

**New College of Florida Board of Trustees  
Approved Minutes  
April 24, 2004 Meeting**

**Members Participating:** Brian Cody; John Cranor; Warren Hudson; Bob Johnson; Major Gen. Raymond E. Mason; Dr. Stephen Miles; Kenneth Misemer; Col. Mickey Presha; Jane Smiley; Alexis Simendinger. **Ex Officio:** Gordon E. Michalson, Jr., President. **Participating by Teleconference:** Robert N. Allen; Dr. Vicki Raeburn. **Not Present:** Rev. Jerome Dupree.

**Call to Order**

Chairman Johnson called the meeting to order at 10:01 A.M.

**Acknowledgement of Notice of Meeting**

Chairman Johnson requested and received acknowledgement that the meeting had been duly noticed.

**Approval of Minutes and Meeting Schedule for 2004**

Mr. Misemer moved and General Mason seconded a motion that the minutes of the Board of Trustees (BOT) meeting of February 7, 2004 be approved. The motion was approved unanimously. Mr. Misemer moved and General Mason seconded a revised schedule of meetings for 2004. The motion was approved unanimously. Subsequent meetings in 2004 are scheduled for May 27 (teleconference); June 23 (teleconference); August 28 (annual meeting); November 6, 2004.

**Chairman's Report**

Chairman Johnson welcomed the Board and announced that the year has ended well, with a good outcome to the legislative session. He asked Vice Chair Presha to report on his March 15<sup>th</sup> meeting with Governor Bush and the Chairs of the SUS Boards of Trustees. Col. Presha noted that they had a two-hour meeting to discuss priorities. The Governor had sent all university trustees a long letter requesting more accountability in the allocation of scarce resources. At the meeting, Gov. Bush asked them to let him know if they disagreed with any of his policies, such as speeding up the time required to earn a degree. Col. Presha does not disagree with accountability, but knows that New College differs significantly from other state universities in size, mission, and numerous other areas. The New College program is handled differently in terms of requirements for degree completion; it is not simply a matter of course completion, but completion of a senior thesis and three independent study projects. The devil is in the details of any new policy. Col. Presha sensed a disconnect between academic freedom and good measurable outcomes. What he likes about New College and its leadership is that it doesn't "roll over" under pressure, it always finds a way to turn the situation to its advantage.

**President's Report**

President Michalson reported on the pending outcome of the legislative session. New College received a \$500,000 addition to its annual base budget to replace scholarship funding that had been previously supplied annually by USF and is currently being supplied by the New College Foundation. Due to the chronic difficulty of explaining this to legislators, NCF highlighted the rationale behind it: since the Foundation pledges to replace scholarship funds supplied previously by USF, the \$500,000 item was termed "scholarship replacement" funding. State Senator, Speaker Pro Tem Lindsay Harrington, also a NCF parent, was hugely helpful in securing this and \$1.4 million in PECO (Public Education Capital Outlay) infrastructure funds and \$2 million in land acquisition funds. USF Sarasota/Manatee received approximately \$14.5 million in relocation funds, but their relocation plans remain politically vexed.

New College is continuing its record number of Fulbright grants: two so far this year. Faculty have also been receiving awards: Physics professor Mariana Sendova was just awarded a U.S. Department of Education grant to use spectroscopy technology to conserve paintings in the Ringling Museum; Psychology professor Gordon Bauer received funding for manatee research at Mote Marine Lab; and Mathematics professor Eirini Poimenidou received a National Science Foundation grant for math outreach. The BOT already knows the good news on faculty hires: new professors have been hired for next year in English literature, German, medieval and renaissance history, and Latin American and Caribbean history. Two African-Americans are among them, reflecting positive efforts to recruit a more diverse faculty – a mandate which came from this Board.

Dr. Michalson noted he had recently attended a meeting of the State University Presidents Association (SUPA) with the Governor. Both Governor Bush and the Florida Board of Governors want to enhance funding for the state universities this year, but at the end of the day, there is nothing left for base salary increases statewide. Under a legislative compromise, every SUS employee will be provided with a \$1000 one-time bonus this year, and base salary increases will be left to the

discretion of the individual institutions. At the BOG–SUPA meeting, devolution of authority to the university BOTs was discussed, particularly tuition-setting authority. His sense is that the Board of Governors is alive and well, and is trying to determine its own role in the scheme of things. President Michalson also reported that he attended a meeting of SUS Presidents called by US Congressman Mark Foley in Jupiter, FL with representatives of the Scripps Research Institute, which is locating a major new branch in the state. Dr. Michalson sees student internships, faculty research, teaching opportunities at NCF for postdoctoral students, and retired equipment programs as being some of the ways in which NCF might benefit from the new Scripps presence.

MGT America, a Tallahassee consulting firm, has been engaged by New College to follow their 2001 faculty and staff salary study with the development of a realistic funding model for NCF. The lead consultant on the MGT team is familiar with New College; he was on the Board of Regents staff in 1975 and charged with determining how New College would be funded as a new addition to the SUS and USF at that time. NCF has been continually frustrated because the standard SUS funding formulae do not suit its needs. An honors college education costs more than the generic university model. A better comparison would be to equate New College needs with those of higher cost programs such as those in engineering or fine arts.

Partnerships are being developed with our neighbor, the Ringling Museum, and, through the good offices of Trustee Allen, with the Ocean Conservancy and the government of the Turks and Caicos Islands. Mr. Allen, Provost Callahan and Professor Gilchrist traveled to the islands during spring break. President Michalson thanked the members of the Administrative Council for their work this year, and especially Professor Glenn Cuomo, who is completing four years as Chair of the Humanities Division, the College's largest. Dr. Michalson also thanked General Counsel David Smolker, who will soon return full time to his own law firm, noting that he had been a very trusted advisor whom he hoped would continue to provide wise counsel. Dr. Michalson concluded by attributing NCF's success in the current session's legislative session in no small measure to Chairman Johnson, noting that he was deeply grateful.

President Michalson announced that the Governor's 04-05 budget request to the Legislature provides a 5.7 percent increase for the state universities, better than last year's situation, but not as generous as the budget recommended by the Board of Governors (BOG). He predicted that there would not be any aggressive efforts in the legislature to increase the allocation to the BOG level, but that some efforts to address the matching funds issue and fund the backlog were expected. A new formula under discussion to fund the state universities would be good if it benefits New College, but not good if it does not.

#### **Plans for FSU Ringling Museum's New Education Building on NCF Caples Campus**

In order to accommodate the team from FSU's Ringling Museum, Chairman Johnson advanced the agenda to the presentation on the Ringling Museum's new Education Building. He explained that the land under NCF's Cook Library is owned by the Ringling Museum; he and General Heiser leased it to USF in the 1980s for the Jane Bancroft Cook Library. In exchange for the library land at that time, a lease was given to the Ringling Museum to build an education building on the Caples property. The legislature has given the Museum the money (\$43 million in new capital improvement funds) to build. The lease on the Caples property, signed by USF and assumed by NCF, gives NCF the right to approve the final footprint of the Museum's new building. Chairman Johnson also mentioned other tangential issues and opportunities for cooperation. The FSU Museum complex needs a new chiller plant. He suggested that expanding the new NCF chiller plant and allowing FSU access to it makes good sense. He said he had also spoken to FSU's immediate past president, Sandy D'Alemberte, about sharing security, uniformed maintenance services, and other common functions.

The team from Ringling, composed of Executive Director Dr. John Wetenhall, Ms. Carolyn Johnson, member of the Museum's Board of Directors and Chair of the Facilities Committee, and Mr. Jack Whelan, Project Manager, was introduced and Mr. Whelan presented the plans for the new education building. Plans for the building were reoriented to save a line of trees; Caples retention pond will be left as it is. However, the new building will comprise 16,000 sq. ft. on two levels, with parking below, and be linked to the west wing of the Museum via a bridge. The height will be the same as the Museum, with the peak of the roof slightly higher due to the grading of the land. Landscaping will mitigate the size of the new building. An entrance on the New College side will give students access to the lobby and elevator. Mr. Whelan noted that NCF's Isermann Building encroached on the Ringling land about 6 ft. and the Museum intends to ask for a small turnaround area outside the lease in compensation.

Chairman Johnson asked the BOT for the following action: (1) approve the footprint of the new building; (2) approve revising the Caples lease to correct the encroachment of the Fine Arts complex on the Ringling lease; (3) approve an easement for the turnaround; and (4) give the President and VP for Finance and Administration the right to negotiate the finalities and to move on the chiller plant issue if it is in NCF's best interest.

Mr. Misemer asked how the new building would be accessed; the access would be from Bay Shore Road, via the Museum property. Ms. Simendinger asked how long Mr. Johnson had been in conversation with the Museum on the matter and why the Board was being asked to vote on it without prior background material; Mr. Johnson responded he had been talking with the Museum for a year, since they had gotten the CIP funds. Col. Presha moved to authorize the two CEOs negotiate the chiller plant agreement and other issues. Mr. Misemer moved and Col. Presha seconded to (1) approve the footprint of the new Education Building; (2) revise the Ringling's Caples lease to take the NCF building out of encroachment on the Ringling property; and (3) grant an easement to the Ringling Museum for the turnaround. Dr. Miles asked Mr. Whelan to speak to the NCF student and faculty access issue. Mr. Whelan explained that the entrance to the new building would be close to the NCF fine arts building and near the elevator. NC Professor of the History of Art Malena Carrasco has been involved in planning discussions as has President Michalson. Mr. Cody asked about parking; Mr. Whelan described a secure parking lot, with one entrance for both in and out. Mr. Cranor asked for the dimensions of the new building; it will be 350 ft. long, 100 ft. wide, 42 ft. high, and 55 ft. at the point of the roof peak, and look like the Ringling Museum on the outside, with the same panel effect as displayed on the new Tibbals Learning Center. Ms. Simendinger noted it was odd to be severing relations with one institution and building relations with another at the same time. Mr. Johnson stated that there were no issues of oversight or control in the proposed arrangement, just contracting for services. Ms. Simendinger asked if the AC systems of the two institutions would be linked via the chiller plant? Mr. Johnson assured her the plant would serve two separate systems, with separate billing and power ratings. The systems would be interconnected such that either institution could sell the other chilled water on an "as needed" basis in the event an emergency outage hit one of the institutions.

President Michalson added for the Board's benefit that he had tried to build a natural partnership with the Ringling Museum on physical facilities and maintenance issues. USF will relocate but FSU/Ringling will be our neighbor in perpetuity. There are some economies of scale and natural cooperative endeavors that we can enjoy together in terms of landscaping, etc. So in answer to Ms. Simendinger's first question, yes, we are unhooking from one institution and partnering with another to benefit us all. Ms. Simendinger asked if there was a chance that the government of the State of Florida would say in the light of these linkages that New College should be subsumed under FSU? Chairman Johnson stated that in his opinion the best protection for New College is its success in academic and financial areas. His goal is to swap land with the Ringling Museum, so that the land under the Education Building belongs to the Ringling Museum and the Cook Library land belongs to New College. We are taking the first step toward that goal, approving a building on a leasehold. Perhaps in three years, the ownership of the land can be transferred. Mr. Cranor made two points: (1) the scope of this new building is huge and it will dominate the Caples Campus; and (2) the Ringling Museum has provided access and facilities to NCF which enhance NCF's educational program. Mr. Misemer pointed out that the construction of a museum building by the Museum on the Caples property has been a possibility for 25 or more years, since the lease was signed. NCF obtained the Caples property from Princeton University with the understanding that it be used for educational purposes. The question was called.

- The vote to (1) approve the Ringling Museum's new Education Building footprint as presented; (2) relocate the property line to accommodate the Isermann building's intrusion; (3) grant the Museum an easement for a turnaround; and (4) authorize the administration and the chair to execute documents to implement the intent of the Board was approved with one dissenting vote from Ms. Simendinger.
- Mr. Cranor moved to allow the administration to negotiate, and the Chairman to execute, an agreement relating to the location of a chiller plant that would be contiguous to the NCF chiller plant and give NCF the interlocking ability to deal with future emergencies. The vote was unanimous and the motion was approved.

### **Board of Governors' Report**

Lt. General Rolland V. Heiser, a member of the Board of Governors (BOG), thanked Hugh MacMillan for his help during the April meeting in Tallahassee. Mr. MacMillan was embraced by the Chair of the BOG and invited to a reception hosted by the President of FAMU. General Heiser asked Mr. MacMillan to stand and be recognized; his wife Carol was with him. General Heiser reported that the BOG is meeting monthly (March at UCF, April in FAMU, May will be at FAU, and June at New College), it has found its mission, developed a strategic plan, and established its role in the chain of command. The BOG took the lead in preserving the Major Gifts program this year. All eleven universities joined the effort to pay down the \$100 million backlog in the matching gifts program. The BOG placed \$60 million for matching gifts funding in its proposed budget to the Governor and the legislature a year ago. This week the Joint Senate House Conference Committee placed \$93.1 million for matching funds in its budget, so it appears we are making progress on this issue. Mike Michalson, John Cranor, and Jim Harman contributed significantly to its success. The BOG is also working on measuring student

learning progress and accountability, and SUS Presidents will be asked to join the BOG conference table during future meetings. The BOG is involved in the legislative process and this year submitted a budget calling for a 9.16 percent increase over last year including funds for matching major gifts. Major gifts and salaries will be items the BOG addresses next year. Thanks to a “heads up” from President Michalson, the BOG was able to assure that every SUS institution continues to receive PECO funding for maintenance. The BOG also assured that facilities constructed with matching funds not replace PECO funded projects. The New College contract system was used as the basis for the BOG recommending to the University Boards of Trustees that they establish “Academic Learning Compacts” for each field of instruction; this will not impact NCF. Gen. Heiser reported that NCF is highly respected by the BOG. One BOG member is Chairman of the Board of Foreign Scholarships, which is responsible for the Fulbright Program; he is proud to follow the New College students receiving Fulbright grants.

### **Government Affairs Report**

Hugh MacMillan reported that he and Pat O’Connell like Col. Presha, enjoy being part of a team that “doesn’t roll over” and that gets problems solved. Highlights of the session so far include getting the \$14.5 million in relocation funding for USF-Sarasota/Manatee in both House and Senate budgets, securing the \$500,000 additional scholarship funds for NCF’s base budget, thanks to Senators Carlton and Bennett, who provided extremely strong support for New College. He noted that sometimes people agree with you, but are not be able to help very much: Senators Carlton and Bennett don’t fit that category. It looks as if NCF will get \$2 million in land acquisition funds this year, thanks to NCF parent Lindsay Harrington, Speaker Pro Tem. Less likely to be funded is NCF’s quantitative skills and technology item, now coupled as a joint item with FGCU; it was endorsed by the BOG, and the lobbyists are still trying to make that happen. Rep. Harrington, who is from Punta Gorda, kept the conversation going. Rep. Nancy Detert, head of our local House delegation, is also a great strong friend who did not roll over on this item. The New College team significantly modeled to key legislators two universities working together to effectively support a BOG recommendation. Mr. MacMillan noted that there is no requirement that universities work together, but teamwork is a key strategy for NCF – we’ve been in the lead for funding and protecting the matching gifts program, enrollment growth, accountability, contracts. By next week, it will be clear whether New College’s legislative budget request will be simply all right or perhaps fully funded. Chairman Johnson lauded Mr. MacMillan for all his work and that of Pat O’Connell on behalf of New College.

### **New College Foundation Report**

Mr. Cranor reported that the Foundation met yesterday and there are two significant items pertaining to New College. The Board authorized the review and retention of a new money manager for the endowment. Ten potentials were interviewed and five were subjected to intense interrogation. While terms and conditions remain to be negotiated, the net effect should be to improve the return on the Foundation’s endowment from the \$600,000-\$700,000 range to \$1.5 million. Eventually this money will make its way to the College. The second action was the approval of a non-campaign campaign. It will not be public, there will be no guessing as to the amount that will be raised, the Foundation will work at it until they raise what they need. The approach will be to set up advisory councils around specific academic initiatives, using the template of the Environmental Studies Program which already has an advisory council. The council is composed of people who have an intense interest and expertise in the subject area, and the Foundation is using them to champion Environmental Studies in the community, to suggest donors, to actually solicit funds, and to contribute themselves. Such an approach is not unlike that used by large universities, where funds are raised by the law school, medical school, engineering school, and the college of arts and sciences. The small size of New College lends itself to focusing on individual areas of the curriculum. In all aspects of the non-campaign, the Foundation will take the lead, direction and focus from the President, Provost, and the faculty to meet the needs of the academic program. Mr. Cranor concluded by noting that this approach is consistent with the Foundation’s goal to increase the endowment from \$30 million to \$100 million over the next ten years.

### **Legal Issues Update**

General Counsel Smolker reported on the status of USF’s master planning efforts with regard to the Crosley site. In order for USF S/M to physically construct their campus on the Crosley site, they have to obtain a final non-appeal able amendment to their campus master plan. In May 2003, the USF Board of Trustees adopted a campus master plan amendment which was subsequently challenged by a number of neighborhood residents and other folks through an administrative process before the Governor and Cabinet. In March 2004, that process culminated with the entry of an order of the Governor and Cabinet which required USF to go back and correct a number of identified deficiencies in the plan they had adopted. That order has now been appealed to the District Court of Appeals in Tallahassee, the net effect of which is that over the next six to nine months at minimum, the matter will be tied up in litigation. It’s difficult to predict what the outcome will be, since so many complex legal issues are involved; it also could be that after the District Court of Appeals rules, there could also be further appeals to the Florida Supreme Court. From a legal standpoint, Crosley is beginning to look a bit like a briar patch in the middle of a swamp. Mr. Smolker stated he wanted to let the Board know that it will be a while before the issue will be finally resolved, unless there is some type of settlement among the various individuals

involved. New College is standing on the sidelines watching the process unfold, but it will delay the physical relocation of USF S/M and the Board should be aware of it.

### **Academic Affairs and Strategic Planning Committees Joint Report**

Mr. Misemer indicated he and Mr. Cranor, the Chairman of the Strategic Planning Committee, asked Provost Callahan to summarize the report she presented at yesterday's meeting of the joint committees on the faculty's academic strategic planning process. Provost Callahan sketched the context in which New College operates, that of a public liberal arts honors college in a country where less than two percent of the college student population attends a liberal arts college. The environment of higher education is changing rapidly, even within the Florida State University System. She mentioned various initiatives the Board had heard about earlier – from the Governor's Office, the BOG, the legislature. Most of these are not really applicable to New College, and yet NCF has to respond to them. In the context of U.S. higher education, NCF is competing for top faculty and students, and responding to the need to demonstrate civic engagement, diversity, globalization, cutting edge technology, etc. in order to remain competitive. Decreasing budget allocations to higher education not offset by tuition increases complicate the situation. In responding to last April's mandate from the BOT to develop an academic strategic plan, Dr. Callahan noted that she had emphasized to the faculty that the efficient use of resources was critical, as was new thinking about alternative models. The planning process she directed was logical, systematic, and linear. It began in Fall 2002, with nine faculty discussion groups which identified strengths and weaknesses across the academic program as faculty exchanged ideas about the current and future direction of the college. These meetings were ably facilitated by Julie Morris. A majority of the faculty (about 40/60) joined in collaborative explorations of academic areas and curricular possibilities outside the usual divisional and disciplinary constraints as planning meetings continued. They discussed the College and curriculum in a collegial way, gathered information on peer institutions, looked inward, and shared ideas about the most strategic way to maximize resources. As overlapping interests were identified and connected, an institution-wide perspective emerged, one that takes the big picture into account. Five clear, documented, creative proposals emerged as directions for growth in the curriculum; they were shared with the faculty in February. In March, the Provost integrated the proposals and in April the Divisions met and reinforced the growth plan. The areas put forward for growth and enhancement are: Arts (Creative, Expressive, Performing Arts, Writing and Film); Environmental Studies; Gender Studies; International (Non-European) and Area Studies; and Quantitative/Computational. Academic support and equipment upgrade needs emerged across these areas, as did existing disciplinary needs and the need for new disciplines. The latter were evaluated in terms of sustainability, level of contribution to the liberal arts and to core competencies. Faculty teams developed formal profiles for each area which included a needs assessment indicating the areas's overall contribution to the curriculum, links or intersections among the disciplines which show how one area would benefit others, and academic support needs. Support needs ranged from the addition of adjuncts to teach in certain skill areas (e.g., basic Spanish language instruction), to enhanced study abroad opportunities for students and faculty, additional office staff, and an increased number of College vehicles. Priorities will now be integrated and a flexible New College academic plan for strategic growth and enhancement, one that is easily adaptable to a changing environment and will allow the College to take advantage of opportunities as they arise, will be affirmed with an intentionally fuzzy timeline – asap, sooner, and later. The Provost reported that the faculty's positive focus has been on liberal arts education, not the line allocation process, and that she looks forward to the conclusion of the strategic planning exercise in the near future.

Mr. Hudson asked if the international area did not include Europe because NCF was already strong in that area; Provost Callahan said he was correct. Col. Presha asked how students were going to be better prepared for the job market and Ms. Smiley asked in what area is or should NCF be really strong. Dr. Callahan responded that where faculty interests overlap, the curriculum is really strong. Preparing students for graduate school and for lifelong learning is what NCF does best, rather than credentialing or preparing students for particular jobs. She harked back to Col. Presha's earlier point about the number of demands NCF has to meet – including accountability. Our challenge is to communicate the impressive data we have on the success of NC graduates in a way that is understood. Col. Presha underscored the importance of translating the NC message to the general public in simple, easy to grasp, terms.

Chairman Johnson thanked the Provost for an outstanding presentation and announced that the Board of Governors would be meeting at New College on June 24. A dinner will be hosted for them on campus the night of June 23, and he will be personally soliciting sponsors for the dinner.

### **External Affairs Committee Report**

Ms. Simendinger reported on the Committee's meeting earlier that morning, noting that seeds from all discussions for the past few years are taking root with Jake Hartvigsen, who was appointed Director of Public Affairs last fall. She acknowledged that the Committee owes him a debt of gratitude. His office is launching *New College Magazine*, started by his predecessor, in conjunction with Rytter and Co. Ideas were solicited for the Fall 04 issue, marking the 40<sup>th</sup> anniversary of students on campus. The EAC continued to discuss branding and marketing issues, but in the future these will be taken

forward by a new campus Public Affairs Advisory Council (PAAC), with which the EAC will partner. Ms. Simendinger reported five ideas for the future roles of the BOT and the EAC, while the new PAAC does the hard work of coming up with a branding and marketing strategy: (1) continuing to think about the “external” goals for NCF in branding and marketing; (2) asking how the goals help the College and making sure the goals are focused on that; (3) determining realistic funding to achieve the goals; (4) measuring the impact of efforts and expenditures – determining if it’s working; and (5) keeping an eye on those who are responsible for making sure the implementation is working.

### **Finance and Audit Committee Report**

Colonel Presha presented an executive summary of this morning’s Finance and Audit Committee. He mentioned items for BOT action later in the meeting: approval of an option agreement for the sale and purchase of real property located at 5801 Bay Shore Road, Sarasota and approval of the official audit of NCF’s financial statements for the year ending June 30, 2003 indicating full compliance and a clean bill of financial health. He reported that at the Committee meeting VP John Martin’s staff gave a financial report on quarter ending in March 2004 and the outlook is positive. The current legislative budget does not include any salary increases at this point, and the BOT as a governing body will need to address this situation. Col. Presha stated that good work should be rewarded with raises. Looking ahead, the BOT will consider tuition and fee increases in a teleconference meeting on May 27, 2004 and will consider the operating budget for 04-05 and the legislative budget request for 05-06 in a second teleconference meeting on June 23, 2004.

- Chairman Johnson called for a motion to adopt and approve the NCF audit for the year ending June 30, 2003, prepared by the Auditor General of the State of Florida. Mr. Misemer so moved, seconded by Col. Presha, and the audit for the year ending June 30, 2003 was adopted unanimously.
- Colonel Presha moved to approve an option agreement to acquire real property located at 5801 Bay Shore Road in Sarasota, FL, and authorize the Board Chairman to modify the terms of the agreement, as needed, based on instructions received from the Department of Environmental Protection and/or as negotiated with the landowner, seconded by General Mason; it was approved unanimously. Chairman Johnson explained the property is at the intersection of Bay Shore Road and 58<sup>th</sup> St. and the College intends to purchase the homes owned by New College Foundation on 58<sup>th</sup> St. homes.

### **Update on PBA Negotiations**

VP Martin provided an update on negotiations with the Police Benevolent Association (PBA). At the meeting on April 6, tentative agreement was reached on all but seven of 32 articles. Next meeting is set for April 28. The other seven articles are primarily economic in nature and it is prudent to await the final legislative outcome on appropriations before further negotiations take place. The negotiations seem to be going smoothly. Once tentative agreement is reached, the union will take the proposed agreement back to its membership for approval and management will bring the proposed agreement to this Board for final ratification.

### **Update on UFF Negotiations**

Provost Callahan reported on continuing weekly negotiations with the NCF chapter of the United Faculty of Florida (UFF). Several articles have required additional legal research. Eight have been tentatively agreed to out of 31; agreement on 20 of the 31 articles is very close. A June deadline for concluding the negotiations and bringing a proposed agreement to the Board is anticipated.

### **Rule Development Workshop**

General Counsel Smolker explained that the BOT has already approved these policies under consideration in the past; holding this Rule Development Workshop is the first step in the rulemaking process of the Florida Administrative Code. He requested with regard to each of the rules, that the BOT approve the language of the rule and authorize notice of publication, after first determining if there is any public comment to be considered.

- **Proposed Rule 6C11-5.001, Allocation of Information Technology Resources**  
This rule implements the policy of the College with regard to allocating information technology resources. It addresses the development of an annual information technology plan, establishes and dictates the policies for the allocation of those resources, provides for annual review of the allocations, and allows for recommendations of remedial action in the event the targets are not being reached. His recommendation is that the BOT approve the language of the rule and authorize publication of notice of proposed rule. Mr. Misemer moved to approve the language of Proposed Rule 6C11-5.001, Allocation of Information Technology Resources, and authorize notice of publication; the motion was seconded by Col. Presha and adopted unanimously.

- **Proposed Rule 6C11-5.002, Prompt Payment**  
General Mason moved to approve the language of the Proposed Rule 6C11-5.002, Prompt Payment, and authorize notice of publication; the motion was seconded by Col. Presha. VP Martin reported that in yesterday's legislative session, Senator Bennett sponsored a bill for prompt payment involving construction contractors from which the community colleges system is exempt. Senator Bennett has negotiated with our lobbyists to exempt the SUS from its very onerous processes, if we use some wording similar to that which the community colleges are using. This means that we will probably amend the Proposed Rule to add a section on construction contracting. The Board voted unanimously to adopt the Rule and authorize notice of publication.
- **Proposed Rule 6C11-5.003, Purchasing**  
Colonel Presha moved to approve the language of Proposed Rule 6C11-5.003, Purchasing, and authorize notice of publication; it was seconded by Mr. Misemer. There was no discussion. The vote was unanimous to adopt the Proposed Rule 6C11- 5.003, Purchasing, and authorize notice of publication.
- **Proposed Rule 6C11-6.003, Independent Student Publications**  
Mr. Misemer asked if the changes discussed in this policy had been incorporated in the language of the Proposed Rule. Mr. Smolker assured him that the changes had been made in both the policy that was adopted on Feb. 7, 2004 and in the Proposed Rule. Thus, Mr. Misemer moved to approve the language of Proposed Rule 6C11-6.003, Independent Student Publications, and authorize notice of publication; it was seconded by General Mason and approved unanimously.
- **Proposed Rule 6C11-8.017, Faculty Evaluation**  
At Mr. Smolker's request, Chairman Johnson asked for a motion to table action on Proposed Rule 6C11-8.017, Faculty Evaluation. Mr. Misemer so moved, seconded by Gen. Mason, and the motion to table Proposed Rule 6C11 8.017, Faculty Evaluation, was tabled without objection.

#### **Ratification of Settlement Agreement/Florida A.G.C. Council v. Jeb Bush et al**

Mr. Smolker introduced this item, explaining that the Florida A.G.C. Council sued the State of Florida challenging the constitutionality of certain provisions of chapter 287, Florida Statutes, which encourages each state agency to award specified percentages of construction contract monies to minorities and women. The federal district court judge held in favor of AGC and found that the statute was unconstitutional in that it established a racial set-aside preference or quota. Contemporaneously with the ruling of the court, the parties reached a settlement agreement that provided a framework for implementing the purposes of chapter 287 without the use of racial or gender preferences, set-asides, or quotas. The General Counsel for the Department of Education has asked all the universities to approve the settlement agreement. President Michalson indicated previously that he had no objection to the agreement, and we are now bringing it to the BOT for ratification. Mr. Misemer asked if the plaintiff's fee agreement in the settlement would impact New College. Mr. Smolker assured him it would not, neither the Board nor New College would incur any financial liability. All that the ratification requires is for NCF and its BOT to encourage minorities and women to participate in and be involved in our contract processes.

- Col. Presha moved to ratify the Settlement Agreement/Florida A.G.C. Council v. Jeb Bush et al; the motion was seconded by Mr. Misemer and approved unanimously.

Since there was no further business, the meeting was adjourned at 12:16 P.M.

Respectfully submitted,

Suzanne Janney  
Assistant Secretary