

1 **FLORIDA A & M UNIVERSITY**
2 **BOARD OF TRUSTEES**

3 IN RE: CONFERENCE CALL RELATING
4 TO THE CONTRACT OF
5 DOCTOR ELMIRA MANGUM
6 _____ /

7 TRUSTEE MEMBERS: SOLOMON BADGER, CHAIR
8 NARAYAN PERSAUD
9 MARJORIE R. TURNBULL
10 TOREY L. ALSTON
11 BELINDA SHANNON
12 SPURGEON McWILLIAMS
13 GLEN GILZEAN
14 RUFUS MONTGOMERY
15 KARL WHITE
16 KELVIN LAWSON
17 KIMBERLY MOORE
18 ANTHONY SIDERS
19 CLEVE WARREN

20 DATE: THURSDAY, FEBRUARY 13, 2014

21 TIME: COMMENCED AT: 4:00 P.M.
22 CONCLUDED AT: 6:30 P.M.

23 LOCATION: LEE HALL
24 PRESIDENT'S CONFERENCE ROOM
25 TALLAHASSEE, FLORIDA

REPORTED BY: NANCY S. METZKE, RPR, FPR
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P R O C E E D I N G S

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3 CHAIRMAN BADGER: Good afternoon, everyone. I
4 call this meeting to order.

5 Attorney Barge-Miles, will you please call the
6 roll?

7 ATTORNEY BARGE-MILES: Trustee Alston.

8 TRUSTEE ALSTON: Here.

9 ATTORNEY BARGE-MILES: Trustee Badger.

10 CHAIRMAN BADGER: Here.

11 ATTORNEY BARGE-MILES: Trustee Gilzean.

12 TRUSTEE GILZEAN: Present.

13 CHAIRMAN BADGER: Trustee Lawson.

14 TRUSTEE LAWSON: Here.

15 ATTORNEY BARGE-MILES: Trustee McWilliams.

16 TRUSTEE McWILLIAMS: Here.

17 ATTORNEY BARGE-MILES: Trustee Montgomery.

18 TRUSTEE MONTGOMERY: Here.

19 ATTORNEY BARGE-MILES: Trustee Moore.

20 TRUSTEE MOORE: Here.

21 ATTORNEY BARGE-MILES: Trustee Persaud.

22 TRUSTEE PERSAUD: Here.

23 ATTORNEY BARGE-MILES: Trustee Shannon.

24 TRUSTEE SHANNON: Here.

25 ATTORNEY BARGE-MILES: Trustee Siders.

1 TRUSTEE SIDERS: Here.

2 ATTORNEY BARGE-MILES: Trustee Turnbull.

3 TRUSTEE TURNBULL: Here.

4 ATTORNEY BARGE-MILES: Trustee Warren.

5 TRUSTEE WARREN: Here.

6 ATTORNEY BARGE-MILES: Trustee White.

7 TRUSTEE WHITE: Here.

8 ATTORNEY BARGE-MILES: Mr. Chair, you have a
9 quorum.

10 CHAIRMAN BADGER: Thank you very much.

11 Trustees, as you may recall, last Friday we
12 reviewed the contract which was comprised of our
13 recommendations. As a board, we came to a
14 consensus regarding our proposal.

15 The proposal was sent to Doctor Mangum and
16 Doctor Mangum has responded. You received her
17 redline response earlier this week, and I hope that
18 each of you have had an opportunity to review it.

19 At this point, are there any questions?

20 TRUSTEE PERSAUD: Yes, Mr. Chair.

21 TRUSTEE MONTGOMERY: Mr. Chairman, I have a
22 motion.

23 CHAIRMAN BADGER: Let's put the motion on the
24 floor.

25 TRUSTEE MONTGOMERY: I move that we reject the

1 changes that were sent back to us in the
2 counteroffer.

3 TRUSTEE LAWSON: Second.

4 CHAIRMAN BADGER: Okay. There's a motion on
5 the floor to reject the changes that were sent back
6 to us and what, and the counteroffer?

7 TRUSTEE MONTGOMERY: I'm sorry, to be clear,
8 the motion is to reject the changes that were in
9 the counteroffer.

10 CHAIRMAN BADGER: Reject the changes that were
11 in the counteroffer, okay.

12 TRUSTEE LAWSON: I second.

13 CHAIRMAN BADGER: It's been motioned and
14 seconded. You've heard the motion. Those in
15 favor, let it be known by the sign of aye.

16 TRUSTEE GILZEAN: Mr. Chairman, discussion.

17 CHAIRMAN BADGER: Is there discussion on the
18 motion?

19 (NO RESPONSE).

20 CHAIRMAN BADGER: Hearing none, those in favor
21 let it be known by the sign aye.

22 (AFFIRMATIVE INDICATIONS).

23 CHAIRMAN BADGER: Opposed the same sign.

24 (NEGATIVE INDICATIONS).

25 CHAIRMAN BADGER: Okay. Ms. Barge-Miles, we

1 need to do a roll call.

2 ATTORNEY BARGE-MILES: Trustee Alston.

3 TRUSTEE ALSTON: No.

4 ATTORNEY BARGE-MILES: Trustee Badger.

5 CHAIRMAN BADGER: No.

6 ATTORNEY BARGE-MILES: Trustee Gilzean.

7 TRUSTEE GILZEAN: Yes.

8 ATTORNEY BARGE-MILES: Trustee Lawson.

9 TRUSTEE LAWSON: Yes.

10 ATTORNEY BARGE-MILES: Trustee McWilliams.

11 TRUSTEE McWILLIAMS: Yes.

12 ATTORNEY BARGE-MILES: Trustee Montgomery.

13 TRUSTEE MONTGOMERY: Yes.

14 ATTORNEY BARGE-MILES: Trustee Moore.

15 TRUSTEE MOORE: Yes.

16 ATTORNEY BARGE-MILES: Trustee Persaud.

17 TRUSTEE PERSAUD: No.

18 ATTORNEY BARGE-MILES: Trustee Shannon.

19 TRUSTEE SHANNON: No.

20 ATTORNEY BARGE-MILES: Trustee Siders.

21 TRUSTEE SIDERS: No.

22 ATTORNEY BARGE-MILES: Trustee Turnbull.

23 TRUSTEE TURNBULL: No.

24 ATTORNEY BARGE-MILES: Trustee Warren.

25 TRUSTEE WARREN: No.

1 ATTORNEY BARGE-MILES: Trustee White.

2 TRUSTEE WHITE: No.

3 ATTORNEY BARGE-MILES: Five yeses, eight nos.

4 CHAIRMAN BADGER: The motion failed.

5 TRUSTEE PERSAUD: Mr. Chair.

6 CHAIRMAN BADGER: Trustee Persaud, you're
7 recognized.

8 TRUSTEE PERSAUD: Mr. Chair, you can correct
9 me if I'm wrong. We began this presidential search
10 process a little over a year ago. Since that time,
11 one trustee withdrew from the search committee and
12 three new trustees joined the Board.

13 Trustee White, picked as chair of the search,
14 was tasked with finding us some excellent
15 candidates for the presidency of this University.
16 He did so quite admirably, and we thank him for a
17 job well done.

18 From amongst the candidates interviewed, we
19 selected Doctor Mangum. The vast majority of us
20 felt the best -- she best fits the needs of FAMU,
21 and we extolled of her skills and experience in
22 higher education. Agreeing that Doctor Mangum best
23 fit FAMU's needs, we asked you, Mr. Chair, to enter
24 into contractual negotiations with her.

25 As I recall, the three overarching

1 stipulations provided to you to guide you in your
2 deliberations were: One, no evergreen contract;
3 two, no supermajority clause; and three, an
4 adequate contractual packet that would influence
5 her coming to FAMU, one competitive enough but at
6 the same time consistent with current FAMU and SUS
7 presidential standards.

8 From my comparative analysis, Mr. Chair, you
9 have done what was asked of you. While on the
10 surface, the contractual packet you negotiated
11 appears incongruous with that of our past
12 president; close scrutiny reveals that in totality
13 the packets are correspondingly equitable. Bear in
14 mind that seven years separate these packets and
15 the year 2007 is not 2014.

16 Overall, as I see it, you have abided by the
17 directives given to you in that the contract before
18 us is not evergreen, is devoid of a supermajority
19 clause, is consistent with recent FAMU and current
20 SUS presidential packets. On January 31st, we met
21 to discuss the contract you negotiated with Doctor
22 Mangum. At that meeting, Trustee Montgomery
23 proposed 26 changes.

24 On February the 7th, we met to discuss
25 Trustee Montgomery's changes and those coming forth

1 from other trustees. Of Trustee Montgomery's 26
2 changes, we discussed and accepted 14 as presented;
3 six were accepted with minor revisions; five were
4 discussed and rejected; and one was withdrawn.
5 Four of the five rejected changes focused on
6 reducing the salaries and benefits you and Doctor
7 Mangum negotiated.

8 In the contract before us, Doctor Mangum has
9 incorporated most of the proposed changes but has
10 rejected those that sought to reduce her negotiated
11 salaries and benefits. We have to decide,
12 Mr. Chair.

13 As we go about our deliberations this
14 afternoon, I plead that we do so with utmost
15 objectivity, civility, and ethical neutrality, for
16 our resolve today will not be a reflection of
17 individual idiosyncrasies but testimony to the
18 collective will of this Board. We would like --
19 would we like our resolve to be tarnished and in so
20 doing stigmatize Florida A & M University? At the
21 end of our deliberations today, we will surely find
22 the answer.

23 Thank you, Mr. Chair.

24 TRUSTEE MONTGOMERY: Mr. Chairman.

25 CHAIRMAN BADGER: Thank you. Doctor Persaud,

1 was that a motion?

2 TRUSTEE McWILLIAMS: That's discussion. Other
3 people have --

4 TRUSTEE GILZEAN: Discussion.

5 CHAIRMAN BADGER: Thank you. Then I
6 recognize -- who was the next person?

7 TRUSTEE MONTGOMERY: That was me. That was
8 Montgomery.

9 CHAIRMAN BADGER: Montgomery, Trustee
10 Montgomery.

11 TRUSTEE MONTGOMERY: Mr. Chairman, and a few
12 points. The characterization -- I wanted to make
13 sure that a trustee speaks for him or herself and
14 not necessarily for the Board.

15 There were a number of problems with the
16 presidential selection process. I think they only
17 met like twice before they got into the meeting in
18 Orlando. We got an email in December, right before
19 Christmas, saying that the Search Committee, not
20 the Board, the Search Committee was going to tell
21 the Board what it was going to do in the process
22 and how it was going to occur. And then they
23 called a meeting on a Friday at 4 o'clock after
24 Christmas, the absolute worst time to have a call,
25 on a Friday, at 4 o'clock, right after Christmas,

1 in which we were told that the members of the Board
2 who weren't members of the Presidential Search
3 Committee had an equal voice, even though we
4 weren't members of the committee.

5 I had -- I made two recommendations: One
6 recommendation was that there be a cooling-off
7 period from the selection until the actual
8 appointment. If that had been recognized by the
9 chairman or the committee, then in that cooling-off
10 period, you could have negotiated things like
11 contracts, or the Board could have set parameters,
12 which we did not.

13 The second recommendation that I made -- and
14 this is why I say characterization, that the
15 process was followed so that it was so great -- is
16 that I suggested that we have -- I strongly
17 insisted that we have three options so that you
18 wouldn't tell us, pick one or the other, but give
19 us three, give us three on a professional basis,
20 that way I have a choice. I was told the other
21 candidates were weak or what have you.

22 Okay, that's fine. If they were so weak, as a
23 board, we would have been able to see that they
24 were weak and we would have picked the obvious
25 candidate.

1 I voted for Doctor Mangum. I think she was
2 the most qualified of the ones that were put
3 forward to us, but I take umbrage with this idea
4 that this was a fair negotiation.

5 There are published media reports that show
6 that the person who negotiated on behalf of Doctor
7 Mangum has done over 300 presidential contracts.
8 We were represented by a person, and this is no
9 offense to you and your -- and to the chairman in
10 his capacity as chairman, but we were represented
11 by a person who has never done a presidential
12 contract. So one person has done 300, one person
13 has done zero.

14 I heard from some members of the Board that,
15 well, we're represented by one of our own so we
16 should have confidence in that person. I beg to
17 differ. There was a motion made by a trustee that
18 said we should hire a seasoned professional to
19 negotiate on our behalf.

20 The other point that would be taken from this
21 is, if the contract was so airtight, why did the
22 Board agree to so many additional recommendations
23 in the ones that were made? There were comments
24 about it being wordsmything. And I submit to you
25 that an hour and a half discussion by a group of 13

1 professionals in one meeting, followed by a three
2 and a half hour discussion by those same
3 professionals does not mean that these were trivial
4 changes or that it was wordsmything. These were
5 substantive changes.

6 One other point to make is that this
7 package -- I asked Doctor Robinson what his actual
8 compensation package is. This is a guy who we
9 asked to keep the car in the middle of the road and
10 don't allow the boat to sink. A couple of months
11 later we asked him to keep the doors to FAMU open
12 by getting us off of accreditation.

13 By all accounts, he did an admirable job. He
14 performed the duties that we asked him to perform,
15 okay? So we didn't ask him to throw the ball; we
16 asked him to run it, just grind it out. He did
17 exactly what we asked him to do.

18 To tell me that we're going to offer a package
19 to someone who has never taught, who has never been
20 published, who has never been a president of an
21 institution, who has never been a provost, to my
22 knowledge, and I might not -- this might not be
23 true but someone can clarify for me, has not
24 applied for the presidency, has not applied to be a
25 president at an HBCU. On their first opportunity

1 out of the gate, to take an unproven person in the
2 capacity in which we're expecting them to operate
3 and to offer them \$200,000 more than what we've
4 offered someone who has actually done the job that
5 we asked him to do, I think that's an insult.

6 In keeping with that, another example, you
7 take -- some people have said: We should only look
8 at the system institutions in Florida. That would
9 be a horribly bad assumption. We have to look at
10 HBCUs in their totality. You can't use the HBCU
11 argument: Well, we're unique when we want to be,
12 but then we don't want to consider the other HBCUs
13 when we want to talk about compensation. It
14 doesn't make sense.

15 The woman -- excuse me, the president at
16 Alabama State, she received a contract. She didn't
17 have an attorney. She said, I just want to
18 represent my alma mater. Got \$325,000. They put
19 some crazy clause in there that said, hey, you
20 can't have overnight male visitors. You know what
21 she said? Hey, I love my alma mater, I think
22 they'll do right by me. She took the contract and
23 she moved on. And it wasn't this back and forth
24 that we're going through as a board.

25 Doctor Robinson didn't get an attorney and

1 didn't take us through all these twists and turns.
2 And it is well within her right, but as I stated
3 before, the worst, the worst personal compensation
4 package that has been presented in terms of FAMU,
5 not for an individual, but for FAMU, was the one
6 negotiated for the previous president to the extent
7 that the Chairman had to appoint a presidential
8 compensation committee just to fix it.

9 So if we take the worst and the most lucrative
10 presidential compensation package, which most of us
11 thought was ridiculous, to come back and say we're
12 going to pay someone even more, discounts the fact
13 that the last contract was given to a person who
14 was a seasoned educator, who was a seasoned
15 administrator, who already had tenure where they
16 were from, and who had dedicated years, hours and
17 sweat to Florida A & M.

18 So I just -- I have a problem with this idea
19 that this process has been perfect. I have a
20 problem with this idea that as a member of the
21 Board we should not present concerns in a valid way
22 or in a valid forum that would make this contract
23 best for Florida A & M.

24 And I'll close by saying this: Some of the
25 loudest voices for this contract won't be on the

1 Board when the Board has to deal with this later.
2 I heard a comment from the previous speaker about
3 ethical -- I think he said ethical neutrality.
4 Ethical neutrality, if I was voting on a contract
5 for my boss, okay, and if I voted for a bad
6 contract, I think that might reflect on my
7 relationship with the boss; but if I was voting on
8 the most lucrative compensation package in the
9 history of the Institution and I was one of the
10 main proponents, I'd expect favorable consideration
11 from my boss. So when I hear the comment about
12 ethical neutrality, it gives me great pause.

13 Thank you for my comments. At some point, I
14 look forward to us moving into a motion at which
15 time we would have a discussion, at which time we
16 could potentially discuss each of the items so that
17 we're not here for three and a half hours so that
18 we can move this along.

19 Thank you, Mr. Chairman.

20 TRUSTEE McWILLIAMS: Mr. Chairman.

21 TRUSTEE GILZEAN: Mr. Chair. Mr. Chair.

22 CHAIRMAN BADGER: Who is speaking?

23 TRUSTEE GILZEAN: Trustee Gilzean.

24 CHAIRMAN BADGER: Trustee Gilzean, you're
25 recognized.

1 TRUSTEE GILZEAN: Thank you, sir, and I'll
2 keep my comments really brief as well, and they're
3 really six questions.

4 Mr. Chair, is legal on the phone right now?

5 ATTORNEY McKNIGHT: Yes.

6 TRUSTEE GILZEAN: Okay. Great. So my
7 question is -- and I have six, I just want to have
8 the answers. I want to go back to the contract,
9 and I just want to be able to address it because
10 that's ultimately what the issue is today.

11 So, Legal, can you please explain the changes
12 in Section 3.0?

13 ATTORNEY McKNIGHT: What part is unclear,
14 Trustee Gilzean?

15 TRUSTEE GILZEAN: I just want you to clarify
16 why she needs -- why does the candidate need the
17 necessary changes, so that way I know what I'm
18 voting on going forward. So can you --

19 ATTORNEY McKNIGHT: I really can't -- I can't
20 speak on why she made those changes.

21 TRUSTEE GILZEAN: No, I'm sorry. Can you
22 please explain what those changes are and what does
23 it -- how has that changed the document from what
24 we approved unanimously last Friday?

25 ATTORNEY McKNIGHT: I think "documented Board

1 policy" means written policy. And I'm not sure
2 when you get down to the phrase added, "and such
3 other duties as mutually agreed upon by Doctor
4 Mangum and the Board." What's your question there?

5 TRUSTEE GILZEAN: My question is can you --
6 see, I'm not an attorney, so I have to rest upon
7 you to tell me what procedures mean.

8 ATTORNEY McKNIGHT: I think it means that
9 Doctor Mangum and the Board would mutually agree
10 upon her duties.

11 TRUSTEE GILZEAN: Okay. Now in the past, has
12 it always been done in the way where the President
13 and the Board mutually agree on their duties, or
14 does the Board set --

15 ATTORNEY McKNIGHT: That has been the
16 practice.

17 TRUSTEE TURNBULL: Yes.

18 TRUSTEE GILZEAN: Is that yes as in from
19 legal, or is that yes from somebody else on the
20 Board?

21 ATTORNEY McKNIGHT: For me I said that has
22 been the practice.

23 TRUSTEE GILZEAN: Okay, good. So that
24 clarifies that.

25 ATTORNEY McKNIGHT: Okay.

1 TRUSTEE GILZEAN: What about the other item
2 there, it was in Section 3. And I'm sorry, I just
3 want to make sure I make the best decision voting
4 on this contract because that's the issue at hand,
5 and I just -- those are just some of the changes I
6 wasn't clear on.

7 ATTORNEY McKNIGHT: The same response as
8 before.

9 TRUSTEE GILZEAN: Okay, great. So can we go
10 down to Section 7.5, please?

11 TRUSTEE MONTGOMERY: Point of order.
12 Mr. Chairman, are we going to be able to
13 individually comment on these points, or what is
14 the order of the day?

15 CHAIRMAN BADGER: The order of the day now is
16 to allow him to continue with his six points and
17 we'll go from there.

