

Board of Trustees

**Meeting Minutes
June 3, 2021**

CALL TO ORDER AND WELCOME:

Kelvin Lawson, Chair

Chair Lawson called the Board of Trustees (BOT) meeting to order. Linda Barge-Miles called the roll and a quorum was established. The following trustees were present: Cavazos, Cliatt, Dortch, Dubose, Harper, Lawson, Moore, Perry, Reed, Stone, Washington, and Whigham.

Chair Lawson formally introduced trustees to the Michael Dubose, Kenny Stone, Otis Cliatt and Carrington Whigham to the Board. He also asked for a moment of silence for FAMU student Coby Williams, who passed away over the previous weekend.

PUBLIC COMMENTS:

Dr. Chipman signed up for public comments and appeared later during the Board meeting to inform the Board about the 75th anniversary of the March 100.

CLOSED SESSION:

Chair Lawson shared that the attorney/client closed session was cancelled, so the Board moves to the closed session regarding collective bargaining. Participants included the Board of Trustees, President Robinson, Provost Edington, Attorney Rob Larkin, General Counsel Denise Wallace, Attorney Shira Thomas, Attorney Candace Stewart Morris, Attorney Lacey Canter, Carrie Gavin, Herbert Bailey, Nichole Murry, Sandi Smith Anderson and Courtney McHenry.

Chair Lawson moved that the Board ratify the AFSCME tentative agreement, which provides a \$2.50 recurring base rate of pay increase to custodial workers, senior custodial workers and senior custodial supervisor. Also, a one-time non-recurring wage increase of \$2,000 for unit members with an annual salary of less than \$25,000 in the following positions as designated in Article 23, contingent upon employment at the time of ratification. The amendments to Articles 1, 6, 14, 23 and appendix A and authorize the President to sign the agreement on behalf of the Board, as the public employer. The motion was seconded by Trustee Perry and the motion carried.

IMPASSE HEARING

The next agenda item was an impasse hearing with FAMU Developmental School (DRS) and the United Faculty of Florida Chapter at the DRS. He explained that the Board would hear from both parties and would then act as the legislative body. As such, the Board would be the final decision maker regarding the issue at impasse.

Attorney Larkin shared that the parties reached agreement on all articles except Article Seven (7). The current language provides that lunch will be elementary teachers only. The DRS is seeking the ability to have all teachers cover lunch period duty assignments.

The current language states in pertinent part:

“Middle and high school employees shall have a duty-free lunch period equal to the student lunch period . Duty free time equal to the duty free lunch period shall be granted for middle and high school employees”

The proposed language states that “Each teacher will supervise students during the lunch period no more than once per week.”

Following the presentations by FAMU DRS and the UFF, Chair Lawson restated the options for the Board:

1. Accepting the document as it stands, status quo.
2. Accept the FAMU DRS school superintendent’s recommendation
3. Create some additional new language.

Trustee Harper moved that the Board adopt the recommendation from the superintendent , as reflected on the document. To accept the FAMU DRS superintendent’s recommendation regarding Article Seven (7), as reflected on attachment (A). The motion was seconded. Trustee Dortch offered an amendment wherein the Board would commit to revisiting the issue within a year. Chair Lawson said that the Board would deal with the friendly amendment, after the motion is voted on by the Board.

Chair Lawson asked for a roll call vote. The Board’s vote was eleven (11) yes votes in favor of adopting the University’s proposal. Trustee Cavazos cast the one (1) vote in opposition to the motion. The motion passed.

Next, Chair Lawson recognized Trustee Dortch to offer his friendly amendment. Trustee Dortch’s amendment indicated that the Board would commit to revisit within a year, the amendment just passed by the Board, in order to have a review and analyze the report back as to its effectiveness and whether there were any major challenges to either side, within a year of passing this resolution. Trustee Harper accepted the amendment. It was seconded by Trustee Perry. Trustee Dortch clarified the motion to include the end of the school year, so that the new language would be effective for a full school year. The motion carried with a unanimous vote.

