

**Florida Gulf Coast University Board of Trustees  
September 13, 2005**

**SUBJECT: Authorization to President or Designee regarding University  
Regulation Development**

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**PROPOSED BOARD ACTION**

For purposes of actions to be taken in accordance with the Florida Board of Governors Regulation Development Procedure for State University Boards of Trustees, authorize the President or designee to act on behalf of the FGCU Board of Trustees with respect to the development of regulations, except that the Board of Trustees reserves the authority to approve, modify or reject the proposed adoption, amendment or repeal of a regulation.

**BACKGROUND INFORMATION**

The Florida Board of Governors Regulation Development Procedure for State University Boards of Trustees (“BOG Development Procedure”), in Section K, Designee, allows a university board of trustees to name a designee or designees for any action to be taken with respect to the development of regulations, except that a university board of trustees may not delegate the authority to adopt regulations. The FGCU Board of Trustees is requested to exercise this delegation opportunity by authorizing the President or designee to handle routine actions related to regulation development.

Approval of such authorization would facilitate the University’s timely processing, adoption and ongoing management of regulations in matters such as: (1) upgrading and updating the University’s regulation website, (2) posting regulation notices, (3) determining that initiation of regulation adoption procedures is appropriate, (4) accepting and reviewing comments from members of the public relating to proposed regulations, (5) accepting the filing of petitions and challenges to regulations, and (6) functioning as liaison with representatives of the Florida Board of Governors for purposes of proposed or adopted FGCU regulations. However, the Board reserves its authority to engage in the policymaking function of approving, modifying or rejecting the proposed adoption, amendment or repeal of a regulation.

The FGCU Board of Trustees may recall that, on October 10, 2002, the Board approved similar delegations of authority with respect to the rulemaking procedures under the Administrative Procedure Act, Chapter 120, Florida Statutes. These earlier delegations of authority enabled the University to initiate and complete necessary rule changes in a swift manner while reserving the policymaking activity of rule adoption for the Board of Trustees.

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**Supporting Documentation Included:** N/A

**Prepared by:** Wendy S. Morris, General Counsel

**Legal Review by:** N/A

**Submitted by:** Wendy S. Morris, General Counsel