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 STATE UNIVERSITY SYSTEM OF FLORIDA  
 BOARD OF GOVERNORS  
 BALLROOM  
 GRAHAM CENTER  
 FLORIDA INTERNATIONAL UNIVERSITY  
 11200 S.W. 8<sup>TH</sup> STREET  
 MIAMI, FLORIDA 33199  
 JANUARY 30-31, 2019

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 and its Committees are accessible at <http://www.flbog.edu/>.*

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1. Call to Order and Pledge of Allegiance

On January 31, 2019, Chair Ned C. Lautenbach convened the meeting at 5:00 p.m. with the following members present and answering roll call: Vice Chair Syd Kitson; Tim Cerio; Dr. Shawn Felton; Patricia Frost; H. Wayne Huizenga, Jr.; Darlene Jordan; Edward Morton; Jay S. Patel; Dr. Fernando Valverde; Jalisa White and Dr. Zach Zachariah. Mr. Levine and Mr. Tripp attended the meeting by telephone.

2. Trustee Orientation

A trustee orientation was held on January 30, 2019, at Florida International University for trustees who were unable to attend the prior orientation sessions held in 2018. Vice Chair Syd Kitson and Mr. Patel attended. Trustees received an overview of the role of the Board of Governors and university boards of trustees and their fiduciary responsibilities, the budget process and revenue sources for operating and fixed capital outlay projects and appropriate use of revenue sources, the Board's Strategic Plan and accountability process, the Board's and universities' audit and compliance functions, the performance-based funding model and metrics, and Florida's Sunshine Law and Code of Ethics for public officers.

3. Chair's Report

Chair Lautenbach thanked Chair Claudia Puig and President Rosenberg and the staff at Florida International University for all of their efforts in hosting the meeting. President Rosenberg said they were proud to host the Board and Chair Puig thanked the Board for its leadership and encouraging universities to ensure their students are prepared for the 21<sup>st</sup> century workforce. She reminded the Board it had recently approved the performance-based funding model prior to its last meeting at FIU, which raised the bar for everyone. At that time, FIU knew it had work to do and she commended President Rosenberg for getting everyone at FIU involved, including the students, in efforts to move the needle on the metrics. Now, FIU is one of the top 100 public universities in the nation according to U.S. News and World Report and ranked second on the

performance-based funding metrics last year. She thanked the Board for inspiring FIU to reach higher.

Chair Lautenbach welcomed Mr. Richard Corcoran who is the new Commissioner of Education, but was unable to attend the meeting due to a scheduling conflict. Mr. Corcoran was Speaker of the Florida House of Representatives from 2016 to 2018. During his tenure in the state House, he championed over \$10 billion in tax cuts, the expansion of school choice, and greater transparency in state government.

Chair Lautenbach noted the Board is losing two members, former Commissioner of Education Pam Stewart and Ms. Wendy Link. He expressed admiration for their focus on improving student outcomes. Ms. Shirley read two resolutions honoring Ms. Stewart and Ms. Link for their dedicated and valuable service to the State University System and the Board of Governors. Mr. Kitson moved adoption of the resolutions, which was seconded by Mr. Huizenga and the members concurred unanimously.

In his remarks, Chair Lautenbach recognized the achievements of the State University System, but noted we will never reach our full potential if we don't earn and keep the trust of our stakeholders – a trust which has been eroded by the serious problem the Board addressed at length during the Audit and Compliance Committee. He explained this is a critical piece that must be rectified moving forward.

He next thanked the Legislature for approving an additional \$25.3 million for the Bright Futures Scholarship Program, which was necessitated by a higher than expected number of eligible participants in the program. He expressed great pleasure in learning that Florida has an increased number of students who qualify for this important scholarship.

4. Minutes of Board of Governors Meeting

A. Board of Governors Meeting held November 8, 2018

Mr. Morton moved approval of the Minutes of the meeting held November 8, 2018, as presented. Mr. Patel seconded the motion, and the members concurred unanimously.

5. Chancellor's Report

Chancellor Criser reported on some staffing changes at the Board office. Ms. Emily Sikes has been promoted to Assistant Vice Chancellor for Strategic Initiatives and Economics and Mr. Roger Strickland is the new Director of Economic Development. In addition, Ms. Peg Bonyata, the Board's Application Design and Support Process Manager in the Information Technology office, is retiring effective February 28, 2019.

