

NOTICE OF PROPOSED EMERGENCY REGULATIONS

Florida Gulf Coast University Board of Trustees

REGULATION NUMBER(S) AND TITLE(S):

FGCU-ER-07-01 – Fall 2007 Tuition and Fees

FGCU-ER-07-02 – Fall 2007 Special Fees

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH,

SAFETY OR WELFARE: The Florida Board of Governors Regulation Development Procedure for State University Boards of Trustees and Sections 1001.706(3)(c), 1001.74(3)(c) and 1009.24, F.S., require the FGCU Board of Trustees to establish University tuition and fees. Regulation FGCU-ER-07-01, Fall 2007 Tuition and Fees, increases non-resident undergraduate and all graduate student tuition by five percent (5.0%), as authorized by the 2007-2008 General Appropriations Act, SB 2800. The changes break-out the NCAA division change fee from the athletic fee. In addition, the regulation increases the health fee by sixty cents per credit hour to \$6.63; increases the activity & service fee by thirty cents per credit hour to \$11.24; and, increases the NCAA division change fee by \$2.00 per credit hour to \$4.00, due to the NCAA Division I transition. The regulation increases the repeat undergraduate course fee to \$179.88 per credit hour and the repeat college preparatory course fee to \$207.88 per credit hour. In Regulation 6C10-7.003, Special Fees, the changes clarify the orientation fee as non-refundable. While time alone is not sufficient to justify an emergency, it is important to the fiscal welfare of the University and the State of Florida that the University implements the increased tuition and fees on time and in the proper manner, pursuant to the 2007-2008 General Appropriations Act, SB 2800, SB 2802, and the Florida Board of Governors Regulation Development Procedure for State University Boards of Trustees. It is necessary, therefore, to adopt this regulation by emergency regulationmaking to comply with the University's legal obligations.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE

CIRCUMSTANCES: The FGCU Board of Trustees will consider the proposed emergency regulations at its June 19, 2007 meeting which begins at 8:30 AM in the Student Union Ballroom (Room 203-B) at FGCU, 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565. This meeting will be publicly noticed and interested parties will be given an opportunity to comment upon the regulations at the meeting in accordance with the FGCU Board of Trustees' Bylaws. The emergency regulation also is being noticed on May 30, 2007, and the full text of the rule is published on the University's website at <http://www.fgcu.edu/generalcounsel/governance.asp>. In addition, the University has already begun promulgation procedures to update the permanent tuition and fee and special fee regulations, Regulations 6C10-7.001 and 6C10-7.003, F.A.C. The Board also will approve the permanent regulations at the June 2007 meeting. The proposed text and fee structure of the permanent and emergency regulations are identical to each other.

EFFECTIVE DATE OF EMERGENCY REGULATIONS IF APPROVED BY THE FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES: July 1, 2007.

DATE THIS NOTICE WAS POSTED ON FGCU WEBSITE: May 30, 2007.

Florida Gulf Coast University Emergency Regulations
Chapter 6C10-7, Finance and Accounting Regulations
Approved June 19, 2007

FGCU-ER-07-01 Fall 2007 Tuition and Fees

(1) General. Tuition and fees assessed by the University shall be in accordance with the General Appropriations Act and the rules and policies of the Board of Governors.

(2)(a) Tuition and fee schedule. The University shall assess the following tuition and fees per credit hour for each regularly enrolled student, depending on whether a student is a resident or non-resident of the State of Florida, unless provided otherwise by law or in this rule:

<u>Tuition/Fee</u>	<u>Resident</u> <u>Undergraduate</u>	<u>Non-Resident</u> <u>Undergraduate</u>	<u>Resident</u> <u>Graduate</u>	<u>Non-Resident</u> <u>Graduate</u>
Tuition	\$73.71	\$471.10	\$189.25	\$810.37
Financial Aid Fee	\$3.68	\$23.55	\$9.46	\$40.51
Transportation Fee	\$4.75	\$4.75	\$4.75	\$4.75
Parking Decal Fee	\$2.75	\$2.75	\$2.75	\$2.75
Capital Improvement Trust	\$2.44	\$2.44	\$2.44	\$2.44
<u>Fund Fee</u>				
Building Fee	\$2.32	\$2.32	\$2.32	\$2.32
Activity and Service Fee	\$11.24	\$11.24	\$11.24	\$11.24
Athletic Fee	\$10.54	\$10.54	\$10.54	\$10.54
NCAA Division	\$4.00	\$4.00	\$4.00	\$4.00
<u>Change Fee</u>				
Health Fee	\$6.63	\$6.63	\$6.63	\$6.63
Total Per Credit Hour	\$122.06	\$539.32	\$243.38	\$895.55

(2)(b) Repeat course fee. A student enrolled in the same undergraduate college credit course more than twice shall be assessed an additional \$179.88 per credit hour charge for each such course. A student enrolled in the same college preparatory course more than twice shall be assessed an additional \$207.88 per credit hour charge for each such course.

