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STATE UNIVERSITY SYSTEM OF FLORIDA  
1703 TURLINGTON BUILDING  
TALLAHASSEE, FLORIDA  
AUGUST 6, 2009

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The Chair, Sheila M. McDevitt, convened the meeting of the Board of Governors, State University System of Florida, in Room 1703, Turlington Building, Tallahassee, Florida, August 6, 2009, at 9:30 a.m., with the following members present: John Barnes, Frank Martin, Carolyn Roberts, Commissioner Eric Smith, Dr. Judith Solano, and Gus Stavros. Ms. Ava Parker, Vice Chair; Dr. Stanley Marshall; Tico Perez; and Norm Tripp participated by telephone.

1. Call to Order and Chair's Report

Ms. McDevitt expressed her thanks to Board members and Presidents for their participation in the meeting. She also thanked those who were participating by phone, particularly those under medical restrictions. She congratulated Ms. Parker on the birth of her twins several weeks ago. She said she was pleased that Dr. Marshall was able to be on the call, and wished him a speedy recovery from his recent bypass surgery.

She reported that she and Chancellor-elect Brogan had been discussing his employment contract and had reached agreement within the past several days. Board members had received copies of the contract, and would vote on it later in the meeting.

She said the Strategic Planning Workshop today was important. She said the Board had been discussing university compacts for the past three years. She commented that the compacts could serve as good accountability tools, but the Board had not been successful in implementing them. She said it was now time for the Board to move ahead with bold steps to get the State University System where it needed to be. She commented that it was so clear that the universities were key to the economic health of the state and to building the economy Florida needed for the 21<sup>st</sup> century. She said she believed this point had been made with the leadership in both the House and the Senate. She said it was very important to show that the Board had a rational planning process and a rational accountability tool. She said this could be accomplished through university work plans and annual reports.

She said the Legislature had also authorized all the universities to charge differential tuition, but had required that the Board put in place clear accountability measures to track the expenditure of those additional monies. She said this reporting

should be included within the other required reports, rather than creating a separate report. She noted that the universities were required to submit a variety of different reports. She suggested that all these varying requirements should be addressed in the work plans and the annual reports; the Board could then go to the Legislature and seek the repeal of the duplicative reports. She said as the Board and the universities moved forward, these work plans could incorporate bolder initiatives and more aspirational goals. She thanked Mr. Martin for his leadership of this effort. She said she hoped the universities would take this work seriously, that any complaints with the process could be resolved and that the Board could move on. She also thanked Provost Wilcox and his staff at USF who had worked on the proposed model to show how USF would report its data.

She said that everyone wanted to see accountability in the SUS. This would allow the Board to define what was important, e.g., graduation rates, graduates by discipline, retention rates, use of resources. She noted that none of this was new information; all of these factors were tied to the success of the universities. She said the information should also include outside revenues captured by the universities, including funding from the NIH, the NSF and private grants. She said the universities could also identify their world class scholars, the spin-off businesses created, and their patents. She said it was time to get on with this effort.

Ms. McDevitt said the SUS had experienced some successes this past Legislative Session. She said she hoped to do still better in 2010. She said that she and President Delaney had been exploring ways to press the System's agenda about the importance of the universities as Florida's economic engines.

Ms. McDevitt noted that the Board had been through some important transitions during the past six months. She said that less than three weeks ago, the Board had selected a new Chancellor. She thanked Mrs. Roberts for her leadership of the Chancellor Search Committee. She also thanked all the members of the Committee for their hard work. She said the Board's consultant, Bill Funk, had done an excellent job, and had recommended three excellent candidates for consideration by the Committee. During its meeting on July 13, 2009, the Committee had added a fourth candidate to be interviewed. She said the Committee had interviewed two candidates, Roderick Chu and Frank Brogan. She said both candidates had excellent interviews, but the Committee members felt that Frank Brogan had the credentials the Board needed now. She said he would begin his duties as Chancellor on September 14, 2009.

Ms. McDevitt said she wanted to recognize and thank the Board's President in Residence, John Delaney. She said that he had spent the past nine months doing two jobs, representing the Board with the Legislature as well as serving as President of UNF. She said he understood the issues, knew many of the key players in the Governor's Office, the House and the Senate, and numerous other committee chairs. She said she appreciated his calm demeanor and steady hand. She said he had always kept her well-

informed about legislative activities. She also thanked the UNF Board of Trustees for letting President Delaney take on these additional duties. She read the following Resolution, signed by all the members of the Board.

