FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES

Tuesday, September 10, 2019

COHEN CENTER BALLROOM, ROOM #203
Florida Gulf Coast University

Meeting Minutes

Members:
Present: Trustee Blake Gable – Chair; Trustee Robbie Roepstorff – Vice Chair; Trustee Josh Ballin; Trustee Ashley Coone; Trustee Darleen Cors; Trustee Richard Eide, Jr.; Trustee Joseph Fogg III; Trustee Jamie MacDonald; Trustee Leo Montgomery; Trustee Kevin Price; Trustee Kenneth Smith; Trustee Stephen Smith; and Trustee Christian Spilker.

Others:
Staff Advisory Council (SAC) President Missy Berkley.

Staff: President Mike Martin; Provost and Vice President for Academic Affairs James Llorens; Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera; Vice President and Chief of Staff Susan Evans; Vice President and General Counsel Vee Leonard; Vice President for Student Success & Enrollment Management Mitchell Cordova; Vice President for University Advancement, and Executive Director of FGCU Foundation Kitty Green; Senior Vice President for Strategy and Program Innovation Mike Rollo; Director of Internal Audit Bill Foster; Director of Equity, Ethics and Compliance, and Title IX Coordinator Precious Gunter; Director of Operations Tiffany Reynolds; Assistant Director of Board Operations Tiffany Jackson; Project Manager Melissa Pind; and Executive Assistant to the Vice President and Chief of Staff Bruna Ugolotti.

Item 1: Call to Order, Roll Call, and Opening Remarks
Chair Blake Gable called for a moment of silence for those impacted by Hurricane Dorian in the Bahamas. He called the meeting to order at 9:46 a.m., and asked Vice President and Chief of Staff Susan Evans to call the roll. Roll call was taken with all members present, thus meeting quorum requirements.

He welcomed new Trustee Jamie MacDonald who was elected as the Faculty Senate President effective July 1, 2019. Trustee MacDonald stated he was excited to be present representing FGCU faculty and to serve on the FGCU Board of Trustees.

Item 2: Consent Agenda (See Tabs #1-4)
Chair Gable stated there were four items on the Consent Agenda: (1) Minutes of June 11, 2019 Meeting, (2) Textbook and Instructional Materials Affordability Annual Report,
(3) Classification of Instruction Programs (CIP) Change from 52.0906 (Resort Management) to 52.0901 (Hospitality Administration/Management, General), and (4) Resolution of Appreciation for Outgoing Trustee Michael McDonald.

He called for a motion.

Trustee Darleen Cors made a motion to approve the Consent Agenda. Trustee Joseph Fogg seconded the motion.

Chair Gable asked if there was any public comment, or Board discussion. Public comment included Mr. Morgan Paine, Fort Myers, FL.

President Martin responded to the public comment regarding the Classification of Instruction Programs (CIP) Change from 52.0906 (Resort Management) to 52.0901 (Hospitality Administration/Management, General). He reported this change was considered very thoughtfully and thoroughly. He stated the administration solicited input on needed changes from one of the leading experts in the field, Dr. Michael Johnson, former Dean of the Cornell School of Hotel Administration and current President of John Carroll University. He stated the direction of FGCU’s program was evaluated with respect to other programs in the state. He reported that enrollment in the program had dropped 41 percent in the last three and a half years, which alerted administration to consider the need for change. He noted the administration solicited advice from the program’s external advisory committee regarding program restructuring. He indicated this change was not considered frivolously and was done within the confines of the Collective Bargaining Agreement (CBA). He stated he believed this was appropriate as a Consent Agenda item. He stated changing the CIP code put FGCU in alignment with other programs in the State of Florida, and seeking Association to Advance Collegiate Schools of Business (AACSB) accreditation would put FGCU’s program in the league with the better programs nationally.

Trustee MacDonald reported faculty members in Resort & Hospitality Management (RHM) were concerned the program would not be going through the normal curriculum revision after the CIP code was changed. He asked if this was the case. Provost and Vice President for Academic Affairs James Llorens explained the CIP code change was the administrative action which came before the curriculum change, and after the administrative action was approved, the revised curriculum would be developed and presented to the University Curriculum Committee for approval.

Trustee MacDonald noted that cancellation of three faculty contracts had been rescinded and asked if there was a possibility more contract cancellations would be rescinded. Provost Llorens responded it was a possibility. He said they were continuing to look at the remaining faculty and how they would fit into the new curriculum. He said that a decision also would be made based on teaching out concentrations that were eliminated, and faculty would be identified to teach out those courses for students currently enrolled in the concentrations.
Trustee Stephen Smith asked for clarification in response to the public comment made by Mr. Paine regarding the change of all faculty contracts from three-year to one-year. President Martin responded that standard contracting would continue; however, when a substantive change was made in a program the relationship with the faculty in that particular unit could change. He stated even when a substantive change was not made to a program, when enrollment dropped clearly the program was not generating the revenue necessary to justify the number of faculty. He explained, if nothing else, if enrollment dropped 40 percent, faculty would drop 40 percent. He stated administration was repositioning this program, consistent with current policy, in an effort to ensure the program was the robust program it needed to be to serve the region. Trustee S. Smith reiterated that any comments regarding the contract change applied only to the RHM faculty. President Martin confirmed this statement.

Trustee Josh Ballin stated he received student feedback regarding this change. He indicated he supported the idea that programs needed to evolve to meet the needs of the growing industries. He noted the RHM program was why he chose to attend FGCU and was one of the reasons many of the students he was connected with chose to attend FGCU. He stated while most students understood programs changed over time, many students were disappointed there were not many opportunities for the students to provide feedback regarding changes they would want to see in the program. He stated many of the students in this program were upset. He explained because of the nature of this program the students tended to be rather emotional as hospitality was based on relationship building. He stated he understood changes needed to be made, but it was important for the Board to consider the needs of the students before voting to officially change something in the program.

Trustee Ken Smith stated he appreciated Trustee Ballin’s comments; however, he said it was important to understand this need for change came from the industry. He noted it was important to consider students’ wants and needs, but it was more important for students to be highly hirable post-graduation. He noted the program itself was deemed to have problems in this regard; the hospitality industry had asked for changes to the program, and he believed these changes, made with the assistance of the expert from Cornell, a flagship school, would create more hirable graduates. He stated President Martin and Provost Llorens had vast amounts of experience and consistently worked for the benefit of the students. He stated the changes in this curriculum would better equip students to compete against the Cornell and Michigan type of schools.

Trustee Ballin stated the students understood that administration was working for their benefit and were supportive of revamping the curriculum and the program to help them be more competitive. He noted the students were upset not because the program was changed, but because information was not initially shared by the University regarding these changes. He said although a letter had been sent out, students are still confused about the future of the program.

President Martin stated CIP stood for Classification of Instruction Programs. He stated the classification was designed so students and parents knew what type of job could be
obtained with each degree. He stated this change in the CIP raised the bar for the
students and increased career options. He noted FGCU was changing the CIP to
match every other hospitality program in the State of Florida. He stated by making
these changes, FGCU was promising a better starting point for students. He noted all
great universities pursued excellence at every turn, and this was what FGCU was doing.
He explained the conversation had been going on for a long time – emails were sent to
the faculty, meetings with the faculty took place, and communications were sent to the
campus as a whole. He stated that anyone who felt the information was not
communicated had missed the fact that conversations had been occurring for a long
time. President Martin stated that the administration had not tried to be opaque, but
rather, resolute. He also pointed out that the expert from Cornell did, in fact, meet with
students while at FGCU, and quoted them in his report.

Trustee Ashley Coone stated she did not understand why the faculty was upset and
asked what the negative connotations were for the faculty. Provost Llorens responded
the students he had been in communication with understood the positive benefits of
these changes and were supportive. He stated he felt the faculty feared an unknown
career future in this program. He stated the curriculum would be more rigorous, and
faculty would be required to adhere to the new curriculum and meet the qualifications
for instruction. He said the downside from the student perspective was uncertainty
about the changes occurring, but that students currently enrolled in the program and
concentration were reassured that faculty would teach out the program under the
existing curriculum. He said that the changes would not occur overnight, and that it
would be a transition over the next couple of years before full implementation of the new
curriculum and degree program. Provost Llorens reported that the feedback received
from the industry, as well as from students, was that the changes to the program were
positive for FGCU. He said that the faculty were still undergoing a review process to
determine if they would be capable of meeting the new AACSB accrediting standards.

Trustee Richard Eide asked if the typical standard faculty contract length was three
years. Provost Llorens responded in the affirmative. Trustee Eide asked if there was
still an annual performance review within a three-year contract. Provost Llorens
responded in the affirmative. Trustee Eide asked if knowledge that a program was not
performing well was communicated to faculty during annual performance reviews.
Provost Llorens responded annual performance reviews were very individual to the
instructor and not a reflection of the overall program. He stated the evaluation of the
program itself was done on a departmental level. He said program evaluation looked at
the leadership of the program, the curriculum, and instruction. Trustee Eide said that he
understands, however, there seemed to be a deficit between what was occurring on the
ground and what the faculty understood was the outcome. Trustee Eide suggested
program and department goals be communicated to faculty members during annual
performance reviews as to prevent them from being blindsided when the University
takes action.

