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**FLORIDA A & M UNIVERSITY  
BOARD OF TRUSTEES**

IN RE: SPECIAL COMMITTEE ON  
GOVERNANCE MEETING

\_\_\_\_\_ /

TRUSTEE MEMBERS:

TOREY ALSTON, CHAIR  
BETTYE GRABLE  
LUCAS BOYCE  
KELVIN LAWSON  
TONNETTE GRAHAM  
RUFUS MONTGOMERY  
KIMBERLY MOORE  
BELINDA SHANNON  
ROBERT WOODY

DATE:

WEDNESDAY, AUGUST 5, 2015

TIME:

COMMENCED AT: 4:30 P.M.  
CONCLUDED AT: 6:00 P.M.

LOCATION:

GRAND BALLROOM  
FAMU CAMPUS  
TALLAHASSEE, FLORIDA

REPORTED BY:

NANCY S. METZKE, RPR, FPR  
COURT REPORTER

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**SPECIAL COMMITTEE ON GOVERNANCE**

1  
2  
3 TRUSTEE ALSTON: Okay. I would like to call  
4 the Special Committee on Governance to order.

5 Attorney Barge-Miles, would you please call  
6 the roll.

7 ATTORNEY BARGE-MILES: Trustee Alston.

8 TRUSTEE ALSTON: Here.

9 ATTORNEY BARGE-MILES: Trustee Boyce.

10 (NO RESPONSE).

11 ATTORNEY BARGE-MILES: Trustee Grable.

12 TRUSTEE GRABLE: Here.

13 ATTORNEY BARGE-MILES: Trustee Graham.

14 TRUSTEE GRAHAM: Here.

15 ATTORNEY BARGE-MILES: Trustee Lawson.

16 TRUSTEE LAWSON: Here.

17 ATTORNEY BARGE-MILES: Trustee McWilliams.

18 (NO RESPONSE).

19 ATTORNEY BARGE-MILES: Trustee Montgomery.

20 CHAIRMAN MONTGOMERY: Here.

21 ATTORNEY BARGE-MILES: Trustee Moore.

22 TRUSTEE MOORE: Here.

23 ATTORNEY BARGE-MILES: Trustee Shannon.

24 (NO RESPONSE).

25 ATTORNEY BARGE-MILES: Trustee Shannon.

1 (NO RESPONSE) .

2 ATTORNEY BARGE-MILES: Trustee Warren.

3 (NO RESPONSE) .

4 ATTORNEY BARGE-MILES: Trustee Warren.

5 (NO RESPONSE) .

6 ATTORNEY BARGE-MILES: Trustee White.

7 (NO RESPONSE) .

8 ATTORNEY BARGE-MILES: Trustee Woody.

9 TRUSTEE WOODY: Here.

10 ATTORNEY BARGE-MILES: Mr. Chair, you have a  
11 quorum.

12 TRUSTEE ALSTON: Yes, thank you, barely, but  
13 that's a good thing.

14 Okay. We'll move on to our action items.  
15 Actually, before we move to the first, if there is  
16 no objection, we need to add revision to the equity  
17 report as an action item. So, colleagues, we'll  
18 make that the fourth action item under this  
19 committee. Again, revision to the equity report.  
20 There was conversation at the previous committee  
21 regarding this document, and staff is ready to  
22 present the changes once we get, you know, to that  
23 item.

24 Any objection to adding that action item.

25 (NO RESPONSE) .

1 TRUSTEE ALSTON: Seeing none, we'll add that  
2 as an action item to the agenda.

3 The first action item is approval of the  
4 minutes. You have the document, it should be in  
5 your Board book. Is there a motion to approve the  
6 previous minutes?

7 TRUSTEE LAWSON: So move.

8 TRUSTEE MOORE: Second.

9 TRUSTEE ALSTON: It's been properly moved and  
10 seconded to approve the minutes from the July 21st  
11 meeting.

12 Any further discussion?

13 (NO RESPONSE).

14 TRUSTEE ALSTON: Seeing none, all those in  
15 favor of the motion, please signify by the sign of  
16 aye.

17 (AFFIRMATIVE INDICATIONS).

18 TRUSTEE ALSTON: Any opposed?

19 (NO RESPONSE).

20 TRUSTEE ALSTON: Motion carries.

21 So I'm going to try to tee up this first  
22 conversation, then I'm actually going to turn it  
23 over to Board Chair Montgomery.

24 I think you'll recall that we had during our  
25 previous conversation a very comprehensive

1 discussion which started at our first committee  
2 around the reporting structure of the General  
3 Counsel. I think there were conversations around  
4 the University attorney versus using outside  
5 attorneys, et cetera.

6 So we're to this point. First I'm going to  
7 ask Board Chair Montgomery to, again, restate --  
8 this was his item that was being brought to this  
9 committee. And then, of course, the  
10 recommendations that I know you heard at a previous  
11 meeting, we'll get to that; and then, also, there  
12 was a document posted from the President, and we'll  
13 get to that document as well.

14 So Chair Montgomery.

15 CHAIRMAN MONTGOMERY: Thank you, Chairman  
16 Alston. I'd ask -- Board members should all have a  
17 copy of the Operating Procedures before them. If  
18 anyone doesn't have a copy, we'll make sure we get  
19 that in front of you.

20 If you could flip to an addendum at the rear  
21 of the Audit Committee Charter. In the Audit  
22 Committee Charter, if you'll flip to the third  
23 page. It's Section A under -- excuse me, Section  
24 5, responsibilities and duties; and then A, under  
25 general, if you'll go to Item Number 10. There's

1 language here that could be applicable for the Vice  
2 President for Legal Affairs, and it states that the  
3 Vice President for Audit and Compliance Audit, as  
4 the chief audit executive, reports functionally to  
5 the Chair of the Board of Trustees and the Chair of  
6 the Audit Committee of the Board of Trustees and  
7 reports both administratively and functionally to  
8 the President.

9 And the language is included so as to provide  
10 a level of independence and objectivity on behalf  
11 of an employee. And the most noted and common  
12 example is an employee makes a decision and their  
13 employment changes as a result of it. I'm not  
14 insinuating or saying that that is the case here,  
15 but the vice president for Audit and Compliance is  
16 responsible for investigating, say if something  
17 came up in the University under the purview of the  
18 President and Chief Executive Officer. Well, as a  
19 Board, we are also in the capacity of our fiduciary  
20 responsibilities and our governance  
21 responsibilities of being in receipt of sound legal  
22 advice and opinion that is free from, say, the  
23 restraint of possibly having to also keep your  
24 employer or your direct supervisor, direct report  
25 in good stead.

1           So there have been some things that the Board  
2 may head in one direction and where the President  
3 and CEO might head in another direction and legal  
4 counsel is actually necessary. Well, for inequity  
5 purposes of the Board and to keep it at a level of  
6 professionalism that allows the Board to receive  
7 independent and objective information -- and let me  
8 preface this by saying that several Board members  
9 spoke up at that meeting when we first talked about  
10 this and said, we don't have a problem with the  
11 current legal counsel, but it is a concern that we  
12 will be able to remain in a position to receive  
13 that counsel.

14           So one idea that was brought forward was to  
15 hire or obtain outside counsel. And as we moved  
16 along in the process, a simple mechanism that  
17 occurs in place is to allow the same reporting  
18 requirement for the Vice President of Audit and  
19 Compliance to apply to the Vice President for Legal  
20 Affairs.

21           There's some mechanics that are associated  
22 with this. I'll put that back to you, Mr. Chair,  
23 in terms of operating procedures and how this  
24 works. But the proposed language would substitute  
25 Audit and Compliance and would put in Legal

1 Affairs.

2 TRUSTEE ALSTON: Right.

3 CHAIRMAN MONTGOMERY: And as the Chief Legal  
4 Officer in the place of Chief Audit Executive, and  
5 that the person would report functionally to the  
6 Chair of the Board of Trustees and administratively  
7 to the President.

8 I'll share with the committee that part of  
9 your charge as a governance committee is to help  
10 move us in the direction so that we can move to  
11 better processes and better practices. And one of  
12 them that I would see us eventually having -- and  
13 there's another handout I think that speaks to  
14 this -- is having a best practice of establishing a  
15 governance committee. Instead of doing it one off  
16 and adding it to the existing committee structure,  
17 over the next couple of months, I am going to ask  
18 the Governance Committee to review our operating  
19 procedures as part of this process.

20 Now I don't have the page, but in the  
21 operating procedures it requires us on an annual  
22 basis to review the actual operating procedures, so  
23 the Governance Committee will have that as part of  
24 its process.

25 But back to this with the Vice President for



1           Legal Affairs, and I'll throw it back to you,  
2           Mr. Chairman, this simply allows us to be in a  
3           position where very specifically, if the chief  
4           legal officer disagrees with the President, they  
5           can't be fired for giving the Board objective  
6           advice or advice that the President and CEO  
7           disagrees with. And I think that would accomplish  
8           it, and at some point I'd be prepared to offer that  
9           as a motion.

10           TRUSTEE ALSTON: Thank you, Mr. Chair.

11           And, again, you've heard the recommendation  
12           from Chair Montgomery.

13           (WHEREUPON, ATTORNEY BARGE-MILES SPOKE OFF THE  
14           RECORD TO TRUSTEE ALSTON).

15           TRUSTEE ALSTON: Okay. It's my understanding  
16           that Trustees Boyce and Shannon are trying to call  
17           in, so as we continue this conversation, we'll try  
18           to maybe hold off -- I understand that two trustees  
19           are trying to call in, both Trustee Boyce and  
20           Trustee Shannon.

21           So, again, colleagues, you've heard the  
22           recommendation from Chair Montgomery. I'm now  
23           going to ask you to also refer to -- actually, I'll  
24           do them separate.

25           Any questions or comments on the

1 recommendation from Chair Montgomery?

2 (NO RESPONSE).

3 TRUSTEE ALSTON: Okay. Let me also refer to  
4 two different things. I want to treat these  
5 separately but, of course, they are somewhat tied  
6 together.

7 There were also recommendations that I think  
8 that many of us heard during our previous meeting  
9 from the outside consultant which also ties in  
10 similar to the recommendation from Chair  
11 Montgomery.

12 Thirdly -- so and, again, you should have that  
13 information in front of you. And I'll repeat the  
14 six if needed.

15 And, thirdly, there also was additional  
16 documentation that the President also provided on  
17 this topic as well.

18 So in that order, I think does everyone have  
19 the document with the six recommendations? Anyone  
20 does not?

21 (NO RESPONSE).

22 TRUSTEE ALSTON: Okay. Great.

23 Okay. Now, President Mangum, you want to  
24 share with the Board your feedback as it relates to  
25 this item?

1           PRESIDENT MANGUM: Yes, I had -- one of the  
2 things that after having listened to the -- I'm  
3 thinking we were calling it an expert on General  
4 Counsel relations and reporting relationships at  
5 the last meeting. There was -- we also as a  
6 University contacted NACUA, as well as other  
7 leading researchers on this particular topic about  
8 reporting relationships. Since we have been in a  
9 mode of looking at what best practices are, talking  
10 about theory with regard to reporting relationship  
11 and organizational structure, we've reached out --  
12 members of the team reached out and did research on  
13 this particular topic.

