

BOARD OF TRUSTEES

Board of Trustees Meeting Agenda

Monday, August 21, 2023

3:45 p.m. – 5:00 p.m.

(Or upon conclusion of the Finance and Facilities Committee meeting)

**Florida Polytechnic University
Virtual via WebEx**

Dial in: 1-415-655-0001 | Access code: 2436 672 2471#

MEMBERS

Cliff Otto, Chair
Dr. Laine Powell
Melia Rodriguez
Lyn Stanfield

Beth Kigel, Vice Chair
Gary C. Wendt
Dr. David Williams

Mark Bostick
Dr. Narendra Kini
Dr. Ajeet Kaushik

AGENDA

- | | | |
|------|--|---|
| I. | Call to Order | Cliff Otto, Chair |
| II. | Roll Call | Kristen Wharton
Corporate Secretary |
| III. | Public Comment | Cliff Otto |
| IV. | Consent Agenda
Action Required | Cliff Otto |
| V. | Ratification of Amendment to Article 12 of the Collective Bargaining Agreement
Action Required | David Fugett
Vice President and
General Counsel |
| VI. | Presidential Search
Actions Required | Cliff Otto |
| VII. | Closing Remarks and Adjournment | Cliff Otto |

**Florida Polytechnic University
Board of Trustees
August 21, 2023**

Subject: Consent Agenda

Proposed Board Action

Approve the consent agenda.

Each of the following items comes before the Board with unanimous approval from the respective Committees, and, as such, there is no need for a second.

A. Finance and Facilities Committee

1. Approve the 10-year contract renewal for the Workday Enterprise Resource Planning system licensed from Workday Inc. for a total agreement cost of \$5,788,500
2. Approve the following naming opportunity ratified by the Florida Polytechnic University Foundation Board of Directors on July 26, 2023:
 - The Ralph Allen Family and Allen & Co. Atriums
3. Approve the Performance Based Funding (PBF) Report for the 2024-2025 Legislative Budget Request (LBR)

B. Board of Trustees

1. Approve Board of Trustees meeting minutes from 6/14/23
2. Approve Board of Trustees meeting minutes from 6/30/23

Background Information

For additional information about any of the items listed above, please see that committee's meeting materials.

Supporting Documentation:

1. June 14, 2023 Board of Trustees Meeting Minutes
2. June 30, 2023 Board of Trustees Meeting Minutes

Prepared by: Kristen Wharton, Corporate Secretary, University Board of Trustees



Board of Trustees Meeting Minutes

DRAFT MEETING MINUTES

**Wednesday, June 14, 2023
10:30 AM – 12:00 PM**

**Florida Polytechnic University
Applied Research Center and via WebEx**

I. Call to Order

Chair Cliff Otto called the meeting to order at 10:45 a.m.

II. Roll Call

Kristen Wharton called the roll: Chair Cliff Otto, Vice Chair Beth Kigel, Trustee Ajeet Kaushik, Trustee Melia Rodriguez, Trustee Mark Bostick, Trustee Lyn Stanfield, Trustee Bob Stork, Trustee Laine Powell, Trustee David Williams, and Trustee Gary Wendt were present (Quorum).

Trustees not present: Trustee Narendra Kini

Staff present: President Randy Avent, Provost Terry Parker, Dr. Allen Bottorff, Kathy Bowman, David Blanton, Mike Dieckmann, David Fugett, Melaine Schmiz, Dr. Michael Brilleslyper, Lauren Mariano, Michelle Disson, Maggie Mariucci, and Kristen Wharton were present.

III. Public Comment

There were no requests received for public comment.

IV. Board of Trustees Work Plan FY23

Chair Otto reviewed the Board of Trustees Work Plan. He noted that two items in the June work plan, the Civil Discourse report and the president's 360 review, will be moved to the September meeting agenda. There was no further discussion on this item.

V. Chairman's Remarks

Chair Otto declined to make additional remarks and moved forward to the next agenda item.

VI. President's Remarks

President Randy Avent commended Dr. Allen Bottorff, Provost Terry Parker, and David Fugett for their hard work that has led to building Residence Hall III and purchasing Residence Hall II. He stated the University has a great year ahead and thanked the Trustees for all they do in support of Florida Poly.

VII. Legislative Session Report

Lauren Mariano, Legislative Affairs Officer reviewed her legislative activity in Tallahassee throughout the spring months. This included multiple visits to the capitol by President Avent and members of Florida Poly's Student Government Association to speak with legislators about the University.

Mariano reviewed Florida Poly's projected funding for FY24 based on the pre-veto budget. Funding includes new money for recruitment and retention in the amount of \$12.5M given to institutions in the SUS who do not receive preeminence funding. It also includes a \$5M recurring increase to the University's base budget and \$5.8M for Performance Based Funding (PBF). Florida Poly's base budget will increase 56% from FY23, pending Governor approval.

Numerous bills pertaining to higher education passed through legislation during this year's Session. For ease of presentation, Mariano ranked them by high, moderate and low impact to Florida Poly, and focused the rest of her presentation on three high-impact bills.

1. SB266: Higher Education: this Bill requires the Board of Governors (BOG) to review each university's mission, make updates, and review academic programs to ensure alignment with the mission. It also includes such items as assigning final hiring authority for the provost and fulltime faculty to the president who may delegate to the executive team; requiring the president to provide a report and recommendations on employment practices to the BOT twice annually; requiring the BOT to review the president's selection and reappointment of the executive management team; and requiring the president to annually present performance evaluations and salaries of personnel earning \$200,000 or more to the BOT.

Vice Chair Beth Kigel inquired if the Board will simply review the president's selection and reappointment of the executive management team or if approval is required. Staff will review each of these bills in fine detail to understand where review only is required versus actual approval.

Mariano continued reviewing SB266, including prohibited expenditures and requirements regarding general education courses. Trustee Lyn Stanfield asked if students organizations such as the National Society of Black Engineers (NSBE) and other engineering societies will continue to receive financial support. Trustee Melia Rodriguez confirmed they will continue to be funded through the SGA which is funded through the activity and service fees that students pay annually.