Trustee Coone asked if Mr. Paine’s concerns about these contract changes affecting all
FGCU faculty members have been proven false. President Martin responded in the
affirmative. Provost Llorens stated the contact change only involved RHM, and that the administration notified the affected faculty members with letters of non-reappointment. President Martin noted there was much communication with faculty regarding the drop in program enrollment. He stated it was fiscally irresponsible to fund a program at 100 percent when it was operating at 60 percent. He stated the goals of these curriculum and CIP changes were to rebuild the RHM program and focus it in such a way to give students the best possible career outcome.

Chair Gable thanked those who commented. He stated it was clear a change needed to be made and change was never easy.

There was no additional public comment, or further Board discussion. The vote was 13-0 in favor of the motion to approve the Consent Agenda.

Item 3: Presentation of Resolution of Appreciation for Outgoing Trustee Michael McDonald

President Martin and Chair Gable presented outgoing Trustee Michael McDonald the Board’s Resolution of Appreciation, which was read into the record by Vice President and Chief of Staff Susan Evans:

“Whereas, in 2001 there was created a new system of K-20 seamless education for the State of Florida, which included installation of the Florida Gulf Coast University Board of Trustees; and
Whereas, the President of each state university Faculty Senate statutorily is appointed as a trustee for his or her respective university; and
Whereas, Dr. Michael McDonald was elected by his peers as President of the Florida Gulf Coast University Faculty Senate in 2017 and 2018, thereby causing him to be appointed for two terms to the Florida Gulf Coast University Board of Trustees; and
Whereas, Dr. Michael McDonald has served with great distinction on the Florida Gulf Coast University Board of Trustees as a representative of the faculty, with support for the University’s academic programs, and mission of teaching, research and service;
Now, Therefore Be It Resolved that the Florida Gulf Coast University Board of Trustees wishes to express appreciation for Trustee Michael McDonald’s outstanding and longstanding service, and wishes to recognize his commitment to Florida Gulf Coast University’s students of today and for generations to come.”

Dr. Michael McDonald thanked President Martin and Chair Gable for their leadership and mentoring. He thanked his Board colleagues for their collegiality. He stated he had been a FGCU faculty member for 22 years, and thought that he knew a lot about the University. He said his time served on the FGCU Board of Trustees had been quite educational. He stated he came away from the Board realizing that the members were idealists who held the University to standards, to ideals of good governance, and ideals of responsibility for the resources in which the University had been entrusted. He said
the Board members were also “idea-ists,” in that they believed in the idea of FGCU. Dr. McDonald said he was inspired and was pleased to have served on the Board for the past two years.

**Item 4: Student Success – Enrollment Management Initiative**

Chair Gable indicated that as was customary for the Board meetings, he asked Vice President for Student Success and Enrollment Management Mitch Cordova to provide an update regarding the Student Success – Enrollment Management Initiative.

Dr. Cordova stated that he wanted to provide the Board with fall enrollment data, and an update on student enrollment and credit hour data, as well as other key metrics and performance indicators. He displayed a Freshman Profile chart which illustrated comparison data between the fall of 2018 and fall of 2019 terms including: first-time-in-college (FTIC) enrollment numbers (decreased about four percent), average GPA (weighted) (increased 1.3 percent), average ACT scores (unchanged), and average SAT scores (unchanged). Trustee Christian Spilker asked if the GPA was based on a 4.0 scale. Dr. Cordova responded that it was effectively a weighted GPA; students had the opportunity to score above a 4.0 based on honors courses and Advanced Placement (AP) credits.

He indicated that a survey was administered to learn more about the freshman profile. He noted 84 percent of 2019 freshman FTIC students had completed the survey. He said this was an increase from last year, which was 50 percent. He explained students take the survey prior to Eagle View Orientation (EVO). He stated 72 percent of the FTIC students surveyed reported FGCU was their first choice college (this was an increased percentage from 68 percent the previous year) and five percent reported a plan to transfer. He noted 96 percent of students surveyed planned to graduate in four years or less and 37 percent of incoming freshman were identified as first generation college students. He stated 59 percent planned to work while attending school (up slightly from last year’s 54 percent) and 31 percent cited a combined family income below $50,000 dollars (decreased percentage). Trustee K. Smith asked if the percentage of students who planned to work (59 percent) was a typical percentage. Dr. Cordova responded he was unsure, but he felt this percentage was consistent with other institutions. He stated 85 percent of FTIC students surveyed felt confident they would be successful in college (increased from 83 percent last year). He noted students felt least confident about time management ability, and that FGCU provided resources through the Center for Academic Achievement (CAA) and other mentoring programs for students in this regard. He stated of the FTIC students surveyed, 46 percent cited mental health as a significant concern (decreased four percent from last year). He stated there was an increase in the percentage of students who were stressed financially. He stated 68 percent felt a strong sense of community was important for their success at the University. He said this was down about two percent from the previous year, but was not troubled by the decrease. Dr. Cordova stated it was important for incoming freshman students to realize that FGCU provided a strong sense
of community, which would allow them to connect to resources and peers, which would hopefully over time help to increase retention.

Dr. Cordova stated the next section of his presentation on fall 2018-2019 enrollment data would provide a perspective of total enrollment and student credit hours, distributed by levels and type. He explained this data was preliminary. He noted fall 2019 lower level student (freshman/sophomore) enrollment was up 1.9 percent from the previous year due to better student retention. He noted fall 2019 upper level student (junior/senior) enrollment was down 2.7 percent due to graduating students. He stated graduate enrollment was up 5.8 percent and non-degree seeking student enrollment was up 2.76 percent. He stated total enrollment had decreased by a small 0.15 percent. He reported a 0.67 percent decrease in undergraduate student credit hours, and a 10 percent increase in graduate student credit hours. He noted another metric that the University was looking at closely was the Hispanic student population. He said FGCU was an emerging Hispanic serving institution and there was a one percent increase from last year in the Hispanic population.

Dr. Cordova noted summer enrollment was a critical factor in helping students to persist through their degrees and to graduate more quickly. He displayed and reviewed data spanning from summer 2017 to summer 2019. He reported there was an 18.7 percent growth in three years in number of summer enrollment seats occupied and a 28.3 percent increase in number of sections. He noted there was a 7.7 percent increase in total head count and lower level student summer credit hours went up 15.7 percent. He stated there was a 22 percent increase in upper level student credit hours. He noted data indicated, while the total head count had only increased by 7.7 percent, the number of sections, number of seats occupied, and the student credit hours generated were increasing a lot more. He said what his staff was seeing was relatively the same amount of students enrolled were taking more credit hours in the summer.

Dr. Cordova reviewed the Academic Progress Rate (APR) data; APR referred to the percentage of freshmen retained from freshman year to sophomore year with a GPA of 2.0 or higher. He stated APR retention showed a 1.8 percent increase from last year to this year. He stated overall retention showed an increase of 3 percent. He noted active interventions continued in an effort to capture students from the fall 2018 cohort to enroll them in the fall “B” term. He stated FGCU had an APR retention goal of 75 percent (currently 74.2 percent) and an overall retention rate goal of 80 percent (currently 79.9 percent). Trustee Eide asked what the best retention rate was for the State University System (SUS). Dr. Cordova responded around 90+ percent for University of Florida (UF) and Florida State University (FSU).

Dr. Cordova reported the 2013 cohort four-year graduation rate was 28.8 percent and the 2014 cohort four-year graduation rate was 34.5 percent. He said there was potential to bring that number close to 35 percent this year. He said that was about a 6.2 percent increase from last year. He said collectively, when looking at the four-year graduation rate from the last two years, there was the potential to exceed 12 percentage points. He said that was a testament to the efforts of a lot of remarkable people on
campus trying to help students graduate as quickly as possible. He displayed a six-year timeline of cohorts from 2010 to 2015 which illustrated the jump in four-year graduation rates following the launch of the Student Success Initiative in March 2018. He noted with respect to the five-year graduation rate, the 2013 cohort had a 43.6 percent graduation rate, and the 2014 cohort was at 48.5 percent (about a 4.9 percent increase from last year). He said it was exciting that the five-year graduation rate was currently higher than the six-year graduation rate last year. He stated the six-year graduation rate for the 2012 cohort was 47 percent and now the five-year graduate rate was 48.5 percent. Dr. Cordova said that was a strong, outstanding number.