14           Because it is such a major concern for many  
15 institutions and also expressed in the literatures  
16 by others that have done research in this area,  
17 being a university we thought we should provide  
18 some additional information for your consideration  
19 in deliberating on this particular topic rather  
20 than -- because it is not typical to take the  
21 information from one expert but being able to  
22 consider a more holistic approach. So staff  
23 members took the time to gather data, and that's  
24 what was posted on the site, looking at State  
25 University System institutions and their reporting

1 relationships with regard to General Counsel. What  
2 was posted on the site showed the SUS system  
3 schools, that the general counsel reported directly  
4 to the president. In the case of University of  
5 West Florida, you'll see that the General Counsel  
6 reports to the provost and executive vice  
7 president.

8 Much of the literature in this area and the  
9 leading writer we contacted from the American  
10 Governing Board shared with us information about  
11 reporting relationships of general counsel and part  
12 of the concern in the industry has been that  
13 general counsels -- their goal has been to have  
14 them report to the President as opposed to some  
15 other person in the organization.

16 So at the time the study was first conducted  
17 in 2012 and the articles were written, 87 percent  
18 of the university general counsels were reporting  
19 to the president and the other -- the larger  
20 percentage -- the smaller percentage was reporting  
21 to other vice presidents or executive officers  
22 within the organization. So the move to report  
23 to -- was to have that reporting relationship be  
24 with the president and not lower down in the  
25 organization.

1           We also took the opportunity to look at the  
2           2015 -- did a survey of the top ten public  
3           universities according to U.S. News & World Report,  
4           and the data that you have is a result of those  
5           surveys that were conducted. And that's basically  
6           all of them in the top ten public universities as  
7           well as in the SUS System, with the exception of  
8           one, report directly to the president.

9           So the information that we provided was just  
10          to help the Board with making its decision with  
11          regard to best practices and separating best  
12          practices from a professional organization's desire  
13          and what they would like to move the University  
14          towards. So that's basically what we wanted to  
15          make sure was that you had a greater set of data.

16          TRUSTEE ALSTON: Great. Thank you, Madam  
17          President. Board Members -- and just for the  
18          record, Trustee Boyce, are you on the line?

19          TRUSTEE BOYCE: Yes, I'm on.

20          TRUSTEE ALSTON: Great. Trustee Shannon, are  
21          you on the line?

22          TRUSTEE SHANNON: Yes, I am.

23          TRUSTEE ALSTON: Thank you so much.

24          Just for the record, so you've heard from  
25          Chair Montgomery the recommendation, you've also

1 heard feedback from the President, so clearly at  
2 this point, I think is bumped up to us from a  
3 governance -- a policy standpoint. This clearly is  
4 a policy decision that we must make as the  
5 Governance Committee of the whole as it relates to  
6 the reporting relationship with the General  
7 Counsel.

8 So at this point, I would entertain a motion.  
9 That's probably the formal way for us to start the  
10 conversation and for us to have a Board discussion  
11 on this item. Is there a motion or a discussion?

12 (NO RESPONSE).

13 TRUSTEE ALSTON: I can't make a motion.

14 TRUSTEE LAWSON: Question.

15 TRUSTEE ALSTON: Yes, Vice Chair Lawson.

16 TRUSTEE LAWSON: Yeah. We talked about the  
17 need for outside counsel --

18 TRUSTEE ALSTON: Yes.

19 TRUSTEE LAWSON: -- was one issue, and then  
20 that we talked about the reporting relationship  
21 both of the audit vice president and the legal vice  
22 president. Are these two tied together, or do  
23 you see them as two separate -- when I say two,  
24 meaning the outside counsel and then General  
25 Counsel reporting to the Board chair. Are they one

1 and the same or do you see them as separate?

2 TRUSTEE ALSTON: Great question. I see those  
3 as two different issues.

4 TRUSTEE LAWSON: Okay.

5 TRUSTEE ALSTON: Actually, I think the  
6 reporting structure which Chair Montgomery read, at  
7 least for the Vice President of Audit, in that  
8 scenario, it reports to the Chair of the Board and  
9 to the chair of that committee. In this case, I'm  
10 assuming it will be governance, but  
11 administratively and functionally to the President.

12 So if that's the same structure that I  
13 think -- that Chair Montgomery just referenced. So  
14 it would be in terms of the position for the  
15 General Counsel's -- whoever sits in that seat.

16 Separately, I think the conversation around  
17 outside counsel, I think that we all reserve the  
18 right if we chose to do outside counsel. And  
19 that's already in our operating procedures anyway.  
20 So if we chose to do outside counsel for a, you  
21 know, special service, you know, a project, we  
22 still have a right to do so.

23 TRUSTEE LAWSON: Okay.

24 TRUSTEE ALSTON: So this is a separate item  
25 from that.

1 TRUSTEE WOODY: Mr. Chairman.

2 TRUSTEE ALSTON: Yes, Trustee Woody.

3 TRUSTEE WOODY: That outside counsel will  
4 report to the Chairman of the Board of Trustees, or  
5 who will that individual report to?

6 TRUSTEE ALSTON: That's a great question. So  
7 I'm only going by past knowledge, and I'm looking  
8 both to the chair and the General Counsel, at least  
9 how we've handled outside counsel in the past. As  
10 Attorney McKnight is walking to the podium, I --

11 CHAIRMAN MONTGOMERY: Let me --

12 TRUSTEE ALSTON: Yes, go ahead, Chair  
13 Montgomery.

14 CHAIRMAN MONTGOMERY: Let me -- if I can  
15 frame this for you. The Board had a conversation  
16 about obtaining outside counsel. My understanding,  
17 as communicated from Doctor Mangum, was that we  
18 weren't able to obtain outside counsel. I  
19 conferred with our in-house counsel, and he said,  
20 yes, we can obtain outside counsel.

21 So that put us in a position where our  
22 University counsel is saying one thing, our  
23 President is saying something else; and because he  
24 reports directly to her, that puts everybody in a  
25 bad situation. It's very hard to disagree with



1 your boss in an objective way if your boss -- I'm  
2 not saying she would, but if your boss could very  
3 well change your employment status based upon the  
4 kind of responses that he or she receives.

5 So what I'm proposing is that we, as a board  
6 -- and however we get there is fine -- but that we  
7 as a board have a way to receive objective counsel,  
8 whether that is the Board -- and there's precedence  
9 for this. I think Seminole State College has  
10 outside counsel. I'm not suggesting that we do  
11 that, but that's where the conversation started.

12 There's precedence for having outside counsel,  
13 and there's also precedence for having the legal  
14 counsel report administratively and functionally to  
15 the Chairman of the Board. If some would think  
16 that it was self-serving, remove that requirement  
17 but consider the inclusion of board consultation  
18 prior to hiring and firing the individual in this  
19 position.

20 This is not about Attorney McKnight. This is  
21 about the Board's ability to get counsel without  
22 interference. And so that's where I'm headed in  
23 terms of getting us in the direction of being able  
24 to receive that.

25 TRUSTEE ALSTON: Thank you, Mr. Chair.

1 Before I recognize -- I think I saw your hand,  
2 Chair Lawson.

3 (NO RESPONSE).

4 TRUSTEE ALSTON: No?

5 (NO RESPONSE).

6 TRUSTEE ALSTON: Madam President, you wanted  
7 to comment. I know that there was a document that  
8 you sent to us. Would you want to -- would you  
9 comment on that?

10 PRESIDENT MANGUM: Sure. Thank you very much.

11 The question about outside counsel was  
12 prepared in a written response to the Board at the  
13 last meeting, and it advised, based upon state law,  
14 that the Board had the ability to obtain outside  
15 counsel. So the statement that I supposedly made  
16 that you could not obtain outside counsel was not  
17 made by me, and it is a written record because that  
18 statement, in fact, was prepared by General  
19 Counsel, and they cited the statute that certainly  
20 enables the Board to obtain outside counsel.

21 Not only did we confer with our General  
22 Counsel, we also conferred with the Board of  
23 Governors' counsel which affirmed also that this  
24 Board is able to obtain outside counsel. So under  
25 no circumstances did I suggest that you could not.

1 TRUSTEE ALSTON: Thank you, Madam President.

2 CHAIRMAN MONTGOMERY: Mr. Chairman.

3 TRUSTEE ALSTON: Yes, Mr. Chair.

4 CHAIRMAN MONTGOMERY: Okay. So I had a  
5 conversation with Doctor Mangum, it was on a  
6 Friday. I'll source the time and the date. And  
7 during this conversation is when she expressed her  
8 concern and her view.

9 I followed up this call from Doctor Mangum  
10 with a call to our General Counsel, late on a  
11 Friday too, and I'll source the times. Someone  
12 from FAMU contacted the Board of Governors, okay?  
13 Someone from FAMU contacted the Board of Governors  
14 and prompted a call to me, and this is where we got  
15 to the point of understanding that there was a  
16 disagreement between where the President was and  
17 the legal advice that we were receiving -- or that  
18 I was receiving. And so that's how we got to that  
19 point.

20 If there was an understanding from the  
21 beginning that this was, in fact, the case, then  
22 there wouldn't have been a need for FAMU to contact  
23 other external sources, including the Board of  
24 Governors. So I can't let that stand unchallenged.  
25 This was, in fact, the information that was

1 received, and I can provide supporting  
2 documentation to at least prove the things that I'm  
3 sharing today.

4 I'd ask Attorney McKnight if he could  
5 address -- I'm sorry, Mr. Chair, it's your meeting.

6 TRUSTEE ALSTON: No, no. Thank you,  
7 Mr. Chair.

8 Attorney McKnight, did you want to make a  
9 comment?

10 ATTORNEY MCKNIGHT: Oh, no, I was just going  
11 to respond to your question about how we've handled  
12 outside counsel.

13 TRUSTEE ALSTON: Sure.

14 ATTORNEY MCKNIGHT: Usually in the contract,  
15 the FAMU Board of Trustees will be the client  
16 because it is the Board of Trustees that is the  
17 entity that can sue or be sued. And for example,  
18 there's ongoing litigation -- and you always see  
19 when you get that email, right, where outside  
20 counsel will say, if you have any questions or  
21 concerns, please contact me. So every individual  
22 Board of Trustee who wants to follow up, right,  
23 then they have the opportunity to do so.

24 TRUSTEE ALSTON: Okay. Thank you,  
25 Mr. Attorney.

1           Any additional questions or comments on this  
2 item? Yeah, and actually the President is  
3 referencing the document in front of us as it  
4 relates to outside legal services. So, again, two  
5 separate issues, but just want to point that out.

6           Mr. Chair, would you like to make a motion?

7           CHAIRMAN MONTGOMERY: Well, I was offering it  
8 for discussion for the committee.

9           TRUSTEE ALSTON: Okay.

10          CHAIRMAN MONTGOMERY: The committee may decide  
11 to go with an attempt at outside counsel, the  
12 committee may decide to clarify the reporting  
13 relationship of the legal counsel, or the committee  
14 may choose to do nothing. But I just wanted to  
15 make the Governance Committee in its entirety aware  
16 that these are some challenges faced in the role as  
17 Chair, and I don't represent myself. I represent  
18 you as a Board, and this is a challenge that I  
19 faced, either outside counsel or changing -- excuse  
20 me, clarifying the role of the University counsel  
21 would be very helpful.

22          I'd also share in response to the document  
23 about the other SUS institutions, I had the  
24 opportunity to speak with board counsel with other  
25 boards, and they all said they work for the board;

1           whereas, here at FAMU, we're told that the counsel  
2 works for the president.

3           Now that -- on paper, and that relationship  
4 may be that they directly report from an  
5 administrative capacity; but even the Board of  
6 Governors' counsel said very frankly, hey, she  
7 works for the actual board. And so if there's an  
8 understanding that that's where we are and it  
9 doesn't affect their employment situation based  
10 upon advice that they give us to, that can be  
11 clarified; but that hasn't indicated and  
12 communicated to me by Doctor Mangum. We wouldn't  
13 have had to go through this exercise if there had  
14 been an understanding all along of what that  
15 reporting relationship is.