2. HB931: Postsecondary Educational Institutions: this Bill covers requirements regarding university personnel, the creation of an Office of Public Policy Events, and the Florida Student Association (FSA). Trustee Laine Powell inquired if the State included funding for the Office of Public Policy Events to which Mariano replied no, it will be university funded.
3. SB240: Education: this Bill covers requirements regarding Workforce Education Partnership Programs, and a review of statewide articulation agreements. There is no additional State funding to the universities for establishing workforce programs.

Trustee Stanfield asked, given the additional burden the University will incur without remuneration, what is the projected financial burden. Mariano stated it is difficult to project at this point. Maggie Mariucci noted that Melaine Schmitz, Associate General Counsel, is leading a task force to identify all of the requirements listed in all of the Bills that passed legislation along with potential costs associated with each.

Mariano briefly reviewed moderate-impact bills. Trustee Powell inquired if there will be any

impact to faculty and faculty recruitment in regard to SB7024 – Retirement. Mariano stated there will be a \$150k-200k impact; however, it does not impact the benefits, only how the benefits are paid for.

Mariano concluded her presentation by reviewing the 2024 Session plan. This includes working on the University’s legislative priorities of Engineering Excellence and the Student Achievement Center (SAC) for the next Legislative Session which begins January 9, 2024.

VIII. Consent Agenda

Chair Otto brought forward the consent agenda for trustee approval.

A. Finance and Facilities Committee

1. Approve the University Operating Budget FY24
2. Approve the Compass Group USA, Inc. Food Services Contract Amendment No. 6
3. Approve the University FY23 Fixed Capital Outlay Budget Amendment
4. Approve the Capital Improvement Plan (CIP) FY25
5. Approve amendment to the original motion of the Engineering Building 1 project
6. Approve amendment to the original motion on Residence Hall II acquisition
7. Approve amendment to the original motion of the Residence Hall III project
8. Approve Public Safety and Campus Operation Center project
9. Approve Applied Research Center Skanska Change Order No. 20
10. Approve the 2025 Legislative Budget Request (LBR)
11. Approve the following Appointments/ Reappointments to the University Foundation Board of Directors:

Reappointments

- Travis Hills
- Justin Hollis
- Cady Johnson
- Adrian Muhammad
- Ryan Perez
- Michael Tschanz
- Ryan Whitemore

New Appointments

- John Curls, Jr.
- Alen Tomczak

12. Approve the Foundation’s Planned Uses of University Personnel and Property (FY24)

B. Governance, Audit, and Compliance Committee

1. Approve proposed regulation FPU-5.0084 Credit for Military Trainings, Courses, and Occupations
2. Approve proposed repeal of policy FPU-5.0084AP Course Credit for Military Trainings and Courses
3. Approve proposed regulation FPU-5.0072 Examination and Assessment Instruments
4. Approve the President’s Operational Goals for FY2024

C. Board of Trustees

Approve minutes from March 15, 2023

As each of the consent agenda items comes before the Board with unanimous approval from the respective Committees, there is no need for a second. A vote was taken, and the motion passed unanimously.

IX. Committee Reports

A. Governance, Audit, and Compliance Committee

Committee Chair Mark Bostick stated the Committee heard reports from David Blanton including the status of all external audits and University Audit & Compliance activities and plans. Blanton presented the Foundation's 2021 Form 990 for FY22, the University financial audit for FY22, and the Auditor General's IT Operational Audit. To avoid the possibility of compromising the confidentiality of University Data and related IT resources, the latter report's focus was on the public audit report. The Committee requested that Blanton perform an internal audit as follow-up and also requested a deeper dive into the cybersecurity threats that exist globally and potential future risks and threats for the University.

David Fugett brought 2 proposed regulations before the Committee: FPU-5.0072 Examination and Assessment of Instruments and FPU-8.0084 Credit for Military Training, Courses, and Organizations. Additionally, one policy was brought before the Committee for repeal, FPU-5.0084AP Course Credit for Military Trainings and Courses as it is being replaced with the proposed regulation. The Committee voted to recommend approval of the presented Regulations and the repeal of the policy, and all were approved on today's consent agenda.

Finally, the Committee heard President Avent's Operational Goals for 2023-24. The Committee voted to recommend the approval of these goals, which were approved on today's consent agenda.

B. Academic and Student Affairs Committee

Committee Chair David Williams stated the Committee heard a report from Provost Terry Parker which covered a five-year forecast of fall enrollment numbers, the growth of the student affairs department over the past year, the addition of the Industrial and the Civil Engineering degrees, a successful faculty hiring season, and Performance Based Funding (PBF) metrics. To further build on the results of this year's student success plan, the University is launching two new initiatives: *Get 50* (aimed at achieving a 50% four-year graduation rate) and *Get 90* (aimed at achieving a 90% academic progression rate).

There were no approval items required of the Committee.

C. Finance and Facilities Committee

Committee Chair Beth Kigel stated the Committee received the University's financial results for the quarter ended March 31, 2023, and noted strong financial ratios and an increase of 32.3% in net position over the previous year. This increase was solely accounted for, and a direct result of, the recent dormitory bond proceeds for the Florida Poly Student Housing System.

The Committee also heard updates on student housing, campus construction projects, Advancement, and the Foundation's FY23 third quarter financial results. Multiple action items from this Committee were approved on today's consent agenda.

D. Strategic Planning Committee

As the full Board had opportunity to participate and hear the Strategic Planning Committee meeting, Committee Chair Gary Wendt rescinded his time and turned the meeting back over to the Chair.

X. Title IX Overview

Michelle Disson, Title IX and ADA Coordinator presented information on sexual misconduct and the Title IX process. Trustee Wendt inquired if trustees are allowed to know how often this type of issue occurs; Disson explained incidents are reported annually in the Clery Report which is accessible to the public. She further explained when misconduct is covered under Title IX versus the University's policy on sexual misconduct.