(3) Payments on Accounts Due the University. Charges against a student's account for loss or breakage of University equipment, lost books, library or parking fines and other related charges are due immediately. University policy prohibits registration, or release of transcript and diploma for any student whose account with the University is delinquent.

(4) Registration occurs when a student:

(a) Selects one or more credit courses approved and scheduled by the University; and

(b) Pays tuition and fees, partial or otherwise, or makes other appropriate arrangements for tuition payment (deferment, or third party billing) for the courses in which the student is enrolled as of the end of the drop/add period. The University does not have a plan for installment payment of fees.

(5) Payment. Tuition and registration fees must be paid in full by the date designated in the University Student Schedule and Fee Statement as the "last date to pay fees" for each semester. Payments shall be made at the Cashier's Office or by mail and received no later than that date. The President or designee will extend the deadline for fee payment when payment by the student is delayed due to University action or inaction.

(6) Liability for payment of tuition is incurred at the point at which the student has completed registration. Students are liable for all fees associated with all courses in which they are registered at the end of the drop/add period.

(7) Cancellation of Registration. A student's course schedule shall be canceled when tuition has not been paid in full or when arrangements for payment have not been made through the Office of Financial Aid or the Cashier's Office. By the published "last date to pay fees" students awaiting receipt of financial aid must pay any additional amount due before the end of the last day to pay fees to prevent cancellation of the course schedule. A student whose course schedule has been canceled cannot thereafter attend classes and will not obtain credit for courses. A student whose course schedule has been canceled will be mailed written notice of cancellation to his/her last known address on record and be given a deadline by which he/she may apply for reinstatement.

(8) Reinstatement. Students may seek reinstatement of their course schedule by following the procedures outlined in this subsection.

(a) Requests for reinstatement. A request for reinstatement must be presented in writing to the Registrar's Office by the deadline given on the notice of cancellation mailed to the student. The request for reinstatement must include all documentation supporting the request. The Reinstatement Appeals Committee will evaluate the request based upon the criteria contained in this rule and notify the student in writing of its decision.

(b) Reinstatement Appeals Committee. A student whose course schedule has been canceled for non-payment may apply for reinstatement of the course schedule to the Reinstatement Appeals Committee. The Committee shall consist of at least three staff members appointed annually by the President, and one student appointed by the FGCU Student Government. The Committee shall meet as required between the published last day to pay fees and six months after the end of the term for which the reinstatement is requested. The decision of the Committee shall be final.

(c) Criteria for Reinstatement. In evaluating a request for reinstatement, the Committee shall apply the following criteria:

1. Reinstatement shall be granted where it is demonstrated that the student's registration was canceled through University error.

2. Reinstatement shall be granted where the student submits documentation demonstrating that the student was prevented from making timely payment due to extenuating circumstances beyond the student's control. Examples of "extenuating circumstances" include:

a. A student was unavoidably out of town during the week prior to the last day to pay fees, or

b. A student was ill and unable to make payment prior to the last day to pay fees.

3. If a student's reinstatement is approved by the Reinstatement Appeals Committee, they must be reinstated for all courses for which they were originally registered.

(d) Where reinstatement is granted, the student shall take the written decision of the Committee to the Cashier's office, pay the fees which are due and complete the registration process with the Registrar's Office.

(9) Late Registration Fee.

(a) A late registration fee of \$100 shall be assessed by the University when registration is initiated after the close of the regular registration period.

(b) The late registration fee shall be waived when:

1. The late registration was caused by a University error, or

2. The student was unavoidably out of town on the last day to register (documentation must be provided), or

3. The student was ill (documentation must be provided), or

4. The course was closed and the student was required to wait until classes started (written documentation from the instructor is required), or

5. The student was informed after the published last day to register that a course is necessary in order to graduate, be re-certified, or is a work related requirement (appropriate documentation must be provided).

(10) Late Payment Fee. A late payment fee of \$100 shall be assessed by the University when:

(a) A student pays his/her fees after the published "last day to pay fees", and has been approved for reinstatement pursuant to this rule; or

(b) A dishonored check is redeemed after the last date to pay fees.

(11) University Loan Program Service Charge. In lieu of interest, a \$10 service charge will be assessed to any student participating in the University loan program regardless of the amount of the loan. Students utilizing the university loan program must sign a promissory note which obligates them to the total loan amount including the \$10 service charge for each loan issued.