**WHEREAS**, John A. Delaney has provided dedicated and effective service to the Board of Governors and the State University System of Florida as the President in Residence, while continuing as President of the University of North Florida, from November 2008, to September 2009; and

**WHEREAS**, Mr. Delaney was asked to step into the role of President in Residence to provide leadership for the Board of Governors and the 11 universities in the State University System during the 2009 Legislative Session; and

**WHEREAS**, working closely with the Chair and other members of the Board, Mr. Delaney assisted and provided day to day leadership during the Session, which resulted in the establishment of differential tuition for all the universities and an agreement with the Prepaid Board, both of which will result in new and predictable sources of revenue for the universities; as well as increases in funding for all State University System medical schools; the enhanced ability for university police officers to enforce the law and protect all on the university campuses; and avoiding salary reductions for university faculty and staff; and

**WHEREAS**, during his tenure as President in Residence, Mr. Delaney provided direction and strong support to the staff of the Board of Governors, and continued to encourage their work on behalf of the State University System; and

**WHEREAS**, to all his activities as President in Residence for the Board of Governors, President Delaney has brought his personal integrity and commitment to public service, working to assure excellence and quality in public higher education in Florida; now therefore

**BE IT RESOLVED** that the members of the Board of Governors, meeting in the Turlington Building, in Tallahassee, on this sixth day of August, 2009, do hereby commend John A. Delaney for his service to the Board of Governors and to the State University System, and do wish him continued success as President of the University of North Florida; and

**BE IT FURTHER RESOLVED** that the resolution be presented to President Delaney as a small token of the Board's appreciation and thanks.

Members of the Board concurred unanimously. Ms. McDevitt also presented President Delaney a small memento recognizing his service to the Board of Governors.

President Delaney thanked the members of the Board. He said serving as President in Residence had been a wonderful experience and he had learned a great deal.

Ms. McDevitt welcomed Frank Brogan as the incoming Chancellor. She noted that Mr. Brogan brought decades of experience in education, most recently as President of Florida Atlantic University. She said that he knew the entire education landscape, from kindergarten through graduate education. She said he had spent his career forging education policy. She said his statewide electoral successes, as Commissioner of Education and Lieutenant Governor, added political skills to his considerable resume. She said he would have a sense of camaraderie with those who would be making decisions about the SUS. She said during his interview, she was particularly struck by his response about the most exciting day in his life having been "the day I became a fifth grade teacher." She said the Board looked forward to working with him.

Ms. McDevitt welcomed the newest Board member, Mr. John Barnes. Mr. Barnes said it was an honor to serve as a member of this Board. He said he was currently serving a second term as Student Body President at UNF. He said he was proud of the students in the SUS who had strongly supported the differential tuition legislation. He said they certainly appreciated how additional monies would benefit the quality of their education. He said he would enjoy continuing to work with President Delaney and with President Brogan in his new position as Chancellor.

Ms. McDevitt also welcomed President Rosenberg as the new President of FIU. She said she knew he was happy to take on his new responsibilities. She said it was not often that one was able to achieve that to which one aspired. She congratulated Dr. Rosenberg on this achievement.

Ms. McDevitt noted that President Wetherell had also announced his intention to step down as President of FSU. She said Dr. Wetherell had done an excellent job for FSU, as well as keeping members of this Board on its toes. She said that in addition to his service to FSU, Dr. Wetherell had been President of Tallahassee Community College and a long-time administrator at Daytona Community College. He had served as the Executive Director of ICUF, representing Florida's independent higher education institutions. He had served as a Legislator, rising to become Speaker of the House. She said that he had contributed his life to public service.

Ms. McDevitt noted that earlier in the week, both UCF and FIU had welcomed their first classes of medical students. Dr. Hitt said UCF had celebrated its White Coat Ceremony with Dean Deborah German in the Pegasus Ballroom of the Student Center. He said they had welcomed 41 students, a diverse and able class. She said the donors of the scholarships for each of the students had been introduced, and matched with their students. Dr. Rosenberg said FIU had held a small ceremony welcoming 43 new

medical students. He said the class was also a diverse and capable class. He commented that one student had come from Cuba five years ago. He said President Maidique had opened the ceremony and he had closed it. He said they would celebrate their White Coat Ceremony the following day.