XI. Faculty Presentation: The State of Mathematics at Florida Poly: Opportunities & Challenges

Dr. Michael Brilleslyper, Professor and Chair of the Applied Mathematics department presented how his department supports all degree programs at Florida Poly. He also explained the composition and purpose of the certificate in applied mathematics. Many students entering Florida Poly are not proficient in algebra and trigonometry skills and struggle to apply what they know. Brilleslyper explained how the math department is addressing those challenges.

Trustee Stork asked what the faculty to student ratio is; it varies from 30 to 1 to 50 to 1. The addition of six new faculty will help lower this ratio.

Chair Otto inquired if calculus skills are improving, getting worse, or remaining the same. Brilleslyper believes it is the same. He confirmed for Trustee Powell that an assessment is conducted to determine a student's skill level when they enter the University and that all students have access to tutoring to assist in increasing their skills.

XII. Board of Trustees Meeting Schedule

A motion was made by Trustee Lyn Stanfield to approve the 2024-2025 Board meeting schedule as presented. Trustee Melia Rodriguez seconded the motion; a vote was taken, and the motion passed unanimously.

XIII. Board of Governors Meeting Schedule

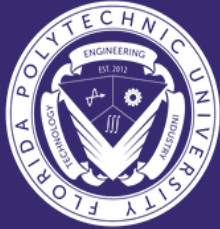
Chair Otto shared the next Board of Governors meeting will be held at USF in Tampa on June 21-22, 2023.

XIV. Closing Remarks and Adjournment

With no further business to discuss the meeting adjourned at 12:02 p.m.

Respectfully submitted:

Kristen J. Wharton
Corporate Secretary



Board of Trustees Meeting Minutes

DRAFT MEETING MINUTES

Friday, June 30, 2023
8:00 AM – 8:30 AM

Florida Polytechnic University WEBEX TELECONFERENCE MEETING

I. Call to Order

Chair Cliff Otto called the meeting to order at 8:00 a.m.

II. Roll Call

Kristen Wharton called the roll: Chair Cliff Otto, Vice Chair Beth Kigel, Trustee Ajeet Kaushik, Trustee Melia Rodriguez, Trustee Mark Bostick, Trustee Bob Stork, Trustee David Williams, and Trustee Gary Wendt were present (Quorum).

Trustees not present: Trustee Laine Powell, Trustee Narendra Kini, Trustee Lyn Stanfield

Staff present: President Randy Avent, Provost Terry Parker, Dr. Allen Bottorff, Kathy Bowman, David Blanton, Mike Dieckmann, David Fugett, Dr. Kathryn Miller, Melaine Schmiz, Tom Monaco, Maggie Mariucci, and Kristen Wharton were present.

III. Public Comment

There were no requests received for public comment.

IV. Approval of the April 27, 2023, Minutes

Trustee Melia Rodriguez made a motion to approve the Board of Trustees meeting minutes of April 27, 2023. Trustee Bob Stork seconded the motion; a vote was taken, and the motion passed unanimously.

V. Revised Capital Improvement Plan (CIP) FY25

Dr. Allen Bottorff, Vice President and Chief Financial Officer, reminded trustees that on June 7, 2023, the Board of Trustees approved the 2024-2025 Capital Improvement Plan (CIP) for staff submittal to the Board of Governors by July 1, 2023. Since then, the Governor line-item vetoed several Public Education and Capital Outlay (PECO) project appropriations from the Legislature's proposed FY24 budget, including Florida Poly's Student Achievement Center appropriation. As a result, a revised CIP, removing the appropriation, is being brought before the Board of Trustees for approval. There were no trustee questions regarding this revision.

Trustee Melia Rodriguez made a motion to approve the revised University Capital Improvement Plan for fiscal year 2024-2025. Trustee Gary Wendt seconded the motion; a vote was taken, and the motion passed unanimously.

VI. Student Housing System Update

Bottorff continued with an update on the Student Housing System. He shared the University closed on Residence Hall II on June 23, 2023, for the price of \$26,515,000 plus associated and normal closing costs of \$82,341.84. In addition, the University entered into a settlement agreement and general release with the Seller in the amount of \$485,000 wherein the University retained most of the furniture and equipment in the Phase II facility and agreed to waive unpaid rents by the Seller. The Seller also agreed to waive any past, current, or future claim for COVID-19 revenue losses or expenses associated with the property, and both parties agreed to the disposition of the property's Repair and Replacement Reserve.

Per University policy, President Randy Avent consulted with Chair Cliff Otto before authorizing this settlement. As the amount is over \$300,000, the president is notifying the Board of Trustees of this action for their knowledge.

There were no trustee questions regarding this update.

VII. Revised Legislative Budget Request (LBR) FY25

Provost Terry Parker stated with the Governor's veto of the \$11M PECO request, the University had to revise the previously Board approved Legislative Budget Request (LBR). He reminded trustees that LBRs include both operating fund requests and PECO fund requests. The operating fund request (approved in a prior Board meeting) is unaffected by the veto; however, the PECO fund request for the construction of a Student Achievement Center must be revised. Provost Parker reviewed the revised request which includes an initial PECO fund request in the amount of \$15M.

Trustee Gary Wendt inquired if the University is starting over in its request for initial funding of the SAC. Provost Parker responded in the affirmative and stated it is common to receive a veto. The University had requested \$11M, however the new request is for \$15M. To bolster this request, the University has committed to begin initial programming and design of floor plans and elevations for the SAC this coming year. Bottorff added that the cost per square foot of construction has increased 20-25% in the market which also dictates the increase in the request amount.

Trustee Gary Wendt made a motion to approve a Public Education Capital Outlay (PECO) request for an initial \$15,000,000 for the construction of a Student Achievement Center in alignment with the Educational Plant Survey. Trustee Bob Stork seconded the motion; a vote was taken, and the motion passed unanimously.

