

**FLORIDA A&M UNIVERSITY
BOARD OF TRUSTEES
CONFERENCE CALL MEETING MINUTES
June 6, 2013
9:00 A.M.**

Trustees present: Torey Alston, Solomon Badger, Glen Gilzean, Kelvin Lawson, Spurgeon McWilliams, Rufus Montgomery, Narayan Persaud, Belinda Shannon, Anthony Siders, Marjorie Turnbull, Cleve Warren, and Karl White. Trustee Jennings was absent.

I. CALL TO ORDER AND WELCOME

Dr. Solomon Badger, Chairman

Chairman Solomon Badger called the meeting to order and asked Attorney Barge-Miles to call the roll. A quorum was established.

II. CLOSED SESSION

Mr. Avery McKnight, Vice President for Legal Affairs

Chairman Badger asked Vice President and General Counsel Avery McKnight to provide instructions regarding the closed session for collective bargaining and litigation. Attorney McKnight provided the instructions and the Board moved into closed session.

III. OPEN SESSION

Chairman Badger

The Board meeting reconvened at the conclusion of the closed session. Chairman Badger called on Trustee Turnbull for a motion. Trustee Turnbull moved that the Board ratify the UFF-FAMU Collective Bargaining tentative agreement 2012-2013 reopeners. It was seconded by Trustee Persaud. 11 - Yes, 1 - no (Trustee Gilzean). The motion carried.

Next, Trustee Turnbull moved that the Board ratify the AFSCME Collective Bargaining tentative agreement for 2013-2014. It was seconded by Trustee Persaud. 11 – yes, 1 – no (Trustee Gilzean). The motion carried.

Trustee Turnbull moved that the Board implement the legislature's pay increase appropriated for 2013-2014 and approve a \$1500 non-recurring bonus from appropriate university funds for all eligible university employees who are out of unit. It was seconded by Trustee Persaud and the motion carried.

Next, Trustee Turnbull move that the Board implement a similar pay increase appropriated by the legislature for 2013-2014 and a non-recurring bonus of \$1500

from appropriate university funds for all eligible university employees who are out of unit and whose positions are funded by contracts and grants and auxiliaries. It was seconded by Trustee Siders and the motion carried.

Chair Badger recognized Trustee McWilliams. In regard to the Angela Pease litigation, Trustee McWilliams moved that the Board authorize the President and the legal team to enter into settlement negotiations and proceed with strategies related to litigation that are consistent with the discussions that the Board had during the closed session, as appropriate. It was seconded by Trustee Karl White and the motion carried.

IV. APPROVAL OF UNIVERSITY'S EQUITY REPORT

Next, Chairman Badger recognized Mrs. Carrie Gavin, Director of Equal Opportunity Programs at FAMU, to present the report. Mrs. Gavin reported that each year the University is required to submit the Florida Educational Equity Act report to the Florida Board of Governors. The report contains information relating to equity policies, academic reviews, student services assessment, gender equity in athletics, employment and the tenure process. Trustee McWilliams moved approval of the Equity Report. It was seconded by Trustee White and the motion carried.

V. APPROVAL OF THE MINUTES

Chairman Badger asked the Board to consider the minutes of the April 11, 2013 meeting and the May 5, 2013 Board Retreat. He asked if there were any corrections. There were none. Trustee Lawson moved approval of the minutes. The motion was seconded by Trustee Turnbull and the motion carried.

Chairman Badger reminded the Board that during the retreat, which was held on May 5th, each of the members of the Board provided their individual expectations of Dr. Robinson. Trustee Jennings wasn't present, but had since provided his input. Those individual expectations have been placed into one document. Dr. Badger stated that he asked Trustees Warren, Turnbull and Persaud to serve on an ad hoc committee to provide recommendations to the Board. That committee will synthesize the individual expectations and create definitive goals and expectations that will be presented to the full Board for approval at the Board's August 7-8, 2013 meeting. Trustee Cleve Warren will chair this ad hoc committee.

