



**Full Board Meeting Minutes
Tuesday, August 15, 2023
Virtual Meeting**

I. Roll Call

Chair Brad Levine convened the full board meeting of the Florida Atlantic University Board of Trustees with the following members participating:

Vice Chair Barbara Feingold, Mr. Piero Bussani, Ms. Dalia Calvillo, Mr. Daniel Cane, Mr. Shaun Davis, Dr. Kimberly Dunn, Mr. Earnie Ellison, Mr. Robert Flippo, Mrs. Elycia Morris, Mrs. Sherry Murphy, Mr. Pablo Paez, and Mrs. Linda Stoch.

The following university officials participated: Dr. Stacy Volnick, University President; Mr. David Kian, VP Legal Affairs, and Mr. Andrew LaPlant, Board of Trustees Operations.

Roll was taken and a quorum was present.

II. Chairman's Update

Chair Levine opened that this is the week students are returning to school for the fall semester. Since the board's last meeting, FAU has finalized an agreement with Broward Health to have an FAU Academic Medical Center at Broward North Hospital. This is a transformational event for FAU Health.

Chair Levine updated the board on the presidential search. After a month of meetings and forums, the presidential search committee met on July 5th to bring three candidates for the board's consideration. He thanked those on the search committee. They considered 63 applicants, which was one of the most successful applicant pools in the SUS history. The search committee recommended three finalists: Dr. Michael Hartwell, Dean of FSU College of Business, Vice Admiral Sean Buck,

Superintendent of the United States Naval Academy, and Dr. Jose Sarterelli, former Chancellor of UNC-Wilmington.

Following the selection of the three candidates, we were supposed to host forums the week of July 10th. These events would have provided our campus community opportunity to meet and interact with each finalist, then provide feedback for consideration. However, on Friday, July 7, Board of Governors (BOG) Chancellor Ray Rodrigues, wrote Chair Levine and recommended that the search be suspended. The basis for this request was referred to as reported “anomalies” that occurred during the search.

The Chancellor identified two areas of concern. The first involved a preference survey that the committee members utilized to identify which applicants they wanted to interview. At the time, we had nearly 60 applicants. Instead of the enormous effort it would have been to go over all the applicants, Chair Levine said that Trustee Feingold made a wise proposal that the committee members individually submit a list of their top candidates to the search consultant. The expectation was that this would demonstrate a consensus that would show the most attractive candidates. The committee could focus on those names instead of all 60. The BOG representative on the search committee, Governor Alan Levine, enthusiastically endorsed Trustee Feingold’s suggestion. Governor Levine noted that he had used similar methodology in previous searches for such a large candidate pool. Chair Levine agreed with Trustee Feingold’s and Governor Levine’s suggestion, and the preference survey was administered to the committee.

Chair Levine stated that the committee members spent the next few weeks individually going over the materials of all the applicants, then submitted their preferences to the consultant. At the committee’s next meeting, the consultant presented the results of the preference survey. Then the committee did exactly what Governor Levine had predicted it would do: it quickly identified the top applicants to discuss. Chair Levine emphasized that the preference survey was just that, a survey. It was a tool to expedite the committee’s deliberation by aggregating the committee members’ initial assessments of the candidates. It was not a vote. The committee discussed the aggregate totals as well as candidates that were not in the high-ranking part of the results. After a thorough discussion, the committee voted on who would be invited for interviews.

The Chancellor's letter to Chair Levine questioned whether the use of a preference survey violated the provision of the law governing presidential searches. That is a brand-new law that was passed last year. There are no cases to interpret it. FAU received an opinion of one of the foremost constitutional lawyers in the State that we did not violate the law. The opinion is available to any Trustee who would like to see it.