(12) Tuition and Fee Appeals. Students may appeal the assessment of fees and request refunds of tuition and fees to the Fee Appeals Committee according to procedures set forth in this subsection.

(a) Procedures. A student who seeks review of tuition or a fee assessed shall file a written appeal with the Registrar's Office. The appeal must set forth the basis for seeking a refund and attach all supporting documentation. An appeal must be filed no later than six months following the last day of the term during which the respective tuition or fees were incurred. For the purpose of this regulation, summer terms are considered as one term.

(b) Tuition and Fee Appeals Committee. The Tuition and Fee Appeals Committee shall consist of at least three staff members who are appointed annually by the President, and one student appointed by the FGCU Student Government. The Committee shall meet as often as necessary to review and act upon appeals which come before it.

(c) Committee Determinations. Each appeal will be initially reviewed by the Registrar or designee. A decision will be made by the Registrar's Office according to criteria established by this regulation. The decision shall be communicated in writing to the student within sixty (60) days from the date the appeal was filed with the University. The Tuition and Fee Appeals Committee shall consider only cases of those students who are appealing the initial decision made by the Registrar's Office. Students may appear in person before the Committee to present their appeal. The decision of the Committee is final.

(d) Criteria for Determining Tuition and Fee Appeals. The criteria established by this regulation shall govern decisions by the Registrar and the Tuition and Fee Appeals Committee:

1. An appeal shall be granted when it is demonstrated that tuition or fees were paid as a result of University error.

2. An appeal shall be granted when it is demonstrated that the student was prevented from timely withdrawal from the University due to extenuating circumstances beyond the student's control. Extenuating circumstances include death of the student, or death in the immediate family (parent, spouse, child, sibling) of the student; illness of the student that is of long duration or severity, as confirmed in writing by a physician; or call to, or enlistment in, active military duty.

(13) Refunds. Refunds will be processed and mailed to the address shown on the Registrar's files to all students whose fee accounts show an overpayment after the published last day to pay fees. Students due a refund will not be required to submit a refund request to receive their refund because it will be automatically calculated. If there is a balance due to the University in the accounts receivable system, that amount will be deducted from any refund due. In addition, students shall be entitled to refunds in the following circumstances:

(a) 100% of tuition and course related fees will be refunded if notice of complete withdrawal or course withdrawal from the University occurs prior to the end of drop/add period.

(b) 25% of tuition and course related fees will be refunded if notice of withdrawal from ALL courses

from the University occurs prior to the end of the fourth week of classes.

(c) Students who receive financial aid and subsequently change their enrollment status and this action results in a refund, may have all or a portion of their refund returned to the University's Financial Aid Office in accordance with the terms of their financial aid agreement.

(d) 100% of tuition and course related fees if a student withdraws or drops a course due to circumstances which are exceptional and beyond the control of the student. Requests for fee adjustments must meet one of the conditions below to be considered:

1. Death of the student or immediate family member (parent, spouse, child or sibling) as confirmed by documentation indicating the student's relationship to the deceased. A death certificate is required.

2. Illness of student of such severity or duration to preclude completion of course(s). Written confirmation by a physician required.

3. A situation in which the University is in error as confirmed in writing by the appropriate Vice President or other senior administrator.

(14) Deferred Payment Status. Deferred payment status for tuition and registration fees will be granted upon application by the student on the following grounds:

(a) Veterans shall be entitled to deferment in accordance with the provisions of Section 1009.27, F.S.

1. Each student granted a veteran's deferment shall sign a promissory note for the amount of registration and tuition fees due. The promissory note must be presented to the University Cashier's Office before the published last day to pay fees. Failure to present the promissory note by the deadline will result in the student being assessed the \$100 late payment fee. If the student does not present an authorized deferment to the Cashier, including the \$100 late fee, by the close of the fourth week of classes, the student's registration shall be canceled. The student may request reinstatement by presenting an authorized VA deferment promissory note along with a \$100 late registration/late payment fee in lieu of full payment of tuition and registration fees. (See the procedure outlined in Reinstatement.)

2. If an eligible student's educational benefits are delayed beyond the deferral period, (end of term for which they are enrolled) the deferment will be extended upon request by the student with written verification from the granting entity that the student is eligible to receive benefits and that benefits are being processed for payment. Upon receipt of written verification, the Registrar's Office shall approve the deferment and any request for extension. Additional extensions may be similarly granted until such time that the student begins receiving educational benefits. Failure of the veteran to pay the amount of the authorized deferment by the due date or extended date, whichever is later, will result in the student being assessed the \$100 late registration/late payment fee.

