

**Florida Gulf Coast University Board of Trustees
April 21, 2009**

SUBJECT: Minutes of January 20, 2009 Meeting

PROPOSED BOARD ACTION

Approve minutes

BACKGROUND INFORMATION

The Florida Gulf Coast University Board of Trustees met on January 20, 2009. Minutes of the meeting were kept as statutorily required.

Supporting Documentation Included: Minutes of January 20, 2009 Meeting

Prepared by: Executive Assistant to the President Barbara Krell

Legal Review: N/A

Submitted by: President Wilson G. Bradshaw

MINUTES

FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES MEETING

TUESDAY, JANUARY 20, 2009
8:30 A.M. – STUDENT UNION BALLROOM

Chairman Lutgert convened the meeting of the University Board of Trustees with the following members present:

Brian Cobb
Larry Hart
Bernie Lester
David Lucas
Scott Lutgert
James Malone via conference call
Doug St. Cerny
Jerry Starkey
Michael Villalobos
Jaynie Whitcomb
Sean Terwilliger
Halcyon St. Hill

Peter Sulick, Chair, Foundation Board of Directors

Members of Staff Present:

Wilson G. Bradshaw, President
Ron Toll, Provost and Vice President for Academic Affairs
Joe Shepard, Vice President for Administrative Services and Finance
Steve Magiera, Vice President for Advancement
Mike Rollo, Vice President for Student Services
Susan Evans, Chief of Staff
Vee Leonard, General Counsel
Kathy Bottoms
Barbara Krell

Guests: Ms. Jennifer Goen, Director, Government Relations

1. Call to Order, and Roll Call – Chair Scott Lutgert

Chair Lutgert greeted Trustees and thanked audience members for attending. He asked Ms. Evans to call the roll and the results are indicated above. He reminded the audience that if any member of the public wishes to speak to an agenda item please

see Ms. Bottoms at the staff table to complete a speaking request card. Chair Lutgert asked President Bradshaw to introduce our standing reports this morning.

2. Remarks from FGCU Student Government – President Sean Terwilliger

President Bradshaw greeted everyone for the first meeting in 2009 and introduced Student Government President Terwilliger who updated Trustees regarding student activities planned for the spring term.

3. Remarks from FGCU Faculty Senate – President Halcyon St. Hill

President Bradshaw introduced Dr. St. Hill who reported on the Faculty Senate accomplishments and activities.

4. Remarks from FGCU Staff Advisory Council (SAC) – President Ruth Rodrigues

President Bradshaw introduced Ms. Rodrigues who updated Trustees regarding SAC activities.

5. Remarks from FGCU Foundation Board of Directors – Chair Peter Sulick

President Bradshaw introduced Mr. Sulick. Mr Sulick provided a report regarding the FGCU Foundation Board of Directors' accomplishments.

6. President's Report – President Wilson G. Bradshaw

President Bradshaw reported on the 2009 Legislative Special Session to include budget cuts to FGCU of \$2,127,925 in Operating Funds. This is the 4% holdback from the State and for this current fiscal year. (It is comprised of \$230,842 in Lottery funds and \$1,897,083 in General Revenue funds). President Bradshaw stated we had anticipated this cut and had held back the 4% going in to this fiscal year.

President Bradshaw stated our Solar Project was in line for a \$2.1 million cut but our Legislative Delegation and Senator Alexander helped that become a \$1 million cut, and we are trying now to see what can be done to make certain that the project does not suffer. He thanked the legislators for their advocacy.

President Bradshaw stated that Dr. Shepard will provide a budget overview later in the meeting. He stated spring headcount is up 11% (9842) with undergraduate up 10% and graduate headcount up 22%. President Bradshaw stated that total annual fundable FTE is up 13% which includes 12% undergraduate FTE and 21% graduate FTE.

President Bradshaw stated the national search for the Athletics Director is underway. The committee is being chaired by Dr. Hudson Rogers, Associate Provost. He stated the timeline is to have someone hired and in place by July 1st. President

Bradshaw introduced Ms. JoAnn Nester, Interim Athletic Director and stated she is doing a wonderful job.

