



FLORIDA ATLANTIC UNIVERSITY BOARD OF TRUSTEES

MINUTES
FAU BOARD OF TRUSTEES
Boca Raton Campus
Majestic Palm Room
May 21, 2003

Chairman George Zoley convened the meeting of the Florida Atlantic University Board of Trustees on the Boca Raton Campus, at 10:04 a.m. with the following members present:

Scott Adams, Nancy Blosser, William Bryant, E. Llwyd Ecclestone, Fred Hoffman, Gerri McPherson, Virginia Miller, Sherry Plymale, Ancel Pratt, Norman Tripp, Bruce Warshal, George C. Zoley and George Dominicis via telephone conference.

1. APPROVAL OF MINUTES –

*Handout - Minutes of March 21, 2003 meeting
Minutes of May 1, 2003 meeting*

A motion was made and seconded to approve the minutes from the March 21, 2003 and May 1, 2003 meetings. There being no changes or corrections, the minutes were approved unanimously.

2. CHAIRMAN'S REPORT – George C. Zoley, Chairman

- Chairman Zoley reported on a meeting he attended in Tallahassee with the other University Board of Trustee chairs and Governor Jeb Bush. The Governor expressed his hopes that budget cuts would be kept to a minimum. Tuition increase was also discussed. President Brogan added that he had spoken to David Mann, who informed him that all remaining issues regarding final budgets and tuition increases had been sent to appropriation chairs in the senate. President Brogan assured Trustees that he is receiving updates periodically and should know more by the end of the day.
- The issue of private donation matching funds was also discussed in the meeting with the Governor. It was estimated that anywhere from 40-80 million dollars in matching funds might be allocated statewide. Trustee Hoffman asked if FAU still had funds to be matched. The answer is yes, in an amount exceeding 4 million dollars. President Brogan reported that even if 40 million in matching funds was allocated, it would not be enough to accomplish all matches at FAU.
- Chairman Zoley reported on Governor Jeb Bush's recommendation to review degree programs and their relevance to the job market. It is important to create more degrees in shortage areas such as teaching and nursing.
- Chairman Zoley stressed the importance of measuring the progress of the university against the strategic plan. He would like a report at least every other meeting about the status of progress.

- Chairman Zoley would like the Board to examine the UF and FSU proposals for five year's guaranteed funding. President Brogan added that the five year plan guarantees money with accountability standards. FAU should explore using measurable benchmarks to see if we are hitting outcomes each year. There is a possibility that as the university continues to refine its strategic and accountability plans that President Brogan might opt to ask the State for lump sum funding for FAU's accountability approach. The university needs to be proactive regarding accountability and there are many different standards that can be examined to do so.
- Chairman Zoley completed his remarks by reading out a resolution honoring outgoing student trustee Pablo Paez. Mr. Paez said a few words and assured trustees that his replacement, Ancel Pratt, will do a great job in his place.
- Trustee Pratt was welcomed to FAU's Board of Trustees by Chairman Zoley. Trustee Pratt distributed gifts on behalf of the student government association to trustees (small owl).
- Trustee Hoffman introduced his eventual successor Roy Levow. Dr. Levow is a professor of computer science and engineering.

3. PRESIDENT'S REPORT – Frank T. Brogan, President

President Brogan reported on the following items:

- Graduation was a success and everything he thought it would be. It was very rewarding to see the end of one more successful year at FAU. The president encouraged trustees to attend the August graduation.
- The tuition increase is estimated to be between 7.5% and 12%. It is important that the chairs of committees reach an agreement on what FAU will ask for in any non-fixed portion authorized by the legislature, so that we can move forward with university budget.
- The transition team report is currently being examined to see what issues need to be addressed quickly and what are more of a long term project. Committees will be dealing with report topics. The transition team did a good job.
- The SACS follow-up report is a high priority for the University. Dr. Lombardo is working with others on its completion by the September 22, 2003 deadline. We want to be ready and have no surprises.
- The Research Park Authority has approved the Deerfield Beach project, which the president referred to as phase 3. The President thanked Trustee Hoffman and his committee for doing a great job on the TRAC agreement.
- The Foundation is currently undergoing transition of outgoing chair Howard Guggenheim to new chair Herb Gimelstob. At the last foundation meeting, changes were addressed especially about what has occurred in the past year.
- The Forensic Audit is underway, as is the ongoing investigation. The latter is in the hands of the state attorney's office. As soon as information is made available to the president's office, it will be made available to Board of Trustees.

- The President's office is currently working on the reorganization chart for the University. This is a great time to see what is going to be the best for FAU. It is important to examine the University's set up and see if the organization can be improved.
- The Athletics Director, Dick Young has done a great job implementing the short term budget cuts for the Athletic Department. The employees are dealing well with the cuts. Congratulations to women's soccer, women's tennis, softball and baseball for all winning their conferences.
- The search for the Athletics Director is being led by Dorothy Leland. Thus far we have received almost forty applications. These applications are being screened and will lead to future invitations of possible directors to FAU.
- The search for Provost is also underway. FAU is a great place to come to, it is very attractive position. The person who will take over academics needs to also be able to take FAU to the next level. The job will require unique skills, which FAU is willing to wait for in order to make sure the right person has the job. It is more important to get the right person then trying to meet an artificial deadline.

4. **LEGAL COUNSEL ON COLLECTIVE BARGAINING – Mike Mattimore**

Handouts- The Collective Bargaining Process and Labor Relations in Florida's Public Sector

Mr. Mattimore presented an extensive overview of the collective bargaining process. More detailed discussions will take place in future executive sessions and other appropriate venues.