The second area of concern from the Chancellor's letter involved two items that applicants were asked to complete about the candidate's sexual orientation and gender-identity. These items were sent to the candidates by our consulting firm, AGB Search. They were not sent out by FAU. The first item was a voluntary survey that AGB utilizes in all their surveys nationwide to help them gauge diversity of the applicant pool they generate. The second was a background authorization form they sent to candidates to comply with the BOG regulation that governs presidential searches and requires the search committee to vet applicants who are interviewed and reviewed by public records in online sources. The questions on the authorization form are intended to ensure that the records being reviewed do in fact relate to the candidate and not someone else if they have the same name. It would be inappropriate for the committee to consider sexual orientation or gender identity for candidates when making a decision. However, this did not happen. Neither the committee nor the university had any knowledge of these questions being asked, nor of any candidate's response. These answers were given directly to AGB Search, with no university personnel copied or informed about that. Even the AGB Search consultants were not provided the candidates' responses. The responses were never shared with the committee. Accordingly, those questions and responses played no role in the committee's decision.

In response to the Chancellor's letter, Chair Levine suspended the search and instructed the staff to work thoroughly and expeditiously with the BOG staff in responding to their requests. The Chancellor directed the BOG's Inspector General (IG) to review our search process and the university's compliance and ethics officer has provided the BOG IG with thousands of pages of requested materials. The IG has been requested to report her findings to the BOG within 120 days, which means sometime in November. Chair Levine said we feel strongly that our search complied with all legal requirements and would like to resume our search as soon as possible.

None of our three finalists have removed themselves from the search. Chair Levine hopes we will have a chance to meet them soon. The Board will be kept apprised as things proceed.

III. President's Update

President Volnick said that FAU held commencement last week with over 1800 students.

Commencement is a reminder of why we are here, for our students. The university is ready to welcome in one of FAU's largest classes ever, with 4,430 students. FAU has 1759 transfer students.

President Volnick reported on an initiative with Study Group that recruits international students.

There are 364 new international students starting with almost 750 students in our second year.

Recently, we had a budget redesign meeting with Deloitte. They are starting Phase 2 of the process.

FAU Public Affairs and Athletics media team received recognition from the Gold Coast PR Council. They awarded FAU the 2023 PR Star Award.

Vice Chair Barbara Feingold asked to speak and was recognized by Chair Levine. Mrs. Feingold noted that the search committee all agreed to Non-Disclosure Agreements (NDAs). She is angry of things Chair Levine has said in the papers and what Mr. Dick Schmidt (presidential search committee member) wrote in an Op-Ed. She asked when the university was going to go after him. She resents that Chair Levine has been talking on behalf of the search committee. She feels like he has not been telling the whole truth and to leave it up to the BOG to do their proper investigation.

Vice Chair Feingold went on to list the reasons she didn't vote for certain candidates. She said that Chair Levine put FAU in a bad place with the things he has written and said.

Trustee Linda Stoch asked to be recognized. She was recognized by Chair Levine. Trustee Stoch mentioned a newspaper article where Chair Levine said he would take appropriate and aggressive action with AGB Search in relation to the question to the sexual orientation and gender questions to candidates. She then asked Chair Levine what actions were taken. Chair Levine replied that AGB has been put on notice. Trustee Stoch then asked about a Sun-Sentinel article about the search in which they summarized written views by the community. She asked Chair Levine why does he continue to speak with the media about the search while it is under investigation. She also asked if

this was legal due to an NDA he theoretically signed. Chair Levine replied that his quote in the story was we welcome comment and criticism from the public. We encourage participation.

IV. Public Comment

Chair Levine asked Mr. Andrew LaPlant, Board of Trustees Operations, if there were any public comments. Chair Levine asked Mr. LaPlant to go over the public comment segment for the members of the public. After Mr. LaPlant went over the segment, the public comments began. There were eleven members of the public who spoke, including Dr. Rebecca Andre, Dr. Howard Weiner, Ms. Adrienne Percival, Mr. Arthur Gutterman, Ms. Sheila Jaffe, Dr. Rebecca Lautar, Mr. Anthony Anderson, Dr. Emily Sacks, Mr. Maurice Plough, Dr. Allan Barsky, and Dr. William Trapani.