VI. PRESIDENT'S REPORT

Dr. Larry Robinson, Interim President

Trustee Badger asked President Robinson to provide the President's Report. President Robinson provided an update on various activities on the campus.

Dr. Robinson reported that Dr. Maurice D. Edington has been appointed the new dean of the College of Science and Technology, Dr. Victor M. Ibeanusi will serve as the new dean of the FAMU School of the Environment and Terence M. Calloway has been appointed as the new chief of the Department of Public Safety at the university. Other new appointments include Michael Smith, who will serve as the interim director of Athletics, Dr. Sylvester Young is the new director of marching and pep bands and Deirdre McRoy is the new compliance officer for the Department of Music.

He stated that as of May 30, 2013, 821 students were admitted for the summer semester compared to 889 at the time last year. The University had 1,224 to apply for summer admissions, compared to 1,280 that applied last year. For fall 2013, 2,365 students have been admitted compared to 2,745 students who were admitted this time last year. Also, 4,827 individuals applied for admissions, compared to 5,489 for fall 2012.

Dr. Robinson informed the Board that the University received the official decision letter from the Accreditation Council for Occupational Therapy Education. ACOTE has "set aside" the decision of the Appeals Panel, reversed the previous decision to place the Occupational Therapy program in the status of "Accreditation Withdrawn - Involuntary" and returned the program status to "Probationary Accreditation." Also, the Commission on Accreditation in Physical Therapy Education on April 24, 2013 voted to "continue" the accreditation of FAMU's Doctor of Physical Therapy Program.

Two FAMU broadcast journalism students — Amber Mackie and Lacrai Mitchell won a "Student Emmy" won during the Academy of Television Arts & Science Foundation national competition.

Florida A&M University is mourning the death of James E. Hawkins, former dean of the School of Journalism and Graphic Communication (SJGC) from 2004 to 2013. His funeral services were held in Lee Hall on June 3, 2013. Also, Jamaal Rose, a religious studies major, passed away in May after an extended illness.

President Robinson also stated that positive op. eds. were published regarding FAMU in the Fort Lauderdale Sentinel, the Florida Currier, the Tampa Bay Times and the Tallahassee Democrat. Regarding rebranding, the attorneys for FAMU and Edelman are working to finalize the contract and scope of work for the rebranding effort. A FAMU graduate from Atlanta will head the effort for Edelman.

Dr. Robinson informed that Board that he and Head Football Coach Earl Holmes were the keynote speakers in separate sessions of the NAA Convention. There was a very large turnout of alumni at the convention. The FAMU Music Department launched its anti-hazing tour during the convention. The tour is a part of the University's Marketing and Communications plan approved by the Board.

Dr. Robinson reported that he and members of the leadership team will attend the Board of Governors meeting in Tampa, June 18 – 20, 2013. He noted that the Student Government Association will host its inaugural event August 23-25, 2013.

VII. COMMITTEE OF THE WHOLE ACTION ITEMS

Chairman Badger informed that Board that it was now acting as a Committee of the Whole and that all member of the Board would be able to vote on action items.

Academic Affairs

Trustee Marjorie Turnbull

Chairman Badger recognized Trustee Turnbull to present two Academic Affairs action items. The first item was the consideration of tenure. Trustee Turnbull indicated that the nominees for tenure had all been recommended by their respective colleges. Provost Wright further explained that the process involved a review and recommendation by the department, the department chair, the college, the dean, himself and the president. Trustee Persaud asked if Provost Wright was satisfied that the nominees had met the academic, as well as required accreditation requirements and standards. Provost Wright assured him that he was satisfied.

Trustee Turnbull moved approval of the nominees for tenure. It was seconded by Trustee Persaud and the motion carried.

