

1 **FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES**

2
3 **CONFERENCE CALL MEETING**

4
5 **Tuesday, May 5, 2020**

6
7
8 **Florida Gulf Coast University**

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10

Meeting Minutes

11
12 **Members:**

13 *Present (by phone):* Trustee Blake Gable – Chair; Trustee Stephen Smith – Vice Chair;
14 Trustee Ashley Coone; Trustee Darleen Cors; Trustee Richard Eide, Jr.; Trustee
15 Joseph Fogg III; Trustee Jacob Goldman; Trustee James MacDonald; Trustee Leo
16 Montgomery; Trustee Edward Morton; Trustee Kevin Price; Trustee Jaye Semrod; and
17 Trustee Kenneth Smith.

18
19 **Others:**

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

31
32 **NOTE – At the direction of the Chair and with the concurrence of the Board, some**
33 **agenda items were taken out of order. The minutes reflect the actual order of the**
34 **proceedings. The numbering of agenda items reflects revisions to the original**
35 **agenda.**

36
37 **Item 1: Call to Order, Roll Call, Opening Remarks, and Welcome to New Trustee**
38 **(and Student Government President) Jacob Goldman**

39

Chair Blake Gable called the meeting to order at 9 a.m. He welcomed all Trustees and
40 noted due to COVID-19 and social distancing requirements, the following for the record:

- 41
42
 - The meeting was duly noticed in accordance with the Board’s Bylaws.
 - The original agenda was revised as indicated in the meeting notice.
 - All participants were calling in to the meeting.
 - Public access was provided through a noticed web link for audio access; and

43
44
45

- 46 • The meeting notice directed any public comment on an agenda item to be
47 emailed to Vice President and Chief of Staff Susan Evans by 5 p.m. on Friday,
48 May 1. Public comment will be read into the record prior to the vote, and the
49 three-minute time limit on public speaking will apply.

50

51 Chair Gable asked Ms. Evans to call the roll. Roll call was taken with all Trustees
52 participating, thus meeting quorum requirements. Ms. Evans noted that no public
53 comments had been submitted for the meeting.

54

55 Chair Gable welcomed newly elected Student Government President Jacob Goldman
56 as a new Trustee to the FGCU Board of Trustees (BOT). Trustee Goldman thanked
57 Board members for their welcome and said he was excited to be working on the Board
58 for the next year. Chair Gable congratulated Trustee Goldman, and said the Board
59 looks forward to meeting him in person at a future meeting.

60

61

62 **Item 2: Report on COVID-19 and FGCU**

63 Chair Gable said today's agenda would begin with an update on COVID-19 and FGCU.
64 He indicated President Martin and his staff have done an excellent job working through
65 these unprecedented times.

66

67 President Mike Martin stated FGCU had coped well with the pandemic issues to date
68 and was positioned reasonably well for whatever came next. He indicated FGCU was
69 focusing on four principles:

70

- 71 • Protect the health, safety and well-being of FGCU students, faculty, staff, and
72 community;
73 • Ensure delivery of high-quality coursework/programs which lead to high-quality
74 degrees;
75 • Sustain FGCU's core superstructure and infrastructure; and
76 • Minimize the possibility of layoffs, furloughs, program eliminations, or other
77 serious displacements.

78

79 President Martin indicated in addition to the four principles, FGCU also tried to be a
80 good partner with other agencies in the region to assist in any way possible. He stated
81 FGCU assembled a Coronavirus Response Team with regular meetings and continuing
82 to address issues arising regarding COVID-19. He said efforts were being made to
83 ensure students, faculty, staff, and the community stayed connected. He indicated
84 there had been 54 COVID-19 updates presented thus far on the FGCU website, 5 video
85 updates, and various email communications and social media communications, as well
86 as traditional media communications. He stated FGCU had only four cases of COVID-
87 19, and none of these were contracted while on campus. He indicated of the four
88 cases, three were students and one was an employee. He stated in a couple of these
89 cases, students came to campus and were tested positive for COVID-19 later on; in
90 each of these instances FGCU closed and sanitized the building each student had been

91 in. He said contact tracing for each of the students had been done to track possible
92 exposure and to date there was none.

93
94 President Martin stated that early on FGCU decided to freeze all hiring and travel, and
95 make only the most essential purchases. He noted refunds were issued for students
96 who lived in residence halls and were on meal plans during the spring semester: \$4.25
97 million was returned to students for housing and \$1.17 million for meal plans. He
98 indicated he believed the second installment of the Federal CARES Act would allow
99 FGCU to be reimbursed for this loss. He explained the first installment of the CARES
100 Act was \$5.5 million earmarked to go to students; this was being processed by the
101 Office of Financial Aid & Scholarships to help students in need of assistance as a result
102 of COVID-19.

103
104 President Martin indicated a plan was developed to maintain jobs, as much as possible.
105 He said to date FGCU was able to keep both the essential personnel on campus and
106 essential personnel who could work from home, fully employed. He noted a talent
107 sharing pool had been created for temporary reassignment of employees. He noted
108 FGCU may come to a point where some layoffs would be essential. He stated he
109 hoped this would not be the case but, if so, the layoffs would be handled as humanely
110 as possible. He noted FGCU may need to consider salary reductions, but at this point
111 he believed FGCU was in good condition and could weather the storm.

