

**New College of Florida Board of Trustees
Approved Minutes
Meeting of November 4, 2011**

**Sudakoff Conference Center
1:00 P.M.**

Trustees Participating: Dr. Rick Coe; Audrey Coleman; Chairman Robert M. Johnson; William Johnston; Elaine Keating; Keith Monda; Oliver Peckham. **Not Participating:** J. Robert Peterson; Col. Mickey Presha; Mary Ruiz; John Saputo; Felice Schulaner; Vicki Raeburn.

Call to Order and Acknowledgement of Notice of Meeting

New College BOT Chairman Johnson called the meeting to order at 1:00 P.M. and confirmed the publication of notice of meeting on October 28, 2011. A quorum of seven trustees was confirmed.

Approval of Draft Minutes

- Chairman Johnson requested a motion for approval of the Minutes of the BOT Annual Meeting of September 10, 2011. Trustee Johnston so moved, seconded by Trustee Monda and the Minutes of Annual Meeting of September 10, 2011 were approved by unanimous vote.
- Chairman Johnson requested a motion for approval of the Minutes of the BOT Special Teleconference of September 20, 2011. Trustee Coleman so moved, seconded by Trustee Keating and the Minutes of the Special Teleconference were approved by unanimous vote.
- Chairman Johnson requested a motion for approval of the Minutes of the BOT Special Meeting of October 18, 2011. Trustee Coe so moved, seconded by Trustee Peckham and the Minutes of the BOT Special Meeting of October 18, 2011 were approved by unanimous vote.

Chairman's Report

Chairman Johnson noted that the joint meeting earlier in the day with the Boards of both New College Foundation and New College Alumnae/i Association had gone well. The organization of the capital campaign seems good and everyone is enthusiastic. He reported on a conference call with Chancellor Brogan and other BOT chairs, which painted a grim budget outlook for the coming year. The PECO funding outlook is dismal, with perhaps no funds available for capital outlay of any kind. The situation definitely shows the need for our own capital campaign. The New College Regulation establishing NCF's 24 credit hours for the degree is set for BOT approval today and presentation to the Board of Governors at their November 9-10, 2012 meeting at FAU in Boca Raton. Reporting on the progress of the Presidential Search, he noted that the executive search consultants are very optimistic. Ads have appeared in the Chronicle of Higher Education and relevant on-line publications, and inquiries are numerous. The search is being conducted in compliance with Florida's Sunshine Laws, so all documents relating to it are subject to public records requests, as those involved with the BOT Search Committee are well aware. One of the search consultants has just had positive conversations with three sitting provosts at a conference in St. Petersburg about the presidency. He reminded the Board of the Koski Plaza dedication and the opening of the new academic center dedication at 4:00 PM, reminding them that Robert and Beverly Koski were early, substantial supporters of New College.

President's Report

President Michalson stressed the need for good, supportive board members at this time, for *The New College Promise Campaign* and for the general support of the College in the volatile political environment. He reported an uptick in applications from prospective students from last year, and

mentioned the unanimous consensus that opening the new Academic Center (the ACE) was extremely well-received. About 40 faculty members moved into new offices in a very smooth transition. Faculty members appreciate being in close proximity to each other and like seeing more students around. Student Affairs is restructuring after eliminating one Associate Dean position. It is tricky, since students pretty much manage their own affairs. The College is lucky to have such good co-presidents, who for the most part, get the feel of their responsibilities to the student body and to the administration. As a result of the recent election, Michael Long will be assuming the sole responsibility of the presidency next year. His co-president, Trustee Peckham, noted "He is the best co-president I could have asked for, as far as the qualities of inclusion, discussion, and responsibility are concerned." Trustee Peckham added that he was pleased with the direction of the administration. President Michalson thanked Trustee Peckham for his year of service on the Board and noted that this would be his last BOT meeting. Dr. Michalson moved on to coordinating new diversity initiatives. He has established an Ad Hoc Advisory Committee on Diversity, and organized it as one way of mobilizing black alumnae/i to recruit black students. Alums are spread all around the country, as are good students. He appreciates the widespread interest in having a really diverse campus. Moving on to the recent attacks on the liberal arts, he remarked that some seem to have forgotten that the sciences are among the liberal arts, in fact, 30 percent of New College graduates are in STEM fields. On January 6, 2012, at the opening of the new Nanotechnology Lab, Professor of Physics Mariana Sendova, the Chemistry-Materials Sciences faculty and students will make a presentation to the Congressional representatives and staff, as the Behavioral Science faculty and staff did last spring. Governor Scott will be invited to this event. Dr. Michalson concluded his report by noting that we are still waiting for the Governor to fill two Trustee positions on the BOT.