He stated FGCU encouraged students to graduate with the least amount of hours toward the degree. He displayed a chart which illustrated the average number of hours to bachelor’s degree completion for FTIC students. He noted FGCU was ranked number one in this category at 136.6 hours. He noted that the State University System (SUS) average was 143.8 hours to degree completion. Trustee S. Smith asked why fewer hours to bachelor’s degree completion was a good thing. Dr. Cordova explained bachelor’s degree programs were typically 120 hours, and FGCU encouraged students to graduate in four years and as close to 120 hours as possible.

Dr. Cordova displayed a chart which illustrated the average number of hours to bachelor’s degree completion for transfer students (students who transferred to FGCU with an Associate of Arts degree from a Florida College System school). He stated FGCU had an average of 147.3 hours and was ranked fourth in the SUS. He noted FGCU was working to improve this number. He said he believed the 2+2 pathways that FGCU was working on with State College of Florida and the current "Destination FGCU" program with Florida SouthWestern State College would help over time to improve this key performance indicator.

He stated, in summary, FGCU would continue to improve upon admitting students who viewed FGCU as a first choice school. He noted summer school was the key to increasing persistence, increasing graduation rates, and decreasing cost to the student. He stated FGCU would continue to create the best environment for student success.

Trustee Fogg asked about the University of Florida (UF) FTIC student hours to bachelor’s degree completion rate of 155 hours, and why it was so high. He noted UF was Florida’s flagship school, and he wondered if the 155 hour completion rate was good or bad. Dr. Cordova indicated he could not speak for the University of Florida. He said the bottom line was that FGCU wanted students to graduate as quickly as possible. Senior Vice President for Strategy and Program Innovation Mike Rollo stated he worked at UF for many years and noted many students at UF entered as freshmen with 30-36 credit hours from AP courses already accrued, which could contribute to the increased hours to degree completion rate.

Trustee Fogg asked how the data found on page 1 of Dr. Cordova’s presentation slides regarding the Freshman Profile measured up to the goals that Dr. Cordova would like to see for incoming freshmen. Dr. Cordova stated FGCU always strove to improve the
quality of incoming students (as indicated by GPA or test scores); however, more important to FGCU was increasing the quantity of students who chose FGCU as a first choice school. Trustee Fogg responded that this was the “hand” that FGCU was dealt, and that FGCU’s job was to do better with the “hand.” President Martin stated he felt a regional school such as FGCU was a ladder, not a filter. He said FGCU needed to give students who were motivated and prepared a chance. He stated he felt FGCU was a value-added institution rather than a selective institution. He indicated he felt FGCU was doing an excellent job of taking students who needed a jump start and putting them on the path to success. He stated he believed FGCU should take great pride in this. He said the K-12 school system in the region may not be as strong as they would like it to be, and that many of the FGCU students were first generation and come with financial challenges. President Martin stated if FGCU could take those students through a successful college experience and into a career, then it has made a profound social contribution.

Trustee K. Smith commended Vice President Cordova, Provost Llorens, President Martin, the faculty, and the students for the Student Success & Enrollment Management Initiative which he felt was highly successful, as well as the summer school program improvements. He said it was amazing to look at what had been done, and that the data spoke for itself.

Trustee Robbie Roepstorff agreed with Trustee K. Smith. She asked if FGCU acquired a Benacquisto Scholarship recipient this year. Dr. Cordova responded in the negative. Trustee Roepstorff said that was the goal - that Senator Benacquisto had done so much for FGCU and that the University needed to make this happen. Trustee Roepstorff noted that she valued the FGCU Board of Trustees Information System (BOTIS) quarterly report and that upon review she did not see any new freshmen from Bishop Verot, Canterbury or the Community School in Naples. She asked if there was a reason students from these schools were not choosing FGCU. Dr. Cordova responded these students were competitive and had many options, and were going to the finest public and private institutions. He stated as FGCU’s quality continued to improve, and the message continued to circulate that FGCU students were achieving high success rates of employment within six months of graduation in high earning jobs, the more competitive students would choose FGCU. Trustee Roepstorff encouraged Dr. Cordova to focus recruiting efforts toward these schools.

Trustee Coone asked if the Student Success & Enrollment Management Initiative was launched in 2018 and if the APR data provided was a direct result of implementation of the initiative. Dr. Cordova responded in the affirmative. He explained that a lot of what had been put in place last year was the Eagles in 22 program, which was aimed at tracking and retaining the fall 2018 freshmen who were now rising sophomores. He stated the First Year Experience and Retention Programs department developed a completely new program to support creating an engaged, connected student environment for freshmen. He said the South Village Residence Hall is the location that was built to support this effort. Trustee Coone asked what offices partnered with Dr. Cordova to implement the Student Success program. Dr. Cordova responded FGCU
had a Student Success division with three units: Academic Engagement, Student Engagement, and Enrollment Management. He stated there were numerous departments within those three units with approximately 350 full-time employees and 150 part-time employees. He stated that Student Success & Enrollment Management also partnered with Academic Affairs to continuously support students and help them graduate quicker. He said they also worked with the Advancement Office and the Office of Administrative Services and Finance, and work together across the institution to make this happen.

**Item 5: Standing Report from United Faculty of Florida (UFF)/FGCU Chapter**

Chair Gable stated the standing report from United Faculty of Florida (UFF)/FGCU Chapter report was being made in conjunction with the Collective Bargaining Agreement provision which provided UFF an opportunity to speak to FGCU Board of Trustees’ agenda items which affected the wages, hours, and other terms and conditions of employment of employees. “Employees” was defined as a member of the bargaining unit. He welcomed new Co-Presidents Dr. Scott Michael and Mr. Patrick Niner.

Dr. Michael reported he was a professor in the department of biology and taught biology and honors, and ran a research lab dealing with viruses. He said he brought in about $10 million in external research support and had been at FGCU for 15 years. He said he came from Tulane University in New Orleans. He noted he was present as an advocate for student excellence, which was the heart of everything that FGCU was trying to accomplish.

Mr. Patrick Niner introduced himself as an instructor in the department of language and literature. He said he was beginning his eighth year as an instructor. He stated in the time he had been at FGCU, he served in several roles in shared governance, most notably as a former officer of the Faculty Senate, as part of the Collective Bargaining Team, and as Collective Bargaining Chair. He said he was a son of the great state of West Virginia, which meant his ancestors shed their blood for the right to collectively bargain. He said that it was in their honor that he served as co-president of the Union.

Dr. Michael stated he was co-president of the FGCU chapter of UFF which represented all faculty members in the University. He reported 56 percent of the faculty members at FGCU were dues-paying members, which was the highest in the history of the University. He said they would like to get to 60 percent and above by the end of the academic year. He stated the intention was to work with management for stronger terms and conditions and stronger faculty; UFF/FGCU Chapter believed stronger faculty led to stronger student success which led to a better University.

Mr. Niner reported contract negotiations were almost complete (including salary and benefits). He reported the UFF/FGCU Chapter bargaining team was led by Dr. Scott Michael and the management bargaining team was led by Associate Provost and Associate Vice President for Academic Affairs Tony Barringer. He stated the UFF/FGCU Chapter was pleased with the collaborative spirit and commitment to
problem solving both bargaining teams displayed. He stated he believed contract
changes would be ratified and ready for the Board’s review soon.

Trustee MacDonald asked if the UFF/FGCU Chapter had anything to add about Mr.
Paine’s public comment regarding faculty contracts for Resort and Hospitality
Management. Mr. Niner stated the UFF/FGCU Chapter had no desire to hold the
University back from progress and betterment, and if this meant changing a program,
then it had no objections. He noted the three-year contract was sacred to FGCU
faculty, as the University did not offer tenure. He stated that cutting a three-year
contract short was unprecedented. He said that the UFF/FGCU Chapter wished to
ensure this was being done correctly through a collaborative process, and that both
labor and management had the same interpretation of contract language. He stated he
could not say these goals had been met completely, but the UFF/FGCU Chapter and
management were working toward reaching them. Dr. Michael stated the UFF/FGCU
Chapter understood these contract changes were being compartmentalized to the
Resort and Hospitality Management program, but was interested in the precedent
setting nature of these changes and how they might be interpreted by other faculty
across the entire University.

**Item 6: Standing Report from FGCU Foundation Board of Directors**

FGCU Board of Trustees Liaison to FGCU Foundation Board of Directors Leo
Montgomery reported the FGCU Foundation Executive Committee met last week and
the first order of business was to welcome Ms. Katherine “Kitty” Green as the new Vice
President for Advancement and Executive Director of the Foundation. He welcomed
Ms. Green to the team. He stated the meeting consisted of reports from each of the
Committees, and asked Ms. Green to give this report today.

Ms. Green reported the Foundation ended the fiscal year with $135 million in total
assets, and liabilities of just over $650,000. She reported net investment earnings for
the year were $66.5 million; the investment pool’s market value at the end of the year
was $99.7 million; and the portfolio returned 7 percent against the benchmark of 7.4
percent. She stated the Foundation’s operating budget finished the year with revenues
exceeding expenses by $425,000. She stated the auditors were onsite last month, and
to date no unusual issues have arisen; the audit would be approved by the Foundation
Committee at the October meeting, and the FGCU Board of Trustees would see the
audit in January.

