

**New College of Florida Board of Trustees
Approved Minutes
Teleconference Meeting of July 15, 2002**

Members in Attendance: Bob Johnson, Chairman; Rev. Jerome Dupree; Gen. Rolland Heiser. **Ex Officio:** Gordon E. Michalson, Jr., President. **Members participating by telephone:** John Cranor, Vice Chairman; Robert N. Allen; Robert Blalock; Kenneth Misemer; Col. Mickey Presha; Dr. Vicki Raeburn; Alexis Simendinger. **Not Participating:** Andrew Hossack; Dr. Meg Lowman; Ms. Jane Smiley.

Call to Order

Chairman Johnson called the meeting to order at 10:00 A.M. and called the roll. He announced the public meeting had been duly noticed.

Minutes

Colonel Presha moved the Minutes of the Annual Meeting of May 25, 2002 be approved as submitted. Ms. Simendinger requested an amendment to page 2, paragraph 2, lines 6-7 to reflect her suggestion that the Land Acquisition Committee include community representation as well as real estate/land development/finance/banking experts. General Heiser seconded Colonel Presha's motion as amended and the Minutes of May 25, 2002 were approved unanimously. Reverend Dupree moved the Minutes of the June 19, 2002 meeting be approved as submitted; Mr. Cranor seconded and the Minutes were approved unanimously.

Tribute to Jane Bancroft Cook

Chairman Johnson acknowledged with fondness and deep appreciation the many ways in which the late Jane Bancroft Cook had helped New College during her lifetime. He noted that President Michalson, General Heiser, and Millie Ellis attended her memorial service in Massachusetts last week and he sent a note to the family on behalf of the College. Mrs. Cook left her Sarasota home to New College.

Action on Proposed Amendment to By-Laws

Amendment of Article V, section 1 of the By-Laws of the New College of Florida Board of Trustees regarding the Executive Committee was proposed. As amended, the first paragraph of Article V, section 1, would be replaced with the following text: "Executive Committee: The Executive Committee shall consist of the Board Chairman who shall serve as Chair, the Board Vice Chairman, and the Chairmen of the Board's Standing Committees. The President shall serve as an ex officio member of the Executive Committee." A motion to approve the amendment as stated was made by Dr. Raeburn, seconded by Mr. Cranor, and unanimously approved.

Chairman Johnson requested that an additional amendment regarding a new process for nominating and electing the individual Standing Committee Chairs be prepared by Mr. Smolker for BOT action next month; under this process a nominating committee would submit names to the full Board for election. This action was unanimously approved.

Action on Proposed Emergency Rule Setting Tuition and Fees for the 2002-2003 Academic Year

1. The Board found that an immediate danger to the welfare of New College of Florida exists unless the College sets, pursuant to section 229.0081(5), Florida Statutes, by emergency rule, to be effective immediately, the tuition and fees set forth in proposed Emergency Rule 6C11-ER02-09, as moved by Colonel Presha and seconded by Mr. Misemer. There being no further discussion, the motion was unanimously approved.

2. The Board found that a fair procedure for adopting these tuition and fees on an emergency basis was to post notice of emergency rulemaking, together with a copy of proposed Emergency Rule 6C11-ER02-09, in prominent locations on the campus of New College of Florida and on the New College of Florida Official Website at least forty-eight (48) hours prior to the July 15, 2002, 10 a.m., meeting of the Board stating that the Board intended to take action on the proposed rule at that time or as soon thereafter as may be heard, as moved by Reverend Dupree and seconded by Mr. Cranor. Colonel Presha asked if the law required a 48 hour minimum for notification. Mr. Smolker clarified that only "fair procedure" is required and that New

College is providing more due process than most other institutions. There being no further discussion, the motion was unanimously approved.

3. The Board adopted proposed Emergency Rule 6C11-ER02-09 to be effective immediately and thereafter for ninety days, as moved by Dr. Raeburn and seconded by Colonel Presha. There being no further discussion, it was unanimously approved.

4. The Board authorized initiation of non-emergency rulemaking to adopt the tuition and fees effective upon expiration of Emergency Rule 6C11-ER02-09, as moved by Mr. Blalock and seconded by Mr. Cranor. There being no further discussion, the motion was unanimously approved.

Action on Legislative Budget Request for 2003-04

After discussion of several aspects, the Board unanimously approved the New College Legislative Budget Request for 2003-2004 of \$1,309,150 with the understanding that the second paragraph in document OB I will be rephrased, as moved by Mr. Cranor and seconded by Reverend Dupree. New College recognizes this request exceeds the \$225,204 identified within FBOE 2003-2004 budget request guidelines for NCF local initiatives. However, it believes the needs that will be addressed by the requested \$1,309,150 are similar to funding needs pursued by other universities to establish administrative support functions for new programs (e.g., the new medical school and the two new law schools currently under development).

Chairman's Comments on Shared Responsibility for New College

Chairman Johnson reiterated to the Board that they share responsibility for conducting the business of New College of Florida with President Michalson and should operate within defined protocols. The responsibility of the BOT is to set policy. For issues that concern the Board of Trustees, Trustees should contact the Board Chairman. On issues that affect the College, Trustees should contact the President.

Confirmation of Future BOT Meeting Dates

General Heiser stated that the correct date of the November 2002 meeting is November 9th.

Future meeting dates are listed below.

August 24, 2002

November 9, 2002*

February 8, 2003*

April 26, 2003*

June 7, 2003

*Indicates meeting follows New College Foundation Board of Trustees meeting

Old Business

Ms. Simendinger asked that Mr. Smolker report to the Board on the question of whether or not the Trustees should register as lobbyists. Mr. Martin assured the Board that they will deal more fundamentally with budget issues in August and work collaboratively with New College Foundation. Proactive plans to deal with a possible SUS-mandated 5% budget cut are under development.

Chairman Johnson announced that lobbyists Hugh MacMillan and Pat O'Connell have been retained for another year by New College Foundation. The first legislative priority for New College is to achieve adequate and full funding; the second is to free New College Foundation of responsibility for a \$720,000 annual grant payment and have that amount added to the College's base budget, so that Foundation funds may be used as enhancement funding, not base budget funding.

New Business

In response to a question from Mr. Allen, Chairman Johnson responded that all the SUS University Trustees that he is aware of are opposed to the Graham initiative to reinstate the Board of Regents. President Michalson stated that the State University Presidents' Association also has opposed the Graham constitutional amendment to reinstate the Board of Regents.

Since there was no further business, the meeting was adjourned at 10:55 A. M.

Respectfully submitted,

Suzanne Janney

Assistant Secretary and Agency Clerk