VIII. Residence Hall II – Cancellation and Overcapacity Room Rates Approval

Dr. Kathryn Miller, Vice Provost of Student Affairs, stated the importance of retaining students by providing them with on-campus housing. She reviewed occupancy levels of the dorms on campus and stated that the levels peak on the first day of fall semester, then melt as students make different decisions. In an effort to maximize enrollment, the University tries to anticipate that peak to provide accommodations for as many students on campus as possible. The overflow proposal is to allow for triple and quad occupancy rates; Dr. Miller reviewed the proposed new rates. This rate is a temporary solution and a tool to use as the University grows.

Trustee Wendt asked for clarification on the term "two beds" in the proposed rate chart. Dr. Miller responded "two beds" notes it is a "two bedroom" apartment.

Chair Otto asked how many additional beds this proposed action supplies. Dr. Miller responded she anticipates less than a dozen. She added this connects students with an overflow room with the intent to move them into permanent room if that solution opens up.

Trustee Melia Rodriguez made a motion to approve the housing overflow and buyout rates as presented, and in addition, the Board delegates authority to the president to update miscellaneous housing charges and report these charges to the Board. Trustee Mark Bostick seconded the motion; a vote was taken, and the motion passed unanimously.

IX. Closing Remarks and Adjournment

Chair Otto announced Trustee Bob Stork's retirement from the University Board of Trustees. Today is the final day of his term. Chair Otto and President Randy Avent expressed their gratitude for Trustee Stork's many years of service to the Board and to the University.

With no further business to discuss the meeting adjourned at 8:18 a.m.

**Florida Polytechnic University
Board of Trustees
August 21, 2023**

Subject: Ratification of Amendment to Article 12 of the Collective Bargaining Agreement

Proposed Board Action

Ratify the Amendment to *Article 12 (Salaries)* of the 2021-2024 Collective Bargaining Agreement ("CBA") with the United Faculty of Florida ("UFF"), subject to the anticipated ratification of the Amendment by the UFF-Florida Polytechnic University Chapter.

Background Information

The Amendment to Article 12 (Salaries) provides a recurring base salary increase for eligible bargaining unit employees who received a 2022-2023 evaluation rating of "Needs Improvement" (provided the previous evaluation was not "Needs Improvement" or "Deficient") or higher, ranging from 2.4688% to 5.4375% depending on the evaluation rating.

The Amendment also provides a salary increase of 3% for employees who were hired after August 16, 2022, but before February 15, 2023, and did not receive a performance evaluation for 2022-2023.

The Amendment also includes a scaled salary adjustment of up to 5% for eligible bargaining unit employees whose 2022-2023 Academic Year annual salaries are between \$57,690 and \$81,999. This increase would be cumulative to the base salary increase.

Supporting Documentation:

1. Amended Article 12 (Salaries)
2. Amended Article 12 (Salaries) [Redlined]

Prepared by: David Fugett, Vice President and General Counsel

**ARTICLE 12
SALARIES**

(AMENDED MONTH 2023)

12.1 Policy. The parties of this Agreement recognize the importance of providing appropriate compensation as an essential component in the delivery of quality higher education programs and quality scholarship that is recognized nationally and internationally.

12.2 Annual Salary Increases.

(a) For the review period of 2022-2023 in which an evaluation was received, the employee will receive the salary increase listed in the table below:

<u>Evaluation Rating</u>	<u>Increase</u>
Deficient	0.00%
Needs Improvement (provided the previous evaluation was not “Needs Improvement” or “Deficient”)	2.4688%
Meets Expectations (-)	4.9375%
Meets Expectations	4.9375%
Meets Expectations (+)	4.9375%
Exceeds Expectations	5.1875%
Exemplary	5.4375%

(b) Employees who were hired after August 16, 2022, but before February 15, 2023, and did not receive a performance evaluation for 2022-2023, will receive a salary increase of 3.00%.

(c) Scaled Salary Adjustment.

(1) All eligible employees whose 2022-2023 Academic Year annual salaries are under \$82,000 will receive a scaled salary adjustment.

(2) The scaled salary adjustment is implemented using the following formula with described criteria and eligibility conditions:

- a. an employee who has a 2022-2023 Academic Year annual salary that is less than \$82,000 (“AY Salary”), AND;
- b. who was hired on or before March 1, 2023, AND;
- c. who received a “Meets Expectations (-)” rating or above,

1 d. will receive an additional salary adjustment that is equal to
2 .05/(57690-82000)*(AY Salary – 82000).¹

3 (3) This increase is cumulative to the salary increase described in (a).

4 (d) The salary increases as described will be effective upon ratification and will be
5 implemented by, or retroactive to, the pay period that begins Wednesday, August
6 16, 2023.

7 (e) Annual salary increases for 2024-2025 are to be determined and will be reopened
8 for negotiation as described in Article 26.

9 **12.3 Other Increases (OI).** The University BOT may provide annual OIs up to one percent
10 (1.0%) of the total salary rate of the bargaining-unit.

11 (a) OIs may be granted at any time at any time in the following circumstances:

12 (1) In response to verified written offers of outside employment;

13 (2) As recognition for special achievements and/or exceptional merit, including,
14 but not limited to, awards from national or international
15 academic/professional community or funding agencies;

16 (3) To address compression and inversion;

17 (4) For equity and market equity considerations;

18 (b) No other OIs shall be provided unless negotiated with UFF and ratified by both
19 parties.

20 (c) The University shall notify the UFF annually of OI. In this notification, the
21 University will specify which applicable circumstance(s) from 12.3(a) (1)-(4)
22 justified the increase.

23 **12.4 University Awards.**

24 (a) The University may provide a competitive annual Employee awards program to
25 acknowledge and celebrate the efforts of Employees for their contribution in
26 making the University a world-class leader in science, technology, engineering and
27 math (STEM) education.

28 (b) Awards that have a monetary component must be awarded as the result of a
29 competitive process open to all Employees covered by this contract. The process
30 and criteria for the award must be clearly defined and shared with all eligible
31 Employees.

32 (c) The total pool for competitive awards for bargaining unit members will not exceed
33 \$5,000.

1 **12.5 Promotion Increases.**

2 (a) A bargaining-unit member who receives a promotion utilizing the promotion
3 procedures in this collective bargaining agreement shall receive the base-salary
4 increase shown below, effective August 15 following the academic year in which
5 the successful review takes place.