She stated as a part of the Finance Committee’s work to position the Foundation for the
future the Committee was reviewing the overhead and spending rates for the
endowments in comparison to the other state universities in Florida. She noted the data
showed the FGCU overhead allocation of 1.5 percent on invested funds was among the
lowest in the state, and the four percent spend rate for the University was comparable to
others with only one being higher. She stated the Finance Committee would continue
its efforts to determine how to achieve the combined 5.5 percent net rate in the
uncertain months and years ahead. She reported the Foundation’s investment advisor
was educating the Foundation about potential alternative investments which could increase yield with acceptable volatility, including real estate, but no allocation changes were recommended at this time. She reported the Foundation raised $24 million last year, just short of the $25 million goal. She noted year to date the Foundation was slightly ahead of last year’s numbers and the Foundation again had a goal of $25 million for next year. She stated the primary goal of fund raising this year would be to match the $4 million challenge grant for the Entrepreneurship Building, as well as funding for The Water School, continued Student Success initiatives and scholarships, and Phase II of the Alico Arena project. She reported the Foundation was in the midst of a faculty staff annual campaign, and to date 400 members of faculty and staff contributed to the campaign. She stated the Advancement team spearheaded FGCU’s very impactful participation in the News-Press Water Summit last month and was coordinating a grand opening for the new Student and Community Counseling Center on November 1, 2019 and a ceremonial groundbreaking for Academic Building 9 (AB9) on November 21, 2019. She indicated the decision was made to put FGCU’s annual gala on hiatus in favor of smaller and more targeted events this year.

Trustee Montgomery stated members of the Executive Committee and the Foundation as a whole were very qualified and committed to the success of the University.

Chair Gable thanked and welcomed Ms. Green.

Item 7: Standing Report from FGCU Financing Corporation Board of Directors

FGCU Board of Trustees Liaison to FGCU Financing Corporation Board of Directors

Richard Eide, Jr. reported that over the summer, the Financing Corporation held a conference call meeting in July in an effort to set up an agenda “to-do list” for refunding. He stated FGCU had reached the first call date on roughly 25 percent of its outstanding bonds. He reported the interest rate markets moved substantially over the summer, lowering rates absolutely with a dramatic flattening of the yield curve. He stated there was leverage in FGCU’s favor for refunding at this time. He stated the Financing Corporation discussed the possibility of delaying this activity, and it was decided not to delay as the gain was very advantageous to the University and as this was only 25 percent of the outstanding bonds. He said that when he gave his report in June, they were basing their budget on a 95 percent student housing occupancy, but housing activity numbers were actually at a 99.1 percent occupancy rate, which was outstanding.

Item 8: Chair’s Report

Chair Gable reported the Board of Governors met at FGCU two weeks ago. He stated it was a wonderful opportunity for individuals from around the State of Florida to see the FGCU campus. He stated the Board of Governors was very pleased with the visit, and thanked those who coordinated the event. He stated the Chair of the BOG reminded all BOT Chairs of a Trustee Summit next month in Gainesville on October 29 from 8 a.m. until 3:45 p.m. at the University of Florida (UF). He stated the BOG and Chancellor felt...
the Trustee Summit was extremely important, and Chair Gable encouraged all Trustees to attend. He stated October 11, 2019 was the deadline for booking the hotel, and Trustees should contact Ms. Evans for additional information.

**Item 9: President’s Report**

President Mike Martin introduced the following new employees: Vice President for University Advancement, and Executive Director of the FGCU Foundation Katherine “Kitty” Green; Dean of the Marieb College of Health & Human Services Dr. Ann Cary; Director of the Bower School of Music and the Arts Dr. Krzysztof Biernacki; Associate Vice President for Enrollment Management Lisa Johnson; and Associate General Counsel Robert Eschenfelder. He introduced and thanked Dr. Charles Lindsey for serving as Interim Dean for the College of Arts and Sciences; introduced and thanked Dr. Barbara Stites for serving as the Interim Dean of Library Services; and introduced Dr. James Cousins from Western Michigan University as the second American Council on Education (ACE) Fellow to spend a year with FGCU.

He reported FGCU was well into the search for the Dean of the Lutgert College of Business. He noted Trustee S. Smith was serving as a non-voting, advisory member of the search committee, and Senior Associate Provost and Associate Vice President for Planning and Institutional Performance Paul Snyder was serving as chair. He noted there were 90 applicants, and interviews would begin soon. He said the search for the Executive Vice President and Provost recently had begun. He reported Trustee Coone was serving as a non-voting, advisory member for this search committee, and Senior Vice President for Strategy and Program Innovation Mike Rollo was serving as chair. He noted the Committee was soliciting nominations and advertising the position. He stated the Provost search would take a bit longer than an average search. He reported Associate Provost and Associate Vice President for Academic Affairs Tony Barringer was chairing the search for the Dean of Library Services. He stated FGCU was using for many of the searches a single executive search firm, Diversified Search, which was chosen after much research and consideration.

President Martin reported the Student and Community Counseling Center would open in October 2019. He stated he hoped construction would begin this academic year on the Entrepreneurship Building. He reported the Recreation and Fitness Center would open in January 2020. He also noted that 27,000 square feet of general meeting space was being added next door to the Cohen Center. He said the Cohen Center had always been a shared space for student activities and administrative offices but over time the hope is to transition it into a student service facility, for student meetings, student leadership offices, and a venue that is appealing for students to utilize seven days a week. He noted the Cohen Center expansion should be complete in the next couple of months.

He stated he reached out to the President of the University of the Bahamas, Rodney Smith, in an effort to help the Bahamas, and its University, recover from Hurricane Dorian. He noted Director of Emergency Management Ruth Rodriguez was
coordinating larger relief efforts campus-wide, and Ms. Evans was collecting money from the Cabinet members to make a personal contribution from FGCU leadership.

Chair Gable asked if FGCU offered in-state tuition rates to students from Puerto Rico after Hurricane Maria. President Martin responded in the affirmative. He said that it would be a while before they knew exactly in which the ways FGCU could help the University of the Bahamas, but that FGCU was willing and prepared to serve and assist.

**Item 10: Academic/Student/Faculty Affairs Committee** (see Tab #5)

Committee Chair Christian Spilker reported there was one action item for the Board, the Amended 2019 FGCU Accountability Plan. Trustee Spilker called on Provost Llorens to present this item.

**Amended 2019 FGCU Accountability Plan (TAB #5)**

Provost Llorens reported this was an action to approve the Board of Governors’ (BOG) requested revisions to the FGCU 2019 Accountability Plan. He stated the FTIC four-year graduation goal rate, approved by the FGCU Board of Trustees and presented to the BOG, was believed to be a moderate, achievable goal of a 35 percent rate for the 2018-2022 cohort; however, the BOG wanted the metric changed to a more aggressive goal of 45 percent. He stated the FGCU-Board-of-Trustees-approved goal for the APR metric was slightly less than BOG’s requested goal for the years 2018-2019 and 2019-2020, while the 2020-2021 and 2021-2022 goal would remain the same with no change.

He noted they believed even with these revised BOG goals, FGCU would score sufficiently enough to retain performance funding.

Trustee Spilker called for a motion. Trustee S. Smith made a motion to approve the Amended 2019 FGCU Accountability Plan. Trustee K. Smith seconded the motion.

Trustee K. Smith asked if Provost Llorens and Dr. Cordova set the original goals with well thought out reasons for the chosen goal numbers. Provost Llorens responded in the affirmative. Dr. Cordova stated FGCU was ahead of schedule in the FTIC four-year graduation metric and he felt the BOG’s challenge to reach 45 percent in the next four years was reasonable. He stated the APR metric increase of 10 percent would be difficult; however, FGCU would work hard to reach this goal. He agreed there were well thought out reasons for the original goal numbers chosen.

Trustee K. Smith said that he understands why the four-year graduation rate metric had changed because it was clear that FGCU would achieve that goal, but pointed out that the University was not aware of the progress made in the four-year graduation rate when the goals were first created. He also pointed out that the data shown today was not final. He said the APR number seemed to be somewhat problematic. He stated the FGCU Board of Trustees was designed to discuss, implement, and govern certain things at the local level. He stated he did not believe the Board was necessarily required to approve these changes. He explained the Board had a responsibility to the University to make good decisions regarding how the University should progress.
stated he believed FGCU leadership was best equipped to make these decisions, not the BOG. He said that when he looked back at Florida Agricultural and Mechanical University (FAMU) and the University of Central Florida (UCF), all of the issues that occurred at those institutions were not good and the BOG had approved the UCF building currently in question two times. He also pointed out the BOG had sent an advisor to FAMU to specifically discuss the issues occurring in their athletics department with FAMU’s Audit and Compliance Committee Chair, and yet the problem still continued. He noted he was concerned about who would be held accountable if these new metrics were not met. He said responsibility could be shifted, but risk could not be shifted. He asked if the BOG had data which illustrated a statistical reason for the increased Academic Progress Rate metric.

