



**Broward
Community
College**

Policy Manual

Title: Duties and Powers of Trustees	Number: 6Hx2-1.06
Legal Authority: Fla. Statutes 240.319 Fla. St. Bd. of Ed. Admin. Rules 6A-14.0247	Page: 1 of 8

Legal authority for the duties and powers of community college boards of trustees resides in both *Florida Statutes* and in *Florida State Board of Education Administrative Rules*.

Duties and Powers Established in *Florida Statutes, Chapter 240.319*

The Board of Trustees is vested with the responsibility to operate Broward Community College and with such necessary authority as may be needed for its proper operation and improvement in accordance with law and rules of the State Board of Education and State Board of Community Colleges.

In carrying out this responsibility, the trustees, after considering recommendations submitted by the President, shall be authorized to adopt such rules, procedures, and policies as are necessary to operate the College in a manner that assures the fulfillment of the responsibilities assigned to the Board. These rules, procedures, and policies may supplement those prescribed by the State Board of Education and the State Board of Community Colleges if they will contribute to the more orderly and efficient operation of the College.

Such rules, procedures, and policies for operation of the College shall include, but not be limited to, the following:

1. The Board of Trustees shall appoint, suspend, or remove the President. The Board of Trustees may appoint a search committee. Periodic evaluations of the President shall be conducted in accordance with rules of the State Board of Community Colleges; such evaluations shall be submitted to the State Board of Community Colleges for review.

2. The Board of Trustees has responsibility for the establishment and discontinuance of program and course offerings; provision for instructional community services, location of classes, and services provided; and dissemination of information concerning such programs and services.

3. The Board of Trustees constitutes the contracting agent of the College and, when acting as a body, may make contracts, sue, and be sued in the name of the District

History: Revised on January 17, 1978; revised on June 20, 1978; revised on September 18, 1979; revised on March 19, 1991; revised on May 21, 1997

Approved by the Board of Trustees	Date 05/21/97	President's Signature 	Date 05/21/97
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Board of Trustees of Broward Community College, Florida. In any suit, a change in personnel of the Board shall not abate the suit, which shall proceed as if such change had not taken place.

4. Whenever the Department of Education finds it necessary for the welfare and convenience of the College to acquire private property for the use of the College and the property cannot be acquired by agreement satisfactory to the Board of Trustees and to the parties interested in, or the owners of, the private property, the Board of Trustees may exercise the right of eminent domain after receiving approval from the State Board of Education and may then proceed to condemn the property in the manner provided by *Florida Statutes*, Chapters 73 and 74.
5. The Board of Trustees may enter into lease-purchase arrangements with private individuals or corporations for necessary grounds and buildings for College purposes, other than dormitories, or for buildings other than dormitories to be erected for College purposes. Such arrangements shall be paid from capital outlay and debt service funds as provided by *Florida Statutes*, Chapter 240.359(2), with terms not to exceed 30 years at a stipulated rate. The provisions of such contracts, including building plans, are subject to approval by the Department of Education, and no such contract may be entered into without such approval. The State Board of Education is authorized to promulgate such rules as it deems necessary to implement the provisions of this paragraph.
6. The Board of Trustees may purchase, acquire, receive, hold, own, manage, lease, sell, dispose of, and convey title to real property, in the best interests of the College, pursuant to rules adopted by the State Board of Education.
7. The Board of Trustees is authorized to enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees, and to establish accounts in credit card banks for the deposit of credit card sales invoices.
8. The Board of Trustees may adopt, by rule, a uniform code of appropriate penalties for violations of rules by students and employees. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.



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9. The Board of Trustees may consider the past actions of any person applying for admission or employment and may provide, by Board rule or procedure, for denying admission, enrollment, or employment to a person if past actions have been found to disrupt or interfere with the orderly conduct, processes, functions, or programs of any other university, college, or community college.

