



FLORIDA POLYTECHNIC
UNIVERSITY

**BOARD OF TRUSTEES
STRATEGIC PLANNING COMMITTEE MEETING**

December 6, 2017
8:30 AM

Florida Polytechnic University
Admissions Center
4700 Research Way
Lakeland, FL 33805

Don Wilson, Chair
Henry McCance

Dr. Sandra Featherman, Vice-Chair
Jacob Livingston

Rear Admiral Philip Dur
Bob Stork

AGENDA

- | | | |
|-------|--|-------------------|
| I. | Call to Order | Don Wilson, Chair |
| II. | Roll Call | Maggie Mariucci |
| III. | Public Comment | Don Wilson, Chair |
| IV. | Approval of October 31, 2017 Minutes
Action Required | Don Wilson, Chair |
| V. | 2016-18 Strategic Planning Committee Work Plan
Review | Don Wilson, Chair |
| VI. | Revised Regulation: FPU-6.011 Employee Criminal
Background Checks
Action Required | Gina DeIulio |
| VII. | Repeal of FIPR Rules 6J-1.001.1.007
Action Required | Gina DeIulio |
| VIII. | Closing Remarks and Adjournment | Don Wilson, Chair |

DRAFT

**FLORIDA POLYTECHNIC UNIVERSITY
BOARD OF TRUSTEES
STRATEGIC PLANNING COMMITTEE
MEETING MINUTES
Florida Polytechnic University Admissions Building
4700 Research Way, Lakeland, FL 33805
October 31, 2017 @ 1:00 PM**

I. Call to Order

Committee Chair Don Wilson called the Strategic Planning Committee meeting to order at 1:15 p.m.

II. Roll Call

Maggie Mariucci called the roll: Chair Don Wilson, Vice-Chair Sandra Featherman, Trustee Gary Wendt, Trustee Henry McCance, Trustee Bob Stork and Trustee Jacob Livingston were present (Quorum).

Other trustees present: Board Chair Frank Martin, Trustee Mark Bostick, Trustee Jim Dewey, and Trustee Dick Hallion.

Staff present: President Randy Avent, Ms. Gina DeJulio, Mr. Mark Mroczkowski, Dr. Terry Parker, Mrs. Maggie Mariucci, and Mr. Rick Maxey.

III. Public Comment

There were no requests received for public comment.

IV. Approval of Minutes

Trustee McCance made a motion to approve the Strategic Planning Committee meeting minutes of June 7, 2017. Trustee Livingston seconded the motion; a vote was taken, and the motion passed unanimously.

V. 2016-18 Strategic Planning Committee Work Plan

Committee Chair Don Wilson briefly reviewed the 2016-2018 Strategic Planning Committee Work Plan. No changes were made and the plan will continue as written. **Trustee McCance made a motion to approve the continuation of the 2016-18 Strategic Planning Committee Work Plan. Trustee Jim Dewey seconded the motion; a vote was taken, and the motion passed unanimously.**

VI. FIPR Institute Report

FIPR Institute Executive Director Brian Birky presented the history and current operations and research projects of the Institute before reviewing FIPR Institute's annual report. The Institute's trust fund balance was \$7.5M at fiscal year-end and the auxiliary account balance increased to \$677k. Committee Vice-Chair Don Wilson suggested the Florida Polytechnic University logo be

added to the FIPR Institute sign on Highway 60. **Trustee Sandra Featherman made a motion to approve the FIPR Institute annual report. Trustee Henry McCance seconded the motion; a vote was taken, and the motion passed unanimously.**

VII. Closing Remarks and Adjournment

With no further business to discuss, the Strategic Planning Committee meeting adjourned at 1:35 p.m.

DRAFT

AGENDA ITEM: V

**Florida Polytechnic University
Strategic Planning Committee
Board of Trustees
December 6, 2017**

Subject: 2016-2018 Strategic Planning Committee Work Plan Review

Proposed Committee Action

No action required- Information only.

Background Information

At the December 7, 2016, Strategic Planning Committee meeting, the committee reviewed and voted on the committee work plan. The work plan has been updated to include their recommendations, if any.

