



Board of Trustees Meeting Minutes

MEETING MINUTES

BOT approved 09.27.2023

**Monday, August 21, 2023
3:45 PM – 5:00 PM**

Florida Polytechnic University WEBEX TELECONFERENCE MEETING

I. Call to Order

Chair Cliff Otto called the meeting to order at the conclusion of the Finance and Facilities Committee meeting at 3:20 p.m.

II. Roll Call

Kristen Wharton called the roll: Chair Cliff Otto, Vice Chair Beth Kigel, Trustee Ajeet Kaushik, Trustee Melia Rodriguez, Trustee Mark Bostick, Trustee Laine Powell, Trustee Narendra Kini, Trustee Lyn Stanfield, Trustee David Williams, and Trustee Gary Wendt were present (Quorum).

Trustees not present: n/a

Staff present: President Randy Avent, Provost Terry Parker, Dr. Allen Bottorff, Kathy Bowman, David Blanton, Mike Dieckmann, David Fugett, Melaine Schmitz, Maggie Mariucci, Lydia Guzman, and Kristen Wharton were present.

III. Public Comment

There were no requests received for public comment.

IV. Approval of the Consent Agenda

Chair Otto brought forward the consent agenda for trustee approval.

A. Finance and Facilities Committee

1. Approve the 10-year contract renewal for the Workday Enterprise Resource Planning system licensed from Workday Inc. for a total agreement cost of \$5,788,500
2. Approve the following naming opportunity ratified by the Florida Polytechnic University Foundation Board of Directors on July 26, 2023: The Ralph Allen Family and Allen & Co. Atriums
3. Approve the Performance Based Funding (PBF) Report for the 2024-2025 Legislative Budget Request (LBR)

B. Board of Trustees

1. Approve Board of Trustees meeting minutes from 6/14/23
2. Approve Board of Trustees meeting minutes from 6/30/23

As each of the consent agenda items comes before the Board with unanimous

approval from the respective Committees, there is no need for a second. A vote was taken, and the motion passed unanimously.

V. Ratification of Amendment to Article 12 of the Collective Bargaining Agreement

David Fugett, vice president and general counsel, presented the amendments to Article 12 (Salaries) of the Collective Bargaining Agreement (CBA). The University and faculty negotiated progressive raises for faculty based on their individual overall evaluation rating. Trustee Wendt inquired if these raises pertain only to Florida Poly or the entire SUS. Fugett responded that faculty raises across the SUS were reviewed for comparison and Florida Poly's raises are at or slightly above the rest of the SUS.

Trustee Mark Bostick inquired about the number of faculty that fell into each rating category. President Avent stated that University department heads utilize a 10/40/40/10 model when rating their employees. Provost Parker shared there were 5-6 faculty who achieved a rating of "exemplary," approximately 40% achieved "exceeds expectations," 50% achieved "meets expectations," three achieved "needs improvement," and zero achieved "deficient." Fugett notified trustees that the UFF-Florida Polytechnic University Chapter ratified this amendment at their last meeting.

Trustee Wendt inquired if the University desires to see a greater number of faculty achieving ratings of "exemplary" and "exceeds expectations." Provost Parker explained the guidelines and process for how ratings are determined and noted that faculty ratings have consistently improved from year to year. Trustee Narendra Kini asked if peer and student input is included in faculty evaluations, and if there is a ratio by which academic research output and soft skills are evaluated. Provost Parker stated comments from the student evaluations of faculty are read and considered, however, peer evaluation is not conducted. Research productivity is easier to evaluate than soft skills, but, again, student comments regarding these skills assist in the overall evaluation. Trustee David Williams commented that in his experience, salary is rarely at the top of the list in a faculty's decision to come to or to stay at a university.

Trustee Melia Rodriguez made a motion to ratify the Amendment to Article 12 (Salaries) of the 2021-2024 Collective Bargaining Agreement ("CBA") with the United Faculty of Florida ("UFF"), subject to the anticipated ratification of the Amendment by the UFF-Florida Polytechnic University Chapter. Trustee David Williams seconded the motion; a vote was taken, and the motion passed unanimously.