16           One other thing that I'll share for the  
17 Governance Committee, and this is a longer term  
18 issue or concern, when it came down to  
19 negotiating -- and the expert, Mr. Blakemore, that  
20 was here shared this -- the Board was in a position  
21 where you had an attorney who had negotiated over  
22 300 presidential contracts; but we as a Board were  
23 left with an in-house counsel who -- I mean  
24 basically was in a position where he wanted -- he  
25 probably wanted to keep his position here at the

1 University; and that's a tough position for anybody  
2 to be in. My suggestion was that we had obtained  
3 outside counsel, and I believed that outside  
4 counsel wouldn't have put us in the position that  
5 we're in now with regard to that particular  
6 contract.

7 So going forward, the Board needs to retain  
8 the ability -- remember, y'all, we have a role  
9 in governance and we have a role in responsibility  
10 here, but we need to retain the ability to  
11 obtain -- or to have independent and objective  
12 counsel. We're not questioning the quality of  
13 Attorney McKnight's work. What I'm suggesting is  
14 that there is a work dynamic when there's a  
15 disagreement between the President and CEO and the  
16 actual Board, and either of these mechanisms would  
17 allow us to get there. And so I'd like to put it  
18 out there for discussion prior to making a motion  
19 if there are committee members that would like to  
20 chime in.

21 TRUSTEE ALSTON: Thank you, Mr. Chair. I'm  
22 going to now recognize Trustee Moore.

23 TRUSTEE MOORE: What I'd like to do is just  
24 kind test the temperature of the Board, so I'm  
25 going to move forward with a motion; and the motion

1 would read as follows: That we establish a  
2 reporting relationship that would afford General  
3 Counsel reporting directly to the Board with the  
4 understanding that outside counsel could be pursued  
5 if deemed appropriate.

6 TRUSTEE BOYCE: Second the motion.

7 TRUSTEE ALSTON: You've heard the motion.  
8 It's been seconded by Trustee Boyce. Any  
9 discussion or comments to the motion?

10 TRUSTEE SHANNON: Yes, this is Trustee  
11 Shannon.

12 TRUSTEE ALSTON: Yes, Trustee Shannon, you're  
13 recognized.

14 TRUSTEE SHANNON: Yeah, I don't want the fact  
15 to be lost on the Board that the General Counsel is  
16 an officer of the court, he's licensed by the  
17 state, and he has an obligation to provide sound  
18 and objective advice for whoever he is providing  
19 that advice. So he is employed on behalf of the  
20 University, and I'm not clear why there is the  
21 thought that he would or any general counsel is at  
22 threat of modifying the advice depending on the  
23 party that he's trying to please. I just don't  
24 understand that that's a way that, from a legal  
25 standpoint, he's approaching -- or anybody in that



1 position would approach given their obligation as  
2 an officer of the Court.

3 And for that reason, I don't believe that  
4 there is a need to change the reporting  
5 relationship. I don't believe that there is enough  
6 justification for FAMU to be an outlier where so  
7 many other organizations, universities face the  
8 same issues, the same responsibilities that we do  
9 as a board.

10 I'm not seeing the gain, and I don't see the  
11 interruption in our ability to secure independent  
12 counsel for those matters that as a board we feel a  
13 need to. I do agree and I would ask, you know,  
14 that the Board to speak up on those instances in  
15 which they do think that we need to obtain  
16 independent counsel, there are going to be those  
17 times. And so I'm more than, when we are  
18 justified, willing to support that and accept that;  
19 but I don't think that we have enough justification  
20 to change the relationship at this time.

21 TRUSTEE ALSTON: Thank you. You've heard the  
22 comments from Trustee Shannon. Any additional  
23 comments?

24 CHAIRMAN MONTGOMERY: Mr. Chair.

25 TRUSTEE ALSTON: Yes, Chair Montgomery.

1           CHAIRMAN MONTGOMERY:    So we've all as a  
2           board, at least from my view and particularly as  
3           the leader, have attempted to proceed in a manner  
4           that brings credit to the University. We're  
5           working on your image, we're working on what we're  
6           doing. On this particular issue, I will share with  
7           you that I was contacted by a member of the senior  
8           leadership team on Saturday, and it said: The  
9           President has asked me to discuss a possible course  
10          of action with you before Monday, and then blah,  
11          blah, so on and so forth.

12                 I had the conversations with the member of  
13          the senior leadership team who told me that this  
14          person was authorized to have a conversation with  
15          me about replacing Attorney McKnight on Monday,  
16          this past Monday, and I was given the name of the  
17          person he would be replaced by. And I was told  
18          that in exchange for replacing Attorney McKnight  
19          that the deal would be that we would drop this  
20          whole thing.

21                 And so to the extent that these measures are  
22          being taken to prevent us from obtaining outside  
23          counsel should be of great concern to this  
24          committee and to members of the Board, that's the  
25          first thing. I've also shared that while there is

1 a line between the day-to-day activities, and we're  
2 told and lectured often that the Board should stay  
3 out of the day to day -- I agree, as in, let's  
4 watch what's going on. I've also counseled the  
5 President that the President needs to be mindful of  
6 what is considered to be Board business. This is  
7 Board business, this is not within the purview of  
8 the CEO in terms of the policy and its direction,  
9 and that needs to be clearly stated.

10 So, Board, we're in a position here where we  
11 have the Champion case coming up, there's  
12 institutional knowledge, this is not about the  
13 individual that holds the position. This is about  
14 the actual position itself being able to provide  
15 autonomous information to the Board in direct  
16 response.

17 We could be in a position where a person is  
18 placed into that role -- and for the record, I'll  
19 say I do believe that a new president should be  
20 able to pick their own team; but it's been a year  
21 and several months and that change has not been  
22 made.

23 Doctor Mangum told me at the Board of  
24 Governors meeting that she intended to make some  
25 changes in the area of legal affairs. I have in no

1 way, shape or form attempted to influence the  
2 personnel decision. What I said to her was, and I  
3 was very clear: Please, given that this is an item  
4 before the Board, please give the Board -- excuse  
5 me, I'm mistaken, I'm sorry, I shared with the  
6 senior leadership team member that contacted me.

7 Number 1, this is an item for the Board; it's  
8 not a decision that the chairman makes.

9 Number 2, I didn't appreciate that a person in  
10 a lateral position is coming to me about a  
11 personnel decision involving a person in a lateral  
12 position. And I will share that that leadership  
13 team member had been part of discussions involving  
14 this individual.

15 And then, Number 3, I just didn't think that  
16 that conversation was appropriate.

17 So Trustee Shannon, to your question, if  
18 you're an individual in a position under threat of  
19 termination constantly, how can you possibly give  
20 consistent, objective advise? No one here has  
21 questioned the quality of work that Attorney  
22 McKnight has provided, what we're saying is it puts  
23 him -- or whoever the officeholder in that  
24 position, it puts them into a potentially  
25 compromising position. All of -- and I support the

1 motion, but all it does is it affords the Board the  
2 ability to weigh in. We're not making a personnel  
3 decision and would not be in the position to make  
4 the personnel decision.

5 The President, is my understanding, unless  
6 someone shares different, would be able to hire and  
7 fire the person. The President would simply need  
8 to consult with the Board as the President would  
9 have to do with the Inspector General. We already  
10 have an existing reporting relationship with our  
11 Vice President for Audit and Compliance. This  
12 would simply extend that to the person that's  
13 charged with providing us with objective legal  
14 advice.

15 Thank you, Mr. Chairman. I probably spoke out  
16 of turn. I know we're going to allow all members  
17 of the committee to speak before one speaks for a  
18 second time, but I did want to make sure that I was  
19 able to address Trustee Shannon's concern. Thank  
20 you.

21 TRUSTEE ALSTON: Thank you, Mr. Chair. And,  
22 actually, I'm going to make a slight recommendation  
23 to the maker of the motion, but I'm going to wait  
24 until after Trustee Grable chimes -- well, after  
25 all trustees chime in.

1           Trustee Grable.

2           TRUSTEE GRABLE: Mine is also a point of  
3 clarification in the form of a question, and I took  
4 a look at those six recommendations made by  
5 Mr. Blakemore, and probably Number 1 to me kind of  
6 framed what I think we're attempting to do here,  
7 and I certainly am open to being corrected on this.  
8 Are we attempting to clarify and potentially  
9 formalize the communication and functional roles of  
10 the person who is the holder of the General  
11 Counsel's office? And if indeed I'm seeing nods  
12 from the chair of the committee and another  
13 trustee, then it almost strikes me as being  
14 prudent, and that's my comment.

15           TRUSTEE ALSTON: And just to formally respond,  
16 the answer is yes, Trustee Grable.

17           TRUSTEE GRABLE: Thank you.

18           TRUSTEE ALSTON: But I think that -- and  
19 actually, I'll just go ahead and segue into a  
20 recommendation to the maker of the motion only  
21 because we currently have some language in our  
22 bylaws that I think is clean, crisp and I think,  
23 you know, works -- hopefully works for everyone.  
24 That's really a board decision.

25           If you look under the reporting structure for

1 Vice President of Audit and Compliance, I know the  
2 Chair mentioned this, and I'm just going to read  
3 this for everyone if you don't have it in front of  
4 you: The Vice President for Audit and Compliance,  
5 as the chief audit executive, reports functionally  
6 to the Chair of the Board of Trustees and to the  
7 Chair of the Audit Committee of the Board of  
8 Trustees and reports both administratively and  
9 functionally to the President.

10 So the current statement or information that's  
11 in our current procedures actually is in line with  
12 the maker of the motion, but it actually does two  
13 things, back to Trustee Grable's point: One, it  
14 refers to the Chair of the Board, as our Chair has  
15 stated, but it also gives a landing place, similar  
16 to the other vice presidents, as it relates to the  
17 standing committees, special committees or the  
18 appropriate committee for that particular area.

19 So it's just a recommendation to consider and,  
20 of course, that's up to the Board and, of course,  
21 the maker of the motion.

22 TRUSTEE MOORE: As the maker of the motion, I  
23 would accept that with the only exchange being the  
24 appropriate legal counsel title that we're using  
25 for the University.

1 TRUSTEE WOODY: Mr. Chairman.

2 TRUSTEE ALSTON: I'm sorry, Trustee Woody.

3 TRUSTEE WOODY: In relation to extending the  
4 discussion, I would request that the President  
5 respond to what the Chairman has stated in  
6 reference to the conversation that he had the other  
7 day.

8 TRUSTEE ALSTON: Madam President.

9 PRESIDENT MANGUM: Not having been part of  
10 that conversation that he had with a senior  
11 leadership team meeting, I can't comment on the  
12 discussion that the two of them had; but I can  
13 comment on the comments he made with regard to  
14 consultation about hiring decisions and leadership  
15 decisions and other consultations or communications  
16 that I have had with other members of the Board of  
17 Trustees during the last, I would say, 13,  
18 14 months about changes in staff and changes in  
19 senior leadership.

20 There were many recommendations to me to  
21 change members of the senior leadership team. And  
22 as we have tried to fill the positions of the  
23 senior leadership team, we've worked through the  
24 organization to try to make those changes. So the  
25 quality of some of the decisions that were made I



1 think to get new leadership team members are a  
2 matter of record. And the personal conversations  
3 that various members of the Board have had with me  
4 about their satisfaction with certain members of my  
5 team, I consider them confidential and I would not  
6 want to embarrass or put any of my senior  
7 leadership team and the people that are serving the  
8 University now in that kind of a position.