(b) Third Party Billings. Deferment is permitted when formal contractual arrangements have been made with the University for payments by an approved third party. The President or designee is responsible for negotiating such third party contracts.

(c) Delay in Financial Aid Delivery. Deferral of tuition and fees is permitted for those students receiving financial aid from federal, state, or University assistance programs when delivery of the aid is delayed through circumstances beyond the control of the student. Failure to make timely application for such aid shall be insufficient reason to receive such deferral. The Director of Financial Aid shall certify a student's eligibility for deferral to the University Controller or designee for each student for each academic term for which receipt of aid is delayed.

(d) Extraordinary circumstances exist and the deferment has the approval of the President or his designee.

(15) Withdrawal or Course Changes due to Military Service. A student who is called to, or enlists in, active military service in the United States Armed Forces may choose to withdraw from the University or any course(s) with a full refund of tuition and fees paid and without academic penalty. In the alternative, a student may elect not to withdraw and to complete the course(s) at a later date. A student who elects to complete the course(s) at a later date shall re-enroll and begin completion of the course(s) requirements no later than within six months after discharge or release from active military duty.

(a) Notification of withdrawal or course change(s) due to military service shall be made to the Office of the Registrar as soon as practicable. The student, or a representative of the military service on the student's behalf, shall provide verification of the official active duty orders and/or discharge to the Office of the Registrar.

(b) The transcript of a student will be annotated to reflect that the above withdrawal or course change(s) is due to active military service.

(c) A student living in University housing or registered for a meal plan will receive a pro rata refund of fees paid based on the date of withdrawal or the date of election to complete the course(s) at a later date, or the terms of the meal plan.

(d) The student is responsible for returning any outstanding library materials and University equipment, and for the payment of any parking fines assessed by the University.

Specific Authority: BOG Regulation Development Procedure, 1001.706(3)(c), 1001.74(3)(c), FS.

Law Implemented: 2007-08 General Appropriations Act, SB 2800, SB 2802, 1001.74(3)(c) & (6)(i), 1009.01(2), 1004.07, 1009.21, 1009.24, 1009.27, 1009.28, 1009.285, FS.

Effective Date of Regulation: July 1, 2007

Florida Gulf Coast University Emergency Regulations
Chapter 6C10-7, Finance and Accounting Regulations
Approved June 19, 2007

FGCU-ER-07-02 Fall 2007 Special Fees

(1) The fees listed in this section will be assessed by the University.

Fee	Amount
(a) Non-Refundable Application Fee	\$30.00
(b) Non-Refundable Orientation Fee	\$35.00
(c) Security, Access or Identification Cards:	
Annual Fee for Card	\$10.00
Fee for Replacement Cards	\$15.00
(d) Fee for Transcripts	\$10.00
(e) Fee for Diploma Replacement	\$10.00
(f) Course-related Fee for Materials and Supplies consumed during instructional activities	Cost
(g) Overdue Library Material Fee (per day)	\$0.25
(h) Overdue Library Reserve Material Fee -- per item, per hour	\$0.25
(i) Interlibrary Loan Fee	Cost
(j) Literature Search Fee	Cost
(k) Damaged/Lost Library Materials	Cost
(l) Late Return of Equipment Fee (per day)	\$5.00
(m) Equipment or Facilities Use, Damage or Loss	Cost
(n) Duplicating, Photocopying, Binding Microfilming and Copyrighting Fees	Cost
(o) Standardized Testing Fees	Cost
(p) Returned-Check Fee for Unpaid Checks as authorized by Section 832.07(1), F.S., as follows:	
(i) Service charge of \$25.00, if the face value of the check is \$50.00 or less;	
(ii) Service charge of \$30.00, if the face value of the check is between \$50.01 and \$300.00; or	
(iii) Service charge of \$40.00, if the face value of the check exceeds \$300.00, or an amount of up to 5% of the face amount of the check, whichever is greater.	
(q) Miscellaneous Health-Related Charges for Services at the Health Center	Cost
(r) Fee for Collection of Overdue Accounts	Cost
(s) Additional Fee for Off-Campus Course	Cost

(2) The term "cost" as used in this provision includes those increased costs to the University that are reasonable, specific, identifiable and directly related to the goods or services.

Specific Authority: 1001.706(3)(c), 1001.74(3)(c), FS, BOG Regulation Development Procedure.
Law Implemented: 2007-08 General Appropriations Act, SB 2800, SB2802, 1001.706(3)(c),
1001.74(3)(c), 1009.24(12) FS.
Effective Date of Regulation: July 1, 2007