C8-5.001 Textbooks and University Book Store. (Repealed)
6C8-5.002 Duplicating Services, Publications. (Repealed)
6C8-5.003 Bulletin Boards.
6C8-5.004 University House. (Repealed)
6C8-5.005 Emergencies. (Repealed)
6C8-5.006 University Traffic and Parking Rules.
6C8-5.007 University Library.
6C8-5.008 Demonstrations.
6C8-5.009 Use of University Facilities.
6C8-5.010 Educational Research Center for Child Development. (Repealed)

6C8-5.003 Bulletin Boards.

(1) Tackboards in all University buildings are available for the posting of materials by any University division or individual, unless otherwise restricted. Materials also may be posted in the stairwells of Primera Casa on the outside wall facing on the mid-landing. The posting of materials is limited to these areas and other areas which the University may designate.

(2) Only removable tape may be used to affix such materials to walls. Any posted material attached to walls other than tackboards or stairwells as prescribed in subsection 6C8-5.003(1), F.A.C., shall be removed as notices.

(3) Tackboards and stairwells will be maintained by Physical Plant. All posted materials will be machine-dated, removed and discarded two weeks after that dating, except those posted materials which refer to an event which has not yet occurred. Notices which refer to meetings continuing for a long term basis will be removed at the end of each quarter.

(4) No distinction will be made on the content of posted materials except for commercial solicitation, as outlined in Rule 6P-6.010, F.A.C. Any profane materials or notations will be removed as noticed or on complaint.

Specific Authority 1001.74(4) FS., 6C-4.001, F.A.C. Law Implemented 1001.74(6) FS., 6C-4.001, F.A.C. History–Formerly 6P-5.03, 10-1-75, Repromulgated 12-23-76, Formerly 6C8-5.03.

6C8-5.006 University Traffic and Parking Rules.

(1) General. This rule is applicable to all persons who operate or park a motor vehicle on the campuses of Florida International University. All Miami-Dade County traffic and parking ordinances which are not in conflict or inconsistent with University regulations and all provisions of Chapter 316, Florida Statutes, shall extend and be applicable to the University’s campuses. The Department of Parking and Traffic is authorized and empowered to enforce all University parking and traffic regulations. The University Public Safety Department is authorized and empowered to enforce University regulations, all county ordinances and state laws. Copies of the University parking and traffic regulations are available from the Department of Parking and Traffic, the Department of Public Safety, the Visitor Information Center and through the Florida International University website URL http://www.fiu.edu/~xtranspo/. The University assumes no liability for vehicles parked or operated on University property. The issuance of a decal or permit does not guarantee a place to park.

(2) Registration of Motor Vehicles. Vehicles used by members of the faculty, staff, students, (full or part-time), concessionaire employees and others who regularly operate a vehicle on campus must be registered with the Department of Parking and Traffic during the first day the vehicle is on campus. Vehicle registrations expire on the expiration date indicated on decal or permit. All visitors must purchase a non-refundable parking permit when parking on campus or use parking meters. Any motor vehicle parked on University property during designated hours must display a valid University parking decal or parking permit. Use of a motor vehicle on University property is a privilege, not a right and is made available only under this rule.

(a) Decals.

1. Faculty/Staff. A Faculty/Staff parking decal must be obtained for each vehicle which is, or may be, parked on the University’s campuses. Decals are issued according to the classifications contained in these regulations. A decal will be issued by the Department of Parking and Traffic, upon the following conditions:

a. The owner or driver registers the vehicle with the Department of Parking and Traffic.

b. The owner or driver, unless otherwise exempt, pays the appropriate fee and provides proof of the decal classification to which he or she is entitled.

c. The owner or driver settles all outstanding parking and traffic fines and fees before a current decal or permit will be issued.

d. When two or more persons who are employed by the University reside in the same household and register more than one vehicle, each is required to purchase a separate original decal; duplicate decals will not be issued for either person except upon proof of replacement of the originally registered vehicle. If two or more persons travel together in one vehicle, only one decal is required but a duplicate decal cannot be purchased except upon proof of replacement of the originally registered vehicle.

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2. Students: Students will pay a Parking and Transportation Access Fee per semester. A student decal will be issued by the Department of Parking and Traffic to each student under the following conditions, and it is the students’ responsibility to properly display the current decal in accordance with this rule.
   a. The student must be currently enrolled at the University.
   b. The student must provide a valid vehicle registration for the vehicle on which the decal will be placed.
   c. The student must settle all outstanding parking and traffic fines and fees.

3. Decal Classifications: The issuance of decals is restricted to the classifications specified in these rules. The following decal classifications are in effect:
   a. Faculty/Staff – An “F/S” decal is available only to persons currently employed as regular or adjunct faculty; Administrative and Professional staff; University Support Personnel System employees and as Other Personal Services employees. Individuals who are currently employed by vendors or contractors with the University, or who are otherwise required by contract to obtain a decal, are also entitled to obtain a decal in this classification. A semester decal is available to faculty/staff persons who wish to purchase a decal on a semester only basis.
   b. Student – An “S” decal will be issued to those persons who are currently enrolled as students. For purposes of this rule, a person shall be considered a student regardless of the number of hours or courses for which he or she is enrolled at the University. Students residing in the University’s housing complexes are required to display a current semester housing sticker in addition to the current student decal. Students employed at the University at least thirty-five (35) hours a week may elect to purchase a faculty/staff decal.
   c. Alumni – An “ALUM” decal is available to FIU graduates who are not currently enrolled at the University and entitles the holder to park in spaces designated for student parking.
   d. Administrative – An “A” decal is available only to those employees who receive written authorization from the Director of the Department of Parking and Traffic and have special parking needs based upon work requirements.
   e. Executive – An “E” decal is available only to those employees or visitors to the University who are given written authorization by the President.
   f. Duplicate/Replacement Decals – A Duplicate/Replacement decal is available to faculty/staff persons who have purchased an original decal for that semester or the current year. This category is for additionally owned vehicles used alternately and for situations where the original decal must be replaced due to an accident, the re-painting of the vehicle, etc. The address on the vehicle registration for the second vehicle must be the same as that on the registration of the vehicle listed on the original decal application. A vehicle with a duplicate decal is not permitted on campus at the same time as the vehicle with the original decal.
   g. Duplicate Hang-tags – A Duplicate Hang-tag is available to students who have been issued an original decal for the current year. This hang-tag must be displayed on the vehicle that the hang-tag is registered for. This category is for additionally owned vehicles used alternately and for situations where the original decal must be replaced due to an accident, the re-painting of the vehicle, etc. The address on the vehicle registration for the second vehicle must be the same as that on the registration of the vehicle listed on the original decal application. A vehicle with a duplicate hang-tag/decal is not permitted on campus at the same time as the vehicle with the original decal.

4. Decal Registration Fees.
   a. Decals must be purchased and affixed each year. Annual executive, administrative, faculty/staff, and corresponding duplicate decals expire October 31st of each year. Faculty/Staff semester decals expire at the end of each semester for which they are issued. Alumni decals expire August 31st of each year. The following are the annual registration fees, exclusive of sales tax, for each decal classification:
b. The following are the semester registration fees, exclusive of sales tax, for each decal classification:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Original</th>
<th>Duplicate/Replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>N/A</td>
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<td>Administrative</td>
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<tr>
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<tr>
<td>(Annual base pay over $45,000)</td>
<td>$79.00</td>
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<tr>
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<td>(Annual base pay over $25,000)</td>
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<td>Faculty/Staff</td>
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</tr>
<tr>
<td>(Annual base pay $25,000 and under)</td>
<td>$55.00</td>
<td>N/A</td>
</tr>
<tr>
<td>Alumni</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Student</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fall –</td>
<td>$47.90</td>
<td>$10.00</td>
</tr>
<tr>
<td>Spring –</td>
<td>$47.90</td>
<td>$10.00</td>
</tr>
<tr>
<td>Summer A, B, or C –</td>
<td>$43.00</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

b. The following are the semester registration fees, exclusive of sales tax, for each decal classification:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Original</th>
<th>Duplicate/Replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>$696.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>Administrative</td>
<td>$298.00</td>
<td>$15.00</td>
</tr>
<tr>
<td>Faculty/Staff</td>
<td>$150.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>(Annual base pay over $45,000)</td>
<td>$150.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>Faculty/Staff</td>
<td>$138.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>(Annual base pay over $35,000)</td>
<td>$138.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>Faculty/Staff</td>
<td>$99.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>(Annual base pay over $25,000)</td>
<td>$99.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>Faculty/Staff</td>
<td>$91.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>(Annual base pay $25,000 and under)</td>
<td>$91.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>Alumni</td>
<td>$139.00</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

C. Duplicate/Replacement Decals. If a decal or a hang-tag has been lost or stolen, the incident shall be reported to the Department of Parking and Traffic, and a replacement decal or hang-tag shall be purchased. A Parking and Traffic Lost or Stolen Decal Affidavit, Form PT #11, Effective 5/97, which is incorporated by reference into this rule, must be filled out.

d. Change in Status. Any individual requesting a change in decal classification due to a change in status, shall pay the difference between the fee appropriate to the classification currently in effect and that being requested. The old decal or identifiable parts, including numbers, must be returned to the Department of Parking and Traffic for auditing purposes.

e. Non-Refundable Fees. All fees paid for decal registration by faculty/staff persons shall be non-refundable except for instances where a person has mistakenly made a double payment and the request for refund is made within the same academic year in which the payment was made. The Parking and Transportation Access Fee paid by the students shall be refunded in the same manner as other student fees are refunded.

(b) Permits and Permit Fees.
1. Temporary permits are issued only by the Department of Parking and Traffic to those persons who require temporary parking authorization and who are not otherwise required by these rules or contract to obtain a decal. Permits must be applied for and are issued for durations that are commensurate with their purposes. Permits may or may not include the payment of parking fees as provided below.

2. The circumstances under which a permit rather than a decal shall be issued include but are not limited to use of a temporary vehicle; parking on the University’s campuses for occasional business-related purposes; parking on the University’s campuses for attendance at conferences and meetings; and visitors who are not otherwise required to obtain a decal. Any person who has a current decal and needs to use temporary transportation must obtain a temporary parking permit. Temporary parking permits are issued, free of charge, for a maximum of thirty (30) consecutive days.
3. Temporary 30, 60, and 90-day permits are available to persons not otherwise required by these rules or contract to obtain a parking decal. The following are the permit fees, exclusive of sales tax:

<table>
<thead>
<tr>
<th>Duration</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-day</td>
<td>$20.00</td>
</tr>
<tr>
<td>60-day</td>
<td>$36.00</td>
</tr>
<tr>
<td>90-day</td>
<td>$54.00</td>
</tr>
</tbody>
</table>

4. Specific visitor, vendor and contractor, and volunteer permits will be issued by the Department of Parking and Traffic upon payment of a fee as follows:
   a. Visitor fees. Visitors can purchase a student surface parking permit for $1.00 per day or a Faculty/Staff permit for $2.00 per day. Short-time parking is also available at meters throughout the University at a cost of 25 cents per 15 minutes. Visitors can also park inside the Blue Parking Garage at University Park Campus for $1.00 per hour with a maximum of $6.00 per day. University departments hosting an event can purchase garage visitor permits in advance.
   b. Vendors and Contractors fees. All vendors and contractors conducting business on campus are required to purchase a contractor permit. The following are the permit fees, exclusive of sales taxes:

<table>
<thead>
<tr>
<th>Duration</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-day</td>
<td>$20.00</td>
</tr>
<tr>
<td>60-day</td>
<td>$36.00</td>
</tr>
<tr>
<td>90-day</td>
<td>$54.00</td>
</tr>
</tbody>
</table>

c. Volunteers’ Fees. Individuals outside the University who volunteer their time at either campus can purchase a volunteer permit for the following fees exclusive of sales tax:

<table>
<thead>
<tr>
<th>Duration</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-day</td>
<td>$5.00</td>
</tr>
<tr>
<td>60-day</td>
<td>$10.00</td>
</tr>
<tr>
<td>90-day</td>
<td>$15.00</td>
</tr>
</tbody>
</table>

(c) Vehicle Registration Exemptions. The following persons shall not be required to register their vehicles with the Department of Parking and Traffic:

1. Representatives of news media on official business.
2. Members of the Florida International University Board of Trustees who are on campus to attend meetings and functions of the Board of Trustees. Trustees shall be issued identification which shall be prominently displayed in their vehicles.
3. Members of the FIU Foundation Board of Directors who are on campus to attend meetings and functions of the Foundation. Directors shall be issued identification which shall be prominently displayed in their vehicles.


(a) Decal Regulations.

1. Display of Decal. Each driver who regularly parks a vehicle on campus shall display a valid decal, hang-tag, or permit. It is the responsibility of the driver to properly display a hang-tag, decal or permit so it is easily visible and readable. Failure to display it correctly may result in a violation for not having a valid decal, hang-tag or permit.
2. Decals shall be permanently affixed to the outside of the vehicle on the left side either on the rear bumper, or the outside of the window. Decals must be permanently affixed and not altered. For unusually constructed vehicles, decals shall also be permanently affixed in the manner directed by the Department of Parking and Traffic.
3. The entire decal, hang-tag, or permit must be displayed unaltered.
4. It is a violation of these rules to transfer a decal, hang-tag or permit from one vehicle to another; alter a decal, hang-tag or permit, falsify documents to obtain a decal, hang-tag or permit or otherwise obtain or display a decal, hang-tag or permit in violation of the University rules and regulations. Any such act shall constitute decal fraud and will cause the decal, hang-tag or permit to be revoked.

(b) Traffic Regulations:

1. Speed Limit. The speed limit on University property is 25 miles per hour on main roads unless otherwise posted. The speed limit inside the garage is 5 mph. Speed limit inside surface lots is as posted.
2. Right-of-Way. Pedestrians and wildlife have the right-of-way over motor vehicles, including golf-carts. Pedestrians must use crosswalks when crossing a roadway.
3. Barriers. Barriers may be placed by the University at any point deemed necessary for specific temporary use. Except as required for the passage of emergency vehicles, removal of any such barrier without permission is prohibited.
4. Enforcement Directives. A directive given by a police officer or parking patroller or designee supersedes the regulations posted by sign or signal.

(c) Golf-Carts.
1. Golf-carts are restricted by the Florida Department of Highway Safety and Motor Vehicles and Florida International University for use on facility premises only. Golf-carts are used primarily for the transportation of persons or cargo, are designed and regulated to be operated at speeds of less than 25 miles per hour, and are generally recognizable as a passenger or utility type cart, vehicle, club car or conveyance.

2. Any person who operates a golf-cart on University premises is deemed, by so doing, to have the knowledge, training and skill to safely operate this vehicle and shall be fully accountable for their actions and the consequences thereof. The safe operation of golf-carts on University premises requires conscientious application and adherence to the standards prescribed by this rule.

3. Golf-cart Enforcement. Golf-carts shall be operated in accordance with the following specific rules:
   a. Golf-carts shall not be parked within 6-8 feet of the entrance or exit of any building, except at loading docks or approved designated golf-cart parking spaces.
   b. Operators shall stop golf-carts at all blind intersections and sound their horns before proceeding.
   c. Golf-carts shall not be parked or operated in any manner likely to obstruct or interfere with the flow of pedestrian or vehicular traffic in heavily traveled areas.
   d. Operators shall not stop for any extended period of time in the middle of roads and walkways. Golf-carts shall not be parked on pedestrian crosswalks.
   e. Safety precautions shall be taken while driving golf-carts through parking lots.
   f. Golf-carts shall not be driven through buildings except: 1) under circumstances of police or medical emergency, 2) in order to service that specific building wherein equipment and supplies, but not people, are being transported to the work site, or 3) in order to make a delivery of materials which cannot be otherwise transported to a specific location in a building.
   g. Where circumstances warrant operation of a golf-cart in or through any University building, as described in sub-subparagraph f. above, operators shall take the most unobtrusive route and shall follow all other operating requirements.

(d) Parking Regulations for Surface and Garage Parking.

1. Posted signs, bumper blocks, and other markings designate the various parking areas on campus. Parking areas may be restricted by classification, time or purpose. Parking areas restricted by classification, time or purpose shall be considered no parking zones to those individuals who do not fall within the restriction of the classification. Individuals parking in areas so restricted require a decal, hang-tag, or permit. The following parking restrictions are found in areas on the University’s campuses:
   a. Executive.
   b. Administrative.
   c. Faculty/Staff.
   d. Student.
   e. Meters. (Overtime Parking)
   f. Disabled.
   g. Motorcycle/Motorbike/Moped.
   h. State Vehicles.
   i. Time Limit Parking.
   j. Housing Parking.
   k. Loading Zone.
   l. Garage Visitors.
   m. Head-In Parking Only.
   n. Golf-cart.

2. Parking meters are for short-term visitors. Use of parking meters is enforced daily, from 7:00 a.m. to 10:00 p.m. including weekends and holidays. If a meter is malfunctioning, parking at that meter is prohibited. A current decal, hang-tag or permit does not entitle the driver to park at a meter without paying the appropriate meter fee.

3. Use of parking areas designated as Faculty/Staff shall be enforced between the hours of 6:00 a.m. to 7:00 p.m., Monday through Friday, unless otherwise indicated by signage. Parking in all other areas shall be observed and enforced at all times.

4. Changes in designated parking areas shall become effective at such time as signage or other identifying markings are posted.

5. No motor vehicles, other than police, emergency, service vehicles or golf-carts may be operated or parked at any time on the walkways, grass, service areas, driveways or other prohibited zones, except where specifically permitted by signage. No motor vehicle, motorcycle or other type of vehicle, including a bicycle, shall be parked in such a way as to create a hazard or obstruction to traffic or access. Temporary parking areas may be designated in grass areas by the placement of delineating signs, bumper blocks or other identifying marks. Parking adjacent to any University building shall be prohibited except as identified by authorized signs.

6. No person, other than a current housing resident whose vehicle is left in a housing lot, shall leave a vehicle overnight on University property without notifying the Public Safety Department. Vehicles that are inoperable shall be reported immediately to the Public Safety Department. Vehicles left for more than three (3) consecutive days and nights, without prior approval, or which are apparently abandoned shall be subject to towing, impoundment, and disposal at the owner’s expense. The University does not assume any responsibility for motor vehicles or their contents while they are parked on campus. Vehicles registered to current housing residents may be left in housing lots during session breaks but in no event for more than three weeks, except with permission from University housing.

7. Major repairs to vehicles shall not be performed on either campus.
8. Double-parking is not allowed at any time.
9. The fact that a person may park or observe others parked in violation of the regulations without receiving a citation does not mean that the regulation is no longer in effect. Observing others illegally parked is not a valid excuse.
10. Parking on lawns, landscaped areas, sidewalks, or other areas not specifically designated by signs or curb markings as parking areas is a violation. The absence of a “No Parking” sign does not mean parking is permissible in an area.
11. Residents of housing shall abide by the parking regulations contained in the housing agreement in addition to the requirements of this rule.
12. Parking a vehicle on campus following failure to pay or appeal any citation for a university traffic infractions within the time provided, or parking on campus with a revoked decal shall be considered illegal parking and is subject to towing.
13. Parking areas designated as disabled are enforced at all times and a current state issued disabled placard/hang-tag must be visible and properly displayed.
(e) Garage Parking.
1. A current FIU parking decal is required to park in the garages at no additional cost.
2. Current FIU decal holders cannot park in a visitor space without paying the additional fee.

3. Garage hours: 6:00 a.m. – 2:00 a.m. Mondays – Thursdays
6:00 a.m. – 11:00 p.m. Fridays
Closed weekends and holidays except for Special Events

4. No overnight parking. Vehicles must be removed prior to posted closing hours. Any vehicle left in the garage will be ticketed and is subject to towing at vehicle owner’s expense.
5. Head-in parking only.
6. Garage speed limit is 5 mph. Garage speed is radar-enforced.
(4) Enforcement.
(a) Violations. Failure to abide by any of the provisions of these rules shall be considered a university parking infraction. The University may enforce university parking infractions through use of warnings, citations and fines, vehicle immobilization, towing and any other means authorized by statute.
(b) Citations. The Public Safety Department and the Department of Parking and Traffic are authorized to issue written citations to persons who violate university parking and traffic regulations. The Public Safety Department is also empowered to issue citations for violation of Chapter 316, Florida Statutes, and county ordinances. Only one citation will be issued for each violation.
1. Schedule of Fines. The schedule below establishes fines for the various categories of violations which are considered to be university parking infractions:

<table>
<thead>
<tr>
<th>Violation</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Decal</td>
<td>$20.00</td>
</tr>
<tr>
<td>Parking on the Grass</td>
<td>$20.00</td>
</tr>
<tr>
<td>Hazardous Parking</td>
<td>$25.00</td>
</tr>
<tr>
<td>Overtime Parking (meter)</td>
<td>$20.00</td>
</tr>
<tr>
<td>All Moving Violations</td>
<td>$25.00</td>
</tr>
<tr>
<td>Restricted/Improper Parking</td>
<td>$25.00</td>
</tr>
<tr>
<td>Overtime Parking (garage)</td>
<td>$25.00</td>
</tr>
<tr>
<td>Unlawfully Parked in Disabled Spaced</td>
<td>$250.00</td>
</tr>
<tr>
<td>Decal Fraud</td>
<td>$100.00</td>
</tr>
<tr>
<td>Head-In Parking Only</td>
<td>$15.00</td>
</tr>
<tr>
<td>Radar/Speeding Violation</td>
<td>$25.00</td>
</tr>
<tr>
<td>Restricted “E” or “A”</td>
<td>$30.00</td>
</tr>
<tr>
<td>Golf-Cart</td>
<td>$5.00</td>
</tr>
<tr>
<td>Decal/Permit-Improper Display</td>
<td>$20.00</td>
</tr>
</tbody>
</table>

a. Impoundment and vehicle immobilization charges vary according to type of vehicle, type of tow needed and cost of contract with current towing company.

b. Any vehicle which remains in violation of the same regulation for twenty-four (24) hours is subject to additional citations. Violations of Chapter 316, Florida Statutes, and county ordinances are returnable to the Miami-Dade County Court and may carry higher fines or other penalties.
2. Late Charges. If a university citation is not paid or appealed in the time provided by this rule, a $5.00 late charge shall be assessed in addition to the fine established for the violation. The assessment of the late charge shall not preclude the University from enforcing these rules through alternative means such as withholding grades, transcripts, receiving your diploma and/or towing, or immobilizing the vehicle.
3. Remedies for Failure to Pay Fines. In addition to the assessment of a late charge fee, and other penalties as provided in this rule, the following remedies are available to the University:
   a. Revoke parking and driving privileges on University property. A person whose parking privileges are revoked may not be issued a new parking decal until all prior outstanding citations are satisfied.
   b. Prevent the person from registering as a student.
   c. Withhold issuance of transcripts or degrees.
   d. Use vehicle immobilizer.
   e. Tow and impound the person’s car.
   f. Take other action as necessary to collect the outstanding fines as delinquent accounts owed to the University.

4. Responsibility for Citations. The person(s) in whose name a motor vehicle is registered with the State Department of Highway Safety and Motor Vehicles shall be held responsible for citations issued to the vehicle. The presumption of responsibility may be overcome by furnishing the Department of Parking and Traffic with a sworn statement identifying the person who had custody of the vehicle at the time the citation was issued. Employees of FIU operating state university vehicles and golf-carts shall be responsible for citations issued to such vehicle(s).

(c) Procedures for Payment of Fines and Appeals. A person to whom a citation has been issued shall have ten (10) business days from the date of issuance to respond to the citation either by paying the fine or by filing an appeal. If payment or request for an appeal is not received within the allotted time, a late fee shall be assessed, and the University may take any authorized action to enforce the penalty.

1. Payment of Fines. Fines may be paid in person at the Department of Parking and Traffic by check, money order, cash payment, the FIU Panther debit card, or credit card. Alternatively, payments may be mailed to the Department of Parking and Traffic located on University Park Campus; however, late fees shall be applied in the event payment is not received by the Department of Parking and Traffic within the time provided by these rules. Fines may also be paid at the Cashier’s Office during its regular hours of operation. All payments should include the payee’s social security number and citation number. It is the responsibility of a person who pays cash at the Cashier’s Office to notify the Department of Parking and Traffic that the citation has been paid in order to assure that his or her account is properly credited.

2. Appeals Process and Procedures. Appeals of citations for university parking infractions and towing/vehicle immobilization procedures and charges may be instituted by filing a written appeal with the Department of Parking and Traffic on Form PT #4, “Parking Citation Appeal,” (effective date 6/96) according to the instructions provided on the form. This form is hereby incorporated by reference into this rule. County citations are not open to appeal through the University appeal process. County citations must be processed through the Miami-Dade County Court System. Appeal form PT #4 may be obtained at the Department of Parking and Traffic and at other locations throughout the University, such as the Cashier’s Office and Visitor Information Center, and Public Safety Department at both campuses. Inability to locate parking spaces or the failure of others to observe these rules shall not be considered to be valid defenses. The appeal shall include a current and accurate address where notices can be sent and received. Complete appeal forms will be forwarded by the Department of Parking and Traffic to an Appeal Hearing Officer for review and decision. Appellants do not have the option to appear in person.

a. Appeal Hearing Officers. There shall be appointed on each campus a University Appeal Hearing Officer or Officers who shall be responsible to resolve appeals of citations for university parking infractions and/or towed or immobilized vehicles. The Appeal Hearing Officer(s) of each campus shall be appointed, by the appropriate vice president, to serve a two-year term, and may be appointed for additional terms. It is intended that Appeal Hearing Officers will be members of the University Community.

b. Appeal Hearing Officer Procedures. Appeal Hearing Officers will receive and evaluate written appeals. They will be guided by the Parking Rules and shall consider any relevant circumstances, as articulated in the written appeal, in making their decision(s). Appeal Hearing Officers may request further information or interview the appellant, witnesses or the citing officer. Appeals will be reviewed and appellants notified by mail.

c. Appeal Hearing Officer Decisions. Following consideration of the grounds for an appeal, the Appeal Hearing Officer shall decide on the appeal. The Appeal Hearing Officer’s decision shall contain findings of fact and be reduced to writing and a copy shall be furnished to the appellant by the Department of Parking and Traffic. The decision of the Appeal Hearing Officer is final without further right of review. Upon denial of an appeal, the fine assessed shall be paid within ten (10) business days of the date of notification to the appellant or a late fee will be assessed.

(d) Immobilization, Towing and Impoundment- Appeals. The University may immobilize, tow and/or impound any vehicle which is found to be parked illegally or in violation of these rules. Parking after failing to pay a parking citation(s) within the allotted time constitutes illegal parking. Cash payment for tows shall be accepted at the Department of Parking and Traffic only after the University’s Cashier’s Office is closed. A person whose vehicle has been immobilized, towed and/or impounded may appeal the tow or immobilization by filing a written appeal within ten (10) business days from the date of the impoundment. An Appeal Hearing Officer shall review the appeal within seventy-two (72) hours of receipt of the written appeal. The appellant shall receive notification of the appeal decision through the mail. If the immobilization or tow appeal is granted, the University shall refund the amount charged for the immobilization or tow. In lieu of the appeal, or pending such appeal, or if the appeal is denied, the owner of the vehicle or his/her authorized agent may obtain release of the vehicle by paying the citation(s), the immobilization and/or towing charges and any applicable delinquent fines.
(e) University Departmental Events. All departments hosting an event, which will require additional visitor parking for guests, will require visitor passes for each vehicle per day. Pre-purchased parking spaces are available by filling out a “Request Form For Special Event Parking Permits”, PT #5 (effective 7/99), no later than three (3) business days, but preferably five (5) business days before the date of the event. Departments are encouraged to post directional signs for each event.

Specific Authority 1001.74(4), 1006.66 FS, Law Implemented 1001.74(35), 1006.66 FS, History–Formerly 6P-5.06, 10-1-75, Repromulgated 12-23-76, Amended 1-15-80, 8-20-81, 4-24-83, 8-12-85, Formerly 6C8-5.06, Amended 7-6-86, 8-31-89, 7-17-90, 7-21-91, 8-25-93, 10-26-93, 8-17-94, 8-20-95, 8-11-96, 6-12-97, 6-7-98, 7-8-99, 5-16-00, 5-24-01, 7-25-02, 12-2-02, 8-11-03.

6C8-5.007 University Library.

(1) Borrowing privileges at the Florida International University Library shall be restricted to the students, faculty, staff and alumni of Florida International University and to the students, faculty and staff of other institutions in the State University System. Members of the general public shall be allowed to use library materials in-house. Limited members of the general public with demonstrably valid research needs may be given special permission to charge out library materials.

(2) Resources may be borrowed for a variable two-to-three week loan period by students, and quarterly periods by faculty and staff.

(3) Periodicals will not normally be permitted to circulate outside the confines of the library.

(4) The reserve book collection is a closed stock collection from which materials may be borrowed for limited periods. The security of personal materials placed on reserve cannot be guaranteed by the University.

(5) Interlibrary loans.
   (a) Regulations set by the Interlibrary Loan Code of the American Library Association, and restrictions set by the leading library will be followed.
   (b) Loan requests from undergraduates, as well as graduate students and faculty, will be honored by all State University System Libraries.

Specific Authority 1001.74(4) FS., 6C-4.001, F.A.C. Law Implemented 1001.74(6) FS., 6C-4.002, F.A.C. History–Formerly 6P-5.07, 10-1-75, Repromulgated 12-23-76, Formerly 6C8-5.07.

6C8-5.008 Demonstrations.

(1) Demonstrations include, but are not limited to rallies, outdoor assemblies, and/or meetings of persons to display group feelings, appearances of speakers in outdoor public areas of the campus or immediately adjacent to it, mass protests, parades and picketing.

(2) Demonstrations will be terminated if they.
   (a) Materially disrupt classes, laboratories, traffic and other ordinary functions of the University.
   (b) Involve substantial disorder.
   (c) Invade the rights of others.

(3) Those who wish to hold or organize a demonstration must file a notice of Intent to Demonstrate with the Vice President for Student Affairs forty-eight (48) hours prior to the date of the proposed demonstration.

(4) The written notice of Intent to Demonstrate shall include the following:
   (a) Name, address and telephone number of the person(s) filing the notice.
   (b) Name, address and telephone number of the person(s) to be contacted.
   (c) Date, time and place of demonstration.
   (d) Nature and purpose of demonstration.
   (e) Type of audio-amplification to be used, if any.
   (f) Estimated number of participants in demonstration.

(5) The Vice President for Student Affairs may deny within 24 hours of filing the Notice of Intent to Demonstrate the right to demonstrate under the following conditions:
   (a) If another demonstration has been scheduled for the same time.
   (b) If the demonstration will obstruct entrances or exits, or if it will interfere with traffic.
   (c) If demonstrator has scheduled after normal University functions have closed for the day.
   (d) If the Notice of Intent to Demonstrate violates provisions of subsection (8) or (9) below.
   (e) If the person(s) filing the notice fails to comply with subsections (3) and (4) above.
   (6) Organizations or persons denied permission to demonstrate may appeal to the President. Appeal must be made within one working day of the denial. The decision of the President shall be final.

(7) Security needs will be assessed by the Director of Public Safety upon request from the Office of the Vice President for Student Affairs.

   (8) Demonstrators shall not:
   (a) Obstruct vehicular, bicycle, pedestrian or other traffic.
   (b) Obstruct entrances or exits to buildings or driveways.
   (c) Interfere with educational activities inside or outside any building.
(d) Harass passersby or otherwise disrupt normal University activities, ceremonies or events.
(e) Interfere with or preclude the intended speaker(s) and/or activities from taking place.
(f) Demonstrate within 1,000 feet of an existing demonstration.
(g) Damage property.
(h) Violate any provision set forth in this rule.
(9) Demonstrations shall not violate the law, Board of Regents policy or Rules and Regulations of the University, nor shall demonstrations place an undue burden on campus facilities, materially interfere with the use of the facilities or equipment by other persons, materially disrupt the University's normal operations or functions, or materially infringe on the rights of members of the University community.
(10) If subsection (8) or (9) is violated, University Public Safety Officers or other University representatives, may require demonstrators to identify themselves by presenting proper identification such as student I.D. card, driver's license, etc. Demonstrators may be directed to leave campus immediately. Demonstrators may also be subject to arrest for a violation of the law. Demonstrators officially related to the University may additionally be subject to the University discipline.
(11) If subsection (8) or (9) is violated, University Public Safety Officers or other University representative may:
(a) Identify himself/herself to the demonstrators, giving name and official position.
(b) Inform demonstrators that they are in violation of the law, University policy and/or State rule.
(c) Indicate the nature of the violation.
(d) Request that the violation cease.
(e) Request that the demonstration terminate.
(f) Secure the assistance of the Public Safety Department to restore order and enforce compliance with the law and University rules.
(12) When requested, as set forth in paragraph (11)(f) above, the Director of Public Safety has a responsibility to:
(a) Declare a demonstration to be in violation of the law, University Rules and/or Board of Regents Rules and request all demonstrators to clear the area or be subject to arrest and/or University disciplinary action.
(b) Arrest demonstrators violating the law or provisions of this rule.
(c) Secure assistance of outside law enforcement agencies, if needed.
(d) Protect persons from injury and University property from damage.

Specific Authority 1001.74(4), 1006.60(5), 1012.92(3), 1013.10 FS. Law Implemented 1001.74(6), 1006.60(5), 1012.92(3), 1013.10 FS. History–New 12-23-76, Amended 8-7-83, Formerly 6C8-5.08.

6C8-5.009 Use of University Facilities.

(1) Use.
(a) University affiliated persons, organizations and groups whose activities are related to the mission of the University may sponsor meetings in University space in accordance with University policies and procedures.
(b) All other groups and persons may use University facilities upon payment of fees in accordance with the University policies and procedures.
(c) Priority shall be given to those whose activities are related to the mission of the University.
(d) No person, group or organization shall be excluded from this policy because they have collective bargaining as one of their objectives.

(2) Services. Depending upon availability, services may be furnished to University affiliated persons, organizations and groups whose activities are related to the mission of the University, upon payment of charges which reimburse the University for direct costs.

Specific Authority 1001.74(4) FS., 6C-5.016, F.A.C. Law Implemented 1001.74(6), 1013.10 FS., 6C-5.016, F.A.C. History–New 12-23-76, Formerly 6C8-5.09.
CHAPTER 6C8-6 PROPERTY AND FINANCE

6C8-6.001 Contracts and Grants.
6C8-6.002 Student Organization Accounts. (Repealed)
6C8-6.003 Authorized Signature. (Repealed)
6C8-6.004 Commercial Solicitation and Advertising on Campus.
6C8-6.005 Registration of Non-student Organizations.
6C8-6.006 Donations to the University.
6C8-6.007 Collection of Funds Owed to the University by Its Employees.
6C8-6.008 University Endowment Trust Fund for Eminent Scholars. (Repealed)
6C8-6.009 Tuition and Fees. (Repealed)
6C8-6.010 Tuition Fees Schedule.
6C8-6.014 Application Fee and Admissions Deposit.
6C8-6.080 Major Gift Matching Grant Program. (Repealed)
6C8-6.090 Investment of Agency and Activity Funds.
6C8-6.100 Direct Support Organizations.

6C8-6.001 Contracts and Grants.

(1) Administration of Proposals and Awards.
(a) All proposals and contract and grant awards must be coordinated by the Office of Contracts and Grants through the Vice President for Administrative Affairs, the Vice President for Academic Affairs and the Vice President for Community Affairs.
(b) Transactions may be made on a new award when the University Controller has a statement of award from the grantor, the Board of Regents’ acceptance for contracts or grants of $100,000 or over and a proposal with the appropriate university clearance approvals.
(c) The Controller’s Office will refer to any rule books which the grantor may issue regarding expenditure of funds and follow any regulations which may be outlined therein. It will be the responsibility of the project’s principal investigator and the Office of Contracts and Grants to adhere to any applicable grantor regulations. All State personnel and fiscal regulations shall also apply to grant transactions. If a conflict exists between a grantor and a State rule, the more restrictive rule shall apply.
(d) If the grantor requires one central file to be maintained for audit purposes, the Controller’s Office shall be designated as that official file area, and the Controller must receive copies of all correspondence regarding fiscal aspects of the grant or contract. Three (3) years after a contract or grant closes, these files will be microfilmed and stored until audit.
(e) Federal grant programs must be administered in conformance with the Civil Rights Act of 1964 and Regulations issued pursuant thereto by the Department of Health, Education, and Welfare.

(2) Closing of Contracts and Grants.
(a) Contracts and grants with definite termination dates must be closed out as of the date of the final report to the grantor. Money remaining in fixed price contracts must be transferred to a miscellaneous gift fund and rebudgeted accordingly.
(b) Gifts and grants with no termination date will not be activated until a budget is submitted by the project leader specifying his planned expenditures by category for a given period. Such accounts will be closed no later than six (6) months after this given period.
(c) Unexpended balances of completed projects must be refunded to the contractor or grantor when required.

(3) Contract and Grant Overhead.
(a) The Vice President of Administrative Affairs is authorized to accept less than the current audited or provisional overhead rates. Overhead is limited to the provisional rate or to the amount available in the contract, whichever is greater.
(b) Overhead may be charged for:
1. Rental of space where campus space is not available;
2. Fringe benefits, matching costs where grantor will not allow it as a direct charge;
3. Disallowed expenditures by federal auditors.
(c) All remaining overhead will be deposited directly into the Educational & General Incidental fund as earned.
(d) The following cost recoveries are not to be considered overhead:
1. Veterans’ Program administrative cost recoveries,
2. National Defense Student Loan, Education Opportunity Grant and Nursing Program administrative cost recoveries,
3. Other programs where the cost recovery is not based on indirect expenditures of the University, but on the offset of direct expenses incurred by the program.
(e) The area of contracts, grants and gifts does not encompass the following:
(a) Casual sales of services or products either for profit or cost;
(b) Endowment funds-income from these may be transferred to the grant’s account for disbursement purposes;
(c) Clearing accounts for accumulating funds for non-university purposes;
(d) Student aid—except for certain federal programs integrated with normal grant accounting.

(5) Unrestricted gifts for the University or a specific department may be accumulated in a single account so long as identification of expenditures is not required by the giver.

(6) Internal Clearance of Contracts and Grants.
   (a) All applications for funding must be reviewed and approved by appropriate persons before the President will sign the application and internal clearance. Usually these include the Department/Program Chairperson(s), Dean(s) or designee, Coordinator of the Office of Contracts and Grants, Vice President for Administrative Affairs, Vice President for Academic Affairs, Human/Animal Subject Review Clearance Committee Chairperson, Vice President for Community Affairs and Director of the Computer Center.
   (b) The University reserves the right to deny approval of a proposal if its content or purpose is contrary to the goals of Florida International University, would unduly tax the University’s limited resources or personnel and for such other reasons which it considers appropriate.
   (c) The University reserves the right to deny approval of a proposal if insufficient time is provided for adequate review of the proposal.

Specific Authority 1004.22(13) FS., 6C-3.001, 6C-4.001, 6C-8.006, F.A.C. Law Implemented 1004.22 FS., 6C-3.001, 6C-4.001, 6C-8.006, F.A.C. History—Formerly 6P-6.01, 10-1-75, Repromulgated 12-23-76, Formerly 6C8-6.01.

6C8-6.004 Commercial Solicitation and Advertising on Campus.
   (1) Regulations adopted concerning commercial solicitation and advertising on the Florida International University Campus shall be followed as set forth in Rule 6C-9.006, F.A.C.
   (2) Persons wishing to transact business, including advertising other than in the University newspaper, on the grounds or buildings of the University, must first obtain written approval from the Office of the Vice President for Administrative Affairs.


6C8-6.005 Registration of Non-student Organizations.
   (1) Any non-student organization may register with the University through the Office of the Vice President for Administrative Affairs. Such organizations must submit in writing:
      (a) A statement that it agrees to abide by the laws, rules and regulations of the University, Florida Board of Regents, and the Florida State Constitution;
      (b) A statement of its purposes and goals;
      (c) The classification of its membership, e.g., faculty, career service, etc.;
      (d) A list of its officers.
   (2) The organization must register on an annual basis.
   (3) The Vice President for Administrative Affairs will determine the classification of the organization for purposes of the use of University facilities.

Specific Authority 1001.74(4) FS., 6C-4.001, 6C-6.016, F.A.C. Law Implemented 1001.74(6) FS., 6C-4.001, 6C-5.016, F.A.C. History—Formerly 6P-6.05, 10-1-75, Repromulgated 12-23-76, Formerly 6C8-6.05.

6C8-6.006 Donations to the University.
   (1) All soliciting and processing of donations to the University must be coordinated with the Director of Development.
   (2) The University will not be responsible for the valuation of gifts of real or personal property for tax purposes.
   (3) Gifts of Money to the Library.
      (a) The Director of Development and Alumni Affairs will negotiate jointly with the Director of Libraries for acceptance or rejection of money gifts.
      (b) Funds given for the purchase of books shall be expended in accordance with the terms of the gift.
      (c) All gifts of money shall be acknowledged by the President of the University.
   (4) Gifts of Resources to the Library.
      (a) Donors of books and other library resources shall be referred to the Gift and Exchange Librarian, who may accept or reject the gift and handle any necessary negotiations, unless the gift is of such substance or importance as to require the approval of the Director of Libraries.
      (b) The Library reserves the right to: (1) accept or reject gifts, with or without restricting conditions and (2) discard unwanted portions of the gift pursuant to the University Property Survey Board regulations. Resources offered with restricting conditions will be accepted only at the discretion of the Director of Libraries, with advice from the Library Advisory Committee when appropriate.
      (c) Gifts accepted and received shall be entered into the Library Acquisitions Information System by the Gift and Exchange Clerk.
   (d) All gifts become Florida International University property.
(e) The Library will follow the recommendations of the Association of College and Research Libraries division of the American Association regarding the acceptance and appraisal of gifts of resources:

1. To protect both its donors and itself, the Library, as an interested party, will not appraise gifts made to it.
2. The appraisal of gifts is the responsibility of the donor. The Library will limit appraisal assistance to referral to such sources as auction records. Any appraisal costs shall be borne by the donor.
3. The acceptance by the Library of a gift which has been appraised by the donor or by a disinterested party does not in any way imply endorsement of the appraisal by the Library.

(f) For property control records, the Gift and Exchange Librarian will prepare a record indicating the estimated value for each gift item received.

(g) All gifts of resources will be acknowledged in writing by the Director of Libraries.

5 Book-Plating. Book plates will be affixed to gift items indicating the name of the donor in those cases where the donor has requested such processing, or where the gift is deemed by the Gift and Exchange Librarian to be of particular importance. All memorial gifts will be book-plated indicating names of donor and person memorialized.

Specific Authority 1001.74(4) FS., 6C-4.001, F.A.C. Law Implemented 1001.72 FS., 6C-4.001, F.A.C. History–Formerly 6P-6.07, 10-1-75, Repromulgated 12-23-76, Formerly 6C8-6.06.

6C8-6.007 Collection of Funds Owed to the University by Its Employees.

(1) The University shall exert every effort to collect all delinquent accounts owed to the University by its employees.

(2) The four main categories of employee debts, as described in the University’s Administrative Affairs Policy 5.27 available in the Office of the Vice President for Administrative Affairs, are grouped according to the Department which has responsibility for their collection. The University’s Administrative Affairs Policy 5.27 describes the procedures which each department must follow in collecting funds owed to the University. If payment is not received within the stipulated time allowed by these procedures, final collection procedures as described in subsection (3) below, will be made.

(3) Final Collection Procedures. When the procedures enumerated in the University’s Administrative Affairs Policy 5.27 have been exhausted and no satisfactory arrangements for repayment have been made by the employee, final collection procedures will be instituted. This process shall include the following steps:

(a) The employee will be advised by certified letter (return receipt) that (s)he has ten (10) calendar days to either clear the account, make satisfactory payment arrangements, or submit documentary evidence disputing the debt.

(b) At the end of the ten (10) days, if no arrangements have been made, all evidence of the employee’s debt will be reviewed and a final action determination will be made.

(c) If, upon review, a determination is made that the debt is in fact due and owing, set-off procedures will be instituted and the employee will be advised in writing of the amount and duration of the deductions from his/her salary warrant. The employee shall be advised of his/her rights to appeal the University decision under Section 120.57, F.S.

4 Amount of Deduction.

(a) In the event that the total amount of debt is less than ten percent (10%) of the employee’s biweekly gross salary, the full amount of the employee’s debt will be deducted in the first or second pay period after the decision to set-off the debt is made.

(b) If the amount of the debt is greater than ten percent (10%) of the employee’s biweekly gross salary, the amount deducted each pay period will be at least ten percent (10%) of the employee’s gross salary and will not exceed twenty percent (20%) of the employee’s net salary after mandatory deductions.

(c) In the event that an employee-debtor is terminated or voluntarily leaves the University’s employ, the entire amount of the debt will be deducted from the employee’s final paycheck.

Specific Authority 1010.03 FS. Law Implemented 1010.03 FS. History–New 10-23-85, Formerly 6C8-6.07.

6C8-6.010 Tuition Fees Schedule.

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

(a) Resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who qualifies as a Florida resident as defined in Rule 6A-10.044, F.A.C.:

1. Matriculation Fee;
2. Student Financial Aid Fee;
3. Capital Improvement Trust Fund Fee;
4. Building Fee;
5. Health Fee;
6. Athletic Fee; and
7. Activity and Service Fee.

(b) Non-Resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who does not qualify as a Florida resident as defined in Rule 6A-10.044, F.A.C.:

1. Matriculation Fee;
2. Non-Resident Fee;
3. Student Financial Aid Fee;
4. Non-Resident Student Financial Aid Fee;
5. Capital Improvement Trust Fund Fee;
6. Building Fee;
7. Health Fee;
8. Athletic Fee; and
9. Activity and Service Fee.

(2) Registration shall be defined as consisting of two components:
(a) Formal enrollment in one or more credit courses approved and scheduled by the University; and
(b) Tuition payment, or other appropriate arrangements for tuition payment (installment payment, deferment, or third party billing) for the courses in which the student is enrolled as of the end of the drop/add period.

(3) A student is liable for tuition associated with all courses for which the student is registered at the end of the drop/add period. The fee payment deadline shall be as determined by the University.

(4) The following tuition shall be levied and collected on a per credit hour basis, effective the fall semester indicated for each student regularly enrolled, unless provided otherwise in this chapter.

FALL 2003

<table>
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<th>Fee</th>
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<th>Graduate</th>
<th>Law</th>
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<td>Building</td>
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</tbody>
</table>

(5) The following fees shall be levied and collected on a per semester basis, effective the fall semester indicated for each student regularly enrolled, unless provided otherwise in this chapter.

FALL 2003

<table>
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<th>Fee</th>
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<th>Graduate</th>
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*The Transportation Access Fee does not include the State sales tax, and is $43.60 (plus the State sales tax) for any Summer semester.

(6) Effective the Fall Semester 2003, each student enrolled in the same undergraduate course more than twice shall be assessed an additional $164.54 per credit hour for each such course in addition to the fees set forth above.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(11), 1009.24 FS. History–New 11-3-02, Amended 9-3-03.

6C8-6.014 Application Fee and Admissions Deposit.

(1) The University has established the fees set forth in this rule. The fees listed are in addition to fees set forth in other University rules and other charges that are authorized by law.

(2) Application Fee.
(a) An individual who applies for admission to an undergraduate or graduate program of the University shall pay a non-refundable application fee in the amount of $30, except that the application fee shall be $25 for undergraduate or graduate online applications.
(b) An individual who applies for admission to the College of Law shall pay a non-refundable application fee in the amount of $20.
(c) Upon request by the applicant, the application fee shall be waived for any applicant who provides documentation that they have received a fee waiver because of economic need as determined by the College Board, the American College Testing Program, or the Law School Data Assembly Service (LSDAS).
(3) Admissions Deposit.
   (a) An individual admitted to an undergraduate, graduate, or professional degree program of the University shall pay a
       non-refundable admissions deposit in the amount of $200 upon acceptance to the University. Upon request by the student, the
       admissions deposit shall be waived for any student who provides documentation that they are eligible for the federal Pell Grant
       program according to the Free Application for Student Financial Aid (FASFA).
   (b) The University shall apply the admissions deposit toward the individual’s tuition upon enrollment. If the individual does
       not enroll at the University, the University shall administer the admissions deposit in accordance with Section 1009.24(13), Florida
       Statutes.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(11), 1009.24 FS. History–New 11-20-03.

6C8-6.090 Investment of Agency and Activity Funds.
(1) General. The University shall invest available agency and activity funds and use the earnings from such investments
    exclusively for student scholarships and/or loans.
(2) Earnings from agency funds shall be transferred to the Scholarship Fund – General Scholarship Account.
(3) Earnings from activity funds shall be distributed proportionately between the Student Government Association (SGA)
    portion and the Athletic Fee portion. The SGA portion of the earnings shall be transferred to the Scholarship Fund – General
    Scholarship Account. The Athletic Fee portion of the earnings shall be divided equally and transferred to the men and women’s
    athletic scholarship accounts.
(4) Earnings from investments shall be distributed quarterly.
(5) Definitions.
   (a) For purposes of this rule, “agency funds” means funds held by the University in custody for others, such as student clubs
       and organizations, and faculty clubs.
   (b) For purposes of this rule, “activity funds” means funds collected from students as the Activity and Service Fee and the
       Athletic Fee.

Specific Authority 1011.43 FS. Law Implemented 1011.43 FS. History–New 5-8-03.

6C8-6.100 Direct Support Organizations.
(1) The President of the University may recommend to the Board of Trustees that an organization meeting the requirements of
    Section 1004.28(1)(a), F.S., be designated a Florida International University Direct Support Organization (“DSO”). Upon approval
    by the Board of Trustees, a DSO shall be considered to be certified and authorized to use the property, facilities and personal
    services of the University.
(2) In order to be considered for certification as a DSO, an organization must fulfill the requirements of Section 1004.28(1)(a),
    F.S., and must have Articles of Incorporation and Bylaws that together:
   (a) Provide that any person employed by the organization shall not be considered to be an employee of the Florida International
       University Board of Trustees by virtue of employment by the DSO.
   (b) Provide that the chief executive officer or director of the DSO shall be selected and appointed by the governing board of the
       DSO, with prior approval of the President of the University, and that the chief executive officer or director shall report to the
       President or a designee reporting directly to the President.
   (c) Provide that any amendments to the Articles of Incorporation or Bylaws be submitted by the President of the University to
       the Board of Trustees for approval prior to becoming effective.
   (d) Provide that the President of the University shall have the following powers and duties:
       1. Monitor and control the use of University resources by the organization.
       2. Control the use of the University name by the DSO.
       3. Monitor compliance of the organization with federal and state laws.
       4. Recommend to the governing board of the DSO an annual budget.
       5. Review and approve quarterly expenditure plans.
       6. Approve contributions of funds or supplements to support intercollegiate athletics.
   (e) Provide that the organization shall provide equal employment opportunities to all persons regardless of race, color, religion,
       gender, age or national origin.
   (f) Prohibit the giving, directly or indirectly, of any gift to a political committee or committee of continuous existence as
       defined in Section 106.011, F.S., for any purpose other than those certified by a majority roll call vote of the organization’s
       governing board at a regularly scheduled meeting as being directly related to the educational mission of the University.
(3) The Chair of the Florida International University Board of Trustees may appoint a representative to the governing body and
    the executive committee of each DSO. In addition, the President of the University or a designee shall also serve on the governing
    body and executive committee of each DSO.
(4) Each DSO shall submit an annual budget which has been approved by its governing board and recommended by the
    President of the University to the Board of Trustees for review. Such proposed budget shall be submitted no later than sixty (60)
    days after the first day of the fiscal year to which the proposed budget pertains. Each proposed budget shall include therein:
(a) Expenditures for the construction of physical facilities, and
(b) Salary supplements, compensation and benefits provided to the President, University faculty, and staff, and to DSO employees to be paid with assets of the DSO, which shall be specifically identified.

(5) Each DSO shall prepare and submit to the President no later than the first day of each quarter of the organization’s fiscal year a quarterly expenditure plan that separately delineates planned actions which would cause a commitment of University resources or which represent a significant commitment of the resources of the DSO, including:
   (a) Major fund raising events and campaigns and their purpose.
   (b) Compensation and benefits to University employees and employees of the organization.
   (c) Capital projects, including land acquisition, construction, renovation or repair.
   (d) Other major commitments of the resources of the organization.

(6) Each DSO shall cause a financial audit of its accounts and records to be conducted by an independent certified public accountant after the close of each fiscal year. The audit report shall be submitted by the President of the University to the Board of Trustees no later than the end of the fourth month following the close of the organization’s fiscal year.
   (a) Audits shall be conducted pursuant to Section 1004.28(5), F.S., and in accordance with rules adopted by the Auditor General pursuant to Section 11.45(8), F.S., and Florida International University rules.
   (b) The President of the University shall submit the annual audit report to the Auditor General no later than nine (9) months after the close of the organization’s fiscal year.

(7) The President of the University may recommend to the Board of Trustees that an organization be decertified as a DSO if the President determines that the organization is no longer serving the best interest of the University. The recommendation for decertification shall include a plan for disposition of the organization’s assets and liabilities.

Specific Authority 1001.74(4), 1004.28(2) FS. Law Implemented 1001.74(37) FS. History–New 5-8-03.
CHAPTER 6C8-7 UNIVERSITY PURCHASING PROGRAM

6C8-7.001 Purpose. (Repealed)
6C8-7.002 Definitions. (Repealed)
6C8-7.003 Procurement Organization. (Repealed)
6C8-7.004 Procurement Officer. (Repealed)
6C8-7.005 Informal Bids. (Repealed)
6C8-7.006 Formal Bids/Proposals Required. (Repealed)
6C8-7.007 Source Selection and Contract Formation. (Repealed)
6C8-7.008 Sole Source Procurement. (Repealed)
6C8-7.009 Exceptions to Requirement for Competitive Procurement. (Repealed)
6C8-7.010 Cancellation of Invitation to Bid or Request for Proposals. (Repealed)
6C8-7.011 Responsibility of Bidders. (Repealed)
6C8-7.012 Multi-term Contracts. (Repealed)
6C8-7.013 Cancellation Clause. (Repealed)
6C8-7.014 Use of Contracts Issued by the Florida Department of Management Services, Division of Purchasing. (Repealed)
6C8-7.015 Right to Inspect Plant. (Repealed)
6C8-7.016 Finality of Determinations. (Repealed)
6C8-7.017 Reporting of Anticompetitive or Fraudulent Practices. (Repealed)
6C8-7.018 Specifications. (Repealed)
6C8-7.019 Bonds. (Repealed)
6C8-7.020 Acquisition of Printing, Duplicating and Reproductive Equipment. (Repealed)
6C8-7.021 Resolution of Protested Solicitations and Awards. (Repealed)
6C8-7.022 Authority to Debar or Suspend Vendors. (Repealed)
6C8-7.023 Cooperative Purchasing. (Repealed)
6C8-7.024 Assistance to Small and Minority Business Enterprises. (Repealed)
6C8-7.0241 Eligibility Criteria for Certification. (Repealed)
6C8-7.025 Standards of Conduct. (Repealed)
6C8-7.026 Permitted Preferences in Award of Bids. (Repealed)
6C8-7.027 Contract Requirements for Contractual Services. (Repealed)
6C8-7.030 Purchasing. (Repealed)

6C8-7.021 Resolution of Protested Solicitations and Awards.

(1) Authority to Resolve Protest. The President, the Director of Purchasing or the Director’s designee may settle or resolve protests of aggrieved offerors and bidders concerning the solicitation or award of a contract as herein provided.

(2) Notice. The University shall give to offerors and bidders notice of its decision concerning bid solicitation and awards, as soon as practicable, by posting the bid tabulation at the Bid Tabulation Board located on the Fifth floor of Primera Casa building, or, upon request made pursuant to the Invitation to Bid or Request for Proposal, by certified mail, return receipt requested. This notice shall include the following statement: Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of further proceedings under these rules and Chapter 120, Florida Statutes.

(3) Protests.

(a) Specifications. Any actual or prospective bidder or offeror who disputes the reasonableness or competitiveness of the terms and conditions of an Invitation to Bid or Request for Proposal issued by the University must file a notice of protest in writing within seventy-two (72) hours after the Invitation to Bid or Request for Proposals has been advertised. The notice of protest shall identify the protest and the solicitation involved, shall state in a plain, precise manner the nature of the protest and the facts upon which it is based, shall include applicable statutes, rules or any other relevant legal authority, and shall specify the relief which the protesting party requests. Failure to file a notice of protest within the time provided shall constitute a waiver of further proceedings under these rules and Chapter 120, Florida Statutes.

(b) Award. Any offeror or bidder which disputes the award of a contract by the University must file a notice of protest in writing with the Director of Purchasing within seventy-two (72) hours after the notice of award has been posted on the Bid Board. The notice of protest shall identify the protest and the solicitation involved, shall state in a plain, precise manner the nature of the protest and the facts and law upon which it is based, and shall specify the relief which the protesting party requests. Failure to file a notice of protest within the time provided shall constitute a waiver of further proceedings under these rules and Chapter 120, Florida Statutes.
(c) Any person who files an action protesting a decision or intended decision pertaining to contracts administered by the University pursuant to Section 120.53(5)(b), Florida Statutes, shall post with the University, at the time of filing the formal written protest, a bond pursuant to Section 287.042(2)(c), Florida Statutes, signed by a Florida resident agent. In lieu of the bond, the University may accept a cashier’s check or money order in the amount of the bond. Failure to post the bond will waive any further right to protest.

(4) Stay of Procurement During Protest. Upon receipt of a timely notice of protest, the University shall not proceed further with the solicitation or award until the dispute is resolved, unless the President sets forth in writing the particular facts and circumstances which require the continuance of the bid solicitation process or the contract award process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare.

(5) Resolution by Mutual Agreement.

(a) Resolution Following a Timely Protest. An opportunity shall be made available to resolve the dispute by mutual agreement between the parties within seven (7) days excluding Saturdays, Sundays, and legal holidays of receipt of a formal written protest. The protesting party shall contact the Director of Purchasing to establish a time to attempt to resolve the dispute. Failure to contact the Director of Purchasing shall result in a waiver of proceedings under this rule. The University shall maintain records of all actual or attempted telephone conversations or written contacts.

(b) Resolution Prior to a Timely Protest. The Director of Purchasing may resolve and settle by mutual agreement a protest which arises before a notice of protest is filed, provided, however, that if such settlement will have the effect of determining a substantial interest of another party, then the settlement must be reached in the course of the proceedings provided herein.

(c) The Director of Purchasing may, in response to a protest, deem the solicitation to be null and void and thereupon reinstitute the procurement process.

(6) Procedure Upon Failure to Resolve Protests by Mutual Agreement.

(a) No Disputed Issues of Material Fact. If the protest is not resolved by mutual agreement within seven (7) days excluding Saturdays, Sundays, and legal holidays of receipt of the formal written protest, and if there are no disputed issues of material fact, the President shall designate a University official who shall conduct an informal proceeding pursuant to Section 120.57(2), Florida Statutes. The University official shall issue a notice of informal proceeding stating the action of the agency, whether proposed or already taken or of its decision to refuse action and a summary of the factual, legal, and policy grounds therefor. The notice shall also state a time and place for affected persons to present evidence and arguments on the issues under consideration. If the objections offered in opposition to the University’s action are overruled by the University official, a written explanation shall be provided within seven (7) days excluding Saturdays, Sundays, and legal holidays of the conclusion of the informal proceeding. The University official’s decision shall be filed with the President, who shall enter a final order within five (5) days of receipt thereof.

(b) Disputed Issues of Material Fact. If the protest is not resolved by mutual agreement within seven (7) days, excluding Saturdays, Sundays, and legal holidays of receipt of the formal written protest and if there are disputed issues of material fact, the University shall refer the protest to the Division of Administrative Hearings of the Department of Administration for proceedings under Section 120.53(5)(b), Florida Statutes.

(7) Alteration of Time Limits. The time limits in which protests must be filed may be altered by specific provisions of the Invitation to Bid, if required to accommodate the timely award for commodities, the pricing of which remains firm for a period of less than ten (10) days. Protests not filed within the applicable limits are waived.

(8) Entitlement to Costs. In no case will the protesting party be entitled to any costs incurred with the solicitation, including bid preparation costs and attorney’s fees in these proceedings. In the event that the University prevails in the administrative proceedings or any court action resulting therefrom, it may recover its costs and charges incurred in defending the protest.

Specific Authority 120.57(3), 1010.04(2) FS. Law Implemented 120.57(3), 1010.04(2) FS. History–New 9-16-80, Amended 11-3-82, Formerly 6C8-7.21, Amended 4-21-88, 9-6-93.

6C8-7.022 Authority to Debar or Suspend Vendors.
The Director of Purchasing is authorized to suspend or debar vendors. Debarment or suspension shall be based on substantial competent evidence. Debarment and suspension shall be imposed to protect the interest of the University.

(1) Debarment.

(a) The Director of Purchasing may debar a vendor from doing business with the University as a result of a conviction or a judgment by a court of competent jurisdiction for:

1. Commission of fraud or other criminal offense incident to obtaining, attempting to obtain, or performing a public contract; or

2. Violation of the federal or state anti-trust laws; or

3. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, or dealing in stolen property.

(b) If the conviction is reversed on appeal, the Director of Purchasing may review the decision to debar the contractor.

(c) The Director of Purchasing may also debar a contractor under the following circumstances:

1. Any offense which demonstrates a lack of business integrity or business honesty; or

2. Willful failure to perform in accordance with the terms and conditions of the contract; or
3. A history of failure to perform, or of unsatisfactory performance, in accordance with the terms and conditions of any contract.

(2) Suspension. The Director of Purchasing may also suspend a contractor from doing business with the University based on evidence which might lead to the debarment of the contractor, as described above.

(3) Proceedings for debarment and suspension shall be subject to the provisions of Section 120.57, Florida Statutes.

Specific Authority 1010.04(2) FS. Law Implemented 1010.04(2) FS. History–New 9-16-80, Formerly 6C8-7.22, Amended 4-21-88, 9-6-93.

6C8-7.030 Purchasing.

(1) Statement of Intent. It is the intent of the University to acquire quality goods and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process. Responsible purchasing officials shall be protected from improper pressures of external political or business interests. The process shall reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services, in order to preserve the integrity of public purchasing and contracting. The opportunity to bid on University contracts is a privilege, not a right.

(2) Definitions.

(a) Artistic Services – Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.

(b) Commodity – Any of the various supplies, materials, goods, merchandise, food, equipment or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. “Commodity” also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. Printing of publications shall be considered a “commodity” when let upon contract in accordance with Section 283.33, Florida Statutes. Software to be used pursuant to license agreements shall be considered a “commodity.”

(c) Competitive Bid/Proposal – The response submitted to an Invitation to Bid, Invitation to Negotiate, or a Request for Proposal by responsive and qualified bidders or offerors.

(d) Competitive Negotiation – The establishment of a contract through deliberation, discussion or conference on the specifications, terms and conditions of a proposed agreement.

(e) Competitive Solicitation – An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor.

(f) Contractor/Vendor – A person or firm who contracts to sell commodities or contractual services to the University.

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

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

(i) Independent Contractor – A person or firm who provides a service to the University, but does not have any employment or other relationship with connection with that University, except as provided in Section 112.313, Florida Statutes.

(j) Invitation to Bid – A written solicitation for competitive bids with the title, date, and hour of the public bid opening designated and the commodity, group of commodities or services defined, for which bids are sought.

(k) Invitation to Negotiate – An invitation extended to prospective contractors by the University, whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services. Cost may or may not be a consideration in the initial stages of negotiating.

(l) Minority Business Enterprise – A business concern as defined in Section 288.703(2), Florida Statutes.

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

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

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

(p) Purchases for Resale – The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.

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

(r) Request for Proposal – A written solicitation for competitive proposals for commodities or contractual services with the title, date, and hour of the public opening designated. The request for proposal may be used when the scope of work is not clearly defined.

(s) Responsive and Qualified Bidder or Offeror – A contractor/vendor who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.
(t) Term Contract – An indefinite quantity contract for the purchase of commodities or contractual services during a prescribed period of time.

(3) The University Board of Trustees has authority to establish a system of coordinated procurement policies, procedures, and practices to be used in acquiring commodities and contractual services required by the University. The Purchasing Department has the duty to:

(a) Canvass sources of supply and contracting for the purchase or lease of all commodities and contractual services for the University, in any manner, including purchase by installment- or lease-purchase contracts. Installment- or lease-purchase contracts may provide for the payment of interest on unpaid portions of the purchase price.

(b) Remove any contractor from the University’s competitive vendor list that fails to respond to three (3) or more invitations or to fulfill any of its duties specified in a contract with the University and to reinstate any such contractor when satisfied that further instances of default will not occur. A “No Bid” is a response.

(c) Plan and coordinating purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which the University may make purchases.

(d) Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/services that are frequently purchased and are available from a single source.

(e) Evaluate and approve contracts let by the Federal Government, other states, political subdivisions, or any independent college or university or educational cooperative or educational consortium of the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts let by such other entities.

(f) Elect as an alternative to any provision in Section 120.57(3)(c), Florida Statutes, to proceed with a bid solicitation or contract award process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the University. After the award of contract resulting from a competitive solicitation in which a timely protest was received and in which the University did not prevail, the contract will be canceled and re-awarded to the prevailing party unless the final order or settlement between the parties provides otherwise.

(g) Award contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University. Such awards may be on a university, regional or multiple state university-wide basis and the contracts may be for multiple years.

(h) Reject or cancel any or all competitive solicitations when determined to be in the best interest of the University.

(4) Competitive Solicitations Required.

(a) All contracts for the purchase of commodities or contractual services exceeding $50,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized herein.

(b) When only one response is received to a competitive solicitation for commodities or contractual services exceeding $50,000, the University will review the solicitation response and circumstances surrounding the solicitation to determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined that a second call would not serve a useful purpose, the University will proceed with the acquisition.

(c) When multiple responses that are equal in all respects are received to a competitive solicitation, the University will give preference to responses that include commodities manufactured in the state, Florida businesses, businesses with a drug-free workplace program, or foreign manufacturers located in the state to determine the contract award, or, if these conditions do not exist or are the equivalent between two or more responses, will use toss of the coin.

(d) The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

(e) The intended award shall be publicly posted by the Purchasing Office which issues the Invitation to Bid, Request for Proposal or Invitation to Negotiate for 72 hours which is interpreted as three working days excepting Saturdays, Sundays, or State holidays.

(f) Advertisement. Invitations to Bid, Requests for Proposals, and Invitations to Negotiate for commodities and for contractual services shall be advertised in the Florida Administrative Weekly, the Florida Communities Network (MyFlorida.com), or the University Purchasing Department’s website. The Director of Purchasing shall have the authority to waive the advertisement requirement when the number of potential bidders or offerors is limited and can otherwise be solicited, when the availability of funding so requires, or where delivery is urgent.

(g) Bids and proposals shall remain sealed until notice of final contract award is given or within ten (10) days after the bid or proposal opening, whichever is earlier.

(h) In the case of extension errors, the unit price will prevail.

(i) Withdrawal. A vendor may withdraw his or her bid or proposal in writing if done within seventy-two (72) hours of the bid or proposal opening, if the bid or proposal is clearly erroneous and it is withdrawn prior to final award or the purchase order being issued.

(5) Purchase of Commodities or Contractual Services.

(a) Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the University.
(b) Purchase of Insurance. The University has the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University. Examples of insurance coverage that may be acquired by the University include:

1. Physical damage on vehicles and boats;
2. Inland marine on property owned, leased, or loaned to or by the University;
3. Building and property damage;
4. Equipment losses due to theft;
5. Equipment subject to transportation;
6. Loss of rental income;
7. Commercial general liability insurance for scientific equipment;
8. Excess general liability coverage;
9. Camps insurance.

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

(d) Purchases from Minority Business Enterprises. The University is an equal opportunity institution and encourages procurement contracting with Minority Business Enterprises.

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

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

1. Emergency Purchases. When the President or his or her designee determines in writing, that a condition exists that threatens the health or safety of person(s) or animal(s) or the preservation or protection of property or the continuance of a vital University function, the University will proceed without a competitive solicitation. The emergency purchase shall be limited to the purchase of only the type of items and quantities or for a time period sufficient to meet the immediate threat and shall not be used to meet long-term requirements.

2. Sole Source Purchases. Commodities or contractual services available from a single source shall be exempted from the competitive solicitation process. The sole source document shall be publicly posted by the Purchasing Office for three working days.

3. Purchases from competitively bid Contracts and Negotiated Annual Price Agreements established by the State, other governmental entities, other public or private educational institutions, and educational cooperatives and educational consortia are not subject to further competitive solicitation.

4. Construction Direct Purchase Program. Commodities to be incorporated into any public work (as that term is defined in Rule 12A-1.094, F.A.C.) which are procured by the University in accordance with the requirements of the University’s direct purchase program are not subject to any further competitive solicitation.

(g) Commodities and contractual services that are not subject to the competitive solicitation process include:

1. Artistic services;
2. Academic reviews;
3. Lectures;
4. Auditing services;
5. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;
7. Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of s. 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;
8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed;
9. Family placement services;
10. Training and education services;
11. Advertising;
12. Services or commodities provided by governmental agencies, another university in the state of Florida or other independent colleges and universities;
13. Programs or continuing education events that are offered to the general public for which fees have been collected to pay all expenses associated with the program or event;
14. Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;
15. Regulated utilities and government franchised services;
16. Regulated public communications, except long distance telecommunication services or facilities;
17. Extension of an existing contract;
18. Renewal of an existing contract if the terms of the contract specify renewal option(s);
19. Purchases from the Annual Certification List developed by the University;
20. Purchases for resale;
21. Accountant Services;
22. Contracts or services provided by not-for-profit support and affiliate organizations of the University, direct support organizations, health support organizations and faculty practice plans;
23. Implementation/programming/training services available from owner of copyrighted software or its contracted vendor; and
24. Purchases of materials, supplies, equipment, or services for research purposes when a director of sponsored research or desigee certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project.

(h) Participants in Contract Awards Not Subject to Competitive Solicitations.
1. No person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be eligible to contract with the University dealing with the specific subject matter.
2. All persons taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall follow all relevant portions of the State of Florida Code of Ethics for Public Employees, Chapter 112, Part 3, Florida Statutes, and the University’s policy on outside activities.

(6) Bonds.
(a) Payment and Performance Bonds. The University is authorized to require any contractor contracting with the University to provide commodities or commodities which include installation to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract when the total contract amount is greater than $200,000 and the University is uncertain about the contractor’s ability to perform.
(b) Solicitation Protest Bond. Any contractor that files an action pursuant to Section 120.57(3)(b), Florida Statutes, protesting a decision or intended decision pertaining to a solicitation shall at the time of filing of the formal protest post with the University, a bond payable to the University in an amount equal to: 10% of the estimated value of the protestor’s bid or proposal; 10% of the estimated expenditure during the contract term; $10,000; or whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the contractor filing the protest action. In lieu of a bond, the University will accept a cashier’s check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier’s check or money order at the time of filing the formal protest shall result in the denial of the protest.

(7) Contracts.
(a) Contracts for commodities or contractual services or licenses shall consist of a purchase order or bilateral agreement signed by the President of the University or designee prior to or within thirty (30) days of the goods or services being rendered by the contractor.
(b) Any contract for the purchase of services or tangible personal property for a period in excess of one fiscal year shall include the following statement: “The State of Florida’s and University’s performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature.”
(c) Extension of a contract shall be for a period not to exceed 12 months, shall be in writing, shall be signed by both parties, and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract.
(d) A contract may contain provisions for renewal. If the commodity or contractual service is purchased as a result of a competitive solicitation, the cost of any contemplated renewal must be included in the competitive solicitation. All contract renewals are subject to sufficient annual appropriations.
(e) The President shall have the authority to enter into deferred payment agreements utilizing the State of Florida Controller’s Consolidated Equipment Financing Program. When a commodity contract requires deferred payments and the payment of interest under that program, the contract will be submitted to the State of Florida Controller for the purpose of pre-audit review and approval prior to acceptance by the University. No agreement shall establish a debt of the State or shall be applied to the faith and credit of the State; nor shall any agreement be a liability or obligation of the State except from appropriated funds.
(f) In order to promote cost-effective procurement of commodities and contractual services, the University may enter into contracts that limit the liability of a vendor consistent with Section 672.719, Florida Statutes.
(g) The total value of the contract shall be the purchase price for the initial term plus all renewal costs.
(h) Standard of Conduct. It shall be a breach of ethical standards for any employee of the University to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. It shall also be a breach of ethical standards for any potential contractor to offer an employee of the University a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services.
(i) Purchase of Motor Vehicles.
(a) The term “motor vehicle” includes any automobile, truck, watercraft or other vehicle designed primarily for transporting persons, and construction vehicles or farm equipment.
(b) The University has authority to:
1. Establish standard classes of motor vehicles to be leased, purchased or used by University personnel;
2. Obtain the most effective and efficient use of motor vehicles for state purposes;
3. Establish and operate facilities for the acquisition, disposal, operation, maintenance, repair, storage, control and regulation of University-owned motor vehicles. Acquisition may be by purchase, lease, installment-purchase, loan or by any other legal means and may include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport University personnel and adequately meet the requirements of the University;
4. Contract for specialized maintenance services.
(c) Motor vehicles owned, leased or operated by the University shall be available for official University business only.

Specific Authority 1010.04(2) FS. Law Implemented 119.07(3)(m), 120.57(3), 112.313, 287.059, 627.719, 1004.22(7), 1010.04(2) FS. History--New 12-2-02.
CHAPTER 6C8-9 UNIVERSITY MOTOR POOL

6C8-9.001 Purpose. (Repealed)
6C8-9.002 Approval. (Repealed)
6C8-9.003 Acquisition. (Repealed)
6C8-9.004 Assignment and Use. (Repealed)
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6C8-9.006 Aircraft. (Repealed)
CHAPTER 6C8-10 UNIVERSITY LEASING PROGRAM

6C8-10.001 Purpose. (Repealed)
6C8-10.002 Definitions. (Repealed)
6C8-10.003 Approval. (Repealed)
6C8-10.004 Standard Lease Agreement Form. (Repealed)
6C8-10.005 Escalation Clauses Prohibited. (Repealed)
6C8-10.006 Right-to-terminate Clause Required. (Repealed)
6C8-10.007 Renewal of Leases. (Repealed)
6C8-10.008 Fire Code Compliance in Leased Space. (Repealed)
6C8-10.009 Lease of 2,000 Square Feet or More. (Repealed)
6C8-10.010 Disclosure Statements - Private Entities, Public Officials. (Repealed)
6C8-10.011 Legal Review. (Repealed)
6C8-10.012 Certification of Compliance. (Repealed)
6C8-10.013 Space Measurement. (Repealed)
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CHAPTER 6C8-11 STUDENTS

6C8-11.003 Access to Student Education Records.

6C8-11.004 Student Health Services. (Repealed)
6C8-11.005 Alcoholic Beverages.
6C8-11.007 Disruptive Conduct.

6C8-11.003 Access to Student Education Records.

(1) General. The University will not release or permit access to education records and personally identifiable information kept on a student except as otherwise permitted by law and this rule. Responsibility for custody of all student educational records belongs to the vice-president or other university officials in charge of the area in which the records are maintained. Each vice-president or designated custodian shall ensure that the procedures required by 20 U. S. C. 1232g, Section 228.093, Florida Statutes, and this rule are in place to control access to and disclosure of student education records and personally identifiable information contained therein.

(2) Categories and Custodians of Education Records. The following categories of student education records are maintained by the University and are kept under the supervision and control of the designated custodian(s):

(a) Cumulative Academic Records are maintained by the Director of Registration and Records whose office is located in the Primera Casa building on the University Park campus. At times the dean, chairperson or faculty of the department in which the student completed coursework may have unofficial copies of academic records relating to specific coursework.

(b) Law Enforcement Records are maintained by the Director, University Public Safety Department whose office is located at the Tower building, University Park campus.

(c) Placement Records are maintained by the Director, Career Planning and Placement whose office is located in the University House building located on the University Park campus.

(d) Continuing Education Records are maintained by Dean of the College of Continuing and Professional Studies whose office is located in the Green Library building on the University Park campus.

(e) Housing Records are maintained by the Director of University Housing whose office is located in the Administrative offices of the Housing complex located on the University Park campus.

(f) Disciplinary Records are maintained in the Office of Judicial Affairs which office is located in the Graham Center building on the University Park campus.

(g) Personal Non-Academic Counseling are maintained by the Director, Counseling Center whose office is located in the Graham Center building on the University Park campus.

(h) Student Financial Aid are maintained by the Director, Student Financial Aid whose office is located in the Primera Casa building on the University Park campus.

(i) International Student Records are maintained by the Director, International Student and Scholar Services whose office is located in the Graham Center building on the University Park campus and the Associate Director of International Student and Scholar Services whose office is located in the Wolfe University Center at the Biscayne Bay campus.

(j) Academic Counseling records are maintained by the Dean, Undergraduate Studies whose office is located in the Primera Casa building on the University Park campus. Additionally, academic counseling records may be maintained by departments for students who are majoring in fields of study taught by the department.

(3) Policies and Procedures for Access and Release. Personally identifiable information contained in student education records shall be released, or open for inspection only to the student, or parents of dependent students as defined in Section 152 of the Internal Revenue Code of 1986. “Personally identifiable” means that the data or information includes the name of a student, the student’s parent, or other family member, the address of the student, a personal identifier, such as the student’s social security number or a student number, a list of personal characteristics which would make the student’s identity easily traceable or other information which would make the student’s identity easily traceable. The custodian of the records shall require the student, or parents of the student when applicable, requesting access to or release of the records to present proper identification such as a valid driver’s license or passport. The request must be in writing and signed by the person seeking access or release. A copy of the request for access or release shall be retained in the student’s file. The custodian shall have thirty (30) days in which to comply with the request. When the record includes information on more than one student, the custodian shall release, or permit access to only that part of the record which relates to the student who is the subject of the request. Students requesting the release to others of personally identifiable information contained in the student’s education records must provide the custodian of such records with a signed, written request specifying the information to be released, the purpose(s) for such release, and the person or organization to whom such information shall be released. A copy of all requests for access and release shall be retained by the custodian of the records and shall be available for inspection and review of the student or a parent. The University reserves the right to deny a request for copies of education records made by a student or a parent when there is an financial obligation to the University which has not been satisfied and when there is an unresolved disciplinary action pending against the student.

(4) Access to and Release of Records Without Consent. The following persons and organizations are considered “university officials” and may have access to personally identifiable information without the student’s prior consent:
(a) Faculty, administrators, staff and consultants employed by the University, the Florida International University Board of Trustees, or the Florida Board of Education whose work involves:
   1. Performance of administrative tasks which relate to students;
   2. Performance of supervisory or instructional tasks which relate to students; or
   3. Performance of services which benefit students.
(b) Other persons who are authorized by federal and state law and regulations to have access to or receive copies of such information.

(5) Directory Information.
(a) It is the University’s policy to release and publish directory information regarding its students. “Directory Information” includes:
   1. Student’s name, local and permanent address, campus e-mail address, and telephone number(s);
   2. Date and place of birth, and sex;
   3. Student classification and major and minor fields of study;
   4. Participation in officially recognized activities and sports;
   5. Weight and height of members of athletic teams;
   6. Dates of attendance, degrees and awards received;
   7. The most recent previous educational agency or institution attended by the student; and
   8. Photographic image.
(b) In order to prevent access to or release of directory information, a student, or the parents of a dependent student, must so notify the designated custodian of record in writing within the time provided in the annual Notice of Rights. Access to, or release of directory information will be withheld until further written instruction is received from the student, or the parents of a dependent student.

(6) Requests to Amend Education Records.
(a) Students who challenge the correctness of student education records shall file a written request for amendment with the custodian of the records. The student shall also present to the custodian of the records copies of all available evidence relating to the data or material being challenged. The custodian of the records shall consider the request and shall notify the student in writing within fifteen (15) school days whether the request will be granted or denied. During that time, any challenge may be settled informally between the students, or the parents of a dependent student and the custodian of the records, in consultation with other appropriate University officials. If an agreement is reached, it shall be in writing and signed by all parties involved. A copy of such agreement shall be maintained in the student’s records. If an agreement is not reached informally, or, if the request for amendment is denied, then the student or the parents of a dependent student shall be informed in writing of the denial and the right to a hearing on the matter. A student or the parents of a dependent student shall not have the right to challenge through this process the evaluation reflected by a grade which an instructor has assigned to student coursework.

(b) Hearing Rights and Procedures.
1. Rights of Appeal. A student whose request for amendment to education records has not been settled or has been denied may file a request for a hearing within thirty (30) days of the receipt of the letter of denial. The request shall be in writing and shall be filed with the Vice-President for Student Affairs. The request shall set forth the legal and factual basis for seeking correction of the student’s education records. Upon receipt, the Vice-President shall appoint a disinterested University official to serve as a hearing officer. The hearing officer shall schedule a hearing within twenty-five (25) days of the date of receipt of the request for a hearing. The student shall be given written notice of the time, date and place of the hearing allowing sufficient time for the student to prepare his or her appeal.
2. Hearing Procedures. The hearing shall be informal in nature but shall afford the student a full and fair opportunity to present evidence relative to the issues raised in the appeal. The student shall be entitled to be assisted or represented by an individual of his or her choice and expense, including an attorney. The custodian of records shall have the same rights as the student.
3. Hearing Officer’s Recommended Order. The hearing officer shall issue a recommended order within twenty-five (25) days of the close of the hearing. In rendering a recommended order, the hearing officer shall consider only such evidence as was offered at the hearing. The hearing officer shall include in the recommended order a summary of the evidence presented and the reasons for his or her recommendations. The original report shall be filed with the Vice-President and a copy of the recommended order shall be sent to the student or the parents of a dependent student and to the custodian of records. Upon receipt, the Vice-President shall have ten (10) days in which to issue a final determination on the issues raised in the appeal. If a determination is made that the information in the education record does not require correction, then the student or a parent shall have the right to place a statement in the record commenting that the information has been challenged and the reason for the challenge.

(7) The University will charge the following fees for furnishing copies of student records and reports, or any material included therein:
(a) Copies of official transcripts – No fee for copying, but the University may charge actual administrative costs incurred for search, retrieval and mailing.
(b) Copies of all other educational records – Fifteen cents ($0.15) per page for copying, plus any administrative costs incurred for search, retrieval and mailing.
(8) The University shall provide notification annually to students of their rights relating to education records, including the right to file complaints, the procedures to be followed in order to exercise such rights, the types of information entered in the education records maintained by the University, and the University’s policy to support the law. Notifications are published in the University catalog, the Student Handbook and the Fall semester class schedule.

(9) Waiver of Right of Access.
(a) Students and parents of minor students have the right to waive their right of access to confidential letters of recommendation and other documents which evaluate student academic performance. Such waivers shall be in writing and made a part of the official academic record. A waiver of right to access shall be effective only when the student or the parents of a minor student are notified, upon request, of the names of all persons who are submitting confidential recommendations or evaluations and when the confidential letters of recommendation and other evaluative documents are used solely for the purpose intended.
(b) The University may not condition admission to the University, grants of financial aid, or receipt of any other service or benefit offered by the University, by another public educational institution in the State or by any other public agency upon being provided a waiver of the right to access by the student or the parents of a minor student.

(10) Requests for Information in Connection with Research.
(a) All requests for academic research dealing with data from student education records shall be referred to the Registrar and to the Provost. Such requests must be in writing and must set forth specifically the type(s) of information to which access is requested and the intended scope of the research project.
(b) The custodian of records and the Provost shall determine whether to grant the request, in whole or in part, and may condition access upon a guarantee that the researcher will appropriately safeguard the data; that no personally identifiable information about any individual will be published or made available to others; or, upon other reasonable conditions.

Specific Authority 1001.74(4) FS. Law Implemented 119.07(1)(a), 1002.22, 1006.52 FS. History–Formerly 6C8-1.06(3), Amended 4-3-84, Formerly 6C8-11.03, Amended 11-2-89, 1-3-93, 11-3-02.

6C8-11.005 Alcoholic Beverages.
(1) GENERAL REQUIREMENTS.
(a) This rule shall govern the possession, service, sale, consumption and distribution of alcohol at all Florida International University sponsored events and activities; at all facilities operated under the jurisdiction of the University; to any, and all faculty, staff and students of the University, and their guests attending such events and activities.
(b) All activities, locations and individuals, referenced above, shall be governed by, and held accountable to the most stringent requirements of the appropriate state and federal laws, local county ordinances regarding alcohol, and/or this University rule.
(c) Definitions:
   1. The term “alcohol” or “alcoholic beverage”, as used in this rule, includes beer, wine, hard liquor, distilled spirits, mixed drinks, and other beverages containing ethyl alcohol.
   2. The term “sponsored by”, as used in this rule, includes all events and activities, on or off campus, supported wholly or in part through funding, services or resources of any University budget entity.
   3. The term “individual”, as used in this rule, includes any employee, student, volunteer or agent of the University, and their invited guests.
   4. The term “University premises”, as used in this rule, includes any facility, vessel, vehicle or real estate, whether owned, leased, rented or temporarily assigned, which is managed and operated under the authority of the University or an authorized agent of the University.
   (d) No individual under the legal drinking age (minimum of 21 years of age) may possess, serve, sell, consume, or distribute alcohol on University premises, unless specifically engaged in an approved and supervised academic program, which does not involve the actual ingestion of alcohol by an individual under the legal drinking age.
   (e) No individual may serve or otherwise provide alcohol, for consumption, to individuals under the legal drinking age of 21 years.
(2) SERVICE, SALE AND DISTRIBUTION.
(a) Where all other rule requirements have been satisfied, the approval process for the service, sale or distribution of alcohol on University premises shall be as follows:
   1. A written document, contract or agreement, facility reservation form, memo or letter describing the type of event, number of attendees, and appropriate event controls shall be submitted to the Vice President of Student Affairs or his/her designee for approval, at least two weeks prior to the scheduled date. Approval shall be granted based on demonstrated intent to comply with the requirements set forth in paragraphs (2)(b) and (2)(c) of this rule. The sale or service of alcohol on University premises in the absence of this approval is a direct violation of this rule.
   2. Alcoholic beverages may be sold or served only by trained service providers with appropriate permits.
   3. Any sale of alcohol on University premises shall be in accordance with the requirements of the University’s terms of agreement with the contracted food service provider for the University.

NOTE: Although the Vice President of Student Affairs or his/her designee may approve the sale of alcohol on University premises, only the Division of Alcoholic Beverages and Tobacco can issue the required legal permit to sell alcohol in the State of Florida.
4. Upon satisfaction of all legal and rule requirements, the service and sale of alcoholic beverages on University premises are limited to the locations identified below, or those otherwise authorized in writing under terms specified within said authorization by the Vice President of Student Affairs or his/her designee:
   a. All locations specified on the alcoholic beverage license of the University’s food service contractor.
   b. University Park: Graham Center (GC) including the Ballrooms; The Faculty Club; The Rathskellar (Gracie’s Grill); The Panther Suite; The Cafeteria & Food Court; The GC Forum & The Pit; The Golden Panther Arena & The Athletic fields/facilities, The Betty Chapman Student Plaza (Fountain area bordered on the North by the GC – on the West by the PC building and on the Southeast by Parking Garage #1), The Art Museum (and adjacent areas in PC); The Wertheim Performing Arts Center; The University House.
   c. Biscayne Bay Campus: Wolfe University Center (WUC) Ballrooms, Cafeteria, Panther Square, Hospitality Management Building, Southern Wine and Spirits Management Center, Koven’s Conference Center, Library.
   d. University Housing and Greek Housing: As authorized in writing by the Vice President for Student Affairs or designee under terms specified within said authorization.
   e. Other areas: The Wolfsonian-FIU Museums and The Women’s Club.
   f. Future locations to be determined upon completion of construction or execution of lease agreements.
   (b) When the service and sale of alcohol has been approved by the duly authorized University official, the following conditions shall apply:
      1. Any individual to whom alcohol is sold or served, or who attempts to purchase or consume alcohol on University premises must satisfy the legal age requirement of 21 years, and demonstrate this by showing valid photo identification when asked to do so. Such identification includes: valid photo identification issued by the State of Florida or any other state of the United States, a passport or a United States armed services identification card, when asked to do so.
      2. Event servers/bartenders and attendants may exercise prudent judgment, consistent with their training, with regard to the appearance of an individual in determining whether they satisfy the minimum age requirement.
      3. Servers/bartenders and event attendants shall be properly trained regarding Florida’s underage person laws. Such training shall meet the minimum standards of programs such as TIPS® (Training for Intervention Procedures).
      4. Servers/bartenders and attendants shall be at least 21 years old.
      5. Individuals shall not bring alcoholic beverages to any University sponsored event. Individuals may not leave a University event or event area while carrying or holding any type of container of alcoholic beverage.
      6. Non-alcoholic beverages and food must be provided in sufficient quantities at all events, and shall be made available for the duration of the event, while alcohol is also available.
      7. Non-alcoholic beverages must be available at a price equal to or less than the price of the alcohol being served.
      8. At least two printed signs shall be prominently displayed at each event, each of which must display the following information:

        NO ALCOHOL SOLD OR SERVED TO MINORS
        PROOF OF AGE IS REQUIRED
        NON-ALCOHOLIC BEVERAGES AVAILABLE
        MANAGEMENT RESERVES THE RIGHT TO DENY SERVICE
        ASK AN ATTENDANT FOR ASSISTANCE, IF NECESSARY

   Signs shall meet the following, minimum specifications: size shall be at least 11 feet by 14 feet; no other message shall be included on these signs, however, a single sign may be used to display this information in languages other than English.
   9. Alcoholic beverages shall not be used as prizes or awards for any event.
   10. “Alcohol tasting” events are subject to all the conditions of this rule.
   11. Competitions or contests that involve alcoholic beverages are strictly prohibited.
   12. At least one uniformed member of the University Police Department, or a substitute approved by the Chief of the University Police Department shall be present at all events on University premises at which alcohol is sold or served.
   13. The service and sale of alcohol must cease at least one hour before the scheduled and advertised end of the event.
   14. The service or sale of alcohol shall not continue at any event on University premises after 1:00 a.m.
   15. Reasonable conditions intended to encourage and facilitate the responsible consumption of alcohol imposed by the FIU Executive Council, the Chief of Police, or the Director of Environmental Health and Safety and Risk Management Services, on an event-by-event basis.
   (c) Applicable Laws and Regulations: Individuals shall adhere to all applicable state and local laws related to the sale or consumption of alcohol. These include, but are not limited to the following:
      1. It is unlawful for any person to assist an underage person to purchase or attempt to obtain alcoholic beverages.
      2. It is unlawful for any underage person to falsify a driver’s license or other identification document in order to obtain or attempt to obtain alcoholic beverages.
      3. It is unlawful for any person to permit use of his/her driver’s license or any other identification document, by an underage person, to purchase or attempt to purchase alcoholic beverages.
      4. The burden of proof to demonstrate satisfaction of the legal drinking age requirement is the responsibility of the person desiring alcohol service.
5. It is the responsibility of the server, at the time that an alcoholic beverage is requested to check the photo ID or wristband of persons to be served, or otherwise verify the age of the person to whom alcohol is to be served. Servers reserve the right to deny service.

6. Transportation of any alcoholic beverages on University premises shall be in unopened containers.

(3) DISTRIBUTION, ADVERTISING AND PROMOTION.

(a) Advertisement and promotion of the use or consumption of alcohol at any event or activity is prohibited, unless written approval of the content of the advertisement, the size, location and method of distribution of the promotional material are, each and all, specifically reviewed and approved by the Vice President of Student Affairs or his/her designee. Approval shall be granted based on conformance with the requirements set forth in paragraph (3)(c) of this rule.

(b) The following conditions shall also apply:

1. Event sponsors, who are also producers, sellers or distributors of alcoholic beverages shall not be recognized on printed or promotional materials unless authorized by the Vice President of Student Affairs or his/her designee pursuant to paragraph (3)(a) of this rule.

2. Event sponsors, their subsidiaries, partners, or affiliated companies, which are recognized distributors or marketers of alcohol shall not be recognized on promotional materials for specific events where their products are sold or served, or at concurrent events on University premises, unless authorized by the Vice President of Student Affairs pursuant to paragraph (3)(a) of this rule.

(c) Event planners or University administrators seeking approval for advertising or promotion of the use or consumption of alcohol on University premises shall assure that advertisements and promotional materials satisfy the following minimum requirements prior to requesting approval:

1. Advertisement for alcohol shall not promote the irresponsible use of alcohol.
2. Advertisement shall not encourage any behaviors or activities that directly conflict with the requirements of this rule.
3. Advertisement shall not use alcohol as an inducement to participate in a University event and shall not offer alcohol as a prize or gift in any form of contest, raffle, game, or competition.
4. Social events that encourage drinking, drinking contests, or alcoholic intoxication, and the advertisement of any such events are strictly prohibited.

5. General promotional materials, including advertising for any University sponsored event shall not make reference to the availability of alcoholic beverages unless the event is sponsored by the School of Hospitality Management in association with the FIU Beverage Management Program.

6. Advertising for any event sponsored by the FIU School of Hospitality Management where alcoholic beverages will be served and its availability is identified in the promotional material, shall specifically mention the availability of non-alcoholic beverages as prominently as the availability of alcoholic beverages.

(4) TAILGATING AND ATHLETIC EVENTS. In addition to all other requirements stated in this rule, the following requirements shall apply to the service, purchase, use, possession, distribution or consumption of alcohol and alcoholic beverages on University premises at events occurring in conjunction with FIU athletic events and competitions – either before, during or after the games.

(a) Alcohol shall not be sold or served in the FIU Community Stadium or within the confines of any facility on University premises where an athletic event is being held, if the sale or service of alcohol is in any way associated with the scheduled athletic event.

(b) Individuals and members of the public attending any football game on University premises shall not leave and subsequently re-enter the football stadium at any time before or during the game. Response to inclement weather conditions or emergency evacuations shall be handled on a case by case basis.

(c) Individuals and members of the public are strictly prohibited from entering the football stadium while carrying or bearing any type of container, open or closed, which contains any type of beverage.

(d) Event managers and University police reserve the right to deny access, to athletic events, to individuals and members of the public who exhibit behaviors consistent with alcohol intoxication, or who behave in any manner inconsistent with the requirements of this rule.

(e) Tailgating activities on University premises that involve the consumption of alcohol shall be restricted to specifically designated locations monitored by the FIU Public Safety Department.

(f) The sale and service of alcohol shall be restricted to specific locations authorized in writing under terms specified within said authorization by the Vice President of Student Affairs or his or her designee.

(g) The FIU Chief of Police shall prepare and submit an Event Evaluation Summary & Recommendation Report to the Vice President of Student Affairs within 72 hours of each athletic event and shall specifically address findings related to the use or abuse of alcohol at each event on each report.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6), (10), (19) FS. History–New 8-12-85, Formerly 6C8-11.05, Amended 4-16-91, 9-3-03.
6C8-11.007 Disruptive Conduct.
(1) The University is authorized to discipline for misconduct any student who intentionally acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University. Disruptive conduct shall include, but not be limited to, the following:
    (a) Endangerment.
        1. Physical violence toward another person or group.
        2. Action(s) that endanger the health, safety, or welfare of self or others.
        3. Interference with the freedom of another person or group to move about in a lawful manner.
    (b) Harassment.
        1. Conduct, not of a sexual nature, that creates an intimidating, hostile, or offensive environment for another person or group.
        2. Conduct, not of a sexual nature, that threatens, harms or intimidates another person or group.
    (c) Hazing. Any group or individual action or activity that inflicts or intends to inflict physical or mental harm or discomfort or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s).
    (d) Stalking. Activities occurring on more than one occasion that collectively instill fear in the victim and/or threaten his or her safety, mental health, or physical health.
    (e) Sexual Misconduct.
        1. Any sexual act that occurs, regardless of personal relationship, without the consent of the other person, or that occurs when the other person is unable to give consent.
        2. Conduct of a sexual nature that creates an intimidating, hostile, or offensive campus, educational, or working environment for another person.
    (f) Weapons, Firearms, Explosives. Possession, storage or use of firearms, explosives, ammunition or other weapons or dangerous articles or substances, including non-lethal weapons such as pellet guns.
    (g) Drugs.
        1. Possession or use of illegal drugs or prescription drugs without a prescription.
        2. Distribution, delivery, or sale of illegal drugs.
        3. Possession or use of drug paraphernalia.
    (h) Theft.
        1. Removal or use of the property or services of another person or of the University without prior written consent or authorization.
        2. Possession or sale of property or services of another person or of the University without prior written consent or authorization.
    (i) Interference or disruption of the University disciplinary process, including, but not limited to, harassment and/or intimidation of any member of the judicial board, witness or University personnel before, during or after a proceeding, or attempting to coerce or influence any person(s) in order to discourage their participation in any disciplinary proceeding.
    (j) Interference, disturbance, impairment or disruption of the orderly conduct, processes, and functions within the classroom or laboratory, including interference with the academic mission of the University or individual classroom or interfering with a faculty member or instructor’s role to carry out the normal academic or educational functions of his/her classroom or laboratory.
    (k) Interference, disruption, disturbance, or impairment of the rights of other members of the University community.
    (l) Any similar behavior that disturbs the peace.
(2) This rule shall apply to acts conducted on or off campus when relevant to the orderly conduct, processes and functions of the University.

Specific Authority 1001.74(4), 1006.60 FS. Law Implemented 1001.74(10), 1006.60 FS. History–New 10-22-03.
6C9 UNIVERSITY OF NORTH FLORIDA

CHAPTER 6C9-1 ORGANIZATION

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6C9-1.001 Location.
The general offices of the University of North Florida are located east of South St. Johns Bluff Road in Jacksonville, Duval County, Florida. The main entrance is located on the east side of South St. Johns Bluff Road, at 4567 St. Johns Bluff Road, midway between Beach Boulevard and J. Turner Butler Boulevard. Mail should be addressed to 4567 St. Johns Bluff Road, Jacksonville, Florida 32216. The general telephone number is Area Code (904)646-2666.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a) FS. History–New 6-21-76, Amended 9-26-83, Formerly 6C9-1.01.

6C9-1.002 Purpose.
The University of North Florida (UNF) is one of the nine institutions in the State University System of Florida (SUS). UNF offers a wide variety of Academic Programs at both the undergraduate and graduate level and strives to provide high quality instruction, scholarly research, and public service in the North Florida region.

Policies for the SUS are established by the Board of Regents, a public body corporate. The Board of Regents is responsible for administering the Division of Universities of the Department of Education, which is under the director of the Commissioner of Education, a cabinet officer under the Constitution of the State of Florida.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1), (26) FS. History–New 6-21-76, Amended 6-20-85, Formerly 6C9-1.02.

6C9-1.0025 Equal Opportunity and Affirmative Action.
(1) Equal Opportunity – The University will actively promote equal opportunity policies and practices which conform to all laws against discrimination and is committed to non-discrimination with respect to race, religion, age, political affiliation, handicap, sex, marital status, national origin and veteran status as protected under the Vietnam Era Veterans’ Readjustment Assistance Act. This commitment applies in all areas with students, faculty, Administrative and Professional staff and Career Service personnel. This policy also applies to the University’s procedures for the selection of contractors, suppliers of goods and services and to the use of University facilities.
(2) Affirmative Action in the Recruitment of Students, Faculty and Other Personnel The University is committed to the equalization of educational and employment opportunities by encouraging applications from qualified applicants of all cultural, racial, religious, and ethnic groups. The University shall issue an annual report on the status of the Affirmative Action Plan to the Board of Regents.

Specific Authority 240.227(1) FS. Law Implemented 760.01, 110.105, 112.044, 240.227(1), (6) FS. History–New 5-12-83, Formerly 6C9-1.025.

6C9-1.003 University Organization and Functions.
(1) The President of the University of North Florida is appointed by and serves at the pleasure of the Board of Regents. He is the Chief Executive Officer and as the agency head is responsible for general supervision over all its activities. His duties and responsibilities are set forth in Parts I and II of Chapter 240, Florida Statutes. Responsible to the President are ten officers which include four Vice Presidents, one Executive Director of Planning, Evaluation and Budget, and five staff extensions as follows:
(a) Vice President for Academic Affairs;
(b) Vice President for Administration and Finance;
(c) Vice President for University Relations and Development;
(d) Vice President for Student Affairs;
(e) Executive Director of Planning, Evaluation and Budget. This position also reports to the Vice President for Academic Affairs.
(f) Executive Assistant to the President and Director, University Equal Opportunity Programs;
(g) Director of Internal Management Auditing;
(h) Director Governmental Relations;
(i) General Counsel; and
(j) Athletic Director. This position also reports to the Vice President for Student Affairs.
(k) Two other extensions of the President’s Office are the Florida Institute of Education and the Institute of Police Technology Management. The President has delegated their operational supervision, respectively, to the Vice Presidents for Academic Affairs and Administration and Finance.

(2) The Vice President for Academic Affairs is responsible to the President for the successful planning, programming, and implementation of all academic programs offered by the University through its colleges and continuing education programs as well as for those areas that provide support to the academic programs.
(a) Five Colleges comprise the major teaching, research, and public service units: The College of Arts and Sciences, the College of Business Administration, the College of Education and Human Services, the College of Health, and the College of Computer and Information Sciences.
   1. The College of Arts and Sciences includes the Departments of: Communications & Visual Arts; History, Philosophy, and Religious Studies; Language and Literature; Mathematics and Statistics; Music; Natural Sciences; Political Science; Sociology; and Psychology.
   2. The College of Business Administration includes the Departments of: Accounting and Finance; Economics and Geography; and Management, Marketing and Logistics.
   3. The College of Education and Human Services includes the Divisions of: Curriculum and Instruction; Educational Services and Research; and Technology and Vocational Education.
   4. The College of Health includes the Divisions of: Nursing; and Health Science.
   5. College of Computer and Information Sciences.
(b) The Deans of each of the five Colleges report directly to the Vice President for Academic Affairs.

Other areas which report to the Office of the Vice President for Academic Affairs are:
1. The Office of Enrollment Services, headed by the Assistant Vice President for Enrollment Services who is responsible for:
   a. The Office of Admissions;
   b. The Office of Veterans’ Affairs;
   c. The Office of Articulation and Community College Relations;
   d. The Office of Financial Aid; and
   e. The Office of Records and Registration.
2. The University Library, headed by the Director of the Library.
3. The Instructional Communications Center, headed by the Director of University Graphics and Instructional Support.
4. The Division of Sponsored Research and Training, headed by the Director of the Division of Sponsored Research.
5. The Division of Continuing Education and Extension, headed by the Dean of Continuing Education.
6. Reserve Officer Training Corps headed by the Assistant Professor of Military Science.
7. The University Computing Services including administrative and academic computing.
8. Office of International Programs.

(3) The Vice President for Administration and Finance is responsible to the President for the operation of the University from a business and financial management standpoint and campus physical activities. Major divisions under Administration and Finance are as follows:
(a) The Office of Auxiliary Services including duplicating and quick copy services, bookstore, motor pool, vending and food services;
(b) The Office of Physical Facilities including engineering, maintenance, grounds, utilities, and building services (custodial);
(c) The Controller’s Office including financial statements, cashiering, general accounting, loans and scholarships, accounting and distribution, contracts and grants accounting, and property accounting and control, vouchering, payroll accounting, and travel reimbursement;
(d) The Office of Police and Public Safety including emergency first aid, investigations, information booth, and parking control;
(e) The Office of Human Resources including employment, employee benefits, payroll processing, salary administration for University Support Personnel Services employees, and personnel training and development programs;
(f) The Office of Purchasing including contract awards and administration and central receiving, stores and warehousing;
(g) The Office of Communication Services including telephone and postal services;
(h) Facilities Planning;
(i) University of North Florida Foundation Treasurer and Accounting; and
(j) University of North Florida Training and Service Institute Treasurer and Accounting.

(4) The Vice President for University Relations is responsible for identifying potential sources of private funding to meet current and future educational resource needs of the University for developing and implementing strategies and programs to secure private funds. The Vice President also has been designated by the President to coordinate the University’s legislative relations program. To fulfill these responsibilities, the Vice President coordinates the activities of the Offices of:

(a) Information and Public Services;
(b) Development;
(c) Alumni Affairs;
(d) The Vice President also serves as the executive director of the University of North Florida Foundation, Inc., which is a non-profit, tax-exempt corporation established and affiliated with the University to enlist lay support for and advice to the University and to serve as its fund-raising agent. The Foundation is governed by a voluntary board representing leadership from the business, professional and civic communities of northeast Florida.

(5) The Vice President for Student Affairs is responsible to the President for the overall coordination of extracurricular activities in the areas of student activities, student conduct, student advocacy efforts, services, and programs. Major areas under Student Affairs are:

(a) Academic Support Services including Personal and Career Counseling, Experiential Learning & Testing, Handicapped Services, Minority Retention, and Academic Enrichment;
(b) Student Development including student conduct, events coordination, union management, recreation and intramurals, student governance, alcohol and drug programming, and women’s programs;
(c) Child Development Research Center;
(d) Student Health Services;
(e) Campus Ministries.
(f) University Housing; and
(g) Intercollegiate Athletics.

(6) The Executive Assistant is a consultant to the President on various matters. This office is designated as the clerk for the University.

(7) The Executive Director of Planning, Evaluation and Budget is responsible for:

(a) Budget Office;
(b) Institutional Research;
(c) Administrative Procedures and Records Retention.

(8) The Director of Equal Opportunity Programs advises the President on matters relative to programs which implement and achieve equal opportunity and affirmative action goals and commitments, monitor efforts as outlined in the Affirmative Action Plan, the Florida Educational Equity Act Plan and the Board of Regents five year goals for Affirmative Action, Title IX and other related reports.

(9) The Internal Management Auditing function appraises activities within the University by reviewing operations and issuing reports thereupon to the President and other appropriate management including the Board of Regents’ Office of Internal Management Auditing who then report the results to the Board of Regents’ Audit Committee.

(10) The Director, Governmental Relations and Senior Counsel to the President coordinates governmental relations programs for the University and serves as the University’s liaison for governmental affairs with elected officials, local governments, the state legislature, congressional delegates and related community groups and serves as official spokesperson for the University.

(11) The General Counsel provides general legal representation of the University in legal matters affecting the University. These duties include interpretation of state and federal laws, rules and regulations, drafting of legal documents, review of contracts, leases, bid specifications, letters of agreement and the like, and providing advice to all areas of University operations.

(12) The Director of Intercollegiate Athletics coordinates and directs all intercollegiate sports programs and facilities at the University. The Director supervises personnel of the athletic programs, compiles information and reports, prepares annual budgets for all sports offerings and implements procedures attendant to the University’s athletic program.

SEE FLORIDA ADMINISTRATIVE CODE FOR “ORGANIZATIONAL CHART”

6C9-1.004 General Information Concerning the University of North Florida.

(1) The University publishes a catalog annually. The catalog is the official medium for dissemination of information to the general public regarding course offerings, degree requirements, grading practices, and operation of the institution. Anyone may obtain a copy of this document by writing, calling, or presenting themselves to the office of Director of Admissions, Post Office Box 17074, Jacksonville, Florida 32216. The business hours of this office are 8:00 a.m. to 5:00 p.m., Monday through Friday.

(2) Public information is available from the general offices of the University of North Florida.
(3) Inspection of records shall be made by the general public in the Office of the President of the University of North Florida. Chapter 119 and Sections 239.77 and 239.78, Florida Statutes, and Rule 6C-6.015, Florida Administrative Code, shall determine records to be inspected.

Specific Authority 129.53(1) FS. Law Implemented 240.042, 240.052(2)(c) FS. History–New 6-21-76, Formerly 6C9-1.04.

6C9-1.005 Statutory Chapters and Rules.
The University of North Florida is governed by the Laws of Florida and applicable rules implementing such laws as may be published in the Florida Administrative Code (F.A.C.). Florida law and regulations of general public interest include Chapters 239, 240, 241, 242, 243, 244, and 245, Florida Statutes (F.S.), as well as Chapters 6C-1 and 6C9-1, et seq., Florida Administrative Code (F.A.C.), published and distributed by the Florida Department of State.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1) FS. History–New 6-21-76, Formerly 6C9-1.05.

6C9-1.006 Public Access to University Proceedings.
The University of North Florida is governed by Section 286.011, et seq., Florida Statutes (the so-called Sunshine Law), insofar as its proceedings are concerned.

Specific Authority 240.042, 286.011 FS. Law Implemented 240.042, 286.011 FS. History–New 6-21-76, Formerly 6C9-1.06.

6C9-1.007 Order of Succession to Temporary Presidential Authority.
(1) In case of death or incapacitating illness of the President, the Provost and Vice President for Academic Affairs will assume all the authority and responsibility of the President until specific orders arrive from the Board of Regents.

(2) The next office in line to assume temporary Presidential authority shall be the Vice President for Administration and Finance.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.202, 240.227(1) FS. History–New 6-21-76, Formerly 6C9-1.07, Amended 6-3-93. Cf. B.O.R. Rule 6C-4.001(5)(i), F.A.C.

6C9-1.008 Petition to Initiate Rule-Making Proceeding.
(1)(a) Any person subject to the jurisdiction of the University of North Florida or who has a substantial interest in a University rule may petition the University to adopt, amend or repeal a rule by filing a written petition, specifying the proposed rule and the action requested.

(b) The petition shall contain the following:
1. Name and address of petitioner;
2. A summary of the requested rule proposed and specific reasons for adoption, amendment or repeal;
3. A draft of the requested proposal;
4. The date submitted.

(2) Petitions shall be filed in the President’s Office, Room 2515, Building 1, University of North Florida, Jacksonville, Florida 32216.

(3) Any interested person may file in the President’s Office a statement in support of or in opposition to any petition for information or for rule-making proceedings. The interested person shall furnish the Petitioner with a copy upon filing the statement.

(4) Any interested person may submit a reply to the statement in subsection (3) above prior to the University action. The interested person shall furnish the Petitioner and the person filing under subsection (3) above with a copy upon filing the statement.

(5) Within thirty (30) calendar days from receipt of said petition, the University shall either deny the petition, grant the petition and comply with the requested action, or institute rule-making proceedings under Chapter 120, Florida Statutes. If the President determines that the Petitioner is not subject to the University’s jurisdiction or does not have a substantial interest in the University rule, or does not have the interest as stated in the petition, the University may forthwith deny the petition, and shall notify the petitioner in writing stating the reasons for the denial.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(c), 120.54(5) FS. History–New 5-12-83, Formerly 6C9-1.08.

6C9-1.009 Declaratory Statements by University.
(1) Any person may seek a declaratory statement as to the applicability of any statutory provision or of any rule or order of the University.

(a) The petition seeking a declaratory statement shall be filed in writing with the University at Room 2515, Building 1, University of North Florida, Jacksonville, Florida 32216.

(b) The petition shall contain the following: “Petition for Declaratory Statement.”
1. Name of Petitioner;
2. Address of Petitioner;
3. University rule, order or statutory provision on which declaratory statement is sought;
4. Description of how this rule, order or statute may or does affect the petitioner;
5. Signature of Petitioner; and
6. Date of Petition.

(2) A declaratory statement is a means for determining the rights of parties when a controversy or when doubt concerning the applicability of any statutory provision, rule or order has arisen before any wrong has actually been committed. The potential impact upon Petitioner’s interests must be alleged in order for Petitioner to show the existence of a controversy or doubt.

Specific Authority 120.565, 240.227(1) FS. Law Implemented 120.53(1)(c), 120.565 FS. History–New 5-12-83, Formerly 6C9-1.09.

6C9-1.010 Rule Hearings, Presentation of Arguments, Presentation of Evidence.

All hearings other than those subject to Section 120.57(1), Florida Statutes shall, unless a University rule relating to an administrative proceeding indicates to the contrary, be conducted in the general manner prescribed below.

(1) Persons affected by a proposed rule who request a hearing within the time prescribed by law shall have an opportunity to be present at the hearing, having been advised of the specific time and place, and to present arguments on issues of law or policy in writing or orally.

(2) At hearings in which fact questions are involved, parties shall have an opportunity to present such relevant evidence as they wish to bring to the attention of the person or persons presiding.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(c), 120.58 FS. History–New 5-12-83, Formerly 6C9-1.10.

6C9-1.011 Public Information Policy.

(1) The University of North Florida is committed to free, open and responsible communications with its various publics through the commercial news media and other appropriate channels.

(a) As a public, tax-supported institution, the University has a special obligation to consider the impact of its activities, policies, procedures and/or actions upon the public and the agencies and bodies to which it is accountable and must regularly and accurately give accounts of its stewardship.

(2) The President, Vice President for University Relations and Director of Information Services (Public Relations) shall be the only persons routinely authorized to speak officially for or on behalf of the University.

(a) In certain instances, the President may designate other University personnel to serve as spokespersons for specific official matters under their cognizance. In such instances, public information to be disseminated shall be discussed in advance with the Director of Information Services (Public Relations).

(b) Additionally, the President may grant blanket authority to certain University officers to release specific routine information dealing with matters under their cognizance. Examples of such information may include, but are not necessarily limited to, sports information and non-credit continuing education programs.

(3) In all instances, persons providing public information shall promptly notify the Director of Information Services (Public Relations) and shall provide copies of information provided. In instances where information is provided in response to media inquiries, notification shall be in a format prescribed by the Director of Information Services (Public Relations).

(4) Any public information provided shall be consistent with applicable federal and state laws and regulations, as well as policies of the Florida Board of Regents.

(5) While all members of the University community are free to speak as individuals on any issue or topic of their choosing, each is expected to make clear that he/she is speaking as a private citizen and not as a representative of the University. University letterhead stationery shall not be used by any person associated with the University when addressing issues or topics as a private citizen nor when expressing personal opinions on matters outside of his/her University cognizance or unrelated to official University concerns.

(6) The name or symbols of the University shall not be used in commercial advertising. Such use may suggest or imply University endorsement of the advertiser or the product or service advertised.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (5), (24), (26) FS. History–New 10-6-83, Formerly 6C9-1.11.

6C9-1.012 Records Management and University Archives.

(1) University Records Management Program. Section 257.36, Florida Statutes, delineates Florida’s Records Management Program and mandates each public agency to establish an active and continuing records management program, comply with the provisions of the law, and to designate a Records Management Liaison Officer.

(2) The University Records Management Liaison Officer (RMLO) is responsible for developing the University’s records management program and for providing communication and procedural coordination between the University and the Florida Division of Library and Information Services. All University offices shall, with the assistance of the RMLO, comply with State laws governing the care of public records.

(3) Public Records. Section 119.011, Florida Statutes, offers the following definition: “Public Records means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency".
In order to comply with the State laws governing the care of public records, control over the records must be obtained by acquiring a knowledge of the contents of the files.

(a) Knowledge of the contents of the files is acquired by conducting an inventory of all the files, both active and inactive. This allows for determination of the number and kind of record series contained therein and will provide the information needed to establish workable retention schedules.

(b) A Record Series is a group of documents, records, volumes or folders arranged under a single filing system, or kept together as a unit because they relate to a particular subject, result from the same activity, or have a particular form.

(5) Records Retention Schedules. There are two types of retention schedules:

(a) General records schedules, and

(b) Individual agency records schedules.

(c) These schedules describe the records, establish the retention value of the records, and indicate the approved disposition of the records when they are no longer actively used.

(6) General Records Schedules are developed by the Bureau of Archives, in conjunction with the agencies concerned, and cover record series common to two or more individual agencies.

(a) GENERAL RECORDS SCHEDULE FOR UNIVERSITIES, A-3, has been developed and may be used as a basis for describing records of the series therein described.

(b) INDIVIDUAL RECORDS SCHEDULES will have to be developed by any department or agency to describe records whose descriptions are not contained in schedule A-3.

(7) Destruction of Records. University records are to be disposed of in accordance with the approved records retention schedules. Notwithstanding an approved records retention schedule, prior to the destruction of any public record, a “Notice of Intent to Destroy Scheduled Records (Florida Division of Library and Information Services Form 107)” must be submitted to the Florida Division of Library and Information Services for final review and approval. Such destruction notices must be submitted to the University Records Management Liaison Officer, who shall enter receipt of the request into the form 107 Register (which is a perpetual log book) and assign the next sequential number before submitting them to the Division. After review and approval (or disapproval) the form 107 is returned to the RMLO who makes a copy for return to the submitting department and retains the original on permanent file. The process of destroying or discarding the records may then proceed, provided applicable audits have been released and no litigation related to the records is pending. Prior to destroying the record series, the department should contact the University Archivist and offer the records for determination of archival value.

(8) University Archives. The University Library is designated the responsible unit for the organization and maintenance of the University Archives. The function of the University Archives is to serve as a repository for all significant University of North Florida publications, special reports, correspondence, minutes of meetings, and other material that document the history and operations of the University.

(a) Once records are transferred to the University Archives the legal custody of the records rests with the Archives.

(b) The custodial responsibility for archival records rests with the records’ office of origin until such time as the University Archivist is prepared to accession them. Custodians of record series with archival value are responsible for maintaining the security and integrity of these records whether stored in the offices or in off-site areas.

Specific Authority 120.53(1)(a), 240.227(1) FS., 1A-24, F.A.C. Law Implemented 120.53(1)(a), 257.36(5), (6), (7) FS. History–New 11-24-92.
CHAPTER 6C9-2 ACADEMIC AFFAIRS

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6C9-2.003 Grading Practice and Grade Point Average.

(1) Grades. Letter grades will be assigned for all courses. The scale of letter grades is as follows:
(a) A – Course requirements completed with excellent quality.
(b) B – Course requirements completed with above average quality.
(c) C – Course requirements completed with satisfactory quality.
(d) D – Course requirements completed with below average quality.
(e) F – Course requirements not completed satisfactorily.
(f) I – Incomplete, given to students who are progressing satisfactorily and who, for valid reasons determined by the professor, could not complete the work of a course within the quarter.
1. The instructor shall complete an “Assignment of I Grade” form for each student receiving an Incomplete grade.
2. A copy of this form must be sent to the student and copies must be submitted with the grade rolls. (Forms are available in the Student Records Office.)
3. The “I” grade will remain on the record until changed by the instructor.
(g) NR – A symbol that is administratively assigned when grades for an entire class are not submitted by the processing deadline. The “NR” grade will remain on the record until changed by the instructor.
(h) P – Passing grade for the employment experience of the Cooperative Education Program.
(i) W – A symbol to indicate that the student has withdrawn from the course.
(j) A grade of “F” is assigned as the final grade in a course if the student discontinues attendance without officially notifying the Student Records Office by the date specified in the University Calendar.

(2) Grade Point Averages.

(a) Grade point averages are computed as follows:
1. 4 points are assigned for each hour completed with grade of “A”,
2. 3 points for each hour of “B”,
3. 2 points for each hour of “C”,
4. 1 point for each hour of “D”,
5. 0 point for each hour of “F”.
6. When a course is repeated, each attempt will be recorded and will appear on the transcript; however, only the last grade will be used in computing the grade point average even if it is lower than the first attempt.
(b) Academic Average
The sum of grade points earned as explained above is divided by the number of hours attempted (exclusive of grades of “I,” “P,” “NR,” and “W,” and grades in courses subsequently repeated). The resulting quotient is the “grade point average.”

Specific Authority 240.042(1) FS. Law Implemented 240.042(2)(g) FS., 6C-4.001(1), F.A.C. History–New 6-21-76, Formerly 6C9-2.03.

6C9-2.004 Declaratory Statements.
Chapter 28-4, F.A.C., Rules of the Administration Commission, model rules of procedure pertaining to declaratory statements pursuant to 120.565, F.S., are hereby incorporated by reference into these rules of the University of North Florida.

Specific Authority 240.042(1) FS. Law Implemented 120.565 FS. History–New 6-21-76, Formerly 6C9-2.04.

6C9-2.005 Continuing Education.

(1) To further the ideal of lifelong learning, the University of North Florida offers continuing education to the community, providing a wide variety of programs to suit its constituencies. The Division of Continuing Education is responsible for the identification of continuing education needs in its designated service area. In addition, the division is responsible for developing, coordinating, monitoring, and assisting with educational outreach programs sponsored by the university, both credit and non-credit.
The mission of the division is to bring together outstanding resources from the university and the community for the purpose of offering opportunities to the public to meet personal aspirations for professional development, career advancement, and life enrichment.

(2) To assure quality of content, resource personnel, and support services for all continuing education activities of the university, the Division of Continuing Education shall:

(a) Coordinate with the appropriate academic units the overall planning, development, and monitoring of off-campus credit courses, degree programs, and special credit instruction in the following counties: Alachua, Bradford, Clay, Duval, Nassau, Putnam, and St. Johns.

(b) Coordinate with the faculty and staff of the university and representatives of outside agencies in planning and conducting non-credit educational programs sponsored by the university, and units thereof, for external organizations, professional groups, and other audiences. Such programs shall include conferences, short courses, workshops, seminars, and special training programs.

(c) Jointly approve and manage with the appropriate academic unit all non-credit continuing education activities of the university, except those generated through the university’s sponsored centers and institutes.

(d) Recommend, implement, and monitor the policies and procedures necessary to conduct off-campus credit courses and non-credit continuing education activities.

(e) Maintain a central directory of all non-credit continuing education activities of the university, including those generated through sponsored centers and institutes.

(3) Information on both credit and non-credit programs may be obtained by calling (904)646-2690.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(11) FS. History–New 6-23-85, Formerly 6C9-2.05.

6C9-2.006 Use of University Library.

(1) Mission Statement:

(a) The mission of the Thomas G. Carpenter Library (hereafter referred to as “the Library”) of the University of North Florida (hereafter referred to as “the University” or “UNF”) is to provide informational support for the University’s academic programs. The Library is the University’s principal repository of preserved knowledge. It also serves as the broker for information not available in its own collections and which is only accessible through interlibrary loan, electronic data transmission, or telefacsimile. The Library is also a research facility for the citizens of northeast Florida, particularly Duval and surrounding counties.

(b) The decisions and procedures concerning fulfillment of the Library’s mission are professional matters delegated by the President to the Director of Libraries and the Library faculty. Library tasks are carried out in observance of University and Board of Regents administrative policies, in compliance with local, state and federal law.

(2) Censorship and the Library Bill of Rights. The Library endorses the tenants of the Library Bill of Rights of the American Library Association and the Freedom of Information Act. These documents advocate that censorship be challenged by libraries in fulfillment of their responsibility to provide access to information and knowledge. The Library will resist any attempt to prevent the acquisition of and ready access to materials based on an objection to the content of that material or to any ideas or opinions expressed therein.

(3) Library Resources and Physical Facilities:

(a) All UNF space and fiscal resources affecting formula allocation of these resources are automatically under the authority and control of the Director of Libraries.

(b) The authority for the disbursement of all library budgets rests with the Director of Libraries.

(c) Any purchase of library materials with State funds on the UNF campus made by administrative units other than the Library may be effected only after approval by the Director of Libraries.

(4) Accessibility:

(a) The Library is an adult facility and is open to anyone for in-house use.

(b) Pre-college age researchers may use the library only if accompanied by an adult, or upon the presentation of a letter of introduction from a teacher or the school principal stating the student’s specific research need(s).

(c) Library patrons must conform to all library policies, rules and regulations contained in the Library Guide and other library publications, and behave in a manner that is generally acceptable in a library environment. In the instance of disruptions, library staff members have the authority to request the patron to cease the disruptive behavior, or in case of noncompliance, ask the patron to leave. If the situation so warrants, the staff member may request assistance from the campus police.

(5) Borrower’s Privileges:

(a) Borrower’s eligibility for library privileges are automatically extended to the Library’s primary clientele, the students, faculty and staff of the University of North Florida, and to its secondary users, the students and employees of other State University System (SUS) institutions.

(b) Privileges may be suspended or denied for the violations of rules, or for outstanding obligations to the Library or University in accordance with prevailing policy.

(c) With payment of a stipulated fee, a courtesy card may be issued to the following non-SUS affiliated individuals: 1. UNF alumni, 2. UNF Foundation Board members, 3. educators employed by teaching institutions in Duval County and the surrounding service areas of Nassau, Clay, St. Johns Counties, and 4. adult area researchers engaged in professional activities.
(d) The Library shall not extend borrowers’ privileges to applicants basing their eligibility on being a student at another academic institution.

(e) Until these criteria are changed or modified, exceptions to the rule of eligibility can be made only by the President of the University or his designee.

(6) Circulation:
   (a) Inventory control and the orderly circulation of library materials are the responsibilities of the Circulation Department. The circulation function is governed by established departmental procedures and guidelines which must be observed by all patrons regardless of borrower status or rank.
   (b) The library card holder is entitled to borrow any circulating library material for the period applicable to the borrower’s status. By accepting the borrowers’ card the patron assumes full responsibility for all materials charged on that card and is obliged to observe all rules and regulations that govern the lending process, including the obligation to pay fines for overdue library materials.

(c) Current borrowing policies and regulations are posted at the library’s circulation desk and incorporated in the Library Guide and other library publications.

(7) Library Fines:
   (a) Library fines are defined by Board of Regents (BOR) regulation Rule 6C-7.003, F.A.C. (Special Fees, Fines and Penalties). A library fine is a punitive measure aimed at enforcing circulation rules.
   (b) Fines are applicable to all borrowers: students, faculty, staff, and courtesy card holders.
   (c) Library fines and related charges may be appealed in writing. Only the BOR has the authority to write off valid charges. If sufficient grounds are provided for a fine waiver, the BOR regulations permit the Director of Libraries or his designee to reduce or waive an imposed fine in accordance with specific policy.
   (d) A library fine may not be waived outside the established appeal process and the authorizing policies and regulations.

(8) Course Reserves:
   (a) Course reserves supplement classroom instruction. This function, performed in strict compliance with copyright laws, provides to students needed resources in a specific UNF curriculum at the faculty members’ request.
   (b) Reproductions or photocopies of copyrighted works will not be accepted for course reserves without evidence of compliance with the copyright law (Title 17, U. S. Code) and its prevailing interpretations.

(9) Collection Development:
   (a) All acquisition activities in the Library are governed by the Library Collection Development Policy. The existing policy, endorsed through University structures, is reviewed annually by the Library faculty.
   (b) In the event of major modifications, the Director of Libraries will obtain the endorsement of the Faculty Association and the University administration.

(10) Acquisitions – Disbursement of the Library’s resources budget is effected by the Acquisitions Librarian under the authority of the Director of Libraries. Library materials are acquired by the Acquisitions Department, the Serials Department and the Documents Department.

(11) Cataloging – The cataloging function is the responsibility of the Cataloging Department. The Department performs this function in strict observance of prevailing cataloging practices using the Library of Congress classification scheme and utilizing all automated means and methods available to the Library.