18 ATTORNEY McKNIGHT: Okay. On seven point --
19 did you say 7.4 or 7.5?

20 TRUSTEE GILZEAN: 7.5.

21 ATTORNEY McKNIGHT: The President shall
22 provide a report of all University-related
23 non-salary compensation on or before June 1st of
24 each year to the extent required by state
25 regulation.

1 There is a financial disclosure form that is
2 required. I think you probably submit one like
3 myself and Doctor Robinson. Doctor Mangum does not
4 want to submit anything that is not already
5 mandated by state law.

6 TRUSTEE GILZEAN: Okay. All right. And
7 quickly going down to Number 11.1 -- I'm almost
8 done, guys. I've got two more and that's it.

9 CHAIRMAN BADGER: We're following you.

10 ATTORNEY McKNIGHT: What part of 11.1?

11 TRUSTEE GILZEAN: Both, where she added the
12 word "full" and took out -- where she crossed out
13 that -- I hate saying she -- Doctor Mangum, who put
14 those -- that took out the language that we voted
15 on, can you explain that to us, please?

16 ATTORNEY McKNIGHT: No, I cannot explain that
17 to you. That's not my language. Right now under
18 the operating procedures --

19 TRUSTEE GILZEAN: Well, can you tell me what
20 that means? Can you tell me --

21 ATTORNEY McKNIGHT: I cannot tell you what
22 it -- no, I cannot tell you what it means.

23 TRUSTEE GILZEAN: Okay. So the Board will
24 be -- so we're going to have to agree on something
25 that my legal counsel is supposed to advise me on

1 but can't?

2 ATTORNEY McKNIGHT: No, no, now that's not --
3 that's not -- I can advise you always.

4 TRUSTEE GILZEAN: What advice do you have on
5 here as it relates to --

6 ATTORNEY McKNIGHT: Well, my advice was the
7 initial language that I provided to the Board.

8 TRUSTEE GILZEAN: Which was the one that she
9 crossed -- which is the one that Doctor Mangum
10 crossed out.

11 ATTORNEY McKNIGHT: No, it was the one that
12 the Board crossed out.

13 TRUSTEE GILZEAN: What was that language?

14 ATTORNEY McKNIGHT: That language took us back
15 to 5.6 of the Operating Procedure. And if you go
16 to the Board's Operating Procedures in 5.6, Voting
17 Procedure, it says: No business will be transacted
18 without an affirmative vote of the Board. And a
19 majority vote of all of the members of the Board is
20 required for establishing policy, for making rules
21 and regulations, for appointing and removing the
22 President, and for approving or terminating
23 programs.

24 What that means is that you've got to have
25 seven votes. If the Board recalls, there were only

1 12 people that voted on her selection. Well, only
2 12 Board members were present and part of that
3 process, and it was a 10/2 vote. But the bottom
4 line is you've got to have seven votes, a majority
5 of the Board.

6 TRUSTEE GILZEAN: Okay. So what this is
7 saying, just out of clarification, is that this
8 language right here and if we -- if God forbid
9 this has to come, right, that we would require a
10 full 13 -- a majority of the full 13 or a majority
11 of just seven votes all together? Is that what
12 this language is saying?

13 ATTORNEY McKNIGHT: I don't know what this
14 language is saying. Let me say that again. I
15 don't know if you missed that part. I don't know
16 what this language is saying. You asked me what my
17 recommendation is. My recommendation is for the
18 Board to abide by what its current Operating
19 Procedure is, which is located in 5.6 and that
20 language every day, all day, means seven. Seven
21 people would have to vote for --

22 TRUSTEE GILZEAN: Okay. All right.

23 ATTORNEY McKNIGHT: -- her being terminated in
24 this scenario.

25 TRUSTEE GILZEAN: Now that I have that

1 clear, I will come back to that, and I promise,
2 Mr. Chair, I'll be really brief. I have three more
3 left and then I'm done.

4 Let's see, can you explain Section 11.1(e)?
5 What -- can you -- yeah, can you explain what that
6 means, please?

7 ATTORNEY McKNIGHT: It means that the language
8 that the Board suggested was stricken.

9 TRUSTEE GILZEAN: So what -- so now that it's
10 stricken it's out, the performance goals is out.
11 Does that mean -- well, what does -- so can
12 you explain to me what -- well, never mind.

13 ATTORNEY McKNIGHT: Well, if you look at
14 Subparagraph (a) --

15 TRUSTEE GILZEAN: Uh-huh.

16 ATTORNEY McKNIGHT: -- I think that that
17 would cover it, what the intent was there, as well
18 as Paragraph (b) and also paragraph --
19 Subparagraph (d); so that strikethrough really
20 doesn't give me any heartburn.

21 TRUSTEE GILZEAN: Okay. All right. So and
22 then we go down to, quickly, Number 12.

23 ATTORNEY McKNIGHT: What that means is that,
24 once again, Doctor Mangum didn't like that
25 language.

1 TRUSTEE GILZEAN: And based on that language,
2 what does that language mean? If we had it in
3 there and she didn't cross it out, what does that
4 mean?

5 ATTORNEY McKNIGHT: I really don't know what
6 it means when it was inserted. I think Trustee
7 Montgomery inserted that language. You can ask him
8 about his intent, but that was not authored by
9 legal.

10 TRUSTEE GILZEAN: Okay. And then lastly, you
11 gave us an explanation on Section 13.1(c) and you
12 gave us a scenario that -- and ultimately if that
13 language -- what is the -- I guess that's what I
14 should have been asking.

15 What is the intent of the language, Section
16 13.1(c)? I just want you to restate that again,
17 please.

18 ATTORNEY McKNIGHT: I'm sorry, say that
19 question again.

20 TRUSTEE GILZEAN: Section 13.1(c).

21 ATTORNEY McKNIGHT: Yeah, now what do you want
22 me to do? I got that part.

23 TRUSTEE GILZEAN: Yeah, can you explain what
24 that means to us?

25 ATTORNEY McKNIGHT: That means that she could

1 resign and get a 12-month sabbatical.

2 TRUSTEE GILZEAN: Okay. So basically, going
3 back to -- and, Mr. Chair, this is my last thing.
4 I would hope -- I would hope that we can entertain
5 a motion as it relates to Section 11.1 -- is it
6 11.1 that you said -- I was about to give you the
7 trustee title -- Attorney McKnight where you
8 mentioned that you would rather -- okay, so if we
9 can amend -- I make -- Mr. Chair, I make a motion
10 to amend Section 11.1 to include the language that
11 our attorney says, that a majority of the vote
12 would be based on seven votes regardless if all 13
13 members or not are there. So I motion that we take
14 the language that our legal counsel has provided us
15 solely for the fact that he's unsure what the
16 current language is, what that language means
17 currently to us at this particular moment.

18 CHAIRMAN BADGER: There's a motion. Is there
19 a second?

20 (NO RESPONSE).

21 CHAIRMAN BADGER: Motion, no second. Please
22 continue.

23 TRUSTEE McWILLIAMS: Mr. Chairman.

24 CHAIRMAN BADGER: It dies for lack of a
25 second.

1 TRUSTEE GILZEAN: Okay.

2 TRUSTEE McWILLIAMS: I'm next after him.

3 CHAIRMAN BADGER: Okay. Are you finished,
4 Trustee?

5 TRUSTEE GILZEAN: Yes, sir, I'm done.

6 CHAIRMAN BADGER: Okay. Thank you, Trustee
7 Gilzean.

8 I hear Trustee McWilliams.

9 TRUSTEE McWILLIAMS: Thank you, Mr. Chairman.
10 First, I find it a disturbing sign for any state
11 employee at any level to expect or demand a
12 provision for an automobile for private use when a
13 car and a driver for official use are being
14 provided. But the biggest problem here, however,
15 is one of deception.

16 Now whether a doctor or a minister or a
17 college president, the public understands the
18 strenuousness of your work and the level of your
19 responsibility and accepts the fact that you should
20 be compensated, sometimes highly. The problem
21 arises, however, as vividly demonstrated in a
22 previous administration, when your clientele begins
23 to feel that your primary driver is not an
24 opportunity to serve but a quest for compensation.

25 Board members who will lament that she can

1 still say no should again be reminded that we have
2 a president. He too could have said no at the time
3 when our University's posture was much more
4 precarious than present. He said yes and has
5 addressed multiple serious challenges that the
6 University faced with results that satisfied most
7 stakeholder's concerns, including those of the
8 Board of Governors and SACS.

9 But no matter what course this Board chooses
10 presently, I think at some point you're going to
11 look back and reflect on the last 20 months a time
12 when the Board and an interim president worked
13 diligently and effectively together to address
14 major problems and achieve success at a time when
15 the President's bonus or his compensation package
16 was not one time a topic of Board discussion. The
17 challenges we faced took center stage.

18 And I believe that many Board members here
19 have spent much less time familiarizing themselves
20 with the elements of Doctor Robinson's compensation
21 agreement than with the document before us. And I
22 don't attribute that to a lack of diligence, I
23 think some of us just feel that we know the
24 President and trust his requests to be fair,
25 reasonable, and affordable.

1 CHAIRMAN BADGER: Thank you, Trustee
2 McWilliams.

3 Was there anyone else in the queue?

4 TRUSTEE MONTGOMERY: Mr. Chairman, I had --

5 TRUSTEE LAWSON: Mr. Chair.

6 TRUSTEE ALSTON: Mr. Chair.

7 CHAIRMAN BADGER: Okay. You've spoken once.
8 Would you allow Trustee Lawson followed by Trustee
9 Montgomery?

10 TRUSTEE ALSTON: No, that was Alston after
11 Lawson, please.

12 CHAIRMAN BADGER: Beg your pardon?

13 TRUSTEE ALSTON: Alston.

14 CHAIRMAN BADGER: Alston?

15 TRUSTEE ALSTON: Yes, please.

16 CHAIRMAN BADGER: Okay. Trustee Alston,
17 you're recognized.

18 TRUSTEE ALSTON: No, Lawson was ahead of me.
19 I'm after Lawson.

20 CHAIRMAN BADGER: Thank you. Lawson.

21 TRUSTEE LAWSON: Yeah, Mr. Chair, I'll try to
22 be brief. I'm hoping that we can move through this
23 and come to some resolve and at the end of the day
24 we select the individual. You know, based on all
25 accounts, the person is highly qualified; however,

1 with all that being said, you know, I continue to
2 have some major concerns over the total comp
3 package and I think I've voiced that I think on
4 three separate occasions, and I continue to have
5 those concerns.

6 Now we've landed on a number. Whether I like
7 it or not, we've landed on a number, and I feel
8 like some of these additional changes are trivial
9 and are continuing to protract out a process that
10 we should have ended last week, so I have -- I'm
11 getting to come to a point of not having a lot of
12 patience to walk through point for point.

13 I think Attorney McKnight has tried really
14 hard to help us understand all of the red lines and
15 we appreciate that, but I'm hoping maybe we can
16 summarize this into larger motions to try and
17 move this process forward because I continue to
18 have heartburn over the amount of compensation
19 we're extending to an untested president, albeit
20 qualified on paper, albeit untested, albeit no
21 prior presidential experience. So I'm going to
22 find it very challenging to vote positively on
23 some of these additional requests and requirements.

24 In my opinion, per Trustee McWilliams, in my
25 mind the car is completely off the table. That is

1 not even a point for discussion.

2 So I'm hoping, Mr. Chair, that as opposed to
3 going through all of these, we can some way,
4 somehow, and I don't know if that's legally
5 appropriate, summarize some of these items because
6 I think we're all starting to wear a little thin on
7 the protracted process. And I think we want to,
8 you know, move this process forward. You know,
9 we've selected a person, we want them on campus, we
10 have a date that Trustee Alston continues to remind
11 us of that the person needs to be in place. I
12 think we're at that point of wanting that to happen
13 now.

14 So I just ask that if there is a way between
15 yourself and Attorney McKnight that we can speed
16 through this and let's be fair to the person and
17 let's talk about what we're willing to offer the
18 position and try and leave, you know, as much as we
19 can, the person out of it. But, again, I think
20 that, you know, there are, as you can hear, major
21 concerns about this overall comp package relative
22 to others that are out there, relative to
23 experience of the current person we're looking at.

24 CHAIRMAN BADGER: Trustee Alston. Now who
25 followed Trustee Alston?

1 TRUSTEE MONTGOMERY: I'm at the bottom of the
2 queue, Mr. Chair, Montgomery.

3 CHAIRMAN BADGER: Well, you're at the bottom
4 of the list, Trustee Montgomery. Trustee Alston
5 followed by Trustee Montgomery.

6 TRUSTEE ALSTON: Thank you, Mr. Chairman.
7 And, yes, Trustee Lawson, similar to your comments,
8 I actually am ready to make a motion, but I'll just
9 make a few comments.

10 You know, Mr. Chair, again, it sounds like
11 we're deliberating, you know, again, who is or who
12 should be president of the University. It sounds
13 like, again, we're deliberating the process that
14 this Board slash Search Committee put in place for
15 the presidential search process. It sounds like,
16 again, we're deliberating the compensation or
17 really the salary for President Select Doctor
18 Mangum when I think the vote was 7, 5 just around
19 her salary.

20 So from my standpoint, you know, that argument
21 is off the table. You know, for me this discussion
22 has gone on long enough. We have critical needs at
23 the University, and from my perspective, I along
24 with so many in the Rattler community, you know,
25 we're ready for Doctor Mangum to get to work and

1 roll up her sleeves.

2 You know, this Board, just listening to the
3 comments of my colleagues, I think we really need
4 to come together. We need to be unified and really
5 ready to welcome our president. If I remember, it
6 wasn't that long ago that a super majority of this
7 Board, 10 to 2, if I recall, approved Doctor
8 Mangum, overwhelmingly a vote of confidence. So,
9 you know, I just don't want us to lose sightly of
10 that which recently just happened not that long
11 ago.

12 So with that, Mr. Chairman, I move that we
13 approve the amended version of the contract with
14 Doctor Mangum, and I am open to any friendly
15 amendments on the contract.

16 TRUSTEE WARREN: Second.

17 TRUSTEE McWILLIAMS: What is the amended
18 contract, what she sent back? Is that the motion
19 he's putting on the table?

20 TRUSTEE ALSTON: I will explain my motion.
21 Trustee McWilliams, yes, as a starting point, I
22 would like for us to start with the document that
23 we have. If there are one, two or three points of
24 contention, I am absolutely open to accepting
25 friendly amendments to incorporate that, similar to

1 Trustee Lawson's points, so we can move this
2 forward and not go point by point, if there is
3 consensus around a majority of these items.

4 ATTORNEY BARGE-MILES: Excuse me, Doctor
5 Badger. Who seconded that motion?

6 TRUSTEE WARREN: Warren.

7 CHAIRMAN BADGER: I didn't hear. Who was it?

8 ATTORNEY BARGE-MILES: Trustee Warren.

9 CHAIRMAN BADGER: Okay. Motioned and
10 seconded.

11 TRUSTEE LAWSON: Mr. Chair.

12 TRUSTEE WHITE: Mr. Chairman, this is Trustee
13 White. Would you add me to the queue, please?

14 CHAIRMAN BADGER: Wait a minute, discussion.

15 TRUSTEE MONTGOMERY: Montgomery.

16 TRUSTEE LAWSON: Lawson.

17 CHAIRMAN BADGER: Montgomery, Lawson.

18 TRUSTEE WHITE: And White.

19 CHAIRMAN BADGER: And White, okay, in that
20 order. Montgomery.

21 TRUSTEE MONTGOMERY: Mr. Chairman.

22 CHAIRMAN BADGER: It's on the motion, I assume
23 because we have a motion and a second on the floor.

24 TRUSTEE MONTGOMERY: It's on the floor, and
25 it's up for a discussion, and I'll make my comments

1 as brief as I can.

2 I voted for Doctor Mangum. I've asked for a
3 transcript of these conversations because, as a new
4 member of the Board, with the problems that we had
5 in the past, I had no idea what had happened in the
6 past. I think it's very helpful on our part for
7 future Boards, for them to understand how we
8 arrived at the provisions that they will be
9 subjected to as a future board.

10 I'd ask or draw your attention to 2.0. In the
11 area of 2.0, with the changes that were suggested
12 by Doctor Mangum, the Board unanimously approved
13 this language. The amended language offered to
14 Doctor Mangum would dictate a process to the Board
15 that would require a negotiation with the Board's
16 representative. I'd submit that after this process
17 that we've gone through right now that the Board
18 wants to reserve its right to determine what the
19 process of engagement would be at that time and
20 should not be bound by this language.

21 This would be achieved and it's in the Board's
22 best interest by keeping the language that was
23 unanimously approved by the Board less than a week
24 ago. To draw -- I'd offer a friendly amendment
25 that we keep the language that we unanimously

1 approved less than a week ago.

2 TRUSTEE ALSTON: Trustee -- Mr. Chairman, this
3 is Trustee Alston.

4 CHAIRMAN BADGER: Yes, sir.

5 TRUSTEE ALSTON: Trustee Montgomery, which
6 section are you referring to?

7 TRUSTEE MONTGOMERY: Section 2.0.

8 TRUSTEE ALSTON: 2.0, okay.

9 TRUSTEE MONTGOMERY: There's been a
10 conversation as a Board that we've had about
11 whether the Board makes the decision or whether we
12 put it in the hands of an individual. This
13 language would bind a Board representative, and I'm
14 simply saying that it should be the Board's
15 prerogative. The language that was suggested here
16 puts it in the hands of a representative. The
17 language that we voted on unanimously would leave
18 it as an onus on the Board. So I move that we
19 reject the changes as presented.

20 CHAIRMAN BADGER: Now we've got two motions on
21 the floor, right?

22 TRUSTEE MONTGOMERY: Just one. I'm offering
23 an amendment, a friendly amendment.

24 CHAIRMAN BADGER: Oh, okay. A friendly
25 amendment is on the floor.

1 TRUSTEE ALSTON: Yes, I'm back, Mr. Chair. In
2 reviewing the clause, Trustee Montgomery, I don't
3 know if -- again, at least in my interpretation of
4 Board's representative, you know, if the Board
5 collectively decides -- I mean it's implied that
6 the representative could be the chair, or it could
7 be whomever -- let me back up.

8 I don't know if this is a major point of
9 contention. I think just from listening to the
10 conversation, there are probably maybe one or two
11 other areas. So if it's offered as a friendly
12 amendment, I'm not going to accept this as a
13 friendly amendment to the motion.

14 TRUSTEE MONTGOMERY: Okay. Mr. Chair, I'll
15 move on.

16 I'd draw your attention to 3.0, Powers and
17 Duties, it's 3.0. There are changes here that are
18 suggested that require a mutual agreement between
19 Doctor Mangum and the Board. My question is: If
20 Doctor Mangum disagrees with what the Board says
21 will be the operational goals, there is no
22 mechanism here to deal with that. And by default,
23 I think I'd ask General Counsel to weigh in here.
24 If there is no agreement, then we would be at a
25 stalemate with regard to the operational goals of

1 the Institution.

2 General Counsel -- Mr. Chairman, may I ask
3 General Counsel if he could clarify that.

4 ATTORNEY McKNIGHT: I don't understand that to
5 be the case because so much of the operational
6 goals of the University is mandated by the State of
7 Florida, so I'm not really certain if that's
8 correct.

9 TRUSTEE MONTGOMERY: So if the Board has
10 operational goals that it put forward, they would
11 not be affected by this clause? If they were not
12 mutually agreed upon, what posture would the Board
13 be in? If Doctor Mangum said I don't agree with
14 that, would we be required to meet that operational
15 goal, even if it was a goal set by the Board?

16 ATTORNEY McKNIGHT: Well, the Board can -- of
17 course the Board always can move in a different
18 direction, right?

19 TRUSTEE MONTGOMERY: No.

20 ATTORNEY McKNIGHT: I mean the Board can -- if
21 that was the case and it was a significant, the
22 Board could terminate with or without cause.
23 That's where the Board would be.