President Bradshaw reported on the FGCU and Edison State College Charlotte County enhanced collaborative effort where we would work together to bring more degree completion programs to the Edison State College site in Charlotte and ensure unnecessary duplication of programs. He stated we are preparing a proposal to share with the Legislature this session, however, there is no new money and so he is not optimistic. President Bradshaw thanked the Joint Committee from Edison State College and FGCU for working on that effort.

President Bradshaw reported that FGCU was named University of the Year by the Florida Division of Management Services – Office of Supplier Diversity. He stated in December we received that recognition and is in recognition of our leadership role in advancing the State of Florida’s supplier diversity program. President Bradshaw recognized Ms. Maryan Egan, FGCU’s Director of Procurement Services and Mr. Rick Pence, Assistant Director of Procurement Services to stand and be recognized.

President Bradshaw called attention to the calendar at each Trustee’s place from our Office of Research and Sponsored Programs led by Dr. Tom Roberts. President Bradshaw asked Trustees to read his letter in our current Pinnacle Magazine which highlights the value FGCU brings to this region.

7. Consent Agenda – Chair Scott Lutgert

- Minutes of August 22, 2008 Meeting (Addendum A)
- Minutes of October 21, 2008 Meeting (Addendum B)

Motion was made by Trustee Lucas to approve the Consent Agenda. Motion was seconded by Trustee Cobb. Motion carried.

8. Academic/Student/Faculty Affairs Committee Meeting – Committee Chair Larry Hart

Committee Chair Hart stated there are three action items on the agenda today and he introduced Provost Toll who reviewed the following items with Trustees:

- Delegation of Authority (Addendum C) – Motion was made by Trustee St. Hill to approve the Delegation of Authority. Motion was seconded by Trustee Cobb. Motion carried.
- FGCU Policy 2.11 Centers and Institutes in accordance with BOG Regulation 10.015 Institutes and Centers (Addendum D). Motion was made to approve FGCU Policy 2.11 Centers and Institutes in accordance with BOG Regulation 10.015 Institutes and Center by Trustee St. Hill. Motion was seconded by Trustee Lester. Motion carried.
- Regulation: FGCU-PR4.008 International Student Insurance (Addendum E) – Motion was made by Trustee St. Hill to approve FGCU-PR4.008

International Student Insurance. Motion was seconded by Trustee Villalobos. Motion carried.

9. Finance & Administration Committee Meeting – Committee Chair David Lucas

Committee Chair Lucas introduced Dr. Shepard who reviewed the following Information Only items:

- Finance/Budget Update (Addendum F)
- Unaudited University Financial Statements for Fiscal Year Ended June 30, 2008 (Addendum G)

Ms. Leonard reviewed the two Executive Session information only items with Trustees:

- Minutes of Executive Session on June 17, 2008 (Addendum H)
- Minutes of Executive Session on August 22, 2008 (Addendum I)

Ms. Leonard reviewed the following Action Items:

- Ratification of Lawsuit Settlement for Flood Vaughn v. FGCU Board of Trustees. (Addendum J) Motion was made by Trustee Lester to approve the Ratification of Lawsuit Settlement for Flood Vaughn v. FGCU Board of Trustees. Motion was seconded by Trustee Villalobos. Motion carried.
- Ratification of Lawsuit Settlement for Morris v. FGCU Board of Trustees (Addendum K) Motion was made by Trustee Hart to approve the Ratification of Lawsuit Settlement for Morris v. FGCU Board of Trustees. Motion was seconded by Trustee Starkey. Motion carried.

Dr. Shepard reviewed the following Action Items:

- Statewide Mutual Aid Agreement (Addendum L) Motion was made by Trustee Hart to approve the Statewide Mutual Aid Agreement. Motion was seconded by Trustee Cobb. Motion carried.
- Regulation: FGCU-PR5.003 Employee Debt Collection (Addendum M) Motion was made by Trustee Whitcomb to approve the FGCU-PR5.003 Employee Debt Collection. Motion was seconded by Chair Lutgert. Motion carried.
- Regulation: FGCU-PR1.003 Non-Discrimination and Anti-Harassment, and Regulation: FGCU-PR1.004 Sexual Harassment (Addendum N) Dr. Shepard stated that during the required 30 day notice period, the University did receive feedback from the public and it is important to note the comment received under general statement first page paragraph a, affirmation, approximately 4th line down, it reads: “in an environment free from any form of illegal discrimination including race, color, religion, age, disability, (or handicap), sex, national origin, marital status, and veterans status, except as otherwise