Ms. McDevitt said she continued to be interested in seeking new residencies. She said there was a great deal of discussion in Washington these days about funding new residencies. She said the difficulty was in the fields in which residencies were funded. She said Florida had its own story which needed to be told. She said she hoped to work with the entire Florida Congressional Delegation in securing new residencies. Dr. Hitt said 175 new residencies were coming to Orlando, which would be locally funded. Ms. McDevitt said she was concerned about the practice areas being designated in Washington. She said there was a lot of work to be done.

Ms. McDevitt congratulated President Ammons on the news of the accreditation of the FAMU College of Law. She said it was a signal achievement. Dr. Ammons said it had been a tremendous team effort. He said he looked forward to other milestones in the life of the law school, but that there was a big sigh of relief with the achievement of accreditation.

2. Approval of Minutes of the Meetings of the Board of Governors held June 18, 2009, and July 17, 2009

Mr. Martin moved that the Board approve the Minutes of the Meetings of the Board of Governors held June 18, 2009, and July 17, 2009, as presented. Mr. Stavros seconded the motion, and members of the Board concurred.

3. Report, President in Residence

President Delaney thanked the members of the Board for their recognition and thanks. He said he had enjoyed his service as President in Residence. He said he believed the Board was maturing as a Board as the members embraced their role in the governance structure. He said he had particularly enjoyed working with the Board staff. He said they were a dedicated group of professionals.

Ms. McDevitt said she would encourage Chancellor Brogan to seek ways to collaborate with the entire education landscape in Florida, with the K-12 schools, the community and state colleges, and the State Board of Education. Commissioner Smith said he would be happy to work to bring members of this Board together with members of the State Board of Education.

4. Approval of Employment Agreement for New Chancellor

Ms. McDevitt said she and Mr. Brogan had been successful in negotiating the terms of the Chancellor's employment contract. She explained that it was consistent with his contract as President of Florida Atlantic University. She said it recognized the differences in his responsibilities. She said the contract provided a base salary, plus standard employment benefits. She said the contract also provided for a life insurance policy, a long term disability policy, housing expenses and vehicle expense allowances. She said these provisions were the same as had been provided Chancellor Rosenberg. She explained that his new contract eliminated the opportunity for bonuses, and provided for one year of severance pay if he were terminated not for cause. She said the actual dollar value of the contract was less than his pay at FAU, but that she believed it to be a fair contract.

Mrs. Roberts moved that the Board approve the Employment Agreement for the new Chancellor, as presented. Mr. Stavros seconded the motion, and members of the Board concurred unanimously.

5. Consent Agenda:

- A. Authorize Release of Funds from the University Concurrency Trust Fund in Accordance with the Campus Development Agreement between UF, Alachua County and the City of Gainesville

Mr. Stavros moved that the Board approve the allocation and authorize the Department of Education to release funds in the amount of \$4.8 million to Alachua County, Florida, as final payment towards amounts negotiated in the Campus Development Agreement between the University of Florida Board of Trustees and Alachua County and the City of Gainesville, as presented. He added that the parties had signed the Campus Development Agreement consistent with this action. Mr. Barnes seconded the motion, and members of the Board concurred.

- B. Approve, Notice of Intent to Amend Chapter 14, Construction Program: Regulation 14.002, Definitions; Regulation 14.004, Public Announcement and Qualification Procedure; Regulation 14.005, Certification and Competitive Selection of Architects/ Engineers; Regulation 14.0055, Certification and Competitive Selection for Construction Management Services

Ms. McDevitt said the changes to these construction regulations were made to bring them into compliance with statutory changes made last Session.

Mrs. Roberts moved that the Board approve the Notice of Intent to amend the following BOG Regulations in Chapter 14, Construction



Program: Regulation 14.002, Definitions; Regulation 14.004, Public Announcement and Qualification Procedure; Regulation 14.005, Certification and Competitive Selection of Architects/ Engineers; and Regulation 14.0055, Certification and Competitive Selection for Construction Management Services, as presented, for posting to the website, pursuant to the Board's Regulation Development Procedure. Dr. Solano seconded the motion, and members of the Board concurred.