112
113 President Martin stated summer enrollment was up, particularly with transfer students;
114 therefore, tuition revenues this summer would be sound. He said that the University
115 would not receive the regular amount of revenue as would be typical for the residence
116 halls over the summer. He noted projections for the incoming freshman class for the fall
117 looked good, and were very close to the target set for traditional restart. He indicated
118 along with the Coronavirus Response Team was an Emergency Advisory Council, led
119 by Director of Emergency Management Ruth Rodrigues, consisting of several sub-
120 teams planning for different scenarios for the fall semester such as: starting online and
121 converting to normal classes, starting fully as a "regular" University with some
122 constraints, etc. He said FGCU was in continual conversation with the other 11 State
123 University System (SUS) institutions and the Board of Governors (BOG). He stated he
124 believed the BOG would give broad parameters on restarting a regularly operating
125 campus; however, each university would be able to operate within its own context and
126 within its own set of challenges. He explained FGCU was different from some of the
127 other universities; for example, Florida International University (FIU) was in the heart of
128 the hottest spot with respect to COVID-19 in the state; FIU likely would need to take a
129 different approach to reopening than FGCU. He stated he hoped to be able to test (for
130 COVID-19) a large portion (if not all) of the students, faculty, staff, and others, including
131 contractors. He stated the State University System (SUS) presidents in discussions
132 with the BOG agreed to make no definitive announcements regarding fall restart until
133 July 1, while COVID-19 was being carefully monitored. He noted it was the intention of
134 FGCU to look like a "regular" university in the fall, but many conditions were beyond the
135 control of FGCU, and it would be difficult to determine until it was closer to the fall start
136 date.

137 President Martin stated FGCU would move forward soon with two construction projects:
138 Academic Building 9 (AB9) and the Entrepreneurship Building. He explained they were
139 moving forward with the buildings because the dollars associated with those projects
140 could only be spent on those projects. He reported AB9 was funded from Public
141 Education Capital Outlay (PECO) funds, which were designated by law to go to specific
142 construction projects. He noted the Entrepreneurship Building was now completely
143 funded by donors, and FGCU had exceeded donation goals this year. He stated he
144 was pleased to be able to add to FGCU's needed space inventory while creating jobs
145 for the community with utilizing these dedicated dollars. He reported the remodeling of
146 the weight room and other spaces in Alico Arena was currently underway; these
147 remodeling projects also were completely donor funded by the Sublett family. He
148 reported the Sale Family scoreboard, thanks to a \$1 million donation, was up and
149 functional on the baseball field.

150

151 President Martin indicated he would continue to keep the Board updated regarding
152 COVID-19. He summarized: FGCU made an excellent response on March 15 when
153 converting normal teaching to online teaching; staff and Information Technology
154 Services stepped up, and in three days all traditional teaching completely was
155 transitioned to online. He stated he believed FGCU would be able to transition back
156 easily to traditional teaching when appropriate. He stated FGCU was prudent enough
157 with finances to have no concerns regarding meeting bond obligations or meeting
158 operational needs. He noted he would be reviewing other possible reorganizations to
159 promote cost savings and greater efficiencies. He indicated he was proud of all FGCU
160 faculty and staff members on campus. He commended Vice President and Chief of
161 Staff Susan Evans for her extensive and effective efforts while working from home and
162 keeping everyone on task. He stated he believed the FGCU response team was "as
163 good as could be found in the country." Chair Gable thanked President Martin, Vice
164 President Evans, and all members of the team.

165

166

167 **Item 3: Consent Agenda** (See Tabs #1-2, 5-8)

168 Chair Gable indicated there were six items on the Consent Agenda: (1) Minutes of
169 January 14, 2020 Meeting; (2) Minutes of February 18, 2020 Conference Call Meeting;
170 (3) Regulation: FGCU 1.006 Whistle-Blower Reporting and Protection; (4) Regulation:
171 FGCU 3.005 Graduate Admissions; (5) Regulation: FGCU 2.001 Undergraduate
172 Admissions; and (6) Twelfth Amendment and Restatement of the Florida Gulf Coast
173 University Foundation Inc. Bylaws.

174

175 Trustee Jamie MacDonald made a motion to approve the Consent Agenda. Trustee
176 Darleen Cors seconded the motion.

177

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

180

181

182

183 **Item 4: Academic/Student/Faculty Affairs Committee** (See Tabs #11-13)

184 Committee Chair Edward Morton stated there were three action items on the agenda.
185 He called on Provost and Vice President for Academic Affairs James Llorens to present
186 the action items.

187

188 **FGCU 2020 Accountability Plan (TAB #11)**

189 Provost and Vice President for Academic Affairs James Llorens said the FGCU 2020
190 Accountability Plan demonstrated the impact of the actions taken by FGCU as a
191 University. He explained it was an annually mandated plan required by Florida law
192 implemented in regulations by the Board of Governors (BOG), included key initiatives
193 and investments and key achievements in the past year, and was complemented by a
194 section on metrics. He stated these metrics included performance funding measures,
195 key performance indicators, and institutional metrics associated with FGCU's Strategic
196 Plan. He noted enrollment projections and new academic program plans rounded out
197 the report on the accountability plan.