9 So whoever that the Chairman talked to, that's  
10 his private conversation. And if there's a record  
11 of it, then it should be shared because I don't  
12 know who that is, he didn't say.

13 TRUSTEE LAWSON: Question.

14 TRUSTEE ALSTON: Yes, Vice Chair -- actually,  
15 before I do Vice Chair Lawson, if you don't mind, I  
16 know that Trustee Moore accepted that slight change  
17 on the motion. There was a second by Trustee  
18 Boyce, I believe.

19 Trustee Boyce, are you okay with that slight  
20 friendly amendment?

21 TRUSTEE BOYCE: Yes, sir.

22 TRUSTEE ALSTON: Okay. Vice Chair Lawson.

23 TRUSTEE LAWSON: Yeah, similar to Trustee  
24 Woody, I guess, first of all, clearly movement on  
25 the leadership team is at the President's

1           discretion and that's very understandable; but I  
2           just want -- just a question for clarity because  
3           that's a unique phone call to get.

4           So, Doctor Mangum, you're saying you had no  
5           knowledge that this phone call was being made?

6           TRUSTEE ALSTON: Doctor Mangum.

7           PRESIDENT MANGUM: Am I under -- what are  
8           you -- are you -- did I have knowledge of a phone  
9           call that was being made?

10          TRUSTEE LAWSON: Right, because there was an  
11          insinuation that if certain personnel moves were  
12          made that some issues would become non-issues. So  
13          similar to Trustee Woody, I mean I preface the  
14          question by saying, movement of the leadership team  
15          is at your discretion and that's not the question.  
16          The question for me is about --

17          PRESIDENT MANGUM: Who made the call? Can you  
18          tell me who made the call?

19          TRUSTEE LAWSON: -- the process. I have  
20          to -- I don't know, the call didn't come to me.

21          PRESIDENT MANGUM: So I don't -- I can't  
22          answer that because I don't know who we're -- I  
23          don't know who made the call.

24          TRUSTEE LAWSON: Okay.

25          CHAIRMAN MONTGOMERY: Mr. Chairman.

1 TRUSTEE ALSTON: Chair Montgomery.

2 CHAIRMAN MONTGOMERY: I spoke with VP Dale  
3 Cassidy, and I have written proof.

4 PRESIDENT MANGUM: We all -- may I speak for  
5 one second?

6 TRUSTEE ALSTON: Yes, go ahead, Doctor  
7 Mangum.

8 PRESIDENT MANGUM: We constantly hear the  
9 Board asking us to consult with them regarding  
10 decisions. And if this is the result of  
11 consultation, I find it very troubling that this  
12 kind of consultation takes place in this type of a  
13 forum around personnel decisions or consultation  
14 around personnel decisions for a purpose of driving  
15 an agenda that is not related to the conversation  
16 that was being had. It's disappointing.

17 Now with that said, we have talked about  
18 personnel changes across the University around  
19 several positions.

20 TRUSTEE LAWSON: And I think ---

21 TRUSTEE ALSTON: Thank you, Doctor Mangum.  
22 Go ahead, Vice Chair Lawson.

23 TRUSTEE LAWSON: And I think my -- you know,  
24 to just be crystal clear, those changes are at the  
25 President's purview.

1           PRESIDENT MANGUM: That's correct.

2           TRUSTEE LAWSON: My question was more around  
3 knowledge of the conversation that took place. So  
4 it's not about the change itself. That's a hundred  
5 percent your decision. It was the conversation  
6 because I think that's an interesting conversation  
7 for another member of the team to have with a Board  
8 member versus potentially you having with a Board  
9 member, which would be very understandable.

10          PRESIDENT MANGUM: It's not uncommon to have  
11 information shared from different Board -- from  
12 team members to Board members. I've been fed Board  
13 members' desires from team members for 13 months,  
14 many -- and from other trustees from Board members  
15 for several months. So the culture of sharing  
16 information and having conversations, there are  
17 members of the team that have, I would say, better  
18 communication with some Board members because they  
19 send messages to me from many of my team members on  
20 a regular basis, and I do respond to them as well.

21                 So having conversations that take place  
22 through third parties is something that we have  
23 been advised to do since Board members can't talk  
24 to each other as part of the public information  
25 request, so we do transmit information and have

1 conversations indirectly as a matter of business.

2 TRUSTEE LAWSON: No, I mean that's not my  
3 question.

4 PRESIDENT MANGUM: I think that -- that's my  
5 answer.

6 TRUSTEE LAWSON: That's not my question. My  
7 specific question is --

8 PRESIDENT MANGUM: That's my answer.

9 TRUSTEE LAWSON: -- did you have knowledge of  
10 this --

11 PRESIDENT MANGUM: That's my answer.

12 TRUSTEE LAWSON: -- conversation that took  
13 place?

14 PRESIDENT MANGUM: That's my answer.

15 TRUSTEE LAWSON: Okay.

16 TRUSTEE ALSTON: There's a motion on the  
17 floor. Any other discussion on the motion or any  
18 other items for discussion?

19 CHAIRMAN MONTGOMERY: Mr. Chairman, I --

20 TRUSTEE LAWSON: Mr. Chair.

21 CHAIRMAN MONTGOMERY: As a followup, I have  
22 the same question. To have the confidence of  
23 receiving a call from a member of the senior  
24 leadership team to specifically reference that the  
25 President asked them to do it and then for us,

1           it's -- we're asking you did you -- it's either a  
2           yes or a no. I mean if the answer is no, then it's  
3           no. If the answer is yes, it's yes. But you  
4           either knew or you didn't, and it is an appropriate  
5           question. And as a member of this committee, I'm  
6           asking that the question be -- it's a yes-or-no  
7           question.

8           PRESIDENT MANGUM: You received my answer.

9           TRUSTEE ALSTON: Any further comments, Board  
10          members?

11          (NO RESPONSE).

12          TRUSTEE ALSTON: Okay. Seeing none, there is  
13          a motion on the floor. Trustee Moore, would you  
14          like to restate your motion with the friendly  
15          amendment, my apologies.

16          TRUSTEE MOORE: If I could get the appropriate  
17          position title.

18          TRUSTEE ALSTON: Doctor Mangum or Attorney  
19          McKnight.

20          CHAIRMAN MONTGOMERY: It's chief legal  
21          officer.

22          TRUSTEE ALSTON: Chief Legal Officer.

23          CHAIRMAN MONTGOMERY: And then report to the  
24          chair of the Governance Committee.

25          TRUSTEE MOORE: Okay. As I understand it with

1 the corrections, the Vice President for Legal  
2 Affairs as the Chief Legal Officer would report  
3 functionally to the Chair of the Board of Trustees  
4 and the Chair of the Governance Committee of the  
5 Board of Trustees and reports both administratively  
6 and functionally to the President.

7 TRUSTEE ALSTON: Thank you, Trustee Moore.

8 Colleagues, you've heard the motion. Any  
9 further discussion?

10 (NO RESPONSE).

11 TRUSTEE ALSTON: All those in favor of the  
12 motion, please signify by the sign of aye.

13 (AFFIRMATIVE INDICATIONS).

14 TRUSTEE ALSTON: Any opposed?

15 TRUSTEE SHANNON: Nay.

16 TRUSTEE ALSTON: Would you like to do --  
17 actually, is that Trustee Shannon?

18 TRUSTEE SHANNON: Yes, it is.

19 TRUSTEE ALSTON: Okay. So it looks like it's  
20 eight one. Attorney Barge-Miles, the motion  
21 passes.

22 We're going to move on to the next item, the  
23 recommendations from the consultant. I think  
24 you've heard, and I think Trustee Grable kind of  
25 teed this up. The first recommendation I think is

1 somewhat tied to the vote that we just took as it  
2 related to the reporting structure, but these other  
3 items are somewhat different as we talk about  
4 communication and protocol and process, so I'm  
5 going to leave it to your pleasure if there is a  
6 recommendation. I'm sorry, so the actual six  
7 recommendations are in the previous minutes that's  
8 in your Board book from the previous meeting, so  
9 those are the six items I'm referencing. It's on  
10 Page 2 under the Special Committee on Governance, I  
11 believe. It should be in your Board book.

12 So the six recommendations, the first  
13 recommendation actually deals with what I think we  
14 just dealt with, but as a board, if you want to  
15 take some action or make some statement on these  
16 items, you can take them all together, you can take  
17 them individually, or clearly we can do nothing at  
18 all. But I think that we have already tackled, you  
19 know, Point Number 1, but I'm going to leave this  
20 up to the Board for conversation and feedback.

21 Colleagues, any feedback? Thoughts?  
22 Recommendations? Motions? And let me just  
23 read, probably read these for everyone, just to  
24 ensure that everyone has it, and I'm seeing the  
25 heads nod.



1           So the recommendations previously from the  
2 outside consultant: Number 1, it is critical that  
3 the clarification in formalizing both the  
4 communication and functional roles and reporting  
5 requirements of the General Counsel take place.

6           Two, establish regular one-on-one meetings  
7 with the Board Chair --

8           CHAIRMAN MONTGOMERY:    Just a point of --

9           TRUSTEE ALSTON:    Yes, go ahead Mr. Chair. I'm  
10 sorry.

11          CHAIRMAN MONTGOMERY:   Just a point of order,  
12 could we stand at ease while all Board members are  
13 provided a copy of the document?

14          TRUSTEE ALSTON:    Sorry, yes.

15          CHAIRMAN MONTGOMERY:   I'm looking around, and  
16 I'm not sure that everyone has a copy. Can we  
17 stand at ease for a minute or two to allow everyone  
18 to obtain a copy?

19          TRUSTEE ALSTON:    Absolutely. Let's just do  
20 this, let's take a quick five-minute recess.

21          (BRIEF PAUSE).

22          TRUSTEE ALSTON:    Now that we're back in  
23 session, Colleagues, you have the six  
24 recommendations in front of you as stated. We can  
25 take them all as one, we can take individually.

1           What is your pleasure?

2           TRUSTEE MOORE:   Mr. Chair.

3           TRUSTEE ALSTON:   Trustee Moore.

4           TRUSTEE MOORE:   My comment would be that since  
5           we've established a structure both relative to the  
6           President and to the Chair that collectively they  
7           would work together to come back and present to the  
8           body what that role would be and what specific  
9           items because they may wish to enhance it.

10          TRUSTEE WOODY:   Is that a recommendation or --

11          TRUSTEE MOORE:   I can certainly make that in  
12          the way of a motion that --

13          TRUSTEE LAWSON:   I'm sorry, can you clarify  
14          it, please?

15          TRUSTEE MOORE:   Sure, that my recommendation  
16          or motion would be that since we've established the  
17          role, that we move in the direction of the Chair  
18          and President working jointly to establish the  
19          roles, functions, specific items and duties that  
20          this person would hold and that that information  
21          then be presented back to this body just as we've  
22          done with crafting the role for the audit person.

23          TRUSTEE WOODY:   Second.

24          TRUSTEE ALSTON:   So that is in the form of a  
25          motion, Trustee Moore?

1 TRUSTEE MOORE: Yes.

2 TRUSTEE ALSTON: And there's a second by  
3 Trustee Woody?

4 TRUSTEE WOODY: Yes.

5 TRUSTEE ALSTON: You've heard the motion. Any  
6 discussion?

7 CHAIRMAN MONTGOMERY: I'm agreeable to that.  
8 I appreciate the motion. If the full Board adopts  
9 the recommendation tomorrow and approves it, we'll  
10 be in a posture to immediately begin conversations  
11 with Doctor Mangum and the Chief Legal Officer  
12 about what these are.