permitted by law.” Dr. Shepard stated the feedback received by the public comments was the desire to include sexual orientation. He stated that when this item was researched, it was noted that this Board approved in the Collective Bargaining Agreement of 2005 which include the wording of sexual orientation to protect the faculty at least from discrimination and harassment. Trustee St. Hill moved that FGCU-PR1.003 Non-Discrimination and Anti Harassment and Regulation FGCU-PR1.004 Sexual Harassment be approved with an amendment to include sexual orientation. Motion was seconded by Trustee Starkey. Ms. Evans stated there were two individuals who have completed speaker cards and at this time she called on the following individuals to speak: Madelyn Isaacs and Douglas Harrison spoke in favor of including sexual orientation to this regulation. Trustee St. Hill stated that the Faculty Senate has approved a resolution in support of the amendment to include sexual orientation. Motion carried.

- Bylaws Amendment to Create Audit Committee (Addendum O) Motion was made by Trustee Whitcomb to approve the Bylaws Amendment to Create an Audit Committee. Motion was seconded by Trustee Lester. Motion carried.
- 2009-2010 Student Housing Rental Rates (Addendum P) Motion was made by Trustee Starkey to approve the 2009-2010 Student Housing Rental Rates. Trustee Hart stated he hoped that at some point we will be able to provide the full costs on the front end for those individuals who will be paying for the housing. Motion was seconded by Chair Lutgert. Motion carried with Trustee Hart opposed.
- 2009 Legislative Agenda (Addendum Q) Ms. Goen presented the 2009 Legislative Agenda to Trustees. Motion was made by Trustee St. Hill to approve the 2009 Legislative Agenda. Motion was seconded by Trustee Hart. Motion carried.
- Regulation: FGCU-PR5.019 Personnel Records Limited Access (Addendum R) Dr. Shepard asked that the motion include a rejection of the changes for paragraph C so that it will not be in conflict with paragraph B. Motion was made by Chair Lutgert to approve Regulation: FGCU-PR5.019 Personnel Records Limited Access with the rejection of the changes of paragraph C. Motion was seconded by Trustee Starkey. Motion carried.

10. Old Business – Chair Scott Lutgert

There was no old business to come before the Board.

11. New Business – Chair Scott Lutgert

President Bradshaw reported that two things happened this weekend that we should be proud of our campus community. He stated one was the Harry Chapin Food Bank Hunger Walk which was well attended and the goal was to raise \$50,000 and the final amount was closer to \$60,000 with FGCU raising a high amount of that total. Second, while clearing the field for the solar farm, faculty and 30 students relocated trees to another place on campus. He stated this is important work that our faculty, staff and students are providing.

12. Chair's Closing Remarks, & Adjourn Meeting – Chair Scott Lutgert

Chair Lutgert thanked the President, faculty and staff for their participation in these activities.

Next Regular Meeting – April 21, 2009. The meeting adjourned at 9:40 a.m.

Addendums:

- A. Minutes of August 22, 2008 Meeting
- B. Minutes of October 21, 2008 Meeting
- C. Delegation of Authority
- D. FGCU Policy 2.11 Centers and Institutes
- E. Regulation: FGCU-PR4.008 International Student Insurance
- F. Finance/Budget Update
- G. Unaudited University Financial Statements for Fiscal Year Ended June 30, 2008
- H. Minutes of Executive Session on June 17, 2008
- I. Minutes of Executive Session on August 22, 2008
- J. Ratification of Lawsuit Settlement for Flood Vaughn v. FGCU Board of Trustees
- K. Ratification of Lawsuit Settlement for Morris v. FGCU Board of Trustees
- L. Statewide Mutual Aid Agreement
- M. Regulation: FGCU-PR5.003 Employee Debt Collection
- N. Regulation: FGCU-PR1.003 Non-Discrimination and Anti-Harassment
- O. Bylaws Amendment to Create Audit Committee
- P. 2009-2010 Student Housing Rental Rates
- Q. 2009 Legislative Agenda
- R. Regulation: FGCU-PR5.019 Personnel Records Limited Access