

**FLORIDA A&M UNIVERSITY
BOARD OF TRUSTEES
MEETING MINUTES
February 7, 2013
8:30 A.M.**

Trustees present: Torey Alston, Solomon Badger, William Jennings, Charles Langston, Kelvin Lawson, Spurgeon McWilliams, Rufus Montgomery, Narayan Persaud, Belinda Shannon, Marjorie Turnbull, Cleve Warren, Marissa West and Karl White.

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.

Trustee Badger noted that the Board had moved to an electronic system for presentation of agenda items. He indicated that the Board members had been provided iPads and the materials have been saved on the iPad and are also located on the BOT website. He thanked the IT department for providing technological assistance and Dr. Robinson and his staff for moving the Board into the digital age.

II. APPROVAL OF THE MINUTES

Through separate motions, the Board approved the minutes for meetings held on June 7, 2012, November 1, 2012, December 5, 2012, December 11, 2012, and January 10, 2013.

Trustee Alston asked to be recognized to correct a statement in the September 8, 2011 minutes. Without objection, he corrected his statement and it was read into the record. The minutes for that meeting will be corrected to include this statement "Trustee Alston asked the president for better communication with the board and stated the situation with Dr. White has brought a negative light to the University".

III. 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 that were going on at the University.

First, President Robinson recognized and welcomed to the University, four new employees:

- Mr. Bryan Smith, the new special assistant to the president for anti-hazing;
- Ms. Antoneia Roe, the new director of judicial affairs;
- Dr. Dawn Brown-Cross assumed the position of director of the division of physical therapy; and
- Mr. Earl Holmes, the University's new head football coach.

Dr. Robinson indicated that he, on behalf of the University, signed an Memorandum of Understanding with the Federal University of Technology, Akure, Nigeria. That agreement will allow the exchange of faculty, staff and students; focusing on the areas of science and engineering. Dr. Robinson asked the delegation to stand and be recognized.

On December 8, 2012, Chancellor Brogan released his preliminary report on the investigation of hazing during the period of 2007 – 2011. The University responded to this report on January 23, 2013, highlighting the many changes that have been made at the University over the last year, including: that the University increased membership criteria for the band, it strengthened membership intake processes for clubs and organizations, it revised procedures for group travel and increased the awareness of anti-hazing initiatives.

President Robinson informed the Board that he hopes to fill the music compliance officer within the next few weeks and that the search for the Director of Marching and Pep Bands had been reopened. The application deadline is March 1, 2013. The University has also codified changes made to the Department of Music, in the Music Department Handbook and will continue to monitor the programs to ensure the University is getting the desired results. He stated that the University is reviewing all of its policies and procedures to ensure that the University has the appropriate coverage.

Next, he updated the Board on the upcoming visit from a special committee of the Southern Association of Colleges and Schools, Commission on Colleges in October, 2013. It is anticipated that SACS should render a decision regarding the University's status during its December, 2013 meeting. He stated that the University is also preparing for the fifth-year interim report, which is due in 2014.

The Accreditation Council for Pharmacy Education affirmed the accreditation of the Pharmacy program, to include the expansion of the program's Crestview, Florida campus. This program is provided through a distance education model.

President Robinson highlighted the University's research efforts. Dr. Kinfе Redda, Dr. Mateeva and Dr. Mills received a patent for the development of therapeutic agents for the treatment of HIV. Dr. Seth Ablordeppy received a patent for new anti-infectives. Drs. Muchovej and Onokpise were issued a patent for mycoherbicide for controlling cogongrass. Dr. Michael Abazinge received a research award for \$2.5 million from NOAA and Dr. Karam Soliman received an award for \$1.1 million from the National Institute of Health and the National Institute on Minority Health and Health Disparities. He also noted the following faculty and student achievements:

- The appointment of Dean Robert Taylor to the USDA Advisory Board;
- The completion of the American Council on Education Fellows Programs by Dr. Donald Palm;
- Dr. Jennifer Cherrier's appointment as a Leopold Leadership Fellow;
- The appointment of Dr. Cynthia M. Harris to the U.S. Environmental Protection Agency's Science Advisory Board;
- The certification of Drs. Adrienne Jackson and Arnold Bell by the American Board of Physical Therapy Specialties;
- Tony Hansberry, a freshman from Jacksonville, Florida was invited to the Oregon Health and Science University Knight Cancer Institute to learn more about their summer research opportunities; and
- The Simply Marvelous Women's Flag Football Team won its tenth national championship.