13 My understanding is also that it would  
14 encompass all areas in that but specifically would  
15 focus on these six. So, yes, I'm very agreeable to  
16 it. I appreciate the motion and I plan to  
17 support. Thank you.

18 TRUSTEE ALSTON: Thank you for your comments,  
19 Chair Montgomery.

20 Any additional comments on the motion?

21 (NO RESPONSE).

22 TRUSTEE ALSTON: Seeing none, all those in  
23 favor of the motion please signify by the sign of  
24 aye.

25 (AFFIRMATIVE INDICATIONS).

1 TRUSTEE ALSTON: Any opposed?

2 (NO RESPONSE).

3 TRUSTEE ALSTON: The motion passes  
4 unanimously.

5 Colleagues, we'll now move on to the other  
6 action item that was added at the start of the  
7 meeting. That's revision to the Equity Report. At  
8 the previous meeting, you heard a presentation so  
9 I'm going to now ask Ms. Gavin to come forward --  
10 Ms. Gavin to come forward.

11 I know there was some conversation and  
12 additional substantive changes somewhat to the  
13 document. If you could, just walk the Board  
14 through where we were previously, the changes that  
15 were made, and I think it requires some action from  
16 the Board, correct?

17 MS. GAVIN: I believe so.

18 TRUSTEE ALSTON: Yes, so you're recognized.

19 MS. GAVIN: Okay. Trustees and President  
20 Mangum, on July 21st this committee approved the  
21 Florida Equity Report submitted by Florida A & M  
22 University. At that meeting, Trustee Moore did  
23 raise some concerns about the strategies and the  
24 timeline for those strategies under the academic  
25 review section and I believe that was on Page 3.

1           What we did, we actually got with the  
2           Provost's office to find out if the strategies that  
3           had been listed in the prior report, how many of  
4           those had been implemented. And what we found from  
5           the Provost's office is that all of the strategies  
6           listed have been implemented, and we made those  
7           changes to the report.

8           Also, after the meeting, after that July 21st  
9           meeting, the Athletic Department did approach me  
10          regarding a sentence that was under the athletic's  
11          section that listed the Athletic Department  
12          reinstating the swim teams, and we did go back to  
13          check what was submitted from the Athletic  
14          Department, and that was not listed. It was in the  
15          prior year's report, and that sentence was left  
16          over from the prior year's report, so we deleted  
17          that information. And those are the changes.

18          TRUSTEE ALSTON: Great. You've heard the  
19          revisions from Ms. Gavin on Page 3. I think that  
20          was initiated from Trustee Moore.

21          MS. GAVIN: Page 3 and Page 4 I believe  
22          dealing with Athletics.

23          TRUSTEE ALSTON: Great, Page 3 and 4. And of  
24          course, the swim team deletion as well.

25          MS. GAVIN: Right.

1 TRUSTEE ALSTON: Any comments, discussion,  
2 Board members? I think this does require another  
3 vote -- a vote by the Board for a recommendation to  
4 the full Board tomorrow, so we do need to make this  
5 an additional action item.

6 Is there a motion to approve the revisions of  
7 the Equity Report?

8 TRUSTEE WOODY: So moved.

9 TRUSTEE LAWSON: Second.

10 TRUSTEE ALSTON: It's been properly moved and  
11 seconded to approve the revisions to the Equity  
12 Report. Any additional discussion?

13 (NO RESPONSE).

14 TRUSTEE ALSTON: Seeing none, all in favor of  
15 the motion please signify by the sign of aye.

16 (AFFIRMATIVE INDICATIONS).

17 TRUSTEE ALSTON: Any opposed?

18 (NO RESPONSE).

19 TRUSTEE ALSTON: The motion passes  
20 unanimously. Thank you so much.

21 MS. GAVIN: Thank you.

22 TRUSTEE ALSTON: We'll now move on to several  
23 discussion items. They're somewhat lumped  
24 together, but we're going to treat them  
25 differently.

1           The first is a document that all of you have  
2           that Attorney Barge-Miles, we worked on this. It's  
3           the SUS Governance Committee. This was just  
4           research that we did -- or rather that Attorney  
5           Barge-Miles did along with the General Counsel's  
6           office I believe as well, looking at the Governance  
7           Committee structures and roles at other  
8           universities in the SUS, so this really is an FYI  
9           document for everyone. I know that at some point  
10          we will begin to flesh out additional roles and  
11          responsibilities for governance.

12          I will just bring your attention, if you look  
13          at both FIU and the University of Florida, I'm just  
14          going to pick those two out, I think that they have  
15          very, you know, comprehensive governance  
16          committees, particularly the University of Florida.  
17          And it actually covers many of the different things  
18          that we've talked about, so approving the charters  
19          annually, a periodic review of our bylaws, which  
20          technically we are doing, along with many other  
21          things, board training, et cetera, which is a few  
22          other points that we have our agenda.

23          So if you could, look at the document.  
24          Actually for Trustee Boyce and Trustee Shannon, I  
25          think Attorney Barge-Miles probably has e-mailed it

1 to you; so if you could, look at that document. If  
2 you could provide feedback to Attorney Barge-Miles,  
3 and she then will provide that to the Chair of the  
4 Board as it relates to just feedback on the  
5 responsibilities and roles of the Governance  
6 Committee.

7 So, again, everyone assembled here today, if  
8 you could look at this at your leisure. If you  
9 could, I'll just say maybe within a week, get your  
10 feedback and thoughts to Attorney Barge-Miles who  
11 will then share it with the Chair of the Board.

12 Any questions or comments on this document?

13 TRUSTEE SHANNON: Mr. Chair.

14 TRUSTEE ALSTON: Yes, go ahead, Trustee  
15 Shannon.

16 TRUSTEE SHANNON: Trustee Shannon. So when  
17 should Trustee Boyce and I expect our email copy of  
18 that?

19 TRUSTEE ALSTON: Yes, actually, Attorney -  
20 great question. Attorney Barge-Miles is pressing  
21 send right now, and it is --

22 TRUSTEE SHANNON: Okay.

23 TRUSTEE ALSTON: It's a document that will  
24 give you just initial high-level feedback on all of  
25 the governance committees at other SUS schools in



1 the state.

2 TRUSTEE SHANNON: Okay. Thank you.

3 TRUSTEE ALSTON: No problem.

4 We'll now move on to the next item, which is  
5 review of the operating procedures. Again, we've  
6 had this point on here, and many of these are  
7 already crystalized in the document that you have,  
8 so I won't repeat them: The process for Board  
9 elections, appointment of successors, presidential  
10 evaluation, which actually is a point that Trustee  
11 Moore I think also recommended, so I'm going to ask  
12 Trustee Moore to comment on that point; and then  
13 also transition and process for Board leadership.

14 The one thing that we have already done, I  
15 think, and thank you, Chair Montgomery, for  
16 recommending this to us, we've looked at already a  
17 few other governance committee structures and the  
18 types of policies or procedures they have in place  
19 as it relates to many of these items. So if  
20 everyone is comfortable, very soon we'll be  
21 bringing you a menu of recommendations as it  
22 relates to the procedures, and many of these items  
23 will be a part of it. So if there are other items  
24 that you think should be included, as you go  
25 through and look at the structure for the other

1 schools, please include those recommendations  
2 because what we'd like to do is have one full menu  
3 of substantive recommendations to our Operating  
4 Procedures, okay? Any objection to that?

5 CHAIRMAN MONTGOMERY: No, but I have a  
6 comment.

7 TRUSTEE ALSTON: Yes, go ahead, Chair  
8 Montgomery.

9 CHAIRMAN MONTGOMERY: So thank you again for  
10 pointing out that our Operating Procedures actually  
11 require us to do this.

12 TRUSTEE ALSTON: Yes.

13 CHAIRMAN MONTGOMERY: And unfortunately that,  
14 in some cases, hasn't been the practice. I will  
15 say to you that during my tenure as Vice Chair and  
16 then also as Chair, there's a lot to learn as we  
17 go, I mean there's -- everyone is growing as a  
18 board. The transition process to chairman, I would  
19 recommend at some point that when there's outgoing  
20 leadership that any pending items be transferred  
21 and be shared from a knowledge perspective to the  
22 incoming leadership.

23 But for purposes of continuity, I mean we have  
24 up to eight board positions that are between now  
25 and January of next year. And I think as a board

1 we have to continuously be mindful that when  
2 mistakes are made they're often repeated for lack  
3 of knowledge. And so as we proceed in this  
4 process, I'm going to encourage the members of the  
5 committee to think about ten years from now, if  
6 you're a Board member here and you're looking back  
7 at the processes of how we do things, when you ask  
8 yourself the question, what is the FAMU Way? Well,  
9 we strive for excellence, but what kind of policies  
10 and procedures can we put in place that over time  
11 will virtually nearly guarantee successful  
12 outcomes?

13 I've put an extensive amount of time in  
14 studying board governance with institutions outside  
15 of the State of Florida, but there are also several  
16 institutions within the State of Florida that  
17 really get it right. I've watched how folks have  
18 done it, we've studied it, taken a look at it.  
19 We're not attempting to be like someone else. We  
20 would want to put ourselves -- or at least my  
21 encouragement would be to get to the point where  
22 people would look at us as an example in the area  
23 of governance.

24 I will also say that I believe some of the  
25 problems or the challenges that we face can be

1 corrected by the implementation of effective  
2 processes. So, again, it's a charge to the  
3 committee. It's obviously your purview as chair in  
4 terms of how you want to approach and revising what  
5 we have, but we need to think about what the Board  
6 looks like when we're no longer here so that  
7 there's some continuity, and that was one of the  
8 purpose of charging this committee.

9 So the other thing here was the development of  
10 Board priorities. We've had discussions about the  
11 President and the President's goals and objectives.  
12 One of the best practices cited by the Association  
13 of Governing Boards is for the Board itself to have  
14 priorities and responsibilities so that on an  
15 annual basis we can grade ourselves and we can be  
16 held accountable as a board in terms of what we  
17 said versus what was actually done. I've said  
18 publicly and privately that out of fairness to the  
19 President, we need to be able to effectively  
20 communicate, you know, who we are and what we're  
21 attempting to do.

22 When a question arises of what's the Board's  
23 position on this -- I was recently asked the  
24 question: What's the Board's position on this?  
25 Well, I knew what my position was, but I did not

1 have an updated Board position on that particular  
2 issue, and so I had to punt on the item and leave  
3 that up to the full body because it's not personal,  
4 it's not my position. What I would have liked to  
5 have had in that position was the ability to  
6 reference what the actual Board's position was.

7 So I appreciate what you're doing in moving  
8 this along. I support it, and to the extent that I  
9 can provide input, I'd be happy to do so.

10 Thank you.

11 TRUSTEE ALSTON: Thank you, Mr. Chair. Any  
12 additional comments, feedback?

13 (NO RESPONSE).

14 TRUSTEE ALSTON: Okay. Trustee Moore, would  
15 you like to comment on the presidential evaluation,  
16 that bullet?

17 TRUSTEE MOORE: Sure. Just wanting to  
18 memorialize the process and document what we've  
19 done thus far this year, it's not to say that we  
20 could not stand room for enhancements or tweaking  
21 what we've done, but I think that the process has  
22 held up and that we've been firm in our convictions  
23 in making sure that it was integrity driven. So my  
24 thought there would just be to document what we've  
25 done using the files and records that we've

1 maintained throughout this process.