6. Board of Governors Self Evaluation Survey

Dr. Traki Taylor, the Assistant Vice Chancellor in the Board's Office of Academic and Student Affairs, explained the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional accreditation body for each of our institutions. Under the newly revised SACSCOC principles, each university board of trustees must complete a self-evaluation and the Board of Governors, as the governing body for the System, must conduct one as well. The Board of Governors' self-evaluation must be documented in each university's compliance report as evidence of their compliance with SACSCOC principles.

The goal of the evaluation is to focus on self-improvement and to ask questions to allow Board members to become increasingly effective. Dr. Taylor explained staff will analyze the findings from the evaluation to determine what future actions need to be taken for overall improvement. The self-evaluation process will occur every two years and will be conducted through an online anonymous survey. The first survey will be sent to members on February 1, 2019 and results will be reported to the Board at the March 2019 meeting.

7. Public Comment

Chair Lautenbach asked Ms. Shirley if there were any requests for public comment for items on the Board's agenda. Ms. Shirley stated there were three requests for public comment.

Mr. Justin Hemlepp, the attorney for Knight News, Inc., addressed the Trevor Colbourn Hall controversy at the University of Central Florida. He explained Knight News encountered difficulty in obtaining public records from UCF related to Colbourn Hall and specifically whether a representative from the university's General Counsel's office was in attendance at any trustee meetings where Colbourn Hall was discussed. The request was made in September 2018 and after the university advised that no such records existed, Knight News filed a lawsuit against the university seeking a court order to obtain any responsive records. He stated the university produced records in January 2019 upon the conclusion of the Bryan Cave investigation into Colbourn Hall and that those records included an audio recording that stopped before the trustees were to take up Colbourn Hall. Mr. Hemlepp asked the Board to help the university foster a culture of transparency and accountability moving forward.

The next speaker was Mr. Marshall Ogletree, the Executive Director of United Faculty of Florida. Mr. Ogletree urged the Board members to review the upcoming report to be issued by the Florida Public Employees Relations Commission that he stated will address unfair labor practices at Florida Polytechnic University. He indicated four faculty bargaining team members at Florida Polytechnic were either dismissed or non-

renewed, including Christina Drake who previously addressed the Board about the dismissal of the mental health counselor and the librarian at Florida Polytechnic. He expressed frustration over Florida Polytechnic's management of the university and requested the Board to undertake an investigation.

The final speaker was Mr. Bruce Sukennikoff. Mr. Sukennikoff previously addressed the Board at the September 2018 meeting and spoke again to urge the Board to remove President Avent, Provost Parker and Assistant Provost Miller due to what he perceives is a lack of student services on the Florida Polytechnic campus for students dealing with mental health issues or those with disabilities. Mr. Sukennikoff stated the Board has a moral and ethical obligation to take action and, in his opinion, has failed in its responsibility to manage the State University System. He spoke of another student suicide on the Florida Polytechnic campus, after which he and his wife decided to temporarily withdraw their son from the school. In closing, he asked the Board to take action to enhance the mental health and disability services for students at Florida Polytechnic University.

8. Two + Two Articulation Committee Report

Chair Lautenbach called on Mr. Levine for the Two + Two Articulation Committee Report. Mr. Patel announced he would be giving the report. He said the committee received an update on the progress of the Two + Two Workgroup; a state level overview of dual enrollment; and a presentation by Dr. Peter Barbatis, the Vice President of Student Services and Interim Provost of the Lakewood Campus of Palm Beach State College, regarding the impact of dual enrollment on statewide two + two articulation agreements.

9. Drugs, Alcohol and Mental Health Task Force Report

Chair Lautenbach called on Dr. Valverde for the Drugs, Alcohol and Mental Health Task Force Report. Dr. Valverde reported the Task Force received an update on the Dashboard Project, on system-wide initiatives relative to student wellness, and presentations related to promoting college student mental health, the Florida State University Resiliency Project, and education, prevention and treatment of medical students with mental illness and burnout.

10. Academic and Research Excellence Committee Report

Chair Lautenbach called on Mr. Levine for the Academic and Research Excellence Committee Report. Ms. Jordan indicated she would provide the report. The committee heard a presentation on a research collaboration between Florida International University, University of South Florida, and Florida Atlantic University related to the

Center for Aquatic Chemistry and the Environment at FIU. The committee also took up two action items.

A. World Class Faculty and Scholar Report

Ms. Jordan moved approval of the World Class Faculty and Scholar Report as required by section 1004.6497, Florida Statutes. Mr. Morton seconded the motion and the members concurred unanimously.