V. Action Items

a. Approval of June 19, 2023 Board of Trustees Meeting Minutes

Chair Levine asked for a motion to approve the minutes as written. **A motion was made and seconded to approve the June 19, 2023 Board of Trustees Meeting Minutes. With no further discussion or amendments, the motion passed unanimously.**

b. Approval of the Florida Educational Equity Report

Mr. Donovan Diaz, Chief Compliance & Ethics Officer, presented the report. Mr. Diaz went over the diversity at FAU, academic programs that reflect the racial, ethnic and gender diversity, athletics, employment, and degrees awarded. Trustee Earnie Ellison would like more details to the report. Mr. Diaz said he would contact him with more details. Trustee Piero Bussani asked about the rankings showed in the presentation. Mr. Diaz said he would look into it and contact him. **A motion was made and seconded to approve the Florida Educational Equity Report. With no further discussion or amendments, the motion passed unanimously.**

c. Approval of the Textbook Affordability Report

Dr. Russ Ivy, Interim Provost, presented the item, including textbook selection process for general education courses with high enrollment, selection process for general course with high enrollment, course selections that did not require or recommend the purchase of textbooks/low cost course materials, institutional policies relevant to the issue, and efforts to reduce costs to students. **There**

was a motion and a second to approve the Textbook Affordability Report. With no further discussion or amendments, the motion passed unanimously.

d. Legislative Budget Requests:

i. Establishing a College of Dentistry

Mr. Ryan Britton, Executive Director of Government Relations, presented the item. Mr. Britton noted that the Board of Governors provided a contingent approval of the Doctor of Dental Medicine on January 25, 2023. Trustee Ellison asked if there is a time constraint on getting this LBR in. Mr. Britton replied it depends on the legislative calendar. Trustee Kim Dunn showed a letter from the BOG that showed the contingencies. She asked where we are with the process of these contingencies. Dr. Ivy replied that we are doing things as they should be done with regards to the timeline. The BOG has given us no indication that we are behind. Dr. Dunn asked about funding. Vice Chair Feingold replied that the largest donor at FAU is the State of Florida. Mrs. Feingold then went over the presidential search again. She noted to stop questioning everything because of the search investigation. Chair Levine asked her about the \$30 million donation as the BOG was asking. Vice Chair Feingold said the BOG is waiting for the search process to go through before they know the gift will come. Chair Levine replied that we need to respond to the BOG. Vice Chair Feingold said she spoke to the BOG. Chair Levine said maybe we should delay this vote until we have resolution. Vice Chair Feingold replied go right ahead and the state legislature is not happy with how FAU has handled the search process. Trustee Shaun Davis said he is getting uncomfortable and it's getting extremely personal. Mr. Davis asked about a budget that has been submitted and can the trustees see it. Mr. Britton said there is budget and he can send it. Trustee Bussani said we need to pause for a minute, the Trustees all are here for the betterment of FAU. Trustee Ellison supported those comments.

ii. Charles E. Schmidt College of Medicine – Enrollment Expansion/Applying AI across the Community Health Continuum

Mr. Britton presented the item. This is a University of Distinction request. It is to enhance the delivery of healthcare and expansion of enrollment. We received a \$5 million dollar request last year, recurring. And now we are asking for more funding as we expand access to care.

There was a motion and a second to approve the Establishing a College of Dentistry and the Charles E. Schmidt College of Medicine – Enrollment Expansion/Applying AI across the Community Health Continuum Legislative Budget Requests. Trustee Bussani asked with the open issues with the College of Medicine, are we meeting with all their requirements. Dr. Ivy said we have submitted two quarterly reports with the BOG. We are on track and no negative reports with the BOG so far. He said this LBR continues with this plan for the funding. Trustee Pablo Paez asked if the LBR is a necessary step in the process and delaying the LBR today would jeopardize securing state funding. Mr. Britton replied yes. **With no further discussion or amendments, the motion passed unanimously.**

e. Establishment of the Office of Public Policy Events within the Office of Government Relations

Mr. Britton presented the item. HB 931 directs each state university to establish an Office of Public Policy Events. It needs to be approved by the Board of Trustees. **There was a motion and a second to approve the Establishment of the Office of Public Policy Events. With no further discussion or amendments, the motion passed unanimously.**

f. Approve FAU’s Linking Industry to Nursing Education (LINE) Proposal – Memorial Healthcare System