Supporting Documentation:

Updated work plan

Prepared by: Rick Maxey, Government Relations Director

Florida Polytechnic University
Strategic Planning Committee
Work Plan 2016-2018

March 15, 2017	June 7-8, 2017	September 13, 2017	December 6, 2017
<ul style="list-style-type: none"> • Strategic Planning Long Range Outlook • SunTrax 	<ul style="list-style-type: none"> • 2017 University Work Plan • Strategic Planning Phase 2 	<ul style="list-style-type: none"> • Florida Equity Report • FIPR Institute Annual Report 	<ul style="list-style-type: none"> • Annual Accountability Report • Strategic Planning Final
¹ March 14, 2018	¹ June 6-7, 2018	¹ September 12, 2018	¹ December 5, 2018
	<ul style="list-style-type: none"> • 2018 University Work Plan 	<ul style="list-style-type: none"> • Florida Equity Report • FIPR Institute Annual Report 	<ul style="list-style-type: none"> • Annual Accountability Report
¹ Tentative until approved by the Board of Trustees			

AGENDA ITEM: VI

**Florida Polytechnic University
Strategic Planning Committee
December 6, 2017**

Subject: FPU-6.011 Criminal Background Checks

Proposed Action

Recommend approval of revised regulation **FPU-6.011 Criminal Background Checks** to the Board of Trustees.

Background Information

University regulation **FPU-6.011 Employee Criminal Background Checks** was initially approved by the Board of Trustees on May 15, 2014.

The proposed revisions to the regulation provide for rescreening certain positions, in accordance with state law, clarify the existence of a criminal conviction alone does not automatically disqualify an individual from employment, and further explain appropriate use and location of criminal background check records.

In addition, this regulation is being renamed **FPU-6.011 Criminal Background Checks** to avoid confusion and more appropriately reflect the scope of the regulation itself, which applies not only to University employees, but to volunteers.

The Notice of Amendment to proposed regulation and the regulation were published on the University's website on November 6, 2017. No comments were received during the review and comment period.

Supporting Documentation:

DRAFT revised regulation FPU-6.011

Prepared by: Erin Varnell, Assistant General Counsel

THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

FPU-6.011 ~~Employee~~ Criminal Background Checks.

(1) Purpose. This regulation establishes the criteria and guidelines for conducting criminal background checks in order to ensure the University's compliance with applicable federal and state laws. The University shall designate, as appropriate, all positions of employment **and volunteer positions** for which a criminal background check is required, determined based on the nature of trust, responsibilities and location of the position. This regulation provides necessary procedures and specific criteria for requiring and conducting criminal background checks on applicants to whom an offer of employment has been made, current employees and approved volunteers, as applicable. **Where required by law or administrative requirement, periodic Level 2 background check rescreens may be performed. In the event of such, the employee shall be given written notice that the background check will be conducted.**

(2) University Policies and Procedures. University policies and procedures shall be followed while conducting criminal background checks. An individualized assessment of any criminal history discovered pursuant to a criminal background check, including further investigation into the matter when such is warranted, shall take place prior to the University taking any negative employment action. **Criminal background investigations will be conducted based on the position-related requirements and consistent with business necessity.** The University will notify the individual, in writing, in the event a screening has revealed any disqualifying information. The University's Human Resources Department will conduct all criminal background checks and investigations related to a **volunteer or** position of employment.

(3) Positions of Special Trust or Responsibility or in Sensitive Location. A criminal background check shall be conducted on all job candidates, after an offer of employment is made, and on all accepted volunteers, prior to employment **or placement of a volunteer** in a position of special trust or responsibility or a position in a safety sensitive location. All positions subject to criminal background checks must state such requirement in any job **or volunteer** postings advertising the position, offers of employment and official job descriptions.

(4) Responsibility to Cooperate. University employees **and volunteers**, who are employed in **or assigned to** a position for which a criminal background check is required, shall cooperate fully with the University while the background check is conducted, which includes the obligation to produce any requested information in a timely manner. Any employee **or volunteer** who refuses to cooperate in the screening or refuses to submit necessary information in a timely manner, including fingerprints if required, will be subject to disqualification from **volunteering or** employment, or if currently employed in the position, will be subject to termination.

(5) Employment Decisions Based on Criminal History. The University will not take any negative employment action based solely on an individual's arrest record, ~~but will make further inquiry to determine whether the conduct underlying the arrest justifies doing so.~~ ~~The existence of a conviction does not automatically disqualify an individual from employment.~~ The University may take negative employment action based solely on an individual's conviction record **only** if the specific offense demonstrates unfitness for performing in the position and relates to the job. Positions subject to a criminal background check require a specification of disqualifying criminal conduct based on the special trust or relative job responsibilities of the employee **or volunteer** in that position.