PRESIDENT'S REPORT:

Dr. Larry Robinson, President

President Robinson started his presentation by sharing that he is proud to lead FAMU. He said that the University has had several achievements in 2020-2021, and highlighted the following:

- FAMU is the Number One (1) Public HBCU and is ranked #117 Top Public University according to U.S. News and World Report
- FAMU Foundation raised a record amount of funding in 2020-2021
- The FAMU Office of Communications won two Hermes Creative awards
- FAMU Athletics announced an MOU agreement that will lead to a six-year partnership with Nike
- The University had a record year with regard to external research funding, generating over \$61 million

President Robinson brought light to the University's numerous accomplishments during the 2020-2021 year:

- Over 340,000 individuals have been tested at the FAMU COVID-19
- FAMU Towers was completed August 2020
- The CASS building was completed in December 2020
- Over 6,000 course section modalities changed
- The University's community based COVID-19 vaccination site has vaccinated more than 11,000 individuals
- The new Dining Hub was completed in March 2021
- The Amphitheater was finished in May 2021
- The University has hosted 59 faculty training sessions

Next, President Robinson provided an update on his annual goals. He shared that the four-year graduation rate is now 34.6%. The second-year retention rate is 82.2%. President Robinson also shared that the University is set to receive the highest points it has ever received in the Performance Based Funding Metrics. He shared that as the University moves toward the Top 100 universities, his most important commitment is every student that comes to the University. He stated that as the University looks at ascension to the Top 100, it must focus on outcomes, faculty resources, expert opinions, financial resources, student excellence and alumni giving.

President Robinson shared that he has established a Strategic Planning Committee. Trustee Kristin Harper is the BOT liaison and Provost Edington is the chair of the committee. The Committee is working on a strategic plan for the next five years, which will be brought to the BOT for its approval. He also shared that he held a two-day retreat with his senior leadership team focused on planning FAMU's future.

A video regarding President Robinson's actions over the last few months was shared the Board.

DIVERSITY, EQUITY AND INCLUSION UPDATE:

Chair Lawson recognized Joyce Ingram, Director of Human Resources, to provide an update regarding the University's efforts towards diversity, equity and inclusion. President Robinson serves as the University's diversity and inclusion champion and his direct reports and serve as organizational champions. He held the second biannual Council meeting in April 2021.

Mrs. Ingram reported that President Robinson created the University-wide Diversity and Inclusion Council which focuses on

- faculty, student and staff engagement
- organizational development and training
- recruitment, development and retention
- community and global engagement
- communication
- policy and program development
- measurement and reporting and
- supplier diversity

This information, along with information from the culture survey was used to inform the D&I decision making and strategic planning process. She reported that action plans have been developed and reviewed and that the next step will include implementation of the plans.

COVID-19 UPDATE:

Mrs. Calhoun shared that with relaxed guidelines from the Centers for Disease Control, individuals who are fully vaccinated no longer need to wear face coverings or social distance in most indoor and outdoor settings. The Board of Governors released a statement indicating that all State University System institutions expect to increase classroom occupancy to pre-COVID capacity.

She reported that the University is supporting faculty, staff, and students by incorporating a transition period for employees to acclimate to a return to pre-COVID operations. The University is also using federal and state funds to provide student financial assistance and access needed student services, which include expanded mental wellness and health programs. The University continues to provide critical guidance through weekly meetings and town halls. International business travel restrictions remain in place. COVID screening and surveillance will continue. Ms. Calhoun reported that there are limitations on requiring the COVID vaccination, however employees are encouraged to get vaccinated.

STUDENT GOVERNMENT ASSOCIATION REPORT

Trustee Carrington Whigham provided a Student Government Association (SGA) report on plans for the 2021-2022 academic year. She shared that she has advertised and is filling her cabinet positions. She stated that she traveled to Lakeland, Florida for the first Florida Student

Association meeting, where they identified their legislative priorities. Those priorities include the preservation of Bright Futures, food and housing insecurities, sexual assault prevention and victim support.

Trustee Whigham reminded the Board that since FAMU moved to a different football conference this year, the SGA wants to make sure that the Marching 100, the SGA, and students get the opportunity to travel to games to support the teams.

Moving forward Trustee Whigham stated that she wants to make sure that her administration continues to improve communication through the SGA newsletters, television, and an updated website.