(12) Interlibrary Loan:
   (a) Interlibrary loan is governed by the prevailing interlibrary borrowing and lending code. This service is available only to UNF students, faculty and staff. It is not available to patrons who hold a courtesy borrower’s card.
   (b) All costs incurred in the provision of interlibrary loan and related services shall be re-charged to the patron in accordance with prevailing state and local policies and regulations.

(13) Government Documents – The function of the Government Documents Department is to select, receive, maintain, and circulate a collection of local, state, and federal documents. The Department also provides in-depth reference and research assistance in the use of the documents collection.

(14) Reference and Information Department – The function of the Reference and Information Department is to provide in-depth reader assistance in the use of library materials, automated subject search services, brokered services, public database systems, and general information. The Department also conducts bibliographic instruction in support of UNF courses. All costs incurred in the provision of brokered services (commercial on-line search services) shall be recharged to the patron.

(15) Media Resources Department – The function of the Media Resources Department is to select, maintain, circulate, and provide assistance in the use of the Library’s collection of non-print media and its supporting equipment exclusive of microforms.

(16) Special Collections – The function of the Special Collections unit is to receive, organize, preserve, and make available to readers material of an unusual nature, not suitable for inclusion in the general collection because of format, scarcity, irreplaceability, or monetary value. The unit uses all available automation methods in conformity with accepted standards to provide efficient indexing and retrieval systems.

(17) Gifts – The Library welcomes any gift or donation which may contribute to its development or to the service which it renders. In addition to the general University policy regarding gifts and donations, the following considerations apply to the acceptance of gifts and donations to the Library:
(a) All gifts must be irrevocable and final; and, by the act of donation, the donor permanently relinquishes all rights to ownership and dispensation. The Library shall not be held accountable for the property donated beyond the accountability by the State of Florida for State property.

(b) The Library will not accept gifts in kind which have no demonstrable use for the Library.

(c) The Library reserves the right to dispose of gifts to its best advantage. Such dispositions may include:
1. Retention in the Library.
2. Transfer to other departments of the University.
3. Transfer to another institution within the State University System of Florida.
4. Donation to other local, national and international institutions or organizations.
5. Exchange with other institutions, organizations, or vendors of library materials or equipment.
7. Discard, if the gift has no use, sale or exchange value.

(d) The Library cannot appraise gift materials for tax purposes, but may assist the donor in finding a qualified appraiser. All expenses incurred in obtaining an appraisal must be borne by the donor.

(e) Any material that bears the ownership markings of another institution and does not have any indication of having been withdrawn from that institution’s collection will not be accepted.

(f) Reproductions or photocopies of copyrighted works will not be accepted unless evidence of compliance with the copyright law (Title 17, U.S. Code) and its prevailing interpretations are provided.

18 These policies are subject to change and modification in response to fluctuating needs and operating circumstances.

Specific Authority 120.53(1)(b), 240.227(1), 240.261(1), 240.268(2) FS. Law Implemented 120.53(1)(b), 240.227(13), 240.261(1), 806.13, 812.014 FS. History–New 9-15-88.

6C9-2.009 Sponsored Research; Exemptions From General Accounting and Purchasing Procedures.

1 Purpose: This rule describes University procedures for the administration of Sponsored Research exemptions from certain general statutory requirements relating to accounting and purchasing.

2 The exemption will be granted only when the Director of Sponsored Research certifies to the President, that in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project. Certification must be on Form UNF/DSRF-1 (eff. 4/91), herein incorporated by reference and available in the Division of Sponsored Research and Training Office. The certification will:

(a) Be in the form of a written memorandum.
(b) State the necessity for exemption.
(c) Specify the legal or procedural requirements to be set apart.
(d) Define the purchase, contract, award, project, or interrelated activities for which the exemptions are being given, specifically identifying the project title and number, contract title and number etc. as appropriate.

3 Exemption Criteria: The Director of Sponsored Research may exempt a contract from certain general requirements of law and practice by certifying to the University President or his designee that one or more of the following conditions exist:

(a) COMPETITIVE BIDDING.
1. The Principal Investigator must submit a memorandum to the Director of Sponsored Research requesting a sponsored research exemption. The memorandum must include:
   a. A detailed justification for the request.
   b. A written quotation from the requested vendor detailing the price, the FOB point, responsibility for freight and insurance, and payment terms.
   c. A statement and/or other evidence, that some form of price comparison or determination of price reasonableness has been performed.
   d. A written statement signed by the Principal Investigator certifying that he or she is independent of, and has no conflict of interest in the entities evaluated and selected.
2. One or more of the following criteria will be used to justify a request for a sponsored research exemption from competitive bidding:
   a. A certain vendor is specified in a prime contract or grant award.
   b. A certain vendor is approved in writing by the prime contractor or granting agency in accordance with the provisions of the prime contract or grant award.
   c. The purchase of specific goods or services from a certain vendor can be demonstrated to be more efficient or expeditious based on compatibility, availability, or the current capabilities of the Principal Investigator and Staff.
   d. The purchase of specific goods or services from a certain vendor can be demonstrated to be necessary to meet the time requirements of the prime contract or grant award.
   e. The purchase of specific goods or services from a certain vendor can be demonstrated to be mandated by scientific or technical requirements.
   f. The purchase of specific goods or services from a certain vendor can be demonstrated to be at a cost below industry norms.
g. Other conditions which can be demonstrated to meet the statutory criteria of “necessary for the efficient or expeditious prosecution of a research project.” The specific condition must be fully explained.

3. Any and all changes or corrections to a purchase order or contract issued on the basis of a Sponsored Research Exemption must also be approved by the Director of Sponsored Research or his/her staff designee.
   (b) CONFIDENTIALITY. The research activity will receive an exemption from public scrutiny if;
   1. The prime contract, grant award, or subcontract contains a confidentiality clause requiring the research materials to be exempt from public scrutiny, or;
   2. It is determined that conditions exist, as prescribed by Section 240.241(2), F.S.
   (c) DOCUMENTATION AND ADVANCE PAYMENTS.
   1. Documentation:
      a. The level of detail and documentation for reporting and payment required by the prime contractor or granting agency in the provisions of the prime contract, grant award, or otherwise approved in writing by the sponsor, is less than that required by the State of Florida.
      b. When an exemption from the general provisions of Chapter 215, F.S., and related rules and practices is authorized, subcontractors’ invoices shall contain the level of detail and reporting required of the University by the prime contract or grant award.
      c. It is not necessary for copies of receipts to be obtained or submitted with the voucher to the State Comptroller for the payment of such invoices, if the invoice contains a statement certifying that receipts in support of the itemized invoice are maintained in the contractor’s records and may be inspected by officials of the State of Florida.
   2. Advance Payments:
      a. The subcontractor or vendor requests an advance payment and it can be demonstrated that the advance payment is necessary to fund extensive start-up costs, realize discounts or cost savings, or create adequate cash flow in order to provide required goods or services.
      b. The University shall retain the documentation justifying advance payments in the Division of Sponsored Research and Training. The Principal Investigator is responsible for determining that all goods/services, for which an advance payment has been made, are satisfactorily received.
      c. In addition to the Sponsored Research Exemption Certification, the Division of Sponsored Research and Training will provide the Purchasing Department with specific payment details for inclusion in the purchase order.
      d. The University may require the vendor to secure some form of liability protection to cover the amount of advance payments, as deemed appropriate.

3. When an exemption from the general provisions of Chapter 215, F.S., and rules and policies in implementation thereof (for documentation or advance payment) is authorized, the provisions of a contract between the University and the subcontractor must include essentially the following language:
   The Contractor agrees to return to the University any overpayments due to unearned funds or funds disallowed pursuant to the terms of this Contract or by the prime agency that were disbursed to the Contractor by the University. Such funds shall be considered University funds and shall be refunded to the University within 45 days following the time the overpayment and/or disallowance is discovered unless otherwise authorized by the University in writing. In addition, the Contractor agrees to exclude from its expenditure reports and any other claims for reimbursement any amounts disallowed by the prime agency and the University in accordance with the terms of this Contract.
   (d) TRAVEL. For non-state of Florida personnel, that the allowances for travel expenses, in accordance with the provisions of the prime contract or grant award and the allowances for travel expenses established by the subcontractor’s written policy, are greater than the allowances provided by the State of Florida. (A copy of the subcontractor’s written travel procedures shall be made a permanent part of the documentation contained in the Division of Sponsored Research Office contract file.)
   (e) OTHER. Other conditions which are “necessary for the efficient or expeditious prosecution of a sponsored project.” The specific conditions must be fully explained.

4. Execution and Distribution:
   (a) If the request is for an exemption from the competitive bid requirements, the Principal Investigator will submit the request for the Sponsored Research Exemption to the Division of Sponsored Research and Training, allowing time for adequate review of the request. The request should be accompanied by the general requisition, the documentation listed in paragraph (2)(a) above and any additional essential documentation.
   (b) Requests for other Sponsored Research Exemptions may be initiated by the Principal Investigator, the Division of Sponsored Research and Training, or other University personnel, as appropriate.
   (c) The Division of Sponsored Research and Training will review the request for Sponsored Research Exemption to determine if all of the required conditions have been met. The Certification will be prepared by the Division of Sponsored Research and Training, signed by the Director of Sponsored Research, and be forwarded to the University President.
   (d) Evidence of consultation with the Director of Purchasing for non-competitive procurement shall be present prior to submitting to the President for signature.
1. The Division of Sponsored Research and Training will send a copy of the Sponsored Research Exemption Certification memorandum provided to the President, the general requisition, and a copy of the other documentation listed in paragraph (2)(a) above, to Purchasing.

2. Purchasing will be responsible for compliance with all other State of Florida and University rules and regulations.

3. Any purchase order issued under a Sponsored Research Exemption will contain a statement indicating that a Sponsored Research Exemption was given.

4. Purchasing will forward a copy of the Certification, along with a copy of the contract and/or purchase order to the University Controller’s Office. The University Controller’s Office will forward a copy of these documents to the State Comptroller as an attachment to the voucher for the payment of the first invoice.

(e) A Sponsored Research Exemption may only be used when the purchase of goods or services is fully funded from sponsored research funds. Payments made for purchases or other actions under a sponsored research exemption may not be reimbursed subsequently from other University funds.

(f) A copy of the Sponsored Research Exemption Certification and any supporting documentation will be maintained in the Division of Sponsored Research and Training.

Specific Authority 240.227(1), 240.241(2) FS. Law Implemented 240.209(1), 240.241, 287.057 FS. History–New 4-10-91.

6C9-2.010 Copyrights and Patents.

(1) Definitions. The following definitions shall apply for purposes of interpreting and implementing this rule:

(a) A “work” includes any copyrightable material such as printed material, computer software or databases, audio and visual material, circuit diagrams, architectural and engineering drawings, lectures, musical or dramatic compositions, choreographic works, pictorial or graphic works, and sculptural works.

(b) An “invention” includes any discovery, invention, process, composition of matter, article of manufacture, know-how, design, model, technological development, strain, variety, culture of any organism, or portion, modification, translation, or extension of these items, and any trademark used in connection with these items.

(c) “University support” includes the use of University funds, personnel, facilities, equipment, materials, or technological information; and includes such support provided by other public or private organizations when it is arranged, administered, and/or controlled by the University.

(d) “Employee” means all General Faculty, Administrative and Professional, USPS, and OPS employees of the University, in-unit or non-unit, regardless of classification or source of funding of the position.

(2) General.

(a) The University of North Florida shall have the authority to take any action necessary to secure letters of patents, copyrights, and trademarks, on any such work products produced by an employee of the University as described below, and to enforce its rights therein. Any resulting patents are the property of the University and the inventor shall share in the proceeds therefrom.

(b) All University profits derived from patents, copyrights, or trademarks shall be deposited in the “Sponsored Research Development Fund” for the further distribution as prescribed by the Board of Regents and the University of North Florida policy.

(3) Copyrights.

(a) Independent Efforts. A work made in the course of independent efforts is the property of the employee, who has the right to determine the disposition of such work and the revenue derived from such work. As used in this section, the term independent efforts means that:

1. The idea(s) came from the employee;
2. The work was not made with the use of University support; and
3. The University is not held responsible for any opinions expressed in the work.

(b) University-Supported Efforts. If the work was not made in the course of independent efforts, the work is the property of the University. However, in keeping with tradition, it is not the intent of the University to assert rights to copyrightable works the intended purpose of which is to disseminate the results of academic research, curricular improvements, creative work or scholarly study.

(c) Disclosure.

1. The employee shall disclose to the President or Director of Sponsored Research any work made in the course of University-supported efforts, together with an outline of the project and the conditions under which it was done.
2. The President or Director of Sponsored Research shall gather information to assess the relative equities of the employee and the University in the work.
3. Within twenty (20) days after such disclosure, the President or Director of Sponsored Research will inform the employee whether the University seeks an interest in the work, and a written contract shall thereafter be negotiated to reflect the interests of both parties, including provisions relating to the equities of the employee and allocating proceeds resulting from such work.
4. All such agreements shall comport with and satisfy any pre-existing commitments to outside sponsoring contractors, but the employee and the University shall not commit any act which would tend to defeat the University’s or employee’s interest in the work and shall take any necessary steps to protect such interests.

(4) Patents.
(a) Disclosure. An employee shall disclose all inventions which the employee may develop or discover while an employee of the State University System. With respect to inventions made during the course of approved outside employment, the employee may delay such disclosure, when necessary to protect the outside employer’s interest, until the decision has been made by the outside employer whether to seek a patent.

(b) Independent Efforts. The University shall not seek a letter of patent on a product resulting from an investigation performed by a university employee outside of the field in which the investigator is employed by the University and at his own expense and on his own time.

(c) University-Supported Efforts. An invention which is made in the field or discipline in which the employee is employed by the University or by using University support is the property of the University and the employee shall share in the proceeds therefrom.

(d) Outside Employment.
1. While an employee may, in accordance with Section 240.283, F.S., and the pertinent collective bargaining agreement, engage in outside employment pursuant to a consulting agreement, requirements that an employee waive the employee’s or University’s rights to any inventions which arise during the course of such outside employment must be approved by the President or the Director of Sponsored Research.

2. An employee who proposes to engage in such outside employment shall furnish a copy of this rule and, if applicable, the pertinent collective bargaining agreement, to the outside employer prior to or at the time a consulting or other agreement is signed, or if there is no written agreement, before the employment begins.

(e) Reporting Procedures.
1. The employee shall report to the President or Director of Sponsored Research the nature of the invention or discovery, together with an outline of the project and the conditions under which it was done. Within twenty (20) days of each disclosure, the President or Director of Sponsored Research shall inform the employee whether the University intends to assert its interest in the patent.

2. The President or Director of Sponsored Research shall conduct an investigation which shall assess the respective equities of the employee and the University in the invention, and determine its importance and the extent to which the University should be involved in its protection, development, and promotion.

3. The employee shall be informed as to whether the University will seek the patent within 120 days from the date of the disclosure to the President or Director of Sponsored Research and the University shall thereafter proceed to prosecute the patent in a timely manner.

4. The division, between the University and the employee, of proceeds generated by the licensing or assignment of an invention, shall be negotiated and reflected in a written contract between the University and the employee. All such agreements shall comport with and satisfy any pre-existing commitments to outside sponsored contractors, but the employee shall not commit any act which would tend to defeat the University’s interest in the matter, and the University shall take any necessary steps to protect such interest.

(f) Release of Rights.
1. The University reserves the right to enter into contract with recognized patent management and development agencies for the purpose of patent application, patent development, and patent management. In such cases, the terms of the contract shall provide for a distribution of the proceeds from the disposal of the patent between the contracting parties and the discoverer or inventor.

2. At any stage of making the patent applications, or in the commercial application of an invention, if the University has not otherwise assigned to a third party the right to pursue its interests, it may withdraw. At the request of the employee in such case, the University shall return the patent rights to the employee, in which case the patent shall be the employee’s property, and none of the costs incurred by the University or on its behalf shall be assessed against the employee.

3. All assignments or releases of inventions, including patent rights, by the President or Director of Sponsored Research to the employee shall contain the provisions that such invention, if patented by the employee, shall be available royalty-free for governmental purposes of the State of Florida, unless otherwise agreed in writing by the University.

4. In the event a Sponsored Research contractor has been offered the option to apply for the patent to an invention or other rights in an invention, the University will use its good offices in an effort to obtain the contractor’s decision regarding the exercise of such rights within 120 days.

5. Execution of Documents. The University and the employee shall sign an agreement individually recognizing the terms of this rule.

6. Responsibility. The authority and responsibility for administration and implementation of this rule is delegated to the Director of Sponsored Research.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1), 240.229 FS. History–New 6-1-93.

6C9-2.011 Deletion of Courses from Catalogs and Common Course Designation and Numbering System.
(1) Courses in the University of North Florida institutional catalog which have not been taught for five (5) years shall be deleted from the catalog except as otherwise stated below.
(2) During the preparation phase for each year’s academic catalog all courses not taught during the preceding five years shall be reviewed by the respective college deans and academic division directors to determine if those courses should be retained. A list of courses to be retained and the reason for their retention shall be sent to the Chairperson of the Academic Programs Committee.

(3) The recommendations of the deans and academic division directors shall be reviewed by the Academic Programs Committee. The results of the Committee’s review shall be forwarded to the Faculty Association for inclusion as an action item on its legislative calendar.

(4) The results of the action taken by the Faculty Association shall be transmitted to the Provost and Vice President for Academic Affairs. Upon review and approval the Provost and Vice President for Academic Affairs shall notify the Office of Common Course Designation for the courses to be deleted and shall prepare, for the President’s signature, the annual compliance certificate required by Rule 6A-10.0331, F.A.C.

Specific Authority 240.227(1) FS. Law Implemented 233.015 FS. History–New 6-22-87.

6C9-2.012 Religious Observances.
The University of North Florida advocates the concept of religious freedom and in recognition of the plurality of religious beliefs of its individual students sets forth in this rule the framework within which it accommodates the religious observance, practice and belief of those students in regard to admissions, class attendance, and the scheduling of examinations, major class events, major University activities, and work assignments.

(1) Admissions – The University of North Florida shall not deny admission to any student because of the religious practice or belief of the student.

(2) Class Attendance – Any student shall, upon notifying his instructor, be excused from class to observe a religious holy day of his faith. Such notification shall be made no later than one week prior to the holy day, or as prescribed by the instructor at the beginning of the term.

(3) Work Assignments – Each student excused from class for the purpose of observing a religious holy day will be responsible for the material covered in his absence, but shall be permitted a reasonable amount of time to make up any missed work. Missed work shall be made up prior to the end of the term or as prescribed by the instructor at the beginning of the term.

(4) Examinations, Major Class Events, Major University Activities – No major test, major class event, or major University activity shall be scheduled on a major religious holy day. A major religious holy day shall be a significant day of religious observance as recognized by the highest governing body of that particular religious faith. Evidence of such recognition shall be provided by the student unless previously designated by the Office of Academic Affairs.

(5) Professors and University administrators shall in no way penalize students absent from academic or social activities because of religious observances.

(6) Any student who believes he has been unreasonably denied an educational benefit due to his religious belief or practices may seek redress by implementing the University of North Florida Student Appeals Procedure as described in the Academic Appeals Process, paragraphs 6C9-3.001(1)(b) through (f), F.A.C.

Specific Authority 120.53(1)(b), 240.134, 240.227(1) FS. Law Implemented 240.134, 240.227(1) FS. History–New 5-7-89.
CHAPTER 6C9-3 STUDENTS

6C9-3.001 Student Appeal Procedures. (Repealed)
6C9-3.003 Admissions.
6C9-3.004 Admission from Secondary School.
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6C9-3.401 University Financial Services.
6C9-3.402 Third-party Sponsors.

(1) The Child Development Research Center (CDRC) has been established at the University of North Florida to:
   (a) Give a convenient and affordable educational experience to children, ages two (if fully toilet trained) through 10, of University of North Florida students, faculty, staff and alumni, as well as to children of Florida Community College students and the general public.
   (b) Offer a readiness program directed toward formal education for all enrolled preschool children.
   (c) Offer a program including arts, crafts and movement education for school-age children attending the Center. During the Summer Terms, there is a summer camp program offered for all school-age children.
(2) The Center shall be governed by an Advisory Board consisting of the University President or designee, the Vice President for Student Affairs, the Director of the Child Development Research Center, the Student Government Association President or designee, at least one faculty and one staff representative and one parent for each 50 children enrolled. The Board offers operational guidance for the Center and also insures that the Center functions in accordance with the University’s mission as well as the Board of Regents’ Rules (Rule 6C-10.004, F.A.C).
(3) Patron fees shall be collected. Other sources of financing operational costs include Student Activity and Service fee allocations and Capital Improvement Trust Fund fees.
(4) The Center shall serve as a pre-internship site for students from local institutions of higher learning who may wish to avail themselves of this experience.
(5) The research initiated within the CDRC shall comply with ethical standards for research established by the University of North Florida.
(6) If a child becomes a disciplinary problem, whereby he/she infringes upon the rights of another child or of the Center as a whole, the parent or guardian will be asked to remove that child from the Child Development Research Center.

Specific Authority 240. 227(1), 240.531 FS., 6C-10.004(1), F.A.C. Law Implemented 120.53(1)(a), 240.531 FS. History–New 6-21-76, Formerly 6C9-3.02, Amended 11-17-92.

6C9-3.003 Admissions.
(1) Admissions – General.
   (a) Admission of students to UNF is within the jurisdiction of the University, but subject to the minimum standards adopted by the Board of Regents.
   (b) The University encourages application from all qualified persons without regard to race, color, national or ethnic origin, religion, gender, marital status, age, disability, and veteran status.
   (c) The University has established the Office of Equal Opportunity Programs to ensure compliance with federal and state nondiscrimination requirements. Inquiries about policies in these areas should be directed to this Office.
(d) Application materials may be obtained from the Director of Admissions, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224-2645.

(2) Admission to the University is granted for a specific term. If the applicant chooses not to attend UNF during that specific term, the admission is cancelled. Should the applicant desire to enroll during a different academic term than the term for which admission was granted, the applicant should contact the Admissions Office concerning appropriate application update procedures.

(3) An application, residency affidavit, or accompanying documents or statements in connection with, or supplemental to the application for admission that contains false, fraudulent or incomplete statements may result in denial of admission or further registration and/or invalidation of University credit or the degree based upon such credit.

Specific Authority 120.53(1)(a), 240.209(1), 240.227(1), (8), 240.233 FS. Law Implemented 120.53(1)(a), 240.209(1), 240.233 FS. History–New 3-20-84, Formerly 6C9-3.03, Amended 12-10-86, 4-16-96.

Cf. B. O. R. Rule Chapter 6C-6 F.A.C.

6C9-3.004 Admission from Secondary School.
(1) Because the freshman class is limited in size, admission is on a selective basis. The University seeks applicants who have demonstrated strong academic ability and who will bring diverse interests and talents to campus.

(2) Any student who meets or exceeds the following minimum academic requirements may apply for admission as a freshman:
(a) A high school diploma or approved equivalent;
(b) Nineteen academic units in college preparatory courses: four in English (three of which must have substantial writing requirements), three in Mathematics (Algebra I or higher), three in Natural Science (two of which must have substantial laboratory requirements), three in Social Science, two in foreign language, and four electives from the above subject-matter areas and foreign language and courses approved by the Department of Education and the Faculty Admissions Committee;
(c) An overall grade point average and college entrance test score (SAT or ACT) which meet the minimums established by the Board of Regents.

(3) Some applicants who do not meet these academic criteria, but who bring to the University other important attributes, contributing to the University, may also be admitted by the Faculty Admission Committee.

(4) The following information is required for consideration of an applicant for admission from secondary school:
(a) Application for Admission;
(b) Application Fee: A non-refundable application fee in the amount set forth in subsection 6C-7.003(3), F.A.C., must be included;
(c) Transcripts: Applicants should arrange for their high school counselors to forward official copies of their high school transcripts to the Admissions Office;
(d) Test Scores: All applicants must submit scores for either the Scholastic Assessment Test (SAT) or the American College Test (ACT). SAT or ACT scores reflected on the high school record are considered official.

(5) The University of North Florida provides an early admission program to meet the needs of highly capable high school students. Under this program, these students may enter the University prior to graduation from high school, either as full time students or as part time students dually enrolled in high school.
(a) In order to be considered for early admission, students must submit the information enumerated in (4) above, together with a letter of recommendation from the student’s high school principal, a letter of permission from parent or guardian, and a personal letter outlining the reasons for seeking early admission.
(b) Early admissions for high school students who have completed the 11th grade are considered on an individual basis by the University’s Admission Committee, which may require the applicant to come to the campus for interviews before making its decision.

Specific Authority 240.227(1), (8), 240.233 FS. Law Implemented 120.53(1)(a), 240.233 FS. History–New 3-20-84, Formerly 6C9-3.04, Amended 12-10-86, 7-31-97.

6C9-3.005 Admission Requirements – Transfer.
(1) Transfer applicants who have not completed at least 60 semester hours (90 quarter hours) at an approved college must have been eligible for admission as an entering freshman (see Rule 6C9-3.004, F.A.C.), must have a satisfactory record (a cumulative average of “C” or higher) for all institutions previously attended, and a “C” or higher average and good standing (eligible to return) at the last institution attended.

(2) The University of North Florida recognizes the Florida Community College/State University System Articulation Agreement which specifies the Associate of Arts degree from a Florida public institution as the basic admission credential for upper division study.

(3) In many cases, students holding Associate of Science degrees will also qualify for admission. Associate of Science degree transfer programs have been developed for several UNF majors.

(4) Although emphasis has been placed on community college graduates, qualified applicants from four-year colleges are also welcomed.
(5) In general, the following qualifications are expected of applicants to the upper level (transferring 60 or more semester hours, or 90 or more quarter hours):
   (a) Satisfactory completion of two years at an approved college (60 semester hours or 90 quarter hours of transferable college work). An approved college is one that has been accorded either Candidate or Membership status by an appropriate regional accrediting agency recognized by the Board of Regents;
   (b) Achievement of an overall college grade point average of “C” or higher in transferable work, and a “C” or higher average in transferable work and “good standing” status at (eligible to return to) the last college attended;
   (c) Satisfaction of prerequisites: the college offering the program should be contacted concerning satisfaction of prerequisites;
   (d) Satisfactory scores from the College-Level Academic Skills Test (CLAST). Applicants for admission who do not present such test scores, including transfers from out-of-state institutions, may be admitted in accordance with Florida State Board of Education policy;
   (e) Satisfactory conduct record under policies established by the Board of Regents and Florida law;
   (f) Graduation with an Associate of Arts degree from a Florida public community college or senior institution if the stated prerequisites have been completed. In some cases, graduation with an Associate of Science degree will be acceptable.
(7) Students who have satisfactorily completed two years of college work but who lack prerequisites may remove these deficiencies in one or more of the following ways:
   (a) Enrollment in an approved college for the specific courses required for admission;
   (b) Attainment of satisfactory scores on the appropriate examination of the College-Level Examination Program (CLEP). Scores on the CLEP subject examinations will be evaluated on the basis of the recommendations of the American Council on Education as recognized by the B. O. R.;
   (c) Attainment of satisfactory scores on the Advanced Placement Program of the College Entrance Examination Board;
   (d) Concurrent registration at the University of North Florida and another approved institution of higher learning.
(8) The following information is required for consideration of an applicant:
   (a) Application for admission: The application should be submitted at least six weeks prior to the beginning of the desired term;
   (b) Application fee: A non-refundable $15.00 application fee must be included;
   (c) Transcripts: A transcript must be submitted from each college the student has attended, whether or not credits were earned;
   (d) College-Level Academic Skills Test scores.
(9) Special Admission Requirements – Bachelor of Arts in Education Programs:
The Florida Board of Education requires that applicants for undergraduate teacher education programs submit a copy of their score on either the Scholastic Aptitude Test (SAT) or the American College Test (ACT). Applicants must earn a minimum composite score of 835 on the SAT or 17 on the ACT for admission to an undergraduate teacher education program. Students who do not meet this requirement may be eligible for special consideration under an exception policy. Non-teacher education students are not required to submit a score and are not eligible for a Florida teaching certificate.

6C9-3.006 Admission Requirements – Graduate.
(1) The following are the minimum University requirements for admission to graduate programs. (Refer to Rule 6C9-3.007, F.A.C., for special graduate admission requirements):
   (a) An appropriate baccalaureate degree from an approved college or university. An approved college is one that has been accorded either Candidate or Membership status by an appropriate regional accrediting agency recognized by the Board of Regents;
   (b) At least one of the following:
      1. A grade point average of 3.00 (B) or higher in all work attempted as an upper-division student, normally the 60 semester hours taken during the last two years of baccalaureate study. Regardless of GPA, applicants must present a valid graduate test score;
      2. A composite score of 1,000 or more on the verbal and quantitative sections of the aptitude section of the Graduate Record Examination (GRE), or an appropriate score on the Graduate Management Admissions Test (GMAT) for applicants to graduate programs in the College of Business Administration;
      3. Or an approved combination of grade point average and graduate test score (see Rule 6C9-3.007, F.A.C.);
      4. A graduate degree from an accredited institution.
   (c) Applicants who are otherwise qualified but who hold baccalaureate degrees from non-approved institutions may gain admission through a degree validation process.
The University is authorized to grant a limited number of exceptions to those applicants who do not meet the basic admission requirements of the State University System. All applicants requesting an exception must submit GRE or GMAT scores, as appropriate, prior to making the request. Students granted an exception will be placed in a provisional program for the graduate degree program which they wish to enter. Continuation as a graduate student will depend upon successful completion of the provisional program and any subsequent work.

The following are required of all applicants:
(a) Application for admission;
(b) Non-refundable application fee in the amount set forth in subsection 6C-7.003(3), F.A.C.;
(c) Transcripts from each college attended, whether or not credits were earned;
(d) Scores from the GRE or GMAT, as required by the individual college or division.

Admission to graduate study is granted on an individual basis with a review of the entire academic record of the applicant, including quality of past performance, GRE or GMAT scores, appropriateness of work taken, and suitable professional experience. To ensure that all pertinent application materials are received in time, applications for admission should be initiated at least two months before the registration period for the term in which entry is sought.

Specific Authority 240.227(8), 240.233 FS. Law Implemented 240.227(8), 240.233 FS. History–Formerly 6C9-2.02, Amended 3-20-84, Formerly 6C9-3.06, Amended 12-10-86, 7-31-97, Cf. 6C-7.002, 6C-7003(3), F.A.C.

6C9-3.007 Special Graduate Admission Requirements.
The following graduate programs have special requirements that must be satisfied:
(1) Master of Arts in Counseling Psychology:
(a) A letter stating reasons for seeking admission and professional career objectives;
(b) Two letters of reference from faculty members and/or employers;
(c) One of the following:
1. At least nine (9) semester hours in psychology from an approved institution including the following: Research Methods or Experimental Psychology, Personality Theories or Abnormal Psychology, and an elective. Acceptable equivalents will be considered at the written request of the applicant;
2. A score at the 50th percentile or better on the Psychology Test of the Graduate Record Examination (GRE).
(d) A personal interview may be required.
(2) Master of Business Administration:
Students desiring to enter the Master of Business Administration, Master of Accountancy, or Master of Human Resource Management programs must satisfy criteria established by the American Assembly of Collegiate Schools of Business (AACSB). AACSB criteria consider both the undergraduate grade point average (GPA) and the score on the Graduate Management Admissions Test (GMAT). Applicants must score 1000 or more based on the formula: 200 × upper division GPA plus the GMAT total score.
(3) Master of Education:
(a) A regular Florida teaching certificate or its equivalent; Individuals not holding a regular certificate may be admitted to graduate study in certain programs. They will, however, be required to satisfy all requirements for this certificate prior to graduation.
(b) Three letters of recommendation;
(c) Evidence of successful teaching or work experience where such experience is a criterion for certification.
(4) Master of Arts in History:
(a) Three letters of recommendation from persons able to evaluate the applicant’s aptitude for graduate work;
(b) A three to five page essay describing the applicant’s career goals and particular interests within the field of history;
(c) At least 15 semester hours of credit in history courses with an average of “B” or better.
(5) Master of Arts in English:
(a) If an applicant does not satisfy the general graduate admission requirements, two letters of recommendation from persons acquainted with his or her scholarly or professional performance are required. In addition, a personal interview with the M. A. in English Program Committee of the department may be required.
(b) One of the following:
1. A minimum of 18 semester hours of English credit beyond freshman composition;
2. Satisfactory score on the Advanced GRE in Literature test;
(6) Master of Arts in Mathematical Sciences:
(a) An equivalent of the mathematical sciences degree program at the University of North Florida.
(7) Master in Public Administration:
(a) Two letters of recommendation from individuals who are familiar with the applicant’s work or academic abilities.
(8) Master of Science in Criminal Justice:
(a) Submit evidence that applicant has satisfactorily completed program prerequisites;
(b) A letter from applicant describing academic and relevant employment experiences, career goals, areas of interest in criminal justice, and reasons for seeking degree;
(c) Two letters of recommendation from individuals who can attest to the applicant’s ability to do graduate work and pursue a career in criminal justice;
(d) Interview with a graduate advisor.

Specific Authority 120.53(1)(a), 240.227(1), (8), 240.233 FS. Law Implemented 240.227(8), 240.233 FS. History—New 3-20-84, Formerly 6C9-3.07, Amended 12-10-86.

6C9-3.008 Admission Requirements – Post-Baccalaureate.
Students are admitted to post-baccalaureate programs to extend teacher education certification, to work toward a second bachelor’s degree, or to take courses to extend their areas of competency. The term “post-baccalaureate student” is not synonymous with “graduate student”. Post-baccalaureate student status does not guarantee enrollment in graduate courses. Grades earned in any level course, including graduate-level courses, will not be computed in the graduate grade point average if the student is later admitted to a graduate program at UNF.

Specific Authority 120.53(1)(a), 240.227(1), (8), 240.233 FS. Law Implemented 240.227(8), 240.233 FS. History—New 3-20-84, Formerly 6C9-3.08, Amended 12-10-86.

(1) Students who have attended schools outside the United States will be considered for admission on the same basis as those who have attended American schools.
(2) Because of the special processing required for international students, applications should be submitted at least three months prior to the anticipated date of entry. A non-refundable application fee in the amount set forth in subsection 6C-7.003(3), F.A.C., must accompany the completed application form. The application fee must be in U. S. dollars.
(3) Applications must be supported by official academic credentials. Documents must be original, bearing the seal of the institution and the signature of the registrar, or exact copies which have been legally certified. If the document is not recorded in English, it must be accompanied by a certified English translation that is a literal and complete rendition of the original document.
(4) The University is required by immigration authorities to insure that sufficient financial resources are available prior to issuing the Certificate of Eligibility (Form I-20A-B). The Certificate of Financial Responsibility form must be completed, signed by the sponsor, and verified by the sponsor’s bank or financial institution.
(5) A minimum score of 500 on the Test of English as a Foreign Language (TOEFL) is required, with the exception of countries where English is the only official language. The TOEFL must be taken prior to admission. For information on the TOEFL, write to: TOEFL, Educational Testing Service, Princeton, New Jersey 08540, U.S.A. The University’s institutional code for the transmittal of test scores is 5490.
(6) All international applicants are required to submit a statement from a physician attesting to the results of their physical examination. The health certificate is required prior to the issuance of the Form I-20A-B.

Specific Authority 240.227(1), (8), 240.233 FS. Law Implemented 240.227(8), 240.233 FS. History—New 3-20-84, Formerly 6C9-3.09, Amended 12-10-86, 7-31-97. Cf. 6C-6.009, 6C-7.003(3), F.A.C.

6C9-3.010 Admission Requirements – Interinstitutional Transient Students.
(1) UNF cooperates in a program which enables both undergraduate and graduate students to take advantage of special resources and programs available on another campus but not at their own institutions, e.g., special course offerings, research opportunities, unique laboratories, overseas study programs, and library collections.
(2) Procedures and conditions of the program: By mutual agreement of the sponsoring and hosting institutions, the student will receive a waiver of admission requirements and the application fee of the host institution and a guarantee of acceptance of earned resident credits by the sponsoring institution.
(3) The student must be recommended by the sponsoring academic dean, who will arrange the student’s visit with the appropriate dean at the host institution.
(4) The student will register at the host institution and pay tuition and registration fees according to fee schedules established at that institution.
(5) Each university retains the right to accept or reject any student who wishes to study under its auspices.

Specific Authority 120.53(1)(a), 240.227(1), (8), 240.233 FS. Law Implemented 240.227(1), (8), 240.233 FS. History—New 3-20-84, Formerly 6C9-3.10, Amended 12-10-86.

6C9-3.011 Admission Requirements – Other Transient Students.
(1) Application for Admission.
(2) A letter from the academic dean at the present college which states the specific coursework to be taken at UNF.
(3) A letter of good standing or an official transcript showing a “C” or better average issued by the Registrar at the present institution.

Specific Authority 120.53(1)(a), 240.227(1), (8), 240.233 FS. Law Implemented 240.227(1), (8), 240.233 FS. History–New 3-20-84, Formerly 6C9-3.11, Amended 12-10-86.

6C9-3.012 Admission Requirements – Special Students.

(1) Applicants not seeking to work toward a degree at the University may be considered for admission as special students. In addition to submitting the standard application for admission and an official transcript from the last college-level institution attended, the applicant should submit a statement concerning the types of studies to be pursued and the reason for selecting the special status. Individuals who can not provide official transcripts will be considered on a case by case basis.

(2) If the applicant seeks admission to a UNF degree program, complete credentials should be submitted. Only 12 credit hours completed in this status may apply towards a degree.

Specific Authority 240.227(1), (8), 240.233 FS. Law Implemented 240.227(1), (8), 240.233 FS. History–New 3-20-84, Formerly 6C9-3.12, Amended 12-10-86, 7-31-97.

6C9-3.013 Re-Admission.

Former UNF students in good standing who have not enrolled for two consecutive terms may request re-admission without an additional application fee.

Specific Authority 120.53(1)(a), 240.227(1), (8), 240.233 FS. Law Implemented 240.227(1), (8), 240.233 FS. History–New 3-20-84, Formerly 6C9-3.13.

6C9-3.014 Non-Degree Registration.

(1) Non-degree status is designed for individuals who wish to register for a course for which they are qualified or whose credentials are not on file at the time of initial registration. Enrollment in a course is subject to the approval of the appropriate program administrator. The non-degree coursework transfer policy for graduate students is outlined in the “Graduate Policies” section of the general catalog.

(2) A student may register for no more than one term in the “Non-Degree” category. Anyone wishing to continue at UNF beyond the one term should consult an admissions officer about formal admission.

(3) No more than twelve semester hours may be transferred from a non-degree status to a UNF degree program.

(4) First-time-in-college freshmen are prohibited from enrolling in the non-degree category.

Specific Authority 120.53(1)(a), 240.227(1), (8), 240.233 FS. Law Implemented 240.227(1), (8), 240.233 FS. History–New 3-20-84, Formerly 6C9-3.14, Amended 12-10-86.

6C9-3.015 Student Records – Accessing.

(1) Introduction. The policies and procedures outlined in this rule are designed to implement the provisions of the Family Educational Rights and Privacy Act (“FERPA”) as detailed in Part 99 of Title 34 of the Code of Federal Regulations, Sections 228.093 and 240.237, F. S., and Board of Regent’s Rule 6C-6.015, F.A.C.

(2) Definitions. The following definitions of terms apply to the construction of this rule:

(a) Student – an individual who is registered for an on or off campus program leading to the award of academic credit from the University. “Student” does not include individuals participating in the common Learning Network, Language Institute, Gifted programs, Speech and Hearing Clinics and non-credit Continuing Education programs.

(b) Education records – those official records which are created, maintained, and used by the University and employees/agents of the University, which contain information directly related to a student.

1. “Record,” as used herein, includes any information or data recorded in any medium, including but not limited to electronic data, handwriting, print, tapes, film, microfilm, and microfiche.

2. “Agents,” as used herein, means any individual who, pursuant to express or implied authorization, represents and acts for the University.

(c) The following types of records are expressly exempt from the definition of “education records”:

1. Sole possession records – personal record of University employees/agents which meets the following test:
   a. It was created by the University employee/agent as a personal memory aid; and
   b. It is in the sole possession of the University employee/agent who created it; and

2. The information contained in it has never been revealed or accessible to any other person except for a temporary substitute for the employee/agent. “Temporary substitute,” as used herein, means an individual who performs on a temporary basis the duties of the University employee/agent.
2. Employment records – records made and maintained by the University which relate exclusively to a student in his/her capacity as an employee and which are not available for use for any other purpose. However, the following are education records rather than employment records:
   a. Records relating to a student’s employment by the University if the position in which the student is employed depends on his/her status as a student.
   b. Records relating to a student’s employment by the University if the student receives a grade or credit based on his/her performance as an employee.
3. Pre-attendance records – records relating to an individual’s application for admission to the University of North Florida prior to his/her actual attendance as an enrolled student in the program for which application was made. This includes records relating to an application for admission to one of the colleges within the University prior to the individual’s actual attendance as an enrolled student in that college.
4. Alumni records – records created and maintained on an individual as an alumnus/alumna of the University of North Florida.
5. Law enforcement records – records created and maintained by the University’s Division of Public Safety (including the Department of Traffic Services) which are used solely for law enforcement purposes, are maintained apart from education records, and are not disclosed to individuals other than law enforcement officials of the same jurisdiction in the exercise of that jurisdiction;
6. Health records – records of the University’s Student Health Service which are used only for the provision of medical, nursing, immunizations, psychiatric and psychological treatment, which are kept separate from education records, and which are available only to University physicians, psychiatrists, psychologists, and nurses or other recognized professionals providing treatment; provided, however, that such health records may be disclosed in health and safety emergencies. Students may have access to their files only after they have produced a picture I.D. such as a driver’s license and signed a release stating what records are being requested. In addition, a student may designate a physician or other appropriate professional as his/her agent for purposes of review. Student Health Services will only release medical records if a student mails or faxes a written release which must include their name, social security number and signature.
7. Career Development records – records created and maintained by Career Development which are used for the purposes of employment and recruitment and disclosed only by permission of the student whose name and identification are presented on the documents. “Employment packet” for Education students requires written consent from the student. Students completing the Career Development “registration desk” for purposes of on-campus recruiting and resume referrals record permission on a candidate information screen which will release or suppress their information from being obtained from the Career Development database. These records are maintained for one year and are purged (if not updated) from that date. Students may have access to these files but are restricted from removing original information from Career Development.
8. Personal Counseling records – records created and maintained by Personal Counseling which are used solely for the provision of mental health services and in compliance with the requirements of the Sections 490.0148 and 491.0148, F.S., prescribing minimum record keeping requirements. Records are maintained apart from education records, and are not disclosed to any individual without a written waiver by the student or student’s authorized representative or by issuance of a court order or subpoena.
9. Other information, files, or other data which do not permit the personal identification of a student.
(d) Personal identifier – any data or information that relates a record to an individual. This includes the individual’s name, the name of the individual’s parents, or other family members, the individual’s address, the individual’s social security number and any other number or symbol which identifies the individual, a list of the individual’s personal characteristics, or any other information which would make the individual’s identity known and can be used to label a record as the individual’s record.
(e) Directory Information – includes the student’s name, address, telephone number if it is a listed number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.
3. The University shall provide notification annually to students of their rights relating to education records, including the right to file complaints, the procedures to be followed in order to exercise such rights, the types of information entered in the education records maintained by the University, and the University’s policy to support the law. Notifications are published in the University catalog, the Student Handbook, the Fall semester class schedule, and as a brochure available in the Office of Records & Registration.
4. Policies and Procedures for Access and Release. Personally identifiable information contained in student education records shall be released, or open for inspection only to the student, or parents of dependent students as defined in Section 152 of the Internal Revenue Code of 1986. “Personally identifiable” means that the data or information includes the name of the student, the student’s parent, or other family member, the address of the student, a personal identifier such as the student’s social security number or a student number, a list of personal characteristics which would make the student’s identity easily traceable or other information which would make the student’s identity traceable. The custodian of the records shall require the student, or parents of the student when applicable, requesting access to or release of the records to present proper identification such as a valid driver’s license or passport. The request must be in writing and signed by the person seeking access or release. A copy of the request for access or release shall be retained in the student’s file. The custodian shall have thirty (30) days in which to comply with the request. When the record includes information on more than one student, the custodian shall release, or permit access to only that
part of the record which relates to the student who is the subject of the request. Students requesting the release to others of personally identifiable information contained in the student’s education records must provide the custodian of such records with a signed, written request specifying the information to be released, the purpose(s) for such release, and the person or organization to whom such information shall be released. A copy of all requests for access and release shall be retained by the custodian of the records and shall be available for inspection and review by the student or a parent. The University reserves the right to deny a request for copies of education records made by a student or a parent when there is a financial obligation to the University which has not been satisfied or when there is an unresolved disciplinary action pending against the student.

(5) The University will charge the following fees for furnishing copies of student records and reports, or any material included therein:

(a) Copies of official transcripts – The first 5 copies are free and each additional copy is $5.00. Charge for unofficial transcripts is the same charge as for any other educational record. The University may charge actual administrative costs incurred for search, retrieval and mailing.

(b) Copies of all other educational records – Fifteen cents ($.15) per page for copying, plus any administrative costs incurred for search, retrieval and mailing.

(6) Categories and Custodians of Records. Responsibility for custody of all student records belongs to the vice president or designated University official in charge of the area in which the records are maintained. The following categories of student records are maintained by the University and are kept under the supervision and control of the designated custodian(s):

(a) Cumulative Academic Records are maintained by the Director of Records and Registration.

(b) Law Enforcement Records are maintained by the Director, University Public Safety.

(c) Placement Records are maintained by the Director, Career Development.

(d) Continuing Education Records are maintained by Dean of Continuing Education.

(e) Housing records are maintained by the Director of University Housing.

(f) Disciplinary Records are maintained in the Office of the Vice President for Student Affairs.

(g) Personal Non-Academic Counseling records are maintained by the Director, Personal Counseling.

(h) Student Financial Aid records are maintained by the Director, Student Financial Aid.

(i) International Student Records are maintained in the:
   1. Division of Academic Affairs, Office of International Programs, and
   2. Division of Student Affairs, Office of Minority and International Student Affairs.

(j) Academic Advisement records are maintained in each college in the appropriate academic advisement office. Additionally, academic advisement records may be maintained by departments for students who are majoring in fields of study taught by the department.

(k) Cooperative Education records are maintained by the Director of Experiential Learning.

(l) Employment records are maintained by the Director, Office of Human Resources.

(7) Use of Education Records. All custodians of a student’s education records and other University employees/agents will follow a strict policy that information contained in a student’s education record is confidential and may not be disclosed to third parties without the student’s prior written consent except as otherwise provided in this section.

(a) University officials shall have access to student education records for legitimate educational purposes.

1. “University official,” as used herein, means:
   a. A person currently serving as a member of the Florida Board of Regents.
   b. A person under contract to the Florida Board of Regents/University of North Florida or the Florida Department of Administration in any faculty or staff position at the University of North Florida.
   c. A person employed by the Florida Board of Regents as a temporary substitute for a staff member or faculty member at the University of North Florida for the period of his/her performance as a substitute.
   d. A person employed by the Florida Board of Regents or the Department of Administration or under contract to the Florida Board of Regents to perform a special administrative task for the University of North Florida. Such persons may be employed as secretaries, clerks, attorneys, auditors, and consultants. They shall be considered to be University officials for the period of their performance as an employee or contractor.

2. “Legitimate educational purpose,” as used herein, means a University official’s need to know in order to:
   a. Perform an administrative task outlined in the official’s position description or contract; or
   b. Perform a supervisory or instructional task directly related to the student’s education; or
   c. Perform a service or benefit for the student such as health care, counseling, student job placement, or student financial aid.

(b) The Records Custodian may, following the review and approval of the Director, Records and Registration, make disclosures of personally identifiable information in the student’s education records without the consent of the student to the following persons or organizations:
   1. To another college or university where the student seeks or intends to enroll.
   2. To certain federal and state officials who require information in order to audit or enforce legal conditions related to programs at the University supported by federal or state funds.
   3. To parties who provide or may provide financial aid to the student in order to:
      a. Establish the student’s eligibility for financial aid;
b. Determine the amount of financial aid;

c. Establish the conditions for the receipt of the financial aid; or

d. Enforce the terms of the agreement between the provider and the receiver of the financial aid.

4. To state or local officials in compliance with state law adopted prior to November 14, 1974.

5. To an individual or organization under written agreement or contract with the University of North Florida or the Florida Board of Regents for the purpose of conducting a study on the University’s behalf for the development of tests, the administration of student aid, or the improvement of instruction.

6. To accrediting organizations to carry out their accrediting functions.

7. To parents of a student if the parents claim the student as a dependent under the Internal Revenue Code of 1954. The University will provide such information only on the condition that evidence of such dependency is furnished.

8. To comply with a judicial order of a court of competent jurisdiction. The University will make a reasonable effort to notify the student before it makes a disclosure under this provision.

9. To comply with a lawfully issued subpoena. The University will make a reasonable effort to notify the student before it makes a disclosure under this provision.

10. To credit bureaus, in connection with an agreement for financial aid which the student has executed. Such information may only be disclosed to the extent necessary to enforce the terms and conditions of the financial aid agreement.

(c) University officials are authorized to make necessary disclosures from student education records, without the student’s prior consent, in a health or safety emergency, if the University official deems:

1. The disclosure to be warranted by the seriousness of the threat to the health or safety of the student or other persons; and

2. The information disclosed is necessary and needed to meet the emergency; and

3. The persons to whom the information is disclosed are qualified and in a position to deal with the emergency; and

4. Time is an important and limiting factor in dealing with the emergency.

(d) University officials may only disclose personally identifiable information contained in a student’s education record as outlined in this rule or upon the student’s prior written consent. The written consent must include the following:

1. A specification of the information the student consents to be disclosed;

2. The person or organization or the class of persons or organizations to whom the disclosure may be made; and

3. The date of the consent and, if appropriate, a date when the consent is to be terminated; and

4. The student’s signature.

(e) The student may obtain a copy of any records the University discloses pursuant to the student’s prior written consent.

(8) Challenges to the Content of Records.

(a) Current and former students are entitled to a response from the University to reasonable requests for explanation and interpretation of their records and to an opportunity for a hearing to challenge the contents of their educational records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained, and to insert into such records a written explanation by the student regarding the content of such records. The University will attempt to settle a dispute with the student regarding the content of the student’s educational records through informal meetings with the student.

(b) Any challenge to a student’s record that cannot be resolved in the office maintaining the record shall be processed through the student grievance procedure. Student Grievance Procedure information may be obtained from the Office of the Vice President for Student Affairs.

(c) If, as a result of a hearing, the University decides that the information is not accurate, is misleading, or is otherwise in violation of the privacy of other rights of the student, it shall inform the student of the right to place in the educational record of the student a statement commenting upon the information in the educational record and/or setting forth any reasons for disagreeing with the decision of the Institution.


6C9-3.101 Student Financial Assistance.

(1) Purposes. The University of North Florida provides a comprehensive federal, state and institutional student financial aid program that consists of grants, scholarships, fellowships, out of state fee waivers, employment, and loans. Institutional resources are designated to mirror the institution’s plan for equalizing educational opportunity. Institutionally generated revenues are utilized in addition to State and Federal programs of assistance to supplement the financial resources of students and parents consistent with one or more of the following purposes:

(a) To effectively deliver financial aid to students who without such help could not attend a university.

(b) To attract and retain new students and to reward presently enrolled students who, by their demonstrated curricular or extracurricular performance, enhance the institutional programs and the reputation of the University of North Florida.

(c) To insure that historically under-represented groups have access to higher education and the opportunity to progress satisfactorily toward a degree.
(d) To recognize and reward students who have demonstrated exceptional scholastic achievement, who have demonstrated special talents and who are pursuing studies in designated areas of emphasis of the University.

(2) Institutional resources that are made available for student financial assistance include revenues from:
   (a) Financial Aid Fees.
   (b) Out-of-State Fee Waiver Authority.
   (c) Private scholarship donations and UNF Foundation resources. (Administered using donor designated criteria. When such criteria is not prescribed, financial need and/or academic merit are used to determine student eligibility).

(3) Coordination and Administration. The Office of Student Financial Aid (OSFA) coordinates and administers this program and is also designated to coordinate the collection of data for all programs of financial aid for use at the University of North Florida and for State information systems.

(4) Distribution Policies.
   (a) Institutional policies relating to the administration, distribution and use of student financial aid are recommended by the Student Financial Aid Task Force to the Financial Aid Policy Committee who then recommends approval or disapproval to the President.
   (b) The Financial Aid Policy Committee is a policy level committee and consists of the Executive Staff appointed by the President. The Student Financial Aid Task Force consists of faculty, staff and a student representative appointed by the Vice President for Student Affairs. They have the responsibility to recommend University policy on matters relating to financial aid, recommend specific financial aid program objectives in support of the University master plan, and facilitate the conduct of financial aid activities.
   (c) Financial aid consideration is available to all students who meet appropriate program eligibility requirements regardless of age, sex, creed, or student classification. Applicants must have applied for admission to UNF when application is made for financial assistance. Awards will be made only to those who have been accepted for admission to the university.
   (d) Financial need and academic merit are primary considerations in determining awards. Also considered are availability of funds, eligibility criteria, equalizing educational opportunity, maintaining a balance between need based and non-need based assistance commensurate with the needs of UNF students, specific program development goals, and fiscal integrity of the financial aid program.
   (e) Financial assistance is normally provided as a package combining a loan, a grant or scholarship to those who qualify, and a work-study opportunity. The Office of Student Financial Aid follows the requirements of state and federal laws, rules, or regulations pertaining to student aid.
   (f) Awards are renewable upon application to OSFA if eligibility standards and satisfactory progress criteria as established by the university are satisfied. In the event that financial assistance is suspended or terminated, the student may appeal the decision to the Vice President for Student Affairs.

(5) Information and Application Procedures.
   (a) Information about availability, eligibility requirements and application forms for all university financial assistance may be obtained from the Office of Student Financial Aid.
   (b) Applicants for financial assistance, except those applying for Student Tuition Loans, are required to complete the U.N.F. Financial Aid Application form FAA 101, effective 09/87, the nationally utilized College Scholarship Service Financial Aid Form (FAF), and the U.N.F. Financial Aid Transcript form FAT 101, effective 09/87, herein incorporated. Additional documents necessary to establish need and other program-specific forms may be required.
   (c) Applicants are encouraged to apply prior to April 1 preceding the academic year they intend to enroll. Priority is given to completed applications received by April 1 preceding the upcoming academic year. Applications received after April 1 are funded contingent upon availability of funds.
   (d) Financial aid awards are made for an academic year. Applicants must re-apply each year to continue receiving assistance. All undergraduate students without a bachelor’s degree who apply for financial aid must apply for a Pell Grant.
   (e) Students who have approved to receive financial assistance will receive an official notification of their award. Those not approved will receive a denial letter which will suggest alternate sources of assistance.
   (f) The official award offer must be accepted or rejected and returned to the Office of Financial Aid within ten days.
   (g) Students must notify the Office of Student Financial Aid of any changes in their financial situation that might affect their financial need and subsequent aid award.
   (h) To continue eligibility for Federal and most State financial assistance, students are expected to maintain satisfactory academic progress as defined by the University.

Specific Authority 240.227(1), 240.287 FS. Law Implemented 120.53(1)(a), 240.209(3)(d), 240.227(1), 240.281(2), (3), 240.287 FS. History–New 5-17-87, Amended 9-9-87, 11-1-92.

Cf. State and Federal Scholarship and Financial Aid information, see Part IV, Ch. 240 FS. and D. O. E. Rules, Ch. 6A-20, F.A.C.

6C9-3.233 Residential Life.
   (1) Responsibility for developing policies that relate to student housing rests with the Housing Director.
(2) A RESIDENCE AGREEMENT, Form UNF 150, effective academic year 1987-88, available from the Residential Life Office, and herein incorporated by reference, fully executed, and a security deposit must be submitted by all students living in the residences. Exceptions to this agreement must be approved in writing by the Vice President of Student Affairs.

(a) The University’s acceptance of the completed Residence Agreement does not guarantee assignment to a particular type of apartment. Preferences indicated on the Residence Agreement will be honored if space is available. Assignment to a residence unit is contingent on final admission to the University, receipt of a completed Residence Agreement with appropriate fees and the availability of space in the student residences.

(b) Apartment assignments are made without regard to race, creed or national origin.

(3) Occupancy shall begin and end on dates as published by the Director of Residential Life and shall be made available in the publication titled RESIDENCE RATES, updated June 1987, herein incorporated by reference, and is available from the Office of Student Life.

(a) A space may be occupied only by the resident assigned to that space and may not be sublet to another individual.

(b) Assignments may be changed or cancelled by the Director of Residential Life in the interest of security, order, health, discipline, non-payment of fees or the best use of the facilities.

(c) A resident must vacate the residence within 48 hours of cancellation of the Housing Contract.

(d) If any student has not moved into his/her assigned space by 5:00 p.m. on the first day of classes in any term, and has not notified the Residential Life Office of a late arrival, that space will be assigned to another student. All fees will be forfeited by the originally assigned person when he/she is cancelled from that space.

(4) Rate and Payment Options: Information on rate and payment options is available in the publication titled RESIDENCE RATES, available upon request in the Residential Life Office.

(5) Cancellation of the Residence Agreement: A resident may make a written request to the Director of Residential Life for release from the Residence Agreement for the following reasons:

(a) No reason required if the student meets the established cancellation deadlines for the appropriate terms.

(b) The student’s involuntary call to active military duty.

(c) A death in the student’s immediate family (parent, spouse, child, sibling).

(d) An incapacitating illness, confirmed in writing by a physician.

(e) Exceptional circumstances not listed above.

(6) Refunds: Deadlines and procedures will be established for each term by the Director of Residential Life. This information is contained in the publication titled A GUIDE TO LIVING IN, effective academic year 1987-88 available upon request in the Residential Life Office, and herein incorporated by reference.

(7) Further conditions: Additional rules and regulations are stipulated in the booklet entitled A GUIDE TO LIVING IN. The residents in each residential unit may also develop guidelines that enhance their living situation. These guidelines must be approved by the Director of Residential Life.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 240.209(3)(n), (4), 240.227(1), 243.04 FS. History–New 12-28-87.

6C9-3.381 Student Conduct Code.

(1)(a) The STUDENT CONDUCT CODE is designed to allow each student the greatest possible freedom consistent with the welfare of the University community. In order to function effectively and to provide a climate in which all members can fulfill their personal and societal obligations, the University has established this rule as its guidelines for defining behavioral rights and responsibilities within the community. The application of these guidelines shall be administered by the appropriate designated authority as specified by this rule.

(b) Students are expected to comply with all regulations of the University as well as all state and federal laws. If regulations or laws are considered to be contrary to established constitutional or due process requirements, it is expected that students will use appropriate, established, and lawful procedures to effect change such as Section 120.54(5), F.S., available for review in UNF’s Thomas G. Carpenter Library. Of particular importance is adherence to laws regarding theft, destruction of property, alcohol and drug abuse and acts of violence against members of the University community.

(c) Disciplinary actions may be imposed for violations of the Student Conduct Code occurring at any of the following locations:

1. University campus;
2. University owned or controlled properties;
3. Property or other housing units assigned for responsibility to the University, including but not necessarily limited to, fraternity and sorority properties;
4. Off-campus, if such activity is sponsored by the University; is conducted by University chartered organizations; or falls within the pursue of Section 5. of this rule.

(2) Definitions:

(a) The Judicial Officer: A Student Affairs staff member whose job title is Director of Student Development, is responsible for administering the Student Conduct Code and is designated by the Vice President for Student Affairs as the individual to hear cases not referred to a Hearing Panel. This individual also serves as prosecutor for the University at Panel Hearings.
(b) Judicial Officer Hearing: A hearing conducted by the Judicial Officer in which this officer determines guilt or innocence and imposes sanctions independently of the Student Conduct Board.

(c) Student Conduct Hearing Board: A standing committee consisting of three students selected by the Student Government Association President; three Student Affairs administrators selected by the Vice President for Student Affairs and three faculty members selected by the Faculty Association. These individuals serve as a pool from which selections for a Hearing Panel are made as the need arises. All serve one year term beginning September 1 and continuing through August 31.

(d) Hearing Panel: A Hearing Panel is randomly selected by the Judicial Officer from the Student Conduct Hearing Board and consists of two students, two Student Affairs administrators and one faculty member who hear and adjudicate alleged violations of the Student Conduct Code, if the accused student selects the Hearing Panel option.

(e) Panel Hearing: A formal disciplinary hearing conducted by a panel of students and staff known as a Hearing Panel.

(f) Presiding Officer: The person selected from the panel by the Student Conduct Hearing Board to preside over the deliberations of the Hearing Panel. The individual is selected on the basis of fairness, impartiality, and protection of the University community.

(g) “School Days”: Days when the University’s classes are in session, excluding holidays and weekends.

(3) Violations: Violations of the Code include any of the following acts as described in paragraphs (a) through (s) by a student, constitute an offense which may be subject to disciplinary action up to and including suspension or expulsion:

(a) Disruption:
1. Deliberate interference with functions of the University or freedom of speech of any member or guest of the University.
2. Deliberate interference with normal operations or use of University facilities.
(b) Property Damage: The destruction of public or private property on campus.
(c) Disorderly Assembly:
1. Participation in, incitement or encouragement of a riot or brawl.
2. Participation in activities that interfere with access to buildings and offices.
(d) Theft:
1. Unauthorized possession or the attempt to obtain possession of property belonging to the University or its faculty, staff, students, or guests.
2. Ticket Scalping: Selling tickets to any UNF function or event, or any event being held or to be held on the UNF campus, for more than one dollar over the original price.
(e) Drugs and Alcohol: The unlawful possession, use, sale or attempted sale of any controlled substance on campus.
(f) Unauthorized Entry or Use of University Facilities:
1. Unauthorized entry into any University building, office or facility.
2. Unauthorized use of any University facility or equipment.
(g) Firearms, Weapons or Explosives: The possession of firearms or other weapons or explosives (including fireworks) on campus without written permission from the University Police Department as prescribed by subsection 6C9-7.016(3), F.A.C.
(h) False Information: The furnishing of false information to a University official in the exercise of his or her responsibilities.
(i) Assault and/or Battery:
1. The threatening of physical harm to a member or guest of the University constitutes an assault.
2. The physical assault on a member or guest of the University constitutes a battery.
3. Sexual assault and/or battery, including date and acquaintance sexual battery, on a member or guest of the University is considered by the University to be a serious offense. Students charged with sexual assault will be prosecuted under Florida Criminal Statutes as well as this code of conduct. Should criminal justice authorities choose not to prosecute for whatever reason, the University reserves the right to pursue campus disciplinary action. Victims’ rights (See 6.d.) will be protected in a manner consistent with guarantees offered under Chapter 960 of the Florida Statutes.
(j) Student Identification: Failure on the part of a student to show identification upon request of a University Police Officer or other University official who identifies him/herself and who has probable cause to believe that a violation of the Student Conduct Code has transpired.
(k) Discrimination: The denial of services or access to activities to an individual because of his or her race, religion, age, national origin, gender, marital or family status or disability constitutes discrimination.
(l) Non-compliance: Failure, without a just cause, to comply with the lawful order of a University official acting in the lawful performance of his or her duties.
(m) Disobedience: Failure to abide by official University rules, policies or guidelines including policies and conditions articulated in the University Housing contract or “Guide to Campus Living”, 1993-1994, adopted by reference.
(n) Disregard for the Conduct System:
1. Failure to obey a hearing officer or panel directive(s) or order(s).
2. Improper actions during a conduct hearing.
3. Failure to respond to a request to appear before a hearing panel when notified to do so. Nothing in this subsection shall be construed to compel self-incrimination.
4. Knowingly falsify or misrepresent information before a Hearing Officer, Hearing Panel or University Judicial Administrator.
5. Violation of the terms of the Hearing Decision.
   (a) Harassment:
   1. Deliberately and persistently annoying another.
   2. Sexual Harassment: Unwelcome sexual advances, requests for sexual contact and other verbal or physical conduct of a sexual nature by a student constitutes sexual harassment (Note: Incidents of this nature should be reported first to the University’s Director of Equal Opportunity Programs for initial investigation. Thereafter, the matter will be referred to the Vice President for Student Affairs for appropriate judicial review in accordance with the Student Conduct Code.)
   3. Stalking: To follow or harass repeatedly another person so as to put that person in fear for his or her safety.
   (p) Conduct Endangering Safety and Welfare:
   1. Commission of any act which one could reasonably foresee as having the potential to threaten or endanger the health or well-being of any person(s) on University-owned or controlled property or at University-sponsored events. This prohibition includes but is not limited to acts which may physically injure, degrade or frighten members of the institutional community including false fire alarms or bomb threats.
   2. Commission of any act by a student or student organization or members acting on behalf of or in conjunction with the activities of said organization which may constitute “hazing” as defined by Section 240.262, F.S.
   3. Charges relating to the above offenses against students, or organizations recognized on campus, shall be subject to University disciplinary procedures and may result in the cancellation of approval of such organizations to be on campus as provided by Section 240.262(2)(a)2., F.S.
   (q) Conspiracy to commit violations of the Student Conduct Code.
   (r) Misuse of Computer Information Resources: Altering, destroying, disclosing or taking information resource property (including data, programs and supporting documents) as well as modifying equipment or supplies without proper authorization.
   (s) Violation of any municipal ordinance, law of the State of Florida, rule promulgated by the Florida Board of Regents, or a law of the United States.
   (4) Disciplinary Actions: The following penalties (a)–(j) may be assessed against an individual or group for violation of the Student Conduct Code. Sanctions shall be commensurate with the offense and any aggravating or mitigating circumstances.
   (a) Expulsion: Permanent separation of the student from the University, preventing readmission to the institution. The sanction shall be recorded in the student’s transcript.
   (b) Suspension: Temporary separation of the student from the University for a specified period of time.
   (c) Disciplinary Probation: Formal written warning that the student’s conduct is in violation of University policies. The continued enrollment of the student depends on the maintenance of satisfactory conduct during the period of probation.
   (d) Reprimand:
   1. An oral disapproval of a student’s violation of a University regulation.
   (e) Restitution: The student is required to pay for damages to University property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.
   (f) Temporary or permanent loss of privilege or use of a University facility and/or participation in campus activities and programs.
   (g) Removal From Residence Status: An exclusion from residence hall property for either a specific period of time or a permanent basis, or mandatory room/apartment transfer.
   (h) Official Warning: A written statement from the Judicial Officer expressing disapproval of conduct. A record of warning shall be maintained in the Conduct file of the student for the period that the warning is in effect.
   (i) Community Service: Not to exceed one hundred hours. Counseling or psychiatric evaluation, or other appropriate requirements commensurate with the offense.
   (j) Apology: A written statement of regret approved by the University Judicial Officer.
   (5) Off-Campus Actions:
   The University will take disciplinary action against a student for an off-campus offense when the off-campus conduct becomes prejudicial to the good order of, and is of a nature so as to bring discredit upon, the University or when the nature of the offense is such that in the judgement of the Vice President for Student Affairs, the continued presence of the student on campus is likely to interfere with the educational process or the orderly operation of the University; or the continued presence of the student on campus is likely to endanger the University community. Examples of such conduct would include but not be limited to: felonies and violent Class A misdemeanors, crimes of violence, or those involving injury or threat of injury. If the Vice President for Student Affairs determines that disciplinary action is warranted, he shall so notify the student in writing. The action of the University with respect to any such off-campus conduct shall be made independently of off-campus authorities.
   (6)(a) General Student Conduct Code Procedures:
   1. All alleged violations of the Student Conduct Code shall be referred to the Office of the Vice President for Student Affairs. Charges may be filed by faculty, staff or students or guests of the University within one calendar year after discovery, except in extraordinary cases (e.g., hospitalization of student, etc.) and should be received in writing. The burden of proof in discipline matters rests with the complainant. Proof that an action did or did not occur must be based on the preponderance of the evidence.
2. The Vice President for Student Affairs is authorized to suspend a student from the University if, in his opinion, the student represents an immediate threat to the safety, health or general well-being of the student or the University. The suspended student must be informed in writing of this action. A Panel Hearing on the suspension must occur within ten school days of the suspension unless a longer period of time is acceptable to the University and the suspended student. Appeal of the outcome may only be made to the University President’s Office and must be made in writing within five school days of the order.

3. The Vice President for Student Affairs or a designated member of his staff shall commence an investigation of the alleged violation within five school days after receiving the complaint. Written notification of the alleged violation and a current copy of the UNF Student Conduct Code will be sent by certified mail to those students not in residence and delivered to those students residing in University Housing.

4. A pre-hearing conference will be held with the Director of Student Development (who also functions as the Administrator of the Student Conduct Code and the Judicial Officer) as a result of the notification to adjust charges, resolve issues, clarify rights and procedures, and permit the inspection or copying of evidence to be used at hearings.

5. A student may elect to have a Judicial Officer Hearing or a hearing before a Hearing Panel selected from members of the Student Conduct Hearing Board.

6. The student shall have a hearing no sooner than five nor later than twenty school days after formal notification. In the event that the student fails to appear and participate in disciplinary hearings after proper notification, the hearing will be rescheduled. Failure on the part of the student to appear for a hearing rescheduled for this reason empowers the Judicial Officer or Hearing Panel to proceed in the absence of the student and to reach a finding based upon the best available evidence.

7. The student’s enrollment will remain unchanged throughout the procedure (except in such emergency situations as noted in (6)(b) and in Section (5) Off-Campus Actions).

8. All pending student conduct cases must be adjudicated prior to awarding of an academic degree.

(b) Judicial Officer Hearing Procedures:

1. Procedures followed during a hearing conducted by the Judicial Officer will follow the same format as for a Panel Hearing.

2. Provisions for a record of hearings shall be made.

3. The student shall be informed in writing of the decision of the Judicial Officer within five school days of the hearing.

4. The student has the right to appeal the outcome of the Judicial Officer Hearing [See Section 7.] to the Vice President for Student Affairs within five school days of receipt of the decision.

(c) Panel Hearing Procedures:

1. The Judicial Officer will serve as prosecutor for the University.

2. All hearings will be tape recorded.

3. The Panel Hearing will be a closed hearing unless the student petitions for it to be open. The petition must be received in the Office of the Vice President for Student Affairs at least three school days prior to the hearing.

4. The student may be assisted by a personal advisor of the student’s own choosing. The advisor’s name and relationship must be filed, in writing, in the Office of the Vice President for Student Affairs, at least three school days in advance of the hearing.

5. The student may present and examine evidence.

6. The student may question any witness at the hearing.

7. A member of the Hearing Panel will be designated to preside at the time the panel is selected as provided by paragraph 6C9-3.381(2)(f), F.A.C.

8. The Presiding Officer will call the meeting to order, state the date and the time, and introduce those who are hearing the case.

9. The Presiding Officer will determine if there is a petition from the accused student to hold an open hearing. If none, the hearing will be closed.

10. The Presiding Officer will ask for the charges and evidence to be presented.

11. The Presiding Officer will ask the person charged to state his or her name.

12. The Presiding Officer will ask the advisor (if any) to identify himself. The advisor may confer with the student at any point; however, the advisor may not cross-examine witnesses or members of the Hearing Panel.

13. The student is asked to plead not guilty, guilty with extenuating circumstances, or guilty to each charge of violating the Student Conduct Code.

14. The Hearing Panel or Presiding Officer may ask questions of the accused, the Judicial Officer or any witness before rendering a verdict.

15. The student shall not be forced to present testimony which would be self-incriminating; however, the University is not required to postpone disciplinary proceedings pending the outcome of any criminal prosecution.

16. After announcing a verdict, the Hearing Panel may review possible sanctions with the Judicial Officer before announcing the sanction(s) to be imposed.

17. It is the responsibility of the Presiding Officer of the Hearing Panel to maintain decorum in the hearing room.

18. The decision of guilt or innocence shall be made solely on the evidence presented at the hearing.

19. The student shall be informed in writing of the decision of the Hearing Panel within five school days of the hearing.

20. The student has the right to appeal the decision of the Hearing Panel to the Vice President for Student Affairs and must be made in writing within five school days [See Section (7)].
(d) Procedures For Cases Involving Allegations of Sexual Assault. Students bringing sexual assault charges against a fellow student under the Student Conduct System are afforded a number of additional protections.

1. Evidence of the alleged victim’s past sexual history, including opinion evidence, reputation evidence, and evidence of specific instances of the alleged victim’s sexual conduct, shall not be admissible. Under no circumstances is past sexual history admissible to prove consent.

2. The complainant shall be notified of the outcome of the hearing.

3. All reasonable efforts will be made by the University to accommodate special requests by the alleged victim relating to campus housing and course enrollment when proximity of residence or enrollment in a course section has the potential to cause discomfort or embarrassment.

(7) Appeals Procedure:

(a) A student wishing to appeal the outcome of a Student Conduct hearing must do so in writing to the Vice President for Student Affairs within five school days of receipt of the final written disposition of a case. An appeal may be made by any principal involved and must be based on one or more of the following grounds:

1. Prejudicial error as to a question of policy or procedure.
2. Abuse of discretion by a hearing panel or officer in that the sanction(s) imposed is (are) excessive.
3. New evidence is available that could impact the decision of guilt or innocence.

(b) The student’s enrollment will remain unchanged pending the appeal except as noted above in section (a)2. for emergency situations.

(c) The decision of the Vice President for Student Affairs will be forwarded to all principals involved within 20 school days of the date of filing the appeal.

(d) A principal wishing to appeal the decision of the Vice President for Student Affairs to the University President must do so in writing within five school days after receipt of the decision of the Vice President for Student Affairs.

(e) The University President has final authority in these matters.

(8) Conduct Records: Student Conduct Records are maintained in the Office of the Vice President for Student Affairs separate from students’ academic files, with the exception of cases in which permanent expulsion is the outcome. Records regarding students who are found guilty of an offense are kept active until five calendar years after the sanction is imposed.

(9) Conduct Code Review: The Vice President for Student Affairs shall review the Student Conduct Code and University judicial system annually as required by Section 240.2097, F.S.

Specific Authority 240.227(1), 240.261, 240.262 FS. Law Implemented 120.53(1)(b), (c), 120.57(1)(a)6., 228.093, 240.132(1), (2)(b), 240.202, 240.227(1), 240.237, 240.261, 240.262 FS. History–New 4-9-86, Amended 7-2-89, 5-13-91, 6-9-94.

6C9-3.401 University Financial Services.

(1)(a) Students whose accounts are delinquent with the University of North Florida may be denied release of academic transcripts, the awarding of diplomas, the granting of loans and/or registration, the use of University facilities and/or services, and admission to University functions, including University athletic events.

(b) Delinquency is defined as having a financial obligation to the University which has been billed to the student and has not been paid by the established due date.

(2) A student shall not be granted a loan through the University’s student financial aid system when:

(a) The student is not currently enrolled;

(b) The student’s history with the University reveals that the student on more than one occasion failed to repay prior institutional loans within eleven to thirty days after due date, or on one occasion failed to make the required payment within thirty-one days after the due date.

(3) When a check written by a University of North Florida student is returned uncollected and is not redeemed within seven days, it is considered to be a delinquent account and subject to the provisions of subsection 6C9-3.401(1), F.A.C., above. A service charge of $15.00 or an amount up to 5% of the full amount of the check, whichever is greater, will be assessed for each uncollected returned check.

Specific Authority 120.53(1), 240.227(1) FS. Law Implemented 120.53(1), 240.227(1), 240.291, 832.07 FS. History–New 5-26-93.

6C9-3.402 Third-party Sponsors.

(1) The University of North Florida will not release academic transcripts or diplomas to students whose third-party sponsor is more than one term delinquent in paying their fees.

(2) The University of North Florida will not accept any new students to be billed to a third-party sponsor if the third-party donor is more than one term delinquent in making any payments for which it has indicated it will be responsible.

(3) The University of North Florida will not accept any additional fee charges for current students to be billed to a third-party sponsor’s account if the account is more than one term delinquent.

(4) The University of North Florida may directly assess a student and pursue collection therefrom for any fees or charges due the University which the third-party sponsor has failed to pay within a reasonable period. This action will take place after the University determines that collection from the third-party has failed and further action against same is deemed unwarranted.
Specific Authority 240.227(1) FS. Law Implemented 240.227(1), 240.291 FS. History–New 5-26-93.
CHAPTER 6C9-4 PERSONNEL

6C9-4.001 Perquisites and Benefits.
6C9-4.003 Meritorious Service Awards Program.
6C9-4.015 Sexual Harassment.
6C9-4.025 Non-reappointment and Resignation of University of North Florida Administrative and Professional Staff.
6C9-4.026 Grievance Procedure - Non-Unit Faculty and Administrative and Professional Employees.
6C9-4.027 Discipline and Termination for Cause of Non-unit Faculty and Administrative and Professional Employees.
6C9-4.030 Conflict of Interest.
6C9-4.031 Outside Employment.
6C9-4.032 Employment of Relatives (Nepotism).
6C9-4.033 Political Activity.
6C9-4.034 Disruptive Conduct.
6C9-4.035 Employee Debt Collection.
6C9-4.036 Personnel Records; Limited Access.
6C9-4.1010 University of North Florida; Personnel Records - Limited Access.
6C9-4.1011 University of North Florida; Faculty Assignment and Evaluation.

6C9-4.001 Perquisites and Benefits.

(1) Perquisites. No employee shall receive any perquisites from the University of North Florida without approval of the Department of Administration which approval shall indicate whenever appropriate the money value placed thereon.

(2) Benefits, Fringe.

(a) Free Course Enrollment.

1. Full-time Administrative and Professional Employees and Faculty members of the State University System who have been employed for at least six months in the State University System and who meet academic requirements, may be allowed to enroll for up to six (6) credit hours of on-campus instruction per term without payment of the registration fee, provided that such student credit hours generated shall not be used in calculating the student credit hours produced per full-time equivalent teacher; and provided further that this employee’s fringe benefit shall be granted only on a space available basis. If an employee enrolls for a course, that period, including time taken to and from classes, will be charged to compensatory or annual leave unless the course work is required by the University as an extension of training for his current position. In the latter cases, the employee will not be required to make up the time lost while attending classes and it will be regarded as time worked.

2.a. Permanent full-time state employees, except those State University System employees covered under subparagraph 6C9-4.001(2)(a1., F.A.C., who at the time of registration have been employed for at least six (6) months and who meet academic requirements may be allowed to enroll on a space available basis for up to six (6) credit hours of on-campus instruction per term without payment of the registration fee. The instruction must be in a job related course or program as determined by the employee and the supervisor designated by the agency.

b. Each state employee participating in this program shall file at the time of registration forms prescribed by the University of North Florida and the Department of Administration, including a certification signed by the employee and the designated supervisor that the course or program is job related. This certification shall also include a statement that the employee is not being paid by the State for the time involved and is qualified to participate.

3. Space available, as used in the context of this rule, refers to the enrollment capacity within a scheduled course or program offering. The University of North Florida will establish minimum and maximum levels of enrollments as well as the period of enrollment for state employees registering for these courses and program offerings.

4. The University of North Florida will establish criteria for designating courses and program offerings where direct costs increase with each student admitted. Space available enrollment as outlined above is not applicable in offerings so designated. These would include but not be limited to Thesis, Dissertation, and Directed Individual Study.

5. All student credit hours resulting from this program will be separately identified in enrollment reports by the University of North Florida.

6. Any state employee registering under this program for more than six (6) credit hours shall pay registration fees for the hours in excess of six (6). When different course levels are involved, the fees for the six (6) credit hours with the higher cost shall be waived.

7. Persons who supervise interns from institutions within the State University System may be given one non-transferable certificate for each full quarter during which the person serves as a directing teacher for university students engaging in classroom instruction. The University of North Florida also includes in this program persons who supervise interns where the supervisor is required to engage in direct supervision of an intern for 300 contact hours. For the purpose of this program, the 300 contact hours may be incurred over a number of quarters provided there is at least 75 hours of direct supervision per quarter.
Programs outside of traditional classroom instruction that are eligible for participation in this program include, but are not limited to the following: counselor education, rehabilitation counseling, music therapy, speech pathology, and audio therapy, public administration and allied health sciences. Participation in this program must be based on the fact that intern supervision outside of classroom instruction is an essential part of the course of instruction and degree requirement for the students in the respective area of endeavor. The certificate entitles the holder to register at any state university by payment of only the building fee, the capital improvements fee, the student financial aid trust fund fee for each credit hour attempted for up to one term of instruction including courses offered through continuing education programs of the State University System. The certificate must be signed by an appropriate academic officer of the University of North Florida. The certificate will be valid for not more than five years from the date of issue. One non-transferable certificate will be given to persons who attend an approved required training session for the preparation of intern supervisors.


6C9-4.003 Meritorious Service Awards Program.
(1) The University of North Florida (UNF) Meritorious Service Awards Program provides for recognition of eligible employees.
(2) The University is authorized to expend State funds for recognition and awards to employees in compliance with this rule. Any award will be contingent upon the availability of funds. Nothing in this rule is intended to govern the expenditure of private funds to which the University may have access.
(3) The awards provided for herein shall acknowledge employee achievement in the following three components:
   (a) Suggestion – A procedure or idea submitted by a faculty member or University Support Personnel System (USPS) employee that, when implemented, results in eliminating or reducing expenditures, improving operations, or generating additional revenues for the State University System. Three types of suggestions may be considered:
   1. Tangible, i.e., having a measurable outcome in terms of cost savings or revenue generation;
   2. Intangible, i.e., proposing improvements in procedure that enhance safety, convenience, etc., but cannot be calculated in dollar terms; or
   3. Trigger, i.e., not directly providing the solution to the problem being addressed, but triggering the action necessary to bring about a solution that might have been overlooked otherwise.
   (b) Superior Accomplishment – Exemplary performance by faculty members, Administrative and Professional (A & P) or USPS employees, that is deemed to have significantly contributed to their respective field, thereby reflecting positively on the caliber of the University of North Florida.
   (c) Service – Sustained satisfactory service with the University of North Florida by faculty members, A & P or USPS employees.
   1. Eligible employees may be recognized for service upon retirement.
   2. Eligible employees also may be recognized upon achieving increments of five continuous years of satisfactory service at the University of North Florida.
(4) Suggestion Program Component.
   (a) In order to be eligible, suggestions must be submitted on form UNF-750 and signed by the suggester(s). Form UNF-750, effective December 1, 1987, may be obtained from the Office of Human Resources and is hereby incorporated by reference. The following suggestions are ineligible:
   1. Suggestions that deal with personal grievances or compensation and classification of positions;
   2. Suggestions which could be implemented by the employee without prior clearance or approval from a supervisor or department chair and are a logical extension of an assigned duty and responsibility; or
   3. Suggestions which are a duplicate of, or significantly similar to, a suggestion which has been adopted by another university of the State University System.
   (b) Suggestion System Coordinator – The Suggestion System Coordinator, who is appointed by the University President upon recommendation of the Director of Human Resources, is responsible for the suggestion component by administering internal procedures for timely processing of suggestions, assuring appropriate evaluations, following up on recommendations to adopt or not adopt a suggestion, and promoting the suggestion system with support from other designated individuals, as appropriate.
   (c) Employee Suggestions.
   1. Employee suggestions shall be processed and a final determination made by 90 days from the date it is received by the Coordinator. Adoption of an employee suggestion must be made within this prescribed period. Extensions, not to exceed another 90 days, may be granted by the University President based on the following criteria:
   a. The suggestion was properly documented, and failure to make a final determination within 90 days was not caused by any action of the employee making the suggestion.
   b. The Director of the Office of Human Resources recommends the extension.
2. When an employee’s suggestion is significantly modified during the evaluation process so that the suggestion is adopted in a different form, the employee shall be eligible for an award if the original suggestion was directly responsible for the University’s taking action; under these circumstances, the suggestion will be deemed a “trigger”.

3. A suggestion which is not adopted will be kept on file for one year from the date originally received by the Coordinator. The original suggester will be eligible for an award as provided by this rule if the suggestion is adopted during this time. Thereafter, the suggestion must be resubmitted by any eligible employee before it can be reconsidered.

4. If the University of North Florida adopts and implements a suggestion previously implemented by another university, the suggester will not be entitled to any additional monetary reward.

5. A suggestion may be made by a group of employees and the amount of any award shall be divided among those employees making that suggestion.

6. Tangible suggestions may be recognized through cash awards, U.S. Savings Bonds, or other items in lieu of cash. Normally, the amount of cash or the cost of the bonds or other items shall not exceed 10% of the first year’s actual savings or revenue increase.

   a. Cash awards for tangible suggestions will be made after the suggestion has been implemented and actual savings or revenues for the first year have been calculated. However, a partial award may be made if the University wishes to provide recognition to an employee in a more timely manner and chooses to measure benefits based on other criteria. Final payment should be paid promptly after the first year’s savings or revenues have been documented.

   b. Any payment of cash to an employee as the result of a fraudulent action award must be recovered from the employee.

7. The amount of a cash award for an intangible or “trigger” suggestion that is adopted shall be based on a prorated measure of the suggestions’ worth, not to exceed $300.00 in cost. U.S. Savings Bonds or other items awarded in lieu of cash shall not exceed $300.00 in cost. Certificates, pins, plaques, letters of commendation, or other appropriate tokens of recognition may be awarded in lieu of cash to honor eligible employees for intangible or “trigger” awards, provided that the cost of the token does not exceed $50.00.

8. The acceptance of an award for any suggestion adopted through this program shall constitute an agreement by the employee that the employee waives all claims, immediate and future, on the State of Florida, regardless of the use of the suggestion.

5) Superior Accomplishment Component.

   a. Awards for superior accomplishment may be presented to eligible employees on an individual basis or collectively for outstanding group performance. No lump sum bonus will be awarded to employees based solely on their performance.

   b. No cash award granted under the superior accomplishment component shall exceed $1,000.00. U.S. Savings Bonds or other items in lieu of cash may be awarded, provided the cost of such item does not exceed $1,000.00.

   c. The University may award certificates, pins, plaques, letters of commendation, or other appropriate tokens of recognition for superior accomplishment, provided that the cost of the token does not exceed $50.00.

6) Service Award Component.

   a. The University may recognize retiring employees whose service has been satisfactory. Awards for retirees may take the form of suitable framed certificates, pins, or other tokens of recognition and appreciation, provided such awards do not cost in excess of $50.00 each.

   b. The University may recognize employees who have attained continuous satisfactory service in increments of five years. Awards for satisfactory service may take the form of suitable framed certificates, pins, or other tokens of recognition, provided such awards do not cost in excess of $10.00 each.

7) The University shall submit to the Board a calendar year report outlining their level of participation in the Meritorious Service Awards Program.

   a. The report shall include at least the following items:

      1. The number of suggestions made;
      2. The number of awards made to employees for adopted suggestions;
      3. The actual cost savings realized as a result of implementing employee suggestions;
      4. Total expenditures incurred by the University for providing awards to employees for adopted suggestions;
      5. The number of employees recognized for superior accomplishments; and
      6. The number of employees recognized for continuous satisfactory service to the University.

   b. The University’s Office of Human Resources shall be responsible for regular monitoring of departments in order to gather data regarding the number of individual employees recognized under any component of this program and the monetary impact of such recognition.

Specific Authority 120.53(1)(b), 240.227(1) FS. Law Implemented 240.2111 FS. History–New 12-20-87, Amended 1-31-89.

6C9-4.015 Sexual Harassment.

(1) Policy Statement. It is the policy of the University of North Florida that each member of this community be allowed to work or attend class in an environment free from any form of sexual harassment as prohibited by state and federal statutes.

(2) Definition of Sexual Harassment.
(a) Sexual Harassment of an Employee or Applicant for Employment. Sexual harassment of an employee or applicant for employment is defined as unwelcome sexual advances, requests for sexual contact, and other verbal or physical conduct of a sexual nature from any person when:

1. Submission to such conduct is either explicitly or implicitly a term or condition of an individual’s employment, salary increase, position advancement, or other employment-related benefits; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
3. Such conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

(b) Sexual Harassment of a Student. Unwelcome sexual advances, requests for sexual contact, and other verbal or physical conduct of a sexual nature constitute sexual harassment, including, but not limited to, instances when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s academic achievement; or
2. Submission to or rejection of such conduct is used as a basis for decisions regarding the evaluation of a student’s academic achievement; or
3. Such conduct has the purpose or effect of interfering with an individual’s academic performance or creating an intimidating, hostile, or offensive academic environment.

(3) Dissemination of Policy.

(a) Employees. It shall be the responsibility of the Director of Personnel to disseminate the Sexual Harassment Rule to all employees of the University, and they will be apprised of the rule by at least the following methods:

1. Upon adoption of the Sexual Harassment Rule, each current employee, and thereafter each new employee, shall be furnished with a copy of the rule. Said rule shall be accompanied by an implementing statement which shall include the office, address, and telephone number of the person or persons designated by the President to receive complaints arising from matters addressed by this rule as well as a list of offenses that may constitute sexual harassment and a list of penalties applicable thereto. Should this information change at any time, the University shall publish and disseminate to all employees written notice of such change.

2. Upon adoption of this rule, each current employee and thereafter each new employee, after having been furnished with a copy of this rule, shall have the opportunity to discuss and ask questions, shall be apprised of possible discipline for any violation thereof, and shall sign a written statement to that effect which shall be placed in the employee’s permanent file.

3. It shall be the obligation of the University to train its administrators and supervisors in implementation of this rule.

(b) Students. Students shall be made aware of the University’s Sexual Harassment Rule by its being printed in one or more publications of general availability and circulation including, but not limited to, the catalog, Student Information Handbook (or equivalent) and/or the Spinnaker (or equivalent newspaper). Information shall include the office, address, and telephone number of the person or persons designated by the President to serve to receive complaints arising from matters addressed by this rule as well as a list of offenses that may constitute sexual harassment and a list of penalties applicable thereto. Should this information change at any time, the University community will be advised as provided by Section 120.54(1)(a)(1. thru 3., F.S., and additionally the University shall publish and widely disseminate notice of such change.

(c) Vendors. The Director of Purchasing is responsible for disseminating the Sexual Harassment Rule to vendors. Vendors will be apprised of the rule by the contract or purchase order.

(d) Contractors.

1. Anyone affiliated with UNF who enters into contract with others not connected with the University is responsible for informing them of the Sexual Harassment Rule.

2. Anyone not otherwise affiliated with UNF, who enters into contract with the University, is responsible for apprising others under his/her purview of the Sexual Harassment Rule. This would include but not be limited to Consultants, Sub-Contractors and employees of said contractor.

(4) Disciplinary Actions.

(a) Any employee of the University who is found to have sexually harassed a student, another employee or an applicant for employment will be subject to disciplinary action up to and including dismissal. The nature of the punishment shall be guided by the seriousness of the offense.

(b) Any student who engages in sexual harassment of an employee may be subject to disciplinary action up to and including expulsion.

(c) Any employee employed in a supervisory capacity who has knowledge of a complaint or a complainable offense as defined under (2), involving any of those employees he/she supervises, and who does not take corrective action or report the matter directly to the President or President’s designee shall be subject to discipline up to and including dismissal. The nature of the punishment shall be guided by the seriousness of the offense.

(d) Any employee in a supervisory capacity who has knowledge of a complaint or a complainable offense involving another supervisor, or involving an employee(s) supervised by another supervisor, or involving a student(s) in the class(es) of another supervisor’s employee and who does not take appropriate corrective action or report the matter directly to the President or President’s designee shall be subject to discipline up to and including dismissal. The nature of the punishment shall be guided by the seriousness of the offense.
(e) Any employee or student who knowingly files a false complaint of sexual harassment or who knowingly provides false testimony shall be subject to discipline up to and including dismissal or expulsion. The nature of the punishment shall be guided by the seriousness of the offense.

(5) Procedure for Filing a Complaint.

(a) The President may delegate to the EEO Officer the authority and responsibility to receive, conciliate and investigate complaints of sexual harassment, and to make recommendations to the Vice President under whose administrative authority the person against whom the complaint has been lodged falls (hereinafter referred to as the appropriate Vice President).

(b) Any applicant for employment, employee or student who believes that he/she is a victim of sexual harassment may seek guidance and counseling by requesting an interview with the EEO Officer. The Complainant will be advised of the options available through University procedures, through the collective bargaining agreement, through the Florida Commission on Human Relations, through the federal Equal Employment Opportunity Commission, and any others that may currently exist or may subsequently be enacted. The EEO Officer will also provide the opportunity to resolve the complaint informally without invoking the investigatory procedures set forth below. Any discussions at this level will be handled with utmost discretion.

(c) If the complaint cannot be resolved informally, and if the Complainant desires to avail himself/herself of the formal options available pursuant to this rule, then a written complaint of sexual harassment must be filed. No formal action, including investigation, may be undertaken unless and until a formal complaint is filed. This provision shall not limit the University in any way from initiating its own investigation and taking appropriate action should such be deemed warranted under the circumstances presented.

(d) After receiving the signed written complaint, the EEO Officer shall:
1. Notify the Complainant and the person against whom the complaint has been filed of the complaint, of the allegations contained therein and provide an opportunity for response thereto. At all points of the procedure, the Complainant and the person against whom the complaint has been filed shall be kept informed;
2. Review the complaint and determine if additional information is needed to supplement the complaint;
3. Conduct a full and complete investigation of the complaint;
4. File with the appropriate Vice President a written report detailing the findings of the investigation and a recommendation of appropriate action.

5. The investigation conducted pursuant to this section shall be performed on a confidential basis, and all means necessary to safeguard the rights of the person against whom the complaint has been filed, the Complainant, witnesses, and any others involved in the proceedings, shall be utilized.

(e) The report and recommendation of the EEO Officer shall be submitted to the appropriate Vice President. If, after reviewing the report and recommendation, the Vice President determines that the complaint is without merit, the Vice President shall render a written decision dismissing the complaint. If, after reviewing the report and recommendation, the Vice President determines that disciplinary action is warranted, the Complainant and the person against whom the complaint has been filed will be given written notice of the proposed disciplinary action and the reasons therefor. The written notice will also advise the person against whom the complaint has been filed that he/she has the right to appear before the Vice President at an investigatory interview and submit written or oral evidence on his/her behalf. The Complainant shall be notified of any investigatory interview and shall also have the right to appear and present evidence at the investigatory interview. After reviewing all of the evidence, including any evidence submitted at the investigatory interview, the Vice President shall render a written decision either dismissing the complaint or taking appropriate action. A copy of the written decision shall be sent via certified mail to the Complainant and to the person against whom the complaint has been filed. The President may delegate to the appropriate Vice President the authority to take disciplinary action, including dismissal or expulsion, under this subsection.

(f) Subject to the limitations set forth below in subsections (8)(a) and (b), either the Complainant or the person against whom the complaint was filed may appeal the decision of the Vice President to the President. After reviewing the decision of the Vice President, and all other evidence upon which the decision was based, the President shall render a final written decision, affirming, modifying, or reversing the decision of the Vice President. A copy of the President’s written decision shall be sent via certified mail to the Complainant and to the person against whom the complaint has been filed.

(g) All of the above procedures apply to vendors and non-employee contractors, except that the EEO Officer may consult with the appropriate administrative officer of the University to determine procedures for investigation and the action that will be taken. Action can include revocation of the contract when it is deemed necessary.

(6) Time Limitation for Receipt of Formal Complaints, Investigation, and Disposition.

(a) Any written complaint filed under this section must be filed with the EEO Officer within sixty (60) calendar days after the alleged occurrence of the harassment incident.

(b) Upon receipt of a written complaint, the EEO Officer shall render a written report and recommendation within twenty (20) working days. This time period may be extended at the discretion of the EEO Officer should an extension be necessary in order to ensure a full, fair and complete investigation. The EEO Officer shall give notice to the parties if such an extension is deemed necessary.

(c) The Vice President shall render a written decision dismissing the complaint or initiating formal disciplinary action within ten (10) working days of receipt of the EEO Officer’s report and recommendation. The person against whom the complaint has been filed shall notify the Vice President within five (5) working days of receipt of the notice of proposed disciplinary action of his/
her desire to appear before the Vice President and present written or oral evidence at an investigatory interview. In cases where an investigatory interview is conducted, the Vice President shall render a written decision dismissing the complaint or taking appropriate disciplinary action within ten (10) working days after the investigatory interview.

(d) Any appeal to the President must be filed with the President within ten (10) working days of receipt of the Vice President’s decision. The President shall render a final written decision within fifteen (15) working days of receipt of the notice of appeal.

(7) Retaliation Procedure.

(a) Complainants who feel that they have been retaliated against for exercising their rights under this Sexual Harassment Rule shall have the right to file a retaliation complaint with the EEO Officer.

(b) Retaliation complaints shall be handled in the same manner and utilizing the same procedures set forth above in subsection (5).

(8) Election of Remedies; Complainant’s Right to Seek Remedy Outside the University.

(a) The doctrine of election of remedies shall apply to complaints filed pursuant to this rule. Should a Complainant elect to pursue an alternative remedy available to him/her, including the filing of a grievance pursuant to the collective bargaining agreement, or pursuant to the University’s Career Service rules, the filing of any such grievance shall operate as a waiver of the Complainant’s right to file a complaint and avail himself/herself of the procedures available under this rule. Should a grievance be filed pursuant to an alternative remedy and subsequent to the filing of a Complaint under this rule but before proceedings under this rule have been completed, the filing of any such grievance nonetheless will act as a waiver, and proceedings pursuant to this rule shall be terminated.

(b) The doctrine of election of remedies shall also apply to appeals filed by persons against whom a complaint has been filed. The filing of an appeal pursuant to an alternative remedy by a person against whom a complaint has been filed, including the filing of a grievance under the collective bargaining agreement, the filing of an appeal to the Career Service Commission, or the filing of a petition for a hearing pursuant to Section 120.57, F.S., shall operate as a waiver of the right to appeal to the President the decision of a Vice President pursuant to this rule.

(c) The filing of a complaint under this rule shall not affect a Complainant’s right to file a timely charge of discrimination pursuant to an appropriate federal or state statute, including the filing of a timely charge with the Florida Commission on Human Relations or the Equal Employment Opportunity Commission.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 110.105, 110.112, 120.53(1)(c), 228.2001, 240.227(6), 240.261(2), 287.093, 287.094, 760.01, 760.10 FS. History–New 12-21-83, Amended 5-15-85, Formerly 6C9-4.15.


General Information.

(1) The Office of Human resources is responsible for recruitment, examination, screening, and selection for referral of all applicants for full and part time USPS positions. The Office is also responsible for appointments to all temporary positions, other than faculty positions, and approval of subsequent appointments, reassignments, promotions, and demotions including entrance salaries. All actions taken by the Office shall be without regard to any person’s race, color, sex, religion, creed, national origin, political opinions or affiliations, age except as provided by law, veteran status as protected under the Vietnam Era Veterans’ Readjustment Assistance Act, or handicap, unless the handicap prevents satisfactory performance of required duties. The Office complies with the University’s approved Affirmative Action Plan(s) and all State and federal laws regarding employment.

(2) The employment function is the responsibility of the Office of Human Resources. Appointments will be approved and an offer of employment letter made in behalf of the University by the Office of Human Resources upon recommendation of the hiring administrator. The authority to hire an applicant referred by the Office of Human Resources for employment or promotion is vested in the department or unit having the vacancy. The Office of Human Resources shall only refer the appropriate qualified applicants and has the specific authority to reject appointment recommendations for applicants who are not qualified or who have not been referred according to the stated procedures. The Office of Human Resources will not refer USPS employees with conditional or unsatisfactory performance ratings in effect. Should the conditional or unsatisfactory rating be removed, the employee again could become a candidate for another position.

(3) Minors seeking employment must have reached their sixteenth (16) birthday prior to being employed by the University.

(4) Former employees terminated because of unsatisfactory performance, job abandonment, or misconduct are not eligible for rehire. Former employees will apply to and be processed by the Office of Human Resources in the same manner as new applicants.

Specific Authority 120.53(1), 240.227(1), (5) FS. Law Implemented 120.53(1), 240.227(1), (5) FS. History–New 6-22-87.

6C9-4.025 Non-reappointment and Resignation of University of North Florida Administrative and Professional Staff.

(1) Resignation by the employee – University of North Florida staff members shall give three months notice of resignation if possible.

(2) Non-reappointment by the employer.

(a) University of North Florida staff members, except those with less than five years continuous service who are on “soft money”, e.g., contracts and grants, sponsored research funds, and grants and donations trust funds, are entitled to written notice that they will not be offered further appointment as follows:
1. For employees in their initial year of employment, three months prior to expiration of their contract;
2. For employees in their second year of employment, six months prior to the effective date of non-appointment;
3. For employees with two or more years of service, twelve months prior to the effective date of non-reappointment. The decision not to offer further appointment to a University of North Florida staff member shall not be based on constitutionally impermissible grounds.

(b) In the event of a break in service for more than four consecutive months in a year, only service following such break shall be counted in determining years of employment under this section. “Break in service” is defined as absence, not including approved leaves of absence, following which the employee is treated as a new employee.

(c) An employee who receives a written notice that the employee will not be offered further appointment shall be entitled upon request to a written statement within 10 working days from date of receipt of request of the basis for the decision not to reappoint.

(d) Following receipt of the notice of non-reappointment, a University of North Florida staff member may be reassigned to other duties and responsibilities. Regardless of a reassignment, however, the employer is committed to compensate the employee until the effective date of non-reappointment.


6C9-4.026 Grievance Procedure - Non-Unit Faculty and Administrative and Professional Employees.

(1) Purpose.
(a) The purpose of this rule is to promote a prompt and efficient procedure for the investigation and resolution of grievances filed by Administrative and Professional staff and Faculty personnel not included in a collective bargaining unit.
(b) All problems should be resolved, whenever possible, before the filing of a grievance, and open communication is encouraged so that resort to the formal grievance procedure will not normally be necessary.
(c) It is the intent of this procedure to provide a complete response to a grievance but not to encourage multiple processing of the same issue. Therefore, if, prior to or while seeking resolution of a dispute under this rule, a grievant seeks resolution of the matter in any other forum, administrative or judicial, the University shall have no obligation to entertain or proceed further with the matter pursuant to this rule. Further, since it is not intended that the grievance procedure be a devise for appellate review, the response of the President or his designee to a recommended order of a presiding officer acting pursuant to Chapter 120, F.S., or to other individuals or groups having appropriate jurisdiction in any other procedure shall not be an act or omission giving rise to a grievance under this procedure.
(d) All time limits contained in this rule may be extended by agreement of the parties. Upon failure of the University or its representative to provide a decision within the time limits provided in this rule, the grievant may appeal to the next appropriate step. Upon this failure of the grievant or counsel to file an appeal within the time limits provided in this rule, the grievance shall be deemed to have been resolved at the prior step.

(2) Definitions.
(a) The term “grievance” means a dispute concerning promotion, non-renewal and termination of employment contracts, salary, work assignment, annual evaluation, layoff and recall, and other rights accruing to grievants pursuant to Chapters 6C-5 and 6C9-4, Florida Administrative Code.
(b) The term “grievant” means a member or members of the University of North Florida Administrative and Professional staff and Faculty personnel not included in a collective bargaining unit whose rights have been directly affected by an act or omission of the University or its representative and who has filed a grievance.
(c) The term “days” means calendar days. In the event an action falls due on Saturday, Sunday, or a State holiday, the action will be considered timely if it is accomplished by 5:00 p.m. on the following business day.
(d) The term “substantial interest” means an act or omission involving termination, suspension, or other discipline for just cause, non-renewal of employment contract, salary and layoff.
(e) The term “university” means the University of North Florida.

(3) Grievance Procedures.
(a) Step One – All grievances will be filed with person designated by the President as Step One representative for the area of the University in which the grievant performs duties (such as Academic Affairs, the College, Administration and Planning, Student Affairs, and University Relations) within 25 days from the date following the act or failure to act giving rise to the grievance, or 25 days from the date the grievant knew or should have known of the act or omission.
1. The written grievance should contain the grievant’s name; name and address of counsel, if any; specific rules or statutes claimed to have been violated; a statement of the grievance, including the acts or omissions which are claimed to have given rise to the grievance; remedy sought; signature and date. A copy of the grievance should be provided by the grievant to the Director of the University Personnel Relations.
2. A Step One meeting must be scheduled by the Step One representative no later than 15 days after receipt of the grievance. In advance of Step One meeting, the grievant has the right upon request to a copy of any identifiable documents relative to the grievance. At this meeting, the grievant has the right to present any evidence in support of the grievance.
3. Within 15 days after the scheduled meeting, the Step One representative will issue a written decision, stating the reasons for the decision. The decision will include a finding as to whether the grievance concerns a substantial interest in the grievant and/or whether any issue of fact material to the grievance remains in dispute.

(b) Step Two.

1. If the grievance is not satisfactorily resolved and it has not been determined that a substantial interest of the grievant is not involved, the grievant may file a written request for review to the President within 15 days of the date of receipt of the Step One decision. The President or designee will schedule a meeting with the grievant no later than 15 days after the request for review was filed. The meeting will offer the opportunity for the grievant to present written or oral evidence in support of the grievance no later than 25 days after the meeting, the President will issue to the grievant a written decision on the matter, stating the reasons for the decision.

2. If the grievance is not satisfactorily resolved and it has been determined that a substantial interest of the grievant is involved, the grievant may file with the President a written appeal for review no later than 25 days after receipt of the Step One decision. If determined in the Step One decision that material facts remain in dispute, the President or designee or a hearing officer assigned by the Division of Administrative Hearings (DOAH) will conduct a hearing according to provisions contained in Section 120.57(1), F.S. If a Section 120.57, F.S., hearing is waived (in writing) by all parties, the hearing may be conducted as provided by Section 120.57(2), F.S.

Specific Authority 240.227(1) FS. Law Implemented 120.57, 240.227(1), (5) FS. History–New 7-16-87.

6C9-4.027 Discipline and Termination for Cause of Non-unit Faculty and Administrative and Professional Employees.

(1) Just cause shall be defined as:
(a) Incompetence, or
(b) Misconduct.

(2) Termination and Suspension.

(a) The appointment of a non-unit faculty or an A & P staff member may be terminated or suspended during its term for just cause. The employee shall be given written notice of termination or suspension by the President or his designee. The notice shall state the reasons for the termination or suspension. The termination or suspension imposed under this subsection shall take effect when either the time for filing a grievance under Rule 6C9-4.026, F.A.C., as applicable has passed, or, in the event a grievance is filed, after final administrative action has been taken thereon. During the period following notice, the employee may, at the discretion of the President or his designee, be reassigned.

(b) The President or his designee retains the right to impose disciplinary action, other than termination or suspension, for just cause. The employee shall be given written notice of any disciplinary action. The President or his designee shall state in the notice the reasons for the disciplinary action. Any disciplinary action taken under this section shall be subject to the grievance procedure found in Rule 6C9-4.026, F.A.C. Within two work days, excluding weekends and official holidays, the President or President's designee shall serve written notice upon the employee, including a statement of the reasons for any action taken. If the employee has been suspended without pay and ultimately prevails in the grievance procedure, the employee shall be reinstated with back pay.

Specific Authority 120.53(1)(a), 440.227(1) FS. Law Implemented 120.53(1)(c), 240.227(1), (5) FS. History–New 7-16-87.

6C9-4.030 Conflict of Interest.

(1) No employee shall solicit or accept anything of value that would be influential to the performance of official duties or that is based upon an understanding that the official action or judgment of the employee would be influenced thereby.

(2) No employee may rent, lease, or sell realty, goods, or services to any employee of the University unless the contract was entered into before October 1, 1975, or before beginning public employment. Neither may an employment or contractual relationship with a business entity which is doing business with the University. However, this subsection shall not prohibit the business relationships described if:

(a) The business is awarded under a system of competitive bidding as provided by Section 112.313(12), F.S.;
(b) The total amount accruing to the employee from the transaction for one year is $500.00 or less; or
(c) Another exemption provided by Section 112.313(12), F.S., is applicable.

(3) No employee may corruptly use or attempt to use that employment or any property or resource within that employment to secure a privilege, benefit, or exemption for such employee or anyone else.

(4) No employee shall have an employment or contractual relationship that will create a continuing or frequently recurring conflict between that employee’s private interests and the performance of public duties. However, this subsection shall not prohibit an employee from having an occupation when that occupation by a person holding such public employment is required by law.

(5) No employee may disclose or use information not available to the general public which was gained because of that employee’s position for personal benefit or for the personal benefit of another person or business entity.

(6) If an employee is an officer, director, partner, proprietor, associate, or general agent (other than an agent solely for service of process) of, or owns, as defined in Section 112.312, F.S., a material interest in a business having a privilege to operate in Florida, that employee shall file a statement disclosing such facts with the Department of State as required by Section 112.313, F.S.
6C9-4.031 Outside Employment.

(1) “Outside employment”, as used herein, means any employment entered into or compensation received in addition to employment at the University, except that additional employment with another state agency, including another university of the State University System is not considered outside employment. Additional state employment must be approved in advance under the provisions of Rule 6C-5.825, F.A.C., “Additional State Compensation for State University System Employees.”

(2) The responsibility of each faculty member, Administrative and Professional staff member and University Support Personnel System (USPS) employee (hereinafter referred to as “employee”) is the full and competent performance of all duties pertinent to his/her employment with the University. Outside employment which interferes with the employee’s obligations to the University is prohibited.

(3) Before a faculty member or an Administrative and Professional employee may engage in outside employment, he/she must obtain the approval of the President or the President’s designee. Form UNF 82-2 “Report of Outside Employment for Faculty and A & P Personnel” is incorporated herein and effective 7/22/87, shall be filed with the President or the President’s designee to obtain said approval. These forms may be obtained from the Office of Human Resources.

(4) The President or the President’s designee shall initially determine whether the proposed outside employment appears to constitute a conflict of interest or other interference with the employee’s duties.

(a) In the event the proposed outside employment is deemed by the President or the President’s designee to constitute such a conflict of interest or interference with the employee’s duties, the matter shall be discussed with the employee as soon as possible.

(b) If the President or the President’s designee finds, following such discussion, that the proposed employment is a conflict of interest or interferes with the employee’s duties, the President or the President’s designee shall promptly notify the employee of the decision that the employee may not engage in the proposed activity while employed at the University.

(5) Authorization for outside employment is granted for a specific period of time, not to exceed one year ending June 30th. If outside employment is to extend beyond June 30th or to exceed one year, a new application must be submitted prior to July 1 of each new fiscal-year period.

(6) Any USPS employee who proposes to engage in any outside employment must report to the employee’s immediate supervisor as soon as practical in advance of the particulars of such employment. The immediate supervisor shall initially determine whether the proposed outside employment appears to constitute a conflict of interest or other interference with the employee’s duties. The immediate supervisor shall report his/her determination to the next level supervisor. If they determine that the proposed outside employment appears to constitute such a conflict of interest or interference, the matter shall be discussed with the Director, Department Chairperson or higher supervisory designee in the employee’s work area, immediately. If the Director, Department Chairperson or higher supervisory designee finds, following such discussion, that the proposed employment is a conflict of interest or other interference with the employee’s duties, the employee shall be notified promptly that he/she may not engage in the proposed activity while employed as a USPS employee.

(7) No employee shall claim to be an official University representative in connection with any outside employment or use the University’s name and/or reputation to promote such activities.

(8) An employee may request to use office facilities and equipment in connection with outside employment. Such requests must be made on Form UNF 82-2. One condition for the approval of such request shall be prior approval of the outside employment and reimbursement for any direct costs to the University occasioned thereby.

(9) All employees shall observe and fully comply with Chapter 112, Part III, F.S., “Code of ethics for Public Officers and Employees”, and Rule 6C9-4.030, F.A.C., concerning conflict of interest.

6C9-4.032 Employment of Relatives (Nepotism).

(1) The employment of relatives at the University of North Florida is allowed where there is no conflict of interest, no direct or indirect supervisory responsibility between relatives, and where functions of positions do not overlap or require authorization, validation, approval, etc. of both parties. While the employment of related persons in the same organizational unit or in a job-related organizational unit is not encouraged, such employment is permitted when there is no conflict of interest and there is a demonstrated critical shortage of qualified applicants.

(2) Definitions.

(a) Related Persons – For the purpose of this procedure, “related persons” means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

(b) Conflict of Interest – For the purpose of this procedure, “a conflict of interest” includes, but is not limited to, participation by the relative making recommendations or decisions specifically affecting the appointment, retention, tenure, work assignments, evaluations, promotion, demotion, or salary of the related person and any attempt to influence a relative’s supervisor with any regard to matters concerning that relative. An employee may not be in the supervisory line of a relative even though they are separated by intermediary positions.
(3) Procedures – USPS and Administrative & Professional Employees.

(a) A request for the employment of related USPS or Administrative & Professional persons in the same organizational unit or in job-related organizational units should be submitted by memorandum to the Director of Human Resources prior to the employment of the related person. The memorandum shall be prepared by the department making the request. The request should be routed through, and have the concurrence of the appropriate department head, dean, and vice president.

(b) The request must document that the recruitment efforts were unable to identify a qualified applicant to fill the vacant position or contain justification for requesting an exception to this rule.

(c) The Director of Human Resources shall determine that a conflict of interest will not occur if the relative is employed and that there was a critical shortage of qualified applicants.

(d) The Director of Human Resources will provide written notification of the action taken to the following: the appropriate vice president and the department head making the request. The department making the request shall notify the affected individual.

(4) Procedures – Faculty and Adjunct Employees.

(a) A request for the employment of related faculty persons in the same organizational unit or in job-related organizational units should be submitted by memorandum to the Provost/Vice President for Academic Affairs, and a copy should be sent to the Director of Human Resources, prior to the employment of the related person. The memorandum should be prepared by the department making the request.

(b) The request must document that the recruitment efforts were unable to identify a qualified applicant to fill the vacant position or contain justification for requesting an exception to this rule.

(c) The Provost/Vice President for Academic Affairs shall determine that a conflict of interest will not occur if the relative is employed and that there is a critical shortage of qualified applicants.

(d) The Provost/Vice President’s office will provide written notification of the action taken to the appropriate dean or department head, and a copy sent to the Director of Human Resources. The department making the request shall notify the affected individual.

(5) Violations and Penalties.

(a) In the event a relative covered by this procedure is hired without approval, by intentionally or unintentionally failing to disclose a conflicting relationship, the employee last hired will be subject to one or more of the following actions: transfer, reassignment, and/or disciplinary actions including suspension without pay or dismissal. The action taken will depend upon the circumstances and will be made by the Provost/Vice President for Academic Affairs for faculty members and by the appropriate vice president for all others.

(b) Any attempt by an employee to influence a relative’s supervisor with regard to matters concerning the relative will be considered misconduct and will normally result in a disciplinary action of one to five days’ suspension without pay. This rule is applicable to all employees.

(c) Actions considered and/or taken with regard to Item (5)(a) or (b) above will follow normal University procedures with regard to notification, time limitations, grievances, and appeals.

Specific Authority 120.53(1)(a), 240.227(1), (5) FS. Law Implemented 120.53(1)(a), 240.227(1), (5) FS. History–New 7-27-87.

6C9-4.033 Political Activity.

Employees.

(1) Any employee may seek election to and hold public office upon notification of the President.

(2) When an employee elects to run for and hold public office and such action is judged by the President to interfere with the full discharge of the employee’s duties, then the employee must obtain leave of absence or submit his/her resignation.

(3) All employees shall adhere to the provisions and spirit of Section 104.31, F.S.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 104.31, 112.313, 120.53(1)(a), 240.227(1), 240.261 FS. History–New 6-30-87.

6C9-4.034 Disruptive Conduct.

(1) Faculty and all other personnel who engage in disruptive conduct by intentionally acting to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University shall be subject to appropriate disciplinary action by the university authorities.

(2) Disruptive conduct shall include, but not be limited to, the following:

(a) Violence against any member or guest of the university community;

(b) Theft or willful destruction of university property or of the property of members of the university;

(c) Interference with the freedom of movement of any member or guest of the university;

(d) Deliberately impeding or interfering with the rights of others to enter, use or leave any university facility, service, or scheduled activity, or in carrying out their normal functions or duties; or

(e) Deliberate interference with academic freedom and freedom of speech of any member or guest of the university.

Specific Authority 120.53(1), 240.261 FS. Law Implemented 120.53(1), 240.261 FS. History–New 7-1-87.
6C9-4.035 Employee Debt Collection.

(1) Purpose. Pursuant to Section 240.291, F.S., the University of North Florida is directed to exert every effort to collect all delinquent accounts. The purpose of this rule is to provide procedures for collection of funds, other than educational loans collectable pursuant to Section 112.175, F.S., owed to the University by its employees.

(2) Employee debts for which the University has responsibility for collection and which are subject to collection under this rule include the following accounts receivable: Registration fees, returned checks, traffic and parking fines, library fines, educational resources fines/sales, gradation fees, health services, rental fees, housing, physical education equipment, travel advance reimbursements, disallowed revolving fund reimbursements, overpayment to employees, and other miscellaneous charges.

(3) Accounts Receivable Other than Returned Checks.

(a) Collection Procedures. Amounts due from an employee shall be placed in the University’s Accounts Receivable billing system after routine attempts by the department to obtain payment of any accounts receivable are unsuccessful. If the University does not receive payment within three (3) months of the date of the first billing or suitable payment arrangements have not been made, the employee shall be notified pursuant to paragraph 6C9-4.035(3)(b), F.A.C., that set off procedures shall be implemented with respect to his/her debt.

(b) Set-Off Procedures. The employee shall be notified by certified letter, return receipt requested, that he/she has ten (10) calendar days from receipt of the letter to either pay all sums due, make satisfactory payment arrangements, submit documentary evidence disputing his/her debt, or request administrative review of the decision to set-off his/her debt through a deduction of funds from the employee’s paycheck. The notice shall further advise the employee that the set-off of wages shall commence without further notice following the expiration of the ten (10) day notice period unless the employee has taken appropriate action and shall include the amount and duration of the deductions which shall be made from his/her salary warrant.

(c) Calculation of Payroll Deduction.

1. In the event that the total amount of the debt is less than ten percent (10%) of the employee’s biweekly gross salary, the full amount of the employee’s debt shall be deducted in the first or second pay period following the expiration of the ten (10) day notice period given to the employee.

2. If the amount of the debt is greater than ten percent (10%) of the employee’s biweekly gross salary, the amount deducted each pay period shall not exceed ten percent (10%) of the employee’s gross salary.

3. In the event that an employee-debtor is terminated or voluntarily leaves the University’s employ, the entire amount of the debt shall be deducted from the employee’s final paycheck.

(4) Accounts Receivable – Returned Checks.

(a) Collection Procedures, Set-Off Procedures. When a check written by an employee to the University is returned uncollected, the employee shall be notified by certified letter, return receipt requested, of the returned check and the employee shall be required to make full payment of the check and return check charge within ten (10) calendar days from receipt of the letter. The notice shall further advise the employee that if the check is not redeemed within the ten (10) day period, the check and return check charge shall be forwarded to the Payroll Office for payroll deduction without further notice.

(b) Calculation of Payroll Deduction. The full amount of the returned check and return check charge shall be deducted in the first or second pay period following referral of the account to the Office of Student Financial Services.

Specific Authority 120.53, 240.227 FS. Law Implemented 240.291 FS. History–New 5-26-93.

6C9-4.036 Personnel Records; Limited Access.

(1) The Director of Human Resources, who is the official custodian of all University personnel records, shall designate in coordination with the Office of Academic Affairs those staff members and University officials who shall have access to the records of University personnel. In accordance with Florida law, the University shall designate the following records as “limited-access records” which are confidential and exempt from the provisions of Section 119.07(1), F.S. Such limited-access records shall be open to inspection by the employee who is the subject of the records, by University officials responsible for the supervision of the employee, and by the President as required for use in the discharge of his official responsibilities.

(a) Records created on or before July 1, 1995 – Any and all records reflecting evaluations of employee performance, including faculty, A & P, USPS and OPS employees, shall be designated as limited access, open to inspection only in accordance with subsection (1), above.

(b) Records created after July 1, 1995.

1. Academic evaluations – Personnel records containing information reflecting academic evaluations of an employee’s performance such as, but not limited to, tenure, promotion, annual evaluation, TIP, compression/inversion, faculty awards, merit increases and student course evaluation except as noted herein, shall be designated as limited-access records. Records comprising the common core items contained in the State University System Student Assessment of Instruction instrument are not provided limited-access status. The summary results of the common items, by course, shall be open for inspection in accordance with Chapter 119, F.S. However, the raw data gathered on the forms completed by the students are limited-access documents and not subject to public inspection.
2. Investigations of misconduct – Records maintained for the purposes of any investigation of an employee’s alleged misconduct, including but not limited to a complaint against an employee and all information obtained pursuant to the investigation thereof, shall be confidential until the investigation ceases to be active or until the University provides written notice to the employee who is the subject of the complaint that the University has either (i) concluded the investigation, whether or not the conclusion contains a finding to proceed or not to proceed with disciplinary action, or (ii) issued a letter of discipline. For the purpose of this paragraph, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that a finding will be made in the foreseeable future. There shall be a rebuttable presumption that an investigation is inactive if no finding is made within 90 days after the complaint is filed.

3. Disciplinary proceedings – Records maintained for the purposes of any disciplinary proceeding brought against an employee shall be confidential until a final decision is made in the proceeding. The record of any disciplinary proceeding, including any evidence presented, shall be open to inspection by the employee at all times.

4. Grievance proceedings – Records created after July 1, 1995 and maintained for the purposes of any grievance proceeding brought by an employee for enforcement of a collective bargaining agreement or contract shall be confidential and shall be open to inspection only by the employee and by University officials conducting the grievance proceeding until a final decision is made in the proceeding. A decision shall be “final” for the operation of this rule when an arbitration decision has been issued, or when a step decision has been issued and the time for appeal to the next step has expired without further appeal.

   (2) Notwithstanding the foregoing, any records or portions thereof which are otherwise confidential by law shall continue to be exempt from the provisions of Section 119.07(1), F.S. In addition, for sexual harassment investigations, portions of such records which identify the complainant, a witness, or information which could reasonably lead to the identification of the complainant or a witness are limited-access records.

   (3) Except as noted above, the custodian of limited-access personnel records may release information from such records only upon authorization in writing from the employee or upon order of a court of competent jurisdiction.

   (4) Employment records and other employee information maintained by the University are subject to the provisions of this rule, and may also be subject to other laws or regulations that limit public access thereto.


6C9- 4.1010 University of North Florida; Personnel Records - Limited Access.

(1) Employment records and other employee information maintained by the University are subject to the provisions of this rule and may also be subject to other laws or regulations that limit public access to the records or parts thereof.

   (2) The Director of Human Resources is the custodian of the central personnel files of University employees. All requests for inspection and/or duplication of personnel records must be made to the Office of Human Resources. Personnel files of faculty, undergraduate student employees and other employees will be under the custodial responsibility of the respective vice presidents, deans or directors. The custodians of such records are responsible for designating, in a manner consistent with the provisions of this rule, those University personnel who have access to limited access records and other employee materials not open to the public. Any University personnel who have access to such records and materials shall maintain their confidentiality.

   (3) Records which are identified in this rule as “limited access” records are confidential and are not subject to inspection under the provisions of Section 119.07(1), F.S. Limited access records shall be available for inspection only by the employee who is the subject of the records, the employee’s representative, university officials who use the information in carrying out their responsibilities, peer committees responsible for evaluating employee performance, and arbitrators or others engaged by the parties to resolve disputes, or by others by court order. For the purposes of this rule, limited access records shall include:

   (a) For Records created on or before July 1, 1995 – Any and all records reflecting evaluations of employee performance.

   (b) For Records created after July 1, 1995:

   1. Records that reflect “academic” evaluations of employee performance. “Academic” for the purposes of this rule means performance evaluation documents regarding employees designated as Academic Personnel (AP), employees in the General Faculty pay plan prior to the implementation of the AP classification, or other employees subject to the faculty or academic personnel evaluation process. Examples of such records are those resulting from academic evaluation processes such as tenure, promotion, annual evaluation, student evaluation of teaching, Teaching Incentive Program (TIP), compression/inversion, other faculty awards, and merit increases.

   2. Records maintained for the purposes of any investigation of employee misconduct. Such records shall be confidential until the investigation ceases to be active, the University concludes the investigation with a finding to proceed or not to proceed with disciplinary action, or the University issues a letter of discipline. The records shall be open to University personnel conducting the investigation, the administrator responsible for the appointment and assignment of the employee investigated, and their respective designees. To the extent necessary to meet the due process requirements of applicable University rules, policies, or collective bargaining agreements, certain records of the investigation may be open to the employee investigated at the time indicated in the applicable rules, policies, or agreements. A notice of proposed disciplinary action is confidential until a letter of discipline is issued or a decision is made not to proceed further with disciplinary action.

   a. An investigation is presumed inactive if no finding is made within ninety (90) days, but the University may overcome that presumption through appropriate documentation in the records.
b. For sexual harassment investigations, portions of such records which identify the complainant, a witness, or information which could reasonably lead to the identification of the complainant or a witness, retain their confidential status even after the investigation is closed.

3. Records maintained for the purposes of any disciplinary proceeding brought against an employee or of any grievance proceeding for enforcement of a collective bargaining agreement. Such records shall be confidential until a final decision is made in the proceeding. The records shall be open to University personnel conducting the proceeding, the administrator responsible for the appointment and assignment of the employee, and other University personnel representing the University in the proceeding. The record of the proceeding itself, including any evidence presented during the proceeding, is open to inspection by the employee.

Specific Authority 1001.74(4), (19), 1012.91(1) FS. Law Implemented 1001.74 (19), 1012.91 FS. History–New 1-5-04.

6C9-4.1011 University of North Florida; Faculty Assignment and Evaluation.

(1) A faculty member shall, at the beginning of employment and each year thereafter, be apprised in writing by his or her departmental chair or other appropriate University administrator of the duties and responsibilities in teaching, research/scholarship and other creative activities, service, and any other specific duties and responsibilities assigned for that year.

(2) The annual performance evaluation of a faculty member is designed to provide a qualitative and quantitative assessment of the assigned duties and responsibilities in teaching, research/scholarship and other creative activities, service, and any other specific duties and responsibilities assigned for that year. When a faculty member is not meeting performance standards, a performance improvement plan will be developed to assist in correcting deficiencies.

(3) The annual performance evaluation shall be given adequate consideration for purposes of salary adjustments, promotions, reemployment, and tenure.

