Chairman Lutgert convened the meeting of the University Board of Trustees from the Student Union Ballroom at 8:40 a.m., Wednesday, October 6, 2004 with the following Board of Trustee members present:

- Brian Cobb
- Matthew Hall
- Larry Hart
- Donna Price Henry
- David Lucas
- Scott Lutgert
- Edward Morton
- Harry Moon
- Jerry Starkey
- Michael Villalobos
- Jaynie Whitcomb
- Joe Catti, Ex-Officio

Members of Staff Present:
- William Merwin, President
- Bonnie Yegidis, Provost
- Joseph Shepard, Vice President for Administrative Services
- Steve Magiera, Vice President for University Advancement
- Wendy Morris, General Counsel
- Susan Evans, Special Assistant to the President
- Roni Forsyth, Administrative Assistant
- Barbara Krell, Executive Assistant to the President

Guests: Larry Byrnes, Dean, College of Education, Mary Dougherty-Slapp, University Lobbyist, Curtis Bullock, Executive Director, FGCU Financing Corporation, Dr. Charles McKinney, Director of Educational Services and Equal Opportunity Programs, Mary Price, President, SAC
1. Call to Order & Chair’s Remarks – Scott Lutgert, Chair

Chairman Lutgert greeted trustees and thanked University administration and staff for the wonderful work accomplished throughout the hurricane season this year. He stated that Trustee Hart has been appointed to the Academic Affairs Committee as Chairman and Trustee Morton is now our Ad Hoc Representative to the Board of Governors. Chairman Lutgert then turned the meeting over to President Merwin.

2. Remarks from Faculty Senate – Donna Price Henry, President

President Merwin introduced Trustee Price Henry who reported on recent faculty activities at Florida Gulf Coast University.

3. Remarks from Student Government – Matthew Hall, President

President Merwin introduced Trustee Hall who reported on current Student Government activities at FGCU.

4. Remarks from Staff Advisory Council – Mary Price, President

President Merwin introduced Ms. Price who updated Trustees regarding SAC activities on campus.

5. Remarks from FGCU Foundation – Joseph Catti, Chair

President Merwin introduced Mr. Catti who reported on current events and activities of the FGCU Foundation.

6. President’s Report – William Merwin, President

President Merwin stated he was very proud of the students, faculty and staff who raised $22,000 to include matching funds for FGCU’s hurricane relief effort. This money will go to the Red Cross and be distributed within our five county area. President Merwin thanked Chief Bob Harris for his outstanding work around the clock during the hurricane season.

President Merwin welcomed Dr. Bonnie Yegidis to Florida Gulf Coast University. He also introduced Ms. Mary Dougherty-Slapp who is the Government Relations Director replacing Dr. Healy.

President Merwin stated that the current enrollment number is 6379 headcount students. He believes that figure will go down some, which is typical this time of year. This is an 8% increase over this time a year ago. Our FTE is at 1745, which is a 12% increase over last year. President Merwin
reported we have three new resident hall buildings holding slightly under 300 new student beds and we are currently at 92% capacity.

President Merwin reported that a Strategic Planning Workshop was held in early August and sixty individuals participated. A Long Range Planning and Institutional Effectiveness committee was formed as a result of this meeting co-chaired by Dr. Yegidis and Dr. Shepard. This committee has met several times and is developing a series of goals and objectives which will be shared with the campus community in some open hearings and the Trustees will hold a special workshop on December 9th. The January Board of Trustees meeting will give the Trustees the opportunity to approve the Strategic Plan document.

President Merwin reported that a visitation team from The Southern Association of Colleges and Schools will be on campus in late March. Prior to this arrival, we have placed the compliance document on the web, and the March visit will affirm our compliance. President Merwin is hopeful that any areas not in full compliance at this time will meet full compliance by the visit next year. President Merwin thanked Dr. Paul Snyder and Ms. Cathy Duff for their efforts on this project as well as the many other faculty and staff members involved.

President Merwin reported on the new buildings currently in progress to include the Kleist Education Center which should be finished sometime in the spring of next year. We will also start work on the Library addition which will double the square footage of the Library. Work will begin on Academic V providing some large classroom facilities and administrative offices. There will be a groundbreaking this spring for the Sugden Resort and Hospitality Center.

President Merwin stated that we are working hard on a regional outreach of the University this year. In addition to the Renaissance Academy in Naples, we are beginning to look at credit courses in addition to non-credit courses at the Naples Center. He stated that the Charlotte Center is up-and-running and introduced Dr. Bob Burns who has led the effort in Charlotte for nearly two years. We have worked out an arrangement with Edison College to jointly use their campus in Charlotte to offer courses. We have an initiative to request funding for a joint use facility with Edison College in Charlotte County. He stated Dr. Burns has done an exceptional job in that area.