FACULTY SENATE REPORT

Next, Chair Lawson recognized Trustee Cavazos for an update regarding the Faculty Senate. Trustee Cavazos stated she wanted to honor Dr. Pia Woodley and Dr. Jackson, two female senators who served the country through military service. She also recognized the faculty members that received accolades for their research:

- Emerging Researcher Award – Dr. Komalavalli Thirunavukkuarasu, Physics
Received five grants with the highest being \$375,000
Authored over 31 publications
- Research Excellence Award – Dr. Shonda Bernadin, Electrical Engineering
Received \$1.55M from the Department of Engineering
Authored or co-authored over 50 reference articles
- Distinguished Researcher Award – Dr. Lambert Kanga, Entomology
Received over \$10M in external funding
Published over 100 articles

STANDING COMMITTEE REPORTS:

Academic and Student Affairs

Trustee Nicole Washington, Chair

Trustee Washington reported that the Committee recommended approval of the 2022-2023 Academic Calendar, tenure for 10 faculty members, and leave without pay for Professor Phyllis Taite. The Committee also heard updates on Student Affairs and Academic Affairs.

Audit and Compliance

Trustee Craig Reed, Chair

Chair Lawson recognized Trustee Reed for the Audit and Compliance Committee report. Trustee Reed shared that the Committee approved revisions to Board of Trustee Policy 2005-14, Financial and Other Conflicts of Interest and Commitment Governing Research; the Division of Audit's work plan for FY2021-2022, and notice of proposed new regulation for a regulation titled "Fraud Prevention and Detection." The Committee also hear updates from Chief Compliance and Ethics Officer Rica Calhoun and Vice President for Audit Joseph Maleszewski.

Budget, Finance and Facilities

Trustee Kimberly Moore, Chair

Trustee Moore informed that Board that the Committee heard eight (8) action items, six (6) information items and entertained a conversation regarding the BOT retreat.

Direct Support Organizations

Trustee Kristin Harper

Trustee Harper reported that the Committee recommended approval of the Donation-Based Naming the BADST Weight Room & Sports Performance Center. (Note: Trustee Harper recused herself from the vote.) The Committee also approved DSO Revised Bylaws for the FAMU Foundation, Inc. and the FAMU National Alumni Association; and FY 2021-2022 DSO Budgets for the FAMU Foundation, Inc., the FAMU National Alumni Association and the FAMU Rattler Boosters. The Committee also received updates on divisional activities from University Advancement.

Governance

Trustee Kimberly Moore

Trustee Moore reported that the Governance Committee heard a presentation from the University's director of government relations Attorney Danielle McBeth, who provided an update on budgetary allocations and policy provisions. She stated that during the meeting, the Committee expressed their appreciation to governmental officials that supported FAMU, inclusive of the Governor, the House and Senate, the House and Senate Appropriations and Policy Committees, Leon County Legislative Delegation, Rattler Legislative Caucus, and Florida Conference of Black State Legislators, Congressional leadership, the HBCU Congressional Caucus and our Rattlers serving in the U.S. Congress.

Special Committee on Athletics

Kelvin Lawson, Chair

Chair Lawson shared that the Committee approved three multi-year contracts. Next, VP/AD Gosha and the Committee had extensive conversations about NIL (name, image & likeness), the budget, and the strong probability that Athletics will have a balanced budget for the third straight year. The Committee also heard updates on departmental activities.

Special Committee on the College of Law

Trustee Belvin Perry, Chair

Trustee Perry stated that the Committee heard an update regarding the Licensure Passage rate Improvement Plan from Dean Deidre Keller. College of Law consultant Barry Currier provided an update to the Committee on some of his findings regarding the College.

Strategic Planning and Performance Measures Committee

Trustee Kristin Harper

Trustee Harper provided updates on the Strategic Planning Process. She stated that objectives, success metrics, and guiding principles were discussed. There was an expansive conversation around the process and strategic questions and topics that need to be addressed in this process. She said that a website will be established to provide updates to interested stakeholders.

CONSENT AGENDA:

Prior to reviewing the Consent Agenda, Chair Lawson reminded the Board that because of a procedural requirement, the BADST Weight Room and Sports Performance Center Donation based naming was being removed from the consent agenda and would be voted on separately. Chair Lawson then reviewed the Consent Agenda. Trustee Moore moved approval. The motion was seconded by Trustee Washington and the motion carried, without opposition.