2 TRUSTEE ALSTON: Great, I think we're going  
3 to depend greatly on your expertise. I think  
4 you've done a great job, and I know we'll hear from  
5 you I believe tomorrow.

6 TRUSTEE MOORE: Uh-huh.

7 TRUSTEE ALSTON: So if you could, on this  
8 point, get that to Attorney Barge-Miles, that would  
9 be great.

10 TRUSTEE LAWSON: Just a comment.

11 TRUSTEE ALSTON: Go ahead, Vice Chair Lawson.

12 TRUSTEE LAWSON: Yeah, I've sat through a  
13 couple of those -- or a couple of the presidential  
14 evaluations, and I have to say this is the best one  
15 to date. It was clear what our role was, it was  
16 clear what the President's role was, and the  
17 ability to receive, review her feedback and then in  
18 turn see our individual feedback and collective  
19 feedback. It was laid out nicely; and, again, you  
20 know, we've outside consultants work on these in  
21 the past, et cetera, et cetera, and this was  
22 significantly easier, the work.

23 TRUSTEE ALSTON: Ditto. Any additional  
24 comments or feedback?

25 TRUSTEE SHANNON: I concur.

1 TRUSTEE ALSTON: Thank you, Trustee Shannon.  
2 Trustee Woody, my apologies.

3 TRUSTEE WOODY: Ditto.

4 TRUSTEE ALSTON: Okay. Great.

5 So we'll move on to the next point,  
6 development of board orientation. Again, this is  
7 one of the points also, part of the recommended  
8 potential recommendations of what the Governance  
9 Committee could be responsible for. I would just  
10 point out that each of you should have a copy of  
11 the previous BOT member handbook. If you don't,  
12 please reference that. Again, I believe that was  
13 e-mailed out to everyone, probably about two or  
14 three days ago prior to today's meeting. I won't  
15 go through it in its entirety; but, again, as  
16 recommendations, if you look at all of the items  
17 that we've talked about, new trustee orientation,  
18 orientation for a new BOT chair, the role of the  
19 President and trustee orientation, which I'm going  
20 to ask for Doctor Mangum just to make some comments  
21 on.

22 If you look at the document that you have in  
23 front of you, the document does include several  
24 components, the mission statement, history of the  
25 University. As it relates to governance, Board of

1           Governors information, BOT information, information  
2           on all of the trustees, standing committees,  
3           meeting schedule, meeting materials and minutes.  
4           It goes over the organization, the President's  
5           visions, the President's leadership team, the  
6           organizational chart, information on our faculty  
7           and students. It goes over pertinent reports and  
8           plans, so our strategic initiatives, the University  
9           work plan, the University accountability report,  
10          along with pertinent documents that we should be  
11          aware of as members of the Board.

12                 So if you could, look at the current template.  
13           I believe this was in place not that long ago. I  
14           believe that Trustee Moore -- was it just you?

15                 TRUSTEE MOORE: And Marjorie.

16                 TRUSTEE ALSTON: That's right, Trustee Moore,  
17           Trustee Turnbull -- was Trustee Shannon a part of  
18           that as well?

19                 TRUSTEE MOORE: Yes.

20                 TRUSTEE ALSTON: That's right, so Trustee  
21           Moore, former Trustee Turnbull and Trustee Shannon  
22           I believe helped crystallize this current document.  
23           So if there are other additions that you'd like to  
24           see, again, also please provide your feedback, we'd  
25           appreciate that.



1           First I'm going to ask the President to  
2 actually comment on the role that she would  
3 recommend or like to see herself playing in the  
4 trustee orientation process, and then I'm going to  
5 ask Trustee Moore to comment on the last four  
6 items. These are her recommendations: Sunshine  
7 law, indemnification, D & O insurance, limitation  
8 of liability.

9           Doctor Mangum and then Trustee Moore in that  
10 order.

11           PRESIDENT MANGUM: Thank you.

12           Primarily, my focus that the Board would allow  
13 us to provide them with the information, the facts  
14 and the figures about the current status of the  
15 institution, the policies and issues that are  
16 facing higher education today and FAMU in  
17 particular. So it's basically an info -- it would  
18 be an information session regarding our major  
19 senior leadership areas and the policies of the  
20 institution, to introduce them to challenges that  
21 we have and the current status of the institution.

22           TRUSTEE ALSTON: Okay. Thank you, Doctor  
23 Mangum.

24           Trustee Moore.

25           TRUSTEE MOORE: Absolutely, and before I get

1           into the four items that I have listed, I think it  
2           would be important, more than just that, as an  
3           on-boarding tool, but that we also look at it as a  
4           refresher each year that we look at these items.

5           With respect to the four that I have listed:  
6           Sunshine law, indemnification, D & O insurance,  
7           directors and officers, as well as limitation of  
8           liability, the thought behind those is that  
9           trustees can come from anywhere throughout the  
10          United States and be placed on this Board and they  
11          may not be familiar with the Sunshine Law, so I  
12          think that it's very important that we keep that in  
13          front of them and that we go over it in terms of  
14          indemnification, making sure that they understand  
15          the role that we play and the decisions that we may  
16          and that there is some protection that guides us  
17          throughout this process. The same would hold true  
18          for the Items F and G, so primarily awareness. I  
19          think awareness is good.

20                 TRUSTEE ALSTON: Great. Thank you, Trustee  
21                 Moore.

22                 I think, Attorney McKnight, you want to make a  
23                 comment? Attorney McKnight, you're recognized.

24                 ATTORNEY MCKNIGHT: Thank you, Chair Alston.  
25                 Under Article 2.1, it is reflected that the

1 Board as a corporation, primarily acting as an  
2 instrumentality or agency of the state pursuant to  
3 768.28, Florida Statutes, we do have two guests  
4 with us today, Mike Andrews and Steve Hoerll  
5 (phonetics) from the Division of Risk Management  
6 and they are the experts on risk management. And  
7 so I didn't know whether or not -- I asked them to  
8 come over, I'm glad that they did, and I'm not sure  
9 if there were any questions of the Board at this  
10 moment. But at another date and time, I'm sure  
11 that they would be willing to come back and they've  
12 heard some things from Trustee Moore about what  
13 they can share with the Board in terms of this  
14 orientation process.

15 TRUSTEE ALSTON: Great. Thank you, Attorney  
16 McKnight.

17 Any comments or questions from the trustees?

18 (NO RESPONSE).

19 TRUSTEE ALSTON: Okay. Any additional.

20 CHAIRMAN MONTGOMERY: Mr. Chair.

21 TRUSTEE ALSTON: Yes, Chairman Montgomery.

22 CHAIRMAN MONTGOMERY: Under Item B,  
23 orientation for new BOT chair and vice chair, the  
24 rotation from vice chairman to chairman, in most  
25 cases that could be part of the transition, so --

1 TRUSTEE ALSTON: Great. Duly noted. We'll  
2 make sure that that is a part of the orientation  
3 going forward.

4 Any additional -- I'm sorry, Trustee Grable.

5 TRUSTEE GRABLE: I'd like to say to Committee  
6 Chair Trustee Alston and in particular to the  
7 Chairman, Chairman Montgomery, I want to thank you  
8 all for that focus on the orientation. As a still  
9 new and learning Board of Trustee Board member,  
10 that is critical. And I think the changes that are  
11 occurring in terms of information to the Board,  
12 presentation of some of the documents, including  
13 the Operating Procedures and many of the documents  
14 that I received in recent months, it has made life  
15 a lot easier. So that is a really good move, and  
16 thank you, again, to the Committee Chair and to  
17 Chairman Montgomery.

18 TRUSTEE ALSTON: Thank you, Trustee Grable,  
19 for those comments.

20 Any additional items to come before this  
21 Committee, or comments from Board members?

22 CHAIRMAN MONTGOMERY: Mr. Chair.

23 TRUSTEE ALSTON: Yes, Chair Montgomery.

24 CHAIRMAN MONTGOMERY: I have an item and,  
25 again, I'd like to put it out for discussion,

1           whether it could potentially lead to becoming an  
2           action item, I -- as a Board, I have become  
3           familiar with being in a position that we currently  
4           lack a mechanism to effectively communicate with  
5           FAMU stakeholders. I believe that the narrative  
6           should be more of an accurate reflection of the  
7           work that we're doing as we represent FAMU, not so  
8           much Board specific, but as we represent FAMU. And  
9           keeping in mind that our brand could be in danger  
10          of being harmed, especially when we're making  
11          impartial and concerned decisions about the  
12          University.

13                 So I'd offer for consideration that we put a  
14          process in place to engage a -- say a public  
15          relations firm with the main purposes -- and I'm  
16          citing from a previous contract that we had --  
17          Number 1, to advise and support in dealing with  
18          media and other stakeholders; Number 2, to meet  
19          regularly with FAMU Board of Trustees on public  
20          relations strategies; and Number 3, to offer  
21          assistance with representation management  
22          messaging, retention management, and media  
23          outreach.

24                 And, again, the purposes here are not  
25          singularly with the Board. I believe most of us,

1 if not all, are familiar with some of the  
2 challenges that we've had with communications that  
3 come out from the University, to continue to have  
4 press releases with grammatical errors or spelling  
5 errors and that type of thing and whatnot, and we  
6 have -- we've seen the examples, is not reflective  
7 of the excellence of Florida A & M University; and  
8 so this is one way to deal with that. We have  
9 upcoming legal activity that could significantly  
10 impact us, whether positive or negative; and we  
11 have ongoing challenges that don't reflect where we  
12 are as an institution and the good things that are  
13 happening.

14 So as we go so goes the institution, and I'd  
15 offer for the discussion to the Committee about a  
16 process to select a public relations firm.

17 TRUSTEE ALSTON: Thank you, Chair Montgomery,  
18 great point. And actually, I like the idea; and I  
19 think many of us will recall that I think we had a  
20 similar process in place with another firm as we  
21 went through a different period probably a few  
22 years ago. And I believe that at the time Trustee  
23 Shannon helped us in a great way because she was  
24 the main point of contact in that process.

25 So, no, I think that's a -- you've made an

1           excellent point, excellent idea. I'm hopeful that  
2           it is crystalized into a motion because I think  
3           similar to you, you know, I think that, you know,  
4           our brand is important as we work through many, you  
5           know, potential issues that many of us are aware of  
6           that we receive ongoing from our legal department,  
7           along with other items. I think it becomes very  
8           critical that we speak with one voice and that we  
9           definitely protect our brand both near and far.

10           So with that, Vice Chair Lawson.

11           TRUSTEE LAWSON: Yeah, I'm not against the  
12           idea at all. I would hope that as we look or as we  
13           entertain the idea, that this person could also  
14           take a look at our planning process, because I just  
15           still feel that we find ourselves reacting to  
16           deadlines, you know, not knowing that they're  
17           deadlines that are -- well, I shouldn't say not  
18           knowing, but reacting to deadlines that are known  
19           but we find out and there's little reaction time on  
20           our behalf.

21           So as we look at this process, I think we have  
22           to look at it from a couple of different ways. I  
23           mean there are traditional PR firms and there are  
24           also strategy firms as well. So I would just offer  
25           that we not limit ourselves specifically to PR.

1 TRUSTEE ALSTON: Great point, Vice Chair  
2 Lawson. The one thing I'll mention, I know that in  
3 state statute that there is some flexibility for us  
4 and I do -- I won't wear that hat today.

5 I'm going to ask, Attorney McKnight, if you  
6 could, maybe just to approach the podium. I want  
7 to get, as he's coming, feedback in terms of a  
8 process, because, actually, as you just talked  
9 about, single source versus sole source, you know,  
10 what is the Board's prerogative.