198

199 Provost Llorens stated the 2020 Accountability Plan was built on the momentum of the
200 past year with continuing focus on the recruitment of talented students, meeting
201 workforce needs in Southwest Florida, and applied research to address issues critical to
202 Southwest Florida. He indicated FGCU continued to make strong progress on key
203 performance metrics associated with student success, and prominent among these
204 were: the four-year graduation rate, average cost to the student, degrees awarded
205 without excess hours, and degrees awarded to Hispanic and African-American
206 students. He said the outstanding performance this year should result in the highest
207 performance-based funding point total ever recorded by FGCU, at a projected 88 points
208 out of a total of 100. He noted while it was still too early to understand the full impact of
209 COVID-19, the BOG has indicated it would likely restrict its review of the metrics at its
210 June meeting to the attainment of the current year's metric goals, as opposed to a
211 discussion of projected goals and what universities expected to accomplish. He
212 commented the BOG asked institutions to think of projected out-year metric goals as
213 aspirational or "stretch targets," and due to the time lag associated with reporting for
214 most of the metrics, the impact of the pandemic would likely not adversely affect metric
215 performance until after the 2022 reporting year. He noted the BOG intended to consider
216 appropriate adjustments to the metric scoring benchmarks in the coming months; with
217 this in mind, FGCU would probably adjust its out-year projections. He also noted FGCU
218 met or exceeded goals in seven of the 10 metrics. He indicated the Student Success
219 and Enrollment Management Initiative under Vice President for Student Success and
220 Enrollment Management Mitch Cordova and his team had done an excellent job in
221 moving the University forward. He asked for approval to send the 2020 Accountability
222 Plan to the BOG.

223

224 Trustee MacDonald noted this was the second consecutive year the chemistry program
225 was recognized by the American Chemical Society. He commended the FGCU
226 chemistry program.

227

228 Trustee Morton indicated that as a recent former member of the BOG, he felt FGCU had
229 made a tremendous amount of progress under President Martin's administration. He
230 stated he believed the 2020 Accountability Plan would reflect very well on FGCU as it
231 moved into the future.

232
233 Trustee Stephen Smith made a motion to approve the FGCU 2020 Accountability Plan.
234 Trustee MacDonald seconded the motion.

235
236 There was no public comment, or further Board discussion. The vote was 13-0 in favor
237 of the motion.

238
239 **New Degree Program: Bachelor of Science in Resort and Hospitality**
240 **Administration (TAB #12)**

241 Provost Llorens said the new degree program of Bachelor of Science in Resort and
242 Hospitality Administration (RHA) was replacing the existing degree in Resort and
243 Hospitality Management (RHM). He stated FGCU conducted studies and utilized
244 consultants to make enhancements to the existing degree program. He indicated that
245 moving to a more business-oriented approach would increase the competitiveness of
246 students completing this degree program and would offer the resort and hospitality
247 industry in Southwest Florida a more adequately prepared graduate. He explained this
248 new degree was a change in the Classification of Instructional Program (CIP) code. He
249 said the current degree program (RHM) was closed to new applicants. He noted as
250 these changes were made to the degree program, FGCU would be eligible to seek
251 accreditation from the Association to Advance Collegiate Schools of Business (AACSB);
252 previously the program was accredited only under the Accreditation Commission
253 Program in Hospitality Administration (ACPHA), which was significantly less rigorous
254 than AACSB accreditation. Provost Llorens noted the RHM Advisory Board agreed
255 wholeheartedly that the program was moving in the right direction with the changes. He
256 stated approval of the Bachelor of Science in Resort and Hospitality Administration by
257 the FGCU BOT was the first step in the Board of Governors (BOG) new degree
258 program authorization process; following which, faculty would be evaluated for the
259 program. He asked for the Board's support in approval of this new degree program to
260 submit to the BOG. He noted once the BOG approved the program, FGCU would begin
261 accepting new students into the program.

262
263 Trustee S. Smith noted he was involved with the Lutgert College of Business Dean
264 search and in the process had learned about this program. He stated while he did not
265 know much about the hotel industry, he was familiar with the resort and golf industry.
266 He indicated he was concerned about the types of positions new graduates would
267 qualify for upon graduation which have a high wage. He noted there were not many
268 high-wage positions available for student graduates within local golf/residential
269 community environments. He stated upon attempting to find internships for students in
270 this industry, there was resistance as students could make more money parking cars at
271 a resort. He noted unless internships were mandatory, students would not pursue an
272 internship in this field. He recommended requiring a short period of internship for

273 graduation, noting that internships provided firsthand experience and excellent
274 preparation for participation in a field. He stated he was a big supporter of the program.

275
276 Provost Llorens responded that FGCU was not eliminating the Bachelor of Science in
277 PGA Golf Management (PGM); this program would be retained in its current CIP code.
278 He noted this new resort and hospitality administration degree program was much more
279 rigorous and business-oriented, and would increase the level of expertise needed to
280 make graduates more competitive for jobs at a higher management level. He said there
281 would be more of an emphasis on business administration courses and on developing
282 the skills needed for middle- and higher-level management positions in resort and
283 hospitality administration.

284
285 Trustee Ashley Coone asked if students currently in the RHM degree program would
286 complete their program as is or would they be affected by the degree program change.
287 Provost Llorens responded that existing students would follow the existing curriculum
288 program degree requirements. He explained if a student dropped out for a semester or
289 two, however, the student would be required to re-enter with the new curriculum.
290 Trustee Coone asked if the information regarding taking time off had been conveyed to
291 the students currently in the RHM degree program. Provost Llorens responded in the
292 affirmative, saying students were aware of the change in the degree program and the
293 consequences of taking time off from the current degree program.