24 TRUSTEE WARREN: No, it could be a matter,
25 Montgomery, that is not significant enough to

1 terminate, but it is -- what I see what Montgomery
2 is getting at, we should have a vehicle for us to
3 come to a reasonable conclusion. If the Board is
4 adamant about its position, then we should have
5 some latitude to impose the position because what
6 we take -- our actions as a Board are taken by way
7 of a vote.

8 TRUSTEE MONTGOMERY: In the spirit of I guess
9 what Trustee Warren would call as (unintelligible),
10 I'm not offering a substitute motion, I'm only
11 offering a substitute amendment as we move along.
12 If it's the will of the Board to move along, I'm
13 simply pointing out that this takes away our
14 ability to say as a Board, this shall be done; and
15 it requires us to come to a mutual agreement with
16 the one person who is under our employ, and that
17 takes away your position as a governing body. So
18 I'd offer a friendly amendment that rejects the
19 language that was presented and keeps the Board in
20 a posture where the Board sets the operational
21 goals.

22 There's a two-way level of trust here. The
23 Board sets the goals, and we're not going to
24 enforce them or jam them down the President's
25 throat; but at the end of the day, the decision is

1 made by the Board, gets implemented by the CEO, and
2 it doesn't have to -- and nor should it require
3 agreement. At the end of the day, the Board is the
4 board, you make the decisions; the Chief Executive
5 Officer implements the operational goals as
6 presented by the Board. So I'd offer a friendly
7 amendment to reject the language here that was
8 presented.

9 CHAIRMAN BADGER: And the bone of contention,
10 did I understand you -- my phone was breaking up --
11 is the "mutually agreed upon?"

12 TRUSTEE MONTGOMERY: There's nothing that
13 brings it to closure if it doesn't -- if there is
14 no agreement. If someone can offer a solution that
15 gets us to closure and leaves us in a posture where
16 the Board still maintains its position of
17 governance who is directing the Chief Executive to
18 implement, then I'm fine with that; but if someone
19 can offer a better solution, I'm open to that. But
20 the language that's presented requires us to agree
21 but doesn't give a mechanism for closure if we
22 disagree.

23 TRUSTEE ALSTON: Mr. Chairman.

24 CHAIRMAN BADGER: Trustee Alston.

25 TRUSTEE ALSTON: Yes, just listening to Vice

1 President McKnight and I think the previous
2 comments from Trustee Turnbull and Trustee Warren,
3 it sounds like that I know historically we have
4 mutually had agreed-upon goals. I think we all
5 have sat in those sessions.

6 But listening to Trustee Montgomery or Vice
7 Chair Montgomery, if you have -- is there any
8 proposed language that you'd like to recommend?

9 TRUSTEE WARREN: I think just strike it out.

10 TRUSTEE ALSTON: So everywhere where we have
11 "Doctor Mangum and the Board" under 3.0 and
12 "mutually" and "Doctor Mangum and," those three
13 different clauses, one, two, three, we'd strike out
14 those three areas?

15 TRUSTEE MONTGOMERY: I'm sorry, Mr. Chairman
16 if I may, let me be clear. The insertion of
17 "documented," I have no objection to that. Where
18 it says: Such duties as mutually agreed upon by
19 Doctor Mangum and the Board, I have no problem with
20 that language.

21 The challenge here, the bone of contention is
22 the last sentence where it says that: Annual
23 establishment and successful achievement of
24 operational goals as mutually agreed upon by Doctor
25 Mangum and the Board. We're in the posture that we

1 go to her as a Board and we can attempt to mutually
2 agree, but if she disagrees, she doesn't have the
3 right to tell us she's not going to do it. At the
4 end of the day, that's her job as CEO, is to
5 execute the will -- implement the will of the
6 Board.

7 So if you strike the language that they
8 propose that says "mutually agreed upon" and strike
9 the language that says "Doctor Mangum and," it
10 allows the Board to retain its posture as the
11 governing body who makes suggestions or
12 recommendations or directions to the chief
13 executive officer when the chief executive
14 officer's role is to implement.

15 So this can be done in a respectful way, and I
16 ask that we strike those two at the end of that
17 sentence so we can retain our position as the
18 governing body in this particular --

19 TRUSTEE TURNBULL: Mr. Chairman.

20 TRUSTEE PERSAUD: Mr. Chair.

21 TRUSTEE TURNBULL: Mr. Chairman.

22 CHAIRMAN BADGER: All right. Let me get them
23 in the queue. I hear Trustee Turnbull.

24 TRUSTEE TURNBULL: Yes.

25 TRUSTEE PERSAUD: Persaud.

1 CHAIRMAN BADGER: Is there somebody in the
2 queue ahead of Trustee Turnbull?

3 TRUSTEE LAWSON: Lawson was already behind
4 Montgomery.

5 TRUSTEE PERSAUD: I'm behind Trustee
6 Turnbull, Mr. Chair.

7 CHAIRMAN BADGER: Okay. So Trustee Turnbull
8 followed by Trustee Persaud. Lawson --

9 TRUSTEE LAWSON: Was behind Montgomery.

10 CHAIRMAN BADGER: You were behind Montgomery?

11 TRUSTEE LAWSON: Yes.

12 CHAIRMAN BADGER: Montgomery and Lawson. Are
13 there others?

14 (NO RESPONSE).

15 CHAIRMAN BADGER: Trustee Turnbull, you're
16 recognized.

17 TRUSTEE TURNBULL: Okay. I'd just suggest to
18 you that the language that we did approve last time
19 that says: Other duties as mutually agreed upon
20 with the Board says exactly that, that are agreed
21 upon with Doctor Mangum and the Board. She simply
22 added "Doctor Mangum and the Board," but the
23 language that was written before said the same
24 thing.

25 CHAIRMAN BADGER: Okay.

1 ATTORNEY BARGE-MILES: Doctor Badger. Doctor
2 Badger.

3 CHAIRMAN BADGER: Yes.

4 ATTORNEY BARGE-MILES: This is Linda. I
5 believe in the queue you had Trustee Lawson,
6 Trustee White, and then I believe it was Trustee
7 Turnbull, and then Trustee Persaud.

8 CHAIRMAN BADGER: Where were you when I called
9 for that? Give them to me again, please.

10 ATTORNEY BARGE-MILES: Lawson, White --
11 Turnbull has already gone, so you have Lawson,
12 White and Persaud.

13 CHAIRMAN BADGER: Lawson, White and Persaud,
14 in that order.

15 TRUSTEE LAWSON: I'm sorry, Mr. Chair.

16 CHAIRMAN BADGER: Forgive me for bypassing
17 you.

18 TRUSTEE LAWSON: That's okay. I'm fine.

19 My comment is not about 3.0, so maybe I should
20 concede to others that have comments on 3.0 because
21 I have other friendly amendments I'd like to offer.
22 So if Trustee Persaud or others behind me have
23 comments on 3.0, I'll concede to them until we're
24 done with 3.0.

25 CHAIRMAN BADGER: Appreciate that. Trustee

1 White would be next.

2 TRUSTEE WHITE: Yes, I have a friendly
3 amendment related to another section as well, so I
4 will withhold, but I do agree with Trustee Turnbull
5 that "mutually agreed upon" is already in the
6 previous section.

7 CHAIRMAN BADGER: Okay. Thank you. So now
8 we are at Persaud.

9 TRUSTEE PERSAUD: Yes, Mr. Chair, I concur
10 with Trustee Turnbull and Trustee White. It's
11 already stated. I think it's not worth any effort
12 to go about and change that right now.

13 CHAIRMAN BADGER: Thank you.

14 TRUSTEE MONTGOMERY: Mr. Chair, the one who
15 made the amendment, I close the conversation by
16 saying that there is a distinction between the two
17 paragraphs. The one paragraph talks about powers
18 and duties; and as President, it talks about other
19 such duties as mutually agreed upon.

20 The point that I'm making with the last
21 sentence talks about the annual establishment and
22 successful achievement of operational goals.
23 There's a distinct difference between "other such
24 duties as mutually agreed upon" and very
25 specifically here where it says the -- no one has

1 given a remedy, if the Board says here are the
2 annual goals and here's what successful achievement
3 is defined by. If Doctor Mangum chooses to say I
4 disagree, there's no mechanism right here in this
5 contract for us to come a conclusion that would
6 allow us to move forward. So that was the purpose
7 of the friendly amendment I've offered. I offered
8 it as an amendment if there's a second.

9 CHAIRMAN BADGER: Is there a second?

10 TRUSTEE LAWSON: Second.

11 TRUSTEE SHANNON: I mean a friendly amendment
12 needs to be either accepted or not.

13 ATTORNEY BARGE-MILES: Accepted, yeah.

14 TRUSTEE GILZEAN: Yes, and it sounded like
15 Lawson -- I mean Alston wanted to accept it.
16 That's why he was asking for the language.

17 TRUSTEE ALSTON: Sorry, I'm back on.

18 ATTORNEY BARGE-MILES: Doctor Badger.

19 TRUSTEE ALSTON: Trustee Montgomery, on the
20 last sentence, just listening to the full
21 discussion, if it reads: Goals mutually agreed
22 upon with the Board and Doctor Mangum, you still --
23 you're not in favor of that? You believe you want
24 to strike the full Doctor Mangum clause?

25 TRUSTEE MONTGOMERY: Mr. Chairman, if I may.

1 TRUSTEE ALSTON: Let's take --

2 CHAIRMAN BADGER: Let Trustee Alston complete
3 what he's saying.

4 TRUSTEE ALSTON: I was asking a question to
5 Trustee Montgomery.

6 TRUSTEE MONTGOMERY: All right, Mr. Chairman.

7 CHAIRMAN BADGER: Yes, sir.

8 TRUSTEE MONTGOMERY: Okay. If you would
9 add -- I'm just simply, I'm looking to clarify
10 this. If you're on the Board now and you're on the
11 Board three years from now or a year from now, no
12 one has offered a remedy that says if the Board and
13 Doctor Mangum disagree, this is what will happen.

14 So if General Counsel says if the Board and
15 Doctor Mangum disagree on the annual establishment
16 and successful achievement of the operational
17 goals, then the Board's will will supersede hers
18 then we can move on, but I haven't heard that.
19 This language specifically says it has to be agreed
20 upon, and I encourage the Board to not advance a
21 provision that ties our hands and puts us in a
22 position where there's no actual conclusion or a
23 remedy to what we see now that could obviously be a
24 problem.

25 TRUSTEE ALSTON: Understood. Trustee

1 Montgomery, could I make a suggestion? Just to
2 keep this motion clean, hopefully the friendly
3 amendments are less controversial, it sounds like
4 there's going to be some disagreement, could you
5 offer a substitute motion just on -- as it relates
6 to Section 3.0?

7 TRUSTEE MONTGOMERY: Mr. Chair, I'd offer a
8 substitute motion in the section for 3.0 that would
9 strike the language on the last sentence of the
10 second paragraph, that would strike "mutually" and
11 that would strike "Doctor Mangum and."

12 CHAIRMAN BADGER: Is there a second?

13 UNIDENTIFIED TRUSTEE: Second.

14 TRUSTEE SHANNON: Second.

15 CHAIRMAN BADGER: Those in favor of the
16 substitute motion let it be known by the sign aye.

17 (AFFIRMATIVE INDICATIONS).

18 CHAIRMAN BADGER: Those opposed.

19 (NEGATIVE INDICATIONS).

20 CHAIRMAN BADGER: Let's do a roll call. It
21 sounds like the nos --

22 TRUSTEE GILZEAN: Mr. Chair, before you do the
23 roll call, Trustee Warren gave an explanation and
24 my phone was fading in and out. What was the
25 explanation as it relates to what Trustee

1 Montgomery is referring to? Can you just say that
2 one more time, Trustee Warren?

3 TRUSTEE WARREN: Yes. If the language puts us
4 in a loop, I agree that we should not agree to
5 institutionalize the loop in the document. If we
6 need to get to a point of agreement and there is
7 the avenue for no resolve because of a lack of
8 disagreement, then it's not a position I want to be
9 in, where I can't come to some conclusion.

10 TRUSTEE GILZEAN: So, Trustee Warren -- and
11 I'm sorry, Mr. Chair, do I have permission to say
12 something, please?

13 CHAIRMAN BADGER: Gilzean.

14 TRUSTEE GILZEAN: Can you provide us -- could
15 you come up with a particular language that can
16 satisfy that concern right there, or do you
17 recommend what Trustee Montgomery is saying and
18 just striking the addition that they added?

19 ATTORNEY BARGE-MILES: I think -- Doctor
20 Badger, this is Linda. You have a substitute
21 motion.

22 CHAIRMAN BADGER: A motion and a second on the
23 floor.

24 ATTORNEY BARGE-MILES: And a second, and you
25 had a voice vote, but you're still in the process.

1 CHAIRMAN BADGER: The voice vote is still
2 open.

3 TRUSTEE GILZEAN: Yeah, but, Mr. Chair, this
4 would determine how I'd vote on it.

5 TRUSTEE WARREN: Yeah, but I can't give you
6 language until we deal with the vote.

7 TRUSTEE MONTGOMERY: That's not true, point of
8 information --

9 TRUSTEE PERSAUD: Mr. Chair --

10 TRUSTEE MONTGOMERY: -- debate is not
11 closed --

12 CHAIRMAN BADGER: Okay. Now here --

13 TRUSTEE MONTGOMERY: -- putting a question as
14 until both the affirmative and the negative are
15 put. Any member can rise and claim the floor, as
16 Trustee Gilzean has, and reopen the debate or make
17 a motion provided he raises a reasonable point,
18 which he did, so he --

19 TRUSTEE PERSAUD: Mr. Chair.

20 TRUSTEE WARREN: If that is the case, I would
21 offer this suggestion then.

22 TRUSTEE MONTGOMERY: He is in fact --

23 CHAIRMAN BADGER: We've got several people
24 talking at the same time, and I'm obviously
25 (inaudible) because I'm not --

1 TRUSTEE PERSAUD: Mr. Chair.

2 TRUSTEE MONTGOMERY: I raised a point of
3 order, and it's not debatable. I raised a point of
4 order, and I'm allowed to interrupt. By the rules,
5 I'm allowed to raise a point of order --

6 TRUSTEE PERSAUD: No, Mr. Chair.

7 TRUSTEE MONTGOMERY: And the point of order
8 states that, in accordance with Robert's Rules, and
9 Trustee Gilzean is within his right --

10 TRUSTEE PERSAUD: Which Robert's Rules may I
11 ask?

12 TRUSTEE MONTGOMERY: 44.

13 TRUSTEE PERSAUD: 44 what?

14 TRUSTEE MONTGOMERY: Take a look -- what is
15 this? Article 7.

16 TRUSTEE PERSAUD: Article 7.

17 TRUSTEE MONTGOMERY: Section 44, closing and
18 preventing debate, eat your heart out.

19 TRUSTEE PERSAUD: Okay. And, Mr. Chair, I
20 want to point out too --

21 TRUSTEE MONTGOMERY: What's the ruling of the
22 Chair? There has to be a ruling of the Chair with
23 regard to my point of order. Someone has to -- the
24 Chair hasn't ruled.

25 TRUSTEE PERSAUD: Mr. Chair.

1 TRUSTEE MONTGOMERY: Before the discussion, I
2 had a -- I made a point of order with regard to
3 Robert's Rules. Whether he rules in the
4 affirmative or the negative, I had a point of order
5 before other members -- the Chair will rule on it.

6 TRUSTEE PERSAUD: You're speaking more than
7 once.

8 TRUSTEE MONTGOMERY: I'm invoking a point of
9 order as I'm allowed to by the rules, and it
10 suggests that the Chairman shall rule to the
11 affirmative or the negative prior to discussion or
12 further discussion by members of the Board. I'm
13 asking the Chairman to rule on this, and Trustee
14 Gilzean is not out of line. He is within his right
15 as a member, within the rules, at any time to bring
16 this up prior to an affirmative of the yeas and the
17 nays. An affirmative of the yeas and nays has not
18 been achieved because we're requiring a roll-call
19 vote, so Trustee Gilzean is within his right as a
20 member and I'm asking for a ruling on that.

21 CHAIRMAN BADGER: Thank you. Now do we have
22 the floor?

23 ATTORNEY BARGE-MILES: Doctor Badger, just for
24 clarity, it's my understanding that Trustee Alston
25 had a motion on the floor, Trustee Alston then

1 asked Trustee Montgomery if he wanted to have --
2 offer a substitute motion, and Trustee Montgomery
3 offered a substitute motion. Trustee Alston's
4 original motion was to approve the contract, and so
5 the substitute motion though now takes precedence
6 over that original motion, so the motion that's on
7 the floor now is the motion to -- regarding 3.0.

8 TRUSTEE ALSTON: That is correct.

9 CHAIRMAN BADGER: The motion on the floor is
10 the motion regarding --

11 ATTORNEY BARGE-MILES: The second paragraph of
12 3.0, which strikes "mutually" and strikes "Doctor
13 Mangum and."

14 CHAIRMAN BADGER: Those in favor of that
15 motion.

16 TRUSTEE GILZEAN: Now I just -- Mr. Chair, I
17 just want to make sure I'm clear that this is what
18 we're -- because I think the explanation that
19 Trustee Warren gave was a very clear and concise
20 explanation. So I want to make sure that if I vote
21 yes on this, it's basically as it relates to what
22 Trustee Warren explained. I just want to make sure
23 because there are a lot of things going back and
24 forth.

25 CHAIRMAN BADGER: There are a number of

1 things on the floor.

2 TRUSTEE GILZEAN: So what the -- and I just
3 want to ask Trustee Warren. Does that sum up what
4 you just explained, yes or no?

5 TRUSTEE WARREN: To be honest with you, I
6 don't know.

7 TRUSTEE SHANNON: Doctor Badger.

8 CHAIRMAN BADGER: Trustee Shannon.

9 TRUSTEE SHANNON: Just before we vote, I just
10 wanted to say, and I can appreciate Trustee Gilzean
11 trying to be clear about what's being -- what the
12 motion is here. And I just want to say that the
13 language as amended is not ambiguous. It's not
14 ambiguous to me, which means -- because I'm reading
15 it as saying that there's a responsibility. It's
16 just saying there's a responsibility for the Board
17 and for the President to together determine what
18 the operational goals are.

19 I don't believe that the Board will be without
20 recourse. I don't believe that this language is so
21 ambiguous that it would get us into a loop. I
22 understand that there are Board members who believe
23 differently, but I just wanted to offer that that's
24 how I feel about this particular clause.

25 CHAIRMAN BADGER: Thank you, Trustee Shannon.

1 Now on the motion, on the substitute motion
2 that's on the floor first, once again, those in
3 favor of the substitute let it be known by the sign
4 aye.

5 TRUSTEE MONTGOMERY: Roll-call vote,
6 Mr. Chair.

7 TRUSTEE SIDERS: Mr. Chairman.

8 CHAIRMAN BADGER: Yes.

9 TRUSTEE SIDERS: Mr. Chairman, this is Trustee
10 Siders. At what point are we going to actually go
11 through with the roll-call vote? I'm just
12 listening -- I listened to a lot of these
13 conversations, and I'm extremely uneasy about this.
14 Of course, there are many members of our student
15 body who are listening to this, who I believe are
16 one of the most important, if not the most
17 important, set of stakeholders at our University;
18 and it seems as if each time we have one of these
19 calls we're spending an extreme amount of time
20 trying to resurrect old issues that we resolved two
21 or three weeks ago.

22 If there is a blatant attempt to trying to
23 discourage Doctor Mangum from fully accepting the
24 contract, that's one thing. But just as Trustee
25 Alston stated, it was a clear indication that she

1 is the President of which the Board did select,
2 period. And we don't need to spend a lot of this
3 time going back and forth arguing about a lot of
4 trivial issues.