Specific Authority 1001.74(4), (19), 1012.94(1) FS. Law Implemented 1001.74(19), 1012.94 FS. History–New 1-5-04.
CHAPTER 6C9-5 MISCELLANEOUS PROVISIONS

6C9-5.001 Traffic and Parking Regulations.
6C9-5.1002 Vehicle Registration Regulations.
6C9-5.1003 Traffic Regulations.
6C9-5.1004 Parking Regulations.
6C9-5.1005 Motor Scooter, Motorcycle, Moped, Bicycle, and Non-Vehicular Regulations.
6C9-5.1007 Fines, Late Fees, and Other Penalties.
6C9-5.1008 Payment Procedure.
6C9-5.1009 Automobile Towing and Impoundment Policy.
6C9-5.1010 Right to Appeal.
6C9-5.1011 Disposition of Fees and Fines Collected.
6C9-5.1012 Construction Contractor Vehicles on UNF Campus.

6C9-5.001 Traffic and Parking Regulations.
The purpose of this rule is to govern the use of vehicles at the University of North Florida.

(1) General.
(a) The motor vehicle regulations set forth herein are applicable to all persons operating or parking a motor vehicle on properties of the University of North Florida. University traffic rules shall be enforced on all University roads and grounds at all times of the day and night throughout the calendar year. University police are authorized and empowered to enforce these motor vehicle regulations and to provide for the safety of persons on University property.
(b) All Duval County traffic ordinances which are not in conflict or inconsistent with these regulations and all State of Florida traffic laws shall be enforced by the University Police.
(c) The University Police shall enforce University traffic rules on the campus and may make arrests and issue citations. University police officers may pursue violators off campus to make arrests and may request the assistance of law enforcement officers from adjacent areas in other jurisdictions.
(d) The University does not assume any responsibility for motor vehicles or their contents while they are operated or parked on University property.
(e) University parking or traffic citations shall be treated as minor infractions of University regulations with the rights of appeal. Any person who operates a motor vehicle on campus, as a condition of such operation, shall be deemed to have consented thereby to have his or her appeal adjudicated through the internal appeals process of the University. The right of such appeal does not apply to any State Uniform Traffic Citation which is returnable to, or scheduled for a hearing before, the Duval County Court.
(f) Copies of traffic and parking regulations and schedules of fees – parking decals and citation fines – are available from University Parking Services, the University Police, and the Cashier’s window.

(2) Registration Regulations.
(a) Any motor vehicle parked on University property during designated hours must display a valid University parking decal or parking permit. Use of a motor vehicle on UNF property is a privilege, not a right, and is made available only under the policies established by the University Traffic and Parking Regulations as contained in this rule and currently in effect.
(b) All motor vehicle and parking regulations, except permit requirements, are in effect 24 hours a day. Parking decals or parking permits are required from 7 a.m. to 10 p.m. Monday through Friday. The purchase of a parking permit does not guarantee a parking space, except for those spaces specifically posted as reserved. The purchase of a Parking Garage Reserved Parking permit does not guarantee a parking space within the garage as a greater number of decals will be sold than are available spaces.
(c) Vehicles used by members of the faculty, staff, students (full or part-time), concessionaire employees, and others who regularly operate a vehicle on campus must be registered during the first day the vehicle is on campus. Vehicle registrations expire on the expiration date indicated on the decal or permit. All visitors must purchase a non-refundable parking permit when parking on campus.

DAILY PARKING PERMITS $1.00

(3) Vehicle Registration Decal Fee.
(a) The University of North Florida Traffic Committee may recommend to the President Traffic and Parking Regulations including charges for vehicle registration decals and parking tickets.
(b) The University makes available two styles of decals to vehicle registrants:
1. Affixed style – non-transferable.
2. Hanging style – transferable.
(c) Effective upon adoption of this rule amendment, the annual registration fee for each three or four-wheeled motor vehicle is as follows:

<table>
<thead>
<tr>
<th>Reserved Parking For President, Vice Presidents and Deans</th>
<th>Affixed Decal</th>
<th>Hanging Decal</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100.00</td>
<td>$120.00</td>
<td></td>
</tr>
<tr>
<td>Garage Reserved Parking</td>
<td>$100.00</td>
<td>$120.00</td>
</tr>
<tr>
<td>General Parking – Garage and Lots</td>
<td>$50.00</td>
<td>$60.00</td>
</tr>
</tbody>
</table>

The annual registration fee for each two-wheeled motor vehicle – General Parking – Garage and Lots.  

Affixed Decal (No Hanging Decal Available) $25.00

(d) Fees by term, for General Parking – Garage and Lots, are as follows (No Reserved Parking by Term):

<table>
<thead>
<tr>
<th>Term</th>
<th>Affixed Decal</th>
<th>Hanging Decal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall Term</td>
<td>$20.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>Spring Term</td>
<td>$20.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>Summer Term</td>
<td>$20.00</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

(e) If vehicle registered by an affixed decal is traded, or the affixed decal is defaced, the owner may obtain a replacement decal for a fee of $5.00 by presenting proof of the aforementioned, along with the new vehicle registration (if applicable) to University Parking Services or the University Police. The old decal must be removed from the vehicle and returned when application for replacement decal is made.

(f) All lost, stolen or defaced decals should be reported to the University Police. Defaced decals returned to the University Police will be replaced for a fee of $5.00. (Lost or stolen decals will not be replaced and owner will be required to purchase a new decal).

(g) Refunds are given for:
1. Affixed or hanging decals sold in the current term if the decal is returned intact before the last day of Drop/Add for the current term and the student is no longer enrolled in classes.
2. Payments are verified and checks are mailed.

(4) Displaying Decals.
(a) A decal evidencing registration will be issued to the registrant.
1. An affixed style decal shall be immediately and permanently affixed to rear window, left side (driver side) or as otherwise approved by University Parking Services or University Police.
2. A hanging style decal must be displayed at all times while on campus on the inside rear view mirror with decal number facing outward.

(b) Exception to (a) above: two-wheeled vehicles shall affix decal to rearward portion of fender or as otherwise approved by University Parking Services or University Police.

(c) Affixed style decals are issued for a specific vehicle and operator and are not transferable.

(d) Hanging style decals are movable and may be used in any three or four-wheeled motor vehicle registered to the person obtaining the decal.

(e) Reproducing or defacing a decal is prohibited.

(f) Failure to display any decal or permit in the approved manner will constitute an invalid registration and the registrant may be charged with a decal violation.

(g) Acceptance of a decal or permit by an individual is considered to attest to that person’s understanding of the University Traffic and Parking Regulations and his or her responsibility to adhere to these regulations.

(5) Traffic Regulations. All regulations embodied in the Statutes of the State of Florida and in the Ordinance of the City of Jacksonville governing and regulating vehicular traffic are applicable to and will be enforced on the University of North Florida campus. The following regulations are examples applicable to the operation of all vehicles as described herein:

(a) Traffic rules, regulations, and directive signs governing the use of motor vehicles are in effect 24 hours a day unless specifically limited. Inclement weather does not bar their enforcement.

(b) Motorists shall yield the right-of-way to pedestrians.

(c) The campus speed limit is as posted. Speed limit in all parking lots is 15 miles per hour.

(d) All vehicles must be brought to a complete stop before proceeding through intersections where stop signs are located.
(e) All motor vehicle accidents on University property shall be reported immediately to the University Police by persons involved.

(f) All accidents involving University owned vehicles shall be reported immediately to the University Police by persons involved.

(g) Barriers may be placed by the University Police and Public Safety Department at any point deemed necessary for specific temporary use, including safety reasons. Except for the passage of emergency vehicles, removal of any such barrier without permission is prohibited. In every case, the directions of a police officer supersede the regulations posted by a sign or signal.

(h) The following are prohibited:
   1. Unnecessary disruptive noise from horns, mufflers, or any other noisemaking device.
   2. Driving in a direction opposite that indicated by arrows in parking lots, roadways, or streets.
   3. Driving on sidewalks, paths, or grass (except University service and emergency vehicles, when necessary).
   4. All vehicles except emergency and State owned vehicles of the Maintenance Department are prohibited on nature trails.
   5. Driving around a barricade or driving on a section of road under construction marked as closed.
   6. Tearing down, altering, defacing, or removing any traffic control device or sign.

(6) Parking Regulations.
   (a) Visitors Parking: Visitors on campus may park in any open space that is not reserved or prohibited, but must purchase a parking permit from the Information Booth located near the main entrance to the campus.
   (b) Open Parking Spaces: Any parking space within an assigned lot not specifically marked for another purpose is designated as an open parking space. Students, faculty, staff, and other registrants may use the space on a first come basis.
   (c) Handicapped Parking Spaces: Any student, faculty, or staff member with a physical disability may apply to the University Police for consideration in obtaining special parking privileges.
   (d) Reserved Parking: First floor of the Parking Garage. Sections of various parking lots may be reserved. For information on special reserved parking, contact the University Police.
   (e) The University President, Vice Presidents, and Deans shall each be assigned a parking space for their specific use.
   (f) Vehicles shall be parked only in spaces specifically marked for parking. The absence of “No Parking” signs does not mean that parking is allowed.
   (g) Motor Vehicles must be parked within the identifiable boundaries. Parking on or over a line is prohibited.
   (h) Double-parking is prohibited at all times.
   (i) Vehicles shall not be parked in such manner as to obstruct vehicular or pedestrian traffic or wheelchair ramps, to interfere with normal operational activities, or to create a hazard. Vehicles so parked may be towed away at the owner’s expense.
   (j) Parking on grass, sidewalks, loading zones, or on the streets (except where specifically marked for parking) is prohibited.
   (k) Owners of currently registered vehicles which are temporarily out of normal service may obtain a temporary parking permit from University Parking Services or University Police at no cost.
   (l) Any vehicle parked on campus is parked at the risk of the owner.
   (m) Except at the Resident Parking Lots, overnight parking of any vehicle is prohibited unless special permission is granted by the University Police Department.
   (n) Disabled or abandoned vehicles which constitute a traffic or safety hazard are subject to be towed away at the owner’s expense. This also applies to vehicles abandoned on campus for more than three days.
   (o) Major repairs to vehicles shall not be performed on campus.
   (p) Locating a legal parking space is the responsibility of the vehicle’s operator. Lack of parking space will not be considered a valid excuse for violation of any parking regulation.
   (q) Unauthorized persons parking vehicles in “handicapped” spaces are subject to fine and having a vehicle towed away at owner’s expense. Temporary “handicapped” parking permission may be obtained by contacting University Parking Services or University Police.
   (r) Regulations concerning loading zones will be enforced at all times.
(7) Motor Scooter, Motorcycle, Moped, Bicycle, and Non-Vehicular Regulations.
   (a) Drivers of motor scooters, motorcycles, mopeds, and bicycles are responsible for observing the same traffic regulations as those governing automobiles.
   (b) Driving, riding, or parking motor scooters, motorcycles, mopeds, and bicycles on grass, paths, or sidewalks is prohibited.
   (c) It is unlawful for more than one person to ride at the same time a motor scooter, motorcycle, moped, or bicycle unless the vehicle is designed for and equipped with a seat for a second person.
   (d) Motor scooters, motorcycles, mopeds, or bicycles shall be parked only in special racks or designated areas.
   (e) Parking in automobile parking spaces on campus by motor scooters, motorcycles, mopeds, and bicycles is prohibited at all times.
   (f) Walking, running, or jogging on the paved portion of UNF Drive is prohibited. Violators will be charged with a traffic violation and receive a Non-Moving University Parking/Traffic Infraction Citation.
   (g) Non-vehicular traffic such as skate boards, roller blades and roller skates are prohibited on UNF Drive. Violators will be charged with a traffic violation and receive a Non-Moving University Parking/Traffic Infraction Citation.
(a) All vehicles or operators involved in traffic, parking/non-moving, and decal violations may be ticketed by University Police Officers. The citation shall show the nature of the violation and the name or the number of the issuing officer. The person in whose name the decal is registered will be held responsible for violations; if the violator cannot be identified, then the registered owner.
(b) All moving violations will warrant a State of Florida uniform traffic ticket which must be referred to the Duval County courts for payment of fine or appearance in court. No University appeal exists for these State citations as provided by Sections 240.263, 316.650 and 318.14, Florida Statutes.
(c) Examples of TRAFFIC (MOVING) VIOLATIONS that will be ticketed with a State of Florida uniform traffic ticket:
1. Speeding.
2. Reckless driving.
3. DUI-Driving Under Influence.
5. License violation.
6. Failure to yield right-of-way.
7. Failure to stop at stop sign or obey other traffic control devices.
8. Driving in direction opposite arrows in parking lots or on roadways.
9. Going wrong way on one-way street, or parking lot aisles.
10. Operating vehicle on grass, paths, or sidewalks without specific permission.
12. Operating a vehicle without proper State license tag.
(d) Examples of PARKING (NON-MOVING) VIOLATIONS that will be ticketed with a Non-Moving University Parking/Traffic Infraction Citation:
1. Parking in a no parking zone or loading zone.
2. Parking on or over line (center or side line).
3. Parking in reserved area.
4. Double-parking.
5. Parking which blocks traffic or constitutes a hazard.
6. Walking, running, jogging, skateboarding, roller blading, or roller skating on the paved portion of UNF Drive.
(e) Examples of VEHICLE REGISTRATION DECAL VIOLATIONS that will be ticketed with a Non-Moving University Parking/Traffic Infraction Citation:
1. Any registration obtained through falsehood or misrepresentation.
2. Failure to attach affixed decal to vehicle or to display hanging decal in vehicle, in accordance with instructions.
3. Failure to register vehicle.
(9) Fines and Late Fees, and Other Penalties.
Fines and Late Fees

|                      | HANDICAPPED | DECAL | PARKING/OTHER
|----------------------|-------------|-------|----------------
| If paid within (5) days | $50.00 | $15.00 | $15.00 |
| After (5) days        | $75.00 | $25.00 | $25.00 |
| After (10) days       | Administrative Action |            |
| Immobilization Fee    |          |       | $20.00 |

Possession or use of a lost/stolen permit – The fine is equal to the original value of the permit and parking privileges may be revoked for the remainder of the permit year, at the discretion of the UNF Traffic Appeals Board.

Right to appeal a citation with UNF Traffic Appeals Board is forfeited after ten (10) calendar days.

(10) Payment Procedure.
(a) All persons receiving UNF citations for non-moving violations shall pay such charges in person or by mail to the Cashier’s office, University of North Florida. Such payment will be made within five (5) working days from the date of the ticket.
(b) Tickets which are not satisfied within ten (10) calendar days from the date of issuance will be collected by the Cashier’s office in accordance with the University accounts receivable collection procedures. The University may, as a result of failure to pay the appropriate fine within ten (10) calendar days or if charges were not dismissed upon appeal, take the following action:
1. Withdraw parking and driving privileges on University property.
2. Prevent the person from registering as a student.
3. Withdraw delivery of transcripts or degrees.
(c) Other Penalties.
1. Permission to operate a vehicle on campus may be revoked for a period of up to twelve (12) months for falsification or misrepresentation of information when applying for driving and parking privileges.
2. Permission to operate a vehicle on campus may be revoked for a period of up to twelve (12) months for habitually or willfully violating these regulations.

   (11) Automobile Towing and Impoundment Policy.
   (a) A vehicle may be towed away and impounded if it:
       1. Is blocking a trafficway or creating a hazard.
       2. Belongs to a person whose parking privileges on campus have been revoked by the University.
       3. Is parked in a designated tow-away zone.
       4. Is illegally parked in a handicap space.
       5. Is illegally parked in a reserved space.
       6. Is parked in a fire lane.
       7. Is apparently abandoned.
       8. Is involved in a crime or is potential evidence.
       9. Would be left unattended due to the arrest of the driver.
   (b) Any and all charges against the vehicle must be satisfied prior to releasing the vehicle. Wrecker services removing vehicles from the University are entitled to payment as authorized by Florida Statute and Municipal Ordinance.
   (c) Immobilizing Devices – Law enforcement officers of the University are authorized to attach a wheel lock device that is capable of immobilizing a vehicle so that it cannot be moved when two (2) or more parking citations for illegal or unlawful parking have been delinquent for more than ten (10) calendar days and have not been disposed of by payment of fine or cancellation of the citation. University Police are also authorized to impound vehicles by a wheel lock device when any vehicle displays a lost, stolen, forged, or altered UNF parking permit. At the time of attachment, a notice will be affixed giving information as to the amount of pending fines, where they can be paid, and the amount of any service charges which have to be satisfied before the wheel lock is removed. A $20.00 immobilization fee will be charged in addition to other fines.

(12) Right to Appeal.
   (a) UNF Traffic Citations:
       1. All appeals shall be presented to the Director of Police and Public Safety or his Assistant responsible for traffic who may grant the appeal. Any unresolved appeals shall be heard by the University Traffic Appeals Board which is appointed by the President in whom that responsibility rests. That Board shall include the Director of Police and Public Safety, or his designee who shall serve in an advisory capacity only.
   2. Appeals must be initiated within 10 calendar days after date of issuance of the citation. The appeals may be filed with University Parking Services or University Police located in the Natural Sciences Building (4/Room 1402) at any hour of the day or night. The person filing the appeal will receive notice of the date and time of the Board’s hearing. It shall be the appellant’s responsibility to provide University Parking Services with a current and accurate address at the time the appeal is filed. Failure to do so may result in dismissal of the appeal. If the appeal is so dismissed, the fine is due within ten (10) calendar days of the appeal hearing date. During the course of the appeal, all penalties and/or administrative actions are withheld pending disposition of the appeal.
   (b) Towing or Impoundment Appeals:
       1. Persons whose vehicle has been towed may petition in writing to the Vice President for Administration and Finance to appear before a hearing official to present their case as to the propriety of the impoundment and as to the driver/owner’s liability for the towing and storage charges. All claims of impropriety must include a copy of the receipt showing that the claimant has paid all towing and storage charges prior to filing for a hearing.
       2. To obtain a hearing date, the individual must personally appear at University Parking Services or University Police Department within ten (10) calendar days after the release of the vehicle from impoundment. Failure to adhere to the time limit set forth will revoke all privileges for a hearing. The Vice President for Administration and Finance shall assign a hearing official and will notify the claimant of:
          a. The hearing date and time;
          b. The hearing official’s name; and
          c. The telephone number of the hearing official.
       The claimant will be notified at least ten (10) calendar days prior to the hearing date by the hearing officer. This date will be at least ten (10) calendar days from the date of posting of the request for hearing, which will include Saturdays, Sundays and holidays. At the discretion of the hearing official, this date may be extended but not more than thirty (30) calendar days after the posting of the request for hearing.
       3. The hearing official’s decision is final and binding on all parties.
   (13) Disposition of Fees and Fines Collected – Moneys collected from parking assessments and infraction fines shall be used to defray the administrative and operating costs of the traffic and parking program at the University and to provide for additional parking facilities, walkways and roadways on campus in accordance with Section 240.267, F.S.
   (14) Commercial Vehicles on UNF Campus – Marked delivery trucks, telephone, water or power service trucks, vending machine delivery vehicles, limousine service, taxis, and buses making brief stops at one or more points on campus are not required to pay a parking fee or display a parking decal.
(15) Construction Contractor Vehicles on UNF Campus – Contractors and contractor personnel engaged in University construction projects will be provided specific parking instructions. The rules and regulations herein governing the operation of vehicles and the payment of fines shall apply and be enforceable upon the contractor’s personnel when so designated. Any construction vehicle or contract employee who occupies a regular parking space must display a current decal or daily parking permit.

Specific Authority 120.53(1)(a), (b), 240.227(1) FS. Law Implemented 120.53(1)(a), (b), 240.263, 240.264, 240.265, 240.266, 240.267, 240.268 FS. History–New 6-2-76, Amended 1-30-85, Formerly 6C9-5.01, Amended 7-30-86, 10-4-88, 4-5-89, 6-30-91, 5-27-93.

Cf. Reference Florida Traffic Laws Chapters 316, 318, 320, 322 FS.


(1) The purpose of this rule is to govern the use of vehicles at the University of North Florida. The motor vehicle regulations set forth herein are applicable to all persons operating or parking a motor vehicle on properties of the University of North Florida. University traffic rules shall be enforced on all university roads and grounds at all times of the day and night throughout the calendar year. University police are authorized and empowered to enforce these motor vehicle regulations and to provide for the safety of persons on university property.

(2) All Duval County traffic ordinances and laws of the State of Florida which are not in conflict or inconsistent with these regulations shall be enforced by the University Police.

(3) The University Police shall enforce University traffic rules on the campus and may make arrests and issue citations. University police officers may pursue violators off campus to make arrests and may request the assistance of law enforcement officers from adjacent areas in other jurisdictions.

(4) The University does not assume any responsibility for motor vehicles or their contents while they are operated or parked on University property.

(5) University parking citations shall be treated as minor infractions of University regulations with the rights of appeal. Any person who operates a motor vehicle on campus, as a condition of such operation, shall be deemed to have consented thereby to have his or her appeal adjudicated through the internal appeals process of the University. The right of such appeal does not apply to any State Uniform Traffic Citation, which is returnable to, or scheduled for a hearing before, the Duval County Court.

(6) Copies of the University of North Florida Traffic and Parking Regulations, Edition 5 (including the schedule of fees for parking decals and citation fines) are available from University Parking Services, the Department of Police and Public Safety and the Cashier’s Office.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), 1006.66 FS. History–New 12-7-03.

6C9-5.1002 Vehicle Registration Regulations.

(1) Any motor vehicle parked on University property during designated hours must display a valid University parking decal or parking permit. Use of a motor vehicle on University property is a privilege, not a right, and is made available only under the policies established by the University Traffic and Parking Regulations, Edition 5 as referenced in this chapter and currently in effect.

(2) All motor vehicle and parking regulations, except permit requirements, are in effect 24 hours a day. Parking decals or parking permits are required from 7:00 AM to 9:00 PM Monday through Friday. Parking permits may also be required during special events held on campus. Purchasing a parking permit does not guarantee a parking space, except for those spaces specifically posted as reserved. The purchase of a Garage Reserved Parking or Designated Parking permit does not guarantee a parking space within the garages or designated lots, as a greater number of decals will be sold than are available spaces. The types and prices of available parking decals are provided in the University of North Florida Traffic and Parking Regulations, Edition 5, a publication containing university policies and procedures available upon request from Parking Services, University of North Florida, Building 41, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224-2648.

(3) Vehicles used by members of the faculty, staff, students (full or part-time), concessionaire employees, and others who regularly operate a vehicle on campus must be registered during the first day the vehicle is on campus. Vehicle registrations expire on the expiration date indicated on the decal or permit.

(4) Commercial Vehicles and Visitors. Marked delivery trucks, telephone, water or power trucks, vending machine delivery vehicles, limousine service, taxis, and buses making brief stops at one or more points on campus are exempt from paying a parking fee or displaying a parking decal or permit. All other visitors must purchase a non-refundable parking permit when parking on campus. Construction contractors are subject to the requirements of the UNF Contractor Parking Policy in accordance with Rule 6C9-5.1012, Florida Administrative Code.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), 1006.66 FS. History–New 12-7-03.

6C9-5.1003 Traffic Regulations.

All regulations embodied in the laws of the State of Florida and in the ordinances of the City of Jacksonville governing and regulating vehicular traffic are applicable to and will be enforced on the University of North Florida campus. The following regulations are applicable to the operation of all vehicles as described herein:
(1) Traffic rules, regulations, and directive signs governing the use of motor vehicles are in effect 24 hours a day unless specifically limited. Inclement weather does not bar their enforcement.
(2) Motorists shall yield the right-of-way to pedestrians, bicycles, service vehicles, and golf carts.
(3) The campus speed limit is as posted. Speed limit in all parking lots is 15 miles per hour and 5 miles per hour in the garages.
(4) All vehicles must be brought to a complete stop before proceeding through intersections where stop signs are located.
(5) All motor vehicle accidents on University property shall be reported immediately by the persons involved to the University Police.
(6) All accidents involving University-owned vehicles shall be reported immediately by the persons involved to the University Police.
(7) Barriers may be placed by the Department of Police and Public Safety at any point deemed necessary for specific temporary use, including safety reasons. Except for the passage of emergency vehicles, removal of any such barrier without permission is prohibited. In every case, the directions of a police officer supersede the regulations posted by a sign or signal.
(8) The following are prohibited:
  (a) Unnecessary disruptive noise from horns, mufflers, or any other noisemaking device.
  (b) Driving in a direction opposite that indicated by arrows in parking lots, roadways, or streets.
  (c) Driving or parking on sidewalks, paths, or grass (except University service and emergency vehicles, when necessary).
  (d) Driving or parking on nature trails (except emergency and state-owned vehicles of the Maintenance Department).
  (e) Driving around a barricade or driving on a section of road under construction marked as closed.
  (f) Tearing down, altering, defacing, or removing any traffic control device or sign.
  (g) U-turns.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), 1006.66 FS. History–New 12-7-03.

6C9-5.1004 Parking Regulations.
(1) Visitors Parking: Visitors must purchase a parking permit from the Information Booth located near the entrances to the campus and may park in any open space that is not reserved or prohibited.
(2) Open Parking Spaces: Any parking space within an assigned lot not specifically marked for another purpose is designated as an open parking space. Students, faculty, staff, and other registrants may use the space on a first come basis.
(3) Disabled Parking Spaces: Only vehicles lawfully displaying a state-issued disabled parking permit are authorized to park in disabled parking spaces. The disabled parking permit alone without the required accompanying UNF parking permit will not be acceptable in any UNF parking lot or garage, including the disabled spaces within those lots or garages. Violators shall be subject to ticketing.
(4) UNF Temporary Disabled Parking. A registered student, faculty, or staff member with a temporary mobility-related disability may apply to the Department of Police and Public Safety for consideration in obtaining special parking privileges on a temporary basis.
(5) Reserved Parking: These spaces are located on the first floor of the parking garages and in sections of various parking lots. For information on special reserved parking, contact University Parking Services or the Department of Police and Public Safety.
(6) The University President, Vice Presidents, and Deans shall each be assigned a parking space for their specific use.
(7) Vehicles shall be parked only in spaces specifically marked for parking. The absence of “No Parking” signs does not mean that parking is allowed.
(8) Motor Vehicles must be parked within the identifiable boundaries. Parking on or over a line is prohibited.
(9) Double-parking is prohibited at all times.
(10) Vehicles shall not be parked in such manner as to obstruct vehicular or pedestrian traffic, wheelchair ramps, interfere with normal operational activities, or create a hazard. Vehicles so parked will be towed away at the owner’s expense.
(11) Parking on grass, sidewalks, loading zones, or on roadways (except where specifically marked for parking) is prohibited.
(12) If a vehicle with an affixed decal is temporarily out of normal service, the owner may obtain a temporary, substitute, parking permit at no cost, valid for a maximum of two weeks, from University Parking Services or the Department of Police and Public Safety. An extension will be granted when proof of continuing repair is provided.
(13) Any vehicle parked on campus is parked at the risk of the owner.
(14) Except at the Resident Parking Lots, overnight parking of any vehicle is prohibited unless special permission is granted by the Department of Police and Public Safety.
(15) Disabled or abandoned vehicles which constitute a traffic or safety hazard are subject to be towed away at the owner’s expense. This also applies to vehicles abandoned on campus for more than three days.
(16) Major repairs to vehicles shall not be performed on campus.
(17) Locating a legal parking space is the responsibility of the vehicle’s operator. Lack of a parking space will not be considered a valid excuse for violation of any parking regulation.
(18) Unauthorized persons parking vehicles in “disabled” spaces are subject to fine and having a vehicle towed away at owner’s expense. Temporary “disabled” parking permission may be obtained by contacting University Parking Services or the Department of Police and Public Safety.
(19) Regulations concerning loading zones will be enforced at all times.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), 1006.66 FS. History–New 12-7-03.

6C9-5.1005 Motor Scooter, Motorcycle, Moped, Bicycle, and Non-Vehicular Regulations.

(1) Drivers of motor scooters, motorcycles, mopeds, and bicycles are responsible for observing the same traffic regulations as those governing automobiles.

(2) Driving, riding, or parking motor scooters, motorcycles, mopeds, and bicycles on grass, paths, or sidewalks is prohibited.

(3) It is unlawful for more than one person to ride at the same time a motor scooter, motorcycle, moped, or bicycle unless the vehicle is designed for and equipped with a seat for a second person.

(4) Motor scooters, motorcycles, mopeds, or bicycles shall be parked only in special racks or designated areas.

(5) Parking motor scooters, motorcycles, mopeds, and bicycles in automobile parking spaces on campus is prohibited at all times.

(6) UNF has a mandatory bicycle registration program. A decal with a unique registration number is affixed to the bicycle and the owner’s name and address are entered into a computer database. This free registration service is available at the Department of Police and Public Safety. Bicycles not registered are subject to impoundment by the Department of Police and Public Safety.

(7) Walking, running, or jogging on paved UNF roadways is prohibited. Violators will be charged with a traffic violation and receive either a Non-Moving University Parking/Traffic Infraction Citation, or appropriate uniform traffic citation under the provisions of Chapters 316 and 318, F.S.

(8) Non-vehicular traffic such as skateboards, in-line and roller skates are prohibited on paved UNF roadways. Violators will be charged with a traffic violation and receive a Non-Moving University Parking/Traffic Infraction Citation, or appropriate uniform traffic citation under the provisions of Chapters 316 and 318, F.S.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), 1006.66 FS. History–New 12-7-03.


(1) All vehicles or operators involved in traffic, parking/non-moving, and decal violations may be ticketed by university police officers. The citation shall show the nature of the violation and the name or the number of the issuing officer. The person in whose name the decal is registered will be held responsible for violations; if the violator cannot be identified, then the registered owner will be held responsible.

(2) All moving violations will warrant a State of Florida uniform traffic citation, which must be referred to the Duval County Courts for payment of fine or appearance in court. No University appeal exists for these State citations as provided by Sections 1006.66, 316.650 and 318.14, F.S.

(3) Examples of TRAFFIC (MOVING) VIOLATIONS that will be ticketed with a State of Florida uniform traffic citation:

(a) Speeding.
(b) Reckless driving.
(c) DUI-Driving Under Influence.
(d) Failure to yield right-of-way.
(e) Failure to stop at stop sign or obey other traffic control devices.
(f) Driving in direction opposite arrows in parking lots or on roadways.
(g) Going wrong way on one-way street, or parking lot aisles.
(h) Operating vehicle on grass, paths, or sidewalks without specific permission.
(i) Making U-turns.
(j) Operating a vehicle without proper State license tag.

(4) Examples of PARKING (NON-MOVING) VIOLATIONS that will be ticketed with a Non-Moving University Parking/Traffic Infraction Citation:

(a) Parking in a no parking zone or loading zone.
(b) Parking on or over line (center or sideline).
(c) Parking in reserved area.
(d) Double-parking.
(e) Parking which blocks traffic or constitutes a hazard.
(f) Walking, running, jogging, skateboarding, in-line or roller skating on the paved UNF roadways.
(g) License violation.

(5) Examples of VEHICLE REGISTRATION DECAL VIOLATIONS that will be ticketed with a Non-Moving University Parking/Traffic Infraction Citation:

(a) Any registration obtained through falsehood or misrepresentation.
(b) Failure to attach affixed decal to vehicle or to display hanging decal in vehicle, in accordance with instructions.
(c) Failure to register vehicle.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), 1006.66 FS. History–New 12-7-03.
6C9-5.1007 Fines, Late Fees, and Other Penalties.

(1) Fines for parking, decal and other infractions or violations must be paid within ten (10) days of the date of issuance. After ten (10) days, late fees and other penalties, including administrative action and vehicle immobilization will be assessed as described in the University of North Florida Traffic and Parking Regulations, Edition 5, a publication containing university policies and procedures available upon request from Parking Services, University of North Florida, Building 41, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224-2648.

(2) Possession, use or distribution of a lost/stolen or forged permit. The fine for possession, use or distribution of a lost, stolen or forged parking permit is equal to the original value of the permit. In addition to the assessment of the fine, parking privileges may be revoked for the remainder of the permit year at the discretion of the University Traffic Authority. Possession, use or distribution activity will also result in criminal prosecution.

(3) The right to appeal the issuance of any citation with the University Traffic Authority is forfeited after ten (10) calendar days from the date the citation is issued.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), 1006.66 FS. History–New 12-7-03.

6C9-5.1008 Payment Procedure.

(1) All persons receiving UNF citations for non-moving violations shall pay such charges in person or by mail to the Cashier’s Office, University of North Florida. Such payment shall be made within ten (10) working days from the date of the ticket.

(2) Tickets, which are not satisfied within ten (10) calendar days from the date of issuance, will be collected by the Cashier’s Office in accordance with the University accounts receivable collection procedures. The University will, as a result of failure to pay the appropriate fine within ten (10) calendar days or if charges were not dismissed upon appeal, take one or more of the following actions, as appropriate, until such payment is satisfied:

(a) Withdraw parking and driving privileges on University property.
(b) Prevent registration as a student.
(c) Withhold delivery of transcripts or degrees.

(3) Other Penalties:

(a) Permission to operate a vehicle on campus will be revoked for a period of up to twelve (12) months for falsification or misrepresentation of information when applying for driving and parking privileges.

(b) Permission to operate a vehicle on campus will be revoked for a period of up to twelve (12) months for habitually or willfully violating these regulations.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), 1006.66 FS. History–New 12-7-03.

6C9-5.1009 Automobile Towing and Impoundment Policy.

(1) A vehicle will be towed away and impounded if it:

(a) Is blocking a trafficway or creating a hazard.
(b) Belongs to a person whose parking privileges on campus have been revoked by the University.
(c) Is parked in a designated tow-away zone.
(d) Is illegally parked in a disabled parking space.
(e) Is illegally parked in a reserved space.
(f) Is parked in a fire lane.
(g) Is apparently abandoned.
(h) Is involved in a crime or is potential evidence.
(i) Would be left unattended due to the arrest of the driver.

(2) Any and all charges against the vehicle must be satisfied prior to releasing the vehicle. Wrecker services removing vehicles from the University are entitled to payment as authorized by applicable Florida Statute and Municipal Ordinance.

(3) Immobilizing Devices – Law enforcement officers of the University are authorized to attach a wheel lock device that is capable of immobilizing a vehicle so that it cannot be moved when two (2) or more parking citations for illegal or unlawful parking have been delinquent for more than ten (10) calendar days and have not been disposed of by payment of fine or cancellation of the citation. University police are also authorized to impound vehicles by a wheel lock device when any vehicle displays a lost, stolen, forged, or altered UNF parking permit. At the time of attachment, a notice will be affixed giving information as to the amount of pending fines, where they can be paid, and the amount of any service charges, which must be satisfied before the wheel lock is removed. An immobilization fee in accordance with University Traffic and Parking Regulations, Edition 5 will be charged in addition to other fines.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), 1006.66 FS. History–New 12-7-03.

6C9-5.1010 Right to Appeal.

(1) UNF Traffic Citations:
(a) At the discretion of the person filing the appeal, the appeal may either be presented to the Director of Police and Public Safety or designee who may grant the appeal, or to the University Traffic Authority, appointed by the President. The Authority shall include the Director of Police and Public Safety, or designee, who shall serve in an advisory capacity only.

(b) Appeals must be initiated within ten (10) calendar days after date of issuance of the citation. Appeals may be filed with University Parking Services or the Department of Police and Public Safety located in Building 41/Room 1012, at any hour of the day or night. The person filing the appeal will receive notice of the date and time of the University Traffic Authority’s hearing. It shall be the appellant’s responsibility to provide University Parking Services with a current and accurate address at the time the appeal is filed. Failure to do so will result in dismissal of the appeal. If the appeal is so dismissed, the fine is due within ten (10) calendar days of the appeal hearing date. During the course of the appeal, all penalties and/or administrative actions are withheld pending disposition of the appeal.

(2) Towing or Impoundment Appeals:

(a) Persons whose vehicle has been towed may petition in writing to the Director of Police and Public Safety to appear before the Director or designee to present their case as to the propriety of the impoundment and the driver/owner’s liability for the towing and storage charges. All claims of impropriety must include a copy of the receipt showing that the claimant has paid all towing and storage charges prior to filing for a hearing.

(b) To obtain a hearing date, the individual must personally appear at University Parking Services or Department of Police and Public Safety within ten (10) calendar days after the release of the vehicle from impoundment. Failure to adhere to the time limit will revoke all privileges for a hearing. The Director of Police and Public Safety or designee shall notify the claimant of the hearing date and time, and the name and telephone number of the designee (if applicable). The claimant will be notified at least ten (10) calendar days prior to the hearing date by the Director or designee. This date will be at least ten (10) calendar days from the date of posting of the request for hearing, which will include Saturdays, Sundays and holidays. At the discretion of the hearing official, this date will be extended but not more than thirty (30) calendar days after the posting of the request for hearing.

(3) The decision of the Director of Police and Public Safety or designee is final and binding on all parties.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), 1006.66 FS. History–New 12-7-03.

6C9-5.1011 Disposition of Fees and Fines Collected.
Moneys collected from parking assessments and infraction fines shall be used to defray the administrative and operating costs of the traffic and parking program at the University and to provide for additional parking facilities, walkways and roadways on campus in accordance with Section 1006.66(7), F.S.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), 1006.66 FS. History–New 12-7-03.

6C9-5.1012 Construction Contractor Vehicles on UNF Campus.
Contractors and contractor personnel engaged in University construction projects will be provided specific parking instructions. Parking passes will be issued from University Parking Services in accordance with the UNF Contractor Parking Policy, adopted March 16, 1999, available upon request from Parking Services, University of North Florida, Building 41, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224-2648. This policy governing the operation of vehicles and the payment of fines shall apply and be enforceable upon the contractor’s personnel when so designated. Any construction vehicle or contract employee who occupies a regular parking space must display a current decal or daily parking permit.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), 1006.66 FS. History–New 12-7-03.
CHAPTER 6C9-6 ADMINISTRATIVE AFFAIRS

PART 1 PURCHASING

6C9-6.001 Purchasing Program. (Repealed)

PART 2 LEASES FOR REAL PROPERTY

6C9-6.002 Leasing of Real Property Program.

6C9-6.003 Definitions. (Repealed)

6C9-6.004 Procurement Responsibility and Authority; Chief Administrative Officer, Procurement Officer, Exemption, and Requirement to Be Met. (Repealed)

6C9-6.005 Bid Invitations; Competitive Bids Required, Advertisements, Receipt of One Bid, No Bids, Purchases Not Divided, Conditions, Determination, Right to Reject, Lease Contracts, Lease-Purchases, Cancellation, Informal. (Repealed)

6C9-6.006 Acquisitions of Printing, Duplicating and Reproduction Equipment; Equipment, Usage, Cost Records. (Repealed)

6C9-6.007 Vendors and Supplies; Bidder’s List, Business Directories, Disputes, Default, President Authorized to Debar or Suspend, Notices, Action Taken. (Repealed)

6C9-6.008 Standards and Specifications; Responsibility, Assistance and Cooperation, State Division of Purchasing, Florida Department of Agriculture and Consumer Services, Restrictive Specifications and Standards. (Repealed)

6C9-6.009 Term Contracts and Price Agreements; Departments’ Tabulated Estimates of Commodities, Sources of Supply, Term Contracts and Price Agreements, Cooperative Purchasing. (Repealed)

6C9-6.010 Emergency Purchases; Authorization, Statement under Oath. (Repealed)

6C9-6.011 Single Source Purchases; Authorization, Annual Certifications, Exemptions, Records. (Repealed)

6C9-6.012 Identical (Tie) Bids; Award, Executive Order 10936. (Repealed)

6C9-6.013 Class B Printing. (Repealed)

6C9-6.014 Purchases of Professional and Technical Services. (Repealed)

6C9-6.015 Deferred Payment Contracts and Payment of Interest. (Repealed)

6C9-6.016 Commodities Manufactured in State Given Preference. (Repealed)

6C9-6.017 Inconsistencies with Sections 240.225, 255 and 287, Florida Statutes, as Applicable. (Repealed)

6C9-6.018 Purpose. (Repealed)

6C9-6.019 Definitions. (Repealed)

6C9-6.020 Approval. (Repealed)

6C9-6.021 Standard Lease Agreement Form. (Repealed)

6C9-6.022 Escalation Clauses Prohibited. (Repealed)

6C9-6.023 Right-to-Terminate Clause Required. (Repealed)

6C9-6.024 Renewal of Leases. (Repealed)

6C9-6.025 Fire Code Compliance in Leased Space. (Repealed)

6C9-6.026 Leases of 2,000 Square Feet or More. (Repealed)

6C9-6.027 Disclosure Statements - Private Entities and Public Officials. (Repealed)

6C9-6.028 Legal Review. (Repealed)

6C9-6.029 Certification of Compliance. (Repealed)

6C9-6.030 Space Measurement. (Repealed)

6C9-6.031 Space Allocation. (Repealed)

6C9-6.032 Rental Rates. (Repealed)

6C9-6.033 Exception to Competitive Bidding. (Repealed)

6C9-6.034 Nominal or No Consideration Leases. (Repealed)

PART 3 PROPERTY

6C9-6.035 Purpose.

6C9-6.036 Definitions.

6C9-6.037 Reporting Requirements for Surplus, State-owned, Tangible Personal Property.

6C9-6.038 Certification.

6C9-6.039 Buildings and Structures.

6C9-6.040 Items to be Reported.

6C9-6.041 Procedures for Disposal of Surplus Property.

6C9-6.042 Availability of Surplus State Property.

6C9-6.043 Surplus Property with an Estimated Value of $5,000 or More.

6C9-6.044 Authority for Disposal.
PART 2 LEASES FOR REAL PROPERTY

6C9-6.002 Leasing of Real Property Program.

1. Purpose: The purpose of Part 2 is to implement the delegated leasing authority received by the University of North Florida in accordance with Section 240.225, F.S., with respect to those functions and duties heretofore performed by the Department of General Services in accordance with Sections 255.248, 255.249, and 255.25, F.S.

2. Definitions. For the purpose of this rule each of these words shall have the following meaning:
   (a) Lease – The contract instrument or agreement required to lease a building or any part thereof.
   (b) Privately Owned – Any building not owned by a State or local governmental entity.
   (c) Nominal consideration – Means consideration for $1.00 or less per year.

3. Approval. Before leasing a building or any part thereof, prior approval of the need shall be obtained from the University Space Committee. Prior to occupancy, lease terms and conditions shall be executed by the President or a designee. This rule shall not apply to any lease having a term of less than 21 consecutive days or to any lease for nominal or no consideration.

4. Standard Lease Agreement Form. The State University System, Board of Regents Standard Lease Agreement form may be used. If another format is used, such form should embrace the terms and conditions of the Board of Regents Agreement.

5. Escalation Clauses Prohibited. A lease shall not contain an open rate, such as Consumer Price Index or rental escalation clause. Any such clause in a lease shall be null and void and unenforceable.

6. Right-to-Terminate Clause Required. A right-to-terminate clause shall be a part of any lease for a term exceeding one year and may not be omitted from any lease.

7. Renewal of Leases. Any lease may contain an option to renew and any such renewal shall be made according to the terms and conditions of such agreement.

   (a) Any private sector building to be leased shall comply with the fire safety standards of the State Building Code.
   (b) Before construction or renovation of any State-Leased building is commenced, the proposed construction or renovation plan shall comply with the fire safety standards of the State Building Code. This responsibility may be delegated to any ex-officio agent of the State Fire Marshal.
   (c) Whenever it is determined that a construction or renovation plan is not in compliance with such fire safety standards, an order may be issued to cease all construction or renovation activities until compliance is obtained, except those activities required to achieve such compliance.
   (d) Approval of any proposed lease shall be withheld until the facility and/or construction or renovation plan complies with fire safety standards.
   (e) The cost of all modifications or renovations made for the purpose of bringing leased property into compliance with the fire safety standards shall be borne by the lessor.

9. Leases of 3000 Square Feet or More.
   (a) The University shall not enter into a lease for 3000 square feet or more of space in a privately-owned building except upon advertisement for, and receipt of competitive bids, and award to the lowest bid meeting the specifications. The University shall not enter into, within any 12 month period, more than one lease for space of a total of 3000 square feet or more in the same privately-owned facility or complex except upon the solicitation of competitive bids.
   (b) Competitive bidding shall not be required for leases of space of 3000 or more square feet in a privately-owned building where such leases:
      1. Are renewals of existing leases,
      2. Have a term of less than 21 consecutive days,
      3. Are for nominal or no consideration,
      4. Are for the purpose of providing care and living space for persons, or
      5. Are extensions of an existing lease of 3000 square feet or more, provided that such extensions are in the best interest of the State and are not for a period exceeding 11 months. If, at the end of the period granted by the extension(s), the time of such extension(s) equals 11 months, the University shall solicit competitive bids in accordance with this chapter.
   (c) The University shall not enter into a lease for space of 3000 or more square feet in a privately-owned building when suitable space is available in a State-owned building located in the same geographic region unless it is determined by the University that lease of non-State property is in the best interest of the State.
   (d) Solicitation.
1. A public solicitation for proposals will be widely publicized using newspaper advertisements and contact with owners, developers or realtors in the city or area in which space is desired.

2. Solicitation should set forth, but not be limited to the following:
   a. Approximate net square footage required.
   b. General area in which space must be located.
   c. Date space must be available.
   d. Name and address of location where specifications may be obtained.

(e) Specifications.
1. Specifications shall be drawn in general terms. They shall afford each prospective lessor, interested in submitting a proposal, knowledge of the user’s space requirements.

2. Specifications provided to each prospective lessor should set forth, but not be limited to, the following:
   a. Appropriate net square footage required, to be measured in compliance with the State University System Standard Method of Space Measurement.
   b. An approximate floor plan of space needed showing partitioning and other physical requirements.
   c. General location of required space.
   d. Date space must be available.
   e. Term of lease with option to renew, if desired.
   f. Services required to include parking, dining and transportation requirements.

3. Specifications shall also set forth that the prospective lessor will agree to:
   a. Enter into a contract on the specified lease agreement form.
   b. Provide a scaled floor plan showing present configurations and measurements that equate to net rentable square footage offered.
   c. Comply with the requirement of Chapter 13D-1, F.A.C., Design Standards for Special Facilities for the Physically Disabled.
   d. Be an Equal Opportunity Employer.
   e. Provide Full Disclosure Statements of Ownership.
   f. Validate the proposal for a minimum of thirty (30) or more days following the public bid opening date.
   g. Provide a Life Cycle Analysis with proposal if space is for 20,000 or more square feet in any one structure with the understanding that the analysis shall be acceptable before an award can be made. (Section 255.254, F.S.)
   h. Comply with fire safety standards of the State Building Code.
   i. Ensure that any renovations required will comply with safety standards of the State Building Code before renovations are commenced (Section 255.25(5), F.S.)
   j. Propose a rental rate per square foot per year that will include all renovations and other special requirements necessary to accommodate the program at the time of initial occupancy.
   k. Provide appropriate documentation in regards to Section 287.133(1)(g), F.S., Public Entity Crimes.

4. Specifications may provide that sealed proposals are to be submitted, in a titled envelope, to designated individuals by a specified closing time and date, at which time all proposals will be publicly opened.

(f) Proposals – Each proposal shall be signed by the owner(s), corporate officers, or legal representative(s). The corporate, trade, or partnership name must be either stamped, written or typewritten beside the actual signature(s). If the proposal is signed by an agent, written evidence of his authority must accompany the proposal. If a corporation foreign to the State of Florida is the owner, evidence of authority to conduct business in Florida shall be presented.

(g) Evaluation:
1. The University alone shall reserve the right to accept or reject any or all bids submitted and, if necessary, re-initiate procedures for soliciting competitive proposals.

2. Weighted criteria shall be developed. The criteria items most significant to the user’s needs should bear the highest weight.
   The cost of relocation, if any; consolidation of activities, if desirable; and any other factors deemed necessary should be weighted.

3. The evaluation shall be made by the University.

4. Selection shall be made by the University.

5. Documentation to support the selection shall be maintained and shall include, but not be limited to, the following:
   a. A copy of all advertisements.
   b. A copy of the proposal specifications.
   c. A copy of all proposals received.
   d. A synopsis of the findings for each proposal.

6. Selection shall be posted publicly.

(h) Lease preparation and approval – After the selection has been announced, a lease agreement shall be properly executed.

(i) Disclosure Statements – Private Entities, Public Officials.
1. A statement by the owner, providing for full disclosure of the names and the extent of interest of the owners holding 4% or more interest in any privately-owned property leased to the State or in the entity holding title to the property, shall be secured for all new leases, renewal leases, modifications to approved leases and the notification of renewal under an existing lease option.
2. A statement by the owner, providing for full disclosure of the names of all public officials, agents, or employees holding any interest in any privately-owned property leased to the State or in the entity holding title to the property and the nature and extent of their interest, shall be secured for all leases, renewal leases, modifications to approved leases, and notification of renewal under a lease option.

3. It is not necessary to make disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange commission or registered pursuant to Chapter 517, F.S., which stock is for sale to the general public. A statement certifying the registration shall be provided by the Lessor.

4. Each subsequent transaction pertaining to a lease, for which a Disclosure Statement has been provided, may be accompanied by a lessor’s affidavit that the previous Disclosure Statement submitted on (date to be provided) is still valid if no change in the interest held or individuals concerned has occurred.

(10) Legal Review.
(a) All leases of space in a privately-owned building shall be reviewed as to form and legality by the University’s General Counsel.
(b) This rule shall not apply to leases for less than twenty-one (21) consecutive days.
(11) Certification of Compliance. On a form prepared by the University, the University President or designee shall certify that the lease is in compliance with all leasing criteria provided by Chapter 255, F.S.
(12) Space Measurement. The University shall utilize the method of space measurement as specified in the HEGIS Facilities Inventory and Classification Manual.
(13) Space Allocation. Space allocation shall be based on the State University System Space Generation Formula.
(14) Rental Rates. The rental rates for space shall be established by University Purchasing.
(15) Exception to Competitive Bidding. Any lease for purposes of providing care and living space for persons shall be exempt from competitive bidding requirements provided the President or designee certifies that the space is to be used for that purpose.
(16) Nominal or No Consideration Leases. Leases for nominal or no consideration shall be reported to and approved by the President or designee.

Specific Authority 240.227(1) FS. Law Implemented 240.225, 255.25(2)(c), (7) FS. History–New 4-6-80, Amended 3-1-93.

PART 3 PROPERTY

6C9-6.035 Purpose.
The purpose of this chapter is to implement the delegated authority received by the State University System and the University of North Florida in accordance with Section 240.225, F.S., with respect to those functions and duties heretofore performed by the Department of General Services in accordance with Sections 273.04, 273.05 and 273.055, F.S.

Specific Authority 240.225, 240.227(1), 287.042(10) FS. Law Implemented 240.225, 240.227(1), 273.04, 273.05, 273.055, 287.042(10) FS. (see DGS Rule 13A-1.014, F.A.C.) History–New 4-6-80.

6C9-6.036 Definitions.
(1) Custodian – Any person entitled to lawful custody of property owned by the State.
(2) Property Manager – An individual assigned by the President to manage the assignment, accountability, transfer and disposal of state-owned property for which the University of North Florida has custodial responsibility under the Florida Statutes.
(3) Tangible Personal Property – All personal property other than Real Estate, acquired and belonging to the State of Florida.
(4) Exchange Property – Property being offered as a trade-in on the purchase of a new item.
(5) Property Survey Board – A body appointed by the President to oversee surplus property practices and determine disposition actions.

Specific Authority 240.225, 240.227(1), 273.055, 287.042(10) FS. Law Implemented 240.225, 240.227(1), 273.04, 273.05, 273.055, 287.042(10) FS. (see DGS Rule 13A-1.014 F.A.C.) History–New 4-6-80.

6C9-6.037 Reporting Requirements for Surplus, State-owned, Tangible Personal Property.
Tangible personal property which is determined to be surplus because it is excess, obsolete, uneconomical or inefficient for continued use shall be certified as surplus by the custodian of the property to the Property Manager. The Property Manager will agenda the certification for disposition action by the Property Survey Board.

Specific Authority 240.225, 240.227(1), 287.042(10) FS. Law Implemented 240.225, 240.227(1), 273.04, 273.05, 273.055, 287.042(10) FS. (see DGS Rule 13A-1.014, F.A.C.) History–New 4-6-80.

6C9-6.038 Certification.
Surplus Property Certifications shall provide the following information:
(1) Complete description of property.
(2) Statement of condition and age.
(3) Original purchase price.
(4) Estimated current value.
(5) Location of property and hours when property may be examined, person to contact for examining property, and a minimum bid (if required).
(6) Any additional information that would assist in determining whether or not property should be offered to other universities, state agencies, or governmental entities.

Specific Authority 240.225, 240.227(1), 273.055, 287.042(10) FS. Law Implemented 240.225, 240.227(1), 273.04, 273.05, 273.055, 287.042(10) FS. (see DGS Rule 13A-1.014, F.A.C.) History–New 4-6-80.

6C9-6.039 Buildings and Structures.
Buildings, structures and other items of a semi-permanent or permanent nature shall be considered tangible personal property, if and when they are severed from the real property upon which they reside, and shall be reported in the same manner as all other surplus property. In addition, the legal description of the location, size, type of construction, and reason for removal shall be noted.

Specific Authority 240.225, 240.227(1), 273.055, 287.042(10) FS. Law Implemented 240.225, 240.227(1), 273.04, 273.05, 273.055, 287.042(10) FS. History–New 4-6-80.

6C9-6.040 Items to be Reported.
In instances of loss, theft, or fire, such property should be reported to the Property Survey Board for action on relief of accountability in the same manner as described in Rule 6C9-6.037, F.A.C.

Specific Authority 240.225, 240.227(1), 273.055, 287.042(10) FS. Law Implemented 240.225, 240.227(1), 273.04, 273.05, 273.055, 287.042(10) FS. History–New 4-6-80.

6C9-6.041 Procedures for Disposal of Surplus Property.
(1) Transfer to another State Agency or political subdivision. If because of its type, age or condition the Property Survey Board feels the equipment is not useful to any University under the State University System the Property Survey Board may authorize transfer under such conditions the Property Survey Board may determine appropriate.
(2) Scrap or cannibalization of equipment. The Property Survey Board may authorize the scrap or cannibalization of equipment if it feels it is in the best interest of the University of North Florida.
(3) Abandoned equipment. The Property Survey Board may authorize the abandonment of tangible personal property, in place, upon determination that cost of return or repair exceeds the value of the property.
(4) Public sale. The Property Survey Board may authorize the public sale of such property determined to be surplus to the needs of the University of North Florida.
   (a) All public sales shall be conducted on a set date and time which shall be advertised in a local newspaper of general circulation no less than two weeks prior to the sale.
   (b) Sales may be conducted at the discretion of the Property Survey Board, as auction or sealed bid sales.

Specific Authority 240.225, 240.227(1), 273.055, 287.042(10) FS. Law Implemented 240.225, 240.227(1), 273.04, 273.05, 273.055, 287.042(10) FS. History–New 4-6-80.

6C9-6.042 Availability of Surplus State Property.
The Property Survey Board may at its discretion recommend the circulation of surplus property having a useful life to other agencies. Listings of such property available on a bid basis may be sent to other state agencies and the Bureau of State Surplus Property. Property listings will include condition and location of property available for viewing.

Specific Authority 240.225, 240.227(1), 273.055, 287.042(10) FS. Law Implemented 240.225, 240.227(1), 273.04, 273.05, 273.055, 287.042(10) FS. History–New 4-6-80.

6C9-6.043 Surplus Property with an Estimated Value of $5,000 or More.
Approval of the Department of Administration is required prior to disposing of property of $5,000 or higher estimated value.

Specific Authority 240.225, 240.227(1), 273.055, 287.042(10) FS. Law Implemented 240.225, 240.227(1), 273.04, 273.05, 273.055, 287.042(10) FS. History–New 4-6-80.

6C9-6.044 Authority for Disposal.
Certified surplus property shall not be sold, transferred, cannibalized, scrapped or destroyed without prior written authority from the University of North Florida Property Survey Board.

Specific Authority 240.225, 240.227(1), 273.055, 287.042(10) FS. Law Implemented 240.225, 240.227(1), 273.04, 273.05, 273.055, 287.042(10) FS. History–New 4-6-80.
6C9-6.045 Exchange Property.

(1) When the University of North Florida has property available for use as a trade-in for the purchase of new property, the Property Survey Board at its discretion may authorize the Property Manager to advise the Bureau of State Surplus Property of the availability of such exchange property in writing, specifying the following information, if available:

(a) Description of exchange property.
(b) Manufacturer’s name.
(c) Model number.
(d) Serial number.
(e) Age.
(f) Condition (E-Excellent, G-Good, F-Fair, P-Poor).
(g) Inventory control number.
(h) Location of property (room number, building, city).
(i) Name and phone number of person to contact for information about the exchange property.
(j) Date planned for trade-in transaction.
(k) A written trade-in quote stating the trade-in allowance and signed by prospective purchaser.

(2) Such notice of availability of property shall be forwarded to the Bureau of State Surplus Property a minimum of two weeks in advance of planned transaction date.

(3) Should the Division of Surplus Property decide to purchase the exchange property, the university should pay the full purchase price for the new property and send an invoice for reimbursement of the trade-in allowance to the Bureau of State Surplus Property.

Specific Authority 240.225, 240.227(1), 273.055, 287.042(10) FS. Law Implemented 240.225, 240.227(1), 273.04, 273.05, 273.055, 287.042(10) FS. History–New 4-6-80.

6C9-6.046 Non-State Funded Property.
All property originally purchased with non-state funds, such as contracts or grants, shall be managed in a form consistent with the applicable rules and regulations of the funding authority.

Specific Authority 240.225, 240.227(1), 273.055, 287.042(10) FS. Law Implemented 240.225, 240.227(1), 273.04, 273.05, 273.055, 287.042(10) FS. History–New 4-6-80.

6C9-6.047 Disposition of Monies.
All monies received from the sale of surplus property shall be deposited by the University of North Florida Controller.

Specific Authority 240.225, 240.227(1), 273.055, 287.042(10) FS. Law Implemented 240.225, 240.227(1), 273.04, 273.05, 273.055, 287.042(10) FS. History–New 4-6-80.

6C9-6.1001 Administration and Finance; Purchasing Program.

(1) Statement of Intent. It is the intent of the University to acquire quality goods and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process. Responsible purchasing officials shall be protected from improper pressures of external political or business interests. The process shall reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services, in order to preserve the integrity of public purchasing and contracting. The opportunity to bid on University contracts is a privilege, not a right.

(2) Definitions.
(a) Artistic Services – Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio, tape or sound recording, or in any other related area.
(b) Commodity – Any of the various supplies, materials, goods, merchandise, food, equipment, information technology, or other personal property, including mobile homes, trailers or other portable structures, which are purchased, leased, lease-purchased or otherwise contracted for by the University. A “Commodity” also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. Printing of publications shall be considered a “commodity” when let upon contract in accordance with Section 283.33, F.S.
(c) Competitive Bid/Proposal – The response submitted to an Invitation to Bid, Invitation to Negotiate, or a Request for Proposal by responsive and qualified bidders or offerors.
(d) Competitive Negotiation – The establishment of a contract through deliberation, discussion or conference on the specifications, terms and conditions of a proposed agreement.
(e) Competitive Solicitation – An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor.
(f) Contractor/Vendor – A person or firm who contracts to sell commodities or contractual services to the University.
(g) Contractual Service – The rendering, by a contractor, of time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. “Contractual service” does not include any contract for the furnishing of labor or materials or selection of “professional services” (as defined in Section 287.055, F.S.) for the construction, renovation, repair, or demolition of any facility, building, portion of building, utility, park, parking lot, or structure, or other improvement to real property. The University shall comply with the provisions of Section 287.055, F.S., for the procurement of any “professional services” related to construction as defined therein.

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

(i) Independent Contractor – A person or firm who provides a service to the University, but does not have any employment or other relationship or connection with that University, except as provided in Section 112.313, F.S., and in compliance with Chapter 440, F.S., and the Internal Revenue Code.

(j) Invitation to Bid – A written solicitation for competitive bids including the title, date, and hour of the public bid opening designated and the commodity, group of commodities or services, for which bids are sought. Written solicitations may also be posted electronically.

(k) Invitation to Negotiate – An invitation extended to prospective contractors by the University, by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services. Cost may or may not be a consideration in the initial stages of negotiating.

(l) Minority Business Enterprise – A business concern as defined in Section 288.703(2), F.S.

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

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

(o) Purchase – An acquisition of commodities and/or services obtained by purchase order or contract, by rent, lease, installment- or lease-purchase, outright purchase or license.

(p) Purchase for Resale – The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.

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

(r) Request for Proposal – A written solicitation for competitive proposals for commodities or contractual services with the title, date, and hour of the public opening designated. The request for proposal may be used when the scope of work is not clearly defined. A written solicitation may also be posted electronically.

(s) Responsive and Qualified Bidder or Offeror – A contractor/vendor who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.

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

(3) The University President has authority to establish a system of coordinated procurement policies, procedures, and practices to be used in acquiring commodities and contractual services required by the University. The Purchasing Department has the duty to:

(a) Canvass sources of supply and contracting for the purchase or lease of all commodities and contractual services for the University, in any manner, including purchase by installment- or lease-purchase contracts. Installment- or lease-purchase contracts may provide for the payment of interest on unpaid portions of the purchase price.

(b) Remove any contractor from the University’s competitive vendor list that fails to respond to three (3) or more invitations or to fulfill any of its duties specified in a contract with the University and to reinstate any such contractor when satisfied that further instances of default will not occur. “No Bid” is a response.

(c) Plan and coordinate purchases in volume and negotiate and execute agreements and contracts for commodities and contractual services under which the University may make purchases.

(d) Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/services that are frequently purchased and are available from a single source.

(e) Evaluate and approve contracts let by the Federal Government, other states, political subdivisions, any independent college or university, educational cooperative or educational consortium for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University to do so.

(f) Elect as an alternative to any provision in Section 120.57(3)(c), F.S., to proceed with a bid solicitation or contract award process when the particular facts and circumstances demonstrating that a delay due to staying the solicitation contract award process would be detrimental to the interests of the University are set forth in writing. After the award of contract resulting from a competitive solicitation in which a timely protest was received and in which the University did not prevail, the contract will be canceled and re-awarded to the prevailing party unless the final order or settlement between the parties provides otherwise.

(g) Award contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University. Such awards may be on a university, regional or multiple state university-wide basis and the contracts may be for multiple years.

(h) Reject or cancel any or all competitive solicitations when determined to be in the best interest of the University.
(4) Competitive Solicitations Required.
   (a) All contracts for the purchase of commodities or contractual services exceeding $50,000 shall be awarded pursuant to a
       competitive solicitation, unless otherwise authorized herein.
   (b) When only one response is received to a competitive solicitation for commodities or contractual services exceeding
       $50,000, the University will review the solicitation response and circumstances surrounding the solicitation to determine if a
       second call for a competitive solicitation is in the best interest of the University. If it is determined that a second call would not
       serve a useful purpose, the University will proceed with the acquisition.
   (c) When multiple responses, equal in all respects, are received to a competitive solicitation, the University will give
       preference to responses that include commodities manufactured in the state, Florida businesses, businesses with a drug-free
       workplace program, or foreign manufacturers located in the state determining the contract award, or, if these conditions do not exist
       or are the equivalent between two or more responses, will use toss of the coin.
   (d) The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive
       solicitation.
   (e) The intended award shall be publicly posted by the Purchasing Office which issues the Invitation to Bid, Request for
       Proposal or Invitation to Negotiate for seventy-two (72) hours, which is interpreted as three (3) working days excepting Saturdays,
       Sundays, or State holidays.
   (f) Bids, proposals, and negotiations shall remain sealed until notice of final contract award is given and in accordance with
       Florida Statutes as appropriate.
   (g) In the case of extension errors, the unit price will prevail.
   (h) Withdrawal. A vendor may request to withdraw his or her bid or proposal in writing if done within seventy-two (72) hours
       of the bid or proposal opening, if the bid or proposal is clearly erroneous and it is withdrawn prior to final award or issue of a
       purchase order.
(5) Purchase of Commodities or Contractual Services.
   (a) Purchase of Insurance. The University has the authority to purchase insurance as deemed necessary and appropriate for the
       operation and educational mission of the University. Examples of insurance coverage that may be acquired by the University
       include:
       1. Physical damage on vehicles and boats;
       2. Inland marine on property owned, leased, or loaned to or by the University;
       3. Building and property damage;
       4. Equipment losses due to theft;
       5. Equipment subject to transportation;
       6. Loss of rental income;
       7. Commercial general liability insurance for scientific equipment;
       8. Excess general liability coverage; and
       9. Camps insurance.
   (b) Purchase of Printing. Printing shall be purchased in accordance with Chapter 283, F.S.
   (c) Purchases from Minority Business Enterprises. The University is an equal opportunity institution and encourages
       procurement contracting with Minority Business Enterprises, and the University will comply with Section 287.09451, F.S., for all
       procurement subject to that section.
   (d) Purchases from Contractors Convicted of Public Entity Crimes. The University shall not accept a competitive solicitation
       from, or purchase commodities or contractual services from, a person or affiliate who has been convicted of a public entity crime
       and has been placed on the State of Florida’s convicted vendor list for a period of thirty-six (36) months from the date of being
       added to the convicted vendor list.
   (e) Purchasing actions that are not subject to the competitive solicitation process include:
       1. Emergency Purchases. When the President or his or her designee determines in writing, that a condition exists that threatens
           the health or safety of person(s) or animal(s) or the preservation or protection of property or the continuance of a vital University
           function, the University will proceed with an emergency purchase without a competitive solicitation. The emergency purchase shall
           be limited to the purchase of only the type of items and quantities or for a time period sufficient to meet the immediate threat and
           shall not be used to meet long-term requirements.
       2. Sole Source Purchases. Commodities or contractual services available only from a single source shall be exempted from the
           competitive solicitation process. The sole source document shall be publicly posted by the Purchasing Office for three (3) working
           days.
       3. Purchases from competitively bid Contracts and Negotiated Annual Price Agreements established by the State, other
           governmental entities, other public or private educational institutions, or educational cooperatives or educational consortiums are
           not subject to further competitive solicitation.
       4. Construction Direct Purchase Program. Commodities to be incorporated into any public work (as that term is defined in Rule
           12A-1.094, F.A.C.) which are procured by the University, in accordance with the requirements of the University’s direct purchase
           program, are not subject to any further competitive solicitation.
   (f) Commodities and contractual services that are not subject to the competitive solicitation process include:
1. Artistic services;
2. Academic reviews;
3. Lectures;
4. Professional services, including, but not limited to, health services, legal services, auditing and accounting services, management and consulting services. For purposes of this section health services are those that involve examination, diagnosis, treatment, prevention, medical consultation or administration, and legal services include attorney, paralegal, expert witness, appraisal, arbitrator or mediator services. Professional services related to construction such as architectural, engineering, and land surveying services shall be selected and negotiated according to Section 287.055, F.S.
5. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to, prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;
6. Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of §501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;
7. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a period not to exceed ninety (90) days after the date of delivery to the Medicaid recipient and shall not be renewed;
8. Family placement services;
9. Training and education services;
10. Advertising;
11. Services or commodities provided by governmental agencies, another university in the State of Florida or other independent colleges and universities;
12. Programs or continuing education events that are offered to the general public for which fees have been collected to pay all expenses associated with the program or event;
13. Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;
14. Regulated utilities and government franchised services;
15. Regulated public communications, except long distance telecommunication services or facilities;
16. Extension of an existing contract;
17. Renewal of an existing contract if the terms of the contract specify renewal option(s);
18. Purchases from the Annual Certification List developed by the University;
19. Purchases for resale;
20. Contracts or services provided by not-for-profit support and affiliate organizations of the University, direct support organizations, health support organizations and faculty practice plans;
21. Implementation/programming/training services available from owner of copyrighted software or its contracted vendor; and
22. Purchases of materials, supplies, equipment, or services for research purposes when a director of sponsored research or designee certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project.
(g) Participants in Contract Awards Not Subject to Competitive Solicitations.
1. No person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be eligible to contract with the University dealing with the specific subject matter.
2. All persons taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall follow all relevant portions of the State of Florida Code of Ethics for Public Employees, Chapter 112, Part 3, F.S., and the University’s rule on outside activities, Rule 6C9-4.031, F.A.C.
(6) Bonds.
(a) Solicitation Security. The University is authorized to require a vendor to submit to the University, as a condition for participating in a competitive solicitation, a bid bond, certified cashier’s or treasurer’s check or bank draft with their response to the solicitation when the University is reasonably uncertain about the vendor’s ability to perform.
(b) Payment and Performance Bonds. The University is authorized to require any contractor providing commodities or services to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of a contract when the total value of the contract is greater than $100,000 and the University is reasonably uncertain about the vendor’s ability to perform.
(c) Solicitation Protest Bond. Any contractor that files an action pursuant to Section 120.57(3)(b), F.S., protesting a decision or intended decision pertaining to a solicitation, shall post with the University upon filing of the formal protest, a bond payable to the University in an amount equal to 10% of the estimated value of the protestor’s bid or proposal; 10% of the estimated expenditure during the contract term; $10,000; or whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the contractor filing the protest action. In lieu of a bond, the University will accept a cashier’s check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier’s check or money order at the time of filing the formal protest shall result in the denial of the protest.
(7) Contracts.
(a) Contracts for commodities or contractual services or licenses shall consist of a purchase order or bilateral agreement signed by the President of the University or designee prior to the goods or services being rendered by the contractor. For purchases that the President of the University or designee determines are “emergency purchases,” pursuant to paragraph (5)(e) of this rule, a contract shall consist of a purchase order or bilateral agreement signed by the President of the University or designee prior to or within thirty (30) days of the goods or services being rendered by the contractor.

(b) Any contract for the purchase of services or tangible personal property for a period in excess of one (1) fiscal year shall include the following statement: “The State of Florida’s performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature.”

(c) Extension of a contract shall be for a period not to exceed twelve (12) months, shall be in writing, shall be signed by both parties, and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract.

(d) A contract may contain provisions for renewal. If the commodity or contractual service is purchased as a result of a competitive solicitation, the cost of any contemplated renewal must be included in the competitive solicitation. All contract renewals are subject to sufficient annual appropriations.

(e) The President shall have the authority to enter into deferred payment agreements utilizing the State of Florida Controller’s Consolidated Equipment Financing Program. When a commodity contract requires deferred payments and the payment of interest under that program, the contract will be submitted to the State of Florida Controller for the purpose of pre-audit review and approval prior to acceptance by the University. No agreement shall establish a debt of the State or shall be applied to the faith and credit of the State; nor shall any agreement be a liability or obligation of the State except from appropriated funds.

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

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

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

(9) Purchase of Motor Vehicles.

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

(b) The University has authority to:

1. Establish standard classes of motor vehicles to be leased, purchased or used by University personnel;
2. Obtain the most effective and efficient use of motor vehicles for state purposes;
3. Establish and operate facilities for the acquisition, disposal, operation, maintenance, repair, storage, control and regulation of University-owned motor vehicles. Acquisition may be by purchase, lease, installment-purchase, loan or by any other legal means and may include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport University personnel and adequately meet the requirements of the University;
4. Contract for specialized maintenance services.

(c) Motor vehicles owned, leased or operated by the University shall be available for official University business only.

Specific Authority 1001.74(4) FS. Law Implemented 287.055, 287.09451, 1001.74(5), 1001.75(5), 1010.04, Chapter 283 FS. History–New 8-21-03.

6C9-6.1002 University of North Florida; Direct Support Organizations.

(1) The University president may recommend to the University of North Florida Board of Trustees that an organization meeting the requirements of Section 1004.28(1)(a), F.S., become a direct support organization. Upon approval by the board, a direct support organization shall be considered to be certified and authorized to use the property, facilities and personal services of the University to the extent to be set forth in an agreement between the board and the organization.

(2) Operating budgets of direct support organizations shall be prepared at least annually, approved by the organization’s governing board of directors and recommended by the University president to the University board for review.

(3) Proposed changes to the approved budget which would require a commitment of University resources shall be reviewed and approved quarterly by the president or designee, who shall be a vice president of the University or other senior officer of the University reporting directly to the president.

(4) Direct support organizations shall provide for an annual audit and management letter, as prescribed by Florida law and rules of the Florida Board of Governors, which shall be forwarded to the University board for review and oversight.

(5) The University president may request that the board decertify a direct support organization if the president determines that the organization is no longer serving the best interest of the University. The request for decertification shall include a plan for disposition of the direct support organization’s assets and liabilities.

Specific Authority 1001.74(4), 1004.28(2)(b) FS. Law Implemented 1001.74(37), 1004.28 FS. History–New 1-5-04.
CHAPTER 6C9-7 USE OF CAMPUS FACILITIES

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6C9-7.001 University Events Coordinator.
The University Events Coordinator is designated as responsible for planning and coordinating the non-instructional use of campus facilities and grounds by on-campus and off-campus groups.

Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.202, 240.227(1), (16) FS. History–New 11-25-82, Formerly 6C9-7.01.

6C9-7.002 Use of Areas and Facilities.
(1) Authorization for use:
(a) Initial determinations of whether proposed use of University areas and facilities meets the approved criteria will be made by the University administrators who are responsible for managing particular campus areas and facilities in accordance with University rules and internal management memoranda.
(b) Facilities must be utilized efficiently and effectively in support of University programs. To achieve maximum benefits from facilities and to make certain that the facilities are utilized to support University programs, priorities are established. The first priority is the activity normally scheduled for the conduct of routine business. The second priority is normal maintenance and custodial operations. Third priority is assigned to activities scheduled by members of the University community. After these priorities have been satisfied, non-university groups or organizations may request use of facilities through the appropriate administrator.
(c) Uncontrolled exploitation of campus areas and facilities is prohibited at the University. Controlled non-commercial and commercial use of campus areas and facilities is allowed for purposes other than budgeted instruction, research, and service activities provided that such use contributes to the mission and purposes of the University to more than an incidental degree and is not in competition with University programs.
(d) Applicants for use of University facilities who are not satisfied with determinations made by managers responsible for administering campus areas and facilities, or the determinations of the University Events Coordinator, may appeal such determinations to the University President or his designee.
(e) Determinations made by the University President or his designee as to the suitability of a proposed use of campus areas and facilities or user classifications shall be final, except insofar as a requesting party alleges that determinations for use of facilities made by the President or his designee violated University rules, or state or federal law.
(2) The University reserves the right to reassign space reservations to other similar facilities on campus. Reassignment may be based upon needs of University programs, maintenance and repair requirements, inadequate staffing, or other reasons related to the orderly conduct of the affairs of the University.
(3) The University may refuse use of facilities to applicants based upon lack of suitable facilities, current or previous failure of the applicant to abide by the terms and conditions of facilities use, or lack of substantial contribution of the proposed activity to the mission and purpose of the University.
(a) In general, priority for the use of areas and facilities will be given to those users and activities that schedule in advance and
whose mission and purpose enhance the University to the greatest degree. Scheduled instruction, research, and service activities
provided for in the University budget shall have first priority for use of academic facilities. Student generated activities shall have
first priority for use of facilities which are designated for student use.

(b) No contracts or arrangements for the use of any space may be made until:
1. A confirmation of such reservation has been received from the University administrator who has been delegated
responsibility for managing the area of that facility involved, and
2. The event has been scheduled through the University Events Coordinator.

(4) Persons using University facilities who do not comply with University rules and the lawful orders of University Facilities
Administrators or University Police may be subject to the charges of trespass under applicable University Rules or Florida Statutes.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 235.02, 240.227(13), 240.261 FS. History–New 11-25-82, Formerly 6C9-7.02,
Amended 8-21-88.

6C9-7.003 Responsibilities and Definitions of Sponsoring Organizations.

(1) Use of University facilities must promote educational or community interests to more than an incidental degree, must not
conflict with University programs, and must be used in accordance with this rule chapter.

(2) Responsibilities:
(a) The privilege granted organizations to use State facilities and sponsor activities on the campus places the responsibility for
proper use and conduct of such activities on the sponsoring organizations and the officers representing that group.
(b) The organization requesting use of facilities shall be responsible for all damages or out-of-the-ordinary expenses involved
in the use of these facilities.
(c) The facilities requested will be used solely for the activities of the organization reserving facilities and only for the purposes
specified on the application.
(d) If facilities or space is used for any purpose other than that stated on the application Events Registration form UNF-7-88,
effective 8/88, available in the Office of Student Life and herein incorporated by reference such as an organization transferring its
privilege to another group or conducting activities other than those specified on the Events Registration form, the University
reserves the right to cancel the privileges and reservations confirmed for the events and any other pending applications of this
organization. Appeal of an administrative decision may be taken to the President of the University or his designee.
(e) Any group not in compliance with these rules is subject to cancellation of the privilege to use space.

(3) Insurance Liability:
(a) Liability insurance is required with all contracts for the use of University premises. The amount of coverage may vary
depending upon the exposure to the University. The University will set the limits and may in some instances waive the insurance
requirement. The Insurance Coordinator is responsible for enforcing this provision.
(b) The sponsoring organization shall furnish with the use request a certificate of insurance satisfying paragraph
6C9-7.003(3)(a), F.A.C. This is not required for events conducted by recognized UNF organizations if no rental is charged.
(c) The user agrees to save and hold harmless the University and to accept all liability arising out of, or resulting from, any
injuries occurring to persons, other than University employees acting in their official capacity, on University premises and to the
property of others thereon during the time of use.

(4) Definition of User:
(a) If an activity is multi-user sponsored, the “user” is the entity which receives the majority of proceeds or other benefits as
assigned by the University.
(b) For purposes of the recharge system for facilities utilization, the following categories of users are established:
   1. On-Campus Users;
      a. UNF Educational and General Activities;
      b. UNF Student Government and Direct Support Organizations;
      c. UNF Registered Student Organizations;
      d. Employee Bargaining Agent and Entities with Contractual Relationship with UNF;
      e. Extension Activities – non-credit;
      f. Auxiliaries;
      g. Contractual Agencies.
   2. Off-Campus Users – All off-campus users must have a University sponsor listed under 1.a.-g. above.
      a. Tax exempt scientific, public safety, literary and educational organizations, and governmental units;
      b. Tax exempt business or recreational organizations;
      c. Tax exempt religious or charitable organizations;
      d. All others.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 235.02, 240.202, 240.227(13) FS. History–New 11-25-82, Formerly 6C9-7.03,
Amended 8-21-88.
6C9-7.004 Reservation Conditions and Agreements.

(1) Requests for the use of University facilities may be made by University departments, student organizations, University related organizations and individuals and organizations inside and outside the University.

(2) The Off-Campus User shall obtain an agreement from a UNF faculty or staff member representing a department that said member will act as sponsor and be present in person, or through a delegate approved by the University, during the period of facility use. The sponsor’s presence is not required for use by recognized UNF student organizations unless required due to the use of alcohol at the program. Non-university persons or organizations may use University facilities for their benefit or pleasure only when sponsored by one of the groups listed in subparagraph 6C9-7.003(4)(b)1., F.A.C., above, and then only upon payment in advance of all applicable fees.

(3) Requests are to be received by Facilities Administrators on Events Registration form UNF-7-88 provided by the Office of Student Life.

(a) Acceptance of reservation request: Reservation requests for events will be accepted, then filed, in order of receipt. The University reserves the right of assigning space in a manner which best meets its needs. Chronology of request will be considered; however, chronology is not a limiting factor.

(b) Confirmation: The University will tentatively confirm those dates for which rooms, facilities, or other services have been requested and are available at the time of filing Events Registration form UNF-7-88. Final confirmation will not be issued until clearance of speakers or participants (if required) and any other pending requirements/specifications have been met as provided in subsections 6C9-7.003(a), (b) and paragraphs 6C9-7.008(4)(c), (5), (6), F.A.C.

(c) Cancellation: Cancellation of reservations should be made with the Office of Student Life and the Facilities Administrator as soon as possible. Failure to cancel or not utilize the room or facilities, as reserved, will be considered due cause for cancellation of pending reservations or withholding acceptance of future requests. Cancellations may result in the assessment of fees in accordance with Rule 6C9-7.005, F.A.C.

(d) Assignment of rooms: The room or facility requested will be assigned whenever possible. However, the right is reserved to change the reservation to other rooms or facilities if scheduling conditions make the change necessary.

(e) Amplified sound: The volume must not be at a level greater than is necessary to reach the audience in the immediate area and must not be of such volume as to unreasonably interfere with those who are pursuing academic, professional, personal or recreational pursuits.

(f) Sound interference with adjacent or nearby areas or buildings must be considered. Possible conflicts should be explored and cleared with other events-sponsoring agencies. If it is determined that the sound volume will interrupt or decrease the effectiveness of the other event(s), such conflicts will be resolved administratively and one event will be scheduled in a different location or at a different time.

(4) All Fire Department regulations will be strictly observed. Smoking will be permitted only in areas approved by UNF. (See Rule 6C9-7.012, F.A.C.)

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 205.02, 240.227(13) FS. History–New 11-25-82, Formerly 6C9-7.04, Amended 8-21-88.

NOTE: Events Registration Form UNF-7-88 is incorporated by reference in 6C9-7.003.

6C9-7.005 Facilities Use Charge Guidelines.

(1) Agreements for the use of facilities under these procedures will state that the user will reimburse the University in full for any repair or replacement costs incurred from any damage caused by the user.

(2) Payments for direct costs, indirect costs, and capital recovery charges for the use of facilities are to be made to the University of North Florida.

(a) Direct costs, indirect costs, and capital recovery charges for the use of facilities by individuals and organizations outside of the University will be paid in advance of such use.

(b) Collections are to be deposited in appropriate University accounts.

(3) In consultation with appropriate University personnel, Facilities Administrators will prepare and submit to the Vice President for Administration and Planning for his approval, and publication after acceptance, proposed schedules of charges in accordance with the Facilities Use Charge Guidelines listed below. The appropriate Guideline will be determined by the Facility Administrator using the classification of the user and the type of event as major criteria for assessment.

(a) Guideline A: No charge.

(b) Guideline B: Direct cost recovery. This may include charges for utilities, personnel services, security, materials, site preparation and cleanup, equipment, computer access, breakage, and so forth directly connected to the use of the facility.

(c) Guideline C: The costs specified in Guideline B plus an indirect cost recovery charge to cover costs of processing, administration, and so forth. Arrangements must also be made to hold the University harmless from and to indemnify the University for any claims that may arise from the activity.
(d) Guideline D: The costs specified in Guideline C plus a capital costs recovery charge for replacement of furnishings, normal wear and tear, and long term maintenance. Arrangements must also be made to hold the University harmless from and to indemnify the University for any claims that may arise from the activity. Any event for which there is an admission charge or for which donations are solicited will be subject to Guideline D.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 235.02, 240.227(13), 243.01(1), (5), 243.04(1), 243.131(1) FS. History--New 11-25-82, Formerly 6C9-7.05, Amended 10-11-88.

6C9-7.006 Facility Administrators.

Facility Administrators designated by the University President assign space and maintain approved charge schedules according to the official space classifications as follows:

(1) General Purpose Classroom/Teaching Laboratory – Registrar. These spaces, when not scheduled for academic programs, are available to recognized University organizations.

(2) Recreation/Athletic Facilities and Related Service Areas – Director of Recreation/University Events Coordinator. These facilities, when not scheduled for University academic, recreation, athletic, intramural, or entertainment activities may be scheduled by non-university groups.

(3) Library Study Rooms, Stacks, Open Stack Reading Rooms, Atrium and Carrels – Director of Libraries.

(4) Foundation Board Room and President’s Conference Room – Office of the President.

(5) Student Activity, Student Lounge, Student Organization Offices – Assistant of Student Life/Events Coordinator.

(6) Food Service Facilities, University Bookstore, Duplicating/Copying Facilities and Related Service Areas – Director of Auxiliary Services.

(7) Residence Facilities – Director of Housing.

(8) Activities Complex, Theater, and Lecture Halls – Assistant Dean of Student Life/Events Coordinator.

(9) Audio-Visual, Radio-T.V., and related service areas – Director of Instructional Communications.

(10) Nature Trails, Lakes, University Green, Covered Walkways, and Courtyards – Director of Recreation/Events Coordinator.

(11) Parking Lots, Roadways, Physical Facilities Areas – Office of the Vice President for Administration and Planning.

(12) Residence recreation field and picnic pavilion – Director of Recreation/Director of Housing.

(13) Swimming pool and related service facilities – Director of Recreation/Aquatics Coordinator.

(14) Baseball stadium and related service facilities – Director of Athletics.

(15) General Purpose Computing Laboratories – The Director of Computing Services under the guidance of the Academic Computing Policy and Planning Committee.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 240.202, 240.227(13) FS. History--New 11-25-82, Formerly 6C9-7.06, Amended 8-25-88.

6C9-7.007 Events Not Involving Off-Campus Speakers.

(1) Assemblies not involving off-campus speakers must be registered at least 7 working days in advance at the Office of Student Life. Written exceptions to the 7 working days notice requirement may be granted by the University Events Coordinator. In registering such events the following information must be included as requested on the Events Registration form UNF-7-88, provided by the Office of Student Life:

(a) The name of the sponsoring organization or the name of the responsible individual in the case of an assembly not involving a registered student organization.

(b) The signature of the responsible officer of the sponsoring organization or the signature of the responsible individual in the case of an assembly not involving a registered student organization.

(c) A description of the event.

(d) The cost of the event and financial arrangements; sponsoring organization or individual must document the ability to meet all costs incurred.

(e) The date and time of the event.

(f) The anticipated security needs.

(g) The amplification or special set-ups needed.

(2) A registration request for assemblies or appearances may be denied if the Office of University Events Coordinator determines, after inquiry, that the proposed event may reasonably be expected to result in any violation of State or Federal law, Board of Regents policy, or the rules of the University, or the event may reasonably be expected to place an undue burden on campus facilities or interfere with the use of campus facilities by other persons.

(3) Organizations or individuals sponsoring an assembly are responsible and accountable for the event they sponsor. Any violation of State or Federal law, Board of Regents policy, or the rules of the University at the event may be considered as violations by the sponsoring organization or individual.

(4) Security needs for events shall be reviewed by the Director of University Police prior to final approval by the University Events Coordinator.
6C9-7.008 Events Involving Off-Campus Speakers.

(1) The invitation by students to off-campus speakers to come to the campus for public appearances is the right of any registered student organization. “Public appearance” is defined to mean any appearance advertised to persons outside the immediate sponsoring group or in a public area of the campus.

(2) Requests to invite outside speakers are limited to and will be considered only when made by a University-recognized student or faculty group or authorized University committee.

(3) No invitation by such recognized group or committee shall be issued to an outside speaker without approval of the event in conformance with established procedures below.

(4) Any registered student organization that intends to invite a speaker for public appearance on campus must abide by the following procedures:

(a) The sponsoring organization must file notice of the Speaker’s appearance with the University Events Coordinator seven working days prior to the date of the speaker’s proposed appearance on campus on an Events Registration form which may be obtained in the Office of Student Life. In special cases, the Office of Student Life may waive the seven working days requirement.

(b) The written notice of the speaker’s appearance shall include the following:

1. Name of sponsoring organization;
2. Name of speaker;
3. Cost of speaker; sponsoring student organization must document their ability to meet all costs incurred;
4. Date and time requested;
5. Verification of reservation of space for speaker;
6. Anticipated security needs;
7. Topic of speech;
8. Signature of responsible student officer of the sponsoring organization.

(c) The Office of Student Affairs may deny any off-campus speaker the right to appear on campus if it determines, after inquiry, that the proposed appearance is in direct conflict with previously scheduled events or that the proposed appearance will constitute a clear and present danger to the University’s orderly operation.

(5) In order to prevent disruption of academic functions or previously scheduled events, the sponsor may be asked to secure a more suitable date and place; and the issuance of an invitation to an outside speaker may be conditioned upon the limiting of the event to a function at which the speaker addresses only members of the University community. Other groups or organizations may be approved to attend by the Dean of Student Life.

(6) Where an invitation to an outside speaker is made and the speaker accepts the invitation, the President or his authorized designee may, at his discretion, require that the meeting, including meetings in any assembly area, be chaired by a member of the administration or faculty designated by him. He may further require a statement to be made by a University official at the meeting that the views presented are not necessarily those of the University or of the sponsoring group. By his acceptance of the invitation to speak, the speaker shall assume full responsibility for any violation of law committed by him while he is on campus.

(7) In the event the Office of Student Life determines that the speaker should be denied the right to speak on campus, it should respond in writing to the sponsoring organization within three working days after the request has been filed. In such event, the reason for the denial must be stated.

(a) A request made by a recognized group or organization to invite an outside speaker may be denied only if the proposed speech will constitute a clear and present danger to the University’s orderly operation by the speaker’s advocacy of such action as:

1. The violent overthrow of the government of the United States, the State of Florida, or any political subdivision thereof; or
2. The willful damage, destruction, or seizure and subversion of the institution’s buildings or other property; or
3. The forcible disruption or impairment of, or interference with, the institution’s regularly scheduled classes or other educational functions; or
4. The physical harm, coercion, intimidation, or other invasion of lawful rights, of the institution’s officials, faculty members, or students; or
5. Other campus disorders of a violent nature.

(b) In determining the existence of a clear and present danger, the President or his authorized designee may consider all relevant factors, including whether such speaker has, within the past five years, incited violence resulting in the destruction of property at any educational institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution.

(8) Where the request for an outside speaker is denied, any sponsoring organization thereby aggrieved may, upon written application to the University President, obtain a Section 120.57(2), F.S., hearing for consideration of the request. The President may designate a person or committee to hear the request or may refer same for a formal hearing; and any decision by the president shall be final unless otherwise appealed. See Section 120.57, F.S.
(9) Groups must reserve space in the University buildings through appropriate channels.
(10) Security needs for off-campus speakers shall be reviewed by the Director of University Police prior to approval being granted by the Office of Student Life.
(11) This Speaker Policy is not applicable to:
   (a) Invitations issued by college faculty members to guest speakers for presentations in scheduled classes; or
   (b) Invitations issued by University administrative officers designated by the President.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 235.02, 240.132, 240.227(13) FS. History–New 11-25-82, Formerly 6C9-7.08, Amended 8-28-88.

NOTE: Events registration Form UNF-7-88 is incorporated by reference in 6C9-7.003.

6C9-7.009 Alcoholic Beverages.
(1) The sale, service and consumption of alcoholic beverages by individuals as well as organized groups of faculty, staff and students on the University of North Florida campus must be within existing laws and ordinances. Due to the concern for health and safety of individuals on the University campus, the University has formulated the following rules. It is the intent of this policy to establish guidelines which will present the serving of alcoholic beverages at approved events as an amenity to a well planned and structured program, not as the indispensable and essential program element.

(2) Areas:
   (a) The following are areas where alcoholic beverages may be consumed or served.
      1. Private room of individuals residing in University housing.
      2. The Boathouse. The food service contractor is the beverage license holder and is subject to the requirements of the State license regulations. Therefore, the serving or consumption of alcoholic beverages at the Boathouse is controlled by the contracting licensee.
      4. Corporate Pavilion and VIP Box at the Osprey baseball complex.
   (b) The following are areas where alcoholic beverages shall not be served or consumed.
      2. Student Life Center Theatre (except Atrium).
      3. Classrooms during regularly scheduled classroom hours.
      4. Thomas G. Carpenter Library (except Atrium and Foundation Board Room).
   (c) All other areas where alcoholic beverages may be consumed or served must be approved in advance and must be in connection with a registered event.

(3) Sale of Alcoholic Beverages. Alcoholic beverages may be sold only by those groups holding a State beverage license for the sale of alcoholic beverages. Individuals and University groups which sponsor events where alcoholic beverages are served are prohibited from charging for the beverages either directly or indirectly without the proper State license. The use of a temporary license on campus must be approved in advance by the Vice President for Administration and Planning.

(4) Approval and Responsibility. The sponsor of any event where alcoholic beverages will be served or consumed must have the event registered and approved in advance and will be held responsible for the event. The approval authorities are as follows:

(a) Type of Activity
   Faculty Association
   and faculty sponsored events
   U. S. P. S. Association
   and Administrative & Professional Association events
   Alumni Association,
   Foundation Board
   Events and Osprey Club
   Student Government
   Association and other student sponsored events
   Events by off-campus groups on campus
   Office Parties

   Approved By
   Vice President for Academic Affairs
   Administration and Planning
   Vice President for University Relations
   Student Affairs
   appropriate Vice President
   appropriate Vice President

1. Precautionary measures must be made to ensure that alcoholic beverages are not served to persons under age or to persons who appear intoxicated.
2. At social functions where alcoholic beverages are served, a person or persons must be designated as the servers and the alcoholic beverages must be placed in such manner and location so that access to it is restricted except through the designated servers. Servers must be made aware of their responsibilities.

3. The only alcoholic beverages that may be possessed or consumed at campus events are those alcoholic beverages served at the event, and the served beverages must be consumed within the facility or space designated for the event.

4. Non-alcoholic beverages must be available at the same event as the alcoholic beverages and be as accessible as the alcoholic beverages.

5. Food must be served concurrently with the serving of alcoholic beverages. Adequate portions will be considered on the basis of type of beverages and food served.

6. The amount of alcohol approved for any event must be proportionate to the expected attendance and duration of that event.

7. Advertising (including flyers, ads, notices, posters, banners, etc.) for any University function, party, or event where alcoholic beverages are served must note the availability of non-alcoholic events as prominently as alcohol.

8. Promotional materials for any University function, party or event shall not make reference to the amount of alcoholic beverage available at the event nor feature the alcoholic beverage as the predominant aspect of the event.

9. Appropriate measures for cleanup, to ready the facility for the next user, is required.

(5) Penalty for Violations – Individuals or organizations found to be in violation of any section of this policy or of any program condition required as part of the approval process may be subject to reprimand, deactivation, loss of permission to use University facilities or other disciplinary procedures as determined by the appropriate approval authority. Students may be subject to penalties as specified in the Student Conduct Code, Rule 6C9-3.381, F.A.C.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(13), 240.261 FS. History–New 11-25-82, Formerly 6C9-7.09, Amended 8-28-88.

6C9-7.010 Soliciting and Fund Raising.

(1) General Procedures:
(a) Individuals, registered student organizations, or other groups are prohibited from soliciting on campus without prior written approval by the Vice President for Administration and Planning.
(b) The “user’s” privilege of engaging in soliciting activities is subject to immediate cancellation by the Vice President for Administration and Planning if the method(s) used are disorderly, improper, or if they annoy or otherwise interfere with any individual’s rights to privacy and freedom from harassment.
(c) The “user” will be responsible for all direct costs, if any, involved in the use of University property or University resources for the purpose of soliciting or fund raising.
(d) The University reserves the right to restrict these activities to specific sites, times, duration or frequency.
(2) Soliciting and fund raising activities by registered student organizations.
(a) Registered student organizations desiring to engage in soliciting or fund raising activities must secure approval at least one week in advance of the event from the Office of Vice President for Administration and Planning. The petitioning student organization should receive written notification of approval or disapproval of the request from the Office of Vice President for Administration and Planning within two (2) working days from the date of the request. If the request is approved, the conditions for the solicitation of funds will be given with the approval. Calendar clearance must be obtained by the organization from the University Events Coordinator.
(b) Any organization which fails to comply with the requirements listed above or which violates the standards, policies, or rules of the University is subject to review of their privileges at any time.

1. Within one week of becoming aware of a possible violation the University Events Coordinator will request a review of the matter by the Club Coordinating Committee.
2. The Club Coordinating Committee will investigate the matter as fully and quickly as possible and forward its findings and recommendations to the University Events Coordinator.
3. The University Events Coordinator will review the report of the Club Coordinating Committee and issue a decision in writing to the organization involved and to the Assistant Dean of Student Life.
4. Any appeals of this decision may be made to the Assistant Dean of Student Life.
5. If an organization fails to follow the procedures of an active organization as outlined, it will be deactivated and will lose the privileges granted to a registered organization. A deactivated organization must petition in writing to the Club Coordinating Committee to re-establish registration status.
(3) Use of Facilities for Commercial Purposes:
(a) University facilities will not be made available for commercial purposes unless approved in advance by the Vice President for Administration and Planning.
(b) Groups or individuals desiring to solicit, sell, trade, or barter goods and/or services must complete a written application and obtain a permit, one week in advance, for such purposes from the Vice President for Administration and Planning.
(c) Applications for solicitors’ permits will not be approved for outside or inside entrepreneurs for the sole purpose of personal gain. Applications from outside or inside entrepreneurs for charitable purposes will be strongly discouraged but may be approved in unusual circumstances with sufficient written justification in accordance with the guidelines of subparagraphs 6C9-7.010(3)(d)1., 2., and 3., F.A.C. Applications will be favored from recognized University organizations of a non-profit nature for events on an intermittent basis that do not infringe upon the rights of existing contractors (food service, bookstore, etc.) or previously issued permit recipients.

(d) The purpose of the permit will be evaluated from a perspective of:
1. Personal gain or benefit to the individual or group;
2. Charitable or benevolent nature of the venture;
3. Infringement on rights of existing contractors previously issued permits, etc.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 235.02, 240.227(13) FS. History–New 11-25-82, Formerly 6C9-7.10, Amended 9-8-88.

6C9-7.011 Fees and Admission Charges.
(1) Those groups, organizations and persons permitted to use University facilities may charge an admission fee or request voluntary contributions provided:
   (a) The fee or contributions are only to cover the cost of the event, or
   (b) The net proceeds are for a registered and approved University group or organizational purpose.
   (c) A financial accounting is made to the University.
(2) Prior approval of the admission fee or voluntary contribution is obtained from the Vice President for Administration and Planning as requested on the Events Registration form UNF-7-88, provided by the Office of Student Life.
(3) Arrangement and approval for the procuring and sale of tickets will be made through Administration and Planning as requested on the Events Registration form UNF-7-88, provided by the Office of Student Life.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(13), 240.281 FS. History–New 11-25-82, Formerly 6C9-7.11, Amended 9-8-88.

NOTE: Events Registration Form UNF-7-88 is incorporated by reference in 6C9-7.003.

6C9-7.012 Smoking in University Building Policy.
(1) Smoking is prohibited in all University of North Florida owned or leased buildings.
(2) Persons who fail to heed posted instructions concerning smoking in University buildings will first be advised of this policy by any member of the University community who witnesses the violation. Enforcement of the Smoking Policy is the responsibility of the person in charge of the facility in use. Should the violator ignore an initial warning, depending on whether the violator is a student, employee, or visitor to campus, the violation will be referred to the appropriate Vice President, Dean, Director or workspace supervisor. Should the violation continue, the matter will be referred to the University Police Department for further enforcement.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1), 240.261, 386.205, 386.206, 386.207 FS. History–New 11-25-82, Formerly 6C9-7.12, Amended 9-7-88, 11-14-90, 3-20-94.

6C9-7.013 Use of University Facilities for Private Practice or Consulting.
(1) University staff, offices, facilities, or materials may not be used for an employee’s consulting activities nor for private professional practice without administrative approval.
(2) A condition of approval is the reimbursement by the employee to the University of the direct cost for the use of the facilities or resources.
(3) Granting approval is the responsibility of the appropriate Vice President.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(13) FS. History–New 11-25-82, Formerly 6C9-7.13, Amended 9-11-88.

6C9-7.014 Campus Demonstrations.
(1) Faculty, students, and all other personnel who intentionally act to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University shall be subject to appropriate disciplinary action by the University authorities.
(2) Demonstrations may be held on the campus, so long as they do not disrupt the normal operation of the University or infringe on the rights of other members of the University community. No demonstrations are permitted inside University buildings. Although no specific areas on the campus are designated for the purpose of demonstrations or impromptu speeches, use of the University Green for this purpose may be obtained by prior clearance on form UNF 7-88 available through the University Events Coordinator in the Office of Student Life. Any use of sound amplification equipment on the campus must also have prior clearance through this office.
(3) In order that demonstrators not interfere with the operation of the University or the rights of others, they shall not:
(a) Obstruct vehicular, bicycle, pedestrian, or other traffic;
(b) Obstruct entrances or exits to buildings or driveways;
(c) Interfere with educational activities inside or outside any building;
(d) Harass passersby or otherwise disrupt normal activities;
(e) Interfere with or preclude a scheduled speaker from being heard;
(f) Interfere with scheduled University ceremonies or events; or
(g) Damage property, including lawns, shrubs, or trees.

(4) In the event of disruptive action, University employees and students involved in demonstrations shall identify themselves by presenting appropriate identification when requested to do so by the President or his designated representative, and such representative will identify himself when making this request. Demonstrators not officially related to the University of North Florida will be directed to leave the campus immediately or be subject to arrest for a violation of the law.

(5) If, in the opinion of the President or his designated representative, a demonstration is disrupting normal University operations or infringing on the rights of other members of the University community, the President or his representative shall:
(a) Identify himself to the demonstrators, giving name and official position;
(b) Inform the demonstrators that they are in violation of the University policy or in violation of the law and specify the nature of the violation;
(c) Request that the violation cease;
(d) In the event of non-compliance with this request, enlist the assistance of the University Police in restoring order and enforcing the law.

(6) The University Police, as the President’s designated representative, have a responsibility to:
(a) Declare a demonstration to be in violation of law and request all demonstrators to cease and desist and to disperse and clear the area or be subject to arrest and/or University disciplinary action;
(b) Arrest any demonstrators observed to be in violation of law; and
(c) Enlist the assistance of outside law enforcement agencies, if necessary.

Specific Authority 240.227(1), 240.261(1), (2) FS. Law Implemented 120.53(1)(a), 240.132, 240.133 FS. History–New 11-25-82, Formerly 6C9-7.14, Amended 9-26-88.

NOTE: Events Registration Form UNF-7-88 is incorporated by reference in 6C9-7.003.

6C9-7.015 Distribution of Printed Material.

(1) University personnel desiring to post or distribute printed material must have materials cleared at the Office of Student Life prior to posting or distribution. This is not a restriction on the right to distribute printed material, but an acknowledgment of assumption of the following responsibilities:
(a) Such personnel are subject to the Student Code of Conduct and to all laws or regulations of the City, State or Nation that govern a person as a citizen in the exercise of his right of expression, including those relating to defamation, obscenity, pornography, violent overthrow of the Government or of the existing authority, inciting to riot or any other law validly limiting the exercise of free speech.
(b) To avoid littering the campus, literature may not be left in stacks unattended. Equipment used in the dissemination of printed material may not be left unattended and must be removed after its use except in those instances where prior approval has been granted to distribute newspapers and other literature at specific sites by means of vending machines or distribution boxes.
(c) There must be no interference with normal operations of the University, including classroom instruction, or infringement on the rights of others as pertaining to office and student living privacy, study conditions, free movement of pedestrian and vehicular traffic, and use of departmental bulletin boards.
(d) Distribution of printed material may not take place within University buildings.
(e) All printed material, except for buttons, badges, and bumper stickers, distributed in accordance with the above, must contain therein an identification of both the author and the publisher. The printing of such identification must be of a size which does not obscure said identity. Any printed material, except buttons, badges and bumper stickers, which identifies the author or publisher as University personnel, or has subject matter, including photographs, which might imply to the reader that such publication is University or University personnel-sponsored, must contain the following statement prominently exhibited in the first three pages: “This publication is solely the expression of the author and/or publisher and it is not an official publication of the University of North Florida, nor is it in any way intended to express any policies or opinions of the University of North Florida or its personnel.”
(f) No posters, papers, or any other materials may be posted or placed on any interior or exterior wall of campus buildings.
(g) No posters, papers, or any other material may be posted or placed on trees, light poles or glass.
(h) Banners may only be hung in the courtyard between buildings two, eight, and nine. Banners must be taken to the Office of Student Life for approval and a date stamp. All banners must be removed within a three week period.
(i) Individuals may not post any materials in the residence halls. Materials to be so posted must be left in the Office of Residential Life for posting by their staff.
Additional regulatory measures should be observed where such regulations are necessary for special areas of the campus such as in the Natatorium (pool), Cafeteria, or dorms. The distributor of materials must check for special regulations at each special area prior to the distribution of any printed material within those areas.

Specific Authority 240.227(1) FS. Law Implemented 240.227(13), 240.261(2) FS. History–New 11-25-82, Formerly 6C9-7.15, Amended 9-26-88.

6C9-7.016 Possession and Use of Firearms.
(1) The possession of firearms on the University campus is prohibited except where hereinafter specifically authorized.
(2) Those presently authorized to possess guns on the campus are members of governmental agencies authorized by law to possess guns and the University Police.
(3) The term “firearm” is defined for the purposes of this policy to include pellet guns and similar weapons. Campus residents are permitted to store firearms in an area designated by the University Police at the University Police Station only. An area for the maintenance and cleaning of these firearms is provided at this designated storage facility. When removed from the storage facility for use, the weapon must immediately be taken past the campus perimeter. Written authorization must be acquired from the University Police for possession of the firearm while traveling between the storage facility and the campus perimeter. Possession of a firearm anywhere else on campus is prohibited.
(4) Any student or employee, including faculty, administrators, and staff members, shall be immediately suspended for violation of this policy. When made necessary by University rules such a suspension shall be interim in nature until a proper hearing can be held by the appropriate hearing body to determine the facts and circumstances of the violation.
(5) Should it be necessary or desirable for the use of firearms in any of the academic programs of the University, permission for such use must be applied for and granted by the Provost and Vice President for Academic Affairs.

Specific Authority 240.227(1), 240.261 FS. Law Implemented 120.53(1)(a), 240.227(13), 790.16(2) FS. History–New 11-25-82, Formerly 6C9-7.16, Amended 9-15-88.

6C9-7.017 Use of University Space for Class or Class Related Activities and Other Events.
(1) The use of classrooms for regularly scheduled classes has priority over other academically related and non-academic purposes. To ensure maximum utilization, classroom space is assigned to a centralized pool from which all assignments for regularly scheduled classes and other events are made on the semester or term basis.
(2) Procedures for regularly scheduled classes are as follows:
(a) The Office of Records and Registration shall assign space on an equitable basis (incorporating and coordinating needs from all colleges and divisions as to type of space, capacity of room, time required, etc.) from the central pool of classrooms. This office may request units to adjust schedules due to availability of space and also shall be responsible for the final coordination of all class schedules as to time and place of class meetings.
(b) During “peak hours”, defined as times when requests for classrooms exceed the number of rooms available, the Office of Records and Registration after utilizing all available suitable instructional space on campus, may require time changes from the units or alternatively make the decision to hold the class at an off-campus location site.
(c) Regularly scheduled classes desiring to meet in a conference room may not do so except during peak hours. Workshops or seminar courses may be in conference rooms.
(3) Procedures for reservation of classrooms for academically related events are the same as for regularly scheduled classes except that regularly scheduled classes take priority over academically related events.
(4) Procedures for reserving classrooms for non-academically related events are as follows:
(a) Persons of the University community (excluding students or student organizations) who wish to use classrooms for non-academic events may do so by making a reservation with the Office of Records & Registration.
(b) Off-Campus users are referred to the Division of Continuing Education which will coordinate the individual needs with the user including making a room reservation through the Office of Records & Registration.
(c) Students or student organizations desiring to reserve a classroom must come in person to the Office of Records and Registration.
(5) All users are permitted to rearrange tables, chairs, etc. to suit their individual needs provided that when vacated, the room furniture has been restored to its original location.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(13) FS. History–New 11-25-82, Formerly 6C9-7.17, Amended 9-18-88.

6C9-7.019 Use of Computing Laboratory Space.
(1) The use of general purpose computing laboratory space managed by the Department of Computing Services is restricted to currently enrolled students, faculty, and staff members of the University who have been granted access privileges to computing facilities housed in and/or accessed from these laboratories. Further information on this access may be obtained in the Department of Computing Services.
(2) Other individuals or groups engaged in educational computing activities may request access privileges for these facilities on a space available basis from the Academic Computing Policy and Planning Committee. These requests are considered on a case by case basis.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(13) FS. History–New 9-18-88.

6C9-7.020 Aquatics Facility Use Policy.

(1) The aquatics facility is for use by currently enrolled University of North Florida students, faculty, staff, Alumni Association members, Osprey Club members, Foundation Board members, and other official University guests during designated time periods. The spouses and children of these groups may also use the facility during the same time as well. Children under the age of 13 must be accompanied by an adult who assumes responsibility at all times.

(2) Scheduling Natatorium Facilities: The Aquatics Coordinator is responsible for scheduling the use of the pool and classroom facilities within the natatorium. Requests for use of any part of the facility must be made at least 15 days in advance of the event. Requests for usage and any other information can be obtained from the University Aquatics Center, Building # 26, UNF campus. Telephone (904)646-2854.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(13) FS. History–New 9-18-88.
CHAPTER 6C9-8 TUITION AND FEES

6C9-8.001 Payment of Tuition and Registration Fees.
6C9-8.003 Fee Refund/Release of Liability.
6C9-8.005 Deferred Payment of Fees.
6C9-8.007 Waiver of Non-Florida Student Tuition.

6C9-8.001 Payment of Tuition and Registration Fees.
(1) Tuition, Registration, Special Fees and Fine schedules that are authorized by BOR Rules 6C-7.001 and 6C-7.003, F.A.C., are collected by the University. Students are required to pay in accordance with the following procedures. (See Rule 6C-7.002, F.A.C.)
(2) Past Debts: Prior to registration for any term, students must satisfy all due/delinquent amounts owed to the University.
(3) At the time of registration, each student will be furnished with an invoice for all tuition and registration fees due. This invoice must be updated whenever the student adds or drops a course during the scheduled add/drop period.
(4) A student’s registration is cancelled if payment of fees or appropriate arrangements for fee payment have not occurred by the close of the drop/add period, except as provided for in paragraphs 6C9-8.001(4)(b) and (6), F.A.C.
(a) Registration shall be defined as consisting of these components:
1. Provision for appropriate background information;
2. Provision of course and schedule information; and
3. Fee payment or other appropriate arrangements for fee payment (installment payment, deferment, or third party billing). Fee liability shall be incurred at the point that the student has completed registration as defined above, including fee payment or other appropriate arrangements for fee payment. A student who has made a fee payment or made appropriate arrangements for fee payment shall be liable for all courses that remain on his/her class schedule at the end of the drop/add period.
(b) The President may extend the deadline for fee payment when payment by the student is delayed due to University action, or inaction.
(c) A student whose registration has been cancelled under (4) above may be reinstated. To be reinstated, a student must:
1. Apply by the end of the fourth week of classes for reinstatement and must pay at least 50% of the total fees, or
2. Have become eligible for financial aid for at least 50% of total fees and the late payment fee, with the balance being due no later than the end of the first half of the academic term.
(d) All or any part of the tuition and registration fees may be waived by the University when deemed appropriate provided that provisions for such waivers are included in the rules of the Board of Regents.
(5) A student may pay fees, including charges for housing, in installments. Said student is required to pay at least 50% of his/her obligation by the end of the add/drop period. The remaining amount is required to be paid not later than the end of the first half of the academic term; otherwise the student’s registration will be cancelled or his/her academic progress precludes a student from receiving grades, a transcript, or a diploma and shall deny registration for further terms until his/her account has been settled in full. A student enrolled through continuing education will not be eligible for payment by installments.
(6) If a student’s fee account is in arrears, the student’s academic progress will be suspended until his/her account has been settled in full, or other arrangements have been made.
Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.235, 240.227(1) FS. History–New 8-3-86.

6C9-8.003 Fee Refund/Release of Liability.
(1) A 100% refund of the tuition and registration fee will be made if notice of withdrawal from the University is approved prior to the end of the drop/add period and written documentation is received from the student. Terms in the student housing contract will determine the refund of apartment rent.
(2) A 25% refund of the total fees paid, less building and capital improvement fees, will be made if written notice of withdrawal from the University is approved prior to the end of the fourth week of classes and written documentation is received from the student, or at an appropriate time as designated by the University for summer sessions.
(3) One hundred percent of the tuition and registration fee will be refunded if a student withdraws or drops a course due to circumstances determined by the University to be exceptional and beyond the control of the student, including but not limited to:
(a) Illness of a student of such severity or duration, as confirmed in writing by a physician, to preclude completion of the course(s),
(b) Death of the student or death in the immediate family (parent, spouse, child or sibling),
(c) Involuntary call to active military duty,
(d) Or a situation in which the University is in error.
(4) Tuition fee refunds provided to students will be processed against any outstanding tuition assessments prior to remitting a check to the student.
Specific Authority 120.53(1)(a), 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1) FS. History–New 8-3-86.
6C9-8.005 Deferred Payment of Fees.
(1) The University Comptroller or his designee may award deferred payment status upon application by a student on grounds that:
   (a) Eligibility has been determined for the deferral guaranteed to students receiving veterans education assistance benefits or other benefits from federal or state assistance programs, where such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. One 90 day deferment may be granted for each full semester and one 30 day deferment for each summer or mini-semester; or
   (b) Formal arrangements have been made with the University for payment by an acceptable third party; or
   (c) The student is being processed to receive financial aid from the University’s Financial Aid Office; or
   (d) Extraordinary circumstances exist and the deferment has the concurrence of the University President or his designee.
(2) It is the policy of the University to issue financial aid checks after the drop/add period. All students who have appropriately applied for financial aid by the end of drop/add are considered to have applied for a deferment and are granted deferred payment status after a fee transaction has been completed.

Specific Authority 120.53(1), 240.227(1), 240.235(2) FS. Law Implemented 120.53(1), 240.227(1), 240.235(2) FS. History–New 8-3-86.

6C9-8.007 Waiver of Non-Florida Student Tuition.
(1) The President of the University or his designee, per order by the President, is authorized to grant out-of-state tuition waivers to non-Florida students who are admitted to the University, and who have demonstrated special skills or attributes which may contribute positively to the academic environment.
(2) The total annual dollars granted shall not exceed the total out-of-state fee waiver dollars approved for the University by the Board of Regents in its annual allocation.

Specific Authority 120.53(1)(a), 240.227(1), (8), 240.233(2) FS. Law Implemented 240.227(1), (3), (8), 240.233(2) FS. History–New 8-3-86.
CHAPTER 6C9-9 EMINENT SCHOLARS’ FUND

6C9-9.001 University of North Florida Eminent Scholars’ Fund.

(1) Purpose – The State Legislature established a Trust Fund in Section 240.257, F.S., for Eminent Scholars. The Trust Fund provides the opportunity for a university to receive matched challenge grants to create endowments for eminent scholar chairs. Board of Regents subsection 6C-9.019(2), F.A.C., requires adoption of rules to administer the Eminent Scholars’ Program at each University.

(2) The UNIVERSITY OF NORTH FLORIDA FOUNDATION shall have the responsibility for furthering, maintaining and administering the Eminent Scholars’ Program for the University of North Florida in accordance with Legislature intent and Board of Regents Rules.

(3) When the sum of the challenge grant and the matching funds meets statutory requirements for foundation and the president of the university will recommend to the Board of Regents that a chair be created within an existing university program.

(4) Upon approval by the Board of Regents, of the recommendation for an endowed chair, the university president will authorize the dean of the recipient college to develop, in consultation with the faculty of the college, criteria for determining the qualifications of candidates for the endowed chair. Such criteria will include an outstanding professional reputation and the potential for continuation of scholarly activities. The recommended criteria will be forwarded through the provost and vice president for academic affairs to the university president for approval.

(5) The university president will establish an ad hoc screening committee in conformance with the Eminent Scholars Act for each endowed chair to process nominations and applications. The committee shall consist of the following:
   (a) One member appointed by the president of the student government association;
   (b) Two faculty members appointed by the university president; and
   (c) Four members appointed by the chairman of the board of the University of North Florida Foundation, three of whom shall be faculty from the program receiving the Chair and one of whom shall be alumnus of the University of North Florida.
   (d) The university president will name the committee chairperson.

(6) The Eminent Scholars Screening Committee is advisory to the university president. The committee will have the following responsibilities: to seek application of and to accept nominations for candidates for the endowed chair; to communicate with and ascertain the interest of candidates; to satisfy requirements of law and appropriate university rules regarding personnel selection; to evaluate the qualifications of applicants and nominees; and to recommend to the president one or more candidates.

(7) The president shall select the candidate to be offered the chair. If the president does not select the committee’s candidate, or choose from among the candidates proposed by the committee, the president will order the selection process to be repeated.

(8) Donor intent shall determine the allocation of gifts received in support of the Eminent Scholars’ Program. All Funds will remain in the designated school, college, department or program regardless of whether full funding of a chair is attained. If full funding of a chair is not attained, the final determination of the use of the funds which had been raised for the chair will be made by the dean of the school, college, department or program in consultation with the donor(s) and the UNF Foundation.

(9) The resources generated by the endowment may be used for salaries (chair holder, secretarial staff and research assistants), fixed capital outlay (office renovations) and other expenses including computer time and supplies associated with the chair holder’s scholarly work.

(10) Invasion of principal is strictly prohibited, and Eminent Scholar Chair budgets are developed based upon annual projected investment income. Any accrued income remaining from previous years should be added to principal; or it may be budgeted as a current year’s expenditure with appropriate justification. Budget preparation and budget monitoring are cooperative functions of the provost and academic vice president, dean of the school or college in which the chair is located, the chair holder and the Foundation. Additionally, the university president will appoint a standing committee to periodically review expenditures from Eminent Scholar Chair investment income.

(11) Investment income is maintained in a separate Foundation fund designated for Eminent Scholar Chair operations. Expenditures in support of an established Eminent Scholar Chair are made directly from the foundation except in those instances where the interests of the Chair can be better served by placing investment income in a university contracts and grants account. Signature authority for expenditures from the Investment Income Fund rests with the provost and academic vice president or his designee.

(12) In accordance with State University System of Florida Standard Practice 00-0000-5-03-01, the Foundation shall include information concerning collection and investment of each Eminent Scholars’ Fund in its annual audited financial statements as part of the Foundation’s annual financial audit.

Specific Authority 240.227(1) FS. Law Implemented 120.53(1)(a), 240.227(1), 240.257, 240.299 FS. History–New 2-11-87.
6C10-1.003 Non-Discrimination Policy and Complaint Procedures.

(1) General Statement.
(a) Florida Gulf Coast University affirms its commitment to ensure that each member of the University community shall be permitted to work or study in an environment free from any form of illegal discrimination, including race, color, religion, age, disability (or handicap), sex, national origin, marital status, and veteran status, except as otherwise permitted by law. The University strives to create a community in which diversity is valued and opportunity is equalized. This rule establishes procedures for an applicant or a member of the University community to file a complaint of alleged discrimination or harassment, and sexual harassment as defined in Rule 6C10-1.004, F.A.C.
(b) It shall be a violation of this rule for any officer, employee, agent, vendor, or contractor to discriminate against or harass, as hereinafter defined, any employee, student, or applicant for employment or admission. Discrimination and harassment are forms of conduct which shall result in disciplinary action pursuant to University Rules 6C10-5.016 and 6C10-5.022, F.A.C., and the terms of any applicable collective bargaining agreement as to employees, or action permitted by law or contract as to vendors and contractors.

(2) Definitions.
(a) For the purpose of this rule, discrimination or harassment is defined as treating any member of the University community differently than others are treated based upon race, color, religion, age, disability (or handicap), sex, national origin, marital status and/or veteran status.
(b) Conduct which falls into the definition of discrimination includes, but is not limited to:
   1. Disparate treatment in recruitment, hiring, training, promotion, transfer, reassignment, termination, discipline, salary and other economic benefits, and all other terms and conditions of employment on the basis of membership in one of the categories protected in paragraph (a), above.
   2. Disparate treatment in or access to educational programs and related support services on the basis of membership in one of the categories protected in paragraph (a), above.
   3. Limitation in access to housing, or to participation in athletic, social, cultural or other activities of the University because of membership in one of the categories protected in paragraph (a), above.
   4. Failure to abide by the terms of a conciliated agreement.
   5. Retaliation for filing complaints or protesting practices which are prohibited under this rule.
(c) Conduct which falls within the definition of harassment includes, but is not limited to, that which unreasonably interferes with an employee’s, student’s, or applicant’s status or performance by creating an intimidating, hostile, or offensive working or educational environment and is based upon membership in one of the categories protected in paragraph (a), above. It includes offensive or demeaning language or treatment of an individual, where such language or treatment is based typically on prejudicial stereotypes of a group to which an individual may belong, such as, objectionable epithets, threatened or actual physical harm or abuse, or other intimidating or insulting conduct directed against the individual.
(d) Scope of prohibitions: This rule covers all educational, athletic, cultural and social activities occurring on a campus of or sponsored by Florida Gulf Coast University, housing supplied by the University, and employment practices between the University and its employees, including Other Personal Services (“OPS”) employees.
(e) When referred to in this rule, days means calendar days unless otherwise noted.

(3) Procedures for Reporting Violations and Conducting Investigations of Complaints.
(a) Administration and Consultation. The Office of Equal Opportunity Programs shall administer the policies and procedures outlined in this rule, answer inquiries regarding the procedures, and provide informal advice regarding issues of discrimination. In cases where the complainant chooses not to file a formal complaint, action will be taken to inform the alleged offender of the concerns, suggesting that if the allegations are true, the individual monitor and modify his/her behavior.
(b) Formal Complaint.
   1. A complaint must be made in writing to the Office of Equal Opportunity Programs using Discrimination Complaint Form EOP-D100 (10-96). Form EOP-D100, which is incorporated by reference, has been approved by the University President and is available upon request at the Office of Equal Opportunity Programs, 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565. The complaint shall contain the name of the complainant and state the nature of the act(s) complained of, including such details as the name of the alleged offender and the date(s) or approximate date(s) on which the offending act(s) occurred, the name(s) of any witnesses, and the desired resolution(s).
2. A complaint should be filed within sixty (60) days of the alleged act(s) of discrimination, or in the case of a student complaint against a faculty member, within fourteen (14) days of the beginning of class of the following semester. This provision shall not limit the University in any way from initiating its own investigation and taking appropriate action should such be deemed warranted under the circumstances presented.

3. The Office of Equal Opportunity Programs shall investigate the complaint. The investigation may include, but shall not be limited to, interviewing the person complained about regarding the allegations, and/or other persons who may have information relevant to the allegations, preparation of witness statements for all persons interviewed, and review of any relevant documents. Upon completion of the investigation, a report shall be prepared which includes a summary of the complaint, a description of the investigation, the findings, and recommendations.

(c) Conciliation. The Office of Equal Opportunity Programs may attempt conciliation during the course of an investigation of a complaint. If conciliation is not achieved, then the Office of Equal Opportunity Programs shall continue to investigate the complaint, and shall issue a written finding concerning probable cause within a maximum of sixty (60) days. If conciliation of the complaint was achieved between the parties in cooperation with the Office of Equal Opportunity Programs, and the alleged offender fails to abide by the agreement or retaliates against the complainant, the complainant or supervisor shall notify the Office of Equal Opportunity Programs.

(d) Findings. The report of the Office of Equal Opportunity Programs shall be made to the complainant, the alleged offender, the immediate supervisor and the Vice President of the alleged offender, or in cases of allegations against a vice president, to the President.

(e) Review. 1. Either party may seek review of the findings by filing a written appeal within fourteen (14) days of receipt, with the Vice President or designee of the alleged offender, or if the alleged offender is the Vice President, with the President. The appeal shall be based on one or more of the following grounds: relevant evidence was not reviewed; discovery of new evidence that was previously not available through exercise of reasonable diligence; or, the factual evidence was insufficient to support the findings.

2. Copies of the appeal shall be provided to the opposing party and to the Office of Equal Opportunity Programs.

3. The opposing party and/or the Office of Equal Opportunity Programs may file a response to the appeal with the Vice President or designee, within fourteen (14) days of receipt of the appeal.

4. The Vice President or designee of the President, in cases of allegations against a vice president, shall issue a written finding no more than fourteen (14) days after receipt of the appeal, or of a response to the appeal, whichever is later.

(f) Resolution. The Vice President or designee, or the President, in cases of allegations against a vice president, shall issue a finding of cause or no cause on the complaint. Where there is a finding of cause, the immediate supervisor of the alleged offender shall propose a resolution to the complaint (e.g., that a student be allowed to change sections, that the employee report to a different supervisor) and shall recommend or take disciplinary action against the offender. The proposed resolution shall be approved by the Office of Equal Opportunity Programs. Disciplinary action shall be taken in accordance with University disciplinary guidelines contained in University Rules 6C10-5.016 and 6C10-5.022, F.A.C., and the terms of any applicable collective bargaining agreement.

(g) Prohibition of Retaliation. No University employee shall retaliate against a complainant. Any attempt to retaliate against a student, employee or applicant for initiating a complaint shall be treated as a separate allegation of discrimination.

(h) The procedures contained in this rule apply to vendors and contractors, except that the Director, Equal Opportunity Programs shall consult with the contract manager to determine how the investigation will be undertaken. Upon determination that there is probable cause to believe that discrimination occurred, the University shall take action against the vendor or contractor in accordance with the terms of the party’s contract.

4. Election of Remedies; Complainant’s Right to Seek Remedy Outside the University.

(a) The doctrine of election of remedies shall apply to complaints filed pursuant to this rule. Should a complainant elect to pursue an alternative remedy available to them, including the filing of a grievance pursuant to the collective bargaining agreement, or pursuant to the University Rule 6C10-5.016 or 6C10-5.020, F.A.C., the filing of any such grievance shall operate as a waiver of the Complainant’s right to file a complaint and avails themselves of the procedures available under this rule. Should a grievance be filed pursuant to an alternative remedy and subsequent to the filing of a Complaint under this rule but before proceedings under this rule have been completed, the filing of any such grievance nonetheless will act as a waiver, and proceedings pursuant to this rule shall be terminated. As an exception to this provision, a complainant may file an EEOC charge while the complaint is in progress when such filing becomes necessary to meet federal filing deadlines pursuant to 42 U.S.C. § 2000e et seq.

(b) The doctrine of election remedies shall also apply to appeals filed by persons against whom a complaint has been filed. The filing of an appeal pursuant to an alternative remedy by a person against whom a complaint has been filed, including the filing of a grievance under the collective bargaining agreement, or the filing of a petition for a hearing pursuant to Section 120.57, Florida Statutes, shall operate as a waiver of the right to appeal to the President the decision of a Vice President pursuant to this rule.

5. Frivolous or Malicious Complaints. In the event that a claim of discrimination or sexual harassment is found to be frivolous or malicious, disciplinary action shall be taken against the complainant, pursuant to University Rules 6C10-5.016 and 6C10-5.022, F.A.C., and the terms of any applicable collective bargaining agreement as to employees, and University Rule 6C10-4.003, F.A.C., as to students.
6C10-1.004 Sexual Harassment.

(1) General Statement.

(a) Sexual harassment undermines the integrity of the academic and work environment, and prevents its victims and their peers from achieving their full potential. All members of the University community are entitled to work and study in an atmosphere free from sexual overtures or innuendoes that are unsolicited and unwelcome. It is the particular responsibility of those members of the University community who hold positions of authority over others to avoid actions that are or can be considered sexually abusive or unprofessional.