President Robinson informed the Board that the "Presidential Recruitment Tour" will take place March 9-12, 2013. The tour will include stops in Pensacola, Gainesville, Fort Lauderdale, Hallandale, and Miami.

The Board was presented a proposed employment contract for Mr. Earl Holmes, the University's new head football coach. This contract was brought to the Board for approval because it is a multi-year contract. Approval of the contract was properly moved and seconded, and the motion carried.

After President Robinson's presentation, Trustee Persaud called attention to SACS' concerns. He noted the seriousness of being on probationary status by reading SACS's definition of probation, and called on Dr. Robinson to ensure the competencies of administrators.

IV. STANDING COMMITTEE REPORTS

Academic Affairs

Trustee Marjorie Turnbull, Chair

Trustee Badger called on Trustee Turnbull to provide the Academic Affairs' Committee report. Trustee Turnbull indicated that the Academic Affairs Committee had three action items.

- First, Trustee Turnbull stated that the Committee recommended the approval of nine sabbatical applications and one professional development leave application. In addition, the Board requested a presentation of some of the projects by faculty at the next board meeting.

It was properly moved and seconded that the Board of Trustees approve the applications recommended for sabbatical and professional development leaves. The motion carried.

- Next, Trustee Turnbull indicated that the Committee recommended the approval of an amendment to University Regulation 4.009 "Institutes and Centers" which includes removing "Policy Guideline 04.07.27" and replacing it with "Regulation 10.015."

It was properly moved and seconded that the Board of Trustees approve the amendment of Regulation 4.009 for notice and adoption after the expiration of the thirty (30) day notice period, provided there are no public comments, in accordance with the Florida Board of Governors' Regulation Development Procedure. The motion carried.

- As the final action item, the Committee recommended approval of the proposed revision to the University's 2012-2013 Academic Calendar and the proposed 2013-2014 Academic Calendar, which includes a winter break from December 24, 2013 through January 1, 2014.

It was properly moved and seconded that the Board of Trustees approve the revised 2012-2013 Academic Calendar and the proposed 2013-2014 Academic Calendar.

- Next, Trustee Turnbull provided information regarding the discussion items. The first discussion item was the ABA Update. She stated that Dean Pernell updated the Committee on the progress made by the College of Law in addressing concerns identified by the American Bar Association during its recent site evaluation of the law school. Some of the observations addressed were strategic planning, student-faculty ratio, quality of instruction, recruitment of qualified students, and staffing updates. The ABA final report should be forthcoming within the next couple of weeks.

The Board requested additional information pertaining to the disproportionate number of adjunct instructors teaching evening courses and requested a report that contains a quantitative review of statistics. Trustee Jennings suggested they use information provided to the Board of Visitors as a starting point. The information will be presented at the next BOT meeting.

- Next, Trustee Turnbull provided highlights of a presentation by Dr. Patricia Hodge, superintendent of FAMU DRS and her staff. They presented the DRS Improvement Plan to the Committee. Some of the concerns addressed in the plan of action were high administrative turnover, high faculty turnover, high student mobility, limited access to extra-curricular activities, limited access to technology, and recent changes to the grading policy. The work plan designed to address the concerns was organized into seven categories: school improvement, leadership quality, educator quality improvement, professional development, curriculum alignment and pacing, Florida Continuous Improvement Model, and monitoring plans and process.

At the conclusion of the presentation, the Committee recommended that the discussion be continued at the next BOT meeting. They requested an assessment of the current situation, such as the scores of graduating students and high turnover of faculty and administrators. Further discussions will be held regarding an external evaluation of administrators at DRS, why the proposed budget does not address faculty salaries, and other options, if funding is not approved.

- The final discussion item was a presentation by the Division of Research regarding technology transfer. Dr. Rose Glee, Interim Director of Technology Transfer, stated that all applications submitted by FAMU to the Patent Office have been issued a patent. Dr. Glee gave a brief overview of the grant funding the University has received over the past 10 years. In addition, she discussed some of the protection methods awarded to University faculty, staff, or students and non-traditional sources of funds, such as crowd funding to support faculty, staff, and student innovation and entrepreneurial activities.

Trustee Turnbull stated that the Committee asked the Division of Research to provide additional information regarding the amount of money generated for the University on an annual basis. The information will be presented at the next BOT meeting. They also requested that the Provost work with the Board to develop a standard format for reporting periodical updates from the academic programs.

DSO Committee

Trustee Belinda Reed Shannon, Chair

Chairman Badger asked Trustee Shannon to provide an update on the matters discussed during the DSO Committee meeting.