5 The student body really, really wants to see
6 her get to work. We want to see her here. This is
7 an individual that we supported; this is an
8 individual that the Board supported. So while the
9 bickering continues to go on, I understand -- I
10 understand the protocol. I respect it, and
11 understand the opinions of my colleagues. But what
12 I'm asking is if we're going to have our roll-call
13 vote or if we're going to follow the protocol set
14 forth, I ask that we do that.

15 I do not wish -- I mean we're becoming
16 fatigued by this, and I wish we had gone through
17 the motion in the first place; but all I'm going to
18 ask, Mr. Chairman, from now on is that we please
19 continue the order of the day and just at an
20 appropriate time allow the Board to make its
21 recommendations and please -- I'm going to ask that
22 you play a referee when these things are getting
23 out of hand because there have been two or three
24 instances on these calls where we've seemingly
25 diverted from the point at hand. And the point at

1 hand is to address the provisions that Doctor
2 Mangum sent back for this Board to approve and I
3 ask that we do just that.

4 CHAIRMAN BADGER: The substitute motion is
5 live on the floor, and --

6 UNIDENTIFIED SPEAKER: Call the question.

7 CHAIRMAN BADGER: Wait a minute. The
8 substitute motion is live on the floor. I want to
9 ask for clarity's sake -- we have enough stuff on
10 the table now for everybody to have his or her own
11 interpretation. The motion was made by --

12 ATTORNEY BARGE-MILES: Montgomery.

13 CHAIRMAN BADGER: And unless the substitute is
14 withdrawn, still we have to act on the substitute.
15 Yes, we did have a voice vote, and the voice vote,
16 I had an opinion about it; but I called for a
17 roll-call vote on the vote that's on the floor.

18 ATTORNEY BARGE-MILES: Trustee Alston.

19 TRUSTEE ALSTON: No.

20 ATTORNEY BARGE-MILES: Trustee Badger.

21 CHAIRMAN BADGER: No.

22 ATTORNEY BARGE-MILES: Trustee Gilzean.

23 (NO RESPONSE).

24 ATTORNEY BARGE-MILES: Trustee Gilzean.

25 TRUSTEE GILZEAN: Yes.

1 ATTORNEY BARGE-MILES: Trustee Lawson.
2 TRUSTEE LAWSON: Yes.
3 ATTORNEY BARGE-MILES: Trustee McWilliams.
4 TRUSTEE McWILLIAMS: Yes.
5 ATTORNEY BARGE-MILES: Trustee Montgomery.
6 TRUSTEE MONTGOMERY: Yes.
7 ATTORNEY BARGE-MILES: Trustee Moore.
8 TRUSTEE MOORE: Yes.
9 ATTORNEY BARGE-MILES: Trustee Persaud.
10 TRUSTEE PERSAUD: No.
11 ATTORNEY BARGE-MILES: Trustee Shannon.
12 TRUSTEE SHANNON: No.
13 ATTORNEY BARGE-MILES: Trustee Siders.
14 TRUSTEE SIDERS: Nope.
15 ATTORNEY BARGE-MILES: Trustee Turnbull.
16 TRUSTEE TURNBULL: No.
17 ATTORNEY BARGE-MILES: Trustee Warren.
18 (NO RESPONSE).
19 ATTORNEY BARGE-MILES: Trustee Warren.
20 CHAIRMAN BADGER: Apparently he (inaudible).
21 ATTORNEY BARGE-MILES: Trustee White.
22 TRUSTEE WHITE: No.
23 CHAIRMAN BADGER: Okay.
24 TRUSTEE MONTGOMERY: Mr. Chairman, if I may,

25 I --

1 CHAIRMAN BADGER: Now wait now. You want to
2 let her.

3 ATTORNEY BARGE-MILES: Five yeses, seven nos.

4 CHAIRMAN BADGER: So it failed. Now we're on
5 to the motion, Trustee Montgomery.

6 TRUSTEE MONTGOMERY: Yes. I hear my
7 colleagues loud and clear with regard to moving the
8 conversation along. I would submit that in --
9 without having a discussion about it, in 6.2, the
10 Board voted unanimously for language, and it was
11 sent back by Doctor Mangum in the first sentence.
12 I also note that with regard to the pro rata, the
13 Board also voted, I believe unanimously, the
14 language; and in her capacity, she sent that back
15 to the Board. If you'll skip down to -- if you'll
16 skip down to 7.5.

17 CHAIRMAN BADGER: Trustee Montgomery.

18 TRUSTEE MONTGOMERY: Yes.

19 CHAIRMAN BADGER: We have cleared the
20 substitute motion. Now we have a motion dangling
21 that we have to vote on.

22 TRUSTEE MONTGOMERY: This is discussion on
23 Trustee Alston's motion, correct?

24 CHAIRMAN BADGER: We haven't even -- we were
25 at the point of -- we haven't even put it on the

1 table yet.

2 TRUSTEE SHANNON: He requested a friendly
3 amendment.

4 TRUSTEE LAWSON: Right, right.

5 CHAIRMAN BADGER: And he had rejected the
6 friendly amendment, didn't he?

7 TRUSTEE LAWSON: There were others that
8 wanted to come forward with friendly amendments.

9 TRUSTEE MONTGOMERY: And I hadn't yielded the
10 floor except for the vote on the substitute motion.
11 Again, I'll be brief. I'm not contesting every --
12 I'm not contesting everything that was sent back
13 from Doctor Mangum. I'm having issues with
14 clarification for substance. I'm skipping over --
15 I had about 12, but I'm just going to cut it down
16 to three. If you'd allow me, I'd like to continue
17 through them and offer them as substitute
18 amendments where appropriate or as substitute
19 motions.

20 I pointed out that the Board less than a week
21 ago voted unanimously for several clauses and for
22 the chief executive officer to send a message to us
23 by saying, I know you voted for it unanimously, but
24 you know what, I disagree. It's setting the tone
25 for probably how this relationship will proceed,

1 but I draw your attention to 7.5, Other
2 Non-Compensation. At the last meeting the Board
3 approved the language of 7.5, by an eight to two
4 margin.

5 As the author of the motion, my intent was to
6 provide the Board with an accurate annual report of
7 non-salary compensation received by the President.
8 As the governing body, we have a responsibility to
9 know this information. It doesn't require
10 disclosure of compensation for, of course, other
11 things that she had in place before employment at
12 FAMU.

13 As I stated before, the total annual benefit
14 of this compensation package as offered, clearly in
15 my opinion, it seeks \$600,000. When this contract
16 is revisited in 2016, this report will provide the
17 Board with a clear picture of the total package it
18 provides for employment as President of FAMU. I'm
19 not sure if any current Board members can tell us
20 what the amount of all University-related
21 non-salary compensation that was received by the
22 previous President.

23 So I encourage you to reject the change of the
24 proposed language for one primary reason, that I
25 believe the change is an attempt to provide less

1 information. With nothing to hide, I say we err on
2 the side of caution and require full disclosure.
3 So I'd ask that you strike this provision or reject
4 this provision.

5 CHAIRMAN BADGER: Is that your substitute
6 motion?

7 TRUSTEE MONTGOMERY: Yes, substitute
8 amendment -- excuse me, substitute motion.

9 CHAIRMAN BADGER: Substitute motion, okay.
10 You've heard the substitute --

11 TRUSTEE TURNBULL: Mr. Chairman, can I -- for
12 a point of order in terms of Robert's Rules, what
13 we're offering to the original motion is amendments
14 to the motion. A substitute amendment is a
15 substitute of an amendment. What we have on the
16 floor is a motion, as I recall. So what we are
17 adding -- we are making amendments to the motion,
18 rather than substitute amendment.

19 CHAIRMAN BADGER: Thank you, Trustee Turnbull.
20 On the amendment, is there --

21 TRUSTEE MONTGOMERY: Mr. Chairman, again, a
22 substitute motion replaces Trustee Alston's entire
23 motion; so again, for clarification, whoever our
24 parliamentarian is, if you would clarify this
25 point. If I'm wrong, so be it; but I believe that

1 Trustee Turnbull has pointed out that this is an
2 amendment. I'm encouraged to offer it as a
3 substitute motion, and I am offering it as a
4 substitute motion to his original motion.

5 CHAIRMAN BADGER: Is there a second to his
6 substitute motion to the original motion, Trustee
7 Alston?

8 TRUSTEE TURNBULL: Again, so the members will
9 understand, what we're doing is we would be --
10 instead of passing Trustee Alston's motion to
11 accept the contract, we would simply be passing the
12 language that is being offered by Trustee
13 Montgomery in 7.5. We're replacing the total
14 motion, the total contract with the motion in one
15 section of the contract; that's all I'm saying, so
16 let's be clear what we're doing.

17 CHAIRMAN BADGER: Those in favor of the
18 substitute motion let it be known by the sign aye.

19 (AFFIRMATIVE INDICATIONS).

20 CHAIRMAN BADGER: Opposed the same sign.

21 TRUSTEE MONTGOMERY: I'm not sure it was
22 properly seconded.

23 DOCTOR ROBINSON: It was not.

24 TRUSTEE MONTGOMERY: I'm not sure the motion
25 was properly seconded, Mr. Chair.

1 TRUSTEE SIDERS: Mr. Chairman, also can --
2 this is Trustee Siders. They are right, I don't
3 believe it was properly seconded, I could be
4 mistaken. And also, I wanted to gain clarity on
5 what the motion is because I've heard maybe one or
6 two different things. I just want to be clear.

7 CHAIRMAN BADGER: Would you be receptive to
8 the clarification that Trustee Turnbull just gave
9 to it?

10 ATTORNEY BARGE-MILES: Doctor Badger, excuse
11 me, this is Linda. We need a second to that
12 motion.

13 TRUSTEE SIDERS: I'm asking before that can
14 someone restate the motion.

15 CHAIRMAN BADGER: Is there a second? Let's
16 put the motion out there. Is there a second to the
17 motion?

18 TRUSTEE LAWSON: Second.

19 CHAIRMAN BADGER: Okay. It's motioned and
20 seconded. Now will you restate the motion in a
21 brief fashion?

22 TRUSTEE MONTGOMERY: My motion is to reject
23 the language that was presented in the
24 counteroffer, specifically the language that says:
25 To the extent required by state regulation. I

1 believe it should remain within the purview of the
2 Board to require whatever information it so desires
3 as long as it is in accordance with state law. It
4 says to the extent required. All we're saying is
5 we're reserving our right as a board to require the
6 information and that the basics that are required
7 by state regulations can actually be increased by
8 the Board to ask for additional information.

9 CHAIRMAN BADGER: Those in favor of the motion
10 as restated let it be known by the sign aye.

11 (AFFIRMATIVE INDICATIONS).

12 CHAIRMAN BADGER: Opposed the same sign.

13 (NEGATIVE INDICATIONS).

14 CHAIRMAN BADGER: Roll call.

15 ATTORNEY BARGE-MILES: Trustee Alston.

16 TRUSTEE ALSTON: No.

17 ATTORNEY BARGE-MILES: Trustee Badger.

18 (NO RESPONSE).

19 ATTORNEY BARGE-MILES: Trustee Badger.

20 CHAIRMAN BADGER: No.

21 ATTORNEY BARGE-MILES: Trustee Gilzean.

22 TRUSTEE GILZEAN: Yes.

23 ATTORNEY BARGE-MILES: Trustee Lawson.

24 TRUSTEE LAWSON: Yes.

25 ATTORNEY BARGE-MILES: Trustee McWilliams.

1 TRUSTEE McWILLIAMS: Yes.

2 ATTORNEY BARGE-MILES: Trustee Montgomery.

3 TRUSTEE MONTGOMERY: Yes.

4 ATTORNEY BARGE-MILES: Trustee Moore.

5 TRUSTEE MOORE: Yes.

6 ATTORNEY BARGE-MILES: Trustee Persaud.

7 TRUSTEE PERSAUD: No.

8 ATTORNEY BARGE-MILES: Trustee Shannon.

9 TRUSTEE SHANNON: No.

10 ATTORNEY BARGE-MILES: Trustee Siders.

11 TRUSTEE SIDERS: Yes.

12 ATTORNEY BARGE-MILES: Trustee Turnbull.

13 TRUSTEE TURNBULL: No.

14 ATTORNEY BARGE-MILES: Trustee Warren.

15 TRUSTEE WARREN: No.

16 ATTORNEY BARGE-MILES: Trustee White.

17 TRUSTEE WHITE: No.

18 ATTORNEY BARGE-MILES: Six yeses, seven nos.

19 CHAIRMAN BADGER: The motion failed.

20 TRUSTEE MONTGOMERY: Mr. Chairman, on Section

21 11.1 --

22 CHAIRMAN BADGER: Wait a minute now. We are
23 back to Trustee Alston's motion, aren't we? That
24 was the substitute that failed.

25 TRUSTEE MONTGOMERY: Yes, and I'm asking for

1 the floor with regard to the -- I actually had 11.1
2 and then the two other clauses and I'm done. I
3 don't have a protracted amount in the spirit of
4 what the Board is asking, but I'd ask that I be
5 able to address these last three and that's all I
6 have.

7 TRUSTEE SIDERS: Are they related to the
8 motion?

9 TRUSTEE MONTGOMERY: Yes.

10 CHAIRMAN BADGER: Beginning with 11.1? I'm
11 trying to follow you.

12 TRUSTEE MONTGOMERY: 11.1, where it says
13 Termination for Cause, I as a Board member did not
14 get clarity with regard to what the posture of the
15 Board would be. As I read it with the language
16 that was unanimously approved by the Board less
17 than a week ago, that when it just says a majority
18 vote of the Board as set forth in the Board's
19 Operating Procedures, this allows the Board to
20 adjust the Board Operating Procedures but we cannot
21 be in a position where one trustee can decide that
22 they don't want to vote and that we're then in a
23 position where, because of this language here where
24 it says full board, a legal interpretation could
25 come forward that would require all 13 members in

1 order for the vote to be valid.

2 I urge that you strike the proposed change and
3 go with the language that the Board approved a week
4 ago so that the Board is not in the posture that it
5 was with the previous President where, not only
6 would we have to have a supermajority, but we'd
7 have to have all 13 members in agreement. Because
8 as it reads now, if you include the full board, we
9 could possibly be in a situation where if a Board
10 member were sick or if a Board member disagreed or
11 if we didn't have all 13, we would not be able --
12 we'd be paralyzed and handcuffed as a board and we
13 would not be able to move forward.

14 The second part of the -- I don't have a
15 problem with 11.1(b), where it says -- where he
16 strikes -- he lines it out, okay, fine. In the
17 spirit of moving forward, no problem. But the
18 language that says: Upon assertion of cause, the
19 Board will notify Doctor Mangum of such allegation
20 and provide for her 30 days to cure if curable is
21 unacceptable.

22 It's unacceptable because if the -- this is a
23 termination for cause. The additional changes
24 would require the Board to give a 30-day grace
25 period, even in the face of obvious or willful

1 violations. If she shot somebody today, we
2 couldn't terminate her; we'd have to wait 30 days
3 according to this language.

4 If any -- we had this happen with the previous
5 president where there was a senior member of the
6 leadership that did some things that warranted
7 termination, was allowed to -- the chief executive
8 let the person resign when the person should have
9 clearly been fired. If it had come to the Board,
10 I'm confident the person would have been fired.

11 But why would we afford someone a -- we're
12 talking about gross negligence or willful
13 malfeasance. We're talking about acts of omission
14 that are felonious or fraudulent. We're talking
15 about a formal indictment in a court of law for a
16 felony or misappropriation of University funds or
17 breaches of any fiduciary responsibility.

18 The Board should not be handcuffed by a
19 provision that requires it to wait 30 days. It's
20 my understanding that this is not standard for
21 these types of violations. I would agree with this
22 for termination without cause but not for
23 termination with cause. So I ask that the language
24 here, with the exception of that in the first
25 sentence in (e), I ask that the language here be

1 stricken and that we revert to the original
2 language as approved by the Board with the one
3 exception of striking the words that say "to meet
4 established performance goals or." I ask that -- I
5 move -- I make a substitute motion that we reject
6 the language with the exception of that one portion
7 in Section (e).

8 TRUSTEE GILZEAN: I second.

9 CHAIRMAN BADGER: This is a substitute as well
10 to the motion that we have on the floor, Trustee
11 Alston's motion, keep that in mind.

12 Okay. Now the substitute motion is presented,
13 and we'll vote on the substitute motion. It has a
14 second.

15 TRUSTEE SHANNON: Yeah, there was a second.

16 CHAIRMAN BADGER: I say it has a second.

17 TRUSTEE SHANNON: Mr. Chair, I have a --

18 CHAIRMAN BADGER: I don't know who it was,
19 but I heard it.

20 TRUSTEE SHANNON: Mr. Chair, I have a --

21 ATTORNEY BARGE-MILES: Doctor Badger, could
22 the person that seconded the motion identify
23 themselves, please?

24 TRUSTEE GILZEAN: Trustee Gilzean.

25 CHAIRMAN BADGER: Gilzean. Thank you, Trustee

1 Gilzean. Discussion.

2 TRUSTEE SHANNON: Mr. Chair.

3 CHAIRMAN BADGER: Trustee Shannon.

4 TRUSTEE SHANNON: Yes, with respect to Trustee
5 Montgomery's concerns about the beginning of that
6 paragraph where she's asked that the full Board be
7 available to vote on a termination for cause, I
8 would submit that a decision like that is so
9 important that we do need a full board to vote on
10 that type of matter. Thank you.

11 TRUSTEE PERSAUD: Mr. Chair, this is Persaud.

12 CHAIRMAN BADGER: Trustee Persaud.

13 TRUSTEE PERSAUD: I concur with Trustee
14 Shannon. And then secondly, I don't see -- this is
15 a contract, and we're not here to make policies.
16 5.6 on voting procedures of the trustee manual
17 makes it clear that a majority vote of all members
18 of the Board is required for establishing policy,
19 and also -- and removing the President and for
20 approving or terminating programs.

21 This was already explained by the University
22 attorney, so I don't see any problem why we are
23 getting involved in this discussion.

24 TRUSTEE GILZEAN: Because he didn't understand
25 what it meant.

1 TRUSTEE McWILLIAMS: Mr. Chairman.

2 Mr. Chairman.

3 CHAIRMAN BADGER: I thought there was somebody
4 ahead of you. Whoever it was that was laughing,
5 were you asking to be recognized?

6 TRUSTEE McWILLIAMS: No, I was asking to be
7 recognized just briefly.

8 CHAIRMAN BADGER: No, I was addressing the
9 person ahead of you, but go ahead. That's Trustee
10 McWilliams.

11 TRUSTEE McWILLIAMS: Yes, I think if it were
12 not important as Persaud and all of these people
13 allege, then why did they put the word "full" in
14 there? You know, I agree with Trustee Montgomery,
15 somebody could be sick or whatever. I mean why do
16 you have to have the full Board if you've got a
17 majority vote on something.

18 I think that that is something that their
19 attorney inserted and for her benefit, not for the
20 benefit of the Board or for Florida A & M
21 University.

22 TRUSTEE PERSAUD: Mr. Chair, just a point of
23 clarification.

24 CHAIRMAN BADGER: Trustee Persaud.

25 TRUSTEE PERSAUD: According to our

1 procedures, our trustee procedures, it says a
2 majority of all the members of the Board. Unless
3 I'm stupid, "all" should mean 13, all 13 members of
4 the Board.

5 TRUSTEE McWILLIAMS: A majority of 13 is
6 seven. It doesn't mean that 13 people have to
7 vote. It means that seven people, that's a
8 majority of 13.