10. The Board of Trustees is authorized to develop and produce work products which relate to educational endeavors which are subject to trademark, copyright, or patent statutes. To this end, the Board shall consider the relative contribution by the personnel employed in the development of such work products and shall enter into binding agreements with such personnel, organizations, corporations, or governmental entities, which agreements shall establish the percentage of ownership of such trademarks, copyrights, or patents. Any other law to the contrary notwithstanding, the Board is authorized in its own name to:
 - Perform all things necessary to secure letters of patent, copyrights, and trademarks on any such work products and to enforce its rights therein.
 - License, lease, assign or otherwise give written consent to any person, firm or corporation for the manufacture or use thereof, on a royalty basis or for such other consideration as the Board deems proper.
 - Take any action necessary, including legal action, to protect the same against improper or unlawful use of infringement.
 - Enforce the collection of any sums due the Board for the manufacture or use thereof by any other party.
 - Sell any of the same and execute all instruments necessary to consummate any such deal.
 - Do all other acts necessary and proper for the execution of powers and duties provided by this paragraph.

11. The Board of Trustees shall provide rules governing parking and the direction and flow of traffic within campus boundaries and may hire appropriate personnel to enforce the campus parking rules. Such persons have no authority to arrest or issue citations for moving traffic violations. The Board may adopt, by rule, a uniform code of appropriate penalties for violation. Such penalties, unless otherwise provided by law, may include levying fines, the withholding of diplomas or transcripts pending



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compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal. Moneys collected from parking rule infractions shall be deposited in appropriate funds of the College for student financial aid purposes.

12. The Board of Trustees shall provide for the appointment, employment, and removal of personnel. The Board shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel, including the President. The Board is authorized to enter into a contract with the President. Any such contract may fix the duration of employment and the compensation and may contain any other terms and conditions the Board deems appropriate. In addition, the Board may furnish the President with the use of a motor vehicle or an allowance in lieu thereof. If any such vehicle is furnished, the Board shall determine and fix its maximum non-College use.
13. The Board of Trustees may provide for recognition of employees who have contributed outstanding and meritorious service in their fields and may adopt and implement a program of meritorious service awards to employees who propose procedures or ideas which are adopted and which will result in eliminating or reducing College expenditures or improving College operations. The College is authorized to expend funds for such recognition and awards. No award granted under the provisions of this paragraph may exceed \$2,000 or 10 percent of the first year's gross savings, whichever is greater.
14. The Board of Trustees may adopt rules to provide for loans, scholarships, and other student services.
15. The Board of Trustees is authorized to establish a policy for law enforcement operations and employ personnel to carry out related duties.
16. The Board of Trustees is authorized to contract for the purchase, lease or acquisition in any manner (including purchase by installment or lease-purchase contract which may provide for the payment of interest on the unpaid portion of the purchase price and for the granting of a security interest in the items purchased) of equipment required by the College. The Board of Trustees may choose to have such equipment contracts consolidated under master equipment financing agreements made pursuant to *Florida Statutes*, Chapter 287.064.



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17. The Board of Trustees is authorized to establish and maintain a personnel exchange program by which persons employed within the College as vocational instructors and comparable administrative and professional staff may be exchanged with persons employed in like capacities by institutions of higher learning which are not under the jurisdiction of the College, by units of government either within or without this state, or by private industry. The salary and benefits of college and state personnel participating in the exchange program shall be continued during the period of time they participate in the exchange program, and such personnel shall be deemed to have no break in creditable or continuous state service or employment during the period of time in which they participate in the exchange program. The salary and benefits of persons participating in the personnel exchange program who are employed by institutions, units of government, or private industry shall be paid by the originating employers of the participants. The duties and responsibilities of a person participating in the exchange program shall be the same as those of the person he/she replaces.

18. The Board of Trustees is authorized to enter into contracts to provide a State Community College System Optional Retirement Program pursuant to *Florida Statutes*, Chapter 240.3195 and to enter into consortia with other boards of trustees for this purpose.