11 I know that there was a previous contract in  
12 place, let's just call it maybe two or three years  
13 ago, with a firm who also had deliverables. And I  
14 think that Chair Montgomery might have mentioned  
15 all of them, so I'm hoping that that will be a part  
16 of the motion. You want to give the Board what are  
17 our menu of options, Number 1? And then Number 2,  
18 in terms of movement, you know, should we put a  
19 time clause or a time frame? You know, is it --  
20 you know, so that time of thing. Give us your  
21 feedback.

22 ATTORNEY MCKNIGHT: Yes, and probably the  
23 subject matter expert will be Shira Thomas because  
24 she's part of the transactional team, so she may be  
25 coming, hopefully, to follow up.



1           But the Board under its regulations, and I  
2 think it's 6.005, that the sole source could be  
3 used whereby the Board through the Director of  
4 Procurement could reach out to, say, three such  
5 firms as Trustee Lawson has articulated. And as  
6 long as that threshold is under \$75,000, right?  
7 I'm going to ask Shira to come.

8           TRUSTEE ALSTON: Yeah, I was going to say,  
9 just to state for the record --

10          ATTORNEY THOMAS: Yeah.

11          TRUSTEE ALSTON: -- just so we have all of  
12 that crystalized, if you could.

13          ATTORNEY MCKNIGHT: As long as it is under  
14 \$75,000, it is something -- it's services that,  
15 yes, the Board could contract with a company to  
16 provide the services as the Board would desire to  
17 have. Shira.

18          ATTORNEY THOMAS: Right. There are a number  
19 of different mechanisms under our purchasing  
20 regulations that can be employed. If the services  
21 are going to be under a \$75,000 or don't exceed  
22 75,000, then we're not required to do competitive  
23 solicitation; we're required to obtain three  
24 quotes. We can do that and move forward.

25          TRUSTEE LAWSON: What about length of time?

1 Is it just dollar amount, or is it --

2 ATTORNEY THOMAS: Right.

3 TRUSTEE LAWSON: -- Just dollar amount?

4 ATTORNEY THOMAS: Dollar amount. And if we do  
5 plan on adding additional services, then it used  
6 the competitive solicitation. We could also use  
7 sole source; but, of course, we have to do a  
8 justification, and it has to be in the best  
9 interest of the University or the most practical  
10 means.

11 TRUSTEE ALSTON: And with the previous  
12 process, was that single source or sole source?

13 ATTORNEY THOMAS: I thought that was  
14 competitively solicited.

15 TRUSTEE SHANNON: It was -- Mr. Chair.

16 TRUSTEE ALSTON: Yes, go ahead, Trustee  
17 Shannon.

18 TRUSTEE SHANNON: It was competitive, and I  
19 think that there are tremendous amounts of  
20 information, learning and benefit to the University  
21 by continuing to do an independent -- I mean a  
22 competitive process.

23 TRUSTEE ALSTON: Okay. Thank you so much,  
24 Trustee Shannon, if I could --

25 CHAIRMAN MONTGOMERY: Mr. Chair.

1 TRUSTEE ALSTON: Yes, I'm going to recognize  
2 the Chair followed by the Vice Chair.

3 Single source, you pointed out that it also is  
4 another way of doing a competitive bid because you  
5 still technically would reach out to three -- or,  
6 you know, up to three individuals, and then a  
7 decision would be made, so that's another option --

8 ATTORNEY THOMAS: Yes.

9 TRUSTEE ALSTON: -- if we chose that vehicle.

10 ATTORNEY THOMAS: It is.

11 TRUSTEE ALSTON: Okay. So currently there  
12 is -- okay, got it.

13 Chair Montgomery followed by Vice Chair  
14 Lawson.

15 CHAIRMAN MONTGOMERY: Well, you made the first  
16 of what I had intended to state, you know, doing it  
17 that way, would -- it would be competitive in the  
18 sense that there would be multiple firms solicited  
19 from the University's perspective and then the  
20 selection made.

21 But more importantly in this case, if we  
22 went -- and there's not an intent to circumvent the  
23 process, competition is good; but if we went  
24 through, say, a standard competitive process like  
25 we did before and then, say, that was appealed, how

1           how long could this possibly be stretched out  
2           before the Board would be in a position to actually  
3           acquire the talent of --

4           ATTORNEY THOMAS: It could be months unless we  
5           declare it to be an emergency, if it were health,  
6           safety, and welfare related, then we would be able  
7           to move forward. But if it is not a health, safety  
8           welfare, you know, mechanism, then it could  
9           possibly be delayed quite some time.

10          CHAIRMAN MONTGOMERY: And as a foll --

11          TRUSTEE ALSTON: Go ahead, Mr. Chair.

12          CHAIRMAN MONTGOMERY: As a followup,  
13          Mr. Chair, so, again, understanding and being  
14          respectful of your comments and input, with your  
15          help in that process, Trustee Shannon, I'd say that  
16          we're not in a position where it would be in our  
17          best interest, the University's best interest and  
18          our capacity as fiduciaries, to put ourselves in  
19          the position where it may take months to get the  
20          help that I believe we need at this time.

21                 So to the extent that we can expedite the  
22                 process, of course everything above board and  
23                 following the rules and procedures, I think we  
24                 would proceed in a manner that would allow us to do  
25                 this at an accelerated pace.

1 Thank you, Mr. Chair.

2 TRUSTEE ALSTON: Thank you. And just for the  
3 record, that sounds like single source with the  
4 option of reaching out to multiple firms, not sole  
5 source, that is correct?

6 ATTORNEY THOMAS: Sole source under our  
7 regulation.

8 TRUSTEE ALSTON: Sole source under our  
9 regulation, got it.

10 Vice Chair Lawson.

11 TRUSTEE LAWSON: I'm sorry, don't leave yet  
12 because I'm just still not clear. Single source we  
13 could do right away, just make sure I'm clear?

14 ATTORNEY THOMAS: That's correct.

15 TRUSTEE LAWSON: The competitive bid process  
16 is, let's say, two months? I'm asking.

17 ATTORNEY THOMAS: Yes, depending on the  
18 timeline.

19 TRUSTEE LAWSON: Two months, okay. And,  
20 again, if we're under 75,000, we can do single  
21 source under 75,000?

22 ATTORNEY THOMAS: We don't even have to  
23 declare a single source if it's under 75,000.

24 TRUSTEE LAWSON: We don't. And if it exceeds  
25 it over time, then we need to come back and revisit

1 the bid process or --

2 ATTORNEY THOMAS: Right.

3 TRUSTEE LAWSON: Yeah, okay.

4 ATTORNEY THOMAS: Or at that time we may have  
5 to declare sole source.

6 TRUSTEE LAWSON: Okay.

7 CHAIRMAN MONTGOMERY: Mr. Chair, I'd be  
8 willing to simply hold a Committee -- I mean to  
9 hold a Board meeting and give folks time to digest  
10 and understand but then to hold a Board meeting in  
11 which a vote could be taken to move forward on  
12 this.

13 And to Trustee Shannon's point, have a  
14 commitment to in the future moving forward with a  
15 competitive process; but at this point, I think  
16 this is the way to go.

17 TRUSTEE ALSTON: Thank you, Mr. Chair. So  
18 just to repeat your recommendation, is to withhold  
19 today and make a decision tomorrow; or do you want  
20 to hold a special meeting just on this item?

21 CHAIRMAN MONTGOMERY: Well, I'd say what  
22 pleases the Chair. My thought would be that we  
23 would advance a recommendation to the full Board.

24 TRUSTEE ALSTON: I'm okay with that.

25 TRUSTEE LAWSON: Well, considering this is a

1 Committee --

2 TRUSTEE SHANNON: Mr. Chair.

3 TRUSTEE LAWSON: Let Trustee Shannon go.

4 TRUSTEE ALSTON: Yeah, let me do Trustee  
5 Shannon and then follow Trustee Shannon Vice Chair  
6 Lawson.

7 Go ahead, Trustee Shannon.

8 TRUSTEE SHANNON: Yeah, it's just a request  
9 for clarification from Attorney Thomas. What are  
10 -- for a competition process, what are the minimum  
11 time frames that we would be able to utilize in  
12 running a competitive bid process?

13 ATTORNEY THOMAS: It would be, at a minimum,  
14 seven days for -- and we generally like to employ  
15 longer timelines, but at a minimum seven days.

16 TRUSTEE SHANNON: So we would submit, or we  
17 would put out an invitation to negotiate and give  
18 interested firms seven days to respond; is that  
19 what you're saying?

20 ATTORNEY THOMAS: That's correct. We'd have  
21 to, of course, factor in the time to put the  
22 competitive solicitation together.

23 TRUSTEE SHANNON: Given the fact that we  
24 already have --

25 ATTORNEY THOMAS: We can use that.

1 TRUSTEE SHANNON: -- somewhat of a -- yeah, we  
2 won't have to reinvent the wheel, so I'm not as  
3 concerned with that. I just wanted the Board to be  
4 informed of the minimum time frames that we can use  
5 for a competitive process.

6 TRUSTEE ALSTON: So if I could -- and I'm  
7 going to recognize Vice Chair Lawson -- if I could  
8 Attorney Thomas, it sounds like the question is  
9 competitive process versus, as you just mentioned,  
10 the threshold under 75,000 --

11 ATTORNEY THOMAS: Right.

12 TRUSTEE ALSTON: -- picking up the phone and  
13 reaching out to three individuals?

14 ATTORNEY THOMAS: Right.

15 TRUSTEE ALSTON: What is the difference in  
16 time for that? I think that's really what this  
17 question is boiling down to. A competitive process  
18 involves putting together some document, publishing  
19 or posting something, allowing a period of response  
20 that's reasonable, getting the responses,  
21 evaluating the responses, there is a committee and  
22 then something happens.

23 ATTORNEY THOMAS: Right.

24 TRUSTEE ALSTON: So I think the question is:  
25 What is that full process for competitive versus



1 the process for picking up the phone for quote,  
2 unquote, for three quotes with the other process  
3 that's been mentioned?

4 ATTORNEY THOMAS: The first process can be  
5 done you know, within a few days, a week. The  
6 competitive solicitation process, as I stated, of  
7 course factoring the time for preparing the  
8 document, posting the document, receiving  
9 responses, evaluating responses, you know, posting  
10 the award, obtaining Board approval since this is a  
11 Board, you know, process as well, and then we have  
12 to factor in time for any potential bid protest.  
13 If the, you know, competitive solicitation is  
14 protested, then, you know, we have to go through  
15 the Division of Administrative Hearing process.

16 TRUSTEE ALSTON: Trustee Shannon, was that  
17 clear for you?

18 TRUSTEE SHANNON: Yes, I just wanted to ensure  
19 that the Board had that information.

20 TRUSTEE ALSTON: Yes.

21 Go ahead, Vice Chair Lawson.

22 TRUSTEE LAWSON: My only comment was -- I  
23 mean thanks for the clarification, Attorney.  
24 That's really good to know. My only comment was:  
25 Why can't we bring it to a vote? I mean this is

1 technically a committee of the whole.

2 TRUSTEE ALSTON: I can't make a motion,  
3 Mr. Vice Chair.

4 TRUSTEE LAWSON: So move. I'll clarify that  
5 we look through the appropriate processes, we look  
6 to bring on a consultant in the areas of strategy  
7 and communication as soon as the process will  
8 allow.