- **Action on 124 Credit Hours for Degree**

Provost Miles introduced the request for the Board to approve a request to the Board of Governors (BOG) for approval of the New College Bachelor of Arts degree to exceed 120 credit hours. Specifically, the New College Bachelor of Arts degree requires the equivalent of 124 hours. Normally SUS Bachelor's degree programs require 120 hours. However the BOG may approve programs that exceed 120 hours if "the degree program offers a unique and innovative learning experience, such as honors programs, individualized study, and other non-traditional approaches to education." Since joining the SUS in 1975, New College has used a credit hour equivalency of a minimum of 124 credit hours for earning a New College B.A. This equivalency is based on each semester contract being equivalent to 16 credit hours (seven are required = 112 credit hours). These credit hour equivalencies are also the basis for our semester and independent study project tuition rates. We need to request approval from the BOG under a process outlined in Chapter 8.014 of the Regulations of the BOG. Trustee Monda moved to authorize this request by the BOT so that the BOG can consider granting approval of the longstanding New College Bachelor's degree program requiring the equivalent of 124 credit hours at their next meeting (November 9-10, 2011), it was seconded by Trustee Johnston, and the motion carried unanimously.

Audit Committee Report

Vice President Martin reported that Audit Committee, which met earlier in the morning, did not have a quorum, due to the absence of Trustees Ruiz and Saputo, who were traveling. Trustee Monda was present at the meeting. Mr. Martin reviewed the items discussed. First, the Florida Auditor General's Operational Audit, which takes place every two years, reported six findings, all of which were satisfactorily addressed by the administration's responses to the operations processes cited, which included maintaining minutes for all public meetings of the BOT and its Committees. Second, the New College Foundation Fiscal Audit for FY 2011 was provided to the Committee members for review, since the BOT has overall responsibility for the financial health of the College, and the Foundation plays such a critical role in providing financial support to the College. Foundation Audits will be routinely provided to the Committee from now on. Third, as discussed and promised at the September BOT meeting, the protocol for tracking "attractive" inventory items of value between \$1,000 and \$4999, but below the capitalization

threshold of \$5,000, was presented to the Committee for review. These items will be tracked even though they are not on the capital audit so that they do not walk out the door.

Finance and Administration Committee Report

VP Martin reported that this Committee met with a quorum of Trustees present earlier in the morning.

- **Action on 2011-2012 Annual Operating and Capital Budgets and Projected Use of College Fund Balance**

