

ITEM: 1

**Florida Gulf Coast University Board of Trustees  
December 2, 2002**

**SUBJECT: Minutes of October 10, 2002 Meeting**

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**PROPOSED BOARD ACTION**

Approve minutes.

**BACKGROUND INFORMATION**

The Florida Gulf Coast University Board of Trustees met on October 10, 2002. Minutes of the meeting were kept, as required by Florida law.

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**Supporting Documentation Included:** Minutes of October 10, 2002 Meeting

**Prepared by:** Barbara Krell, Office of the President

**Legal Review by:** Wendy Morris, General Counsel (November 18, 2002)

**Submitted by:** President Bill Merwin

MINUTES  
FLORIDA GULF COAST UNIVERSITY  
BOARD OF TRUSTEES MEETING  
SPRINT ROOM – FGCU CAMPUS  
OCTOBER 10, 2002

Chairman Lutgert convened the meeting of the University Board of Trustees in the Sprint Room on the Florida Gulf Coast University Campus at 8:35 a.m., October 10, 2002, with the following members present:

Brian Cobb  
Larry Hart  
Renee Lee  
Bernard Lester  
Scott Lutgert  
Harry Moon  
Edward Morton  
Adam Ricciardiello  
Jerry Starkey  
Linda Taylor

Peg Gray-Vickrey – Non Voting Member

Members of the staff present were:

William Merwin, President  
Brad Bartel, Provost  
Curtis Bullock, Vice President, Administrative Services  
Thomas Healy, Interim Vice President for Advancement  
Susan Evans, Special Assistant to the President  
Wendy Morris, General Counsel

1. Call to Order and Chair's Remarks

Chairman Lutgert greeted Trustees and thanked audience members for attending. He turned the meeting over to President Merwin to introduce the next items of business.

2. Remarks from Student Government Association (SGA) – Jeff Faramo, Vice President

President Merwin introduced Jeff Faramo, Vice President of the SGA. Mr. Faramo updated Board members regarding current student activities on campus.

3. Remarks from FGCU Faculty Senate – Dr. Peg Gray-Vickrey, President

President Merwin introduced Dr. Peg-Gray Vickrey who presented a Powerpoint program outlining current Faculty Senate initiatives.

4. Remarks from FGCU Staff Advisory Council – Mary Price, Vice President

President Merwin introduced Ms. Mary Price, Vice President of the Staff Advisory Council. Ms Price reviewed the various SAC initiatives undertaken this past year and outlined planned future events.

5. Presentation of Resolution

Ms. Evans read the following resolution into the record thanking Ms. Magali Solimano who served last year as the student trustee on this Board. Magali thanked Chairman Lutgert, President Merwin and other Board members for their commitment and dedication to Florida Gulf Coast University.

## **A Resolution of the Florida Gulf Coast University Board of Trustees**

**WHEREAS**, in 2001 the Florida Legislature and Governor Jeb Bush created a new system of K-20 seamless education for the State of Florida, which included installation of the Florida Gulf Coast University Board of Trustees; and

**WHEREAS**, the President of each state university Student Government Association was statutorily appointed as a trustee for his or her respective university; and

**WHEREAS**, Magali Solimano was elected by her peers as President of the Florida Gulf Coast University Student Government Association in 2001,

thereby causing her to be appointed to the Florida Gulf Coast University Board of Trustees; and

**WHEREAS**, Magali Solimano held the inaugural position of student trustee on the Florida Gulf Coast University Board of Trustees, and served with great distinction as a representative of the students,

**NOW, THEREFORE BE IT RESOLVED** that the Florida Gulf Coast University Board of Trustees wishes to express appreciation for Magali Solimano's outstanding service, and wishes to recognize her commitment to Florida Gulf Coast University's students of today and for generations to come.

**DULY ADOPTED THIS 10<sup>th</sup> DAY OF OCTOBER IN THE YEAR 2002.**

**SIGNED:**

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**Scott F. Lutgert, Chair  
Florida Gulf Coast University Board of Trustees**

6. President's Report

President Merwin began by saying that it has truly been a remarkable year. We have had over 5300 students and have 2734 FTE as of this morning. This exceeds the 2711 number, and for the first time in the history of our institution, we will be able to request growth dollars during the next legislative session.

President Merwin highlighted three major events he hopes Board members will attend: Commencement on December 15, Commencement on May 3 and The Celebration of Excellence on April 25.

President Merwin introduced Joe Shepard, Dean of Students, who reviewed the new school year's programs and events with Board members.

President Merwin reported that Margaret and Herb Sugden have given us \$5 million for the purpose of developing the Resort and Hospitality Management Program. The program will be launched in the fall of next year.

President Merwin reported that we recently dedicated the Egan Observatory on campus with Mrs. Egan in attendance. The outpouring of thanks from students to Mrs. Egan was gratifying.

President Merwin reported the Whitaker Foundation gave \$300,000 for biotechnology faculty hires. This donation will be matched and the FGCU Foundation has agreed to fund this match.

President Merwin stated that an anonymous donor has committed \$5 million to fund a facility for a marine science laboratory. The challenge has been finding a suitable site for this laboratory. Black Island has been considered as a site for the laboratory, however, we have received considerable resistance from a variety of groups. We have decided to take a longer look at where Bonita Springs is going in terms of their needs for recreation. President Merwin hopes all sides will find some benefit after going through such discussions.

President Merwin stated that a full presentation regarding the Ginn Project would be held later in this meeting. Although controversial, he feels this project holds merit and the university's Foundation Board recommended the President continue to pursue this project.

President Merwin announced that Dr. Bob Quatroche, currently Vice President for University Advancement at Indiana State University has agreed to become our new Vice President for Advancement. He will arrive on January 15, 2003. Board members will have an opportunity to meet Dr. Quatroche during a social event on December 11. Dr. Merwin thanked Dr. Tom Healy for serving admirably as Interim Vice President.

President Merwin reported that he has met with faculty in five colleges and the library and those meetings were very helpful in understanding what faculty is accomplishing in our community. He stated that our degree programs in computer technology and public services would be brought before the Board at the December meeting. President Merwin also reported that the NAIA's recent decision prompted our withdrawal from the NAIA and that we would concentrate only on the NCAA. He announced there would be a Faculty Senate Forum on Amendment 11 on Monday, October 14, at 3:30 p.m. in the Sprint Room. Senator Graham and Secretary Horne will present opposing views at that forum. President Merwin stated that Provost Bartel and Ms. Wendy Morris, General Counsel, will report later this meeting regarding collective bargaining at FGCU.

Ms. Morris gave a status report regarding the local level collective bargaining process scheduled to begin in January of 2003. Chairman Lutgert stated that a board workshop would be scheduled in the future regarding his issue.

7. Campus Master Plan – Curtis Bullock, Vice President for Administrative Services, and Jack Fenwick, Director of Facilities Planning

Mr. Curtis Bullock and Mr. Jack Fenwick provided an update regarding the Campus Master Plan for the Board's consideration. Trustee Taylor made a motion to endorse the approved Master Plan. Motion was seconded by Trustee Morton. The Master Plan has been approved by the former Board of Regents and will be brought back to the Board of Trustees as it is expanded in three years. Trustee Taylor withdrew the motion. A motion was made by Trustee Moon to propose that the Board recognize the Master Plan exists and that it may not meet the future needs for growth of the University for future development in the proximity of University. In addition, we would authorize the Administration to explore and develop alternatives to the Master Plan for the Board's consideration in the future. Motion was seconded by Trustee Taylor. Motion carried unanimously.

8. Presentation on Ginn Company Redevelopment Project & Partnership with FGCU – President Bill Merwin, and Richard Woodruff, WilsonMiller Engineering

President Merwin introduced Mr. F. Fred Pezeshkan, Chairman of the Foundation Board, and asked Mr. Pezeshkan to join the Board at the table. President Merwin reviewed the proposed partnership with FGCU and the Ginn Company with Board members. President Merwin introduced Dr. Richard Woodruff representing WilsonMiller Engineering who described in detail the Ginn proposal from a land use perspective. Dr. Woodruff answered questions from the Trustees related to this project. Chairman Lutgert asked Mr. Pezeshkan to report regarding the Foundation Board's action related to the Ginn Project. Mr. Pezeshkan informed the Trustees that on September 18, at the Foundation Board of Directors meeting, the Board unanimously endorsed President Merwin to move ahead with this project. Chairman Lutgert stated he believes it is the responsibility of the Board to give the President some direction regarding this matter. A motion was made by Trustee Morton to urge the President to move forward with this project in an environmentally sensitive manner. Motion seconded by Trustee Taylor. Motion carried with one abstention by Trustee Lester.