9 TRUSTEE GILZEAN: Mr. Chair.

10 TRUSTEE McWILLIAMS: I took a little math too,
11 Persaud.

12 TRUSTEE PERSAUD: You know, it's all members
13 of the Board.

14 TRUSTEE GILZEAN: Mr. Chair. Mr. Chair.

15 CHAIRMAN BADGER: I recognize the person
16 that's saying "Mr. Chair." Is that Trustee
17 Montgomery?

18 TRUSTEE GILZEAN: No, that's Trustee Gilzean.
19 Just out of quick clarification, we had legal go
20 ahead and explain and he mentioned earlier that he
21 really understands this language. What supersedes?
22 Does the contract language supersede our operating
23 policy, or does our operating policy supersede?
24 Because I recall that earlier our General Counsel
25 said the language that he had in there originally

1 was the best language to be in there.

2 Now that that's not there any more, does that
3 mean the operating procedures are null and void as
4 it relates to this contract? Legal, can you
5 please clarify that for me?

6 ATTORNEY McKNIGHT: Well, the language that I
7 had earlier suggested said that the Board and
8 Doctor Mangum agree the Board may terminate this
9 agreement at any time for cause upon and, in
10 quotes, a majority vote of all of the members of
11 the Board, end quote, as set forth in Article 5.6
12 of the Board Operating Procedures.

13 Last Friday that language emerged as voted
14 upon by the Board to: The Board and Doctor Mangum
15 agree that the Board may terminate this agreement
16 at any time for cause upon a majority vote of the
17 Board as set forth in the Board's Operating
18 Procedures, but with also the understanding I think
19 that at the March meeting that there would be a
20 further discussion about how to change or modify
21 those Operating Procedures as it relates to Article
22 5.6.

23 TRUSTEE WARREN: Mr. Chair, this is Trustee
24 Warren.

25 CHAIRMAN BADGER: Trustee Warren.

1 TRUSTEE WARREN: Attorney McKnight is
2 partially correct. What I understood we agreed to
3 at the last called meeting was that at the upcoming
4 March meeting that we would entertain language from
5 counsel that would clarify this ambiguity in the
6 procedures.

7 ATTORNEY MCKNIGHT: I think that's -- I think
8 where we left it at was that Trustee --

9 TRUSTEE WARREN: No, I'm explaining where we
10 left it.

11 ATTORNEY MCKNIGHT: Well, didn't Trustee --

12 TRUSTEE WARREN: Where we left it was that we
13 would have language that clarified this issue such
14 that the vote would be a majority of the members
15 present, was what we talked about. And so what we
16 were looking for at the March meeting was language
17 back from General Counsel that made the rules clear
18 such that we could have that language included in
19 this contract. That's where we left it, as I
20 understood it.

21 TRUSTEE MONTGOMERY: Mr. Chairman, Montgomery.
22 As Trustee Warren -- I concur with what he's
23 saying. There is a full transcript of this that
24 was made. I'm looking at the transcript. It says
25 exactly what he said, so it's verified by

1 transcript.

2 But to the point here and to other members of
3 the Board's point, I understand there may be
4 students listening and other folks are listening
5 here, but this is a two-way street. If we're seen
6 as being, what you call bickering or petty about
7 these little small things, they sure very quickly
8 inserted the word "full," and they want us to
9 delete the words "as set forth in the Board's
10 Operating Procedures."

11 I don't understand as a Board why we would
12 delete language that says we're going to follow our
13 procedures. I don't -- it's not redundant in the
14 sense that they're attempting to make this a --
15 what I call a unanimous vote. If someone is --
16 I ask for clarification from General Counsel on
17 this.

18 ATTORNEY McKNIGHT: Well, Trustee Montgomery,
19 can you clarify something for me? Because you've
20 got the transcript in front of you. Do you have --
21 do you see any comments that were added to by
22 Trustee Alston on this?

23 TRUSTEE MONTGOMERY: Added to by -- Trustee
24 Alston said that he would -- that he heard the
25 Board loud and clear -- I just lost it; I'll pull

1 it back up -- that he heard the Board loud and
2 clear, but it was Trustee Warren who made the
3 contention that this would be brought to us, back
4 to us with language from General Counsel.

5 ATTORNEY McKNIGHT: I thought it was that --
6 in full context in working with the Operating
7 Procedures Committee which is chaired by Trustee
8 Alston.

9 TRUSTEE GILZEAN: No, the language is right
10 here. I'm reading it right here on the transcript.

11 ATTORNEY BARGE-MILES: What page are you on?

12 TRUSTEE GILZEAN: Are you looking for that
13 page where that point was made that Trustee Alston
14 agreed to take it up in his committee so that it
15 could be brought to the March meeting?

16 TRUSTEE ALSTON: Yes, this is Trustee Alston.
17 That is correct. Just to move this forward, that
18 is what was agreed upon and what I mentioned at the
19 last meeting.

20 Could I also just refer quickly, if you don't
21 mind, Trustee Warren and probably to Trustee
22 Montgomery, under 22.0 in the contract, by leaving
23 it the way it is now, that allows us at the March
24 meeting to make those adjustments, whatever the
25 Board agrees upon at that time. It does refer to

1 the FAMU Board policies, regulations and procedures
2 in 22.0 in the contract. So to answer your
3 question, Trustee Gilzean, that's where that
4 applies, in 22.0.

5 TRUSTEE MONTGOMERY: For the amendment, I just
6 ask that we remove the word "full" and keep the
7 language that we voted on that says "unanimously,
8 that says "as set forth in the Board Operating
9 Procedures."

10 Mr. Chairman, I divide the question here for
11 purposes of moving this along so that we're not
12 arguing -- so that we're not having discussion
13 about two things. If someone could ask to
14 divide the question -- if we could just vote on
15 that first sentence, on whether to keep it or not.
16 It is what it is. If the Board chooses to keep
17 the language that they voted, fine, if they go with
18 my amendment. That way we can move this along.

19 TRUSTEE WARREN: Does the amendment require a
20 second?

21 CHAIRMAN BADGER: The amendment requires a
22 second.

23 TRUSTEE WARREN: I second it.

24 CHAIRMAN BADGER: State your motion again,
25 please, for clarity.

1 TRUSTEE MONTGOMERY: My motion is that the
2 first sentence read: The Board and Doctor Mangum
3 agree that the Board may terminate this agreement
4 at any time for cause upon a majority vote of the
5 Board as set forth in the Board Operating
6 Procedures.

7 CHAIRMAN BADGER: You've heard the motion.

8 TRUSTEE PERSAUD: Mr. Chairman.

9 TRUSTEE WARREN: It was seconded by Trustee
10 Warren.

11 CHAIRMAN BADGER: Yes. Those in favor.

12 TRUSTEE PERSAUD: Mr. Chairman, discussion.

13 CHAIRMAN BADGER: Okay.

14 TRUSTEE PERSAUD: If I understand Trustee
15 Montgomery, he's saying a majority of the Board.
16 The voting procedures say a majority of all the
17 members of the Board.

18 TRUSTEE WARREN: We're going to deal with the
19 procedures at the next meeting. We just -- how
20 many times do I have to say this?

21 CHAIRMAN BADGER: Yeah, but we can't -- we're
22 going to deal with it at the next meeting. It's
23 not in place yet. There is no change yet, am I
24 correct?

25 TRUSTEE WARREN: The amendment as presented

1 allows us the flexibility to do so.

2 TRUSTEE ALSTON: Mr. Chairman, can I make a
3 comment?

4 CHAIRMAN BADGER: It's your motion. Yes, sir.

5 TRUSTEE ALSTON: It's Trustee Montgomery's
6 motion. I understand very well. I think that the
7 intent -- I understand the intent of Trustee Warren
8 and Trustee Montgomery to review this area. The
9 only thing I would just raise as caution, I don't
10 want the Board, while we're doing the full
11 Operating Procedures review and hopefully close
12 this out next month because I think we have a few
13 more final changes to bring forward, I don't want
14 this to turn into every other meeting that we open
15 up the Operating Procedures and make amendments or
16 changes to our Board bylaws and procedures because
17 I don't think that's the real spirit and intent of
18 the policy. So I'll just leave it at that.

19 CHAIRMAN BADGER: Okay. Thank you.

20 Trustee Montgomery.

21 TRUSTEE MONTGOMERY: I've made the motion. I
22 divided the question. There is a second part. A
23 second question will be on the additional language
24 that they added in the last paragraph, but I made
25 the motion on this and I think we're due for a

1 vote.

2 CHAIRMAN BADGER: Okay. It's been motioned
3 and seconded. Those in favor of Trustee
4 Montgomery's motion as stated let it be known by
5 the sign aye.

6 (AFFIRMATIVE INDICATIONS).

7 CHAIRMAN BADGER: Opposed the same sign.

8 (NEGATIVE INDICATIONS).

9 CHAIRMAN BADGER: Roll call, please.

10 ATTORNEY BARGE-MILES: Trustee Alston.

11 TRUSTEE ALSTON: No.

12 ATTORNEY BARGE-MILES: Trustee Badger.

13 CHAIRMAN BADGER: No.

14 ATTORNEY BARGE-MILES: Trustee Gilzean.

15 TRUSTEE GILZEAN: Yes.

16 ATTORNEY BARGE-MILES: Trustee Lawson.

17 TRUSTEE LAWSON: Yes.

18 ATTORNEY BARGE-MILES: Trustee McWilliams.

19 TRUSTEE McWILLIAMS: Yes.

20 ATTORNEY BARGE-MILES: Trustee Montgomery.

21 TRUSTEE MONTGOMERY: Yes.

22 ATTORNEY BARGE-MILES: Trustee Moore.

23 TRUSTEE MOORE: Yes.

24 ATTORNEY BARGE-MILES: Trustee Persaud.

25 TRUSTEE PERSAUD: No.

1 ATTORNEY BARGE-MILES: Trustee Shannon.

2 TRUSTEE SHANNON: No.

3 ATTORNEY BARGE-MILES: Trustee Siders.

4 TRUSTEE SIDERS: No.

5 ATTORNEY BARGE-MILES: Trustee Turnbull.

6 TRUSTEE TURNBULL: No.

7 ATTORNEY BARGE-MILES: Trustee Warren.

8 TRUSTEE WARREN: Yes.

9 ATTORNEY BARGE-MILES: Trustee White.

10 TRUSTEE WHITE: No.

11 CHAIRMAN BADGER: It failed.

12 Now you had a second one, Trustee Montgomery?

13 ATTORNEY BARGE-MILES: Six yeses, seven nos.

14 TRUSTEE MONTGOMERY: Okay. Very quickly,

15 Mr. Chairman.

16 CHAIRMAN BADGER: I'm sorry, I didn't mean to
17 interrupt you, Linda.

18 TRUSTEE MONTGOMERY: Again, to move it along,
19 the last sentence inserts language that would
20 require a 30-day, what I call cooling-off period
21 that some members seem to be averse to, but a
22 cooling-off period in between the time of making a
23 decision. I'm making the motion that we delete the
24 language that they present -- as presented in the
25 counteroffer. It's very simple. It ties --

1 CHAIRMAN BADGER: Where are you?

2 TRUSTEE MONTGOMERY: It ties our hands. In
3 the last sentence of 11.1.

4 CHAIRMAN BADGER: 11.1?

5 TRUSTEE MONTGOMERY: I move that we reject the
6 language as presented. It changes -- excuse me, I
7 move that we reject the changes as presented. I
8 offer it in the form of a substitute motion.

9 CHAIRMAN BADGER: Is there a second?

10 TRUSTEE SIDERS: I'm sorry, Mr. Chair.

11 CHAIRMAN BADGER: Trustee Gilzean.

12 TRUSTEE GILZEAN: No, that's not me.

13 TRUSTEE SIDERS: No, this is Trustee Siders.
14 Yeah, Trustee Montgomery, where are you
15 specifically? I'm trying to find where you are
16 specifically.

17 TRUSTEE MONTGOMERY: I'm sorry, Mr. Chairman,
18 if I may.

19 CHAIRMAN BADGER: Yes.

20 TRUSTEE MONTGOMERY: In 11.1, Termination for
21 Cause, if you read down (a), (b), (c), (d) (e), the
22 next sentence, they've inserted a line that says:
23 Upon asserting an allegation for cause, the Board
24 will notify Doctor Mangum of such allegation and
25 provide her 30 days to cure if curable.

1 I move that we reject that language and keep
2 the language that we unanimously approved a week
3 ago. This would require us -- this would handcuff
4 us for 30 days on any decision upon being notified
5 of any type of information. It requires the Board
6 to wait 30 days before it could take any action
7 with regard to Doctor Mangum, even if it says (a),
8 (b), (c), (d) or (e).

9 And please be mindful of the incident that
10 took place on campus nearly two years ago. And I
11 ask, in the form of an amendment, that we reject
12 this language.

13 CHAIRMAN BADGER: Is there a second?

14 TRUSTEE SIDERS: Yeah, I second.

15 CHAIRMAN BADGER: Motion and second. Any
16 discussion?

17 TRUSTEE ALSTON: Yes, Alston.

18 CHAIRMAN BADGER: Trustee Alston.

19 TRUSTEE ALSTON: Yes, Attorney McKnight, let
20 me ask a question. On the last sentence under 11.1
21 where it says: In the event of termination for
22 cause by the Board, Doctor Mangum's employment as
23 President shall cease and she shall not be entitled
24 to any further compensation or benefit, is there
25 any -- I guess based on the motion, does that --

1 how is that related to the insertion from -- that
2 we received from Doctor Mangum's team?

3 ATTORNEY McKNIGHT: Thank you for asking.
4 Basically, it would mean that although she could be
5 terminated as President her tenure would still be
6 intact.

7 TRUSTEE ALSTON: Okay. If I could do a
8 follow-up. Based on this language, the Board is
9 the one making the determination if a situation is
10 curable. That sentence is focusing more on curing
11 the situation rather than tying the Board to a
12 30-day holding period; is that correct?

13 ATTORNEY McKNIGHT: That's correct, to the
14 extent that it is curable; and of course, for
15 example, if you look at Paragraph (c), formal
16 indictment or charge, I think Doctor Mangum would
17 understand that the Board would, Number 1, reserve
18 the right to determine if that would be curable,
19 but more likely than not it would not be so.

20 TRUSTEE ALSTON: So last question: If the
21 Board perceives something not curable, we would not
22 be bound by 30 days?

23 ATTORNEY McKNIGHT: That's correct.

24 TRUSTEE ALSTON: Okay.

25 CHAIRMAN BADGER: The motion is on the floor.

1 Was it seconded?

2 TRUSTEE SHANNON: Yes, it was seconded.

3 CHAIRMAN BADGER: Okay. Those in favor of
4 Trustee Montgomery's motion let it be known by the
5 sign aye.

6 (AFFIRMATIVE INDICATIONS).

7 CHAIRMAN BADGER: Opposed the same sign.

8 (NEGATIVE INDICATIONS).

9 CHAIRMAN BADGER: Roll call.

10 ATTORNEY BARGE-MILES: Trustee Alston.

11 TRUSTEE ALSTON: No.

12 ATTORNEY BARGE-MILES: Trustee Badger.

13 CHAIRMAN BADGER: No.

14 ATTORNEY BARGE-MILES: Trustee Gilzean.

15 TRUSTEE GILZEAN: Yes.

16 ATTORNEY BARGE-MILES: Trustee Lawson.

17 TRUSTEE LAWSON: Yes.

18 ATTORNEY BARGE-MILES: Trustee McWilliams.

19 TRUSTEE McWILLIAMS: Yes.

20 ATTORNEY BARGE-MILES: Trustee Montgomery.

21 TRUSTEE MONTGOMERY: Yes.

22 ATTORNEY BARGE-MILES: Trustee Moore.

23 TRUSTEE MOORE: Yes.

24 ATTORNEY BARGE-MILES: Trustee Persaud.

25 TRUSTEE PERSAUD: No.

1 CHAIRMAN BADGER: Trustee Shannon.

2 (NO RESPONSE).

3 ATTORNEY BARGE-MILES: Trustee Shannon.

4 TRUSTEE SHANNON: Oh, I'm sorry. No.

5 ATTORNEY BARGE-MILES: Trustee Siders.

6 TRUSTEE SIDERS: Yes.

7 ATTORNEY BARGE-MILES: Trustee Turnbull.

8 TRUSTEE TURNBULL: No.

9 ATTORNEY BARGE-MILES: Trustee Warren.

10 TRUSTEE WARREN: No.

11 ATTORNEY BARGE-MILES: Trustee White.

12 TRUSTEE WHITE: No.

13 ATTORNEY BARGE-MILES: Six yeses, seven nos.

14 CHAIRMAN BADGER: Okay. It failed.

15 Trustee Montgomery.

16 TRUSTEE MONTGOMERY: Okay. I only have two
17 more. I call your attention to 12 point --

18 CHAIRMAN BADGER: I thought you said you only
19 had four.

20 TRUSTEE MONTGOMERY: That's it and I'm done.
21 12.0, under Resignation.

22 CHAIRMAN BADGER: You said you only had three
23 more.

24 TRUSTEE MONTGOMERY: Right, I have two now.

25 CHAIRMAN BADGER: Two, okay.

1 TRUSTEE MONTGOMERY: Okay, there are two.
2 Okay. Under Resignation, 12.0.

3 CHAIRMAN BADGER: You're at 12.0?

4 TRUSTEE MONTGOMERY: Yes, under 12.0, this was
5 my original motion that said: In the event of
6 discovery of conduct determined by the Board to be
7 consistent with paragraph 11.1, (a), (b), (c) or
8 (d), that occurred prior to resignation,
9 termination or natural expiration of the agreement,
10 Doctor Mangum shall not be entitled to further
11 compensation or benefits.

12 This language was unanimously approved by the
13 Board in our last meeting. It's important for the
14 Board in its capacity as the governing body of the
15 Institution to make clear that no one gets a pass,
16 including the President. You can't do -- you can't
17 do something that you would get terminated for and
18 get away with it by simply resigning or allowing
19 natural expiration of the contract. We should hold
20 all of our senior administrators accountable in
21 accordance with the statute of limitations as
22 prescribed by law, but we should also send a
23 message that stepping down doesn't get you off the
24 hook if willful violations occur.

25 If approval of deletion of this clause would

1 send a mixed message to anyone at FAMU who is
2 thinking about doing something wrong -- I go to our
3 problem that we had in 2011 when the Board was told
4 about a member of the senior leadership team, a
5 well-paid and well-compensated vice president, the
6 person was allowed to resign, was not held
7 accountable to the maximum extent.

8 This Board had 13 to 15 false reports over a
9 two-and-a-half-year period, no one was held
10 accountable. The President at the time said they
11 didn't know what was going on. It was quite
12 obvious to anyone who was paying attention. This
13 is not a punitive clause. It simply allows the
14 Board to maintain its right to hold the chief
15 executive accountable.

16 How does it benefit FAMU to have anyone in a
17 position of authority who could commit acts that
18 would be harmful to FAMU and then walk away and
19 leave us in a position where we have to pay them
20 millions of dollars until they retire? It doesn't
21 make sense, and I urge that we reject their change
22 and strike this provision that we unanimously
23 approved less than a week ago, add the provision
24 back so that we're not in a position that puts us
25 as a Board where we're moving into institutional

1 control in terms of governance. That's my
2 substitute.

3 CHAIRMAN BADGER: Is that your motion?

4 TRUSTEE MONTGOMERY: I move that we reject the
5 change.

6 CHAIRMAN BADGER: Is there a second?

7 TRUSTEE McWILLIAMS: Second.

8 CHAIRMAN BADGER: Seconded by Trustee
9 McWilliams?

10 TRUSTEE McWILLIAMS: Yes.

11 CHAIRMAN BADGER: Okay. Those in favor let it
12 be known by the sign of aye.

13 (AFFIRMATIVE INDICATIONS).