Trustee Shannon indicated that the DSO Committee had several items for information and one (1) action item.

- Vice President Thomas Haynes and staff provided the Committee an update on University Advancement.
- The FAMU Foundation transitioned into its new office space located at 625 E. Tennessee Street. The Foundation has four new officers for 2013-2014 and four new Board members. It has implemented a new web-based Scholarship Management System and the Foundation announced its upcoming first annual Stakeholders luncheon and meeting.
- National Alumni Association President, Mr. Tommy Mitchell, Sr., presented a summary of activities that have taken place during his third and last year as president.
- FAMU Boosters Director, Mr. Mickey Clayton, shared Booster contributions, accomplishments, and upcoming projects with the Committee.
- The Foundation Director of Investments, Mr. Michael Brown, made a presentation on the Foundation's investments. He also brought back to the Committee the final Endowment Study results from the National Association of College and University Business Officers (NACUBO) - Commonfund Study of Endowments for the fiscal year ending June 30, 2012, as a benchmark for evaluation of the Foundation's investment return.
- A fundraising year-to-date report was presented. The FY 2011-12 ended with a total fundraising effort of \$3.2M or 58% of the \$5.5M goal. In the current fiscal year fundraising, we ended the second quarter just -1% behind FY 2011/12. (\$1.94M this year to \$1.96M last year). Roughly 31 days into the third quarter (totals effective 1/13/13), fundraising outcomes show a 1% increase with current total at \$2,128,749 as compared to last year's \$2,115,319. Strategic shifts in fundraising approaches were also presented.

Trustee Shannon then made a recommendation to the Committee to renew the existing contract with the PR firm, DKC, for a one-year period. Interim president, Dr. Larry Robinson, advised that DKC has provided tremendous assistance to FAMU.

Trustee Shannon moved that the Board of Trustees renew the contract with DKC for a one-year period. It was seconded and the motion carried.

Trustee Shannon also informed the Board that she brought before the Committee a recommendation that the board authorize the university to seek the services of a highly qualified firm for a one-year period that will assist the university with rebranding. After much discussion from board members, the Committee agreed that the Board approved a communication plan in 2012, to allow the president and his staff to select a firm to assist with rebranding the University, as long as the cost is under \$250,000. The staff was directed to enter into a relationship with a firm that specializes in augmenting and enhancing what FAMU currently has in place.

Budget and Finance Committee

Trustee Karl White, Co-Chair

Chairman Badger recognized Trustee White to present an update on the Budget and Finance Committee. He stated that the Budget and Finance Committee had three (3) action items and several information items to present.

Trustee White stated that the Committee heard from Dr. William Hudson, Jr., Vice President of Student Affairs who presented a proposal to increase the monthly fee at the Child Care Center. The request was to increase the monthly fee for the Child Care Center by \$25 for children of currently enrolled FAMU students and \$50 for children enrolled in the Voluntary Pre-Kindergarten program whose parents are not currently enrolled at FAMU.

Trustee White moved that the Board of Trustees approve the monthly fee increases for the Child Care Center. It was properly seconded and the motion carried. Trustee Turnbull asked that her vote, in opposition to the motion be recorded for the record.

Trustee White stated that the Committee heard from Ms. Ronica Mathis, Interim Budget Director who presented three (3) amendments to the operating budget. The first amendment was to provide budget authority to transfer the Capital Improvement Fee of \$1,985,000 to the Department of Education. This authority was mistakenly left out of the Budget approved in June 2012. The second amendment was to provide budget authority of \$4,126,741 to pay the debt service for the University's revenue bonds. This authority was similarly omitted from the June 2012 budget. The third amendment was for \$115,000 for emergency repairs to the tennis courts, and softball and baseball fields.

Trustee White moved that the Board of Trustees approve the amendments to the FY 2012-13 Operating Budget. It was seconded and the motion carried.

The last action item was the approval of the Income and Expenditure Statements for Auxiliary Facilities with Revenue Bonds. Pursuant to Board of Governors Regulation 9.008, each auxiliary facility, with a revenue bond covenant, is required to submit an Income and Expenditure Statement to the Board of Governors. These statements must be approved by the University Board of Trustees, prior to submission to the Board of Governors for final approval.

FAMU is required to submit Income and Expenditure Statements for Housing, Parking, and the Student Service Center.

Trustee White moved that the Board of Trustees approve the Income and Expenditure Statements for the auxiliary facilities with revenue bonds. It was seconded and the motion carried.