6 (1) A professor or instructor who is promoted will receive a base salary increase
7 of 10% or an increase to a minimum of 85% of median target salary (for
8 Associate Professors) or 82% (for Professors), whichever is greater.

9 (2) An Assistant Librarian or Wellness Counselor who is promoted will receive
10 a base salary increase of 9%.

11 (b) Median target salary noted in 12.5(a) is the median salary provided by College and
12 University Professional Association (CUPA) for the rank and field for the
13 individual using the following target universities, when they participate in the
14 salary survey, as comparators:

15 (1) **List 1** (*Preferred Group used whenever possible*): Alfred University,
16 Kettering University, Rose-Hulman Institute of Technology, South Dakota
17 School of Mines, University of Alaska Southeast, University of Central
18 Florida, University of South Florida, Clarkson University, Colorado School
19 of Mines, Franklin W. Olin College of Engineering, Illinois Institute of
20 Technology, Oregon Institute of Technology, Rochester Institute of
21 Technology.

22 (2) **List 2** (*Alternative list used when there is insufficient data in List 1*): this
23 will include all List 1 schools plus Bucknell University, California
24 Polytechnic University – San Luis Obispo, California State Polytechnic
25 University – Pomona, California State University – Los Angeles, Embry
26 Riddle Aeronautical University – Prescott campus, Florida Institute of
27 Technology, Gonzaga, Harvey Mudd, Lafayette, Loyola Marymount
28 University Milwaukee School of Engineering, New Mexico Institute of
29 Mining and Technology, Oregon Institute of Technology, Rowan
30 University, San Jose State University, Stevens Institute of Technology,
31 University of Alaska Southeast, University of San Diego, Valparaiso
32 University.

33 (3) If List 2 does not provide sufficient data, the University will use all
34 institutions that report to CUPA.

35 (c) Instructor Salary data is not of high quality in CUPA and the median value will be
36 by relevant field and set at 88% of the corresponding Assistant Professor Salary.

37 (d) The median target salary will be updated at least annually.

38 **12.6 Legislatively Mandated Increases.** Any additional legislatively mandated increases shall
39 be implemented following the corresponding law and do not conflict with this agreement.
40

1 **12.7 Salary floors.**

2 (a) The salary floors for all bargaining-unit members will be:

- 3 (1) 90% for the instructor rank,
- 4 (2) 87% for the Assistant Professor Rank,
- 5 (3) 85% for the Associate Professor Rank, and
- 6 (4) 82% for the Professor Rank

7 of the median salary (parity level) for comparable roles and comparable ranks in
8 the target salary for peer institutions (see 12.5(b)). The median salary will be
9 updated at least annually.

10 (b) Upon request, the university will provide UFF with a report that includes the salary
11 floors determined for the previous academic year according to the process laid out
12 in 12.5(b) and 12.7(a) for each position within the bargaining unit and filled by an
13 in-unit employee.

14 **12.8 Starting Salary.** All bargaining-unit positions will be hired at a starting salary
15 commensurate with their experience. It is expected that those salaries will typically be
16 within 15% of employees within that unit at a similar rank and/or experience level. In
17 exceptional cases, bargaining-unit positions may be hired at a salary above that range
18 contingent on extraordinary experience and extramural funding.

19 **12.9 Grievability.** The only issues to be addressed in a grievance filed pursuant to this
20 Agreement (Article 11) alleging violation of this Article are whether there is unlawful
21 discrimination pursuant to state or federal law, or whether there is an arbitrary and
22 capricious application of the provisions of one or more sections of this Article.

23 **12.10 Increases Contingent on Receipt of New Recurring/Non-Recurring Funds.** Unless the
24 University chooses to fund the increases, and in the event the University does not receive
25 sufficient new legislative or performance funding to fund the salary increases, they shall
26 become void and re-opened for negotiations by the parties.

27

For the University

David A. Fugett

David Fugett
General Counsel

Date 8/9/2023

For the UFF

Patrick Luck

Patrick Luck
Chief Negotiator

Date 8/9/2023

**ARTICLE 12
SALARIES**

(AMENDED ~~MONTH~~AUGUST 2023~~2~~)

12.1 Policy. The parties of this Agreement recognize the importance of providing appropriate compensation as an essential component in the delivery of quality higher education programs and quality scholarship that is recognized nationally and internationally.

12.2 Annual Salary Increases.

(a) For the review period of ~~2021-2022~~2022-2023 in which an evaluation was received, the employee will receive the salary increase listed in the table below:

<u>Evaluation Rating</u>	<u>Increase</u>
Deficient	0.00%
Needs Improvement (<u>provided the previous evaluation was not "Needs Improvement" or "Deficient"</u>)	0.00 <u>2.4688</u> %
Meets Expectations (-)	4.125 <u>4.9375</u> %
Meets Expectations	4.125 <u>4.9375</u> %
Meets Expectations (+)	4.125 <u>4.9375</u> %
Exceeds Expectations	4.375 <u>5.1875</u> %
Exemplary	4.625 <u>5.4375</u> %

(b) Employees who were hired after August 16, 202~~1~~2, but before February 15, 202~~3~~2, and did not receive a performance evaluation for ~~2021-2022~~2022-2023, will receive a salary increase of ~~3.094~~3.00% (~~75% of Meets Expectations~~).

(c) Scaled Salary Adjustment.

(1) All eligible employees whose ~~2021-2022~~2022-2023 Academic Year annual salaries ~~are within the bottom quartile of all salaries for in-unit employees~~are under \$82,000 will receive a scaled salary adjustment.

~~(2) This adjustment is gradually scaled from 0% for the individual at the top of the quartile described to 4% for the individual at the bottom.~~

~~(3)~~(2) The scaled salary adjustment is implemented using the following formula with described criteria and eligibility conditions:

- a. an employee who has a ~~2021-2022~~2022-2023 Academic Year annual salary that is less than ~~\$79,000~~\$82,000 ("AY Salary"), AND;
- b. who was hired on or before March 1, 202~~3~~2, AND;
- c. who received a "Meets Expectations (-)" rating or above,

d. will receive an additional salary adjustment that is equal to ~~(\$79,000 - AY Salary) * (4% / 23000) .05 / (57690 - 82000) * (AY Salary - 82000)~~.¹

~~(4)~~(3) This increase is cumulative to the salary increase described in (a).