President Merwin reported that we have submitted the $5 million gift from the Whitaker Foundation to the State’s Courtelis Matching Gift Fund which raises that gift to $10 million. Earlier the Ginn Company pledged $5 million when they complete all their permitting and the Alico Corporation sells the tract of land to them. We have a contract with Ginn for another $5 million and hope to submit that amount which will be used to assist in advancing the Engineering Program. He stated the program is minimally a $30 million
program. Dr. Pegnetter is currently conducting a search for a director. President Merwin stated he would be coming before the Board of Trustees for the official degree authorization for this program at the April meeting. President Merwin stated we will continue to raise money for this program, and Mr. Mageria has advised him that we will be able to offer at least ten “full-ride” scholarships for thirty of those students.

President Merwin reported that he met with faculty and staff early this year and challenged them to dedicate this year to student success. He reported that the NCAA has dropped our provisional status and we are now full members of the NCAA Division II. We are hosting our first national tennis tournament on campus this week. President Merwin reported that Consumer’s Digest named FGCU as the 11th Best Quality Institution and Best Buy in the United States out of 3500 schools nationwide.

President Merwin stated that he would like to share a controversial issue with Trustee members. He reported that he made a decision yesterday and assumes he has the Trustees’ support on this matter. This year our First Year Experience includes over 1000 new students and each of them is assigned common reading materials. The students read these books and write essays on them. Last year James McBride, author of The Color of Water, lectured at our Convocation. The same format was used for this year. President Merwin stated that three books were selected and he read two of the three books. However, the third book was given to him late. The book written by Terry Tempest Williams is entitled Open Space for Democracy. He felt the book was blatantly politically oriented and very negative toward President Bush. He felt there were passages in the book that could not be considered by any discerning reader as anything but blatantly politically biased. President Merwin stated that we are a public institution and normally universities do not shy away from controversial speakers. This Convocation was scheduled for October 24th, nine days before the election, and the Orion Society, which is sponsoring Ms. Williams, had purposely selected Florida at this time in order to use the Convocation as a forum. The early essay President Merwin had read focused on civic engagement, critical thinking, and had a strong stance on the environment, which are all part of our Mission. President Merwin stated that in good conscience he could not permit an unbalanced political commentary on a campus that uses public funds for Convocation. President Merwin reported that he and Dr. Yegidis went back to the faculty group and stated that we needed to have balance to this strident commentary. He stated that the organizers of the event talked to Ms Williams and her agent and a balanced event was not acceptable to either. President Merwin stated that he personally spoke to the agent and the author yesterday and they attempted to have him rescind the decision made to postpone the event. He stated that if this message was important, and he believes that it is, it could be done at a time after November 2nd. President Merwin has asked Dr. Yegidis to work with the Convocation Committee for a balanced event. President Merwin
stated he recognizes this decision will be controversial and we will be accused of censorship. He stated that the book will be read and discussed by the students and that Convocation has been postponed to another time when it might be less politically confrontive. President Merwin stated he would stay with his decision to postpone the event and move forward with the Convocation in every other way unless otherwise directed by the Board of Trustees. President Merwin stated he did not want this event to become a political circus at Florida Gulf Coast University.

Chairman Lutgert asked for comments from Trustees. Trustee Morton stated that the writer is a wonderful analyst and he would love to have the opportunity to discuss these issues with her. He stated that it was important to provide balance to this event and agreed with President Merwin’s decision. A motion was made by Trustee Morton to support President Merwin’s decision to delay the Convocation. Motion was seconded by Trustee Villalobos. Trustee Villalobos asked about the timeline for the Convocation. President Merwin stated that the organizers of the event planned Ms. Williams’ speech to coincide with the national election. Trustee Price Henry stated that part of what the Committee was trying to do was to open up a dialogue and, while Ms. Williams is biased, it is from a very academic perspective. Trustee Henry stated that the way the first year is developed is that the students read the book, engage in the topics in the classroom with the faculty and are given the opportunity to express their own views. Trustee Henry stated that there is a setting the Monday after Convocation where students and the campus are invited and are able to ask questions of the author about her viewpoint. Chairman Lutgert agreed that the Convocation should be rescheduled and a balanced viewpoint should be presented at that event. Provost Yegidis stated that the administration made every attempt to receive information on what Ms. Williams was going to speak about, but she and her agent refused to provide that text. Motion carried with Trustee Price Henry opposed.

7. Consent Agenda

Trustee Lutgert asked if there were any additions or corrections to the Minutes of June 15, 2004. Motion to approve the minutes was made by Trustee Lucas. Motion was seconded by Trustee Morton. Motion carried unanimously.

8. Academic/Student/Faculty Affairs Committee

Chairman Hart called the meeting to order and introduced Dr. Yegidis to present the following action item:

- Governor’s 2004-2005 Initiative for Higher Education – Targeted Incentive Program, Block Tuition, University Billing Statements and Excess Credit Hours (Appendix A). Motion was made by
Trustee Price Henry to approve this agenda item as presented. Motion was seconded by Trustee Cobb. Motion carried with Trustee Hall opposed.