(b) It shall be a violation of this rule for any officer, employee, student, or agent to sexually harass, as sexual harassment is hereinafter defined, any other officer, employee, student visitor or agent. Sexual harassment is a type of misconduct which shall result in disciplinary action pursuant to University Rules 6C10-5.016 and 6C10-5.022, F.A.C., and the terms of any applicable collective bargaining agreement, or other corrective measures such as a requirement to undergo training or counseling.

(c) When an individual evaluates or supervises another individual with whom he or she has an amorous or sexual relationship, a conflict is created. The University discourages such amorous or sexual relations between employees and students. Such relationships, even when consensual, may be exploitive, and jeopardize the integrity of the educational process or work environment and may lead to charges of sexual harassment. The University requires the resolution of any conflict of interest created by these relationships.

(d) The employee in a position of authority must resolve any actual or potential conflict of interest by taking necessary steps, including removing himself or herself from evaluative decisions concerning the other individual. If the person in authority is unable to resolve the conflict of interest, he or she is required to inform his/her immediate supervisor promptly. Failure to resolve potential or actual conflicts of interest as described in this rule shall result in disciplinary action pursuant to University Rules 6C10-5.016 and 6C10-5.011, F.A.C., and the terms of any applicable collective bargaining agreement.

(e) It is expected that Deans, Chairs, Department Heads, Directors and other supervisors shall continue to monitor and take corrective action whenever instances of sexual harassment are either observed or reported to them. While the decision regarding resolution remains within the unit, all allegations of sexual harassment are to be immediately reported to the Office of Equal Opportunity Programs, which shall provide advice and monitor the administrator’s actions and/or take action as required by Title VII of the Civil Rights Act of 1964, as amended, and Chapter 760, F.S.

(2) Definition of Sexual Harassment.

(a) For the purpose of this rule, sexual harassment is defined as conduct of a sexual nature which includes:

1. Verbal harassment or abuse of a sexual nature, including intimating by way of suggesting a desire for sexual relations, or making jokes or remarks of a sexual nature which are not germane to the workplace or to academic course content.

2. Displaying or posting through any medium, including, but not limited to, electronic communication, offensive sexually suggestive pictures or materials in the workplace.

3. Use of sexually suggestive terms or gestures to describe a person’s body, clothing, or sexual activities.

4. Unwelcome physical contact of a sexual nature such as patting, pinching or unnecessary touching.

5. Overt or implied threats against an individual to induce him or her to provide sexual favors or to engage in an unwelcome sexual relationship.

(b) For purposes of employment, sexual harassment is defined as unwelcome sexual advances, requests for sexual contact, and other verbal or physical conduct of a sexual nature from any person when:

1. Submission to such conduct is either explicitly or implicitly a term or condition of an individual’s hire or employment, salary increase, position advancement or other employment-related benefits; or

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or

3. Such conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

(c) For purposes of enrollment as a student at the University, sexual harassment is defined as any unwelcome sexual advances, requests for sexual contact, and other verbal or physical conduct of a sexual nature, including, but not limited to, instances where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s academic achievement; or

2. Submission to or rejection of such conduct is used as a basis for decisions regarding the evaluation of a student’s academic achievement; or

3. Such conduct has the purpose or effect of interfering with an individual’s academic performance or creating an intimidating, hostile, or offensive academic environment.

(d) Retaliation. It shall be a violation of the University’s policy against sexual harassment for an employee or student to retaliate against someone who has made or filed a complaint against them alleging they have engaged in sexual harassment.

(3) Dissemination of Policy.

(a) Employees. It shall be the responsibility of the Director of Human Resources to disseminate the University’s Sexual Harassment policy to all employees of the University through the following means:
1. Each employee shall be furnished with a copy of this rule. The University shall publish and disseminate notice of changes to the rule to all employees.

2. Employees shall have the opportunity to discuss and ask questions about the interpretation and application of the policy, and shall be apprised of possible discipline for any violation thereof during periodic seminars.

3. It shall be the obligation of the University to train its administrators and supervisors in implementation of this rule.

(b) Students. The University’s Sexual Harassment Policy shall be published in the University’s academic catalog(s), Student Information Handbook or in other publications of general circulation to students. The University shall publish and widely disseminate notice of changes in the policy.

(c) Vendors. The Director of Purchasing is responsible for disseminating the University’s Policy against Sexual Harassment to university vendors by means of its incorporation by reference in contracts and purchase orders.

(d) Contractors.

1. Any authorized employee or student who enters into a contract with third parties for the provision of goods or services to the University is responsible for informing them of the University’s policy against Sexual Harassment.

2. Contractors to the University are responsible for apprising others under their purview, including but not limited to consultants, sub-contractors and employees, of the University’s policy against Sexual Harassment.

4. Disciplinary Actions.

(a) Any employee of the University who is found to have sexually harassed a student, another employee or an applicant for employment shall be subject to disciplinary action up to and including dismissal in accordance with University Rules 6C10-5.016 and 6C10-5.022, F.A.C., and the terms of any applicable collective bargaining agreement. The level of the punishment shall be guided by the seriousness of the offense.

(b) Any student who engages in sexual harassment of an employee or another student shall be subject to disciplinary action up to and including expulsion as provided in University Rule 6C10-4.003, F.A.C.

(c) Any employee with supervisory authority who fails to take corrective action or report a complaint or incident of sexual harassment shall be subject to discipline up to and including dismissal as provided in University Rules 6C10-5.016 and 6C10-5.022, F.A.C., and the terms of any applicable collective bargaining agreement. The level of the punishment shall be guided by the seriousness of the offense.

(d) Anyone who knowingly files a false complaint of sexual harassment or who knowingly provides false testimony shall be subject to discipline up to and including dismissal or expulsion as provided in University Rules 6C10-5.016 and 6C10-5.022, F.A.C., and the terms of any applicable collective bargaining agreement as to employees, and Rule 6C10-4.003, F.A.C., as to students. The level of the punishment shall be guided by the seriousness of the offense.

5. Procedure for filing a Complaint.

(a) The procedures described in Rule 6C10-1.003, F.A.C. Non-discrimination Policy and Discrimination Complaint Procedures shall be followed.

(b) Any formal written complaint filed under this section must be filed with the President’s designee within sixty (60) calendar days after the alleged occurrence of the harassment incident, or in the case of a student complaint against a faculty member, within fourteen (14) calendar days of the beginning of class of the following semester.

(6) Frivolous or Malicious Complaints. In the event that a claim of sexual harassment is found to be frivolous or malicious, disciplinary action shall be taken against the complainant, in accordance with University Rules 6C10-5.016 and 6C10-5.022, F.A.C., and the terms of any applicable collective bargaining agreement as to employees, and Rule 6C10-4.003, F.A.C., as to students.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5), 240.261, 760.10 FS. History–New 4-17-97.

6C10-1.005 Florida Gulf Coast University; Direct Support Organizations.

(1) The President shall recommend to the Florida Gulf Coast University Board of Trustees that an organization meeting the requirements of Section 1004.28, F.S., be certified as a Florida Gulf Coast University Direct Support Organization (“DSO”).

(2) To be considered for certification, the Articles of Incorporation and Bylaws of the proposed DSO together must provide:

(a) The DSO is a Florida not for profit corporation under the provisions of Chapter 617, F.S., or the DSO will, upon certification by the Board of Trustees, file for such incorporation with the Department of State.

(b) Any person employed by the DSO shall not be considered to be an employee of the University by virtue of employment by the DSO.

(c) The chief executive officer or director of the DSO shall be selected by the President and shall report to the President or a designee reporting directly to the President.

(d) Any amendments to the Articles of Incorporation or Bylaws shall be submitted by the President to the Board of Trustees for approval prior to becoming effective.

(e) The President or designee shall have the following powers and duties:

1. Monitor and control the use of University resources by the DSO.

2. Control the use of the University name by the DSO.

3. Monitor compliance of the DSO with federal and state laws.
4. Recommend to the governing board of the DSO an annual budget.
5. Review and approve quarterly expenditure plans.
6. Approve contributions of funds or supplements to support intercollegiate athletics.

(3) Upon approval by the Board of Trustees, a DSO is certified and authorized to use the property, facilities and personal services of the University, to receive, hold, invest or administer assets or property and to make expenditures for the benefit of the University. A DSO is further authorized to issue revenue bonds or other forms of Indebtedness upon approval of the Board of Trustees in accordance with Section 1010.60, F.S., and to enter into agreements to finance, design and construct, lease, lease-purchase, purchase, or operate facilities necessary and desirable to serve the needs and purposes of the University.

(4) The Chair of the Board of Trustees shall appoint a representative to the governing body and the executive committee of each DSO. The President or designee shall also serve on the governing body and executive committee of each DSO.

(5) Each DSO shall prepare and submit to the President or designee no later than the first day of each quarter of the organization’s fiscal year a quarterly expenditure plan that delineates planned actions which would cause a commitment of University resources or represent a significant commitment of the resources of the DSO, including:
   (a) Major fund raising events and campaigns and their purpose.
   (b) Compensation and benefits to University employees and employees of the organization.
   (c) Capital projects, including land acquisition, construction, renovation or repair.
   (d) Other major commitments of the resources of the organization.

(6) Each DSO shall conduct its financial operation observing a fiscal year ending on June 30 of each year and shall cause a financial audit of its accounts and records to be conducted by an independent certified public accountant after the close of each fiscal year as follows:
   (a) Audits shall be conducted pursuant to Section 1004.28, F.S., and in accordance with rules adopted by the Auditor General pursuant to Section 11.45, F.S.
   (b) The President of the University shall submit the annual audit report to the Board of Trustees and the Auditor General within nine months after the end of the fiscal year.

(7) The President of the University shall recommend to the Board of Trustees that a DSO be decertified if the President determines that the organization is no longer serving the best interests of the University. The recommendation for decertification shall include a plan for disposition of the organization’s assets and liabilities.

Specific Authority 1001.74(4), 1004.28(2) FS. Law Implemented 1001.74(37), 1004.28 FS. History–New 3-18-03.
CHAPTER 6C10-4 STUDENTS

6C10-4.001 Student Rights and Responsibilities.
6C10-4.004 Student Grievance Procedure.
6C10-4.005 Student Activities.

6C10-4.001 Student Rights and Responsibilities.

(1) General. Upon enrollment, students are entitled to the following freedoms and/or rights provided the exercise thereof is accomplished in accordance with these University rules and does not result in disruption or disturbance as elsewhere described in the Rules.

(a) Participation in the Student Government Association and its elective process.
(b) Membership in student organizations.
(c) Freedom of expression. The basic freedom of students to hear, write, distribute, and act upon a variety of thoughts and beliefs is guaranteed. Freedom of expression carries with it the responsibility for seeing that the essential order of the University is preserved.
(d) Freedom to hold public forums. The University desires to create a spirit of free inquiry and to promote the timely discussion of a wide variety of issues, provided the views expressed are stated openly and subject to critical evaluation. Restraints on free inquiry will be held to a minimum and will be consistent with preserving an organized society in which peaceful democratic means for change are available. Guest lecturers, or off campus speakers, sponsored by the student groups may appear on the FGCU campus after notification has been given to the Division of the Dean of Student Services, and the Division has scheduled the guest speaker so as to avoid potential disruptive conflicts.
(e) Freedom to hear, write, distribute and act upon a variety of thoughts and beliefs. This freedom is subject to the following regulations:
   1. Written materials identified by authorship and sponsorship may be distributed on campus within the guidelines of propriety and responsible journalism so long as they do not violate the provisions of obscene or objectionable literature as set forth in Chapter 847, F.S. The distribution of such material is permitted of student organizations provided steps have been taken to preserve the orderliness of the campus.
   2. Non-University or off-campus printed materials shall not be distributed or circulated by students or student organizations without first being stamped by the Dean of Student Services or designee.
   3. The distribution of materials or circulation of petitions to captive audiences such as those in classrooms, at registration, in study areas or in residential units will not be allowed without prior permission. Such permission may be requested from the pertinent University vice president, dean or director. Permission may be granted for the purposes of scholarly research, or for conducting business of an approved on-campus organization such as student government, clubs, and social and professional organizations.
(f) Peaceful assembly. Existing procedures set forth in Section 870.02, F.S., shall be observed. Student gatherings must not disrupt or interfere with the orderly educational operation of the institution. Students found in violation will be subject to penalties as outlined in Section 240.132, F.S.
(g) Fair and impartial hearing. These matters shall include, but not be limited to:
   1. Disciplinary proceedings involving alleged violation of academic and nonacademic rules and regulations.
   2. Refunds and charges. The status of a student charged with a violation of University regulations shall not be allowed without prior permission. Such permission may be requested from the pertinent University vice president, dean or director. Permission may be granted for the purposes of scholarly research, or for conducting business of an approved on-campus organization such as student government, clubs, and social and professional organizations.
(h) Confidentiality of student records. Each University office and agency, which generates, collects, and disseminates information on students, must follow the guidelines for confidentiality of those records in their possession as outlined by the Federal Family Educational Rights and Privacy Act of 1974, and Section 240.237, F.S. For further information see “Student Academic Records” in each published schedule of classes.
(i) Student grievances. Students have the right to bring complaints to the attention of the University. For further information, see “Student Grievance Procedures”.
(j) Provisions for Victims/Survivors of Acts of Violence. To ensure fairness to victims/survivors of acts of violence throughout the disciplinary process, the University has established the following policy for victims/survivors:
   1. A provision for a victim/survivor to have a person of her/his choice accompany her/him throughout the judicial process. This person will act as a support person or counsel but will not represent the victim/survivor.
   2. A provision for the victim/survivor to submit a list of questions relating to the alleged incident, prior to the hearing, that she/he feels the accused should be asked during the hearing process.
   3. A provision not to have her/his irrelevant past conduct, including sexual history, discussed during the hearing. The hearing board or judicial officer shall determine the issue of irrelevancy.
4. The opportunity to make a “victim/survivor impact statement” and to suggest an appropriate penalty (to include appropriate compensations) if the accused is found in violation of the Student Code of Conduct.
5. A provision to know the outcome of the judicial process after making a commitment to protect the confidentiality for all persons involved.

(k) Student Rights During the Judicial Process. The following rights shall be explained to the accused prior to the commencement of any formal judicial hearing:

1. All parties shall be afforded reasonable written notice, at least 7 days prior to the hearing. A letter sent to the address listed in the registrar’s records shall constitute full and adequate notice. Written notice shall include:
   a. A statement of the time, place and nature of the proceeding.
   b. A statement of the nature of the case and of the jurisdiction under which it is to be adjudicated.
   c. A brief statement of matters asserted. Thereafter, upon request by the accused, a more detailed and definitive statement will be furnished prior to the commencement of any formal hearing. An advisor of the accused’s choice may be present at the hearing.
2. An accused student may choose to have an advisor present at the hearings.
3. All hearings will be conducted on the basis that the accused is not in violation until the preponderance of evidence proves otherwise.
4. All hearings shall be private and closed only to persons directly involved in the matters being adjudicated. The accused may request that a hearing be open to others. The University shall consider such a request in light of the best interests of all persons involved and of the University.
5. The accused may inspect any evidence presented in support of the charges. Evidence may be presented in defense of the accused.
6. The accused may hear and question adverse witnesses.
7. The accused shall not be forced to present self-incriminating evidence; however, the University is not required to postpone disciplinary proceedings pending the outcome of any criminal prosecution.
8. The determination of “in violation” or “not in violation” as charged, shall be based solely on the evidence presented at the hearing.
9. The determination from a formal hearing and any sanctions assigned and the Student’s Appeal Rights shall be furnished in writing to the accused within five working days time following the hearing.
10. The enrollment status of the accused shall remain unchanged pending the University’s final decision in the matter except in cases where the president or president’s designee determines that the safety, health, or general welfare of a student or the University is involved.
11. A student/organization against whom a judicial determination is rendered may exercise appellate procedures.

(2) Student Responsibilities. The most basic responsibility of a student is to study and move forward in intellectual development while taking advantage of the many opportunities provided in a University environment for all around personal growth, development and maturation.

(a) Students and organizations are responsible for the observation of all policies, rules and regulations set forth in the 1998-99 Student Guidebook of Florida Gulf Coast University. Compliance should follow awareness and understanding which helps to fulfill the objectives of better University government as well as the identification and acceptance of personal and social responsibilities.

(b) Rights and freedoms in any environment are protected through exercised responsibilities and maintained through an established system for justice. The ideal balance of control for liberties is strongly weighted toward understanding and observing rules as acts of individual responsibility not always because of agreement, but because compliance also serves the best interests of all and helps in the completion of identified missions.

(c) The University has compiled student-governing information in this guidebook and distributed it to help provide direction and awareness for the academic community. It is each student’s responsibility to become aware of, and learn its regulatory content and procedures for dealing with problems which may arise in the course of educational events.

(d) When University rules are judged as not serving the best interests of all, the consideration for change should be introduced through appropriate channels. In the case of students, this will most often be the Student Government Association or another student-governing group.

(e) Within the University, emphasis is placed on the development of each individual’s recognition and acceptance of personal and social responsibilities. High ethical and moral standards of conduct are a part of the University’s mission and its contribution to the well being of society.

(3) Personal Health Responsibilities.

(a) Each student must assume a certain level of responsibility for his or her education and for the maintenance of health. Learning and education take place within a body. A drugged or mistreated body can neither absorb nor retain meaningful information.

(b) The University has published rules against the misuse of drugs and alcohol in the 1998-99 Student Guidebook, and has designated penalties for violations. These efforts are in the interest of a minimum effort to serve students; the maximum effort is to encourage students to develop a lifestyle free of drug abuses and to understand the connections between life, learning, and proper functioning of the integrated body and mind.
(c) A broad range of student services provided through the Division of Student Services is available to assist students in solving problems, which negatively affect their performances. The Wellness Center which houses Student Health Services is designed to help students target health related problems and find solutions. Wellness encourages self-direction for a lifestyle, which addresses meaningful living, care enough to recognize problems, initiate action, and use available services.

(4) AIDS Policy.

(a) It is the policy of the State University System (SUS) to balance the rights of Acquired Immune Deficiency Syndrome (AIDS) victims to an education and employment against the rights of students and University employees to an environment in which they are protected from contracting the disease. In the belief that education can exercise some control over the spread of the disease, and help the public to respond in a reasoned manner, the SUS is committed to providing the University communities and the public at large with education on the nature and transmission of the disease and the legal rights of AIDS victims.

(b) The policy of the University is to treat cases of AIDS on a case by case basis. When the AIDS case comes to the attention of the University, whether student, faculty or staff member, the University AIDS Committee will assume responsibility for conducting a thorough review based upon the best medical and legal information available. Any actions taken will respect the rights of the individual to confidentiality as well as the individual’s welfare and that of the University community. For additional information contact Student Health Services (in the Wellness Center) or Personal, Academic and Career Counseling (second floor of the Student Services Building). The University will maintain an acquired immune deficiency syndrome counselor. (Section 240.2097(3), F.S.)


General. These rules shall apply to all undergraduate students, graduate students, and student organizations of the University and its area campuses and shall be deemed a part of the terms and conditions of admission and enrollment of all students. Failure to comply with duly established laws or University rules may subject violator(s) to appropriate action by University authorities and/or appropriate civil authorities. Violations of University rules shall be recorded in the record to the individual(s) and/or organization(s) concerned. Generally, authority necessary to enforce regulations is vested in the Dean of Student Services. Selected functions of this authority are shared with faculty, staff and students. Some functions of disciplinary administration are assisted through system review boards. Students and student organizations are also subject to University judicial sanctions for the violation of a Board of Regents rule or a federal, state, county, or city law, which has an adverse impact on the University. The following defined and/or described actions include conduct for which judicial action including suspension or expulsion may be taken. These rules apply to conduct, which occurs on University premises, while attending University sponsored/related activities, and conduct, which takes place off-campus when that conduct is determined as adversely affecting the interests of the University community.

(1) Academic Dishonesty/Cheating.

(a) Cheating is a violation of student academic behavior standards. The common forms of cheating:

1. Unauthorized assistance; communication to another through written, visual or oral means. The presentation of material, which has not been studied/learned, but obtained through someone else’s efforts and used as part of an examination, course assignment or project constitutes a violation. The unauthorized possession or use of examination or course related material may also constitute cheating.

2. Plagiarism whereby another’s work is deliberately used or appropriated without any indication of the source, thereby attempting to convey the impression that such work is the student’s own. Any student failing to properly credit ideas or material taken from another is plagiarizing.

(b) Any student who knowingly helps another violate academic behavior standards is also in violation of the standards.

(2) Providing False and Misleading Information and/or Falsification of University Records.

(a) Withholding related information, or furnishing false or misleading information (oral or written) to University officials, faculty or staff.

(b) Forgery, alteration, or misuse of any University document, material, record or instrument of identification.

(3) Disruptive Conduct.

(a) Intentionally acting to impair, interfere with, or obstruct the orderly conduct, processes and functions of the University.

(b) Violence against any member or guest of the University community.

(c) An act which deliberately impedes or interferes with the normal flow of pedestrian and vehicular traffic.

(d) Action which tampers with the election(s) or any University student organization or group.

(e) Willful destruction of University property or property of members of the University.

(f) Misuses of any University safety equipment, fire fighting equipment, or alarm.

(g) An act which deliberately interferes with academic freedom or the freedom of speech of any member or guest of the University.

(h) A false report of an explosive or incendiary device, which constitutes threat or bomb scare.

(i) Conduct which is lewd or indecent.
(j) Breach of peace; an act, which aids, abets or procures another person to breach the peace on the University premises or at University sponsored/related functions.

(k) Failure to comply with oral or written instruction from duly authorized University officials or law enforcement officers acting in the performances of their duties and/or failure to identify oneself to these persons when requested to do so.

(4) Personal Abuse.
(a) Verbal abuse of any person including lewd, indecent, or obscene expressions of conduct.
(b) Physical abuse or threat of abuse to any person.
(c) Harassment is defined as: engaging in a course of conduct, including but not limited to stalking, directed at a member of the University community which would cause a reasonable person in the victim’s position severe emotional distress, intimidation, coercion or which would place a reasonable person in the victim’s position in fear of bodily injury or death, provided that this provision shall not be interpreted to abridge the right of any member of the University community to freedom of expression.
(d) Failure to respect the privacy of other individuals.
(e) Retaliation against or harassment of complainant(s) or other person(s) alleging misconduct.

(5) Sexual Misconduct.
(a) Sexual Assault – acquaintance rape (date, friend, someone the victim knows casually or through mutual friends) or any other form of rape. Rape may be determined as unconsenting sexual penetration, coercion, or penetration against the victim’s will. Any sexual conduct which occurs between members of the University community on or off the FGCU campus shall be consensual, meaning that willing and verbal agreement shall be clearly given in advance by all persons involved at each new level of such conduct. One person shall not knowingly take sexual advantage of another person who is under 18 years of age, mentally defective, under the influence of prescribed medication, alcohol or other chemical drugs, or who is not conscious or awake, and thus is not able to give consent as defined above. Further, one person shall not physically or verbally coerce another person to engage in sexual conduct, to the end that consent as defined above is not given.
(b) Sexual Harassment – unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature which prevents or impairs another person’s full enjoyment of the educational benefits, atmosphere, or opportunities provided as part of the University.
(c) Public Indecency – exposure of one’s body in such a manner that another party reasonably could be offended or to display sexual behavior which another person reasonably finds offensive.
(d) Voyeurism – sexual stimulation sought through trespass, spy or eavesdrop activities.
(6) Larceny/Property Damage.
(a) Unauthorized use, possession, or theft of property. Such property may be personal or public.
(b) To damage or deface University property or the property of another person while it is on University premises.
(7) Hazing.
(a) Any action or situation which recklessly or intentionally endangers the mental or physical health and/or safety of a student for the purpose of initiation or admission into, or affiliation with any organization operating under the sanction of the University.
(b) Brutality of a physical nature such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substances, or other forced activity which could adversely affect the physical health or safety of the individual.
(c) Any activity which could subject the individual to mental stress such as sleep deprivation, forced exclusion from social contact, forced contact which could result in embarrassment, or any other activity which could adversely affect the mental health or dignity of the individual.
(d) Any activity, as described above, upon which the initiation or admission into or affiliation with a Florida Gulf Coast University organization is directly or indirectly conditioned shall be presumed to be a “forced” activity, the willingness of an individual to participate in such an activity notwithstanding.
(8) Unauthorized Use of Keys and/or Entry.
(a) Unauthorized possession, duplication or use of keys to any University premises.
(b) Unauthorized entry or attempted entry to University premises.
(9) Misconduct at University Sponsored/Related Activities. Violation of University policies, rules, or regulations of a host institution at a University sponsored/related function.
(10) Unlawful Possession Use or Sale of any Controlled Substance. Use, possession, sale, distribution or attempt to obtain any narcotic or other controlled substances except as expressly permitted by law.
(11) Alcoholic Beverages Violation. The use, possession, sale and/or distribution of alcoholic beverages except as expressly permitted by the law and the University rules published in the 1998-99 Student Guidebook, and behavior under influence of alcoholic beverages.
(12) Possession and/or Use of a Firearm and/or Dangerous Material.
(a) Possession or use of firearms or any weapon on University premises or at University sponsored/related activities.
(b) Possession or use of fireworks of any description, explosives, or chemicals which are disruptive, explosive, or corrosive on University premises or at University sponsored/related activities.
(13) Instigation or Participation in Group Disturbances During Demonstrations, Parades, or Picketing.
(a) Participation in a demonstration(s), parade(s), or picketing which invades the rights of others, interferes with the educational function of the University or jeopardized public order and safety.

(b) Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

(14) Misuse of Computing and Telecommunications Resources.

(a) The University supports open access to electronic communication and information. Nevertheless, the preservation of an open computing and communications environment requires adherence by users to a set of standards and policies for the responsible use of computing systems, software and telecommunication networks. University computing and telecommunications resources shall not be used as follows:

1. To impersonate another individual or to misrepresent an authorization to act on behalf of other individuals or the University.
2. To modify the original attribution of electronic mail messages or postings.
3. To send anonymous messages without clearly and correctly identifying the sender.
4. To make unauthorized or illegal use of the intellectual property of others without the prior written permission of the owner or the copyright holder of the information.
5. To transmit to others or to display images, sounds, or messages that reasonably could be perceived as being harassing, invasive, or otherwise unwanted.
6. To carry out commercial or other for-profit purposes.
7. To conduct programs which do not directly relate to, or are in support of, the academic, research, or administrative activities of the University.
8. To attempt to undermine the security or the integrity of the University’s computing systems or telecommunications networks, to attempt to gain unauthorized access, or to intercept or decode passwords or similar access control information.
9. To intentionally damage, disable, or impair computing or telecommunications equipment or software.
10. To acquire or utilize software that does not adhere to applicable software licenses and copyright laws.
11. To introduce viruses or other destructive software in University computer facilities.
12. To engage in activities which are not consistent with the provisions of Chapter 815, F.S., Computer Crimes Act, Title 18 United States Code, Electronic Communication Privacy Act of 1986, the Telecommunications Act of 1996, or the “FGCU Acceptable Computer and Network Policy”.
13. “Chain letters” or similar materials are prohibited.

(b) All members of the University community are expected to adhere to University policies regarding the security and use of individual user ids and passwords. Members of the University community are held responsible for any violation of University policies, which involve the use of their computer account. Unauthorized use of a University computer account is expressly prohibited.

1. Computer users shall comply with all applicable federal and state laws governing the use of computer and telecommunication technology, as well as all applicable rules and policies of the University. These laws, rules, and policies are referenced in the “FGCU Acceptable Computer and Network Policy”, incorporated into the 1998-99 Student Guidebook and posted on the University web site. Violations of the computer and network rules and policies shall result in disciplinary action. Serious violations of University policies shall generally result in immediate loss of network and computer access and privileges.

2. Suspected criminal violations of federal, state or local laws shall be reported to the University Police Department, appropriate law enforcement agencies or any other applicable authorities or agencies. However, unauthorized or fraudulent use of University computing and telecommunication resources can result in felony prosecution as provided for in Florida Statutes, Chapter 775, Florida Criminal Code.

(15) Gambling.

(a) To play in an unlawful game of chance for money or for anything of value on University premises or at any affair sponsored by a student organization.

(b) To sell, barter, or dispose of a ticket, order, or any interest in a scheme of chance by whatever name on University premises or at any affair sponsored by a student organization.

(c) To wager on a University team or organization in a competition with a direct interest in the success of the competition.

(d) Charitable, nonprofit organizations may operate “drawings by chance”. The law requires specific disclosures and procedures, Section 849.0935, F.S. Permission for such student organizations who qualify under Florida law to organize “drawings by chance” on University premises or at any sponsored affair must be secured in writing from the Dean of Student Services prior to an announcement of the event.

(16) University Designated Student Residence Violations. Repeated or flagrant violations of regulations governing University student residences.

(17) University Wordmark. Unauthorized use of the official University Eagle, mono-seal, or other graphic identity symbol.

(18) Commission of a Felony or Misdemeanor. Commission of an act, which is a felony or misdemeanor as provided by local, state, or federal law.


(1) General. Authority for student discipline ultimately rests with the President of the University. The President delegates this authority to the Dean of Student Services. The Dean of Student Services may further delegate disciplinary authority to other administrators or faculty who shall serve as the judicial officer.

(2) Violation Reports. Alleged violations of the FGCU Student Code of Conduct shall be reported in writing to a University judicial officer appointed by the Dean of Students. The judicial officer shall make appropriate inquiries into the circumstances of the case to determine one of the following:

(a) Case dismissal.
(b) Administrative action.
(c) Informal disposition.
(d) Formal disposition.

(3) Administrative Action. In cases that dictate an immediate decision to protect the welfare of the individual, the student body, or the University, the judicial officer may take action without delay to resolve the situation. This action may include any of the formal disciplinary penalties or any lesser sanction that the judicial officer determines necessary to protect the interests of all concerned. Sanctions taken through administrative action shall remain in effect until the final disposition of formal charges resulting from the circumstances of the case have been resolved through either informal or formal disposition proceedings.

(4) Informal Disposition. At the discretion of the student charged, infractions may be referred to the appropriate forum for proper disposition and/or settled by one or more of the following outcomes: oral or written reprimand; restitution; community service; counseling.

(5) Formal Disposition. Formal charges shall be filed within thirty (30) days of the University’s receipt of written notice of alleged violations of the FGCU Student Code of Conduct. (paragraph 6C-6.0105(2)(g), F.A.C.) If an alleged violation of the Student Code of Conduct is not handled through other appropriate channels, is not dismissed, or is not settled informally, then the Dean of Students or designee shall present in writing formal charges of violations to the student. This written notification shall include:

(a) The student’s name, social security number, and address;
(b) A brief description of the alleged violation including dates, times, and places;
(c) Names of potential witnesses known at the time formal charges are prepared;
(d) A description of any written or physical evidence known at the time charges are prepared. The student may elect to have an administrative hearing or to have the case referred to an appropriate student judicial board.

(6) Student Rights During the Judicial Process. The following rights shall be explained to the student prior to the commencement of any formal judicial hearing:

(a) All parties shall be afforded reasonable written notice, at least five (5) days prior to the hearing. A letter sent to the address listed in the registrar’s records shall constitute full and adequate notice. The University may elect to proceed with a hearing without the presence of the accused student, provided, however, the required notice stated above has been given to the student and the student has not provided to the hearing officer/council in advance a satisfactory reason for the absence. Written notice shall include:
   1. A statement of the time, place and nature of the proceeding.
   2. A statement of the nature of the case and of the jurisdiction under which it is to be adjudicated.
   3. A brief statement of matters asserted.

(b) An advisor of the student’s choice may be present at the hearing.

(c) The student may choose to have an advisor present at the hearing. Such advisor (including legal counsel) however, only may discuss matters directly with the student and may not actively participate in the conduct of the hearing.

(d) All hearings will be conducted on the basis that the student is not in violation until the preponderance of evidence proves otherwise.

(e) The student may inspect any information presented in support of the charges. Information may be presented in defense of the accused.

(f) The student may hear and question adverse witnesses.

(g) The student shall not be forced to present self-incriminating information; however, the University is not required to postpone disciplinary proceedings pending the outcome of any criminal prosecution.

(h) The determination of “in violation” or “not in violation” as charged shall be based solely on the information presented at the hearing.

(i) The determination from a formal hearing and any sanctions assigned and Appeal Rights shall be furnished in writing to the accused within five working days following the hearing.

(j) The enrollment status of the student shall remain unchanged pending the University’s final decision in the matter, except in cases where the president or president’s designee determines that the safety, health, or general welfare of a student or the University is involved.

(k) A student/organization against whom a judicial determination is rendered may exercise appellate procedures.

(7) Administrative Hearing. Administrative hearings will be conducted before a designated judicial officer who will hear the case and take appropriate action.
student of the decision and the appeal procedures. When the board judges a student “in violation”, it shall recommend an appropriate sanction. The judicial officer shall inform the student of the decision and the appeal procedures.

2. The record of any proceeding resulting from formal charges shall include:
   a. A copy of the formal charges.
   b. A tape recording of the open sessions of the hearing.
   c. All staff memoranda and/or data submitted.
   d. All items of physical evidence submitted, provided such items are not returned to a rightful owner. In that case, photographs or other facsimiles shall be made before being returned.
   e. The determination of “in violation”, or “not in violation” by the hearing board as well as recommended sanctions.
   f. The judicial officer’s decision.

(9) Student Judicial Boards. Student Association Judicial Council. The Student Association Judicial Council shall be composed of students and two student-alternates appointed by the president of the Student Association and confirmed by the Student Senate. A hearing will be conducted with a minimum of five members.

(10) Judicial Sanctions. Review boards may recommend any disciplinary action listed below with any appropriate modifications as well as any of the penalties listed under informal disposition.

11. Disciplinary Warning. Disciplinary warning is an official warning that the student’s behavior is in violation of the FGCU Student Code of Conduct. If the student is found to be in violation of a second charge, action will be taken beyond the disciplinary warning.

12. Disciplinary Probation. Disciplinary probation status is designed for a specific length of time extending from a month to a number of semesters. When disciplinary warnings have failed to correct a student’s conduct or an offense is deemed to be severe enough to warrant a more severe penalty, restrictive conditions may be imposed and vary according to the severity of the offense. Restrictive conditions include the following: loss of good standing, which may become a matter of record; the loss of eligibility to receive any University award, scholarship, loan, honorary recognition, or initiation into any local or national organizations; denial of the privilege to occupy a position of leadership or responsibility in a University student organization, publication, or activity, and loss of privilege to represent the University in a public capacity. A student under disciplinary probation will be provided in writing the restrictions of the probation and the consequences for further violations of University rules while on probation. While under disciplinary probation, the student is given a chance to show the capability and willingness to live in accordance with the University rules. However, if the student is found to be in violation through another action while on disciplinary probation, more serious disciplinary action will be imposed including consideration of suspension or expulsion from the University provided the student had been notified of such a possibility.

13. Suspension. A student involved in any offense paragraphs (1)(a) through (1)(r) warranting consideration of action more serious than disciplinary probation or one involved in repeated misconduct may face suspension. The length of the suspension period shall be definite and may extend from days to a number of semesters. During suspension, a student may not attend class. Suspension may not be imposed without formal disposition proceedings unless the student agrees in writing to waive the right to a formal hearing.

14. Expulsion. When an offense listed in paragraphs (1)(a) through (1)(r) is of such severity that the University will not allow the student to re-enroll, the student will be expelled. When a student has been expelled from the University for disciplinary reasons, a full report will be placed in the permanent record of the individual concerned. Expulsion may not be imposed without formal disposition proceedings unless the student agrees in writing to waive the right to a formal hearing.

15. Appeals Within the Judicial Process. A student/organization found “in violation” as the result of a hearing may request a review of the decision by the judicial officer. Reviews shall be held within seven (7) calendar days following notification of the sanction. Any appeal of the sanction must be received in writing by the Chair of the Student Code of Conduct Committee within seven (7) calendar days following a review by the judicial officer. Appeal considerations shall be limited to:
   a. Irregularities in due process that affected the outcome of the initial hearing;
   b. Discovery of new and significant evidence which could not have been presented at the time of the initial hearing;
   c. Inconsistency of the sanction with precedent or with the nature of the violation.
   1. Upon reviewing the appeal, the Student Code of Conduct Committee may uphold or modify the sanction. This appeal shall be based on the considerations listed above.
2. Further administrative appeal may be made by the student in writing to the Dean of Student Services. Again, these appeals are based on the considerations listed above. The appeal must be made within seven (7) calendar days following notification to the student of the results of the appeal by the Chair of the Student Code of Conduct Committee. The Dean of Students may uphold or modify the decision.

3. In circumstances where the Dean of Student Services was involved as a principle against the accused or at the request of legal counsel, an appeal based on the considerations listed above may be made to the President of the University by the student within seven (7) calendar days following notification to the student of the decision by the Dean of Student Services. A review by the President of the University, or designee shall be final.

4. Decisions of the President of the University may be appealed to the Second District Court of Appeal. Any other decision made by the University, to which the student has not further appeal rights, may be appealed to the Second District Court of Appeal, and accompanying any such decision shall be language notifying the student of his/her appellate rights under Florida Statutes.

16) Student Code of Conduct Committee. The composition of the Student Code of Conduct Committee shall be two faculty members, two students, and one administrator. The Judicial Officer will be present during the hearing. Faculty members are appointed by the Faculty Senate to serve on the Student Code of Conduct Committee for a period of three consecutive years. A pool of six faculty members will be appointed, one-third of whom will be replaced each year to preserve continuity of experience. A pool of six students shall be appointed annually by the president of the Student Government Association. Administrative members are appointed by the President. A pool of three will be appointed, one of whom will be replaced each year. No administrative member shall be selected from the Division of the Dean of Student Services.

(a) The President shall appoint an additional member from the faculty to serve as permanent chair of the committee. The President shall also appoint an alternate permanent chair. The chair shall participate fully in the hearing process, but shall only vote in case of a tie. All members shall have voting privileges.

(b) For a given case, two faculty members, two students and one administrative staff member will be chosen based on availability from the roster of the current committee. The other member is the faculty chair appointed by the President.

(c) The Student Code of Conduct Committee has the authority to summon witnesses. Refusal to obey the summons may subject the student to disciplinary action upon the recommendation of the Committee.

(d) The Student Code of Conduct Committee has the authority to review disciplinary matters, which have been properly brought before the Committee in accordance with the procedures stated above. Upon completion of its hearing, the Student Code of Conduct Committee has the authority to issue, modify or uphold the disciplinary penalties, if appropriate.

(e) All members of the Student Code of Conduct are cautioned of the confidentiality of the Committee’s entire function and are admonished not to discuss any case with other than authorized persons.


6C10-4.004 Student Grievance Procedure.

1. General. The intent of this rule is to provide a procedure whereby student grievances are processed promptly and resolved fairly. Students shall be given adequate opportunity to bring complaints to the attention of the University with the assurance that the proper University officials will promptly investigate the facts of the case and evaluate these facts in an objective manner.

(a) Student problems should be resolved, whenever possible, before the filing of a formal written grievance and open communication is encouraged so that resort to formal grievance procedures will not be necessary. Informal resolution of grievances may be continued throughout the process.

(b) Time limits contained in this rule may be extended by mutual agreement of the parties. Upon failure by the University or its representatives to provide a decision within the time limits provided in this rule or any extension thereof, the grievant may appeal to the next appropriate step. Upon failure of the grievant or counsel to file an appeal, or take prescribed action, within the time limits provided in this rule, the grievance shall be deemed to have been resolved at the prior step.

2. Exclusions. Grievances pertaining to the following matters shall not be processed under this rule:

(a) Disciplinary actions taken under FGCU Student Code of Conduct.

(b) Traffic and Parking Violations.

(c) The professional judgment exercised by an instructor in assigning a grade.

(d) Professional judgment of licensed practitioners in the health related professions.

3. Definitions.

(a) “Day” means a calendar day.

(b) “Grievance” means a dispute or request for redress of the interpretation or application of any rule or regulation of the University or the Board of Regents provided to the students in the University catalog, 1998-99 Student Guidebook, or University web site.

(c) “Grievant” means any enrolled or admitted student who presents a grievance under this rule.

(d) “Respondent” means the FGCU faculty or staff member who is alleged to have caused the grievance by identifiable acts of omission or commission.

(e) “Party” means either the grievant or the respondent.
(f) “Counsel” means an attorney or lay advisor.
(g) “Resolution” means an action by or on the behalf of the University that is satisfactory to the student.
(h) “Student Grievance Panel” means a panel of (9) nine persons appointed by the President of the University based on recommendations from the President’s Executive Council and from the Student Association President. Those eligible for appointment are Full time faculty; A & P and employees who hold administrative positions; Students currently enrolled and in good standing;

1. The Student Grievance Panel from which individual boards will be selected shall consist of:
   a. Three (3) faculty representatives.
   b. Three (3) administrative staff, representing the various administrative divisions of the University.
   c. Three (3) students whose names are to be submitted to the president of the University by the president of the Student Government Association. Panel members shall serve annual terms beginning and ending in August of each academic year. When a vacancy occurs, the President shall make new appointments to fill unexpired terms. Whenever the exercise of challenge reduces the number of panel members eligible to serve in a particular grievance, the president may appoint additional members on an ad hoc basis.

2. “Challenge” shall mean a formal objection, by either the grievant or the respondent, to having a member of the Student Grievance Panel appointed as either an investigator or Student Grievance Board member.
   a. A “peremptory challenge” shall mean a challenge for which no explanation need to be given by the party making the challenge.
   b. A “Challenge for cause” shall mean a challenge based on alleged bias, prejudice, interest or other causes which indicate that the challenged panel member should not serve because of involvement, predisposition or other related causes. While either party may challenge for cause, such challenges shall be reviewed by the University Ombudsman whose decision as to the fitness to serve of the challenged panel member shall be final.
      (i) “Student Grievance Board” shall mean an ad hoc board appointed pursuant to Formal Resolution of Grievance.
      (4) Informal Resolution of Student Grievances.
      (a) It is the University policy to encourage the informal resolution of grievances directly between the student and the respondent. If this cannot be accomplished, the student is encouraged to continue informal resolution presenting the problem orally through appropriate administrative channels up to, but not including, the Office of the Vice President in whose area the respondent is employed.
      (b) Upon request, the Dean of Student Services will inform the student as to the administrative channels to be followed in an attempt to secure informal resolution.
      (a) If informal resolution attempts do not succeed, the student may present the grievance in writing in the form indicated in (b) below. This written grievance shall be mailed or delivered to the University Ombudsman no later than 25 days following the date on which the alleged act or omission causing the grievance occurred; or not later than 25 days from the date the student acquired knowledge, or could be reasonably expected to have acquired knowledge, of the alleged act or omission unless the time limit has been extended by mutual agreement.
      (b) Formal Grievances shall be presented following the procedure outlined in the 1998-99 Student Guidebook.
      (c) Upon receipt of a formal student grievance, the University Ombudsman will review the grievance to determine whether or not action under this rule is appropriate or is excluded under the provisions of paragraph (2) above. If action under this rule is appropriate, the University ombudsman will notify the student of receipt of the grievance and of the name of the respondent’s Vice President/Dean who will handle the step (1) procedures outlined herein; simultaneously the ombudsman will notify the respondent and deliver the written grievance to the Vice President/Dean in whose area the respondent is employed. The ombudsman will inform the student that proceedings under this rule are not appropriate if such is the case. Regardless of the disposition, such notice will be mailed to the student within three (3) days after the ombudsman’s receipt of the written grievance.
      (d) Within 15 days of receipt of notification of the grievance, the respondent (or in case of absence of the respondent’s supervisor) shall prepare a written response to the allegation(s) made by the student and shall furnish copies of this response to the grievant, to the appropriate Vice President/Dean, and the clerk of the University.
      (e) Upon receipt of the grievance and the respondent’s reply thereto, the respondent’s Vice President/Dean shall take action as follows:
         1. If the grievant selects Option A (as noted on the format): After review of the grievance, associated documents and any discussions necessary to determine the facts, the respondent’s Vice President/Dean shall establish the University position and notify the grievant and the respondent. This notification shall be made in writing within 25 days after the Vice President’s/Dean’s receipt of the grievance and respondent’s reply thereto, and shall be forwarded to the grievant by the University ombudsman.
         2. If the grievant selects Option B:
            a. Within five (5) days after receipt of the grievance and respondent’s reply, the Vice President/Dean shall appoint an investigator from among the members of the Student Grievance Panel. This appointment shall be subject to challenge for cause and to no more than two (2) peremptory challenges by either party (see also paragraph (3)(i) above);
b. The investigator shall file his report and recommendations with the respondent’s Vice President/Dean within 25 days after receipt of the grievance and the respondent’s reply thereto. This report shall be in writing and shall include, but need not be limited to; statements by the grievant and the respondent; statements by any witnesses testifying on behalf of either party; documents in support of either position; the investigator’s summary and recommendation to the Vice President/Dean;

c. The Vice President/Dean shall review the investigator’s report and render a decision, in writing within ten (10) days to the respondent and grievant. Notification to the grievant shall be made through the Ombudsman.

3. If the grievant selects Option C:

   a. Within five (5) days after receipt of the formal grievance, the respondent’s Vice President/Dean will appoint a Student Grievance Board to review the case. This board shall consist of five (5) members who are disinterested parties selected from among the members of the Student Grievance Panel. Two shall be faculty members, two shall be administrators and one shall be a student. Either party may challenge for cause any panel member selected to serve on the board and may also peremptorily challenge no more than two (2) of the selectees. After the exercise of all challenges, the Vice President/Dean shall name one member of the board to act as chair.

   b. Proceedings of the Student Grievance Board shall be carried out under the following general principles:

      (i) The board’s record of proceedings and recommendation shall be delivered, in writing, to the Vice President no later than 30 days after the date the board is appointed.

      (ii) Where applicable, the Florida Rules of Civil Procedure shall apply for purposes of discovery. The Chair may issue appropriate orders to effect discovery and to prevent unnecessary delay. This shall not be construed to prevent continuances upon the showing of good cause.

      (iii) All parties to the grievance may make opening and closing statements, offer testimony and evidence and cross-examine witnesses.

      (iv) The rules of evidence need not be strictly followed, but may be liberally construed in the interest of a fair and prompt adjudication of the grievance.

      (v) The fact-finding portion of the grievance shall be open.

      (vi) No provision in the student grievance procedure shall preclude an informal settlement of the grievance at any stage of the process.

   Deliberation – Immediately upon conclusion of the fact-finding portion of the hearing, or as soon thereafter as is practical, the grievant, the respondent, and all witnesses shall be dismissed and the board shall go into closed session to deliberate. The deliberation and recommendation of the Grievance Board shall be presented in the open hearing. Within fourteen (14) days, a written recommendation shall include the finding of fact and conclusions. The recommendation must be agreed upon by at least three (3) of the board’s members.

   c. The respondent’s Vice President/Dean shall review the board’s recommendation and render a decision within 10 days. This decision shall be forwarded in writing to the grievant and the respondent through the clerk of the University.

   (6) Formal Resolution of Student Grievances – Step 2. If the grievance is not resolved under the procedures heretofore mentioned, the grievant may seek relief under the provisions of Section 120.57, F.S. Within 15 days after receipt of a request for hearing pursuant to Section 120.57, F.S., a hearing officer will be requested and an appropriate hearing procedure will be initiated.


6C10-4.005 Student Activities.

(1) General. The University supports a variety of student activities and organizations as a belief in their co-curricular value, their role in the general education of students, and their being an asset to the University community. Opportunities for student involvement in student organizations include Student Government Association, academic/pre-professional and honorary, religious, club sports, social, special interests, minority, international and service groups. Student organizations play an important role in the total university life and must, therefore, exercise judgment and responsibility in the planning and implementation of their activities. This judgment and responsibility extends to individual members and officers of organizations. Organizations and individuals must also observe the rules relating to student activities that are published in the 1998-99 Student Guidebook for rational and effective operation in the University community.

(2) Registration of Student Organizations. Any student, group or organization whose objectives are consistent with the organizational goals and mission of Florida Gulf Coast University is eligible for registration. Registration will be made for review and concurrence to the Office of Student Life. Final approval of the Dean of Student Services will be given when the organization’s objective statement has been determined to be consistent with the goals and mission of the University. Student organizations are designated as either recognized or registered. Recognized organizations are those organizations that are open for membership to any registered student. Registered organizations are those organizations that limit membership based on established criteria such as fraternities, sororities, and honor and professional societies.
(3) Membership. Membership in any student organization is limited to any student who is currently paying fees and is enrolled with Florida Gulf Coast University. Organizational membership requirements must also be satisfied. FGCU faculty, staff and alumni may be non-voting members. In order to comply with the Florida Gulf Coast University’s commitment to non-discrimination, no discrimination shall be made on the basis of gender, race, color, creed, age, religion, disability, national origin, marital status, sexual orientation, parental status or veteran’s status.

(4) Eligibility for Leadership Positions/Office Qualifications. The University has established minimum requirements for participation or leadership, but may waive the minimum requirements for students who have been members of the organization in good standing for at least one semester.

(a) A student must:
1. Be currently enrolled as a fee paying student in at least one class at Florida Gulf Coast University;
2. Have an overall GPA of at least 2.0;
3. Have an average of at least 2.0 for all work attempted while in attendance at FGCU;
4. Be in good academic and disciplinary standing (not on academic or disciplinary probation);
5. Be free of any holds on university records.

(b) Students who are currently members of a student organization who do not meet these minimum requirements may submit a written appeal to remain in the organization to the Student Organization Appeals Board through the Office of Student Life within two (2) weeks from the first day of class each semester. This board is composed of six (6) students currently serving as officers of approved student organizations recommended by the President of the Student Government Association and selected by the Student Government Association Advisor. The appeal should address the causes for ineligibility and reasons for believing that the problems have been resolved. The Student Organization Appeals Board is the deciding body that, upon hearing the appeal may waive the eligibility requirements for one semester.

(c) The Student Organization Appeals Board may selectively review the academic record of students in positions of leadership or responsibility. If the Board believes that a student officer is not making satisfactory progress towards graduation, the Board may recommend to the student, the advisor, and the organization that the student resign from the position of leadership or responsibility. The recommendation will be made for the best interest of the student, but the Board does not have the authority to remove an officer from a leadership position.

(d) The Student Government Association has established eligibility requirements for selected positions in that organization. These requirements and governing procedures are presented in their election statutes, which are made available to any student upon request as well as to all candidates filing for office.

(5) Faculty/Staff Advisor. All organizations shall have an FGCU faculty or staff advisor in order to be considered for registration. Additionally, a faculty or staff advisor is required in order to receive Student Government Association funding.

(6) Registration Process. To be considered for registration, a student organization must submit in writing to the Office of Student Life a list of FGCU student members and their social security numbers, the signature of all officers and the faculty/staff advisor(s), and the organization’s constitution. The GPA of all officers is also required. In seeking, securing and maintaining the privilege to be registered, each student organization must agree in writing to abide by all university policies, procedures and regulations published in the University catalog, the 1998-99 Student Guidebook, the FGCU Student Government Association Constitution, and posted on the University web site, and to hold harmless the University for any actions or activities of the organization.

(7) Update Reports. At the beginning of each semester, and following organization elections, all registered student organizations must file an update report with the Office of Student Life. The report must include a current listing of the organization’s membership and officers, the signature of at least two current officers and the faculty/staff advisor(s), the purpose, the organization’s address and a statement of understanding of the hazing laws. Organizations that do not turn in an update form or do not meet any of the other informational requirements listed above will be considered inactive after the second week of each Fall and Spring semester. Complete membership and officers lists and financial statements should be made available to the Office of Student Life upon request. Any change in the information indicated above during the academic year should be reported to the Office of Student Life within one month.

(8) Funds and Expenditures. Recognized organizations may receive operating and programming funds from Student Government Association funds through an application process. Funds are allocated by the Student Senate following the guidelines of Section 240.235(1), F.S. All approved Student Government Association funding will be disbursed and expended through the Student Government Association’s Activities and Service Fee Committee. Student organizations recognized by the University may be granted the following privileges:

(a) The privilege to use University facilities depending on availability, program and guidelines;
(b) The privilege to request Student Government Association funds;
(c) The privilege to use the University’s name as part of the organization’s name;
(d) The privilege to grant awards and honors to organization members.

(9) Organizations that violate University regulations pertaining to the organization and management of student organizations will be subject to disciplinary action as described elsewhere in The 1998-99 Student Guidebook. Such action includes:

(a) The limitation of any or all privileges listed above;
(b) Social probation for the organization;
(c) The temporary suspension of the organization’s activities;
(d) The withdrawal of the organization’s registration.
Registration of student organizations by the University shall not imply support for any student organization’s purpose, philosophy or activities. The Florida Gulf Coast University will not assume any legal liability for any student organization’s activities.

*Specific Authority* 240.227(1) *FS. Law Implemented* 240.2097 *FS. History*–New 1-17-99.
CHAPTER 6C10-5 HUMAN RESOURCES

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6C10-5.001 Descriptions, Definitions and Abbreviations.

(1) General Applicability.
(a) Chapter 6C10-5, F.A.C. contains personnel rules for University employees which have University-wide application by virtue of the authority granted to the University in Chapter 240, F.S. These rules are supplemented by other University rules contained in Rules 6C10-5.001 through 6C10-5.999, F.A.C., the rules of the Florida Board of Regents (BOR), applicable federal and state laws, collective bargaining agreements and internal management memoranda containing procedures and guidelines for implementing University policies.

(b) For purposes of these rules, University employees are those persons who have been hired by the University into permanent or temporary appointments and receive financial compensation to perform services for the University, and whose work is directed and controlled by the University. The term “employee” does not include volunteers or independent contractors.

(2) Definitions. For the purpose of administering and interpreting the rules and procedures of this chapter, the following definitions and abbreviations shall apply:
(a) Faculty – an employee whose assignment includes teaching, scholarship, or public service activities or who has administrative responsibility for functions directly related to the University’s academic mission. Faculty titles or modifiers include: regular, acting, adjunct, provisional, visiting, joint, research, clinical, courtesy, honorary/honoris causa, emeritus, affiliate, joint college, phased retirement and multi-year as defined by Rule 6C-5.910, F.A.C.

(b) Academic Administrator – an employee in the General Faculty classification and pay plan, with responsibilities for University-wide academic programs at the college, unit, department or comparable levels. Such positions carry titles including Vice President, Dean, Director and Chairperson.

(c) Administrative & Professional (A & P) – contractual employees who provide administrative, managerial or professional services to the University and whose titles are identified in the State University System Employment Plan as part of the A & P Staff.

(d) Executive Service – Administrative & Professional employees, designated by the President, who report directly to the President, and who do not hold tenured or joint faculty/A & P appointments.

(e) University Support Personnel System (USPS) – employees within the classification and pay plan approved and administered for all authorized and established positions of the State University System, with the exception of those positions designated by the BOR as being included in either the General Faculty or A & P classification and pay plans. USPS appointment status modifiers include regular, probationary, trainee, temporary, emergency and time-limited as defined by Rule 6C-5.910, F.A.C.

(f) Other Personal Services (OPS) – employees who are hired on a temporary, at-will basis by the University and who are not entitled to receive any benefits of state employment.

(g) In-unit – positions which have been designated by the Public Employee Relations Commission as being part of a recognized bargaining unit that is represented by a bargaining agent.
(h) Non-unit – positions which have been designated by the Public Employee Relations Commission as being excluded from a recognized bargaining unit which are not represented by a bargaining agent.

(i) FTE – a designation which connotes a regular full-time position or its equivalent.

(j) Volunteer – a person who provides services to the University with no expectation of monetary or other material compensation or consideration, or as part of a court-ordered program on a continuous, occasional, or one-time basis.

Specific Authority 240.227(1) FS. Law Implemented 110.131, 110.501, 240.227(5) FS. History–New 4-17-97.

6C10-5.002 Delegation of Authority.

(1) The President delegates to the Vice President for Academic Affairs, the Vice President of Administrative Services, and the Vice President for University Relations and Development the authority to do and take the following action:

(a) Appoint all personnel within the area for which he/she is responsible, provided that the appointment and removal of permanent Associate Vice Presidents, Assistant Vice Presidents, Directors, Deans, and Chairpersons of Academic Departments shall be subject to the prior approval of the President.

(b) Fix compensation for all personnel in accordance with the appropriate classification and pay plan and within the budget allocated to the area for which he/she is responsible.

(c) Approve change of status for University personnel in the administrative area for which he/she is responsible.

(d) Approve travel for University personnel within the administrative area for which he/she is responsible.

(e) Accept the resignations of University personnel within the administrative area for which he/she is responsible.

(f) Approve disciplinary actions affecting University personnel within the administrative area for which he/she is responsible, to be exercised in conjunction with the approval of the hiring official regarding the suspension and termination of any USPS and A & P employee.

(g) Approve compensated and uncompensated leaves of absence for all personnel within the administrative area for which he/she is responsible.

(2) Policies and procedures relating to the appointment and renewal of multi-year appointments, awarding of tenure for faculty and the designation of permanent status for USPS employees shall be administered in accordance with BOR Rule 6C-5.940, F.A.C., University Rules 6C10-5.005, .009, F.A.C., and applicable bargaining agreements.

Specific Authority 110.201(2), 240.227(1) FS. Law Implemented 240.227(5) FS. History–New 4-17-97.

6C10-5.003 Employee Debt Collection.

(1) The University will exert every effort to collect delinquent accounts – other than educational loans collectable pursuant to Section 112.175, F.S., owed to the University by its employees.

(2) The University has responsibility for collection of the following kinds of employee debts: accounts receivable; registration fees; returned checks; traffic and parking fines; library fines; educational resources fine/sales; graduation fees; health services; rental fees; housing; physical education equipment; travel advance reimbursements; disallowed revolving fund reimbursements; overpayments to employees, and other miscellaneous charges.

(3) Accounts Receivable Other than Returned Checks.

(a) Collection Procedures. Amounts due from an employee shall be placed in the University’s Accounts Receivable billing system after routine attempts by the department to obtain payment of any accounts receivable are unsuccessful. If the University does not receive payment within three (3) months of the date of the first billing or suitable payment arrangements have not been made, the employee shall be notified that set-off procedures shall be implemented with respect to his/her debt. An employee who accepts or continues employment after the adoption of this rule will be deemed to have agreed to the procedures set forth in this rule.

(b) Set-Off Procedures. The employee shall be notified by certified letter, return receipt requested, that he/she has ten (10) calendar days from receipt of the letter to either pay all sums due, make satisfactory payment arrangements, submit documentary evidence disputing his/her debt, or request administrative review of the decision to set-off his/her debt through a deduction of funds from the employee’s paycheck. The notice shall further advise the employee that the set-off of wages shall commence without further notice following the expiration of the ten (10) day notice period unless the employee has taken appropriate action and shall include the amount and duration of the deductions which shall be made from his/her salary warrant.

(c) Calculation of Payroll Deduction.

1. In the event that the total amount of the debt is less than ten percent (10%) of the employee’s biweekly gross salary, the full amount of the employee’s debt shall be deducted in the first or second pay period following the expiration of the ten (10) day notice period given to the employee.

2. If the amount of the debt is greater than ten percent (10%) of the employee’s biweekly gross salary, the amount deducted each pay period shall not exceed ten percent (10%) of the employee’s gross salary.

3. In the event that an employee-debtor is terminated or voluntarily leaves the University’s employ, the entire amount of the debt shall be deducted from the employee’s final paycheck.

a. Collection Procedures, Set-Off Procedures. When a check written by an employee to the University is returned uncollected, the employee shall be notified by certified letter, return receipt requested, of the returned check, and the employee shall be required to make full payment of the check and return check charge within ten (10) calendar days from receipt of the letter. The notice shall further advise the employee that if the check is not redeemed within the ten (10) day period, the check and return check charge amount shall be forwarded to the Payroll Office for payroll deduction without further notice.

b. Calculation of Payroll Deduction. The full amount of the returned check and return check charge shall be deducted in the first or second pay period following referral of the account to the Payroll Office.

Specific Authority 240.227(1) FS. Law Implemented 240.291 FS. History–New 4-17-97.

6C10-5.004 University Police Department.

(1) General. The Florida Gulf Coast University Office of Police & Public Safety provides general police services to the University including protection of its population, buildings, grounds and equipment, and the maintenance of peace and order within the University community, and at its functions. The Office of Police and Public Safety is authorized to enforce the laws of the State of Florida, the ordinances of Lee County, and the rules and regulations of Florida Gulf Coast University, including all traffic and parking rules.

(2) University police shall meet the minimum standards established by the Criminal Justice Standards and Training Commission and Chapter 943, F.S., and the rules and regulations promulgated thereunder in addition to any other criteria established by state law, these rules, the rules of the Board of Regents or by the terms of a collective bargaining agreement.

Specific Authority 240.227(1), (5) FS. Law Implemented 240.268 FS. History–New 4-17-97.

6C10-5.005 Recruitment, Selection, and Appointment.

(1) General. Florida Gulf Coast University is an equal opportunity/equal access employer. The recruitment, selection and appointment criteria set forth in these rules are designed to promote, attract and retain a diverse workforce which possesses the highest caliber of skills and competency.

(2) Recruitment, selection, and appointment shall be conducted in accordance with Rule 6C-5.910, F.A.C.

(3) Minors seeking employment with the University must be at least sixteen (16) years of age, but may be fourteen (14) years of age when enrolled and participating in a career education program approved by the Jobs and Benefits Division of the State Department of Labor and Employment Security.

(4) Former employees seeking re-employment will apply to and be processed by the Office of Human Resources in the same manner as new applicants. Former employees who were terminated due to unsatisfactory performance, job abandonment, or misconduct are ineligible for rehire.

(5) Faculty appointed as academic administrators serve in their appointments at the pleasure of the President or President’s designee and are subject to reassignment or reclassification to other faculty or administrative duties upon notice. The reclassification and reassignment of Academic Administrators shall not affect the tenure status of tenured faculty, the multi-year appointment status, or the permanent status of employees who have such status; however the salary rate and appointment period may be adjusted to reflect a change in responsibilities.

(6) Multi-year Appointments.

(a) Multi-year employment contracts for Faculty and A & P employees shall contain the statement required by Section 287.0582, F.S.

(b) Multi-year appointment provides employment for a fixed period of years. It may include the prospect of non-renewal at the end of the multi-year term, an offer of a successive multi-year appointment or crediting the time worked at the University toward tenure.

(c) A multi-year appointment is non-tenure earning and may range from two (2) to five (5) years in duration determined by the needs of the University.

(d) Multi-year appointments for faculty shall designate academic rank and/or a concurrent assignment of independent administrative responsibilities for academic appointments, such as serving as the chairperson for a department.

(e) An annual performance plan shall be developed by the faculty or A & P employee and the appropriate University administrator and an evaluation shall be conducted each year prior to the final year of the multi-year appointment.

(f) The failure of a faculty or A & P employee and the University to reach agreement on a successive multi-year appointment shall not confer any rights or expectation of employment to the faculty or A & P employee as the term of employment expires at the end of the existing contract.

(g) The University may dismiss or discipline a faculty or A & P employee for cause during the term of any multi-year appointment.

(h) The University may, with the agreement of the faculty member, convert a multi-year appointment to a tenure-earning track appointment or a tenure-track appointment to a multi-year appointment. If a multi-year appointment is later converted to a tenure track appointment, the University may, with the agreement of the faculty member, credit some or all of the multi-year time served toward tenure.
(i) Multi-year appointment use, terms, and conditions shall be within the provisions of the Collective Bargaining Agreement for bargaining unit employees.

(7) Volunteer Program. Each college, department, and operational unit is authorized and encouraged to utilize volunteers to assist in carrying out its activities.

Specific Authority 240.227(1), (5) FS. Law Implemented 240.227(1), (5) FS. History–New 4-17-97.

6C10-5.006 Employee Security and Background Checks.

(1) Applicants for certain positions of employment are subject to security and background checks, which may include fingerprinting, as a condition of employment and continued employment. The Director of Human Resources shall designate in writing the positions which require security and background checks based on the special trust, responsibility or location of the positions.

(2) For the purposes of this rule, security background investigations shall include, but not be limited to, employment history checks, checks of references, criminal records checks through law enforcement agencies, fingerprinting for all purposes required by Florida Statutes. Background investigations shall be conducted at the expense of the University.

Specific Authority 240.227(1) FS. Law Implemented 110.1127, 240.227(5), (19) FS. History–New 4-17-97.

6C10-5.007 Employee Recognition Program.

(1) The Florida Gulf Coast University Employee Recognition Program shall provide for recognition of eligible employees.

(2) The University is authorized to expend state funds for recognition and awards to employees in compliance with this rule. Any award is contingent upon the availability of funds and shall not exceed the maximum expenditures established in Section 240.2111, F.S., and must be approved by the President. This rule does not apply to expenditure of private funds to which the University may have access.

(3) The awards shall acknowledge employee achievement in the following components:

(a) A superior accomplishment component to recognize employees who have contributed exemplary and meritorious service in their respective fields, including exceptional contributions to efficiency, economy, or other improvement contributing to the mission of Florida Gulf Coast University.

(b) A satisfactory service component to recognize employees who have achieved increments of five (5) continuous years of satisfactory service to the University in appreciation and recognition of such service.

(4) In addition to the components specified above, the University may recognize retiring employees whose service with the University has been satisfactory and appointed members of state boards or commissions whose service to the State University System or the University has been satisfactory, upon the expiration of the member’s final term in such position.

(5) The Office of Human Resources shall be responsible for regular monitoring of departments in order to gather data regarding the number of individual employees recognized under any component of this program and the monetary impact of such recognition.

Specific Authority 240.2111, 240.227(1) FS. Law Implemented 240.2111, 240.227(1) FS. History–New 4-17-97.

6C10-5.008 Personnel Exchange Program.

(1) General. Full-time employees filling positions in the General Faculty and A & P classification plans are eligible to participate in the personnel exchange program established by this rule. The personnel exchange program allows University employees to be exchanged with those of the Federal Government, of another state, of agencies of government, both state and local, or public institutions of higher education outside the State University System.

(2) Guidelines for Selection.

(a) An eligible employee who wishes to be considered for a personnel exchange shall initiate a written request through his or her vice president to the President. The request shall clearly state the expected benefits to the employee and the University.

(b) The President shall consider the following criteria in the selection of applicants:

1. Whether the employee is in an essential position.
2. Whether the exchange will have a direct benefit to the department, division, or University.
3. Whether the exchange will have a tangible benefit to the University.

(c) Terms of Exchange Program are governed by Sections 112.24 through 112.31, F.S.

Specific Authority 240.227(11) FS. Law Implemented 112.27, 240.227(11) FS. History–New 4-17-97.

6C10-5.010 Nepotism.

(1) Definitions.
(a) Related Persons – for the purposes of this rule only, with respect to a University employee, a “related person” or “relative” means an individual who lives in the same residence as and maintains an intimate personal relationship with the employee or is related to the employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(b) Conflicts of Interest – for the purpose of this rule, a conflict of interest arises when a related person participates in making recommendations or decisions specifically affecting the appointment, retention, tenure, multi-year contract, work assignments, evaluations, promotion, demotion, or salary of his or her relative, or any attempt to influence a relative’s supervisor with any regard to matters concerning that relative.

(c) Organizational Unit – for the purpose of this rule, means a department.

(2) General. Employment of related persons at the University is allowed where there is no direct supervisory responsibility between relatives and where the functions of their positions do not create a conflict of interest, or if there is a conflict of interest, there is a demonstrated critical shortage of qualified applicants. An employee shall be considered in the direct supervisory line of his or her relative even though they are separated by intermediary positions.

(3) Procedures for Approval. A written request for the employment of related persons in the same organizational unit or in job-related organizational units shall be submitted by the employing department head to the respective Vice President for approval, prior to the offer of employment. The request must document why recruitment efforts were unable to identify a qualified non-related applicant to fill the vacant position or contain justification for requesting exception to this rule. The Vice President shall determine whether a conflict of interest will occur if the relative is employed and provide written notification of the approval or disapproval of the request to the department head and Director of Human Resources. The President shall approve or disapprove any request involving a person related to a Vice President.

(4) Violations and Penalties.

(a) In the event a related person covered by this rule is hired without prior approval, whether through intentional or unintentional failure to disclose a conflicting relationship, the related person hired will be subject to one or more of the following actions: transfer, reassignment, and/or disciplinary action including dismissal.

(b) No employee shall attempt to influence the supervisor of a related person with regard to a term or condition of the related person’s employment. A violation of this rule shall result in disciplinary action pursuant to University Rules 6C10-5.016 and 6C10-5.022, F.A.C., and the terms of any applicable collective bargaining agreement.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5), (19) FS. History–New 4-17-97.

6C10-5.011 Complaint Review Procedure for USPS Employees.

(1) General. This complaint review procedure is available to University Support Personnel System (USPS) employees. The purpose of this procedure is to provide a prompt and efficient process for the investigation and resolution of work place complaints filed by USPS employees. The University encourages informal resolution of work place disputes and encourages open communication so that resort to formal complaint procedures can be avoided.

(a) Exclusions. Suspensions, reductions in pay, transfers, layoffs, demotions and dismissals shall not be considered as complaints under this process. Review of those actions shall be handled under the provisions governing arbitration appeals for USPS employees. An employee also has no right to file a complaint concerning performance evaluations unless it is alleged that the evaluation was based on factors other than the employee’s performance on the job.

(b) Time Limitations. Time limitations contained in this rule are established to ensure timely consideration and response by management to the complaint. The employee and the Director of Human Resources may mutually agree to extend any time limitation.

(c) Available Review. Employees with permanent status in the USPS shall have access to the full complaint review procedure. Employees who have not achieved permanent status in the USPS, may utilize the complaint review procedure through Step 2.

(d) The FGCU Complaint Review Procedure Form, Form HR-G100 (10/26), which is incorporated by reference, has been approved by the University President and is available upon request at the Office of Human Resources, 10501 FGCU Blvd., South, Fort Myers, FL 33965-6565.

(2) Definitions.

(a) A “complaint” for the purposes of this process, is the allegation by an employee that any condition affecting the employee’s terms and conditions of employment is unjust, inequitable, or creates a problem.

(b) The terms “days” shall mean calendar days. In the event a time limit expires on a Saturday, Sunday, or on a State holiday, an action will be considered timely if it is accomplished by 5:00 p.m. on the following business day.

(3) STEP 1

(a) When a complaint arises, an employee should arrange a meeting with the immediate supervisor within seven (7) days from the date that the employee became aware of the act or conditions which form the basis of the complaint. The complaint may be expressed orally or in writing.
(b) The immediate supervisor must respond to the employee’s complaint within seven (7) days of the first meeting. If a written complaint is provided to the supervisor, the response shall be in writing. If the complaint is provided orally, the response may be provided in writing at the discretion of the supervisor.

(4) STEP 2.

(a) If an employee is dissatisfied with the response of his or her immediate supervisor then the employee can advance the complaint by completing PART A of the Complaint Review Procedure Form. The complaint will not be reviewed by supervisors above the level of the immediate supervisor unless the complaint is filed in written form. A member of the staff of the Office of Human Resources, shall assist the employee in completing the written complaint form upon request. The employee shall specifically state the nature of his or her complaint and the action desired to resolve the complaint.

(b) The complaint at Step 2 should be filed with the employee’s immediate supervisor within seven (7) days of receiving the immediate supervisor’s Step 1 response. The employee also shall furnish a copy of the written complaint to the Director of Human Resources who will determine if the complaint can be resolved at the University level. If the complaint is denied at Step 2, the employee shall be notified in writing. Copies of the complaint and the letter of denial will be sent to the employee, department head and University President.

(c) Upon receiving Form HR-G100 (10/26), incorporated by reference, from the employee, the immediate supervisor shall complete Part B of the form and forward it to the next level of supervision.

(d) The second level supervisor is encouraged to consult with others including other levels of management as necessary in order to fully investigate the complaint where it is considered appropriate. The second level supervisor may also arrange a meeting with the employee and either party may request that a member of the Human Resources staff be present at the meeting to provide assistance as needed. If the second level supervisor deems it appropriate, the written complaint may be forwarded to the next higher level of supervision for review.

(e) Part C of Form HR-G100 (10/26), incorporated by reference, shall be completed by the second level supervisor and returned to the employee within fourteen (14) calendar days of receipt of the written complaint.

(5) STEP 3.

(a) If an employee is dissatisfied with the response at Step 2, the employee may request a Step 3 review by a complaint hearing officer within seven (7) days of receiving the Step 2 response.

(b) The employee shall submit the request for a Step 3 review (Part D of Form HR-G100 (10/26), incorporated by reference) together with the complete file of the complaint to the Director of Human Resources, and provide a copy to his or her immediate supervisor. The employee may submit any additional information deemed pertinent for consideration by the hearing officer, including the name(s), job title(s) and telephone number(s) of individuals who have first-hand information concerning the complaint. The employee shall indicate, in detail, the information that can be provided by the listed individuals. If the employee desires to have a representative present, the name, title, and telephone number of the representative shall be included in the documentation submitted to the Director of Human Resources.

(c) Upon notification that the employee has requested a Step 3 review, the employee’s department head shall immediately submit to the Director of Human Resources, the names of those who participated in the departmental review. The department shall also specify the name, title, and telephone number of the departmental employee who will act as a representative by completing Part E of Form HR-G100 (10/26), incorporated by reference.

(d) All information and materials submitted for the complaint review hearing officer must be complete and concise, identifying the problem and stating the action or remedy that the employee desires. The Director of Human Resources may request additional information or clarification from all parties to the complaint.

(e) The Director of Human Resources shall be responsible for ensuring a complaint review hearing officer is appointed to hear the complaint within fourteen (14) days from the date that the employee filed for Step 3 review.

(6) Selection of Complaint Review Hearing Officer.

(a) Upon receipt of a request for Step 3 review, the University President, or designee, shall appoint an individual from the University Community outside the division of the complaining employee, to act as the complaint review hearing officer.

(b) The complaint review hearing officer may conduct a formal complaint hearing, perform further investigative interviews; or review the written record, in order to establish facts, conclusions and recommendations.

(c) The complaint hearing officer shall:

1. Assure the review is thorough and objective;
2. Arrange for a suitable place to conduct the investigative interviews, or if a complaint hearing is conducted, provide reasonable advance notice to the parties;
3. Assure that all interviews or hearings are conducted in an orderly manner;
4. Tape record investigative interviews, or the complaint hearing, if conducted.
5. Prepare a written report containing findings of fact, conclusions of law, and a recommendation for the resolution of the complaint by the President.

(7) Final Decision by President.

(a) The President shall furnish the employee with a written decision on the complaint within sixty (60) days from the date it is filed at Step 2.

(b) The decision of the President shall be final in all complaints.
6C10-5.012 Outside Employment/Activities.

(1) Definitions.

(a) For the purposes of this rule “outside employment” includes, but is not limited to, any private practice, private consulting, additional teaching or research, employment or other activity, compensated or uncompensated, which is not part of the employee’s assigned duties and for which the University has provided no compensation and which is not considered “Additional State Compensation.”

(b) For the purposes of this rule “conflict of interest” shall mean any conflict between the private interests of the employee and the public interests of the University, the Board of Regents, or the State of Florida, including conflicts of interest specified under Florida Statutes; or any activity which interferes with the full and faithful performance of the employee’s professional or institutional responsibilities or obligations.

(2) General. Employees have a primary obligation to the University to perform all duties pertinent to their employment in a full and competent manner. Outside employment or activities that materially interfere with the employee’s obligations to the University are prohibited. No employee shall claim to be an official University representative in connection with any outside employment or activity or use the University’s name, proprietary marks or goodwill to promote such employment or activities, unless prior written approval is obtained. The provisions of a collective bargaining agreement shall take precedence over this rule in regards to employees included in a collective bargaining unit. All employees shall observe and fully comply with Part III, Chapter 112, Florida Statutes, “Code of Ethics for Public Officers and Employees”.

(3) Approval of Outside Employment/Activities.

(a) Before a faculty member, A & P or USPS employee engages in outside employment/activities, he/she must obtain the approval of the President or the President’s designee. The President’s designee is defined as follows:

1. For faculty members, the Vice President for Academic Affairs.
2. For A & P employees, the respective Vice President for the department/unit.
3. For USPS employees, the department head.

(b) The President or the President’s designee shall determine whether the proposed outside employment constitutes a conflict of interest or other interference with the employee’s duties or the nature of the work performed.

(c) The collective bargaining agreement for faculty provides criteria by which a faculty member’s Report of Outside Employment will be reviewed.

(d) The following test shall be used to consider a request by A & P and USPS employees to engage in outside employment: whether the outside employment or activity, regardless of whether it is compensated or uncompensated, will reasonably and materially interfere with the full performance of the employee’s University duties, i.e., hours/days available for work, timeliness in reporting to or departing from work, quantity or quality of work performed, frequent short-notice requests for accrued annual leave, misuse/abuse of sick leave, or affect the employee’s ability to meet prescribed standards of conduct, or whether such outside employment or activity is contrary to the goals and purposes of the employee’s position.

(4) Authorization and Annual Reporting Requirement.

(a) At the time of hire, all employees must attest in writing to their involvement in outside employment and their understanding of reporting requirements for future outside employment/activity. Annually, thereafter, each employee involved in an outside employment/activity shall be required to report and receive approval to be engaged in the employment/activity. However, the reporting provisions of this rule shall not apply to activities performed wholly during a period in which the employee is assigned no compensated duties with the University.

(b) Authorization for outside employment/activities is granted for a specific period of time, not to exceed one year ending June 30. If outside employment is to extend beyond June 30 or to exceed one year, a new application must be submitted prior to July 1 of each new fiscal year.

(5) An employee shall be notified in writing as soon as practicable when a determination has been made that proposed outside employment or activities constitute a conflict of interest or will materially interfere with the employee’s duties.

6C10-5.013 Additional State Compensation.

(1) Definition: For the purposes of this rule “Additional State Compensation” is defined as compensation which a state employee earns from any form of employment other than the employee’s normal duties or assignment with the University, another state agency, or with another university in the State University System. For USPS employees, this means employment in the same university in one full-time equivalent established position where the total scheduled employment regularly exceeds forty hours during a work week; or in two or more positions, either full-time or part-time, where the combination of positions exceeds one full-time equivalent established position and the total scheduled employment regularly exceeds forty hours during a work week. For faculty and A & P employees, this means University employment in one or more established position(s) where the total employment exceeds what is normally considered or contracted as full-time employment by the appropriate authority for the pay plan under which the position is established.
(2) The provisions of this rule do not apply to activities performed during an interval in the year in which the employee is not employed with Florida Gulf Coast University.

(3) This rule shall not be used for the purpose of avoiding the payment of overtime as required by the Fair Labor Standards Act (FLSA).

(4) The circumstances under which additional state compensation may be approved by the President or President’s designee are as follows:

(a) Requests for Additional State Compensation of an employee for employment in excess of one full-time equivalent established position (1.0 FTE) will be approved only under extraordinary circumstances involving situations such as:
   1. The immediate or untimely vacating of a position assigned duties that are essential to the University’s operations.
   2. Special skills possessed by an employee that are needed to perform a critical assignment.
   3. The inability to fill a critical position where recruitment efforts have been unsuccessful.

(b) Employment is in excess of one full-time equivalent established position for employees engaged in continuing education or extension activities may be compensation from funds generated from such activities. Such compensation may be in addition to that provided within the total approved salary rate for the University and is not considered to be additional state compensation for purposes of this rule.

(5) Requests to compensate a University employee simultaneously from any appropriation other than appropriations for salaries will be approved only under the following extraordinary circumstances:

   (a) Performing additional (secondary) duties such as conducting workshops not associated with the employee’s regularly assigned duties;

   (b) Teaching continuing education courses; or

   (c) Serving as an adjunct instructor.

(6) Requests for additional state compensation of a University employee simultaneously employed by more than one university in the State University System may be approved when the secondary employer has a need for that employee’s skills and none of its employees is available to perform the function at the necessary level of expertise. The University shall require written certification from the secondary employing university that the additional duties will not interfere with or constitute a conflict of interest with the employee’s regularly assigned duties at the University, and will not involve the use of state space, personnel, equipment, or supplies furnished by the University, unless arrangements are made by the secondary university to adequately compensate Florida Gulf Coast University for use of same.

(7) In a situation where the performance of additional duties by a state employee will result in liability for payment of overtime under the FLSA, the request must justify the basis for incurring overtime.

(8) The appropriate University administrator and the employee must agree in advance in writing to the hours and rate of pay for the secondary job or job with the extended hours. The procedures for approval shall be in accordance with approval for outside employment contained in Rule 6C10-5.012, F.A.C.

Specific Authority 240.227(1) FS. Law Implemented 240.283 FS. History–New 4-17-97.

6C10-5.014 Political Activity.

(1) Any employee may seek election to public office upon prior notification to the University President. Such notification shall be provided in advance of the announcement for public office.

(2) If an employee selects to run for and/or hold public office and the President determines that the employee’s candidacy or service will materially interfere with the full discharge of the employee’s duties, then the employee must submit a request for a leave of absence or submit his/her resignation.

(3) All employees shall adhere to the provisions of Section 104.31, F.S.

Specific Authority 240.227(1) FS. Law Implemented 104.31, 112.313, 240.227(1), (19) FS. History–New 4-17-97.

6C10-5.016 Employee Disciplinary Procedures.

(1) Scope and Authority.

   (a) This rule applies to all Administrative and Professional (A & P) and University Support Personnel System (USPS) employees of the University. The provisions of this rule are subject to applicable collective bargaining agreement provisions, and Board of Regents System-Wide Personnel Rules.

   (b) The authority to discipline employees is vested in the University President. The President has delegated authority to Vice Presidents to approve disciplinary actions within the administrative area for which he/she is responsible, and to the hiring official regarding the suspension and termination of any USPS and A & P employee, conditional upon the approval of the appropriate University Vice President. Authority has also been delegated to Department Heads and/or immediate supervisors to administer oral and written reprimands.

   (2) Standards of Conduct. All employees are expected to respect the rights of others, to exhibit levels of behavior supporting the mission, purposes and best interests of the University, to perform assigned duties in an orderly and efficient manner, and to adhere to all University rules and directives.
Disciplinary Procedures. An employee who repeatedly violates the University’s standards of conduct, whether of the same or different nature, and, who despite repeated warnings, fails to correct his or her behavior to conform to reasonable conduct or work standards will be subject to progressive and cumulative disciplinary action.

(a) Job-related offenses. The standards for disciplinary action apply to offenses that occur while the employee is at work. If offenses occur while the employee is off duty, and away from the job, any disciplinary action taken must be preceded by a decision, supported by facts, that the offense adversely affects the employee’s ability to perform assigned duties, or the University’s ability to carry out its mission and purposes.

(b) Counseling. Except for offenses which warrant immediate disciplinary action, supervisors may counsel an employee and provide an opportunity for him or her to comply with the instructions before administering disciplinary action. If the problem is not resolved, the supervisor will notify the employee’s disciplinary action will be taken.

(c) Investigatory Interview. Investigatory interviews may be used by the supervisor to determine whether the employee committed the alleged offense. The employee shall be advised prior to an interview that the supervisor will be conducting an investigatory interview. If an employee is covered by a collective bargaining agreement, he or she may have a union representative present as an advisor, during any disciplinary investigation interview. Such representative may neither act as a spokesperson, nor argue facts or conclusions. The provisions of Part VI of Chapter 112, F.S., shall apply to law enforcement employees covered by that statute.

(d) USPS Probationary Employees. The probationary period for each USPS employee is intended to be a working test period following appointment to any class in which the employee does not hold permanent status. Probationary employees may be disciplined without a right of appeal and are subject to dismissal for any single offense or for failure to meet required performance levels during the probationary period. For purposes of discipline, permanent status refers to an employee’s status in the USPS and not a specific job. Consequently, an employee with permanent status in USPS, but serving in probationary status in a class may be removed from the class during the probationary period, without the application of these standards. New employees, in probationary status in the USPS, may be dismissed during this probationary period without the use of these standards and without the right of appeal.

(4) Types and Guidelines for Disciplinary Action.

(a) Oral Reprimand. This is the least severe type of disciplinary action and is administered to cause the employee to correct inappropriate behavior. A record of the oral reprimand shall be prepared containing only a brief description and the dates of the incident and reprimand, and the disciplinary standards violated. The document shall be provided to the employee with a copy to Human Resources for inclusion in the employee’s personnel file.

(b) Written Reprimand. The purpose is to warn the employee in writing of a specific offense or deficiency in performance standards and give notice to the employee of the next level of discipline for a repeated offense. The written reprimand shall be in a memorandum format informing the employee of the possible consequences if the offense is repeated. A copy shall be provided to the Human Resources Office for inclusion in the employee’s personnel file.

(c) Suspension. This is a severe form of discipline which can be administered as a step in the progressive and cumulative discipline procedure following one or more written reprimands, or for the first commission of a serious offense. Suspension is defined as an action taken by the University to temporarily relieve the employee of duties and place the employee on leave without pay. Notice shall be given, offering the employee the opportunity for a predetermination conference pursuant to subsection 6C10-5.016(5), F.A.C., below.

(d) Dismissal. This is the final and most severe form of discipline that can be imposed on an employee. Dismissal is defined as the action taken by the University to separate an employee from employment. Notice shall be given, offering the employee the opportunity for a predetermination conference pursuant to subsection 6C10-5.016(5), F.A.C., below.

(5) Predetermination Procedures.

(a) Written Notice. Prior to the dismissal, suspension, or disciplinary reduction in pay of a permanent employee, the University shall provide the employee written notice prior to the date the action is to be taken. The notice shall be hand-delivered to the employee and duly receipted by the employee or mailed to the employee by certified mail, return receipt requested. An employee shall be deemed to have received a mailed notice, even if he or she refuses to accept the correspondence or ignores it.

(b) Contents of Notice. The notice shall be signed by the person authorized to make the final decision or his/her designated representative and shall include the following:

1. The effective date of the University’s proposed final action;
2. The specific charges or reasons for the action;
3. A list of documents on which the charges or other reasons are based; and a statement that documents shall be available to the employee upon request;
4. A statement that the employee may, within five (5) workdays of receipt of the notice, submit a request in writing for a conference at which the employee may make an oral or written statement, or both, to the University to refute or explain the charges or reasons for the action; and the name, address, and telephone number of the person to whom the request for a conference shall be directed;
5. A statement that the employee may bring a representative to advise and assist;
6. A copy or summary of the predetermination procedures shall be enclosed with the notice.
(c) Conference. If a conference is requested by the employee, it shall be conducted by the person authorized to make the final decision or his/her designated representative as follows:

1. The person conducting the conference shall explain that the purpose of the conference is to hear the employee’s response to the charges in order to protect the employee from erroneous or arbitrary adverse action, to afford the University an opportunity to reevaluate its position after reviewing the information presented by the employee, and to thereafter affirm or alter the disciplinary action as may be warranted.

2. The conference shall be informal and shall not be in the nature of an evidentiary hearing. Discovery, cross-examination, and similar legal procedures are not permissible.

3. The employee shall be permitted to submit relevant information, orally or in writing, or both, with the privilege being reserved to the University to give such information the weight it deems proper.

4. After the conference is conducted, the employee shall be notified in writing, as soon as practicable, that the proposed final action will be effective on a specific date, that the proposed final action has been revised, or that no action will occur.

(d) Decision. If the University determines after the conference that it will proceed with the reduction in pay, suspension, or dismissal of the employee, the employee shall be notified in writing by personal delivery or by certified mail, return receipt requested, within five (5) workdays from the date the action is effective.

(e) During the period between the first notice and the effective date of the action, one of the following options may be used by the University: assign the employee his/her usual duties; temporarily assign the employee to other duties; or place the employee on administrative leave with pay.

(6) Standards for Disciplinary Action. The following standards for disciplinary action shall be used by supervisors to assure uniformity in treatment in the most common disciplinary problems. The list of offenses is not exclusive and the disciplinary action selected for a particular offense will be chosen based on the facts of the specific situation taking into consideration any extenuating circumstances. These standards do not preclude the imposition of more or less severe penalties depending upon all circumstances surrounding a particular incident. These standards are meant to be illustrative of the most common disciplinary problems and the actions to be taken. Failure to follow these standards for disciplinary action shall not be grounds to invalidate the disciplinary action unless the failure materially predicates the employee’s rights.

(a) The discipline for employees who violate the University’s Standards with respect to the following offenses will be given:

First Occurrence – Oral to written reprimand
Second Occurrence – Written reprimand
Third Occurrence – Suspension
Fourth Occurrence – Dismissal

1. Excessive Tardiness. As determined by the workplace supervisor, the repeated failure of an employee to follow established work schedules including, reporting late at the beginning of the work schedule, or leaving early or returning late from breaks or lunch, or leaving work early at the end of the schedule, without approval, shall constitute tardiness, subject to disciplinary action.

2. Excessive Absenteeism. Excessive absenteeism is the inability or unwillingness of an employee to report to work with a reasonable degree of regularity. It also occurs when an employee demonstrates a pattern of absences, whether necessary or excusable, such as recurring absences on the day preceding or following the employee’s regular days off, or holidays, or absences on the same day of each week or month.

3. Loafing. Frequent or significant idleness or non-productiveness during working hours which diverts the employee from performing assigned tasks. This includes, but is not limited to, wasting time when there is assigned work to be performed, engaging in idle talk or gossip, or conducting personal business during the work period.

4. Unauthorized Distribution and Solicitation. The distribution of written, printed or reproduced material of any kind, sales to, or solicitation of, students or employees by another employee, for any purpose not specifically authorized by the University, while either employee is on duty shall constitute unauthorized distribution and solicitation.

5. Improper Uniform or Untidy Appearance. Non-compliance with a Department’s uniform and dress appearance code shall be subject to disciplinary action.

6. Leaving the Work Station or Duty Assignment Without Authorization. The unauthorized absence under false pretenses by an employee from the work station or duty assignment during the established work period, or the leaving of the work station for a lunch or rest period without being properly relieved, if that station must be maintained during such period.

7. Horseplay. Inappropriate acts, such as pranks, whether intended to be mischievous or malicious, that result in disruption or have the effect of disrupting the work place. If any personal injury or damage to property results, more severe disciplinary actions up to and including suspension or dismissal may be taken on the first occurrence.

8. Violation of Safety Practices. The failure to adhere to or follow established safety practices. This includes the performance of unsafe acts or failure to wear or use safety equipment.

9. Negligence. Carelessness in, omission of, or inattention to, the performance of assigned duties and responsibilities. Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence, or discretion.

(b) The discipline for employees who violate the University’s Standards with respect to the following offenses will be given:

First Occurrence – Oral reprimand to suspension
Second Occurrence – Written reprimand to suspension
Third Occurrence – Suspension to dismissal
Fourth Occurrence – Dismissal

1. Failure to Report Revocation or Suspension of Driver’s License. The failure to immediately report the revocation or suspension of an employee’s driver’s license to a supervisor shall be subject to disciplinary action where driving is a job-related function or the employee has access to University owned vehicles.

2. Improper or Careless Use or Operation of State Property or Equipment. The negligent, improper or careless use of State property or equipment, abuse or misuse, including but not limited to failure to observe the established speed limit while driving a State vehicle. If the violation causes personal injury, more severe discipline may be imposed.

3. Absence Without Authorized Leave. Failure to obtain approval prior to any absence from work, to notify or call the appropriate supervisor or the supervisor’s designee on the first day of an absence or obtaining leave based upon a misrepresentation or falsification. In the case of a proven emergency, an employee who must be absent, prior to receiving approval from the proper authority, shall not be subject to disciplinary action. This rule shall apply, but shall not be limited to, employees who fail to return to work as specified in an approved leave of absence.

4. Unauthorized Use of State Property, Equipment or Personnel. The use of any State property, equipment or personnel for any purpose other than official University business.

5. Sleeping on Duty. The failure of an employee to remain awake or alert while on duty during the established work period.

6. Insubordination. The refusal or failure to obey a reasonable order which relates to an employee’s job function. An unwillingness to submit to authority, and both an expressed refusal to obey a proper order, as well as a deliberate failure to carry out an order.

7. Threatening or Abusive Language. The use of language which is threatening or abusive, whether directed toward a supervisor, fellow employee or the public. It includes but is not limited to offensive language, whether or not directed towards anyone in particular, regardless of the intent.

8. Conduct Unbecoming a Public Employee. Conduct, whether on or off the job, which adversely affects the employee’s ability to continue to perform his assigned duties, the University’s ability to carry out its assigned mission, or which tends to promote mistrust or embarrassment of the University.

9. Failure to Report Bribe. Failure of an employee to immediately report any bribe or attempted bribe of a department employee or public official.

10. Abuse of Position or Unauthorized Use of Department Identification. The abuse of an employee’s University position or identification to obtain personal gain or influence or to avoid the consequences of unlawful acts, including but not limited to, soliciting or accepting any gratuity, gift, loan, reward, promise of future employment, favor or service that would cause the employee to be influenced in the exercise of official duties or that is based on any understanding that any official action or judgment of the employee may be influenced thereby or the use of name, photograph, or title which identifies one as an employee of the University or a department in connection with testimonial, advertisements of any commodity or service, commercial enterprise, charity or other public or private uses without the written approval of the University.

11. Unlawful or Careless Use or Display of a Weapon. The failure of an employee who is required to carry a weapon during the performance of duties to use or display the weapon in a lawful manner or under circumstances which negligently endanger the lives or safety of others.

12. Handling of Evidence by Law Enforcement Officers. Failure by a University law enforcement officer to inventory, process and reasonably care for recovered or seized property or any act which displays an intent to convert, falsify, conceal, destroy or withhold any property or evidence which belongs to another or which is taken into custody by the University.

13. Failure to Give Truthful or Requested Information During Internal Investigation. Failure of an employee, including a law enforcement officer, to timely respond to or give truthful information during the course of an internal investigation concerning matters which occurred during the performance of his or her duties.

14. Possession of Unauthorized Weapons and/or Firearms on University Property. Possession or use of firearms, fireworks of any description, explosives, chemicals which are disruptive, explosive, or corrosive in nature, or any weapon other than a common pocket knife on University premises or during University-related activities.

15. Display of Uncooperative or Antagonistic Attitude. Display of words or actions by an employee which flouts authority, is disruptive to the work place and/or has the effect of causing dissension among fellow employees and/or which is rude to the public.

(c) The discipline for employees who violate the University’s Standards with respect to the following offenses will be given:

First Occurrence – Written Reprimand if restitution is not arranged to the satisfaction of the agency to which the debt is owed after the first notice to pay the debt.

Second Occurrence – Dismissal if restitution is not made after second notice to pay the debt.

1. Failure to Make Restitution of Debts. Failure upon the accumulation of debts owed to the University or State of Florida by an employee to make appropriate arrangements for payment or for restitution. Nothing herein restricts the right of the University or the State to set off debts owed by the employee against wages or any sums due to the employee.

(d) The discipline for employees who violate the University’s Standards with respect to the following offenses will be given:

First Occurrence – Written Reprimand to Dismissal

Second Occurrence – Dismissal
1. Falsification of Records. The willful and deliberate misrepresentation, falsification or omission of any fact whether verbal, written, or communicated in some other medium, including but not limited to application, time and attendance, employment status, travel, or work and production records.

2. Violation of a Provision of Law or University Rule. The violation of the provisions of law or University rule including, but is not limited to discrimination in employment, such as sexual harassment, illegal campaigning, or any other act or omission which could constitute a violation of Federal, State Laws or University Rules.

   (e) The discipline for employees who violate the University’s Standards with respect to the following offenses will be given:
   First Occurrence – Suspension to Dismissal
   Second Occurrence – Dismissal

   1. Fighting on the Job, Battery or Threat. The commission of any oral or written threat of injury to another, or the commission of an actual physical battery against another employee or member of the public, except when justified in the interest of self-defense.

   2. Drinking on the Job or Reporting to Work under the Influence of Alcohol. Drinking of any alcoholic beverage on the job or reporting to work under the influence of alcohol is prohibited and subject to disciplinary action. An employee exhibiting a pattern of alcohol abuse to the extent that it affects work performance shall be deemed to fall under the State Policy on Alcoholism. An employee shall not be subject to disciplinary action, unless the employee has refused to recognize his or her alcoholism and cooperate by seeking help, fails to complete the program of treatment, or unless treatment has proved unsuccessful.

   3. Reporting to Work Under the Influence or Use of Illegal Drugs. The use of any illegal drug on the job or reporting to work under its influence is prohibited.

   4. Misdemeanor or Felony Incident. A conviction for, or plea of nolo contendere (no contest), to a misdemeanor or felony which substantially affects an employee’s ability to perform his or her job duties or for a crime which involving moral turpitude or which would tend to promote public mistrust or embarrassment to the University.

   5. Possession, Sale, Distribution of Alcoholic Beverages or Illegal Drugs. The possession, sale, or distribution of illegal drugs on University property or on the job is prohibited at all times. Possession, sale or distribution of alcoholic beverages except at authorized events is prohibited.

   6. Divulging Confidential Information or Unauthorized Release of Records. The dissemination, release, alteration, defacement or removal of official University records by an employee without proper authorization.

   (f) The discipline for employees who violate the University’s Standards with respect to the listed offenses will be given:
   First Occurrence – Dismissal

   1. Sabotage. Participation in a deliberate act of destruction or attempted destruction of University property or equipment which obstructs University operations.

   2. Theft or Stealing. The unauthorized taking of any property of the University, including surplus or salvage, or of any other person or entity.

   3. Strike or Concerted Activity. Instigating or supporting in any manner a strike, as defined in Chapter 447, F.S.

   (g) Substandard Performance of Assigned Duties or Failure to Maintain Minimum Qualifications for Job. The failure to satisfactorily meet the minimum performance standards that specifically relate to the employee’s duties and responsibilities, with or without use of progressive discipline, or failure to maintain the minimum qualifications set for a position by either the University or a certifying agency.

   (7) Extraordinary Situations. When circumstances exist whereby the retention of an employee would result in imminent injury or the threat of imminent injury to the employee or another person, damage to property, or be detrimental to the best interests of the University.

   (8) Investigatory Leave. An employee may be placed on administrative leave when the employee is under investigation by the University for violation of the University’s Standard of Conduct and it is determined that the employee’s absence from the worksite is determined to be in the best interest of the University.

   (9) Demotion. Demotion is defined as moving an employee from a position in one class to a different position in another class having a lesser degree of responsibility and a lower salary range maximum. An employee shall not be demoted as a form of disciplinary action. Demotion shall be used to remove an employee from his or her class when the employee fails to achieve performance standards in his or her assigned duties.

Specific Authority 240.227(1), (5), 240.261 FS. Law Implemented 112.533, 240.261 FS. History–New 4-17-97.

6C10-5.017 Overlap in Position.

(1) For the purpose of this rule, overlap is defined as a temporary condition in which two employees in pay status are assigned to the same established position.

(2) Overlapping of positions is authorized for the following purposes:

   (a) To train one employee to take over the duties of another employee. Positions may be overlapped to accomplish training for a reasonable time, but no longer than sixty (60) calendar days.

   (b) To perform the duties of an employee on leave with pay due to the employee’s personal illness, injury or disability. An overlap under these circumstances will be for the duration of the illness, injury or disability.
(c) To perform the duties of an employee who has been placed on educational leave with pay. An overlap for this purpose may be for the duration of the education leave but not more than twelve months.

(3) Employees occupying an overlapped position will be appointed to and paid in accordance with the rules governing the classification and pay plan to which the position is assigned.

(4) A request to create an overlap in position for reasons other than those stated in subsection (2) above, shall be submitted to the President, or designee prior to the overlap appointment. The request shall state all extenuating circumstances which necessitate the overlap, together with the following information:

(a) The identity of the overlapped employee, the salary of the overlapped employee, the name of the regular employee, and the period of the overlap requested.

(b) The signature of the Dean, Director or Chairperson for the appropriate department/unit.

(c) Such overlap appointment may be approved by the President, or designee based on the needs of the University.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5) FS. History–New 4-17-97.

6C10-5.018 Sick Leave Pool.

(1) General. This rule establishes a Sick Leave Pool (Pool) to allow Faculty, Administrative and Professional (A & P) and University Support Personnel System (USPS) employees to voluntarily pool a portion of their unused sick leave and, upon depletion of their own sick, annual and compensatory leave, to draw leave credits from the Pool as prescribed in subsections (2) and (3) below. Part-time Faculty, A & P and USPS employees may participate in the Pool on a pro rata basis.

(2) Membership.

(a) An employee shall be eligible to participate in the Pool after completion of one year of employment with the state, provided that a minimum of 64 hours of sick leave has been accumulated by such employee.

(b) Applications for membership shall be in writing addressed to the Sick Leave Pool Administrator.

(c) Following the initial open enrollment period, additional applications shall be accepted only during open enrollment periods conducted at such other times as may be prescribed by the Sick Leave Pool Committee.

(d) Each full-time participating employee shall contribute 8 hours of sick leave in the first month of eligibility, and thereafter, each full-time participant shall contribute 8 hours each time the Pool is declared to be depleted. A part-time employee shall contribute sick leave on a pro-rata basis. All sick leave contributed shall be placed into the sick leave pool account and be placed into the sick leave pool account.

(e) When a participating employee repeatedly fails to have a sufficient balance in his/her individual sick leave account when requested to contribute the appropriate hours to the Pool, the reasons for the use of sick leave credits by the employee shall be investigated for a determination as to whether the employee’s membership in the Pool should be canceled. The decision for such cancellation shall be by majority vote of the Committee.

(f) A participating employee shall be allowed to donate to the Pool up to 16 hours of unused or unpaid sick leave from the employee’s individual sick leave balance at the time of retirement or termination from state government.

(g) Employees who complete their first year of service other than during an open enrollment period will have thirty (30) calendar days to apply for membership in the Sick Leave Pool. Employees may transfer their Sick Leave Pool membership from another state agency during their first thirty (30) calendar days of employment at the University. It shall be the responsibility of the employee to determine the time that he/she may become eligible and apply for membership in the Sick Leave Pool.

(h) No employee shall be unreasonably denied enrollment in the Sick Leave Pool.

(3) Administration.

(a) The President shall appoint two faculty, two A & P and two USPS employees who have elected to participate in the Pool to serve as the Sick Leave Pool Committee (Committee). Each will be appointed to serve alternating two year terms.

(b) The Director of Human Resources shall serve as the Sick Leave Pool Administrator (Administrator).

(c) Approval to use leave credits from the pool by an eligible employee shall be by majority vote of those Committee members present and shall require assent by at least three members. The Administrator will have the authority to implement the Committee’s approval and to cast the deciding vote in case of a tie vote within the Committee.

(d) The Pool shall be administered in accordance with the following general guidelines:

1. Participation in the Sick Leave Pool does not guarantee hours may be withdrawn from the Pool.

2. Participating employees who require hospitalization or extended medical care as the result of any injury or illness or as a result of serious or major medical or health problems, may request permission to utilize leave credits from the Pool.

3. Sick leave hours from the Pool may be granted only for the employee’s personal illness, injury, accident, or exposure to a contagious disease which would endanger others. Personal illness includes disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and the recovery therefrom.

4. All requests for Pool credit utilization shall be made in writing to the Administrator by, or for, the employee and shall be accompanied by medical verification of the injury or illness.

5. In the event the Committee finds a participant has abused the Sick Leave Pool process by inappropriate use or misrepresentation, the participant will be required to deposit sick leave hours equal to the number of credit hours utilized, and shall be discontinued from membership in the Pool.
6. The maximum number of Pool credits which may be granted to an employee on any one request is one hundred sixty (160) hours or twenty (20) days. Subsequent requests may be submitted as provided in subparagraph (3)(d)4., above.

7. The maximum number of Pool credits which may be granted to an employee shall be sixty (60) days, four hundred eighty (480) hours. Upon use of the maximum number of Pool credits an employee shall be discontinued from membership in the Pool. Such employee may reapply for membership in the Pool as described in subsection (2), above.

8. Sick Leave Pool payments shall be coordinated with any and all disability insurance benefits the employee may accrue. No more than the current bi-weekly salary may be received by the employee after all payments from all applicable disability insurance benefits are applied.

(4) Maintenance of Sick Leave Pool. The Pool shall be maintained in accordance with the following standards:

(a) The Sick Leave Pool shall not be activated unless a minimum of 25 employees agree initially to participate in the Pool and each deposit eight (8) hours of their accrued sick leave therein.

(b) When the total credits available in the Pool amount to eighty (80) hours or less, the Pool shall be considered to be depleted. Upon depletion, the Pool members will be notified that eight (8) hours of sick leave credit will be deducted from their accumulated sick leave balances unless they inform the Administrator, in writing within two (2) weeks of the date of the notice, of their intention to discontinue membership.

(c) If two-thirds of the membership vote in favor of terminating the Sick Leave Pool, all further actions of the Pool shall cease. The balance of sick leave hours remaining in the Sick Leave Pool shall be divided equally among the members on record at the time of termination and transferred to the employees’ individual sick leave accounts maintained by the Payroll office.

Specific Authority 110.121, 240.227(5) FS. Law Implemented 110.121 FS. History–New 4-17-97.

6C10-5.019 Personnel Records; Limited Access.

(1) The Director of Human Resources is the official custodian of all Administrative and Professional, Executive Service, University Support Personnel System and Non-Adjunct Other Personal Services (OPS) University personnel records. The Vice President for Academic Affairs is the official custodian of all Faculty and Adjunct OPS University personnel records. The official custodian for these personnel records shall designate those staff members and University officials who shall have access to the records of University personnel. In accordance with Florida law, the University designates the following records as “limited-access documents” which are confidential and exempt from the provisions of Section 119.07(1), F.S. Such limited-access records shall be open to inspection by the employee who is the subject of the records, by University officials responsible for the supervision of the employee, and by the President as required for use in the discharge of his/her official responsibilities.

(a) Academic evaluations – Personnel records created after July 1, 1995 and containing information reflecting academic evaluations of an employee’s performance such as, but not limited to, tenure, promotion, annual evaluation, Teacher Incentive Program, faculty awards, merit increases and student course evaluation except as noted herein, are designated as limited-access records. Records comprising the common core items contained in the State University System Student Assessment of Instruction instrument are not provided limited-access status. The summary results of the common items, by course, shall be open for inspection in accordance with Chapter 119, F.S. However, the raw data gathered on the forms completed by the students are limited-access documents and not subject to public inspection.

(b) Investigations of misconduct – Records created after July 1, 1995 and maintained for the purposes of any investigation of an employee’s alleged misconduct, including but not limited to a complaint against an employee and all information obtained pursuant to the investigation thereof, shall be confidential until the investigation ceases to be active or until the University provides written notice to the employee who is the subject of the complaint that the University has either (i) concluded the investigation, whether or not the conclusion contains a finding to proceed or not to proceed with disciplinary action, or (ii) issued a letter of discipline. For the purpose of this paragraph, an investigation shall be considered active for as long as it is continuing with a reasonable, good faith anticipation that a finding will be made in the foreseeable future. There shall be a rebuttable presumption that an investigation is inactive if no finding is made within 90 days after the complaint is filed.

(c) Disciplinary proceedings – Records after July 1, 1995 and maintained for the purposes of any disciplinary proceeding brought against an employee shall be confidential until a final decision is made in the proceeding. The record of any disciplinary proceeding, including any evidence presented, shall be open to inspection by the employee at all times.

(d) Grievance proceedings – Records created after July 1, 1995 and maintained for the purposes of any grievance proceeding brought by an employee for enforcement of a collective bargaining agreement or contract shall be confidential and shall be open to inspection only by the employee and by University officials conducting the grievance proceeding until a final decision is made in the proceeding. A decision shall be “final” for the operation of this rule when an arbitration decision has been issued, or when a step decision has been issued and the time for appeal to the next step has expired without further appeal.

(2) Notwithstanding the foregoing, any records or portions thereof which are otherwise confidential by law shall continue to be exempt from the provisions of Section 119.07(1), F.S. In addition, for sexual harassment investigations, portions of such records which identify the complainant, a witness, or information which could reasonably lead to the identification of the complainant or a witness are limited-access records.

(3) Except as noted above, the custodian of limited-access personnel records may release information from such records only upon authorization in writing from the employee or upon order of a court of competent jurisdiction.

6C10-5.020 Grievance Procedures - Non-Unit Faculty and A & P.

(1) General. This grievance procedure is applicable to all Faculty and Administrative and Professional (A & P) employees who are not covered by the BOR/UFF Collective Bargaining Agreement. Grievances of bargaining unit faculty and A & P staff are governed by the BOR/UFF Collective Bargaining Agreement.

(a) The purpose of this procedure is to promote a prompt and efficient process for the investigation and resolution of grievances filed by faculty and A & P staff.

(b) The University encourages the informal resolution of all problems whenever possible before the filing of a grievance, and encourages open communication so that resorting to the formal grievance procedure normally will not be necessary. The failure to resolve a matter informally prior to the filing of a grievance shall not be an act or omission giving rise to a grievance and shall not operate to extend the time limits for processing the grievance.

(c) The burden of proof shall be on the University in a grievance concerning reprimands, suspension, termination for cause, and other disciplinary actions. In all other grievances, the burden of proof shall be on the grievant.

(d) The intent of this procedure is to provide a complete response to a grievance but not to encourage multiple processing of the same issue. Therefore, except as noted below, if prior to, or while seeking resolution of, a dispute under this procedure, a grievant seeks resolution of the matter in any other forum, administrative or judicial, the University shall have no obligation to entertain or to proceed further with the matter pursuant to this procedure. The grievant shall immediately notify the University in writing if he or she has sought resolution of the matter in any other forum. As an exception to this provision, a grievant may file an EEOC charge while the grievance is in process when such filing becomes necessary to meet federal filing deadlines pursuant to 42 U.S.C. § 2000e et seq. Further, since it is not intended that the grievance procedure be a device for appellate review, the response of the president or representative to a recommended order of a presiding officer acting pursuant to Chapter 120, F.S., or to any other individual or group having appropriate jurisdiction in any other procedure shall not be an act or omission giving rise to a grievance under this procedure.

(e) A grievance shall be filed no later than twenty-five (25) days from the date following the act or omission giving rise to the grievance, or twenty-five (25) days from the date the grievant acquires knowledge, or could have reasonably been expected to have acquired knowledge, of the act or omission.

(f) All time limits contained in this rule may be extended by mutual agreement of the parties. Upon failure of the University or its representative to provide a decision within the time limits, the grievant may appeal to the next appropriate step. Upon the failure of the grievant or counsel to file an appeal within the time limits, the grievance shall be deemed to have been resolved at the prior step.

(g) A grievant whose substantial interests have been affected by University action may file a petition for a hearing pursuant to and in accordance with Section 120.569, F.S., unless a written grievance has been or is being filed under this procedure. Filing of a written grievance under this procedure constitutes a waiver of any right the grievant might otherwise have to request a hearing pursuant to Section 120.569, F.S.

(h) The written grievance shall be filed on a STEP ONE GRIEVANCE FORM – NON-UNIT FACULTY AND A & P STAFF, Form HR-G200 (10/26). Form HR-G200 (10/26) which is incorporated by reference, has been approved by the University President and is available upon request at the Office of Human Resources, 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565. The grievance shall contain the following information: grievant’s name; name and address of counsel, if any; specific provision(s) of Chapters 6C-5 and 6C10, F.A.C., or other rule or statute claimed to have been violated; a statement of the grievance, including the acts or omissions which are claimed to have given rise to the grievance; the date of such acts or omissions; remedy sought; signature of the grievant.

(2) Definitions.

(a) Days – The term “days” shall mean calendar days. In the event that the time for taking an action falls on Saturday, Sunday or a state holiday, the action will be considered timely if it is accomplished by 5:00 p.m. on the following calendar day.

(b) Grievance – The term “grievance” shall mean a dispute concerning promotion, non-renewal and termination of employment contracts, discipline, salary, work assignment, annual evaluation, layoff and recall, and other rights accruing to grievants pursuant to Chapters 6C-5 and 6C10-5, F.A.C. The term “work assignment” does not include the reassignment or transfer to another campus of the University.

(c) Grievant – The term “grievant” shall mean a non-bargaining unit member or members of the University’s faculty and Administrative and Professional staff whose rights have been directly affected by an act or omission of the University or representative, and who has timely filed a grievance.

(d) Grievance Officer – The term “grievance officer” shall mean a University employee appointed to conduct the Step 1 meeting by the Vice President responsible for the division in which the grievant is employed.

(e) Technical Advisor – The term “technical advisor” shall mean a representative of the Office of Human Resources appointed to assist the grievant and the grievance officer in administrative duties and interpretation of policies and procedures.

(3) Step 1 Procedures.
(a) Upon receipt of the written grievance, the Vice President responsible for the division in which the grievant is employed shall appoint a University employee to serve as grievance officer. The Vice President may ask the Director of Human Resources to appoint a grievance technical advisor. The grievance officer and the technical advisor, if the grievance officer deems it necessary, shall within twenty-five (25) days following receipt of the grievance, meet with the grievant in informal conference(s) to establish the facts giving rise to the grievance.

(b) The grievance officer shall consult with the parties directly involved in the grievance and interview others in addition to the grievant and seek any other material as necessary in order to determine an appropriate resolution of the grievance. The investigation shall be as informal as possible, yet compatible with the interest of resolving the grievance in a timely manner.

(c) The grievance officer shall, within twenty-five (25) days following the conclusion of the investigation and informal conference(s) with the grievant, issue a written decision to the grievant giving reasons for the conclusions reached and attaching all documents presented at the Step 1 meeting. The grievance officer will provide a copy of the written decision with attachments to the respective divisional Vice President.

(4) Step 2 Procedures.

(a) If the grievant is dissatisfied with the decision in Step 1, and wishes to pursue the matter, the grievant shall send a letter to the President within twenty-five (25) days following receipt of the decision in Step 1 requesting a Step 2 review.

(b) The President may conduct the Step 2 review personally or may refer the grievance to the appropriate Vice President for a Step 2 review.

(c) The Step 2 review may be based solely on the Step 1 report or may include a meeting with the grievant as deemed necessary by the Step 2 reviewer.

(d) A written decision shall be furnished to the grievant within twenty-five (25) days following completion of the Step 2 review. The decision of the President or Vice President conducting the Step 2 review shall be final.

Specific Authority 240.227(1) FS. Law Implemented 240.227(5) FS. History–New 4-17-97, Amended 8-18-99.

6C10-5.021 Non-Reappointment and Resignation of Non-Unit Faculty and A & P Employees.

(1) The rule is applicable to all Faculty and Administrative and Professional (A & P) employees who are not covered by the BOR/UFF Collective Bargaining Agreement.

(2) Non-Unit Faculty and A & P employees are expected to provide at least one (1) month notice prior to resignation, except in an emergency situation.

(3) Non-reappointment by the University.

(a) Non-unit Faculty and A & P employees, except those appointed for less than one (1) year, appointed with visiting status, appointed to a multi-year contract, or paid in whole or in part from contracts and grants, sponsored research funds, trust funds, auxiliaries or local funds, are entitled to written notice that they will not be offered further appointment as follows:

1. For employees in their initial year of employment with the University, one (1) month notice prior to the effective date of the non-reappointment;
2. For employees with one (1) or more years of service, three (3) months notice prior to the effective date of the non-reappointment;
3. For employees in the Executive Service, sixty (60) days notice prior to the effective date of the non-reappointment.

(b) The decision not to offer further appointment to a non-unit Faculty or A & P employee shall not be based upon constitutionally impermissible or other illegal grounds.

(c) In the event of a break in service for more than four consecutive months in a year, only service following such break shall be counted in determining years of employment under this section. “Break in service” is defined as absence, not including approved leaves of absence, following which the employee is treated as a new employee.

(d) Following receipt of the notice of non-reappointment, a non-unit Faculty or A & P employee may be reassigned to other duties and responsibilities. Regardless of a reassignment, the employee is entitled to the same amount of compensation he/she received prior to reassignment until the effective date of non-reappointment. If the effective date of non-reappointment is subsequent to the expiration date of the employee’s contract, the employee shall be issued a temporary contract for the balance of the required notice period.

Specific Authority 240.227(1) FS. Law Implemented 240.209(3)(f), 240.227(5) FS. History–New 4-17-97, Amended 8-18-99.

6C10-5.022 Discipline and Termination for Cause of Non-Unit Faculty and A & P Employees.

(1) Just cause shall be defined as:

(a) Incompetence; or
(b) Misconduct.

(2) Termination and Suspension.
(a) The appointment of a non-unit faculty or an A & P employee may be terminated or suspended during its term for just cause. The employee shall be given written notice of termination or suspension by the President or President’s designee. The notice shall state the reasons for the termination or suspension. The termination or suspension imposed under this subsection shall take effect when either the time for filing a grievance under Rule 6C10-5.020, F.A.C., has passed, or, in the event a grievance is filed, after final administrative action has been taken thereon. During the period following notice, the employee is subject to reassignment.

(b) The President or President’s designee retains the right to impose disciplinary action, other than termination or suspension, for just cause. The employee shall be given written notice of any disciplinary action. The President or President’s designee shall state in the notice reasons for the disciplinary action. Any disciplinary action taken under this section shall be subject to the grievance procedure found in Rule 6C10-5.020, F.A.C., applicable to non-unit faculty and A & P employees.

(c) Suspension Pending Investigation. The President or President’s designee may immediately suspend an employee from the performance of his/her duties when the President or President’s designee has reason to believe that the employee’s presence on the job would adversely affect the functioning of the University or jeopardize the safety or welfare of other employees. The President or President’s designee shall determine whether a suspension shall be with or without pay. The President or President’s designee shall suspend an employee without pay only when the employee is already in a leave without pay status. Within two (2) work days from such immediate suspension, excluding weekends and official holidays, the President or President’s designee shall serve written notice upon the employee, stating the reasons for the action taken. If the employee has been suspended without pay and subsequently is reinstated as a result of the grievance procedure, the employee shall be reinstated with back pay.

(3) Employees appointed to Executive Service may be subject to suspension, reduction in pay, demotion, transfer, reassignment and other personnel action by the President.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1). (5) FS. History–New 4-17-97.
CHAPTER 6C10-6 PURCHASING

6C10-6.008 Protests.
Protests shall be handled in accordance with Section 120.57(3), Florida Statutes.

Specific Authority 240.227(1) FS. Law Implemented 120.57(3) FS. History–New 7-10-97, Amended 9-30-99.

6C10-6.012 Statement of Intent.
It is the intent of the Florida Gulf Coast University Board of Trustees to acquire quality goods and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process. The process will reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services, in order to preserve the integrity of public purchasing and contracting. The opportunity to bid on university contracts is a privilege, not a right.

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5), (17), (29), 1001.75(5), 1010.04 FS. History–New 9-30-99, Amended 7-10-03.

6C10-6.013 Definitions.
(1) Artistic Services – Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, craft arts, industrial design, costume design, fashion design, web design, motion pictures, television, radio or tape and sound recording or in any other related field.

(2) Bid – A competitive sealed response received pursuant to the issuance of an Invitation to Bid by a responsive and qualified bidder or offeror.

(3) Change Order – A University document formalizing the amendment of a purchase order.

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

(5) Competitive Negotiation – The establishment of a contract through deliberation, discussion or conference on the specifications, terms and conditions of a proposed agreement.

(6) Competitive Solicitation – An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor with the title, date, and hour of the public solicitation opening designated.

(7) Contractor/Vendor – A person or firm who contracts to sell commodities or contractual services to the University.
(8) Contractual Service – The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. “Contractual service” does not include labor or materials or selection of professional services for the construction, renovation, repair or demolition of facilities entered into pursuant to Chapter 255, Florida Statutes.

(9) Direct Owner Purchase – The purchase of materials or equipment by the University that were originally included in a construction manager, contractor or subcontractor bid, proposal or reply for a University construction project.

(10) Extension – An increase in the time allowed for the contract.

(11) Governmental Entities – The State of Florida including its local governments and political subdivisions, the federal government, and other public or private educational institutions, cooperatives or consortia.

(12) Independent Contractor – A person or firm who provides a service to the University, but does not have any employment or other relationship or connection with that University, except as provided in Section 112.313, Florida Statutes.

(13) Informal Quotation – A written or oral quotation not requiring a formal competitive solicitation. Written evidence of oral quotations shall be maintained. Informal quotations shall be used for those services or commodities that are not on state or University contract and that meet or exceed $5,000 but are less than the competitive solicitations requirement in Rule 6C10-6.015, F.A.C.

(14) Invitation to Bid – A written solicitation for competitive bids with the title, date, and hour of the public bid opening designated and the commodity, group of commodities or contractual services defined, for which bids are sought.

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

(16) Minor Irregularity – A variation from the terms and conditions of a competitive solicitation that does not affect the price of the commodities or services, give the vendor an advantage or benefit not enjoyed by other vendors, or adversely impact the interests of the University.

(17) Minority Business Enterprise – A business concern as defined in Section 288.703(2), Florida Statutes.

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

(19) Proposal – A competitive sealed response received from a vendor pursuant to the issuance of a request for proposal.

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

(21) Purchase – An acquisition of commodities, licenses or contractual services obtained by contracting in any manner, whether by rent, lease, installment- or lease-purchase or outright purchase.

(22) Purchase Order – A University document formalizing a purchase transaction with a vendor and authorizing the vendor to deliver goods or services.

(23) Purchases for Resale – The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.

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

(25) Reply – A competitive sealed response received from a vendor pursuant to the issuance of an Invitation to Negotiate.

(26) Request for Proposal – A written solicitation for competitive proposals for commodities or contractual services with the title, date, and hour of the public opening designated. The request for proposal may be used when the scope of work is not clearly defined.

(27) Responsive and Qualified Bidder or Offeror – A contractor/vendor who has submitted a bid, reply or proposal that conforms in all material respects to a competitive solicitation.

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

Specific Authority 1001.74(4), 1010.04 FS. Law Implemented 287.09451, 288.703(2), 1001.74(5) FS. History—New 9-30-99, Amended 7-10-03.

6C10-6.014 Purchasing Authority of the University.

The President or designee is delegated authority to serve as the central procurement officer for the University and has the duty to:

(1) Canvass sources of supply and contracting for the purchase or lease of all commodities and contractual services for the University, in any manner, including purchase by installment- or lease-purchase contracts. Installment- or lease-purchase contracts may provide for the payment of interest on unpaid portions of the purchase price.

(2) Remove any contractor from the University’s competitive vendor list that fails to fulfill any of its duties specified in a contract with the University or governmental entity.

(3) Plan and coordinate purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which the University may make purchases.
(4) Evaluate and approve contracts let by governmental entities for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interests of the University to make purchases under contracts let by such other entities.

(5) Elect as an alternative to any provision in Section 120.57(3)(c), Florida Statutes, to proceed with a competitive solicitation or contract award process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the University. After the award of contract resulting from a competitive solicitation in which a timely protest was received and in which the University did not prevail, the contract will be cancelled and re-awarded to the prevailing party unless the final order or settlement between the parties provides otherwise.

(6) Award contracts for commodities and contractual services to one or more suppliers, if it is determined to be in the best interest of the University. Such awards may be made on behalf of the University or a consortia of the University and other governmental entities, and the contracts may be for multiple years.

(7) Reject or cancel any or all competitive solicitations when determined to be in the best interests of the University.

(8) Reserve the right to waive any minor irregularities in an otherwise valid bid, proposal or reply. Variations that are not minor cannot be waived.

Specific Authority 1001.74(4), 1010.04 FS. Law Implemented 120.57(3), 1001.74(5), (17), (29), 1001.75(5), 1010.04 FS. History–New 9-30-99, Amended 7-10-03.

6C10-6.015 Competitive Solicitations Requirement.

(1) All purchase orders or contracts for the purchase of commodities or contractual services exceeding $50,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized in Chapter 6C10-6, F.A.C. The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

(2) The University shall require vendors to submit a solicitation security with their response to a competitive solicitation when the contract amount is expected to be greater than $100,000 and it is in the University’s best interests to require the security. The solicitation security shall be in the form of a bid bond, certified, treasurer’s or cashier’s check or bank draft and the required amount shall be no greater than ten percent (10%) of the estimated value of the response value. The failure to submit such security with the response shall result in disqualification of the response.

(3) Competitive solicitations for purchases that are expected to be in excess of $50,000 shall be advertised in the Florida Administrative Weekly, a newspaper of general circulation, or electronically posted on the www.myflorida.com website (Florida Communities Network). All competitive solicitations will be electronically posted on the University’s www.fgcu.edu/ website (Purchasing Department). The President or designee shall waive the advertisement requirement when the number of potential responders is limited and can otherwise be solicited, when the availability of funding so requires, or when delivery is urgent.

(4) When only one response is received to a competitive solicitation for commodities or contractual services exceeding $50,000, the University will review the solicitation response and circumstances surrounding the solicitation to determine if a second call for a competitive solicitation will yield the same results. If it is determined that a second call is not in the University’s best interests or would yield the same results, then the University will proceed with the acquisition.

(5) When multiple responses that are equal in all respects are received to an invitation to bid, the University will give preference, in the following order of priority, to bids that include commodities manufactured in the State of Florida, Florida businesses, businesses with a drug-free workplace program, or foreign manufacturers located in the state, to determine the contract award. If use of these preferences does not determine a contract award, the toss of the coin shall be used to award the contract.

(6) In the case of extension errors in a response to a competitive solicitation, the unit price will prevail.

(7) A Contractor may withdraw a competitive solicitation response, in writing, within seventy-two (72) hours of the response opening, excluding Saturdays, Sundays and University holidays, or at any time thereafter with the written consent of the President or designee when the University’s interests will not be adversely affected by the withdrawal.

(8) Notices of Intent to Award competitive solicitations shall be publicly posted at the Purchasing Department for a minimum of seventy-two (72) hours excluding Saturdays, Sundays and University holidays.

Specific Authority 1001.74(4), 1010.04 FS. Law Implemented 1001.74(5), (17), (29), 1001.75(5), 1010.04 FS. History–New 9-30-99, Amended 7-10-03.

6C10-6.016 Purchase of Commodities or Contractual Services.

(1) Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the University.

(2) Purchase of Insurance. The University has the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University. Examples of insurance coverage that may be acquired by the University include:

(a) Physical damage on vehicles and boats;
(b) Inland marine on property owned, leased, or loaned to or by the University;
(c) Building and property damage;
(d) Equipment losses due to theft;
(e) Equipment subject to transportation;
(f) Loss of rental income;
(g) Commercial general liability insurance for scientific equipment;
(h) Excess general liability coverage;
(i) Camps insurance.

All insurance purchased for property damage shall have a minimum of a $1,000 deductible.

(3) Purchases from Minority Business Enterprises. The University is an equal opportunity institution and promotes procurement participation and contract award with Minority Business Enterprises ("MBEs"). MBEs should have a fair and equal opportunity to compete for dollars spent by the University to procure commodities and contractual services. Competition ensures that prices are competitive and that a broad vendor base is available. The University will use good faith efforts to ensure that MBE vendors are aware of procurement and contract opportunities.