The Committee recommends the Trustees to adopt the College's Annual Operating and Capital Budgets as proposed. VP Martin explained that these are not very different from the Preliminary Budgets approved in June, 2011. The only change to the E&G budget is a reduction in recurring State General Revenue of \$39,781 for General Liability and Risk insurance approved in August; it equals a corresponding reduction in the General Liability and Risk insurance costs billed to the College. A change in Contracts, Grants and Gifts of \$25,000 represents an increase in projected support from the Foundation for Scholarships. There are no changes in the Facilities (Capital Construction) budget. A new addition to the Budgets is the "Projected Use of College Fund Balances." This section provides information on how the College will begin drawing down funds balances to cover current year E&G recurring and non-recurring operating expenses, a necessity due to the loss of \$2 million in FY2010-11 appropriations. As reported at the September 2011 BOT meeting, the College ended the year with a surplus of just over \$930,000, of which \$267,000 was unspent funds supporting the College's New Florida Initiative. The beginning FY2011-12 funds balance available to support operations is approximately \$5.5 million. At this time, fund balances uses are projected to total about \$1.9 million of which \$1.4 million should be used to fund recurring E&G costs and \$500,000 are projected to fund non-recurring costs (including closing out the New Florida Initiative project). New revenue totaling \$169,000 is expected to net against these uses, leaving a projected \$3.7 million in restricted and unrestricted funds balances remaining as of June 30, 2012. Mr. Martin stated that if the BOT approves the budgets as presented, a surplus of at least \$350,000 is expected at the end of this year, June 30, 2012, as a result of savings from operating funds as well as unspent funds emanating from several vacant faculty and staff positions. The administration is considering providing employees with a non-recurring lump-sum payment to make up for the fact that employees experienced a 3 percent reduction in salary this year as a result of assuming payment of a portion of their retirement benefits. He noted that two faculty (Professor Mink – Political Science and Professor Hart – Bioinformatics) have recently left the College for more lucrative positions elsewhere, as have two employees critical to IT operations, as well as the College's Director of Admissions and Director of Financial Aid. Mr. Martin took care to note that whatever non-recurring dollars the College makes available in this regard will be funded as part of the current operating budget, not by dipping into reserves. Trustee Monda moved to approve the College's 2011-2012 Operating and Capital Budgets as proposed, to approve the Projected Use of College Reserves, and to delegate to the President the authority to amend the budget, as appropriate, during the operating year, with periodic reports to the Trustees regarding the amendments; the motion was seconded by Trustee Johnston, and approved by unanimous vote.

The following Regulations have all been posted to the ncf.edu website for 30 days prior to the meeting.

- **Action on Proposed Revisions to Regulation 1-1014 Naming of Buildings**

General Counsel Smoker explained that this Proposed Revision to Regulation 1-1014, Naming of Buildings, was originally scheduled for BOT action at the September 2011 meeting, but was deferred until the New College Foundation could be engaged in clarifying the process. The BOT and the Foundation developed the criteria for naming opportunities and the procedures to be followed, as provided for in the Revised Regulation. It clarifies actions and decisions that must be made by the BOT and those delegated to New College Foundation. An exception is provided that allows the BOT to approve the honorary naming of a building, facility, or campus open space for current or former NCF

employees or trustees, living or deceased, provided it is also approved by the BOG. Also, guidelines regarding naming a building or facility for a donor have been revised, as have procedures for considering naming nominations, and the responsibility for coordinating appropriate recognition activities and events has been articulated. Trustee Johnson moved to adopt the proposed revisions to Regulation 1-1014, Naming of Buildings, as presented, seconded by Trustee Coe, and the motion was unanimously approved.

- **Action on Proposed Revisions to Regulation 3-4018 Discrimination/Harassment**

VP Martin introduced the revisions to this Regulation which help to define sexual harassment and other forms of discrimination/harassment and expand examples of prohibited conduct. The revisions provide updated directions for avoiding, reporting, and investigating cases of discrimination or harassment on campus. Direction is provided for addressing the needs of victims and alleged perpetrators of such acts. The revisions include new sections covering repercussions for those found to have discriminated against or harassed another, the inappropriateness and seriousness of unfounded reports of harassment, and protection of all those involved in reporting and investigating harassment cases from retaliation. Two edits were recommended by the Finance and Administration Committee: adding section (3) (j) as follows, “patrons, vendors or other individuals who interact with students, faculty, and staff” and in section (4) (e) deleting the word “sexual.” Trustee Coleman moved to adopt all the proposed revisions to Regulation 3-4018, Discrimination/Harassment, seconded by Trustee Keating, and the motion carried unanimously. Trustee Peckham asked if the this Regulation is the same as what appears in the Student Code of Conduct; VP Martin responded that is different, which is why the Student Code of Conduct will be amended at this meeting, to ensure consistency. .

- **Action on Proposed Regulation 3-4027 Sexual Battery**

Previously part of Regulation 3-4018 Discrimination/Harassment, proposed Regulation 3-4027 defines sexual battery in terms of the state laws which make it a felony requiring criminal prosecution and the enforcement of these laws on the New College campus, and also incorporates recent guidance from the U.S. Department of Education, Office of Civil Rights. VP Martin stated that it also defines the rights of victims under Florida Statutes, and, most importantly, describes the services, procedures and programs the College provides to assist victims of sexual battery, and to prevent the occurrence of incidences of campus-related sexual battery. A summary of how crime data, including data on sexual battery, is reported by Campus Police concludes the Regulation. In addition to a number of edits that were incorporated into the Regulation from comments received during the posting period, Chairman Johnson offered two additional edits: [1] on page one, delete the last two sentences in the first paragraph, as they are repeated twice; and [2] on page two, section (2) (b) delete “Sarasota County” and replace it with “for the 12th Judicial Circuit.” Trustee Coleman moved to approve the proposed Regulation 3-4027, Sexual Battery” as amended, seconded by Trustee Monda, and the motion carried by unanimous vote.

- **Action on Proposed Revisions to Regulation 3-6005 Possession of Weapons**

General Counsel Smolker explained that House Bill 45, effective October 1, 2011, explicitly expands state pre-emption of firearms regulation to include “rules” and “regulations” of state entities. While Section 790.115, Florida Statutes, prohibits possession of firearms on “school” property (“school” is defined to include “post secondary school[s], whether public or private”), there is an exception to the prohibition in the case of a person 18 years or older carrying a concealed, secured firearm in a vehicle for self defense or other lawful purposes. Section 790.115 allows “school districts” to adopt “written and published policies that waive the exception for student and campus parking privileges.” The proposed language added to Regulation 3-6005 explicitly waives the exception to the prohibition of weapons on campus such that carrying a concealed, secured firearm is not permitted on NCF property. Mr. Smolker explained that the SUS counsels and the BOG maintain zero tolerance for possession of firearms on university property. The revisions to Regulation 3-6005 will revoke the waiver of exception. However, a lawsuit has been filed by the gun lobby against the University of North Florida for revoking its waiver of

exception. Should the suit be decided against UNF, NCF may have to further revise this Regulation. In the meantime, New College is putting safety first with a zero tolerance regulation. Mr. Smolker added that this legislative session probably will see an attempt to clarify the situation. Trustee Monda moved to adopt the proposed revisions to Regulation 3-6005 Possession of Weapons, seconded by Trustee Johnston and the motion carried by unanimous vote.

- **Proposed Revisions to Student Code of Conduct, Chapter 7 NCF Regulations Manual**

VP Martin explained that the proposed revisions made on pages 3, 6, and 8 of the Student Code of Conduct incorporate recent updates provided by the U.S. Dept. of Education, Office of Civil Rights regarding new Title IX guidelines to include revised procedures for reporting, discipline, and appeals in cases of sexual misconduct, sexual harassment, and/or sexual violence and also establish that there is not specific time limit for filing complaints of alleged discrimination or sexual harassment. Trustee Peckham added that over the next few months, Hannah Ackerman, New College Student Alliance VP for Student Affairs, will revise the definitions used in the Student Code of Conduct to assure full compliance with the federal guidelines. The Code of Conduct will be returned to the BOT for approval of these additional revisions. Trustee Johnston moved to adopt the proposed Revisions to the Student Code of Conduct, seconded by Trustee Coleman, and the motions was approved by unanimous vote.

- **Ratification of FY 2010-11 Amendments to the 2009-2012 Collective Bargaining Agreement between NCF and Florida Public Employees Council 79 AFSCME Local 591**

Following negotiating sessions between College management and AFSCME bargaining unit representatives, VP Martin stated that tentative agreement has been reached on FY 2010-11 amendments to the 2009-12 Collective Bargaining Agreement. Only one amendment related to Article 7-Wages is proposed. All other articles remain the same. The proposed amendment provides each bargaining unit employee a one- time lump-sum bonus of \$1,500 less any applicable taxes and withholding. This bonus was paid to bargaining unit employees on December 17, 2010 in accordance with a Memorandum of Agreement executed between the College and AFSCME while negotiations continued. This is the same bonus that all other College employees received on that date. This amendment was ratified by a majority vote of the AFSCME bargaining unit on October 23, 2011. Trustee Monda moved to approve ratification of the FY 2010-11 Amendment to the 2009-12 Collective Bargaining Agreement between NCF and Florida Public Employees Council 79 AFSCME Local 591, seconded by Trustee Coleman, and the motion carried by unanimous vote.

President Michalson was asked to leave the room before the discussion of the next item.

Resolution to Rename Bob Johnson (Residence) Hall

Returning to Regulation 1-1014, Chairman Johnson asked for a motion to approve a Resolution for presentation to the Florida Board of Governors requesting that the name of the “Bob Johnson Hall” be changed to carry the name “Gordon E. Michalson, Jr. Hall.” Trustee Coleman so moved, seconded by Trustee Johnston, and the Resolution was approved by unanimous vote.

Discussion of Texas Plan for Higher Education

In light of the Governor’s plans to change the ground rules for higher education in the state, President Michalson said he wanted to give the Trustees some guidance on how to enter the dialogue. Against the background of New College being stressed in recruiting new students and retaining staff in the fourth year of budget cuts, the SUS institutions have been asked to do additional planning for more cuts in a fifth year. The non-recurring funding authorized for the College has been helpful to blunt the effects of the cuts, but NCF’s original request for adequate start-up funding (\$1.3 million in each of three years) approved by the BOG, was never completed. We are struggling. On top of all this, some elected officials have begun to take potshots at hardworking university staff. With respect to the STEM fields, the BOG

has been on top of these areas for the past two years, and the current dialogue in the press highlights the poor communication between the Governor's Office and the BOG.

During the summer, each Trustee received a copy of the Texas Plan, a vigorous business model for operating the University of Texas system. The purpose of the Plan was to smoke out professors with light teaching loads, treat students more like customers or consumers, and reformulate the funding formulas in Texas. Dr. Michalson incidentally noted that any efficiency measures for administrations seemed to have been overlooked. Eric Barron, President of FSU, responded with a better way to approach reform. The SUS presidents collectively decided to pick up on Governor Scott's interest in higher education and get ahead of the curve. A work group was created in Sept. 2011 headed by UNF President Delaney, including Barron and others and it will report to the BOG in November. Two weeks ago, President Michalson received Governor Scott's letter with questions A through Q, all of which would have been better addressed to the BOG. He conferred with President Delaney on whether all the presidents had received such letters, and fortunately they had. It seems that there is real interest in examining the higher education funding formulas, but with all the pressure on the state financially right now, any robust discussion will be postponed until 2013. Tenure is not under attack at the moment. The attacks on liberal arts education will go away, now that it is understood that the humanities and social sciences courses pay for the expensive STEM laboratory courses. (Incidentally, the U.S. Bureau of Labor Statistics data indicates that there is a 28 percent increase projected in the need for anthropologists for jobs during the period 2008-2018.) The real issue before us is the budget and we need to focus our strategic attention on it directly.

Provost Miles emphasized the important irony of the Texas Plan is that its real target is the Research I institutions, which emphasize research work for professors and relegate undergraduate teaching to the graduate assistants. The Texas Plan criticizes its institutions for not teaching undergraduates critical thinking, analytical and writing skills. New College is responsive in these areas to what is wrong with the research university model. The BOG is working to help use the University Annual Reports and the responses from the individual SUS institutions to the Governor's letter as opportunities to show that they are addressing undergraduate education concerns. The New College student-centered model of engaged and active learning is an ideal antidote to the research institution model.

The cost of per student education at New College is higher than it is at the other SUS institutions, but the annual NCF budget is 7/10 of one percent of the entire SUS budget. It would seem that our student outcomes warrant the expense. Everyone is stretched, there is no "fat" left in our budget. Faculty conservatively work 50 hours per week and are paid below the state and national averages: the average NCF faculty salary is below \$75,000. Chairman Johnson added that the real issue is funding, and this is the time for everyone to focus our strategic attention on the success of not only public but private funding raising, and actively support *The New College Promise Campaign* to the best of our abilities.

Other Business

Trustee Peckham brought up the issue of the incident on the community forum, which the Trustees had been alerted to by email. He assured them that by the end of the rather intense discussion period, the issue was resolved by an act of student self-governance: the Moderator of the forum is now going to be a student elected to that position.

Since there was no further business, the meeting was adjourned at 2:34 P.M.

Respectfully submitted,

Suzanne Janney
Assistant Secretary

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