Dr. Cordova responded that after the Accountability Plan was presented to the BOG, they challenged FGCU to stretch its goals. He explained the goals were re-discussed (between President Martin, Dr. Paul Snyder, himself, and others) and it was decided while the APR increase was a stretch, this new goal was a number which could be achievable. President Martin stated he believed in “under promising and over performing” and the original goals had been set with this in mind. He said that was not the philosophy the BOG wanted to hear. He said that they had thought through the numbers carefully, but this was the hand that FGCU had been dealt.

Trustee K. Smith stated he wished to support what Dr. Cordova decided was a realistic goal and he felt it was important to establish attainable goals. He said the FGCU Board of Trustees approved the APR goal, and he felt that the BOG put the FGCU administration between the BOT and the BOG.

Chair Gable noted he had been attending the BOG meetings for two years and he believed the intent of the BOG was not punishment or an attempt to set FGCU up for failure. He said that was not the spirit of this. He stated he believed the BOG was thrilled with the path FGCU was on and did not want to see FGCU become complacent. He stated he believed the BOG wished to push FGCU to improve. He said he did not construe any of it as a negative.

Trustee S. Smith asked what was at risk if FGCU did not reach the APR goal. He asked if FGCU could lose State funding. Provost Llorens noted the changes were applied to two metrics only and FGCU was evaluated for all metrics overall. He stated when viewed as an overall accountability plan he believed FGCU would be able to meet the goals for performance funding. Trustee S. Smith asked if Provost Llorens was comfortable that FGCU’s overall portfolio numbers would enable FGCU to receive discretionary funds. Provost Llorens responded in the affirmative.

Trustee Roepstorff noted during the BOG meeting recently held at FGCU there was discussion of changing another metric which could negatively impact FGCU. Provost Llorens responded the other metric discussed was related to the metric for degrees awarded to Hispanic and African-American students. He explained the BOT wished this metric to be a set number and the BOG wished it to be a percentage; however, FGCU
was still fighting this metric change. Trustee Roepstorff asked what would happen if the BOG forced the metric change. Provost Llorens responded this change could negatively affect FGCU, but it was not guaranteed. Trustee Roepstorff said she really understood what Trustee K. Smith was saying, but having watched all of the BOG meetings, she understood that this had to do with numbers the BOG approved in 2018 (which were higher) and they were not going to approve anything lower than those numbers. She said the BOG wanted to keep the universities accountable to the numbers that were approved last time. She stated that she saw some logic to where the BOG was coming from.

Trustee Kevin Price asked if the APR goal was FGCU’s performance as related to FGCU goals, or as related to other SUS institutions. Provost Llorens responded it was FGCU’s performance as related to FGCU goals. Dr. Cordova explained the universities were scoring improvement points on the metrics and every five percent of improvement over last year was 10 points on the model. He said, for example, last year the University scored zero points on APR, but scored 10 points on four-year graduation rate. He said FGCU was currently tracking to score 10 points on four-year graduation rate, and about four points on APR, as well as points on other metrics. He stated that last year FGCU scored 81 total points, and staff are tracking the metrics closely to meet or exceed that number this year. Trustee Price noted points were doled out based upon performance, not based upon missing or making goal.

Trustee Montgomery stated he felt this push was a governance technique the Board of Governors used to ensure schools did not grow complacent.

Trustee Spilker asked what would happen if the FGCU Board of Trustees did not endorse the Board of Governors’ request. Provost Llorens stated he was unsure. He said he was not sure if the BOG would have the authority to just override the decision and hold the University accountable for what they were proposing. Trustee Roepstorff said the BOG had to accept the Accountability Report, and they could just find it unacceptable. Chair Gable stated he understood the desire of the Board to have autonomy, but he did not believe this was a point worth arguing with the BOG. He stated the frustration had been noted and heard, and he recommended voting and proceeding with the meeting.

There was no public comment, or further Board discussion. The vote was 11-2 in favor of the motion with Trustees K. Smith and Spilker dissenting.

Item 10: Finance, Facilities and Administration Committee (see Tabs #6-18)

Committee Chair Ken Smith reported there were four information items and nine action items on the Agenda. Trustee K. Smith called on Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera to discuss the four information items.
2018-2019 End-Of-Year Budget Report (TAB #6)
Mr. Magiera reported this was the year-end budget report and had been previously discussed at the June Board meeting. He noted the Budget Office did a good job on forecasting as overall revenues were only off 4/10 (four tenths) of a percent, and expenditures were decreased by 3/10 (three tenths) of a percent of what was projected in June. He stated the Executive Summary discussed the different accounts which were also discussed at the June Board meeting.

Carryforward Funds from Fiscal Year Ending June 30, 2019 (TAB #7)
Mr. Magiera reported the Carryforward Funds from Fiscal Year Ending June 30, 2019 was a recap of what was presented to the FGCU Board of Trustees at the June Board meeting. He reported the carryforward balance was continuously changing and was different today than it was in June. He stated the accounts did not change, but the balances in the accounts would decrease as money was spent. He stated the Board of Governors (BOG) has now asked the institutions to provide a list of encumbrances for the fiscal year ending June 30, 2019. He said encumbrances were not something people in business were used to because it is usually only used in government accounting. He explained encumbrances were very similar to accounts payables, but not the same thing. He explained all accounts payables were encumbrances, but not all encumbrances were accounts payables. He said, for example, if he ordered a podium at the end of June, government accounting would move it into an encumbrance and would take it out of the budget line so that it was no longer available. He said it would not be owed yet because it had not yet been received, thus not an accounts payable. He said they were very close, but not quite the same thing. He explained encumbrances were items which would be paid next year, and all encumbrances were required to be liquidated by December 31. He said if an encumbrance was not paid for and received by December 31, it goes back into the carryforward balance for the next year. He displayed a list of the encumbrances.

Trustee Roepstorff asked why encumbrances were required to be liquidated by December 31 if FGCU operated on a June 30 fiscal year budget. Mr. Magiera explained this was the law of encumbrances. He said the BOG did not want encumbrances going on for years, and there were rules. He explained that an item could be encumbered (such as a piece of equipment) that was expected to come in within six months, or a contract for services, as long as the service started before the end of the year. He said the point was that the BOG wanted them to add back in the encumbrances in the report which were already required payments, either backed by a purchase order or a contract. Trustee K. Smith commented that theoretically, the BOG was going to overstate money that the institution had as a carryforward, which was a quasi-problematic situation that financial statements were being put out overstated. Mr. Magiera agreed. Trustee Roepstorff said she thought a lot had to be done with the carryforward funds before the legislative session. Mr. Magiera said last year, each month they had to submit to the BOG the new carryforward amount and how much was spent (because the number constantly decreased).
Trustee K. Smith asked Mr. Magiera if he reiterated that all accounts payable were encumbrances, but that not all encumbrances were accounts payable. Mr. Magiera confirmed that he did. Trustee K. Smith said that it was an important thing to understand in government accounting.

In looking at the carryforward, Trustee Roepstorff noted a recent change which now allowed construction of buildings to be completed with carryforward funds when this had never been permitted in the past. Mr. Magiera concurred this new rule was correct. He explained there was a new rule which indicated carryforward monies could be used to help in completion of a building which had already been appropriated.

Finance/Budget Update (TAB #8)

Mr. Magiera reported this was the Finance and Budget update for the current year. He noted the budget began July 1, 2019 and as it was early in the fiscal year he provided a simple overall review found in the Executive Summary in the agenda packet. He noted at this point revenues were ahead of schedule (about $1.2 million) and expenditures were slower than anticipated (by $250,000). He stated when the Board had originally approved the budget there was approximately $8.7 million of unallocated funds, and these funds were now allocated to line items. He stated another thing to note was the budget included a two-percent pay raise for staff (or $1500, the greater thereof) which would be effective October 1, 2019. He noted negotiations with the University Police Department and United Faculty of Florida were not yet complete, so raise amounts had not yet been determined.

Fixed Capital Outlay Budget Quarterly Update (TAB #9)

Mr. Magiera stated the Fixed Capital Outlay Budget was a new report that showed all of the fixed capital items for FGCU. He stated this was presented June 10, 2019, just prior to the end of the fiscal year. He explained the bold numbers in the budget report were the numbers which had changed due to projected expenditures changing to actual expenditures. He stated going forward, the only time changes would be seen was when there was a new item or an error. He said the Board would receive this report on a quarterly basis. He indicated the final three columns were the most important and included budgeted amounts and spent-to-date amounts. He stated a correction to the sixth item down in the report was needed: the Cohen Center Multipurpose Room would obtain funds from carryforward and auxiliary dollars (about $200,000 from auxiliary and the remainder from carryforward), not just carryforward funds.