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

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

(a) Emergency Purchases. When the President or designee determines, in writing, that the delay due to the competitive solicitation process threatens the health or safety of person(s) or animal(s), the protection or continuance of a vital University function or the preservation or protection of property, the University will proceed with the procurement of commodities or contractual services without a competitive solicitation. The emergency purchase shall be limited to the purchase of the type of items and quantities or for a time period sufficient to meet the threat and shall not be used to meet long-term requirements.

(b) Sole Source Purchases. Commodities or contractual services available from a single source of supply will be exempted from a competitive solicitation process.

(c) Purchases from competitively solicited contracts and negotiated annual price agreements established by other governmental entities are not subject to further competitive solicitation.

(d) Commodities to be incorporated into any public works project (as that term is defined in Rule 12A-1.094, F.A.C.) which are procured by the University as a direct owner purchase are not subject to any further competitive solicitation.

(6) Commodities and contractual services that are not subject to the competitive solicitation process include:

(a) Artistic services;
(b) Academic reviews;
(c) Lectures;
(d) Auditing and accounting services;
(e) Legal and lobbyist services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
(f) Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client.

(g) Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of Section 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;

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

(i) Family placement services;
(j) Training and education services;
(k) Advertising;
(l) Contractual services or commodities provided by other governmental entities;
(m) Conferences, workshops, programs or events that are offered to the general public for which fees have been collected to pay all associated expenses;

(n) Conferences, workshops, programs or events that are required by a grant to be purchased, attended, held or organized;

(o) Purchases from firms or individuals that are prescribed by state or federal law or required by a granting agency;

(p) Regulated utilities and government franchised services;

(q) Regulated public communications, except long distance telecommunication services or facilities;

(r) Extension of an existing contract;

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

(t) Purchases for resale;

(u) Contractual services or commodities provided by a direct support organization;
(v) Training, programming and other services available from the owner or licensor of copyrighted software or its designated provider of such services;

(w) Purchases of materials, supplies, equipment or services for research purposes when the Director of Sponsored Research or designee certifies in writing that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project;

(x) Leases of space by the University for 5,000 square feet or less in a privately-owned building.

(7) Participants in Contract Awards Not Subject to Competitive Solicitations.

(a) No person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be eligible to contract with the respective University dealing with the specific subject matter.

(b) The individuals taking part in the development or selection of criteria for evaluation, the evaluation process and the contract award in any purchase shall be independent of, and have no conflict of interest in, the entities evaluated and selected.

Specific Authority 1001.74(4), 1010.04 FS. Law Implemented 1001.74(5), (17), (29), 1001.75(5), 1010.04 FS. History–New 9-30-99, Amended 7-10-03.

6C10-6.017 Bonds.

(1) Payment and Performance Bonds. The University shall require any vendor contracting with the University to provide services or commodities that include installation to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract when the contract amount is greater than $200,000 and the University is uncertain about the contractor’s ability to perform.

(2) Solicitation Protest Bond. Any contractor that files an action pursuant to Section 120.57(3)(b), Florida Statutes, protesting a decision or intended decision pertaining to a solicitation, shall at the time of filing of the formal written protest, post with the University, a bond, cashier’s check or money order payable to the University in an amount equal to: 10% of the estimated value of the protestor’s bid or proposal; 10% of the estimated expenditure during the contract term; $10,000; or whichever is less. The bond, cashier’s check or money order shall be conditioned upon the payment of all costs that may be adjudged against the contractor filing the protest action. Failure of the protesting contractor to file the required bond, cashier’s check or money order at the time of filing the formal protest shall result in the denial of the protest.

Specific Authority 1001.74(4), 1010.04 FS. Law Implemented 120.57(3)(b), 255.05, 255.051, 1001.74(5), (17), (29), 1001.75(5), 1010.04 FS. History–New 9-30-99, Amended 7-10-03.

6C10-6.018 Contracts.

(1) Contracts for commodities or contractual services shall consist of a purchase order or bilateral agreement signed by the President or designee prior to goods or services being rendered by the contractor. For purchases that the President or designee determines are emergency purchases in accordance with paragraph 6C10-6.016(6)(a), F.A.C., a contract shall consist of a purchase order or bilateral agreement signed by the President or designee prior to or within thirty (30) days of the goods or services being rendered by the contractor.

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

(3) Extension of a contract shall be for a period not to exceed 12 months, shall be in writing, shall be signed by both parties, and shall be subject to the same terms and conditions set forth in the initial contract and any amendments thereto. There shall be only one extension of a contract.

(4) A contract may contain provisions for renewal for a period no longer than the initial term. If the commodity or contractual service is purchased as a result of a competitive solicitation, the cost of any contemplated renewal must be included in the competitive solicitation. All contract renewals are subject to sufficient annual appropriations and shall be executed in writing by both parties.

(5) The President or designee is authorized to enter into deferred payment agreements through the State of Florida’s Consolidated Equipment Financing Program. No agreement shall establish a debt of the state or shall be a pledge of the faith and credit of the state; nor shall any agreement be a liability or obligation of the state except from appropriated funds.

(6) In order to promote cost-effective procurement of commodities and contractual services, the University may enter into contracts that limit the liability of a vendor in accordance with Section 672.719, Florida Statutes.

Specific Authority 1001.74(4), 1010.04 FS. Law Implemented 672.719, 1001.74(5), (17), (29), 1001.75(5), 1010.04 FS. History–New 9-30-99, Amended 7-10-03.
6C10-6.019 Standard of Conduct.
(1) It shall be a breach of ethical standards for any employee of the University to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. All persons taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall follow all relevant portions of the State of Florida Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes, and the University’s rule on outside employment and activities, Rule 6C10-5.012, F.A.C.
(2) Purchasing officers shall be protected from improper pressures of external political or business interests. It shall be a breach of ethical standards for any contractor or potential contractor to offer an employee of the University a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or contractual services.

Specific Authority 1001.74(4), 1010.04 FS. Law Implemented 112.313, 1001.74(5), 1001.75(5), 1010.04 FS. History–New 9-30-99, Amended 7-10-03.

6C10-6.020 Purchase of Motor Vehicles.
(1) The term “motor vehicle” includes any automobile, truck, watercraft or other vehicle designed primarily for transporting persons, and construction vehicles or farm equipment.
(2) The University has the authority to:
   (a) Establish standard classes of motor vehicles to be leased, purchased or used by University personnel;
   (b) Obtain the most effective and efficient use of motor vehicles for University purposes;
   (c) Establish and operate facilities for the acquisition, disposal, operation, maintenance, repair, storage, control and regulation of University-owned motor vehicles. Acquisition may be by purchase, lease, installment-purchase, loan or by any other legal means and may include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport University personnel and adequately meet the requirements of the University.
   (d) Contract for specialized maintenance services.
(3) Motor vehicles owned, leased or operated by the University shall be used for official University business only.

Specific Authority 1001.74(4), 1010.04 FS. Law Implemented 1001.74(5), 1001.75(5), 1010.04 FS. History–New 9-30-99, Amended 7-10-03.
6C10-7.001 Tuition and Fees.

(1) General. Tuition and fees assessed by the University shall be in accordance with the General Appropriations Act and the rules and policies of the Board of Governors.

(2) Tuition is the basic fee charged to a student for instruction in credit courses. Tuition consists of the following fees, depending on whether a student is a resident or a non-resident:

(a) Resident tuition, comprised of the following, is the fee charged to a student who qualifies as a Florida resident:
   1. Matriculation Fee;
   2. Student Financial Aid Fee;
   3. Capital Improvement Trust Fund Fee;
   4. Building Fee;
   5. Health Fee;
   6. Athletic Fee;
   7. Activity and Service Fee; and
   8. Transportation Access Fee.

(b) Out of State Fee, comprised of the following, is the additional fee charged to a non-resident:
   1. Matriculation Fee;
   2. Non-Resident Fee;
   3. Student Financial Aid Fee;
   4. Non-Resident Student Financial Aid Fee;
   5. Capital Improvement Trust Fund Fee;
   6. Building Fee;
   7. Health Fee;
   8. Athletic Fee;
   9. Activity and Service Fee; and
   10. Transportation Access Fee.

(3) The following tuition shall be assessed for each student regularly enrolled, unless provided otherwise by law or in this chapter rule.

(a) Students will be assessed the following fees per credit hour:

<table>
<thead>
<tr>
<th>Fee</th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matriculation Fee</td>
<td>Resident $63.41</td>
<td>Non-Resident $63.41</td>
</tr>
<tr>
<td>Non-Resident Fee</td>
<td>$328.74</td>
<td>$509.08</td>
</tr>
<tr>
<td>Student Financial Aid Fee</td>
<td>$3.16</td>
<td>$3.16</td>
</tr>
<tr>
<td>Capital Improvement Trust Fund Fee</td>
<td>$16.42</td>
<td>$25.45</td>
</tr>
<tr>
<td>Building Fee</td>
<td>$2.44</td>
<td>$2.44</td>
</tr>
<tr>
<td>Activity &amp; Service Fee</td>
<td>$2.32</td>
<td>$2.32</td>
</tr>
<tr>
<td>Athletic Fee</td>
<td>$9.70</td>
<td>$9.70</td>
</tr>
<tr>
<td>Transportation Access Fee</td>
<td>$5.29</td>
<td>$5.29</td>
</tr>
</tbody>
</table>
(b) Students will be assessed the following fee per term:

<table>
<thead>
<tr>
<th>Fee</th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health</td>
<td>$35.50</td>
<td>$35.50</td>
</tr>
</tbody>
</table>

(c) A student enrolled in the same undergraduate course more than twice shall be assessed an additional $177.42 per credit hour charge for each such course.

(4) Payments on Accounts Due the University. Charges against a student’s account for loss or breakage of University equipment, lost books, library or parking fines and other related charges are due immediately. University policy prohibits registration, or release of transcript and diploma for any student whose account with the University is delinquent.

(5) Registration occurs when a student:
(a) Selects one or more credit courses approved and scheduled by the University; and
(b) Pays tuition and fees, partial or otherwise, or makes other appropriate arrangements for tuition payment (deferment, or third party billing) for the courses in which the student is enrolled as of the end of the drop/add period. The University does not have a plan for installment payment of fees.

(6) Payment. Tuition and registration fees must be paid in full by the date designated in the University Student Schedule and Fee Statement as the “last date to pay fees” for each semester. Payments shall be made at the Cashier’s Office or by mail and received no later than that date. The President or designee will extend the deadline for fee payment when payment by the student is delayed due to University action or inaction.

(7) Liability for payment of tuition is incurred at the point at which the student has completed registration. Students are liable for all fees associated with all courses in which they are registered at the end of the drop/add period.

(8) Cancellation of Registration. A student’s course schedule shall be canceled when tuition has not been paid in full or when arrangements for payment have not been made through the Office of Financial Aid or the Cashier’s Office. By the published “last date to pay fees” students awaiting receipt of financial aid must pay any additional amount due before the end of the last day to pay fees to prevent cancellation of the course schedule. A student whose course schedule has been canceled cannot thereafter attend classes and will not obtain credit for courses. A student whose course schedule has been canceled will be mailed written notice of cancellation to his/her last known address on record and be given a deadline by which he/she may apply for reinstatement.

(9) Reinstatement. Students may seek reinstatement of their course schedule by following the procedures outlined in this subsection.
(a) Requests for reinstatement. A request for reinstatement must be presented in writing to the Registrar’s Office by the deadline given on the notice of cancellation mailed to the student. The request for reinstatement must include all documentation supporting the request. The Reinstatement Appeals Committee will evaluate the request based upon the criteria contained in this rule and notify the student in writing of its decision.
(b) Reinstatement Appeals Committee. A student whose course schedule has been canceled for non-payment may apply for reinstatement of the course schedule to the Reinstatement Appeals Committee. The Committee shall consist of at least three staff members appointed annually by the President, and one student appointed by the Student Association. The Committee shall meet as required between the published last day to pay fees and six months after the end of the term for which the reinstatement is requested. The decision of the Committee shall be final.
(c) Criteria for Reinstatement. In evaluating a request for reinstatement, the Committee shall apply the following criteria:
1. Reinstatement shall be granted where it is demonstrated that the student’s registration was canceled through University error.
2. Reinstatement shall be granted where the student submits documentation demonstrating that the student was prevented from making timely payment due to extenuating circumstances beyond the student’s control. Examples of “extenuating circumstances” include:
   a. A student was unavoidably out of town during the week prior to the last day to pay fees, or
   b. A student was ill and unable to make payment prior to the last day to pay fees.
3. If a student’s reinstatement is approved by the Reinstatement Appeals Committee, they must be reinstated for all courses for which they were originally registered.
(d) Where reinstatement is granted, the student shall take the written decision of the Committee to the Cashier’s office, pay the fees which are due and complete the registration process with the Registrar’s Office.
(10) Late Registration Fee.
(a) A late registration fee of $100 shall be assessed by the University when registration is initiated after the close of the regular registration period.
(b) The late registration fee shall be waived when:
1. The late registration was caused by a University error, or
2. The student was unavoidably out of town on the last day to register (documentation must be provided), or
3. The student was ill (documentation must be provided), or
(12) University Loan Program Service Charge. In lieu of interest, a $10 service charge will be assessed to any student participating in the university loan program regardless of the amount of the loan. Students utilizing the university loan program must sign a promissory note which obligates them to the total loan amount including the $10 service charge for each loan issued.

(13) Fee Appeals. Students may appeal the assessment of fees and request refunds of tuition and fees to the Fee Appeals Committee according to procedures set forth in this subsection.

(a) Procedures. A student who seeks review of a fee assessed shall file a written appeal with the Registrar’s Office. The appeal must set forth the basis for seeking a refund and attach all supporting documentation. An appeal must be filed no later than six months following the last day of the term during which the fees were incurred. For the purpose of this rule, summer terms are considered as one term.

(b) Fee Appeals Committee. The Fee Appeals Committee shall consist of at least three staff members who are appointed annually by the President, and one student appointed by the Student Association. The Committee shall meet as often as necessary to review and act upon appeals which come before it.

(c) Committee Determinations. Each appeal will be initially reviewed by the Registrar or designee. A decision will be made by the Registrar’s Office according to criteria established by this rule. The decision shall be communicated in writing to the student within 60 days from the date the appeal was filed with the University. The Fee Appeals Committee shall consider only cases of those students who are appealing the initial decision made by the Registrar’s Office. Students may appear in person before the Committee to present their appeal. The decision of the Committee is final.

(d) Criteria for Determining Fee Appeals. The criteria established by this rule shall govern decisions by the Registrar and the Fee Appeals Committee:

1. A fee appeal shall be granted when it is demonstrated that fees were paid as a result of University error.

2. A fee appeal shall be granted when it is demonstrated that the student was prevented from timely withdrawal from the University due to extenuating circumstances beyond the student’s control. Extenuating circumstances include death of the student, or death in the immediate family (parent, spouse, child, sibling) of the student; illness of the student that is of long duration or severity, as confirmed in writing by a physician; or involuntary call to military duty.

3. A situation in which the University is in error as confirmed in writing by the appropriate Vice President.

4. The course was closed and the student was required to wait until classes started (written documentation from the instructor is required), or

5. The student was informed after the published last day to register that a course is necessary in order to graduate, be re-certified, or is a work related requirement (appropriate documentation must be provided).

(11) Late Payment Fee. A late payment fee of $100 shall be assessed by the University when:

(a) A student pays his/her fees after the published “last day to pay fees”, and has been approved for reinstatement pursuant to this rule; or

(b) A dishonored check is redeemed after the last date to pay fees.

(14) Refunds. Refunds will be processed and mailed to the address shown on the Registrar’s files to all students whose fee accounts show an overpayment after the published last day to pay fees. Students due a refund will not be required to submit a refund request to receive their refund because it will be automatically calculated. If there is a balance due to the University in the accounts receivable system, that amount will be deducted from any refund due. In addition, students shall be entitled to refunds in the following circumstances:

(a) 100% of tuition and course related fees will be refunded if notice of complete withdrawal or course withdrawal from the University occurs prior to the end of drop/add period.

(b) 25% of tuition and course related fees will be refunded if notice of withdrawal from ALL courses from the University occurs prior to the end of the fourth week of classes.

(c) Students who receive financial aid and subsequently change their enrollment status and this action results in a refund, may have all or a portion of their refund returned to the University’s Financial Aid Office in accordance with the terms of their financial aid agreement.

(d) 100% of tuition and course related fees if a student withdraws or drops a course due to circumstances which are exceptional and beyond the control of the student. Requests for fee adjustments must meet one of the conditions below to be considered:

1. Death of the student or immediate family member (parent, spouse, child or sibling) as confirmed by documentation indicating the student’s relationship to the deceased. Death certificate required.

2. Illness of student of such severity or duration to preclude completion of course(s). Written confirmation by a physician required.

3. A situation in which the University is in error as confirmed in writing by the appropriate Vice President.

(15) Deferred Payment Status. Deferred payment status for tuition and registration fees will be granted upon application by the student on the following grounds:

(a) Veterans shall be entitled to deferment in accordance with the provisions of Section 1009.27, F.S.

1. Each student granted a veteran’s deferment shall sign a promissory note for the amount of registration and tuition fees due. The promissory note must be presented to the University Cashier’s Office before the published last day to pay fees. Failure to present the promissory note by the deadline will result in the student being assessed the $100 late payment fee. If the student does not present an authorized deferment to the Cashier, including the $100 late fee, by the close of the fourth week of classes, the
student’s registration shall be canceled. The student may request reinstatement by presenting an authorized VA deferment promissory note along with a $100 late registration/late payment fee in lieu of full payment of tuition and registration fees. (See the procedure outlined in Reinstatement.)

2. If an eligible student’s educational benefits are delayed beyond the deferral period (end of term for which they are enrolled), the deferral will be extended upon request by the student with written verification from the granting entity that the student is eligible to receive benefits and that benefits are being processed for payment. Upon receipt of written verification, the Registrar’s Office shall approve the deferment and any request for extension. Additional extensions may be similarly granted until such time that the student begins receiving educational benefits. Failure of the veteran to pay the amount of the authorized deferment by the due date or extended date, whichever is later, will result in the student being assessed the $100 late registration/late payment fee.

(b) Third Party Billings. Deferment is permitted when formal contractual arrangements have been made with the University for payments by an approved third party. The University Controller or designee is responsible for negotiating such third party contracts.

(c) Delay in Financial Aid Delivery. Deferral of tuition and fees is permitted for those students receiving financial aid from federal, state, or University assistance programs when delivery of the aid is delayed through circumstances beyond the control of the student. Failure to make timely application for such aid shall be insufficient reason to receive such deferral. The Director of Financial Aid shall certify a student’s eligibility for deferral to the University Controller or designee for each student for each academic term for which receipt of aid is delayed.

(d) Extraordinary circumstances exist and the deferment has the approval of the President or his designee.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(11), 1009.24, 1009.27 FS., 2003-04 General Appropriations Act, S.B. 2-A, S.B. 4-A, H.B. 51-A. History–New 1-12-98, Amended 4-1-00, 10-4-00, 11-17-02, 9-4-03, 1-8-04.

6C10-7.002 Surplus Property.

(1) Purpose. This rule implements the authority delegated to the University by the Department of Management Services through the State University System to dispose of property certified as surplus.

(2) Definitions. The following terms are defined for purposes of this rule:

(a) Custodian – The Vice President for Administrative Services is hereby declared to be the custodian of all property located at the University.

(b) Property Manager – A University employee who has been delegated responsibility by the custodian to manage the assignment, accountability, transfer and disposal of state-owned property.

(c) Tangible Personal Property – All personal property, acquired and belonging to the State of Florida, the value or cost of which is $500 or more and the normal expected life is more than one (1) year.

(d) Exchange Property – Property being offered as a trade-in on the purchase of a new item.

(e) Property Survey Board – The advisory body appointed by the Vice President for Administrative Services to oversee surplus property practices and make recommendations for certification of property as surplus. The Property Survey Board consists of seven members from the University community representing Physical Plant, Academic Affairs, Administrative Computing, Finance and Accounting and the Campus Police and Safety Department. The Board also shall have the Property Manager as an ex-officio member.

(3) Reporting Requirements for Surplus, State-owned, Tangible Personal Property. Tangible Personal Property which is determined to be surplus because it is excess, obsolete, uneconomical or inefficient for continued use shall be certified as surplus by the custodian of the property to the Property Manager, using the Request for Relief from Property Accountability Form (SPB-001 5/97), which is incorporated by reference. The Property Transfer/Relocation/Check Out Report form (F & A Form 009.1 7/96), also incorporated by reference, would be used if equipment were transferred to Physical Plant to hold pending disposal. The Property Manager will notify the Chair of the Property Survey Board for disposition action by the Property Survey Board. However, the Property Manager shall have the authority to process routine disposal of property with the stipulation that ratification by the Property Survey Board will be routed for signature or approved at the next meeting. The Property Manager, in consultation with the chair of the Property Survey Board, may request special meetings to deal with exceptional circumstances. The Request for Relief from Property Accountability Form shall be completed to the extent possible by the custodian of the property and submitted to the Property Manager for processing and completion as necessary to provide the following information:

(a) Complete description of property.

(b) Statement of condition and age.

(c) Original purchase price.

(d) Estimated current value.

(e) Location of property and hours when property may be examined, person to contact for examining property, and a minimum bid (if required).

(f) Any additional information that would assist in determining whether or not property should be offered to other universities, state agencies, or governmental entities.
(4) Buildings and Structures. Buildings, structures and other items of a semi-permanent nature shall be considered tangible personal property, if and when they are severed from the real property upon which they reside, shall be reported in the same manner as all other surplus property. In addition, the legal description of the location, size, type of construction, and reason for removal shall be provided. Disposal of buildings and structures will require a special meeting of the Property Survey Board for approval and subsequent recommendation to the Vice President for Administrative Services.

(5) Theft and Fire Damage. Theft, fire damage, and losses due to acts beyond the control of the property custodian will be approved for disposal by the Property Survey Board in the same manner as provided in subsection (3) above.

(6) Guidelines for Disposal of Property.
(a) The Property Survey Board has the authority to recommend the property certified as surplus be offered for transfer or sale to another university, another state agency, a political subdivision, a private nonprofit agency or by sale open to the public. The Property Survey Board may also recommend that surplus property be used as exchange property, be scrapped or cannibalized, or be transferred to another agency or private entity for sale or disposal through auction, sealed bid or through contract disposal. The determination of which method of disposal to use shall be based on guidelines adopted by the Board which take into account the type, age, condition, number, usefulness, and value of the surplus property.
(b) Disposal of cannibalized equipment. The Property Survey Board may authorize the disposal of cannibalized equipment when it determines that cost of storage and handling will exceed the value of the equipment in its current cannibalized state.
(c) All abandoned property, including vehicles, that come within the possession or custody of the University shall be disposed of in the same manner as surplus property.
(d) Public Sale.
1. When the Property Survey Board determines to offer surplus property for sale at a public sale, the University shall advertise the sale in a local newspaper of general circulation a minimum of two weeks prior to the date and time set for the sale.
2. All property shall be sold either through auction or sealed bid.
3. The successful bidder or offerer shall take all property in “as-is, where-is” condition without warranty of title or condition. The bidder or offerer shall have forty-eight hours to remove the property from the location where it is being held or stored. Failure to remove the property within the time provided by this rule shall void the sale after which the University may dispose of the property by any means provided in this rule.
4. The University reserves the right to remove any property listed as surplus and offered for sale through auction or sealed bid from the public sale at any time.
(e) Contract Disposal. A contract may be executed with a local vendor, via Request for Proposal, to pick up assets appropriately disposed of by the University, on a regular basis and assume all responsibility for that property. In return, the University may receive a settlement fee.
(f) Exchange Property. When the University determines that it is more economical for property certified as surplus to be traded-in toward the purchase of new property of the same type rather than sold or disposed of in another manner provided in this rule, the Property Survey Board shall issue a recommendation approving such exchange. The Property Manager shall advise the Bureau of State Surplus Property of the availability of such exchange in writing providing any information required by the Bureau.

(7) Authority for Disposal. Surplus property shall not be sold, transferred, cannibalized, scrapped or destroyed without prior authorization from the Property Survey Board and certification by the Property Manager. Any employee or agent who disposes of surplus property in violation of this rule shall be personally liable to the University for the fair market value of any such property.

(8) Non-State Funded Property. All property originally purchased with non-state funds, such as contracts or grants, shall be managed in a form consistent with the rules and regulations of the funding authority, or if there are no rules or regulations, in accordance with this rule.

Specific Authority 240.225, 240.227(1), 273.055 FS. Law Implemented 273.01, 273.05, 273.055 FS. History–New 1-12-98.

6C10-7.003 Special Fees.
(1) The fees listed in this section will be assessed by the University.

<table>
<thead>
<tr>
<th>Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Non-Refundable Application Fee</td>
<td>$30.00</td>
</tr>
<tr>
<td>(b) Orientation Fee</td>
<td>$35.00</td>
</tr>
<tr>
<td>(b) Security, Access or Identification Cards</td>
<td></td>
</tr>
<tr>
<td>Annual Fee for Card</td>
<td>$10.00</td>
</tr>
<tr>
<td>Fee for Replacement Cards</td>
<td>$15.00</td>
</tr>
<tr>
<td>(d) Fee for Transcripts</td>
<td>$10.00</td>
</tr>
<tr>
<td>(e) Fee for Diploma Replacement</td>
<td>$10.00</td>
</tr>
<tr>
<td>(f) Registration Fee for a Zero-Hours Course</td>
<td>$85.23</td>
</tr>
<tr>
<td>(g) Registration Fee for an Audit Course</td>
<td>$85.23</td>
</tr>
<tr>
<td>(h) Course-related Fee for Materials and Supplies consumed during instructional activities</td>
<td>Cost</td>
</tr>
<tr>
<td>(i) Overdue Library Material Fee (per day)</td>
<td>$0.25</td>
</tr>
</tbody>
</table>
The term "cost" as used in this provision includes those increased costs to the University that are reasonable, specific, identifiable and directly related to the goods or services.

(3) The President or designee shall waive the undergraduate non-refundable admissions deposit in paragraph (1)(v) for applicants who document that they have a financial hardship. To be eligible for a financial hardship waiver, a student shall apply for federal financial assistance by submitting a valid Free Application for Federal Student Aid (FAFSA) to the United States Department of Education at http://www.fafsa.ed.gov/, in accordance with 34 C.F.R. §668. A “financial hardship” is defined as an Expected Family Contribution (EFC) of zero for the academic year on the applicant’s Student Aid Report after requesting and accepting all types of financial assistance. A financial hardship also will be found to exist for applicants who document that they have received a fee waiver because of economic need as determined by the College Board or the American College Testing Program.

Specific Authority 1001.74(4), (11) FS. Law Implemented 1001.74(11), 1009.24(12), (13) FS., H.B. 51-A. History–New 1-26-03, Amended 9-4-03.
CHAPTER 6C10-8 PARKING AND TRAFFIC REGULATIONS

6C10-8.001 General.
6C10-8.002 Authority of University Police.
6C10-8.003 Registration of Vehicles.
6C10-8.004 Decal and Permit Fees.
6C10-8.005 Regulations.
6C10-8.006 Enforcement.

6C10-8.001 General.
(1) This rule chapter applies to all persons who operate or park a motor vehicle on property owned or controlled by the University. All Lee County traffic and parking ordinances which are not in conflict or inconsistent with University rules and all provisions of Chapter 316, Florida Statutes, shall extend and be applicable to the University’s premises. The operation and parking of motor vehicles on University property are privileges and not rights which are available only through compliance with these rules. Application for and acceptance of a decal or permit shall be deemed an acknowledgment of the requirements of, and an agreement to adhere to, these rules.

(2) University parking and traffic rules are enforced twenty-four hours a day, each day of the calendar year. Copies of these rules and a schedule of fees and fines are available at the University Police and Safety Department and the Cashier’s Office. The University assumes no liability for vehicles parked or operated on University premises. The issuance of a decal or permit does not guarantee a place to park.

Specific Authority 229.0081(2), 240.263(2) FS. Law Implemented 240.263-.265 FS. History–New 7-10-97, Amended 9-4-02.

6C10-8.002 Authority of University Police.
University police are sworn law enforcement officers who are authorized and empowered to:

(1) Enforce these rules and to provide for the safety of all persons on University property;

(2) Make arrests, issue citations, and seek the assistance of, and cooperate with, other law enforcement agencies in carrying out their police functions;

(3) Pursue violators off campus to make arrests;

(4) Enforce all State of Florida laws and Lee County traffic ordinances which are not in conflict or inconsistent with these rules; and perform any other act authorized by law; and

(5) Employ Civilian personnel as Police Service Aides (PSA), Safety Officers (SO) and Parking Enforcement Aides (PEA) who have been trained in the enforcement of this rule and are authorized by such training to enforce the provisions of this rule.

Specific Authority 240.227(1) FS. Law Implemented 240.263(1)(d), 240.268 FS. History–New 7-10-97, Amended 10-4-00.

6C10-8.003 Registration of Vehicles.
(1) Any motor vehicle that is owned, leased or operated by a student, faculty or staff member, administrator, concession employee or any other person who regularly operates a motor vehicle on University property must be registered with the University and display a validly issued University parking decal or permit. Vehicles which make temporary and brief stops at one or more points on University premises including but not limited to, marked delivery trucks, utility service vehicles, vehicles for hire and buses are exempt from registration. Contractors and contractor personnel who are engaged in university construction projects are also exempted when engaged in work provided that they are parked at specified locations on project sites.

(2) Unless a grace period has been established by the President, and is in effect, vehicle registrations expire on the date indicated on the decal or permit. Notice of a grace period shall be given by publication in the student newspaper and in posting in and around campus.

(3) Decals and permits are issued according to the classifications contained in these rules. A decal or permit will be issued by the University Police and Safety Department upon the following conditions:

(a) The owner or driver registers the vehicle with the University Police and Safety Department;

(b) The owner or driver pays the appropriate fee and provides proof of the decal or permit classification to which he or she is entitled;

(c) The owner or driver settles all outstanding traffic and parking fines and fees;

(d) Parking privileges have not been revoked for the owner or driver; and

(e) When two (or more) persons who are employed by, or are students at, the University, reside in the same household and drive separate vehicles, each is required to register and purchase a decal or permit. If two (or more) persons travel together in one vehicle, only one decal or permit is required.

Specific Authority 240.227(1) FS. Law Implemented 240.268 FS. History–New 7-10-97, Amended 10-4-00.
6C10-8.004 Decal and Permit Fees.

The annual registration fee for decals and permits is provided below:

<table>
<thead>
<tr>
<th>Three or More Wheels</th>
<th>Affixed</th>
<th>Hanging</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Lot Parking (students)</td>
<td>Provided for in transportation access fee.</td>
<td></td>
</tr>
<tr>
<td>General Lot Parking (non-students)</td>
<td>$75.00</td>
<td>$75.00</td>
</tr>
<tr>
<td>Faculty/Staff Lot Parking</td>
<td>$75.00</td>
<td>$75.00</td>
</tr>
<tr>
<td>Faculty/Staff Reserved Space Parking</td>
<td>$300.00</td>
<td>$300.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Two Wheels</th>
<th>Affixed</th>
<th>Hanging</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Lot Parking (students)</td>
<td>Provided for in transportation access fee.</td>
<td></td>
</tr>
<tr>
<td>General Lot Parking (non-students)</td>
<td>$25.00</td>
<td>N/A</td>
</tr>
<tr>
<td>Faculty/Staff Lot Parking</td>
<td>$25.00</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The special event permit fee is provided below:

General Lot Parking $1.00 per day per vehicle

With the exception of faculty/staff reserved parking, decals and permits can be purchased on a per term basis for a fee of $30.00 per term. An applicant for vehicle registration will be issued either an affixed decal or a hanging permit if available for the category of vehicle being registered as indicated by the chart above. Decals are non-transferable. Permits are transferable to any other four-wheeled vehicle that is registered in accordance with this rule and is owned, leased or operated by the applicant. Special event permit fees shall be waived for vehicles displaying valid annual or term parking decals/permits.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), (39), 1006.66, 1009.24(12)(p) FS. History—New 7-10-97, Amended 10-4-00, 9-4-02, 7-2-03, 1-8-04.

6C10-8.005 Regulations.

1. Decal/Permit Registration; Replacements; Refunds
   (a) If a vehicle registered by an affixed decal is sold, traded, or destroyed or if the affixed decal is defaced, the original registrant may obtain a replacement decal for a fee of $5.00 upon presenting the original decal, along with the new vehicle registration (if applicable), to the University Police and Safety Department or the Cashier’s Office.
   (b) All lost, stolen or defaced decals should be reported to the University Police and Safety Department.
   (c) Lost or stolen decals or permits will not be replaced and the registrant will be required to purchase a new decal or permit.
   (d) A full refund will be issued for affixed decals or hanging permits sold in the current term if returned intact before the last day of Drop/Add for that term and if the student is no longer enrolled in any course at the University. Refund checks will be mailed to students at the address recorded in the Registrar’s Office. No cash refunds will be given by the University Police and Safety Department or the Cashier’s Office.
   (e) University employees may elect to have vehicle registration fees deducted from their paychecks through payroll deduction.
   (f) Temporary permits may be issued under the following circumstances:
      1. When the registered vehicle is undergoing repairs and the registrant is driving a loaner or rental vehicle;
      2. When a college or department is hosting a special event such as a seminar or meeting on University property; or
      3. When a college or department employs temporary or seasonal personnel for a duration of no more than two weeks. Where the duration of temporary or seasonal employment is more than two weeks, the cost of a term decal or permit shall be prorated and assessed.

2. Decal/Permit Display. Decals and permits shall be displayed according to the following regulations:
   (a) All persons who park motor vehicles on University premises shall display either a valid decal or permit.
   (b) Decals shall be permanently affixed midway down the left side of the windshield of four wheeled motor vehicles or as otherwise directed by the University Police and Safety Department at the time of registration depending upon vehicle configuration.
   (c) A hanging style permit shall be displayed at all times while on campus on the rear view mirror with the permit number facing outward.
   (d) Decal shall be permanently affixed to the rear fender of two-wheeled vehicles, or if there is no fender, as directed by the University Police at the time of registration.
   (e) No person shall transfer a decal or permit to another person, alter a decal or permit, falsify documents to obtain a decal or permit or to otherwise possess, obtain or display a decal or permit that is not registered in his or her name. Any such act constitutes decal/permit fraud.

3. Traffic Rules. For purposes of Rule Chapter 6C10-8, F.A.C., motorcycles, motor scooters, mopeds, bicycles and motorized disability access vehicles are considered to be motor vehicles. Operation of motor vehicles on University roadways and in parking lots is subject to the following regulations:
(a) Pedestrians and wildlife have the right-of-way over motor vehicles. Pedestrians must use crosswalks when crossing a roadway.

(b) The speed limit in all parking lots is 15 miles per hour and the speed limit on roadways is 30 miles an hour, unless otherwise posted.

(c) Motorists and pedestrians shall follow and obey all traffic signs and devices and orders given by University police. Directions given by University police supersede posted regulations and traffic signals.

(d) University police may erect barriers on roadways and in parking lots from time to time to prevent the entry of vehicles. No person shall move or remove barriers or enter into areas barricaded by police.

(e) No motor vehicles, other than police, emergency or service vehicles, and motorized disability access vehicles shall be operated or parked on grass, walkways, sidewalks, fire hydrant areas, service areas, or other prohibited zones, except where specifically permitted by signage.

(f) No person shall alter, deface or remove any traffic control device or sign.

(g) No second person shall ride on a motorcycle, motor scooter, or bicycle unless the vehicle is designed and equipped with a seat for a second person.

(h) All vehicular accidents, which occur on University property shall be reported to the University Police and Safety Department.

(4) Parking Rules.
(a) Posted signs, wheel stops and other markings designate the various parking areas on campus. Temporary parking areas may be designated by the University by placement of delineating signs, wheel stops or other identifying marks. Parking areas may be restricted by classification, time or purpose. Parking areas restricted by classification, time or purpose shall be considered “no parking” zones to those individuals who do not fall within the restriction of the classification. The following parking restrictions are found in areas on the University’s premises:

1. Disabled;
2. Motorcycle/moped/bicycle;
3. State Vehicles;
4. Loading Zone;
5. Visitor;
6. Faculty/Staff Lot;
7. Faculty/Staff Reserved;
8. Short Term.

(b) The following rules apply to the parking of motor vehicles on University property:

1. All vehicles must park in marked parking spaces.
2. Visitors must obtain a visitor’s parking permit from the University Police Department and may park in any delineated space, unless otherwise directed by University police.
3. No vehicle shall be parked in more than one space at a time or in a manner that straddles the marked lines of a parking space.
4. No motor vehicle shall be parked or left standing in a manner that blocks the egress or ingress of another vehicle, i.e., double-parking.
5. Motor vehicles shall not be parked or left standing in such a way as to create a hazard or an obstruction with the free movement of vehicular or pedestrian traffic.
6. No vehicle shall be parked or left standing on grass, sidewalks, or on the street, unless otherwise permitted by signage.
7. A person who must leave a motor vehicle overnight on University premises due to mechanical failure, flat tire, lack of fuel and the like, must notify the University Police and Safety Department. Any vehicle left parked on campus for more than three consecutive days and nights, without notification to the University Police and Safety Department, shall be deemed abandoned and subject to towing, impoundment and disposal at the owner’s expense. Disabled vehicles shall be reported immediately to the University Police and Safety Department.
8. No major repairs to vehicles shall be performed on University property.
9. Loading zones shall be used only for the purposes of loading and unloading vehicles and only for the time limit permitted by signage.
10. No person shall park in any restricted parking space (i.e., handicapped parking, state vehicles) unless the person or vehicle satisfies the terms of the restriction. Persons with temporary disabilities may obtain special permits to park in spaces designated for handicapped parking from the University Police and Safety Department upon presentation of medical documentation. Vehicles parked in handicapped spaces without either state-issued handicapped parking permits or university-issued handicapped parking permits are subject to being towed in addition to any other penalty provided by Rule 6C10-8.006, F.A.C.
11. Any parking space within an assigned lot that is not reserved for a particular kind of parking is open on a first come basis to students, faculty, staff or other registrants.
12. Parking a vehicle on University premises following failure to pay or appeal any citation for a university decal, parking or traffic infraction within the time provided, or parking on University premises with a revoked decal or permit shall be considered illegal parking and subject the vehicle to towing and impoundment or immobilization at the owner’s expense in addition to any other penalty or fine provided by Rule 6C10-8.006, F.A.C.
13. Motorcycles, motor scooters and bicycles shall be parked only in special racks or designated areas and shall not occupy spaces designated for automobiles.

14. Residential students are prohibited from parking in all academic parking lots between 7:00 a.m. and 7:00 p.m. Monday through Friday.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(35), (39), 1006.66, 1009.24(12)(p) FS. History–New 7-10-97, Amended 10-4-00, 7-2-03.

6C10-8.006 Enforcement.

(1) Violations. Failure to abide by any provision of these rules shall be deemed a university traffic infraction. University traffic infractions are enforced through use of written warnings, citations and fines, towing and impoundment, immobilization and any other means authorized by this rule.

(2) Citations. All University Police Department employees (sworn officer, PSA's, PEA's or Safety Officers) have the authority to issue written university citations to persons who violate county or university decal/permit and parking rules. State of Florida Uniform Traffic Citations are issued for moving violations, which are returnable to Lee County Court for appearance and payment of fines. State of Florida Uniform Traffic Citations may carry higher fines or penalties and cannot be appealed through the University’s administrative processes.

(a) Schedule of Fines. The schedule below establishes fines for university traffic infractions:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decal/Permit Violations (Except Decal/Permit Fraud)</td>
<td>$15.00</td>
</tr>
<tr>
<td>Decal/Permit Fraud</td>
<td>$100.00</td>
</tr>
<tr>
<td>Parking Violations (Except Handicapped)</td>
<td>$15.00</td>
</tr>
<tr>
<td>Handicapped Parking Violations</td>
<td>$200.00</td>
</tr>
<tr>
<td>University Traffic Violations</td>
<td>$15.00</td>
</tr>
<tr>
<td>Decal/Permit Violations (Except Decal/Permit Fraud)</td>
<td>$25.00</td>
</tr>
<tr>
<td>Decal/Permit Fraud</td>
<td>$125.00</td>
</tr>
<tr>
<td>Parking Violations (Except Handicapped)</td>
<td>$25.00</td>
</tr>
<tr>
<td>Handicapped Parking Violations</td>
<td>$225.00</td>
</tr>
<tr>
<td>University Traffic Violations</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

(b) If Payment Received after Five (5) Days

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decal/Permit Violations (Except Decal/Permit Fraud)</td>
<td>$25.00</td>
</tr>
<tr>
<td>Decal/Permit Fraud</td>
<td>$125.00</td>
</tr>
<tr>
<td>Parking Violations (Except Handicapped)</td>
<td>$25.00</td>
</tr>
<tr>
<td>Handicapped Parking Violations</td>
<td>$225.00</td>
</tr>
<tr>
<td>University Traffic Violations</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

(c) Late Fee: 25% of amount due.

(d) Vehicles, which remain parked in time restricted parking spaces such as Loading Zones beyond the time allowed, are subject to additional citation. Any vehicle, which remains in violation of any other provision of these rules twenty-four (24) hours beyond the time of the original citation, is subject to additional citation.

(e) Administrative Action. In addition to the accrual of a fine and late fee, the University is authorized to take administrative action if a university traffic citation is not paid or appealed within the time provided in these rules. Such administrative action includes withholding of grades, degrees and/or transcripts; revocation of parking privileges; turning the citation over for collection, and/or towing and impoundment or immobilization of the person’s vehicle.

(f) Permit Revocation. A person who has been accused of decal/permit fraud or who falsifies or misrepresents information when applying for or exercising parking and traffic privileges is subject to revocation of parking privileges, if such charges were sustained.

(3) Responsibility for Citations. The person(s) in whose name a decal/permit is registered or in whose name a vehicle is registered with the Department of Highway Safety and Motor Vehicles, shall be held responsible for citations issued to a vehicle unless he or she furnishes the University Police Department with evidence that the vehicle was, at the time of the University Traffic Infraction, in the care, custody or control of another person.

(4) Procedures for Payment of Fines and Appeals.

(a) A person who has been issued a university traffic citation has five (5) university business days from the date of its issuance to settle the citation either by paying the designated fine or by filing an appeal. If payment is not made or an appeal instituted within the allotted time, a late charge shall be assessed. If the fine and fee are not paid within ten (10) days from the date the citation is issued, then the University will turn the matter over to the University’s Cashier’s Office for collection, in which case the person shall also be responsible for paying reasonable costs of collection.

1. Fines can be paid in person or by mail at the Cashier’s Office during regular university business hours. All payments should include the payor’s social security number and the citation number.

2. Appeals. Appeals of citations for university traffic infractions are instituted by filing a written appeal with the Director of University Police and Safety Department or a designee on Form UPD #1001 (4/97) which is incorporated by reference into this rule. Forms may be obtained at the University Police and Safety Department. Lack of parking spaces or the failure of others to
observe these rules shall not be valid defenses to violation of the University’s parking and traffic rules. The appeal shall include a current and accurate address where notices can be sent and received. The Director of University Police or designee shall make a determination whether to grant the appeal within 10 days of receipt of the appeal. If the appeal is denied by the Director of University Police or designee, then the appeal shall be forwarded, as completed, to the University Traffic Appeals Board for hearing and resolution at its next scheduled meeting.

3. The University Traffic Appeals Board consists of five members who are appointed by the University President for two year staggered terms. The membership of the Board shall include one representative from the following: student government, faculty, Administrative and Professional, USPS and one additional member appointed at large by the President. The student, faculty, Administrative and Professional and USPS representatives will be nominated by their respective governance structures. The Director of the University Police and Safety Department shall be an ex officio member of the Traffic Appeals Board. The University Traffic Appeals Board shall have the authority to hear and resolve appeals of university traffic infractions including cases of permit revocation.

a. Upon receipt of an appeal, the Board shall set a time and date for hearing and provide the appellant with at least five (5) University business days advance written notice. Failure of the appellant to appear at the hearing shall result in dismissal of the appeal.

b. At the hearing, the Traffic Appeals Board shall consider any facts or evidence, which are relevant to its determination of the appeal. The board may request additional information prior to rendering its decision and may hear the testimony of the appellant, witnesses or the citing officer. The board may modify the penalties provided in Rule 6C10-8.006, F.A.C. Such modification may include a reduction in penalty or a warning to the appellant. The board shall render a decision within thirty (30) days of the close of the hearing and notify the appellant in writing.

c. The decision to grant or deny an appeal shall be in writing and contain findings supporting the board’s determination. The decision of the Traffic Appeals Board is final without further right of review. When an appeal is denied, the fine assessed for the violation shall be paid within five (5) calendar days of notification to the appellant or a late fee of 25 percent will be assessed. The appellant will also be subject to any other administrative action authorized by these rules to collect all outstanding fines and fees.

(5) Towing and Impoundment; Immobilization.

(a) Towing and Impoundment. The University is authorized to tow and impound any vehicle, which is found to be parked in violation of this rule chapter. The towing and impoundment of a vehicle shall be used as a last resort under the following conditions: the vehicle is abandoned per subparagraph 6C10-8.005(4)(b)7., F.A.C.; the vehicle is parked in a handicapped space for which it is not permitted; hazardous parking; the parking decal/permit is fraudulent; or the registrant is deemed a chronic violator in that they have obtained three or more citations during a school term which have remained unpaid or unsatisfied during that term.

(b) Immobilization. As an alternative to towing and impoundment, the University may immobilize a vehicle by attaching a wheel lock device when there are two (2) or more university traffic citations outstanding against the vehicle and timely action has not been taken to pay or appeal the citations. A vehicle may also be immobilized when it is found to display a lost, stolen, forged or altered University parking decal or permit. At the time of attachment, a notice shall be affixed to the vehicle which states the sum of outstanding fines and fees that must be satisfied before the wheel lock will be removed and the location where the moneys can be paid. A $20.00 immobilization fee shall be charged in addition to all other fines and fees which are due and owing.

(c) Release of Vehicle. All outstanding fines and fees against the vehicle must be satisfied before a vehicle will be released from impoundment or immobilization. A person whose vehicle has been towed and impounded or immobilized may challenge the validity of the action by filing a written appeal to the University Traffic Appeals Board within 10 days of the date the vehicle was released, using UPD Form #1002 (4/97). The Director of University Police and Safety or designee shall review and determine whether an immediate release of the vehicle is warranted. If the subsequent appeal to the University Traffic Appeals Board is granted, the University shall refund the amount charged for towing and impoundment of the vehicle.

Specific Authority 240.227(1) FS. Law Implemented 240.268 FS. History–New 7-10-97, Amended 10-4-00.
CHAPTER 6C10-9 USE OF UNIVERSITY FACILITIES

6C10-9.001 Use of University Facilities.
6C10-9.002 Use of Alcoholic Beverages on University Premises.
6C10-9.003 Animal Control.
6C10-9.004 Freedom of Speech and Assembly.
6C10-9.005 Possession of Firearms and Weapons on University Property.
6C10-9.006 Solicitation on Campus.
6C10-9.007 Smoking and Consumption of Food in University Buildings.

6C10-9.001 Use of University Facilities.

(1) Definitions.
   (a) University Persons, Groups and Organizations: Registered students, faculty members, administrative and professional and university support employees, the student association, registered or recognized student organizations, official University colleges, departments, or other organizational units which are a part of, or operate on behalf of, Florida Gulf Coast University, such as the Foundation and the alumni organization.
   (b) Non-University Persons, Groups and Organizations: Persons, groups or organizations which do not meet the definitions outlined in (a) above, such as charitable community organizations, other public educational institutions, etc. including those which exist primarily for the purpose of commercial activity for profit, or private gain or benefit.

(2) Use of Available University Facilities:
   (a) The first priority for the use of University facilities is instructional and academic activities related to, sponsored by or under the auspices of the educational mission of the University.
   (b) University persons, groups or organizations may use University facilities on a space-available basis and will be subject to payment of any costs incurred by the University in scheduling and holding the activity or event. Approval to use University facilities is obtained by requesting the facilities in writing, including the date, time, place, number of participants, and any special needs (audio-visual equipment, security, etc.). This request should be submitted and received by the Facilities Coordinator 10 working days in advance of the scheduled event.
   (c) Conference rooms and other space not included in the Facilities Use Inventory, such as the Student Services Courtyard and the Gallery in the Library, may be scheduled for internal use on a space available basis.
   (d) Non-University persons, groups or organizations may use University facilities on a space-available basis and will be subject to payment of the established facilities fee, any additional costs incurred by the University in scheduling and holding the activity or event, an administrative overhead charge, any costs related to an insurance certificate and other miscellaneous costs. Approval to use University facilities is obtained by requesting the facilities in writing, including the date, time, place, number of participants, and any special needs (audio-visual equipment, security, etc.). This request should be submitted and received by the Facilities Coordinator at least 10 working days in advance of the scheduled event. The Facilities Coordinator will determine space availability and prepare the Facilities Use Agreement (Form FCC #003) for signature. FCC #003 (9/97) is incorporated by reference into this rule. This form may be obtained from the Facilities Coordinator.
   (3) The President of the University or designee may approve a full or partial waiver of the facilities use fee, in accordance with the guidelines stipulated in FCC #001 (9/97).
   (4) Scheduling of Facilities.
      (a) Activities scheduled in accordance with this rule for which there are admission or other fees shall be included with Form FCC #001, “Facilities Use Application, Tentative Reservation and Estimated Fee Schedule.”
      (b) All instructional space of the University, including seminar rooms, classrooms, etc. is under the assignment and control of the Registrar’s Office.
      (c) When university equipment is rented by non-University persons, groups or organization in conjunction with the use of a University facility there will be a charge for this equipment and any technical assistance personnel provided by the University.
      (d) Service of food and beverages at or during a scheduled event must comply with the regulations outlined in this rule chapter.
   (5) The fee schedule and other procedural information is included in the President’s Memorandum (dated 11/15/97) entitled “Use of University Facilities” and herein incorporated by reference.
   (6) University facilities, equipment or services may not be used for an employee’s or student’s consulting activities or other personal use unless the President or a designee authorizes such use based on a determination that there is an equal or overriding benefit to the University.

Specific Authority 240.227(1) FS. Law Implemented 255.045 FS. History–New 8-2-98.
6C10-9.002 Use of Alcoholic Beverages on University Premises.

(1) General: The University endeavors to maintain an environment conducive to teaching and learning and to personal and professional growth. Irresponsible use of alcoholic beverages is detrimental to this goal. This rule establishes practices and procedures to discourage irresponsible use of alcoholic beverages and ensure compliance with local, state and federal laws by all groups and individuals on University premises, defined as property under the ownership or control of the University. For purposes of this rule, the term alcoholic beverages means beer and wine, but excludes distilled spirits.

(2) Distilled Spirits: The service, sale, possession or consumption of distilled spirits or beverages containing distilled spirits on University premises or at University functions is prohibited.

(3) Possession and Consumption of Alcoholic Beverages: Possession and consumption of alcoholic beverages on University premises shall comply with federal and state laws, local ordinances and the following University regulations.

(a) Possession of alcoholic beverages in unauthorized areas is prohibited.

(b) The university will contract with a licensed and insured vendor who will serve all alcoholic beverages on campus.

(c) Persons must be 21 years of age to serve and be served, buy, possess, or consume alcoholic beverages while on University premises or at University functions. Each student, group or organization which serves or consumes alcoholic beverages on University premises or at University functions is responsible for insuring compliance with federal and state laws, local ordinances and this rule and state and local laws and regulations concerning the service, possession and consumption of alcoholic beverages. Consumption of alcoholic beverages by any student, employee or other person, to or beyond the point of intoxication and whose behavior violates the provisions of Section 856.011(1), F.S., shall be grounds for disciplinary action and possible arrest.

(d) Prior approval must be obtained in order to serve alcoholic beverages at organized and properly scheduled programs or activities held on University premises.

1. Student groups shall obtain approval to serve alcoholic beverages from the Dean of Student Services Office in accordance with the guidelines of the Student Guidebook, the Student Code of Conduct, (Rule 6C10-4.003, F.A.C.), and (e), below.

2. Non-student organizations shall obtain approval to serve alcoholic beverages from the Vice President for Administrative Services in accordance with guidelines in (e) and (f) below.

(e) Conditions for the Service, Possession or Consumption of Alcoholic Beverages: The following conditions shall apply to every student, faculty, staff member, group or organization which is granted approval to serve, possess, or consume alcoholic beverages on University premises or at University functions.

1. Advertisements for events at which alcoholic beverages will be served, shall not refer to the quantity that will be available, nor shall the reference to alcoholic beverages be prominently displayed.

2. The sale of alcoholic beverages on University premises or at University functions is prohibited. All alcoholic beverages must be served free of charge.

3. No individual may bring alcoholic beverages onto University premises.

4. Non-alcoholic beverages and food must also be provided in sufficient quantities for persons who may desire them.

5. A printed sign shall be prominently displayed at each event which reads:

   NO ALCOHOL SERVED TO MINORS
   PROOF OF AGE REQUIRED
   WE RESERVE THE RIGHT TO DENY SERVICE

6. Alcoholic beverages may not be used as prizes or awards for any event nor shall there be any competitions or contests at an event which involves alcoholic beverages.

7. No one under the age of 21 may be involved in checking identification for service of alcoholic beverages.

8. As a condition of approval, the sponsoring individual, group or organization shall be responsible for the costs or any required Campus police officers for the event.

9. Responsible consumption of alcohol shall be encouraged and alcohol service shall be terminated one hour prior to the end of an event.

10. Alcoholic beverages may only be served on University premises or at University functions that are open to guests by (name) invitation only.

(f) Procedures for Obtaining Approval:

1. Any person, group or organization seeking permission to serve alcoholic beverages on University premises or at University functions shall file an application on Form number FCC #005 (9/97), which is incorporated by reference into this rule. The form may be obtained from the Facilities Coordinator, and should be signed by all approving authorities designated in section (3)(d) of this rule. The approving authority or designee shall insure that all information required on the form is provided, that the request will not conflict with any other University activity and that the following conditions are met:

   a. The person, group or organization has not been previously found in violation of state or local laws or University rules regarding the service of alcoholic beverages;

   b. The person, group or organization has sponsored no more than three (3) events in the last calendar year where alcoholic beverages have been served or as approved by the appropriate authority as designated in (3)(d) of this rule; and

   c. Approval for service of alcoholic beverages has been given by a faculty/staff advisor, the Director of Campus Police and Safety or designee, and the Facilities Coordinator;
d. Adequate safeguards have been taken to insure responsible use and service of alcoholic beverages, which may include, as a condition for approval, the requirement for hiring off-duty Campus Police officers as security.

e. An agreement to bear responsibility for all damage or injury to University property or premises which results from the service and consumption of alcoholic beverages at the event is signed by the sponsoring individual, group or their agent.

2. The approving authority shall retain a copy of form FCC #005 and instruct the person, group or organization to post the original form on-site during the event.

3. Penalty for Violations: Any University-related person, group or organization which is found to be in violation of this rule shall be subject to disciplinary action under Chapter 6C10-4 or 6C10-5, F.A.C.

In the case of non-university related persons, groups or organizations, a violation of this rule or of federal, state or local law shall result in loss of the privilege to use University premises and facilities.

Specific Authority 240.227(1), 240.261 FS. Law Implemented 240.261, 240.227(1), Sect. 562.01 et seq., 870.01–04 FS. History–New 8-2-98.

6C10-9.003 Animal Control.

(1) General: Florida Gulf Coast University is located in an area which is inhabited by many species of wildlife. The University endeavors to protect all wildlife, but in particular the wildlife species that are designated as endangered or protected by federal and state law and regulations. Warning notices of protected species shall be posted at various locations throughout campus.

(2) Animal Control Restrictions:

(a) The relocation, removal and/or destruction of wildlife from the University shall be accomplished by officers of the Florida Game and Fresh Water Fish Commission and Department of Environmental Protection or persons who are licensed and authorized by those agencies to handle wildlife.

(b) The removal of stray/abandoned domestic animals shall be accomplished by the Lee County Humane Society’s Animal Control Unit or any other entity with authority over stray/abandoned domestic animals.

(c) The keeping or bringing of pets on campus, except for guide animals, is prohibited.

(3) No person shall disturb, harm or molest any wildlife which is found on campus. Any student or employee who is found to have engaged in any such act shall be subject to disciplinary action under Chapters 6C10-4 and 6C10-5, F.A.C., and/or arrest and prosecution for violations of federal or state law. (Sections 372.0725, 828.12, F.S.)

Specific Authority 240.227(1) FS. Law Implemented 240.261 FS. History–New 8-2-98.

6C10-9.004 Freedom of Speech and Assembly.

(1) General: The freedoms of speech and assembly guaranteed by the Constitutions of the United States and the State of Florida shall be enjoyed by all students, faculty and staff of Florida Gulf Coast University so long as the exercise of these freedoms does not interfere with the operation of the University or the rights of others. The on campus exercise of public expression and assembly by students, faculty and/or staff shall be in accordance with the guidelines set forth herein.

(2) Responsibility: Each speaker or group shall be fully responsible for any violation of Federal or State law or University regulation committed by them.

(3) Outside Speakers: The issuance of invitations to outside speakers by members of the University community is encouraged. However, only those requests sought by University-recognized or registered student groups, faculty or staff groups or authorized University committees will be considered for scheduling in University facilities. (See section (4) of this rule for the approval and scheduling procedure).

(4) Approval for Outside Speakers and/or Assembly and Public Expression: With the exception of guest lecturers in a scheduled class, all individuals or groups seeking to host an outside speaker or hold a scheduled assembly must obtain approval for such activity from the Office of the Dean of Student Services (for students) or from the Facilities Coordinating Committee (for all others). Such a request must contain the following:

(a) Name, address, and telephone number of the person(s) filing the notice;
(b) Name, address, and telephone number of the person(s) to be contacted;
(c) Date, time, duration and location place of proposed activity;
(d) Name of speaker and topic, or purpose of the activity;
(e) Type of audio-amplification to be used, if any; and
(f) Estimated number of participants.

(5) Denial of Permission to Hold Activity: Free speech activities can be scheduled in any of the University’s designated public speech areas, subject to their availability. Permission to hold free speech activities can be denied, or in the case of an approved activity, canceled by the Office of the Dean of Student Services when, after consultation with the Campus Police and Safety Department, there is a substantial likelihood that the activity will result in disruption of the University’s normal operations, imminent harm to the property and safety of others, including that of the University; or infringe the rights of others. The following occurrences will result in cancellation of a public expression activity:

(a) Intentional obstruction of ingress to or egress from any office, classroom, building, facility or area on campus;
(b) Disruption of other ongoing University functions or operations through excessive sound, noise or other means;
(c) A speaker’s advocacy of use of violence towards any individual or of the violent overthrow of the government of the United States, the State of Florida or any political subdivision;
(d) Willful damage or destruction, or seizure and subversion of the University’s buildings or other property;
(e) Intentional interference with the University’s regularly scheduled classes or other educational functions;
(f) Physical harm, coercion, intimidation or other invasion of lawful rights of any other person, including University students, faculty or staff members or officials;
(g) Other acts which constitute a crime.
(6) Appeals Process: The denial or cancellation of a scheduled activity may be appealed to the President. The “Use of University Facilities Decision Appeal Form” FCC #004 (9/97), which is incorporated by reference, should be obtained from the Facilities Coordinator, completed and returned to the Facilities Coordinator. The President shall render a decision within a reasonable time not to exceed five (5) University working days after receiving the appeal. The written decision of the President shall be hand-carried or faxed to the individual or organization that filed the appeal. The decision of the President shall be final and binding.
(7) Sound Amplification Equipment: Permission to use sound amplification equipment for assemblies or free speech activities in designated areas on campus must be secured from the Dean of Student Services Office, or Facilities Coordinating Committee, as appropriate. The University reserves the right to impose reasonable time, place and manner restrictions on the use of sound equipment, such as the degree of amplification.
(8) Non-interference with University Operation: In order that outside speakers, assemblies and public expression activities not interfere with the operation of the University or the rights of others, participants in these activities shall not, for example:
(a) Obstruct vehicular, bicycle, pedestrian or other traffic in and around the University;
(b) Obstruct ingress or egress to buildings, facilities or roadways;
(c) Interfer with educational activities inside or outside any building or facility;
(d) Harass passersby or otherwise interrupt, interfere with or disrupt normal University ceremonies, events or speakers;
(e) Damage or injure University property or equipment; or
(f) Prejudice the safety of persons or property.
(9) Disrupting School Activities: Pursuant to Sections 231.07 and 877.13, F.S., it is unlawful for any person to knowingly disrupt or interfere with the lawful administration of functions of any educational institution or activity on University property. Further it is unlawful for any person to advise, counsel, or instruct any University student or employee to disrupt the University or an activity on University Property. It is unlawful to knowingly interfere with the attendance of any student or employee to a University function. Finally, it is unlawful to conspire to riot or to engage in any disturbance which interferes with the educational process or orderly conduct of the University. In doing so, the person shall be guilty of a misdemeanor of the second degree and punished accordingly.
If an activity is or becomes disruptive, the Dean of Student Services or a designated representative shall:
(a) Identify himself/herself to the participants, giving name and official position;
(b) Inform participants that they are in violation of the law and/or this rule and specify the nature of the violation;
(c) Request that the violation cease;
(d) In the event of non-compliance with the request, enlist the assistance of the University Police in terminating the activity, restoring order and enforcing the law. The University Police have the authority to:
1. Declare an assembly to be in violation of the law and this rule and request all participants to cease and desist and to disperse and clear the area or be subject to arrest and/or University disciplinary action;
2. Arrest participants observed to be violating the law; and
3. Enlist the assistance of outside law enforcement agencies, if necessary.
Specific Authority 240.227(1), 240.261 FS. Law Implemented 240.132, 870.01-.04 FS. History–New 8-2-98.

6C10-9.005 Possession of Firearms and Weapons on University Property.
(1) Scope: This rule applies to all students, faculty, staff, invitees and guests of Florida Gulf Coast University.
(2) Possession of Firearms on University Property:
(a) The possession of firearms, fireworks of any description, explosives, chemical weapons, or any lethal weapon other than a common pocket knife with a blade length of no more than three (3) inches, is prohibited on University property or property under the control of the University. Personal chemical protection devices with 10% or less active ingredients are exempt from this rule.
(b) Sworn peace officers who are required by their employment to be armed, and are in uniform, are exempt from this rule.
(c) Persons possessing concealed weapon permits are NOT exempt from this rule and may not possess a firearm or other weapon on University property except as permitted by Section 790.06(12), F.S.
(3) Any student or employee found to be in violation of this rule shall be subject to discipline under Rule 6C10-4.003, F.A.C., and/or prosecution under Section 790.06(12), F.S. Any other person found to be in violation of this rule shall be subject to arrest and prosecution under Section 790.06(12), F.S.
Specific Authority 240.227(1) FS. Law Implemented 240.261, 790.06(12) FS. History–New 8-2-98.
6C10-9.006 Solicitation on Campus.

(1) General: Non-University related businesses and organizations shall not be permitted to post or distribute materials or handouts on campus for purposes of solicitation except as provided in this rule.

(2) Advertising, promotional, or informational materials designed for posting, display or distribution inside or outside of University buildings are restricted to official bulletin boards or areas approved in advance by the appropriate university official (see (3) below). No unauthorized materials may be fastened to, or hung from shrubbery or trees, nor drawn, painted or otherwise displayed on sidewalks, walls or building exteriors.

(3) Approval Process: All student sponsored signs, posters, handouts, etc., must receive approval, as indicated by official stamp from the Dean of Student Services office prior to display. All other signs, posters, handouts, etc., must receive approval by the Vice President of Administrative Services or designee.

(4) Bulletin boards and other designated locations are provided in order to post approved materials. Postings by student organizations and groups may be placed on student designated boards. Postings by faculty, staff and other university approved organizations may be posted in official university designated locations.

(5) Solicitors and vendors including students, faculty and other University personnel, are prohibited from using University facilities, equipment and services for the purpose of conducting sales or business transactions with individuals or organizations unless approved in accordance with this rule.

(6) Approval to conduct sales or business transactions with students and student organizations may be provided by the Dean of Student Services Office. Approval to conduct sales or business transactions with employees must be approved by the Vice President For Administrative Services or designee. Both approvals may be obtained by completing FCC #006 (2/98), “Application for Solicitors Permit,” which is incorporated by reference. FCC #006 may be obtained from either the Dean of Student Services Office or the Vice President for Administrative Services Office.

(7) Standards for Approval.

(a) Where approval of a University official is required by this rule, the granting or denial of approval shall be based on the agreement of the organization or individual that:
   1. There may be a limited number of solicitation materials that will be posted per bulletin board or approved area;
   2. Posting of a solicitation material is normally limited to a total of twenty-one calendar days;
   3. The organization or individual will be responsible for all costs incurred by the University attendant to the clean-up and removal of solicitation materials; and
   4. Solicitation materials may be limited in size.

(b) University officials may deny approval of materials that:
   1. Solicit participation in illegal activities;
   2. Have pornographic content, or depict images that are gruesome or likely to cause emotional stress to those who view them;
   3. Infringe on rights of existing contracts with the University;
   4. Contain false or fraudulent statements; or
   5. Are in violation of University rules.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (13), 255.045 FS. History–New 8-2-98.

6C10-9.007 Smoking and Consumption of Food in University Buildings.

(1) Purpose: The purpose of this rule is to establish guidelines governing smoking/smokeless tobacco and consumption of food and beverages in facilities owned or leased by the University.

(2) Smoking/smokeless tobacco: The following are regulations governing smoking/smokeless tobacco.

(a) Smoking is defined as possession of a lighted cigarette, lighted cigar, lighted pipe, or other lighted tobacco product.

(b) Smokeless tobacco is defined as chewing tobacco, snuff, etc. that is taken orally or inhaled through the nose.

(c) No person shall smoke or use smokeless tobacco products in any enclosed space owned or leased by the University, including any common area, cafeteria, classroom, lab, stairway, restroom, office, lecture hall, or other area defined as a public place pursuant to Section 386.203, F.S. Smoking in work areas shall be governed by Section 386.205, F.S.

(d) Smoking or the use of smokeless tobacco is not permitted in and around entryways to and exits from facilities owned or leased by the University.

(e) Smoking and the use of smokeless tobacco products are prohibited in all University owned vehicles.

(3) Food and Beverage Consumption: The consumption of food and beverages is prohibited in all classrooms, the library, computer labs, lecture halls and theaters, and all other areas designated for instructional purposes unless the area is designated for food and beverages.

(4) Penalties: Any person who violates this rule shall be subject to discipline under Section 6C10-4.003, F.A.C., if a student and under Chapter 6C10-5, F.A.C., if an employee. A person who is neither a student nor an employee who violates this rule is subject to citation under Section 386.208, F.S.

Specific Authority 240.227(1) FS. Law Implemented 386.041, 240.227(1), (13) FS. History–New 8-2-98.
6C11-2.001 New College of Florida Student Records Policy.

1. Introduction. The policies and procedures outlined in this policy are designed to implement the provisions of the Family Educational Rights and Privacy Act ("FERPA"; 20 U.S.C. 1232g), and Sections 1002.22 and 1006.52, Florida Statutes, pursuant to which New College of Florida is obligated to inform students and parents of their rights to review and inspect education records, to challenge and seek to amend education records, to control disclosure of education records, and to complain to the FERPA Office or to Florida Circuit Court concerning alleged violations by New College of Florida of any of such rights. New College of Florida has placed the responsibility for administration of this policy with its FERPA Coordinator who is the College Registrar.

2. Definitions. The following definitions of terms apply to the construction of this policy:

(a) Student – an individual who is registered for an on-or-off campus program leading to the award of academic credit from the College.

(b) Education records – those records which are maintained by the College employees/agents of the College, which contain information directly related to a student. “Record,” as used herein, includes any information or data recorded in any medium, including but not limited to handwriting, print, magnetic tapes and disks, film, microfilm, and microfiche. “Agents,” as used herein, means any individual who, pursuant to express or implied authorization, represents and acts for the College. The following types of records are expressly exempt from the definition of “education records”:

1. Sole possession records – personal record of College employees/agents which meets the following test:
   a. It was created by the College employee/agent as a personal memory aid; and
   b. It is in the sole possession of the College employee/agent who created it; and
   c. The information contained in it has never been revealed or accessible to any other person, including the student, except the College employee/agent’s “temporary substitute.” “Temporary substitute,” as used herein, means an individual who performs on a temporary basis the duties of the College employee/agent.

2. Employment records – records which are used only in relation to an individual’s employment by the College. However, the following are education records rather than employment records:
   a. Records relating to a student’s employment by the College if the position in which the student is employed depends on his/her status as a student.
   b. Records relating to a student’s employment by the College if the student receives a grade or credit based on his/her performance as an employee.

3. Pre-attendance records – records relating to an individual’s application for admission to New College of Florida prior to his/her actual attendance as an enrolled student in the program for which application was made. This includes records relating to an application for admission to one of the colleges within the College prior to the individual’s actual attendance as an enrolled student in that college.

4. Alumni records – records created and maintained on an individual as an alumnus/alumna of New College of Florida.

5. Law enforcement records – records created and maintained by the College Police which are used solely for law enforcement purposes, are maintained apart from education records, and are not disclosed to individuals other than law enforcement officials of the same jurisdiction; provided that, in addition, no member of the College Police shall have access to education records where this policy authorizes release without the student’s prior written consent.

6. Health records – records of the College’s Counseling and Wellness Center for Human Development which are used only for the provision of medical, psychiatric, or psychological treatment and which are kept separate from education records.

(c) Personal identifier – any data or information that relates a record to an individual. This includes the individual’s name, the name of the individual’s parents, or other family members, the individual’s address, the individual’s social security number and any other number or symbol which identifies the individual, a list of the individual’s personal characteristics, or any other information which would make the individual’s identity known and can be used to label a record as the individual’s record.

3. Annual Notification.

(a) The College will publish annually in the New College of Florida catalog a notice of student rights under FERPA and Sections 1002.22 and 1006.52, Florida Statutes.

(b) The notice will advise of the following:

1. A student has the right to inspect and review his/her education records.

2. The College intends to limit the disclosure of information contained in a student’s education records to the following circumstances:
   a. The student has given prior written consent to the disclosure; or
   b. The disclosure is of directory information which the student has not refused to permit the College to disclose; or
   c. The FERPA and Florida Statutes authorize the College’s disclosure of the information without the student’s prior written consent.
3. A student has the right to request the College to amend any part of his/her education record which he/she believes to be inaccurate, misleading, or in violation of his/her privacy or other rights; and, should the College deny the student’s request, that the student has a right to a hearing to present evidence that the record is inaccurate, misleading, or in violation of his/her privacy or other rights.

4. There exists the right to report violations of FERPA to the Family Policy Compliance Office of the U.S. Department of Education, and to bring an action in Florida Circuit Court for violations of Section 1002.22, Florida Statutes.

5. The locations where copies of this policy are available to students.

4) Locations of Education Records.

(a) Admission records are located in the Office of Admissions, and the custodian for such records is the Dean of Admissions and Financial Aid, New College of Florida, 5700 North Tamiami Trail, Sarasota, Florida 34243-2167.

(b) Cumulative academic records are located in the Registrar’s office and the custodian for such records is the College Registrar, New College of Florida, 5700 North Tamiami Trail, Sarasota, Florida 34243-2167.

(c) Medical records are located in the Counseling and Wellness Center, and the custodian for such records is the Director, Counseling and Wellness Center, New College of Florida, 5700 North Tamiami Trail, Sarasota, Florida 34243-2167.

(d) Psychological/Psychiatric counseling records are located in the Counseling and Wellness Center, and the custodian for such records is the Director, Counseling and Wellness Center, New College of Florida, 5700 North Tamiami Trail, Sarasota, Florida 34243-2167.

(e) Student employment records are located in the Campus Business Office, and the custodian for such records is the Vice-President of Finance and Administration, New College of Florida, 5700 North Tamiami Trail, Sarasota, Florida 34243-2167.

(f) Financial aid records are located in the Campus Business Office, and the custodian for such records is Dean of Admissions and Financial Aid, New College of Florida, 5700 North Tamiami Trail, Sarasota, Florida 34243-2167.

(g) Financial records are located in the Campus Business Office, and the custodian for such records is the College Comptroller, New College of Florida, 5700 North Tamiami Trail, Sarasota, Florida 34243-2167.

(h) College records are located in the college dean’s office and/or departmental offices of each college or department and in the faculty offices at each college or department and the custodian for such records is the appropriate dean, department chairperson, professor, instructor or lecturer.

(i) Disciplinary records are located in the Office of Student Affairs, and the custodian for such records is the Dean of Student Affairs, New College of Florida, 5700 North Tamiami Trail, Sarasota, Florida 34243-2167.

(j) Occasional records, student education records not encompassed within the above enumerated categories such as copies correspondence located in offices not listed above either shall be collected and the student directed to their location by the FERPA Coordinator, or shall otherwise be made available to the student for inspection and review.

5) Procedure to Inspect Education Records.

(a) Students who wish to inspect and review their education records should submit a written request to the appropriate record custodian or to the FERPA Coordinator. The request should identify as accurately as possible the specific records the student wishes to inspect and review. It may identify records according to the types listed in subsection (4) of this policy, as records located at specific places, or as records under the custodianship of specific College employees/agents identified by title. Records listed in this policy as “occasional records” should be identified in terms which will make it possible for the FERPA Coordinator to locate them and make them available for the student to inspect and review.

(b) The FERPA Coordinator or the record custodian shall either permit the student to immediately inspect and review his/her education records or advise the student when and where the records will be available for inspection and review. Access to education records requested in compliance with this policy shall be granted within a reasonable period of time, but in no case more than thirty (30) calendar days after the FERPA Coordinator or the record custodian receives the student’s written request. The FERPA Coordinator or the record custodian or his/her designee shall have the right to be present while the student inspects and reviews the records. Upon reasonable request, the College shall furnish the student with an explanation or interpretation of his/her record.

(c) Upon reasonable request and demonstration to the FERPA Coordinator that the failure to provide the student with copies of the requested education records will effectively deny the student the right to inspect and review such records, the College will arrange for the student to obtain copies of such records. In the event that the student has an unpaid financial obligation to the College, he/she shall not be entitled to transcripts or copies of education records.

(d) When records contain personally identifiable information about more than one student, a student may inspect only that information which relates to him/her.

(e) The College reserves the right to refuse to permit a student to inspect and review the following education records:

1. The financial records of the parents of the student or any information contained therein.

2. Statements and letters of recommendation prepared by College officials or submitted with the student’s application for admission which were placed in the student’s records before January 1, 1975 or for which the student has waived his/her right of access in writing; provided, however, that if such statements and letters of recommendation have been used for any purpose other than for which they were originally prepared, the student may inspect and review them.

3. Those records which are excluded from the definition of “education records” under this policy.


(a) Fees. The College will charge the following fees for copies of education records:
1. New College of Florida official transcripts – $5.00.
2. FERPA required copies of education records – the fee for FERPA required copies of education records shall be Ten Cents ($0.10) per page, which reflects actual copying costs but does not include the cost of search and retrieval. Copies of education records are required by FERPA under the following circumstances:
   a. A failure to provide such copies would effectively deny the student the right to inspect and review his/her records; or
   b. The College has disclosed information from the student’s education records under authority of the student’s prior written consent and the student requests a copy of the information disclosed; or
   c. The student requests copies of records the College has disclosed to other schools where the student seeks or intends to enroll.
3. Copies (not signed and certified) of education records will be available to students when administratively possible, even though not required by FERPA, at a copying cost of One Dollar ($1.00) per page plus the actual cost of search, retrieval, and mailing.
   (b) When administrative costs of collecting fees exceed the amount which would be received, the FERPA Coordinator shall be authorized to waive such fees.
   (c) The College reserves the right to deny transcripts or copies of records not required by FERPA in any of the following situations:
      1. The student has an unpaid financial obligation to New College of Florida.
      2. There is an unresolved disciplinary action against the student.
      3. There is an unresolved litigation between the student and New College of Florida.
(7) Directory Information.
   (a) Designation of directory information. The College hereby designates the following described personally identifiable information contained in a student’s education record as “directory information” in order that the College may, at its discretion, disclose the information without a student’s further prior written consent:
      1. The student’s name.
      2. The student’s local and permanent addresses.
      3. The student’s local and permanent telephone listing.
      4. Date and place of birth.
      5. The student’s classification and major field of study.
      6. The student’s participation in officially recognized activities and sports.
      7. The weight and height of members of athletic teams.
      8. The student’s dates of attendance part-time or full-time status, degrees and awards received, and most recent previous educational agency or institution attended.
      9. The student’s photographic image.
      10. Other similar information.
   (b) Student’s refusal to permit disclosure of “directory information.” The College will publish in the Schedule of Classes for each academic term the above list, or a revised list, of the items of information it proposes to designate as “directory information.” Students must notify the FERPA Coordinator in writing if they refuse to permit the College to disclose directory information about themselves; such notification must be received by the FERPA Coordinator no later than the end of the second week of classes of the academic term or the student will be deemed to have waived his/her right of refusal until the next academic term. When the FERPA Coordinator receives a student’s refusal to permit the College to disclose “directory information” about that student, the FERPA Coordinator will notify the appropriate records custodians of the student’s action. The records custodians will not make any further disclosures of directory information about that student without the student’s prior written consent except to the extent authorized by FERPA and the Florida Statutes.
   (c) Publication of directory information in the College Directory. New College of Florida proposes to publish for each academic year a College Directory which will contain certain items of directory information respecting students who are registered during the Fall Semester of such academic year. Students registering during the Fall Semester must notify the FERPA Coordinator in writing of their refusal to permit the College to disclose or publish directory information in the College Directory; such notification must be received by the FERPA Coordinator no later than the end of the second week of classes of the Fall Semester or the student will be deemed to have waived his/her right of refusal with respect to the College Directory until Semester One of the next academic year.
   (d) Requests for directory information. All requests for directory information about students should be referred to the FERPA Coordinator.
   (8) Use of Education Records. All custodians of a student’s education records and other College employees/agents will follow a strict policy that information contained in a student’s education record is confidential and may not be disclosed to third parties without the student’s prior written consent except as otherwise provided in this section.
   (a) College officials shall have access to student education records for legitimate educational purposes.
      1. “College official,” as used herein, means:
         a. A person currently serving as a member of the State of Florida Board of Education.
         b. A person under contract to the State of Florida Board of Education/New College of Florida or the Florida Department of Administration in any faculty or staff position at New College of Florida.
c. A person employed by the State of Florida Board of Education as a temporary substitute for a staff member or faculty member at New College of Florida for the period of his/her performance as a substitute.

d. A person employed by the State of Florida Board of Education under contract to the State of Florida Board of Education to perform a special administrative task for New College of Florida. Such persons may be employed as secretaries, clerks, attorneys, auditors, and consultants. They shall be considered to be College officials for the period of their performance as an employee or contractor.

2. “Legitimate educational purpose,” as used herein, means a College official’s need to know in order to:
   a. Perform an administrative task outlined in the official’s position description or contract; or
   b. Perform a supervisory or instructional task directly related to the student’s education; or
   c. Perform a service or benefit for the student such as health care, counseling, student job placement, or student financial aid.

(b) Under the following circumstances, College officials may make disclosures of personally identifiable information contained in the student’s education records without the student’s consent:
   1. To another college or College where the student seeks or intends to enroll.
   2. To certain federal and state officials who require information in order to audit or enforce legal conditions related to programs at the College supported by federal or state funds.
   3. To parties who provide or may provide financial aid to the student in order to:
      a. Establish the student’s eligibility for the financial aid;
      b. Determine the amount of financial aid;
      c. Establish the conditions for the receipt of the financial aid; or
      d. Enforce the terms of the agreement between the provider and the receiver of the financial aid.
   4. To state or local officials in compliance with state law adopted prior to November 19, 1974.
   5. To an individual or organization under written agreement or contract with New College of Florida or the State of Florida Board of Education for the purpose of conducting a study on the College’s behalf for the development of tests, the administration of student aid, or the improvement of instruction.
   6. To accrediting organizations to carry out their accrediting functions.
   7. To parents of a student if the parents claim the student as a dependent under the Internal Revenue Code of 1954. The College will exercise this option only on the condition that evidence of such dependency is furnished to the FERPA Coordinator.
   8. To comply with a lawfully issued subpoena or judicial order of a court of competent jurisdiction. The College will make a reasonable effort to notify the student before it makes a disclosure under this provision.
   9. The result of a disciplinary proceeding may be released to the victim of the student’s crime of violence.
   10. All requests for disclosure under the nine (9) circumstances listed above, where the College may disclose personally identifiable information without the student’s prior consent to third parties other than its own officials, will be referred to the FERPA Coordinator or appropriate records custodian.

(c) College officials are authorized to make necessary disclosures from student education records, without the student’s prior consent in a health or safety emergency if the College official deems:
   1. The disclosure to be warranted by the seriousness of the threat to the health or safety of the student or other persons; and
   2. The information disclosed is necessary and needed to meet the emergency; and
   3. The persons to whom the information is disclosed are qualified and in a position to deal with the emergency; and
   4. Time is an important and limiting factor in dealing with the emergency.

(d) College officials may not disclose personally identifiable information contained in a student’s education record, except directory information or under the circumstances listed above, except with the student’s prior written consent. The written consent must include the following:
   1. A specification of the information the student consents to be disclosed;
   2. The person or organization or the class of persons or organizations to whom the disclosure may be made; and
   3. The date of the consent.

(e) The student may obtain a copy of any records the College discloses pursuant to the student’s prior written consent.

(f) The College will not release information contained in a student’s education records, except directory information, to any third parties except its own officials, unless those third parties agree that they will not redisclose the information without the student’s prior written consent.


(a) All requests for disclosures of information contained in a student’s education record or for access to the record made by persons other than College officials or the student or those requests accompanied by the student’s prior written consent will be submitted to the FERPA Coordinator or appropriate records custodian. The FERPA Coordinator or appropriate records custodian will approve or disapprove all such requests for access and disclosures and, except for requests for directory information, he/she will maintain a record of these actions.

(b) This record of requests/disclosures shall include the following information:
   1. The name of the person or agency that made the request.
   2. The interest the person or agency had in the information.
   3. The date the person or agency made the request.
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

(c) The College will maintain this record of requests/disclosures as long as it maintains the student’s education record.

(10) Procedures to Request Amendment of and Challenge Education Records.

(a) Students have the right to, in accordance with this policy, request amendment of and challenge the content of their education records.

(b) Definitions.
1. The term “incorrect” is used herein to describe a record that is inaccurate, misleading, or in violation of the privacy or other rights of students. A record is not “incorrect,” for purposes of this policy, where the requestor wishes to challenge the evaluation reflected by the grade an instructor assigns for a course.

2. The term “requestor” is used herein to describe a student or former student who is requesting the College to amend a record.

(c) Students who believe that their education records contain information which is incorrect should informally discuss the problem with the record custodian. If the record custodian finds the information is incorrect because of an obvious error, and it is a simple matter to amend it to the satisfaction of the requestor, the record custodian may make the amendment.

(d) If the record custodian cannot amend the record to the requestor’s satisfaction or if the record does not appear to be obviously incorrect, the record custodian will:
1. Provide the requestor a copy of the questioned record at no cost; and
2. Ask the requestor to initiate and provide the record custodian a written request for the amendment; such written request must identify the information which the requestor believes is incorrect, must state why such information is incorrect, and must be dated and signed by the requestor.

(e) The record custodian will send the request, together with a written explanation of his/her refusal to amend the record to the requestor’s satisfaction, to the FERPA Coordinator. The FERPA Coordinator will examine the request, discuss it with appropriate College officials, including the person who initiated the record, the College General Counsel, and other persons who might have an interest in the questioned record. At the conclusion of this investigation, the FERPA Coordinator will summarize his/her findings, make a recommendation for the College’s action, and deliver the request, the record custodian’s written explanation, his/her summary of findings, and his/her recommendation to the College President.

(f) The College President will instruct the FERPA Coordinator whether the record should or should not be amended in accordance with the request. If the College President’s decision is to amend the record, the FERPA Coordinator will advise the record custodian to make the amendment. The record custodian will advise the requestor in writing when he/she has amended the record and invite the requestor to inspect the record.

(g) If the College President’s decision is that the record is correct and should not be amended, the FERPA Coordinator will prepare and send the requestor a letter stating the decision. This letter will also inform the requestor that the requestor has a right to a hearing pursuant to Section 120.57, Florida Statutes, to challenge the College’s decision not to amend.

(h) In the event the education records are not amended to the requestor’s satisfaction, the requestor shall have the right to place with the education records a written statement explaining, commenting upon, or disagreeing with information contained in the education records. This statement shall be maintained as part of the student’s education record for as long as the College maintains the questioned part of the record. Whenever the questioned part of the record is disclosed, the student’s written statement shall also be disclosed.

(11) Right of Waiver of Access – The College may request a waiver of access to evaluations and letters of recommendation related to admissions, employment applications and receipt of honors. While such a waiver may be requested, requests for waivers do not constitute a pre-condition for admission, financial aid, or any services or benefits. Upon request, students who have waived access to such items can receive a listing of all individuals providing confidential recommendations or evaluations.

Specific Authority 1006.52 FS. Law Implemented 1002.22, 1006.52 FS. History—New 12-24-03.
CHAPTER 6C11-3.001 NEW COLLEGE OF FLORIDA ADMISSIONS

6C11-3.001 New College of Florida Admissions.

(1) General. New College of Florida is highly selective in admitting students. The College actively seeks individuals who, in addition to meeting the requirements of Section 1007.261, F.S., and State of Florida Board of Education Rules 6C-6.002, 6C-6.004, and 6C-6.009, F.A.C., and the requirements of this rule, and consistent with the mission of the College:

(a) Demonstrate above average ability, academic motivation and self-discipline;
(b) Will benefit most from the demanding academic program and flexible curriculum;
(c) Demonstrate evidence of intellectual potential, strong academic preparation, self-motivation and initiative, tenacity, curiosity, and concern for others; and
(d) Are eager to take responsibility for their own educations.

(2) Admissions Decisions. The New College of Florida Admissions Committee makes initial admissions decisions. The Committee reviews each applicant as objectively as possible and renders its admission decision based upon the extent to which the applicant demonstrates the academic ability, creativity, or talent to perform the required work within the College’s academic program and the potential to succeed within and contribute to the College community. Admission of new students at all levels is on a selective basis within curricular, space and fiscal limitations. Satisfaction of minimum admission requirements does not guarantee acceptance. The selection process takes into consideration such factors as grades, test scores, pattern of courses completed, class rank, educational objectives, past conduct, school letters of recommendation, personal letters of recommendations and personal records. Preference for admission in any term will be given to those applicants whose credentials indicate the greatest promise of academic success.

(3) Non-Discrimination in Admissions. The College encourages applications from qualified applicants without regard to, and, as provided by law, does not discriminate in admissions based on race, color, religion, age, disability, sex, marital status, national origin or veteran status. The College’s admissions criteria shall not be applied so as to discriminate against community college transfers with Associate in Arts (“AA”) degrees from Florida public community colleges in favor of State University students who are applying for admission or plan to continue enrollment after the completion of sixty (60) semester credits at the lower division level.

(4) Substitution, Modification or Waiver of Admission Requirements.

(a) In the case of applicants with disabilities, the College will grant reasonable substitution or modification of any admission requirement pursuant to Board of Education Rule 6C-6.018, Florida Administrative Code, where the Admissions Committee determines, based on evidence submitted by the applicant, that the failure of the applicant to meet the requirement is due to his or her disability, and does not constitute a fundamental alteration of the College’s academic program. An applicant may appeal the Committee’s decision regarding substitution or modification to the President of New College of Florida within ten (10) days of receipt of notification of the decision. The President’s decision on appeal shall constitute the College’s final decision.

(b) The College’s Faculty Committee on Student Admissions will consider for admission an applicant who does not fully meet minimum admission requirements but who has special attributes, special talents or unique circumstances that may contribute to a representative and diverse student body. If the Faculty Committee on Student Admission determines that the applicant can reasonably be expected to do satisfactory work at New College of Florida and has important attributes, special talents or unique circumstances that may contribute to a representative and diverse student body, the Committee may admit the applicant.

(5) Status as Limited Access Program and Enrollment Limitations. The College’s academic program has been established as a limited access program by the Board of Education. It is subject to enrollment limitations established by the Board of Education and the Florida Legislature. The enrollment plan of the College establishes the following priority of admission:

(a) Entering freshman students;
(b) Transfer students with AA degrees from Florida community/junior colleges or from other SUS institutions who have not attended another institution after earning the AA degree;
(c) Other transfer students with 60 or more semester hours; and
(d) Transfer students with fewer than 60 hours.
(e) Within the categories set forth in paragraphs (5)(a)-(d) above, the following priorities shall be followed:
   1. Florida residents;
   2. Non-Florida residents; and
   3. International students living outside the United States.

(6) Previously Degreed and Non-Degree Seeking Students. The College does not enroll students who have previously attained graduate or four year undergraduate degrees or non-degree seeking students and they will not be permitted to register for courses.

(7) Prior Misconduct of Applicant for Admission. The College may refuse admission to a student whose record shows previous misconduct not in the best interest of the College community.
Appeals of Admissions Decisions. Applicants who have been denied admission may petition the Faculty Committee on Student Admissions in writing within 30 days after being denied admission for reconsideration of the admissions decision. The request must contain reasons why this reconsideration is warranted based on extenuating circumstances and/or appropriate alternative evidence of academic achievement, ability, motivation and responsibility that indicates potential for success at NCF. Student-initiated petitions that are denied by the Faculty Committee on Student Admissions may be further appealed to the Provost.

Early Admission. New College of Florida provides an early admission program for mature high school students to enter the College prior to graduation from high school. Applicants for early admission are evaluated on an individual basis and must demonstrate strong capability for academic work based on the high school record and admission test scores.

Application and Admission Procedures, Forms and Additional Information. The New College of Florida Application for Admission, incorporated herein by reference, rev. 7/2003, may be obtained by contacting the New College of Florida Office of Admissions, 5700 North Tamiami Trail, Sarasota, Florida 34242-2197 or online via http://www.embark.com or http://www.collegeboard.com, both of which are accessible online at the official New College of Florida’s website at http://www.ncf.edu/Admissions. For further information relating to admissions criteria and procedures, applicants are encouraged to visit http://www.ncf.edu/Admissions, and to review the New College of Florida Admissions Handbook rev. 2001, and the New College of Florida General Catalog 2003-2004, copies of which may be obtained by contacting the New College of Florida Office of Admissions, 5700 North Tamiami Trail, Sarasota, Florida 34242-2197. The catalog is also available online at http://www.ncf.edu/Catalog.

Specific Authority 1001.74(4), 1007.261 FS. Law Implemented 1001.74(10), 1007.261 FS. History–New 1-1-04.
CHAPTER 6C11-4 NEW COLLEGE OF FLORIDA

CHAPTER 6C11-4 ESTABLISHING TUITION, FEE SCHEDULE AND PERCENTAGE OF COST.

6C11-4.001 New College of Florida Vehicle Registration, Parking and Traffic Regulations.

(1) Driving and Parking on Campus.

(a) AUTHORIZATION: New College of Florida and the University of South Florida Sarasota/Manatee both utilize the New College of Florida campus and share parking for their respective students, employees and visitors. By agreement, the New College of Florida University Police are responsible for enforcing parking and traffic regulations on the shared campus and USF Sarasota/Manatee is responsible for vehicle registration and administration of traffic and parking citation, payment, and appeals. New College of Florida strives to provide adequate parking for its employees, students and visitors. The College, in its attempt to provide a sufficient number of parking spaces for the campus community, must charge fees for use of parking spaces in order to pay for the operation and maintenance of campus parking facilities. Due to the size of the staff and student bodies, the College does not guarantee parking to all students and staff paying for spaces. For those community members parking on campus, the College provides for, but does not guarantee, the safety and security of vehicles, property and persons within the College parking facilities. All persons of the College community holding a valid operators license are privileged to use properly registered motor vehicles, motor scooters, bicycles and other mechanical conveyances on the campus of the New College of Florida in accordance with the terms of these regulations.

(b) ENFORCEMENT:

1. University Police are authorized to directly and immediately enforce these regulations on the College campus and to make arrests and issue moving traffic citations on campus and off campus in cases where the offenses occur on campus.

2. University Police, Parking Patrol Officers, Security Officers, or specially designated personnel are authorized to issue parking citations for parking and registration violations in accordance with these regulations 24 hours a day.

(c) BROCHURE: Parking and Transportation Services’ brochure “2003-2004 Parking at the New College of Florida/USF Sarasota/Manatee” (“Parking Brochure”) is incorporated into this rule by reference, and may be obtained at the USF Sarasota/Manatee Business Office, First Floor, “D” Building, 5700 North Tamiami Trail, Sarasota, Florida 34243.

(2) Definitions.

(a) DISABLED PARKING: Specifically designated parking for anyone legally qualified to use disabled parking.

(b) HOLIDAYS: Official State of Florida holidays only. Academic breaks and weekends are not holidays.

(c) LICENSEE: A person or entity that is present on the grounds of the New College of Florida because they have entered into an agreement with the College for use of the College’s facilities.

(d) LOADING/UNLOADING ZONES: Zones specifically designated for vehicles making deliveries and pick-ups.

(e) PARKING: Stopping a vehicle on the side of the road, on the road, or off the road when not required to do so by law or regulation. The parked condition is not altered by occupancy of the vehicle, leaving the vehicle’s motor running, or engaging the vehicle’s flashing hazard light.

(f) PATS: University of South Florida Parking and Transportation Services.

(g) PERMIT: A distinctive adhesive decal or hangtag issued by PATS.

(h) REGISTERED VEHICLE: Any vehicle that is registered with PATS by filing an application that provides the necessary vehicle/owner driver identification information and paying the appropriate fee. These applications listed below and incorporated by reference herein, are available at USF Sarasota/Manatee Business Office, First Floor, “D” Building, 5700 North Tamiami Trail, Sarasota, Florida 34243.


2. NCF Parking & Transportation Services Staff Vehicle Information (Rev. 6/2001).

3. USF Parking & Transportation Services Reserved Parking Request (Rev. 6/2001).

4. USF Parking & Transportation Services Vendor/Contractor Information (Rev. 7/1999).

(i) RESERVED SPACE: Individually marked space reserved for the specified user.

(j) SERVICE DRIVE: Those areas of campus that provide access for delivery service and emergency vehicles only.

(k) STAFF: The term STAFF includes faculty, adjuncts, administrative and professional, USPS employees, full-time, part-time and OPS employees (non-student), those students who work for the College thirty hours or more a week during a complete semester or complete term and licensees of the College.

(l) STUDENT: For the purpose of these regulations, the term STUDENT includes all persons, other than Staff, as defined above, enrolled with the College regardless of whether they are attending classes.

(m) TEMPORARY PERMIT: A permit issued by PATS or other authorized person for visitors, persons temporarily incapacitated, non-enrolled students, persons on special College assignment and persons temporarily using another vehicle.
(n) **TIMED SPACES:** Parking spaces specifically designated for vehicles making short term stops of no greater than the time posted for the space.

(o) **VENDOR/CONTRACTOR:** Any person/company that has entered into a contract with the College to provide a service, regardless of the length of the contract, to the College.

(p) **VISITOR:** Any person who is not a member of the College community (student, staff, faculty, vendor/contractor or licensee) on the New College of Florida campus.

(q) **VOLUNTEER:** Any person who provides volunteer services and receives no compensation from the College for those services.

(r) **RETIRED:** Faculty and staff who have retired from the College and are not currently employed by the College.

3. **Registration Regulations.**

(a) **VEHICLES USED ON CAMPUS BY STAFF AND ENROLLED STUDENTS, REGARDLESS OF NUMBER OF HOURS OR DAYS, NIGHT OR DAY, FULL TIME OR PART TIME, MUST BE REGISTERED AND MUST BEAR A VALID COLLEGE PERMIT.**

(b) Vehicles may be registered during business hours Monday through Friday, at PATS, USF Sarasota/Manatee Business Office, First Floor, “D” Building, 5700 North Tamiami Trail, Sarasota, Florida 34243.

(c) Upon requests by PATS, the person registering a vehicle must present a valid College faculty, staff, or student ID card, or a letter from employer, which justifies the type of permit requested. Resident students must present a copy of their housing contract or check-in sheet. Disabled registrants must present a copy of their disabled registration. All registrants are responsible for providing PATS with a current address and keeping all information about vehicle ownership updated.

(d) All vehicles used on campus must be registered prior to parking in any non-visitor spaces on campus.

(e) There is no grace period for registration of vehicles and acquisition of College permits. New and returning employees may obtain a temporary permit for fourteen (14) calendar days from the start date of their employment. Proof of employment status is required.

(f) Upon establishment by PATS, reserved spaces may be purchased for a yearly fee. Requests for spaces must bear the concurrence of the President of New College and attest to the fact that the space is needed based upon the registrant’s work requirements. These spaces are not transferable and cannot be sold to another individual in the event the registrant of the reserved space leaves the College. Reserved parking locations may be established by PATS to allow improved parking efficiencies.

(g) **Commercial representatives in commercial vehicles using marked delivery trucks, telephone and power service vehicles, limousine service automobiles, taxis and buses making brief stops in the appropriate spaces or zones at one or more points on campus are not required to pay a parking fee or display a permit unless the vehicles will be parked in which case the vehicles shall utilize designated loading/unloading zones for a period of no more than thirty (30) minutes.**

4. **Permit regulations:**

1. When the vehicle is parked, hangtags must be hung from the rearview mirror bracket with the registration number plainly visible through the front window of the vehicle. Note: Having tinted windows, or using a sunscreen or a car cover does not preclude the necessity of ensuring the hangtag is plainly visible.

2. Hangtags may not be transferred from registrant to another vehicle operator who would otherwise be required to register their vehicle.

3. Hangtags are transferable to any vehicle owned by the registrant.

4. Adhesive decals are only issued to those registrants with convertibles or other open vehicles. The decal must be permanently affixed to the left rear bumper and/or the left side rear windshield of the vehicle (outside only). Improper display of decal may result in a citation being issued and a fine being charged.

5. Adhesive decals for all two-wheeled vehicles must be displayed on the rear fender of the vehicle unless otherwise approved by PATS.

6. College permits may not be reproduced, altered, or transferred by anyone other than PATS.

7. The person who owns or registers a vehicle is responsible for assuring that the vehicle, regardless of who drives it, is parked in conformance with the rules and regulations and for knowing when the issued permit expires.

8. All citations issued to a permit will be that registrant’s responsibility regardless of which vehicle the permit is on at the time of the infraction, unless a lost/stolen affidavit form regarding that permit has previously been submitted to PATS. The USF Parking & Transportation Services Request for Replacement or Exchange of Parking Permit form (Rev. 10/99), incorporated by reference herein, may be obtained by writing to PATS, USF Sarasota/Manatee Business Office, First Floor, “D” Building, 5700 North Tamiami Trail, Sarasota, Florida 34243.

9. Any vehicle parked on campus is parked at the risk of the operator. Permits declared lost or stolen will immediately become invalid. An affidavit must be completed for lost or stolen permits or in the event that the permit was sold with the car. If recovered, the permit will be reclaimed by the PATS and destroyed. Any vehicle bearing a lost/stolen permit is subject to immediate tow, even if the person who has reported the permit as lost/stolen owns the vehicle bearing the permit.

10. All College staff, students and visitors who own, register, and have more than one vehicle on campus at the same time are required to have a valid permit displayed on each vehicle.

4. **Vehicle Registration Fees.**
(a) Payroll Deduction: Those persons employed as faculty, A&P, or USPS may pay for their permits through payroll deduction. Those employees not considered permanent employees, i.e., OPS, teaching assistants, visiting and adjunct professors, etc. are not eligible to use payroll deduction. Payroll deduction cannot be used between March 31 and July 31.

(b) Refunds: No full refunds are issued for permits, including replacement permits, unless the refund is requested within 14 calendar days of the initial date of validity of the permit. To receive the refund, the permit must be requested to PATS with the receipt. Refund requests received after 14 calendar days of the initial date of validity of the permit are pro-rated.

(c) Permits for change of status, non-resident to resident, resident to non-resident, student to staff, or hangtag to adhesive, are issued free of charge upon presentation of the old permit and proof of status change.

(d) Coins are not accepted for payment of registration or citations unless the coins are properly rolled in bank wrappers and identified with payee’s name, and student ID number or Driver’s License number.

(5) Parking Regulations.

(a) The absence of “No Parking” signs or curb markings does not mean that parking is allowed. Parking is permitted only within marked spaces.

(b) Parking on or over a marker line is prohibited. Vehicles parked parallel to a curb shall be within one foot of the curb and inside parking markers.

(c) Vehicles shall not be parked facing traffic in those lots with angled parking. For those lots with straight in parking (90 degree), a vehicle may also be parked with the rear of the vehicle towards the closed end of the parking space.

(d) Where parallel parking is permitted, vehicles must be parked facing with the flow of traffic.

(e) Vehicles shall not be parked in such a manner as to obstruct vehicular/pedestrian traffic, wheelchair ramps, to interfere with normal College operational activities or to create a hazard.

(f) Double parking is prohibited at all times.

(g) Parking on grass, sidewalks, crosswalks, service drives, loading zones, truck spaces, or on streets, except where specifically marked for parking, is prohibited.

(h) Major repairs to non-College owned vehicles shall not be performed on campus.

(i) Unauthorized parking in RESERVED spaces is prohibited.

(j) A vehicle parked and remaining at the same unloading zone or timed space will not receive more than two tickets for overtime violations in the same calendar day.

(k) Campus map and parking lot signs indicate where staff, resident, and non-resident students shall park according to the type of permit displayed on the vehicle. Vehicles may only be parked in the appropriate lots and spaces.

(l) The College reserves the right to establish some lots as joint-use lots to accommodate two or more categories of registered vehicles, i.e., commuter, staff. This will be accomplished with proper signage and announcement of the designation.

(m) All loading/unloading zones have a 30-minute time limit.

(n) Only authorized vehicles may be parked in disabled spaces.

(o) Oversized vehicles such as trucks, trailers, motor homes, or any vehicle that occupies more than one standard car space or extends beyond the space shall be parked in an area designated by PATS. The maximum allowance time for parking in this manner is seven (7) calendar days.

(p) Vehicles may not be used as overnight domiciles, except under emergency conditions and only with the prior approval of PATS.

(q) SPECIAL EVENTS AND MAINTENANCE: PATS has authority to close streets, lots and parking spaces to facilitate College special events, and to perform necessary maintenance. Contact PATS when planning a special event at the College to receive proper parking permits and assignments. No department has the authority to close any lots prior to 5:00 p.m. without first seeking permission from PATS.

(6) Visitor/Temporary Parking Permits.

(a) A person who is currently registered with PATS and temporarily not in possession of his/her permit must obtain a temporary parking permit before parking on campus.

(b) On request to PATS, permits may be issued to park out of assigned areas for extraordinary reasons (such as, temporary incapacitation or for security reasons).

(c) Students, faculty, or staff sponsoring or co-sponsoring an event on campus shall request temporary parking permits at least two weeks in advance from PATS for the event participants.

(d) Visitors must obtain daily permits from the PATS, USF Sarasota/Manatee Business Office, First Floor, “D” Building, 5700 North Tamiami Trail, Sarasota, Florida 34243.

(7) Disabled Parking.

(a) Any staff member or student with a physical disability (temporary or permanent) which impedes walking may apply with authorized documentation, to PATS for a special disabled parking permit.

(b) Wheelchair-bound registrants are entitled to a special disabled parking space.

(c) All spaces designated for the disabled are reserved twenty-four (24) hours a day.

(d) Holders of special disabled spaces are required to advise PATS when assigned special disabled spaces are no longer required.

(8) Traffic Regulations.
(a) Traffic rules, regulations and directive signs governing the use of motor vehicles are in effect 24 hours a day, all year long. Inclement weather does not bar their enforcement.

(b) Motorists shall yield the right-of-way to pedestrians within a crosswalk.
(c) The campus speed limit is 10 m.p.h. unless otherwise posted. Speed limit in parking lots is 10 m.p.h.
(d) It is unlawful to drive in the opposite direction of the normal flow of traffic.
(e) It is unlawful to remove, alter, or change any traffic control device, sign, barricade, or traffic cone. It is also unlawful to drive around barricades, traffic cones in the roadway, or parking lots that are closed by PATS.
(f) ALL FLORIDA TRAFFIC LAWS ARE ENFORCEABLE ON CAMPUS.

(9) Regulations Governing Scooters, Motorcycles, Bicycles and Mopeds.
(a) Drivers of scooters, motorcycles, bicycles and mopeds are responsible for observing the same traffic regulations as those governing vehicles.
(b) Drivers may not drive, ride or park scooters, mopeds, or motorcycles on grass, sidewalks or in the confines of a building.
(c) It is unlawful for more than one person to ride on a vehicle at the same time, unless the vehicle is designed for and equipped with a seat for each person.
(d) Drivers may not park two-wheeled motorized vehicles in an automobile space. Drivers shall use designated motorcycle spaces.
(e) Holders of motorcycle or bicycle permits are entitled to a maximum of five (5) days, annually, of temporary parking permits for four-wheeled vehicles.
(f) All two-wheeled motor vehicles must be registered with PATS.
(g) Motorcycles cannot display automobile permits at any time; therefore, registered owners of four-wheeled vehicles who have motorcycles, are required to register and purchase permits for each vehicle or motorcycle they wish to park on campus.
(h) University Police will ticket bicyclists for MOVING VIOLATIONS on streets or sidewalks. Bicycle Regulations are outlined in Section 316.2065, Florida Statutes.

(i) A person propelling a bicycle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances, but the cyclist shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(10) Towing/Immobilizing of Vehicles.
(a) Vehicles are subject to being immobilized by a mechanical boot or towed away at the operator’s expense under any of the following conditions:
1. Those listed in the Parking Brochure incorporated herein in paragraph 6C11-4.001(1)(c), F.A.C.
2. Unauthorized parking in reserved or disabled spaces.
3. Parking without a valid permit.
4. Abandoning a vehicle (disabled or otherwise) for three (3) consecutive days or more (disabled or abandoned vehicles must be attended to promptly with immediate notification made to PATS between 8:00 a.m. and 5:00 p.m. and to the University Police after 5:00 p.m. on weekdays and on weekends and holidays).
5. Parking in such a way as to interfere with College operational activities.
(b) Vehicles that have been immobilized by a mechanical boot are towed at the owner’s expense. The owner is required to pay for the outstanding citations, and the immobilization fee and applicable towing charges prior to claiming their vehicle. The fact that a previously immobilized vehicle has been removed from the area without authorization from PATS shall be prima facie evidence that the registered owner has tampered with the immobilized vehicle. Owners of immobilized vehicles may make restitution during PATS’ office hours at PATS, USF Sarasota/Manatee Business Office, First Floor, “D” Building, 5700 North Tamiami Trail, Sarasota, Florida 34243. Such payments will not be accepted after hours or through the weekend/holidays, so vehicles will remain immobilized until restitution is made on one of the next business days.
(c) A signed release slip must be obtained from PATS before owner’s towed vehicle may be reclaimed from the towing company. The release slip will be issued after vehicle registration fees and outstanding citation fees are paid at PATS. In addition, the owner or operator of the towed vehicle must provide proper identification to the towing company and pay the towing charges in cash to the towing company before reclaiming the vehicle from the towing company.

(11) Violations, Penalties and Fines.
(a) Moving violations will be referred to the City of Sarasota by PATS.
(b) Operators of vehicles are subject to be fined in accordance with the schedule of violation charges as provided in the Parking Brochure incorporated herein in paragraph 6C11-4.001(1)(c), F.A.C.
(c) In addition, permission to operate a vehicle on campus may be revoked for a period up to twelve (12) months and the operator so notified by PATS whenever:
1. The person falsifies or misrepresents information on any PATS’ documents.
2. The person lends his/her vehicle to another person when the latter is not entitled to driving privileges.
3. The person required to register a vehicle does not respond to citations.
4. The person demonstrates actions that show a willful disregard for public safety or property, or engages in other types of disruptive behavior with another member of the College community.
5. The person owes a delinquent debt to the College.
(d) Any violation not cleared at the end of twenty-one (21) days shall be referred to the Division of Purchasing and Financial Services for collection. Outstanding student accounts may also result in student records and registration being placed on hold until the debt is settled.

(12) Citation – Payment and Appeal Process.

VIOLATION PAYMENT PROCEDURE:
(a) Unless otherwise specified in these rules, all persons who are cited for non-moving violations may make payment to the PATS in person, mail payment in the envelope provided, or place payment in envelope and deposit in the drop box at the PATS. If payment is mailed or deposited in the drop box, payment shall not be made using cash.

(b) APPEAL PROCESS:
1. Only those persons or departments responsible for incurring the citation or the registrant of the vehicle cited may appeal to PATS or the Parking Citation Appeal Committee.
2. Any person or department who wishes to appeal a citation shall do so within fourteen (14) calendar days from the date of issuance on the citation. (Note: Warning citations may not be appealed.) Appeals may be submitted in writing, in person, or via the Internet at the Website published in the Parking Brochure. The USF Parking & Transportation Services Parking Citation Appeal form (Rev. 10/99), incorporated by reference herein, is available at PATS, USF Sarasota/Manatee Business Office, First Floor, “D” Building, 5700 North Tamiami Trail, Sarasota, Florida 34243. A copy may also be obtained by calling (941) 359-4203. The person appealing the decision must explain the circumstances existing at the time of the citation in the appeal for review of the citation.
3. If an appeal is not submitted within fourteen (14) calendar days from the date the citation was issued, the right to appeal is forfeited.
4. The written appeal will be reviewed by the Appeals Mediator/Staff, adjudicated based on the current PATS Regulations and a letter of decision will be issued.
5. If the person or department is dissatisfied with the decision of the Appeals Mediator/Staff, they may appeal the Appeals Mediator/Staff’s decision to the Parking Citation Appeal Committee. Such appeals must be requested in one of the following ways: in writing, by appearing in person or by having the original appeal forwarded to the Committee. Such appeal requests must be made within fourteen (14) calendar days from the date of the Appeals Mediator/Staff’s letter of decision. The Parking Citation Appeal Committee will review the matter and may excuse or uphold the citation, but the Committee may not contradict the prevailing parking and registration regulations. The Parking Citation Appeal Committee is the final appeal authority.

Specific Authority 1006.66(2) FS. Law Implemented 1006.66 FS. History–New 1-28-04.

6C11-4.002 Student Registration.

(1) Assessment of Tuition and Fees. Tuition and fees shall be assessed in accordance with State of Florida Board of Education Rule Chapter 6C-7, F.A.C.

(a) Registration Procedures – In order to register:
1. The student must supply all information and satisfy all conditions of eligibility required by New College of Florida.
2. The student must pay all assessed tuition and fees or arrange payment agreement to include satisfaction of all amounts due and delinquent to the College.

(b) Registration Periods – These periods are defined in the New College of Florida Catalog and other College publications. A student who initiates registration after an applicable registration period shall incur a $100.00 late registration fee. Registration may be initiated, on an exceptional basis, after the end of a late registration period if:
1. Requested by the student;
2. Justified by extraordinary circumstances including, but not limited to, administrative error; and
3. Approved by the President or President’s designee.

(c) Educational Contract Submission Period – The Educational Contract Submission Period shall begin on the first day of classes for the term and end as specified in the College catalog, but not later than the tenth day of classes. An educational contract may be accepted on an exceptional basis after the end of the Educational Contract Submission Period if:
1. Requested by the student;
2. Justified by extraordinary circumstances including, but not limited to, administrative error; and
3. Approved by the President or President’s designee.

(d) Tuition and Fee Liability –
1. Tuition and fees for the term shall be based on the educational contract and independent study projects remaining on the record at the close of the Educational Contract Submission Period.
2. No tuition and fees shall be assessed, and no credit shall be awarded, for an educational contract or independent study project dropped during the Educational Contract Submission Period.
3. If a student adds an independent study project on an exceptional basis, tuition and fees for the added independent study project shall be assessed.

(2) Payment of Tuition and Fees. Tuition and fees must be paid by the close of the late registration period to avoid assessment of a $50.00 late payment fee unless appropriate arrangements for payment of tuition and fees have been made in accordance with subsections (3) and (4) of this policy, i.e., installment payment and deferment respectively. Failure to satisfy this requirement will
result in cancellation of the educational contract and independent study project. Payment of tuition and fees may be made in person during scheduled office hours published in the New College of Florida Catalog and other College publications for each term. Payments that are made by mail must be postmarked by a U.S. Post Office by the respective tuition payment deadline listed in the Academic Calendar in order to be considered timely paid.

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

(4) Deferred Payment of Tuition and Fees.
   (a) Recipients of VA Benefits – Upon application by the student, the President or President’s designee may award to eligible VA benefit recipients one 60-day payment deferment each academic year.
   (b) Delay of Financial Aid – Students who have completed and submitted the required documents for financial aid by the last day of the late registration period for the term and who appear to be eligible for financial aid, may request a tuition and fees deferment contract.
   (c) Third Party Agreements – Tuition and fees will be deferred for any student when a third party has agreed in writing to pay them. The written agreement must identify the student, the third party and billing address and amount(s) to be paid.
   (5) Reinstatement of a Student’s Cancelled Educational Contract or Independent Study Project. A student whose educational contract or independent study project has been cancelled for financial reasons may request reinstatement through the fourth week of classes. Upon approval for reinstatement, tuition and fees, the late registration fee, if applicable, the late payment fee and other debts owed the College must be paid in full by cash, money order, or cashier’s check before reinstatement will be effected. After the fourth week of classes, a request for reinstatement must be made to the Registrar. Approval will be granted only when extraordinary circumstances warrant such approval.

(6) Refund of Tuition and Fee Payment. The College authorizes certain refunds of tuition and fees, less deductions for unpaid debts to the College. The late registration fee and late payment fee are non-refundable fees.
   (a) 100% of the applicable tuition and fees will be refunded if the student cancels an educational contract or drops an independent study project or causes his/her enrollment at the College to be terminated by the Registrar’s Office prior to the end of the late registration period and submits a completed Refund Request Form.
   (b) 25% of tuition and fees, less building and capital improvement fees, will be refunded if the student cancels an educational contract or drops an independent study project or causes his/her enrollment at the College to be terminated by the Registrar’s Office prior to the end of the fourth week of classes, or at an appropriate time as designated by the College for summer sessions, and submits a completed refund request.
   (c) 100% of tuition and fees will be refunded when a student withdraws or cancels an educational contract or drops an independent study project due to circumstances determined by the Registrar’s Office to be exceptional and beyond the control of the student. Determination will be based on review of a completed written refund request submitted by the student to the Registrar’s Office. These circumstances include but are not limited to:
   1. Illness of a student of such severity or duration, as confirmed in writing by a physician, to preclude completion of the course(s),
   2. Death of the student or death in the immediate family (parent, spouse, child, or sibling),
   3. Involuntary call to active military duty, or
   4. A situation in which the College is in error.
   (d) Written request for refund must be presented to the Registrar within six (6) months of the close of the term to which the refund is applicable.
   (e) Pursuant to Public Law 102-325, the Higher Education Amendments of 1992, students attending the College for the first time who withdraw are entitled to a pro rata refund of tuition, fees, room and board.
   (f) A student, who receives financial aid and subsequently changes the enrollment status that results in a refund in accordance with this section, will have the appropriate share of the refund returned to the College’s financial aid programs in accordance with the Financial Aid Policy on Refunds and Repayments.

(7) Cancellation of Registration for Nonpayment of Tuition and Fees and Returned Checks in Payment of Tuition and Fees.

Reasons for Cancellation:
   (a) Current Term – A student’s current term registration may be cancelled for nonpayment of tuition and fees and for returned checks in payment of tuition and fees, if financial aid or VA benefits were not received for the term.
   (b) The Registrar will attempt to notify students by certified mail of possible registration cancellation for nonpayment of tuition and fees and for returned checks in payment of tuition and fees. This notification must include the specific reason for proposed cancellation and the deadline for payment before cancellation will be made. In addition, the notice of possible cancellation must inform the student that cancellation of registration will result in his/her record appearing as if he/she had never attended the College during that term and that he/she will receive no credit for the educational activities engaged in during that term. Notice should be sent to the student’s last known address. Students will also be placed on pending for future registrations, transcripts, diplomas, etc. until the Registrar’s office has completed the cancellation.
6C11-4.003 Tuition, Fee Schedule and Percentage of Cost.

(1) Purpose. The purpose of this rule is to establish tuition, fees and the percentage of costs to be assessed at New College of Florida.

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

(a) Resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who qualifies as a Florida resident as defined in Rule 6C-7.005, F.A.C.:
   1. Matriculation Fee;
   2. Student Financial Aid Fee;
   3. Capital Improvement Trust Fund Fee;
   4. Building Fee;
   5. Health Fee;
   6. Athletic Fee;
   7. Activity Fee;
   8. Activity and Service Fee; and
   9. University Matriculation Fee.

(b) Non-Resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who does not qualify as a Florida resident as defined in Rule 6C-7.005, F.A.C.:
   1. Matriculation Fee;
   2. Non-Resident Fee;
   3. Student Financial Aid Fee;
   4. Non-Resident Student Financial Aid Fee;
   5. Capital Improvement Trust Fund Fee;
   6. Building Fee;
   7. Health Fee;
   8. Athletic Fee;
   9. Activity and Service Fee;
   10. University Matriculation Fee; and
   11. University Non-Resident Fee.

(3) Tuition for 2003-2004 Academic Year. The following tuition shall be levied and collected effective the fall semester 2003 for each student regularly enrolled, unless otherwise provided herein:

<table>
<thead>
<tr>
<th>Fee per Student Credit Hour (SCH)</th>
<th>Resident</th>
<th>Non-Resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matriculation</td>
<td>$58.45</td>
<td>$58.45</td>
</tr>
<tr>
<td>Non-Resident Fee</td>
<td></td>
<td>$350.10</td>
</tr>
<tr>
<td>Student Financial Aid Fee</td>
<td>$3.17</td>
<td>$3.17</td>
</tr>
<tr>
<td>Non-Resident Student Financial Aid Fee</td>
<td></td>
<td>$17.50</td>
</tr>
<tr>
<td>Capital Improvement Fee</td>
<td>$2.44</td>
<td>$2.44</td>
</tr>
<tr>
<td>Building Fee</td>
<td>$2.32</td>
<td>$2.32</td>
</tr>
<tr>
<td>Activities and Service Fee</td>
<td>$13.25</td>
<td>$13.25</td>
</tr>
<tr>
<td>Health Fee</td>
<td>$3.46</td>
<td>$3.46</td>
</tr>
<tr>
<td>Athletic Fee</td>
<td>$1.66</td>
<td>$1.66</td>
</tr>
<tr>
<td><strong>Total Per SCH</strong></td>
<td><strong>$89.71</strong></td>
<td><strong>$457.31</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Athletic Block Fee (per semester)</th>
<th>Resident</th>
<th>Non-Resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall Semester – 20 SCH</td>
<td>$1,799.20</td>
<td>$9,151.30</td>
</tr>
<tr>
<td>Spring Semester – 16 SCH</td>
<td>$1,440.36</td>
<td>$7,322.04</td>
</tr>
<tr>
<td><strong>Total Annual Tuition</strong></td>
<td><strong>$3,239.56</strong></td>
<td><strong>$16,473.34</strong></td>
</tr>
</tbody>
</table>

Each student enrolled in the same undergraduate college-credit course more than twice, shall be assessed an additional $177.42 per credit hour charge in addition to the matriculation fees outlined above for each such course.

(4) Special Fees, Fines and Penalties. The following special fees, fines and penalties shall be levied and collected as provided hereafter:
(a) Application Fee – Individuals who make application for admission to the College shall pay a non-refundable Application Fee of $30.00.

(b) Admissions Deposit Fee – Individuals who are accepted to the College shall pay a non-refundable admissions deposit fee of $200.00 that shall be applied to the student’s tuition upon enrollment. If the student does not enroll, the fee shall be applied to financial aid, scholarships, financial assistance or student academic and career counseling services.

(c) Late Registration Fee – Students who fail to initiate registration in the regular registration period shall be assessed a late Registration Fee of $100.00.

(d) Late Payment Fee – Students who fail to pay, or make appropriate arrangements for payment (installment payment, deferment, or third-party billing), of tuition by the deadline set by the College, which shall be no later than the end of the first week of classes, shall be assessed a Late Payment Fee of $50.00.

(e) Late Contract Fee $100.00
(f) Returned Check Fee $ 15.00
(g) Overdue Library Book – per book or unit, per day $ .25
(h) Overdue Reserve Library Books – per item, per day $ 5.00
(i) Overdue Recalled Book or Unit – per item, per day $ 2.50
(j) Lost/Damaged Book or Unit – $50.00 + $10.00 processing fee per item $ 60.00
(k) Library Locker Key Replacement $ 10.00
(l) Security/Access/Identification Card
   1. Initial $ 10.00
   2. All duplicates – free if original damaged and returned, otherwise $ 10.00
(m) Copy Center Photocopying (each page) $ .03 B&W, $.05 color
(n) All breakage and lost library materials Replacement Cost + overdue fine
(o) Lost key – (includes cylinder charge) $124.00
(p) Equipment Damage or Loss $ 50.00/hr labor + repair/replacement cost
(q) Interlibrary Loans (overdue out-of-state materials) $ 10.00 + cost of item
(r) Orientation Fee $ 35.00
(s) Transcript Fee (per transcript after first two free) $ 5.00
(t) Diploma Replacement Fee $ 10.00
(u) Material and Supply Fees – Lab Fees (per student per course)
   1. Organic Chemistry $ 35.00
   2. Biochemistry $ 50.00
   3. Field Ecology $ 12.00
   4. All Other Labs $ 25.00

(5) Housing Fees.

(a) Housing Rental Rates (per person) – Contracts are inclusive of Fall and Spring Terms.

<table>
<thead>
<tr>
<th>Room Type</th>
<th>Fall</th>
<th>Spring</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palmer B</td>
<td>$1,879.00</td>
<td>$1,510.00</td>
<td>$3,389.00</td>
</tr>
<tr>
<td>Palmer B Preferred</td>
<td>$1,998.00</td>
<td>$1,629.00</td>
<td>$3,627.00</td>
</tr>
<tr>
<td>Viking Single</td>
<td>$2,464.00</td>
<td>$1,972.00</td>
<td>$4,436.00</td>
</tr>
<tr>
<td>Viking Double*</td>
<td>$1,910.00</td>
<td>$1,540.00</td>
<td>$3,450.00</td>
</tr>
<tr>
<td>Dort/Goldstein</td>
<td>$2,560.00</td>
<td>$2,048.00</td>
<td>$4,608.00</td>
</tr>
<tr>
<td>Pei Single*</td>
<td>$2,934.00</td>
<td>$2,366.00</td>
<td>$5,300.00</td>
</tr>
<tr>
<td>Pei Double</td>
<td>$1,956.00</td>
<td>$1,577.00</td>
<td>$3,533.00</td>
</tr>
<tr>
<td>Pei Triple*</td>
<td>$1,304.00</td>
<td>$1,051.00</td>
<td>$2,355.00</td>
</tr>
</tbody>
</table>

*This type of room is assigned on a space available basis only.

(b) Housing Room Damage Fees.

1. Occupant Induced Fumigation $ 25.00 to $50.00 for each treatment
2. Lost Key (during the academic year) $ 24.00
3. Change Lock
   Pei/Viking/Palmer B (includes 2 replacement keys) $148.00
   Dort/Goldstein (includes 4 replacement keys) $196.00
4. Paint Room
   Whole room, prorated otherwise $500.00
   Extra treatment required Materials plus labor
1. Slats for Blinds (each) $ 5.00
2. Damaged/Missing Furniture Repair/Replacement Cost
3. Damaged Carpet Repair/Replacement Cost
4. Items on Doors/Windows/Mirrors (per item removed) $ 5.00
5. Extra Cleaning (per hour) $ 10.00
6. Trash Removal (per hour) $ 10.00
7. Carpet Cleaning $ 75.00
8. Broken/Cracked Window or Door Glass Materials plus labor
9. Damaged Bathroom Fixtures Materials plus labor
10. Room Door Damage Materials plus labor
11. Graffiti/Art Removal – Cement/Brick Surfaces Materials plus labor
12. Heavy Furniture Removal $ 10.00/hour with a $50.00 minimum

(6) Meal Plan Rates – Contracts are inclusive of Fall and Spring Terms.

<table>
<thead>
<tr>
<th>Meal Plan</th>
<th>Fall</th>
<th>Spring</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
<td>$1,155.68</td>
<td>$963.08</td>
<td>$2,118.76</td>
</tr>
<tr>
<td>Minimum</td>
<td>$1,030.49</td>
<td>$837.89</td>
<td>$1,868.38</td>
</tr>
<tr>
<td>B Dorm</td>
<td>$843.24</td>
<td>$712.70</td>
<td>$1,555.94</td>
</tr>
<tr>
<td>Apartment Plan A</td>
<td>$369.40</td>
<td>$299.85</td>
<td>$669.25</td>
</tr>
<tr>
<td>Apartment Plan B</td>
<td>$247.42</td>
<td>$203.55</td>
<td>$450.97</td>
</tr>
<tr>
<td>Off Campus Commuter</td>
<td>$152.19</td>
<td>$152.19</td>
<td>$304.38</td>
</tr>
</tbody>
</table>

Fees include buying power in the dining hall, 7% sales tax and the following auxiliary charges:
$27 for Commuter and Apartment plans; $60 for Standard, Minimum and B Dorm plans.

(7) Parking Permit Rates.

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff – Annual</td>
<td>$80.00</td>
</tr>
<tr>
<td>Staff – Semester</td>
<td>$40.00</td>
</tr>
<tr>
<td>Student – Annual</td>
<td>$70.00</td>
</tr>
<tr>
<td>Student – Semester</td>
<td>$35.00</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>$15.00</td>
</tr>
<tr>
<td>Monthly Permits</td>
<td>$21.00</td>
</tr>
<tr>
<td>Daily Permits</td>
<td>$ 2.00</td>
</tr>
<tr>
<td>Replacement Cost for Lost or Stolen Staff and Student Permits</td>
<td></td>
</tr>
<tr>
<td>First Replacement</td>
<td>$20.00</td>
</tr>
<tr>
<td>Second Replacement</td>
<td>$60.00</td>
</tr>
<tr>
<td>Third Replacement</td>
<td>Full Price</td>
</tr>
</tbody>
</table>

(8) Parking Fines.