294
295 Trustee MacDonald asked about expected effects upon the teach-out plan for the RHM
296 degree program if a student took a “sabbatical” during the COVID-19 crisis. Provost
297 Llorens stated this would be examined on a case-by-case basis; FGCU would be
298 flexible as long as required standards set by the Southern Association of Colleges and
299 Schools (SACS) and the BOG were met.

300
301 Trustee Joseph Fogg made a motion to approve New Degree Program: Bachelor of
302 Science in Resort and Hospitality Administration. Trustee Cors seconded the motion.

303
304 There was no public comment, or further Board discussion. The vote was 13-0 in favor
305 of the motion.

306
307 **Florida Postsecondary Comprehensive Transition Program (FPCTP) Grant (TAB**
308 **#13)**

309 Provost Llorens said this agenda item was a grant proposal for the Florida
310 Postsecondary Comprehensive Transition Program. He explained the grant responded
311 to the Florida Postsecondary Program Act former Governor Rick Scott signed in 2016,
312 the purpose of which was to “increase independent living, inclusive and experiential
313 postsecondary education, and employment opportunities for students with intellectual
314 disabilities through degree, certificate, or non-degree programs.” He stated FGCU was
315 proposing the creation of the Soaring Eagles Academy (SEA), which would be FGCU’s
316 method of providing the benefits of the legislation to the citizens of Southwest Florida.
317 He explained this would give students the opportunity to serve as paid academic and
318 social mentors for SEA students. He noted this was a \$7,000 per year grant; FGCU

319 also was applying for a three-year \$900,000 grant. He noted the SEA would aid in
320 expanding FGCU's services to students with disabilities. He asked for the Board's
321 permission to submit the grant application to the Board of Governors.

322
323 Trustee MacDonald made a motion to approve the Florida Postsecondary
324 Comprehensive Transition Program Grant. Trustee Kevin Price seconded the motion.
325 There was no public comment, or Board discussion. The vote was 13-0 in favor of the
326 motion.

327
328

329 **Item 5: Finance, Facilities and Administration Committee** (See Tabs #14, 17-20)

330 Committee Chair Ken Smith stated there was one information item and four action items
331 on the agenda. He asked Vice President for Administrative Services and Finance, and
332 Executive Director of FGCU Financing Corporation Steve Magiera to present the items.

333

334 **Finance/Budget Update (TAB #14)**

335 Mr. Magiera presented Tab #14 which contained the Finance/Budget Update for the
336 fiscal activities for the close of March 2020. He reviewed the Executive Summary
337 Revenues which indicated:

338

- 339 (1) Total revenues had a favorable variance of 2.54 percent, which equated to
340 approximately \$5.6 million.
- 341 (2) Athletic Revenue was up approximately \$590,000 which was strictly a timing
342 issue and was the result of a change in timing when transfers were made from
343 their Foundation accounts.
- 344 (3) Concessions were up approximately 22.30 percent, or \$70,000. He noted with
345 campus not being active for the last couple of months, this number would most
346 likely balance out.
- 347 (4) Financial aid was up about 9.51 percent, or \$2.7 million. He explained annually,
348 financial aid was a difficult item to budget as projects were prepared in May prior
349 to understanding the needs of students who would not arrive on campus until
350 August; usually if there was an increase in the financial aid revenues, there was
351 also an increase in actual financial aid expenditures over budgets.
- 352 (5) Grants associated revenue was up 23.92 percent, or \$1.9 million. He explained
353 grants and associated revenue was the other line item, like financial aid, which
354 was difficult to estimate because the grants received often had different fiscal
355 years than the University and some were on the reimbursement basis. He
356 indicated the Federal CARES Act revenue would flow through this line item by
357 the end of the year providing a positive budget variance.
- 358 (6) In total, \$4.6 million of the \$5.6 million variance was the result of the financial aid
359 and grants associated revenue.

360

361 Mr. Magiera reviewed the Expenditures:

362

- 363 (1) Total expenditures had a favorable variance of 0.47 percent, which equated
364 approximately \$970,000.

- 365 (2) Other Personal Services – 7.31 percent, or \$720,000. He stated when the
366 University’s colleges and departments had delays in hiring, often adjuncts or
367 temporary workers were hired to fill in the gaps; this resulted in a negative
368 variance in Other Personal Services, but also had the effect of a positive
369 variance in the Salaries and Benefits line item.
- 370 (3) Capital Expenditures – 121.83 percent, or \$685,000. He noted this was a very
371 small number but was related to the purchase of a few unexpected items such as
372 additional ice tanks for the Chiller Plant and refrigeration equipment for food
373 service.

374
375 **Fixed Capital Outlay Budget Quarterly Update (TAB #17)**

376 Mr. Magiera said this was a new report this year. He stated this quarterly update to the
377 Board addressed the progress of previously approved projects over \$100,000. He
378 explained that unlike the budget which started over annually, this was a living
379 document, and projects would be carried over to next year if not completed. He
380 reviewed the changes from the previous meeting, which were in bold on the
381 spreadsheet:

- 382
- 383 (1) Lines 8 and 9 – The WGPU Transmission Tower Replacement/WMKO Tower
384 Project had an additional grant funding source which was a reimbursable grant.
385 He explained this was the reason the project was currently in a negative position,
386 but the project would not be negative once the grant reimbursed the project.
- 387 (2) Line 13 – Campus Dining – SoVi Dining. He explained originally this project was
388 designed to be a much larger renovation at \$1.035 million; the project was
389 changed for a number of reasons and had been scaled back to \$350,000.
- 390 (3) Line 22 – Lutgert Hall 1300. He noted this project was now complete, and the
391 unused amount of \$1,878 was returned to the carryforward fund.
- 392 (4) Line 23 – Alico Arena Phase 2 Remodel. He indicated he had informed the
393 Board of this project but had not requested budget approval as the project initially
394 was planned to begin next fiscal year; however, due to the current circumstances
395 and lack of activity on campus, now was an appropriate time to work on the
396 project, and therefore, he was requesting budget approval.
- 397 (5) Line 24 – Center for Entrepreneurship and Innovation. He indicated the Board
398 was notified of the project but was not requested to approve the budget due to
399 the project initially not being scheduled to begin until after July. He explained
400 due to the good work of Vice President for University Advancement and
401 Executive Director of FGCU Foundation Kitty Green and staff, the money was
402 raised for this project, and the project was ready to move forward. He noted the
403 project increased from \$8 million to \$10 million. He explained this year use of a
404 budget amount of \$400,000 was being requested; next year the remaining
405 balance would be requested.

406
407 Mr. Magiera commented the Fixed Capital Outlay Budget was a new living document
408 which would be updated and reported quarterly and would require approval quarterly if
409 there were any changes.

410

411 Trustee Leo Montgomery made a motion to approve the Fixed Capital Outlay Budget
412 Quarterly Update. Trustee Fogg seconded the motion.

413
414 There was no public comment, or Board discussion. The vote was 13-0 in favor of the
415 motion.

416
417 **Amendment to 2018-2021 Collective Bargaining Agreement between Florida Gulf**
418 **Coast University Board of Trustees and Gulf Coast Police Benevolent Association**
419 **(TAB #18)**

420 Mr. Magiera said this was the Agreement that had been worked out with the University
421 Police Department (UPD). He noted this was unanimously approved by UPD. He
422 indicated this was a very fair contract. He stated the approval of the Board was needed,
423 and following its approval, President Martin would sign the Agreement so that the raises
424 could be distributed to the police officers.

425
426 Trustee MacDonald made a motion to approve the Amendment to 2018-2021 Collective
427 Bargaining Agreement between Florida Gulf Coast University Board of Trustees and
428 Gulf Coast Police Benevolent Association. Trustee Jaye Semrod seconded the motion.

429
430 Trustee Fogg asked Mr. Magiera to briefly review the important points of the contract.

431
432 Mr. Magiera explained the UPD was asking for raises. He noted upon review of police
433 salaries, it was discovered that starting salaries for officers were good; however, mid-
434 range salaries were lacking. As a result, mid-range salaries were being increased.

435
436 Trustee Fogg asked how UPD salaries compared with similar universities' police
437 salaries in the State University System.

438
439 Mr. Magiera indicated FGCU's salaries were comparable. He noted salaries in
440 universities varied widely by location; for example, FIU police made higher salaries due
441 to FIU being located in Miami. He explained FGCU police salaries when compared to
442 the City of Fort Myers or Cape Coral were different; however, it was a very different job
443 description. He noted the UPD understood this as well.

444
445 There was no public comment, or further Board discussion. The vote was 13-0 in favor
446 of the motion.

447
448 **Regulation: FGCU 5.014 Employee Political Activity (TAB #19)**

449 Mr. Magiera stated changes were made to the FGCU Regulation in an effort to provide
450 more clarity for employees who wished to participate in political activity. He explained if
451 an employee wished to seek election, that employee needed to inform FGCU and there
452 would be a discussion regarding how the employee's job would be affected if elected.
453 He indicated the Regulation also addressed employees who supported political
454 candidates; employees were not permitted to speak on behalf of the University in
455 support of political candidates. He noted these employees also should try not to appear

456 on camera wearing FGCU apparel containing the logo or other university-identifying
457 marks.

458
459 Trustee Fogg made a motion to approve Regulation: FGCU 5.014 Employee Political
460 Activity. Trustee Montgomery seconded the motion.

461
462 There was no public comment, or Board discussion. The vote was 13-0 in favor of the
463 motion.

464

465 **Regulation: FGCU 5.006: Criminal and Background Checks (TAB #20)**

466 Mr. Magiera said this regulation was being adjusted to bring FGCU into best practices.
467 He noted there were two changes: FGCU now would be utilizing two different levels of
468 criminal background checks depending on the position, where previously only one level
469 of background check was conducted. He noted the Assistant Vice President for Human
470 Resources and the hiring official would determine which positions required Level 1 or
471 Level 2 background checks. He indicated this information would be included in position
472 advertising. He noted reference was made to “a position of special trust” in the
473 Regulation; this was an employee who would be handling sensitive data such as
474 student records, or a position handling money such as a cashier.

475

476 Trustee S. Smith made a motion to approve Regulation: FGCU 5.006: Criminal and
477 Background Checks. Trustee Cors seconded the motion.

478

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

481

482

483 **Item 6: Audit and Compliance Committee (See Tabs #23-29)**

484 Audit and Compliance Committee Chair Joseph Fogg said the Audit and Compliance
485 Committee met by conference call on May 1. He indicated there was one Committee
486 action item and six Board action items.

487

488 **Minutes of May 1, 2020 Audit and Compliance Committee Conference Call**
489 **Meeting (TAB #23)**

490 Trustee Fogg indicated this first item was a Committee action item to approve the
491 minutes of the May 1, 2020 Audit and Compliance Committee Conference Call meeting.
492 He called for a motion.

