

**FLORIDA ATLANTIC UNIVERSITY
NOTICE OF PROPOSED NEW REGULATION**

Date: July 19, 2013

REGULATION TITLE AND NUMBER: Educational Sites (3.005)

SUMMARY: This new regulation is created pursuant to Board of Governor's Regulation 8.009 to regulate the university's establishment, reclassification, relocation, and closing of educational sites apart from the main campus, including international educational sites and educational sites located in other states, and for the acquisition of real property on which such educational sites will be located.

FULL TEXT OF THE REGULATION: The full text of the proposed regulation is attached below to this Notice and is posted on FAU's website at www.fau.edu/regulations/current.php. In addition, the full text of the proposed regulation is available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or GeneralCounsel@fau.edu.

AUTHORITY FOR THE REGULATION: Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005, and Florida Board of Governors Regulations 1.001 and 8.009.

UNIVERSITY OFFICIAL INITIATING THE REGULATION: David L. Kian, General Counsel

COMMENTS CONCERNING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation in whole or in part after notice, or proceed with adopting the regulation. The comments must identify the regulation(s) on which you are commenting:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Suzanne Prescott, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), GeneralCounsel@fau.edu.

Florida Atlantic University

Regulation 3.005 Educational Sites

(1) General. Pursuant to Board of Governors Regulation 8.009, this regulation is created to regulate the establishment, reclassification, relocation, and closing of educational sites apart from the main campus, including international educational sites and educational sites located in other states, and for the acquisition of real property on which such educational sites will be located. For the purposes of this regulation, a closure shall mean no further educational, research, and administrative activities of the University shall be maintained at the site.

(2) Definitions. The Board of Governors' definitions of educational sites set forth in Board of Governors Regulation 8.009(1) shall be used for classification purposes under this regulation.

(3) Procedures. The following approval processes for establishing, reclassifying, relocating, and closing educational sites apart from the main campus will be utilized by the University:

- a. As an initial part of the process that may lead to the acquisition, establishment, reclassification, relocation, or closing of additional campuses or special purpose centers, the President shall consult with the Chancellor of the State University System to inform system-wide strategic planning.
- b. Instructional sites and special purpose sites may be established, relocated, or closed upon approval by the University President. Proposals to establish, relocate, or close instructional sites or special purpose sites shall be submitted to the President in a format consistent with the formats developed by the Office of the Board of Governors for additional campuses and special purpose centers. If an instructional or special purpose site scheduled for closing has been funded by the Legislature or established pursuant to law, the University shall provide documentation to the Board of Governors justifying the closure, and shall initiate a dialogue with legislative leadership regarding the closure.
- c. Establishing, reclassifying, relocating, or closing an additional campus or special purpose center, including acquiring real property for such educational sites, shall be approved by the Board of Trustees and, subsequently, by the Board of Governors. No capital outlay funds shall be requested of the Legislature or expended, except for planning, prior to such approvals being obtained.
- d. Proposals for the establishment, relocation, and reclassification of additional campuses and special purpose centers shall be submitted by the President to the Board of Trustees and, subsequently, to the Board of Governors, using the appropriate format(s) developed by the Office of the Board of Governors.
- e. In addition to addressing the elements specified by the Board of Governors, a proposal for the establishment of international campuses and special purpose centers shall include the following elements:

- i. The relationship of the international program to the University's mission and strategic plan;
 - ii. Any known legal requirements of the host country that must be met to establish and operate a campus or special purpose center in that country and the legal jurisdiction that will be applicable to the University's operations, and a plan and timeline for meeting those requirements;
 - iii. A risk assessment of the University's responsibility for the safety of students, faculty, and staff, including a plan to mitigate these risks;
 - iv. How the University will exercise control over the academic program, faculty, and staff, if the program is not operated exclusively by the University; and
 - v. Details on any exit agreements with foreign partners or governments.
- b. Proposals for closing additional campuses and special purpose centers shall be submitted by the President to the Board of Trustees and, subsequently, to the Board of Governors, using the format(s) specified by the Office of the Board of Governors. All proposals shall include any elements required by Board of Governors Regulation 8.009.

(4) Separate accreditation from the Southern Association of Colleges and Schools for an additional campus shall not be sought prior to approval by the Board of Trustees and the Board of Governors.

(5) The University shall annually monitor enrollment at its additional campuses. If enrollments fall below the minimum designated for the site for three consecutive years, the University shall develop and implement a plan for increasing enrollment, reclassifying the site, or closing the site. An exception shall be made for a Type III Campus that was approved by the Board of Governors. In that case, if enrollments fall below the Board of Governors-approved minimum for that site for three consecutive years, the University shall develop and implement a plan for increasing enrollment, reclassifying the site, or closing the site.

Specific Authority: Article IX, Fla. Const.; 1001.706, F.S., Florida Board of Governors Regulations 1.001 and 8.009. History: New— __-__-2013.