9 TRUSTEE ALSTON: Not exceeding the 75 K  
10 threshold.

11 TRUSTEE LAWSON: Not exceeding the \$75,000 per  
12 advice from the legal counsel.

13 TRUSTEE ALSTON: And reaching out up to three  
14 firms for a quote.

15 TRUSTEE LAWSON: Yes. Following the exact  
16 process outlined by legal counsel, yes.

17 TRUSTEE ALSTON: Is there a second?

18 CHAIRMAN MONTGOMERY: If I may add.

19 TRUSTEE ALSTON: I'm sorry. Go ahead Chair  
20 Montgomery.

21 CHAIRMAN MONTGOMERY: And, again, I'm going  
22 with the spirit of competition, if we would require  
23 three firms. You said up to three, but if we  
24 require that they reach out to three.

25 TRUSTEE ALSTON: Yes. Yeah, you could.

1           Yeah, we could require three.

2           You accept that friendly amendment?

3           TRUSTEE LAWSON:    I do.

4           TRUSTEE ALSTON:    Is there a second to the  
5 motion?  My apologies.

6           TRUSTEE MOORE:    Second.

7           TRUSTEE ALSTON:    It's been properly moved and  
8 seconded that the Board move forward with the item  
9 as introduced by Chair Montgomery, that we reach  
10 out and obtain a firm as referenced by our Chief  
11 Legal Officer; that we reach out to three firms  
12 that would give us provide these -- provide these  
13 services to the Board up to our do-not-exceed  
14 clause of \$75,000.  I think I stated that  
15 correctly.

16           TRUSTEE LAWSON:    Yes.

17           TRUSTEE ALSTON:    Okay.  Any discussion?

18           (NO RESPONSE) .

19           TRUSTEE ALSTON:    Any further comments?

20           (NO RESPONSE) .

21           TRUSTEE ALSTON:    Seeing none, all those in  
22 favor of the motion, please signify by the sign of  
23 aye.

24           (AFFIRMATIVE INDICATIONS) .

25           TRUSTEE ALSTON:    Any opposed?

1 (NO RESPONSE) .

2 TRUSTEE ALSTON: The motion carries  
3 unanimously.

4 Thank you, Mr. Chair.

5 Any additional items for the Board to consider  
6 at this point?

7 TRUSTEE LAWSON: Yes.

8 TRUSTEE ALSTON: Go ahead, Vice Chair Lawson.

9 TRUSTEE LAWSON: Well, it's a question,  
10 Mr. Chair. You can tell me if it's appropriate. I  
11 do want to continue my soapbox on the engineering  
12 school, if I may.

13 TRUSTEE ALSTON: Okay.

14 TRUSTEE LAWSON: Okay. I think -- and I'll  
15 push some information out just for the larger body,  
16 because this is a committee of the whole, to  
17 consider and I did a little research. I'm just  
18 going to read this quickly.

19 I think of particular importance here is  
20 Principle 3.2.6 of the Principles of Accreditation  
21 for the Southern Association of Colleges Schools  
22 and Commission on Colleges. This is a principle  
23 that mandates that board, slash, administration  
24 distinctions, and it says: And it's clear  
25 appropriate distinctions in writings in practice

1           between the policy-making functions of the  
2           governing body -- of the governing board and the  
3           responsibility of the administration and the  
4           faculty to the administrator and implement policy  
5           for administration distinction.

6           What this is, without me reading the entire  
7           two pages from the policy, is it provides clear  
8           distinction between Board policy setting and  
9           administration action. And as you read this and  
10          you form your own interpretation, it could lead you  
11          to believe or could lead you to the conclusion that  
12          the current joint council -- I hope I get the name  
13          correct -- has actually enacted a policy on our  
14          Board versus a process or action. And you could  
15          also infer from reading this that there may -- we  
16          may have recourse to challenge that organization or  
17          that body as implementing policy when it states  
18          clearly that the Board of Trustees, whether it be  
19          FSU, FAMU, you know, plug in the school, their  
20          trustees own the creation of policy.

21          So I'd ask -- I would ask that the Board take  
22          a minute to research this policy on your own. I  
23          can forward it to Attorney Barge-Miles and she can  
24          forward it to all of you, but it's a clearly stated  
25          policy within the Southern Association of Colleges

1 Schools and Commission on Colleges, in their policy  
2 document. But as you read through here, it clearly  
3 states that as the governing body we set policy,  
4 not the administration.

5 And you can interpret, again, what was done in  
6 the joint commission was a setting of policy for  
7 both schools, not just for us, for both schools.  
8 And if you read this, with the same interpretation  
9 at least that one person has, me, it says that the  
10 council flies directly in the face of this policy.

11 So Attorney Barge-Miles, I'd love to share  
12 this with the larger board through you for everyone  
13 to review, and I would ask as a Board that we not  
14 let this issue rest. We do have recourse on this  
15 issue if that is the pleasure of the Board.

16 So, Mr. Chair, I push that out as an item for  
17 consideration.

18 TRUSTEE ALSTON: Great. And, no, thank you,  
19 Mr. Chair. And I think you also heard my comments  
20 because I think I was on the call then. So I think  
21 many of us shared a lot of our frustration around  
22 this topic.

23 Let me do this, if possible: Attorney  
24 Barge-Miles, can you actually provide the document  
25 to us via email? And I don't know, and I'm going

1 to look at Chair Montgomery, if you want to add  
2 this maybe as a discussion point tomorrow. Is that  
3 what you're asking, Vice Chair Lawson?

4 TRUSTEE LAWSON: Well, first I'd like to ask  
5 the Board to read it and see if they have the same  
6 interpretation as I do.

7 TRUSTEE ALSTON: Okay.

8 TRUSTEE LAWSON: And if you all do, I would  
9 like to bring this as a topic for discussion  
10 tomorrow.

11 TRUSTEE ALSTON: Okay. And then, of course,  
12 that also would involve some feedback from the  
13 General Counsel's office, so if you also could make  
14 sure that they're looped in so they would also give  
15 us our menu of options in terms of a response.

16 TRUSTEE LAWSON: Okay.

17 TRUSTEE ALSTON: Mr. Chair, I'm sorry, go  
18 ahead.

19 CHAIRMAN MONTGOMERY: We'll add it as a  
20 discussion item for tomorrow. I'll confer with  
21 Doctor Mangum in her capacity as corporate  
22 secretary. But as you know, I am able to add it  
23 during the meeting; but I think we add it as a  
24 discussion item. If necessary, it can progress to  
25 becoming an action item.

1 TRUSTEE ALSTON: Thank you, Mr. Chair. And  
2 thank you, Mr. Vice Chair, for that recommendation  
3 and pointing out that information to us.

4 And then also -- I'd also ask Doctor Mangum to  
5 also review that information and provide your  
6 feedback to us as well because I think you also  
7 heard many of our comments previously as well.

8 TRUSTEE SHANNON: So, Mr. Chair.

9 TRUSTEE ALSTON: Yes, go ahead, Trustee  
10 Shannon.

11 TRUSTEE SHANNON: Just so I'm clear and can do  
12 my homework correctly, are you -- I guess, Vice  
13 Chair Lawson, are you saying that the regulation  
14 that you're providing us with a copy of, somehow  
15 you're reading to invalidate the decisions made by  
16 the joint council? Is that what you're saying and  
17 asking for our opinion if we read those statutes  
18 the same way?

19 TRUSTEE ALSTON: Vice Chair Lawson.

20 TRUSTEE LAWSON: May I? Okay, Trustee  
21 Shannon, what I'm specifically asking is that if  
22 you read the -- I guess it's a statute, and  
23 determine if your interpretation of it is the same  
24 as mine when I read through the three pages because  
25 it speaks specifically to the division of power



1 between the Board and the Administration. It  
2 speaks specifically to policy setting; it speaks  
3 specifically to implementation of policy; and it  
4 speaks specifically to each party's role therein.

5 So I think if you interpret it the same way I  
6 did, it reads as if the council does not have the  
7 latitude to implement a policy against both of the  
8 universities. Now that's my interpretation.

9 TRUSTEE SHANNON: Okay.

10 TRUSTEE LAWSON: Therefore, I'm asking each  
11 Board member to receive a copy of this so that you  
12 can form your own interpretation.

13 TRUSTEE SHANNON: Okay. Thank you. That's  
14 what I was trying to get clear in my head, and it's  
15 clear now.

16 TRUSTEE LAWSON: Okay.

17 TRUSTEE ALSTON: And, actually, Trustee  
18 Shannon, as you were talking, Mr. Vice Chair,  
19 Doctor Mangum just made a point. And I'm going to,  
20 actually, let her mention that on the record.

21 PRESIDENT MANGUM: Thank you, Chair.

22 That wasn't a policy; that was an  
23 administrative decision about who handles parts of  
24 the operating activities of the college. It wasn't  
25 a policy decision that was made by the Joint

1 Council. It wasn't a policy decision; it was a  
2 management decision.

3 TRUSTEE ALSTON: Any additional comments or  
4 questions?

5 (NO RESPONSE).

6 TRUSTEE ALSTON: So just to finalize this  
7 item -- go ahead. I'm sorry, Mr. Chair.

8 CHAIRMAN MONTGOMERY: I'll brief as you've  
9 heard me. When a \$13 million decision gets made --

10 TRUSTEE LAWSON: It's policy.

11 CHAIRMAN MONTGOMERY: -- that affects our  
12 budget, that is a --

13 TRUSTEE LAWSON: Policy decision.

14 CHAIRMAN MONTGOMERY: -- that is a Board  
15 level -- that requires a Board level discussion.  
16 Anything over a million dollars that affects us,  
17 requires a Board level. If that's not clear to our  
18 CEO, perhaps we need to codify it. But if that's  
19 not the understanding, and that's made clear to us  
20 today, then I think we need to take steps to ensure  
21 that in the future when there are millions of  
22 dollars at stake, that it requires a Board level  
23 discussion and consent.

24 TRUSTEE LAWSON: May I also?

25 TRUSTEE ALSTON: Go ahead, Vice Chair Lawson.

1 TRUSTEE LAWSON: And to clarify, you know,  
2 Doctor Mangum, this is not a jab at you. It is  
3 specifically a question about the Council that has  
4 been assembled and does the Council have authority  
5 to render the decision that they render. You are  
6 part of the council but there are eight or 10 other  
7 people.

8 PRESIDENT MANGUM: That's correct.

9 TRUSTEE LAWSON: So, you know, it's not a  
10 direct --

11 PRESIDENT MANGUM: I understand.

12 TRUSTEE LAWSON: -- you know, jab at you. It  
13 is a question about the Council's level of  
14 authority.

15 TRUSTEE ALSTON: And I'll just interject.  
16 Because we're talking about governance, I think  
17 this is the appropriate landing spot for us to have  
18 this conversation. So I appreciate you, Vice Chair  
19 Lawson, for bringing forth this item. If we could,  
20 I think the attorneys will be ready tomorrow to  
21 give us some feedback, Doctor Mangum as well, and  
22 Attorney Barge-Miles will make sure that all of the  
23 trustees get the document provided by Vice Chair  
24 Lawson. Thank you all for that.

25 Any additional items to come before this

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committee?

(NO RESPONSE).

TRUSTEE ALSTON: Seeing none, meeting  
adjourned. Thank you.

(WHEREUPON, THE MEETING WAS ADJOURNED).

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CERTIFICATE

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STATE OF FLORIDA     )  
COUNTY OF LEON        )

I, NANCY S. METZKE, RPR, FPR, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 5th day of September, 2015.

\_\_\_\_\_  
NANCY S. METZKE, RPR, FPR  
Court Reporter

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