The consent agenda included the following items:

Board of Trustees (BT)

| | |
|-----|----------------|
| BT1 | March 4, 2021 |
| BT2 | March 17, 2021 |
| BT3 | April 15, 2021 |

Academic and Student Affairs Committee (ASA)

- ASA1 Academic Calendar 2022-2023
- ASA2 Tenure
- ASA3 Leave Without Pay for Phyllis Taite

Audit and Compliance Committee

- AACC1 Financial Conflicts of Interest Policy
- AACC2 Compliance and Ethics Program External Review
- AACC3 Annual Division of Audit Work Plan
- AACC4 Fraud Regulation

Budget, Finance and Facilities Committee (BFF)

- BFF1 2021-2022 Preliminary University Budget
- BFF2 2021-2022 Fixed Capital Outlay Budget
- BFF3 Phase II Bragg Stadium Construction Management Firm Contract
- BFF4 Amendment to Regulation 3.017, Schedule of Tuition and Fees
- BFF5 Non-Recurring Performance Wage Increase
- BFF6 Beggs Avenue Name Change
- BFF7 CDW Government LLC Participation Agreement

Direct Support Organizations Committee (DSO)

- DSO1 Revised Bylaws
 - FAMU Foundation, Inc.
 - FAMU National Alumni Association
- DSO2 2021-2022 Budgets
 - FAMU Foundation, Inc.
 - FAMU National Alumni Association
 - FAMU Rattler Boosters

Special Committee on Athletics (SCA)

- SCA1 Head Coaches Agreements (FB and M/W Basketball)

ACTION ITEM(S) REMOVED FROM CONSENT AGENDA

Chair Lawson reminded the Board that the BADST Weight Room and Sports Performance Center Donation based naming was removed from the Consent Agenda. He asked for a motion for approval. The motion was offered by Trustee Dubose. The motion was seconded by Trustee Cliatt and the motion carried. Trustee Harper reminded the Board that she had recused herself from the vote because of a potential conflict.

ADJOURNMENT:

There being no further business for the Board, the meeting adjourned.

**Board of Trustees
Meeting Minutes
August 5, 2021**

CALL TO ORDER AND WELCOME:

Kelvin Lawson, Chair

Chair Lawson called the Board of Trustees (BOT) meeting to order. Linda Barge-Miles called the roll and a quorum was established. The following trustees were present: Cavazos, Cliatt, Dubose, Harper, Lawrence, Lawson, Moore, Perry, Reed, Stone, Washington, and Whigham.

PUBLIC COMMENTS:

There were no public comments.

PROPOSED REGULATION 2.034

The next item on the agenda was consideration of the proposed regulation regarding an athletes' names, image and likeness. Chair Lawson recognized Attorney David Self, Director of Government Relations Danielle McBeth, and Athletic Director Kortne Gosha.

Mrs. McBeth provided an overview of SB 1028, the Name, Image and Likeness (NIL) bill, which was signed into law by the Governor, with an effective date of July 1, 2021. The Board of Governors' NIL regulation was finalized at its June 22, 2021 meeting. She shared that Congress has not passed legislation regarding NIL.

VP Kortne Gosha addressed the impact of this law on FAMU's student athletes. He stated that NIL refers to a student athletes ability to benefit or earn compensation in ways that are consistent with the general student body, while participating in intercollegiate athletics.

Students:

- Students must disclose all NIL agreements and compensation.
- Student athletes cannot enter into NIL agreements in exchange for athletic performance or anything athletic-related and must disclose all NIL agreements and compensation to the athletics compliance officer.
- Student athletes are not permitted to use any athletic facilities or marks in the promotion of their NIL, which includes the University's facilities, uniforms, registered trademark products protected by copyright, official logos and colors
- NIL opportunities cannot conflict with academic or team related activities
- International athletes cannot participate in NIL
- Student athletes cannot enter into contracts that involve gambling or vendors associated with performance enhancing drugs.