(d) The salary increases as described will be effective upon ratification and will be implemented by, or retroactive to, the pay period that begins ~~Tuesday~~ Wednesday, August 16, 202~~3~~2.

(e) Annual salary increases for ~~2023-2024~~2024-2025 are to be determined and will be reopened for negotiation as described in Article 26.

12.3 Other Increases (OI). The University BOT may provide annual OIs up to one percent (1.0%) of the total salary rate of the bargaining-unit.

(a) OIs may be granted at any time at any time in the following circumstances:

- (1) In response to verified written offers of outside employment;
- (2) As recognition for special achievements and/or exceptional merit, including, but not limited to, awards from national or international academic/professional community or funding agencies;
- (3) To address compression and inversion;
- (4) For equity and market equity considerations;

(b) No other OIs shall be provided unless negotiated with UFF and ratified by both parties.

(c) The University shall notify the UFF annually of OI. In this notification, the University will specify which applicable circumstance(s) from 12.3(a) (1)-(4) justified the increase.

12.4 University Awards.

(a) The University may provide a competitive annual Employee awards program to acknowledge and celebrate the efforts of Employees for their contribution in making the University a world-class leader in science, technology, engineering and math (STEM) education.

(b) Awards that have a monetary component must be awarded as the result of a competitive process open to all Employees covered by this contract. The process and criteria for the award must be clearly defined and shared with all eligible Employees.

(c) The total pool for competitive awards for bargaining unit members will not exceed \$5,000.

¹ ~~For example: Employee with AY Salary of \$56,000 will receive a 4.00% raise; Employee with AY Salary of \$67,5000 will receive a 2.00% raise; Employee with AY Salary of \$79,000 will receive a 0.00% raise.~~

1 **12.5 Promotion Increases.**

2 (a) A bargaining-unit member who receives a promotion utilizing the promotion
3 procedures in this collective bargaining agreement shall receive the base-salary
4 increase shown below, effective August 15 following the academic year in which
5 the successful review takes place.

6 (1) A professor or instructor who is promoted will receive a base salary increase
7 of 10% or an increase to a minimum of 85% of median target salary (for
8 Associate Professors) or 82% (for Professors), whichever is greater.

9 (2) An Assistant Librarian or Wellness Counselor who is promoted will receive
10 a base salary increase of 9%.

11 (b) Median target salary noted in 12.5(a) is the median salary provided by College and
12 University Professional Association (CUPA) for the rank and field for the
13 individual using the following target universities, when they participate in the
14 salary survey, as comparators:

15 (1) **List 1** (*Preferred Group used whenever possible*): Alfred University,
16 Kettering University, Rose-Hulman Institute of Technology, South Dakota
17 School of Mines, University of Alaska Southeast, University of Central
18 Florida, University of South Florida, Clarkson University, Colorado School
19 of Mines, Franklin W. Olin College of Engineering, Illinois Institute of
20 Technology, Oregon Institute of Technology, Rochester Institute of
21 Technology.

22 (2) **List 2** (*Alternative list used when there is insufficient data in List 1*): this
23 will include all List 1 schools plus Bucknell University, California
24 Polytechnic University – San Luis Obispo, California State Polytechnic
25 University – Pomona, California State University – Los Angeles, Embry
26 Riddle Aeronautical University – Prescott campus, Florida Institute of
27 Technology, Gonzaga, Harvey Mudd, Lafayette, Loyola Marymount
28 University Milwaukee School of Engineering, New Mexico Institute of
29 Mining and Technology, Oregon Institute of Technology, Rowan
30 University, San Jose State University, Stevens Institute of Technology,
31 University of Alaska Southeast, University of San Diego, Valparaiso
32 University.

33 (3) If List 2 does not provide sufficient data, the University will use all
34 institutions that report to CUPA.

35 (c) Instructor Salary data is not of high quality in CUPA and the median value will be
36 by relevant field and set at 88% of the corresponding Assistant Professor Salary.

37 (d) The median target salary will be updated at least annually.

38 **12.6 Legislatively Mandated Increases.** Any additional legislatively mandated increases shall
39 be implemented following the corresponding law and do not conflict with this agreement.
40

1 **12.7 Salary floors.**

2 (a) The salary floors for all bargaining-unit members will be:

- 3 (1) 90% for the instructor rank,
- 4 (2) 87% for the Assistant Professor Rank,
- 5 (3) 85% for the Associate Professor Rank, and
- 6 (4) 82% for the Professor Rank

7 of the median salary (parity level) for comparable roles and comparable ranks in
8 the target salary for peer institutions (see 12.5(b)). The median salary will be
9 updated at least annually.

10 (b) Upon request, the university will provide UFF with a report that includes the salary
11 floors determined for the previous academic year according to the process laid out
12 in 12.5(b) and 12.7(a) for each position within the bargaining unit and filled by an
13 in-unit employee.

14 **12.8 Starting Salary.** All bargaining-unit positions will be hired at a starting salary
15 commensurate with their experience. It is expected that those salaries will typically be
16 within 15% of employees within that unit at a similar rank and/or experience level. In
17 exceptional cases, bargaining-unit positions may be hired at a salary above that range
18 contingent on extraordinary experience and extramural funding.

19 **12.9 Grievability.** The only issues to be addressed in a grievance filed pursuant to this
20 Agreement (Article 11) alleging violation of this Article are whether there is unlawful
21 discrimination pursuant to state or federal law, or whether there is an arbitrary and
22 capricious application of the provisions of one or more sections of this Article.

23 **12.10 Increases Contingent on Receipt of New Recurring/Non-Recurring Funds.** Unless the
24 University chooses to fund the increases, and in the event the University does not receive
25 sufficient new legislative or performance funding to fund the salary increases, they shall
26 become void and re-opened for negotiations by the parties.