Trustee S. Smith asked if this report would note when there was an overrun (or variance) on a project. Mr. Magiera responded in the affirmative, that an overrun would show up if the expenditures exceeded the budget. Trustee S. Smith said it would be helpful if there were projected variances (that they were aware of) reflected in the report so that the Board could see what the estimate at completion would total. Mr. Magiera stated that this could be done.

Trustee Ballin asked what constituted the housing capital improvements listed on the report. Mr. Magiera responded FGCU spent approximately $2 million to $3 million
annually maintaining housing; housing capital improvements were primarily maintenance, such as painting, air conditioner replacement, and new flooring.

**FGCU Financing Corporation Bond Refinancing (TAB #10)**

Mr. Magiera reported two years ago FGCU refinanced some bonds and did really well, saving approximately $500,000 a year. He stated FGCU now had some 30-year bonds which were callable (30-year bonds were callable after 10 years). He reported the sale of the bonds would be done on November 1, 2019, 90 days before February 1, 2020, in an effort to avoid advance refunding. He noted a financial advisor was assisting in this matter and had projected FGCU savings. He said the University had to make sure to follow the Debt Management Guidelines of the Financing Corporation, must work with the Board of Governors (BOG) and the Division of Bond Finance, and were not allowed to extend the maturity. He said that five percent was the recommended minimum savings amount. He reported the projected net present value savings was approximately 19 percent. He stated the financial advisors put together a sensitivity study (requested by Trustee Eide in June) which determined if interest rates moved one percent in the wrong direction FGCU would still save approximately $4.6 million, or 11.5 percent. Mr. Magiera noted approximately $40 million would be refinanced, and he believed the University would save approximately $500,000 again. He noted this sale could be stopped at any time; FGCU was not committed.

Trustee Spilker made a motion to approve FGCU Financing Corporation Bond Refinancing. Trustee Cors seconded the motion.

There was no public comment, or Board discussion. The vote was 13-0 in favor of the motion.

**FGCU Financing Corporation 2019-2020 Budget (TAB #11)**

Mr. Magiera stated this budget was approved by the Financing Corporation Board of Directors. He noted the net revenue received from the University was approximately $18.6 million; however, with the increase in occupancy, the number would be a little higher. He pointed out that the housing and parking operations were University operations. He said that housing brings in around $30 million, but the money to pay the principal, interest, and any excess revenues came over to the Financing Corporation budget. He noted the projected budget for 2019-2020 would be approximately $1.3 million revenues over expenses.

Trustee S. Smith asked what was done with the excess. Mr. Magiera reported excess funds stayed with the Financing Corporation. He stated the Financing Corporation had both restricted and non-restricted fund balance; restricted was for bond covenants, and there was approximately $15 million to $16 million of unrestricted fund balance which would be held and increased because of variable debt (approximately $20 million), or to pay bank loans, or to finance the next parking garage.

Trustee S. Smith made a motion to approve the FGCU Financing Corporation 2019-2020 Budget. Trustee Cors seconded the motion.
There was no public comment, or Board discussion. The vote was 13-0 in favor of the motion.

**Appointments to FGCU Financing Corporation Board of Directors (TAB #12)**

Mr. Magiera reported there were two Board Members whose terms were up and who did not wish to be reappointed to the Board: Dr. Bernie Lester and Mr. Charles Winton. He stated there were two replacements initially approved by the FGCU Financing Corporation Board of Directors: Dr. Stephen McIntosh and Mr. Martin Wasmer. He asked if there were any questions about the candidates and informed the Board that their bios were included in the agenda packet.

Trustee Roepstorff made a motion to approve the appointments to FGCU Financing Corporation Board of Directors. Trustee Spilker seconded the motion.

Trustee Fogg stated Mr. Martin Wasmer managed money for his family. He asked if this would be a conflict, and should he abstain from the vote. Vice President and General Counsel Vee Leonard responded in the negative; there was no conflict.

Trustee K. Smith asked if there was a set of qualifications one would need to serve on the FGCU Financing Corporation Board of Directors. He indicated this was a matter of curiosity, and this information could be given to him at a later date.

There was no public comment, or further Board discussion. The vote was 13-0 in favor of the motion.

**FGCU Foundation 2019-2020 Budget (TAB #13)**

Ms. Green reported the FGCU Foundation 2019-2020 Budget reflected revenues which were approximately five percent higher than the previous year due to the increased value of FGCU’s endowment. She said this was the 1.5 percent overhead charge from which the FGCU Foundation operated. She noted the additional funding was allocated among the various accounts, and there was no one place the additional funding was applied. She noted this year’s budget was similar to last year’s budget.

Trustee Montgomery made a motion to approve the FGCU Foundation 2019-2020 Budget. Trustee MacDonald seconded the motion.

Trustee K. Smith asked if money was accrued for Soar in 4. Mr. Magiera responded as the original Soar in 4 program was established, it was determined this program would not use Education & General (E&G) funds, thus they were using some Auxiliary funds. He noted the program was growing quickly and money was being set aside for the program. Dr. Cordova stated there was active fundraising being conducted with Ms. Green and the Advancement team for Soar in 4. Trustee K. Smith asked if Dr. Cordova was looking at potential positive changes to the Soar in 4 to elevate the program. Dr. Cordova responded that based on Trustee K. Smith’s previous feedback, as well as others’, the Soar in 4 program proposal would be updated and brought to the Board.
There was no public comment, or further Board discussion. The vote was 13-0 in favor of the motion.

**Appointments to FGCU Foundation Board of Directors (TAB #14)**

Ms. Green stated there were four nominations approved by the FGCU Foundation Board of Directors: David Call, who completed his first term on the Board and was initially approved for a second term, and three new appointments.

Trustee Montgomery made a motion to approve the Appointments to FGCU Foundation Board of Directors. Trustee Price seconded the motion.

There was no public comment, or Board discussion. The vote was 13-0 in favor of the motion.

**Regulation: FGCU-PR1.003 Non-Discrimination, Anti-Harassment, and Sexual Misconduct (TAB #15)**

Ms. Leonard asked Director of Equity, Ethics and Compliance, and Title IX Coordinator Precious Gunter to present Regulation: FGCU-PR1.003 Non-Discrimination, Anti-Harassment, and Sexual Misconduct. Ms. Gunter reported the Regulation had been amended to further clarify eligibility of student witnesses for amnesty for student disciplinary action for intoxication or possession in connection with the report of sexual misconduct.

Trustee Spilker made a motion to approve Regulation: FGCU-PR1.003 Non-Discrimination, Anti-Harassment, and Sexual Misconduct. Trustee Cors seconded the motion.

Trustee Ballin stated in Section 1, Affirmation, the last sentence read “Retaliation against any individual involved in reporting or in the investigation of a complaint will is prohibited.” He suggested this be corrected. Ms. Leonard stated this was a scrivener’s error and would be modified.

Trustee Ballin asked how the information regarding amnesty would be relayed to the students. Ms. Gunter stated her department informed students about the amnesty when a student came forward to file a complaint. She explained amnesty applied to complainants and witnesses. Trustee Ballin asked if students were told about amnesty only when they filed a report. Ms. Gunter said students also were informed of amnesty during student trainings such as: Title IX training, orientation training, and training for resident directors and advisors. Trustee Ballin said those students will be able to disseminate the information down to other students who may not be involved in those leadership positions so that all students on campus understood amnesty. Trustee K. Smith said that it was a good question about how the general populous of students knew that if they witnessed something, amnesty existed. He said having this was very positive, but people needed to know about it.
Ms. Gunter stated informing students was done primarily through training and programming, but all incoming freshmen also had a requirement to do *My Student Body*, which included Title IX modules and information about sexual misconduct. She stated the Regulation was posted on the University website, and there were booklets and pamphlets with this information distributed by her department as well.

Trustee Ballin asked if Registered Student Organizations (RSOs) were required to do Title IX training. Ms. Gunter responded in the negative; Title IX training was not mandated for registered student organizations; however, the majority of these organizations requested and received Title IX training, including Student Government.

There was no public comment, or further Board discussion. The vote was 13-0 in favor of the motion.

**Regulation: FGCU-PR5.023 Separations (TAB #16)**

Mr. Magiera reported the state auditors requested inclusion of language in Regulation: FGCU-PR5.023 Separations which indicated employees dismissed for cause were not eligible to receive severance pay. He noted this was the current practice, but the auditors wished to see the language in writing.

Trustee Cors made a motion to approve Regulation: FGCU-PR5.023 Separations. Trustee S. Smith seconded the motion.

There was no public comment, or Board discussion. The vote was 13-0 in favor of the motion.

**Florida Gulf Coast University 2019 Florida Educational Equity Report (TAB #17)**

Ms. Gunter reported each year pursuant to the Florida Educational Equity Act, every university in the SUS was required to prepare and submit an annual Florida Equity Report. She stated the Annual Equity Report examined three different areas: student services/enrollment, equity in athletics, and employment representation. She stated within these areas, gender and race were assessed to ensure there were equitable practices in place in these three defined areas.