5. **GOVERNANCE COMMITTEE – Sherry Plymale, Chair**

Handouts- Board of Trustees Policies and Procedures (Draft)

A. Recommendation to Approve BOT Policies and Procedures

Trustee Plymale thanked Ondina Felipe, Tony Lombardo and all staff of the Governance Committee for their time dedicated to the completion of the operating procedures. The committee revisited and expanded on the original operating procedures which had been in effect since fall, 2001. Trustee Plymale recommended the revised operating procedures to the Board of Trustees. Trustee Ecclestone argued that some of the Sections were too broad. He then passed out revised wording for the noted sections, which were reviewed by trustees.

Trustee Ecclestone made a motion which was seconded by Trustee Gerri McPherson to discuss the possible changes to Section 1.2. Motion passed unanimously.

A discussion occurred in which Trustee Ecclestone expressed his concern with some of the language in Section 1.2 on academic freedom. He feels that it could open the door to teaching topics that are inappropriate, such as "communism" and "terrorism". Rabbi Warshal explained that Section 1.2 reaffirms academic freedom and that the language the committee selected was correct. Trustee Bryant thanked Trustee Ecclestone for his time spent examining the operating procedures, but is wary of addressing academic freedom. The role of the University should be to protect academic freedom. Trustee Miller argued that the Board of Trustees has no right to constrain academic freedom. Chairman Zoley explained that curriculum is thoroughly reviewed before new courses or programs are approved. Thus, it is unnecessary to change wording in the operating Procedures.

Trustee Ecclestone made a motion to amend Section 1.2 of the BOT Operating Policies and Procedures, Motion failed for lack of a second.

Trustee Ecclestone then expressed concern with Sections 7.1 and 7.2, where the code of ethics and conflict of interest are addressed. They go beyond what is required by the state ethics commission and could go as far as preventing any trustee from ever doing business with the university. President Brogan offered that although there is always the potential for conflict of interest, there exists a waiver process where the Board of Trustees could decide. Trustee Warshal agreed with Trustee Ecclestone, that the laws are stringent and maybe FAU should stick with ethics commission in order to avoid any problems. Trustee Plymale as Chair of Governance, agreed to further review Sections 7.1 and 7.2 and bring those sections back to the Board for final consideration.

A motion was made and seconded to implement the BOT Operating Policies and Procedures excluding Articles 7.1 and 7.2. Motion passed unanimously.

Trustee Plymale reminded Chairman Zoley that there was a vacancy in the Governance Committee since the departure of past Trustee Pablo Paez. She recommended that Chairman Zoley appoint Ancel Pratt to the Governance committee. Chairman Zoley appointed Ancel Pratt to Governance Committee.

6. PERSONNEL AND COMPENSATION COMMITTEE – Bruce Warshal, Chair

A. Recommendation to Approve FAU 2001-2002 Equity Accountability Plan Update

A motion was made and seconded to approve FAU 2001-2002 Equity Accountability Plan. Motion passed unanimously.

B. Recommendation to Approve Recognition of Palm Beach County Police Benevolent Association, Inc. Chapter of Florida Atlantic University as the Exclusive Bargaining Agent for Law Enforcement Employees

A motion was made and seconded to approve recognition of Palm Beach County Police Benevolent Association, Chapter of Florida Atlantic University as the Exclusive Bargaining Agent for Law Enforcement Employees. The motion passed with two opposed.

A discussion took place reminding the Board about the past motion to raise faculty pay to the 40th percentile over 2 years. The objective is to apply 2 million dollars to that purpose in fiscal year 2003-2004. Chairman Zoley assured the board that it is his number one objective and that the upcoming budget meetings will discuss increase in salary funding.

7. AUDIT AND FINANCE COMMITTEE – George Zoley, Chair

Chairman Zoley reported the following:

- Dr. Ken Jessell is in charge of making sure that budget construction is on track and that there is an improved budget system by July.
- Internal audits should be separate and reported to trustees for their information. Currently, audits are not on a set schedule. The Audit and Finance Committee will look further into establishing a cycle of audits at FAU.
- Enrollments at different levels will be studied to look at acceptance rates in hopes of attracting more scholarship students and academically gifted students. Shifting

money to new priorities and economizing will provide attractions to students. Dr. Jessell will be providing information about where money is going currently.

Vice-Chair Plymale announced the coming Audit and Finance Committee meeting dates, June 5, 2003 and June 16, 2003 at 10 a.m. in the Board of Trustees Room.

The following audits and federal award program reports were presented for information. Approval of the Board of Trustees is not required.

- A. Audit of Central Cashier's Office
- B. Audit of Housing and Residential Life
- C. State of Florida, Federal Award Programs for Fiscal Year Ended June 30, 2002
- D. Operational Audit: State Fixed Capital Outlay Appropriations, Uncommitted Appropriations at February 1, 2003

8. FAU CHARTER LAB SCHOOLS

President Brogan explained the current retroactive approval process for the university lab schools in the proposed law. The Board discussed authorizing negotiations to continue regarding the FAU charter lab schools on the Treasure Coast and in Boca Raton.

A motion was made and seconded to reauthorize negotiations involving FAU Charter Lab schools. The motion passed unanimously, with the abstention of Gerri McPherson.

9. OLD BUSINESS/NEW BUSINESS

Chairman George Zoley announced that the next general meeting will be held on June 24, 2003. The meeting should include the Student Government Association constitutional revisions, an update of the athletics director search, the student discipline code, and the discussion of the criminology and manufacturing engineering systems program status at FAU.

10. PUBLIC COMMENT

No public comment was made at the meeting.

Meeting was adjourned at 1:31 p.m.