B. Professional and Graduate Degree Excellence Report

Ms. Jordan moved approval of the Professional and Graduate Degree Report as required by section 1004.6498, Florida Statutes. Ms. Frost seconded the motion and the members concurred unanimously.

11. Academic and Student Affairs Committee Report

Chair Lautenbach recognized Mr. Tripp to report on the Academic and Student Affairs Committee. Mr. Tripp, who attended the meeting by telephone, asked Mr. Morton to deliver the report.

A. Public Notice of Intent to Create Board of Governors Regulation 6.021 Hazing Prohibited

Mr. Morton moved approval of the Public Notice of Intent to Create Regulation 6.021 Hazing Prohibited, which reinforces the statutory requirement for university boards of trustees to establish anti-hazing policies that prohibit students, groups of students, or any university recognized student organization from engaging in hazing. Ms. Frost seconded the motion and the members concurred unanimously.

B. Exception to 120 credit hours for the Bachelor of Science Biomedical Engineering, CIP 14.0501, University of South Florida Tampa

Mr. Morton moved approval of the University of South Florida's request for an exception to the 120 credit hour limitation for the Bachelor of Science in Biomedical Engineering. The University of South Florida Board of Trustees approved the exception on June 12, 2018, which will become effective if approved by the Board of Governors. Mr. Felton seconded the motion. The motion was approved with twelve members voting in the affirmative and Chair Lautenbach voting in opposition.

- C. Exception to 120 credit hours for the Bachelor of Science Construction Management, CIP 15.1001, Florida Gulf Coast University

Mr. Morton moved approval of Florida Gulf Coast University's request for an exception to the 120 credit hour limitation for the Bachelor of Science in Construction Management. The Florida Gulf Coast University Board of Trustees approved the exception to require 126 credit hours on September 11, 2018, which will become effective if approved by the Board of Governors. Mr. Kitson seconded the motion with the caveat that the university work with staff to reduce the degree to 123 hours. The motion, as amended, was approved with eleven members voting in the affirmative, and Chair Lautenbach and Mr. Cerio voting in opposition.

#### 12. Innovation and Online Committee Report

Chair Lautenbach recognized Mr. Morton for the Innovation and Online Committee report. Mr. Morton stated the committee received presentations regarding the annual Student Textbook Survey on textbook affordability issues conducted by the Florida Virtual Campus, and on the annual report that summarizes university textbook adoption processes and campus initiatives designed to reduce student costs.

#### 13. Facilities Committee Report

Chair Lautenbach recognized Mr. Huizenga for the Facilities Committee report. Mr. Huizenga stated the committee had one item for approval on its agenda.

- A. 2019-2020 State University System Fixed Capital Outlay Legislative Budget Request

Mr. Huizenga moved approval of the 2019-2020 State University System Fixed Capital Outlay Legislative Budget Request as amended by the committee, noting that while the committee is recommending a reduction in the Public Education Capital Outlay (PECO) request, the reduction matches the latest PECO estimate and does not mean project costs have decreased or that project sizes can be reduced. Ms. Jordan seconded the motion and the members concurred unanimously.

#### 14. Strategic Planning Committee Report

Chair Lautenbach called on Ms. Jordan for the Strategic Planning Committee Report. Ms. Jordan stated the committee took up two items for approval and three for information. The informational items included updates from the University of North



Florida and Florida Gulf Coast University regarding the universities' Accountability Plans approved in June 2018; an overview of the Board's 2025 Strategic Plan's Teaching and Learning metrics and proposed adjustments to some of those metrics; and a \$10.8 million legislative budget request from the University of North Florida to expand academic support programs, decrease student cost to degree, and provide for supplemental instruction.

A. Florida Polytechnic University 2018-2023 Strategic Plan

Ms. Jordan moved approval of the Florida Polytechnic University 2018-2023 Strategic Plan. Mr. Morton seconded the motion and the members concurred unanimously.

B. State University System 2018 Accountability Plan Approval

Ms. Jordan moved approval of the State University System 2018 Accountability Plan. Mr. Morton seconded the motion and the members concurred unanimously.

15. Budget and Finance Committee Report

Chair Lautenbach recognized Mr. Kitson for the Budget and Finance Committee Report. Mr. Kitson stated there were several action items for the Board to consider.