14 TRUSTEE SHANNON: Can we have discussion,
15 please?

16 CHAIRMAN BADGER: Discussion. I'm sorry.
17 Thank you.

18 TRUSTEE WARREN: Mr. Chairman.

19 CHAIRMAN BADGER: Was that Trustee Shannon
20 first?

21 TRUSTEE SHANNON: Yes, I had a question that I
22 wanted counsel to clarify. I wanted to know if the
23 previous provisions in the contract that discussed
24 termination for cause, if that is -- also speaks to
25 further payment. So in other words, if the

1 President is terminated for cause, do we have
2 further payments under this contract?

3 ATTORNEY McKNIGHT: No, it says under -- for
4 cause? You said for cause, Trustee Shannon?

5 TRUSTEE SHANNON: Yes.

6 ATTORNEY McKNIGHT: Okay. If you look on
7 Page 6 of 11, the sentence prior to 11.2,
8 termination without cause: In the event of
9 termination for cause by the Board, Doctor Mangum's
10 employment -- and this was the language going back
11 to Friday, would say -- Doctor Mangum's employment
12 as President shall cease and she shall not be
13 entitled to any further compensation or benefits.

14 The document before you adds the term "as
15 President," as so reflected in that revised
16 document.

17 TRUSTEE MONTGOMERY: Question for counsel,
18 Mr. Chairman.

19 CHAIRMAN BADGER: Trustee Montgomery.

20 TRUSTEE MONTGOMERY: Question for counsel:
21 With the language, if we approve their changes,
22 which would be to strike this section, what would
23 happen or what position would the Board be in if
24 any of the say (a), (b), (c), or (d) were committed
25 and we did not find out until after the President

1 was able to resign? The provisions in the contract
2 right now say the President can resign at any time
3 for any reason, so just if a situation arose where
4 the President knew that she had done things that
5 could cause termination, according to this
6 contract, could she not resign knowing that she had
7 committed those things and that would get her off
8 the hook? Unless they were felonies, that would
9 get her off the hook from being held accountable by
10 the Board going forward?

11 CHAIRMAN BADGER: Somebody would have to
12 accept the resignation, wouldn't he?

13 TRUSTEE MONTGOMERY: Let's ask General
14 Counsel. Actually, according to the language, do
15 we have to accept her resignation, or do we have an
16 option on whether or not to accept her resignation?
17 I'm asking counsel for that clarification.

18 CHAIRMAN BADGER: Okay.

19 ATTORNEY McKNIGHT: Yeah, it is not standard
20 practice to accept the resignation because it's
21 offered. No, to answer that question directly.
22 Some resignations have been rejected.

23 TRUSTEE MONTGOMERY: And to my other question,
24 can you answer that question for me?

25 ATTORNEY McKNIGHT: Can you repeat that

1 question?

2 TRUSTEE MONTGOMERY: My other question is: If
3 the President does something that if the Board knew
4 about could terminate her for cause and then
5 decides, okay, well, the Board is going to find out
6 about this, I'm going to resign and then resigns,
7 what recourse does the Board then have if we find
8 out about it later but while we're still paying her
9 hundreds of thousands of dollars per year? Do we
10 still have any recourse as -- with the exception of
11 the felony, do we still have any recourse as a
12 Board for actions that she took while she was
13 President?

14 ATTORNEY McKNIGHT: In your scenario, what is
15 her title?

16 TRUSTEE MONTGOMERY: Professor.

17 ATTORNEY McKNIGHT: The University can
18 terminate her at the discretion of the Provost.

19 CHAIRMAN BADGER: Okay. Is that your second
20 question, Trustee Montgomery?

21 TRUSTEE MONTGOMERY: It was a point of
22 clarification. I'm still a little confused, but
23 okay.

24 TRUSTEE WHITE: Mr. Chairman, this is Trustee
25 White.

1 CHAIRMAN BADGER: Trustee White.

2 TRUSTEE WHITE: Yes. So, again, the only
3 reason I had no issue with the striking of this is
4 because, as Attorney McKnight just pointed out, it
5 was addressed, in my opinion, in the last sentence
6 of Section 11.

7 CHAIRMAN BADGER: It's already addressed in
8 Section 11?

9 TRUSTEE WHITE: Yes.

10 CHAIRMAN BADGER: Okay. Those in favor let it
11 be known by the sign aye.

12 (AFFIRMATIVE INDICATIONS).

13 CHAIRMAN BADGER: Those opposed same sign.

14 (NEGATIVE INDICATIONS).

15 TRUSTEE MONTGOMERY: Mr. Chairman.

16 Mr. Chairman. Mr. Chairman, I'm just following in
17 accordance with the rules. I'm posing a question
18 prior to the completion of the vote. My question
19 was for General Counsel.

20 If things were discovered for the previous
21 President right now, is there any recourse that we
22 would have with regard to the previous President?
23 If things that were committed that would have been
24 termination for cause, is there any -- what
25 recourse does the Board have right now with the

1 person's status as a professor.

2 ATTORNEY BARGE-MILES: Doctor Badger, we have
3 some -- a lot of excess noise, if someone could
4 mute their line maybe.

5 CHAIRMAN BADGER: Thank you. Now can we hear
6 you, Trustee?

7 TRUSTEE MONTGOMERY: My question was: If we
8 have a former president on staff, if something was
9 discovered that had took place under his tenure
10 that would have been a reason for termination for
11 cause, what recourse or mechanism would the Board
12 have right now to ensure that that individual is
13 held accountable for in their capacity now as a
14 professor with regard to their tenure as President?

15 CHAIRMAN BADGER: You're asking that of legal
16 counsel I hope.

17 ATTORNEY McKNIGHT: Yeah, he just said the
18 Provost can fire a tenured professor. I didn't
19 realize that was the case, but I'm wanting
20 clarification on that; that if something is found
21 out about the previous President that occurred
22 under his watch that was a fireable offense at the
23 time, according to what I heard him say, the
24 Provost can hear about that now and then terminate
25 him as a tenured professor for what he did while he

1 was President. That's what I heard the counsel
2 say. I'm just asking for clarification if that is
3 in fact the case.

4 ATTORNEY McKNIGHT: Well, I don't have the
5 prior contract of the former President in front of
6 me, but what I do recall, I don't think it had --
7 when they talk about termination for cause, I
8 only think it had maybe three areas; and
9 probably -- the three areas are probably (a), (b),
10 and (c), just from my recollection of what you may
11 see in Doctor Mangum's.

12 TRUSTEE MONTGOMERY: I'm saying, just to move
13 this along, for the record, if something occurs
14 that would be a fireable offense during her tenure,
15 if she makes it through the process and then a year
16 later -- or she resigns and she's getting all this
17 money, the Provost could find that she did
18 something while she was President and then
19 terminate her professorship? Just to be clear,
20 that's what I thought I heard you say.

21 ATTORNEY McKNIGHT: I think that that could be
22 considered, as a professor. There is a document
23 called a Collective Bargaining Agreement. It
24 defines just cause as being misconduct and/or
25 incompetence. And if there would come an occasion

1 of which we discovered something that was probably
2 well within -- that's listed here before you, in
3 terms of like, for example, a formal indictment or
4 a charge, that's just cause under the Collective
5 Bargaining Agreement. And that's usually within
6 the purview of the President or the Provost; but
7 typically, for professors, it's the Provost and
8 Vice President for Academic Affairs.

9 TRUSTEE McWILLIAMS: Mr. Chairman.

10 CHAIRMAN BADGER: Trustee McWilliams.

11 TRUSTEE McWILLIAMS: Yes, I just had a
12 question about this because when they inserted "as
13 President," to me, and I may be wrong, but we said,
14 you know, if we terminated somebody for cause, and
15 you talk about all of these major, major offenses
16 that you would use for cause, then the person would
17 be entitled to no further benefits; and I thought
18 that was as it should be.

19 But then when they said "as president," to me
20 that meant, well, no, you wouldn't be entitled to
21 any further benefits as President, but you could be
22 terminated for cause, I mean some major offense,
23 financial indiscretion or whatever, but we would
24 still owe you for post-presidential kinds of
25 things, like the sabbatical and then coming back as

1 a professor on campus and all of that. And I
2 thought that was -- if somebody is terminated for
3 cause, why would you want such a person? Why would
4 you want to continue that kind of a relationship
5 where you're paying a person like that? You know,
6 am I misinterpreting this.

7 UNIDENTIFIED TRUSTEE: That would be pretty
8 slick though.

9 TRUSTEE McWILLIAMS: Pardon?

10 TRUSTEE GILZEAN: I think that was a question
11 for legal.

12 ATTORNEY McKNIGHT: Oh, it was a question for
13 me, Doctor McWilliams?

14 TRUSTEE McWILLIAMS: Well, yeah, it --

15 ATTORNEY McKNIGHT: I mean if it -- okay, I
16 didn't -- I thought you had a general question out
17 there. I mean I would not --

18 TRUSTEE McWILLIAMS: No, that's a very
19 specific question because it suggests that we would
20 be kind of in bed with somebody who we know has
21 done something wrong and we're still compensating
22 that person, not as president but in some other
23 capacity. From an ethical standpoint, I have a
24 real big problem with that, and I just want to make
25 sure that I'm understanding this correctly.

1 Because when they add that you don't owe us
2 anything as President, when they put in "as
3 President," but you still owe us for all these
4 other things that you tack on post presidency, and
5 I would think that that would be inappropriate for
6 someone who has been terminated for cause, but
7 could you tell us better?

8 CHAIRMAN BADGER: Would those things be
9 benefits? Just for my clarity, it says
10 compensation or benefits. Are the things you're
11 talking about benefits?

12 ATTORNEY McKNIGHT: It's both.

13 CHAIRMAN BADGER: Okay.

14 ATTORNEY McKNIGHT: As listed in --- as
15 written in the sentence. But to make a long story
16 short, in the prior President's contract, that
17 language was there. I did not add that language,
18 and I would not --

19 TRUSTEE McWILLIAMS: -- add that right there,
20 "as President."

21 ATTORNEY McKNIGHT: Yeah, I didn't add it, and
22 so what I'm saying is my advice as counsel would
23 not be to add it because I didn't add it before.

24 TRUSTEE McWILLIAMS: Yeah, but it was added --
25 in this rebuttal that we got back, those words were

1 added, and that's what I'm trying to get the Board
2 to see, that that's a significant addition because
3 it means, even if you terminate somebody for cause
4 and you have no further obligations to pay them as
5 President, under that scenario, you're still
6 obligated to pay them for all these post
7 presidential things which amounts to quite a bit.
8 It means you're still tied to this person you
9 terminated for cause in a fashion that, from an
10 ethical standpoint, doesn't look very good.

11 CHAIRMAN BADGER: Mr. Chairman, question for
12 counsel.

13 CHAIRMAN BADGER: Trustee Montgomery.

14 TRUSTEE MONTGOMERY: If say we terminated
15 Doctor Mangum for misappropriation of millions of
16 dollars, according to this language, would we still
17 be required to pay her millions of dollars in
18 compensation as a tenured professor? This is a
19 yes-or-no question.

20 ATTORNEY McKNIGHT: Yes.

21 TRUSTEE MONTGOMERY: Okay. I just wanted to
22 make that clear for the record. Whoever is
23 voting -- that was my intention, was to present
24 that, but we've already voted on it, so I think we
25 actually have to move on.

1 I only have one more -- well, this and one
2 more section, Mr. Chairman, and I'll conclude.

3 ATTORNEY McKNIGHT: For point of
4 clarification, I think there might have been a
5 motion and a second, and there might have been a
6 voice vote. I don't know. Was there a roll call?
7 I'm sorry.

8 TRUSTEE SHANNON: I don't think we voted on it
9 yet.

10 TRUSTEE GILZEAN: No, we haven't.

11 ATTORNEY BARGE-MILES: You were in the middle
12 of a voice vote, and I think Trustee Montgomery
13 interjected at that point.

14 CHAIRMAN BADGER: Let's omit the voice vote
15 and go directly to roll call.

16 ATTORNEY BARGE-MILES: Trustee Alston.

17 TRUSTEE ALSTON: No.

18 ATTORNEY BARGE-MILES: Trustee Badger.

19 CHAIRMAN BADGER: No.

20 ATTORNEY BARGE-MILES: Trustee Gilzean.

21 TRUSTEE GILZEAN: Yes.

22 ATTORNEY BARGE-MILES: Trustee Lawson.

23 TRUSTEE LAWSON: Yes.

24 ATTORNEY BARGE-MILES: Trustee McWilliams.

25 TRUSTEE McWILLIAMS: Yes.

1 ATTORNEY BARGE-MILES: Trustee Montgomery.

2 TRUSTEE MONTGOMERY: Yes.

3 ATTORNEY BARGE-MILES: Trustee Moore.

4 TRUSTEE MOORE: Yes.

5 ATTORNEY BARGE-MILES: Trustee Persaud.

6 TRUSTEE PERSAUD: No.

7 ATTORNEY BARGE-MILES: Trustee Shannon.

8 TRUSTEE SHANNON: No.

9 ATTORNEY BARGE-MILES: Trustee Siders.

10 TRUSTEE SIDERS: No.

11 ATTORNEY BARGE-MILES: Trustee Turnbull.

12 TRUSTEE TURNBULL: No.

13 ATTORNEY BARGE-MILES: Trustee Warren.

14 TRUSTEE WARREN: No.

15 ATTORNEY BARGE-MILES: Trustee White.

16 TRUSTEE WHITE: No.

17 ATTORNEY BARGE-MILES: Five yeses, eight nos.

18 CHAIRMAN BADGER: So it failed.

19 TRUSTEE LAWSON: Mr. Chair, I'm sorry, is

20 Montgomery done? Because I have a friendly

21 amendment I'd like to make to Trustee Alston's

22 motion.

23 TRUSTEE MONTGOMERY: This is the last one,

24 Mr. Chairman, that I have, 13.0, Sabbatical and

25 Post-Presidential Faculty Position.

1 CHAIRMAN BADGER: Wait a minute, you said this
2 is the last one, or the last one was the last one?
3 I didn't hear you, I'm sorry.

4 TRUSTEE MONTGOMERY: No, this is the last one.

5 CHAIRMAN BADGER: Okay. Okay, this is --
6 proceed.

7 TRUSTEE MONTGOMERY: It's my understanding
8 that Doctor Mangum does not currently have tenure.
9 In her own words, she told us that she wouldn't be
10 on the short list for the president at the
11 institution where she was currently employed, so it
12 doesn't appear that her current employer would
13 offer her this same type of golden parachute.
14 She's already going to get a severance payment.
15 When we look at salaries in the post-presidency
16 faculty position, we're already looking at paying
17 her \$382,000 plus benefits as a professor who has
18 never taught, has never been published, and has
19 never done research.

20 If you approve this as going forward -- I mean
21 this is -- the motion to eliminate tenure as a
22 provision of the contract only lost by two votes,
23 four to six; it failed. So when you go to 13.1
24 under the sabbatical, the motion was to remove
25 13.1, Paragraph (c). It was overwhelmingly passed

1 by the Board less than a week ago with only two no
2 votes. It was like eight or nine to two in favor
3 of removing this clause.

4 If she serves 30 days as President, one month,
5 as -- as a matter of fact, one week or one day as
6 President, if we leave this in here, she's entitled
7 to resign at any time, she can have a disagreement
8 with the Board, for whatever reason, she can resign
9 at any time, we'd have to pay her for another 90
10 days as if she was president, whether we kept her
11 on board or not. We'd have to pay her for an
12 entire year as if she was President. You know, and
13 her sabbatical, all of the benefits now, the money,
14 the annuities, everything as if she was President,
15 and then we'd have to come back and pay her
16 \$382,000 as a faculty member, which is six or seven
17 times what the average faculty member makes at FAMU
18 in one year -- I mean, excuse me, in five years,
19 she gets that in one year.

20 Keeping this paragraph in here gives her no
21 incentive to perform because at any time, if she
22 gets sideways with the Board, she could say, look,
23 I'm out of here, and she walks away with this
24 golden parachute provision that will pay her
25 millions of dollars if she elects to stay at FAMU

1 for three or four years or more. If she stays ten
2 years, it's going to cost us \$5 million to keep
3 her. She can sign the contract and walk away from
4 it in 30 days, in three months. So our leverage as
5 a board goes away. The minute she gets upset with
6 us or she disagrees with us, she can say, I'm out
7 of here, and we're going to have to pay her.

8 I urge that we delete this section and go with
9 what we approved overwhelmingly less than a week
10 ago. I offer that as a motion.

11 TRUSTEE WHITE: Mr. Chair, could counsel
12 respond?

13 TRUSTEE WARREN: Mr. Chairman, could I --

14 CHAIRMAN BADGER: Yes, I --

15 TRUSTEE GILZEAN: I would like the counsel to
16 respond, Mr. Chair.

17 CHAIRMAN BADGER: Hold it, hold it. I've got
18 counsel and Trustee White?

19 TRUSTEE WHITE: Yes, please.

20 CHAIRMAN BADGER: I'm going to do it in this
21 order, Trustee White, followed by Trustee -- by the
22 counsel.

23 ATTORNEY McKNIGHT: What am I responding to?
24 I'm sorry.

25 CHAIRMAN BADGER: Trustee White.

1 TRUSTEE WHITE: So if Trustee Montgomery, and
2 actually I guess really Trustee Alston, if they
3 would accept the following as a friendly -- if he
4 would accept the following as a friendly amendment
5 to change that to a resignation as set forth in
6 Paragraph 12.0; however, in the event that said
7 resignation occurs before the beginning of the
8 third year of this agreement, the sabbatical shall
9 be reduced to six months.

10 CHAIRMAN BADGER: For what year of the
11 agreement?

12 TRUSTEE WHITE: The third year.

13 CHAIRMAN BADGER: Okay. It sounded like you
14 said the first. Okay.

15 TRUSTEE WHITE: No, the third year. Now I'm
16 offering that as a friendly amendment to Trustee
17 Alston's motion.

18 CHAIRMAN BADGER: Trustee Alston, do you
19 accept it?

20 TRUSTEE ALSTON: I'm sorry, I'm back on. This
21 section also was a little dis -- you know, had some
22 discomfort for me as well. I'm okay with accepting
23 that. Hopefully -- Trustee Montgomery, are you
24 okay with that compromise as well?

25 TRUSTEE MONTGOMERY: I'd be more comfortable

1 with language that says she has to serve a full
2 term as President before we're in a posture of
3 having to provide the sabbatical. It appears with
4 this Board that we're locked in with a majority
5 that's not going to make any substantive changes, I
6 mean on behalf of the Institution. So if this is
7 the best that we can get, that she serves two years
8 and then we still have to give her a full year if
9 she resigns at any time, if that's the best that we
10 can do, that you're prepared to offer, that can
11 pass the majority, then I'd be open to it. But I
12 still, for the record, am opposed to paying people
13 for potential failure.

14 If for some reason at any time she decides to
15 leave -- for General Counsel, if Trustee White's
16 motion is applicable, at what point would she be
17 eligible to take a sabbatical and still receive the
18 entire 12 -- I mean the entire full year, if we go
19 with Trustee White's motion -- I mean, excuse me,
20 amendment?

21 CHAIRMAN BADGER: I need some clarity if you
22 will. Did you say for six months or for the full
23 year?

24 TRUSTEE WHITE: Okay, so let me -- I can
25 repeat it, but the simple version is that if she

1 were to resign before the beginning of her third
2 year, she would receive a sabbatical of six months.

3 TRUSTEE ALSTON: I'll accept the friendly
4 amendment.

5 TRUSTEE McWILLIAMS: So that means if she
6 resigns after one week you're still going to give
7 her six months, right? Because that's before the
8 beginning of the third year. Six months paid,
9 that's what 210,000, 12 thousand dollars?

10 TRUSTEE MONTGOMERY: Actually, it's nine
11 months, for clarification, because she gets to give
12 90 days notice, so she gets the three months plus
13 the six months. So this still effectively gives
14 her nine months, so it doesn't do very much. And
15 if you get into the second year, according to the
16 contract, we have to have a deal negotiated by
17 June 30th, 2016, so we're going to be bumping up on
18 the time where we have to decided whether to renew
19 her anyway.