9. Consent Agenda

A motion was made by Trustee Taylor to approve the consent agenda. Motion seconded by Trustee Lester. Motion carried unanimously. Dr. Gray-Vickrey requested that the minutes of June 20, 2002 and September 9, 2002 reflect the attendance of the non-voting faculty member at the Board meetings.

The meeting recessed at 12:05 p.m. for lunch

10. Academic/Student/Faculty Affairs Committee Meeting (Includes Public Input) – Committee Chair Renee Lee

Trustee Lee called the Academic/Student/Faculty Affairs Committee to order and turned the meeting over to Provost Bartel. Provost Bartel presented reports regarding three information items:

- Status Report on FGCU Mission Statement
- Peer Institutions
- Presentation on Faculty Appointment and New Faculty Continuing Contract System

11. Finance & Administration Committee Meeting (includes Public Input) – Committee Chair Bernie Lester

Trustee Lester introduced Mr. Curtis Bullock who reviewed the Campus Development Agreement with Lee County. (Appendix A) A motion was made to approve the Campus Development Agreement by Trustee Morton. Motion was seconded by Trustee Moon. Motion carried unanimously.

Trustee Lester introduced the Permanent Rule on Tuition and Fees (Appendix B) for consideration. A motion was made to approve the Permanent Rule on Tuition and Fees by Trustee Morton. Motion was seconded by Trustee Lee. Motion carried unanimously.

Mr. Bullock reviewed the Southern Scholarship Foundation, Inc. Sublease (Appendix C). A motion was made to approve the Sublease by Trustee Morton. Motion was seconded by Chairman Lutgert. Motion carried unanimously.

Mr. Bullock presented the 2003-04 Legislative Budget Request Items for Florida Board of Education's Local Initiatives. (Appendix D) Motion was made by Chairman Lutgert to approve this Budget Request. Motion was seconded by Trustee Moon. Motion carried unanimously.

Mr. Bullock introduced Ms. Linda Ciprich, Inspector General, who outlined the Final Report on Operational Audit.

Mr. Bullock presented an overview of the 2002-03 Operating Budget.

12. Resolution to Florida Board of Education – Chairman Lutgert

Chairman Lutgert stated that at the last Board of Trustees meeting, the Board instructed him to prepare a Resolution for the performance evaluation of President Merwin. On the Board's approval, the Resolution will be sent to the Florida Board of Education Chair Phil Handy, and also Education Secretary Jim

Horne, along with supporting documents including the President's Performance Measures adopted by this Board; a copy of Dr. Koch's report to us, and President Merwin's "report card." A motion was made by Trustee Taylor to approve the Resolution. Motion was seconded by Trustee Lester. Motion carried unanimously.

Trustee Lutgert reported that at the June meeting, President Merwin gave us a "report card" regarding his performance measures. Some of these measures were not dated until the fall semester began, and this information is now available. An updated report card has been provided for the Board's information. President Merwin stated he plans to do the same type of report card for the Board next year as he has this year.

President Merwin reported that the university has made application for the ROTC Program at FGCU to become an affiliate of the University of South Florida's program. We have not heard back yet regarding this request.

Chairman Lutgert announced that we would need to hold a Board meeting in December to address several items. Ms. Evans will poll Board members regarding availability on either December 2 or 3 at 1:00 p.m.

Trustee Hart stated he is concerned about Amendment 11 in that the Board has not taken any action regarding this matter. Trustee Morton moved that the Board of Trustees for Florida Gulf Coast University oppose Amendment 11 because the Amendment would take the control away from local boards and reverses the processes where local communities have a voice in the development of their universities. Motion was seconded by Trustee Cobb. Motion carried unanimously.

Meeting adjourned at 1:55 p.m.



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 BOARD OF TRUSTEES MEETING  
 SPRINT ROOM – FGCU CAMPUS  
 OCTOBER 10, 2002

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APPENDIX

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- C. Southern Scholarship Foundation, inc.
- D. 2003-04 Legislative Budget Request

**Florida Gulf Coast University Board of Trustees  
December 2, 2002**

**SUBJECT: Increase in Student Athletics Fee**

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**PROPOSED BOARD ACTION**

Approve Student Fee Increase Recommendation.

**BACKGROUND INFORMATION**

Florida law requires that increases in university student fees (Activity & Service Fee, Health Fee, and Athletic Fee) be recommended to the University president by a committee of which one-half of its members are students. FGCU has constituted the statutorily required committee, and the committee's recommendation is supported by University President Bill Merwin. In accordance with a 2001-02 legislative mandate capping fees, the total amount of increased student fees for FGCU can be no more than \$1.96 per credit hour. The committee is recommending that the current Athletic Fee be increased by \$1.90 per credit hour, and President Merwin recommends this requested increase.

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**Supporting Documentation Included:** Student Athletics Fee Increase for 2003-04 Summary

**Prepared by:** Dr. Joe Shepard, Dean of Student Affairs, and Carl McAloose, Athletics Director

**Legal Review by:** Wendy Morris, General Counsel (November 18, 2002)

**Submitted by:** Dr. Brad Bartel, Provost

## **Student Athletics Fee Increase for 2003-04**

### **Introduction**

Florida Statute 1009.24(9)(a) requires that any increase in the Activity and Service (A&S) Fee, the Health Services Fee and the Athletic Fee be recommended by a Fee Review Committee, of which at least one half are students. The University President, following consultation with the Student Body President and the Dean of Student Affairs, in order to receive final approval by the Board of Trustees, must support the recommendation of the committee.

In years past, each fee had a separate committee; this year an athletic fee committee evaluated a proposed change and recommended the increase. Last year the Legislature placed a cap on fees for each University, and FGCU's cap allows for a maximum of an additional \$1.96 per credit hour in student fees.

### **Current Fee Information**

The current Athletic Fee is \$9.40 per credit hour. The fee is used to operate and fund athletic services at FGCU including salaries, programs, equipment and supplies. The current \$9.40 fee was increased from \$9.00, effective with the Fall 2002 semester.

### **The Committee**

This year's committee was comprised of three students and two faculty/staff members. The members are:

Anser Pierre-Louis – Student  
Christal Glinka – Student  
Rachel DiSalvo - Student  
Dr. Cecil Carter – Faculty  
Dr. Joe Shepard – Staff

The committee met to discuss the current fee rate, the current estimated enrollment, the estimated enrollment for 2003-2004 and the estimated revenue at the current fee rate and at new possible rates (taking into account a maximum of \$1.96). The committee then discussed this with a wide range of students across campus describing proposed increases with students and obtained feedback.

### **The Proposal**

Upon review of the anticipated expenditures and revenue, the committee unanimously proposes increasing the Athletic Fee \$1.90/credit hour (from \$9.40 to \$11.30) to begin with the Summer 2003 semester. If enrollment projections are accurate this will allow for an approximate increase of nearly \$200,000 for Athletics (over the 2002-03 budget).

(END)

**Florida Gulf Coast University Board of Trustees  
December 2, 2002**

**SUBJECT: FGCU Mission Statement**

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**PROPOSED BOARD ACTION**

Approve FGCU Mission Statement, and FGCU Vision Statement.

**BACKGROUND INFORMATION**

FGCU is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS). All institutions accredited by SACS must have a mission statement that is approved by its governing board (SACS Principles of Accreditation, approved 12/11/01). In March 2002, a Mission Task Force (MTF) was charged with conducting and overseeing activities necessary for the purpose of examining and updating the university's mission statement. All university constituencies were involved in the process, which included three open forums, meetings with numerous university committees, a website for comment collection, and a BOT workshop. The MTF carefully considered contributions and feedback from the university's constituencies and prepared a revised mission statement. FGCU is requesting approval of this revised mission statement. A vision statement was also prepared and is submitted for approval.

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**Supporting Documentation Included:** Proposed Mission Statement

**Prepared by:** Dr. Peg Gray-Vickrey, Chair of Mission Task Force

**Legal Review by:** Wendy Morris, General Counsel (November 18, 2002)

**Submitted by:** Dr. Brad Bartel, Provost

## **FGCU VISION AND MISSION STATEMENTS**

### **VISION**

Florida Gulf Coast University will achieve national prominence in undergraduate education with expanding recognition for selected graduate programs.

### **MISSION**

- Aim**        Established on the verge of the 21<sup>st</sup> century, Florida Gulf Coast University infuses the strengths of the traditional public university with innovation and learning-centered spirit, its chief aim being to fulfill the academic, cultural, social, and career expectations of its constituents.
- Impact**     Outstanding faculty uphold challenging academic standards and balance research, scholarly activities, and service expectations with their central responsibilities of teaching and mentoring. Through these efforts, the faculty and University transform students' lives and the southwest Florida region.
- Values**     Florida Gulf Coast University continuously pursues academic excellence, practices and promotes environmental sustainability, embraces diversity, nurtures community partnerships, values public service, encourages civic responsibility, cultivates habits of lifelong learning, and keeps the advancement of knowledge and pursuit of truth as noble ideals at the heart of the university's purpose.