- Dr. Yegidis introduced Dr. Larry Byrnes, Dean, College of Education, who presented an overview of the college for Trustees.

There was a ten-minute break and the meeting reconvened at 10:15 a.m.

9. Finance & Administration Committee – David Lucas, Chair

Chairman Lucas turned the meeting over to Dr. Shepard who reviewed the following information and action items with Board members:

- Chairman Lucas introduced Ms. Dougherty-Slapp who reviewed the 2005 Legislative Priorities (Appendix B).

- Chairman Lucas introduced Dr. Charles McKinney who presented the Equity Accountability Program and Budget Incentive Plan (Appendix C). A motion was made by Trustee Moon to approve this item as presented. Motion was seconded by Trustee Hart. Motion carried unanimously.

- Dr. Shepard presented information item Finance/Budget Statement July 1-August 31, 2004 (Appendix D).

- Dr. Shepard presented information item 2003-04 End-of-Year Budget Report Summary (Appendix E).

- Dr. Shepard presented the action item Surplus Property Procedures (Appendix F) for approval. Motion was made by Trustee Moon to approve these procedures. Motion was seconded by Trustee Lutgert. Motion carried unanimously.

- Dr. Shepard presented the action item Tuition and Fee Voucher Policy (Appendix G) for approval. Motion was made by Trustee Moon to approve this policy. Motion was seconded by Trustee Cobb. Motion carried unanimously.
• Dr. Shepard presented the action item In-State Tuition Waivers (Appendix H) for approval. Trustee Hart requested that an additional policy be written to include less fortunate students from our five county area. Dr. Shepard stated that this policy could be drafted and provided to the Trustees at a later date. Motion was made by Trustee Moon to approve this policy as presented. Motion was seconded by Trustee Starkey. Motion carried unanimously.

• Dr. Shepard presented the action item Capital Improvement Fee Trust Fund Project List (Appendix I) for approval. Motion was made by Trustee Morton to approve the project list as presented. Motion was seconded by Trustee Lutgert. Motion carried unanimously.

• Dr. Shepard presented the action item 2005-06 Fixed Capital Outlay Budget Request for approval (Appendix J). Dr. Shepard indicated there is one change to the DSO page where the University is asking for $25 million for Phase VII. It should be noted Phase VIII is what we are looking for in additional bonding authority in place of Phase VII. Motion was made by Trustee Morton to approve the Capital Outlay Budget Request with corrections. Motion was seconded by Trustee Villalobos. Motion carried unanimously.

• Dr. Shepard presented the action item of President’s Employment Contract (Appendix K). Chairman Lucas stated this is a very straightforward process and asked for any further discussion from Trustees. Trustee Morton stated he has spent time with management on this contract and is aware that the contract conforms to IRS guidelines for executive compensation. He also stated that the contract reflects the exemplary job the President has done in the past. Chairman Lutgert stated the President is doing an outstanding job and his performance has exceeded his goals as approved by the Trustees. He stated the University is getting one great bargain. Trustee Hart thanked President Merwin for the great job he has done for this University. A motion was made to approve the contract as presented by Trustee Starkey. Motion was seconded by Trustee Morton. Motion carried unanimously.

• Dr. Shepard introduced Mr. Bullock who reviewed the action item Financing and Construction of Student Housing (Phase VII) and Parking Garage (Appendix L). Trustee Villalobos
asked that each item be voted on separately and that there be two separate resolutions approved. A motion was made to approve Student Housing Phase VII by Trustee Morton. Motion was seconded by Trustee Moon. Motion carried unanimously. Motion was made to approve the Parking Garage by Trustee Moon. Motion was seconded by Trustee Morton. Motion carried unanimously.

- Mr. Bullock presented the action item FGCU Financing Corporation Independent Auditor’s Report (2003-04) (Appendix M). Motion was made by Trustee Morton to approve this report. Motion was seconded by Trustee Villalobos. Motion carried unanimously.

- Chairman Lucas introduced Mr. Magiera who presented the action item FGCU Foundation, Inc. Independent Auditor’s Report (2003-04)(Appendix N). A motion was made by Trustee Moon to approve this audit report. Motion was seconded by Trustee Henry. Motion carried unanimously.

10. Old Business – Scott Lutgert, Chair

There was no old business to come before the Board.

11. New Business – Scott Lutgert, Chair

Chairman Lutgert asked if there was any new business to come before the Trustees. President Merwin stated that he appreciated the Board’s continued support, and felt that as the leader of this institution, he would like to recognize his staff for their contributions. He gave special thanks to Ms. Morris for her great work in assisting with this Board meeting in Ms. Evans’ absence due to hurricane events.

12. Chair’s Closing Remarks & Adjourn Meeting

Chairman Lutgert reminded Board members that the Board Workshop would be held on December 9th. Meeting adjourned at 11:25 a.m.
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