Trustee White then presented the following information items:

- He stated that Ms. Mathis provided an overview of the Governor's Budget, recommendations for FY 2013-14 and its impact to the University. She also provided the Committee an update on the collection of the student fee revenue and responded to questions related to the College of Law Bar Review Preparation Fee.
- Dr. Featherstone, University Controller provided information regarding the Auxiliary Trust Fund balances. As of December 31, 2012 the fund balance was \$21.5 million.
- Athletic Director Horne presented an update on the Athletics' operating budget and shared the measures being taken to reduce expenditures and increase revenue.
- Mr. Tola Thompson, Director of Governmental Relations gave a recap of the 2012 legislative session and the legislative priorities for the upcoming session. Mr. Thompson also provided information on the government relations budget.

- Mr. Byron Williams, Director of Business and Auxiliary Services provided an update on the Invitation to Negotiate for Dining Services. The negotiation team has conducted sites visits and heard oral presentations from Gourmet Services, Sodexo and Aramark. He also provided information on the next steps in the selection process.
- Ms. Jackye Maxey, Assistant Vice President for Administrative Affairs gave an overview of the three (3) contracts over \$100,000 that were currently in various stages of development and the four (4) contracts over \$100,000 that had been executed since the last board meeting.

Audit Committee

Trustee Karl White, Chair

Chairman Badger called on Trustee Karl White to present the Audit Committee report. Trustee White stated that several information items were presented to the committee.

First Trustee White stated that the Audit Committee received training from Ernst & Young related to the Committee's roles and responsibilities. The training focused primarily on the Committee's oversight for the internal audit function.

Next, he indicated that Vice President Givens presented a report on the Board of Governors Investigative Report and the Auditor General's operational audit.

BOG INVESTIGATIVE REPORT

Mr. Given provided the following information to the Committee:

- On December 28, 2012, the Board of Governors issued a preliminary report on the University's anti-hazing program. The University submitted its response on January 23, 2012. The BOG report included the following findings and recommendations:
 - Findings related to Institutional Controls included lack of rigorous communications protocol between senior staff and their direct reports, lack of internal or programmatic review of the interaction between law enforcement and student affairs, and a failure to adequately fund or provide personnel at a level capable to carry out the duties.
 - Findings related to Internal Controls included failure to review or update the 1998 FAMU division of Bands Directive to enhance or improve Band operations, and no written policies and procedures for verifying that individuals were eligible to participate in the Band.
 - Findings related to Office of Judicial Affairs included no written policies and procedures for the referral of matters from the FAMU Department of Public Safety (FAMU Police Department), no file index system designed to maintain and track records of disciplinary actions precipitated by allegations of hazing, an inadequate review of the Student Code of Conduct, and no training for the Judicial Officer on the handling of his critical duties.
 - Findings related to the Office of Public Safety included no written policies or procedures for referral of all cases of potential violations of the Student Code of

Conduct received by the FAMU Police Department to the Judicial Affairs Office, and a failure to refer a case of alleged hazing to the Judicial Affairs Office in a timely manner sufficient to assess whether a Section 13 (student code) dismissal of the student was appropriate.

- To address the issues with institutional controls, the University adopted an anti-hazing program utilizing the current best practices based on anti-hazing research, including a non-retaliation component and a requirement for timely reporting of suspected hazing incidents. To implement and monitor the program, the University established several new positions responsible for elements of the anti-hazing program.
- The new anti-hazing program and related policies and procedures were communicated to students, faculty, and staff through the convocations, meetings, website, and orientations.

REPORT ON OPERATIONAL AUDIT

Mr. Given informed the Committee that on January 11, 2012, the Auditor General delivered its preliminary and tentative findings for the Operational Audit for the 2011-12 Fiscal Year. The report included findings related to the following:

- administrative management and board policies,
- cash management,
- inventory,
- athletic programs,
- student tuition and fees,
- employee compensation,
- expenses and disbursements,
- procurement of goods and services,
- construction administration, and
- information technology
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The University is preparing a response to include a corrective action plan, which is due February 11, 2013.

AUDIT OF FEDERAL AWARDS

Finally, Trustee White indicated that Mr. Givens informed the Committee that the University received the preliminary and tentative findings for the audit of the Federal awards programs for the 2011-12 fiscal year and is preparing a response, to include a corrective action plan, which is due March 1, 2013.

Trustee-Student Affairs Committee

Trustee Torey Alston, Chair

Chairman Badger recognized Trustee Alston to present an update on the Trustee-Student Affairs Committee meeting.