Ms. Gunter stated in terms of student enrollment, it was important to note the Equity Report looked at the preceding academic year (July 1, 2017 through fall 2018). She noted overall enrollment was 14,943 students; of these 56 percent were female and 44 percent were male. She stated national statistics during the same applicable time period were 55 percent female and 45 percent male. She said FGCU was right in line with national statistics in terms of enrollment based on gender. She stated in terms of race (self-identified information), 34.3 percent identified as racial and ethnic minorities, which was slightly increased from fall 2016 (which was a flat 34 percent). She reported 60 percent of females obtained the degrees awarded during applicable time periods, and 31 percent of the racial and ethnic minorities obtained the degrees awarded during applicable time periods.
She reported in terms of gender equity in athletics, FGCU was substantially proportionate, meaning athletic gender representation was proportional to overall gender representation (57 percent female athletes, and 43 percent male athletes). She stated FGCU had 15 sports, nine were female, and six were male. In that time period, there were 274 athletes: 152 female and 122 male athletes. She said of the total athletes, 43 percent identified as a racial or ethnic minority. She noted there was a Diversity and Inclusion Committee through the Athletics Department which was chaired by the Athletic Director (she served on this committee). She stated FGCU also had a Title IX Committee which reviewed these types of statistics to ensure FGCU remained in compliance and had equity in terms of the athletics programs.

Ms. Gunter reported in terms of employment representation (faculty only), there were 474 non-tenure-earning faculty members; of these, approximately 46 percent were female (218), 77 percent were of the majority, and 23 percent were identified as a racial and ethnic minority.

She noted the Affirmative Action Plan was a separate federal requirement, but she included the Affirmative Action Plan data in her presentation as it reviewed the entire faculty and staff statistics, whereas the Equity Report only looked at faculty statistics. She reported during the applicable time period (2018 calendar year), there were 1,345 total employees, of which 22 percent identified as racial and ethnic minorities and 58 percent were women.

She stated her department continued with programing and promotion of equity and diversity at FGCU. She reported 170 trainings were offered during the 2017-2018 school year on a myriad of issues, including subjects ranging from sexual harassment to American Disabilities Act to age discrimination. She noted online modules also were sent out for employee completion. She said that they continued to implement the Diversity and Inclusion Certificate program, which also had been included as an evaluation metric for staff at FGCU. She said that last year, 117 programs were offered, and there were 381 graduates (214 new graduates of the certificate program, and 167 renewals).

Trustee K. Smith commented that it was an outstanding report, and he appreciated all Ms. Gunter's area was doing.

Trustee Montgomery suggested sending an annual report communicating to the local communities how effectively FGCU was being run and the powerful things which were being accomplished as reflected in this report. President Martin agreed and stated he felt it was important for others to know of FGCU's efforts to work in fairness and diversity. He noted he would speak with Ms. Gunter in this regard.

Trustee MacDonald stated he would like to see the number of ethnic and minority faculty members increased. He asked if there were any plans to move in this direction. He said if you looked at the faculty diversity versus the overall employee diversity, the faculty were not as diverse. Provost Llorens responded he recently asked Dr. Barringer
to take on the additional role and responsibility for diversity and inclusion with a specific task of looking at faculty and staff ranks.

President Martin noted FGCU could be more conscious of where it advertised for faculty positions in an effort to become more diversified. Trustee MacDonald agreed that this would be very good because in the past they had been limited on the places that they advertised positions. President Martin stated he wished to create search committees that actively searched for more diverse candidates. Trustee K. Smith said that Trustee Montgomery’s idea about putting out an annual report might help in getting the word out about FGCU and in making people feel more comfortable. He said that when he chaired the Presidential Search Committee, it was a struggle to make sure there was inclusiveness in applicants.

Trustee Ballin concurred with Trustee MacDonald’s point about diversity. He noted the students would be grateful for any efforts made to bring in more diverse faculty members. He noted students were grateful for what the University has done to support different areas, such as adding new staff for the Multicultural Leadership Development Office and hiring the Victim Advocate on campus.

Trustee Spilker made a motion to approve the Florida Gulf Coast University 2019 Florida Educational Equity Report. Trustee S. Smith seconded the motion.

There was no public comment, or further Board discussion. The vote was 13-0 in favor of the motion.

2020-2021 Legislative Budget Request (LBR) Submission to Board of Governors (TAB #18)

Trustee K. Smith asked Director of Government Relations Jennifer Goen to present the 2020-2021 Legislative Budget Request (LBR) Submission to Board of Governors. Ms. Goen recognized Charlie Dudley with Floridian Partners who was FGCU’s Tallahassee anchor for advocacy.

Ms. Goen stated on July 29, FGCU was required to submit a draft of the Legislative Budget Request (LBR) to the Board of Governors (BOG). She reported in December of 2017, the BOT approved the 2017-2022 Strategic Plan and then in January 2018 the BOG approved that Strategic Plan. She stated from this Plan, President Martin drafted a three-year LBR for recurring operational funds. She stated the basic principles and guiding objectives of the LBR were as follows: (1) provide every student an education which would allow her/him the opportunity for a successful career and meaningful life, (2) ensure that every student could expeditiously complete a high quality, affordable degree, (3) contribute to the regional and state economic development and quality of life by significantly improving the workforce through graduating well prepared students who participated in targeted internships and other experiential learning experiences, and (4) align academic programs with the goals of the FGCU Strategic Plan and, in turn, the 2025 System Strategic Plan, while identifying and affirming the distinctive mission and contributions of FGCU.
She reported the third year of the plan represented a $9.2 million recurring request for operational funding, and the request would focus on:

- Continued investment of scholarships
- Expanded mental health counseling and services, and campus safety
- Provide mental health counseling training
- Initialize and develop The Water School
- Expand the BSN Nursing Program to meet the state demand
- Implement region-specific workforce development partnerships
- Invest in infrastructure to provide the required technology and security

She stated in addition to the recurring operational request of $9.2 million, there would be a Public Education Capital Outlay (PECO) request for the remaining funds needed ($16.3 million) for the construction of the Integrated Watershed and Coastal Study Building, Academic Building 9 (AB9), which would house The Water School at FGCU. She stated the two requests for the 2020 proposed legislative agenda were the $9.2 million in recurring operational funding which represented the third and final year of the three-year plan, and $16.3 million in PECO funding for the Integrated Watershed and Coastal Study Building, AB9.

She stated the Eagle Advocacy Kickoff would take place on September 26, 2019 and would roll out what the FGCU Board of Trustees approved today, and that FGCU Day at the Capital would be held on January 28, 2020. She stated she hoped the Board would attend both events.

Trustee Ballin asked if the language “him/her” in the basic principles and objectives could be changed to “all students” in an effort to include transgender students. President Martin responded in the affirmative.

President Martin reported this agenda item was to approve the LBR as it was today. He stated the LBR was prepared prior to the FGCU-hosted BOG meeting as the third in a three-year installment of the tactical implementation of the FGCU Strategic Plan. He stated this LBR would put FGCU on par with other institutions with respect to funding per student.

He said at the last BOG meeting, he was introduced to a new concept, “Institutions of Distinction,” and FGCU was to be identified as one. He stated he spoke with the Chancellor this morning on the phone, and the BOG Chair in the past week, and that the BOG was requesting a statement from FGCU regarding how we defined ourselves as an “Institution of Distinction.” He said this had to be submitted to the BOG by September 16, 2019. He asked permission from the FGCU Board of Trustees to use Chair Gable as a sounding board and for final approval if changes needed to be made to the LBR. President Martin said if he were going to define the unique characteristics of FGCU that would make the institution distinguished from the other regional institutions, they would be: (1) all things water in a coastal, tropical environment; (2) health sciences serving a disproportionately geriatric population; (3) selected and
targeted partnerships, both public/public and public/private for workforce development
improvement; and (4) entrepreneurship across the curriculum.

Trustee Cors made a motion to approve the 2020-2021 Legislative Budget Request
(LBR) Submission to Board of Governors with a contingency authorization for Chair
Gable to work with President Martin to make any necessary adjustments. Trustee Ballin
seconded the motion.

Trustee MacDonald asked how the state defined an “Institution of Distinction.”
President Martin stated he was unsure. He said they were still waiting for the definition,
but the Chancellor said that he would be in conversations with additional information.
Trustee MacDonald asked if it was possible to create something that defied the BOG’s
definition. President Martin stated that he wanted the BOG to know that FGCU had
been giving this some thought. He said that he believed that The Water School already
had given FGCU enough visibility to begin to define the brand. He stated that there was
a Summit three weeks ago, and that Governor DeSantis flew in just to attend that event.

Trustee Cors asked if there were other “Institutions of Distinction.” President responded
that all of the regional universities were in this category (FGCU, FIU, FAU, UWF, UNF,
and FAMU) and had to define something distinct about their institution. He said there
were three institutions of pre-eminence: UF, FSU, and USF.