Next, Trustee Turnbull asked the Board to consider the University 2013/2014 Work Plan. She stated that it was submitted to the Board of Governors, subject to the approval of the Board of Trustees. It was also recommended that the Board approve the addition of the BA/BS Multidisciplinary Studies and the MS and PhD in computational Science, to the list of new programs that may be explored and placed in Appendix B of the University's Strategic Plan.

Trustee Turnbull moved approval of the University's Work Plan and the addition of the new programs to the Strategic Plan. It was seconded by Trustee Persaud and the motion carried.

Trustee Turnbull asked the Board to review the Work Plan PowerPoint on their own. Dr. Robinson stated that he will present the PowerPoint regarding the Work Plan at the Board of Governors' meeting on June 18, 2013.

Trustee-Student Affairs

Trustee Torey Alston

Chairman Badger recognized Trustee Alston to present the action items related to Student Affairs.

Trustee Alston directed the Board to the amendments to the Student Code of Conduct, 2.012. He stated that one piece was left out and he would offer that addition as an amendment to the regulation.

Trustee Alston moved that the Board approve the amendments to the Student Code of Conduct and the public notice of intent, with the staff recommendation to include in section 2.012(4)(n) the section called “Fines - a specific monetary amount ranging from \$100 to \$350. A fine may be included with a period of disciplinary probation.” It was seconded by Trustee Shannon and the motion carried.

Trustee Alston then presented the amendments to Regulation 2.013, Due Process.

Trustee Alston moved approval of the regulation, along with approving the posting of the public notice of intent. It was seconded by Trustee Turnbull and the motion carried.

The last item Trustee Alston presented was approval of the amendment to Regulation 2.028, Anti-Hazing. He stated that he asked staff to provide guidance regarding zero tolerance language for victims of hazing, as well as persons who commit the act of hazing. Trustee Siders asked if FAMU had compared that regulation with other Universities in the State University System. Trustee Alston confirmed that a comparison had been done. Trustee Siders then asked if there would be retroactive indemnification for students who may have fallen victim to this violation. Attorney Roe stated that if approved, the amended regulation would operate from that day forward.

Trustee Alston asked that the amendment be read to the Board. Attorney read the following amendment to paragraph 1(c):

“Engaging is defined herein and prohibited by this regulation as anyone who:

1. Perpetrates hazing activities by planning or executing the hazing activity;
2. Is the object of or consent to hazing activities; or
3. Observes or has knowledge of hazing activities and fails to report the incident within 24 hours, as required.

Trustee Alston moved approval of Regulation 2.028 with the recommended language from staff amending section 1(c) for engagement, along with the public notice of intent to post. It was seconded by Trustee Warren. Following a brief discussion, the motion passed.

During the discussion, Trustee Shannon asked that the amended section 1 of the regulation be read to the Board. Dean Henry Kirby read section 1. Trustee Alston stated that from a policy standpoint, the biggest change was identifying penalties for victims and persons committing the act of hazing. Dr. McWilliams stated that the amendment has a lot of validity, as it is all inclusive and clear regarding any participation in hazing and the obligation to report.

Audit

Trustee Karl White

Chairman Badger called on Trustee Karl White to present the Audit action item. Trustee White indicated that the Board would be asked to consider approval of the 2013-2014 Audit Work Plan. Trustee White then asked Vice President Richard Givens to present the audit plan. Vice President Givens stated that a university-wide risk assessment was completed and used as the primary basis for developing the Internal Audit Plan.

Trustee Turnbull moved approval of the 2013-2014 audit work plan. It was seconded by Trustee Persaud and the motion carried.

Budget and Finance

Trustee Rufus Montgomery

Chairman Badger recognized Trustee Montgomery to present the Budget and Finance items that needed approval. Trustee Montgomery asked if there was a quorum. Trustee Badger asked Attorney Barge-Miles to call the roll. The following Trustees were present: Alston, Badger, Gilzean, Lawson, McWilliams, Montgomery, Persaud, Shannon, Siders, Turnbull, Warren, and White. A quorum was established.