VI. Presidential Search

Chair Otto recognized BOG Regulation 1.002 Presidential Search and Selection as the authority which guides the process for presidential search and outlines the responsibilities of the Board Chair, the Board of Trustees, and the Search Committee. He announced that Vice Chair Kigel has accepted his invitation to be the Search Committee Chair.

Fugett reviewed the key directives in Regulation 1.002, starting with the Board Chair's responsibility to select the Search Committee in consultation with the chair of the BOG. Additionally, there are specific requirements for the makeup of the members of the Committee. The Board of Trustees or its designee has the responsibility to obtain and executive compensation analysis, may retain the services of an executive search firm, and provides a charge to the Search Committee.

Fugett then reviewed the responsibilities of the Search Committee, highlighting the responsibility to recommend an unranked list of more than two final applicants to the Board of Trustees. Once this occurs, the Search Committee dissolves since their work is complete.

He covered the Board of Trustees' responsibilities, emphasizing it is the full Board of Trustees who selects a final qualified candidate.

Fugett reviewed newly enacted state law, Florida Statute 1004.098, which states "any personal identifying information of an applicant for president of a state university...is confidential and exempt..." Additionally, "any portion of a meeting held for the purpose of identifying or vetting applications for president of a state university,...including any portion of a meeting which would disclose personal identifying information of such applicants which is otherwise confidential and exempt under subsection (1), is exempt..." However, as stated in this law, "a complete recording must be made of any portion of a meeting which is closed pursuant to paragraph (1), and any closed portion of such meeting may not be held off the record. The recording of the closed portion of a meeting is exempt..." This means that any meeting where the Committee discusses actual candidates will be noticed publicly and will be recorded, however, these meetings will be closed to the public. Fugett reminded trustees not to utilize the telephone or other means of communication to conduct a private discussion about Board business. He also stated while a Board member is not prohibited from discussing Board business with staff or a non-board member, these individuals cannot be used as a liaison to communicate information between Board members. Once the Board of Trustees receives the list of final candidates, that list will be public.

Trustee Wendt asked for clarification on meetings that are noticed publicly but are also recorded. Fugett responded that the University is required to record a closed meeting in case the BOG or the executive office of the Governor requested it or if there is ever any litigation and a court ordered it to be provided.

Chair Otto stated two items can be acted upon at this meeting: approval of the Board of Trustees' charge to the Search Committee, and the approval of the Board's designee to retain the services of an executive search firm. The draft of the charge has been reviewed by the University's general counsel, the president and his Cabinet, as well as by Chair Otto and Search Committee Chair Kigel. Approving this document today enables the search committee to begin its work as soon as its members are confirmed without having to call another Board meeting.

Trustee Lyn Stanfield made a motion to approve the Board of Trustees' charge to the Presidential Search Committee. Trustee Narendra Kini seconded the motion; a vote was taken, and the motion passed unanimously.

Chair Otto continued by referencing BOG Regulation 1.002 (1)(b)2. which states, "The board of trustees or its designee may retain the services of an executive search firm/consultant." He proposed the Board appoint Search Committee Chair Kigel as the designee for the Board, and that she be given authority to retain the services of an executive search firm in order for the search committee to be able to commence their work once the search committee is announced.

Trustee Wendt asked if the position is publicly promoted in addition to the work of a search firm; Fugett responded that the position will be posted on the University's website, and he encouraged trustees to reach out to their contacts nationally and encourage qualified candidates to apply. Trustee Laine Powell inquired if there will be messaging points provided to trustees; Fugett responded there will be marketing plan provided to all trustees. Trustee Williams affirmed that many qualified applicants will apply both through the search firm and through other marketing means.

Trustee Melia Rodriguez made a motion to approve Search Committee Chair Beth Kigel as the Board's designee as referenced in BOG Regulation 1.002(1)(b)2., and that she be given authority to retain the services of an executive search firm at the appropriate time in order for the search committee to commence their work.

Trustee Laine Powell seconded the motion; a vote was taken, and the motion passed unanimously.

VII. Closing Remarks and Adjournment

With no further business to discuss the meeting adjourned at 3:59 p.m.

Respectfully submitted:

Kristen J. Wharton
Corporate Secretary