<table>
<thead>
<tr>
<th>Violation Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unauthorized parking in a Disabled space</td>
<td>$275.00</td>
</tr>
<tr>
<td>Blocking access to a Disabled space/ramp</td>
<td>$275.00</td>
</tr>
<tr>
<td>Unauthorized parking in a reserved space</td>
<td>$ 75.00</td>
</tr>
<tr>
<td>Unauthorized parking in a service drive</td>
<td>$ 40.00</td>
</tr>
<tr>
<td>Unauthorized parking on grass</td>
<td>$ 40.00</td>
</tr>
<tr>
<td>No current decal/permit displayed</td>
<td>$ 30.00</td>
</tr>
<tr>
<td>Unauthorized parking in State vehicle space</td>
<td>$ 30.00</td>
</tr>
<tr>
<td>Failure to park in assigned lot</td>
<td>$ 30.00</td>
</tr>
<tr>
<td>Blocking traffic</td>
<td>$ 30.00</td>
</tr>
<tr>
<td>Parking in a “no parking zone”/barricaded area</td>
<td>$ 30.00</td>
</tr>
<tr>
<td>Unauthorized removal and/or damage to clamp</td>
<td>$125.00, plus replacement or repair cost to device and parking for one year restricted and/or loss of campus parking privileges</td>
</tr>
<tr>
<td>Displaying an altered/lost/stolen/counterfeit decal</td>
<td>$125.00, plus parking for one year restricted and/or loss of campus parking privileges</td>
</tr>
<tr>
<td>Blocking a ramp</td>
<td>$ 75.00</td>
</tr>
<tr>
<td>Double parked/parked over the line</td>
<td>$ 15.00</td>
</tr>
</tbody>
</table>
6C11-4.004 Waiver of Tuition and Fees.

(1) General. The President or the President’s designee shall waive tuition and fees as provided by law or rule. Tuition and fee waivers may be mandatory or discretionary. Discretionary tuition and fee waivers are awarded as a form of merit-based student financial aid pursuant to Rule 6C11-6.002, F.A.C.

(2) Sponsored Programs.
   (a) The President or the President’s designee shall waive tuition and materials and supply fees for participants in sponsored programs where:
      1. All direct costs of the sponsored program are paid by the external sponsoring agency or entity;
      2. No legislatively appropriated Educational and General Funds are expended on the sponsoring program; and
      3. No fees or other assessments are collected by the sponsoring agency, the College, or any other entity.
   (b) “Direct costs” shall mean the costs of providing the instruction or training that a participant receives by participating in the sponsored program. In determining whether direct costs are paid by the sponsoring agency or entity, funds paid directly to program participants, including, but not necessarily limited to, stipends, travel or book allowances shall not be taken into account.

(3) Tuition Waivers. In addition to the mandatory tuition and fee waivers provided for by law or rule, the President or the President’s designee may waive a student’s non-resident tuition or matriculation fees, in whole or in part, as a form of merit-based student financial aid pursuant to Rule 6C11-6.002, F.A.C.

(4) Fee Waivers. The President or the President’s designee shall waive the activity and service, health, athletic and material and supply fees for the fees assessed on a per credit hour equivalency basis, for the educational contract or independent study period for which the tuition is waived. The President or the President’s designee shall waive the activity and service, health, athletic and material and supply fees assessed on a per student basis only if the student’s tuition is waived for all credit hours. If a student pays any portion of the assessed tuition, that student shall pay in full the activity and service, health, athletic and materials and supply fees assessed on a per student basis.

Specific Authority 1001.74(2), (4), (41) FS. Law Implemented 1001.74(2), (4), (41) FS. History–New 4-13-03.
CHAPTER 6C11-6 STUDENT FINANCIAL AID

6C11-6.001 Student Code of Conduct.

(1) Rights and Responsibilities of Students – Students are responsible for compliance with all federal and state laws, applicable county and municipal ordinances, and all rules, regulations, and written policies of the State of Florida Board of Education and Florida Board of Governors and New College of Florida. Students accused of a crime can be prosecuted under Florida criminal laws and also disciplined under the Student Code of Conduct. The College may pursue disciplinary action even if criminal justice authorities choose not to prosecute.

(2) Upon accepting a student for admission, the College shall provide the student with copies of the Student Code of Conduct, the New College of Florida student government constitution, and any other statement of student rights and obligations that the College recognizes or expects a student to live up to.

(3) Without limiting or affecting the scope of the legal rights and obligations a student has under federal, state, and local constitutions, laws, rules, regulations, ordinances, and judicial decisions interpreting same, students shall have the following rights and responsibilities:

(a) To express, individually and collectively, their views on issues of College policy;

(b) To participate in the formulation of all policy changes that affect students;

(c) To be informed by the President of New College of Florida or his designee, through the student government, and to become involved, individually or through student government, in the formulation of any proposed change in policy that directly affects students prior to its implementation;

(d) To receive within ten (10) days, through the student government, from the President or his designee, detailed and specific written responses to recommendations made in writing, through the student government, to the President or his designee, accepting, accepting with conditions or rejecting such recommendations, and giving detailed reasons for any condition or rejection;

(e) To appeal within ten (10) days to the New College of Florida Board of Trustees, through the student government, any decision of the President or his designee conditioning acceptance or rejecting a recommendation made pursuant to paragraph (d);

(f) To freedom of statement, association, or assembly in social, political, or personal matters;

(g) To equal availability of and access to the facilities necessary for the exercise of the rights set forth in paragraphs (a) through (f) without regard to race, sex, gender, religion, beliefs, nationality, ethnic origin, sexual orientation, disability, or any other reason, except as provided by law;

(h) To publish student publications free from prior censorship;

(i) To develop student publication editorial policy free from academic penalty or removal because of student, faculty, staff, or public disapproval of editorial policy or content;

(j) To have information about a student, acquired by College employees, kept confidential, to the extent required by law, except upon specific request by that student to release such information;

(k) To take reasoned and responsible exception to the data, views, assignments and methods offered in any course of study, and to bring such grievances before the Council of Academic Affairs;

(l) To conduct research freely, and publish, discuss, and exchange findings or recommendations, whether individually or in association with local, state, national, or international groups;

(m) To judicial due process as set forth in the Student Code of Conduct;

(n) To the security and privacy of their dormitory rooms, persons, and personal possessions, and to be free from unreasonable restrictions upon the use of their rooms, personal possessions or their personal liberty, provided that this does not infringe upon the reasonable exercise of the privacy or property rights of others.

(4) Standards of Conduct – The College seeks to promote a stimulating and demanding educational environment in which a diverse student body with wide-ranging individual interests, values and abilities can live, interact, learn and grow based upon mutual understanding, trust, respect and concern for the well-being and dignity of self and others, upon responsible exercise of personal and academic freedoms and upon individual accountability for words and actions. To this end, the College expects students to:

(a) Comply with all public laws, rules, regulations and ordinances as well as College rules and policies;

(b) Exercise personal and academic freedom in a responsible manner;

(c) Foster collective concern for and protect and maintain personal and academic integrity and College community standards;

(d) Examine their behavior in light of its potential effect on the College community and the community at large;

(e) Attempt to reach common understandings of values and College community standards by means of respectful communication and process;

(f) Utilize dialogue as a means of confronting uncomfortable situations or violations of College community standards;

(g) Promote respectful expression of values; not unproductive censorship; and

(h) Avoid self-righteousness or the appearance of moral superiority.
(5) Jurisdiction of the College – College jurisdiction and discipline extends to conduct which occurs on College premises or which adversely affects the College community and/or the pursuit of its mission. A student, registered organization or a person who has submitted an application for admission, housing, or any other service provided by the College which requires student status will be subject to the Student Code of Conduct for any action found in violation of the Code which occurs on College property, at College-sponsored events, or off campus if the action adversely affects the College community and/or the pursuit of the College’s mission.

(6) Offenses – Any of the following actions, or the aiding, abetting, or inciting of any of the following actions, constitutes an offense for which a student, a group of students, or a student organization will be subject to the student judicial process:

(a) Misuse of Keys – Unauthorized possession or use of any key or key type device to any College facility or property.

(b) Misuse of Identification – The use of falsified identification documents or of another’s identification card/document, including the use of another’s computer account/password.

(c) False Information – Knowingly making a false oral or written statement to any College board, committee, office, or member of the College faculty, administration, staff or student body.

(d) Misuse of Materials – Unauthorized reading, removing, duplicating, photographing, and/or forging, counterfeiting, altering or misusing of any College material, file, document or record, computer records, software, data files and similar entities owned or maintained by any member of the faculty, administration, staff, or student body.

(e) Response to Notice – Failure to make a timely response to any official request from a member of the faculty, administration, or staff. The College requires that each student maintain on file with the College a current address. Official College correspondence mailed to that address is deemed sufficient as notice to the student. It is a student’s responsibility to notify the College immediately of any change of address.

(f) Response to Instructions – Failure to comply with authorized oral instructions from or agreements with College officials, including student employees, acting in accordance with their assigned duties.

(g) Misuse of Property – Destruction, damage, misuse, or defacing of, or unauthorized entry into College buildings or property, private property and personal property, on the campus of the College, including but not limited to files, documents, records, research apparatus, or library materials, including computer systems, networks, and peripherals, owned or maintained by members of the faculty, administration, staff, or student body, or, intentional misuse of any College fire alarm or fire fighting or safety equipment.

(h) Aiding and abetting – Any student who knowingly acts in concert to violate a Student Code of Conduct policy, who knowingly acts to conceal, or who knowingly obstructs an investigation will be subject to the student judicial process.

(i) Theft – The unauthorized taking, misappropriation or possession of any real, personal, or intellectual property owned or maintained by the College or any person on campus.

(j) Gambling – Conducting or organizing any form of gambling which harms or exploits any member of the College community.

(k) Hazing – Hazing means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into an affiliation with an organization. Such actions shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual, or subjects the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

(l) Weapons, Firearms, or Explosive Devices – The unauthorized possession, use or sale of any weapon, firearm, or any incendiary, explosive or destructive device, including fireworks. The College Police Department maintains facilities for the storage of students’ weapons or firearms.

(m) Bomb Threat – Reporting false presence of an explosive or incendiary device.

(n) Illegal Use or Possession of Drugs – Illegal possession, use, sale or attempt to obtain any drug. The term “drugs” includes any narcotic drug, central nervous system stimulant, hallucinogenic drug, barbiturate, or any other substance treated as such and defined by the law.

(o) Privacy – Failure to respect the right to privacy of any member of the College community, including accessing another’s computer files and/or e-mail, prying observation, or voyeurism.

(p) Student Expression – The College recognizes that students must be free to utilize their constitutional rights to freedom of speech and freedom to assemble. While students are encouraged to express those rights, any demonstrations or protests must be non-violent in nature, and must be conducted without endangering the safety, health, or life of themselves, other students, faculty, staff, or visitors. Students shall not knowingly damage any College or personal property. No student or group of students shall obstruct the free movement of other persons, including police and other emergency service personnel about the campus, interfere with the use of College facilities, or prevent the normal operation of the College, both inside and outside the classroom setting.

(q) Harassment – Conduct which creates an intimidating, hostile, offensive working or educational environment.

(r) Retaliation – Harassment of complainant or other person alleging misconduct, including, but not limited to intimidation and threats.

(s) Stalking – To repeatedly follow or encounter another person so as to harass that person.
misconduct occurring off-campus will be disciplined where the conduct directly impedes the effective operation of the College, as
limited to:
- example, where the off-campus conduct constitutes a danger to the health, safety or welfare of College students, faculty or staff.
having a breath-alcohol level of 0.02 percent or higher and to drive or be in actual physical control of a
age of 21 from having a breath-alcohol level of 0.02 percent or higher and to drive or be in actual physical control of a
coercion or threat of harm to the victim. Date or acquaintance rape is the sexual battery of an individual by someone the victim
knows. Group or gang rape is the sexual battery of an individual by multiple perpetrators.
violations shall result in the State suspending your license and referral to the student judicial process.
endangering the safety of himself/herself or another person or property.
intimate of the student. This can occur without regard to the gender of the victim or the student in question.

(x) Threats of Violence – An intentional threat by word or act to do violence to another person, and doing some act which
creates a well-founded fear that such violence is imminent.

(y) Violent Misconduct – When one person actually and intentionally touches or strikes another person against his/her will, or
intentionally causes bodily harm.

(z) Sexual battery/rape – According to Section 794.011(1)(h), Florida Statutes, sexual battery is the “Oral, anal or vaginal
penetration by union with a sexual organ of another or anal/vaginal penetration by another object.” The act is performed against the
victim’s will or without her/his consent. An individual who is mentally incapacitated, asleep or physically helpless or unconscious
due to alcohol or other drug consumption is considered incapable of giving consent. The same definition applies regardless of whether
the assailant is a stranger or an acquaintance or a group of individuals. The type of force employed may involve physical violence,
coercion or threat of harm to the victim. Date or acquaintance rape is the sexual battery of an individual by someone the victim
knows. Group or gang rape is the sexual battery of an individual by multiple perpetrators.

(aa) Underage Zero Tolerance – As referenced in Section 322.2616, Florida Statutes, the State of Florida prohibits persons
under the age of 21 from having a breath-alcohol level of 0.02 percent or higher and to drive or be in actual physical control of a
motor vehicle. Such violations shall result in the State suspending your license and referral to the student judicial process.

(bb) Disorderly Intoxication – No student shall be publicly intoxicated to the point of being unruly, causing a disturbance, or
endangering the safety of himself/herself or another person or property.

(cc) Violation of New College of Florida Alcohol and Narcotics Policy (2001).

(dd) Inappropriate Conduct at College-sponsored Events – Students are expected to govern their behavior at
College-sponsored events and conduct themselves within the guidelines of the Student Code of Conduct.

(ee) Bikes/Skateboards/Rollerblading – Riding a bicycle, skateboard, or rollerblades within an area on campus where there are
signs posted that such actions are strictly prohibited is cause for referral to the Office of Student Affairs.

(ff) Violation of New College of Florida traffic rules and regulations.

(gg) Violation of any federal, state, or local law, ordinance, rule or regulation, including but not limited to the rules,
regulations, and written policies of the Board of Education and New College of Florida.

(hh) Violation of probation – Failure to abide by conditions of probation.

(ii) Off Campus Misconduct – The College generally does not regulate the off-campus conduct of its students. However,
misconduct occurring off-campus will be disciplined where the conduct directly impedes the effective operation of the College, as
for example, where the off-campus conduct constitutes a danger to the health, safety or welfare of College students, faculty or staff.

(jj) Obstruction of Student Judicial Process – Acts that disrupt the College judicial process, including attempting to coerce or
influence a person in order to discourage their participation in any judicial proceeding. Such acts shall include, but may not be
limited to:

1. Failure to appear at an official College hearing when proper notification has been provided;
2. Knowingly falsifying, distorting or misrepresenting information before a judicial proceeding;
3. Deliberate disruption or interference with the orderly conduct of a judicial proceeding;
4. Knowingly initiating a complaint/referral without cause;
5. Use of threats, coercion, or intimidation to discourage proper participation or use of the judicial process;
6. Attempting to influence the impartiality of a member of the judicial process prior to or during the course of the judicial
proceeding;

7. Harassment or intimidation of any participant in the judicial process.

(7) Sanctions – Sanctions shall be commensurate with an offense with consideration given to any aggravating or mitigating
circumstances. Any of the following sanctions will be imposed on a student, a group of students, or a student organization:
(a) Expulsion – Permanent termination of a student’s privilege to attend the College, including trespass from campus. In cases where the student resides on campus, the student will be given reasonable time to vacate the residence halls (e.g., 24 to 48 hours). During the period of the expulsion, all of the student’s contact with College departments/services must be through the Office of Student Affairs.

(b) Suspension – Termination of a student’s privilege to attend the College for an indefinite or a specified period of time, including trespass from campus. In cases where the student resides on campus, the student will be given reasonable time to vacate the residence halls (e.g., 24 to 48 hours). During the period of the suspension, all of the student’s contact with College departments/services must be through the Office of Student Affairs.

(c) Probation – An official warning that the student’s continued enrollment depends upon the maintenance of satisfactory citizenship during the period of probation. A favorable recommendation normally will not be furnished by the College during a period of probation. When probation is imposed as a sanction, the student should be advised of the consequences of violation of probation, e.g., suspension. In the event probation terms or conditions are violated, the President or the Student Judicial Officer will immediately impose the consequence of the probation violation.

(d) Restrictions – Conditions imposed on a student that would specifically dictate and limit future presence on campus and participation in College-related activities. The restrictions involved will be clearly identified and include but are not limited to a requirement to remain on campus or in rooms during specified periods of time or a College restraining order forbidding the offender from all contact with the victim. Restrictions also include denial of the privilege to operate a motor vehicle on campus, participation in certain activities/events/organizations, access and use of College services, and presence in certain buildings or locations on campus.

(e) Restitution – A payment for injury to an innocent party in cases involving theft, destruction of property, or deception.

(f) Trespass – A restriction from the campus or specific area on the campus.

(g) Reprimand – A letter which makes a matter of record an incident which reflects unfavorably on a student’s file as long as he or she is a student of the College.

(h) Warning – An oral reprimand.

(i) Restrictions on or revocation of financial aid where appropriate pursuant to law or NCAA policy.

(j) Involuntary withdrawal – College withdrawal of student from enrollment and student status.

(k) Other appropriate sanctions, such as community service hours, educational programs, written assignments, counseling, and evaluation.

(8) Student Judicial Process and Proceedings.

(a) Filing of Complaint. Any member of the College community may file a complaint against a student for violation of the Student Code of Conduct. Such complaint must be filed in writing with the Office of Student Affairs within a reasonable time following the discovery of the violation and in no event, later than six (6) months after the discovery, except in extraordinary cases (e.g., hospitalization of the student, etc.). The Office of Student Affairs reserves the right to initiate or follow-up any investigative leads where there is reasonable belief of possible violations of the Code.

(b) Prehearing Procedure.

1. The Dean of Student Affairs acts as the Student Judicial Officer, and all charges of violation must be originated by the Dean of Student Affairs.

2. The President of New College of Florida shall appoint faculty/staff members from outside the Office of Student Affairs to serve as alternate judicial officers in appropriate cases (e.g., when the Dean of Student Affairs is unavailable or has a conflict of interest). The President shall prepare and maintain a list of individuals for this purpose.

3. Interim Suspension – The President or Student Judicial Officer is authorized to suspend a student from the College or from participating in official College functions, programs, intercollegiate competitions, and other student activities if in their judgment, the student’s continued presence or use of privilege at the College pending outcome of the proceedings, is likely to cause harm to members of the College community. Any interim sanction judgment will be based on evidence gathered in the initial stage of the investigation of student misconduct. Students issued an interim suspension will be provided an expedited emergency hearing as outlined in the subparagraph (8)(c)3.

4. The Student Judicial Officer will inform the University Police of possible serious criminal activity in cases where it is not clear that the University Police already possess the information. The Student Judicial Officer will request information concerning prior misconduct of the student from the University Police and other appropriate persons or offices.

5. The Student Judicial Officer shall investigate complaints of violation of the Student Code of Conduct and shall meet with the student alleged to have violated the Code to determine if there is probable cause to believe that the Code was violated by the student. The student can choose to have an advisor of his/her choice present at the meeting; however, College employees who have a potential conflict of interest may not serve as an advisor. The advisor can speak with the student but cannot speak for the student, act as attorney, nor otherwise participate in the meeting.

6. If the Student Judicial Officer determines that there is probable cause to believe that the Code was violated by the student, he/she may charge the student with such offense by hand delivering or mailing to the student’s last known address a written notice of charges.

7. The written notice of charges:

...
a. Shall allege the essential facts constituting the offense charged, including the date, time and place of the alleged offense, and shall recite the specific citation of the statute, rule, written policy or other law that the student is alleged to have violated;

b. Shall be accompanied by a statement that the charged student is entitled to a prompt disciplinary hearing before the New College of Florida Student Disciplinary Board (the “Board”) composed of one-half students and one-half faculty with allowances for delays due to the unavailability of student members serving on the Board; that the charged student has the options of waiving the notice requirements set forth in subparagraph 6., requesting formal adjudication by the Board, requesting informal disposition by the Student Judicial Officer or the New College of Florida Student Alliance Student Court, or, in cases of disputes between individuals, requesting mediation; and

c. Shall be accompanied by a form entitled “Waiver of Formal Adjudication,” Rev. 9/2003, which form is incorporated herein by reference and available from the Office of Student Affairs. By accepting the informal disposition or agreeing to a satisfactory resolution of the dispute through mediation and signing the form, the charged student waives his right to a formal adjudication by a board composed of one-half students.

8. In cases involving minor misdemeanors or non-criminal violations of this Code, the Student Judicial Officer may refer the matter to the New College of Florida Student Alliance Student Court (“Student Court”) for informal disposition.

a. The Student Court is comprised of five (5) elected students, from whom one Chief Justice is selected to preside over the meetings of the court. The Chief Justice votes only in case of a tie vote.

b. Proceedings before the Student Court shall adhere to the General Principles Applicable to Hearings set forth in subparagraph 9.

c. The Student Judicial Officer, in consultation with the New College Police and the state attorney’s office, determines which offenses may be referred to the court for informal disposition.

d. Minor misdemeanors and non-criminal violations are defined as infractions that are mala prohibita as distinguished from mala in se. Violations that are mala prohibita are regulatory in nature and result from neglect where the law requires care or inaction where the law requires a duty to act. They do not result in injury to persons or property, but merely create a danger or possibility of danger that the violation seeks to minimize. Generally, a malicious intent of the perpetrator is not an element of the offense.

e. Examples of minor misdemeanors that could be referred to the Student Court include, but are not limited to, underage zero tolerance, criminal mischief, altered identification, disorderly conduct and trespass in a structure.

f. Examples of noncriminal violations of the Code include but are not limited to offenses listed in paragraphs (6) (a), (b), (d), (f), (o), (p), (w), (dd) and (ff).

9. In cases involving disputes between individuals, the Student Judicial Officer may offer to mediate the parties’ dispute in lieu of formal judicial action. If the parties agree to such mediation, the Student Judicial Officer shall attempt to facilitate a resolution of the dispute that is satisfactory to both parties. If satisfactory resolution is reached, it shall be reduced to writing and signed by the parties and the Student Judicial Officer. The signed written resolution shall be binding upon the parties. If the dispute is successfully mediated, judicial action will not be pursued.

10. If a victim of alleged violent misconduct declines to make a formal complaint or serve as a witness, the Student Judicial Officer shall meet with the alleged perpetrator for the purpose of documenting the alleged incident of misconduct. In such cases, the victim reserves the right to decline pursuit of judicial action. The record of such a meeting will be considered in any future judicial proceedings.

11. If the Student Judicial Officer charges a student with violation of the Student Code of Conduct, he/she shall also offer the student in writing an informal disposition adjudicating whether a violation of the Code has occurred and, if so, imposing appropriate sanctions. The charged student will have the option to admit responsibility for the charge and agree to the imposition of sanctions. The charged student can choose to decline the informal disposition and request a formal hearing before the New College of Florida Student Disciplinary Board. The charged student will have seven (7) days from the date of receipt of the written notice of charges to request a hearing. If the charged student fails to timely request a formal hearing, the charged student waives his/her right to such hearing, and the offered informal disposition becomes effective.

12. The prehearing or informal disposition process shall be completed within twenty-one (21) days of the Office of Student Affairs’ receipt of the complaint of misconduct, except in extraordinary cases (e.g., witness in coma or hospital, etc.) as determined by the Student Judicial Officer.

(c) Hearings – Except in cases of emergency, if the charged student timely requests a formal hearing, such hearing shall be conducted before the New College of Florida Student Disciplinary Board who, after conducting such hearing, shall adjudicate, based solely on the information presented at the hearing, whether the charged student is responsible or not responsible on the charges of violating the Student Code of Conduct.

1. New College of Florida Student Disciplinary Board – The New College of Florida Student Disciplinary Board is composed of three (3) faculty/staff members, one of whom shall be appointed chairperson, and three (3) students. The panel members will be selected at random from a bank of faculty/staff and student volunteers who have received training from the Office of Student Affairs. The charged student shall be informed of the panel members selected to hear his/her case and shall have the right to challenge the impartiality of any panel member within three (3) working days of notification. A panel member challenged for impartiality will be excused; however, indiscriminate impartiality challenges shall entitle the panel to proceed without regard to the challenge. Any board member not present for the taking of testimony at the hearing may not further participate. A quorum for
haring shall consist of a simple majority of the panel. However, the charged student has the right to choose to proceed or to request that the hearing be rescheduled if the judicial board present does not consist of 50% faculty/staff and 50% students. After the hearing, the board will reach its decision in executive session. A simple majority of the quorum is required for decision.

2. The hearing must be set for a date not later than six (6) weeks following the Office of Student Affairs’ receipt of the complaint of misconduct, except in extraordinary cases (e.g., witness called for military duty or to mother’s funeral) as determined by the Student Judicial Officer.

3. Emergency Hearings – An expedited emergency hearing will be held before the Student Judicial Officer in cases which involve the safety, health or welfare of any student or staff member, as for example in cases involving complaints of violent misconduct. The President or the Student Judicial Officer as the President’s designee will immediately suspend or withdraw a student pending a hearing in emergency cases.

4. Appeals of Decisions of the New College of Florida Student Disciplinary Board – The charged student may appeal in writing the decision of the College Student Disciplinary Board to the President or his designee within five (5) days of the Board’s decision. The President or his designee may impose the sanction imposed by the Board. The record of the initial hearing will be considered on appeal as well as any new information that comes to the attention of the President. The President is authorized to contact any participants in the initial hearing for clarification and the charged student is entitled access to the record when appealing. The decision of the President will be rendered within two (2) weeks of receipt of the appeal except in extraordinary cases (e.g., witness is abducted or student disciplinary records destroyed in fire) as determined by the President and is the final decision of the New College of Florida. No person may hear or decide an appeal if he/she participated in the decision to charge the charged student with violation of the Student Code of Conduct or if he/she conducted or participated in the student disciplinary proceedings.

(9) General Principles Applicable to Hearings.

(a) All hearings will be closed to spectators. No irrelevant information, especially irrelevant sexual history, will be discussed or considered at the hearing.

(b) Due Process Rights of Charged Student.

1. Burden of Proof – The burden of proof shall be on the complainant. The standard of proof for decision shall be “substantial evidence,” that is, whether it is reasonable to conclude from the evidence submitted that the charged student did commit the offense for which he or she has been charged, and shall not be the strict criminal law standard of proof beyond a reasonable doubt.

2. Record – The proceedings of all hearings shall be recorded.

3. Inspection of Evidence – The charged student and his or her advisor may inspect all of the information that will be presented against the charged student at least three (3) regular business days (excluding legal holidays) before the hearing. The College may inspect all of the information that will be presented by the charged student at least three (3) regular business days (excluding legal holidays) before the hearing.

4. Present Evidence – The charged student may present information on his/her own behalf.

5. Question Witnesses – The charged student may hear and question adverse witnesses, except in cases of violent misconduct where the charged student may submit questions to the Board for use in questioning adverse witnesses.

6. Self-Incrimination – The charged student shall not be forced to present testimony which would be self-incriminating.

7. Advisor – The charged student may have an advisor of his/her choice present, which advisor may also be a legal counsel; however, College employees who have a potential conflict of interest are not to serve. The advisor may speak with the charged student but may not speak for the charged student, act as attorney, nor otherwise participate.

8. Decision Based on Evidence – The decision of the College Judicial Board or Student Judicial Officer shall be based solely on the evidence presented at the hearing, including any file referencing prior misconduct or meetings with the charged student in the custody of Office of Student Affairs.

9. Decision in Writing – The decision of the College Student Disciplinary Board or Student Judicial Officer, including findings of fact and a determination of sanction, if any, shall be presented to the charged student in writing within two (2) weeks following the hearing.

10. Enrollment Status – The charged student’s enrollment status will remain unchanged pending final decision, except in cases of emergency, as considered above.

11. Failure to Appear – If a charged student fails to appear, the New College of Florida Student Disciplinary Board or Student Judicial Officer may proceed in his/her absence.

(c) Rights of the Complainant/Victim.

1. The complainant shall have the right to submit a list of questions related to the alleged incident for consideration prior to the hearing, that he/she feels the accused should be asked during the hearing process.

2. In cases of violent misconduct, as defined by Section 16 Title 18 United States Code, the following additional rights pertain:

   a. The complainant shall be entitled to the assistance and advice of a person designated by the College with substantial knowledge of the New College of Florida student judicial process.

   b. The complainant shall have the right to submit an impact statement to the Student Judicial Officer for use during the sanctioning portion of the judicial process.

   c. The complainant shall have the right to be present during the entire hearing, notwithstanding the fact that the complainant is to be called as a witness. In extraordinary cases (e.g., complainant suffers from panic disorder or contagious disease), alternate arrangements may be made for the complainant to participate in the hearing without being present in the same room.
d. The complainant may have an advisor of his/her choice present, which advisor may also be a legal counsel; however, College employees who have a potential conflict of interest are not to serve. The advisor may speak with the complainant, but may not speak for the complainant, act as attorney nor otherwise participate.

e. The Student Judicial Officer will inform the complainant, whenever possible, of the outcome of the judicial proceeding.

Specific Authority 1001.74(4), (10)(e), 1006.63, 1006.60 FS. Law Implemented 1001.74(10)(e), 1004.26, 1006.60, 1006.61, 1006.62, 1006.63 FS. History—New 1-28-04.

6C11-6.002 Student Financial Aid.

(1) Purpose. The purpose of this rule is to establish policies, procedures and practices at New College of Florida relating to the administration, distribution, and use of student financial aid that are consistent with Federal and State laws and regulations relating to the award of student financial aid.

(2) Definitions. In administering, enforcing, interpreting or construing this rule, the following definition of terms shall apply: “Financial aid” and “financial assistance” shall mean programs relating to internal and external scholarships, grants, loans, student employment, and fee waivers.

(3) Administration of Student Financial Aid.

(a) General. New College of Florida administers all aid programs according to federal, state and institutional laws, rules, regulations, policies, and guidelines, including the current New College of Florida Student Financial Aid Packaging Policy, dated February 19, 2002, which is incorporated by reference herein and copies of which may be obtained by contacting the New College of Florida Office of Financial Aid, 5700 North Tamiami Trail, Sarasota, Florida, telephone, (941) 359-4472. To the extent of available funds, the College makes every effort to maximize financial assistance to all students who are eligible for financial aid without regard to race, sex, religion, creed, national origin, age or physical handicap. Primary consideration shall be given to academic merit and financial need, as appropriate. The President of New College of Florida, based on recommendations from the Financial Aid Policy and Advisory Committee, determines New College of Florida institutional loans, grants, scholarships, and student employment program eligibility requirements. All financial aid or assistance awards are contingent upon funding availability.

(b) The Office of Financial Aid. The office charged with administering student financial aid at New College of Florida is the Office of Financial Aid. The Chief Financial Aid Officer at New College of Florida is the Dean of Admissions and Financial Aid. The Office of Financial Aid is responsible for administration and coordination of all federal, state, institutional and private grants, scholarships, loans, work-study programs, and tuition and fee waivers. In connection therewith, the Office of Admissions shall disseminate financial aid information to parents and students, including information on available financial aid programs, available academic merit, talent, performance and other no-need awards and scholarships and any application requirements and deadlines; provide necessary financial aid applications beginning January 1 each year for the upcoming fall term; notify parents and students of their award eligibility; and keep records and statistical financial aid data for the College.

(c) Eligibility to Receive Need-Based and No-Need Based Financial Aid. In order to receive financial aid or assistance, a student must:

1. Be admitted to New College of Florida;
2. Qualify for financial aid or assistance based on need under Title IV Federal Financial Aid Regulations, 34 CFR Parts 600 et al (need-based financial aid applicants only);
3. Timely submit a complete application for financial aid pursuant to paragraphs 6C11-6.002(3)(d) and (e), F.A.C.;
4. Satisfy all criteria for eligibility of the particular financial aid program under which the student seeks aid or assistance; and
5. Be awarded financial aid or assistance.

(d) Applications for Need-Based and No-Need Based Financial Aid. Applications for financial aid and the supporting parent/student financial information documents must be received by certain dates established by the Office of Financial Aid. The Office of Financial Aid, through appropriate news media and other mass communications means shall announce such dates in sufficient time to allow applicants to meet established deadlines. Acceptance of applications and financial documents after an established deadline is contingent upon state, federal, and institutional appropriations and the availability of student aid funds. All undergraduate need-based financial aid applicants must apply for the Pell Grant, and all Florida resident undergraduate applicants must apply for the Florida Student Assistance Grant. The College shall give priority consideration to students who submit applications for financial aid by March 1st of each year for the next academic year.

(e) Processing of Application for Need-Based and No-Need Based Financial Aid.

1. A complete application for financial aid shall consist of the following:
   a. Parent/student financial statement known as the Free Application for Federal Financial Aid (FAFSA) (need-based financial aid applications only).
   b. All documentation required by the particular financial aid program under which the student is seeking financial aid.
2. Determination of Award of Financial Aid. Upon receipt of application for financial aid, the Office of Financial Aid shall review the application, determine its completeness, and if incomplete, notify the student of what additional information and/or documentation is necessary to complete the application. Upon its receipt of the additional information and/or documentation, the
Office of Financial Aid shall determine the eligibility of the student for the particular financial aid sought, and shall render a decision either awarding or refusing to award financial aid based on the criteria set forth in subparagraphs 6C11-6.002(3)(e)3. and 4., F.A.C.

3. Criteria for Awarding Need-Based Financial Aid. In reviewing applications for need-based financial aid or assistance, the College shall evaluate the financial need of each student who has applied for financial aid, based on accepted needs analysis, to determine which students can best benefit from available sources of financial aid. The amount and type of financial aid awarded and distributed may vary due to the student’s classification, his or her family financial status, the availability of funds and application date. It is the objective of the Office of Financial Aid to provide needy students with an equitable distribution of gift aid and self-help. In awarding need-based financial aid, the College shall consider the following factors:
   a. Financial need.
   b. Equalization of educational opportunity.

4. Criteria for Awarding Academic Merit and No-Need Based Awards. In awarding academic merit, or no-need financial assistance, the College shall consider the following factors:
   a. Academic rating and record of achievement;
   b. Test scores;
   c. Ability to contribute to the College community; or
   d. Equalization of educational opportunity.

(f) Talent and Performance Awards. The College recognizes special student talents and qualities in artistic, athletic, technical and other areas, and awards scholarships, grants, and tuition and/or fee waivers for such contributions.

(g) Notification and Acceptance of Financial Aid Awards. Upon awarding a student financial aid, the Office of Financial Aid will promptly notify the student in writing of the award and the time period within which the student must notify the College of his or her acceptance or rejection of the award. The student must accept or reject the award by signing the notification letter in the space provided and returning the letter to the Office of Financial Aid within the time period specified in the notification letter. The student’s failure to return the latter in a timely manner will be deemed a rejection of the award provided that the Office of Financial Aid may extend the time for acceptance upon a showing of good cause or excusable neglect. Acceptance of an award that includes Work-Study constitutes an agreement by the student to work during the semesters in which Work-Study is awarded.

(h) Distribution of Student Financial Aid. The Financial Aid Office is responsible for distributing financial aid awards. It distributes all financial aid according to federal, state and institutional laws, rules, regulations, policies, and guidelines, including the current New College of Florida Student Financial Aid Packaging Policy.

1. Need-Based Financial Aid. Need-based financial aid funds are distributed until exhausted on a priority basis to students who:
   a. Apply after January 1 each year for the next academic year;
   b. Satisfy the applicable eligibility requirements and award criteria set forth in paragraph 6C11-6.002(3)(c) and subparagraph 6C11-6.002(3)(e)3., F.A.C.

2. Distribution of Academic or No-Need Based Financial Aid. Academic or No-Need Based Financial Aid funds are distributed until exhausted on a priority basis to students who:
   a. File a complete application by the deadline for the particular financial aid program under which the student is seeking financial aid.
   b. Satisfy the applicable eligibility requirements and award criteria set forth in paragraph 6C11-6.002(3)(c) and subparagraph 6C11-6.002(3)(e)4., F.A.C.

Except where the particular program under which the student is seeking financial aid provides otherwise, students who meet the requirements of sub-subparagraphs 6C11-6.002(3)(h)2.a.-b., F.A.C., after February 1 will be considered but are not guaranteed financial aid. Awards after February 1 are made on a rolling basis.


5. Use of Financial Aid. Student receiving financial aid shall use the funds received solely for educational purposes consistent with the specific use requirements of the particular financial aid program under which the student has been awarded financial aid.

6. Establishment of Student Financial Aid Committee. The New College Financial Aid Policy and Advisory Committee has been established. The Committee is responsible for recommending College policy on matters relating to financial aid, recommending specific financial aid program objectives in support of the College’s master plan, periodically reviewing and evaluating the financial aid program, including the administrative capability of the Office of Financial Aid, facilitating the conduct of financial aid activities, and deciding appeals from decisions of the Office of Financial Aid. The Committee shall be composed of the College’s Chief Financial Aid Officer, two members of the New College of Florida Board of Trustees to be appointed annually by the Chair of the Board of Trustees, and faculty, administrative staff, including the President or his designee, and at least two (2) students, all to be appointed by the President. The College’s Chief Financial Aid Officer shall chair the Committee. The Committee shall convene twice per semester, or on an ad hoc basis, depending on caseload, to review, evaluate and formulate recommendations with respect to the financial aid program and to conduct hearings on and decide any appeals.
(7) Notification to College by Student of Changes in Academic or Financial Circumstances. A student’s continued eligibility to receive certain types of financial aid may depend upon the student’s maintenance of satisfactory academic progress and/or the student or parent’s available personal financial resources. Students must notify the Office of Financial Aid of any change in their academic status or available personal financial resources or those of their parents’ that might have a bearing on their continued eligibility for financial aid.

(8) Appeals from Decisions of the Office of Financial Aid. A student or parent of a student, where permissible, who disagrees with a decision of the Office of Financial Aid or wishes to provide supplemental information for purposes of amending an application for financial aid may do so by filing a written petition with the Dean of Admissions and Financial Aid. In the case of appeals of decisions of the Office of Financial Aid, the student or parent may request a hearing before New College Financial Aid Policy and Advisory Committee. In such cases, the Dean of Admissions and Financial Aid shall promptly schedule an expeditious hearing, notify the student or parent of the time, date and place of the hearing, and gather together and distribute available information that is relevant to the appeal to the Committee members and the student or parent. At the hearing, the student or parent shall have an opportunity to present testimony, evidence and argument as to why the Office of Financial Aid’s decision is in error. After the close of the hearing, the Committee shall decide the appeal and render its decision in writing. The Committee’s decision shall be the final decision. If a hearing is not requested, the Dean shall decide the appeal and render his or her decision in writing. In such cases, the Dean’s decision shall be the final decision.

(9) Available Student Financial Aid Resources. The following student financial aid and assistance is available to eligible persons in accordance with applicable program terms and conditions:

(a) The Florida Bright Futures Scholarship Program (Florida high school graduates of high academic achievement who enroll in a Florida state college or university, see Section 1009.53, F.S.).

(b) Florida Public Student Assistance Grant Program (students with demonstrated unmet needs for costs of education at a Florida state college or university, see Section 1009.50, F.S.).

(c) Jose Marti Scholarship Challenge Grant.

(d) Rosewood Family Scholarship Program.

(e) Seminole and Miccosukee Indian Scholarships.

(f) Latin American and Caribbean Basin Scholarship Program.

(g) African and Afro-Caribbean Scholarship Program.

(h) Nicaraguan and Haitian Scholarship Program.

(i) Guaranteed Student Loan Program (see Higher Education Act of 1965 (20 U.S.C. ss. 1071 et seq.)).

Specific Authority 1001.74(2), (4), (41) FS. Law Implemented 1001.74(2), (4), (41), 1009.42(2) FS. History–New 4-13-03.
CHAPTER 6C11-8 PERSONNEL MATTERS

6C11-8.001 Purpose.

(1) Chapter 6C11-8, F.A.C., contains personnel rules applicable to one or more groups of New College of Florida employees.

(2) Chapter 6C11-8, F.A.C., contains only those personnel rules for College employees which have college-wide application by virtue of the authority granted to the College in Section 1001.74 and Chapter 1012, F.S. These college-wide personnel rules are supplemented by College rules found in Rule 6C11-8.002, F.A.C.; Board of Education rules prescribing State University System General Personnel Policy found in Chapter 6C-5, F.A.C.; including the state and federal laws, rules, and internal management memorandum informing administrators of the procedures and guidelines for implementing Chapter 6C-5, F.A.C., incorporated by reference in Chapter 6C-5, F.A.C.; applicable College policies and procedures; and appropriate collective bargaining agreements.

(3) For purposes of these rules, College employees are those persons who have been hired by the College and receive financial compensation to perform services for the College and whose work is directed and controlled by the College, including General Faculty and Administrative and Professional employees and University Support Personnel Systems employees. The term “employee” does not include volunteers or independent contractors.

Specific Authority 1001.74(19) FS. Law Implemented 1001.74(19) FS. History–New 1-28-04.

6C11-8.002 Conflict of Interest.

(1) Applicability. This rule applies to all College employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(2) College employees are bound to observe, in all official acts, the highest standards of ethics consistent with the code of ethics of the State of Florida, Chapter 112, Part III, F.S., and the advisory opinions rendered with respect thereto. Other provisions of State law govern obligations and responsibilities of employees who receive State Compensation in addition to their annual salary.

Specific Authority 1001.74(19) FS. Law Implemented 112.313, 112.3145, 1001.74(19) FS. History–New 1-28-04.

6C11-8.003 Employment of Relatives.

(1) Applicability. This rule applies to all College employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(2) Employment of related persons in a single organizational unit or in work-related organizational units is permitted, provided that such employment will not involve a conflict of interest, including but not limited to participation by the relative in making recommendations or decisions specifically affecting the appointment, retention, tenure, work assignments, evaluation, promotion, demotion, or salary of the related person. The Vice President/Provost responsible for the subject organizational unit shall determine, and document in writing, prior to employment of related persons, that a conflict of interest will not occur.

(3) “Relatives” or “related” persons are those related to each other in one of the following ways: husband; wife; parent; child; brother; sister; spouse of a child, brother, or sister; or parent, child, brother, or sister of spouse.

Specific Authority 1001.74(19) FS. Law Implemented 1001.74(19) FS. History–New 1-28-04.
6C11-8.004 Seeking or Holding Elected Public Office.
(1) Applicability. This rule applies to all College employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(2) Any employee who intends to seek election to and hold public office shall notify the President or President’s designee of their intentions in writing.

(3) The President or President’s designee shall consider whether the employee’s candidacy for holding public office will interfere with the full discharge of the employee’s duties.

(4) If it is determined that the candidacy will interfere with the full discharge of the employee’s duties, the employee shall be advised in writing that if he/she chooses to continue to pursue the candidacy, he/she will be required to take a leave of absence or submit a resignation, as determined by the President or President’s designee.

(5) Sworn law enforcement officers must take a leave of absence without pay during the period of office seeking, pursuant to Section 99.012(7), F.S.


6C11-8.005 Outside Activity.
(1) Applicability. This rule applies to all College employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(2) General.
(a) An employee shall not engage in any outside activity which interferes with the full and competent performance of the employee’s duties in the public interest. Nothing in this rule is intended to discourage an employee from engaging in outside activity in order to increase their professional reputation, service to the community, or income, subject to the conditions stated herein.

(b) “Outside Activity” shall mean any private practice, private consulting, or other activity, compensated or uncompensated, which is not part of the employee’s College duties and for which the College has provided no compensation.

(c) An employee engaging in any outside activity shall not use the facilities, equipment, or services of the College in connection with such outside activity without prior written approval of the Vice President/Provost responsible for the employee’s organizational unit. Such approval may be conditioned upon reimbursement for the direct costs resulting from the use thereof.

(d) An employee engaging in outside activity shall take reasonable precautions to ensure that the outside employer or other recipient of services understands that they are engaging in such outside activity as a private citizen and not as an employee, agent, or spokesperson of the College.

(3) Reporting Requirement.
(a) Any General Faculty or Administrative and Professional employee who proposes to engage in any outside activity which the employee should reasonably conclude may create a conflict of interest, or which may otherwise interfere with the full performance of the employee’s professional or institutional responsibilities, shall submit a complete written report of outside activity to their supervisor prior to engaging therein.

(b) The reporting provisions shall not apply to activities performed wholly during a period in which the employee has no appointment with the State University System.

(c) In the event the proposed outside activity is determined to constitute a conflict of interest or other interference with the employee’s College duties, the supervisor shall discuss the matter with the employee within two weeks of receipt of the employee’s written notification.

(d) If the matter is unresolved following this discussion, the employee may refer the matter to the responsible Vice President/Provost, who shall determine whether the outside activity creates a conflict of interest or otherwise interferes with the employee’s College duties. The employee shall be notified in writing of the College’s final action on the determination no later than three weeks from the date the matter was referred to the Vice President/Provost.

(e) The employee may engage in such outside activity pending the decision of the Vice President/Provost. If the Vice President/Provost determines that there is a conflict of interest or other interference with the employee’s College duties, the employee shall cease such activity immediately and turn over to the College any compensation earned therefrom.

Specific Authority 1001.74(19) FS. Law Implemented 112.313, 112.3145, 1001.74(19) FS. History–New 1-28-04.

6C11-8.006 Misconduct.
(1) Applicability. This rule applies to all College employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(2) College employees who intentionally act to impair, interfere with, or obstruct the mission, purposes, order, operations, processes, and functions of the College shall be subject to appropriate disciplinary action by College authorities as set forth in the applicable rules and laws governing such actions. Misconduct shall include, but not be limited to, the following:
(a) Violence or threat of violence to others or against one’s self.
(b) Theft, conversion, misuse, damage or destruction of College property or of the property of members of the College community.
(c) Unauthorized interference with the freedom of movement of any member or guest of the College.
(d) Unauthorized interference with or impeding the rights of others to carry out their activities or duties at or on behalf of the College or in entering, using, or leaving any College facility or scheduled activity.
(e) Interference with academic freedom and freedom of speech of any member or guest of the College.
(f) Non-compliance with written or oral requests or orders of authorized College personnel in the performance of their official duties.
(g) Providing false information to College officials, withholding required information from College officials or others, or misusing College documents.
(h) Possession or use of fireworks, explosives, dangerous chemicals, ammunition, or weapons on campus without the written approval of the appropriate College authority.
(i) Creating or in any way initiating a false alarm.
(j) Misuse of, or interference with, firefighting equipment.
(k) Disturbing the peace.
(l) Violation of the College policy concerning the use of alcoholic beverages on campus.
(m) Illegal possession or misuse of drugs and other controlled substances.
(n) Unauthorized solicitation of funds.
(o) Violation of the Laws of Florida or of the United States – any act that could constitute a violation of the laws of this state or nation will establish cause for legal and/or disciplinary action by the College.
(p) Endangering the health, safety, and welfare of members or guests of the College.
(q) Sexual harassment or other forms of illegal discrimination.
(r) Misuse or duplication of any College key.
(s) Violation of the College policy concerning smoking in buildings.
(t) Fabrication, falsification, plagiarism, misrepresentation of findings or other deviation from accepted practices in carrying out research or reporting the results of research, or failure to comply with legal requirements governing research.
(3) This rule shall apply to acts conducted on or off campus when relevant to the orderly conduct, processes, and functions of the College.

Specific Authority 1001.74(19), 1012.92(1) FS. Law Implemented 1012.92(1), (2), (3) FS. History–New 1-28-04.

6C11-8.007 Employee Selection and Appointment.
(1) This rule applies to all General Faculty and Administrative and Professional employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of General Faculty and Administrative and Professional employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.
(2) Search and selection.
(a) The selection of General Faculty and Administrative and Professional employees shall be the responsibility of the appropriate administrative officer having supervisory responsibility over the position and shall be in compliance with Board of Education rules found in Chapter 6C-5, F.A.C., College rules found in Rule 6C11-8.003, F.A.C., and applicable State University System and College policies and procedures.
(b) The appropriate administrator shall secure reliable and detailed information on candidates and reach decisions on their relative merits. Candidates selected for final consideration should be provided with information such as: title and nature of position, approximate salary, type of contract, basic assignment, and other duties inherent in the position. The candidate should also be provided with information concerning the research, or failure to comply with legal requirements governing research.
(c) If practicable, the candidate reaching the final stages of the search should be invited for personal interviews with appropriate personnel.
(d) In making preliminary contacts with candidates, it should be made clear that no offer of employment is being made.
(3) Appointments.
(a) The hiring authority shall verify and document education and experience of the recommended candidate.
(b) After deciding to recommend a candidate for appointment, the official in charge of the employment unit should transmit the recommendation to the appropriate administrative officers.
(c) The responsible Vice President/Provost may then offer the candidate employment by means of a contract or letter of appointment, subject to the provisions of Section 216.311, F.S.
(d) No contract or letter of appointment shall be for a term exceeding one year.
(e) All contracts shall be signed by the President, the responsible Vice President/Provost, and the employee.

Specific Authority 1001.74(19) FS. Law Implemented 216.311, 1001.74 (19) FS. History–New 1-28-04.
6C11-8.008 Grievance Procedure.

(1) Applicability. This rule applies to all General Faculty and Administrative and Professional employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of General Faculty and Administrative and Professional employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(2) All problems shall be resolved whenever possible before the filing of a grievance, and open communication is encouraged so that resort to the grievance procedure will not normally be necessary.

(3) The burden of proof shall be on the College in a grievance alleging violation of Rule 6C11-8.009, F.A.C., Discipline. In all other grievances, the burden of proof shall be on the grievant.

(4) It is the intent of this rule to provide a complete response to a grievance but not to encourage multiple processing of the same issue. If, prior to or while seeking resolution of a dispute under this rule, a grievant seeks resolution of the matter in any other forum, whether administrative or judicial, the College shall have no obligation to entertain or proceed further with the matter pursuant to this rule. The College’s response to other individuals or groups having appropriate jurisdiction in any other procedure shall not be an act or omission giving rise to a grievance under this procedure.

(5) All time limits contained in this rule may be extended by agreement of the parties. Upon failure of the grievant to file an appeal within the time limits provided in this rule, the grievance shall be deemed to have been resolved at the prior step.

(6) Definitions.

(a) The term “grievance” shall mean a dispute concerning the grievant’s rights regarding the terms and conditions of employment.

(b) The term “grievant” shall mean a non-unit Administrative and Professional or General Faculty employee who has been directly affected by an act or omission of the College and who has filed a written grievance under this rule.

(c) The term “days” shall mean calendar days. In the event an action falls due on Saturday, Sunday, or a state holiday, the action will be considered timely if it is accomplished by 5:00 p.m. on the following business day.

(d) The term “counsel” shall mean a lawyer or lay advisor.

(7) Step 1.

(a) All grievances shall be filed in writing with the person designated by the President as Step 1 Representative for the unit of the College in which the grievant performs duties, with a copy to the Office of the General Counsel, within 25 days following the act or omission giving rise thereto, or the date the grievant knew or reasonably should have known of such act or omission if that date is later. The identification of applicable designated Step 1 Representatives may be obtained from the Clerk of the College.

(b) The written grievance shall contain the following information: grievant’s name; name and address of counsel, if any; specific provision(s) of College or Board of Governor’s rule or regulation claimed to have been violated; a statement of the grievance, including the acts or omissions which are claimed to have given rise to the grievance; the remedy sought; and signature. The College will dismiss a grievance that is not in substantial compliance with this section or that is untimely filed. The dismissal shall be without prejudice to the grievant’s right to file a timely amended grievance curing the defect, unless it conclusively appears from the face of the grievance that the defect cannot be cured. If the College dismisses a grievance, it shall immediately notify the grievant of the dismissal, all defects, and how such defects can be cured. The grievant shall have ten (10) calendar days from the date of dismissal to file an amended grievance curing the defect. If the grievance is dismissed for untimely filing, the amended grievance must demonstrate that the untimely filing was the result of excusable neglect. The grievant may, in the written grievance that is filed, request the postponement of any action in processing the grievance formally for a period of up to 25 days, during which period efforts shall be made to resolve the grievance informally.

(c) Upon the grievant’s written request, additional extensions of up to 25 days should be liberally granted unless to do so would impede resolution of the grievance. During such postponement period(s), upon request, the Step 1 Representative may, at his/her discretion, arrange an informal conference between the appropriate administrator and the grievant.

(d) The grievant may at any time terminate a postponement period by giving written notice to the Step 1 Representative that the grievant wishes to proceed with the Step 1 meeting provided for below. If the initial postponement period, or any extension thereof, expires without such written notice, the grievance shall be deemed informally resolved to the grievant’s satisfaction and need not be proceeded further.

(e) The Step 1 Representative shall conduct a meeting no later than 15 days following receipt of the grievance, if no postponement is requested, or receipt of written notice that the grievant wishes to proceed with the Step 1 meeting.

(f) At the Step 1 meeting the grievant shall have the right to present any evidence in support of the grievance.

(g) The Step 1 Representative shall issue a written decision, stating the reasons therefor, within 25 days following the conclusion of the Step 1 meeting. The decision shall include a finding as to whether the grievance concerns a substantial interest of the grievant and/or whether there are any disputed issues of fact material to the grievance. In the event the decision at Step 1 refers to documents not presented by the grievant at the Step 1 meeting, copies of such documents shall be attached to the decision.

(8) Step 2.

(a) If the grievance is not satisfactorily resolved at Step 1 the grievant may request review by the responsible Vice President/Provost by delivering a written request within 10 days of receipt of the Step 1 decision. The Step 2 review must state the reason(s) for the grievant’s dissatisfaction with the Step 1 decision.
(b) The responsible Vice President/Provost may schedule a Step 2 meeting with the grievant and/or other appropriate persons or may issue a decision on review of the documents alone, at his/her discretion.

(c) The responsible Vice President/Provost will issue a written decision, stating the reasons therefor, within 25 days following the conclusion of the Step 2 meeting or within 25 days of receipt of the Step 2 review request if no meeting is held. At the time of issuance of the Step 2 decision, the responsible Vice-President/Provost shall give the grievant notice of the Step 2 decision pursuant to Section 120.569(1), F.S.

(d) If the Step 2 decision determines the grievant’s substantial interests, the grievant may request a hearing under Section 120.57, F.S., by submitting a petition to the Clerk of the College with a copy to the President, within twenty-one (21) days of receipt of notice of the Step 2 decision. The petition shall conform to the requirements of Rule 28-106.201, F.A.C. if the requested hearing involves disputed issues of material fact, or Rule 28-106.301, F.A.C. if it does not. Proceedings conducted pursuant to paragraph 6C11-8.008(8)(d), F.A.C., shall be conducted in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C.

Specific Authority 1001.74(19) FS. Law Implemented 1001.74(19) FS. History–New 1-28-04.

6C11-8.009 Discipline.

(1) Applicability. This rule applies to all General Faculty and Administrative and Professional employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of General Faculty and Administrative and Professional employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(2) Just cause shall be defined as:
   (a) Incompetence, or
   (b) Misconduct.

(3) Suspension and Termination. The appointment of a College employee may be suspended or terminated during its term for just cause. When the President or the responsible Vice President/Provost has reason to believe that suspension or termination should be imposed, the President/Vice President/Provost shall provide the employee with a written notice of the proposed suspension or termination and the reasons thereof. The employee shall be given at least ten days in which to respond to the President/Vice President/Provost before the proposed action is taken. After considering the employee’s response, or after the expiration of the response period should the employee fail to respond, the President/Vice President/Provost shall issue a written notice of action.

(4) Notice of Suspension or Termination. All notices of disciplinary action shall include a statement of the reasons for the action and the effective date and shall be sent by registered mail, return receipt requested. During the period following notice, the employee may, at the discretion of the President/Vice President/Provost, be reassigned.

(5) Other Disciplinary Action. The responsible Vice President/Provost retains the right to impose probation, counseling, psychiatric treatment, community service, restitution, drug or alcohol rehabilitation for just cause. Counseling and psychiatric treatment shall not be considered disciplinary action. In determining such disciplinary action the Vice President/Provost shall consider the severity of the violation, the harm caused, fiscal loss, the employee’s employment record and the employee’s length of service.

(6) Leave Pending Investigation. Notwithstanding the provisions above, the Vice President/Provost may immediately place an employee on paid leave pending investigation when the Vice President/Provost has reason to believe that the employee’s presence on the job would adversely affect the functioning of the College, impede investigation of the alleged act warranting disciplinary action, or jeopardize the safety or welfare of other employees or colleagues. Within two working days, excluding weekends and designated holidays, the employee shall be sent a written statement of reasons for the leave by certified mail, return receipt requested.

Specific Authority 1001.74(19), 1012.92 FS. Law Implemented 1001.74(19), 1012.92 FS. History–New 1-28-04.

6C11-8.010 Non-Reappointment.

(1) Applicability. This rule applies to all General Faculty and Administrative and Professional employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of General Faculty and Administrative and Professional employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(2) The College’s offer of employment shall be consistent with the following:
   (a) Appointments shall not create any right, interest, or expectancy beyond the specific period of time set forth in the appointment, as modified by paragraph (c) below.
   (b) Employees appointed with a modifier other than Regular (for example Visiting or Acting) are not entitled to any notice of non-reappointment.
   (c) Employees who are issued an employment contract with a clause providing that employment will cease on the date indicated and further notice is not required, are not entitled to the notice of non-reappointment referenced in paragraph (c) below.
(3) Faculty and A&P employees may be non-reappointed upon written notice from the President/designee. The period of notification (prior to the effective date of non-reappointment) is based on the employee’s length of continuous employment as Regular Faculty or A&P as follows:
(a) 3 months notification for all Regular A&P employees and Faculty in their first year of employment;
(b) 6 months notification for all Regular A&P employees after their first year of employment;
(c) 6 months notification for all Regular Faculty during their second year of employment; and
(d) 12 months notice for all Regular Faculty with two or more years of service.
(4) Following receipt of the notice of non-reappointment, employees may be assigned other duties and responsibilities and/or placed on leave. The College is committed to compensate the employee until the effective date of non-reappointment or separation from employment for other reasons (whichever is sooner); however, a change in assignment may affect the employee’s compensation as follows:
(a) If administrative duties are removed for which a stipend was granted, the stipend shall be removed;
(b) If temporary additional duties are removed, for which a temporary special pay increase was granted, the temporary special pay increase shall be removed; or
(c) If the employee agrees to a voluntary demotion which includes a reduction in salary during the notice period.

Specific Authority 1001.74, 1012.92 FS. Law Implemented 1001.74, 1012.92 FS. History–New 1-28-04.

6C11-8.011 Inventions and Works.
(1) Definitions. The following definitions shall apply for purposes of interpreting and implementing this rule:
(a) A “work” includes any copyrightable material such as printed material, computer software or databases, audio and visual material, circuit diagrams, architectural and engineering drawings, lectures, musical or dramatic compositions, choreographic works, pictorial or graphic works, and sculptural works.
(b) An “invention” includes any discovery, invention, process, composition of matter, article of manufacture, know-how, design, model, technological development, strain, variety, culture of any organism, or portion, modification, translation, or extension of these items, and any mark used in connection with these items.
(c) “Instructional technology material” includes video and audio recordings, motion pictures, film strips, photographic and other similar visual materials, live video and audio transmissions, computer programs, computer assisted instructional coursework, programmed instructional materials, three-dimensional materials and exhibits, and combinations of the above materials, which were prepared or produced in whole or in part by an employee, and which are used to assist or enhance instruction.
(d) “College support” includes the use of College funds, personnel, facilities, equipment, materials, or technological information; and includes such support provided by other public or private organizations when it is arranged, administered, and/or controlled by the College.
(e) “Employee” means all General Faculty, Administrative and Professional, USPS, and OPS employees of the College, in-unit or non-unit, regardless of classification or source of funding of the position, and volunteers and other persons who engage in College-supported effort.

(2) Works.
(a) Independent Efforts. A work made in the course of independent efforts is the property of the employee, who has the right to determine the disposition of such work and the revenue derived from such work. As used in this section, the term independent efforts means that:
1. The ideas came from the employee;
2. The work was not made with the use of College support; and
3. The College is not held responsible for any opinions expressed in the work.
(b) College-Supported Efforts. If the work was not made in the course of independent efforts, the work is the property of the College and the employee shall share in the proceeds therefrom. However, in keeping with tradition, it is not the intent of the College to assert rights to books, articles, and similar works, the intended purpose of which is to disseminate the results of academic research or scholarly study nor to assert rights to instructional technology material which is developed without the use of appreciable College support and is used solely for the purpose of assisting or enhancing the employee’s instructional assignment.
(c) Disclosure.
1. Upon the creation of a work, and prior to any publication, the employee shall disclose to the President or Vice President any work made in the course of College-supported efforts, together with an outline of the project and the conditions under which it was done.
2. The President or Vice President shall gather information to assess the relative equities of the employee and the College in the work.
3. Within sixty (60) days after such disclosure, the President or Vice President will inform the employee whether the College seeks an interest in the work, and a written contract shall thereafter be negotiated to reflect the interests of both parties, including provisions relating to the equities of the employee and allocating proceeds resulting from such work. All such agreements shall comport with and satisfy any preexisting commitments to outside sponsoring contractors.
4. The employee and the College shall not commit any act which would tend to defeat the College’s or employee’s interest in the work and shall take any necessary steps to protect such interests.

(3) Inventions.
(a) Disclosure/College Review.
1. An employee shall fully and completely disclose to the President or Vice President all inventions which the employee may develop or discover while an employee of the State College System together with an outline of the project and the conditions under which it was done. With respect to inventions made during the course of approved outside employment, the employee may delay such disclosure, when necessary to protect the outside employer’s interest, until the decision has been made by the outside employer whether to seek a patent.
2. If the College wishes to assert its interest in the invention, the President or Vice President shall inform the employee within one hundred twenty (120) days of the employee’s disclosure to the President or Vice President.
3. The President or Vice President shall conduct an investigation which shall assess the respective equities of the employee and the College in the invention, and determine its importance and the extent to which the College should be involved in its protection, development, and promotion.
4. The President or Vice President shall inform the employee of the College’s decision regarding the protection to be sought for the invention within a reasonable time, not to exceed 135 days from the date of the disclosure to the President or Vice President.
5. The division, between the College and the employee, of proceeds generated by the licensing or assignment of an invention, shall be negotiated and reflected in a written contract between the College and the employee. All such agreements shall comport with and satisfy any preexisting commitments to outside sponsoring contractors.
6. The employee shall not commit any act which would tend to defeat the College’s interest in the matter, and the College shall take any necessary steps to protect such interest.
(b) Independent Efforts. All inventions made outside the field or discipline in which the employee is employed by the College and for which no College support has been used are the property of the employee, who has the right to determine the disposition of such work and revenue derived from such work. The employee and the President or Vice President may agree that the patent for such invention be pursued by the College and the proceeds shared.
(c) College-Supported Efforts. An invention which is made in the field or discipline in which the employee is employed by the College or by using College support is the property of the College and the employee shall share in the proceeds therefrom.
(d) Outside Employment.
1. While an employee may, in accordance with Rule 6C11-8.005, F.A.C., and the pertinent collective bargaining agreement, engage in outside employment pursuant to a consulting agreement, rights to any inventions which arise during the course of such outside employment are subject to the provisions of paragraphs 6C11-8.011(3)(a)-(c), F.A.C. Such employee is not authorized to waive the employee’s or the College’s rights to any such inventions. Any such waiver must be approved by the President or Vice President.
2. An employee who proposes to engage in such outside employment shall furnish a copy of this Rule and, if applicable, the pertinent collective bargaining agreement, to the outside employer prior to or at the time a consulting or other agreement is signed, or if there is no written agreement, before the employment begins.
(e) Release of Rights.
1. In the event a sponsored research contractor has been offered the option to apply for the patent to an invention or other rights in an invention, the College will use its good offices in an effort to obtain the contractor’s decision regarding the exercise of such rights within 120 days.
2. At any stage of making the patent applications, or in the commercial application of an invention, if it has not otherwise assigned to a third party the right to pursue its interests, the President or Vice President may elect to withdraw from further involvement in the protection or commercial application of the invention. At the request of the employee in such case, the College shall transfer the invention rights to the employee, in which case the invention shall be the employee’s property, and none of the costs incurred by the College or on its behalf shall be assessed against the employee.
3. All assignments or releases of inventions, including patent rights, by the President or Vice President to the employee shall contain the provision that such invention, if patented by the employee, shall be available royalty-free for governmental purposes of the State of Florida, unless otherwise agreed in writing by the College.
4. Execution of Documents. The College and the employee shall sign an agreement individually recognizing the terms of this rule.
5. Responsibility. The authority and responsibility for administration and implementation of this rule is delegated to the Vice President.

Specific Authority 1001.74 FS. Law Implemented 1001.74(19) FS. History–New 1-28-04.

6C11-8.012 Employee Recognition Program.
(1) The New College of Florida Employee Recognition Program shall provide for recognition of eligible employees.
(2) The College is authorized to expend State funds for recognition and awards to employees in compliance with this rule. Any award will be contingent upon the availability of funds. Nothing in this rule is intended to govern the expenditure of private funds to which the College may have access.

(3) The awards provided for herein shall acknowledge employee achievement in the following components:
   (a) Superior Accomplishment – Exemplary performance by faculty members, or Administrative and Professional (A&P), or USPS employees, that is deemed to have significantly contributed to their respective field, thereby reflecting positively on the caliber of the State University System.
   (b) Service – Sustained satisfactory service with the State University System by faculty members, A&P, or USPS employees.
      1. Eligible employees may be recognized for service upon retirement.
      2. Eligible employees will be recognized upon achieving increments of five continuous years of satisfactory service at the College.

(4) Superior Accomplishment Component.
   (a) Awards for superior accomplishment may be presented to eligible employees on an individual basis or collectively for outstanding group performance. The Human Resources Director coordinates the selection process for the College-wide Outstanding Staff Awards. The Equal Opportunity Affairs officer coordinates the selection process for the Affirmative Action awards. Divisional awards may be presented by Deans or Directors.
   (b) Awards for superior accomplishment, whether College-wide or division, shall be in accordance with the following provisions:
      1. No cash award granted under the superior accomplishment component shall exceed $1,000, excluding applicable taxes. Savings Bonds or other items in lieu of cash may be awarded, provided the cost of such item does not exceed $1,000.
      2. Certificates, pins, plaques, letters of commendation, or other appropriate tokens of recognition of superior service may be awarded, provided the cost of the token does not exceed $50.
      3. Lump sum bonuses based solely on performance will not be awarded.
      4. All divisional award activity must be reported to the Human Resources Director.

(5) Service Award Component.
   (a) Divisions may recognize retiring employees or appointed members of a state board or commission upon the expiration of his or her term whose service has been satisfactory. Awards may take the form of suitable framed certificates, pins, or other tokens of recognition and appreciation, provided such awards do not cost in excess of $50 each. All service awards shall be reported to the Human Resources Director.
   (b) The Human Resources Director shall be responsible for the administration and coordination of the continuous satisfactory service awards program. The College shall recognize employees who have attained continuous satisfactory service in increments of five years.

(6)(a) The College shall prepare an annual report to be presented to the Board of Education for outlining the level of participation in the employee recognition program.
   (b) New College of Florida shall submit to the Board a calendar year report that includes at least the following items:
      1. The number of employees recognized for superior accomplishments;
      2. The number of employees recognized for continuous satisfactory service to the College;
      3. The College’s Human Resources Director shall be responsible for regularly gathering data regarding the number of individual employees being recognized under any component of this program.

Specific Authority 1001.74(19) FS. Law Implemented 1001.74(19) FS. History–New 1-28-04.


(1) Applicability. This rule applies to all University Support Personnel Staff employees; provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of University Support Personnel Staff employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(2) Contents of Files – Normally, a personnel file would contain, but is not limited to, the following:
   (a) Information gathered as part of employment procedure, including applications, letters of reference, letters of appointment, acceptance of appointment, contracts, employment test results, loyalty oath, approvals of special hiring rates, substitutions or training and experience.
   (b) Information required to substantiate salary transactions, including appointment papers, contracts, salary adjustments and differentials.
   (c) Performance evaluations, including performance appraisal forms, reprimands, letters of dismissal, suspension, reduction in pay, layoff, request and approvals to take appealable disciplinary actions, letters of grievance, responses to letters of grievance or appeal, findings, recommendations and results of grievances or appeals.
   (d) Medical records which address the employee’s ability to do the job.

(3) Access to Files.
(a) Individuals Wishing to Review Their Personnel Files – Employees wishing to review their files may do so during normal business hours. Files shall be reviewed in the presence of a representative of the Personnel Office who will answer questions or offer other assistance as necessary. Any employees who are unable to review their files during the time period indicated should contact the Director of Personnel and every effort will be made to make special arrangements to meet the employee’s request.

(b) Access by College Officials – Personnel files shall be open to officials of the College who are responsible for the supervision of the employee or who are considering an employee for employment or promotion, and by officials and employees of the College in the performance of their official duties, if such duties reasonably require their having access to the files. Files should be reviewed in the presence of a representative of the Personnel Office who will answer questions or offer other assistance as necessary.

(c) Access by Others – Access to the personnel files of College employees by persons other than those covered above shall be governed by the Florida Public Records Law, Chapter 119, F.S., and Section 240.253, F.S. Others wishing to review the files of College employees may do so during normal business hours. Copies of any document or file will be provided in accordance with the law and any material not covered by the public records law will be removed prior to inspection or copying unless otherwise approved for same. The Director of Personnel shall have the authority to establish additional requirements as is administratively necessary to carry out this policy and to insure the orderly transaction of College business. Files shall be reviewed in the presence of a representative of the Personnel Office who will answer questions or offer other assistance as necessary.

(d) A log of who reviews the file and the date reviewed will be maintained in each personnel file.

(4) Inclusion of Materials in Personnel Files.

(a) The majority of the material found in a personnel file enters that file through the normal course of activities, including the original employment procedure and salary transactions procedures. Other information may enter an employee’s file by being placed there by College officials in the course of carrying out their responsibilities. Since all employees have a right to know what is being placed in their files, items of a non-routine nature shall require either that the employee has acknowledged the contents of the material being placed in the file by signing the material which is to be placed in the file, or the document(s) will show that the employee was given a copy (through the appropriate indication at the end of the document which is being placed in the file). In either case, the document should clearly indicate that it is to be placed in the employee’s file.

(b) Employees should have the right to place information or documentation into their personnel files by forwarding the information to the Director of Personnel for that purpose. Examples of the types of information employees may place in their files are updating of education or training and clarification or rebuttal of information placed in their files by College officials.

(c) Items received by the Personnel Office will be reviewed for compliance with this rule and for appropriateness and shall be placed in the file or returned to the sender on that basis.

Specific Authority 1012.91 FS. Law Implemented 119.07(1)(a), (2)(a), 1012.91 FS. History–New 1-28-04.


Applicability. The following guidelines for disciplinary action apply to all University Support Personnel Staff employees; provided, however, that their application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of University Support Personnel Staff employees who are members of a collective bargaining unit and are represented by a collective bargaining agent:

(1) Offenses – Guidelines for Disciplinary Action.

(a) On the job offense and deficiencies.

1. Misuse of property or equipment (including chemicals, etc.) in a manner which endangers life or property.
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.
   c. Third occurrence – Dismissal.

2. Sleeping
   a. First occurrence – Written reprimand.
   b. Second occurrence – Suspension.
   c. Third occurrence – Dismissal.

3. Leaving work station which must be attended without authorization.
   a. First occurrence – Oral to written reprimand.
   b. Second occurrence – Written reprimand to suspension.
   c. Third occurrence – Suspension to dismissal.
   d. Fourth occurrence – Dismissal.

4. Reporting to work under the influence of intoxicants or drugs.
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.
   c. Third occurrence – Dismissal.

5. Willful destruction of property or equipment.
   a. First occurrence – Written reprimand to suspension.
b. Second occurrence – Suspension to dismissal.
c. Third occurrence – Dismissal.

6. Fighting or creating a disturbance which adversely affects morale, production, or maintenance of proper discipline.
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.
   c. Third occurrence – Dismissal.

7. Insubordination (refusal to obey orders, or like behavior).
   a. First occurrence – Written reprimand to suspension.
   b. Second occurrence – Suspension to dismissal.
   c. Third occurrence – Dismissal.

8. Horseplay (rough or boisterous play or pranks which do or may cause injury or embarrassment to others).
   a. First occurrence – Oral to written reprimand.
   b. Second occurrence – Written reprimand to suspension.
   c. Third occurrence – Suspension to dismissal.
   d. Fourth occurrence – Dismissal.

9. Willful falsification of records (false statements, misrepresentation or fraud of official documents, such as applications, leave slips, or work and production records).
   a. First occurrence – Written reprimand to dismissal.
   b. Second occurrence – Dismissal.

10. Theft (regardless of whether articles are owned by individuals, the College or the State).
    a. First occurrence – Suspension to dismissal.
    b. Second occurrence – Dismissal.

11. Malicious use of profane or abusive language (directly to or in the presence of others).
    a. First occurrence – Oral to written reprimand.
    b. Second occurrence – Written reprimand to suspension.
    c. Third occurrence – Suspension to dismissal.
    d. Fourth occurrence – Dismissal.

12. Unauthorized distribution of written or printed material of any kind.
    a. First occurrence – Oral to written reprimand.
    b. Second occurrence – Suspension to dismissal.
    c. Third occurrence – Dismissal.

13. Chronic or excessive absenteeism – a pattern of absence in a 30-day period which adversely affects employees’ work or management’s ability to transact business.
    a. First occurrence – Oral to written reprimand.
    b. Second occurrence – Written reprimand to suspension.
    c. Third occurrence – Suspension to dismissal.
    d. Fourth occurrence – Dismissal.

14. Abuse of Sick Leave (includes the intentional use of leave for reasons other than personal or family illness or injury or exposure to contagious disease).
    a. First occurrence – Written reprimand to suspension.
    b. Second occurrence – Suspension to dismissal.
    c. Third occurrence – Dismissal.

15. Inattention to duty (includes loafing, loitering, and wasting time during working hours) within any six-month period.
    a. First occurrence – Oral or written reprimand.
    b. Second occurrence – Written reprimand to suspension.
    c. Third occurrence – Suspension to dismissal.
    d. Fourth occurrence – Dismissal.

16. Habitual tardiness (reporting late for work, over-extending breaks or meal periods) within any six-month period.
    a. First occurrence – Oral to written reprimand.
    b. Second occurrence – Written reprimand to suspension.
    c. Third occurrence – Suspension to dismissal.
    d. Fourth occurrence – Dismissal.

17. Absence without authorized leave (during any six-month period) for period less than three consecutive workdays.
    a. First occurrence – Oral to written reprimand.
    b. Second occurrence – Written reprimand to suspension.
    c. Third occurrence – Suspension to dismissal.
    d. Fourth occurrence – Dismissal.

18. Gambling.
    a. First occurrence – Oral to written reprimand.
b. Second occurrence – Written reprimand to suspension.
c. Third occurrence – Suspension to dismissal.
d. Fourth occurrence – Dismissal.
19. Willful violation of written rules, regulations and policies.
a. First occurrence – Written reprimand to suspension.
b. Second occurrence – Suspension to dismissal.
c. Third occurrence – Dismissal.
a. First occurrence – Oral to written reprimand.
b. Second occurrence – Written reprimand to suspension.
c. Third occurrence – Suspension to dismissal.
d. Fourth occurrence – Dismissal.
21. Sub-standard work (includes failure to carry out assigned work or instructions within reasonable time or by a specified deadline).
a. First occurrence – Oral to written reprimand.
b. Second occurrence – Written reprimand to suspension.
c. Third occurrence – Suspension to dismissal.
d. Fourth occurrence – Dismissal.
22. Violation of any provision of law or College rule, including prohibitions of unfair labor practices and discrimination.
First occurrence – Oral reprimand to dismissal.
23. Sexual Harassment as defined by the College’s Sexual Harassment Policy Statement incorporated by reference herein.
a. First occurrence – Suspension to dismissal.
b. Second occurrence – Dismissal.
24. Engaging in concerted activities to commit an offense (e.g., work stoppage, slow-down, mass call-in alleging sickness).
a. First occurrence – Written reprimand to suspension.
b. Second occurrence – Suspension to dismissal.
c. Third occurrence – Dismissal.
25. Revealing privileged information.
a. First occurrence – Written reprimand to suspension.
b. Second occurrence – Suspension to dismissal.
c. Third occurrence – Dismissal.
26. Use of corporal punishment, mishandling, verbal or physical abuse of client.
a. First occurrence – Written reprimand to suspension.
b. Second occurrence – Suspension to dismissal.
c. Third occurrence – Dismissal.
27. Failure to report any mistreatment of a client in a timely manner.
a. First occurrence – Written reprimand to suspension.
b. Second occurrence – Suspension to dismissal.
c. Third occurrence – Dismissal.
28. Failure to report lost or stolen property.
a. First occurrence – Written reprimand to suspension.
b. Second occurrence – Suspension to dismissal.
29. Inefficiency or inability to perform assigned duties and/or substandard (below) performance of assigned duties.
(b) On or off the job offenses.
1. Under the influence of or possession of non-prescribed drugs or the sale and/or distribution of a drug or narcotic while on duty.
a. First occurrence – Suspension or dismissal.
b. Second occurrence – Dismissal.
2. Violation of the Code of Ethics for public employees, Chapter 112, F.S.
a. First occurrence – Written reprimand to dismissal.
b. Second occurrence – Dismissal.
3. Conviction of any crime other than traffic violations.
a. First occurrence – Written reprimand to suspension.
b. Second occurrence – Suspension to dismissal.
4. Conviction of a misdemeanor, under Section 110.1127, F.S.
a. First occurrence – Suspension to dismissal.
b. Second occurrence – Dismissal.
5. Conviction of a felony.
a. First occurrence – Suspension to dismissal.
b. Second occurrence – Dismissal.

(2) Types of Disciplinary Action.
(a) Nonappealable. Nonappealable disciplinary actions include written and oral reprimands.
(b) Appealable. Appealable disciplinary actions include suspension, dismissal, demotion and reduction in pay.

(3) Procedure for Nonappealable Disciplinary Action.
(a) Oral reprimands. An employee’s immediate supervisor shall have the authority to issue oral reprimands.
(b) Written reprimands. Written disciplinary actions must be reviewed by the appropriate department head before they are given. A copy of the letter containing the action shall be forwarded to the Division of Personnel Services for inclusion within the employee’s personnel folder.

(4) Procedure for Appealable Disciplinary Action.
(a) Prior to initiating any appealable disciplinary action, the department head shall review the action and procedures with the Chief Administrative Officer of Personnel Services or his designee. The Chief Administrative Officer of Personnel Services or his designee shall delegate to the appropriate department head the authority to take appealable disciplinary action if it has been determined that the action to be taken is in accordance with established disciplinary procedures.
(b) All appealable disciplinary actions must be communicated to the employee in writing by certified mail with return receipt requested within five (5) working days from the date the action is taken. This communication must contain a statement of the reason for the disciplinary action, the nature of the action taken and a notice of the employee’s right to a “predetermination conference” as well as the employee’s right to arbitration appeals under Board of Education Rule 6C-5.950, F.A.C.
(c) A copy of the official letter taking disciplinary action shall be made a part of the Division of Personnel Services personnel folder. Any related information regarding the action taken shall also be included in this folder.

Specific Authority 1001.74(19), 1012.92 FS. Law Implemented 1001.74(19), 1012.92 FS. History–New 1-28-04.


(1) Applicability. The following grievance procedures apply to all University Support Personnel Staff employees; provided, however, that their application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of University Support Personnel Staff employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(2) Definition of grievance. A grievance is defined as the dissatisfaction that occurs when an employee believes that any condition affecting the employee’s terms and conditions of employment is unjust, inequitable, or creates a problem, except that an employee shall not have the right to file a grievance concerning performance appraisals unless it is alleged that the appraisal is based on factors other than the employee’s performance.

(3) Suspensions, involuntary reductions in pay, transfers, layoffs, involuntary demotion and dismissals shall not be grievable under this process, and review of such actions may be handled in accordance with the provisions of Board of Education Rule 6C-5.760, F.A.C., which governs arbitration appeals or other actions in accordance with grievance procedures contained in applicable collective bargaining agreements.

(4) Procedures for filing grievances (permanent employees).
(a) Step 1 – Any USPS employee, regardless of the source of funds from which the position is funded, who has a grievance must file either orally or in writing the grievance with his or her immediate supervisor within seven (7) calendar days from the date the employee becomes aware of the act or condition that is the basis of the grievance.
(b) Step 2 – If the grievance is not resolved, the grievance shall be filed in writing within seven (7) calendar days to the College dean or director, a copy to the employee’s immediate supervisor, and a copy to the Assistant Director of Personnel acting as Chief Administrative Officer responsible for local administration of these grievance provisions.
(c) Step 3 – If the grievance is not resolved at Step 2, the Chief Administrative Officer, upon request by the grievant, shall review and furnish the employee a written decision within 30 calendar days from the date the grievance is filed at Step 3. The decision is final and binding on all parties, except for grievances referenced below.
(d) Procedural review. If it is alleged that the College failed to comply with Board of Education Rules, an employee shall have the right to file the grievance with the Chancellor within five (5) work days of receipt of the College’s decision.

(5) Procedures for filing grievances (non-permanent employees).
(a) Step 1 – Any USPS employee without permanent status, regardless of the source of funds from which the position is funded, who has a grievance, may file the grievance either orally or in writing with the immediate supervisor who shall attempt to resolve the grievance.
(b) Step 2 – If the grievance is not resolved, the grievance shall be filed in writing with the next-level supervisor, the original to the immediate supervisor. The decision made by the next-level supervisor will be considered final. Employees who do not have permanent status in the USPS shall not have the right to proceed with a grievance to the Chief Administrative Officer.

(6) Grievability of performance appraisals alleging factors other than performance.
(a) Any USPS employee who alleges that factors other than job performance were used by the supervisor in determining the Below Performance rating received shall file the grievance at Step 2.
(b) The review of the grievance at any step shall be solely to determine whether the performance was done in an arbitrary and capricious manner.

(c) If a reviewer determines that the performance appraisal was done in an arbitrary and capricious manner, the reviewer shall have the authority to order that the appraisal be marked “NOT VALID” and direct that another performance appraisal be conducted.

Specific Authority 1001.74(19) FS. Law Implemented 1001.74(19) FS. History—New 1-28-04.


(1) Pursuant to Section 1012.91, F.S., except as required for use by the president or president’s designee in the discharge of his or her official responsibilities, the following records are confidential and exempt from the provisions of Section 119.07(1), F.S., and will only be released upon the written authorization of the employee or upon order of a court of competent jurisdiction.

(2) Evaluative information created prior to July 1, 1995. Any and all information, wherever maintained, which reflects an evaluation of an employee’s performance and was created prior to July 1, 1995 shall be confidential and shall not be disclosed (except to the evaluated employee, or the College officials whose duties to supervise or evaluate the employee require access to the records).

(3) Records containing information reflecting academic evaluations of employee performance.

(4) Records maintained for the purposes of an investigation of employee misconduct, but only until:
   (a) The investigation is no longer active;
   (b) The College gives written notice to the employee that the investigation is concluded; or
   (c) A letter of discipline issues.

In addition, for sexual harassment investigations, portions of the records which identify the complainant, a witness, or information which could reasonably lead to the identification of either remain confidential after the completion of the investigation.

(5) Records maintained for the purposes of any disciplinary proceeding brought against an employee, but only until a final decision is made in the proceeding.

(6) Records maintained for the purposes of any grievance proceeding brought by an employee for enforcement of a collective bargaining agreement or contract, but only until a final decision is made in the proceeding.

(7) Any records or portions thereof which are otherwise confidential by law.

Specific Authority 1001.74(19), 1012.91 FS. Law Implemented 1001.74(19), 1012 FS. History—New 1-28-04.
CHAPTER 6D-1 BY-LAWS OF THE BOARD OF TRUSTEES

6D-1.002 Appointment and Jurisdiction.

(1) The coordination, control and operation of the Florida School for the Deaf and the Blind shall be managed by a Board of seven (7) Trustees, in accordance with statutory guidelines as indicated in Chapter 242.331, F.S.

(2) General information concerning the Florida School for the Deaf and the Blind.

(a) Location. The Florida School for the Deaf and the Blind and its principal office shall be located at 207 North San Marco Avenue, St. Augustine, Florida. Its normal office hours shall be from 8:00 a.m. until 4:30 p.m. Members of the public may obtain information concerning the Florida School for the Deaf and the Blind, any forms used in the operation of the School and a copy of these rules by contacting the President’s office in St. Augustine.

(b) Public records. Public records may be copied or inspected by contacting the President’s office at 207 North San Marco Avenue, St. Augustine, Florida. The agency shall impose a charge for the service and cost of copying public records, which shall be no more than the agency cost. There shall be no charge for inspection or copying of these rules, agency orders or rules index.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 12-19-74, Amended 9-8-85, Formerly 6D-1.02, Amended 2-22-95, Amended 4-2-02.

6D-1.003 Meetings.

(1) Unless otherwise directed by the Board, the Board of Trustees shall hold monthly meetings on the campus of the Florida School for the Deaf and the Blind at a date and time determined by the Board.

(2) A quorum at any meeting shall consist of four (4) members of the Board. A majority of such quorum shall decide any questions that may come before the meeting. If at any meeting, less than a quorum is present, the Trustees present or a majority of them, may adjourn the meeting to another time and/or place.

(3) “Roberts Rules of Order, Revised,” shall be followed in conducting the meetings of the Board unless otherwise provided by the Board.

(4) The order of business at any regular or special meeting of the Board shall be:

(a) Call to order.
(b) Roll call.
(c) Consideration of minutes.
(d) Reports by committees.
(e) Report by President.
(f) Report by department heads.
(g) Unfinished business.
(h) New business.
(i) Individual or group hearings.
(j) Election of officers when necessary.
(k) Adjournment.
(5) Agenda and notice of meetings, workshops, electronic communication media meetings and emergency meetings. Agenda and notice requirements for meetings, workshops, electronic communications media meetings and emergency meetings shall be prescribed in the Rules of the Administration Commission Model Rules of Procedure, Chapter 28-102, F.A.C., entitled Agenda and Scheduling of Meetings and Workshops and Chapter 28-109, F.A.C., entitled Conducting Proceedings by Communications Media Technology.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 12-19-74, Amended 9-8-85, Formerly 6D-1.03, Amended 4-2-02.

6D-1.004 Officers.

(1) The officers of the Board of Trustees shall be a Chair and a Vice Chair, each of whom shall be elected from among the members of the Board of Trustees for a term of one (1) year, unless sooner removed by the Board of Trustees or the Governor, and each of whom shall hold office until his/her successor shall be elected and qualified. Said officers shall be elected by the Board of Trustees at its first regular meeting after June 30 of each year. If any office becomes vacant during the year, the Board of Trustees shall fill same for the unexpired term.

(2) The Chair shall preside at all meetings of the Board of Trustees. He/she shall execute all contracts as required on authority of and in the name of the Board of Trustees. He/she shall transmit the annual report of the President to the Governor and shall have such other duties and powers as directed by the Board of Trustees. He/she shall appoint the members of and serve as ex-officio voting member of all committees of the Board of Trustees.

(3) The Vice Chair shall, in the absence, disqualification or disability of the Chair, or at his/her direction, exercise all the functions of the Chair and shall have such other duties as the Chair of the Board of Trustees shall assign to him/her.

(4) The President of the Florida School for the Deaf and the Blind shall serve as Secretary to the Board of Trustees and Chief Executive Officer of the Florida School for the Deaf and the Blind. He/she shall have custody of, and maintain, all of the corporate records and corporate seal, shall record the minutes of all meetings of the Board of Trustees and shall send notices of all meetings to the members of the Board and the State Board of Education. He/she shall perform such other duties as may be prescribed by the Board of Trustees.

(5) Any of said officers may be removed from office for malfeasance in office or conduct prejudicial to the School’s interest by a vote of not less than two-thirds of the whole membership of the Board of Trustees at any regular or special meeting of the Board; provided, however, that any officer so sought to be removed shall be given not less than ten days’ notice in writing of the charges to be proffered against him/her, and shall be given an opportunity to refute the same before the Board.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(a), 242.331(2) FS. History–New 12-19-74, Formerly 6D-1.04, Amended 7-26-90, 11-1-95, 4-2-02.

6D-1.005 Seal.

The corporate seal of the Board of Trustees shall consist of two concentric circles, between which is inscribed: The Florida School for the Deaf and the Blind, St. Augustine, Florida. Printed within the inner circle shall be an outline of the State of Florida, under which is inscribed EST. 1885. The location of the School shall be indicated by the letters FSDB inscribed on the upper east coast of the state outline, with six rays emanating from the letters FSDB toward the inner circle.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(a), 242.331(4) FS. History–New 12-19-74, Formerly 6D-1.05, Amended 4-29-91.

6D-1.008 Committees.

At the discretion of the Board of Trustees, the Chair may establish committees as deemed necessary to assist in the operation of the Florida School for the Deaf and the Blind. The Endowment Investment Committee shall be a standing committee whose membership shall be reviewed by the Chair on an annual basis and appointments made as necessary. No committee, or individual, may act on behalf of the board, unless expressly authorized by the board.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 12-19-74, Formerly 6D-1.08, Amended 8-26-86, 7-26-90, 4-2-02.

6D-1.011 Travel and Per Diem for Board of Trustees.

Travel and per diem for members of the Board of Trustees is authorized for all workshops, regular meetings, special meetings and emergency meetings. All other travel by members of the Board of Trustees on behalf of the Florida School for the Deaf and the Blind must be authorized and approved by a majority of the Board of Trustees. Per diem and traveling expenses shall be paid according to the provisions of Section 112.061, F.S.

Specific Authority 242.331(3) FS. Law Implemented 112.061(2)(a), 120.53(1)(b), 242.331(4) FS. History–New 9-8-85, Formerly 6D-1.11.
6D-1.012 Forms and Standard Instructions.
The Florida School for the Deaf and the Blind utilizes forms and standard instructions, as required by state and/or federal mandates, in the operation of the School. Copies of the forms and instructions may be obtained by request of the President at the School’s office in St. Augustine.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 9-8-85, Formerly 6D-1.12, Amended 4-2-02.

6D-1.013 Naming Facilities.
The following criteria shall be utilized by the Florida School for the Deaf and the Blind Board of Trustees in establishing names for FSDB facilities:

1. Each facility to be named will be given special and individual consideration.
2. Students, staff, and parent and alumni organizations will be contacted regarding their preferences when considering naming an FSDB facility.
3. Facilities can be named in honor of individuals; however, these individuals must be recognized as outstanding contributors to the School.
4. The Florida School for the Deaf and the Blind Board of Trustees will evaluate and make the final decision regarding the selection of a name for all FSDB facilities, in accordance with state statutes.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 7-26-90, Amended 4-2-02.

6D-1.014 School Advisory Council.
The Board of Trustees shall establish a school advisory council to serve in an advisory capacity to the School principals, assist in development of the educational program, and in preparation and evaluation of the School Improvement Plan required pursuant to Section 230.23(18), F.S.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4), 230.23(18), 229.592 FS. History–New 3-13-94.
CHAPTER 6D-2 PHILOSOPHY AND OBJECTIVES

6D-2.001 Scope and Purpose. (Repealed)
6D-2.002 Philosophy. (Repealed)
6D-2.003 Objectives. (Repealed)
6D-2.004 Specific Objectives in the Department for the Deaf.
6D-2.005 Specific Objectives in the Department for the Blind.

6D-2.004 Specific Objectives in the Department for the Deaf.
(1) The chief and most important academic objective in teaching the hearing impaired student is the acquisition and mastery of the English language so that with this basic skill he/she is enabled to be accepted and to function in society.
(2) To provide maximum special training required for a hearing impaired student which includes speech, lipreading and auditory training.
(3) To teach the necessary skills of learning so as to develop reading, writing and study habits which will permit the fullest development of the student’s potential.
(4) To give a fundamental education which will enable and encourage students to enter college or to pursue further training elsewhere.
(5) To make the maximum use of residual hearing.
(6) The vocational objective is to provide the basic skills and attitudes required in many useful vocations; in some areas to provide full training terminating at this School; in others to provide preliminary for a more advanced program after the student leaves this School. The potential of each student is to be evaluated, with specific recommendations for future training. The primary objective is to enable the student to become a well-adjusted, self-supporting and contributing member of society.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4), 120.53(1)(a) FS. History–New 12-19-74, Formerly 6D-2.04, Amended 8-26-86.

6D-2.005 Specific Objectives in the Department for the Blind.
(1) To teach the visually impaired students the basic skills of daily living and techniques that will enable them to move about freely and independently.
(2) To teach the basic tools of education: reading, writing, arithmetic and study habits which will enable the students to develop to their fullest potential.
(3) To give experience in a wide range of prevocational skills sufficient to enable the student to exercise freedom of occupational choice upon graduation.
(4) To develop the confidence, self-assurance and ability needed to enable the students to enter or return to public school where feasible.
(5) To provide a fundamental education which will enable and encourage students to enter college or to pursue further training elsewhere.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4), 120.53(1)(a) FS. History–New 12-19-74, Formerly 6D-2.05, Amended 8-26-86.
CHAPTER 6D-3 ENROLLMENT REQUIREMENTS: IDENTIFICATION AND ASSIGNMENTS OF STUDENTS

6D-3.001 Scope and Purpose. (Repealed)
6D-3.002 Admission and Enrollment Requirements.
6D-3.0021 Individual Educational Plan.
6D-3.0023 Protection in Evaluation Procedures.
6D-3.003 Due Process Procedures.
6D-3.004 Impartial Review and Appeal.
6D-3.005 Assignment of Surrogate Parents.
6D-3.006 Access to and Confidentiality of Student Records.
6D-3.007 Provision of Non-Academic and Extracurricular Services and Activities.
6D-3.008 Discrimination Complaint Procedures for Student Access.
6D-3.010 Confidentiality of Information.

6D-3.002 Admission and Enrollment Requirements.

(1) Definitions.

(a) Hearing Impaired. A hearing impairment is a hearing loss of thirty (30) decibels or greater, pure tone average of 500, 1000, 2000 Hz, ANSI, unaided, in the better ear.

1. Deaf applicants are those whose hearing impairment is so severe that they cannot learn speech and language through normal channels and who need extensive instruction in order to develop language, communication and academic skills.
2. Hard-of-hearing applicants are those whose residual hearing is adequate for learning speech, language, and academic skills through normal channels, provided that classroom and instructional modifications are made.

(b) Visually Impaired. Visual impairments are defined as disorders in the structure and function of the eye that, even with the best correction and treatment, interfere with learning.

1. Blind applicants are those who after the best possible ocular correction have no vision or have little potential for using vision and rely on tactual or auditory senses for learning.
2. Partially sighted applicants are those who after the best possible adjustments and ocular corrections use remaining vision for learning.

(c) Deaf-Blind. One who has a hearing impairment and a visual impairment, the combination of which causes severe communication and other developmental and educational problems that cannot be properly accommodated in special programs solely for the hearing impaired or the visually impaired applicant.

(d) "Florida applicant" means an applicant whose residence is within the state of Florida.

(e) "Residence" means actual physical presence in a place as the parent or adult applicant’s place of abode, with the intention to remain there permanently or for an indefinite period of time. Actual presence of the parent or adult applicant for the purpose of receiving free education shall not be considered residence.

(f) Temporary assignment. An applicant’s presence in the School for more than ten days for completion of evaluations, either for admission or to provide information to the student’s school district. It does not guarantee admission.

(g) Residential determination. An applicant’s need to be in a residential setting, as determined by the school district through its Individual Educational Plan process.

(h) Residential service. Room and board provided by the School as a service to a Florida student at the request and consent of the parent at no cost to the parent.

(i) Applicant. A child who meets or may meet one of the classifications defined in paragraph (a), (b), or (c), above who seeks admission, either directly or through his or her parents, guardian, or school district, into the educational program of the School.

(j) Admission. The process of determining whether the applicant is qualified for enrollment and whether the applicant should or should not be enrolled.

(k) Enrollment. The actual registration by the School of the applicant into the School’s educational program.

(l) Student. A child who has been enrolled in the School’s educational program(s), and who may or may not be a residential student.

(m) Assignment. The determination by the staffing committee of the educational program(s) in the School to which the enrolled student is assigned.

(2) Criteria for Admission and Continued Enrollment.

(a) Florida applicants who meet admission criteria are qualified for enrollment or continued enrollment without the payment of tuition. Non-Florida applicants who meet admission criteria other than residency may be enrolled on a tuition basis provided that such enrollment does not deny admission to any qualified applicant who is a resident of Florida.
In addition to meeting the criteria for admission, an applicant will be classified as a “Florida student” or a “non-Florida student”. A non-Florida student will be required to pay the tuition charges annually established by the Board of Trustees, with the exception of those students considered tuition fee exempt, pursuant to Section 228.121(3), F.S.

1. In determining residence, the School may consider such matters as voter registration, driver’s license, automobile registration, location of bank accounts, rent receipts or any other relevant evidence that tends to show the intent to abide in a jurisdiction permanently or for an indefinite period of time.

2. If the applicant is a minor:
   a. The applicant shall be presumed to have the same residence as the applicant’s parents or as the parent who has legal custody of the applicant, in the absence of contrary evidence.
   b. If the applicant has living parents who reside outside Florida or if the parent who has legal custody of the applicant resides outside Florida, the applicant will be presumed to be a “non-Florida student” in the absence of contrary evidence.
   c. If the applicant claims entitlement to be classified as a “Florida student” due to the appointment by a court of competent jurisdiction of a guardian, or legal custodian of the applicant other than the applicant’s parents, the burden of establishing facts which justify classification of the applicant as a resident entitled to classification as a “Florida student” is on the applicant.

3. Application for admission as a “Florida student” shall include a written statement made under oath by the applicant if 18 years of age or older, or made by the applicant’s parents, guardian or legal custodian if a minor, that the applicant is entitled to classification as a Florida student under this rule.

4. Any “non-Florida student” enrolled in the Florida School for the Deaf and the Blind prior to October 29, 1984, is required to pay tuition charges annually established by the Board of Trustees. Such student, however, shall not be dismissed from School for failure to pay the tuition charges. In the event of nonpayment, the School shall exercise every reasonable effort to collect the tuition charges from all sources legally responsible for payment.

(c) Any applicant who will attain the age of five years on or before September 1 of the school year may be considered for admission. Any applicant below the age of five years may be considered for admission as a day student.

(d) Applicants eighteen years or older may be enrolled or continued if the goal of the Individual Educational Plan is graduation with a vocational certificate of proficiency or reasonable evidence of progress toward a diploma.

(e) Applicants and students 18 or older, for whom graduation with a vocational certificate of proficiency or a diploma is not the goal of the Individual Educational Plan, may be considered for admission or continued enrollment on the recommendation of the staffing committee.

(f) Applicants who are twenty-one years of age on or before September 1 of the school year shall not be considered for admission.

(g) Students who are twenty-one years of age on or before September 1 of the school year may be considered for continued enrollment in the School, based upon recommendation of the staffing committee.

(h) An applicant is qualified for admission to the School’s program for the hearing impaired if the applicant meets all of the following admissions criteria:
   1. Evidence of a hearing impairment of thirty (30) decibels or greater, pure tone average of 500, 1000, 2000 Hz, ANSI, unaided, in the better ear.
   2. Evidence that the hearing impairment has the potential to adversely affect the applicant’s academic performance, social development, language development, communication skills, or intellectual functioning.
   3. The applicant must possess evidence of the following minimum daily living skills:
      a. Finger feeds self, chews and swallows most foods,
      b. Indicates awareness of being soiled or wet,
      c. Assists in dressing self, and
      d. Cooperates in bathing.
   4. Evidence that the hearing impaired applicant does not meet the criteria for eligibility for one or more of the following programs as defined by State Board of Education Rules:
      a. Severely emotionally disturbed, Rule 6A-6.03016, F.A.C.,
      b. Autistic, Rule 6A-6.03023, F.A.C.,
      c. Homebound-hospitalized, Rule 6A-6.03020, F.A.C.,
      d. Trainable Mentally Retarded or Profoundly Mentally Retarded, Rule 6A-6.03011, F.A.C.,
   (i) An applicant is qualified for admission to the School’s program for the visually impaired if the applicant meets all of the following admissions criteria:
      1. Medical. There is a documented eye impairment as manifested by at least one of the following:
         a. A visual acuity of 20/70 or less in the better eye after the best possible correction;
         b. A peripheral field so constricted that it affects the applicant’s ability to function in an academic setting; or
         c. A progressive loss of vision which may affect the applicant’s ability to function in an academic setting.
      2. Educational. There is documented functional vision loss which:
         a. Inhibits optimal processing of information through the visual channel; and
         b. Requires the use of specialized techniques, textbooks, materials or equipment.
      3. The applicant must possess evidence of the following minimum daily living skills:
a. Finger feeds self, chews and swallows most foods,
b. Indicates awareness of being soiled or wet,
c. Assists in dressing self, and
d. Cooperates in bathing.

4. Evidence that the visually impaired applicant does not meet the criteria for eligibility for one or more of the following programs as defined by State Board of Education Rules:
   a. Severely emotionally disturbed, Rule 6A-6.03016, F.A.C.,
   b. Autistic, Rule 6A-6.03023, F.A.C.,
   c. Homebound-hospitalized, Rule 6A-6.03020, F.A.C.,
   d. Profoundly Mentally Retarded, Rule 6A-6.03011, F.A.C.

(j) An applicant is qualified for admission into the School’s program for the deaf-blind if the applicant meets the following admissions criteria:
1. Meets the definition of blind or partially sighted in Rule 6A-6.03014, F.A.C., as attested to by an ophthalmologist or optometrist, and meets the definition of deaf or hard of hearing as defined in paragraphs 6A-6.03013(1)(a) and (b), F.A.C., as attested to by a certified audiologist, and is unable to profit from a program, for the hearing impaired or a program for the visually impaired without severe adjustments, e.g., a tutor-companion; or
2. Meets the definition of deaf or partially sighted in Rule 6A-6.03014, F.A.C., and in the best professional judgment of the evaluator is deaf or hard of hearing as defined in Rule 6A-6.03013, F.A.C., and is unable to profit from a program for the hearing impaired or a program for the visually impaired without severe adjustments, e.g., a tutor-companion; or
3. Meets the definition of deaf or hard of hearing in Rule 6A-6.03013, F.A.C., and in the best professional judgment of the evaluator is blind, as defined in Rule 6A-6.03014, F.A.C., and is unable to profit from a program for the hearing impaired or a program for the visually impaired without severe adjustment, e.g., a tutor-companion.

4. The applicant must possess evidence of the following minimum daily living skills:
   a. Finger feeds self, chews and swallows most foods,
   b. Indicates awareness of being soiled or wet,
   c. Assists in dressing self.

5. Evidence that the deaf-blind applicant does not meet the criteria for eligibility for one or more of the following programs as defined by State Board of Education Rules:
   a. Severely emotionally disturbed, Rule 6A-6.03016, F.A.C.,
   b. Autistic, Rule 6A-6.03023, F.A.C.,
   c. Homebound-hospitalized, Rule 6A-6.03020, F.A.C.,
   d. Profoundly Mentally Retarded, Rule 6A-6.03011, F.A.C.

6. Evidence that the deaf-blind applicant cannot be properly accommodated exclusively in programs for the hearing impaired or visually impaired.

(k) An applicant may not be qualified for admission or continued enrollment:
1. If the applicant or student is determined to be a danger to self or others.
2. If the applicant or student is determined to be disruptive to other students or the educational process.
3. If the applicant or student is determined to have medically related health and safety issues which are beyond the scope of the Health Care Center, the educational and residential programs and their resources to appropriately manage.
4. If the parent or adult student refuses to give consent for emergency medical treatment or for the health care plan for students with involved medical problems.

5. Such a determination shall be based upon a recommendation by the staffing committee, in consultation with professionals, based upon past evidence of behavior, criminal activity or the commission of a Class A violation as defined by the Code of Student Conduct, and health and safety. A final determination of admission and continued enrollment will be made by the President or designee. Impartial due process hearings may be initiated as provided in Rule 6D-3.003, F.A.C., as a result of such determinations.

(l) There must be an individualized evaluation(s) by a qualified individual(s), an eligibility determination and a proposed or current Individual Educational Plan by a school district.

(m) In admitting applicants to such programs, special consideration will be given to applicants who meet admission criteria and who:
1. Reside in school districts not providing approved programs as required by Rule 6A-6.03013, 6A-6.03014 or 6A-6.03022, F.A.C., or who cannot be reasonably transported to an approved program in a school district; or
2. Have concomitant physical, mental or emotional handicapping conditions; or
3. Have a home environment such that continuation in that environment is detrimental to the physical, emotional or mental development of the applicant; or
4. On an interim basis have extenuating circumstances. This may include the difficulty in an applicant adapting to his disability.

(3) Procedures for Application.
(a) Applications for the admission of a student shall be submitted by school personnel from the school district in which the applicant or his or her parents, legal guardian, or person who has legal custody resides; or
(b) Application for admission may be submitted directly to the School by parents, legal guardian or person who has legal custody.

(c) If the applicant has not been evaluated by the school district, pursuant to Section 230.23(4)(m), F.S. and Rule 6A-6.0331, F.A.C., and determined eligible for a special program for exceptional students, the applicant or the requesting authority will be directed by the School to have the applicant evaluated by the school district and an Individual Educational Plan prepared by that school district. No applicant will be considered for admission to the School without the school district evaluation. The School shall immediately send a copy of the completed application form to the school district in which the applicant or his or her parents, guardian or person having legal custody resides.

(d) If the applicant has already been evaluated by the school district, pursuant to Section 230.23(4)(m), F.S., and Rule 6A-6.0331, F.A.C., and determined eligible for a special program for exceptional students, the applicant will be considered for admission. The School shall immediately send a copy of the completed application form to the school district in which the applicant or his or her parents, guardian or person having legal custody resides and request from the school district all current evaluation data and a copy of the current or proposed Individual Educational Plan.

(e) Notwithstanding the provisions of paragraphs (c) and (d) above, a school district and the School may enter into an agreement for the School to perform one or more of the following activities:

1. Conduct an individual evaluation(s) by qualified individuals.
2. Determine that the student is handicapped.
3. Develop Individual Educational Plan.
4. Insure that the assignment decision is made in conformity with the least restrictive environment.

(f) Any determination made by the School pursuant to such an agreement shall be considered a determination by the school district, as provided for in paragraph (e) above.

(4) Procedures for Determining Admissions and Assignment.

(a) Upon receipt of a completed application from a school district or a parent, the School staffing committee shall review any evaluation data submitted and shall conduct or obtain any additional evaluations necessary.

(b) The Staffing committee shall recommend admission through the professional activity of reviewing evaluation information, eligibility determination, the Individual Educational Plan developed by the school district and matching it to the definitions and criteria for admission in subsections 6D-3.002(1) and (2), F.A.C.

(c) An applicant may be considered for a temporary assignment for extended evaluation when meeting admission criteria cannot be established through the staffing process.

1. A staffing and a temporary Individual Educational Plan must be developed prior to temporary assignment.
2. Parental consent must be obtained, prior to temporary assignment.
3. The extended evaluation must be for no longer than ninety (90) school days.
4. A temporary Individual Educational Plan will be followed during the extended evaluation period.

(d) The staffing committee shall consist of a minimum of three professional personnel, one of whom shall be the President or designee.

1. A representative(s) from the school district in which the applicant resides shall be invited in writing to attend and participate in the recommendations regarding the admission and assignment of the applicant.
2. Other professional personnel who may be invited include but are not limited to the following: Director of Child Study Center, an audiologist, Principal of the Department, supervising teacher in the Department, and an educational diagnostician.
3. Additional personnel may be involved in the recommendations through providing information or by attending staffing meetings as requested by the parent, School or the school district.

4. The parents and, when appropriate, the applicant shall be invited to attend the admission and assignment staffing.

(e) Upon receipt of the completed application and the receipt of a current or proposed Individual Educational Plan from the school district, the Florida School for the Deaf and the Blind shall schedule a staffing committee meeting no later than 30 calendar days after receipt of the completed application and the current or proposed Individual Educational Plan. School district personnel and parents shall receive a minimum notice of ten working days unless another date and time are mutually agreed upon.

(f) The location of the staffing committee meeting shall be at the Florida School for the Deaf and the Blind unless another location is mutually agreed upon by the School, the school district and the parent.

(g) In interpreting evaluation data and in making admission and assignment decisions, each committee shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior;
2. Insure that information obtained from all of these sources is documented and carefully considered;
3. Insure that the assignment decision is made by a group of persons, including persons knowledgeable about the applicant, the meaning of the evaluation data;
4. Insure that the assignment decision is made in conformity with the least restrictive environment.

(h) If a determination is made that an applicant is qualified for admission, an Individualized Education Plan shall be developed for the applicant in accordance with Rule 6D-3.0021, F.A.C.

(i) The President of the School shall be responsible for the following:

1. Reviewing the recommendations of the evaluation specialists and the staffing committee evaluation data submitted with an applicant’s complete application and the current or proposed Individual Educational Plan from the school district.
2. Reviewing the recommendations for admission made by the staffing committee.
3. Making final decisions on admission.
4. Assuring that parents have been appropriately informed of the applicant’s qualifications for admission, the determination of admission and assignment, and that the parent has consented to the admission to the School.
5. Informing the appropriate school district of the School’s determination of admission and assignment of each applicant.
6. Insuring that appropriate procedures and parent notices are completed when a student is dismissed from the School.

(j) The Florida School for the Deaf and the Blind, or the parent, who disagrees with the Individual Educational Plan prepared by the School, or the assignment of the applicant under the Individual Educational Plan has a right to a due process hearing as provided by Rule 6D-3.003, F.A.C.

5) Dismissal/Continued Enrollment.

(a) Students who no longer meet the admission criteria of the School described in subsection 6D-3.002(2), F.A.C., or whose re-evaluation(s) as described in subsection 6D-3.0021(2), F.A.C., indicate that enrollment in the School is no longer needed may be dismissed from enrollment in the School.

(b) Once enrolled, a student who, upon re-evaluation, no longer meets FSDB admission criteria may be allowed to remain in the School if it is determined that the student’s identified needs are being met and the student is progressing. A student shall not be allowed to remain if, when the student is considered to be a danger to self or others. Upon review of the staffing committee’s recommendations, which shall be based on current re-evaluation data, the President or designee shall render the final decision.

(c) If the student is determined to be a danger to self or others, the procedures pursuant to sub-subparagraph 6D-3.0021(1)(c), (3)(a)4.b. and paragraph 6D-3.002(2)(k), F.A.C., shall be followed.

(d) The staffing committee shall follow the staffing procedures pursuant to FSDB Rules 6D-3.002 and 6D-3.0021, F.A.C. The President or designee may order an additional staffing committee meeting if it is determined proper procedures were not followed.

(e) When planning a staffing committee meeting the student’s school district and parents or guardian shall receive ten (10) day prior notice in writing of:
1. Any evaluations to be conducted;
2. The intent to have a staffing meeting.

(f) During or upon completion of the staffing committee meeting the student’s school district and parents or guardian shall receive the results of the evaluations and the recommendations of the staffing committee. A final determination for continued enrollment will be made by the President or designee. The student’s school district and parents or guardian shall receive immediate notice via telephone or facsimile of the final determination regarding the student’s continued enrollment.

(g) Dismissal of a student shall not take effect until 14 days after the President’s, or designee’s, written notification of the dismissal to the school district and to the student’s parents, or when an appropriate alternative placement is secured by the school district, whichever occurs first. The written notification of the dismissal will be sent by registered mail, return receipt requested. The School’s normal disciplinary procedures may be followed during these proceedings.

(h) If the student is deemed medically at risk by the Medical Director, or is determined to have a health condition beyond the responsibility of the Health Care Center, the student shall immediately be sent home. The School Medical Director, in accordance with paragraph 6D-9.004(1)(d), F.A.C., may request the appropriate medical examinations from the student’s attending physicians or specialists. If as specified in paragraph 6A-6.03020(3)(a), F.A.C., a student is to be at home for at least fifteen (15) consecutive school days due to a physical or mental condition, or for at least fifteen (15) school days which need not run consecutively due to a chronic condition and will be able to participate in and benefit from an instructional program, then the School will contact the local school District to cooperatively provide instructional services.

(i) Upon receipt of the results of the medical examinations, a staffing committee, following the procedures pursuant to Rule 6D-3.002, F.A.C., shall meet to make a recommendation whether the student continues to meet FSDB’s admission criteria. When conducting a staffing committee for this purpose, provisions of paragraphs (5)(e)-(f) shall be followed except that the school district and the parents or guardian shall receive a five (5) day notice of the meeting.

(j) Dismissal of a student who has been determined to have medically related health and safety issues which are beyond the scope of the Health Care Center, the educational and residential programs and their resources, shall not take effect until 10 days after the President’s, or designee’s, written notification of the dismissal to the school district and to the student’s parents or guardian, or when an appropriate alternative placement is secured by the school district, whichever occurs first. The written notification of the dismissal will be sent registered mail, return receipt requested.

(k) Absences incurred during the time the procedures described in paragraphs (5)(h)-(i) are followed shall be considered excused absences, as defined in paragraph 6D-7.007(2)(e), F.A.C.

(l) When a student is withdrawn by a parent, the School shall notify by mail, as soon as possible, the student’s school district.

(m) The student or his or her parents or legal guardian may request a due process hearing in accordance with Rule 6D-3.003, F.A.C., to challenge the student’s dismissal from the School under these provisions.

Specific Authority 242.331(3) FS, Law Implemented 120.53(1)(b), 229.053(2)(i), (j), 230.23(4)(m), 242.331(4) FS, History–New 12-19-74, Revised 1-29-76, Amended 1-29-80, 5-2-86, Formerly 6D-3.02, Amended 5-5-87, 4-12-90, 12-20-92, 3-29-95, 3-25-96, Cf. P. L. 94-142, 20 USC 1401(18), (19), 1412(2), (5), (6), 1413(a)(2), Federal Register Volume 42, Number 163, Regulations 121a.2, 121a.4, 121a.503.
6D-3.0021 Individual Educational Plan.

(1) The School shall develop and implement at least annually an Individual Educational Plan for each student.

(a) An Individual Educational Plan consists of written statements including:

1. A statement of the student’s present levels of educational performance;
2. A statement of annual goals, including short term instructional objectives;
3. A statement of the specific special education and related services to be provided to the student and the extent to which the student will be able to participate in regular educational programs;
4. The projected dates for initiation of services and the anticipated duration of the services;
5. Appropriate objective criteria and evaluation procedures and schedules for determining on at least an annual basis, whether the short term instructional objectives are being achieved; and
6. A statement of the needed transition services in accordance with Rule 6D-3.0021, F.A.C., including, if appropriate, a statement of the School’s and each participating agency’s responsibilities or linkages, for each student beginning no later than age 16, before the student leaves the School and at a younger age if determined appropriate.

(b) Transition services means a coordinated set of activities for a student, designed within an outcome-oriented process that promotes movement from school to post-school activities which may include postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services independent living or community participation.

1. The coordinated set of activities must be based on the student’s needs, and take into account the student’s preferences and interests and shall include:
   a. Needed activities in the areas of instruction, community experiences, the development of employment, and other post-school adult living objectives; and
   b. If appropriate, daily living skills and functional vocational evaluation.
2. If the IEP team determines that transition services are not needed in one or more areas, the IEP shall include a statement to that effect and the basis upon which the determination was made.

(c) An Individual Educational Plan which has been reviewed and revised, if appropriate, within the last year, must be in effect at the beginning of each school year for each student continuing in the School.

(d) Meetings shall be held to develop, review and revise a student’s Individual Educational Plan.

1. A meeting shall be held at least once a year to revise each student’s Individual Educational Plan. A meeting shall also be held to review and revise a student’s Individual Educational Plan when it is suspected that the student may no longer meet the School’s admission and enrollment requirements.

2. Meetings shall include the following participants:
   a. The parents of the child;
   b. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment). The regular education teacher of a student with a disability must, to the extent appropriate, participate in the development, review, and revision of the student’s IEP, including assisting in the determination of:
      1. Appropriate positive behavioral interventions and strategies for the student; and
      2. Supplementary aids and services, classroom accommodations, modifications or supports for school personnel that will be provided for the student consistent with SBE paragraph 6A-6.03028(7)(c), F.A.C.
   c. At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;
   d. A representative of the School who:
      1. Is qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
      2. Is knowledgeable about the general curriculum; and
      3. Is knowledgeable about the availability of resources of the School.
   e. An individual who can interpret the instructional implications of evaluation results.
   f. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel, as appropriate; and
   g. If appropriate, the child.

h. The student, beginning by the student’s fourteenth birthday or younger if determined appropriate by the IEP team, when the purpose of the meeting is to consider the student’s transition service needs, as described in paragraphs (7)(i)-(j) of SBE Rule 6A-6.03028, F.A.C. If the student does not attend, the School shall take other steps to ensure that the student’s preferences and interests are considered.

i. In addition, for a student who has been evaluated for the first time, a member of the evaluation team or some other person who is knowledgeable about the evaluation procedures used with the student and is familiar with the results of the evaluation.
j. If the purpose of the IEP meeting is to consider transition services, the School shall invite a representative of any other agency that may be responsible for providing or paying for transition services. If the student does not attend, the School shall take steps to ensure that the student’s preferences and interests are considered; if an agency invited to participate in the IEP meeting does not attend, the School shall take steps to obtain the input of the agency in the planning of any transition services.

3. A representative of the school district in which the student resides shall be invited to attend each meeting to develop or revise the student’s Individual Educational Plan.

(e) If a participating agency fails to provide agreed-upon transition services contained in the IEP of a student, the School shall, as soon as possible, initiate a meeting for the purpose of identifying alternative strategies to meet the transition objectives, and if necessary, revising the student’s IEP. Nothing in this section relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

(f) All Individual Educational Plans shall be implemented as soon as possible following the meeting to develop the plan. An exception to this would be when meetings occur during the summer or a vacation period, or where there are circumstances which require a short delay such as arranging transportation. However, there can be no undue delay in providing special education to the student.

(2) Re-evaluation.

(a) Every student enrolled in the School shall be re-evaluated every three years or more frequently if conditions warrant or if the student’s parent or teacher requests an evaluation.

(b) Procedures for re-evaluation. Re-evaluation is the process whereby information about a student is gathered and reviewed to determine the need for continuation in the School’s program and to determine if a student meets the School’s criteria for continued enrollment. The following steps are required:

1. An evaluation specialist and an exceptional student teacher shall examine available information in all areas addressed in the initial evaluation or in subsequent re-evaluations of the student and shall make the appropriate referral(s) for one or more formal evaluations based on their examination and the requirements of Rule 6A-3.002, F.A.C. When necessary, another member of the instructional or supervisory staff may substitute for the exceptional student teacher.

2. A meeting of the Individual Educational Plan committee or the staffing committee shall be convened to review all available information about the student including reports from the additional evaluations, to consider the need for continuation in the School’s program and to consider if the student meets the School’s criteria for continued enrollment. If the student is to continue in the School’s program(s), the student’s Individual Educational Plan shall be reviewed in accordance with Rule 6A-3.0021, F.A.C.

3. If the re-evaluation indicates that enrollment in the School is no longer needed or that a student no longer meets the School’s criteria for continued enrollment, the applicable dismissal or eligibility staffing procedures shall be followed, in accordance with subsection 6D-3.002(5), F.A.C.

(3) Parental Involvement. The School shall provide for parents, guardians, surrogate parents as assigned pursuant to Rule 6D-3.005, F.A.C., or persons acting in loco parentis to be involved in decisions concerning the education of students. Such procedures shall include the following:

(a) The School shall make provision for:

1. Prior written notice regarding student identification and evaluation activities including a statement informing parents of all procedural safeguards available.

2. Obtaining informed parental consent prior to initial individual evaluation to determine eligibility as a handicapped student.

3. Obtaining informed parental consent prior to initial assignment into a program at the School.

4. Parental participation in the development of the Individual Educational Plan for the student.

a. The School shall take steps to ensure that one or both of the parents of a student are present at each meeting or are afforded the opportunity to participate by:

(I) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend;

(II) Scheduling the meeting at a mutually agreed on time and place.

b. The notice to the parents must indicate the purpose, time and location of the meeting and who will be in attendance and their positions. If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, identify any other agency that will be invited to send a representative and note that the School will invite the student. For students for whom it is suspected that they no longer meet the School’s admission and enrollment requirements, the notice must also indicate that as a result of this meeting an eligibility staffing could be requested to determine whether the student continues to meet the School’s admission criteria.

c. If neither parent can attend, the School shall use other methods to ensure parent participation, including individual or conference telephone calls.

d. A meeting may be conducted without a parent in attendance if the School is unable to obtain the attendance of the parents. In this case, the School must have a record of its attempts to arrange a mutually agreed on time and place such as:

(I) Detailed records of telephone calls made or attempted and the results of those calls;

(II) Copies of correspondence sent to the parents and any responses received; and

(III) Detailed records of visits made to the parent’s home or place of employment and results of those visits.
e. The School shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

f. The School shall give parents a copy of the Individual Educational Plan.

(3) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the Florida School for the Deaf and the Blind; however, the Florida School for the Deaf and the Blind may initiate a hearing under Rule 6D-3.003, F.A.C., to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

(4) If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

(a) Must be considered by the Florida School for the Deaf and the Blind in any decision made with respect to the provision of a free, appropriate, public education to the student, and

(b) May be presented as evidence at a hearing under this subpart regarding the student.

(5) If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(6) Whenever an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and qualifications of the examiner, must be the same as the criteria which the Florida School for the Deaf and the Blind uses when it initiates an evaluation.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4)(d) FS. History–New 5-5-87, Amended 9-16-93, 3-25-96, 3-22-04.


(1) For the purpose of this rule:

(a) “Independent educational evaluation” is an evaluation conducted by a qualified examiner who is not employed by the Florida School for the Deaf and the Blind.

(b) “Public expense” means that the Florida School for the Deaf and the Blind either pays for the full cost or insures that the evaluation is otherwise provided at no cost to the parent.

(2) The Florida School for the Deaf and the Blind shall provide to parent, on request, information about where an independent educational evaluation may be obtained.

(3) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the Florida School for the Deaf and the Blind; however, the Florida School for the Deaf and the Blind may initiate a hearing under Rule 6D-3.003, F.A.C., to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

(4) If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

(a) Must be considered by the Florida School for the Deaf and the Blind in any decision made with respect to the provision of a free, appropriate, public education to the student, and

(b) May be presented as evidence at a hearing under this subpart regarding the student.

(5) If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(6) Whenever an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and qualifications of the examiner, must be the same as the criteria which the Florida School for the Deaf and the Blind uses when it initiates an evaluation.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4)(b), 242.331(4) FS. History–New 5-5-87, Amended 9-16-93.

6D-3.0023 Protection in Evaluation Procedures.

(1) Testing and evaluation materials and procedures used for the purposes of evaluation and re-evaluation of applicants shall be selected and administered so as not to be racially or culturally discriminatory.

(2) The School shall provide tests and evaluation materials that:

(a) Are administered in the applicant’s native language or other mode of communication;

(b) Have been validated for the specific purpose for which they are used;

(c) Are administered by trained personnel in conformance with the instructions provided by their producers;

(d) Are tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and

(e) Are selected and administered so as best to ensure that when a test is administered to an applicant with impaired sensory, manual or speaking skills, the test results accurately reflect the applicant’s aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the applicant’s impaired sensory, manual or speaking skills (except where those skills are the factors which the test purports to measure).

(3) No single procedure is used as the sole criterion for determining an appropriate educational program for an applicant.

(4) The evaluation is made by an interdisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability.

(5) The applicant is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.

(6) Procedures for hearing impaired applicant evaluation.

(a) Tests to determine intellectual functioning and learning abilities shall be selected from non-language performance scales standardized on, or adapted for the hearing impaired. Evaluation of academic achievement and communication skills shall take into consideration the student’s intellectual functioning, degree of hearing loss and method of communication.
(b) The minimum evaluation shall include:
1. Audiological evaluation,
2. Evaluation of preacademic or academic achievement, including information on the applicant’s strengths and weaknesses,
3. Evaluation of social development,
4. Evaluation of receptive and expressive communication, and
5. Individual assessment of intellectual functioning, or developmental scales if more appropriate for students under age seven.

(7) The minimum evaluations necessary for determining admission for visually impaired applicant shall be:
(a) A medical eye examination describing: etiology, diagnosis, treatment regimen, prognosis, near/distance and corrected/uncorrected acuity measures for left eye, right eye and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, use of aids, or use of glasses as appropriate;
(b) Evaluation of developmental or academic functioning, daily living skills, mode of reading, and, if appropriate, vocational and orientation and mobility evaluations;
(c) Documented observation of functional vision by a teacher of visually impaired applicant or appropriately trained diagnostician;
(d) Screening for hearing, speech and language functioning, with referral for complete evaluations when the need is indicated.

(8) The minimum evaluations necessary for determining admission for deaf-blind applicant shall be:
(a) Medical eye examination,
(b) Audiological evaluation,
(c) Intellectual functioning evaluation, and
(d) Educational evaluation.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(b), 229.053(2)(i), (j), 242.331(4) FS. History–New 5-5-87.

6D-3.003 Due Process Procedures.
(1) Impartial due process hearings may be initiated by a parent or the School on the proposal to initiate or change the identification, evaluation, or educational assignment of the student or the provision of a free, appropriate, public education to the student or the refusal to initiate or change the identification, evaluation or educational assignment of the student or the provision of a free, appropriate, public education to the student.

(2) The School shall provide:
(a) Written notice to the parent, consistent with the requirements of subsection 6D-3.0021(3), F.A.C., of any proposal or refusal to initiate or change the identification, evaluation or educational placement of the student or the provision of a free, appropriate, public education to the student, including:
1. A full explanation of all the procedural safeguards available to the parents as provided herein and in the School procedures for confidentiality of student records;
2. A description of the action proposed or refused by the School, an explanation of why the School proposes or refuses to take the action, and a description of any options the School considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, test, record or report the School used as a basis for the proposal or refusal; and
4. A description of any other factors which are relevant to the proposal or refusal.
(b) Informing the parent of any free or low cost legal and other relevant services available if the parent requests the information, or the parent or School initiates a hearing.
(c) Identification and selection of an impartial hearing officer. Any hearing conducted under this section shall be conducted by a hearing officer from the Division of Administrative Hearings, Department of Administration. Such hearings shall be conducted in accordance with these rules.
(d) The school shall keep a list of persons who serve as hearing officers including a statement of the qualifications of each of these persons.
(e) A decision made under this rule is final unless a party to the hearing brings civil action as provided in Section 230.23(4)(m)4., F.S., or brings civil action in Federal Court. In the alternative, any party aggrieved by the final decision shall have the right to request an impartial review of the hearing officer’s order by the District Court of Appeals as provided by Section 120.68, F.S.

