



Full Board Meeting Minutes
Wednesday, August 12, 2020 – 1:00 p.m.
SPECIAL FULL BOARD - VIRTUAL MEETING

I. Call to Order and Roll Call

Chair Abdol Moabery convened the special full board meeting of the Florida Atlantic University Board of Trustees with the following members participating:

Mr. Brent Burns, Mr. Shaun Davis, Dr. Jeffrey Feingold, Mr. Brad Levine, Ms. Elycia Morris, Ms. Celine Persaud, Mr. Robert Rubin, Mr. Bob Stilley, and Dr. Kevin Wagner

The following university officials participated: Dr. John Kelly, University President, Mr. David Kian, VP, Legal Affairs, Ms. Elizabeth Rubin, Chief Compliance Officer, Mr. Daniel Jones, Associate General Counsel, Dr. Larry Faerman, Acting Vice President, Student Affairs & Enrollment Management, and Mr. Andrew LaPlant, Board of Trustees Operations.

Roll was taken and a quorum was present.

II. Public Comments

A public comment was given by Dr. William Trapani. He opened that he has been a faculty member at FAU for 12 years. He is here to celebrate the achievements of the Florida Equity Report. FAU is known as an institution of excellence precisely because it values diversity and inclusion. The report shows faculty gains in hiring women of color, but it doesn't register why they are not staying at FAU. Dr. Trapani gave two reasons: one, they are hired by other universities, and two, they feel dispirited and morale is low. He noted that faculty involvement in dealing with this crisis has been minimal. There were no open forums, no surveys were sent for preferences and faculty were not consulted about class offerings. He suggested taking a different path that includes faculty. Dr. Trapani gave three suggestions: one, to give faculty perceptions of the president on his yearly

review; two, restore the scope of academic affairs and control of its own budgeting model; and three, make sure broad faculty involvement is included in all important decision making. If budget cuts happen and there is no faculty involvement, the morale will continue to decline and more faculty will leave.

III. Action Items:

a. Request for Approval of Amendments to Regulation 4.007, Student Code of Conduct

Mr. David Kian, VP, Legal Affairs, presented the item. The code has a provision that every five years, the VP of Student Affairs appoints a committee to review the entire code. The task force brought forth a number of amendments. These revisions are intended to comply with the new Title IX Regulations issued by the U.S. Department of Education on May 6, 2020, which become effective on August 14, 2020. Mr. Kian asked Mr. Daniel Jones, Associate General Counsel, to go into more detail on the regulation. Mr. Jones presented the proposed changes to the regulation.

Mr. Kian added that these regulations have been posted on the university regulation website for thirty days as required. They received no public comments during the thirty days.

Trustee Levine asked about the rights of both parties. If the person who is accusing was making a false claim, what happens, and what about the rights of the respondents? Mr. Jones responded that an accused student's status remained unchanged pending a final decision and appeal. On the first part of the question, Mr. Kian responded that just because an allegation does not result in a finding of responsibility does not automatically mean that the accusation was false. It simply means that the fact-finder did not see enough evidence to conclude that the charged student committed the offense. But he noted that FAU has a student conduct code provision that prohibits students from providing false information, so if a student does provide false information at any point in any student disciplinary proceeding, that student can be charged with a violation of the student conduct code.

Trustee Feingold asked about the number of complaints per year. Mr. Kian said it changes year to year, but mostly in the single digits or low teens. Trustee Rubin asked if these rules applied to everyone on campus. Mr. Kian replied that the student code of conduct applies to all students, and there are similar provisions for employees in our HR policies.

A motion was made and seconded to approve the Request for Approval of Amendments to Regulation 4.007, Student Code of Conduct. With no further discussion or amendments, the motion passed unanimously.

b. Request for Approval of Amendments to Regulation 5.010, Anti-Discrimination and Anti-Harassment

Mr. Kian opened that this Regulation does have universal applicability to students, faculty, staff, and all members of the University community. This is not restricted to the student conduct code. That is why one of the amendments is to change the Regulation's chapter number. These are more administrative type of changes and a clarification of some of the policies. Mr. Kian asked Mr. Jones to present the details of the changes. Mr. Jones presented the proposed changes to the regulation.

Trustee Levine asked how the amendments protect free speech in accordance with state laws and the US Constitution. Mr. Kian replied they coalesce perfectly, and that all provisions are in full conformity with state and federal law.

A motion was made and seconded to approve the Request for Approval of Amendments to Regulation 5.010, Anti-Discrimination and Anti-Harassment. With no further discussion or amendments, the motion passed unanimously.

c. Approval of the 2018-19 Florida Educational Equity Report

Ms. Elizabeth Rubin presented the item. Ms. Rubin opened that the equity report outlines FAU's efforts to provide access to educational and employment opportunities for the underserved and underrepresented student and employee populations as required under the Florida Education Act, Florida Statutes 1005.05, F.S., and Board of Governors Regulation 2.003.

Ms. Rubin presented on the different items in the report, including Diversity at FAU, FAU Equity Program Allocations, Other Initiatives for Underrepresented Populations, Academic Programs, Athletics, Employment, Areas of Improvement, and a Comparison of FAU vs. the State University System.

A motion was made and seconded to approve the 2018-19 Florida Educational Equity Report. With no further discussion or amendments, the motion passed unanimously.

Chair Moabery asked President Kelly to give a brief update. President Kelly asked Mr. Larry Faerman, Acting VP of Student Affairs and Enrollment Management, to speak about housing. Mr. Faerman opened that we are in the process of opening the residence halls for the fall. On the Boca Raton campus, FAU housing is 80% occupied. While that is less than the normal 100%, with COVID-related issues, we are one of the top universities in the state at 80%. On the Jupiter campus, FAU housing is at 72% occupied.

Trustee Feingold asked about the decline in revenue. Mr. Faerman replied that we are doing well compared to the other state universities. They are reducing some expenditures, but not to the detriment of the students or the facilities. Mr. Jeff Atwater, VP, Financial Affairs, added that our debt service coverage ratio would still be above what is necessary. If, in the future, FAU goes below the debt service ratio, there is a reserve in the finance corporation to use. The Board of Governors has also authorized using carry-forward dollars towards debt service.

Chair Moabery noted that the numbers are annualized and doesn't account for the possibility of spring numbers being better. Mr. Atwater said that is correct. Chair Moabery also noted that FAU had to set aside a certain number of beds for COVID-related quarantines.

President Kelly closed by saying there are two meetings a week with the Chancellor of the Board of Governors, where they constantly discuss reopening plans. He added that decisions on athletics continue to evolve. He thanked the Board members for working with the administrators even though they are busy with their own businesses and jobs.

IV. Adjournment

A motion was made and seconded to adjourn the meeting. The motion passed unanimously and the meeting was adjourned.