20 If we don't renew her, she doesn't have an
21 incentive to resign because it would allow for
22 natural expiration of the contract as defined here
23 in the contract. So that actually is a smoke
24 screen. That doesn't make any sense to go to this.
25 We might as well just vote it up or down with

1 regard to giving her all the benefits on day one
2 and let it be known in the record who thought that
3 it was a good idea to give full benefits after
4 serving as President for one day, one month, three
5 months, or what have you. That's what I would be
6 comfortable with.

7 I also question from a parliamentary
8 perspective, I made a -- I had a substitute motion
9 on the floor. He is offering a motion to the main
10 motion, which if you really think it through, is a
11 substitute motion, carries and replaces the motion.
12 So with regard -- I think it's out of order for him
13 to offer the amendment to what was considered the
14 main motion when I have a substitute motion on the
15 floor. Let's just vote it up or down and move on.

16 CHAIRMAN BADGER: Those in favor of the
17 substitute motion say aye.

18 (AFFIRMATIVE INDICATIONS).

19 TRUSTEE MOORE: Can I clarify --

20 CHAIRMAN BADGER: Wait, wait, wait.

21 (MULTIPLE CONVERSATIONS).

22 ATTORNEY BARGE-MILES: Doctor Badger, I don't
23 believe there was a second to Trustee Montgomery's
24 motion.

25 TRUSTEE WHITE: Which motion was it?

1 TRUSTEE WARREN: That was Trustee White's
2 motion, wasn't it?

3 ATTORNEY BARGE-MILES: No, to Trustee
4 Montgomery's motion.

5 CHAIRMAN BADGER: Montgomery had a substitute
6 motion on the floor.

7 TRUSTEE SHANNON: Can you restate that
8 substitute motion, please, for clarity?

9 TRUSTEE MONTGOMERY: Sure, absolutely. I lost
10 my place here. It was to strike -- the substitute
11 motion was to reject the counteroffer and any
12 changes in 13.1. That would effectively remove
13 13.1, Section (c).

14 TRUSTEE LAWSON: Second.

15 CHAIRMAN BADGER: Okay. It's motioned and
16 seconded. Those in favor let it be known by the
17 sign aye.

18 (AFFIRMATIVE INDICATIONS).

19 CHAIRMAN BADGER: Opposed the same sign.

20 (NEGATIVE INDICATIONS).

21 CHAIRMAN BADGER: Roll call.

22 ATTORNEY BARGE-MILES: Trustee Alston.

23 TRUSTEE ALSTON: No.

24 ATTORNEY BARGE-MILES: Trustee Badger.

25 CHAIRMAN BADGER: No.

1 ATTORNEY BARGE-MILES: Trustee Gilzean.
2 TRUSTEE GILZEAN: Yes.
3 ATTORNEY BARGE-MILES: Trustee Lawson.
4 TRUSTEE LAWSON: Yes.
5 ATTORNEY BARGE-MILES: Trustee McWilliams.
6 TRUSTEE McWILLIAMS: Yes.
7 ATTORNEY BARGE-MILES: Trustee Montgomery.
8 TRUSTEE MONTGOMERY: Yes.
9 ATTORNEY BARGE-MILES: Trustee Moore.
10 TRUSTEE MOORE: Yes.
11 ATTORNEY BARGE-MILES: Trustee Persaud.
12 TRUSTEE PERSAUD: No.
13 ATTORNEY BARGE-MILES: Trustee Shannon.
14 TRUSTEE SHANNON: No.
15 ATTORNEY BARGE-MILES: Trustee Siders.
16 TRUSTEE SIDERS: Yes.
17 ATTORNEY BARGE-MILES: Trustee Turnbull.
18 TRUSTEE TURNBULL: No.
19 ATTORNEY BARGE-MILES: Trustee Warren.
20 (NO RESPONSE) .
21 ATTORNEY BARGE-MILES: Trustee Warren.
22 (NO RESPONSE) .
23 ATTORNEY BARGE-MILES: Trustee White.
24 TRUSTEE WARREN: No. This is Trustee Warren.
25 TRUSTEE WHITE: And Trustee White no.

1 ATTORNEY BARGE-MILES: The vote is five yeses,
2 eight nos.

3 CHAIRMAN BADGER: Okay.

4 TRUSTEE McWILLIAMS: No, I think we had -- no,
5 I think you miscounted.

6 TRUSTEE MONTGOMERY: That's not correct.

7 CHAIRMAN BADGER: The motion doesn't pass.

8 ATTORNEY BARGE-MILES: Oh, I'm sorry, it
9 was -- I'm sorry, you're right.

10 TRUSTEE MOORE: It was seven, six.

11 ATTORNEY BARGE-MILES: It was seven, six.

12 TRUSTEE McWILLIAMS: Let's get it straight
13 because I want --

14 ATTORNEY BARGE-MILES: I'm sorry. I have it
15 now. I didn't see --

16 TRUSTEE McWILLIAMS: I want to make clear, you
17 know, who these people are --

18 ATTORNEY BARGE-MILES: Gilzean -- the ones
19 that voted yes, were Trustee Gilzean, Lawson,
20 McWilliams --

21 TRUSTEE LAWSON: The motioned passed?

22 ATTORNEY BARGE-MILES: -- Montgomery --

23 TRUSTEE GILZEAN: No, it failed.

24 ATTORNEY BARGE-MILES: -- Moore --

25 TRUSTEE MONTGOMERY: I wasn't clear on Warren.

1 How did Warren vote?

2 TRUSTEE LAWSON: We didn't hear Warren's vote.

3 ATTORNEY BARGE-MILES: Warren voted no.

4 CHAIRMAN BADGER: Will you guys give me a
5 pause for half a second and let me answer the door
6 through the window?

7 (BRIEF PAUSE).

8 TRUSTEE LAWSON: Did we hear Trustee Warren's
9 vote?

10 TRUSTEE TURNBULL: Yes.

11 ATTORNEY BARGE-MILES: Yes.

12 TRUSTEE TURNBULL: It was no.

13 TRUSTEE MONTGOMERY: Well, like Trustee
14 McWilliams, I want there to be a record should this
15 actually happen of who decided that this -- who
16 voted this way. So, again, we're asking that a
17 transcript of this conversation be included for --

18 CHAIRMAN BADGER: Thank you.

19 TRUSTEE MONTGOMERY: -- be included for --
20 Mr. Chairman, I was asking that a full trans -- I'm
21 done with my edits -- my amendment. I'm asking
22 that a full transcript of this meeting be provided
23 as a matter of public record along with the minutes
24 from this meeting, that it would be posted on the
25 website so that this will move into perpetuity and

1 that future boards will be able to see how the
2 board arrived at its decision. Thank you.

3 TRUSTEE LAWSON: Mr. Chair.

4 CHAIRMAN BADGER: Yes.

5 TRUSTEE LAWSON: Yes, I'd like to offer a
6 couple of friendly amendments for Trustee Alston to
7 consider. I'll be brief.

8 The first, and I'll go quickly, is to strike
9 6.3, the rationale being, we have a driver, we have
10 a state car; and if there's a dealership in the
11 city that agrees to provide the President a car
12 separate from this compensation, that's an
13 independent agreement we don't need to be a part
14 of, so I don't think that one is necessary.

15 Moving to 11.2, Section (c) --

16 ATTORNEY BARGE-MILES: Excuse me, Doctor
17 Badger.

18 CHAIRMAN BADGER: Yes.

19 ATTORNEY BARGE-MILES: Trustee White had moved
20 for a friendly amendment, and I think then we went
21 back to deal with Trustee Montgomery's motion, his
22 substitute motion.

23 CHAIRMAN BADGER: That's correct.

24 ATTORNEY BARGE-MILES: So Trustee White made
25 the motion for the friendly amendment but it never

1 did carry through, we didn't get a second, or he
2 didn't ask for a second on that.

3 TRUSTEE WARREN: So it dies, right?

4 TRUSTEE GILZEAN: Yeah, it dies.

5 TRUSTEE WARREN: So moving forward --

6 TRUSTEE WHITE: I actually -- I believe I was
7 asking whether Trustee Alston would accept a
8 friendly amendment and it was ruled that I had
9 asked out of order.

10 CHAIRMAN BADGER: Correct.

11 TRUSTEE WHITE: So Trustee Alston, I believe,
12 would have to accept the friendly amendment.

13 TRUSTEE ALSTON: Yes, my apologies. I did
14 accept the friendly amendment. I thought I'd
15 mentioned that.

16 ATTORNEY BARGE-MILES: Yeah, he did.

17 TRUSTEE WARREN: So now we vote on the
18 amendment?

19 ATTORNEY BARGE-MILES: There was no second.

20 TRUSTEE MOORE: Second.

21 CHAIRMAN BADGER: Who was that?

22 TRUSTEE MOORE: Kim, Trustee Moore.

23 TRUSTEE SHANNON: Could you restate the
24 friendly amendment?

25 CHAIRMAN BADGER: Restate the friendly

1 amendment, please.

2 ATTORNEY BARGE-MILES: Trustee White.

3 TRUSTEE WHITE: Sorry, yes. So the friendly
4 amendment was 13.1 (c): A resignation as set forth
5 in paragraph 12.0; however, in the event that said
6 resignation occurs before the beginning of the
7 third year of this agreement, sabbatical shall be
8 reduced to six months.

9 CHAIRMAN BADGER: The amendment is accepted.
10 Okay, is there a second?

11 DOCTOR ROBINSON: Mr. Chairman, a point of
12 order, the amendment has been accepted as a
13 friendly amendment. It is thereby incorporated
14 into Trustee Alston's original amendment.

15 TRUSTEE ALSTON: That is correct.

16 ATTORNEY BARGE-MILES: His original motion.

17 DOCTOR ROBINSON: His original motion, I'm
18 sorry.

19 CHAIRMAN BADGER: Okay.

20 TRUSTEE LAWSON: Okay. So I believe I'm up,
21 Mr. Chair, if that's been accepted.

22 CHAIRMAN BADGER: It's been accepted.

23 TRUSTEE LAWSON: Okay. So this is offered as
24 a friendly amendment to the original motion by
25 Trustee Alston; and that is, the friendly amendment

1 is to strike 6.3. I previously gave the rationale.
2 The third piece of the friendly amendment is
3 Section 11.2 (c), to revert to the original
4 agreed-upon language as of the last conference
5 call. The rationale being, specifically in the
6 last sentence of the paragraph, if the
7 individual -- I'd like to take the name out because
8 I think we're talking a contract not a person -- if
9 the individual agrees and notifies us and accepted
10 gainful employment, then I believe that the payment
11 should stop.

12 And then moving to Section 13.2, I propose
13 that we go back to the 75% that was agreed upon by
14 a majority vote in our meeting as of last week.
15 Those are my three recommended friendly amendments
16 to Trustee Alston's initial amendment -- initial
17 motion, excuse me.

18 TRUSTEE ALSTON: Mr. Chairman.

19 CHAIRMAN BADGER: Yes, sir.

20 TRUSTEE ALSTON: If I could just make a
21 recommendation. Trustee Lawson, would you mind
22 offering those as substitutes? I don't want to --
23 I have my own personal thoughts around this as
24 well, so I don't want to attach it to the main
25 motion.

1 TRUSTEE LAWSON: Sure, I will change it to a
2 substitute.

3 TRUSTEE ALSTON: Thank you.

4 TRUSTEE TURNBULL: Mr. Chairman, I still have
5 to say we are not in order to offer substitute
6 amendments. They have to be an amendment to the
7 motion; otherwise, if we vote on the substitute
8 amendments, we eliminate the original motion.

9 TRUSTEE ALSTON: Yes, I think, Trustee
10 Turnbull, you're right. I think the language that
11 Trustee Lawson should be using is a substitute
12 motion.

13 TRUSTEE LAWSON: I am okay with that, and
14 I'd like to, without repeating everything, change
15 it, Mr. Chair, if I'm in order, to a substitute
16 motion to eliminate those three items from the
17 contract.

18 TRUSTEE TURNBULL: Which eliminates the
19 original motion. It eliminates Trustee Alston's
20 motion.

21 TRUSTEE LAWSON: If that's proper
22 parliamentary procedure, then I'm okay with that.
23 My simple request is to eliminate those three
24 items. That is my motion.

25 CHAIRMAN BADGER: Would the motion eliminate

1 Trustee Alston's motion?

2 TRUSTEE TURNBULL: Yes.

3 TRUSTEE ALSTON: It puts it to the side.

4 We're voting on the substitute motion that Trustee
5 Lawson offered.

6 TRUSTEE TURNBULL: It eliminates your motion.

7 TRUSTEE MONTGOMERY: There's no longer a main
8 motion when the substitute motion passes.

9 TRUSTEE TURNBULL: It needs to be an amendment
10 to your motion.

11 TRUSTEE ALSTON: Understood.

12 TRUSTEE MONTGOMERY: So Trustee Alston --

13 TRUSTEE TURNBULL: Without eliminating the
14 motion; it's an amendment to your motion.

15 TRUSTEE ALSTON: Understood. So, Trustee
16 Lawson, it's an amendment to the main motion, so
17 that would be a standalone vote.

18 TRUSTEE LAWSON: Okay. So, you know,
19 Mr. Chair and legal, are we clear on that?

20 CHAIRMAN BADGER: No, I'm not.

21 TRUSTEE LAWSON: So I'm recommending that we
22 strike those three items so previously mentioned,
23 and I would be fine if it needs to be a standalone
24 because it sounds like Trustee Alston has other
25 things he needs to include in his motion.

1 CHAIRMAN BADGER: My concern is that we don't
2 inadvertently eliminate the motion. And we have
3 parliamentarians on the Board that I'll yield to.

4 TRUSTEE ALSTON: I think we've actually
5 cleared it up. I too don't want to put that motion
6 aside. I think that what Trustee Lawson and
7 Trustee Turnbull just said, and Trustee Turnbull is
8 absolutely correct, it is an amendment to the main
9 motion. That would be a separate motion that is
10 voted upon. The three items that Trustee Lawson is
11 recommending, we vote it up or down, and then we'd
12 be back to the original motion that was made over
13 two hours ago.

14 CHAIRMAN BADGER: Okay. Is that acceptable?
15 No objections to that?

16 TRUSTEE LAWSON: No objections, Mr. Chair.

17 CHAIRMAN BADGER: Okay. It's been motioned
18 and seconded, Trustee Lawson's amendment motion. I
19 don't want to say the wrong thing. Those in favor
20 let it be known by the sign aye.

21 (AFFIRMATIVE INDICATIONS).

22 DOCTOR ROBINSON: Wait a minute.

23 CHAIRMAN BADGER: Opposed the same sign.

24 (NEGATIVE INDICATIONS).

25 CHAIRMAN BADGER: Roll call.

1 TRUSTEE McWILLIAMS: Mr. Chairman.

2 CHAIRMAN BADGER: Roll call.

3 TRUSTEE McWILLIAMS: Before you call the roll,
4 aren't these the same things we just voted last
5 week? Are they all changing their minds now
6 because the lady doesn't want to do it? Is that
7 what we're voting for now?

8 TRUSTEE LAWSON: Yeah, these are items that
9 we had a majority vote. That's why I went back to
10 that.

11 TRUSTEE McWILLIAMS: We're revoting what we've
12 already voted for. The Board is backing off
13 because she doesn't want to do it that way?

14 TRUSTEE ALSTON: Actually, for the record, if
15 I could, Mr. Chairman, since I was the one person
16 who was on and off of the call, I was not a part of
17 most of the votes. I think I was a part of
18 (coughing rendered voice inaudible), so I'll be
19 casting my vote on the motion that's on the floor.

20 TRUSTEE LAWSON: Just for the record, I think
21 Trustee McWilliams is spot on. I brought up three
22 items that we had a majority vote on as of a week
23 ago, and granted, I understand things change, but I
24 wanted to resurface those because I think that in
25 the spirit of the agreement -- and, again, I'm

1 trying to separate the person from the agreement.
2 Those are three things that don't belong in the
3 agreement; and, again, clearly separating the
4 person from the agreement.

5 TRUSTEE SHANNON: Mr. Chairman.

6 CHAIRMAN BADGER: Trustee Turnbull.

7 TRUSTEE TURNBULL: No, Shannon.

8 CHAIRMAN BADGER: Shannon.

9 TRUSTEE SHANNON: I just wanted to point out
10 that we may have voted last week, but this
11 agreement then went back to Doctor Mangum and she
12 has countered and is now asking us to reconsider in
13 this counter. And so Board members are entitled to
14 reconsider if they so choose.

15 TRUSTEE McWILLIAMS: I didn't suggest that
16 they weren't. I just wanted to make it clear to
17 everybody on the line, all the students, all the
18 faculty, all the --

19 TRUSTEE SHANNON: It's a matter of record.

20 TRUSTEE McWILLIAMS: -- the legislators, the
21 Board of Governors and everybody else who is
22 listening to this call, I just wanted to make that
23 clear, so it's clear.

24 TRUSTEE SHANNON: And I wanted to make
25 clear that we are in negotiations and she has

1 asked us to reconsider, and that's what we're
2 voting on today.

3 TRUSTEE MONTGOMERY: Mr. Chairman, my
4 comments, it doesn't sound like we're negotiating
5 here. It sounds like we're acceding to the demands
6 of a person who will become the chief executive of
7 the Institution.

8 TRUSTEE McWILLIAMS: That's the way it sounds
9 to me too.

10 TRUSTEE TURNBULL: Mr. Chairman, this is --
11 Mr. Chairman.

12 CHAIRMAN BADGER: Trustee Turnbull.

13 TRUSTEE TURNBULL: On the automobile issue,
14 which I did vote for the motion last time, mainly
15 because it simply was not clear what we were being
16 presented. In my mind, the University -- every
17 university in the system provides an automobile.
18 We are saying we are going to provide an
19 automobile, so to put it in the contract to me is a
20 given. This just makes it clear that we somehow
21 provide her with an automobile, whether it's
22 through a dealer, whatever, but it just makes it
23 clear.

24 I don't think we're doing anything different
25 than what we've done with every previous president

1 and what every other president --

2 CHAIRMAN BADGER: Point well taken.

3 TRUSTEE MONTGOMERY: Question for counsel,
4 Mr. Chairman.

5 CHAIRMAN BADGER: Trustee Montgomery.

6 TRUSTEE MONTGOMERY: It is not within the
7 Board's purview or authority to determine whether
8 Doctor Mangum shall require a driver slash security
9 once she assumes the presidency. So if she becomes
10 President and this is stricken from the contract,
11 there's nothing to prevent her from obtaining and
12 utilizing the vehicle that's currently used for the
13 President in the manner that she deems necessary in
14 the performance of her official duties. So there's
15 not a need to put it in the contract because, quite
16 frankly, if she gets a vehicle from the dealership
17 or not, that's an interaction between her and
18 that's why we wanted it pointed out as non-salary
19 compensation.

20 But we don't have any -- we don't have the
21 authority in the area to tell her whether or not
22 she can have a driver or not. So this is an
23 operation decision that she gets to make and,
24 therefore, there is no need for it to be in the
25 contract.

1 CHAIRMAN BADGER: Out of curiosity, the driver
2 on the state vehicle that's used, is that person
3 available 24 hours a day, that vehicle?

4 TRUSTEE LAWSON: I believe that person has
5 always been available at the President's request.

6 TRUSTEE PERSAUD: Mr. Chair, not for personal
7 use, no. That's a state vehicle and state vehicles
8 are only to be used for state responsibilities.

