

## Florida SouthWestern State College District Board of Trustees Agenda Item Summary

Meeting Date: 9/22/2015

**1. Action Requested/Purpose:** Approval of the Certificate of Compliance of Florida SouthWestern State College Foundation, Inc.

**2. Fiscal Impact:**    ☐ Yes    ☐ No    ☒ N/A

**3. Funding Source:**                      Amount: \$

**4. Administration Recommendation:** The Administration recommends the Board of Trustees approval to certify that the Florida SouthWestern State College Foundation, Inc. is in compliance with requirements set for its operations.

**5. Agenda Item Type:**

- ☒ Action Item  
☐ Consent Agenda  
☐ Information Only  
☐ Board Requested Information/Report

**8. Requirement/Purpose (Include Citation)**

- ☒ Statute 1004.70  
☐ Administrative Code  
☒ Other BOT 6Hx6:1.03

**9. Background Information:**

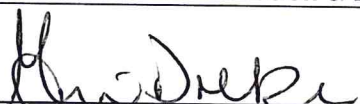
Florida Statute 1004.70 provides the Board of Trustees certify annually that the direct support organization is operating in a manner consistent with the goals of the institution. College Board Policy 6Hx6:1.03 sets forth policies for operation of the Foundation.

The Florida SouthWestern State College Foundation, Inc. is in full compliance with the 2014-2015 requirements of College Board Rule 6Hx6:1.03.

**Requested By:**

  
 \_\_\_\_\_  
 Sr. Director: Administration & Development

**Funding Verified by:**

  
 \_\_\_\_\_  
 Vice President, Administrative Services

**Approved For Agenda by:**

  
 \_\_\_\_\_  
 President

**District Board of Trustees Policy  
(BOT)**



**Policy Title:** Florida SouthWestern State College Foundation, Inc.

**Policy Number:** 6Hx6:1.03

**Specific Authority:**

Florida Statute 1001.64; 1004.70  
Florida Administrative Code

**Policy Approved:** 8/17/95; 6/19/97; 2/23/99; 08/23/05; 11/27/07; 2/18/09;  
2/28/12; 5/26/14; 02/24/15

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**Policy:**

Pursuant to Florida Statute 1004.70, the Florida SouthWestern State College District Board of Trustees may certify, as a direct support organization, Florida SouthWestern State College Foundation, Inc. (Foundation), whose purpose is to provide funds for student scholarships, instructional services, the Barbara B. Mann Performing Arts Hall, and other proper activity of Florida SouthWestern State College. The President of the College is authorized to implement the Board's procedures and guidelines to allow the Foundation the use of property, facilities and personal services pursuant to the provisions of Florida Statute 1004.70. In order to use such property, facilities and personal services, the Foundation shall:

1. Maintain exemption from Federal income tax as an organization described in section 501 (c) (3) of the Internal Revenue Code.
2. Provide that the College President and Chairman of the District Board of Trustees, or trustees designee, serve on the Board of Directors and the executive committee of the Board of Directors of the Foundation.
3. Employ an independent auditing firm, and submit annual audited financial statements and management letters to the District Board of Trustees and the President of the College.
4. Submit the annual budget to the District Board of Trustees.
5. Provide in its By-Laws that the Executive Director of the Foundation shall be appointed by, and be responsible to, the President of Florida SouthWestern State College.
6. Adopt and maintain an investment policy as approved by the District Board of Trustees.
7. Operate in accordance with Section, 286.011, Florida Statutes (the Sunshine Law).

8. Operate in a manner consistent with the mission of Florida SouthWestern State College and the goals of the Florida College System institution and in the best interest of the state.
9. The Foundation shall not accept any gift, donation, grant, enter into any transaction or contract that creates any liability for the College, without advance written approval by the President of College.