There was no public comment, or further Board discussion. The vote was 13-0 in favor
of the motion.

Item 11: Audit and Compliance Committee (See Tabs #19-24)
Chair Gable called on Audit and Compliance Committee Chair Joseph Fogg to present
these items.

Investigation – Bishop (TAB #19)
Mr. Foster indicated this verbal report represented an investigation into the University-
issued purchasing card (P-card) activity of Dr. Winston Bishop, who previously was
employed in the Division of Student Success and Enrollment Management as an
Assistant Director of Outreach Programs in the department of Student Support
Services. He explained Dr. Bishop had the ability to make expenditures, and some
were determined to be inappropriate and unauthorized. He indicated all the misspent
funds were recovered. He noted the dollar amount was approximately $7,800. He
reported Dr. Bishop was terminated from FGCU. He stated there were appropriate
controls in place; however, a review was being conducted regarding where the controls
and processes were not followed, and where they could be enhanced going forward.
Trustee Fogg indicated the Audit and Compliance Committee (ACC) discussed this matter, and it was determined there was a responsibility through the ACC Charter to review the situation more closely and determine if the response to the situation was appropriate; this would be done at the next ACC meeting.

Office of Internal Audit Annual Report for 2018-2019 (TAB #20)
Mr. Foster reported FGCU was required by BOG Regulation 4.002 to prepare a report summarizing the activities of the Office of Internal Audit for the preceding fiscal year. He noted the Report contained information regarding Office of Internal Audit personnel, education and professional development, quality assurance improvement, audit engagements, and open items for follow-up. He stated in the interest of brevity he would refrain from further detail unless there were any questions.

Trustee K. Smith made a motion to approve the Office of Internal Audit Annual Report for 2018-2019 as presented. Trustee Montgomery seconded the motion.

There was no public comment, or Board discussion. The vote was 13-0 in favor of the motion.

Risk Assessment for 2019-2020 Internal Audit Work Plan (TAB #21)
Mr. Foster reported the BOG required the Office of Internal Audit to develop, at least annually, audit plans which were communicated to the President and submitted to the FGCU Board of Trustees for approval. He stated in developing the 2019-2020 Internal Audit Work Plan, his department performed a University-wide internal audit risk assessment, a process which identified and analyzed risks facing Florida Gulf Coast University. He noted the objective was to align internal audit resources with processes which posed the highest risk to the University’s ability to achieve its objectives. He stated in addition, fraud risk factors were considered while developing this assessment. He indicated based on earlier discussion, a copy of the work plan was included. He stated a Performance Measures Data Integrity Audit was required to be performed and the BOG also encouraged a review of Education and General Carryforward Expenditures.

Trustee K. Smith made a motion to approve the Risk Assessment for 2019-2020 Internal Audit Work Plan as presented. Trustee Spilker seconded the motion.

There was no public comment, or Board discussion. The vote was 13-0 in favor of the motion.

Degree Works Audit (TAB #22)
Mr. Foster stated this report presented a limited scope audit of the Degree Works software program to determine whether Degree Works provided accurate and timely degree advice for reviewing student progress toward degree completion. He stated a data analytics and reporting group was created to focus on using data reporting and University systems to enhance student success. He stated this group was considering other potential uses or features of Degree Works and other University systems to
enhance student success. He noted test sampling was done to determine whether data represented in Degree Works was accurate compared to original sources; it was deemed accurate. He noted when reviewing the access controls, it was determined the Degree Works access control policy for users did not adequately reflect the current reporting structure of the advising function. He noted there had been changes in University organization which directly impacted the primary user groups in Degree Works, and it was recommended that the Office of Academic and Curriculum Support work with all applicable departments to update the access policy. He stated management agreed and was working to implement this recommendation.

Trustee K. Smith made a motion to accept the Degree Works Audit as presented. Trustee MacDonald seconded the motion.

Trustee Ballin asked if this audit evaluated the usefulness of Degree Works. Mr. Foster responded in the negative; the audit evaluated the accurateness of information. Trustee Fogg noted the usefulness of Degree Works was discussed at the ACC meeting, and it was agreed it was a useful program. Trustee Ballin recommended obtaining student input regarding the usefulness of Degree Works. He said he thought they would receive mixed reviews from students as to whether Degree Works actually was helpful. Trustee Fogg noted this type of survey would not fall under the jurisdiction of the Office of Internal Audit. Provost Llorens noted he, along with Dr. Cordova, would meet with Trustee Ballin to discuss any concerns students had regarding Degree Works.

There was no public comment, or Board discussion. The vote was 13-0 in favor of the motion.

**Vester Marine & Environmental Science Research Field Station Audit (TAB #23)**

Mr. Foster stated this report represented a limited-scope audit of the Vester Marine & Environmental Science Research Field Station. He stated the Office of Internal Audit reviewed the University’s operations as related to Vester’s activities, revenues, expenditures, and related internal controls for calendar year 2018. He stated the first objective was to determine whether there were sufficient internal controls in place for identified Vester activities. He indicated during the review it was noted Vester followed appropriate guidelines for campus-wide activities with pre-existing University policies and procedures. He stated guides for administering Vester should be documented in a manual which contained procedures specific to Vester in addition to referencing established University policies where applicable. He stated written manuals supported allowable practices and consistency in daily operations. He noted procedures not in writing may lead to operating inconsistencies and could expose the University to unnecessary risk.

Trustee Fogg noted there were a number of minor exceptions found within the audit. He noted none of the exceptions caused concern for the Audit and Compliance Committee, and called for a motion.
Trustee K. Smith made a motion to accept the Vester Marine & Environmental Science Research Field Station Audit as presented. Trustee Gable seconded the motion.

There was no public comment, or Board discussion. The vote was 13-0 in favor of the motion.

**Florida Retirement System Audit (TAB #24)**

Trustee Fogg noted this Audit was performed by state auditors, not FGCU’s Office of Internal Audit. He noted it resulted in a clean opinion and a clean audit.

Trustee K. Smith made a motion to accept the Florida Retirement System Audit as presented. Trustee S. Smith seconded the motion.

There was no public comment, or Board discussion. The vote was 13-0 in favor of the motion.

**Item 12: Old Business**

There was no old business for discussion.

**Item 13: New Business**

President Martin noted for Hurricane Dorian, Chief of Staff Susan Evans and Chief of Police Steven Moore kept all informed regarding storm activity, which enabled decisions to be made regarding the FGCU campus and operations. He thanked Ms. Evans and Chief Moore. He noted classes were canceled for one day in an effort to relieve any pressure on students to return to campus for classes during high traffic times due to evacuations.

**Item 14: Chair’s Closing Remarks, and Adjournment**

Chair Gable noted it would be informative to hear a presentation from The Water School. The Board agreed, and Chair Gable asked for this to be done at the next meeting.

He stated the next FGCU Board of Trustees meeting would be held on Tuesday, January 14, 2020. He noted the Audit and Compliance Committee was holding a workshop on Senate Bill 190 after a 10-minute break; all Trustees were welcome to attend; and lunch would be served.

Chair Gable adjourned the meeting at 12:41 p.m.
Minutes prepared by Transcription Experts, and reviewed by Tiffany Jackson, FGCU Assistant Director of Board Operations.

Agenda Items:

A. See Tabs # 1-24

B. Handouts

Attachment:

A. Record of Votes
### Consent Agenda

1. Cors
2. Fogg

### Amended 2019 FGCU Accountability Plan

1. S. Smith
2. K. Smith

### FGCU Financing Corporation Bond Refinancing

1. Spilker
2. Cors

### FGCU Financing Corporation 2019-2020 Budget

1. S. Smith
2. Cors

### Appointments to FGCU Financing Corporation Board of Directors

1. Roepstorff
2. Spilker

### FGCU Foundation 2019-2020 Budget

1. Montgomery
2. MacDonald

### Appointments to FGCU Foundation Board of Directors

1. Montgomery
2. Price

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### Record of Votes

**FGCU Board of Trustees**

**DATE:** 9/10/2019

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# Record of Votes

**FGCU Board of Trustees**  
**DATE: 9/10/2019**

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*Regulation: FGCU-PR1.003 Non-Discrimination, Anti-Harassment, and Sexual Misconduct *(Tab #15)  
*Regulation: FGCU-PR5.023 Separations *(Tab #16)  
*Florida Gulf Coast University 2019 Educational Equity Report *(Tab #17)  
*Florida Gulf Coast University 2019 Legislative Budget Request *(LBR) Submission to Board of Governors *(Tab #18)  
*Office of Internal Audit Annual Report for 2018-2019 *(Tab #20)  
*Risk Assessment for 2019-2020 Internal Audit Work Plan *(Tab #21)  
*Degree Works Audit *(Tab #22)  
*Vestor Marine & Environmental Science Research Field Station Audit *(Tab #23)  
*Florida Retirement System Audit *(Tab #24)