493

494 Trustee S. Smith made a motion to approve the Minutes of May 1, 2020 Audit and
495 Compliance Committee Conference Call Meeting. Trustee Montgomery seconded the
496 motion. There was no public comment, or Committee discussion. The vote was 4-0 in
497 favor of the motion, with Committee members Joseph Fogg, Darlene Cors, Leo
498 Montgomery, and Stephen Smith voting.

499

500 Trustee Fogg called on Director of Equity, Ethics and Compliance, and Title IX
501 Coordinator Precious Gunter to present the next two action items.

502 **Compliance and Ethics Program Plan (TAB #24)**

503 Ms. Gunter said Board of Governors Regulation 4.003 required the FGCU Board of
504 Trustees (BOT) to implement and approve a comprehensive Compliance and Ethics
505 Program Plan. She stated on February 20, 2018, the FGCU BOT approved the
506 University's first Program Plan. She indicated the applicable Regulation also required
507 the Chief Compliance Officer to review and monitor the Program Plan and make
508 recommendations for changes when necessary to the Audit and Compliance Committee
509 (ACC) and the full Board for approval.

510
511 Ms. Gunter stated the Program Plan had been amended to align with recent changes to
512 the Audit and Compliance Committee Charters as approved by the Audit and
513 Compliance Committee and the FGCU Board of Trustees. She said one of the notable
514 changes was the addition of quarterly meetings between Trustee Fogg, President
515 Martin and her, as well as general clean-up of the document.

516
517 Trustee Fogg noted this was a final culmination of discussions which had been held
518 over the last several months. He called for a motion.

519
520 Trustee Montgomery made a motion to approve the Compliance and Ethics Program
521 Plan. Trustee MacDonald seconded the motion. There was no public comment, or
522 Board discussion. The vote was 13-0 in favor of the motion.

523
524 **2019 Annual Compliance Report (TAB #25)**

525 Trustee Fogg noted in the Audit and Compliance Committee meeting on Friday, May 1,
526 the question was raised regarding whether certain aspects of the report should also
527 apply to the FGCU Board of Trustees (BOT) and the answer was it should; therefore,
528 there was a slight amendment to the Report reflecting this.

529
530 Ms. Gunter said Board of Governors Regulation 4.003 also required an annual report on
531 the University's Compliance Program. She stated the 2019 Annual Compliance Report
532 covered the calendar year of January 1, 2019 to December 31, 2019. She indicated it
533 highlighted FGCU's comprehensive compliance, ethics, and risk program
534 accomplishments, and included compliance partner reports. She indicated on page 36
535 of the Annual Compliance Report, under section *Conflicts of Interest and Commitment*,
536 third bullet point, the FGCU BOT was added to the existing list of entities whose
537 members must complete Conflict of Interest forms (this was the amendment made and
538 approved by the Audit and Compliance Committee on May 1).

539
540 Trustee Cors made a motion to approve the 2019 Annual Compliance Report as
541 amended. Trustee S. Smith seconded the motion. There was no public comment, or
542 Board discussion. The vote was 13-0 in favor of the motion.

543
544 Trustee Fogg called on Director of Internal Audit William Foster to present the next four
545 action items.

546

547 **Florida Gulf Coast University Operational Audit Report for January 2018 through**
548 **December 2018 (TAB #26)**

549 Mr. Foster said in accordance with Section 11.45, Florida Statutes, the State of Florida
550 Auditor General conducted operational audits of the universities at least every three
551 years. He said the purpose was to evaluate management's performance in establishing
552 and maintaining internal controls, including those designed to prevent and detect fraud,
553 waste and abuse and in administering assigned responsibilities in accordance with
554 applicable laws, rules, regulations, contracts, grant agreements, and other guidelines.
555

556 Mr. Foster indicated in the report three issues were identified:

557 (1) IT user access privileges, or access to social security numbers. He said employees
558 who needed access to employee social security numbers, such as payroll related, were
559 automatically granted access to student social security numbers and vice versa. Mr.
560 Foster said this was a built-in limitation to the existing Banner system used by FGCU,
561 and would be resolved with adoption of the new Workday system scheduled to begin
562 July 1, 2020.

563 (2) Textbook affordability. Florida Statutes required 95 percent compliance with
564 textbooks to be posted at least 45 days ahead of class start. He noted for the audit
565 period of spring 2018 and fall 2018, FGCU had 86 percent and 78 percent compliance
566 noted. He indicated after the audit period in spring 2020, with enhanced procedures,
567 FGCU had 97.4 percent compliance, meeting the 95 percent requirement. He said
568 textbook affordability also was a finding in the prior operational report, and FGCU must
569 continue efforts to meet and maintain the 95 percent requirement.

570 (3) Employment practices. He noted for the period of April 16, 2018 through December
571 18, 2018, of 28 hires tested, five did not have copies of the interview and background
572 check forms available on file in Human Resources. He indicated this was addressed by
573 initiating mandatory training for hiring panels and committee members, and by adding a
574 search material follow-up as a specific job function in the human resources area to
575 ensure University procedures were followed.
576

577 Trustee Montgomery made a motion to accept the Florida Gulf Coast University
578 Operational Audit Report for January 2018 through December 2018. Trustee S. Smith
579 seconded the motion.
580

581 Trustee Fogg indicated a lengthy discussion of this audit was held at the Audit and
582 Compliance Committee Meeting. He stated this was essentially a very good audit
583 report.
584

585 There was no public comment, or further Board discussion. The vote was 13-0 in favor
586 of the motion.
587

588 **Florida Gulf Coast University Athletics National Collegiate Athletics Association**
589 **(NCAA) Report for Year ended June 30, 2019 (TAB #28)**

590 Mr. Foster stated the National Collegiate Athletic Association (NCAA) Bylaws provided
591 this audit report could not be performed by employees of the University. He said there
592 was a lot of data on equity. He noted FGCU had 9 women's and 6 men's sports. Mr.