(3) Duties and responsibilities of hearing officers shall be:
(a) To conduct the hearing in a fair and impartial manner;
(b) To summarize the facts and findings of the case and arrive at an impartial decision based solely on information presented during the hearing;
(c) To mail copies to all parties of the facts, findings and decision regarding the hearing;
(d) To be accountable for all deadlines and procedures in the statutes and rules for such hearings;
(e) To maintain confidentiality of all information; and
(f) To rule on requests for specific extensions of time beyond the periods set forth in this section at the request of either party.

(4) Rights of any party to a hearing. Any party to a hearing has the right to:
(a) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children.
(b) Present evidence and confront, cross-examine, and compel the attendance of witnesses.
(c) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) days before the hearing.
(d) Obtain written or electronic verbatim records of the hearing at no more than cost.
(e) Obtain written findings of facts and decisions.
(f) Parents involved in hearings must be given the right to have the student who is the subject of the hearing present, and to open the hearing to the public.

(5) Arrangement for conducting the hearing. The President of the School or designee shall make provisions for:
(a) Notifying hearing officer.
(b) Determining the need for an interpreter for the parents and, if needed, make appropriate arrangements.
(c) Establishing a time and place which are reasonably convenient to the parent and student involved, and notifying all parties.
(d) Arranging for clerical assistance, cost of hearing, availability of facilities, and verbatim transcript of the hearing.
(e) Notifying all parties regarding information, rights and responsibilities before, during and after the hearing.
(f) Determining parental wishes concerning the attendance of the student at the hearing and whether they wish the hearing to be opened or closed, and making such arrangements by notifying all parties.
(g) Transmitting the findings and decisions, after deleting any personally identifiable information, of any such hearings to the Commissioner of Education for review by the State Advisory Committee for the Education of Exceptional Students.
(h) Completing other responsibilities specified by the President or the Board of Trustees.

(6) Timeliness. The School shall ensure that not later than forty-five (45) days after the receipt of a request for a hearing a final decision is reached and a copy of the decision is mailed to each of the parties and the Division of Public Schools.

(7) Student’s status during proceedings. During the time that an administrative or judicial proceeding regarding a complaint is pending, unless the School and the parent of the student agree otherwise, the student involved in the complaint must remain in his/her present educational placement or be removed by law.

(8) Attorney’s Fees. The court may award reasonable attorneys’ fees as part of the costs to the parents or guardian of a handicapped child if they are the prevailing party.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(c), 242.331(4) FS. History–New 4-5-79, Amended 9-8-85, Formerly 6D-3.03, Amended 5-5-87, 4-12-90, 4-4-93.
Cf. P. L. 94-142, 20 USC 1401(18), (19), 1412(2), (5), (6), 1414(a)(5), (6), (7), 1415(a), Federal Register Volume 42, Number 163, Regulations 121a.2, 121a.4, 121a.506, 121a.507.

6D-3.004 Impartial Review and Appeal.

(1) Conduct of the hearing. All hearings conducted under Rule 6D-3.003, F.A.C., shall be conducted according to the provisions of the Rules of the Administration Commission Model Rules, Chapter 28-106, F.A.C., Decisions Determining Substantial Interests, unless otherwise provided for in Rule 6D-3.003, F.A.C.

(2) Appeal of hearing officer’s decision. The decision of the hearing officer shall be final, except that any party aggrieved by the finding and decision rendered by the hearing officer shall have the right to request an impartial review of the hearing officer’s order by the District Court of Appeal as provided by Section 120.68, F.S. Notwithstanding any law to the contrary, during the pendency of any proceeding conducted pursuant to this section, etc., see Section 230.23(4)(m)4., F.S.

Specific Authority 120.53(1)(b), 242.331(3) FS. Law Implemented 120.53(1)(b), 242.331(4) FS. History–New 4-5-79, Amended 9-8-85, Formerly 6D-3.04.

6D-3.005 Assignment of Surrogate Parents.

Procedures for the assignment of surrogate parents shall be prescribed by the Rules of the Florida Department of Education, subsections 6A-6.0333(1)-(6), F.A.C., entitled Surrogate Parents; and all references to “School Board” shall read “Florida School for the Deaf and the Blind,” “and all references to “Superintendent” shall read “President.”

Specific Authority 120.53(1)(a), 242.331(3) FS. Law Implemented 120.53(1)(b), 242.331(4) FS. History–New 1-28-80, Amended 9-8-85, Formerly 6D-3.05.

6D-3.006 Access to and Confidentiality of Student Records.

(1) Each Principal or his/her designee maintains a permanent cumulative record for each student enrolled in his/her department. Such record is maintained in the form and contains all data prescribed by regulations of the State Board of Education. The cumulative record is open to inspection only by the Board, the President, the instructional supervisors, the professional staff of the School, the parent(s) or guardian of the student, eligible student, a court of competent jurisdiction, and to such other persons as the parent(s), guardian, or eligible student may authorize in writing.
(2) The term “education records” shall mean those records and documents and other materials which contain information directly related to a student, which are maintained by an educational institution and which are accessible to other professional personnel to facilitate the instructional guidance and educational progress of student’s information contained in education records shall be classified as follows:

(a) Category A, permanent information: Verified information of clear educational importance which will be retained indefinitely in the manner prescribed by Section 230.221(2), F.S.

(b) The following information is maintained for each student. The records are under the control of the Principal and are kept current:

1. Student’s full name and any kind of changes, such as by marriage or adoption.
2. Authenticated birthdate, place of birth, race and sex.
3. Last known address of student.
4. Names of student’s parents or guardian.
5. Name and location of last school attended.
6. Number of days present and absent, date enrolled; date withdrawn.
7. Courses taken and record of achievement, such as grades, units or certification of competence.
8. Date of graduation or date of program completion.

(c) Category B, temporary information: Verified information of clear education importance which is subject to change.

(d) These records are under the control of the Principal. The School will establish procedures to assure accuracy of information maintained and provide for periodic review and elimination of information no longer useful in the manner prescribed by Section 230.331(3) F.S. Category B information may be destroyed three (3) years after the student or his/her class graduates. These records may include, but not be limited to: (1) health information; (2) family background data; (3) standardized test scores; (4) educational and vocational plans; (5) personal attributes; (6) honors and activities; (7) work experience including employer ratings; (8) teacher/counselor comments; (9) reports of special services or exceptional student staffing committees including all information required by Section 230.23(4)(m)6., F.S.; (10) correspondence from community agencies or private professionals; (11) driver education certificate; (12) list of schools attended.

(3) Directory information.

(a) Directory information includes the student’s name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of athletic team members, date of attendance and awards received, and the most recent previous educational agency or institution attended by the student. This directory information may be published annually, as well as from time to time.

(b) Parts of all of the directory information may be published as honor roll lists, team rosters, scholarship recipients, etc.

(c) Parent(s), guardians or the adult student may, within ten (10) days of annual notice of publication of directory information, in writing refuse to have personally identifiable information designated as directory information with respect to the adult student or student (under age 18).

(4) Transfer of records.

(a) Upon request of officials of educational institutions for transfer of a student’s record, the student’s parent(s) or guardian, or student if he/she is 18 years of age or older, shall be notified of the transfer in the form of a letter to the last known address. Under no condition will the transfer of a student’s record(s) be delayed for failure to pay a fine or fee assessed by the School.

(b) When parents are notified of a transfer of the student’s record(s), they must also be informed that they are entitled to review the record(s), to a copy of the record(s) if desired, and to a hearing if desired.

(c) The Principal shall transfer a copy of all Category A and Category B information and shall retain a copy of Category A information.

(5) Other transfer situations – permissive transfer requests. With the permission of the parent or guardian, or eligible student, a student’s transcript may be sent to the individuals, agencies or organizations, provided that the individuals, agencies or organizations desiring access to the records of a student shall be required to sign a written form, which shall be kept permanently with the student’s record, but only for inspection by the student and/or parents, indicating specifically the legitimate educational or other interest that the person, agency or organization has for wanting the record.

(6) Changes on a record. A student’s permanent record may not be changed in any manner except by authorization or direction of the Principal. Any change on the record shall bear the signature of the person making the change.

(7) Availability of the record. The student’s cumulative record is available only to the Board, the President, the professional staff of the School, the parent or guardian of the student, eligible student, and to such other persons as the parent or guardian may authorize in writing. Nothing contained in this section shall preclude authorized representatives of: the Comptroller General of the United States, the Secretary, an administrative head of an education agency, or state educational authorities from having access to student or other records which may be necessary in connection with the audit and evaluation of federally-supported education program, or in connection with the enforcement of federal legal requirements which relate to such programs. Provided, that except when collection or personally identifiable data are specifically authorized by federal law, any data collected by such officials with respect to individual students shall not include information (including social security numbers) which would permit the personal identification of such students or their parents after the data so obtained have been collected.

(a) Rights of access.
1. Such parent, guardian, or eligible student shall have the right, upon request directly to the appropriate Principal, to be provided with a list of the types of records and reports, directly related to students, as maintained by the institutions which the student attends or has attended.

2. Such parent, guardian, or eligible student shall have the right, upon request, to be shown any record or report relating to such student maintained by any public educational institution. When the record or report includes information on more than one student, the parent, guardian, or eligible student shall be entitled to receive, or be informed of, only that part of the record or report which pertains to the student who is the subject of the request.

Upon a reasonable request, therefore, the School shall furnish such parent, guardian, or eligible student with an explanation or interpretation of any such record or report in no more than thirty (30) days after request is made.

3. Copies of any list, record, or report requested under the provisions of this paragraph shall be furnished to the parent, guardian, or eligible student upon request at a reasonable cost to be set by the Board.

(b) Right of waiver of access to confidential letters or statements. Such parent, guardian, or eligible student shall have the right to waive the right of access of letters or statements of recommendation or evaluation, except that such waiver shall apply to recommendations or evaluations only if:

1. The parent, guardian, or eligible student is, upon request, notified of the names of all persons submitting confidential letters or statements; and

2. Such recommendations or evaluations are used solely for the purpose for which they were specifically intended.

Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from, any public agency or public educational institution in Florida.

(c) Whenever written consent is required, the School shall presume that the parents, guardians or eligible student giving consent has the authority to do so unless the School has been provided with evidence that there is a legally binding instrument, or state law or court order governing such matters as divorce, separation or custody which provides to the contrary.

(d) The School will provide to parents or eligible students annual notification of their rights to inspect, review, challenge hearing, right of privacy, waiver of access, and/or have copies of their child’s record. The notification will be distributed at the beginning of the school year and will be in the language of the parent or eligible student. The notice will appear in the first edition of the School paper on a yearly basis, and all parents will receive a copy of the Procedural Safeguards in the beginning of the school year registration packet. Parents who do not read English will be furnished audio tapes, foreign language translations or sign language explanations of the Safeguards. The President, Principals, Supervising Teachers and the Child Study Center have copies of the School’s policy on educational records. Parents may see copies of these policies upon request. Oral tapes or braille copies will be made available to parents or eligible students who are blind. This notice shall be distributed to all parents at the time of annual School registration.

(e) The School shall comply with a request to review the education records within a reasonable period of time, but in no case more than thirty (30) days after the request is made.

(f) Right of privacy. The Florida School for the Deaf and the Blind will not disclose any personally identifiable information without prior written, dated consent.

1. A student’s educational records and all personally identifiable information shall not be released except on the condition that the information being released will not be subsequently released to any other party without obtaining the consent of the parent or eligible student, and that the School has written permission from the parent or eligible student to release identifiable information to said agency, etc. (Written permission must be dated.)

2. Released copies of educational records and personally identifiable information must be destroyed when no longer required by the person to whom the information was appropriately released for the purpose stated on release form. The School will maintain a record indicating all parties, other than School officials, who have requested or obtained access to a student’s record and purpose for obtaining information.

3. In order to comply with the two sections noted above, all copies of information being released will indicate that the information being released will indicate that the information may not be subsequently released to any other party without the written consent of the parent or eligible student; and that the copies of the information can be destroyed when no longer needed.

(g) Security of record.

(a) The Principal shall develop a procedure to insure the security, and accountability of such records; provided, that under no condition shall the record be removed from the School except by order of the court upon condition that parents or eligible student is notified of such order or subpoena in advance of compliance.

(b) The School must maintain a record indicating all parties, other than School officials, having requested or obtained access to a student’s educational record and which will indicate specifically the legitimate interests that each party has in obtaining the information.

(c) Such record of access shall be available only to the parents, eligible student, and persons or organizations as noted in subsection 6D-3.006(1), F.A.C. All records not kept in individual School files shall be the responsibility of the President or his designees.

(9) Challenge to cumulative folder information.
(a) In all instances wherein the accuracy and/or appropriateness of data contained in student records is challenged, the Principal of the School and appropriate members of his/her staff shall endeavor to resolve the conflict with the complainant(s) at the School level.

(b) In the event such challenge or conflict cannot be satisfactorily resolved, the complainant(s) must be informed of his/her right to a formal hearing. A copy of the procedures for a hearing must also be given to the complainant(s).

1. Procedure for hearing.
   a. In the event there is a challenge to the student’s records and it is not resolved at the School level, the complainant shall be notified in writing that his/her challenge has been denied. The request for a hearing on the correction or deletion of inaccurate, misleading, or otherwise inappropriate data from the student’s records must be made, in writing, to the President or his designee within ten (10) days of notification of decision at School level. The request for hearing shall contain the specific records challenged and reasons they are inaccurate, misleading or otherwise inappropriate.
   b. The hearing shall be conducted in not less than fifteen (15) days nor more than thirty (30) days succeeding the date of the request.
   c. The President or his qualified designee, shall serve as Chairman of the hearing.
   d. The Chairman shall notify all participants in the hearing of the date for said hearing at least five (5) days preceding.
   e. The Chairman shall be responsible for the orderly conduct of hearings and receive all information presented in evidence.
   f. The hearing shall involve the complainant(s), their representatives, the School Principal, records personnel, and such other School personnel who may provide pertinent information.
   g. The hearing shall seek to determine the following:
      (I.) The accuracy and appropriateness of the challenged data.
      (II.) The value of the challenged data to the educational process.
   h. The proceedings of a hearing shall be recorded on tape and shall be transcribed if the complainant(s) request the decision to be reviewed in accordance with the review procedure.
   i. The President and/or designated members of his/her staff shall consider the information presented at the hearing and arrive at a decision, to retain the data intact, alter (correct) it, or delete it entirely. Where there is an agreement that a student’s record is to be corrected, deleted, or expunged, the agreement shall be in writing, signed and dated by the adult student or the parents or guardians of the student and School Principal or his/her designee and filed with the student’s record.
   j. Such decision shall be communicated to the complainant(s) by certified mail to be postmarked not later than five (5) days succeeding the decision. The notice shall also inform the complainant(s) of his/her right to request a review of the decision by the Board of Trustees of the School.
   k. If review by the Board is desired, the request must be made, in writing, to the President within ten (10) days succeeding the date of the decision.
   l. Upon receipt of the request for Board review, the Chairman of the Board shall appoint a reviewing officer.
   m. The reviewing officer shall be furnished with a transcript of the initial hearing and such other data as he may request.
   n. The reviewing officer shall report his findings and recommendations to the Board within thirty (30) days succeeding receipt of transcript and other requested data.
   o. On the basis of the report and recommendation of the reviewing officer, the Board shall issue its decision to retain the data intact, alter (correct) it, or delete it entirely.
   p. The decision of the Board shall be final.
   q. The parent(s) or guardian or an adult student may place a statement in the education record if the decision of the hearing is that the records are not accurate, misleading or otherwise in violation of privacy. The statement may comment on the information in the education record and set forth any reasons for disagreeing with the decision.

Specific Authority 120.53(1)(b), 242.331(3) FS. Law Implemented 120.53(1)(b), 242.331(4) FS. History–New 1-28-80, Formerly 6D-3.06. Cf. P. L. 94-142, 20 USC 1401(18), 1412(2), (5), (6), 1414(a)(5), (6), (7), 1415(a), Federal Register Volume 42, Number 163, Regulations 121a.2, 121a.4, 121a.562.

6D-3.007 Provision of Non-Academic and Extracurricular Services and Activities.

(1) The School shall assure that the provision of all non-academic and extracurricular services and activities to all eligible students is made available in the least restrictive environment appropriate to the needs of the student.

(2) In providing or arranging for the provision of non-academic and extracurricular services and activities, including meals, recess periods, counseling services, recreational activities, special interest groups or clubs sponsored by the School, referrals to agencies which provide assistance to handicapped personnel, and employment of students, including both employment by the School and assistance in making outside employment available, the School shall ensure that each student participates with non-handicapped students in those services and activities to the maximum extent appropriate to the needs of that student.

6D-3.008 Discrimination Complaint Procedures for Student Access.

(1) The following procedures shall be followed by individuals wishing to file complaints regarding issues related to race, sex, national origin, or disability, and shall serve as complaint procedures for Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990.

(2) In complaints relating to admissions to the Florida School for the Deaf and the Blind, the President or designee shall conduct an investigation and render a decision within thirty (30) days of receiving the complaint. A complaint must be filed in writing with the President within thirty (30) calendar days of written notification.

(3) The President has designated the Principal in the Department for the Deaf or Department for the Blind to be responsible for the coordination of investigations and management of complaint procedures initiated by students, parents or guardians.

(4) The procedure is as follows:
   (a) Students, student applicants, parents or guardians are responsible for filing a written complaint of an alleged incident within sixty (60) calendar days of occurrence.
   (b) The Principal shall conduct an appropriate investigation and, in consultation with the President make a final decision within thirty (30) days of the receipt of the filing.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History–New 6-2-81, Formerly 6D-3.08, Amended 1-19-04.

Cf. Title VI, Civil Rights Act of 1964 (Title 34, Part 100 CFR); Title IX of the Education Amendments of 1972 (Title 34, Part 106 CFR); Section 504, Title V, Rehabilitation Act of 1973 (Title 34, Part 104 CFR).

6D-3.010 Confidentiality of Information.

(1) Definitions.
   (a) Confidentiality – The treatment of information relating to students, staff or administration that shall be entrusted only to authorized individuals.
   (b) Files shall mean clinical records which are those records, files and data which contain information pertinent to the psychological or medical treatment of a student.
   (c) Communication shall mean issues addressed in counseling.
   (d) Administration shall mean the President or his designee.
   (e) Counseling shall mean an interpersonal process, involving a variety of techniques, to assist the student in overcoming social, emotional or learning difficulties interfering with the educational process or transition to employment. This can be session with certified professional counselor, or in other contexts such as academic advisement, nursing care, dormitory management, etc.

(2) Information contained in personally identifiable records or reports of a pupil or student and any personal information contained therein may be released only to school officials, including teachers within the school who have legitimate educational interests in the information contained in any file or communication as well as the appropriate parties in connection with an emergency, if information in the file is needed to protect the health or safety of the pupil.

(3) Access to Information.
   (a) Files shall be restricted to individuals who have need for information to provide for the health, safety, care, welfare and proper discipline of students.
   (b) Communication which addresses issues that, in the opinion of the counselor, and after review by the Mental Health Director, constitutes a real and present danger to self or to others in the school community, falls outside the parameters of confidentiality and shall be reported to the Administration. During the establishment of the counseling relationship, and within the student’s ability to comprehend, the counselor shall explain these limitations to confidentiality. A statement to that effect will be inserted in the student’s file. Such issues include:
      1. Suicidal or harmful threats to self or others.
      2. Sexual misconduct.
      3. Alcohol or drug abuse or the solicitation thereof.
      4. Knowledge of actual or suspected child abuse or neglect.
      5. Chronic or repetitive illegal acts.
      6. Exposure to sexually transmitted disease.
   (4) Security of Files.
      (a) Files shall not be removed from the custody of the file custodian except by an appropriate staff member or by court order.
      (b) Consent for release of files shall be on an authorized FSDB release form, written request from parent(s)/guardian, or official form from other authorized agencies:
         1. Request for files shall be submitted to the file custodian.
         2. Requests and releases shall become part of the record.
         (c) Files shall be stored in a locked room at the end of each working day.
      (5) Staff involved as interpreters in student counseling shall respect the privacy of that communication in keeping with the provisions of this rule.
(6) Information specifically prohibited by Florida Statutes or Florida Administrative Code from disclosure to anyone other than the student shall not be disclosed without the consent of the student.

*Specific Authority 242.331(3) FS. Law Implemented 242.331(4), 228.093(3)(d) FS. History–New 4-29-91, Amended 10-28-93.*
CHAPTER 6D-4 ADMINISTRATION

6D-4.001 Scope and Purpose. (Repealed)
6D-4.002 President.
6D-4.003 Business Manager.
6D-4.004 Coordinator of Federal Funds Certification Requirements. (Repealed)

**6D-4.002 President.**

(1) The chief administrative officer of the School shall be a President professionally qualified and experienced, through whom the Board exercises its control over the School.

(2) The President is responsible for the organization and management of the entire School program and its operation. As President he/she is expected:

(a) To operate the School in conformity with the policies, rules and regulations of the Board and to be responsible for the efficient operation of the School.

(b) To hire and terminate, or non-reappoint all academic personnel and to direct the hiring or termination or non-renewal of all non-academic personnel by predetermined specific standards designed to upgrade the quality of instruction and related services, consistent with Board of Trustees Rules.

(c) To organize a staff, delegating responsibility and authority clearly.

(d) To prepare an organizational chart and manual outlining detailed operation of the School.

(e) To hold regularly scheduled faculty meetings.

(f) To carry out a positive pupil relations program.

(g) To have and supervise communications with parents.

(h) To make reports to the Board and to submit to the Board Chairman copies of communications with officials in Tallahassee pertaining to the School.

(i) To prepare the agenda of meetings of the Board.

(j) To supervise the preparation of the budget.

(k) To prepare a printed pamphlet for distribution to parents, prospective students, and others interested in the School, with pertinent information about admission policies and educational programs.

(l) To approve travel requests for School personnel in accordance with regulations adopted by the Board.

(m) To cause to be prepared (in loose-leaf form) bound copies of this Policies and Procedures Manual and to be responsible for disseminating to all employees of the School the information contained in this manual and the organizational chart which is a part hereof. To establish periodic review sessions for all personnel, to instruct them in the policies and procedures set forth in this manual and to provide a method whereby suggestions may be made by all employees for any changes in policies and procedures.

(n) To supervise and evaluate all personnel or to delegate such responsibility to staff.

(o) To serve as Secretary to the Board of Trustees and Chief Executive Officer of the Florida School for the Deaf and the Blind.

(3) Certification requirements are certification by the State of Florida in Hearing Impaired/Visually Impaired, and Administration and Supervision or Educational leadership.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(a), 242.331(4) FS. History–New 12-19-74, Amended 10-29-84, 9-8-85, Formerly 6D-4.02, Amended 12-6-92, 5-14-02.

**6D-4.003 Business Manager.**

(1) The Business Manager shall be appointed by the President.

(2) The Business Manager is responsible for the complete financial operations of the School. The following are specific:

(a) Responsible to the President for the performance of his/her duties as financial officer of the School.

(b) Responsible for all business activities and financial operations, and for adherence to approved operating budgets.

(c) Collect and disburse all monies according to State regulations.

(d) Submit periodic reports showing financial status of the various funds of the School to the Board.

(e) Prepare under the direction of the President a detailed item budget, with analysis, review and justification of the same and of proposed amendments to previously approved budgets, and to prepare periodic reports therefrom as directed.

(f) Serve as advisor to the President and to the Board on the fiscal policy and the needs of the School.

(g) Conduct a continuous internal audit of all financial affairs of the School in a manner prescribed by law.

(h) Establish written policies to control the use of State-owned vehicles.

(i) Be responsible for procedures for all collections from the sale of goods and services and to provide instructions applicable to the work to be accepted.

(j) Supervise departments assigned by the President, which include but are not limited to the following:

1. Safety.
2. Accounting.
3. Purchasing, Receiving, and Property Control.
5. Maintenance and Facilities.
6. Food Service.
8. Transportation Services.
10. Student Bank/Endowment.
   (k) Other related work as assigned.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 12-19-74, Amended 10-29-84, 9-8-85, Formerly 6D-4.03, Amended 8-26-88, 12-6-92, 5-14-02.
CHAPTER 6D-5 ACADEMIC ORGANIZATION

6D-5.001 Scope and Purpose. (Repealed)
6D-5.002 Principal for the Deaf and Principal for the Blind, Administrator of Instructional Programs, Curriculum and Staff Development and Administrator of Residential Programs.
6D-5.003 Other Personnel.
6D-5.004 Supporting Personnel. (Repealed)

6D-5.002 Principal for the Deaf and Principal for the Blind, Administrator of Instructional Programs, Curriculum and Staff Development and Administrator of Residential Programs.

(1) Responsibilities and duties of the Principal include all professional, educational and administrative work in planning, organizing and supervising the academic, career education, and related programs for students in the Department for the Deaf and the Department for the Blind.

(a) Is responsible for developing and adhering to the budget for his/her Department.
(b) Oversees curriculum development; schedules classes and teachers; conducts planning sessions; supervises the selection and purchase of books and equipment; supervises in-service training for teachers; and counsels teachers and students.
(c) Oversees interviews and recommends the employment of teachers. Upon employment, immediately ensures that all college transcripts, valid teaching certificate for Florida and valid certificate from the appropriate national professional organization are on file; maintains up-to-date and accurate records of professional preparation and experience; conducts teacher’s meetings at regular intervals; arranges in-service teacher training programs, including on-campus courses; visits classrooms, suggests teaching methods and teaching materials; arranges for the accommodation of visitors.
(d) Recommends to the President temporary removal of students when warranted.
(e) Confers with those presenting students for evaluation; assists audiologist, psychologist and other qualified professionals in evaluating students for entrance; administers appropriate tests to students preparing for college entrance.
(f) Reviews carefully requests of teachers for books, equipment, supplies, transportation, field trips and parties.
(g) Ensures that the physical facilities under his/her supervision are maintained in optimum condition.
(h) Reviews and approves work orders for repairs to buildings, equipment and furniture, and initiates such orders when indicated.
(i) Attends a variety of local, state and national meetings and conferences dealing with the education of the deaf, blind or deaf-blind.
(j) Performs related work as required.
(k) Directs and supervises all personnel reporting to him/her.
(l) Conducts or causes to be conducted annual performance evaluations of staff who report to him/her.
(m) Serves as a member of the administrative management team under the direction of the President.

(2) Minimum training, certification and experience.

(a) Five years of experience in the education of the deaf or the blind, two of which shall have been in administration. Certification by the State of Florida in Hearing Impaired/Visually Impaired, and Administration and Supervision or Educational Leadership.
(b) Provides a cohesive system to open communication within the decision-making process.
(c) Promotes the provision of comprehensive services consistent within the mission of the Florida School for the Deaf and the Blind.
(d) Formulates direction of goals, objectives, and activities under the guidance of the President.
(e) Provides educational leadership in the designing, adapting and monitoring of general educational curriculum for pre-school – twelfth grade sensory impaired students served by the school.
(f) Involves appropriate personnel in planning, delivering and monitoring academic, career education, and related academic services.
(g) Directs and supervises curriculum/staff development personnel in order to assure that the instructional programs for deaf, blind, and special needs students are in line with Federal and State educational mandates.
(h) Supervises the principals of the Department for the Blind/Special Needs and the Department for the Deaf in implementing comprehensive, up to date, and effective instructional programs within their respective departments.
(i) Serves as a member of the administrative management team under the direction of the President.
(j) Maintains an effective relationship with the State Department of Education and local education agencies.
(k) Monitors the effectiveness and efficiency of personnel in relation to specified job description.
(l) Directs the establishment and monitors practices and procedures consistent with the principles of quality assurance and risk management.

(m) Communicates with parents, professionals, and the community regarding the program design and the positive anticipated results with the students being served.

(4) Minimum Training, Certification and Experience.

(a) Master’s degree from an accredited college or university in Hearing Impaired/Visually Impaired or Educational Administration/Supervision/Leadership.

(b) Four (4) years experience in an educational administrative position and three (3) years of teaching experience in Hearing Impaired/Visually Impaired.

(c) Certification by the State of Florida in Hearing Impairment/Visual Impairment and Administration and Supervision or Educational Leadership.

(5) Responsibilities and duties of Administrator of Residential Programs include organization and supervision for all residential programs of the Florida School for the Deaf and the Blind.

(a) Is responsible for overall supervision of staff, student programming and activities in all residential programs serving blind, deaf, and special needs students.

(b) Supervises Director of Athletics and recreational programs.

(c) Is responsible for program planning, staff training, student development, and enhancement of a quality residential program that is designed to instill independence, appropriate behaviors, and interpersonal skills in a positive environment.

(d) Is responsible for ensuring the health and safety of students and staff in the residential programs.

(e) Provides leadership in designing, directing, and implementing programs and services to sensory impaired students and to respective supervisory staff in a school residential setting.

(f) Serves as a member of the administrative management team under the direction of the President.

(g) Directs the process for advertisement, screening of applicants, interviewing, and reference checks on prospective staff for residential programs serving sensory impaired students.

(h) Maintains communication between the Residential Programs and other offices/departments on campus.

(i) Enforces and supports all school policies and procedures, personnel management procedures and student management policies and programs to ensure that staff and students are provided the opportunity to perform to their maximum.

(j) Directs and coordinates the reporting, monitoring, and tracking of student behavior through the use of occurrence reports and computer developed reports and coordinates appropriate intervention techniques.

(k) Participates in regularly scheduled administrative meetings regarding students, school information, and policies and procedures.

(l) Investigates, reviews and follows up, in writing, on all reported incidents involving staff and/or students.

(6) Minimum training, certification and experience.

(a) Master’s degree in education of the Hearing Impaired/Visually Impaired or Educational Administration/Supervision/Leadership.

(b) Four (4) years administrative experience to include no less than three (3) years in a residential program.

(c) Certification by the state of Florida in Educational Leadership. Certification by the State of Florida in Hearing Impaired/Visually Impaired, or a related area of special education.

Specific Authority 242.331(3) FS. Law Implemented 242.331(6)(b) FS. History–New 12-19-74, Amended 11-9-76, 10-29-84, 9-8-85, Formerly 6D-5.02, Amended 8-26-86, 4-4-93, 12-2-97.

6D-5.003 Other Personnel.
Responsibilities and duties of other members of the staff in the areas of the deaf and the blind shall be listed on job description forms on file in the Human Resource Management and Development Office at the School. Degrees and certification requirements of personnel hired after January 1, 2001 are as follows:

(1) Assistant Principal. Certification by the State of Florida in Hearing Impaired or Visually Impaired, and Administration and Supervision or Educational Leadership, and five (5) years teaching experience.

(2) Supervising Teacher. Certification by the State of Florida in Hearing Impaired or Visually Impaired, and Administration and Supervision or Educational Leadership, or a Master’s Degree in Hearing Impaired or Visually Impaired and twelve (12) semester hours in Educational Leadership, and three (3) years teaching experience.

(3) Supervising Teacher – Physical Education. Certification by the State of Florida in Hearing Impaired, Visually Impaired or Physical Education and Administration and Supervision or Educational Leadership, or a Master’s Degree in Physical Education with certification, and twelve (12) semester hours in Educational Leadership and fifteen (15) semester hours in Hearing Impaired or Visually Impaired, and three (3) years teaching experience.

(4) Director of Diagnostic Services. A Master’s Degree in Hearing Impaired or Visually Impaired, Certification by the State of Florida in Hearing Impaired or Visually Impaired, twelve (12) semester hours in Administration and Supervision or Educational Leadership and three (3) years teaching experience.
(5) Director of Student Life. A Master’s Degree in one of the following areas: Hearing Impaired, Visually Impaired, Educational Leadership, Special Education, Child Care, Guidance and Counseling, Psychology, School Psychology, Social Work, or related areas, and twelve (12) semester hours in Educational Leadership, and fifteen (15) semester hours in Hearing Impaired or Visually Impaired, and three (3) years experience in a residential setting.

(6) Director of Staff and Curriculum Development. A Master’s Degree in Hearing Impaired, Visually Impaired, or Educational Leadership and certification by the State of Florida in Hearing Impaired or Visually Impaired with twelve (12) semester hours in Curriculum Development, twelve (12) semester hours in Educational Leadership, and three (3) years teaching experience with Hearing Impaired or Visually Impaired students.

(7) Director of Technology Services. A Master’s Degree in Hearing Impaired, Visually Impaired, Educational Technology, or Educational Leadership, and certification by the State of Florida in Hearing Impaired or Visually Impaired, and Education Administration and Supervision or Educational Leadership, and three (3) years teaching experience.

(8) Director of Mental Health. Licensure by the State of Florida as School Psychologist or Clinical Social Worker, or certification by the State of Florida in Guidance and Counseling or School Social Worker or School Psychologist, and fifteen (15) semester hours in Hearing Impaired or Visually Impaired, and twelve (12) semester hours in Administration and Supervision or Educational Leadership, and three (3) years related experience.

(9) Director of Audiology and Speech Services. Licensure by the American Speech-Language Hearing Association, nine (9) semester hours in Hearing Impaired, and twelve (12) semester hours in Administration and Supervision or Educational Leadership, and three (3) years related experience.

(10) Specialist – Psychologist. Certification by the State of Florida as School Psychologist or licensure by the State of Florida as a Psychologist or School Psychologist.

(11) Specialist – Audiologist. Licensure by the American Speech-Language Hearing Association, and the State of Florida, and fifteen (15) semester hours in Hearing Impaired or Visually Impaired.

(12) Specialist – Coordinator of Early Intervention Services. Certification by the State of Florida in Hearing Impaired or Visually Impaired, and a Master’s Degree, and fifteen (15) semester hours in Early Childhood Education.

(13) Specialist – Technology Resource Specialist. Certification by the State of Florida in Hearing Impaired, and a Master’s Degree and fifteen (15) semester hours in Instructional Technology.

(14) Specialist – Educational Data Information Coordinator. Certification by the State of Florida in Hearing Impaired or Visually Impaired, and a Master’s Degree in Computer Programming.

(15) Specialist – Statewide Technology Training Specialist. Certification by the State of Florida in Hearing Impaired or Visually Impaired, and a Master’s Degree, and fifteen (15) semester hours in Computer Applications or Instructional Technology.

(16) Specialist – Specific Learning Disabilities Program Specialist. Certification by the State of Florida in Specific Learning Disabilities, and a Master’s Degree, and fifteen (15) semester hours in Hearing Impaired or Visually Impaired, or certification in Hearing Impaired or Visually Impaired, and fifteen (15) semester hours in Specific Learning Disabilities.

(17) Specialist – Coordinator of Computer Services. Certification by the State of Florida in Hearing Impaired or Visually Impaired, and a Master’s Degree, and fifteen (15) semester hours in Instructional Technology.

(18) Specialist – Coordinator of Assessment. Certification by the State of Florida in Hearing Impaired or Visually Impaired, and a Master’s Degree, and fifteen (15) semester hours in curriculum development and three (3) years teaching experience.

(19) Classroom Teachers. Certification by the State of Florida in an area of specialty (Hearing Impaired, Visually Impaired, Varying Exceptionalities), and certification in the appropriate instructional levels (grades K-6, Middle School, or content area for instructional levels 7-12). Teachers may be hired with certification in the “area of specialty” only with the understanding that the additional certification requirements may be completed over a specified period of time. At the secondary level, teachers with certification by the state of Florida in a subject content area may be hired with the understanding that the “area of specialty” must be completed within a specified period of time. Personnel in teaching positions assigned to students with special needs may be selected, if the applicant possesses certification by the State of Florida in other special education areas (Mentally Handicapped, Specific Learning Disabilities, Emotionally Handicapped, or a related area). Teachers selected in this manner will be required to complete twelve (12) semester hours in Hearing Impaired or Visually Impaired over a specified period of time, or certification by the State of Florida in Hearing Impaired or Visually Impaired and twelve (12) semester hours in Mentally Handicapped or Specific Learning Disabilities, or Emotionally Handicapped, or Varying Exceptionalities.

(20) Physical Education Teacher. Certification by the State of Florida in Physical Education and an area of specialty (Hearing Impaired, Visually Impaired, Varying Exceptionalities). Teachers may be hired with certification in physical education only with the understanding that the certification in the area of specialty must be completed in a specified period of time.

(21) Vocational Teacher. Certification by the State of Florida in a Vocational area requiring at least a bachelor’s degree, and twelve (12) semester hours in the appropriate area of specialty (Hearing Impaired, Visually Impaired, Varying Exceptionalities). Teachers may be selected with certification in a degree vocational area with the understanding that the twelve (12) semester hours in the appropriate area of specialty must be completed over a specified period of time.

(22) Speech Teacher. Certification by the State of Florida in Hearing Impaired, and twelve (12) semester hours in Speech-Language Impaired, or certification by the State of Florida in Speech-Language Impaired, and twelve (12) semester hours in Hearing Impaired.
(23) Specialist – Clinical Social Worker. Licensure by the State Department of Professional Regulation, and certification by the Academy of Certified Social Workers, and fifteen (15) semester hours in Hearing Impaired or Visually Impaired.

(24) Guidance Counselor. Certification by the State of Florida in Guidance and Counseling with twelve (12) semester hours in Hearing Impaired or Visually Impaired.

(25) Librarian. Certification by the State of Florida in Library/Educational Media Specialist with twelve (12) semester hours in Hearing Impaired or Visually Impaired.

(26) Specialist Educational Diagnostician. Certification by the State of Florida in Hearing Impaired or Visually Impaired, and a Master’s Degree, and fifteen (15) semester hours in assessment.

(27) Orientation and Mobility. Certification by the State of Florida in Visually Impaired and endorsement specialization in Orientation and Mobility.

(28) Technology Media Teacher. Certification by the State of Florida in Hearing Impaired and twelve (12) semester hours in Media/Technology.

(29) Specialist – Coordinator of Academic Guidance. Certification by the State of Florida in Guidance and Counseling, and a Master’s Degree, and fifteen (15) semester hours in Hearing Impaired or Visually Impaired, or a Master’s Degree and Certification by the State of Florida in Hearing Impaired or Visually Impaired and fifteen (15) semester hours in Guidance and Counseling.

(30) Specialist – Residential Curriculum Coordinator. Certification by the State of Florida in Hearing Impaired or Visually Impaired or Specific Learning Disabilities or Emotionally Handicapped or Mentally Handicapped, or Varying Exceptionalities, and a Master’s Degree, and fifteen (15) semester hours in Hearing Impaired or Visually Impaired.

(31) Specialist – Behavior Specialist. Certification by the State of Florida as School Psychologist or Guidance and Counseling or Emotionally Handicapped, and a Master’s Degree, including six (6) semester hours in counseling related courses, nine (9) semester hours in behavioral management courses, and fifteen (15) semester hours in Hearing Impaired or Visually Impaired.

(32) Specialist – Social Worker. Certification by the State of Florida in School Social work, and a Master’s Degree and fifteen (15) semester hours in Hearing Impaired or Visually Impaired, as appropriate.

(33) Specialist – Staffing Specialist. Certification by the State of Florida in Hearing Impaired or Visually Impaired, and a Master’s degree and three (3) years successful teaching, counseling, or school psychologist with sensory impaired students.

(34) Specialist Internet/Website Specialist. Certification by the State of Florida in Hearing Impaired or Visually Impaired, and a Master’s degree and fifteen (15) semester hours in Instructional Technology, and six (6) hours in HTML (HyperText Markup Language) program language or web master certification, and five (5) years teaching experience with Hearing Impaired or Visually Impaired.

(35) Assistant Director of Student Life. A Bachelor of Arts or Bachelor of Science Degree in one of the following areas: Physical Education, Recreation, Hearing Impaired or Visually Impaired, Special Education, Child Care, Guidance and Counseling, Psychology, Social Work, or related areas, or a Master’s Degree in School Psychology or Educational Leadership. Certification by the State of Florida in Hearing Impaired or Visually Impaired, as appropriate, and twelve (12) semester hours in Educational Leadership and three (3) years experience in a residential setting.

(36) Specialist – Speech Language Pathologist. Certification by the State of Florida in Speech-Language Impaired, or certification of Clinical Competency from the American-Speech Language Hearing Association and licensure by the state of Florida Department of Health in Speech-Language Pathology.

(37) Specialist – Mainstream Coordinator. Certification by the State of Florida in Hearing Impaired or Visually Impaired and a Master’s Degree.

(38) In addition to the requirements of Rule 6D-5.003, F.A.C., the educational staff will be required to meet the State Board of Education Chapter 6A, F.A.C., certification requirements as applicable to the Florida School for the Deaf and the Blind.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 12-19-74, Amended 10-9-84, 9-8-85, Formerly 6D-5.03, Amended 12-6-92, 10-26-94, 7-30-95, 4-28-97, 3-16-98, 2-26-01.
6D-6.003 Use of School Facilities and Equipment.

(1) Request for use of School facilities for educational, cultural, charitable and philanthropic purposes will be considered by the President’s Administrative Management Team, subject to the following conditions:

(a) All requests for use of campus facilities will only be considered if, in the opinion of the President’s Administrative Management Team, they are consistent with the best interests of the School, staff and students.

(b) Organizations granted use of FSDB facilities are required to obtain “not less than” $1,000,000.00 personal liability and $1,000,000.00 property damage insurance to cover persons and premises involved in the scheduled activity. FSDB will be named “additional insured” in the insurance of all organizations using FSDB facilities. Verification of this insurance must be on file in the FSDB Business Office at least ten business days prior to the rental date.

(c) Charges for use of any campus facility will be based on flat rate usage fees and the prevailing hourly costs for utility fee recovery, services of custodial, technical, groundskeeping and security personnel, as well as additional flat rate fees per use for equipment/supplies and normal repairs. These charges will preserve the high quality of FSDB service and support, as well as provide proper maintenance and operation of FSDB property. The Business Manager will recommend a schedule of charges through review of current fiscal data reflecting utility, labor and supply costs, for approval and adoption by the Board of Trustees on an annual basis.

1. Charges may be waived if use is of obvious benefit to the educational, social, and health needs of the students or the School.

2. Levy charges for the recovery of costs for utilities, personnel services, security, materials, garbage removal, equipment, breakage and any other item or service directly connected with the use of the facility.

(d) Payment for facility usage shall require 50% of total fees due, along with the signed contract, immediately following the School’s approval. The remaining balance of total fees is due at least 10 business days prior to the scheduled event. Non-payment by the scheduled due date, may result in the cancellation of the event.

(e) All arrangements regarding dates and purpose of use and appropriate fees will be coordinated by the Business Office, subject to the approval of the President’s Administrative Management Team.

(f) Only FSDB personnel or approved contract personnel will operate campus HVAC, lighting and sound systems. All normal conditions of employment apply to FSDB personnel engaged in activities connected with facility rentals.
(g) All requests for the use of FSDB facilities must be made to the FSDB Business Office at least 30 business days prior to the scheduled event. An estimate of Charges and Agreement Form, will be used to itemize charges and provide for signatures of consent to these charges by both lessor and lessee. All facility usage requests must be in writing and directed to the Business Manager, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084. All written requests must describe, in detail the following:

1. Requested facility;
2. Hour(s) and date(s) of requested usage;
3. Type of use being requested;
4. Description of type of attendance expected for the event; and
5. Any benefits to the school.

It is understood that the School reserves the right, at anytime, to relocate or cancel an event, which may be deemed in the best interest of the School.

(2) Inventoried equipment belonging to the School may not be used off the campus for any purpose not directly connected with a School activity, and only then after completing necessary hand receipt.

(3) Supplies of any kind bought by the School are to be used only in School activities.

(4) Internal management directives regarding requisitioning of supplies and use of equipment will be followed.

(5) Based on safety and sanitation inspections by the President, or his designee, permission for the use of facilities and equipment may be withdrawn. The President shall develop a procedure for periodic safety and sanitation.

Specific Authority 235.02, 242.331(3) FS. Law Implemented 235.02, 242.331(4), 273.01, 273.03 FS. History–New 12-19-74, Amended 4-17-85, 9-8-85, Formerly 6D-6.03, Amended 8-26-86, 2-19-91, 11-1-95, 2-26-01.

Cf. Facility Rate Schedule and Agreement Form.


(1) The following procedures shall be followed by individuals wishing to file complaints regarding issues related to race, sex, national origin, disability, marital status, age, religion, or political affiliation, and shall serve as complaint procedures for Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, and The Americans with Disabilities Act of 1990.

(2) The Human Resources Director shall be responsible for the coordination of investigations and management of complaint procedures initiated by employees or applicants for employment regarding issues related to race, sex, national origin, disabilities, marital status, age, religion or political affiliation.

(3) The procedure is as follows:

(a) Employees or applicants are responsible for filing a written complaint of an alleged incident within sixty (60) calendar days of occurrence.

(b) The Human Resources Director shall conduct an appropriate investigation and in consultation with the President, make a final decision within thirty (30) days of the receipt of the filing.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History–New 6-2-81, Formerly 6D-6.20, Amended 4-9-92, 1-19-04. Cf. Title VI, Civil Rights Act of 1964 (Title 34, Part 100 CFR); Title IX of the Education Amendments of 1972 (Title 34, Part 106 CFR); Section 504, Title V, Rehabilitation Act of 1973 (Title 34, Part 104 CFR).

6D-6.021 Implementation of Certification Standards.

(1) Current employees – administration and supervision.

(a) In completion of coursework required for renewal of certificates, staff members hired prior to January 1, 1985 shall take courses necessary to meet full certification.

(b) Needed coursework may also be required as part of the annual employee evaluation procedure.

(c) Staff members hired prior to January 1, 1985 must meet certification requirements as listed in Chapters 6D-4 and 6D-5, F.A.C., in effect July 1, 1983, or unless exempt by documented letter of appointment from the President of the School or unless exempt by Board action upon recommendation of the President.

(d) Certification by a national organization shall no longer be required for current administration and supervision employees.

(2) Newly hired employees – administration and supervision. All employees hired after January 1, 1985 who fail to meet full certification requirements shall be required to take six (6) semester hours of coursework each year until full certification is obtained unless exempt by Board action upon recommendation of the President.

(3) Current employees – other educational and professional support.

(a) Every effort will be made to honor requests for transfer to areas in which a teacher is certified.

(b) All instructional personnel must maintain certification to continue employment with the School. Individual staff members shall be held accountable for meeting and maintaining certification requirements.
(c) Staff members must meet certification requirements as listed in Chapter 6D-5, F.A.C., unless exempt through a documented letter of appointment from the President of the School or unless exempt by Board action upon recommendation of the President. Staff hired prior to January 1, 1985 must meet requirements in effect July 1, 1983. Staff hired after January 1, 1985 and prior to July 1, 1992 must meet requirements in effect September 8, 1985. Staff hired after July 1, 1992 must meet requirements in effect 12-6-92.

(d) Staff members are required to complete six (6) semester hours of coursework or 120 hours of inservice every five (5) years in order to renew their certificates. It is the intent of the administration to require staff members employed prior to January 1, 1985, who are completing coursework for certification renewal to take courses necessary to meet full certification requirements.

(4) Newly hired employees – other educational and professional support.

(a) All employees hired after January 1, 1985 who fail to meet full certification requirements shall be required to take coursework as indicated in the FSDB Education Association/Board of Trustees contract unless exempt by Board action upon recommendation of the President.

(b) When nine (9) semester hours are required, the teacher, supervisor, Principal and Director of Staff Development will determine specific coursework to be taken by the teacher. The decision of the President shall be final.

(c) After January 1, 1985, all newly hired teachers must hold or be eligible for a current Florida teaching certificate, with the eligibility documented by copy of certification application transmittal letter on file in the Principal’s Office.

(d) After July 1, 1986, if it is documented that fully certified personnel are not available, the President may employ an individual with the stipulation that full certification will be obtained unless exempt by Board action upon recommendation of the President. However, basic Florida Department of Education certification must be held.

(5) All employees must maintain certification to continue employment with the School.

(6) Three years’ experience in working with the hearing impaired or the visually impaired may be substituted for coursework requirements listed in Chapter 6D-5, F.A.C., upon approval of the President.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 10-29-84, Formerly 6D-6.21, Amended 12-6-92.

6D-6.022 On-Campus Rental Housing Policy for Staff and Administration.

(1) Staff housing.

(a) All rooms and apartments shall be considered first and foremost for student occupancy depending upon need.

(b) The President shall determine when it is necessary to provide housing for staff.

(c) Staff residing on campus except in the independent living or honor areas, or if exempt by Department of Administration regulations, shall pay such rent as recommended by the Board of Trustees and approved by the Department of Administration.

(d) In determining staff who should reside on campus, the President shall take into consideration the following items:
   1. Student health and safety;
   2. Campus security;
   3. Benefits accrued to State of Florida;
   4. Housing available and not required for student activities.

(2) Administrative staff housing.

(a) The Board of Trustees shall designate School officials who will reside on campus.

(b) School officials shall pay such rent as is recommended by the Board of Trustees and approved by the Department of Administration for the housing to which the official is entitled.

(c) In determining the individual(s) who shall be required to reside on campus, the Board of Trustees shall take into consideration the following items:
   1. Student and staff needs;
   2. Campus security;
   3. Benefits accrued to State of Florida;
   4. Housing available and not required for student activities.

(d) The President and/or administrator as designated by the Board of Trustees will be required to reside on campus.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 10-29-84, Formerly 6D-6.22.

6D-6.024 Assessment of Personnel Performance.

(1) In keeping with the lines of authority in the organization chart of the Florida School for the Deaf and the Blind, it shall be the responsibility of the immediate supervisor of each Career Service employee to conduct periodic assessments of employee performance of duties and responsibilities. It shall be the responsibility of the immediate supervisor of those Board of Trustees employees not covered by a collective bargaining agreement to conduct periodic assessments of each employee’s performance of the duties and responsibilities assigned to the employee.

(2) Included in the assessment process shall be periodic reviews that provide suggestions and recommendations for improvement.
(3) Assessment of employee performance shall be an ongoing process, but it shall be the specific responsibility of the immediate supervisor to conduct two six-month-period reviews of the performance of the employee in the first year of employment and an annual review (date of appointment) in each successive year of employment.

(4) The performance assessment shall be based upon the essential factors listed in the employee’s job description and performance objectives agreed upon by the supervisor and employee after they have been discussed, reduced to writing and copies distributed by the immediate supervisor to the employee, Personnel Office and supervisor’s file.

(5) Annually the President shall prescribe a uniform system of procedures under which each assessment shall be conducted.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 6-10-85, Formerly 6D-6.24.

6D-6.025 Employees Infected with the HIV Virus.

(1) Introduction.
(a) It is the policy of the Florida School for the Deaf and the Blind to protect the rights of employees infected with the AIDS virus (HIV) to employment and also the rights of other employees and of students to an environment where they are protected from contracting the virus.

(b) HIV – infected job applicants and employees shall be allowed to begin or continue work as long as they are able to maintain acceptable performance and do not pose a safety or health threat to themselves or others in the workplace.

(2) Employee Guidelines and Procedures.
(a) An infected employee will be treated in the same manner and according to the same procedures as any other employee diagnosed as having any other illness, injury, or disability.

(b) In instances where an infected employee is unable to fulfill his/her regular responsibilities, or portions of these responsibilities, but is able and desires to continue working in a less physically demanding capacity, the School will make a reasonable effort, if requested, to accommodate the employee’s physical handicap.

(c) In certain cases, infected employees may be susceptible to infections and viruses which would be of special danger due to the breakdown of the immune system. When such employees are in positions which require extensive public contact and request reassignment for their own protection, the School shall, when requested, make a reasonable effort to accommodate that request for reassignment.

(d) As in the case of any other illness, injury, or disability, a supervisor who believes the employee is unable to perform assigned duties due to illness, may recommend to the Personnel Office that the employee be required to submit to a medical examination by a physician chosen and paid by the School. The examination shall be solely related to the physical ability of the employee to perform assigned duties. Based upon the medical opinion, appropriate action as provided in applicable existing FSDB personnel procedures will be applied.

(e) Any employee who informs the School that he/she is infected will be accorded confidentiality regarding the disclosure of the medical condition. Only those persons whom the President determines have a legitimate need to know shall be informed. Persons given access to such information shall maintain the confidentiality of that information. In addition, supervisors and others included in making and implementing personnel management decisions involving infected employees shall strictly observe the confidentiality of the information.

(f) Any infected employee shall be eligible to use accrued sick or annual leave as needed.

(g) FSDB employees, while performing their School duties, shall be required to conform to the FSDB Rule for Employees Infected with the HIV Virus.

(3) AIDS Education and Training.
(a) FSDB employees shall receive inservice training on AIDS, ARC, and HIV infection. The training shall include transmissibility of the disease, precautions to be taken to prevent spread of the disease, and other factual and timely information about the disease from a legal, research, public health, or related perspective.

(b) FSDB shall provide to each new employee, and to each FSDB employee on an annual basis, an informational pamphlet about HIV infection and AIDS, as published by the Department of Health and Rehabilitative Services.

Specific Authority 120.53(1)(b), 242.331(3) FS. Law Implemented 120.53(1)(b), 242.331(4) FS. History–New 4-25-89.
CHAPTER 6D-7 SCHOOL PROGRAM

6D-7.002 Academic.

(a) Teaching deaf students in this School emphasizes the use of Signed English, speech, finger-spelling, lipreading and auditory training. The goal of instruction shall be to clarify concepts and expand language patterns in an expedient manner so students can develop appropriate communication skills in the use of the English language.

(b) Visual aids and materials shall be utilized to the fullest in teaching deaf students.

(c) Group hearing equipment shall be available for use by all students who have residual hearing.

2. Department for the Blind.

(a) Methods shall be those accepted for the best educational development of the blind student. Textbooks shall be provided in braille for the blind student and large print for the partially seeing.

(b) Tactual, auditory and low vision aids shall be used when practical.

(c) Mobility and orientation training shall be provided.

(d) Listening skills, daily living skills and effective use of residual vision shall be stressed.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 2-17-81, Amended 9-17-85, Formerly 6D-7.06, Amended 8-26-86.

6D-7.006 Pupil Progression Plan and Requirements for Graduation.

(1) Graduation and promotion requirements adopted by the Board of Trustees for the Florida School for the Deaf and the Blind pursuant to the provisions of Section 232.2481, F.S., are contained in the Florida School for the Deaf and the Blind Pupil Progression Plan, revised December 20, 1997, which is hereby incorporated by this rule and made a part of the rules of the Board of Trustees.

(2) Copies of the Pupil Progression Plan may be obtained from the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084 at a price to be established by the President but which shall not exceed actual cost of preparation, printing or reproduction and mailing.

Specific Authority 242.331(3) FS. Law Implemented 232.2481, 242.331(4) FS. History–New 2-17-81, Amended 9-17-85, Formerly 6D-7.02, Amended 8-26-86, 4-12-90, 12-6-92, 3-16-98.

6D-7.007 Code of Student Conduct.

(1) A Code of Student Conduct is designed to cover the rights, responsibilities and conduct of students in the Florida School for the Deaf and the Blind.

(a) The code requires adherence to all applicable law and specifically prohibits disrespectful and/or disruptive conduct.

1. Specific grounds for disciplinary action. The Administration of the Florida School for the Deaf and the Blind opposes the use of any form of aversive discipline.

2. Procedures to be followed for acts requiring discipline and a review of an Individual Educational Plan.

3. An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, expression of opinions and publications, participation in School programs and activities and student records.

(b) Definitions.

(a) Disciplinary review committee – A team of professionals which reviews reported violations of the Code of Student Conduct and recommends disciplinary action to the Principal. The President, Principal, Assistant Principal or Director of Student Life will determine the number and selection of staff members to serve on the committee.
(b) Adult student – A student who is 18 years of age or older.
(c) Suspension – The temporary removal of a student, for a period not to exceed ten school days, (without an IEP, Individual Educational Plan, to review student behavior), (1) from classes and assignment to a designated staff member for supervision; or (2) temporary removal of a student from the classroom and dormitory and temporary withdrawal from extra curricular activities. The student will be remanded to the custody of the student’s parent(s)/legal guardian with specific homework assignments for the student to complete.
(d) Under the jurisdiction of the School – All student activities during the academic year which occur during classroom or dormitory hours or which are subject to be approved, directed or supervised by School personnel, including transportation to and from the School on chartered buses or other School sponsored transportation.
(e) Excused absences – Absences granted for personal illness, illness or death of a member of the immediate family, or for emergencies when approved by the School and the parent or guardian.
(f) Absences without excuse – Shopping trips, pleasure trips, vacations or other avoidable absences, suspension, truancy, and appointments without prior approval, except in case of emergency.
(g) Detention – Detaining a student after the instructional day by a member of the School staff.
(h) Dormitory restriction – Limiting the activities of a student within the dormitory environment (e.g., restriction to an assigned room or temporary withdrawal from extra curricular activities.)
(i) Work detail – Completion of tasks to be performed by students for the purpose of altering unacceptable behaviors.
(j) Discipline – The act of punishing or correcting a student’s violations of the Code of Student Conduct.
(k) Code of Student Conduct – Those regulations of this School, found in Rules 6D-7.007, 6D-7.0072, and 6D-7.0073, F.A.C., which regulate the conduct of students at the School.
(l) Reprimand – The formal oral or written censure of a student for a violation of the Code of Student Conduct.
(3) Pupil detention, search and seizure.
(a) The Principal, Director of Student Life, other members of the instructional staff or other members of the dormitory staff are authorized to detain temporarily and question a student when circumstances indicate that the student has committed, is committing or is about to commit a violation of law or School rule.
(b) If at any time reasonable suspicion arises that the student is concealing stolen or illegal property, an alcoholic beverage, illegal drugs, or any weapon prohibited by law or School rule, the staff members may, for the purpose of seizing these items, search the student, his/her room, locker, vehicle or other possessions.
(c) If a search of the student, his/her room, locker, vehicle, or other possessions reveals stolen or illegal items as prohibited by law or School rule, the item or items may be seized and such action taken as appropriate.
(d) In no event shall a student be subjected to a strip search.
(4) Suggestions for Revision. Suggestions for possible revision of the Code of Student Conduct are welcomed from students, parents, guardians, staff members and other interested individuals. Suggestions should be sent in writing to the President’s Office.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History–New 9-4-84, Formerly 6D-7.07, Amended 8-26-86, 5-5-87, 1-12-95, 2-24-03.

6D-7.0071 Student Rights and Responsibilities.
Listed below are the rights of the students at the Florida School for the Deaf and the Blind and the responsibilities the students are expected to observe and follow:

(1) Attendance.
(a) Students have the right to attend class and pursue their education under competent instructors.
(b) Students are responsible for attending class and meeting the requirements of all classes. If a student is absent without excuse for more than fifteen (15) class periods per year, eight (8) per semester for students enrolled in a block schedule system, the student shall not earn credit for that class.
(2) Respect for persons.
(a) Students have a right to expect courtesy, fairness and respect from members of the School staff and other students.
(b) Students have a responsibility to extend courtesy, fairness and respect to members of the School staff and other students.
(3) Respect for property.
(a) Students have the right to privacy of their personal possessions unless there is reason to believe that the student is possessing or concealing materials prohibited by law.
(b) Students have the responsibility not to carry, possess or conceal any materials that are prohibited by law.
(c) All students have property rights.
(d) Students have a responsibility to respect the property rights of others. Students are responsible for their own property as well as School property entrusted to them.
(e) Students have a right to a clearly understandable statement defining the personal property which may be brought to School.
(f) Students have a responsibility to abide by School rules pertaining to personal property and to request clarification when in doubt.
(4) Rules of conduct.
(a) Students have a right to expect and have available to them clear and understandable rules of student conduct.
(b) Students have a responsibility to know the School rules which pertain to them, and to seek the help of faculty or administrators when in doubt.
(c) Students have a right to expect the rules of conduct to be enforced without discrimination.
(d) Students have a responsibility to observe the rules of conduct which pertain to them.
(5) Expression of opinion.
(a) Students have the right to express their opinions orally or in writing or in their own forms of communication (i.e., sign language) in such a way as will not interfere with the School’s Programs.
(b) Students have the responsibility to express and publicize their opinions and ideas in a manner not slanderous, libelous, or obscene.
(c) Students have the right to form and express their own opinions on issues without jeopardizing their relations with their teachers or School.
(d) Students have the responsibility to become informed and knowledgeable about issues, and express their opinions in a manner that is suitable for the forum in which the discussion is taking place.
(6) Publications.
(a) Students have the right to publish and distribute leaflets, newspapers and other printed materials under the supervision of the Principal or designee.
(b) Students have the responsibility to be aware of all rules and regulations governing student behavior that relate to publicizing information.
(7) Assembly.
(a) Students have the right to assembly.
(b) Students have the responsibility to plan for, seek approval of and conduct those assemblies which are consistent with the educational objectives of the School.
(8) Participation in School programs.
(a) Students have a right to an educational program which is appropriate to their needs and goals.
(b) Students have a responsibility to take advantage of the educational experiences offered them, and to put forth their best efforts.
(c) Students have the right to voice their opinions in the development of their curricula.
(d) Students have the responsibility to contribute to curriculum development in a responsible way.
(e) A student’s marks in each class should represent fairly and impartially his/her progress in that class. The student should have the opportunity of periodically reviewing his/her progress with the teacher.
(f) Students have the responsibility to achieve their progress through their own efforts. Students are responsible to review their progress with teachers periodically and seek additional help in problem areas.
(g) Students have the right to appropriate counseling for personal and educational problems. Access to consultation within a reasonable period of time should be assured.
(h) Students have the responsibility to schedule appointments in advance unless the problem of concern is an emergency.
(9) Participation in School activities.
(a) Students have the right to organize and participate in associations and extra-curricular activities which are organized for any proper and lawful purposes, providing that no such group denies membership to any student because of race, religion, nationality or physical handicaps.
(b) Students have the responsibility to seek prior and proper consent from administrators and any other designated School personnel before organizing student associations and to meet the approved criteria for membership in clubs, organizations and activities.
(c) Students have a right to have an elected representative Student Council appropriate to the School level and to take an active part in student activities which are designed to help make rules that affect their time in School.
(d) Student Council officers and representatives have the responsibility to be aware of School needs and concerns of the student body and to work toward the attainment of those needs. Students have the responsibility to participate regularly in their respective organizations and to conduct themselves in an appropriate manner.
(10) Student records.
(a) Parents or guardians or eligible students have the right to review, update and challenge the information in the student’s permanent cumulative record.
(b) Parents or guardians or eligible students have the responsibility of providing the School with accurate and current information.
(c) Students have the right to be protected by legal provisions which prohibit the release of personally identifiable information to other than legally authorized persons without the consent of the parent or guardian or eligible student.
(d) Students have a right to expect professional and ethical treatment of personal information shared with School personnel.
(e) Students have the responsibility of providing the School with accurate and current information.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 5-5-87, Amended 1-12-95, 1-15-97.
6D-7.0072 Grounds for Disciplinary Action.
Listed below are the violations of the Code of Student Conduct to be utilized while the student is under the jurisdiction of the School. Notice that some violations are grounds for criminal penalties under Florida Statutes.

1. Class A violations.
   a. Assault or battery with intention to inflict serious injury or sexual battery of students, faculty or staff members.
   b. Attempted suicide or repeated attempts to seriously injure self.
   c. Use, possession or sale of weapons or firearms; arson or attempted arson.
   d. The unlawful use, possession or sale of any substance controlled under Chapter 893, F.S., or the commission of any act prohibited under Chapter 893, F.S., which constitutes a felony, if committed by an adult.
   e. Forced sexual activity, indecent exposure or the handling or fondling of students or staff members.
   f. Theft or attempted theft of property with a value reasonably determined to be $100.00 or more.
   g. Vandalism, destruction or defacement of public or private property with a value reasonably determined to be $100.00 or more.
   h. The violation of any criminal law of the State of Florida, the punishment of which constitutes a felony, if committed by an adult.
   i. Repeated occurrences of Class B violations.

2. Class B violations.
   a. Consumption, possession or attempted purchase of alcohol.
   b. Vandalism, destruction or defacement of public or private property with a value reasonably determined to be less than $100.00.
   c. The unlawful use, possession or sale of any substance controlled under Chapter 893, F.S., or the commission of any act prohibited under Chapter 893, F.S., which constitutes a misdemeanor, if committed by an adult.
   d. Sexual activity.
   e. Theft or attempted theft of property with a value reasonably determined to be greater than $25.00, but less than $100.00.
   f. Any act that substantially disrupts a school activity or dormitory life.
   g. The violation of any criminal law of the State of Florida, the punishment of which constitutes a misdemeanor, if committed by an adult.
   h. Repeated occurrences of Class C violations.

3. Class C violations.
   a. Fighting, threatening or intimidating students or staff.
   b. Rude or disrespectful behavior.
   c. Disruptive behavior.
   d. Use of profane, vulgar, or obscene language or possession of obscene material.
   e. Chronic tardiness.
   f. Gambling.
   g. Theft or attempted theft of property with a value reasonably determined to be $25.00 or less.
   h. Forged signatures.
   i. Refusal to cooperate with staff.
   j. Use or possession of tobacco products by the student in a manner not in compliance with the School’s Smoking or Tobacco Regulations, as stated in the Students, Staff and Parents Handbook.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History–New 5-5-87, Amended 3-13-94, 2-24-03.

6D-7.0073 Disciplinary Procedures and Disposition.
(1) Disposition procedure. The procedures listed below are to be followed for acts by students which require discipline:
   a. General discipline procedures include that the Principal or designee shall:
      1. Provide the student oral or written notice of the violation of which the student is accused,
      2. Provide the student an opportunity to respond to the accusation, and
      3. If the student denies the accusation, provide the student an explanation of the evidence against him/her and provide an opportunity for the student to present his/her version of the incident.
   b. Suspension.
      1. Prior to suspending a student, the School will follow the general procedures set out in paragraph (1)(a) above.
      2. The Principal or designee will make the decision whether or not a suspension will be imposed.
      3. If a suspension is imposed, the President, parents, guardians and the adult student will be forwarded written notice of the suspension within twenty-four hours of the action. The written notice of suspension shall state:
         a. The violation,
b. The date of the violation,
c. The beginning date of the suspension,
d. The date on which the suspension will end, and,
e. Any circumstances pertinent to the suspension.

4. The student may request the President or designee to review the suspension decision of the Principal or designee. The President can affirm or reverse the suspension provision or direct that further proceedings be held in accordance with these rules. The decision of the President is final. The student must request review within three days of the suspension decision.

(2) Disposition of violations.
(a) The following disciplinary actions are examples of appropriate responses for Class A violations:
1. Suspension.
2. Temporary withdrawal from extra-curricular activities.
3. Detention.
4. Dormitory restriction.
5. Work detail.
6. Change of classroom, dormitory, or dormitory room assignment.
7. Referral for counseling.
8. Oral or written reprimand.
9. Assignment in alternative behavior center.
(b) The following disciplinary actions are examples of appropriate responses for Class B violations:
1. Suspension.
2. Temporary withdrawal from extra-curricular activities.
3. Detention.
4. Dormitory restriction.
5. Work detail.
6. Change of classroom, dormitory, or dormitory room assignment.
7. Referral for counseling.
8. Oral or written reprimand.
9. Assignment in alternative behavior center.
(c) The following disciplinary actions are examples of appropriate responses for Class C violations:
1. Oral or written reprimand.
2. Detention.
3. Dormitory restriction.
5. Withdrawal from extra-curricular activities.
6. Change of classroom, dormitory, or dormitory room assignment.
7. Referral for counseling.

Specific Authority 120.53(1)(b), 242.331(3) FS. Law Implemented 120.53(1)(b), 242.331(4) FS. History–New 5-5-87, Amended 10-26-94.

(1) The Florida School for the Deaf and Blind shall prepare an annual report of School progress to be published on or before November 1 of each year. The report shall be sent to all parents and shall contain the following:
(a) Information on how the School is meeting its goals and objectives.
(b) A report of student progress.
(c) Fiscal information including the School budget.
(d) Information on student and School needs.
(e) Report of teachers, student, parent and community attitudes toward the School.
(f) Other relevant information.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 9-8-85, Formerly 6D-7.09.

6D-7.010 Educational Requirements for Application, Suspension, and Reinstatement of a Driver’s License.
(1) Definitions.
(a) School fiscal year is July 1 – June 30 per Section 228.041(17), F.S.
(b) Relevant attendance means the student is 16 or 17 years old, enrolled in the Florida School for the Deaf and the Blind, and is meeting compulsory attendance requirements as specified in Section 322.0601, F.S.
(c) Compulsory attendance requirements means the student has not withdrawn from FSDB within one of the following codes as found in the Florida Department of Education, DOE Information Data Base Requirements and as specified in Rule 6A-1.0014, F.A.C.
(d) Enrolled or re-entered means the student is enrolled in FSDB, meets the relevant and compulsory attendance requirements.
(e) Board means the Florida School for the Deaf and the Blind Board of Trustees as constituted under Section 242.331, F.S.
(f) Date of receipt means the date upon which the School receives confirmation from the parent or student they have received Notification to Student of Intention to Suspend form. If confirmation of such receipt is not received within 15 days of the School’s good faith effort to notify the parent or student, the form shall be sent to the Department of Highway Safety and Motor Vehicles.
(2) Implementation – For the purpose of implementing Section 322.0601, F.S., this rule shall be applicable to students under 18 years of age who are under the jurisdiction of the Florida School for the Deaf and the Blind.
(3) Application Process – FSDB shall, upon request, provide written verification to the Department of Highway Safety and Motor Vehicles when a student meets the requirements of Section 322.0601, F.S.
(4) Student Transfer – When transfer student enrolls, FSDB shall verify satisfactory compliance with Section 322.0601, F.S., on the basis of records from the prior school. Such verification shall consider the student’s status of withdrawal from the prior school pursuant to the provisions of paragraph (1)(d) of this rule.
(5) Suspension of Driver Licenses.
(a) FSDB shall notify the student and his parent or guardian of its intent to request the suspension of the student’s driving privilege because the student has withdrawn from school.
(b) Prior to notification to the Department of Highway Safety and Motor Vehicles regarding suspension of a student’s driver’s license, the appeal procedure and requirements as prescribed in Section 322.0601(3), F.S., shall be satisfied. If an appeal is requested, the President may refer the appeal hearing to a hearing officer who shall report the findings and recommendations to the President for final action.
(6) Upon withdrawal from FSDB by a 15, 16, or 17 year old student, written notification will be forwarded to the student’s local education agency within ten days to permit monitoring of compliance with the requirements of Section 322.0601, F.S.
(7) Reinstatement – Upon request FSDB shall provide written verification of compliance, provided the student’s records indicate compliance with Section 322.0601, F.S.
(8) Reporting.
(a) The Department of Highway Safety and Motor Vehicles shall report quarterly to the FSDB the disposition of all requests to suspend drivers’ licenses.
(b) The FSDB beginning with the 1994-95 school year shall report, pursuant to Section 230.23(18), F.S., the number of:
  1. Driver’s license eligibility forms issued.
  2. Notifications issued of possible student driver’s licenses suspensions based on nonattendance.
  3. Requests to the Department of Highway Safety and Motor Vehicles to suspend a driver’s license.
  4. Student drivers’ licenses actually suspended.
(9) Forms.
(a) FSDB, or student, shall submit the following form(s), as applicable to the Department of Highway Safety and Motor Vehicles:
  1. Verification Form for Compliance with Requirements of Sections 322.0601 and 322.095, F.S., Form FSDB DL 1.
(b) Form (a)1, Verification Form For Compliance With Requirements of Sections 322.0601 and 322.095, F.S., shall be notarized or appropriately embossed original with the FSDB seal. Form shall be valid for thirty days from the issue date.
(c) FSDB shall provide notification to student, and his or her parent or guardian, of intent to request the suspension of a driver’s license for non-compliance with Section 322.0601, F.S., on Notification to Student of Intent to Request the Department of Highway Safety and Motor Vehicles to Suspend Driving Privilege. Form FSDB DL 3.
(d) Forms identified in paragraphs (a) and (c) are hereby incorporated as a part of this rule.
(e) Forms identified in paragraphs (a) and (c) may be obtained from the Office of the President, Florida School for the Deaf and the Blind, 207 San Marco Avenue, St. Augustine, Florida 32084-2799.
(f) FSDB may provide the required information on prescribed forms or through electronic data transmission as agreed upon between FSDB and the Department of Highway Safety and Motor Vehicles.
(g) The President of FSDB, or his designee, shall have the authority to sign the Verification Form for Compliance with Requirements of Sections 322.0601 and 322.095, F.S., and the Notification to Student of Intent to Request the Department of Highway Safety and Motor Vehicles to Suspend Driver’s License forms.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(b), 242.331(4), 322.061, 322.095 FS. History–New 4-16-90, Amended 4-26-94.
CHAPTER 6D-8 FOOD SERVICE PROGRAM

6D-8.001  Scope and Purpose. (Repealed)
6D-8.002  Food Service Staff.
6D-8.003  Food Service Responsibilities.
6D-8.004  Food Service Policies.

6D-8.002 Food Service Staff.
   (1) The staff includes the services of a trained and experienced food service director, food service administrator, assistant food service administrators, dietitian, food service workers and support service aides.
   (2) This department is under the direct supervision of the Business Manager.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4), 120.53(1)(a) FS. History–New 12-19-74, Formerly 6D-8.02, Amended 8-26-86.

6D-8.003 Food Service Responsibilities.
   (1) It is the responsibility of this Department to plan, develop, and administer the complete food service program.
   (2) Nutritionally balanced meals shall be served at all times.
   (3) Menus shall be reviewed periodically by the Business Manager, the School physician, and the President to see that they meet food requirements in accordance with school food service regulations.
   (4) Special dietetic menus will be provided only in emergency situations as requested by the School physician and approved by the Director of Student Life.
   (5) Approved sanitary conditions must be maintained in food preparation and food services. All kitchens and dining rooms must be kept neat and sanitary.
   (6) The Food Service Director shall be responsible for the following:
       (a) Reviewing inspection reports from the health department, taking corrective action and reporting to the Business Manager.
       (b) Issuing food as requested for approved and scheduled School activities.
       (c) Serving meals to authorized staff and guests of the School.
       (d) Maintaining an accurate count of students and others served meals daily and reporting to the Business Office on forms provided by the Business Manager.
       (e) Ensuring that no unauthorized person is served meals in the dining facilities of the School.
       (f) Collecting meal tickets from visitors and employees when the cost of such meals is not a payroll deduction.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 12-19-74, Formerly 6D-8.03, Amended 8-26-86.

6D-8.004 Food Service Policies.
   (1) The Food Service program shall have written policies and procedures which govern the services provided to students. These policies and procedures shall be reviewed at least annually, and revised and updated as necessary. Each policy shall have written procedures for implementation. Policies shall include but not be limited to the provisions for:
       (a) Food Service operations.
       (b) Menu planning.
       (c) Food purchasing and storage.
       (d) Issuances from central storage.
       (e) Food production.
       (f) Meal count/cost control.
       (g) Sanitation.
       (h) Personnel.
       (i) Quality assurance monitoring.
       (j) Energy management.
   (2) The Food Service Department Operations Manual, revised October 2001, adopted by the Board of Trustees pursuant to the provisions of Section 242.331(3), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 1-17-91, Amended 5-14-02.
CHAPTER 6D-9 HEALTH PROGRAM

6D-9.001 Scope and Purpose. (Repealed)
6D-9.002 Health Care Center Staff.
6D-9.003 Health Care Center Inpatient Services and Outpatient Hospitalization.
6D-9.004 Health Examinations.
6D-9.005 Health Screenings and Immunizations.
6D-9.006 Students Infected with the HIV Virus.
6D-9.007 Health Care Policies.

6D-9.002 Health Care Center Staff.
(1) The Health Care Center staff at the Florida School for the Deaf and the Blind shall include two part-time physicians; one to serve as a medical director; the other to be an ophthalmologist.
(2) During the normal school year there shall be a minimum of two nurses on duty 24 hours a day each day that students are in residence.
(3) Health Care Center physicians shall provide daily medical services for all students.
(4) Off campus medical services shall be used only when necessary and at the expense of the parent(s) or guardian.
(5) Physicians/facilities providing off campus services shall be responsible for filing their own claims.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4), 120.53(1)(a) FS. History–New 12-19-74, Formerly 6D-9.02, Amended 8-26-86, 7-26-90.

6D-9.003 Health Care Center Inpatient Services and Outpatient Hospitalization.
(1) There shall be bed facilities in the Health Care Center inpatient area for at least five percent of the enrollment.
(2) There shall be an infection control program in the Health Care Center for the management of communicable diseases.
(3) Health Care Center inpatient services shall be limited to care of stable illnesses and injuries which require observation and treatment in a non-acute setting for a limited period of time.
(4) There shall be arrangements with accredited area hospitals for immediate treatment of students requiring emergency services or hospitalization.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4), 120.53(1)(a) FS. History–New 12-19-74, Formerly 6D-9.03, Amended 7-26-90.

6D-9.004 Health Examinations.
(1) Students attending FSDB are required to have health examinations as outlined below. It is the parent’s responsibility to assure examinations for the following:
   (a) All students enrolling in FSDB are required to have had a school entry health examination within one year prior to first time entry into a Florida school. Exception to this requirement shall be based on written request of the parent stating objection to the requirement based on religious grounds.
   (b) Students participating in interscholastic athletics are required to have a physical examination each school year.
   (c) Students requiring physical examination for participation in special school related activities.
   (d) Students with complex medical issues may be required at the direction of the School Medical Director or physician(s) to have yearly or periodic physical examinations from their attending physicians or specialists.
(2) School physicians shall provide examinations in the following instances:
   (a) Any student whose health condition changes and the School needs immediate assessment to determine current health status.
   (b) In cases where the School physician makes an exception to the guidelines listed in paragraph 6D-9.004(1)(a) or 6D-9.004(1)(d), F.A.C.
   (c) Routine dental, ophthalmological, and ear, nose and throat (ENT) examinations and services shall be provided to all students as available within existing resources.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 12-19-74, Formerly 6D-9.04, Amended 8-26-86, 7-26-90, 4-4-93.

6D-9.005 Health Screenings and Immunizations.
(1) The following screenings shall be provided by the Health Care Center:
   (a) Growth and development screening for age appropriate groups of students.
   (b) Scoliosis screening for age appropriate groups of students.
   (c) Visual screening for all students.
   (d) Tuberculosis testing (PPD) for all re-admitted and new students, and others by direction of the Health Center physician.
   (e) Other screenings as directed by Health Center physician(s).
(2) The following immunizations shall be given yearly by Health Care Center staff:
(a) Tetanus diphtheria boosters for appropriate students approved by Health Center physician.
(b) Influenza inoculations for selected students as directed by Health Center physician.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History—New 12-19-74, Formerly 6D-9.05, Amended 8-26-86, 7-26-90.

6D-9.006 Students Infected with the HIV Virus.

1. Introduction. It is the policy of the Florida School for the Deaf and the Blind (FSDB) to balance the rights of Acquired Immune Deficiency Syndrome (AIDS) victims to an education with the rights of students and school employees to an environment in which they are protected from contracting the disease. In the belief that education can exercise some control over the spread of the disease and help the public to respond in a reasoned manner, FSDB is committed to providing the FSDB community with education on the nature and transmission of the disease and the legal rights of AIDS victims.

2. Student Guidelines and Procedures.
   (a) All students diagnosed as having HIV, ARC, or AIDS including clinical evidence of infection with the AIDS-associated virus (HIV) and receiving medical attention, are able to maintain current school placement. In addition, no prospective students shall be denied admission to FSDB solely because they have been diagnosed as having HIV, ARC, or AIDS. However, if a student so diagnosed evidences any one of the following conditions, the FSDB President shall convene an advisory panel for the purpose of making recommendations on the most appropriate educational placement of the student:
      1. Manifestation of clinical signs and/or symptoms which indicate progression of illness from HIV infection only to AIDS Related Complex (ARC), or from ARC to Acquired Immune Deficiency Syndrome (AIDS),
      2. Demonstration of harmful behavior to self or others,
      3. Unstable or decompensated neuropsychological behavior,
      4. Presence of open wounds, cuts, lacerations, abrasions, or sores on exposed body surfaces where occlusion cannot be maintained,
      5. Impairment of gastro-intestinal and/or genito-urinary function such that control of internal body fluids cannot be maintained.
   (b) Composition of Advisory Panel. Composition of the advisory panel shall include the following, but the failure of any appointee to attend shall not affect the ability of the panel to meet and carry out its responsibilities:
      1. FSDB President or designee,
      2. Appropriate FSDB Principal or designee,
      3. FSDB Business Manager or Nurse Supervisor,
      4. FSDB Medical Director,
      5. The St. Johns County Health Unit Director or designee,
      6. The student’s parents or guardian, when they desire to be included,
      7. Attending physician of the student with HIV infection,
      8. Infectious disease specialty physician, when and as determined by the FSDB President as appropriate to the individual case,
      9. Legal counsel for FSDB, when and as determined by the FSDB President as appropriate to the individual case,
      10. Legal counsel of HIV-infected person, when requested by the infected person, or his parents or guardian.
      11. A representative from the student’s local school district,
      12. Any other FSDB staff member, medical professional, or other consultant deemed appropriate to the individual case by the FSDB President.
   (c) Panel Responsibilities.
      1. Review student’s medical history and current status.
      2. Review available education and social data, progress reports as available, test results, prior school placements, etc.
      3. Advise parents of educational options, if applicable.
      4. Assess risk-benefit options; then present and discuss options of home education, special education, other choices with parents/student, if applicable.
      5. Reduce findings, options, and recommendations to writing and review draft report before submission to FSDB President, focusing on key issues, unresolved problems, if any, and summary recommendations.
      6. Submit written report to FSDB President and remain available as needed.
      7. Re-evaluate all panel cases on a continuing basis at least once every six months and more often as circumstances change in the categories listed in (2)(a) above.
   (d) The general intent of the advisory panel is to serve as an expert professional resource to advise the FSDB President in special situations where information about appropriate environment may not be available, complete, clear or readily amenable to lay interpretation. It is expected that recommendations of the advisory panel shall be based solely upon current medical and educational information consistent with established ethical guidelines and consideration in accordance with extant and relevant professional bodies.
   (e) Staffing.
      1. If it is determined by the FSDB review panel that an FSDB staffing committee needs to consider enrollment or continued enrollment at FSDB or the student’s Individual Education Plan needs to be revised, the FSDB President shall initiate a staffing committee meeting in accordance with staffing procedures established in FSDB Rules 6D-3.002 and 6D-3.0021, F.A.C.
2. Composition of the staffing committee shall include:
   a. Three FSDB professional personnel, one of whom shall be the FSDB President or designee,
   b. A representative from the student’s local school district,
   c. The student’s parent or guardian,
   d. The county public health director from the student’s local school district,
   e. Such other individuals as the President may determine to be appropriate to the individual case including individuals from a list submitted by a parent or guardian.

3. Any decision as a result of the staffing committee meeting shall be based on findings of facts and medical judgments given the state of medical knowledge about the nature and severity of the risk and the probabilities that the disease will be transmitted and will cause varying degrees of harm. Examples of situations to be considered are:
   a. Students who have exhibited aggressive or violent behavior.
   b. Students who cannot control body functions.
   c. Students who exhibit behavior in school or have a condition that is likely to transmit the disease to others.
   d. Students who may require removal from FSDB for their own protection when cases of chicken pox, measles, and other communicable diseases occur within the FSDB population.
   e. Those items designated in section (2)(a).

(3) Student Status. During the pendency of review proceedings the student shall remain in the current educational placement, except that:
   (a) A temporary out-of-school suspension for up to ten (10) school days may be imposed by the student’s Principal where it is determined that the student’s condition or behavior poses an immediate threat to the safety of others, or
   (b) An interim placement may be established where the parents and school officials are able to agree on such placement;
   (c) Pursuant to 20 USC Section 1415(e)(2), Florida Statutes, suit for appropriate injunction relief may be filed by the FSDB where agreement as to interim placement as set forth in (b), cannot be reached.

(4) Confidentiality.
   (a) Any student’s right to privacy and confidentiality of records shall be protected in accordance with procedures established in FSDB Rule 6D-3.006, F.A.C.; Section 228.093, Florida Statutes; and federal laws.
   (b) Knowledge that a student is infected shall be limited to those who have a legitimate need to know.
   (c) Persons made knowledgeable that a student is infected shall be provided with appropriate information concerning necessary precautions and confidentiality requirements.

(5) Re-evaluation.
   (a) If the student remains at the FSDB, a re-evaluation of the student’s medical condition shall occur at least every sixty (60) days.
   (b) The re-evaluations shall be performed by the student’s physician or the FSDB medical director, as determined to be appropriate in the individual case by the student’s FSDB Principal.
   (c) Expenses incurred by such examinations shall be paid by the FSDB.
   (d) The results of the re-evaluation shall be reviewed by the review panel.
   (e) Review panel procedures or staffing procedures shall be implemented, if necessary, according to the results of the re-evaluation.

(6) Students Living in Dormitories.
   (a) A student shall not be denied the opportunity to live in a dormitory solely on the basis of a diagnosis of infection.
   (b) Students will not be moved within or removed from the dormitory solely on the basis of a diagnosis of infection. Changes in room, or removal from the dormitory will be made on a case-by-case examination, and in accordance with appropriate state and federal laws, in which it is determined that:
      1. The student has communicable opportunistic infections or is showing other symptoms of illness and requires care which cannot reasonably be provided in the dormitory setting;
      2. The student is demonstrating symptoms, needs or behaviors which are inappropriate in a dormitory and cannot reasonably be accommodated; or
      3. The student presents a risk to himself or the residents of the dormitory.
      4. Reasonable accommodation of a student shall be provided where it is determined that dormitory residency is inappropriate so as to permit continued enrollment of the student at FSDB.

(7) AIDS Education and Prevention.
   (a) Updated and factual information about AIDS, ARC, and HIV shall be integrated into the FSDB curriculum as determined by applicable state law.
   (b) FSDB employees shall receive inservice training on AIDS, ARC, and HIV. The training shall include transmissibility of the disease, precautions to be taken to prevent spread of the disease, and other factual and timely information about the disease from a legal, research, public health and related perspective.

Specific Authority 120.53(1)(b), 242.331(3) FS. Law Implemented 120.53(1)(b), 242.331(4) FS. History–New 4-25-89.
6D-9.007 Health Care Policies.
(1) The School shall maintain written policies and procedures for the provision of quality health services meeting the needs of the student population. These policies and procedures shall be reviewed annually and updated as necessary.
(2) The policies shall contain provisions for:
(a) Organization of the health program.
(b) Student health services.
   1. General health care program.
   2. Standard health services.
   3. Support health services.
   4. Comprehensive health program.
   (c) Health care management.
   (d) Health care operations.
   (e) Health care records.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(a), 242.331(4) FS. History–New 12-6-92.
CHAPTER 6D-10 RESIDENTIAL STANDARDS

6D-10.002 Student Residential Care Policies.
Each residential program shall have written policies and procedures which govern the care and services provided to a student. These written policies and procedures constitute the standards against which the residential program will be measured, and shall be developed with the advice and assistance of a professional policy group consisting of the Principal, Assistant Principal, Director of Student Life, Behavior Specialist, Social Worker, Registered Nurse, other professionals and students as appropriate, and approved by the President. These policies and procedures shall be reviewed at least annually, and revised and updated as necessary. The Board of Trustees shall be apprised when additions or changes to policies or procedures could be perceived as placing students at risk. Each policy shall have written procedures for implementation. Policies shall include but not be limited to the provisions for:

1. All services as prescribed in the Individual Dormitory Plan for each student enrolled in the School.
3. Living units which provide involvement in the activities of daily living as close to the social norm as possible for each student.
4. Student residential records including assignment to living unit, Individual Dormitory Plan, Residential Management Survey (functional assessment), dormitory rules infractions, work assignments, dormitory staff contacts with parent(s)/guardians, Individualized Behavior Plan, as required, and other pertinent dormitory related information.
5. Conditions and procedures for use of physical restraint and seclusion/time out.
7. Protection from accidents.
8. Protection of students from abuse or neglect in keeping with their rights, including procedures for reporting abuse to the Abuse Registry.
9. Recording and reporting all accidents and incidents.
10. Dormitory rules and a list of consequences for infractions of those rules.
11. Student transfer to appropriate FSDB residential alternatives, as appropriate.
12. Student referral for medical treatment, psychological counseling, or social services.
13. Administration of medications to students.
14. Sufficient staffing patterns, with qualified staff, staff orientation and staff development.
15. Personnel requirements and duties.
16. Fiscal accountability, including student fundraising.
17. Housekeeping and plant maintenance including use of students to assist.
18. Laundry.
19. Suggestions for improvement of residential program.
20. Requests for recreation, transportation, food service and other services.
21. Identification and reporting of potential hazards or hazardous conditions.
22. Preparation and drills for emergency conditions, including but not limited to fire, bomb threat, severe weather, and power outages.
23. Quality Assurance activities to continuously monitor quality and appropriateness of residential services, to include at least staffing ratios, utilization review, occurrence reports, and staff inservice.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(b), 242.331(4) FS. History–New 1-17-91.
CHAPTER 6D-11 QUALITY ASSURANCE

6D-11.001 Scope and Purpose. (Repealed)

(1) The School shall maintain a written plan, updated annually and approved by the Board of Trustees, which addresses the minimum guidelines for the quality assurance program. The plan shall contain:
   (a) Monitoring of the provision of student education, services and care;
   (b) Monitoring of staff-to-student ratios;
   (c) Monitoring of the maintenance of student records;
   (d) Monitoring of staff development;
   (e) Monitoring of resource utilization;
   (f) Monitoring of facility safety and maintenance;
   (g) Monitoring of adverse incident (occurrence) reporting, to include verification or corrective action to remediate or minimize occurrences, and for reporting such occurrences to the Administration.
   (h) Trend analysis shall be both concurrent and retrospective, and shall be reported to the Administration at least monthly and when significant trends are apparent.
   (i) This plan will include matters of internal management directives, as indicated above, and such other areas as identified by FSDB rules.
(2) The quality assurance program shall be the direct responsibility of the President.
(3) The President shall appoint a quality assurance coordinator from the administrative staff.
(4) Occurrence reporting shall be the affirmative duty of all staff.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(a), 242.331(4) FS. History–New 4-29-91.
CHAPTER 6D-12 SECURITY DEPARTMENT POLICIES

6D-12.001 Scope and Purpose. (Repealed)
6D-12.002 Campus Security/Police Department.

6D-12.002 Campus Security/Police Department.
(1) The Board of Trustees shall provide for a safe and secure campus through the creation of a Campus Security/Police Department.
(2) The Campus Security/Police Department shall consist of security officers and campus police officers, the latter shall have the same rights, protections and immunities afforded other law enforcement officers of the State of Florida.
(3) FSDB Campus Police officers shall meet the minimum standards established by the Criminal Justice Standards and Training Commission of the Department of Law Enforcement (FDLE) and Chapter 943, F.S., for law enforcement officers.
(4) FSDB Campus Police Officers shall have the authority to perform duties in accordance with the laws of Florida.
(5) The Board of Trustees shall obtain a security bond for each FSDB Campus Police Officer in the amount of $5,000.00 payable to the Governor.
(6) The Board of Trustees shall satisfy all requirements specified in Section 1002.36(8), F.S.
(7) FSDB shall prepare an annual report of crime statistics in the format prescribed by the Board of Trustees. The report shall be submitted to the Board of Trustees, the Commissioner of Education, and shall be made available upon request.
(8) Each campus security/police officer shall be provided with the “Florida School for the Deaf and the Blind Campus Security/Police Manual”, revised June 2003, adopted by the Board of Trustees pursuant to the provisions of Section 1002.36(4)(c), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.
(9) A copy of the Florida School for the Deaf and the Blind Campus Security/Police Manual may be obtained from the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084 at a price to be established by the President but which shall not exceed actual cost of preparation, printing or reproduction and mailing.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History–New 4-9-92, Amended 10-26-94, 4-28-97, 1-19-04.
CHAPTER 6D-13 MENTAL HEALTH SERVICES

6D-13.001 Scope and Purpose. (Repealed)
6D-13.002 Mental Health Standards.

6D-13.002 Mental Health Standards.
(1) The Mental Health Department shall have written policies and procedures to provide services that identify and ameliorate conditions interfering with the psychosocial development and learning process of sensory impaired students. The policies shall be reviewed annually by an internal committee and every five years by an external review team, and revised as necessary.
(2) The policies and procedures shall contain:
   (a) Staff providers,
   (b) Service provisions,
   (c) Activities and techniques utilized,
   (d) Accessing the services,
   (e) Departmental tracking forms,
   (f) Crisis intervention,
   (g) Staff development,
   (h) Data base.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(a), 242.331(4) FS. History–New 7-2-92.
CHAPTER 6D-14 TRANSPORTATION

6D-14.001 Scope and Purpose. (Repealed)


(1) The Transportation Department shall have a written policies and procedures manual for the transportation component in the school program of the Florida School for the Deaf and the Blind. The policies shall be reviewed annually by FSDB staff and revised as necessary to meet the needs of the population.

(2) The policies and procedures shall contain:
   (a) Operational authority,
   (b) Personnel,
   (c) Staff transportation services,
   (d) Student transportation services,
   (e) Safety program,
   (f) Training program,
   (g) Homegoing program,
   (h) Communications,
   (i) Quality assurance monitoring,
   (j) Vehicles and maintenance,
   (k) Forms.

(3) The Florida School for the Deaf and the Blind Transportation Manual revised October 2002, adopted by the Board of Trustees pursuant to the provisions of Section 1002.36(4)(c), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History–New 12-20-92, Amended 5-19-03.
CHAPTER 6D-15 MAINTENANCE

6D-15.001 Scope and Purpose. (Repealed)
6D-15.002 Maintenance and Construction Department.
6D-15.003 Housekeeping Department.

6D-15.002 Maintenance and Construction Department.
   (1) There shall be minimum guidelines for the operation of the Maintenance and Construction Department.
   (2) These guidelines shall be based minimum quality standards, shall be reviewed annually, updated as necessary and shall contain standards for the following areas:
       (a) Maintenance,
       (b) Training,
       (c) Safety,
       (d) Quality Improvement.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(a), 242.331(4) FS. History–New 4-26-94.

6D-15.003 Housekeeping Department.
   (1) There shall be minimum guidelines for the operation and services of the Housekeeping Department.
   (2) These guidelines shall be based on minimum quality standards, shall be reviewed annually, updated as necessary and shall contain standards for the following areas:
       (a) Maintenance,
       (b) Training,
       (c) Safety,
       (d) Manhour Accounting,
       (e) Quality Improvement.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(a), 242.331(4) FS. History–New 4-26-94.
6D-16.002 Human Resources Management and Development.

(1) The Human Resources Management and Development Department shall function to establish, maintain and administer personnel programs for all employees of the Florida School for the Deaf and the Blind, and shall insure that those employees, where applicable, have the right to bargain collectively through an employee organization in the determination of wages, hours, terms and conditions of employment in accordance with the rules and regulations set forth by the State of Florida.

(2) The Department of Human Resources Management and Development shall maintain and administer the personnel classification and pay plan established in accordance with Sections 110.205(2)(d) and 216.251(2)(a)2., F.S., for academic and academic administrative personnel, the provisions of Chapter 110, F.S., and the provisions of law that grant authority to the Department of Management Services over such programs for state employees.

(3) The Department of Human Resources Management and Development shall provide for the content and custody of employee personnel records which shall be subject to the provisions of Section 231.291, F.S.

(4) The Department of Human Resources Management and Development shall, within the scope of applicable State of Florida rules and regulations, administer the provisions relating to employee appointments/terminations, the approval of dual employment, leaves of absences, the evaluation of job performance, identification of employee training needs, employee benefits and the handling of disciplinary actions.

(5) The Human Resources Management and Development Policies and Procedures Manual revised, June 2003, adopted by the Board of Trustees pursuant to the provisions of Section 1002.36(4)(d), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

(6) A copy of the Human Resources Management and Development Policies and Procedures Manual may be obtained from the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084 at a price to be established by the President but which shall not exceed actual cost of preparation, printing or reproduction and mailing.

CHAPTER 6D-17 PURCHASING

6D-17.001 Scope and Purpose. (Repealed)

6D-17.002 Purchasing Department.

6D-17.002 Purchasing Department.

(1) The Purchasing Department is responsible for the purchase and/or acquisition of materials and services deemed necessary for the continued operation of all aspects of the Florida School for the Deaf and the Blind.

(2) The Property Section of the Purchasing Department shall maintain records of all State-owned tangible property located on the campus of the Florida School for the Deaf and the Blind.

(3) The Receiving Section of the Purchasing Department shall take delivery and properly record the arrival of all items purchased by the Purchasing Department.

(4) All operations of the Purchasing Department and its subsections, Property and Receiving, shall function consistently with the rules and regulations set forth by the State of Florida.

(5) “The Florida School for the Deaf and the Blind Purchasing Manual”, revised in June 2003 adopted by the Board of Trustees pursuant to the provisions of Sections 1002.36(4)(c) and 1002.36(4)(d), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

(6) A copy of the FSDB Purchasing Manual may be obtained from the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084 at a price to be established by the President but which shall not exceed actual cost of preparation, printing or reproduction and mailing.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History–New 10-26-94, Amended 1-19-04.
CHAPTER 6E-1 GENERAL INFORMATION

6E-1.003 Definition of Terms.
Terms used in these rules are defined in Section 1005.02, Florida Statutes. In addition, as used in the rules of this Commission, unless the context clearly indicates otherwise:

1. “Accredited foreign medical schools” means institutions chartered outside the United States, in a nation whose accreditation standards have been determined by the United States Department of Education to be comparable to the accreditation standards applied to United States medical schools, when the foreign medical school has been inspected and evaluated by the nation’s recognized agent and approved or accredited by its home nation using those comparable standards.

2. “Advertising” includes any form of public notice, however disseminated or utilized, offering training or education to the public or recruiting students to enroll in a school or college program. The term includes publications and promotional items which may be seen or encountered by prospective students, including catalogs and other institutional publications which contain institutional policies or disclosures; mailing pieces, such as bulletins, brochures, or flyers; classified advertisements; news releases; posters; electronic notices provided through Internet, radio or television; or any other form of public notice resulting from the institution’s recruiting and promotional efforts.

3. “Applied general education” means courses directly related and applicable to a specific occupation, fulfilling the general education requirements for an occupational associate degree, in natural and physical sciences, social and behavioral sciences, language and writing skills, and humanities and the arts.

4. “Asynchronous” means that students may access a prepared educational program electronically or by other means, at a time of their own choosing rather than at a specified time.

5. “Auxiliary classroom space” means a location within 10 miles of a licensed school or college, and under its administrative and academic control and included in its licensure; where classes are held as needed to supplement the physical capacity of the licensed institution; and where the licensed institution is not required to maintain ongoing administrative or faculty offices, but has the responsibility of providing all administrative, academic, and student services.

6. “Board-certified,” “board-eligible,” and “board licensed” refer to the appropriate recognition by the State Board of Medicine or other recognized agency which regulates the practice of medicine in the jurisdiction where the foreign medical school operates and where clerkships are offered.

7. “Chartered” means incorporated according to the requirements of the Florida Department of State, Division of Corporations or similar authority in another jurisdiction.

8. “Clinical clerkship” means supervised instruction in medical disciplines with an opportunity to observe and to participate in the theory and practice of expert care of patients with a broad spectrum of traumatic conditions, psychiatric disorders, disease, or other human ailments, in order for the students to achieve comprehensive knowledge in medical diagnosis and treatment as part of a course of instruction leading to an M.D. or D.O. degree or the equivalent.

9. “Collegiate” describes a college or university which is licensed by the Commission to offer degrees as defined in Section 1005.02(7), Florida Statutes, or the degree programs offered by such an institution.

10. “Complete application” means an application which the Commission staff has reviewed and found to contain all required forms, supporting documentation addressing each standard, all required signatures, and evidence that all appropriate fees have been paid.

11. “Compressed time period” means a significantly shorter period than those described in the definitions of “Semester” and “Quarter.”
(12) “Core clinical clerkship” means initial clinical training required of every medical student, generally taken in the third year of medical school, in such fields as internal medicine, pediatrics, surgery, obstetrics and gynecology, psychiatry, and family medicine.

(13) “Correspondence learning” means instruction through mail or e-mail requiring the institution to mail a syllabus, texts, lessons, and other materials to the student and to provide adequate educational services, responses, comments, and evaluations in a timely manner to the student.

(14) “Course” means one organized unit of study focusing on one subject or skill for a specified period of time; for example, English 101, Algebra II, or Introduction to Computers.

(15) “Credit by examination” means credit awarded upon determining the level of students’ competencies in a specific subject area through standardized tests or institutionally developed examinations.

(16) “Credit for prior learning” means credit for learning acquired outside the licensed institution, that has resulted in a level of knowledge and skills appropriate and comparable to the level and content of the program or credential offered. Such learning must be validated and documented by qualified instructors using consistent, educationally defensible procedures and standards.

(17) “Direct contact instruction” means the physical presence of one or more students and one or more instructors at the same physical location. Direct contact instruction includes instruction and learning that takes place in a seminar, workshop, lecture, colloquium, laboratory, or tutorial, in a setting consistent with the stated mission, purposes, and objectives of the institution and the specific program or course. A learning agreement or learning contract should be a central feature of direct contact instruction.

(18) “Distance education” means planned learning that normally occurs in a different place from teaching and as a result requires special techniques in course design, special instructional techniques, special methods of communication by electronic and other technology, and special organizational and administrative arrangements.

(19) “Distance learning” is a general term used to cover the broad range of teaching and learning events in which the student is separated (at a distance) from the instructor, or other fellow learners.

(20) “Elective clinical clerkship” means additional specialized clinical training, chosen by the medical student from an approved list of electives published by the medical school, generally taken in the fourth year of medical school.

(21) “Emerging field of study” means a subject area not yet offered by traditional institutions as a discipline for study leading to a particular credential, but that is deemed worthy of exploration and development.

(22) “Enrollment” means registering a student to take courses in an institution, when such registration obligates the student to pay tuition to the institution and obligates the institution to provide instruction to the student.

(23) “Executive Director” means the chief administrative officer of the Commission.

(24) “Fair consumer practices” means the honest, accurate and equitable conduct of business and academic relations between institutions and their students or prospective students.

(25) ”First professional degree” means the first degree signifying completion of the minimum academic requirements for practice of a profession. The degree may require four, five, or more academic years, depending on the profession and the particular institution. A first professional degree is most commonly a bachelor’s degree, but may be a master’s or doctoral degree.

(26) “General education courses” are those college-level courses designed to place emphasis on principles and theory rather than on practical applications associated with a vocational, occupational, or professional objective. General education courses may include, but is not limited to, English, history, philosophy, literature, religion, art, music, sociology, foreign languages, humanities, mathematics, chemistry, biology, and psychology, when such courses are not within the area of concentration of a vocational, occupational, or professional program. For example, English Composition is considered a general education course, but Business English is not. Courses designated as “applied,” “specialized,” “technical,” or similar designation do not meet this definition.

(27) “Indirect contact instruction” means a delivery method which does not require the physical presence of students and instructors at the same location, but provides for interaction between students and instructors by such means as telecommunications, electronic and computer-augmented educational services, correspondence, postal service, and facsimile transmission. Detailed course outlines or comprehensive syllabi are central to indirect contact instruction and learning, along with specified competencies to be mastered, details of interaction and feedback from the instructor, and specified procedures and timetables for evaluation.

(28) “Innovative method of instruction” means a new method of instruction not in use by traditional institutions, but one that provides effective and appropriate instruction in a way that ensures delivery, learning, evaluation, and timely communication with students.

(29) “Institution” means any college, university or postsecondary career school under the jurisdiction of the Commission as provided in Chapter 1005, Florida Statutes.

(30) “Learning agreement or learning contract” means a document drawn up between the instructor or the institution and the student(s), describing in detail the planned learning experiences that must be completed, the specific competencies to be mastered, and the evaluation methods to be used. An important characteristic of a learning agreement or learning contract is that it may be individualized to fit the needs of the student.

(31) “Main Florida headquarters” means the location designated by an out-of-state institution as its main administrative and academic center in Florida.

(32) “Media and computer assisted learning” means instruction through electronic information transfer, data processing, facsimile transmission, or through other technology.
(33) “Minor modification” means a change to programs and curricula intended to keep educational material up to date and relevant to the changing needs of employers, when such modifications affect less than 20 percent of the program or curriculum and do not change the purpose or direction of the program; or providing a previously approved program to a particular employer or entity for a specific length of time, in a specific place, to a specific cohort of students, when all appropriate academic and student services are provided to the cohort, an agreement (memorandum of understanding or contract) is signed with the employer or entity, and the program is not advertised to the general public.

(34) “Noncollegiate” or “nondegree” describes a nonpublic career school licensed by the Commission to offer certificate or diploma programs as defined in Section 1005.02(16), Florida Statutes, or the certificate or diploma programs below the degree level offered by any institution under the jurisdiction of the Commission.

(35) “Nontraditional education” means any positive progress toward a credential that is earned through experiential means or distance education and approved by the faculty of the institution granting the credential, or other sources verified by the American Council on Education, or testing from recognized sources such as but not limited to the Defense Activity for Non-traditional Education Support (DANTES), Servicemembers Opportunity Colleges (SOC), or other sources deemed by the Commission to have similar quality controls.

(36) “Occasional elective clinical clerkship” means an elective course which does not exceed 6 weeks in length during the fourth year of medical school. “Occasional” in this context means no more than 3 students from any one unlicensed foreign medical school in any calendar year, with each of the 3 students doing no more than 3 elective clerkships in Florida in any calendar year.

(37) “On-line courses” means courses taken by electronic means through the Internet or other similar delivery system.

(38) “Program” means a prescribed group of courses, taken in the proper sequence to attain mastery of a body of knowledge or set of skills, and leading to a certificate, diploma, or degree.

(39) “Quarter” means at least ten weeks of instruction and learning, or its equivalent as described below.

(40) “Quarter credit hour” means either:
   (a) A unit consisting of a minimum of ten hours of instruction appropriate to the level of credential sought, during a quarter, plus a reasonable period of time outside of instruction which the institution requires a student to devote to preparation for learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or
   (b) Planned learning experiences equivalent to the learning and preparation described in paragraph 6E-1.003(40)(a), F.A.C., above, as determined by duly qualified instructors responsible for evaluating learning outcomes for the award of credits.

(41) “Semester” means at least fifteen weeks of instruction and learning, or its equivalent as described below.

(42) “Semester credit hour” means either:
   (a) A unit consisting of a minimum of fifteen hours of instruction appropriate to the level of credential sought, during a semester, plus a reasonable period of time outside of instruction which the institution requires a student to devote to preparation for learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or
   (b) Planned learning experiences equivalent to the learning and preparation described in paragraph 6E-1.003(42)(a), F.A.C., above, as determined by duly qualified instructors responsible for evaluating learning outcomes for the award of credits.

(43) “Substantive change” means any change of control, level of credentials offered, location, a change in the purpose of the institution that exceeds minor corrections or alterations, financial soundness, or accreditation. A change of location includes any change of location that exceeds 45 miles. A change of accreditation includes change of accrediting agency, lowering the level of accreditation, exceeding the scope of the grant of accreditation or recognition of the agency, or any final action taken by the accrediting agency which places the accreditation of the institution in jeopardy. A substantive change also includes any change which the Commission determines is serious enough to affect the continued operation or stability of the institution, or the quality of the educational programs offered.

(44) “Synchronous” means that students must participate, electronically or by other means, in a distance educational program simultaneously, regardless of time zones.

(45) “Teaching hospital” means a hospital having a residency program in a medical discipline accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or which is part of such a program through an affiliation approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or which has a written affiliation with an accredited United States Medical School to provide clinical training to its students; or an ambulatory care setting which is affiliated with a teaching hospital or an accredited United States Medical School for clinical teaching purposes.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31 FS. History–Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-7-03, 12-23-03.

6E-1.0032 Fair Consumer Practices.

(1) This rule implements the provisions of Sections 1005.04 and 1005.34, Florida Statutes, and establishes the regulations and standards of the Commission relative to fair consumer practices and the operation of independent postsecondary education institutions in Florida.
This disclosure statement shall be inserted in all advertisements or publications wherever accreditation by an unrecognized accrediting agency is mentioned.

(e) Fee schedule: The institution shall disclose all fees required to be paid by students (including tuition, laboratory fees, graduation fees, other required fees), and any nonrefundable fees must be so identified.

(f) Transferability of credits: The institution shall disclose information to the student regarding transferability of credits to other institutions and from other institutions. The institution shall disclose that transferability of credit is at the discretion of the accepting institution, and that it is the student’s responsibility to confirm whether or not credits will be accepted by another institution of the student’s choice. If a licensed institution has entered into written articulation agreements with other institutions, a list of those other institutions may be provided to students, along with any conditions or limitations on the amount or kinds of credit that will be accepted. Such written agreements with other institutions must be valid and in effect at the time the information is disclosed to the student. The agreements shall be kept on file at all times and available for inspection by Commission representatives or students. Any change or termination of the agreements shall be disclosed promptly to all affected students. No representation shall be made by a licensed institution that its credits can be transferred to another specific institution, unless the institution has a current, valid articulation agreement on file.
(g) Admissions: The institution shall disclose its method of assessing a student’s ability to complete successfully the course of study for which he or she has applied. The requirements for admission (such as high school diploma, general equivalency diploma, or its equivalent) and for graduation shall be disclosed. If the practice of a career has special requirements or limitations, such as certain physical capabilities or lack of a criminal record, such requirements or limitations shall be disclosed to prospective students interested in training for that career.

(h) Student financial assistance: Information about the availability of financial assistance shall be disclosed to prospective students. In addition, each institution shall make such disclosure in writing, to be signed and dated by each student applying for and receiving a student loan, to the effect that the student understands that he or she is obligated to repay the loan, the terms and amounts of repayments, and when repayments will begin. References to financial assistance availability in any school catalogs or advertising shall include the phrase, “for those who qualify.”

(i) Student refund policies: This rule establishes the Commission’s minimum refund guidelines for licensed institutions. Refund policies which pertain to students who are receiving Title IV Federal Student Financial Assistance or veterans’ benefits shall be in compliance with applicable federal regulations.

1. All institutions shall have an equitable prorated refund policy for all students, which shall be disclosed in the catalog and enrollment agreement or similar documents, and must be uniformly administered. Any nonrefundable fees or charges shall also be disclosed.

2. The institution’s refund policy shall provide a formula for proration of refunds based upon the length of time the student remains enrolled, up to a minimum of 40 percent of a program, if the student is charged tuition for an entire program; or 20 percent, if the institution charges the student for a term, quarter, semester, or other time period that is less than the duration of the entire program.

3. As an alternative, an institution that charges tuition for a term, quarter, semester or other time period that is less than the duration of the entire program may establish a drop/add period which shall be no less than 10 percent of the period for which the student is financially committed, or one week, whichever is less. If the student withdraws before the end of the drop/add period, the student will be refunded all tuition and fees, as well as any funds paid for supplies, books, or equipment which can be and are returned to the institution.

4. The refund policy shall not consider that all or substantially all tuition for an entire program or term is earned when a student has been enrolled for only a minimal percentage of the program or term. The refund policy shall provide for cancellation of any obligation, other than a book and supply assessment for supplies, materials and kits which are not returnable because of use, within 3 working days from the student’s signing an enrollment agreement or contract. Refunds shall be made within 30 days of the date that the institution determines that the student has withdrawn.

5. Institutions need not keep attendance, but must adopt and publish an equitable policy by which withdrawal dates will be determined, which may include notification by the student or reports from faculty. This policy shall be submitted to the Commission before publication.

6. Nonrefundable application fees for Florida students shall not exceed $50. The requirements regarding refund policies as stated herein do not apply to dormitory or meal fees. Refund policies for those fees, if charged, shall be set by the institution and also disclosed in conjunction with the refund policy.

(j) Employment placement services: The extent of placement services shall be specifically described. No guarantee of placement shall be made or implied. The institution may disclose information relating to market and job availability, if verified through statistical research; however, the institution shall not promise or imply any specific market or job availability amounts.

(k) A statement that additional information regarding the institution, if licensed, may be obtained by contacting the Commission for Independent Education, Department of Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301, toll-free telephone number (888) 224-6684.

(7) If the Commission determines that ongoing complaints show a pattern of misinformation, lack of disclosure, or discrepancies between printed, electronic, and verbal information being given to prospective students, the Commission shall require that institutions prepare additional documents, to be individually signed and dated by students, to address the problem. Significant deviations from fair consumer practices shall be grounds for probation, denial or revocation of licensure pursuant to Sections 1005.32(7), 1005.34(3), and 1005.38(1), Florida Statutes, and Rule 6E-2.0061, F.A.C.

(8) The institution shall develop, publish, and follow a procedure for handling complaints, disciplinary actions and appeals. The procedure shall ensure that complaints and disciplinary actions are not handled in a capricious or arbitrary manner, but are given careful consideration by appropriate levels of administration. It is understood that the health and safety of students and staff are the institution’s primary concern. In the event of extreme cases, it may be necessary for the institution to take immediate disciplinary action. If the institution has an emergency disciplinary procedure, this procedure shall be disclosed to prospective students, and grounds for such action shall be specified in as much detail as possible.

(9) An institution is responsible for ensuring compliance with this rule by any person or company contracted with or employed by the institution to act on its behalf in matters of advertising, recruiting, or otherwise making representations which may be accessed by prospective students in Florida, whether verbally, electronically, or by other means of communication.

Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS. History—New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04.
6E-1.0041 Honorary Degrees.

(1) Among nonpublic postsecondary institutions operating in Florida, only those which operate under Section 1005.06(1)(b), (c), (e), or (f), Florida Statutes, or which are licensed by the Commission as a college or university, may award honorary degrees.

(2) No honorary degree given by a nonpublic college subject to the jurisdiction of the Commission may have substantially the same name as any earned degree given by any institution in Florida authorized to grant degrees.

(3) Each honorary degree shall prominently bear on its face the words, “honorary degree” or “honoris causa.”

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.02(7), 1005.21(1) FS. History–New 10-13-83, Formerly 6E-1.041, Amended 11-27-88, 10-19-93, 1-7-03.
CHAPTER 6E-2 LICENSING

6E-2.001 Approved Applicant Status.

6E-2.002 Institutional Licensure.

6E-2.003 Institutional Applications. (Repealed)

6E-2.004 Standards and Procedures for Licensure.

6E-2.0041 Delivery of Programs Through Nontraditional Assessments, Modes and Methods.

6E-2.0042 Medical Clinical Clerkship Programs.

6E-2.0043 Nonacademic Programs. (Repealed)

6E-2.005 Extension, Renewal, or Continuation of Licensure. (Repealed)

6E-2.006 Refusal of Institutional License. (Repealed)

6E-2.0061 Actions Against a Licensee; Penalties.

6E-2.007 Revocation of Institutional License. (Repealed)

6E-2.008 Approval of Modifications.

6E-2.0081 Change of Ownership or Control.

6E-2.009 Closing an Institution.

6E-2.010 Agents.

6E-2.011 Agents; Application for Licensure. (Repealed)

6E-2.012 License Fees. (Repealed)

6E-2.013 Violation of Laws or Rules. (Repealed)

6E-2.014 Advertising by Colleges Under Injunction Prohibited. (Repealed)

6E-2.015 Designating Resident Agent. (Repealed)

6E-2.016 Review and Authorization of Branch Educational Operations. (Repealed)

6E-2.001 Approved Applicant Status.

All new or out-of-state institutions applying for initial licensure to operate in Florida, whether planning to offer degrees or nondegree programs, must file an application for a Provisional License. When the application is deemed complete, as defined in subsection 6E-1.003(10), F.A.C., the institution will be placed on Approved Applicant status while final preparations are made.

(1) Before filing-time frame. Before preparing and filing a formal application, representatives of a new institution seeking licensure in Florida for the first time should confer with Commission staff a minimum of six months prior to the desired opening date of the institution.

(2) Review and recommendation. If the initial application has omissions, staff shall contact the applicant and request all omitted materials. When the application for a Provisional License is deemed complete by Commission staff, and the background checks required by law for appropriate personnel have been completed and grounds for ineligibility for licensure have not been found, the application shall be presented to the Commission.

(3) Deficiencies and conditions. Although an application may be complete, containing material addressing each requirement, still there may be deficiencies in fully meeting the standards for a Provisional License. Deficiencies will be itemized in the recommendation for Approved Applicant status presented by staff to the Commission, and the Commission may find that additional deficiencies exist. The Commission shall also, if necessary, attach conditions which must be met before a Provisional License is granted, one of which shall be that a professionally printed and bound catalog will be prepared and submitted, containing all information required by Rule 6E-1.0032, F.A.C.

(4) Confirmation letter. An applicant granted Approved Applicant status will receive a letter confirming and explaining the status, noting what specific activities can be done during Approved Applicant status, and stating the length of time for which the status was granted. A listing of deficiencies to be corrected and conditions to be met shall be attached to the confirmation letter. No certificate or license will be provided. Any agency or member of the public requesting information from the applicant shall be provided a copy of the confirmation letter.

(5) Delegation to staff. If the Commission determines that the deficiencies and conditions noted in the confirmation letter are routine and easily corrected or fulfilled, the Commission shall direct its Executive Director to determine when the deficiencies are corrected and the conditions are met. If the Commission so directs, and the applicant has paid all required fees, the Executive Director shall issue a Provisional License upon receipt of documentation that a site visit has occurred if required, that all deficiencies have been corrected, and that all requirements for a Provisional License have been met. However, if the Commission considers that the deficiencies and conditions are unusually complex or significant, it shall specify that the application be reviewed by the full Commission before a Provisional License is approved.

(6) Time allowed for compliance. Approved Applicant status shall be granted for a period of up to six months, during which time the applicant institution shall correct any remaining deficiencies, meet all conditions, and demonstrate that it is in substantial compliance with the standards for licensure. If the Commission determines that the applicant is making a good faith effort to comply, but a delay occurs due to extraordinary circumstances, the Commission shall grant one additional six-month extension of
Approved Applicant status, for a maximum total of one year in this status. If the applicant has not reached substantial compliance with the standards for licensure during the period specified, including any authorized extension, a new application reflecting the current situation must be submitted and all required fees paid to start the application process again.

(7) Prohibited activities. During the period of Approved Applicant status, a new institution shall not advertise, share information with the news media implying future operations, solicit or recruit students, collect fees or tuition from or on behalf of students, offer programs of study, or engage in any activity not specifically approved by the Commission and noted in the confirmation letter. The applicant shall not use the terms “licensed” or “authorized” or in any way indicate to the public or to other agencies that it has approval to operate from the Commission or the State of Florida. Any questions from the public or the news media shall be directed to the Commission staff. Any prohibited activities by or on behalf of the institution, including misrepresentation of the Approved Applicant status, shall result in suspension or termination of the status for a length of time prescribed by the Commission.

(8) Misrepresentation of status. The granting of Approved Applicant status is not a guarantee that a Provisional License or higher status will be attained, and shall not be represented as such. An Approved Applicant status is a recognition that the proposed institution has submitted a complete application for a Provisional License, and does not imply that any current or future operation is or will be approved by the Commission.

Specific Authority 1005.31(2), (3) FS. Law Implemented 1005.31(2), (3), (4) FS. History–Repromulgated 12-5-74. Formerly 6E-4.01(1)(a)-(e), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.01, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 3-29-04.

6E-2.002 Institutional Licensure.

(1) Provisional license.

(a) A new applicant for initial licensure who has received Approved Applicant status shall be granted a Provisional License for a period not to exceed one year when the Commission determines that the applicant is in substantial compliance with the standards for Annual Licensure and the appropriate fees have been paid.

(b) Delegation to staff. In granting initial Approved Applicant status to a new or out-of-state institution, the Commission will note any deficiencies in meeting the standards for a Provisional License and impose any conditions it deems appropriate. If the Commission considers that the deficiencies and conditions attached to the Approved Applicant status are unusually complex or significant, it shall specify that the application be reviewed by the full Commission before a Provisional License is approved. Otherwise, the Commission shall delegate to its Executive Director the responsibility for determining when the deficiencies are corrected and the conditions are met. If the Commission so directs, and the applicant has paid all required fees, the Executive Director shall issue a Provisional License upon receipt of documentation that all deficiencies have been corrected and that all conditions and all requirements for Provisional Licensure have been met, including an on-site visit if necessary.

(c) Substantive change. An institution which undergoes a substantive change, as defined in subsection 6E-1.003(43), F.A.C., while holding an Annual License or a License by Means of Accreditation, shall be granted a Provisional License for a period of time determined by the Commission. An institution may submit a written request for a return to its previous status or for a new status when conditions set by the Commission have been met. Any limitations on the operation of the institution during the period of provisional licensure will be determined by the Commission when granting the Provisional License. An institution holding a Provisional License shall not request approval of or implement a substantive change until it holds an Annual License or License by Means of Accreditation. The Commission may delegate to the Executive Director the authority to return institutions to their previous status between Commission meetings, if the Executive Director determines that changes have no negative impact on the institution or the students attending the institution. Such action shall be reported to the Commission at the next meeting for further action.

(d) Time allowed for compliance. A Provisional License shall be granted for a period up to one year, during which time the institution shall meet all conditions and demonstrate that it meets the standards for an Annual License or a License by Means of Accreditation. If the Commission determines that the applicant is making a good faith effort to comply, but a delay occurs due to extraordinary circumstances caused by considerations such as requirements of an accrediting agency or of other governmental agencies, the Commission shall grant an extension of the Provisional License up to one additional year and require payment of the appropriate fee. If the institution has not complied with all necessary standards and conditions within the period specified, including any authorized extension, a new application for licensure reflecting the current situation must be submitted and all required fees paid to start the application process again. Progress reports shall be required by the Commission during the period of provisional licensure as necessary to inform the Commission of the institution’s progress toward reaching a higher level of licensure.

(e) Probable cause. An institution for which probable cause has been found pursuant to Rule 6E-2.0061, F.A.C., shall be issued a Provisional License until the conditions leading to the finding of probable cause have been corrected. Because of the need for increased monitoring during this time, additional fees shall be assessed on a quarterly basis pursuant to Rule 6E-4.001, F.A.C.

(f) Permissible activities. While holding a Provisional License, an institution may advertise, recruit students, accept fees and tuition from or on behalf of students, and hold classes. A new institution seeking to offer degrees, a nondegree-granting institution seeking to add degree programs, or a new nondegree-granting institution whose credential requires one year or more to earn, shall not award the new degree or credential during provisional licensure. The Commission shall note in the granting of the Provisional
License whether any short-term credentials can be awarded during that status, and what specific activities may occur. No programs may be advertised or offered which do not appear on the Provisional License. Fair consumer practices, as provided in Sections 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., shall be followed by the institution in all aspects of its operation.

(g) Disciplinary actions. Grounds and procedures for disciplinary actions against a licensee are provided in Chapter 1005, Florida Statutes, and in Rule 6E-2.0061, F.A.C.

(2) Annual License.

(a) Granting. An institution that holds a Provisional License, or seeks renewal of an Annual License, shall be granted an Annual License for a period not to exceed one year when the Commission determines that the institution has demonstrated full compliance with all licensure standards and that all appropriate fees have been paid. A satisfactory on-site visit must occur prior to the granting of an initial Annual License. An accredited institution may submit a report of a satisfactory visit by its accrediting agency to satisfy this requirement.

(b) Extensions.

1. An annual license shall be extended for up to one year if the institution meets the following requirements:
   a. The institution has held Annual Licensure for a minimum of five consecutive years, and
   b. The institution has no complaints pending whereupon probable cause has been found, and
   c. The institution has complied with all appropriate rules and statutes, and
   d. The institution has paid all appropriate fees.

2. An institution which holds an Annual License or an extension thereof shall revert to a Provisional License if the institution undergoes a substantive change or if probable cause is found.

(c) Permissible Activities.

1. Annual licensure shall permit full operation of an institution, including, if applicable, application to the Commission to add new programs or majors, or new locations, pursuant to Rule 6E-2.008, F.A.C.

2. Fair consumer practices, as provided in Sections 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., shall be followed by the institution in all aspects of its operation.

(d) Disciplinary actions. Grounds and procedures for disciplinary actions against a licensee are provided in Chapter 1005, Florida Statutes, and in Rule 6E-2.0061, F.A.C.

(3) License by Means of Accreditation.

(a) The chair of the Commission shall appoint a committee to provide recommendations to the Commission regarding the recognition of accrediting agencies. This committee shall be composed of persons who represent a cross-section of institutions holding an Annual License or extension thereof, or a License by Means of Accreditation. The chair of the Commission shall appoint the chair of the committee. The committee shall meet at the request of the Commission chair. Any member of the accreditation review committee whose institution is accredited by, or who is personally affiliated with, an accrediting agency being reviewed shall not vote on recommendation of that accrediting agency.

1. The committee shall evaluate applications of accrediting agencies recognized by the U.S. Department of Education to provide institutional accreditation for institutions offering primarily residential programs.

2. In evaluating accrediting agencies for recommendation to the Commission, the committee shall:
   a. Determine the level and scope at which the agency is recognized by the U.S. Department of Education;
   b. Identify the accreditation standards of each agency. An accrediting agency shall be determined to have standards that are substantially equivalent to the standards of the Commission if they include policies and procedures in the following areas: protection of student rights and consumer protection; admission procedures; faculty credentials at various levels; curriculum and educational delivery; student services; library and media resources; outcomes assessment; evaluation of substantive changes; fiscal and administrative capabilities; and educational facilities;
   c. Identify the procedures and processes of the accreditation agency to determine sufficient oversight and enforcement of its standards, and to ensure that the agency has effective mechanisms for evaluating an institution’s compliance with its standards;
   d. Determine the willingness of the accrediting agency to share information in a timely manner about an institution being evaluated or visited by the accrediting agency;
   e. Make a recommendation to the Commission whether an accrediting agency meets the above requirements;
   f. Review the standards of recognized accrediting agencies periodically as needed to ensure continuing substantial equivalence to Commission standards.