(6) Responsibility of Current Employees. Falsification of any record(s) provided by an employee during the employment application process may be grounds for immediate termination of the employee and shall negate any future opportunity for employment with the University. A University employee shall immediately notify the University if the employee is convicted of a felony or first degree misdemeanor any time subsequent to becoming employed by the University.

(7) Criminal Background Check Records. Criminal background check records obtained pursuant this regulation ~~shall~~ **will** be kept confidential, ~~to the extent permitted by law,~~ and **shall be** used solely for purposes that are required or permitted under this regulation or any applicable federal or state law. ~~All completed criminal background checks shall be maintained in Human Resources and shall be kept separately from employee personnel files.~~

Authority: BOG regulation 1.001(5)

History: New: 5.15.14; Amended:

AGENDA ITEM: VII

**Florida Polytechnic University
Strategic Planning
December 6, 2017**

Subject: Repeal of FIPR Rules 6J-1.001-1.007

Proposed Action

Recommend approval of repeal of FIPR Rules 6J-1.001-1.007 to the Board of Trustees.

Background Information

The Florida Industrial and Phosphate Research Institute (FIPR) no longer has rulemaking authority. As such, FIPR's rules that are currently published in the Florida Administrative Code are being repealed.

Section 120.536(1), Florida Statutes, provides that an agency must be granted rulemaking authority in order for that agency to adopt rules.

Originally, the Florida Institute of Phosphate Research, which is now the Florida Industrial and Phosphate Research Institute, was granted rulemaking authority by Section 378.101(4)(f), Florida Statutes, which stated that FIPR's board "shall adopt rules necessary to carry out the duties and responsibilities of the institute."

However, in 2010 the Legislature transferred, renumbered, and amended Section 378.101, Florida Statutes to Section 1004.346, Florida Statutes. FIPR was transferred within the University of South Florida Polytechnic. During this transfer, Section 378.101, Florida Statutes, was amended to no longer include a grant of rulemaking authority as part of FIPR's duties and authorized activities as required by Section 120.536, Florida Statutes. Upon the enactment of Section 1004.36, Florida Statutes, FIPRI no longer had rulemaking authority.

In 2012, the Legislature amended Section 1004.36, Florida Statutes, to transfer FIPR within Florida Polytechnic University. Again, rulemaking authority was not included in FIPR's duties and authorized activities. As a result of FIPR no longer having rulemaking authority, FIPR's rules must be repealed. Brian Birky has agreed that the rules are no longer necessary.

Upon the Board's approval of repeal of the rules, the Notice of Proposed Rule will be published in the Ledger.

Supporting Documentation:

Proposed Repealed Rules 6J-1.001 -1.007

Prepared by:

Melaine Schmiz, Assistant General Counsel

6J-1.001 Purpose.

~~The purpose of these rules is to govern the basic administration, organization and research program of the Florida Institute of Phosphate Research. As a research institute administered by the University of South Florida (USF), the policies and procedures of USF pertain to the Institute, except when they are in conflict with legislation pertaining to the Institute, the Administrative Code pertaining to the Institute, or the policies and procedures adopted by the Board of the Institute.~~

~~Rulemaking Authority 378.101(4)(f) FS. Law Implemented 378.101(4) FS. History—New 1-31-79, Formerly 6C-20.01, 6C-20.001, Amended 7-5-88, 9-5-06, Repealed.~~

6J-1.002 Offices.

~~The general offices of the Florida Institute of Phosphate Research are located at 1855 West Main Street, Bartow, FL 33830 (Phone Number 1(863) 534 7160).~~

~~Rulemaking Authority 378.101(4)(f) FS. Law Implemented 378.101(4) FS. History—New 1-31-79, Formerly 6C-20.02, 6C-20.002, Amended 7-5-88, 9-5-06, Repealed.~~

6J-1.003 The Board.

- ~~(1) A five member Board shall be appointed by the Governor, as provided by Section 378.101(4), F.S.~~
- ~~(2) The members of the Board shall not be entitled to compensation, but shall be paid travel and per diem as provided in Section 112.061, F.S., while in the performance of their duties, and in traveling to, from, or upon the same.~~
- ~~(3) The Board shall oversee and direct the general conduct of the Institute through action taken at Board meetings. In so doing, the Board shall be responsible for adopting and revising policies to facilitate the administration of the Institute by rule, order or other appropriate action.~~
- ~~(4) The Board shall elect a Chairperson and Vice Chairperson from among its membership. Election shall be by majority vote of the membership and shall take place at the first meeting after October. The Chairperson and Vice Chairperson shall take office immediately after such election and shall serve until the next election. If for any reason the Chairperson or Vice Chairperson shall be unable to serve a complete term, a new Chairperson or Vice Chairperson shall be elected at the next regularly scheduled meeting for the remainder of the existing term.~~
- ~~(5) The Chairperson shall preside at all meetings of the Board. The Vice Chairperson will preside in the absence of the Chairperson.~~

~~Rulemaking Authority 378.101(4)(f) FS. Law Implemented 378.101(4), 378.102 FS. History—New 1-31-79, Formerly 6C-20.03, 6C-20.003, Amended 7-5-88, Repealed.~~

6J-1.004 The Executive Director.