9 CHAIRMAN BADGER: I think that person works in
10 a different capacity --

11 TRUSTEE PERSAUD: Yes.

12 CHAIRMAN BADGER: -- hours a day, I think.

13 TRUSTEE GILZEAN: Could we get --

14 CHAIRMAN BADGER: I don't want to debate.

15 TRUSTEE LAWSON: Can we call the motion to
16 vote?

17 CHAIRMAN BADGER: Yes, you can. Okay.
18 Restate the motion.

19 TRUSTEE LAWSON: Simply put, to eliminate
20 those three items from the proposed contract, 6.3,
21 it is 11.2 (c), and it is 13.2, the first
22 paragraph. The second paragraph seems to be pretty
23 benign.

24 CHAIRMAN BADGER: Okay. That's the motion.
25 Seconded.

1 ATTORNEY McKNIGHT: Wait, wait. Can I ask for
2 clarification and for the court reporter? Trustee
3 Lawson, you're talking about eliminating the
4 language or the edits from Doctor Mangum?

5 TRUSTEE LAWSON: I'm sorry, Attorney
6 McKnight, that's a great clarification.
7 Specifically on 6.3, eliminate; specifically on
8 11.2(c), revert back to the language that was voted
9 and approved last week.

10 CHAIRMAN BADGER: Would you mind doing that at
11 a pace where those who are thumbing through to
12 follow you --

13 TRUSTEE LAWSON: I'm sorry, I think we're
14 fine, Mr. Chair, with 6.3. So let's go to Page
15 Number 6, 11.2(c), I'm saying for (c), Paragraph
16 (c), revert back to the language that was voted on
17 and approved last week. I'm saying for Page
18 Number 7, 13.2, paragraph one, go back to 75%.

19 TRUSTEE MONTGOMERY: Divide the question.

20 TRUSTEE LAWSON: Is that clear, Mr. Chair?

21 CHAIRMAN BADGER: Yes, it is.

22 TRUSTEE LAWSON: Okay. Thank you.

23 CHAIRMAN BADGER: Thank you.

24 TRUSTEE MONTGOMERY: Mr. Chair, I asked that
25 we divide the question. They're not germane.

1 They're not linked to each other. We should vote
2 on them individually.

3 CHAIRMAN BADGER: Okay. Those in favor of the
4 motion on 6.3 let it be known --

5 TRUSTEE MONTGOMERY: Mr. Chairman, I asked for
6 a ruling as to dividing the question. If you
7 choose not to, so be it; but I asked that we divide
8 the question because we have three sections. You
9 can ask the parliamentarian or your General
10 Counsel, but we have three sections that are not
11 necessarily germane to each other.

12 CHAIRMAN BADGER: Well, he didn't call for
13 them divided, so I'm going to do the three as he --
14 those in favor of Trustee Lawson's motion as stated
15 on 6.3, 11.2(c) and 13.2, let it be known by the
16 sign aye.

17 (AFFIRMATIVE INDICATIONS).

18 CHAIRMAN BADGER: Opposed the same sign.

19 (NEGATIVE INDICATIONS).

20 CHAIRMAN BADGER: Roll call, Ms. Barge-Miles.

21 ATTORNEY BARGE-MILES: Trustee Alston.

22 TRUSTEE ALSTON: No.

23 ATTORNEY BARGE-MILES: Trustee Badger.

24 CHAIRMAN BADGER: No.

25 ATTORNEY BARGE-MILES: Trustee Gilzean.

1 TRUSTEE GILZEAN: Yes.

2 ATTORNEY BARGE-MILES: Trustee Lawson.

3 TRUSTEE LAWSON: Yes.

4 ATTORNEY BARGE-MILES: Trustee McWilliams.

5 TRUSTEE McWILLIAMS: Yes.

6 ATTORNEY BARGE-MILES: Trustee Montgomery.

7 TRUSTEE MONTGOMERY: Yes.

8 ATTORNEY BARGE-MILES: Trustee Moore.

9 TRUSTEE MOORE: Yes.

10 ATTORNEY BARGE-MILES: Trustee Persaud.

11 TRUSTEE PERSAUD: No.

12 ATTORNEY BARGE-MILES: Trustee Shannon.

13 TRUSTEE SHANNON: No.

14 ATTORNEY BARGE-MILES: Trustee Siders.

15 TRUSTEE SIDERS: No.

16 ATTORNEY BARGE-MILES: Trustee Turnbull.

17 TRUSTEE TURNBULL: No.

18 ATTORNEY BARGE-MILES: Trustee Warren.

19 TRUSTEE WARREN: No.

20 ATTORNEY BARGE-MILES: Trustee White.

21 TRUSTEE WHITE: No.

22 TRUSTEE MONTGOMERY: Mr. Chairman, I draw --
23 as a point of information, I draw your attention to
24 Robert's Rules. I asked that we -- I moved to
25 divide the question. It requires a second which

1 was not allowed. It can't be amended, and it
2 requires a majority vote.

3 That vote that was just taken was out of
4 order, and I'm noting that with regard to the
5 process, and I'm invoking that we abide by our
6 Board operating procedures and follow the rules.
7 So I moved that we divide the question, and it was
8 ignored by the Chair, and so you proceeded, which
9 was a violation of our rules.

10 CHAIRMAN BADGER: I proceeded based upon you,
11 Mr. Parliamentarian, making the recommendation I
12 could do either one, so I opted --

13 TRUSTEE MONTGOMERY: No, it doesn't --
14 the rules don't afford you the ability to do
15 either one. The rules requires you to determine
16 if there's a second and then take a vote on
17 whether --

18 CHAIRMAN BADGER: I don't have the rules.

19 TRUSTEE MONTGOMERY: -- on whether to divide
20 the question.

21 CHAIRMAN BADGER: Okay. Fine, let's divide
22 them.

23 6.3, those in favor say aye.

24 TRUSTEE MONTGOMERY: Oh, no, you have -- no,
25 you just have to ask if the majority wants to do

1 it. If they vote it down, so be it; but the proper
2 procedure is to ask -- see if there is a second.
3 If there is no second, it dies. If there is a
4 second, then you take a vote of the majority as to
5 whether or not to divide the question. That's the
6 proper procedure.

7 CHAIRMAN BADGER: Thank you,
8 Mr. Parliamentarian.

9 Those in favor of independently and
10 individually let it be known by the sign of aye.

11 ATTORNEY BARGE-MILES: There wasn't a second.

12 TRUSTEE MOORE: Second. Second, Mr. Chair.

13 ATTORNEY BARGE-MILES: That's Moore, okay.

14 CHAIRMAN BADGER: All right. 6.3.

15 TRUSTEE LAWSON: Roll call to vote on 6.3.

16 ATTORNEY BARGE-MILES: You didn't vote on the
17 motion to divide.

18 CHAIRMAN BADGER: Let's vote on the motion of
19 whether or not we want to do it.

20 TRUSTEE LAWSON: Okay.

21 CHAIRMAN BADGER: Take protocol on that, all
22 right?

23 TRUSTEE LAWSON: Okay.

24 CHAIRMAN BADGER: The motion on the floor
25 is to vote to determine whether or not we want to

1 vote on these independently. Those in favor of
2 voting on them independently indicate by the sign
3 aye.

4 (AFFIRMATIVE INDICATIONS).

5 CHAIRMAN BADGER: Opposed same sign.

6 (NEGATIVE INDICATIONS).

7 ATTORNEY BARGE-MILES: We're getting a lot of
8 noise, Doctor Badger, on somebody's phone.

9 CHAIRMAN BADGER: I hear the noise too.
10 That's somebody's car window, I believe, or air
11 conditioning. Someone is with us with the air
12 conditioner on, I think.

13 Roll call.

14 ATTORNEY BARGE-MILES: Trustee Alston.

15 TRUSTEE ALSTON: No.

16 ATTORNEY BARGE-MILES: Trustee Badger.

17 CHAIRMAN BADGER: No.

18 ATTORNEY BARGE-MILES: Trustee Gilzean.

19 TRUSTEE GILZEAN: Yes.

20 ATTORNEY BARGE-MILES: Trustee Lawson.

21 TRUSTEE LAWSON: Yes.

22 ATTORNEY BARGE-MILES: Trustee McWilliams.

23 (NO RESPONSE).

24 ATTORNEY BARGE-MILES: Trustee McWilliams.

25 (NO RESPONSE).

1 ATTORNEY BARGE-MILES: Trustee Montgomery.

2 TRUSTEE MONTGOMERY: Yes.

3 ATTORNEY BARGE-MILES: Trustee Moore.

4 TRUSTEE MOORE: Yes.

5 ATTORNEY BARGE-MILES: Trustee Persaud.

6 TRUSTEE PERSAUD: No.

7 ATTORNEY BARGE-MILES: Trustee Shannon.

8 TRUSTEE SHANNON: No.

9 ATTORNEY BARGE-MILES: Trustee Siders.

10 TRUSTEE SIDERS: No.

11 ATTORNEY BARGE-MILES: Trustee Turnbull.

12 TRUSTEE TURNBULL: No.

13 ATTORNEY BARGE-MILES: Trustee Warren.

14 TRUSTEE WARREN: No.

15 ATTORNEY BARGE-MILES: Trustee White.

16 TRUSTEE WHITE: No.

17 ATTORNEY BARGE-MILES: Four yeses, eight nos.

18 CHAIRMAN BADGER: And that motion was to --

19 TRUSTEE LAWSON: Was to divide.

20 CHAIRMAN BADGER: -- was to divide.

21 TRUSTEE LAWSON: Right.

22 CHAIRMAN BADGER: So that did not pass. So

23 now we'll vote on them as a group.

24 TRUSTEE LAWSON: We've already voted on them

25 as a group. Mr. Chair, the motion -- I made the

1 motion, and it failed as a group motion, Mr. Chair.

2 CHAIRMAN BADGER: Okay. Thank you.

3 TRUSTEE MONTGOMERY: He has to now take
4 another vote because the first motion was out of --
5 the first vote was out of order. We have to do the
6 vote again.

7 TRUSTEE TURNBULL: Mr. Chairman, this is
8 Marjorie Turnbull.

9 TRUSTEE ALSTON: This is getting very
10 destructive. It was not out of order.

11 TRUSTEE TURNBULL: No. Mr. Chairman.

12 CHAIRMAN BADGER: Trustee Turnbull.

13 TRUSTEE TURNBULL: The hour is late. We are
14 all tired. I think we see where this is going, and
15 unless there is a deliberate attempt to delay,
16 could we move to the original motion, assuming
17 there are no further amendments?

18 CHAIRMAN BADGER: Okay. The request is --

19 TRUSTEE ALSTON: I support that.

20 CHAIRMAN BADGER: Okay. The original motion,
21 please restate the original motion.

22 TRUSTEE ALSTON: The original -- I'll defer to
23 Attorney Barge-Miles.

24 CHAIRMAN BADGER: Attorney Barge-Miles, can
25 you read --

1 TRUSTEE ALSTON: The original motion was to
2 approve the original contract with the friendly
3 amendment that I accepted earlier from Trustee
4 White.

5 CHAIRMAN BADGER: Motion and second.

6 DOCTOR ROBINSON: It's already been --

7 ATTORNEY BARGE-MILES: It was already
8 seconded.

9 CHAIRMAN BADGER: Those in favor let it be
10 known by the sign aye.

11 (AFFIRMATIVE INDICATIONS).

12 TRUSTEE TURNBULL: I'm sorry. What's the
13 motion? I had to take another call. What's the
14 motion?

15 TRUSTEE ALSTON: We're voting on the
16 original --

17 CHAIRMAN BADGER: On the original motion by
18 Trustee Alston.

19 TRUSTEE TURNBULL: Oh, so --

20 CHAIRMAN BADGER: With the friendly amendment.
21 Those in favor let it be known by the sign aye.

22 (AFFIRMATIVE INDICATIONS).

23 CHAIRMAN BADGER: Opposed the same sign.

24 (NEGATIVE INDICATIONS).

25 TRUSTEE TURNBULL: What was the friendly

1 amendment?

2 TRUSTEE GILZEAN: You already voted for it.

3 TRUSTEE TURNBULL: No, I didn't. Are we
4 voting on Trustee Alston's original motion?

5 (AFFIRMATIVE INDICATIONS).

6 TRUSTEE TURNBULL: That's not a friendly --

7 CHAIRMAN BADGER: With White's friendly
8 amendment.

9 TRUSTEE TURNBULL: What?

10 TRUSTEE SIDERS: It includes Trustee Whites'
11 friendly amendment.

12 TRUSTEE TURNBULL: Oh, I'm sorry. I beg your
13 pardon. Okay, yes, I'm for it. I'm sorry.

14 ATTORNEY BARGE-MILES: Do you want a roll-call
15 vote, Doctor Badger?

16 TRUSTEE ALSTON: Yes, let's do a roll-call
17 vote. This is Alston.

18 CHAIRMAN BADGER: Let's do it again, yes, for
19 the record.

20 ATTORNEY BARGE-MILES: Trustee Alston.

21 TRUSTEE ALSTON: Absolutely.

22 ATTORNEY BARGE-MILES: Trustee Badger.

23 CHAIRMAN BADGER: Yes.

24 ATTORNEY BARGE-MILES: Trustee Gilzean.

25 TRUSTEE GILZEAN: No.

1 ATTORNEY BARGE-MILES: Trustee Lawson.
2 TRUSTEE LAWSON: No.
3 ATTORNEY BARGE-MILES: Trustee McWilliams.
4 (NO RESPONSE).
5 ATTORNEY BARGE-MILES: Trustee McWilliams.
6 (NO RESPONSE).
7 ATTORNEY BARGE-MILES: Trustee Montgomery.
8 TRUSTEE MONTGOMERY: No.
9 ATTORNEY BARGE-MILES: Trustee Moore.
10 TRUSTEE MOORE: No.
11 ATTORNEY BARGE-MILES: Trustee Persaud.
12 TRUSTEE PERSAUD: Yes.
13 ATTORNEY BARGE-MILES: Trustee Shannon.
14 TRUSTEE SHANNON: Yes.
15 ATTORNEY BARGE-MILES: Trustee Siders.
16 TRUSTEE SIDERS: Highly in favor of.
17 ATTORNEY BARGE-MILES: Trustee Turnbull.
18 TRUSTEE TURNBULL: Absolutely.
19 ATTORNEY BARGE-MILES: Trustee Warren.
20 TRUSTEE WARREN: Yes.
21 ATTORNEY BARGE-MILES: Trustee White.
22 TRUSTEE WHITE: Yes.
23 CHAIRMAN BADGER: Motion passes. Now for the
24 record, would you state the motion including the
25 amendment, Ms. Barge-Miles, if you have it there on

1 record?

2 ATTORNEY BARGE-MILES: The motion was to
3 approve the contract with the friendly amendment,
4 and the friendly amendment by Trustee White was
5 that if Doctor Mangum resigned prior to the
6 beginning of the third year she would receive a
7 six-month sabbatical.

8 TRUSTEE ALSTON: Mr. Chairman.

9 CHAIRMAN BADGER: Yes, sir.

10 TRUSTEE ALSTON: Before you close, now
11 that we've spent two and a half hours, you know,
12 just talking through the contract, I'd like to
13 request -- I know the previous motion dealt with
14 the full contract with several amendments. Of
15 course there were members on both sides of the
16 argument. I think in the spirit of unity and in
17 the spirit of us showing unison as a Board, I'd
18 like to call for a full vote of support, you know,
19 for Doctor Mangum, at least so that it shows this
20 Board is unified despite the discussion and
21 deliberation, which is healthy, that we had here
22 today.

23 CHAIRMAN BADGER: Are you calling for that, or
24 are you making it a motion?

25 TRUSTEE ALSTON: Yes. That is in the form of

1 a motion, yes.

2 CHAIRMAN BADGER: Second?

3 TRUSTEE SIDERS: Second.

4 CHAIRMAN BADGER: Those in favor let it be
5 known by --

6 TRUSTEE LAWSON: Question.

7 CHAIRMAN BADGER: Question, I'm sorry.
8 Discussion.

9 TRUSTEE LAWSON: I'm sorry, we're voting -- I
10 mean given that we've selected and given that we
11 just approved the contract, majority rules, right,
12 whether we, you know, are happy with that or not.
13 So what are we voting on now?

14 TRUSTEE ALSTON: I can explain my motion if
15 you allow me, Mr. Chairman.

16 TRUSTEE LAWSON: Sorry, Trustee Alston. Go
17 ahead.

18 TRUSTEE ALSTON: Trustee Lawson, it was just
19 an attempt -- I mean I know that we've had spirited
20 debate, and there has been spirited debate I guess
21 the last couple of meetings around the contract and
22 around what the next steps are for us as a Board
23 and for the University. I think we all know what
24 the chatter is, but I think we need to send a
25 message as a governing body for the Institution

1 that in spite of the spirit, the debates that take
2 place, that we're still unified as a Board, you
3 know, with our incoming leader. That's the spirit
4 of the message I'm trying -- -

5 TRUSTEE LAWSON: I understand. Okay, I
6 understand. Thank you.

7 TRUSTEE MONTGOMERY: Mr. Chairman.

8 CHAIRMAN BADGER: Trustee Montgomery.

9 TRUSTEE MONTGOMERY: I'd be inclined -- I'll
10 support Trustee Alston's motion. With regard to
11 our deliberation as a Board, we have a
12 responsibility as the governing body. I don't
13 think it's healthy in any situation where we're all
14 unanimous on everything.

15 I think the discussions that have taken place
16 have been helpful towards advancing the
17 conversation and providing the clarity that we did
18 not have before with previous contracts. So,
19 again, I would support the motion in the spirit
20 that we are supportive of our new leader in terms
21 of the Chief Executive Officer of the Institution,
22 and I would encourage my colleagues to support that
23 motion as well.

24 TRUSTEE PERSAUD: Mr. Chairman.
25 Mr. Chairman, this is Persaud.

1 CHAIRMAN BADGER: Trustee Persaud.

2 TRUSTEE PERSAUD: I don't want to let it go
3 unnoticed that even though that we did not agree on
4 everything that our input as a whole helped to
5 refine the contract.

6 And I would like to thank Trustee Montgomery
7 who initially, even though we differ on some of
8 the -- some of his recommendations, he did help us
9 to refine the contract.

10 And when I looked at the 26 suggestions that
11 he had and to realize that I think, as a total,
12 with some kind of refinement, 21 of those 26 are
13 incorporated in this final contract, so I want to
14 take note of that.

15 CHAIRMAN BADGER: Okay. Anyone else? Any
16 more testimonials?

17 (NO RESPONSE).

18 CHAIRMAN BADGER: Okay. Well, my
19 responsibility at this point is to go forward to --

20 ATTORNEY BARGE-MILES: Doctor Badger, you do
21 have a motion on the floor for a unified vote, and
22 it was seconded.

23 CHAIRMAN BADGER: Those in favor of the
24 unified vote -- motion let it be known by the sign
25 aye.

1 (AFFIRMATIVE INDICATIONS).

2 CHAIRMAN BADGER: Opposed the same sign.

3 (NO RESPONSE).

4 CHAIRMAN BADGER: The motion passes
5 unanimately. Thank you for sending me forward with
6 a unified group of folk, a unified Board, to try to
7 execute this contract with Doctor Mangum on your
8 behalf. I will do that tomorrow.

9 Anything else to come before this Board?

10 (NO RESPONSE).

11 TRUSTEE LAWSON: Thank you for your patience,
12 Mr. Chair.

13 CHAIRMAN BADGER: Well, I thank everybody for
14 their input, each direction. It did add quite a
15 bit to the conclusion of what we've done.

16 If there's nothing else to come before this
17 Board, I thank you guys for two and a half hours of
18 your time again. The meeting is adjourned.

19 (WHEREUPON, THE MEETING WAS ADJOURNED).

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CERTIFICATE

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STATE OF FLORIDA)
COUNTY OF LEON)

I, NANCY S. METZKE, RPR, FPR, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 20th day of February, 2014.

NANCY S. METZKE, RPR, FPR
Court Reporter

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