- C. Approve, Notice of Intent to Repeal BOG Regulation 21.213, Campus Master Plan Consistency with the State Comprehensive Plan and not in Conflict with Local Government Comprehensive Plans

Mr. Barnes moved that the Board approve the Public Notice of Intent to Repeal BOG Regulation 21.213, Campus Master Plan Consistency with the State Comprehensive Plan and not in Conflict with Local Government Comprehensive Plans, as presented, for posting to the website, pursuant to the Board's Regulation Development Procedure. Mr. Stavros seconded the motion, and members of the Board concurred.

- D. Final Approval, Amendments to BOG Regulations Approved for Notice in June: Regulation 6.017, Criteria for Awarding the Baccalaureate Degree; Regulation 9.011, University Direct Support Organizations and Health Services Support Organizations; and Regulation 12.001, Florida Solar Energy Center Operations

Ms. McDevitt said these Board Regulations had been approved for notice in June. There were no comments on the proposed Regulations.

Mr. Stavros moved that the Board approve Regulation 6.017, Criteria for Awarding the Baccalaureate Degree; Regulation 9.011, University Direct Support Organizations and Health Services Support Organizations; and Regulation 12.001, Florida Solar Energy Center Operations, as presented. Mr. Barnes seconded the motion, and members of the Board concurred.

- E. Final Approval, Repeal BOG Regulations approved for Notice in June: Regulation 4.002, Presidential Search, Selection, Appointment and Evaluation; Regulation 6.015, Student Records and Reports; and Regulation 9.020, University Health Services Support Organizations

Ms. McDevitt said these Regulations had been noticed for repeal in June. There were no comments concerning the proposed repeal.

Mr. Stavros moved that the Board approve the repeal of Regulation 4.002, Presidential Search, Selection, Appointment and Evaluation; Regulation 6.015, Student Records and Reports; and Regulation 9.020, University Health Services Support Organizations, as presented. Mr. Barnes seconded the motion, and members of the Board concurred.

6. Action Items/Status Reports, Board Committees:

A. Budget, Finance and Business Operations Committee; Approve Guidelines, Tuition Differential - Need-based Financial Aid

Mr. Perez reported that the Budget Committee had reviewed the draft BOG Need-based Financial Aid Policy related to the tuition differential. He said the policy directed the universities to comply with the legislative intent that universities must increase undergraduate need-based financial aid over the prior year by 30 percent of the tuition differential revenue. He said the first part of the policy set forth the provision of the statute to increase need-based financial aid over the previous year. He said the Committee recognized that the revenue might drop due to changing conditions, such as foundation investments might diminish or enrollments might decrease. He said the policy clarified that the universities could not supplant current need-based financial aid awards with the tuition differential. He said that if need-based financial aid dropped, the policy directed the universities to provide information as to the reason for the drop. He said staff had been directed to draft a regulation which would provide enough flexibility to the universities to address changing conditions.

He said the policy also directed the universities to maintain the tuition differential funds in a separate account. He noted that the universities had indicated this was not an inconvenience. He added that the policy also provided that this Board would report to the Legislature about the collection and distribution of tuition differential dollars. He said the universities would be asked to account to the Board the number of students receiving need-based financial aid from the tuition differential, the minimum and maximum award provided and the average award.

Mr. Perez moved that the Board adopt the draft policy guidelines, as presented. Mr. Tripp seconded the motion.

Mr. Martin inquired about the review process of the final regulation regarding differential tuition. Mr. Perez explained that the staff would develop a regulation which would outline the several reporting systems. Mr. Martin said he hoped the Board would review the

regulation thoroughly to ensure that it reflected the Board's intent regarding the numbers of students served and to maximize the numbers of students benefitting from these additional funds.

There were no further comments, and members of the Board concurred.

B. Strategic Planning and Academic and System Oversight Committee

1. Approve, Limited Access Status, B.S., Sport Management, FSU

Mr. Martin said that in accordance with Board Regulation 8.013, Florida State University had requested Limited Access status for the newly implemented Bachelor of Science degree in Sport Management due to limitations on the number of personnel, program budget, and classroom space available. He said that if limited access approval were granted for this program, applicants who met academic requirements would be rank ordered by the department based on overall GPA, and the top 100 students would be accepted into the Sport Management program.

Mr. Martin moved that the Board approve Limited Access status for the Bachelor of Science, Sport Management, at Florida State University, CIP Code 31.0504, as presented. Dr. Solano seconded the motion, and members of the Board concurred.