- ~~(1) The Executive Director is appointed by the Board and serves at the pleasure of the Board.~~
- ~~(2) The Executive Director shall:~~
 - ~~(a) Carry out the policies and decisions of the Board, serve as agency clerk and perform such other duties as the Board may direct.~~
 - ~~(b) Act as custodian of records and shall be responsible for maintaining all records including the policies and decisions of the Board and making the same available upon request.~~
 - ~~(c) Be responsible for hiring of staff, organization, maintenance of the office and administering the daily conduct of business of the Institute.~~
 - ~~(d) Maintain all records of the Board including but not limited to those that are necessary to show the amount and purpose of each research grant, how funds were expended and the results achieved.~~
 - ~~(e) Prepare recommended budget requests and program allocations for consideration by the Board.~~
 - ~~(f) Present to the Board recommendations and alternatives for the conduct of the grant program.~~
 - ~~(g) Maintain close liaison with all Institute research grantees, and be able at all times to advise the Board of the status and plans of each grant program.~~

~~(h) Maintain close liaison with the Florida phosphate industry, environmental groups, local governments, state and federal agencies and international entities, keeping apprised of mining, reclamation, beneficiating and processing technology and related problems.~~

~~(i) Monitor all Institute research programs.~~

~~(j) Present to the Board a strategic plan upon request of the Board.~~

~~(k) Prepare a biennial report and evaluation of the plan and program.~~

Rulemaking Authority 378.101(4)(f) FS. Law Implemented 378.101(4) FS. History—New 1-31-79, Formerly 6C-20.04, 6C-20.004, Amended 7-5-88, 9-5-06. Repealed

6J-1.005 Meetings and Agenda.

~~(1) The Board shall meet at such times and places as it may designate, but shall hold regular meetings at least three times per year. The time and place of each meeting shall be announced in the F.A.R.~~

~~(2) The agenda for each meeting of the Board shall be prepared by the Executive Director in consultation with the Chairperson and made available upon request to the public.~~

~~(3) A quorum shall be three members, and except as provided for in subsection 6J-1.003(4), F.A.C., all decisions shall be by majority vote of the members present.~~

~~(4) The Executive Director shall prepare official minutes of each meeting, recording all business transacted. Copies of such minutes shall be made available upon request. A permanent file of minutes of all meetings shall be maintained in the administrative offices of the Institute.~~

Rulemaking Authority 378.101(4)(f) FS. Law Implemented 378.101(4) FS. History—New 1-31-79, Formerly 6C-20.05, 6C-20.005, Amended 7-5-88, 9-5-06. Repealed

6J-1.006 Administration and Travel.

~~(1) The funds for support of the Institute's program including funds for its administration shall be from the Phosphate Research Trust Fund or as otherwise identified within the annual appropriation of the State of Florida, Department of Education, from other national or international entities, or from funds within not-for-profit foundations within the State of Florida, Department of Education.~~

~~(2) Members of the Board, the Executive Director, and other persons as authorized by the Board by rule, order or contract shall be reimbursed for travel expenses as provided by law for State employees pursuant to Section 112.061, F.S., and such other expenses as required in performance of their duties.~~

Rulemaking Authority 112.061, 378.101(4)(f) FS. Law Implemented 112.061(9)(b), 378.101(4) FS. History—New 1-31-79, Formerly 6C-20.06, 6C-20.006, Amended 7-5-88, 9-5-06, Repealed

6J-1.007 Grants.

~~In accordance with Section 378.101(1), F.S., the Board of Directors will award grants based on their determination of the most effective utilization of available funds in the following areas: environment, public health, reclamation, clay disposal, mining and beneficiation, chemical processing, and education.~~

Rulemaking Authority 378.101(4)(f) FS. Law Implemented 378.101(1) FS. History—New 1-31-79, Formerly 6C-20.07, 6C-20.007, Amended 7-5-88, 9-5-06, Repealed