Dr. Safiya George, Dean, Christine E. Lynn College of Nursing, presented the item. She noted the funding will be \$120,000 for a faculty position and \$200,000 in student scholarships. **There was a motion and a second to approve FAU’s Linking Industry to Nursing Education (LINE) Proposal – Memorial Healthcare System. With no further discussion or amendments, the motion passed unanimously.**

g. Approval of Amendments to Regulation 5.002, Faculty Evaluations

Mr. David Kian, VP Legal Affairs & General Counsel, presented the item. This is to comply with a recently enacted BOG regulation 10.003, Post-Tenure Review, and Florida Statute 1001.741. This amendment will be in accordance with the criteria and requirements of Florida law and BOG regulations. **There was a motion and a second to approve Amendments to Regulation 5.002, Faculty Evaluations. With no further discussion or amendments, the motion passed unanimously.**

h. Approve Dissolution of FAU-Treasure Coast University Schools (TCUS) Charter and Transfer of Related Assets to St. Lucie County School Board

Dr. Joel Herbst, Asst. Dean, College of Education, presented the item. Dr. Herbst said this helps the St. Lucie school district and this helps us align our resources on growth opportunities. He noted that he and Mr. Ryan Britton met with all three branches of state government so they could review and approve it. Trustee Paez asked if Dr. Herbst was at FAU when the decision was made. Dr. Herbst replied no. Trustee Paez said while expanding geographically can seem like a good idea at the time, it's better to focus on the Boca Raton and Jupiter campuses. Trustee Ellison asked about the total funds in the TCUS budget. Dr. Herbst replied it changes year to year. The \$2.7 million represents a carryover fund. **There was a motion and a second to approve Dissolution of FAU-Treasure Coast University Schools (TCUS) Charter and Transfer of Related Assets to St. Lucie County School Board. With no further discussion or amendments, the motion passed unanimously.**

i. Approval of Naming Elements:

i. CPG Cares Launchpad at ADHUS/FAU High School Complex

Mr. Kian presented the item. FAU received a \$100,000 gift from CPG Cares Inc. to name the new STEM center in Phase II of the ADHUS/FAU High School Complex, "CPG Cares Launchpad".

There was a motion and a second to approve CPG Cares Launchpad at ADHUS/FAU High School Complex. With no further discussion or amendments, the motion passed unanimously.

VI. BOT Member Comments

Chair Levine welcomed Trustee Pablo Paez to the board. Trustee Paez gave welcome remarks. Trustee Bussani thanked Chair Levine for his leadership and has his full support. He also thanked President Volnick and the public for their comments. Trustee Calvillo said Student Government (SG) textbook support program has started. SG is also working with athletics. They are starting a Greek section. SG is also donating \$45,000 to help students who don't have medical or dental insurance. Chair Levine said maybe we can expand to partner with hospitals. Trustee Calvillo replied that she can talk to him more about it. Trustee Cane said presidential searches can be messy, but he is confident that everyone is here for the best interests of the university and make the right choice. Trustee Davis said that we are here for the university, the students, faculty and community. He noted FAU is in good hands with the president. Trustee Dunn thanked Trustee Bussani for his remarks to

be professional. She said the feedback from the faculty about the presidential search was very positive. Trustee Ellison said he spends some time at the Jupiter campus and its amazing what's going on up there. He encouraged the trustees to visit that campus. Vice Chair Feingold said that if anyone had any concern about her gift that needed to be brought up before this meeting, not in an open meeting. FAU has a lot of momentum with the basketball team and the College of Dentistry. She also noted that the BOG investigation will bring out all the truths, not partial or half-truths. Trustee Flippo welcomed Trustee Paez. He noted that the BOG investigation seems open ended and hopes it will be resolved soon. He thanked Chair Levine for his leadership. Trustee Stoch welcomed Trustee Paez. She noted that having a donor conversation on a trustee call is highly inappropriate. Trustee Stoch said that manner Chair Levine has spoken to the BOG and the media has brought great disrepute to this university.

VII. Adjournment

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