593 Foster said his main concern this year was a loss of \$68,170, since Athletics is required
594 to be a self-supporting entity. He noted this loss was due to a reduction in ticket sales
595 (primarily men’s basketball ticket sales). Mr. Foster said his concern was making sure
596 that in future years when anticipated revenues decline, spending also declines so as to
597 remain within budget.

598
599 Trustee Montgomery made a motion to accept the Florida Gulf Coast University
600 Athletics National Collegiate Athletics Association (NCAA) Report for Year ended June
601 30, 2019. Trustee S. Smith seconded the motion.

602
603 Trustee Fogg indicated a fair amount of time was spent discussing this audit at the Audit
604 and Compliance Committee Meeting. He stated essentially money was lost as a result
605 of a shortfall of ticket sales for the men’s basketball program.

606
607 There was no public comment, or further Board discussion. The vote was 13-0 in favor
608 of the motion.

609
610 **Florida Gulf Coast University Student Loan Information Audit Report (TAB #27)**

611 Mr. Foster said this Report represented a limited scope audit of the loan information
612 letters sent to FGCU students receiving loans for the 2017-18 and 2018-19 academic
613 years respectively, to comply with Section 1009.45, Florida Statutes. He stated
614 beginning with the 2017-2018 academic year, Florida postsecondary institutions which
615 disbursed state financial aid must annually provide students receiving student loans with
616 a “loan summary.” He stated Florida Gulf Coast University’s Office of Financial Aid &
617 Scholarships entered into a service agreement with a third party, Ascendium Education
618 Solutions Inc., for its “College Cost Meter” service to provide students with a loan debt
619 disclosure or overview of the total monies students borrowed and the amount students
620 were expected to pay back once the students were no longer in school. He reported in
621 the Internal Audit Department’s opinion, based on the audit work performed, the loan
622 information summary was provided in a timely manner to eligible FGCU students for
623 both years under review; it contained all the data required by law except for first-time
624 borrowers, the loan summary letter was missing the percentage borrowed which was
625 one of the required elements. He indicated the Office of Financial Aid & Scholarships
626 had identified and addressed this issue with the vendor and appropriate changes would
627 be implemented on all future loan summary letters.

628
629 Trustee Fogg indicated this Audit also was thoroughly discussed during the Audit and
630 Compliance Committee (ACC) Meeting. He stated the ACC was extremely displeased
631 the outside vendor overlooked this requirement which was important information for the
632 students. He noted the ACC asked Mr. Foster to speak with the vendor regarding this
633 issue. He called for a motion.

634
635 Trustee Cors made a motion to accept the Florida Gulf Coast University Student Loan
636 Information Audit Report. Trustee Montgomery seconded the motion.

637

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

640

641 **WGCU Public Media Audit Report for Years ended June 30, 2019 and June 30,**
642 **2018 (TAB #29)**

643 Trustee Fogg indicated WGCU Public Media was a significant and substantial operation
644 financially and was an important part of the FGCU family.

645

646 Mr. Foster said this Report presented the results of the audit required by the
647 Corporation for Public Broadcasting for the comparative years ended June 30, 2019 and
648 June 30, 2018, respectively. He indicated the purpose of the audit, which was required
649 for all public media radio and television stations, was to document and review the
650 financial activity of the University's public media function. He reviewed the key points of
651 the Financial Audit:

652

- 653 • Pages 1 and 2 – *Opinion* – The auditors determined the financial statements
654 fairly presented the financial position of the Station. He noted this was known as
655 a clean opinion, which was the goal.
- 656 • Pages 3 through 6 – *Management's Discussion and Analysis* – This was the
657 section where Management described in reader-friendly terms what occurred in
658 the last fiscal year. He noted this section pointed out major transactions and
659 presented comparative figures from the prior year.
- 660 • Page 7 – *Statement of Net Position* – Years ago, this statement was known as
661 the Balance Sheet. He reported at year end June 30, 2019, the Station had \$9.8
662 million of total assets, \$3 million in total liabilities, and a net position (residual
663 equity) of \$6.8 million. He stated at year end June 30, 2018, the Station had \$5.1
664 million of total assets, \$1.1 million in total liabilities, and a net position (residual
665 equity) of \$4 million.
- 666 • Page 8 – *Statement of Revenues, Expenses and Changes in Net Position* – This
667 statement was formerly known as an Income Statement. He stated for the year
668 ended June 30, 2019, the Station had \$8.8 million in operating revenue, \$8.9
669 million in operating expenses, and \$2.9 million in non-operating revenue (\$2.8
670 million of which was Public Education Capital Outlay, or PECO, allocation from
671 the State), arriving at a net increase of \$2.8 million. He stated for the year ended
672 June 30, 2018, the Station had \$9.2 million in operating revenue, \$9.1 million in
673 operating expenses, and \$0.1 million in non-operating revenue (primarily
674 investment income), arriving at a net increase in position of \$0.2 million.
- 675 • Page 9 – *Statement of Cash Flows* – This statement showed the effects to cash
676 from the financial transactions. He reported the net effect for the year ended
677 June 30, 2019 was an \$85,572 increase in cash and cash equivalents for the
678 year, and for 2018 a \$2,992 decrease.
- 679 • Pages 10 through 24 – *Notes to the Financial Statements* – He noted this section
680 contained a significant amount of information to explain the various line items in
681 the financial statements; compared to *Management's Discussion and Analysis*,
682 these notes were not necessarily as reader-friendly.