**Florida Gulf Coast University Board of Trustees  
December 2, 2002**

**SUBJECT: FGCU/ECC Partnership for an FGCU Bachelor of Science in Applied Science with Concentrations in Computer Technology and Public Services Management**

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**PROPOSED BOARD ACTION**

Approve new Bachelor of Science (BS) degree in Applied Science.

**BACKGROUND INFORMATION**

On May 14, 2002, the Florida Board of Education approved funding to support a partnership agreement between FGCU and Edison Community College (ECC), as approved by the Secretary to facilitate the movement from associate in science (AS) degree programs to baccalaureate degree programs. The Florida Department of Education, FGCU, and ECC entered into an agreement, commencing July 1, 2002, identifying mutual expectations and responsibilities relative to accountability, cost, and administrative requirements. The FGCU Board of Trustees approved in concept the initial model of two separate degree programs (BS in Computer Technology and BS in Public Service Management).

Consistent with the terms of the mandate, representatives from FGCU and ECC held discussions to develop appropriate curricula. During discussions, it became apparent that the initial model lacked the flexibility needed to accommodate AS degree holders. As a result, ECC representative Dr. Robert Burns suggested that the BS in Applied Science program, recently implemented at the University of South Florida, serve as a model for the FGCU/ECC agreement. After thorough consideration, FGCU is requesting that a BS in Applied Science with concentrations in Computer Technology and Public Services

(continued)

Management, as described in the Executive Summary, be approved in response to the FGCU/ECC agreement to address the continuing educational needs of AS degree holders.

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**Supporting Documentation Included:** Executive Summary of Degree Program

**Prepared by:** Cathy Duff, Assistant Dean, Planning and Evaluation

**Legal Review by:** Wendy Morris, General Counsel (November 18, 2002)

**Submitted by:** Dr. Brad Bartel, Provost



November 19, 2002

**MEMORANDUM**

**TO:** Renee Lee, Chair  
Academic/Student/Faculty Affairs Committee  
FGCU Board of Trustees

**FROM:** Brad Bartel  
Provost and Vice President for Academic Affairs

**SUBJECT:** Bachelor of Science in Applied Science

The implementation of the Bachelor of Science in Applied Science program with concentrations in Computer Technology and Public Services Management will provide Southwest Florida with a high quality program that is consistent with the university's mission and will serve an identifiable need. The university-wide Undergraduate Curriculum Team has approved the program.

The proposed program is a product of a partnership agreement between FGCU and Edison Community College and is supported by the Florida Board of Education. With respect to cost, the partnership is funded by a grant from the Florida Department of Education. For these reasons, I recommend approval of the Bachelor of Science in Applied Science program.

BB:cmb

# FLORIDA GULF COAST UNIVERSITY

## Executive Summary New Program Proposal

Degree:     **Bachelor of Science (BS)**

Major:     **Applied Science**

Concentrations:     **Computer Technology**  
                              **Public Services Management**

### Program Description:

The proposed Bachelor of Science in Applied Science (BSAS) degree program is the product of a partnership agreement between FGCU and Edison Community College (ECC) to facilitate student movement from associate in science degree programs to baccalaureate degree programs. In May 2002, the Florida Board of Education approved funding to support this agreement. Subsequently, FGCU, ECC, and the Florida Department of Education entered into an agreement identifying mutual expectations and responsibilities relative to accountability, cost, and administration.

The proposed program consists of 120 semester credit hours and includes concentrations specifically designed to address the continuing educational needs of students who have earned associate in science degrees in various disciplines. To be admitted to the BSAS program, a student must have completed a relevant associate in science degree at ECC with a minimum 2.0 grade point average. Associate in science degree coursework will transfer as a block (a maximum of 60 lower division credits) to FGCU. This block transfer applies only to the BSAS degree program. A student admitted to the BSAS program will not be permitted to transfer into another FGCU baccalaureate program without completing the regular admission process.

Students planning to enter the BSAS program will sign a contract that describes coursework and program requirements. In some cases, students may complete a portion of the last 60 hours at a community college; however, all students are expected to satisfy the FGCU requirement of a minimum of 48 hours of upper-level coursework as well as program-specific coursework. Prior approval from the BSAS program advisor is required for deviations from the approved plan of study. The plan of study is based on the assumption that students will have completed 18 hours of appropriate general education coursework as part of the

## Executive Summary: BS in Applied Science

associate in science program. Specific general education courses will vary from program to program and will be noted in the plan of study.

Upon acceptance into the BSAS program, students will complete 60 semester credit hours offered by FGCU including:

- o General education coursework in accordance with the plan of study
- o A concentration in the selected discipline (Computer Technology or Public Services Management)
- o The University Colloquium

BSAS students must also fulfill CLAST (College Level Academic Skills Test), foreign language, and FGCU graduation requirements for the baccalaureate degree.

### Summary of Four-Year Program for the BSAS Degree

ECC General Education	18
ECC Block Credit from Associate in Science	42
FGCU General Education Courses (lower division)	12
FGCU General Education Courses (upper division)	6
FGCU Concentration Courses	39
FGCU University Colloquium	3
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TOTAL Credits for BS in Applied Science	120

Implementation of the program is anticipated for spring 2003.

### Consistency with FGCU's Mission and Strategic Plan:

The proposed program is consistent with the university's mission, which emphasizes the development of undergraduate programs to serve the educational needs of the Southwest Florida region, and the university's strategic plan, which notes that the university will "collaborate actively with community partners to benefit the Southwest Florida region and citizenry" through support for "critical workforce development links between the region's education systems and business/industry."

### Need and Demand:

The BSAS is considered a "capstone" program, primarily intended to assist in job progression rather than initial job qualification. The majority of students interested in this program will have occupational qualifications by virtue of their associate in science degrees, and most will be employed in related areas. Additional specifics relevant to need and demand were previously submitted to the Florida Board of Education and the Florida Department of Education.

Executive Summary: BS in Applied Science

Enrollment Projections:

Specifics relevant to enrollment projections were previously submitted by ECC to the Florida Board of Education and the Florida Department of Education.

Resources:

The agreement is funded by a grant through the Florida Department of Education. In addition to new faculty and courses funded through the grant, the proposed program will utilize existing faculty and coursework.

ITEM: 5

**Florida Gulf Coast University Board of Trustees  
December 2, 2002**

**SUBJECT: New Degree Proposal: Hospitality Management**

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**PROPOSED BOARD ACTION**

Approve new Bachelor of Science (BS) degree in Resort and Hospitality Management.

**BACKGROUND INFORMATION**

FGCU is requesting permission to offer a BS degree in Resort and Hospitality Management as described in the Executive Summary.

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**Supporting Documentation Included:** Executive Summary of Degree Program

**Prepared by:** Cathy Duff, Assistant Dean, Planning and Evaluation

**Legal Review by:** Wendy Morris, General Counsel (November 18, 2002)

**Submitted by:** Dr. Brad Bartel, Provost

November 19, 2002

**MEMORANDUM**

**TO:** Renee Lee, Chair  
Academic/Student/Faculty Affairs Committee  
FGCU Board of Trustees

**FROM:** Brad Bartel  
Provost and Vice President for Academic Affairs

**SUBJECT:** Bachelor of Science in Resort and Hospitality Management

The implementation of the Bachelor of Science (BS) in Resort and Hospitality Management program will provide Southwest Florida with a high quality program that is consistent with the university's mission and will serve an identifiable need. The university-wide Undergraduate Curriculum Team (UCT) has approved the initial structure of the program. Consistent with the regular curricular review process, program and course specifics will be submitted to appropriate faculty committees and the UCT for consideration and approval prior to the program's implementation.

With respect to cost, limited new state resources will be required for implementation, and existing external funding, as well as the prospects for future grant support, are excellent. For these reasons, I recommend approval of the BS in Resort and Hospitality Management program.

BB:cmb

# FLORIDA GULF COAST UNIVERSITY

## Executive Summary New Program Proposal

Degree: **Bachelor of Science (BS)**

Major: **Resort and Hospitality Management**

College: **Professional Studies**

Division: **Resort and Hospitality Management**

### Program Description:

The proposed BS in Resort and Hospitality Management will prepare students for professional careers in all aspects of the resort and hospitality industry including lodging, food and beverage, and club and spa management. The curriculum is uniquely focused on providing students with the technological and leadership skills required by the industry to meet the challenges of the future.

The proposed curriculum consists of 120 credit hours. During the first 60 hours students complete general education and common prerequisite requirements in accordance with state and university guidelines. The program will also include 30-36 hours of core coursework in the Resort and Hospitality Management major including a senior seminar and an internship, electives, and the University Colloquium. Areas of specialization will be developed consistent with future demand and resources.