Trustee Montgomery indicated that there were six action items for the Board's consideration and noted that approval of the athletic debt reduction plan had been withdrawn from the agenda. First, he called on Stephany Fall, Director of Purchasing to present amendments to Policy 2006-04 regarding Purchasing cards. She stated that the purpose of the amendments was to clarify and to tighten the purchasing card policies and procedures.

Trustee Montgomery moved for approval of the Purchasing Card Policy, as presented. It was seconded by Trustee Gilzean and the motion carried.

Next, Trustee Montgomery asked Ms. Fall to present information regarding approval to execute the 2012/2013 Targeted Assistance Program contract. Ms. Fall stated that the University issued an Invitation to Negotiate to solicit innovative proposals from Florida based non-profit organizations to assist them in preparing to pursue advanced education and/or gainful employment. The evaluation committee reviewed

the proposals and recommended the following: Professional Opportunities Programs for Students (POPS) \$3.5 million and the Florida Endowment Foundation for Florida's Graduates \$855,950.00. College Summit did not accept the proposed \$101,000 allocation. She noted that the President has authority to approve contracts up to one million dollars.

Trustee Montgomery moved for Board authorization for the President to execute a contract with Professional Opportunities Programs for Students, Inc. subject to the review and approval of the Office of the General Counsel. It was seconded by Trustee Warren and the motion carried.

Next, Trustee Montgomery asked Dr. Featherstone to present amendments to Policy 2009-01 Identity Theft Prevention Program. Dr. Featherstone indicated that the amendments to the policy define the frequency of staff training and the preparation and monitoring of reports.

Trustee Montgomery moved for approval of the amendments as presented, to Board of Trustees Policy #2009-01, Identity Theft Prevention Policies and Procedures. It was seconded by Trustee Warren and the motion carried.

Trustee Montgomery recognized Mr. Joseph Bakker to present the next agenda item, an amendment to the current year's budget. Mr. Bakker stated that effective May 2013, the premium for the health insurance increased by \$150,000 and that amount must be added as an amendment to the fiscal year 2012/2013 budget.

Trustee Montgomery moved by approval of the 2012/2013 health insurance premium increase budget amendment. It was seconded by Trustee Turnbull and the motion carried.

Trustee Montgomery asked Dr. Featherstone to present the information regarding the notice and adoption of new fees. Dr. Featherstone stated that the University is recommending the establishment of a student green fee of \$.50 which was approved by the Board in November 2012; an increase in the Activity and Service fee of \$.50, the Athletic Fee increase of \$1.00 and the Capital Improvement Fee of \$2.00.

Trustee McWilliams pointed out that the impact of fees on tuition for 18 credit hours was \$900. Trustee Lawson added that the University should keep the costs of education down as low as possible. In response to Trustee Alston's question regarding athletic fee usage, Interim Athletic Director Michael Smith indicated that of the monies garnered, 60% will go toward the deficit and 40% will be used for the academic center. Trustee Siders stated that the athletic fee, activity and service fee, and the CIP fee were strongly supported by students.

Trustee Montgomery moved for approval of the notice and adoption of the new fees after the expiration of the appropriate 30 day notice period provided there are no public comments. The motion was seconded by Trustee White. After a lengthy discussion, Trustee Montgomery indicated that he was inclined to table his motion.

Trustee Gilzean moved that the Board keep the actual cost of fees to the current 2012/2013 year and reflect no increase at all. The motion was seconded by Trustee Montgomery.