27

For the University

For the UFF

David Fugett
General Counsel

Patrick Luck
Chief Negotiator

Date _____

Date _____

**Florida Polytechnic University
Board of Trustees
August 21, 2023**

Subject: Presidential Search

Proposed Board Actions

1. Approve the Board of Trustees' charge to the Presidential Search Committee
2. Approve Search Committee Chair Beth Kigel as the Board's designee as referenced in BOG Regulation 1.002(1)(b)2., and that she be given authority to retain the services of an executive search firm at the appropriate time in order for the search committee to commence their work

Background Information

BOG Regulation 1.002 Presidential Search and Selection provides instruction on the role of the Board of Trustees, the Board of Trustees chair, and the presidential search committee in the selection of a university president.

Two sections of this regulation will be pertinent to discussion in the meeting:

(1)(b) The board of trustees or its designee:

3. may retain the services of an executive search firm/consultant, subject to a competitive procurement process or use of a competitively procured, pre-qualified list, if total compensation will exceed the threshold established in Board Regulation 18.001; and any search firm/consultant that is retained should be familiar, or demonstrate its ability to become familiar, with Florida's Sunshine laws in chapters 119 and 286, Florida Statutes, and the confidentiality requirements in section 1004.098, Florida Statutes, applicable to executive searches; and
4. shall provide a charge to the search committee that outlines the scope of the search, the estimated timeline for the search, and the committee's responsibilities.

Additionally, David Fugett, Vice President and General Counsel, will provide information on the Board's role during a presidential search and review BOG regulation and the law pertaining to university presidential searches.

Supporting Documentation:

1. BOG Regulation 1.002 Presidential Search and Selection
2. DRAFT Board of Trustees Charge to the Presidential Search Committee

Prepared by: Kristen Wharton, Corporate Secretary

1.002 Presidential Search and Selection

- (1) Pursuant to a delegation of authority from the Board of Governors, each board of trustees is responsible for conducting a search and selecting a candidate to serve as the president of the institution, subject to confirmation of the candidate by the Board of Governors. To ensure that the search process is transparent, robust, and designed to attract highly qualified individuals, each university board of trustees must conduct the search process in accordance with the following criteria:
 - (a) The Chair of the board of trustees, in consultation with the Chair of the Board of Governors, shall appoint the members of a search committee comprised of no more than 15 members, one of whom must be a member of the Board of Governors and at least three of whom are members of the board of trustees. Committee members selected to serve on the search committee should consist of individuals from the institution's faculty, the student body, the institution's foundation board, and, if applicable, the institution's financing corporation board. However, none of the individuals selected to serve on the search committee should hold positions that report directly to the president. In addition, the Chair of the board of trustees should consider appointing alumni, donors, and/or members from the community where the institution is located to serve on the search committee. The Chair of the board of trustees will appoint a trustee member of the search committee to serve as chair of the committee.
 - (b) The board of trustees or its designee:
 1. shall obtain an executive compensation analysis that encompasses all components (salary, benefits, bonuses, and all other forms of remuneration) and that takes into consideration compensation paid to the current president, presidents of peer institutions, as well as other relevant factors (such as market trends, the available qualified pool and relevant competition for candidates), from which the search committee will establish a range of compensation that will be submitted to the board of trustees for approval and use by the board of trustees or its designee in negotiating the employment contract with the final candidate;
 2. may retain the services of an executive search firm/consultant, subject to a competitive procurement process or use of a competitively procured, pre-qualified list, if total compensation will exceed the threshold established in Board Regulation 18.001; and any search firm/consultant that is retained should be familiar, or demonstrate its ability to become familiar, with Florida's Sunshine laws in chapters 119 and 286, Florida Statutes, and the confidentiality requirements in section 1004.098, Florida Statutes, applicable to executive searches; and
 3. shall provide a charge to the search committee that outlines the scope of the search, the estimated timeline for the search, and the committee's responsibilities.

- (c) The search committee, assisted by the executive search firm/consultant (if retained) will be responsible for:
1. oversight of a webpage on the institution's website that includes a link to the home page for meetings related to the search and information on the means of providing stakeholder input, which shall be maintained for purposes of transparency;
 2. establishing a calendar of public events for the process as they are planned that takes into account the need to align the timing of the selection process with the estimated timeline specified by the board of trustees to the extent feasible, and meeting dates of the board of trustees, and of the Board of Governors for purposes of the confirmation process;
 3. developing recommended position criteria that are consistent with the institution's mission, strategic plan and aspirational goals, which shall be approved by the board of trustees;
 4. approving a marketing plan, that will be submitted to the board of trustees;
 5. identifying individuals who may apply, be nominated, or recruited, taking into consideration their experience, qualifications and leadership capabilities under the position criteria to produce a pool of qualified applicants;
 6. vetting applicants by, at a minimum, ensuring that available public records and online resources are checked in order to narrow the pool of qualified applicants who will be invited to participate in interviews with the search committee and that the references of candidates to be referred to the board of trustees are thoroughly checked;
 7. determining, under the position criteria, the applicants to be interviewed by the search committee and conducting those first applicant interviews; and
 8. recommending an unranked list of final applicants who are qualified under the position criteria to further the institution's mission, goals and priorities for on-campus meetings or forums with faculty, students, and other stakeholders and for consideration and on-campus interviews by the board of trustees. The search committee is required to submit more than two qualified applicants, selected by a majority vote of the search committee, to the board of trustees for consideration, other than in exceptional circumstances making fulfillment of this requirement infeasible. If more than one candidate is not coming forward, the board of trustees must be notified of the reason and may decline to act.
- (d) The board of trustees or its designee, with the assistance of the executive search firm/consultant (if retained), shall then be responsible for:
1. ensuring that at least a preliminary criminal, financial, education and professional background check is conducted for the final applicants who are recommended by the search committee to interview with the board of