Implementation of the program is anticipated for fall 2003.

### Consistency with FGCU's Mission and Strategic Plan:

The proposed program is consistent with the university's mission, which emphasizes the development of undergraduate programs to serve the educational needs of the Southwest Florida region, and the university's strategic plan, which notes that the university will "collaborate actively with community partners to benefit the Southwest Florida region and citizenry" through support for "critical workforce development links between the region's education systems and business/industry." The proposed program was developed with the support and guidance of leaders from the hospitality industry in southwest Florida and addresses an identified need in the region. Students will participate in

## Executive Summary: Resort and Hospitality Management

community-based internships. Additional opportunities for community collaboration will be sought and developed as appropriate.

### Need and Demand:

According to Naples-based Research Data Services Inc., resort and tourism is the number one industry in both the Southwest Florida region and the United States as a whole. The resort and tourism industry's current rate of growth is unmatched by any other field. Qualified managers are in high demand locally as well as nationally, with approximately 70,000 people employed in the industry in Lee and Collier counties alone. A broad range of managerial positions are readily available in hotels, resorts, clubs, restaurants, and golf and tennis facilities. Managerial positions are also available in spa facilities, which are experiencing phenomenal growth.

Leaders from the resort and hospitality industry have approached university officials, including President Merwin, regarding the critical need for individuals with a baccalaureate education in the field and the potential for developing an appropriate degree program offered locally. Currently a student must leave the area to earn a baccalaureate degree in the field, and local businesses are forced to recruit from outside of the region. Many of the students who leave the area to further their educations do not return.

Approximately a year and a half ago the university formed a Resort and Hospitality Advisory Board as a mechanism for communicating with industry leaders regarding the development and implementation of a baccalaureate program. To date, over forty industry leaders from the Southwest Florida have actively participated in this process.

Naples philanthropists Herbert and Margaret Sugden provided the university \$5 million to jump-start the program. This major gift, to be matched by the state of Florida, will cover start-up costs as well as a state-of-the-art Resort and Hospitality building and learning lab to physically house the program.

### Enrollment Projections:

Enrollment projections for the proposed program are based on the industry projections and needs as expressed by the leaders throughout Southwest Florida. Based on this information, it is estimated that approximately 300 to 400 students will be enrolled in the program by the third year of operation.

### Resources:

The university currently has \$800,000 in start-up funds from the Sugden gift. These funds will provide a director, staff, and three faculty as well as library resources for the initial start-up period. Another \$800,000 currently being raised



## Executive Summary: Resort and Hospitality Management

though the coordinated efforts of the university's foundation and industry leaders will supplement the existing foundation funds. These amounts will provide operational funding for a full four-year period. After that time, it is anticipated that the program will generate sufficient FTE to fully support itself and possibility support other endeavors.

With the broad-based industry support that is already evident, it is anticipated that continued external support will provide scholarships, paid internships, and endowed professorships.

**Florida Gulf Coast University Board of Trustees  
December 2, 2002**

**SUBJECT: New Degree Proposal: Biotechnology**

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**PROPOSED BOARD ACTION**

Approve new Bachelor of Science (BS) degree in Biotechnology.

**BACKGROUND INFORMATION**

FGCU is requesting permission to offer a BS degree in Biotechnology as described in the Executive Summary.

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**Supporting Documentation Included:** Executive Summary of Degree Program

**Prepared by:** Cathy Duff, Assistant Dean, Planning and Evaluation

**Legal Review by:** Wendy Morris, General Counsel (November 18, 2002)

**Submitted by:** Dr. Brad Bartel, Provost

November 19, 2002

**MEMORANDUM**

**TO:** Renee Lee, Chair  
Academic/Student/Faculty Affairs Committee  
FGCU Board of Trustees

**FROM:** Brad Bartel  
Provost and Vice President for Academic Affairs

**SUBJECT:** Bachelor of Science in Biotechnology

The implementation of the Bachelor of Science (BS) in Biotechnology program will provide Southwest Florida with a high quality program that is consistent with the university's mission and will serve an identifiable need. The university-wide Undergraduate Curriculum Team (UCT) has approved the initial structure of the program. Consistent with the regular curriculum review process, program and course specifics will be submitted to appropriate faculty committees and the UCT for consideration and approval prior to the program's implementation.

With respect to cost, limited new state resources will be required for implementation, and existing external funding, as well as the prospects for future grant support, are excellent. For these reasons, I recommend approval of the BS in Biotechnology program.

BB:cmb

# FLORIDA GULF COAST UNIVERSITY

## Executive Summary New Program Proposal

Degree:     **Bachelor of Science (BS)**

Major:     **Biotechnology**

College:   **Arts and Sciences**

Division:  **Science and Mathematics**

### Program Description:

Biotechnology is often defined as the use of living organisms or their products for the purpose of enhancing human health and improving the environment. This broad definition served as the basis for the development of the proposed baccalaureate program in biotechnology. The proposed program will prepare students for (a) graduate study in scientific fields including biotechnology; (b) professional study in medical, dental, veterinary, or pharmacy schools; or (c) employment in industrial, academic, or governmental laboratories.

The proposed curriculum consists of 120 credit hours. During the first 60 hours, students complete general education and common prerequisite requirements in accordance with state and university guidelines. The program also includes 29 hours of core coursework in the Biotechnology major including a research component, electives in the major, 12 hours in the Collegium of Integrated Learning, and the University Colloquium.

The curriculum emphasizes hands-on learning and provides undergraduate research experience. The core coursework in the major emphasizes living organisms at the cellular and molecular level. The electives provide opportunities for acquiring knowledge of organisms at the organismal level and for understanding the relationships between organisms and their environments. Students will also learn how to apply biological knowledge to solve current problems in fields such as agriculture, medicine, and environmental and marine sciences.

Implementation of the program is anticipated for fall 2003.

## Executive Summary: Biotechnology

### Consistency with FGCU's Mission and Strategic Plan:

The university's mission emphasizes undergraduate education utilizing cutting-edge technological tools and innovations in pedagogy in an active, learning-centered environment. The strategic plan calls for active collaboration with community partners to benefit the Southwest Florida region and citizenry.

The proposed program is consistent with both the mission and strategic plan. The program will provide hands-on activities in scientific processes and methodologies. In addition, the program will emphasize undergraduate research and connect science research efforts directly to the curriculum. The university has the potential of becoming the central hub of intellectual activity in Southwest Florida. The Whitaker Center facilities are designed to facilitate dissemination of scientific information. The proposed Biotechnology program and collaborative interactions with biotechnology industries could serve as the nucleus for increased growth and development in Southwest Florida.

### Need and Demand:

A baccalaureate degree program in biotechnology is not presently available at any public or private institution of higher education within the state of Florida.

Biotechnology is a burgeoning national enterprise. In many ways, the field of biotechnology resembles the emergence and growth of computer technologies during the 1980s. Corporations such as Monsanto have made large investments in this field and have, over the past decade, moved away from bulk agro-business chemical production to the field biotechnology. The following are example of activities within the field of biotechnology:

- o Biomedical: Over the past twenty years, the pharmaceutical industry has become increasingly aware of the potential for genetically manipulating microorganisms to produce desirable pharmaceuticals. An early success was the production of human insulin for diabetics, a replacement product for pig insulin. A wave of human hormones followed. Most biomedical scientists agree that many of the roles that chemistry fulfilled in the introduction of new pharmaceutical compounds (which have traditionally been synthesized artificially) will be taken over by synthesis in genetically engineered microbes.
- o Agriculture & Plant Science: Examples of success in this area include (a) tomatoes that ripen naturally but do not become soft; (b) disease-resistant strains of yams that greatly increase yields in virus infected soils; and (c) "golden rice" which supplies beta-carotene, a precursor to vitamin A. Locally, a citrus variety resistant to canker but retaining high fruit yield is being investigated.

## Executive Summary: Biotechnology

- o Environmental & Marine: Examples of developments in this area include (a) oil-consuming bacteria capable of bio-remediation of contaminated soils; (b) corn containing an endogenous pesticide that needs minimal spraying; and (c) “self fertilizing” plants that borrow the ability of other plants to fix nitrogen and reduce the need for fertilizers. Many new pharmaceuticals are being discovered in marine organisms. These organisms elaborate a wide variety of molecules including toxins and antibiotics that can be adapted for use in medicine. Synthesis of fats by micro-algae is being investigated as a source of biodiesel, a combustible fuel with very benign effects upon the aquatic environment.

Nationally, there is high demand for students with knowledge and practical training in biotechnology. Program graduates will be employable in multitude of medical school research laboratories that are funded primarily by the National Institutes of Health (NIH). Graduates could also seek employment in biotechnology laboratories at research universities working in plant, marine or environmental fields; in laboratories of federal agencies, such as the NIH or the United States Department of Agriculture; and at large biotechnology companies throughout the United States.

A research park is slated for construction in Lee County near the FGCU campus. Neogenomics, a clinical lab assay company, plans to move to the park as soon as possible. This and other biotechnology companies drawn to the area by the research park will be potential employers for program graduates.

In the environmental area, the anticipated \$8 billion expenditure for Everglades restoration involving the EPA, state environmental agencies, and private sub-contractors will likely generate employment opportunities for program graduates. In the agricultural field, the Institute of Food and Agricultural Sciences based in nearby Immokalee and several USDA laboratories in Florida will also have a local need for biotech graduates conversant with the new technology.

### Enrollment Projections:

Enrollment projections are based student enrollment numbers in other programs at FGCU and on the growth rate of the university. It is estimated that enrollment in the first year will be 12 students (11 FTE), increasing to 60 students (55 FTE) in five years. In the first year, the majority of students in the program will be students currently enrolled in related programs at FGCU, such as the BA Liberal Studies-Biology program or the BS Clinical Laboratory Science program. Although the number of students enrolled as freshman is expected to increase in subsequent years, the rigorous nature of the program may limit large enrollments. It is anticipated that the majority of students in the program will enroll on a full-time basis.

## Executive Summary: Biotechnology

### Resources:

The FGCU programs in the sciences and mathematics are rapidly growing both in size and strength. Whitaker Hall, completed in December 2000, provided additional on-campus classroom, office, meeting, and research space. Current faculty in the College of Arts and Sciences will support the Biotechnology program. Funds provided by the Whitaker foundation will permit hiring of additional faculty to support the proposed program. This cluster of faculty in biotechnology has the potential of developing a program that will attain national recognition within a decade.

**Florida Gulf Coast University Board of Trustees  
December 2, 2002**

**SUBJECT: Signature Authority for Checks**

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**PROPOSED BOARD ACTION**

Approve authorization to sign checks to pay the University's legal obligations.

**BACKGROUND INFORMATION**

Section 1011.42(7), Florida Statutes, effective January 7, 2003, requires that the Florida Gulf Coast University Board of Trustees "specifically designate and spread upon the minutes of the board the legal name and position title of any university employee authorized to sign checks to pay legal obligations of the university." Accordingly, the Board of Trustees hereby authorizes the following university employees to sign checks to pay legal obligations of Florida Gulf Coast University:

<u>NAME</u>	<u>POSITION HELD</u>
William C. Merwin	President
Curtis Bullock	Vice President, Administrative Services

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**Supporting Documentation Included:** None

**Prepared by:** Wendy Morris, General Counsel

**Submitted by:** Curtis Bullock, Vice President for Administrative Services



**Florida Gulf Coast University Board of Trustees  
December 2, 2002**

**SUBJECT: Transition from Florida Accounting Information System  
(FLAIR) to the University Accounting System**

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**PROPOSED BOARD ACTION**

Approval.

**BACKGROUND INFORMATION**

Due to the changes in higher education governance and Florida Gulf Coast University's new status as a public corporation, the University will be required to manage its finances directly, and no longer will its funds be maintained in the state treasury. In addition to securing banking services, the university is required to obtain and implement computer systems to perform essential financial operations.

Section 1011.4105, Florida Statutes requires state universities to submit a transition plan to the State Board of Education for approval. Once approved, the plan must be forwarded to the Executive Office of the Governor and the Chairs of the Appropriations Committees of the Senate and House of Representatives.

The plan must be developed in cooperation with the State Comptroller (Chief Financial Officer). The plan must be submitted to the State Comptroller by January 2, 2003, in order to provide sufficient time for their review and preparation of additional documentation. The plan and documentation from the State Comptroller indicating their concurrence must be received by the Division of Colleges and Universities no later than March 3, 2003.

We are requesting the Board of Trustees' approval of FGCU's Initial Transition Plan, to be submitted to the State Comptroller for their review and subsequent submission to the Board of Education.

(continued)

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**Supporting Documentation Included:** (1) FGCU Transition Plan, and (2) Memorandum dated September 16, 2002 from Chancellor Blackwell.

**Prepared by:** Curtis Bullock, Vice President for Administrative Services

**Legal Review by:** Wendy Morris, General Counsel (November 18, 2002)

**Submitted by:** Curtis Bullock, Vice President for Administrative Services

# **Florida Gulf Coast University Financial Management System Implementation/Transition Plan**

## **Executive Summary**

Florida Gulf Coast University (FGCU) intends to discontinue the use of the Florida Accounting Information Resource (FLAIR) system on July 1, 2003; furthermore FGCU plans to assume payroll functions for its employees that are currently provided by the Florida Bureau of State Payroll (BOSP) on January 1, 2004.

FGCU has received authorization to pursue this course of action, and now seeks approval from the University Board of Trustees (UBOT), the Florida State Comptroller, and the Florida Department of Education for its plan to transition services to new accounting and human resource systems.

In April 2002 FGCU purchased the Systems & Computer Technology Corporation (SCT) Banner Finance and Human Resource systems, which will be integrated with the Banner Student and Financial Aid systems already in place. In addition, FGCU has contracted with SCT to provide consulting, project management, software implementation and training services. Together, FGCU and SCT have developed a detailed plan for transition to the new SCT systems, and their integration with the existing SCT modules already being used. Detailed project planning began in May 2002. Software implementation, and training began in the second quarter of 2002.

To date, FGCU has completed the construction of a detailed Project Definition Document, and a schedule for training and implementation. A project team has been formed and is meeting regularly to coordinate activities, monitor progress, and make adjustments to the plan when necessary. Training is underway and a detailed list of tasks has been constructed. Funding for the project has been identified. Plans for testing and certification of the new systems are being developed in cooperation with the State University System (SUS) Transition Task Force and the University Inspector General.

Additionally, FGCU is actively participating with the SUS Transition Task Force and other universities and community colleges in the state to maximize the potential benefits of sharing with each other our experiences and accomplishments with the new system.

## **Authorization**

On August 28, 2001, the Florida Financial Management board delegated to the Florida Financial Management Information Systems (FFMIS) Coordinating Council the authority to grant exceptions to the statutory requirement that state agencies utilize the common accounting subsystem, FLAIR [F.S. 215.93(2)], thereby allowing state universities to acquire and implement new financial management systems to replace the FLAIR system. On January 7, 2002 FFMIS approved a motion granting this exception to FGCU.

On May 16, 2002, Florida Senate Bill 20E was signed into law. This law extensively restructured the Florida School Code and established the process by which each state university was to move off the FLAIR financial system. Provisions of this law include a mandate that universities must discontinue use of FLAIR by July 1, 2004 for financial functions and January 1, 2005 for payroll functions.

The new statute requires that the university obtain Florida Board of Education (FBOE) approval for detailed plans to transition from the FLAIR system to their own financial management system. This transition plan must be developed in cooperation with the State Comptroller. FGCU will submit its plan to the State Comptroller on January 2, 2003 for their review and approval, and subsequently to the FBOE by March 3, 2003. Upon their approval, the FBOE will submit the plan to the Executive Office of the Governor and the Chairs of the Appropriations Committees of the House and Senate informing them of the effective date.

## **System Selection**

The university began planning for these changes early this year, by investigating several providers of accounting and human resource software. During this process, it became clear that the university would benefit from an Enterprise Resource Planning system, in which the new financial and human resource systems could be closely integrated with the student and financial aid systems already in place.

Accordingly, FGCU sought and obtained sole source certification to license the Systems & Computer Technology Corporation (SCT) Banner Finance and Human Resource systems, which belong to the same product line as the Banner Student and Financial Aid systems already being used successfully at the university. In April 2002, the FGCU contracted with SCT for the purchase of the software and implementation services.

FGCU has extended its contract with the Central Florida Regional Data Center for additional services during the implementation period, and for continuing system services and support for the completed Banner system. The operation of these systems at the

Central Florida Regional Data Center at the University of South Florida has provided excellent service and the university will build upon this successful arrangement, adding the SCT Banner Financial and Human Resources products to the current installation.

## **Benefits**

The new SCT systems will not only provide the functions necessary for the university to manage its own finances , but will also help to enhance many of its services. These opportunities for enhancement are included in the university plan, and include:

1. Increased productivity through an integrated administrative database with a familiar and consistent user interface.
2. Reduction of duplicate data entry into multiple information systems.
3. Streamlining of business practices with paperless workflow
4. Availability of real time, on-line financial, payroll and human resources data
5. Ability to produce accounts payable and payroll checks and complete transactional processing locally without utilizing state resources
6. Improved customer service, especially secure, web-based self-service options to the entire campus community
7. Simplified, customized data reporting capabilities that can combine student, financial aid, employee and financial data.
8. Improved processes for budget planning and monitoring
9. Simplified reporting of data pursuant to FS 1011.90(4), including, but not limited to operating budgets, expenditure analysis, salary category detail and GASB 34/35 compliant financial statements

An important reason for FGCU's choice to move to the Banner products was that FGCU already successfully uses the SCT Banner Student and Financial Aid systems and there are many benefits that an integrated Enterprise Resource Planning system can provide to the university.

## **Project Definition and Goals**

SCT consultants have assisted the university in the preparation of a Project Definition Document. Executive leadership has approved this document and the plan it outlines for the implementation of the new systems.

The project definition identifies the major goals of the project:

1. To implement the SCT Banner Finance, Payroll, and Human Resources products in a fashion that ensures current services and functions provided

- by the FLAIR system and Bureau of State Payroll are not interrupted.
2. To coordinate the installation of the SCT Banner Finance, and Human Resources systems with the existing Banner Student and Financial Aid systems to minimize any negative impact on existing business procedures.
  3. To complete the Banner Finance implementation by July 1, 2003 and the Banner Payroll and Human Resources implementation by January 1, 2004.
  4. To complete the project in coordination with the State Comptroller's Office and other State Agencies and with the approval of the Florida Gulf Coast University Board of Trustees and the Florida Board of Education.

## **Project Organization**

The project definition also describes the organization of university personnel during the implementation period. For the duration of the implementation project, a Finance/Human Resources Implementation Committee has been established and charged with:

1. Creation and monitoring of the project schedule and prioritization of project tasks.
2. In consultation with both internal and external stakeholders, ensuring that best practices are followed and concerns are addressed.
3. Coordinating activities for the primary departments involved in implementation.
4. Development of any new policies or procedures that are required
5. Ensuring that system functions are thoroughly tested and validated

This Project Manager and the implementation committee will maintain the project schedule and monitor progress during the configuration, testing, implementation, training, and support phases of the tasks listed in the detailed project plan. As the project progresses, departments will receive assistance in revising their business processes to fully utilize the advanced features of the new systems.

Once implementation is complete, management of the Banner system will become a university-wide responsibility. To achieve the high level of coordination required, the President has established the Banner Systems Coordinating Committee to oversee the operation and performance of the integrated system. This standing committee will include representation from all offices that are stakeholders in the successful operation of the Banner system. The committee will develop policy, review and prioritize requests for development, and will identify resource issues and submit recommendations for resource commitments to the university leadership.

## **Project Scope**

The project definition describes the scope, boundaries and limits of the project. FGCU will be utilizing the resources of SCT and CFRDC in addition to its own staff to accomplish the tasks included in the project's scope.

The SCT products being implemented include systems that will allow the university to perform the common tasks associated with the following areas:

### Finance

1. General Ledger
2. Purchasing and P-Card
3. Receiving
4. Accounts Payable
5. Contracts and Grants
6. Fixed Assets Management
7. Budget Development

### Human Resources / Payroll

8. Employment Administration
9. Compensation Administration
10. Position Control
11. Payroll Processing
12. Web Self Service

In addition to these functional systems, FGCU's project scope also includes the following tasks common to both the Finance and Human Resources/Payroll implementations:

1. Project planning and management
2. Technical training and support
3. User training and support
4. Software installation and maintenance
5. Business process analysis, review, and improvement
6. Data conversion
7. Construction of data interfaces
8. Construction of reports pursuant to FS 1011.90(4), including, but not limited to operating budgets, expenditure analysis, salary category detail and GASB 34/35 compliant financial statements
9. Testing
10. Policy development

## Project Milestones

Implementation will occur in two overlapping phases, with the Finance modules being implemented and tested between August 2002 and July 2003 and the Human Resources modules being implemented and tested between November 2003 and December 2003.

For a period of six months, from July 2003 until January 2004, FGCU will run payroll using the BOSP system while posting the necessary accounting entries to the Banner general ledger. A detailed plan for implementing this transition process has already been constructed.

<b>Milestone</b>	<b>Date</b>
<b>Project Started</b>	April 1, 2002
<b>Project Definition Approved</b>	June 1, 2002
<b>Software Installation</b>	
Banner Finance and Human Resources systems installed in training system.	June 1, 2002
Banner Finance and Human Resources systems installed in test system.	November 1, 2002
Banner Finance and Human Resources systems installed in production system.	February 1, 2003
<b>Banner Finance Modules</b>	
Project Schedule Completed	July 1, 2002
Training Started	mid-August 2002
Finance Go-Live	July 1, 2003
<b>Banner Human Resources and Payroll Modules</b>	
Project Schedule Completed	July 1, 2002
Training Started	mid-November 2002
Payroll / Human Resources Go-Live	January 1, 2004
<b>Project Closeout Completed</b>	February 1, 2004



## Training

In contracting with SCT, FGCU decided to utilize a “TRAIN THE TRAINER” implementation strategy. This strategy calls for FGCU staff to outline current business practices and protocols, allowing SCT consultants to aid in the system configuration. This methodology is designed to ensure that staff members become experts in the use of the system, qualified to train other staff members, and able to provide expert advice to the university community in the ongoing use of the system. This strategy is designed to maximize the usefulness of the software to the university and reduce future consulting and training costs.

It should be noted that, because FGCU is already using the SCT Banner product, considerable savings of time effort, and money will be realized due to the reduced number of technical training hours required. Most of the technical training provided is related to data conversion, reporting and systems integration.

The project schedule includes 1500 person-hours of SCT training to FGCU staff, broken down as follows:

<b>Technical</b>	<b>84 person-hours</b>
<b>Finance</b>	<b>684 person-hours</b>
<b>Human Resources</b>	<b>532 person-hours</b>
<b>Self-Service Modules</b>	<b>200 person-hours</b>

## Testing and Certification

Testing the SCT Banner product occurs as each module is implemented, and the project plan includes extensive testing to ensure that the system is properly configured and functioning correctly. Testing is designed and performed with trained SCT staff members on-hand. When it is feasible to do so, systems will be tested in parallel with the FLAIR and BOSP systems. The SUS Transition Task Force is developing guidelines for testing, and have suggested the following types of tests to ensure the accurate classification/recording of data in the new system:

- Similar transactions input simultaneously to subsidiary accounts in the new system and FLAIR, such as accounts receivable, accounts payable, and encumbrances, and the totals checked for consistency.
- Within selected units duplicate disbursements will be entered into the new system and FLAIR and checked for consistency.

- Produce reports required on a statewide level from the new system and certify the results are the same as would be obtained from FLAIR.
- Run a simulated monthly and yearly closing.
- Develop a stress test in the new system. Process a similar number of transactions in a given time as is currently handled in FLAIR.

Plans for testing will continue to be developed in conjunction with the SUS Transition Task Force.

The University Inspector General shall certify that appropriate audit and internal controls are or will be in place to enable the university to satisfactorily and timely perform all accounting and reporting functions required by State and Federal law and rules of the State Board of Education.

### **Acquisition and Implementation Funding**

The system software was purchased for \$177,450. The university contracted with SCT Corporation for implementation services, training, and project management in the amount of \$456,200, to be paid over four years. The university contract with SCT for maintenance and technical currency of the Student and Financial Aid systems will increase by \$27,150 per year for similar support of the Finance and Human Resource systems.

Additional computing services and support provided by the Central Florida Regional Data Center will increase the amount of the annual contract by \$200,000 in 2002-03, and by \$135,000 per year in subsequent years.

Funding for the software, training, and support costs is obtained from state funds.

### **Coordination With State Agencies**

FGCU is participating with the State University System (SUS) Transition Task Force to ensure that the new systems will be sufficiently tested and there will be a smooth transition of services currently provided by state agencies to the university. The Transition Teams include representation of the State Universities, State Comptroller's Office, State Treasurer and the Division of Colleges and Universities. The teams meet on a regular basis to discuss procedural and technical aspects of the devolution of authority to the universities. As the details of the process of devolution are worked out, the universities can address specific issues and develop procedures to affect the transfer. The primary issues concern the coordination of activities between the universities and the State Comptroller's Office, including the posting of releases; the transfer of end-of-year balances; the investment of

cash by the State Treasurer's Office; and insurance payments to Division of State Group Insurance.

The universities will transition from FLAIR at the beginning of the fiscal year, July 1, but will continue to process payroll through Bureau of State Payroll until the beginning of the next calendar year. This has created the need for supplemental procedures and additional coordination during this six-month transition period, and plans for this have been developed with help from a SUS Payroll Devolution Team.

As issues are identified and resolved, the university will incorporate any new procedural requirements in the revision of its business processes and modify the implementation plan to include additional development, testing, training, and support.

### **Coordination With Other State Universities and Community Colleges**

Florida Gulf Coast University, Florida Atlantic University, the University of North Florida, and New College of Florida have formed an informal group that meets regularly to share our problems, discuss issues and work towards common solutions. We believe that by sharing our experiences and accomplishments, we will achieve greater success than is possible alone.



20-00-02 90135 1N

**DIVISION OF COLLEGES & UNIVERSITIES**  
Florida Board of Education

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September 16, 2002

TO: University Presidents

FROM: Carl W. Blackwell *C. W. Blackwell*

SUBJECT: Transition from State Accounting System (FLAIR) to University Accounting

Section 1011.4105, Florida Statutes requires state universities to submit a transition plan to the State Board of Education for approval. Once approved, the plan must be forwarded to the Executive Office of the Governor and the Chairs of the Appropriations Committees of the Senate and House of Representatives.

University detailed plans for transitions from FLAIR must be developed in cooperation with the State Comptroller (Chief Financial Officer). In addition, the plan must include, at a minimum, the actions necessary for the transition, timelines for completion of the actions, and target dates for the implementation and testing of parallel systems that include appropriate audit and internal controls. Attachment I provides a list of the minimum information required that will be used as a check list. In addition, a narrative should be included summarizing the process and workplan utilized by the institution. A phased-in or several step approval may be necessary since certain phases may not be completed at the time of the initial approval (i.e., parallel testing). The rationale for this is to allow universities the opportunity to get tentative approval early in the process.

Section 1011.90(4), Florida Statutes, requires the universities to prepare the expenditure analysis, operating budgets, and annual financial statements using the same formats used for the 2000-2001 fiscal year and further requires the State Board of Education "to continue to collect and maintain at a minimum the same management information databases existing on June 30, 2002". In order to meet these requirements, you must generate files that mirror the current operating budget, expenditure analysis, salary category detail file, and financial statements. The formats should include the changes in financial statements for GASB 34/35 compliance.

To ensure proper review, university detailed plans must be received by the Division of Colleges and Universities no later than March 3, 2003, for universities anticipating to transition July 1, 2003. Documentation from the State Comptroller (Chief Financial Officer) indicating their concurrence must also be included with the university plan.

University Presidents  
September 16, 2002  
Page 2

Those universities planning to transition after July 1, 2003, must submit a timeline plan which establishes a deadline for completing the transition from FLAIR in accordance with section 1011.4105(4) and (5), Florida Statutes. These plans are also due by March 3, 2003. For these universities, detailed plans will be required as mentioned above with similar due dates for the year in which you plan to transition. While this plan will not be a detailed plan, it should discuss your current status and approach to meeting your timeline.

The detailed plans pursuant to section 1011.4105 for those universities planning to transition on July 1, 2003 as well as university timeline plans pursuant to section 1011.4105(4) must be sent to the State Comptroller (Chief Financial Officer) no later than January 2, 2003 in order ensure an adequate period for consultation with the State Comptroller (Chief Financial Officer). In order to accommodate the January deadline, if university board of trustee approval is pending, please indicate in the plan the date the plan will be presented to the university board. University Boards of Trustee approval must be obtained prior to the Florida Board of Education's approval. Any changes to your plans should be submitted to the Chancellor and to the State Comptroller (Chief Financial Officer).

In short, every university must submit a plan no later than March 3, 2003 to the Division of Colleges and Universities. A detailed plan is required if you plan to transition on July 1, 2003. A less detailed timeline plan must be completed for those universities planning to transition after July 1, 2003. If you have questions, please call me at (850) 201-7100, SUNCOM 213-7100.

CWB/dab

Attachment

c: Secretary Horne  
Members, Council of Academic Vice Presidents  
Members, Council of Administrative Financial Affairs  
University Budget Officers  
University Controllers  
Data Administrators  
Linda Collins  
Doug Darling  
John Newman  
Wayne Pierson  
Annie Rosier



**Florida Gulf Coast University Board of Trustees  
December 2, 2002**

**SUBJECT:** Legislative Request for the 2003 Session of the Florida  
Legislature

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**PROPOSED BOARD ACTION**

Approve FGCU's Legislative Agenda.

**BACKGROUND INFORMATION**

Each year, FGCU prepares a list of requested items for submission to the local legislative delegations of Southwest Florida and the leadership of the Florida Senate and House.

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**Supporting Documentation Included:** Florida Gulf Coast University 2003-04  
Legislative Agenda

**Prepared by:** Dr. Tom Healy, Assistant to the President for Government  
Relations

**Legal Review by:** Wendy Morris, General Counsel (November 18, 2002)

**Submitted by:** Dr. Tom Healy, Assistant to the President for Government  
Relations

# Florida Gulf Coast University

## 2003 Legislative Agenda

### **I. Enrollment Growth Funding**

Florida Gulf Coast University (FGCU) is experiencing rapid enrollment growth having increased its full-time equivalent (FTE) enrollment from 1,946 FTE in 2000-01 to a projected 2,911 FTE this year. The percentage of increase in FTE was 23% last year and 21% this academic year.

FGCU's enrollment target for 2003-04 is 3,300 FTE or an increase of 13.4%.

FGCU's current budget is funded at 2,521 FTE or 779 less than the 2003-04 target. By prior agreement, Florida Gulf Coast University is not scheduled to receive enrollment growth dollars until it achieves 2,711 FTE. Adjusting the 779 FTE by a reduction of 190 FTE (2,711- 2,521) results in enrollment growth funding being requested for 589 additional FTE or an estimated \$6,930,108.

### **II. Public Education Capital Outlay (PECO) Funding**

The significant enrollment increases of 23% and 21% experienced over the last two years have caused a critical shortage of classrooms and office space for new faculty on the campus. With a large growth rate projected for the next decade and beyond, the need to construct new buildings on the campus is on-going. The PECO request for the 2003 Session of the Florida Legislature follows:

- |   |              |
|---|--------------|
| • Library Addition<br>(Construction and Equipment)              | \$ 1,500,000 |
| • Academic V Classroom Building<br>(Construction and Equipment) | \$ 500,000   |
| • Roads, Parking and/or Mitigation                              | \$ 469,380   |
| • Academic VI Classroom Building<br>(Planning)                  | \$ 687,000   |



**III. Courtelis State University System Facility Enhancement Challenge Grant Program**

The resort and hospitality industry in Lee and Collier counties accounts for 40% of the local economy, a figure near \$2 billion, yet no programs to train middle and upper level managers exist in our service area.

Area resorts and hotels must now recruit all of their middle and upper level management personnel from programs elsewhere in Florida and around the nation. At the request of industry leaders in Southwest Florida, areas of emphasis in tennis, golf and spa management will be added to the general hospitality and management curriculum.

Thanks to a \$5 million gift from Herbert and Margaret Sugden, FGCU is requesting \$4.2 million in state matching dollars to fund a state-of-the-art facility to house the Resort and Hospitality Management programs. The additional \$800,000 will be used for start-up costs.

- Resort and Hospitality Management Classroom Building \$ 4,200,000  
(Planning, Construction and Equipment)

**IV. Bonding Authority for Student Housing and Parking**

Over the brief five-year history of FGCU, on-campus student housing has been filled to capacity. During the last two years, FGCU has added 600 beds and is currently beginning construction of an additional 300 beds. These additional units have not adequately met student demand and waiting lists of 100 to 200 have been the norm.

The updated FGCU Master Plan recommended building more vertical structures in order to conserve scarce buildable land on campus. Hence, Florida Gulf Coast University requests authorization to construct the following projects financed from revenue bonds:

- Phase VI of FGCU Student Housing \$25,000,000  
(600 Beds and 500 Car Parking Garage)
- Parking Garage for Main Campus \$ 6,000,000  
(500 Spaces)

**V. Bonding of Lottery Funds to Finance the Major Gifts Program**

The State of Florida is nationally known for its very successful matching gifts program that encourages individuals and corporations to make private gifts for the purpose of enhancing our state universities. Florida Gulf Coast University asks for

continued support of this important incentive program realizing that changes in funding levels may be required.

There is currently a backlog of donations already received at the eleven state universities awaiting a state match of more than \$100 million. FGCU has a total of six gifts on the waiting list, which are eligible for a state match of \$820,000.

The FGCU Board of Trustees, Foundation Board and President along with their counterparts at the other ten state universities endorse a plan to secure a \$150 million 20-year bond issue (\$125 million anticipated for state universities by end of year and \$25 million for Florida's community colleges). The proposal would require carrying costs of approximately \$8 million annually to be appropriated off the top of Florida's Lottery Fund.