2. Approve, Small Business Development Center Network, UWF, as a State of Florida Center

Mr. Martin reported that the Committee had recommended approval of the Small Business Development Center Network, hosted by the University of West Florida, as the State University System's first entity to receive State of Florida Center status. He said that this network, Florida's branch of a federal program, had been operating for decades to assist in the creation and maintenance of small businesses. He said that six other universities in the SUS were affiliated with the UWF office, formerly designated a Type I Center before that designation had been abolished.

Dr. Solano moved that the Board approve the Small Business Development Center Network, hosted by the University of West Florida, as a State of Florida Center, as presented. Mrs. Roberts seconded the motion, and members of the Board concurred.

7. Concluding Remarks and Adjournment

Mrs. Roberts wanted to add to the record that Ava Parker's babies were the first babies ever born to a member of the Board of Governors, and likely to the Board of Regents, as well. She said that Bailey Gibbons and Parker Gibbons should be named "official babies" of the Board of Governors.

Mr. Stavros said he liked the concept of the university compacts. He said he was proud to be a member of the Board of Governors. He said this was an outstanding group and he was impressed with the leadership of Chair Sheila McDevitt and former Chair Carolyn Roberts.

President Delaney said it was critical to get the SUS message to the Legislature. He said it would be Chancellor Brogan's challenge to work with Legislative Leadership and for them to understand that the economic development of the state rested with the universities. He said the key was communicating that important message. Ms. McDevitt concurred and said the Board needed to do all it could to send that message loud and clear. She said she hoped to be meeting with editorial boards in the coming weeks.

President Bradshaw reported that he was pleased with the excellent support of Southwest Florida for Florida Gulf Coast University. He said FGCU continued to grow and was working hard to be the best regional comprehensive university that Southwest Florida expected. President Bense reported on the construction of a new dorm and the challenges to be addressed when evidence of an endangered species was found on site. She said UWF continued to meet the needs of its region.

Provost Glover reported that the University of Florida had partnered with Spain and Mexico to construct the world's largest optical telescope in La Palma, Canary Islands, and had participated in its formal dedication in July led by King Juan Carlos and Queen Sophia of Spain. He noted that UF astronomers had built a special camera for the telescope that looked for very, very cool planets in the process of forming around distant stars. He said the telescope was so powerful and easy to control, it could detect an ordinary candle from 20,000 miles away. Dr. Bob Bradley, Vice President for Planning and Programs, FSU, reported that the continuing education building would be completed within a few months. He said they were about half-way through the renovation of the Westcott Building. He said that the Johnson Building was also being renovated and would include help labs and space for the nutrition and fashion design programs.

Provost Wilcox reported on summer commencement. He said USF had the highest ever enrollment this summer and it was a continuing challenge to balance access and quality. He said they were opening a new 1000 bed residence hall this fall. Provost Callahan said there were 225 freshmen starting at New College this fall. She reported that they were about to break ground on new academic classroom space. She said New College was also growing.

President Brogan reported that FAU had just completed summer commencement ceremonies and 1600 students had graduated in three different ceremonies. He said there were 2700 FTIC coming in the fall semester. He said there had been 13,000 applicants for those 2700 slots. He said these new students were coming with better GPA averages and SAT scores than previous entering classes. He said there was construction everywhere on the several FAU campuses. He said he was confident in leaving the university in the capable hands of his Provost, John Pritchett, as Interim President.

President Brogan thanked Chair McDevitt and the members of the Board for selecting him as the new Chancellor. He thanked Mrs. Roberts and the members of the Chancellor Search Committee. He said he was not taking this job for the compensation, and that he did feel he could make a contribution to the State University System. He thanked Former Chancellor Mark Rosenberg and President in Residence John Delaney for their contributions. He said he was eager to work on issues of appropriate and predictable funding. He said he was confident in the governance system in place in Florida and that he was looking forward to working with his partners in the community and state colleges, with the business community, and with the faculty and the students. He said he was excited to take on this new challenge.

Having no further business, the Chair adjourned the meeting of the Board of Governors, State University System of Florida, at 10:30 a.m., August 6, 2009.

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Sheila M. McDevitt,  
Chair

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Mary-Anne Bestebreurtje,  
Corporate Secretary