- trustees; ensuring that additional screening of those applicants is conducted by contacting other persons or entities that can provide additional information relevant to the position criteria on the applicant's job performance in his or her current and past positions, an assessment of the applicant's leadership capabilities and management style, ability to work with various stakeholders, and expected effectiveness as an advocate for the institution and the State University System; and ensuring that a background check of the president-elect is finalized prior to recommendation of the president-elect to the Board of Governors for confirmation;
2. holding on-campus meetings with faculty, students, and other stakeholders and conducting final interviews with the board of trustees;
 3. selecting a final qualified candidate under the position criteria as president-elect for recommendation to the Board of Governors for confirmation;
 4. drafting an employment contract covering the financial and key performance terms, to be reviewed by the Board of Governors general counsel prior to execution for compliance with state law, that is consistent with the compensation range approved by the board of trustees, and that is contingent upon confirmation of the candidate by the Board of Governors; and
 5. submitting a written description of the selection process and criteria, the president-elect's qualifications, and a copy of the employment contract to the Board of Governors for consideration in the confirmation process. The president-elect is not eligible to commence employment with the institution or execute the employment contract prior to confirmation by the Board of Governors.
- (2) The Board of Governors' member who serves on the search committee shall be responsible for reporting on the progress of the search and selection process at each regularly scheduled meeting of the Board, and shall serve as a member of any search committee subcommittee established for the purpose of analyzing the appropriate range of compensation for the final candidate. As part of the member's report to the Board, the member will keep the Board informed on matters relating to the range of compensation and other material terms of any proposed employment contract discussed by the search committee or the board of trustees during the search process.
- (3) All persons with access to confidential applicant information protected by section 1004.098, Florida Statutes, shall execute a non-disclosure agreement to ensure confidentiality of the information as required by law. Failure to abide by the requirements of the non-disclosure agreement may subject an individual to civil or criminal penalties under Florida's Sunshine Laws.

- (4) The Chancellor shall brief the president-elect in preparation for the meeting at which the president-elect shall be presented to the Board of Governors for confirmation.
- (5) The president-elect shall personally appear before the Board of Governors at a scheduled meeting for an interview as part of the confirmation process. The Chair of the board of trustees, or designee, will describe the search process and the material terms of the proposed employment contract, and introduce the president-elect to the Board. The president-elect should be prepared to respond to questions related to the institution's mission under its strategic plan, general awareness of institutional and system metrics, and any priorities established by the Board of Governors for the institution.

Authority: Section 7(d), art. IX, Fla. Const.; History: New 06-23-16, Amended 08-31-17, Amended 11-09-22.

DRAFT

Charge to the Presidential Search Committee

The Florida Polytechnic University Board of Trustees authorizes the Presidential Search Committee ("Committee") to conduct the critical work that will result in the appointment of Florida Poly's second president. This charge details the Board's expectations for the search process and the responsibilities that the Board grants the Committee. Per the University Board of Trustees' bylaws, the Board maintains the sole responsibility for selecting the next president of Florida Polytechnic University.

Expectations for the Search Process

The Florida Polytechnic University Presidential Search Committee is charged with submitting to the University Board of Trustees an unranked list of more than two qualified candidates to serve as the University's next president.

The Committee's task is to find the next Florida Poly president who understands the importance for the University to build upon its STEM-focused mission while at the same time providing access to a first-class higher education experience in central Florida. Therefore, it is expected that:

- While the Committee itself is broadly representative, individual members are not charged with representing a specific constituency. Each member represents the institution as a whole, and is charged to find a strong, highly qualified leader for Florida Poly
- The Committee will partner with {insert company name}, an organization with extensive experience in helping identify college and university leaders, to provide professional assistance and advice during the search and selection process
- The Committee will set a schedule for its work that will result in timely identification of Florida Poly's next president
- Through multiple mechanisms, the Committee will actively seek and thoughtfully consider the perspectives of the Florida Poly community about what it needs and desires in the next president
- The Committee will develop a presidential search profile that is informed by input from the Florida Poly community and clearly and compellingly articulates the opportunity at Florida Poly and the qualities we are seeking in our next president
- Through an active and expansive search, the Committee will consider a pool of candidates that has strong STEM academic management experience and who understand and embrace Florida Poly's mission
- The members of the Committee will practice absolute confidentiality in all aspects of the search. A breach of confidentiality is grounds for removal from the Committee

Timeline

The next president of Florida Polytechnic University is expected to be announced during Spring 2024.

Responsibilities

Consistent with Board of Governors Regulation 1.002, the Committee, assisted by the executive search firm, shall be responsible for:

- Overseeing a webpage on the Florida Poly website dedicated to the presidential search, including a link to meetings related to the search and information on the means of providing stakeholder input, which shall be maintained for purposes of transparency
- Establishing a calendar of public events that aligns with the estimated timeline and meeting dates of the Board of Trustees and the Board of Governors for purposes of the confirmation process
- Developing recommended position criteria consistent with Florida Poly's mission, strategic plan and aspirational goals, which shall be approved by this Board of Trustees
- Approving a marketing plan, that will be submitted to the Board of Trustees
- Identifying individuals who may apply, be nominated, or recruited, taking into consideration their experience, qualifications and leadership capabilities under the position criteria to produce a pool of qualified candidates
- Vetting candidates by, at a minimum, ensuring that available public records and online resources are checked in order to narrow the pool of qualified candidates who will be invited to participate in interviews with the search committee and that the references of candidates to be referred to the Board of Trustees are thoroughly checked
- Determining, under the position criteria, the candidates to be interviewed by the Committee and conducting those first candidate interviews
- Recommending an unranked list of candidates who are qualified under the position criteria to further the institution's mission, goals and priorities for on-campus meetings or forums with faculty, students, and other stakeholders and for consideration and on-campus interviews by the board of trustees. The search committee is required to submit more than two qualified candidates, selected by a majority vote of the search committee, to the Board of Trustees for consideration, other than in exceptional circumstances making fulfillment of this requirement infeasible. If more than one candidate is not coming forward, the Board of Trustees must be notified of the reason and may decline to act.

At the end of the successful search process, the Committee will dissolve.