19. The Board of Trustees has responsibility for ensuring that students have access to general education courses as identified in rule; requiring no more than 60 semester hours of degree program coursework, including 36 semester hours of general education coursework, for an Associate of Arts degree; notifying students that earned hours in excess of 60 semester hours may not be accepted by state universities; notifying students of unique program prerequisites identified pursuant to *Florida Statutes*, Chapter 240.209(5)(f); and ensuring that degree program coursework beyond general education coursework is consistent with degree program prerequisite requirements adopted pursuant to *Florida Statutes*, Chapter 229.551(1)(f)5.

Duties and Powers Established in *Florida State Board of Education Administrative Rules*, Chapter 6A-14.0247

This rule supplements the powers and duties specified in *Florida Statutes*, Chapter 240.319. The Board of Trustees shall:



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1. Require minutes and other records to be kept to set forth clearly all actions and proceedings of the Board. Minutes of Board meetings shall be signed by the chairperson and the President immediately after approval by the Board and shall be kept as a public record in a permanently bound book in the custody of the President. Minutes shall show the vote of each member present on all matters on which the Board takes action. It is the duty of each member to see that each motion and the vote thereon are properly recorded in the minutes. Unless otherwise shown in the minutes, it is presumed that the vote of each member present supported action by the Board in either the exercise, violation, or neglect of the powers and duties imposed on the Board by law or rule, whether such action is recorded in the minutes or otherwise established. It is presumed that policies, appointments, programs, and expenditures not recorded in the minutes but made and actually in effect were made and put into effect according to rules of the Board. The President shall obtain Board approval for exceptions to rules of the Board.
2. Be responsible for property acquired by the Board; managing and disposing of such property to the best interest of the College; receiving, purchasing, acquiring through condemnation, leasing, selling, holding, transmitting, and conveying title to real and personal property; contracting and suing regarding real and personal property; basing all contracts on resolutions previously adopted and recorded; and receiving, holding in trust, and administering for the purpose designated, money, real and personal property, and other things of value granted, conveyed, devised, or bequeathed for the benefit of the College.
3. Assemble data and conduct surveys to identify the educational needs of the district. Based on the identified needs, the Board shall develop and adopt a college program for the entire district as the basis for operating the College. There shall be a long range program plan and an annual program plan.
4. Establish rules for the bonding, at College expense, of its members and of employees who are responsible for money or property. The rules shall specify the employee positions that require bonding, the types of bonds required, and the amounts required to protect the College and its funds. Each board member shall file with the secretary of state a \$10,000 surety bond for the faithful performance of the duties of the office. The obligee shall be the Governor.



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5. Adopt rules for the reproduction and destruction of records according to *Florida Statutes*, Chapter 267.051.
6. Designate employee positions to be filled, prescribe minimum qualifications for those positions, and provide for the appointment, evaluation, compensation, promotion, suspension, and dismissal of employees. The Board shall act on recommendations of the President for positions to be filled, for minimum qualifications for those positions, and for employee selection.
 - The Board shall adopt a salary schedule or schedules for paying employees.
 - The Board shall provide contracts for administrative and instructional employees, may provide contracts for other employees, and may authorize the use of facsimile signatures of the Board chairperson and the President on such contracts.
 - The Board shall suspend or dismiss employees or return them to annual contract when it deems appropriate.
7. Enter into contractual agreements with the federal government or any of its departments or designated agencies; with other institutions, departments, agencies, districts, or political subdivisions of the State of Florida and other states of the United States; and with private individuals, organizations, and corporations when it deems appropriate.
8. Enforce the collection or settlement of delinquent accounts.
9. Provide opportunity for employment by the College and for the use of instructional and other services of the College without regard for race, color, age, national origin, religion, gender, marital status, or disability.
10. Designate which documents, agreements, contracts, and instruments of payment and conveyance reflecting action by the Board that the President or a designated representative is authorized to sign.

In accordance with *Florida Statutes*, Chapter 240.313(7), the Board shall have power to take action without a recommendation from the President and shall have the power to require the



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President to deliver to the Board all data and information required by the Board in the performance of its duties.