(b) Requirements. An institution may apply for a License by Means of Accreditation if appropriate fees have been paid and if the following materials have been presented to the Commission:
1. Evidence that the institution has been licensed or exempt from licensure under Section 246.085(1)(a), Florida Statutes 2001, in the state of Florida for the past five consecutive years; and
2. Evidence that the institution is a Florida corporation; and
3. Evidence that the institution holds institutional accreditation granted by an accrediting agency as defined by Section 1005.02(1), Florida Statutes, which has been evaluated by the accreditation review committee and approved by the Commission as having reporting, organizational, and operating standards substantially equivalent to the Commission’s licensure standards; and
4. Evidence that the institution meets minimum requirements for financial responsibility. The institution shall demonstrate compliance with this requirement by filing the institution’s most recent annual independently audited financial statement, pursuant to subsection 6E-2.004(6), F.A.C. This audit shall cover a fiscal year which ended no earlier than twelve months prior to the application for licensure by means of accreditation.
   (c) Evaluation. When the Commission has received the required documents and appropriate fees, the Commission shall evaluate the eligibility of the institution for Licensure by Means of Accreditation by determining, in addition, whether;
   1. The institution has consistently followed fair consumer practices, as provided in Sections 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., in all aspects of its operations; and
   2. The institution has no unresolved complaints or other actions in the past twelve months; and
   (d) Continued Exemption. An institution that was exempt from licensure under Section 246.085(1)(a), Florida Statutes 2001, may retain an exemption until the Commission issues it a License by Means of Accreditation as provided in this rule.
   (e) Annual review. At the time of annual review of a License by Means of Accreditation, the institution shall submit: a current institutional catalog; a copy of materials provided to its accrediting agency since the last license review, except in the case of a self-study, a copy of the executive summary thereof will suffice; a copy of any correspondence, including letters, motions, records of actions taken, and other similar documents provided by the accrediting agency to the institution since the last review, and the institution’s response; a copy of the annual independent institutional audit, pursuant to subsection 6E-2.004(6), F.A.C.; materials documenting that fair consumer practices are followed by the institution; and, if requested by the Commission, materials documenting that the institution has in place procedures for following the Commission’s requirements for orderly closing.
   (f) Duration.
   1. A License by Means of Accreditation is valid for the same period as the grant of accreditation, except as noted in subparagraph 3. of this paragraph.
   2. At the conclusion of the period of the grant of accreditation for which the licensure was granted, the license will expire unless the institution has paid appropriate fees and submitted evidence that the institution continues to be eligible for a License by Means of Accreditation. In the event that the accrediting agency has deferred consideration of a renewal of the institution’s accreditation, the Commission shall consider the circumstances in making a decision whether to extend the license.
   (g) Before offering a program that exceeds the scope or level of its grant of accreditation, an institution holding a License by Means of Accreditation must apply for and receive an Annual License, pursuant to Section 1005.32(4), Florida Statutes. Upon inclusion of the new program in the full grant of accreditation, the institution may apply to reinstate its License by Means of Accreditation.
   (h) Disciplinary actions. Pursuant to Section 1005.32(7), Florida Statutes, repeated failure to comply with the statutory requirements for this status shall lead to denial, probation, or revocation of the status as outlined in Rule 6E-2.0061, F.A.C. If the License by Means of Accreditation is revoked or denied, the institution must immediately obtain an Annual License.

Specific Authority 1005.22(1)(e), 1005.31(2), (3) FS. Law Implemented 1005.22(1)(o), (2)(d), 1005.31, 1005.32, 1005.33 FS. History–Repromulgated 12-5-74, Formerly 6E-4.01(1)(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 12-23-03.

6E-2.004 Standards and Procedures for Licensure.
Each institution applying for a license or moving to a new level of licensure shall provide to the Commission the following specific information, in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.
   (1) Standard 1: Name.
       (a) An institution’s name must clearly indicate that the primary purpose of the institution is education, and must not be misleading to the public. Noncollegiate schools shall not use the words “college” or “university” in their names. No institution shall use a name that may lead the student to believe that the institution is a public institution, unless it is an institution provided, operated, or supported by the State of Florida or its political subdivisions, another state, or the federal government. The license will be issued in the official corporate name, or an official fictitious name if the institution provides documentation that such name is registered with the Florida Secretary of State, or comparable official in the appropriate jurisdiction. If using a fictitious name, the institution must disclose its official corporate name in its catalog.
       (b) Use of the Term “College”:
1. An institution may use the term “college” in its name if it offers, or if a new applicant for licensure proposes to offer, as the majority of its total offerings and student enrollments, an academic associate degree, a baccalaureate degree, or a graduate or professional degree.

2. If an out-of-state institution whose official name includes the term “college” seeks to operate in Florida and use the term “college” in its name in this state, it must minimally offer in its home state, as the majority of its total offerings and student enrollments, an academic associate degree, a baccalaureate degree, or a graduate or professional degree. If the institution does not meet these criteria in its home state, the Commission shall require the institution to use an appropriate modifying phrase in conjunction with its name in Florida.

3. The institution must lease, contract for, or own facilities in Florida which meet or exceed the minimum standards specified in subsection 6E-2.004(9), F.A.C.

4. The institution must show evidence of continued operations as an educational institution at the college level.

(c) Use of the Term “University”:
   1. An institution may use the term “university” in its name if it offers, or if a new applicant for licensure proposes to offer, as the majority of its total offerings and student enrollments, a range of undergraduate degree programs and multiple graduate degree programs; or if only graduate degrees are offered, a minimum of three graduate degree programs.

2. If an out-of-state institution whose official name includes the term “university” seeks to operate in Florida and use the term “university” in its name in this state, it must minimally offer in its home state, as the majority of its total offerings and student enrollments, a range of undergraduate degree programs and multiple graduate degree programs; or if only graduate degrees are offered, a minimum of three graduate degree programs. If the institution does not meet these criteria in its home state, the Commission shall require the institution to use an appropriate modifying phrase in conjunction with its name in Florida.

3. The institution must lease, contract for, or own facilities in Florida which meet or exceed the minimum standards specified in subsection 6E-2.004(9), F.A.C.

4. The institution must show evidence of continued operations as an educational institution at the university level.

(d) Change of Name: All institutions must notify the Commission at least 30 days prior to the institution’s change of name. All institutions must demonstrate to the Commission that the new name will meet the standards given in this rule prior to using the new name, including advertisements or promotions. Accredited institutions must document to the Commission that the accrediting agency has been notified of the change of name.

(2) Standard 2: Purpose.

(a) An institution must adopt a clearly defined purpose or mission statement appropriate to the offerings of the institution, as well as to its specific educational objectives. This statement must describe clearly the characteristics and components of the institution and its operations. The statement of purpose must be accurately stated in the institution’s current catalog.

(b) The statement of purpose serves as a foundation for the institution’s programs and activities. The practice and scope of the institution must be consistent with its statement of purpose. The statement of purpose must be approved by the governing body of the institution and reviewed periodically.

(3) Standard 3: Administrative Organization.

(a) Each institution shall provide a qualified administrative staff and such policies and procedures as are necessary to ensure the accomplishment of its purpose.

(b) Each institution and additional location shall have as its designated administrator a person who has at least two years of supervisory experience in an executive or managerial position in a similar institution or related business.

(c) Each owner (in a privately held corporation or limited liability partnership), director, and administrator of the institution in a management or supervisory position is subject to a criminal justice information investigation pursuant to Section 1005.38, Florida Statutes.

(d) Each institution shall have as its chief education/academic officer a person who has attained a minimum of an academic credential or recognition equivalent to the institution’s highest offering, or, in a school, who has a minimum of two years of practical experience in a supervisory, administrative, or teaching position related to the programs offered by the institution.

(e) Pursuant to Section 1005.39, Florida Statutes, individuals holding the following or similar positions in licensed institutions shall complete at least eight continuing education contact hours of training related to their positions each year from the Commission or another provider which the Commission has determined to include relevant information in its training programs: school director, Florida director, or chief executive officer; chief education/academic officer or director of education or training; placement director; admissions director; and financial aid director. If an individual holds more than one of these positions, the documentation shall indicate for which position the training was appropriate. Compliance with this requirement is a condition of licensure or renewal of licensure.

(f) Each institution shall be a Florida corporation or limited liability partnership, or be registered as a foreign corporation, pursuant to the requirements of the Florida Secretary of State, or be a public institution in another state. Upon initial licensure and subsequent renewal, the institution must provide proof of active corporate status.

(g) The organizational structure shall reflect the provisions contained in the articles of incorporation, bylaws, and other governing documents, and shall provide a clearly delineated chain of authority and responsibility.
(h) Administrative and academic policies shall be officially adopted and communicated to all appropriate personnel. These policies shall include such matters as responsibilities of administrative officers, faculty qualifications and responsibilities, evaluation and improvement of institutional effectiveness, and other such policies and regulations affecting the members of the institution’s faculty, staff, and students.

(4) Educational programs and curricula. The following standards shall apply to all institutions licensed by the Commission for Independent Education, except as expressly stated otherwise.

(a) Programs shall be related to the institution’s purpose and organized to provide a sequence which leads to the attaining of competence in the respective area or field of study.

(b) Programs preparing the student for an occupation or professional certification shall conform to the standards and training practices generally acceptable by the occupational or professional fields for which students are being prepared. If the practice of the occupation or profession is regulated, licensed, or certified by a state or national agency, the institution must document to the Commission that successful completion of the program will qualify the graduate to take the licensing examination or to receive the appropriate certification.

(c) The amount of time scheduled for a program shall be appropriate to enable the student to acquire marketable and other skills to the extent claimed in the institution’s published documents, including the defined objectives and performance outcomes.

(d) Among the policies to be officially adopted by the administration and governing board of an institution offering programs 600 clock hours in length or longer shall be a policy giving faculty a role in the development and continual reassessment of all curricula. The policy shall be published in a faculty handbook, and shall be implemented as published.

(e) For each course to be offered, a course outline and a list of competencies required for successful completion of the course shall be developed by qualified faculty and be provided in writing for all students no later than the first meeting of each class. A copy of these documents shall be kept in the institution’s files and be made available for inspection by representatives of the Commission.

(f) Qualified faculty shall evaluate the competencies of students in each subject or course included in each curriculum, including independent study courses.

(g) It is the responsibility of the institution to demonstrate, upon request of the Commission, that the scope and sequence of a proposed or operating curriculum are consistent with appropriate criteria or standards in the subject matter involved, and of an appropriate level of difficulty for the program to be offered. The Commission shall request assistance from other appropriate regulatory agencies as provided in Section 1005.22(2)(d), Florida Statutes, or appoint committees to review curricula, when necessary to ensure that specialized programs contain the appropriate material to prepare students to enter those fields.

(h) Faculty, advisory committees, or other qualified individuals must be involved in the development and ongoing review of curricula.

(i) Educational programs of 600 clock hours in length or longer shall be periodically reviewed by a committee of faculty, administrators, employers, and advisors drawn from relevant community and alumni groups, in an ongoing formalized process of evaluation and revision.

(j) At least 25 percent of the credits or hours required for completion of a program must be earned through instruction taken at the institution awarding the credential, unless a different standard has been adopted by the recognized accrediting body accrediting the institution, or by a governmental agency whose policies apply to the institution. This standard shall not apply if any of the training was taken at accredited institutions as defined in Section 1005.02(1), Florida Statutes, while the student was a member of the U.S. armed services.

(k) Any clinical experience, internship, externship, practicum, and other such formal arrangement for which an institution offers credit toward completion of a program, shall be under the supervision of the institution. Written agreements shall be executed between the institution and the entity providing the experience, delineating each party’s responsibilities, the number of hours to be worked by the student, the types of work to be done by the student, the supervision to be given the student, and the method of evaluating the student’s work and certifying it to the institution as satisfactory. If such experiences are required for the completion of a program, it is the responsibility of the institution to make prior arrangements for each student enrolled in the program to participate in the necessary experience within the agreed and documented length of time required for completion of and graduation from the program; and the institution’s enrollments shall be based upon the availability of qualified clinical experiences, internships, externships, or practicums to serve all students.

(l) Policies regarding course or program cancellations shall be adopted, published, and followed by the institution.

(m) The following instructional program standards apply to nondegree diplomas:

1. Program specifications: The credential offered shall be a diploma. The duration of the program shall be appropriate for mastery of the subject matter or skills needed to pursue the occupation for which the student is being trained. There are no general education requirements.

2. Each program must have clearly defined and published objectives and occupational performance outcomes, which shall conform with accepted standards set by the Florida Department of Education or other appropriate recognized governmental or professional agencies. Institutions using occupational outcomes different from those set by recognized agencies shall document their justification for using the outcomes selected. For institutions participating in the Statewide Course Numbering System, these objectives and outcomes must conform to the requirements of that system.
3. Basic Skills. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students’ high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student’s mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students’ basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(n) The following instructional program standards apply to occupational associate degrees:

1. Program specifications: The credential offered shall be the Associate of Applied Science, Occupational Associate, Associate of Specialized Business, or similar title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 1,200 clock hours of instruction, 60 semester credit hours, or 90 quarter credit hours pursuant to subsections 6E-1.003(40) and (43), F.A.C. The required general education component shall be at least 9 semester credit hours or 14 quarter credit hours, or the recognized clock hour equivalent. General education courses shall meet either of the definitions given in subsection 6E-1.003(3) or (26), F.A.C.

2. Programs must have clearly defined and published objectives and occupational performance outcomes, which shall conform with accepted standards set by the Florida Department of Education or other appropriate recognized governmental or professional agencies. Institutions using occupational outcomes different from those set by recognized agencies shall document their justification for using the outcomes selected. For institutions participating in the Statewide Course Numbering System these objectives and outcomes must conform to the requirements of that system.

3. Basic Skills. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students’ high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student’s mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students’ basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(o) The following instructional program standards apply to academic associate degrees:

1. Program specifications: The credential offered shall be the Associate in Science Degree, Associate of Arts Degree, or an associate degree of a different name that is considered by the Commission to be appropriate for an academic associate degree. The duration of the program shall be a minimum of 60 semester credit hours, 90 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Associate in Science degree shall be a minimum of 15 semester credit hours, 22.5 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Associate of Arts degree shall be a minimum of 36 semester credit hours, 54 quarter credit hours, or the recognized clock hour equivalent. General education requirements for other academic associate degrees shall be individually reviewed by the Commission to determine whether they are appropriate to the specific degree. Applied general education shall not be utilized to fulfill this requirement. All general education courses must meet the definition given in subsection 6E-1.003(26), F.A.C.

2. Each program must have clearly defined and published objectives and performance outcomes.

3. Basic Skills. An institution offering academic associate degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students’ high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United
States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student’s mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the basic skills instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing or another approved examination. Work intended to bring students’ basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(p) The following instructional program standards apply to bachelor’s degrees:

1. Program specifications: The credential offered shall be the Bachelor of Science Degree, Bachelor of Arts Degree, or other baccalaureate degree title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 120 semester credit hours, 180 quarter credit hours, or the recognized clock hour equivalent. The required general education component for a Bachelor of Science degree shall be a minimum of 30 semester credit hours, 45 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Bachelor of Arts degree shall be a minimum of 45 semester credit hours, 67.5 quarter credit hours, or the recognized clock hour equivalent. The general education requirements for other bachelor’s degrees shall be appropriate to the specific degree. Applied general education shall not be utilized to fulfill this requirement. All general education courses must meet the definition given in subsection 6E-1.003(26), F.A.C.

2. Each program must have clearly defined and published objectives and performance outcomes.

3. Basic Skills. An institution offering bachelor’s degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students’ high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student’s mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students’ basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(q) The following instructional program standards apply to master’s degrees:

1. Program specifications: The credential offered shall be the Master of Arts degree, Master of Science degree, or other master’s degree title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 24 semester credit hours or 36 quarter credit hours, or recognized clock hour equivalent, beyond the bachelor’s degree.

2. A bachelor’s degree will normally be a prerequisite to formal entrance to a master’s degree program, unless the master’s degree is a first professional degree as defined in subsection 6E-1.003(25), F.A.C.

3. Programs must have clearly defined and published objectives and performance outcomes.

(r) The following instructional program standards apply to doctoral degrees:

1. Program specifications: The credential offered shall be the Doctor of Philosophy, Doctor of Medicine, Doctor of Osteopathy, or other doctoral degree term considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 60 semester credit hours, 90 quarter credit hours, or the recognized clock hour equivalent beyond the bachelor’s degree. The degree Doctor of Philosophy shall require a stringent research component and a dissertation for completion, and shall require appropriate accreditation by a recognized accrediting agency within three years of initiating the program, to retain licensure of the program.

2. A master’s degree will normally be a prerequisite to formal entrance to a doctoral degree program, unless the doctoral degree is a first professional degree as defined in subsection 6E-1.003(25), F.A.C.

3. Programs must have clearly defined and published objectives and performance outcomes.

(5) Standard 5: Recruitment and Admissions. In all admissions and recruitment-related activities, the institution shall comply with the fair consumer practices provisions of Sections 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., and the rule regarding Agents, Rule 6E-2.010, F.A.C.

(a) An institution’s recruitment efforts shall be designed to target students who are qualified and likely to complete and benefit from the training provided by the institution.

(b) Recruiting Practices. Each institution must observe ethical practices and procedures in the recruitment of its students. Ethical practices and procedures include, at a minimum, the following:
An institution shall use only individuals, whether its own employees or agents, who are trained and licensed as agents pursuant to Rule 6E-2.010, F.A.C., to enroll students off-campus. Outside the United States, its territories, or its possessions, the institution may use third-party agents for recruiting; however, the institution remains responsible for the accuracy of advertising and of representations made to prospective students regarding the institution, its programs and policies, financial aid eligibility, availability and procedures, and other pertinent information. Other institutional officials who are not licensed agents may participate in occasional College Week or Career Week programs at area high schools or community centers, or give speeches regarding the institution to groups when invited; but no misleading information shall be communicated, no students shall be enrolled, and no tuition or fees shall be collected.

1. An institution shall not use employment agencies to recruit prospective students, or place advertisements in help-wanted sections of classified advertisements, or otherwise lead prospective students to believe they are responding to a job opportunity.

2. An institution shall not use employment agencies to recruit prospective students, or place advertisements in help-wanted sections of classified advertisements, or otherwise lead prospective students to believe they are responding to a job opportunity.

3. An institution shall ensure that its recruiting agents and other personnel do not make false or misleading statements about the institution, its personnel, its programs, its services, its licensure status, its accreditation, or any other pertinent information.

4. An institution shall not permit its recruiting agents or other personnel to recruit prospective students in or near welfare offices, unemployment lines, food stamp centers, homeless shelters, nursing homes, or other circumstances or settings where such persons cannot reasonably be expected to make informed and considered enrollment decisions. Institutions may, however, recruit and enroll prospective students at one-stop centers operated under government auspices, provided that all other recruitment and admissions requirements are met.

5. An institution shall inform each student accurately about financial assistance and obligations for repayment of loans.

6. An institution shall not make explicit or implicit promises of employment or salary expectations to prospective students.

7. An institution shall not permit the payment of cash or other nonmonetary incentives, such as but not limited to travel or gift certificates, to any student or prospective student as an inducement to enroll. An institution shall not use the word “free” or its synonyms in reference to any equipment, tuition, books, or other items in conjunction with recruiting or advertising.

8. An institution must provide the applicant with a copy of the completed enrollment agreement, signed by both parties.

9. Ethical practices shall be followed in all aspects of the recruiting process. An institution shall ensure that its personnel do not discredit other institutions by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or similar negative characteristics; making other false representations; disparaging the character, nature, quality, value or scope of their program of instruction or services; or demeaning their students. An institution shall also ensure that its personnel do not knowingly influence any student to leave another institution or encourage a student to change plans after signing an enrollment application and paying a registration fee to another institution.

(c) Admissions Acceptance Policies. The purpose of this section is to ensure that institutions admit only those students who are capable of successfully completing the training offered. Admission decisions shall be based on fair, effective, and consistently applied criteria that enable the institution to make an informed judgment as to an applicant’s ability to achieve the program’s objectives.

1. An institution shall determine with reasonable certainty that each applicant for enrollment is fully informed as to the nature of the training provided. The institution shall advise each applicant prior to admission to ensure that the applicant understands the program’s responsibilities and demands.

2. An institution shall consistently and fairly apply its admission standards as published. It shall determine that applicants admitted meet such standards and are capable of benefitting from the training offered, and that applicants rejected did not meet such standards. The institution shall ensure that each applicant admitted has the proper qualifications, abilities, and skills necessary to complete the training, and shall secure and maintain documentation to demonstrate that each applicant meets all admissions requirements.

3. If an institution enrolls a person who does not have a high school diploma or recognized equivalency certificate, the determination of the applicant’s ability to benefit from the training offered must be confirmed as provided in subparagraph (4)(o)3. of this rule.

4. An institution shall not deny admission or discriminate against students enrolled at the institution on the basis of race, creed, color, sex, age, disability or national origin. Institutions must reasonably accommodate applicants and students with disabilities to the extent required by applicable law.

5. An institution shall not accept enrollment from a person of compulsory school age, or one attending a school at the secondary level, unless the institution has established through contact with properly responsible parties that pursuit of the training will not be detrimental to the student’s regular schoolwork.

6. The institution shall document its reasons for denying admission to any prospective student. Records of denied applicants must be kept on file for at least one year.


(a) All institutions must demonstrate that the financial structure of the institution is sound, with resources sufficient for the proposed operations of the institution and the discharge of its obligations to the students. To demonstrate this, the school shall provide the following:

1. Approved Applicant Status:

   a. A plan setting forth the sources, kinds and amounts of both current and anticipated financial resources. The plan shall include a budget for the institution’s first year of operation, clearly identifying sources of revenue to ensure effective operations.
b. A pro forma balance sheet prepared in accordance with Generally Accepted Accounting Principles for the type of institution making application.

c. If the corporation that controls the institution is ongoing, the institution shall provide a financial statement of the parent corporation, reviewed or audited in accordance with Generally Accepted Accounting Principles, prepared by an independent certified public accountant.

d. Institutions that are new and do not have a history of educational operations shall provide financial statements of the controlling principals, compiled, reviewed, or audited by an independent certified public accountant. These statements must demonstrate sufficient resources to ensure appropriate institutional development.

2. Provisional License. Annual License, Extended Annual License, or Annual Review: Licensed nondegree schools shall provide annually a review, and licensed colleges and universities shall provide annually an audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This annual financial statement shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require a financial improvement plan, teach-out plan, or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

3. License by Means of Accreditation: All institutions shall submit an annual audit prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This audit shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year.

(a) Nondegree Diploma Programs:

1. Verification of Credentials. Institutions shall maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files shall include a resume or detailed application clearly reflecting the instructor’s educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file. Institutions shall also maintain copies of other documents which reflect the instructor’s qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

   a. Any general education and academic courses must be taught by instructors who possess at least a bachelor’s degree and appropriate coursework in the assigned subject from an accredited college or university.

   b. All other courses shall be taught by instructors who possess a bachelor’s degree and appropriate coursework in the assigned subject from an accredited college or university; or who have completed postsecondary training in either an accredited college or a state licensed school in the subject to be taught, plus two years of job experience related to the subjects to be taught; or who have completed a minimum of three years of successful job experience directly related to the subjects being taught. For all non-degreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

   c. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation being taught.

3. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(b) Occupational Associate Degrees:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor’s educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file. Institutions shall also maintain copies of other documents which reflect the instructor’s qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

   a. All general education and academic courses shall be taught by instructors who possess, at a minimum, a bachelor’s degree and appropriate coursework in the assigned subject from an accredited college or university.

   b. All other courses shall be taught by instructors who possess a bachelor’s degree and appropriate coursework in the assigned subject from an accredited college or university; or who have completed postsecondary training in either an accredited college or a state licensed school with training in the subject to be taught, plus two years of job experience related to the subjects to be taught; or who have completed a minimum of three years of successful job experience directly related to the subjects being taught. For all non-degreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

   c. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation being taught.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(c) Academic Associate Degrees:
1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor’s educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file. Institutions shall also maintain copies of other documents which reflect the instructor’s qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:
   a. All instructors shall hold bachelor’s degrees, at a minimum.
   b. Instructors teaching general education and other academic courses shall be assigned based on their major and minor academic preparation and related experience.
   c. Institutions shall justify to the Commission exceptions to the bachelor’s degree requirement for instructors teaching technical or vocational subjects in fields in which bachelor’s degrees are not generally available, if the institution demonstrates that the instructors have documented alternative expertise in the field or subject area to be taught, such as educational preparation at other than the bachelor’s degree level, professional certification, or significant related work experience. For all faculty not holding a bachelor’s degree, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.
   d. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation taught.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.
   (d) Bachelor’s Degrees:
   1. Verification of Credentials. Institutions shall follow the provisions of subparagraph (7)(c)1. of this rule.
   2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:
      a. All instructors shall hold master’s degrees, at a minimum, except as provided in sub-subparagraph c. below.
      b. Instructors teaching general education and other academic courses shall be assigned based on their major and minor academic preparation and related experience.
   c. Institutions shall justify to the Commission exceptions to the master’s degree requirement for instructors teaching technical or specialized subjects in fields in which master’s degrees are not generally available, if the institution demonstrates that those instructors have documented alternative expertise in the field or subject area to be taught, such as educational preparation at other than the master’s degree level, professional certification, or significant related work experience. For all faculty not holding a master’s degree, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.
   d. At least one-half of the lower division courses and all upper division courses, including any courses common to nonacademic degree or nondegree programs, shall be taught by faculty members holding graduate degrees, professional degrees such as Juris Doctor (J.D.) or Doctor of Medicine (M.D.), or bachelor’s degrees plus professional certification.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.
   (e) Master’s Degrees:
   1. Verification of Credentials. Institutions shall comply with the provisions of subparagraph (7)(c)1. of this rule.
   2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:
      a. All instructors shall hold graduate degrees, at a minimum.
      b. All instructors shall be assigned based on their major and minor areas of academic preparation and related experience.
   c. Institutions shall justify to the Commission exceptions to the graduate degree requirement for instructors if the institution demonstrates that the instructors have documented exceptional practical or professional experience in the assigned field or if the assigned field is one in which graduate degrees are not widely available. For all faculty not holding graduate degrees, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.
   d. At least one-half of all graduate-level courses shall be taught by faculty possessing terminal degrees. A J.D. degree shall be considered a terminal degree for all law-related courses. Professional certification is not an acceptable substitute for the terminal degree requirement.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.
   (f) Doctoral Degrees:
   1. Verification of Credentials. Institutions shall comply with the provisions of subparagraph (7)(c)1. of this rule.
   2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:
      a. All instructors shall hold terminal degrees, at a minimum. A J.D. degree shall be considered a terminal degree for all law-related courses. Professional certification is not a substitute for a terminal degree.
      b. All instructors shall be assigned based on their major and minor areas of academic preparation and related experience.
      c. Institutions shall justify to the Commission occasional exceptions to the terminal degree requirement for instructors, if the institution demonstrates that the instructors have documented exceptional practical or professional experience in the assigned field, or that the assigned field is one in which terminal degrees are not widely available.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(8) Standard 8: Library, Learning Resources and Information Services.
   (a) Nondegree Diplomas:
1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution shall:
   a. Develop an appropriate base of learning resources and information services;
   b. Ensure access to resources and services for all students;
   c. Develop a continuous assessment and improvement strategy for learning resources and information services;
   d. Provide adequate staff to support the learning resources and information services function; and
   e. Ensure that students and instructors utilize the learning resources and information services as an integral part of the learning process.

2. Required learning resources. Learning resources, including on-line resources, shall include current titles, periodicals, and professional journals appropriate for the educational programs. At a minimum, noncollegiate institutions shall have available and easily accessible standard reference works such as a current unabridged dictionary, a thesaurus, and recent editions of handbooks appropriate to the curriculum.

3. Inventory. A current inventory of learning resources shall be maintained.

   (b) Occupational Associate Degrees:
   1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

   2. Required learning resources. The institution shall provide access to learning resources supervised by a staff member who demonstrates competence to provide oversight. Learning resources shall include holdings appropriate to the educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals, and electronic resources in sufficient titles and numbers to adequately serve the students. At a minimum, institutions shall have available and easily accessible standard reference works such as a current unabridged dictionary, a thesaurus, and recent editions of handbooks appropriate to the curriculum.

   3. Inventory. A current inventory of learning resources shall be maintained.

   (c) Academic Associate Degrees:
   1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

   2. Staff. The institution shall provide access to learning resources. A professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution’s curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a bachelor’s or master’s degree in library or information sciences/studies or a comparable program accredited by the American Library Association, state certification, or other equivalent qualification to work as a librarian, where applicable. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

   3. Budget. An annual library budget shall be developed by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.

4. Holdings. A collegiate library shall provide access to holdings appropriate to the size of the institution and the breadth of its educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals, and electronic resources in sufficient titles and numbers to adequately serve the students. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress system. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Learning resources and information services must be available at times consistent with the typical student’s schedule. In the case of electronic resources, a sufficient number of terminals shall be provided for student use. If interlibrary agreements are utilized, provisions for such use must be practical and accessible and use must be documented.

6. Inventory. A current inventory of learning resources shall be maintained.

   (d) Bachelor’s Degrees:
   1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

   2. Staff. The institution shall provide access to learning resources. A full-time professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution’s curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a master’s degree in library or information sciences/studies or comparable program accredited by the American Library Association, state certification, or other equivalent qualification to work as a librarian. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

   3. Budget. An annual library budget shall be developed by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.
4. Holdings. A collegiate library shall provide access to holdings appropriate to the size of the institution and the breadth of its educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals, and electronic resources in sufficient titles and numbers to adequately serve the students. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Learning resources and information services must be available at times consistent with the typical student’s schedule. In the case of electronic resources, a sufficient number of terminals shall be provided for student use. If interlibrary agreements are utilized, provisions for such use must be practical and accessible and use must be documented.

6. Inventory. Access to a current inventory of learning resources shall be maintained.

(c) Placement Improvement Plans. An institution shall report its placement rate with each license review. If the placement rate falls below one standard deviation from the Florida average as computed for that year, the Commission shall place the institution on status, and who do not seek employment in this country.

2. Staff. The institution shall provide access to learning resources. A full-time professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution’s curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a master’s degree in library or information sciences/studies or comparable program accredited by the American Library Association or state certification or other equivalent qualification to work as a librarian, where applicable. A librarian with special qualifications to aid in research shall be available. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

3. Budget. An annual library budget shall be developed by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.

4. Holdings. Institutions offering master’s or doctoral degree programs shall provide access to substantially different library resources in terms of their depth and breadth from those required for baccalaureate degree programs. These resources shall include bibliographic and monographic references, major professional journals and reference services, research and methodology materials and, as appropriate, information technologies. The depth and breadth of the accessible library holdings shall be such as to exceed the requirements of the average student in order to encourage the intellectual development of superior students and to enrich the professional development of the faculty. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress system. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Learning resources and information services must be available at times consistent with the typical student’s schedule. In the case of electronic resources, a sufficient number of terminals shall be provided for student use. If interlibrary agreements are utilized, provisions for such use must be practical and accessible and use must be documented.

6. Inventory. Access to a current inventory of learning resources shall be maintained.

(e) Master’s and Doctoral Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall provide access to learning resources. A full-time professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution’s curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a master’s degree in library or information sciences/studies or comparable program accredited by the American Library Association or state certification or other equivalent qualification to work as a librarian, where applicable. A librarian with special qualifications to aid in research shall be available. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

3. Budget. An annual library budget shall be developed by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.

4. Holdings. Institutions offering master’s or doctoral degree programs shall provide access to substantially different library resources in terms of their depth and breadth from those required for baccalaureate degree programs. These resources shall include bibliographic and monographic references, major professional journals and reference services, research and methodology materials and, as appropriate, information technologies. The depth and breadth of the accessible library holdings shall be such as to exceed the requirements of the average student in order to encourage the intellectual development of superior students and to enrich the professional development of the faculty. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress system. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Learning resources and information services must be available at times consistent with the typical student’s schedule. In the case of electronic resources, a sufficient number of terminals shall be provided for student use. If interlibrary agreements are utilized, provisions for such use must be practical and accessible and use must be documented.

6. Inventory. Access to a current inventory of learning resources shall be maintained.

9) Standard 9: Physical Facilities. All institutions, regardless of the level of credentials offered, shall comply with the following standards:

(a) Each institution shall provide an environment that is conducive to good instruction and learning and that supports the educational programs offered by the institution. The adequacy of the environment is assessed against the demands made upon it by the curricula, faculty and students.

(b) Each institution shall provide and maintain a physical plant with academic classrooms, laboratories, administrative offices, and service areas adequate for the educational programs and the anticipated number of faculty and students. Documentation for this shall include a site plan, annotated floor plan and a narrative description which describes completely the institution’s physical plant.

(c) Each physical plant shall meet the general tests of safety, usefulness, cleanliness, maintenance, health, lighting, ventilation and any other requirements conducive to health, safety and comfort. Each institution shall provide evidence of compliance with zoning, fire, safety and sanitation standards issued by all applicable regulatory authorities for all instructional and student housing facilities.

(10) Standard 10: Student Services. All institutions, regardless of the level of credentials offered, shall comply with the following standards:

(a) Each institution shall designate a properly trained individual to provide each of the following student services: academic advisement, financial aid advisement, personal advisement, and placement services. The extent of these services and the personnel assigned to them shall be determined by the size of the institution and the type of program offerings.

(b) Placement services. Placement services shall be provided to all graduates without additional charge. No guarantee of placement shall be directly or indirectly implied. Records of initial employment of all graduates shall be maintained. Exceptions to this requirement shall be made for those graduates who attended the institution on a student visa or other temporary immigration status, and who do not seek employment in this country.

(c) Placement Improvement Plans. An institution shall report its placement rate with each license review. If the placement rate falls below one standard deviation from the Florida average as computed for that year, the Commission shall place the institution on a placement improvement plan. This plan shall include actions to be taken to improve the placement rate, and shall be submitted to
the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information on placement personnel, placement activities, job development activities, and additional data as requested by the Commission to show the effectiveness of the plan in improving the placement rate.

(d) Retention Improvement Plans. An institution shall report its retention rate with each license review. If the rate falls below one standard deviation from the Florida average as computed for that year, the Commission shall place the institution on a retention improvement plan. This plan shall include actions to be taken to improve the retention rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information on retention personnel, retention activities, and additional data as requested by the Commission to show the effectiveness of the plan in improving the retention rate.


(a) General Standard. Each institution shall comply with these provisions, regardless of the level of credentials offered. Publications must be presented in a professional manner. Information published must be accurate and factual and reflect the current status of the institution.

(b) Catalog.

1. Pursuant to Section 1005.04(1)(a), Florida Statutes, certain disclosures are required to be made in writing to prospective students one week prior to enrollment or collection of tuition. If the institution uses its catalog as the sole source of those required disclosures, the institution shall ensure that each prospective student is provided a written copy, or has access to an electronic copy, of the catalog one week prior to enrollment or collection of tuition.

2. Each institution shall publish and provide to each enrolled student a catalog. Written catalogs shall be professionally printed and bound. If electronic catalogs are also used, the two versions shall contain the same information, except for updates that may be provided more quickly in electronic versions. The catalog shall constitute a contractual obligation of the school to the student and shall be the official statement of the school’s policies, programs, services, and charges and fees. The catalog shall include, at a minimum, the following information:

   a. Name, address and telephone number of the institution;
   b. Identifying data such as volume number and effective dates of the catalog;
   c. Table of contents or index. Pages of the catalog shall be numbered and included in the table of contents or index;
   d. A statement of legal control which includes the names of the trustees, directors, and officers of the corporation;
   e. If the institution is accredited as defined in Section 1005.02(1), Florida Statutes, a statement of accreditation. If an institution claims accreditation by an accrediting agency that is not recognized by the U. S. Department of Education, the disclosure required in paragraph 6E-1.0032(6)(d), F.A.C., is to be inserted in the catalog and in all publications or advertising, as defined in subsection 6E-1.003(2), F.A.C., wherever the unrecognized accrediting association or agency is mentioned;
   f. The following statement: “Licensed by the Commission for Independent Education, Florida Department of Education. Additional information regarding this institution may be obtained by contacting the Commission at 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, toll-free telephone number (888) 224-6684;”
   g. The names and titles of all full-time and part-time administrators;
   h. A listing of all faculty indicating degrees held, if applicable, and institutions awarding the degrees;
   i. A statement of the purpose of the institution;
   j. An academic calendar showing beginning and ending dates of enrollment periods, programs, terms, quarters, or semesters; holidays; registration dates; and other significant dates and deadlines;
   k. The institution’s admission requirements, policies, and procedures, including the basis for admissions, and test requirements, if applicable, for each program offered. Admissions requirements shall be in compliance with the provisions of paragraph 6E-1.0032(6)(g), F.A.C.:
      i. Specific procedures for the granting of credit for prior learning or by examination, if offered, including the maximum amount of credit which can be obtained in this manner, pursuant to Rule 6E-2.0041, F.A.C.;
      m. A statement regarding the transfer of credit both to and from the institution, in compliance with the provisions of paragraph 6E-1.0032(6)(f), F.A.C.;
      n. A description of the curricula for all programs offered, including for each: a statement of the objective or purpose of the program; an accurate and complete listing of the courses included in each program, each with a unique identifying number and title; identification of courses that are general education courses, if applicable; the credit or clock hours awarded for each subject; the total credits or clock hours and grades required for satisfactory completion of the program; requirements for certification, licensing or registration in the program career field, as applicable; and any additional or special requirements for completion;
   o. A description of each course offered, including identifying number, title, credit or clock hours awarded, a description of the contents of the course, and prerequisites, if any;
   p. A description of the course numbering system, in compliance with Section 1007.24(7), Florida Statutes, and applicable State Board of Education rule(s).
   q. An explanation of the grading or marking system, which is consistent with that appearing on the transcript;
   r. A definition of the unit of credit. If credit hours, the institution shall clearly specify whether quarter or semester credit hours, as defined in Rule 6E-1.003, F.A.C.;
s. A complete explanation of the standards of satisfactory academic process. This policy shall include, at a minimum:
Minimum grades and/or standards considered satisfactory; conditions for interruption due to unsatisfactory grades or progress; a
description of the probationary period, if applicable; and conditions of re-entrance for those students suspended for unsatisfactory
progress;

t. A description of all diplomas or degrees awarded, together with a statement of the requirements to be met for satisfactory
completion of each;
u. A detailed description of the charges for tuition, fees, books, supplies, tools, equipment, student activities, service charges,
rentals, deposits and any other applicable charges. All nonrefundable charges shall be clearly indicated as such;
v. A detailed description of all financial aid offered by the institution. This shall include, but is not limited to, scholarships,
in-house loan and grant programs, third-party loan and grant programs, and federal or state financial aid. Any student eligibility
standards and conditions shall be stated for each type of financial aid offered. Obligations to repay loans shall be clearly disclosed
and explained to students, along with anticipated repayment terms, dates and amounts;
w. A statement of the refund policy and procedures for the refund of the unused portion of tuition, fees and other charges in the
event the student does not enter the program, withdraws from the program, or is discharged from the program. The refund policy
shall comply with the provisions of paragraph 6E-1.0032(6)(i), F.A.C., and other applicable federal and state requirements;
x. A complete description of the institution’s physical facilities and equipment;
y. A description of the nature and extent of student services offered;
z. A description of the institution’s policy regarding satisfactory academic progress;
aa. The institution’s policy on student conduct and conditions of dismissal for unsatisfactory conduct;
bb. The institution’s procedures for students to appeal academic or disciplinary actions;
c. If required by law, the institution’s anti-hazing policy;
d. The procedures by which complaints will be considered and addressed by the institution;
ee. If the institution offers courses through distance education or other alternative means, the catalog shall include the
information specified in subsection 6E-2.0041(11), F.A.C.

3. Catalogs for Multiple Institutions. All institutions utilizing a common catalog must be of common ownership. Photographs
of the physical facilities of any of the institutions must be captioned to identify the particular institution or campus depicted. The
faculty and staff of each institution and the members of the administration for the group of institutions shall be clearly identified
with respect to each institution and to the overall administration. Any information contained in the catalog that is not common to all
institutions in the group shall be presented in such a manner that no confusion, misunderstanding or misrepresentation is possible.

(c) Advertising.

1. An institution shall not advertise until a license has been issued.

2. For initial applicants and renewal of licensure, the institution shall submit a copy of all proposed or actual advertising
publications, together with any and all materials used for the purpose of recruiting students.

3. All advertising by an institution, including all written and verbal communications, illustrations, and express or implied
representations, shall be factual and not misleading to the public. All illustrations in published materials must specifically and
accurately represent the institution. If any other illustrations are used, they must be clearly and accurately captioned.

4. An institution shall use its correct name as approved by the Commission in all advertising; no blind advertisements are
permitted.

5. An institution shall not offer monetary incentives as an inducement to visit the campus or to enroll in a course or program.

6. All advertising shall clearly state that training and education, not employment, are being offered. All print advertising in
classified sections, such as newspapers, telephone directories, periodicals, etc. must appear under a heading that identifies its
category as education and training, not employment opportunities.

7. No institution, in its advertising or through activities of its owners, officers, or representatives shall guarantee or imply the
guarantee of employment or of any certain wage or salary either before enrollment, during the program(s), or after the completion
thereof. Guarantee of acceptance into any union, organization, or achievement of a recognition, certification, or qualification for
licensure examination is not permitted. The term “lifetime placement” shall not be used.

8. Any placement claims, employment predictions, or salary projections used by the institution in its recruiting efforts shall be
accurate, and based upon reliable statistical data which shall be provided to all prospective students and to the Commission upon
request. It is the responsibility of the institution to ensure that all such claims are kept up to date and reflect actual current
conditions and job market projections, taking into account the anticipated needs in the local community. Advertisements shall
contain citations of the source of such claims. The institution shall maintain backup documentation to support the citations.

9. The level of educational programs provided shall be clearly defined if used for advertising. No institution shall refer to itself
as a “college” or “university” unless authorized to do so by the Commission.

10. No institution shall use the term “accredited” unless fully authorized to do so by an accrediting agency recognized by the
United States Department of Education.

11. References to financial assistance availability shall include the phrase, “for those who qualify,” or similar disclaimer.
Scholarships, if offered, must be fully disclosed and clearly explained if used in advertising.
12. Overstatements, superlatives, and exclusives shall not be used in any advertising. The word “free” shall only be used when there is unconditional access to the item or service for all students, without cost or obligation of any type, and if refunds or loan repayments do not include consideration of the item or service.

13. A new or modified program shall not be advertised until the Commission approves the program.

14. If endorsements are used, they must be factual and reflect present conditions, and must be uncompensated; and the institution must maintain documentation of prior consent by the participant. If an employee of the institution or a person otherwise affiliated with the institution, other than a student or graduate, makes an endorsement, the relationship or affiliation shall be fully disclosed in the advertising.

15. Institutions shall comply with advertising regulations pertaining to the training of individuals who are sponsored by a state or federal agency.

16. A licensed institution shall use only the following phrase to identify its licensure status in any advertising: “Licensed by the Florida Commission for Independent Education, License No. ________.” The use of any other phrase or form shall be considered a violation of this rule.

(12) Standard 12: Disclosures. Each institution, regardless of the level of credentials offered, shall comply with the applicable provisions of Rule 6E-1.0032, F.A.C. Any additional disclosures required by the Commission or by other governmental agencies or accrediting agencies shall be made using the form and text required by the agency.


6E-2.0041 Delivery of Programs Through Nontraditional Assessments, Modes and Methods.

(1) Introduction. In addition to its responsibility for the maintenance of high standards of quality, the Commission also serves to encourage responsible innovation in postsecondary education to meet societal needs for creatively designed programs delivered in nontraditional ways. It is the intention of the Commission that its standards and procedures shall foster the development of quality innovative programs and emerging new fields of study, and shall not unreasonably hinder educational innovation and competition.

(a) Institutions offering nontraditional programs of study shall document that the instructional methods used will lead to the achievement of stated learning objectives, and that all nontraditional instruction shall be consistent with the abilities, educational skills, experience, and needs of the students enrolled in the programs.

(b) Institutions offering nontraditional programs of study that employ innovative delivery systems or innovative methods, or that carry on research and teaching in emerging fields of study, shall demonstrate that they will achieve the intent of each of the standards contained in Rule 6E-2.004, F.A.C., for the appropriate level of licensure and for annual reviews.

(c) In addition to providing to the Commission the documentation required for each standard contained in Rule 6E-2.004, F.A.C., showing how the intent of each standard will be met in the nontraditional program or delivery system, the institution shall also furnish for each course to be offered:

1. An inventory of equipment and materials to be provided to each student;
2. A detailed description of how each program will be conducted, including detailed course outlines or syllabi, procedures for distribution of materials, examination and evaluation of student work, timely response to students’ questions and comments, record keeping, appropriate student services, and technical support.
3. Institutions holding accreditation as defined in Section 1005.02(1), Florida Statutes, by an accrediting agency recognized by the U.S. Department of Education to deliver nontraditional education, may substitute proof of such accreditation, in good standing, for the above requirements.

(2) Awarding of credit.

(a) Units or credits applied toward the award of a credential in nontraditional programs may be derived from a combination of any or all of the following:

1. Units or credits earned at and transferred from other postsecondary institutions, when congruent and applicable to the receiving institution’s program and when validated and confirmed by the receiving institution.
2. Successful completion of challenge examinations or standardized tests demonstrating learning at the credential level in specific subject matter areas.
3. Prior learning, as validated, evaluated, and confirmed by qualified instructors at the receiving institution.

(b) Graduation requirements for nontraditional degree programs shall include provisions for general education appropriate to the type of degree, as specified in Rule 6E-2.004, F.A.C. The Doctor of Philosophy degree, commonly abbreviated Ph.D., shall not be offered or awarded through distance or nontraditional learning without appropriate accreditation by an accrediting agency recognized by the U.S. Department of Education.

(c) At least 25 percent of the units required in a nontraditional degree program shall be given by the institution awarding the degree, and shall not be derived from any combination of transfer, examination, or experiential learning; however, credits earned by active U.S. military members are excluded from this requirement due to the transient nature of the service. Credit awarded for prior experiential learning shall follow the requirements of subsection (5) of this rule, and shall not exceed 25 percent of the units required for completion of the program.
(3) Direct contact instruction. Institutions licensed to operate in Florida and wishing to offer programs or courses through
directed individual and group study using direct contact instruction shall describe the teaching-learning methodology to be used,
and shall submit illustrative course outlines and competencies and all other documentation as required in Rule 6E-2.004, F.A.C., for
the appropriate level of licensure or for subsequent annual reviews.
(4) Indirect contact instruction.
(a) Institutions licensed to operate in Florida and wishing to offer programs or courses through individual and group study
mediated and assisted by telecommunications, computer augmented educational services, facsimile transmission, the postal service,
or another technological method, shall describe the teaching-learning methodology to be used, and shall submit illustrative course
outlines, competencies and all other documentation as required in Rule 6E-2.004, F.A.C., for the appropriate level of licensure or
for subsequent annual reviews.
(b) In addition to the other requirements of Rule 6E-2.004, F.A.C., an institution offering instruction by correspondence shall
employ a sufficient number of qualified instructors to assure that:
1. The academic content is designed by qualified faculty; and
2. Each student lesson, project, examination, or paper is evaluated by qualified instructors, and the instructor’s response to or
evaluation of each is sent to the student within a reasonable time as disclosed to the student.
(c) For programs that require the development of a manual or technical skill, such as the use of equipment or tools, the
institution must ensure that the student has the opportunity to gain practical hands-on experience appropriate to master the skill.
This experience, wherever gained, shall be documented in the student’s file and shall be done under proper supervision and with
meaningful evaluation of the competency outcomes. The technical aspects must be designed by qualified technicians.
(5) Credit for prior learning. An institution may grant credit to a student for prior experiential learning only if all of the
following apply:
(a) The prior learning is equivalent to the level of learning in which the student is enrolling.
(b) The prior learning is demonstrated to provide a balance between theory and practice, for academic programs; or a verifiable
mastery of appropriate skills, for vocational courses or programs. For courses or programs requiring a combination of theory and
skills, the prior learning is demonstrated to provide the appropriate combination.
(c) The credit awarded for the prior learning directly relates to the student’s course or program and is applied in satisfaction of
some of the credential requirements.
(d) College and university level learning for which credit is sought shall be documented by the student in writing, and
validated, confirmed, and evaluated by faculty qualified in that specific subject area, who shall ascertain to what college or
university level learning the student’s prior learning is equivalent, and how many credits toward a degree may be granted for that
prior learning. The faculty evaluating the prior learning shall prepare a written report indicating all of the following, which report
shall be retained by the college or university for review by visiting Commission representatives upon request:
1. The documents in the student’s file on which the faculty relied in determining and confirming the nature of the student’s
prior learning;
2. The basis for determining that the prior learning is equivalent to college or university level learning, and demonstrates a
balance between theory and practice; and
3. The basis for determining to what college or university level the prior learning is equivalent, and the proper number of
credits to be awarded toward the degree, based upon that prior learning.
(e) No more than 25 percent of the units required and validated through the institution’s internal review process for a degree
shall be awarded for prior experiential learning.
(6) Credits earned in a compressed time period. Institutions licensed in Florida and wishing to offer courses or programs in a
compressed time period shall show evidence to the Commission that the intent of all standards for licensure, as set forth in Rule
6E-2.004, F.A.C., shall be met.
(7) Instructors. Institutions licensed to operate in Florida and wishing to offer nontraditional programs or courses shall employ
or contract with appropriately qualified instructors sufficient in number to provide the instruction, student interaction, and learning
outcomes evaluation necessary for the institution to document achievement of its stated purpose, and for students to achieve the
specific learning objectives and competencies required for each program so offered. It shall be the responsibility of the licensed
institution to validate each instructor’s competence to use the interactive electronic media program or distance learning program
effectively, and to provide training in the use of the delivery system if needed.
(8) Library and other learning resources.
(a) Institutions licensed to operate in Florida and wishing to offer nontraditional programs or courses shall document to the
Commission how they provide, ensure, and maintain access for all students to the information resources and services appropriate to
support each program or course.
(b) Institutions shall document how they provide, ensure, and maintain security of examinations and papers.
(c) Institutions shall collect and use student evaluations of content, delivery, and services.
(9) Laboratory experiences. In the case of courses in the experimental or clinical sciences, or other courses requiring hands-on experience, each licensed institution wishing to offer nontraditional programs shall document to the Commission that arrangements have been made to ensure that the requisite laboratory, field, or equivalent experience is available to and used consistently by every enrolled student. Such experience shall be documented in the student’s file, and shall occur under appropriate supervision and meaningful evaluation of the competency outcomes.

(10) Catalog. Each institution licensed in Florida and wishing to offer nontraditional programs or courses shall comply with all requirements of Rules 6E-1.0032 and 6E-2.004, F.A.C., and in addition shall publish information in the catalog, whether printed or electronic, pertaining to each of the following:

(a) The institution’s policies and procedures for the award of credit for prior learning, including confirmation and validation, assessment policies and procedures, provisions for appeal of decisions, limitations on the number of credits that may be awarded in this manner, and all fees that a student may be required to pay.

(b) The institution’s policies regarding the acceptance of credits earned by the student through successful completion of challenge examinations or standardized tests, acceptable scores for each, whether and how many times examinations may be repeated to achieve an acceptable score, limitations on the number of credits that may be awarded in this manner, and all fees that a student may be required to pay.

(c) If the institution offers instruction by correspondence, schedules for normal progress or completion of the course or program, and all fees that a student may be required to pay.

(11) Student records.

(a) Institutions wishing to offer nontraditional programs or courses shall maintain a file for each student, conforming to the general requirements of Rule 6E-2.004, F.A.C., and contain the following:

1. All documents evidencing a student’s prior learning upon which the instructors and the institution base the award of any credit or credential.

2. For directed individual or group contact instruction, copies of the learning agreements or learning contracts signed by the instructors and administrators who evaluated the agreements and contracts.

(b) An academic transcript shall be maintained, kept current, and retained permanently for each student. Institutions offering nontraditional courses and programs shall adopt a policy requiring that credits awarded for prior learning, including internal credit by challenging examination, shall be so identified on the student’s academic transcript. Institutions shall adopt a policy regarding the length of time for retention of records documenting evaluation, assessment and awarding of nontraditional credit. Retention time shall be sufficient for reasonable future review and confirmation of student work.

(12) Fair consumer practices, as described by Sections 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., shall be followed by the institution in all aspects of its operation.

Specific Authority 1005.22(1)(e)1., 1005.31(2), (3) FS. Law Implemented 1005.31 FS. History–New 10-13-83, Formerly 6E-2.041, Amended 11-27-88, 6-20-95, 5-25-03.

6E-2.0042 Medical Clinical Clerkship Programs.

(1) Purpose. The purpose of this rule is to establish criteria for licensure by the Commission of qualified, accredited foreign medical schools to provide clinical clerkship training in Florida hospitals or approved facilities as defined in subsection (2) of this rule. Clinical clerkships are a required part of the foreign medical schools’ education programs, which are not wholly located in Florida. This rule also establishes criteria for students of qualified, accredited foreign medical institutions who demonstrate the capacity to profit from such clinical instruction; to benefit the medical students by establishing standards which will promote the acquisition of a minimum satisfactory medical education; to protect the students from deceptive, fraudulent or substandard education; and to protect the integrity of medical degrees held by Florida citizens. Terms used in this rule are defined in Rule 6E-1.003, F.A.C.

(2) Applications for licensure of clinical clerkship programs. In addition to submitting all the forms and documents, accurately, fully and satisfactorily completed as required for each step of licensure in accordance with these rules, for the applicant medical school to be found qualified for licensure it must:

(a) Document to the Commission that it has been determined by the United States Department of Education that the medical accreditation standards used by its chartering nation to evaluate and approve the applicant school were comparable to the standards used to evaluate programs leading to the Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.) degree in the United States.

(b) Document that the applicant medical school has on staff a board-certified clinical chairperson for each core clerkship subject area.

(c) Document that the principal academic officer of the clinical clerkship program has been designated by the chief academic officer of the parent medical school and possesses academic and experiential qualifications appropriate to the assignment.

(d) Ensure that the application contains sufficiently detailed information showing that the educational program, faculty planning, teaching, budgeting and allocation of other educational resources, faculty appointments and student assignments are coordinated and integrated with the overall program of the parent medical school.
(e) Document that the faculty of the clinical clerkship program and of the parent medical school have joint responsibility for developing the curriculum for each clerkship. Evidence of such action may take the form of minutes of faculty meetings in which such involvement took place. Copies shall be filed with the Commission of officially adopted policies of the parent medical school, outlining procedures for such faculty involvement and the means of ensuring that such procedures are implemented, or similar documentation acceptable to the Commission. The parent medical school shall also describe how it will ensure that the curriculum developed for each clerkship will actually be adhered to at each teaching hospital or approved facility.

(f) Provide, for each clerkship at each teaching hospital or approved facility, a summary of the instructional program for the clerkship, which shall include the title of the clerkship, the sponsoring teaching hospital or approved facility, a description of the course objectives, resumes of faculty participants, a statement of the extent of each faculty member's duties in the clerkship, the meeting time, the meeting place, the length of the clerkship, the maximum number of students who will be enrolled in that clerkship at a given time, and the proportion of the student time which shall be spent in that clerkship (e.g., 100% of 4 weeks, 50% of 8 weeks).

(g) Provide a copy of the faculty handbook or other medium of communication with the faculty, which shall contain procedures and requirements for involvement of faculty in curriculum development, in both basic sciences and clinical clerkship programs, and the means for ensuring that such procedures are implemented.

(h) Document that provisions have been made for continual reassessment and evaluation of the educational program, and for improvement of instruction. The application for licensure shall include a copy of policies adopted by the parent medical school regarding reassessment of clinical clerkship programs and improvement of instruction, and the means of ensuring that such policies are implemented.

(i) Document that the parent medical school provides an appropriate sequence of clinical rotations for students to attain those competencies that the clinical clerkship program is designed to impart. Qualified faculty shall evaluate the competencies of students in each clinical discipline.

(j) The application for licensure shall describe the procedures by which the parent medical school shall ensure that only students who meet the requirements of the following standard participate in clinical clerkship training in Florida and document that all students participating in core clinical clerkship programs have:

1. Completed at least three (3) years of undergraduate education at a legitimate, recognized college or university consistent with a generally acceptable premedical curriculum.

2. Completed a basic science program totaling at least four (4) semesters in length. This program shall include, but is not necessarily limited to, rigorous instruction in the major disciplines of the biological sciences (i.e., anatomy, biochemistry, pharmacology, physiology, pathology, and microbiology), the behavioral sciences, and an introduction to clinical diagnosis. Adequate laboratory facilities for this instruction must be provided.

3. Obtained a passing score on Step I of the United States Medical Licensing Examination within 12 weeks of commencing their third year of medical education.

(k) Fully disclose all payments made by the parent medical school to the teaching hospital or approved facility, or to any officer or employee thereof, attributable to participation in clinical clerkship programs by students of the parent medical school, either on a flat fee basis or on the basis of X dollars per student per term. In no event may any payment be made contingent on successful completion of a rotation by students, and neither shall any such contingency payment be a part of the ongoing budget of the teaching hospital or approved facility. This shall be demonstrated by the parent medical school's submitting evidence of the percentage of the total budget made up by these payments.

(l) Document that a core of teaching faculty of the parent medical school shall be appointed to the clinical clerkship program at each teaching hospital or approved facility, with the requisite time and appropriate skills required to supervise the students assigned. The core-teaching faculties that are appointed to the basic science program of the parent medical school shall be sufficient in number and background. Regardless of geographic assignment, all faculty shall meet appropriate institutional standards for appointment, promotion, privileges and benefits. The relationship of the clinical program faculty to the parent medical school shall be clearly defined. Faculty in clinical clerkship programs in Florida shall possess requisite qualifications, including formal academic training and background experience to instruct and to supervise clinical experiences, and shall be licensed in the State of Florida to practice medicine. The parent medical school shall demonstrate adequate instruction by documenting to the Commission the appropriate number and adequacy of qualified faculty assigned to the teaching hospital or approved facility. Supervision provided by the parent medical school shall be by staff members who devote the requisite time necessary to careful supervision of the clinical students.

(m) Demonstrate that the hospital provides access to adequate library facilities and resources available to the students to support the medical clerkship.

(n) Affirm that the medical school will conduct clinical clerkships only in either a teaching hospital as defined in this rule, or in an approved facility, which is defined as a residential developmental services institution licensed by the State of Florida, Agency for Health Care Administration, pursuant to Chapter 393, Florida Statutes.

(o) Formal agreements shall be executed between the parent medical school and the teaching hospital or approved facility in which the students are to be engaged in clinical clerkships and shall be submitted to the Commission. The formal agreement between the parent medical school and the teaching hospital or approved facility shall vest responsibility and authority for the conduct and evaluation of the educational program in the parent medical school.
(3) An application for initial licensure of a clinical clerkship program shall be reviewed by an expert medical school review committee appointed by the chair of the Commission. The committee members shall be selected from nominees from international medical schools that have full licensure in Florida who have expertise in governance of medical education and the standards stated above. The review committee shall prepare a report that addresses whether or not the applicant for licensure has met the standards contained in these rules. The committee report shall be advisory to the Commission, and shall supplement the regular staff review.

(4) The Commission shall require an independent review or audit of any applicant medical school’s submission from the school’s original records when necessary to verify any or all information provided. Such review or audit shall be at the expense of the applicant school.

(5) Each licensed foreign medical school shall submit an annual report to the Commission, updating any information provided in its last submission. This report shall include a list of the names of students who have studied in Florida, the Florida clinical programs in which they studied, the dates of attendance, and the subject or subjects studied. Any substantive change, as defined in subsection 6E-1.003(43), F.A.C., shall result in the medical school receiving a Provisional License pursuant to the provisions of Section 1005.31(5), Florida Statutes, and subsection 6E-2.002(1), F.A.C.

(6) Students of a licensed foreign medical school, when such license permits a clinical clerkship rotation in Florida, may participate in other clerkships in Florida teaching hospitals if the school documents the following conditions to the Commission:

(a) The teaching hospital provides residency programs approved by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA).
(b) The licensed foreign medical school submits to the Commission a written affiliation agreement between the medical school and the teaching hospital specifying responsibility for planning, managing and supervising the clerkship in each discipline.
(c) The teaching hospital will provide the same facilities, learning opportunities, and supervision as would be provided to U. S. medical schools’ students taking clinical training programs in the hospital.
(d) The licensed medical school’s appointed faculty will be responsible to provide the same quality in the educational program to the licensed medical school’s students as is provided to students of an accredited United States medical school.

(7) Application for individual approval of an occasional clerkship elective. An individual medical student may obtain approval for an occasional elective clerkship as defined in subsection 6E-1.003(36), F.A.C., provided the student demonstrates compliance with paragraphs (2)(c), (f), (j), (k), and (m) of this rule. In addition to the requirements set forth in paragraph (2)(j), the student shall submit a transcript directly from his or her medical school indicating completion of all core rotations, and documentation that the student has obtained a passing score on Step 2 of the United States Medical Licensing Examination. The teaching hospital and the medical school shall sign a temporary written affiliation agreement detailing the responsibilities of both parties for the clinical teaching program. Such agreement shall include:

(a) The number of lecture hours, course content and reading assignments;
(b) The patient census for the subject being taught and number of rounds per week;
(c) A provision that the board-certified physicians delegated by the hospital to assume responsibility for the student’s clinical training shall receive a temporary faculty appointment by the medical school covering the occasional clerkship elective;
(d) Certification that adequate malpractice insurance is being provided to cover the student during the elective rotation; and
(e) The method of testing, scoring or evaluation of the student. Upon completion of the occasional clinical teaching clerkship, the hospital, the medical school and the student shall report their evaluations of the teaching program, which shall be kept on file at the foreign medical school and available for inspection by Commission representatives, and to other students, if anonymity can be assured.

(8) Denial, probation, or revocation of licensure of a medical clinical clerkship program or individual approval of an occasional clerkship elective shall follow the procedural provisions of Rule 6E-2.0061, F.A.C.

(9) Penalties. See Section 1005.38, Florida Statutes, and Rule 6E-2.0061, F.A.C., for penalties and due process procedures. In the event any violation of this rule poses an immediate threat to the health or safety of Florida patients, emergency action shall be taken by the Commission to suspend the privileges permitted under the medical school’s license until due process has been followed.

Specific Authority 1005.22(1)(e)1., 1005.31(2), (3), (11) FS. Law Implemented 1005.31(11) FS. History–New 12-6-84, Formerly 6E-2.042, Amended 11-27-88, 11-29-89, 10-19-93, 12-11-96, 1-7-03, 10-20-03.

6E-2.0061 Actions Against A Licensee; Penalties.

(1) Denial. Any Provisional License, Annual License, License by Means of Accreditation, agent’s license, approval to use the terms “college” or “university,” approval of modifications, approval of occasional elective clinical clerkships, or other authorization under the Commission’s jurisdiction shall be denied upon a determination by the Commission that the applicant does not meet the requirements of Chapter 1005, Florida Statutes, or the applicable standards in Chapters 6E-1 and 6E-2, F.A.C., or for specific grounds as stated in Sections 1005.32(7), 1005.34(3), and 1005.38, Florida Statutes.

(2) Probation.
(a) A Provisional License, Annual License, or License by Means of Accreditation, agent’s license, or other authorization under the Commission's jurisdiction shall be placed on probation when the Commission finds an infraction of any of the grounds enumerated in subsection (4) of this rule, which in the Commission’s judgment threatens the efficient operation of the institution or the quality of the educational programs or services offered, damages the reputation of another institution, or deceives the public.

(b) The Commission shall impose conditions designed to correct the infractions identified or to overcome the effects of such infractions, and shall require submission of periodic progress reports on the steps being taken to comply with the conditions and to correct the situation. Unannounced staff visits shall be made to the institution as necessary to monitor its activities. An institution or agent placed on probation shall provide satisfactory documentation to the Commission that remedial action has been taken to correct the situation or activities leading to probation. When it is documented to the Commission that the situation or activities have been corrected, and policies have been adopted by the institution to prevent the recurrence of the infractions, the Commission shall remove the probation. If competent evidence is not presented showing that the situation or activities leading to probation have been corrected within the period of time specified by the Commission, or if similar infractions recur, procedures shall be initiated to revoke the license or other authorization.

(c) If the conditions set by the Commission in conjunction with the probation require oversight and monitoring by the Commission or its staff, the Commission shall impose an administrative fine in an amount reflective of the administrative time required for the specific case, up to $5,000, as provided in Section 1005.38(1), Florida Statutes.

(3) Revocation. Any Provisional License, Annual License, or License by Means of Accreditation, agent’s license, or other authorization under the Commission's jurisdiction shall be revoked when the Commission finds:

(a) An infraction of any of the grounds enumerated in subsection (4) of this rule, which in the Commission's judgment is so serious as to threaten the continued operation of the institution, or the health, safety and welfare of its students or staff or of the general public; or

(b) That the institution or agent continues to engage in activities in noncompliance with applicable laws after directed by the Commission to cease and desist; or

(c) That the institution or agent has failed to correct, within the allotted period, the situation or activities for which probation has been imposed.

If a license is revoked, the college or agent affected shall cease operations in Florida. Any new application for licensure shall follow the procedures and requirements of the applicable statute and rules.

(4) Grounds for Imposing Disciplinary Actions.

(a) Attempting to obtain action from the Commission by fraudulent misrepresentation, bribery, or through an error of the Commission.

(b) Action against a license or operation imposed under the authority of another state, territory, or country.

(c) Delegating professional responsibilities to a person who is not qualified by training, experience, or licensure to perform the responsibilities.

(d) False, deceptive, or misleading advertising.

(e) Conspiring to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(f) Failure to maintain the licensure standards as set forth in Sections 1005.31 and 1005.32, Florida Statutes, and applicable rules.

(g) Failure to comply with fair consumer practices as set forth in Sections 1005.04 and 1005.34, Florida Statutes, and applicable rules.

(h) Previously operating an institution in a manner contrary to the health, education, or welfare of the public, as described in Section 1005.38(4), Florida Statutes.

(i) Failure of the licensee to comply with any conditions or limitations placed by the Commission upon its licensure or operation.

(5) Investigations. Investigations on behalf of the Commission shall be carried out as provided in Section 1005.38, Florida Statutes.

(6) Probable cause. Determinations of probable cause shall be made as provided in Section 1005.38, Florida Statutes. Probable cause panels shall be appointed to consider suspected violations of law and to make findings, which shall be reported to the full Commission. If the probable cause panel makes a determination of probable cause, the Commission shall issue an administrative complaint or notice of denial of licensure, and shall issue a cease and desist order as provided in Section 1005.38, Florida Statutes, if necessary to stop the violations. Probable cause panels shall be appointed and shall serve as follows:

(a) The chair of the Commission shall appoint three people to a probable cause panel, and shall designate its chair. At least one panel member shall be a current member of the Commission. Other members may be current Commission members or previous members of the Commission for Independent Education, State Board of Independent Colleges and Universities, or State Board of Nonpublic Career Education. Each probable cause panel shall serve on an ad hoc basis to review specific cases referred to it by the Commission.

(b) Current commission members who serve on a probable cause panel cannot vote for final agency action on institutions whose current cases they have reviewed while serving on the panel.

(c) If a Commission member has reviewed a case as a member of the probable cause panel, that member, if available, shall be on the panel for reconsideration of that case if reconsideration is necessary.
(7) Cease and desist orders. Cease and desist orders shall be issued by the Commission upon finding probable cause, and shall comply with Section 1005.38, Florida Statutes, and other applicable laws.

(8) Injunctions. The Commission shall seek injunctive relief and other applicable civil penalties as provided by Section 1005.38, Florida Statutes, and other applicable laws, after conducting an investigation and confirming that a violation of Chapter 1005, Florida Statutes, has occurred which the Commission deems is serious enough that other available remedies are not sufficient to stop the potential damage to the public.

(9) Due process procedures. The Commission shall notify the institution or agent by certified mail of any disciplinary action, giving the grounds for the action and an explanation of the institution's or agent's right to a hearing. The institution or agent shall have twenty (20) days to respond, by certified mail, indicating any request for a formal or informal hearing or concurring with the Commission's action.

(a) Failure on the part of the institution or agent to respond by certified mail within twenty (20) days shall constitute default. At its next regular or special meeting, the Commission shall then receive evidence in the case and enter its Final Order.

(b) The institution or agent may request an informal hearing by the Commission if no material facts are disputed, or if the institution or agent and the Commission agree to hold an informal hearing in lieu of a formal hearing. Procedures for informal hearings shall be in accordance with Section 120.57(2), Florida Statutes. After hearing the presentations of the representatives of the Commission and of the institution or agent, the Commission shall enter its Final Order.

(c) The institution or agent may request a formal hearing by an administrative judge of the Division of Administrative Hearings if material facts are in dispute. Procedures for formal hearings shall be in accordance with Section 120.57(1), Florida Statutes. After receiving a Recommended Order from the hearing officer, the Commission shall enter its Final Order.

(d) An affected party who has been served with a cease and desist order by the Commission may request a formal or informal review of the order as set forth in this subsection above, and may request the Commission or the Division of Administrative Hearings to modify or abate the cease and desist order. If the affected party is aggrieved by the decision produced by this review, the party may seek interlocutory judicial review by the appropriate district court of appeal, as provided in Section 1005.38(7), Florida Statutes.


6E-2.008 Approval of Modifications.

(1) No licensed institution shall add new degrees, programs or majors to its offerings or alter any licensed program by more than 20 percent since its last review, change the title of a program or the credential awarded, or discontinue a program, while under a Provisional License. Modifications contemplated by institutions holding an Annual License shall receive approval from the Commission before implementation. Such approval is contingent upon:

(a) A finding by the Commission that the licensee meets the standards contained in Rule 6E-2.004, F.A.C., and if applicable, Rule 6E-2.0041 or 6E-2.0042, F.A.C., for each proposed new degree, program, or major;

(b) Documentation that the modifications are congruent with the guidelines of state or national professional licensing boards;

(c) The licensee's filing the required documentation; and

(d) The licensee's paying the fee required by rule.

(2) In the event that it is deemed necessary by the Commission, a representative of the Commission or a visiting committee shall visit the institution prior to consideration of the modification and shall provide a written report to the Commission of its findings, to be used as one of the bases upon which the Commission will make a determination regarding modification.

(3) Any other significant change in the information provided in the initial application for, or last review of, licensure, or in subsequent modifications approved by the Commission, including but not limited to change in corporate charter, purpose, administrative structure, finance, or physical facilities, shall be filed with the Commission at least 30 days prior to implementation.

(4) Additional locations, including auxiliary classroom space, shall not be added while under a Provisional License. Institutions holding an Annual License shall receive prior approval of additional locations by the Commission before implementation. For colleges and universities, if the new additional location is more than 10 miles distant from the main Florida headquarters, the college or university shall submit information to the Commission showing that the requirements of Rule 6E-2.004, F.A.C., are met for the additional location. For nondegree schools, each location except an auxiliary classroom space shall be licensed separately. Licensed institutions shall provide to the Commission prior notification of auxiliary classroom space, as defined in Rule 6E-1.003(5), F.A.C. Such notification shall include the address and description of the facilities. The description shall include information regarding student capacity, the purpose of the facility, the impact on existing students, and the scope of the operation.

(5) The Commission shall be notified in writing of minor modifications of programs, fees, or tuition. The Commission shall not be required to review or approve such modifications.

(6) Institutions Licensed by Means of Accreditation shall file a copy of all correspondence with accrediting agencies regarding modifications.
6E-2.0081 Change of Ownership or Control.

(1) Pursuant to Section 1005.31(8), Florida Statutes, a licensed institution shall notify the Commission prior to a change of ownership or control. The notification shall be made in writing no less than 30 days prior to the change. The Commission shall review each case and, if the standards for licensure are met, take affirmative action to issue a new license after receipt and evaluation of the appropriate documentation and payment of the required fee. The Commission shall make the final determination as to whether a change of ownership or control has occurred.

(2) Change of ownership means a transfer, assignment, or conveyance of issued or outstanding stock or other instrument of ownership which results in a change in control of the institution.

(a) For a privately held corporation, a change of ownership occurs:
   1. When a majority of stock or other instrument of ownership is conveyed; or
   2. When an amount of stock or other instrument of ownership sufficient to increase an individual’s holdings to 50 percent or above is conveyed; or
   3. When the majority of the institution’s governing board changes within a calendar year.

(b) For a publicly held corporation, a change of ownership occurs:
   1. When there is a change of 50 percent or more of the voting members of the board of directors in any 12-month period; or
   2. When there is a change in the number of voting members of the board of directors in any 12-month period that will allow a group of directors to exercise control who could not exercise control before the change; or
   3. When there is an acquisition of outstanding voting shares by any entity or group whereby that entity or group owns 50 percent or more of the total outstanding voting shares; or
   4. When any other transaction occurs that is deemed by an appropriate governmental agency to constitute a change of control, including but not limited to a transaction that requires the corporation to file a notice of change of ownership with the Securities and Exchange Commission of the United States.

(c) For a not-for-profit corporation, a change of ownership occurs:
   1. When there is a change of 50 percent or more of the voting members of the controlling board in any 12-month period; or
   2. When there is a change in the number of voting members of the controlling board in any 12-month period that will allow a group of members to exercise control who could not exercise control before the change.

(d) For a limited liability company, a change of ownership occurs:
   1. When the transfer of 50 percent or more of the direct or beneficial ownership interest is conveyed from one member or members to another member or members; or
   2. When there is a transfer of direct or beneficial ownership interest that results in the holding of 50 percent or more of the total direct or beneficial ownership interest by any member other than any previous member who owned 50 percent or more of the total direct or beneficial ownership interest; or
   3. When there is a transfer of direct or beneficial ownership interest whereby a member’s direct or beneficial ownership interest decreases from more than 50 percent to less than 50 percent; or
   4. When there is any other transaction whereby a member or group of members who previously could not exercise control of the company as described in this rule now can exercise control.

(e) For purposes of determining ownership, married couples shall be considered a single entity, and closely related family groups shall be considered a single entity when all of the present and future relevant stockholders actively participate in the management of the corporation. No change of ownership occurs when stock is transferred to a close family member by operation of law or inheritance upon the death of one of the stockholders.

(3) A change in control means any change in the organization of an institution which affects the authority to establish or modify institutional policies, standards, and procedures. A change in control occurs when a person acquires or loses control of an institution or of the parent corporation that owns the institution, whether by means of the sale of the institution, sale of the assets, transfer of the controlling interest of stock, conversion of the institution from nonprofit to for-profit or vice versa, or similar transaction. A change in control does not occur upon the retirement or death of the owner of an institution, if ownership and control passes to a member of the owner’s family or to a person with a pre-existing ownership interest in the institution.

(4) With the written notification provided to the Commission as required in subsection (1) of this rule, the institution shall provide:
   (a) A written statement of the anticipated effects of such change upon the name, purpose, programs, personnel, administrative organization, finances, and other standards for licensure, and upon its accredited status, if accredited.
   (b) A copy of the institution’s last application for licensure, or licensure review, annotated to disclose all changes to the materials previously submitted.
   (c) The new owners, in the case of a change of ownership, shall provide a written sworn statement attesting to:
      1. The accuracy and completeness of the materials presented to the Commission;
      2. A guarantee that the new ownership will comply with the requirements of Chapter 1005, Florida Statutes, and these rules;
3. Confirmation that the new owner(s), chief administrative officers, directors, or registered agents are not ineligible to hold such positions in a licensed institution, pursuant to Section 1005.38(2), (3) and (4), Florida Statutes.

(d) Information and fee required for the criminal justice information investigation authorized by Section 1005.38(4), Florida Statutes.

(5) If a change of ownership or control occurs in the period between regularly scheduled Commission meetings, the materials submitted are complete and in compliance with Commission standards, and it appears to be in the best interest of the students, interim executive approval of the change and interim Provisional Licensure shall be granted by the Executive Director and reported to the Commission at its next meeting for further action.

(6) The currently licensed institution shall be responsible for arranging and conducting a change in ownership or control in a manner and at a time so that there is no adverse impact on the opportunity of currently enrolled students to complete their training and receive student services. In addition, the institution shall remain responsible for properly completing the training of the enrolled students and for providing the student services, and shall be subject to disciplinary action for any violations of statutes and rules which may occur in that regard during the transition. A change of ownership or control of a institution, or the issuance of a new license, shall not in any manner release the institution from its legal obligations to enrolled students to provide education and services required under the student's enrollment agreement, Chapter 1005, Florida Statutes, or the rules of the Commission. The new licensee shall be under a continuing obligation to fulfill the terms of all contracts with the enrolled students.

Specific Authority 1005.31(8)(b) FS. Law Implemented 1005.31(5), (8) FS. History–New 4-2-03.

6E-2.009 Closing an Institution.

At least 30 days prior to closing an institution, its owners, directors or administrators shall notify the Commission in writing, and follow the provisions of Section 1005.36, Florida Statutes. Failure to comply with the statute shall be grounds for civil and criminal penalties as provided therein.

Specific Authority 1005.22(1)(e)1. FS. Law Implemented 1005.36 FS. History–Repromulgated 12-5-74, Formerly 6E-4.01(5), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.09, Amended 11-29-89, 12-10-90, 10-19-93, 4-11-00, 1-7-03.

6E-2.010 Agents.

The following provisions shall apply to persons meeting the statutory definition of “agent” found in Section 1005.02(2), Florida Statutes.

(1) No agent shall recruit for an institution required to be licensed under Section 1005.31(1), Florida Statutes, unless the institution is so licensed.

(2) It shall be the responsibility of each institution to require a specific training program for its admissions director, who shall supervise and train all agents and admissions staff employed by the institution. The agent training program shall be submitted to the Commission for review, initially and upon changing the program. Institutions that choose to employ a training provider for their training program may, if the program provided by the contractor has been approved by the commission, provide the program without additional approval. Training of agents shall include information to familiarize agents with the Florida Statutes and applicable rules regarding agents, and with the institution’s programs, services, costs, terms of payment, financial aid available for qualified students, refund policy, transferability of credits to other institutions, reasonable employment projections and accurate placement data, status of the institution regarding licensure and accreditation, facts regarding the eligibility of graduates to sit for licensure examinations or fulfill other requirements to practice in Florida the career or profession for which the prospective student wishes to be trained, and other relevant facts. The training program shall reflect the fair consumer practices outlined in Sections 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C. The training program shall be updated as necessary to reflect changes in applicable laws, rules, and institutional policies; and all agents and admissions staff shall be provided with updated training as necessary.

(3) Each agent applying for initial licensure with an institution shall file with the Commission the required documentation and the appropriate application fee, as well as a fee for the cost of an investigation of criminal justice information as provided in Section 1005.22(1)(h), Florida Statutes, and defined in Section 943.045(3), Florida Statutes. Agents applying for renewal of their existing license with an institution shall submit, with the application for renewal, updated information regarding training taken during the preceding year, contact information, required fees, and a certification signed by the director or chief administrative officer of the institution stating that the information provided is true and correct.

(4) Persons seeking licensure as recruiting agents for institutions shall submit the following materials in conjunction with the application fee:

(a) Confirmation by the chief executive officer or president of the institution that the individual has been appointed as a recruiting agent for the institution;

(b) Documentation that the institution is authorized to operate by the appropriate state or other agency of jurisdiction where the main campus, corporate headquarters, and all other operations of the institution are located, if out of state;

(c) A statement of the institution’s status regarding accreditation;

(d) A copy of the institution’s current catalog; and
(e) An affirmation signed by the chief executive officer or president of the institution, stating that the agent has received all required training and that the institution shall be responsible for the correct and accurate representation of the institution by the agent in Florida; and that all printed materials, advertisements, and verbal information disseminated in Florida by the agent regarding the institution shall conform to the applicable requirements of Florida law and rules, including: Chapter 501, Florida Statutes; Chapter 1005, Florida Statutes; and Chapters 6E-1 through 6E-4, F.A.C.

(5) Upon receipt of the required materials and results of the criminal justice information investigation required for new applicants by Section 1005.22(1)(h), Florida Statutes, showing that the applicant has not been found in violation of laws or rules governing recruiting practices or other relevant matters, the staff of the Commission shall review the materials and make a recommendation to the Executive Director regarding licensure of the applicant. The staff shall request additional information regarding the applicant or the institution to be represented, if the materials submitted do not contain the information necessary to determine eligibility. If the Executive Director finds that the applicant and the institution to be represented meet the standards set forth in this rule and in Chapter 1005, Florida Statutes, the agent’s license shall be issued or extended for one year. A report of agents issued licenses or extensions shall be provided to the Commission on a quarterly basis. If the criminal background investigation reveals relevant convictions or pleas, the application will be denied.

(6) The criteria for nontransferable licensure of a recruiting agent are:

(a) Evidence of appointment by the institution to be a recruiting agent for the institution;

(b) Evidence that the institution to be represented is authorized to operate by the appropriate state or other agency of jurisdiction where the main campus, corporate headquarters, and all other operations of the institution are located, if out of state;

(c) Evidence that the agent has satisfactorily completed an approved training program and has demonstrated competent knowledge and mastery of the content;

(d) Affirmation that the agent has not had an agent’s license or similar authorization revoked in Florida or in another state or other jurisdiction, and has not been found in violation of laws or rules governing recruiting practices; and

(e) Affirmation that the agent will represent the institution correctly and accurately and will comply with all applicable laws and rules.

(7) Each agent’s license shall be effective for a period of one year from the date of issuance, and is not transferable to another agent or to another institution to be represented. If an individual recruits students for more than one institution, that individual must receive a separate agent’s license and receive and document separate agent’s training for each institution represented.

(8) Each initial agent’s license shall be issued for a maximum period of one year from the date of issuance. After receiving initial licensure, an agent shall apply annually for licensure by submitting the documentation and fee set forth in this rule.

(9) Each institution employing recruiting agents shall notify the Commission in writing within ten days after the resignation or dismissal of an agent. Agents shall be required to return their agent’s license within 10 days of resignation or dismissal.

(10) An agent’s license is subject to denial, probation, or revocation for cause as set forth in Section 1005.38, Florida Statutes, and Rule 6E-2.0061, F.A.C. Grounds shall include violation of applicable Florida law; misrepresentation of the institution, its programs, or other pertinent facts; obtaining an agent’s license by fraudulent misrepresentation, bribery, or through an error of the Commission; failure to follow fair consumer practices; failure to comply with the provisions of Chapter 1005, Florida Statutes; prior revocation or disciplinary action against the agent for violation of these or similar standards; revocation of the represented institution’s license in Florida or of its authorization to operate in the state or other jurisdiction where the main campus, corporate headquarters, and all other operations of the institution are located; or, in the case of an out-of-state institution not licensed by the Commission, any activity by or on behalf of the institution which would be grounds for denial or revocation of its licensure under the provisions of Rule 6E-2.0061, F.A.C., if it were subject to licensure in Florida. A person whose agent’s application has been denied or revoked shall not solicit students, nor shall a person solicit students while his or her agent’s license is under probation.

(11) Revocation of an agent’s license shall lead to an investigation of the licensed institution to determine whether the institution’s license should be placed on probation or revoked for failing to train or supervise its agents adequately, or for allowing or encouraging its agents to violate the provisions of Florida Statutes and rules, if the activities leading to the disciplinary action appear to be related to such circumstances.

(12) All monies collected by an agent from or on behalf of students recruited shall be turned over to the institution represented. All checks received shall be made payable to the institution represented, and receipts for cash shall be given to the student in the name of the institution.

(13) All licensed agents representing an institution shall be called agent, admissions representative, sales representative, or field representative. The terms counselor or advisor, or modifications thereof, shall not be used by agents.

(14) Agents shall not have the authority to accept an applicant for admission on behalf of the institution. If an applicant is determined by the institution not to be eligible for admission, or not to possess the ability to complete the program successfully, all monies paid shall be refunded in accordance with the institution’s refund policy.

(15) An agent shall not offer a bonus or discount to the prospective student, and shall not make statements indicating that the prospective student must make a decision immediately or within a short period of time. No reference shall be made, either verbally or in writing, that other inducements, including but not limited to travel, equipment or textbooks, will be provided free to the prospective student for signing up during a specific period of time or for bringing in other new students.
Specific Authority 1005.31(10) FS. Law Implemented 1005.04, 1005.22(1)/(h), 1005.31(10), 1005.33, 1005.38(1), 1005.39 FS. History—Repromulgated 12-5-74. Formerly 6E-4.01(4), Readopted 11-11-75, Amended 2-6-78, Formerly 6E-2.10, 6E-2.11, Amended 5-13-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-11-00, 4-2-03. Cf. SBICU 301, Application for Agent’s License.
CHAPTER 6E-3 BYLAWS

6E-3.001 Bylaws. (Repealed)

6E-3.002 Administration of the Board.

(1) The board shall maintain its office of record in the corporate limits of Tallahassee, Leon County, Florida.

(2) The board has designated its executive director as its agency clerk. The current mailing address of the board’s office is: State Board of Independent Colleges and Universities, Department of Education, Tallahassee, Florida 32399. The office is located in 201 Collins Building, 107 West Gaines Street, in Tallahassee. Office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. The office is closed on official state holidays. The telephone number of the office is (850)488-8695.

(3) The provisions for appointment of board members, the composition of the board, terms of office, and reimbursement are stated in Section 246.031, Florida Statutes.

(4) The powers and duties of the board are stated in Section 246.041, Florida Statutes.

(5) The officers of the board shall be the chairperson, the vice chairperson, and the executive director. The chairperson and vice chairperson shall be elected by the board members to terms of one (1) year. Election of officers shall be held annually at the last board meeting prior to the last day of June, and officers shall assume office on the first day of July each year. The chairperson and vice chairperson shall serve no more than three (3) consecutive terms as such officers. In the event of a vacancy, an election may be held at the next regular or special board meeting, and the officer elected shall assume office immediately to serve the unexpired term. The chairperson or vice chairperson may be removed at any time by the affirmative vote of six (6) or more members of the board.

(a) The chairperson shall be selected from among the board members representing other than publicly-supported institutions. The chairperson shall appoint the members of, and shall serve as an ex officio member of, all committees of the board; shall execute all contracts on authority of and in the name of the board; shall transmit the annual report of the board to the Governor; shall preside over board meetings and hearings conducted by the board; and shall affix his or her signature to all licenses, certificates, and final orders issued by the board. The chairperson shall also recommend the appointment of the executive director and other employees of the board.

(b) The vice chairperson shall be selected from among all members of the board, and shall perform the duties of the chairperson with full authority during the absence or disability of the chairperson.

(c) In the absence of both the chairperson and vice chairperson, the third member of the executive committee shall preside at meetings.

(d) The executive director, who is the chief administrative officer of the board, shall serve on appointment by and at the pleasure of the board upon recommendation by the chairperson. During the absence or disability of the executive director, the chairperson may designate a member of the board’s staff to function as the executive director in an acting capacity. The executive director shall also be the secretary of the board and shall be responsible for all of the administrative operations of the board. The executive director shall make recommendations to the chairperson regarding the employment of all staff employees, and may make recommendations to the board regarding any of the board’s activities.

(6) Committees of the board.

(a) The executive committee shall consist, ex officio, of the chairperson and vice chairperson, and a member of the board appointed by the chairperson. The executive committee shall have the full authority of the board to act during the interim between board meetings, except in matters of licensure. The board may delegate specific duties to the executive committee, consistent with the provisions of Chapter 28-1, F.A.C. In cases of such delegation, the board shall review at its next meeting any action taken during the interim by the executive committee, and either ratify or reverse the action of the executive committee. Minutes of executive committee meetings shall be presented to the board at its next meeting.

(b) The board may create such standing and special committees as it deems necessary for the discharge of its responsibilities. The chairperson shall appoint the members of such committees for terms not to extend beyond the following June 30.

(c) If the board, in regular or special session, authorizes a committee to act on a matter referred to it, the chairperson of the committee shall report to the board in writing the action taken; otherwise, the committee action shall be reported as a recommendation for consideration and action by the board at a regular or special meeting.

(7) The board shall hold regular meetings not less than four times in every fiscal year, and all meetings shall be open to the public. Persons interested in attending meetings or in providing information to the board for any meeting should consult the board’s office staff or the Florida Administrative Weekly for specific meeting dates, times, and places.

(a) Special meetings may be called by the chairperson, in which case the notice of the meeting shall be distributed in writing to the board members at least fifteen (15) days in advance of the special meeting. Public notice of special meetings shall be published in the Florida Administrative Weekly. The business transacted at any special meeting shall be confined to such matters as have been specified in the notice of the meeting, except that if at least six (6) members are present, any internal administrative business not concerning licensure, rulemaking, or policymaking may be placed on the agenda by a unanimous vote of the members present. In this case, a majority vote of the members present is required to dispose of the business.
(b) Emergency meetings may be called by the chairperson if a situation under the board’s purview represents an immediate danger to the public health, safety, or welfare. Such meetings and any decisions made as a result of them shall be conducted in compliance with Chapter 120, Florida Statutes.

(c) All meetings of the board, whether regular, special, committee, or emergency meetings, are open to the public. Notice of regular and special meetings will be published in the Florida Administrative Weekly.

(8) Quorum and voting.
(a) Five (5) members of the board in actual attendance shall constitute a quorum for the transaction of business at all meetings of the full board, except as specified in paragraph 6E-3.002(7)(a), F.A.C.
(b) Action regarding election of board officers, and determination of regulatory policy, including adoption and amendment of rules, shall be transacted on the affirmative vote of five (5) or more members of the board.

(9) Agenda.
(a) The executive director shall prepare the agenda for all meetings of the board.
(b) A copy of the agenda shall accompany the notice of meeting to all members of the board, and to others as requested. The agenda shall be ready for distribution at least seven (7) days prior to each meeting, and may be obtained through the board’s office in Tallahassee.
(c) The regular order of business at meetings of the board shall include such items as the following, but not necessarily in this order:
  1. Call to order.
  2. Roll call.
  3. Introduction of guests.
  4. Consideration of minutes of previous meetings.
  5. Appeals and hearings.
  6. Reports of committees.
  7. Reports and recommendations of staff regarding colleges and agents.
  8. Special reports.
  9. Other business.
(d) Matters on the agenda may be taken up out of stated order for good cause stated in the record, with the approval of the chairperson or presiding officer.

(10) Adoption and amendment of rules.
(a) New rules, or amendments to existing rules, may be suggested by members of the board or the board’s staff; other interested persons may petition to initiate rule-making proceedings under Chapter 120, Florida Statutes, and Chapter 28-3, F.A.C. Proposed additions or changes to the rules shall be referred to the Rules Committee of the board, who shall consider the proposals and make recommendations to the board.
(b) The board shall consider the recommendations of the Rules Committee, in advertised public meeting, and shall afford the opportunity for any interested person to be heard in regard to proposed amendments or additions to the rules. Board adoption of such amendments or additions to the rules shall be by affirmative vote of five (5) members of the board.
(c) Upon adoption by the board of amendments or additions to the rules, such changes will be forwarded to the State Board of Education for approval or disapproval within sixty (60) days, pursuant to Section 246.071, Florida Statutes. Public hearings shall be provided during the process as specified by law.

(11) Records held in the board office are open for public inspection as specified in Chapter 119, Florida Statutes. The place of inspection is the board office, at the address given in subsection 6E-3.002(2), F.A.C. Appointments may be made during the office hours specified in that section. Departmental policy authorizes charges to be made for the cost of photocopying materials.

(12) Roberts Rules of Order shall be followed in the conduct of all meetings of the board.

Specific Authority 120.53(1)(a), 246.041(1)(d), (e), 246.051(1), 246.071 FS. Law Implemented 20.05(1)(b), 120.53(1)(b), 246.031, 246.041(1)(d), (n), 246.051 FS. History–New 10-13-83, Formerly 6E-3.02, Amended 11-27-88, 10-19-93.
CHAPTER 6E-4 GENERAL INFORMATION

6E-4.001 Fees and Expenses.
6E-4.003 Institutional Assessment Trust Fund.
6E-4.005 Student Protection Fund; Trainout Procedures for Closure.
6E-4.007 On Site Visits.

**6E-4.001 Fees and Expenses.**

(1) Base Fee. All nonpublic institutions and centers of out-of-state institutions under the jurisdiction of the Commission derive benefit from the services performed by the Commission. Such services include but are not limited to administration of the fair consumer practices program and the data collection and dissemination program. To defray the cost of such general services, each institution holding a provisional or annual license, or a license by means of accreditation, with an enrollment of less than 100, shall submit annually a Base Fee of $300, and each such institution with an enrollment of 100 or more shall submit annually a Base Fee of $900. Enrollment shall be determined by the total student headcount in Florida, full-time and part-time, reported by each institution in its annual data report; or for a new institution, by its anticipated enrollment in Florida during its first year of operation. The Base Fee shall be due and collected at the time of annual review of licensure.

(2) Workload Fees. Each Florida location of each institution receives technical assistance from the Commission, along with help in developing and implementing institutional articulation agreements and achieving candidacy status with accrediting agencies; and significant amounts of staff and administrative time are spent on evaluating applications, traveling to institutions for onsite visits, assisting institutions which are experiencing problems with financial aid or financial stability, and making reviews. The following workload fees are assessed in addition to the Base Fee, and must be received prior to Commission consideration of each action.

**Initial Application for License, or Moving from Nondegree to Degree:**

- New Nondegree Institutions: $2,000
- New Degree-Granting Institutions: $3,000

**Annual Review of Licensure:**

- Nondegree Institutions: $1,500
- Degree-Granting Institutions: $2,500

**Review of Extended Annual License or Substantive Change Review:** $1,000

**Licensure by Means of Accreditation, Annually:** $1,250

**Nondegree Programs Modifications, Less than Substantive Change or More than One Minor Modification per Year:**

- Nondegree Programs: $500
- Degree Programs: $1,000

**Site Visits:**

- One Visit per Year: Included in licensure fee
- Subsequent Visits directed by Commission: Expenses + Costs + 200 per day
- Approval to Use “College” or “University”, First Time or Special Review: $500
- Annual Licensure of Recruiting Agents (nontransferable): $200
- Criminal Justice Information Investigation: $50
- Copy of Student Academic Transcript on File: $10

(3) Fines and disciplinary oversight:

- Fine for Probation Requiring Oversight: Up to 5,000 depending on level and length of oversight required

- Continuing Activity after Cease and Desist Letter, Per Day: $1,000
- Monitoring Institution under Probable Cause, Per Calendar Quarter: $1,000

(4) Student Protection Fund: Nondegree institutions will be charged a fee for the Student Protection Fund. The fees are specified in Rule 6E-4.005, F.A.C.

(5) Investigations and Resolution of Complaints. In cases where the Commission must investigate complaints pertaining to fair consumer practices, initiate Probable Cause proceedings, render findings of fact, and issue decisions, the institution shall be assessed a fee of no less than $500 and no more than $2,000, according to the administrative time required for the specific case, which is payable within 14 days of the official action being taken by the Commission.

(6) Failure to Submit Materials in a Timely Manner. In cases where the Commission has set a specific date for the filing of materials regarding licensure or other matters under its purview, and the institution has not filed said materials within 14 calendar days of the specified date, the Commission shall assess the college $100 per working day until the materials are received by the Commission. The postal date on the envelope or package containing the materials shall serve as the date of receipt.

(7) All fees, and any fines imposed for probation or other violations shall be paid to the Chief Financial Officer of the Department of Education for deposit into the Institutional Assessment Trust Fund as established in Section 1010.83, F.S., and identified as a separate revenue account for the authorized expenses of the Commission under the provisions of Section 1010.83, F.S.
6E-4.003 Institutional Assessment Trust Fund.

(1) To implement the Institutional Assessment Trust Fund as established by Section 1010.83, F.S., the Commission shall be responsible for authorizing the expenditure of funds consisting of the fees, fines, and other receipts of money collected from institutions under its jurisdiction. Such authorization shall be in the form of an operating budget establishing categories of expenditures consistent with the Department of Education accounting system. The operating budget shall be established by resolution of the Commission and enacted at its last regularly scheduled meeting of each fiscal year. The Commission may transfer funds among and within budget categories as necessary and desirable for the efficient and effective administration of Chapter 1005, F.S.

(2) The Commission shall establish a fee schedule to generate the funds to cover its operating budget each year. Fees and other charges may be adjusted as necessary to meet the operating expenses, pursuant to Section 1005.35(2), F.S.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.35, 1010.83 FS. History–New 1-7-03.

6E-4.005 Student Protection Fund; Trainout Procedures for Closure.

Subsections (1)-(4), paragraphs (6)(a) and (6)(b) of this rule shall apply to all licensed nonpublic nondegree schools. Subsection (5) and paragraph (6)(c) shall apply to all licensed institutions.

(1) Establishment of Fund. There is hereby established a fund to be known as the Student Protection Fund, pursuant to Section 1005.37, F.S.

(2) Payment into the Student Protection Fund shall be made by all licensed nonpublic nondegree schools.

(3) Assessment Paid by Licensed Nondegree Schools. Each licensed school shall pay annually to the fund a specified amount equal to .0005 of the annual gross tuition revenue generated in Florida.

(4) Computation and Payment of Assessment.

(a) The Commission shall require each school to make a $500 payment to the Student Protection Fund before an initial Provisional License is issued. After the second year of operation, the $500 may be used to offset future payments to the Student Protection Fund.

(b) The counting period shall be the institution’s fiscal year.

(c) For programs offered by correspondence or distance education, only income from Florida students shall be counted for purposes of computing the assessment. For purposes of this rule, a Florida student is a student whose mailing address for purposes of receiving distance education lessons and materials from the school is a Florida address.

(d) The full and timely payment of the assessment is a condition of licensure. Failure to make such payment shall be grounds for disciplinary action against the school, or for changing the status of a school which is Licensed by Means of Accreditation to a Provisional License, or for denial of an application for license renewal.

(5) Application for and Granting of Train-out Awards.

(a) Any institution that enrolls a student who was enrolled in a licensed school but who was unable to complete a program at such school because the school ceased operations or terminated the program in which the student was enrolled may qualify for payments from the Student Protection Fund for training out the student in the program in which the student was previously enrolled.

(b) A licensed institution offering to train out an affected student(s) may apply for an award by letter to the Commission requesting a train-out award and identifying the school which ceased operations; the last known date that the school was open, or the closing date, if known; the program in which the student was enrolled; the date that the student’s program was terminated; the student’s Social Security number; and the approximate date on which the student began the program. Train-out institutions must provide to the Commission an accurate itemization of actual costs incurred during the training. The institution must also provide to the Commission an accounting of other funds that will be provided for the student. These funds will be considered when the Commission determines the amount of an award. The Commission will base awards on the availability of funds, the actual costs incurred, and the amount of other funds received. The train-out award and the cost of completing the program shall not exceed the actual cost of training out the student, minus other payments made by or on behalf of a student, minus the amount of any remaining accounts receivable. The Commission shall pay the award to the train-out institution within 45 days of the date of approval by the Commission.

(c) The full and timely payment of the assessment is a condition of licensure. Failure to make such payment shall be grounds for disciplinary or civil action against the school and its owners. Improper closing of a school without meeting the obligations required by Chapter 1005, F.S., and these rules, shall result in actions as provided in Sections 1005.36 and 1005.38, F.S.

(c) Before closing, a licensed institution shall:

1. Notify the Commission in writing at least 30 days prior to closing the institution, pursuant to Section 1005.36, F.S.;
2. Establish and submit to the Commission a written plan for the closure to include the following:
   a. The method of training out students, including written agreements with other institutions which may provide part or all of the trainout;
   b. The method by which all student academic records to the Commission or the Commission’s designee;
   c. A time-line showing the steps to be taken for orderly closure of the institution;
   d. A list of current mailing addresses and telephone numbers for all active students currently enrolled at the institution;
   e. Copies of notices to the students that the institution will provide for the students’ trainout or refunds; and
   f. Evidence of refunds made to students not receiving trainout, repaying all outstanding student loans, or pro-rata refunds to students not having loans.
3. Notify the Commission, and provide documentation of meeting all student obligations, at the conclusion of the trainout.
4. When the Commission is notified that an institution is closing or has closed, the Commission shall:
   a. Have a representative of the Commission visit the institution as soon as practicable to review the current status of the institution and to provide a report to the Commission;
   b. Review the trainout plan to determine compliance with this rule;
   c. Assist in identifying and securing trainout at other institutions;
   d. Ensure that students are notified of their rights and responsibilities; and
   e. Share information regarding the closure with appropriate federal and state agencies and any other appropriate oversight bodies.
5. If the Commission is not notified, or if the institution has not provided for an orderly closing, the Commission shall:
   a. Organize a trainout committee composed of staff, Commission members, and other individuals to oversee an orderly trainout;
   b. Notify all appropriate agencies to seek assistance in the institutional closure; and
   c. Refer the matter to the Department of Legal Affairs or the State Attorney for investigation and prosecution.

Specific Authority 1005.37 FS. Law Implemented 1005.35(4)(g), 1005.36(3), 1005.37 FS. History–New 4-2-03.

6E-4.007 On Site Visits
(1) Authority to inspect – Employees of the Commission or a designee shall have the power to inspect institutions in a lawful manner for a full or partial site visit at all reasonable hours under the following conditions:
   (a) Assisting an institution in complying with the rules and statutes;
   (b) As a criterion for annual licensure;
   (c) Determining if any of the provisions of this chapter or any rule thereunder is being violated;
   (d) For the purpose of securing such other evidence as may be needed for prosecution pursuant to Section 1005.38, F.S.;
   (e) By the order of the Commission; and
   (f) Upon receiving an application containing information that may cause an investigation to be made of the institution.
(2) On Site Visit Process.
   (a) Employees or designees of the Commission shall have the authority to perform announced or unannounced on site visits and to inspect such files, facilities, and equipment as well as conduct interviews with such individuals as appropriate to determine whether the institution is in compliance with Chapter 1005, F.S., and the Commission rules.
   (b) Failure to provide full access to the institution’s files, facilities and equipment or prevention of interviews is grounds for disciplinary action.
   (c) A detailed written report of findings shall be compiled by staff and made a part of the institution’s file.
   (d) The institution shall pay the required fees to cover the travel and per diem expenses of the Commission staff and committee members.

Specific Authority 1005.22(1)(e), 1005.31(2), 1005.33(1), 1005.38(1) FS. Law Implemented 1005.31(2), 1005.33, 1005.38 FS. History–New 12-23-03.
6F STATE BOARD OF NONPUBLIC CAREER EDUCATION

CHAPTER 6F-1 GENERAL REQUIREMENTS

6F-1.001 General Requirements. (Repealed)
CHAPTER 6F-2 SCHOOL LICENSURE

6F-2.001 Certificate of License for Schools. (Repealed)
6F-2.0015 Change in Ownership. (Repealed)
6F-2.0016 Change in Control. (Repealed)
6F-2.0017 Student Protection Fund. (Repealed)
6F-2.002 Minimum Standards for Licensure of Schools. (Repealed)
6F-2.0021 Standards for Selected Instructional Programs. (Repealed)
6F-2.0024 Fair Consumer Practices. (Repealed)
6F-2.0026 Fee Schedule. (Repealed)
6F-2.003 School Descriptive Inventory. (Repealed)
6F-2.004 Advertising. (Repealed)
6F-2.005 Catalog Change. (Repealed) (Repealed)
6F-2.006 Probable Cause Panel. (Repealed)
CHAPTER 6F-3 AGENTS

6F-3.001 Agents; License Required. (Repealed)
6F-3.002 Agents; Qualifications, Training, Limitation of Authority, Responsibilities of Schools, Agents, and Applicants. (Repealed)
CHAPTER 6F-4 FORMS

6F-4.001 License Application Package. (Repealed)
CHAPTER 6F-5 MINIMUM STANDARDS FOR LICENSURE

6F-5.001 Minimum Standards for Licensure. (Repealed)
CHAPTER 6F-6 CERTIFICATE OF LICENSURE

6F-6.001 Certificate of Licensure. (Repealed)
CHAPTER 6F-7 BUSINESS PRACTICE

6F-7.001 Business Practice. (Repealed)
CHAPTER 6F-8 NON-COMPLIANCE

6F-8.001 Non-compliance. (Repealed)
6G SCHOOL DISTRICTS

CHAPTER 6G-1 SCHOOL DISTRICTS

The rules and regulations of the School Districts of the Department of Education, filed prior to June 30, 1977 pursuant to Section 120.55(1)(b), Florida Statutes, are not printed in the Florida Administrative Code, but are on file with the Secretary of State’s Office.
6H DIVISION OF COMMUNITY COLLEGES

CHAPTER 6H-1 ORGANIZATION

6H-1.001 Definitions. (Repealed)
6H-1.002 Establishment of the Coordinating Board. (Repealed)
6H-1.003 Meetings of the Coordinating Board. (Repealed)
6H-1.004 State Community College Coordinating Board Rulemaking Procedures. (Repealed)
6H-1.005 Committees. (Repealed)
6H-1.006 Workshops. (Repealed)
6H-1.007 Agenda. (Repealed)
6H-1.008 Notice of Proceedings, Public Records, Copies, Designation of Clerk, Filing, and Access. (Repealed)
6H-1.009 Declaratory Statement. (Repealed)
6H-1.010 Delegation of Responsibilities - Chief Administrative Officer. (Repealed)
6H-1.011 Division of Community Colleges Organizational Structure. (Repealed)
6H-1.012 Governance of State Community Colleges. (Repealed)
6H-1.013 Procedures Utilized by the Coordinating Board in Making Recommendations for Establishing an Additional Community College Campus or Center. (Repealed)
6H-1.014 Establishment of the State Board of Community Colleges. (Repealed)
6H-1.015 Committees. (Repealed)
6H-1.016 Documents. (Repealed)
6H-1.017 Area Served.
6H-1.020 Meetings and Workshops. (Repealed)
6H-1.021 Agenda. (Repealed)
6H-1.030 Delegation of Powers and Duties.
6H-1.031 Rulemaking. (Repealed)
6H-1.032 Division of Community Colleges. (Repealed)
6H-1.040 Campus, Center, Special Purpose Center and Instructional Site Designations.
6H-1.041 Substitute Admission and Graduation Requirements.
6H-1.042 Florida Academic Improvement Trust Fund for Community Colleges.
6H-1.043 Religious Observance by Students.
6H-1.044 Technology Transfer Centers.
6H-1.045 Centers of Technology Innovation.
6H-1.046 Florida Community College Distance Learning Consortium. (Repealed)

6H-1.017 Area Served.
Approval to operate a community college constitutes approval to offer courses within the community college district. The college shall not offer courses outside its district except in unusual cases when approved by the State Board of Community Colleges; except the college may offer courses in Florida outside its district in unusual cases when approved by the president of the community college within the district where the courses are offered and the enrollment is not counted for funding purposes or to meet enrollment assignments.


6H-1.030 Delegation of Powers and Duties.
The executive director of the community college system is the executive officer and secretary of the State Board of Community Colleges. The following powers and duties are delegated by the Board to the executive director.

1. Review new associate degree and certificate programs for relationship to student demand.
2. Advise presidents of fiscal policies adopted by the legislature and of their responsibility to follow such policies.
3. Represent the State Community College System before the legislature and the State Board of Education.
4. Administer the state program of support for the State Community College System.
5. Review and approve operating budgets and budget amendments of the community colleges. The executive director periodically shall report such action to the State Board of Community Colleges.
6. Approve community college expenditures in the absence of budget approval.
7. Implement the community college program fund.
8. Approve community college calendar exceptions.
(9) Administer personnel functions for the Board, except when specifically exempted by Board action, according to rules of the Department of Management Services.

(10) Approve or disapprove proposals for use of Academic Improvement Trust Funds.

**Specific Authority 240.309(1) FS. Law Implemented 240.311(4), 240.36(7)(c) FS. History—New 2-27-84, Amended 1-7-85, 5-28-85, Formerly 6H-1.30, Amended 3-9-87, 1-18-00.**

**6H-1.040 Campus, Center, Special Purpose Center and Instructional Site Designations.**

The State Board of Community Colleges shall receive proposals from local boards of trustees to establish campuses, centers, and special purpose centers, and shall recommend for or against the establishment of the requested campus or center. The State Board of Community Colleges shall approve or disapprove the proposal for special purpose centers. The following shall apply:

(1) A campus is an instructional and administrative unit of a community college, consisting of college owned facilities and staffed primarily by full-time personnel. It houses a full range of instructional services and of institutional, instructional, and student support services. Facilities and other resources are sufficient to accommodate at least one thousand (1,000) full-time equivalent students and is in compliance with the criteria established in subparagraph 6A-2.039(1)(a)5., F.A.C.

(2) A center is an instructional and administrative unit with limited support services. It consists of college owned or unowned facilities and is staffed primarily by full-time personnel. It does not necessarily offer a full range of instructional programs or courses and is in compliance with the criteria established in subparagraph 6A-2.039(1)(a)5., F.A.C.

(3) A special purpose center is unit of a community college consisting of college owned facilities or unowned facilities leased for more than one year that provides a limited number of special, clearly defined programs or services, such as instruction or administration, and is in compliance with subparagraph 6A-2.039(1)(a)6., F.A.C.

(4) An instructional site is an instructional unit of a community college that offers students a very limited range of instructional programs or courses in unowned facilities leased for one year or less with no support services.

(5) Proposals to establish campuses or centers shall document the following conditions:
   (a) The proposed expansion is part of and consistent with the master plan of the community college.
   (b) Expanded or new instructional services and support services are necessary to adequately serve the community college district.
   (c) Existing campuses have at least three thousand (3,000) full-time equivalent students each, and projected enrollments are stable or increasing, when the proposal is to establish a campus.
   (d) Facilities at existing campuses, as identified in the master plan of the community college, are substantially complete.
   (e) Enrollment projections in the master plan of the community college are for at least one thousand (1,000) full-time equivalent students for a proposed campus or at least four hundred (400) for a proposed center. A proposed center to provide central administrative services for a community college shall be exempt from this enrollment condition.
   (f) The proposed expansion is in conjunction with other educational agencies within the community college district and adjacent to the district.
   (g) Alternatives to the proposed expansion were considered by the board of trustees.

(6) Proposals to establish a special purpose center shall document the following:
   (a) The proposed expansion is part of and consistent with the master plan of the community college.
   (b) The proposed services are necessary to adequately serve the community college district.
   (c) Projected enrollments justify expansion.
   (d) Projected facility needs justify expansion.
   (e) Proposed expansion is in conjunction with the other educational agencies with the community college district.
   (f) Alternatives were considered by the board of trustees.

(7) Exceptions to (5) and (6) herein are authorized when justified in the judgment of the State Board of Community Colleges due to the nature of the services to be provided, the number and types of students to be served, the population to be served, transportation problems, the availability of acceptable sites and facilities, energy conservation, or population shifts.

(8) The State Board of Community Colleges may use the services of the Office of Educational Facilities and of others to evaluate proposals and develop recommendations.

**Specific Authority 240.311(2), (3)(j) FS. Law Implemented 235.19, 240.311(3)(g), (i), (j), 240.319(3)(e), (f), 240.327 FS. History—New 2-27-84, Formerly 6H-1.40, Amended 6-22-87.**

**6H-1.041 Substitute Admission and Graduation Requirements.**

(1) Each district board of trustees of a public community college shall develop and implement policies and procedures for providing reasonable substitution for eligible students as required by Chapter 86-194, Laws of Florida. In determining whether to grant a substitution, documentation to substantiate that the disability can be reasonably expected to prevent the individual from meeting requirements for admission to the institution, admission to a program of study, entry to upper division, or graduation shall be provided. For purposes of this rule, the following definitions shall apply.
(a) Hearing impairment. A hearing loss of thirty (30) decibels or greater, pure tone average of 500, 1000, 2000 Hz, ANSI, unaided, in the better ear. Examples include, but are not limited to, conductive hearing impairment or deafness, sensorineural hearing impairment or deafness, high or low tone hearing loss or deafness, and acoustic trauma hearing loss or deafness.

(b) Visual impairment. Disorders in the structure and function of the eye as manifested by at least one of the following: visual acuity of 20/70 or less in the better eye after the best possible correction, peripheral field so constricted that it affects one’s ability to function in an educational setting, or a progressive loss of vision which may affect one’s ability to function in an educational setting. Examples include, but are not limited to, cataracts, glaucoma, nystagmus, retinal detachment, retinitis pigmentosa, and strabismus.

(c) Specific learning disability. A disorder in one or more of the basic psychological or neurological processes involved in understanding or in using spoken or written language. Disorders may be manifested in listening, thinking, reading, writing, spelling, or performing arithmetic calculations. Examples include dyslexia, dysgraphia, dysphasia, dyscalculia, and other specific learning disabilities in the basic psychological or neurological process. Such disorders do not include learning problems which are due primarily to visual, hearing, or motor handicaps, to mental retardation, to emotional disturbance, or to an environmental deprivation.

(2) The policies and procedures shall include at least the following:

(a) A mechanism to identify persons eligible for reasonable substitutions due to vision impairment, hearing impairment, dyslexia or other specific learning disability.

(b) A mechanism for identifying reasonable substitutions for criteria for admission to the institution, admission to a program of study, entry to upper division, or graduation related to each disability.

(c) A mechanism for making the designated substitutions known to affected persons.

(d) A mechanism for making substitution decisions on an individual basis, and

(e) A mechanism for a student to appeal a denial of a substitution or to appeal a determination of ineligibility.

(3) The policies shall provide for articulation with other state institutions which shall include, at a minimum, acceptance of all substitutions previously granted by a state postsecondary institution.

(4) Coordination of the provision of technical assistance in the implementation of this rule shall be provided by the Division of Community Colleges in conjunction with the State Department of Education.

(5) Each community college shall maintain records on the number of students granted substitutions by type of disability, the substitutions provided, the substitutions identified as available for each documented disability and the number of requests for substitutions which were denied.

Specific Authority 240.311 FS. Law Implemented 240.152, 240.153 FS. History–New 5-12-87.

6H-1.042 Florida Academic Improvement Trust Fund for Community Colleges.
The Florida Academic Improvement Trust Fund for Community Colleges provides the opportunity for community college foundations to receive from the state four dollars ($4.00) for each six dollars ($6.00) the foundation receives in private contributions.

(1) From each legislative appropriation for the state trust fund, fifty thousand dollars ($50,000) shall be reserved for each community college foundation. Appropriations may exceed the amount reserved. Reserved funds not applied for before March 1 shall be awarded as unreserved funds.

(2) Funds used by a foundation for state trust fund matching shall come from private contributions of cash and income producing real estate and securities beyond the amount equal to the average annual unrestricted cash contributions to the foundation for the three (3) consecutive fiscal years of the foundation ending prior to and nearest July 1, 1983. Funds used once for state trust fund matching shall not be used again for state trust fund matching.

(3) Each community college foundation shall establish its own academic improvement trust fund.

(4) Procedure to apply for reserved funds:

(a) When a foundation has deposited in its own academic improvement trust fund four thousand five hundred dollars ($4,500) that meets the requirements of (2) herein, it may apply to the State Board of Community Colleges for reserved funds.

(b) The application shall be a letter which shall include the certification of the head of the foundation that the amount used for matching is from private contributions, is deposited in the foundation’s academic improvement trust fund, is for Florida Academic Improvement Trust Fund for Community Colleges matching, and is beyond the amount equal to the average contributions required in (2) herein.

(c) The State Board of Community Colleges shall transmit the matching funds to the foundation’s academic improvement trust fund.

(d) The foundation may continue the matching process, with releases from the state trust fund in multiples of three thousand dollars ($3,000), until the final release, which shall be in an amount to cause the total paid to the foundation to equal the amount reserved for the foundation.

(e) The foundation may use an initial amount of more than four thousand five hundred dollars ($4,500) for matching. If so, it shall be an amount to produce a release from the state trust fund in a multiple of three thousand dollars ($3,000).

(5) Procedure to apply for unreserved funds:
(a) After applying for the funds reserved for it, a foundation may apply to the State Board of Community Colleges for unreserved matching funds.

(b) The foundation may use funds for matching that meet the requirements of (2) herein in amounts that produce releases from the state trust fund in multiples of three thousand dollars ($3,000).

(c) The application shall be as prescribed in (4)(b) herein.

(d) Applications received before October 1 shall be held until October 1 before processing. If such applications represent more than is available in unreserved funds, the unreserved funds shall be distributed on the basis of the proportion of each application amount to the total application amount. If such applications represent less than is available in unreserved funds, they shall be processed in the order received in the Division of Community Colleges.

(e) If any reserved funds shift to unreserved on March 1, they shall be distributed first to offset any proportional distribution of October 1, and then in the order of applications received.

(f) No foundation shall receive more than a fixed percentage of the appropriation to the state trust fund in one state fiscal year. The percentage shall be the greater of fifteen percent (15%) or the percent that the college’s assigned enrollment is of the State Community College System’s assigned enrollment. The first fifty thousand dollars ($50,000) shall constitute the first challenge grant in any one year.

(7) Except for nonscholarship portions of the first challenge grant and of the funds used for its matching in any one year, a foundation’s academic improvement trust fund, including private contributions and state matching funds, is a permanent endowment which shall be invested and the earnings used to improve the quality of education at the college as determined by the college board of trustees. The board of trustees shall submit a letter to the State Board of Community Colleges proposing, by item and estimated amount, the specific uses to which the fund shall be put, and explaining how the proposed uses will improve the quality of education at the college. The State Board of Community Colleges shall approve or disapprove each proposed use, in accordance with Section 240.36, Florida Statutes, within sixty (60) days after the letter is received in its offices, or the proposed use shall be disapproved.

Specific Authority 240.311(2), 240.36(8) FS. Law Implemented 240.36 FS. History–New 11-23-87.

6H-1.043 Religious Observance by Students.
Each board of trustees shall adopt a policy to accommodate the religious observance of students pursuant to Section 240.134, Florida Statutes.

(1) The policy shall provide for accommodation by providing for reasonable alternative means for students to carry out their responsibilities as students when their religious observance interferes with:
   (a) Admission and registration.
   (b) Attendance in class, class activities, examinations, and official ceremonies.
   (c) Classwork assignments.

(2) The policy shall provide for:
   (a) Students to notify instructors in advance of absences to observe religious holy days in their own faith, and to be excused for such absences without penalty.
   (b) Students to be held responsible for material covered during their absences, with reasonable time provided to complete make up assignments.
   (c) Scheduling major class assignments, major examinations, and official ceremonies on other than major religious holy days whenever practicable.
   (d) Students to seek redress when they believe they have been unreasonably denied educational benefits due to their religious beliefs or practices.

(3) The policy shall be made known to faculty and students by publication annually in the institution’s handbook, manual, or other similar document regularly provided to faculty and students.

Specific Authority 240.134, 240.311(2) FS. Law Implemented 240.134 FS. History–New 7-17-89.

6H-1.044 Technology Transfer Centers.
(1) This rule provides a mechanism for the selection of centers for technology transfer pursuant to Section 240.334(10), (11), Florida Statutes. Responsibilities of designated technology transfer centers shall include identifying technology research developed by universities, research institutions, businesses, industries, the United States Armed Forces, and other state or federal governmental agencies; determining and demonstrating the application of technologies; training workers to integrate advanced equipment and production processes; and determining for business and industry the feasibility and efficiency of accommodating advanced technologies.

(2) Entities eligible to apply for grants include community colleges, consortia of public and private colleges and universities and other public and private entities. Priority shall be given to grant proposals developed jointly by community colleges and public and private colleges and universities. The number of centers eligible for such grants shall be limited, but shall be geographically located to maximize public access to center resources and services.
(3) The State Board of Community Colleges shall consult with the Florida High Technology and Industry Council prior to soliciting proposals, evaluating such proposals, and making final selections. The Board may designate specific areas or applications of technology which will receive priority funding consideration. The request for proposals shall establish reporting requirements for each designated center.

(4) Each technology transfer center established pursuant to Section 240.334(10), (11), Florida Statutes, shall provide for an advisory committee, which shall meet at least quarterly and shall submit minutes of its meetings in a timely manner to the board of trustees of the community college and to the State Board of Community Colleges. Membership of the advisory committee shall be determined by the board of trustees, provided that each such committee shall have representatives of a university or universities conducting research in the area of specialty of the center.

Specific Authority 240.311(2), 240.334(10), (11) FS. Law Implemented 240.334(10), (11) FS. History–New 12-25-89.

6H-1.045 Centers of Technology Innovation.

(1) The rule provides a mechanism for the selection of Centers for Technology Innovation pursuant to Section 240.3335, Florida Statutes. Responsibilities of designated Centers of Technology Innovation shall include providing resources and instruction for community college students earning associate degrees; people needing retraining; K-12 students involved in special programs; university students requiring use of the facilities; offering facilities to universities to assist in classical research and student training; providing access to facilities and resources that assist industry with research and economic development; and working with local, state and federal agencies to assist with research and monitoring as required.

(2) Entities eligible to be designated as Centers of Technology Innovation will be part of a community college or a consortia of entities at community colleges that provide evidence that it has developed expertise in one or more specialized technologies. The State Board of Community Colleges shall give priority in the designation of centers to those community colleges that specialize in technology in environmental areas and in areas related to target industries of the Department of Commerce or Enterprise Florida. Priority will also be given to community colleges that develop new and improved manufacturing techniques and related business. The State Board of Community Colleges shall cooperate with the Jobs and Education Partnership of Enterprise Florida in the designation of the Centers as they relate to the Centers of Applied Technology.

(3) Grants to the centers from the Division of Community Colleges will be awarded based on grant proposals developed by the centers. The State Board of Community Colleges may designate specific areas or applications of technology which will receive priority funding consideration. The request for proposals shall establish reporting requirements for each designated center. Centers will also be eligible for funding by serving as technology transfer centers as created in Section 240.334, Florida Statutes; serving as an incubator facility for small business concerns as created in Section 240.3341, Florida Statutes; and serving as economic development centers as created in Section 240.3575, Florida Statutes.

(4) Each Center of Technology Innovation established pursuant to Section 240.3335, Florida Statutes, shall be governed by a board of directors with at least five members who shall be appointed by the district board of trustees, as specified. The board shall meet at least quarterly and shall submit minutes of its meetings in a timely manner to the board of trustees of the community college.

Specific Authority 240.309(1) FS. Law Implemented 120.53(1), 240.309(1), 240.3335 FS. History–New 10-11-95.
6J FLORIDA INSTITUTE OF PHOSPHATE RESEARCH

CHAPTER 6J-1 ORGANIZATION AND PURPOSE

6J-1.001 Purpose.
The purpose of these rules is to govern the basic administration, organization and research program of the Florida Institute of Phosphate Research.

Specific Authority 378.101(4)(f) FS. Law Implemented 120.53(1)(a), 378.101(4) FS. History–New 1-31-79, Formerly 6C-20.01, 6C-20.001, Amended 7-5-88.

6J-1.002 Offices.
The general offices of the Florida Institute of Phosphate Research are located at 1855 West Main Street, Bartow, FL 33830 (Area Code (813)533-0983).


6J-1.003 The Board.
(1) A five member Board shall be appointed by the Governor, as provided by subsection 378.101(4), Florida Statutes.
(2) The members of the Board shall not be entitled to compensation, but shall be paid travel and per diem as provided in Section 112.061, Florida Statutes, while in the performance of their duties, and in traveling to, from, or upon the same.
(3) The Board shall oversee and direct the general conduct of the Institute through action taken at Board meetings. In so doing, the Board shall be responsible for adopting and revising policies to facilitate the administration of the Institute by rule, order or other appropriate action.
(4) The Board shall elect a Chairperson and Vice Chairperson from among its membership. Election shall be by majority vote of the membership and shall take place at the first meeting after October. The Chairperson and Vice Chairperson shall take office immediately after such election and shall serve until the next election. If for any reason the Chairperson or Vice Chairperson shall be unable to serve a complete term, a new Chairperson or Vice Chairperson shall be elected at the next regularly-scheduled meeting for the remainder of the existing term.
(5) The Chairperson shall preside at all meetings of the Board. The Vice Chairperson will preside in the absence of the Chairperson.


6J-1.004 The Executive Director.
(1) The Executive Director is appointed by the Board and serves at the pleasure of the Board.
(2) The Executive Director shall:
(a) Carry out the policies and decisions of the Board, serve as agency clerk and perform such other duties as the Board may direct.
(b) Act as custodian of records and shall be responsible for maintaining all records including the policies and decisions of the Board and making the same available upon request.
(c) Be responsible for hiring of staff, organization, maintenance of the office and administering the daily conduct of business of the Institute.
(d) Maintain all records of the Board including but not limited to those that are necessary to show the amount and purpose of each research grant, how funds were expended and the results achieved.
(e) Prepare recommended budget requests and program allocations for consideration by the Board.
(f) Present to the Board recommendations and alternatives for the conduct of the grant program.
(g) Maintain close liaison with all Institute research grantees, and be able at all times to advise the Board of the status and plans of each grant program.
(h) Maintain close liaison with the Florida phosphate industry, environmental groups, local governments and state and federal agencies, keeping apprised of mining, reclamation, beneficiating and processing technology and related problems.

(i) Monitor all Institute research programs.

(j) Present to the Board an annual research plan with revisions.

(k) Prepare an annual report and evaluation of the plan and program.


6J-1.005 Meetings and Agenda.

(1) The Board shall meet at such times and places as it may designate, but shall hold regular meetings at least quarterly. The time and place of each meeting shall be announced in the Florida Administrative Weekly.

(2) The agenda for each meeting of the Board shall be prepared by the Executive Director in consultation with the Chairperson and made available upon request to the public.

(3) A quorum shall be three members, and except as provided for in subsection 6J-1.003(4), F.A.C., all decisions shall be by majority vote of the members present.

(4) The Executive Director shall prepare official minutes of each meeting, recording all business transacted. Copies of such minutes shall be made available upon request. A permanent file of minutes of all meetings shall be maintained in the administrative offices of the Institute.

Specific Authority 378.101(4)(f) FS. Law Implemented 120.53(1)(a), (d), 378.101(4) FS. History–New 1-31-79, Formerly 6C-20.05, 6C-20.005, Amended 7-5-88.

6J-1.006 Administration and Travel.

(1) The funds for support of the Institute’s program including funds for its administration shall be from the Phosphate Research Trust Fund or as otherwise identified within the annual appropriation of the State of Florida, Department of Education.

(2) Members of the Board, the Executive Director, and other persons as authorized by the Board by rule, order or contract shall be reimbursed for travel expenses as provided by law for State employees pursuant to Section 112.061, Florida Statutes, and such other expenses as required in performance of their duties.


6J-1.007 Grants.

In accordance with subsection 378.101(1), Florida Statutes, the Board of Directors will award grants based on their determination of the most effective utilization of available funds in the following areas: environment, reclamation, clay disposal, mining and beneficiation, and chemical processing.

Specific Authority 378.101(4)(f) FS. Law Implemented 120.53(1)(a), 378.101(1) FS. History–New 1-31-79, Formerly 6C-20.07, 6C-20.007, Amended 7-5-88.
6K FLORIDA COUNCIL FOR THE HEARING IMPAIRED

CHAPTER 6K-1 ORGANIZATION

6K-1.001 Organization. (Repealed)
CHAPTER 6K-2 TELEPHONE COMMUNICATION SERVICES

6K-2.001 Telephone Communication Services for the Hearing Impaired and the Speech Impaired. (Repealed)