Trustee Alston indicated that the Trustee-Student Affairs Committee had several informational items to report.

First, Trustee Alston stated that Trustee Marissa West gave a brief update on the Student Government. She informed the Committee that the Student Foundation had been successfully established. They had gotten verbal commitments from potential donors total approximately \$5,000, which will be used for student scholarships; the SGA will collaborate in a community service project with Florida State University and Tallahassee Community College, on February 13, 2013; Student Life is working diligently with the Division of Administrative and Financial Services on the renewal of the Star Metro contract; the SGA had been actively participating with the Student Technology Fee Committee to achieve wireless connectivity campus-wide; and student elections will be conducted later this month.

Trustee Alston indicated that Vice President Hudson, Jr., gave an enrollment update to the Committee. To-date, the University had admitted 877 FTIC students compared to 907 from the previous year. The University had admitted 18 Florida Community College Transfers (22 previous year), and 21 other transfers compared to 30 by February 1, 2012. Profile Admits total 167 year-to-date, compared to 639 admitted for fall 2012.

Trustee Alston stated that Vice President Hudson provided updates on the following to the Committee:

- The LGBTQ Fact Finding Committee continues to meet. This committee plans to make a presentation to the Faculty Senate at an upcoming meeting, later this semester and administer a campus climate survey.
- Ms. Antoinia Roe, the newly hired Judicial Affairs Director, was introduced to the Committee. Previously, Attorney Roe served as supervising attorney for the Florida guardian Ad Litem Program, Second Circuit, Tallahassee.
- The Division of Student Affairs established a Student Activities Intake Committee charged with examining the Intake process for all student clubs and organizations. This spring 27 organizations participated in membership recruitment or membership intake. The Policies and Procedures workshops were held in January with additional sessions this month.
- FAMU invited the U.S. Department of Education to assess the financial aid office. Of the eleven findings, recommendations for five had been fully implemented; four will be implemented no later than October 2013; one was no longer applicable; and one on-going. Updates on financial aid will be provided at each BOT meeting.
- Student Affairs has been working with EIT to develop a call center. This center will address concerns regarding financial aid, registration and admissions. Information will also be distributed via Blackboard Connect.
- Finally, the Division of Student Affairs re-opened the search for the Director of Campus Safety position. Lt. Colonel Kelly is Chairman of the Campus Safety Search Committee. The goal is to have this process completed by April, 20, 2013.

Facilities Planning Committee

Trustee Spurgeon McWilliams, Chair

Chairman Badger called on Trustee McWilliams to present the report of the Facilities Planning Committee.

Trustee McWilliams indicated that the first action item heard by the Facilities Planning Committee was a presentation from Attorney David Self, Associate General Counsel. He provided information regarding an easement requested by the City of Tallahassee for a sidewalk on the north side of Gamble Street between Wahnish Way and Perry Street. The easement requires approval by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. Before giving its consent, the Trustees of the Internal Improvement Trust Fund requires the University, as the tenant of the property, to consent to the easement. The granting of the easement would have no adverse impacts on the University's existing and long term plans.

Trustee McWilliams moved that the FAMU Board of Trustees resolve to express, to the Trustees of the Internal Improvement Trust Fund of the State of Florida that the FAMU Board of Trustees consents to the sidewalk on the north side of Gamble Street between Wahnish Way and Perry Street, as set forth substantially on composite Exhibit "B." Said Resolution shall be in form and substance as attached hereto on Exhibit "A." The motion was seconded and the motion carried.

Next, Trustee McWilliams stated that Mr. Samuel Houston, Director of Facilities Planning and Construction, updated the Committee on nine (9) ongoing projects. Next, Trustee McWilliams shared that he charged the Construction and Facilities Management Team with drafting a formal University Energy Policy for the Board's review and approval. He indicated that this effort should be conducted in a collaborative spirit by involving the various sustainability groups throughout the University community. Trustee McWilliams stated that he requested that the Construction and Facilities Team bring back to the Facilities Planning Committee a formal University Energy Policy.

PUBLIC COMMENTS

The following individuals provided public comments:

Dr. Elizabeth Davenport
Mr. Jabari Bennett
Dr. Clyde Ashley
Mr. Willie Brown
Mrs. Vinette Godelia
Mr. Tommy Mitchell
Dr. Maurice Holder
Mr. Shepiro Hardemon

ADJOURNMENT

Trustee Badger asked if there was any additional business for the Board. With there being none, the meeting adjourned.