- 683 • Pages 25 through 27 – *Supplemental Information* – He indicated this section
684 broke out the Statement of Revenues, Expenses and Changes in Net Position for
685 the TV and radio station segments, and in total by functional category.

686
687 Trustee Montgomery made a motion to accept the WGCU Public Media Audit Report for
688 Years ended June 30, 2019 and June 30, 2018. Trustee MacDonald seconded the
689 motion.

690
691 Trustee Fogg commented this was a completely clean opinion. He stated Trustee Price
692 was the BOT representative on the WGCU Board, and asked if Trustee Price had any
693 comments. Trustee Price noted he recently had received updates regarding good
694 viewership numbers, but had nothing significant to report.

695
696 There was no public comment, or further Board discussion. The vote was 13-0 in favor
697 of the motion.

698
699
700 **Item 7: Old Business**

701 There was no old business for discussion.

702
703
704 **Item 8: New Business**

705 There was no new business for discussion.

706
707
708 **Item 9: Closing Remarks, and Adjournment**

709 Chair Gable stated the next FGCU Board of Trustees meeting was scheduled for
710 Tuesday, June 9, 2020. He indicated he would be in touch regarding what type of
711 meeting would be held on June 9, based on COVID-19 social distancing requirements.
712 He thanked the Trustees for their participation in today's meeting, and also thanked
713 President Martin and the staff.

714
715 Chair Gable adjourned the meeting at 10:34 a.m.

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727 Minutes prepared by Transcription Experts, and reviewed by Tiffany Tramontozzi,
728 FGCU Assistant Director of Board Operations.

729 Agenda Items:

730 A. See Tabs #1-29

731 a. [https://www2.fgcu.edu/Trustees/AgendaFile/2020/05-05-](https://www2.fgcu.edu/Trustees/AgendaFile/2020/05-05-2020/FGCUBOTMTG_AGENDAPACKET_5-5-2020Revised.PDF)
732 [2020/FGCUBOTMTG_AGENDAPACKET_5-5-2020Revised.PDF](https://www2.fgcu.edu/Trustees/AgendaFile/2020/05-05-2020/FGCUBOTMTG_AGENDAPACKET_5-5-2020Revised.PDF)

733

734

735 Attachment:

736 A. Record of Votes

737

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739

Record of Votes																
FGCU Board of Trustees																
DATE: 5/5/2020																
	Consent Agenda (Tabs #1-2, 5-8) 1- MacDonald 2- Cors	FGCU 2020 Accountability Plan (Tab #11) 1- S. Smith 2- MacDonald	New Degree Program: Bachelor of Science in Resort and Hospitality Administration (Tab #12) 1- Fogg 2- Cors	Florida Postsecondary Comprehensive Transition Program (FPCTP) Grant (Tab #13) 1- MacDonald 2- Price	Fixed Capital Outlay Budget Quarterly Update (Tab #17) 1- Montgomery 2- Fogg	Amendment to 2018-2021 Collective Bargaining Agreement between FGCU Board of Trustees and Gulf Coast Police Benevolent Association (Tab #19) 1- MacDonald 2- Semrod	Regulation: FGCU 5.014 Employee Political Activity (Tab #19) 1- Fogg 2- Montgomery	Regulation: FGCU 5.006: Criminal and Background Checks (Tab #20) 1- S. Smith 2- Cors	Members of Audit and Compliance Committee Only: Minutes of May 1, 2020 Audit and Compliance Committee Conference Call Meeting (Tab #23) 1- S. Smith 2- Montgomery	Compliance and Ethics Program Plan (Tab #24) 1- Montgomery 2- MacDonald	2019 Annual Compliance Report (Tab #25) 1- Cors 2- S. Smith	Florida Gulf Coast University Operational Audit Report for January 2018 through December 2018 (Tab #26) 1- Montgomery 2- S. Smith	Florida Gulf Coast University Student Loan Information Audit Report (Tab #27) 1- Cors 2- Montgomery	Florida Gulf Coast University Athletics National Collegiate Association (NCAA) Report for Year ended June 30, 2019 (Tab #28) 1- Montgomery 2- S. Smith	WGCU Public Media Audit Report for Years ended June 30, 2019 and June 30, 2018 (Tab #29) 1- Montgomery 2- MacDonald	
	TRUSTEES	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No
1	Trustee Ashley Coone	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
2	Trustee Darleen Cors	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3	Trustee Richard Eide	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
4	Trustee Joseph Fogg	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5	Trustee Jacob Goldman	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
6	Trustee Jamie MacDonald	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
7	Trustee Leo Montgomery	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
8	Trustee Edward Morton	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
9	Trustee Kevin Price	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
10	Trustee Jaye Semrod	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
11	Trustee Kenneth Smith	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
12	Trustee Stephen Smith	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
13	Trustee Blake Gable	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes