

New College of Florida Board of Trustees
Approved Minutes
Teleconference Meeting of May 13, 2006

Members Participating: Rev. Jerome Dupree; Gen. Rolland V. Heiser; Bob Johnson; Elaine Keating; Marissa Krumm; Dr. Douglas Langston; Major Gen. Raymond E. Mason, Jr.; Col. Mickey Presha; Jane Smiley.
Participating via Teleconference: Warren Hudson; Kenneth Misemer; Dr. Vicki Raeburn.

Call to Order

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

Acknowledgement of Notice of Meeting

Chairman Johnson requested and received acknowledgement that the meeting had been duly noticed on May 3, 2006.

While telephone connections were being made, Chairman Johnson drew the Board's attention to the Institute for Integrative Land Use, a new joint project of New College of Florida (NCF), University of Florida (UF), and Sarasota County. UF is preparing a proposal to include the Land Use Institute as a State of Florida "Center of Excellence" in the 2007-08 legislative budget cycle, qualifying it for major funding. Sarasota County has already pledged five acres of land in the "Celery Fields" region of Fruitville Road near I-75 and \$2 million to the Land Use Institute. New College has several proposals for funding in progress to add to the \$16 million needed for the start-up budget. Chairman Johnson reminded the gathering of the reception next week in honor of Provost Callahan, who will step down from that position at the end of June.

Approval of Minutes

Chairman Johnson asked for approval of the Minutes of the BOT meeting of February 11, 2006. Trustee Mason so moved, seconded by Trustee Dupree, and the Minutes were approved unanimously.

Appointment of Presidential Evaluation Committee

Chairman Johnson appointed Trustee Heiser as Chair of the Presidential Evaluation Committee, and named Trustees Presha and Keating as members. He charged the ad hoc Committee with reporting back to the BOT at the annual meeting on September 16, 2006. Chairman Johnson stated that he had been advised that he has a final year left in his second term as Board Chair. A new Board Chairman will be elected at next year's annual meeting.

Budget Update

Although President Michalson had already reported in writing to the BOT on the results of the legislative session, Chairman Johnson requested that Vice President for Finance and Administration John Martin summarize the budget highlights. VP Martin acknowledged that the 2006 legislature treated New College very well, endorsing the recommendation of the Chancellor and Board of Governors (BOG) to approve NCF's entire \$1.8 million legislative budget request. It was the first time NCF's entire LBR has been approved. The Chancellor and the BOG also unanimously approved putting next year's NCF request for \$1.8 million in additional recurring funds into the guidelines for the '07-'08 BOG legislative budget request. This is an indication of our solid positioning within the State University System, one which was strongly reinforced by the findings of the July 2005 MGT of America's comparative analysis of funding strategies for New College. In this session, the legislature approved a special infusion of funds into the entire SUS to help offset the skyrocketing costs of utilities affecting all the universities. The College has experienced a 46 percent increase in energy costs over the two year period from FY 04/05 to FY 06/07.

VP Martin reported that NCF's portion of the utilities allocation will be about \$250,000 in additional recurring funds. On the PECO (Public Education Capital Outlay) front, NCF will receive a total of \$6.7 million, which is actually \$700,000 higher than anticipated for '06-'07, because the legislature accelerated NCF's request for \$700,000 for planned renovations to Parkview House and the Westside Campus Center, which had been proposed for the '07-'08 PECO budget. The rest of the NCF '06-'07 PECO allocation includes: \$3.9 million for deferred maintenance and infrastructure improvements; \$1.4 million for land acquisition (the Car Museum and properties on 58th Street are on NCF's land acquisition list); and \$700,000 for planning a new academic/office building. VP Martin explained that funding for construction planning is generally linked, barring unforeseen circumstances, to approval of construction money the following year and of equipment and furnishings money in the third year. Consequently, the PECO budget of \$700,000 in planning money should be followed in the '07-'08 budget by about \$10.2 million of construction funding. This will allow NCF to implement certain features of the campus Master Plan and begin the process of replacing the aging "letter" buildings on the Palmer Campus at about the time the five new residence halls are completed. VP Martin alluded to the construction schedule that Jake Hartvigsen recently released, which included a very aggressive plan for relocating the tennis and basketball courts and starting construction of the new dormitories next month.. Trustee Mason asked about the percentage point of interest the College is paying on the residence hall bond. VP Martin confirmed that it was a synthetic fixed rate of 4.1 percent. Trustee Smiley asked about the USF funds that NCF received for facilities shared with USF Sarasota/Manatee and VP Martin confirmed that effective with the new fiscal year, the legislature moved appropriate recurring Plant Operation and Maintenance funds, totaling approximately \$1 million, from USF Sarasota/Manatee to New College to support maintenance and upkeep of buildings on New College's property footprint. USF Sarasota/Manatee will continue to have access to Cook Library, Sudakoff and Recreation facilities located on New College's campus.

NCF Academic Calendar for 2006-07

Provost Callahan explained that Florida Administrative Code Rule 6A-10.019 requires each State University Board of Trustees to adopt an annual calendar prior to the beginning of the fiscal year. The calendar is required to be consistent with common entry periods (the first three weekdays after August 22, and the first three weekdays after January 4) unless an exception is granted. The calendar and any requests for exceptions are filed annually with the Chancellor's Office, by April 1. NCF filed its 2006-2007 academic calendar, a memorandum requesting an exception to the entry periods, and a completed academic calendar questionnaire prior to the April 1 deadline, with the understanding that the NCF BOT would consider approval of the calendar at its May meeting. This material was provided to the Trustees earlier. Provost Callahan noted that the College's exception request was necessitated by the NCF 4-1-4 calendar, which accommodates the January Independent Study Period and begins the spring semester in February. She assured the BOT that in future years, approval of the annual academic calendar will be presented for Board action at an earlier meeting, and asked for approval of the calendar. Trustee Mason moved to approve the NCF Academic Calendar for 2006-07 as presented, the motion was seconded by Trustee Presha, and the Academic Calendar was approved unanimously.

NCF 2005-2006 Equity Accountability Program Report and Report on the Florida Educational Equity Act

VP Martin requested that the BOT approve the NCF 2005-06 Equity Accountability program Update Report, which includes the College's Florida Educational Equity Act Report. He explained that each state university is required by statute to participate in an Equity Accountability Program and to prepare a 2005-2006 Equity Accountability Update, reporting on the progress made in improving diversity during the year and the goals set for 2006-2007 in hiring and promoting faculty and senior administrators from underrepresented groups, as well as a budgetary incentive plan to support the achievement of EAP goals and implementation strategies. Mr. Martin explained that through a prior arrangement, the draft EAP report had been submitted via the Florida Board of Governors to the Commissioner of Education last

month to comply with an April deadline, with the understanding that the report would be presented to the NCF Board of Trustees for consideration at this meeting. NCF's report on student enrollment by race and gender under the Florida Educational Equity Act was submitted at the same time as part of the EAP report ("Undergraduate Student Participation" section). Trustee Heiser moved to approve the NCF 2005-2006 EAP Program Report and Report on the Educational Equity Act, seconded by Trustee Mason, and the motion carried unanimously.

Guidelines for the Establishment and Disbandment of Institutes and Centers

General Counsel Steve Pfeiffer related this agenda item to the Land Use Institute initiative, explaining that the BOG has directed that boards of trustees of the universities within the State University System adopt procedures and forms for establishing and disbanding institutes and centers. The BOG directed that these procedures and forms be adopted by May 16, 2006. The schedule required by the BOG does not allow sufficient time to develop, notice, and adopt proposed procedures and forms in accordance with the Regulation Development Procedure adopted by the BOG. He recommended that the BOT adopt NCF-specific guidelines, as presented, setting an interim policy relating to procedures and forms for the establishment and disbandment of institutes and centers, and direct the staff of NCF to develop a proposed regulation regarding procedures and forms for the establishment of institutes and centers for consideration by the Board at its first meeting conducted during the 2006-2007 academic year. Trustee Presha so moved, seconded by Trustee Dupree, and the motion carried unanimously. Mr. Pfeiffer noted that the College and its partners will work on the Land Institute plans over the summer, designing a comprehensive center for the study, discussion, development and dissemination of best practices related to growth management issues statewide – not only land use ecology, but the design, construction, and management of the built environment; energy systems and energy distribution; natural resource valuation; and policy, legal, and institutional processes. The Land Use Institute would be staffed with faculty positions in these areas from the partner institutions and would be served by cadres of their graduate and undergraduate student researchers. The Institute would uphold scientific and educational values and be a source of independent judgments made with integrity on difficult issues of land use development facing the State of Florida.

Proposed Regulation Development regarding Regulation 3.03, modifying the terms of the existing NCF Equal Education and Opportunity Policy

Trustee Krumm, who serves as New College Student Alliance President, moved to adopt proposed Regulation 3.03 of the NCF Regulations Manual and to rescind existing NCF Policy 0-011 that was adopted by the Board of Trustees effective April 27, 2002. Policy 0.011 sets standards for equal education and opportunity at New College. Proposed Regulation 3.03 would replace the existing policy, modifying its terms by including sexual orientation, gender identity, and gender expression as categories protected by the College's non-discrimination policy. Trustee Krumm stated that the Proposed Regulation would articulate the values and actions that have made New College what it is today. She noted the tremendous support the Proposed Regulation had from the greater NCF community, personified by the 50-60 students who had crowded into the board room. Trustee Krumm introduced Richard Robertson, a graduating senior who had prepared the documents the BOT had under consideration. Rick stated that the student petition contained more than 400 signatures and the faculty petition more than 55; from a student body of 750 and a faculty of 65, these are telling endorsements for a College policy that hopes to protect and foster diversity. The policy is a formality, an expression of respect for human differences in sexual orientation and gender identity and expression that has the best interests of New College at heart. With adoption of Proposed Regulation 3.03, NCF will join such institutions as Brown, NYU and Cornell in having such a policy. Trustee Krumm's motion to adopt Proposed Regulation 3.03 and rescind NCF Policy 0.011 was seconded by Vice Chair Presha. Trustee Hudson asked if any part of the Proposed Regulation would involve NCF in assuming responsibility for domestic partners. General Counsel Pfeiffer responded that in his opinion, the provisions of Proposed Regulation 3.03 have no relation to insurance responsibility for domestic partners. New College has no authority over marriage.

However, NCF has agreed with NCF's chapter of UFF to study the provision of benefits for domestic partners, and MGT of America consultants are working up information and a cost analysis for use in the event that NCF considers providing benefit packages for domestic partners. These issues may be brought before the BOT in the future. Ellen Goldin, Executive Director of the New College Alumnae/i Association, brought forward a letter of endorsement for Proposed Regulation 3.03 from NCAA President Bill Rosenberg on behalf of NCF's 3,000+ alums. Calling for a vote on the motion, Chairman Johnson found no one opposed. Trustee Hudson said he wished to abstain. The motion was adopted, amidst cheers and applause from the audience.

Public Hearing and Testimony regarding Proposed Tuition and Fees for AY 2006-2007

Vice President Martin stated that no action would be required of the BOT on the Proposed Tuition and Fees for Academic Year 2006-2007 at this meeting. NCF is required to establish a schedule of tuition and fees through the regulation development process approved by the Florida Board of Governors. In order to provide students with an opportunity to address issues in the tuition and fee schedule before they depart for the summer, the College developed a tuition and fee schedule that proposes rates for items that are not subject to legislative appropriation and that otherwise is in accordance with the most current version of the appropriations act. A Proposed Tuition and Fee schedule that is as current as possible has been drafted. A notice of regulation development, including the complete text of the Proposed Tuition and Fee schedule, has been placed on the NCF website. It is anticipated that the Proposed Tuition and Fee schedule for 2006-2007 will be presented for BOT action at the next meeting on June 10, 2006. VP Martin reported that he had attended a Towne Meeting on Wednesday, where he discussed the Proposed Tuition and Fee schedule with students. Chairman Johnson declared the Public Hearing on Proposed Tuition and Fees for Academic Year 2006-2007 open. No testimony was forthcoming, so Chairman Johnson announced that the BOT would act on tuition and fees for FY 2006-2007 at the June 10th BOT meeting and declared the Public Hearing closed.

Update on Residence Hall Project and Campus Master Plan Progress

Mr. Jono Miller, Chairman of the Campus Master Plan Steering Committee reported that the Minutes of the February 11, 2006 BOT meeting contained a summary of the Master Plan process by Frank Folsom Smith and that a full briefing would be scheduled for the BOT at the June 10th meeting. General Counsel Pfeiffer noted that he had expected to see BOT action on Campus Master Plan in June, but President Michalson decided to take more time in order to allow for more consensus to develop within the NCF community. After the consultants provide a "final draft" of the Campus Master Plan, NCF will proceed through a formal adoption process in accordance with Section 1013.30, *Florida Statutes*, first hosting a public information session, then conducting a public hearing. Comments from these sessions may or may not be incorporated in the final plan draft. The final plan draft will be submitted to the NCF BOT, which authorizes initiation of the formal campus master plan adoption process. Copies of the final draft will be sent to Sarasota and Manatee County Governments, and to the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, the Department of State, the Fish and Wildlife Conservation Commission, the Southwest Florida Water Management District, and the Southwest Florida Regional Planning Council. These governmental entities must be allowed 90 days to review the draft plan and provide comments to the BOT. NCF must publish notice of the beginning of the 90-day period in the local newspapers, and act to incorporate any comments or requests for revision from the official entities' review of the draft plan. Once the plan has been revised to comply with the review, a second public hearing will be conducted in conjunction with the adoption of the draft master plan by the BOT. Afterwards, the BOT will be asked to adopt the campus master plan. Mr. Pfeiffer said it would be difficult to envision completing this formal process in less than five months. Unless the BOT is willing to have the adoption take place during the summer months when many constituents are not available, NCF will not be able to adopt a campus master plan until Fall 2006. The delay will necessitate seeking an extension of the campus development agreement with the City of Sarasota, since the current agreement expires on December 31, 2006. Obtaining such an extension should not be problematic.

Mr. Miller noted that Mr. Pfeiffer and the members of the Steering Committee had been a great team. Together they generated more participation in the master planning charrettes and related activities than he had ever experienced from the campus community in his 36 years of affiliation with the College. He reported that the Steering Committee is reviewing the “90% draft” now, and focusing on a few key issues for the consultants to resolve, such as: finding a new site for Physical Plant operations; adding additional building space to the Caples Campus; and adding sustainability language and terminology to the draft. Everyone was pleased that the new residence halls will be built to comply with LEEDS certification possibly at the silver level. As for how the plan will be implemented, Mr. Miller noted that some issues will not be fully resolved before adoption. Small groups are being formed for this purpose. One group will look into the potential for developing a future economic “village” north of the College. Another group will consider parking concerns, but not until USF S/M leaves the campus. An on-going conversation about the longterm future use of the historic mansions on the bayfront will be initiated. On the immediate front, the tennis and basketball courts will be relocated this summer; fencing is going up on the East Campus this week. By June 18, the stormwater issues should be finalized for the East Campus. Mr. Pfeiffer concluded the report by pointing out that the “90% draft” was posted online at www.ncf.edu/MasterPlan/plan.html and could be printed for more leisurely reading in an accessible format on a color printer.

Other Business

Trustee Hudson asked for an update on the New College Foundation situation. Chairman Johnson stated that Chancellor Mark Rosenberg had sent a letter to him in response to a communication his staff had received from the Foundation, stating that the Foundation had no legal tie or responsibility to support New College of Florida. The Chancellor wrote that this situation was untenable and should be looked into. The Chair of the New College Foundation Board of Trustees, Dr. Vicki Raeburn, appointed a small Task Force composed of Trustee Misemer (who is also a Foundation trustee) and Foundation Trustees Dick Donegan and Jean Martin to review the role of the Foundation vis-à-vis New College and report back to the Foundation board in the near future. NCF BOT Chairman Johnson also personally requested President Michalson and Foundation President John Cranor to meet together as leaders of the College and the Foundation to discuss the institutional relationship of their entities. Chairman Johnson assured Trustee Hudson that nothing has yet been determined, the situation is under examination. He explained that Mr. Cranor resigned from the NCF Board of Trustees almost immediately after receipt of his copy of the Chancellor’s letter in order to avoid any conflict of interest. Chairman Johnson stated that the issue is not about personalities, it is about governance and organization structure. He emphasized that the New College of Florida organizational structure is in good standing and clarifying the College’s relationship with the Foundation will strengthen it.

Trustee Raeburn noted that the Task Force had to report back to the Foundation within 30 days. She asked if the discussions among alumnae/i were being taken into account. Trustee Misemer responded that the Task Force would meet in Sarasota next Thursday for a new round of discussions, and he did not want to speak for the group. Trustee Presha asked if the other SUS university foundations were all subsidiary organizations. Chairman Johnson responded that all of the other ten state university foundations have a direct reporting line to the university president. All are run by people who report to the university president and have their own boards. The Chancellor requested that New College come into line with this model. Trustee Smiley asked if there had been any legal ramifications since Mr. Cranor’s resignation from the College BOT, and Chairman Johnson responded no. He explained that at the time New College became an independent SUS institution, the statute required a certain number of Board members be appointed from the New College Foundation board to ensure that the new institution would be protected and able to retain its distinctive mission in its first years. Other SUS university foundation boards share almost no other members with their foundation boards, because it is a major job being on either board. There is almost no cross-pollination of Foundation and College/University board members within the

SUS. Trustee Dupree asked if the situation really had to do with what the Foundation is reporting and doing with its finances; Chairman Johnson assured him that the Foundation does have to report to the state as an independent 501(c)3 organization. The real issue is that the Foundation's CEO is not accountable to the College President. Chairman Johnson stated that when the College was part of USF, the independence of the Foundation was important to retain. Now Mr. Cranor has stated publically that there is no longer any need for that, the College and the Foundation share the same goal: the future success of New College of Florida. Vice President Martin commented that even now, the Foundation's financial report is rolled into the College's audited financial report as a Component Unit. Trustee Raeburn noted that she thought the state's point of view was that the control of the endowment is more important than who reports to whom. Trustee Misemer observed that the Task Force will come back with recommendations to the New College Foundation. New College of Florida is not asked to do anything at this time. The New College Foundation will have to decide whether to become a Direct Support Organization (DSO) like the SUS university foundations, accountable to each university president. Chairman Johnson concluded the discussion by addressing the large group of assembled students. He told them that the College's Board of Trustees was instrumental in maintaining New College's strength and existence and the Board members are privileged to support such a fine institution.

Since there was no further business, the meeting was adjourned at 11:04 A.M.

Respectfully submitted,

Suzanne L. Janney
Assistant Secretary