Trustee Turnbull pointed out that the Board had already approved the green fee at its last meeting. **Trustee Turnbull offered a friendly amendment to allow the student green fee to go forward. Trustee Gilzean did not accept Trustee Turnbull's amendment.** Trustee Montgomery stated that the Student Green Fee was discussed and thoroughly vetted by the Board. **Trustee Montgomery then offered a substitute motion to allow for actions that have already been approved by the Board to proceed. Regarding the other fees, he suggested that the Board approve the fees, but collect the funds from the budget surplus.** President Robinson addressed whether the University could use the reserves to cover the costs of the fees. He stated that the University would need to make an assessment of what's left in the reserves due to the Board's earlier action of providing a bonus for faculty and staff. Trustee Turnbull suggested that it would be financially imprudent for the Board to start tapping into the surplus funds.

Dr. Robinson indicated that the Student Green Fee and the CIF Fee must go to the Board of Governors meeting in June. Trustee Montgomery stated that the Board would be setting a bad precedent if it did not allow the Green Fee to go forward, as it was already approved by the Board.

Trustee Montgomery offered a substitute motion for the approval and noticing and adoption of the Student Green Fee after the expiration of the appropriate 30 day notice period, provided there are no public comments. It was seconded by Trustee Turnbull.

Trustee Persaud asked why the Board was considering approval of the green fee, as it had already been approved by the Board. He further asked if there was another process that they had to go through first to rescind the green fee.

Trustee Montgomery restated his substitute motion. **The motion carried. The vote was 11 – for approval , with Trustee Gilzean voting against the motion.**

Trustee Montgomery suggested that the Board withdraw from consideration the Activity and Service Fee and the Athletic Fee and vote on the CIF fee.

Trustee Montgomery moved approval of the noticing and adoption of the new Capital Improvement Fee after the expiration of the appropriate 30 day notice period, provided there are no public comments. It was seconded by Trustee Persaud. Trustee Gilzean asked for a quorum call, then changed to a roll call vote.

The following Trustees voted in favor of the motion - Alston, Badger, Montgomery, Persaud, Shannon, Siders, Turnbull, White. (8)

The following Trustees voted against the motion – Gilzean, Lawson, McWilliams, Warren. (4)

The motion carried.

Trustee Montgomery moved that the Board withdraw from consideration the Activity and Service Fee and the Athletic Fee. Chairman Badger asked for a roll call vote:

**Alston – Yes
Badger – Yes
Gilzean – Yes
Lawson – Yes
McWilliams – Yes
Montgomery – Yes
Persaud – (not in room for vote)
Shannon – Yes
Siders – No
Turnbull – Yes
Warren – Yes
White – No**

Yes – 9 No – 2

The motion carried.

Next, Trustee Montgomery recognized Vice President Bakker to present the preliminary budget for the 2013/2014 year. Mr. Bakker stated that a detailed budget will be presented later for the Board's approval. Trustee Montgomery suggested that the Board be made aware of what a surplus is and how much it is. He also asked that Mr. Bakker explain what a preliminary budget does, verses final approval and why the budget will be presented for final approval in August. Trustee Warren stated that the Board is due a fair amount of explanation regarding the sources and uses of funds when the Board meets again face to face. Dr. Robinson stated that some

issues still need to be finalized by the BOG and those matters would need to be included in a final budget.

Trustee Warren moved approval of the preliminary operating budget. It was seconded by Trustee Montgomery and the motion carried.

Facilities Planning

Trustee Spurgeon McWilliams

Chairman Badger called on Trustee McWilliams to present the action items regarding facilities planning. Trustee Shannon asked for a roll call. The following Trustees were present: Alston, Badger, Gilzean, Lawson, McWilliams, Montgomery, Persaud, Shannon, Siders, Turnbull, Warren, and White. A quorum was established.

Trustee McWilliams moved approval of the five-year Capital Improvement Plan and the 2014-2015 Legislative Budget Request. It was seconded by Trustee Siders and the motion carried.

Trustee McWilliams moved that the Board adopt the new Construction Procedures Manuals Policy, as presented. It was seconded by Trustee White and the motion carried.

Public Comments:

There were no public comments.

With there being no further business, the meeting adjourned.