A. Regulation 5.001 - Performance-Based Funding

Mr. Kitson moved approval of amendments to Board Regulation 5.001 Performance-Based Funding, which was approved for publication for public comment at the November 2018 meeting. The amendments adopt a new allocation methodology which eliminates the concept of the "bottom 3" and allows all universities to potentially receive their entire portion of the state's investment. Ms. Jordan seconded the motion and the members concurred unanimously.

B. University Carryforward Expenditure Plans

Mr. Kitson moved approval of the university carryforward plans as presented to the committee for the following universities: Florida Atlantic University, Florida Gulf Coast University, Florida State University, Florida International University, Florida Polytechnic University, New College of Florida, University of Florida, University of North Florida, University of South Florida and University of West Florida. Mr. Huizenga seconded the motion and the members concurred unanimously.

Mr. Kitson moved approval of the Florida Agricultural & Mechanical University's carryforward plan as submitted with the exception of the board of trustees' reserves of

\$8.9 million, for which the university will develop a fiscal plan. Mr. Huizenga seconded the motion and the members concurred unanimously.

Mr. Kitson moved approval of the University of Central Florida carryforward plan for \$20 million allocated to deferred maintenance. The university will develop a fiscal plan for the \$40 million allocated for student financial aid and the \$20 million allocated for other commitments. Mr. Huizenga seconded the motion and the members concurred unanimously.

C. 2019-2020 Legislative Budget Request Update

Mr. Kitson moved approval of an amendment to the 2019-2020 Legislative Budget Request to include \$10.8 million for the University of North Florida "Support Our Students" initiative. Mr. Huizenga seconded the motion and the members concurred unanimously.

16. Audit and Compliance Committee Report

Chair Lautenbach recognized Mr. Huizenga for the Audit and Compliance Committee report. Mr. Huizenga reported Ms. Julie Leftheris, the Board's Inspector General and Director of Compliance, provided a final update on the universities' implementation of university-wide compliance and ethics programs. In addition, the committee took up two action items.

A. Revision of Office of Inspector General and Director of Compliance Charter

Mr. Huizenga moved approval of the revisions to the Office of Inspector General and Director of Compliance Charter. Ms. Frost seconded the motion and the members concurred unanimously.

B. Certification of Legally Available Funds for Capital Construction and Action on the University of Central Florida Investigation

Ms. Leftheris reported on the results of Chair Lautenbach's request to each university to review the funding sources for capital projects approved since July 1, 2008. Each university, except for the University of Central Florida and the University of South Florida, were able to certify that projects had been constructed with legally available funds. The University of South Florida inappropriately expended \$6.4 million in carryforward funds on a project after it was underway. The university is conducting a review overseen by Ms. Nancy Watkins, the Chair of the university's Audit Committee, and will provide the committee with more information once the review is complete.

With regard to the University of Central Florida, the Auditor General had discovered a misuse of education and general funds for the construction of a new building. The university board of trustees retained the Bryan Cave Leighton Paisner law firm to investigate. The investigative team included staff from PricewaterhouseCoopers for their forensic expertise, and the university's Audit and Compliance Chair, Beverly Seay, was in charge of the investigation. Mr. Joey Burby, was the lead investigator and provided the committee with an overview of the results of the investigation. Additionally, President Whittaker and Chair Marchena summarized the corrective actions that have, or will be, implemented.

Mr. Huizenga then moved to continue the investigation into the misuse of education and general funds with the investigation to be paid for by UCF; to review the UCF Strategic Plan; for the Budget and Finance Committee to review UCF reserves; and to undertake a review with the UCF Board of Trustees of its fiduciary responsibilities. Mr. Morton seconded the motion and the members concurred unanimously.

17. Presidential Search Report

Chair Lautenbach called on Ms. Jordan for an update on the University of South Florida Presidential Search Report. Ms. Jordan said the university is looking to hire someone with strong academic and scholarly experience, preferably with experience at an American Association of Universities (AAU) institution. In developing the position profile, the search committee reviewed profiles of AAU presidents and provosts and top research university presidents and provosts at non-AAU universities. The University of South Florida Board of Trustees approved the position profile at its last meeting and the position has been advertised in leading and diverse educational publications. The board and the search committee anticipate completing the search in the spring.

18. Concluding Remarks and Adjournment

Chair Lautenbach announced the next in-person meeting of the Board will be March 27-28, 2019 at Florida Agricultural & Mechanical University. Having no further business, the meeting was adjourned at 5:47 p.m. on January 31, 2019.

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Ned C. Lautenbach, Chair

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Vikki Shirley,  
Corporate Secretary