University:

- FAMU has the right to prohibit student athletes from using their name image and likeness for compensation and such uses that violates the University's policies and regulations.
- The University cannot assist or be involved in the arrangement of any NIL.
- Direct Support Organizations, including Boosters, cannot create or facilitate NIL opportunities for student athletes
- FAMU must provide education to athletes regarding financial literacy. A student's need-based financial aid could be impacted. FAMU athletics currently has programming which includes monthly mandatory financial literacy training for all student athletes. It also has partnerships with three major banks, which facilitate that training.
- The University must promptly notify the student of any NIL violation. (Note: Promptly has been defined by some universities as five to seven days. FAMU has not defined it yet, but the Office of the General Counsel is recommending five-days.)

VP Gosha shared that FAMU has partnered with Influencer, which is a management tool that will track when a student is solicited by a company. A student athlete's social media will be linked to Influencer. FAMU currently has approximately 12 student athletes who indicated their potential involvement with NIL.

Attorney David Self shared that other State University System institutions have either adopted NIL policies or guidelines. He stated that staff is recommending that the Board of Trustees authorize the President to adopt policies consistent with the NIL guidance by the Board of Governors (BOG) and by state statute.

When queried about branding, Attorney Self indicated that according the statute and BOG regulation, a student athlete's contract cannot conflict with University contracts. He shared that since FAMU is a Pepsi campus, a student athlete cannot promote other beverage brands. He stated that penalties for violations of the NIL are still being discussed nationally.

Chair Lawson reiterated that since NIL is such a new evolving issue, the University should be allowed to continue working on the policy and that no action was required by the Board.

CONSENT AGENDA:

Chair Lawson reviewed the Consent Agenda with the Board. He noted that the following items were removed from the agenda:

- BOT1 2021/2022 President Robinson's Goals – The Board agreed that it needed more time to develop the "big rock" issues and ensure that they are tied to the strategic plan and the president's goals. The Board will revisit the goals at the next board meeting.
- BOT5 Regulation 2.034, Student-Athletes: Name, Image and Likeness – The Office Legal Affairs will continue to work on the policy.

Trustee Moore moved approval of the Consent Agenda. The motion was seconded by Trustee Perry and the motion carried, without opposition.

The consent agenda included the following items:

BOT2 2020/2021 President Robinson's Evaluation
BOT3 2020/2021 Board of Trustees Self-Evaluation
BOT4 2022/2023 Legislative Budget Request
BFF1 2021/2022 University Budget
BFF2 Banking Resolution

ADJOURNMENT:

There being no further business for the Board, the meeting adjourned.

Board of Trustees

Meeting Minutes

August 26, 2021

CALL TO ORDER AND WELCOME:

Kelvin Lawson, Chair

Vice Chair Kimberly Moore called the Board of Trustees (BOT) meeting to order. Linda Barge-Miles called the roll and a quorum was established. The following trustees were present: Cavazos, Cliatt, Harper, Lawrence, Lawson, Moore, Stone, Washington, and Whigham.

PUBLIC COMMENTS:

There were no public comments.

REVISED ACCOUNTABILITY PLAN

Trustee Moore recognized Provost Edington to provide an update on the proposed revision to the University's Accountability Plan. He explained that the University had an opportunity to offer M.S. and Ph.D. programs in material science and engineering through the FAMU-FSU College of Engineering. He said that in order to offer those programs at FAMU, the Board of Trustees needed to add the programs to the University's Academic Program Coordination list, which is part of the 2021 Accountability Plan. He indicated that this approval needed to be executed prior to August 31st, so that it could be included on the Board of Governors September meeting agenda.

Dr. Murray Gibson, Dean of the College of Engineering explained the significance of the programs. He stated that material science and engineering is a powerful field at the research level in the United States. He said that he program has been offered at FSU since 2008, but was just moved to the College of Engineering in 2020. Because it is now offered at the joint College, he wanted FAMU students to be able to participate in the programs. He said that faculty from other departments like physics and chemistry would be able to take graduate students through this program by affiliating with it. He indicated that adding the programs would not be costly because the College already has faculty teaching the courses.

Trustee Lawrence moved approval of the revision to the Accountability Plan. The motion was seconded by Trustee Harper and the motion carried, without opposition.

ADJOURNMENT:

There being no further business for the Board, the meeting adjourned.