**VI. Authorization to offer a Bachelor's Degree which results in State Certification as an Athletic Trainer.**

The Florida Gulf Coast University Board of Trustees at its June, 2002 meeting, authorized the Department of Physical Therapy to offer a Bachelor of Science degree in Human Performance. One area of concentration under this degree is Athletic Training. Graduates receiving this degree must pass a state licensure exam, hence the program must be authorized by the Florida Legislature. Nationally, the need for athletic trainers is projected to increase 10-20% annually for the next ten years. In addition, a severe shortage of athletic trainers currently exists at the high school level throughout Florida.

**VII. Authorization to Establish a Development Research (Laboratory) School**

One of Florida Gulf Coast University's major goals is to join with the K-12 schools of Southwest Florida in developing a seamless K-20 educational experience that will be a national model program. Utilizing 75 acres of donated land near the University, FGCU wants to develop a K-12 Developmental Research (Laboratory) School and co-locate it with the College of Education such that a student will be able to enter the school at the Kindergarten level and eventually earn degrees up through a Ph.D. in academic areas related to the training of educational professionals.

FGCU seeks authorization under Florida Statute 1002.32(2) to operate and receive state funding as a sponsor of a Developmental Research (Laboratory) School.

**VIII. Naming of University Buildings**

Florida Statute 267.062 requires Legislative approval to name a state building after a living person(s). Thanks to the generosity of two Southwest Florida families, FGCU is requesting Legislation to name the Kleist Health Education Center in honor of

Dr. Peter D. and Eleanor A. Kleist and Sugden Hall (Resort and Hospitality Management Building) in honor of Herbert J. and Margaret S. Sugden.

**Florida Gulf Coast University**  
**November 12, 2002**

**Florida Gulf Coast University Board of Trustees  
December 2, 2002**

**SUBJECT: President's Employment Contract**

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**PROPOSED BOARD ACTION**

Approve president's employment contract.

**BACKGROUND INFORMATION**

University boards of trustees are authorized to fix the compensation and other conditions of employment for the university president, as set forth in 229.0081(2)(b) FS. With the Florida Legislature's school code rewrite during the 2002 legislative session, this authority for university boards of trustees is contained in 1001.74(19) FS.

The Florida Gulf Coast University Board of Trustees conducted a performance evaluation of FGCU President Bill Merwin in regular session on June 20, 2002, and Board Chair Scott Lutgert designated Finance & Administration Committee Chair Bernie Lester to negotiate employment contract terms with President Merwin, working with Board Consultant Dr. James Koch. Drs. Lester and Koch are recommending to the FGCU Board of Trustees the employment contract as presented here.

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**Supporting Documentation Included:** (1) Letter with Comparison Chart from Board Consultant Dr. James Koch; (2) Executive Summary; (3) Employment Agreement, and (4) Chart for Benefits – Existing & Proposed

**Prepared by:** Vice President for Administrative Services Curtis Bullock for FGCU Trustee Bernie Lester

**Legal Review by:** Wendy Morris, General Counsel (November 22, 2002)

**Submitted by:** Vice President for Administrative Services Curtis Bullock for FGCU Trustee Bernie Lester



OLD DOMINION UNIVERSITY

Economics Department  
College of Business and Public Administration  
Norfolk, Virginia 23529-0221  
Phone: (757) 683-3567  
FAX: (757) 683-5639

22 November 2002

Dr. W. Bernard Lester  
Alico, Inc.  
P.O. Box 338  
LaBelle, FL 33975

Dear Bernie:

I am writing to you in your capacity as the individual designated to represent the Board of Trustees of Florida Gulf Coast University in its negotiations with Dr. William C. Merwin to extend and revise his current employment contract.

I have examined the latest version (21 November 2002) of the proposed contract in detail. In my opinion, it is an excellent contract and is one that will serve both the University and Dr. Merwin well. Indeed, it could serve as a model for many other institutions of higher education because of the manner in which it deals with the issues that experience suggests often arise in presidential contractual relationships.

The following observations are relevant concerning the proposed contract.

- The Board's ultimate authority is clearly designated, as well as its ability to terminate the President's appointment.
- Dr. Merwin's duties and his authority, as delegated to him by the Board of Trustees, are clearly defined.
- The process by which Dr. Merwin is evaluated and his performance reviewed is outlined, thus avoiding any possible disagreements that might arise in the future.
- Dr. Merwin's salary is established at a competitive level (\$240,000). I have attached for your perusal a spreadsheet that describes the salaries being paid presidents at FGCU's peer institutions, public and private. Dr. Merwin's salary fits easily within these numbers. While FGCU is a smaller institution in size than several on the list, Dr. Merwin is a much more experienced President than nearly all of the other presidents on the list. And, his performance has been outstanding and should be recognized. Further, a perusal of recent Florida and national press coverage reveals that 30 or more presidents now earn more than \$500,000 annually, and one half dozen presidents in Florida earn, or shortly will earn, more than \$300,000 annually. Past governance practices in Florida had the effect of artificially depressing presidential salaries in the State. We are now witnessing corrective adjustments based upon market considerations, especially because



Dr. W. Bernard Lester  
Page Two

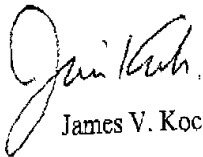
several institutions must now appoint new presidents. Based upon the data I have available, it seems quite likely that FGCU would have to pay \$240,000 or more, were it to be forced to replace Dr. Merwin. Thus, I believe \$240,000 to be competitive in terms of the external market, and reflective of his strong performance and considerable experience.

- Dr. Merwin's fringe benefits and perquisites attached to the positions of President are clearly defined.
- Dr. Merwin's status, should he leave the presidency, is clearly defined. This is advantageous for all concerned, since such matters sometimes become contentious if not clearly addressed before the fact.
- The circumstances under which Dr. Merwin might be terminated are clearly outlined.

In sum, this is a strong, defensible contract that should enable the Board to retain Dr. Merwin, even while it clearly delineates the Board's authority and prerogatives. It is a contract consistent with many others in force around the United States. I have no hesitation in recommending it to you and the Board.

Please contact me should you have any questions.

Sincerely,



James V. Koch

Board of Visitors Professor of Economics  
and President Emeritus

INSTITUTION	PRESIDENT	CURRENT SALARY	NOTES	DATA SOURCE	ANTICIPATED 2003 SALARY
<b>SUS UNIVERSITIES:</b>					
FAMU	FRED GAINOUS	275,000	New President	SUS Salary Data	\$275,000
FSU	TALBOT D'ALEMBERTE	254,098	Retiring	SUS Salary Data	\$325,000 - \$350,000 *
UF	CHARLES YOUNG	278,721	Retiring	SUS Salary Data	\$325,000 - \$350,000 *
USF	JUDY GENSHAFT	237,800		SUS Salary Data	\$285,000 **
UWF	JOHN CAVANAUGH	210,000	New President no prior experience	SUS Salary Data	
UCF	JOHN HITT	207,153		SUS Salary Data	\$295,000 **
FIU	MODESTO MAIDIQUE	285,000		SUS Salary Data	
FAU	RICHARD OSBURN	196,287	Acting President former VP	SUS Salary Data	\$285,000 - \$300,000
FGCU	WILLIAM MERWIN	184,705		SUS Salary Data	
UNF	DAVID KLINE	169,125	Acting President former VP	SUS Salary Data	
NCF	GORDON MICHALSON	153,750	Acting President Candidate for Job	SUS Salary Data	
<b>PEER INSTITUTIONS:</b>					
BUTLER	GEOFFREY BANNISTER	210,000	2001-2002 Salary	Phone Call	
CAL STATE San Marcos	ALEXANDER GONZALEZ	200,004	2002-03 Salary	E-mail	
ELON	LEO LAMBERT	235,000	Current Salary	Phone Call	
MURRAY STATE	F. KING ALEXANDER	180,000	No Salary Given, Range Only	Phone Call	
* Source: Assn. Of Colleges & Universities					
** Source: Orlando Sentinel					

INSTITUTION	PRESIDENT	CURRENT SALARY	NOTES	DATA SOURCE	ANTICIPATED 2003 SALARY
UNIV OF TAMPA	RONALD VAUGHN	240,000	Estimated	Phone Call	
UNF	DAVID KLINE	169,125	Acting President former VP		
UWF	JOHN CAVANAUGH	205,000	New Presiden/No Prior Experience		
UNIV NC at ASHEVILLE	JAMES MULLEN JR.	156,125	Current Salary	Phone Call	
<b>OTHER FLORIDA INST.:</b>					
BARRY UNIVERSITY	JEANNE O'LAUGHLIN	200,000	2000-2001 salary ***	Chronicle of Higher Ed.	
ECKERD COLLEGE	DONALD R. EASTMAN	240,000	Current Salary	Phone Call	
EMBRY RIDDLE UNIV.	GEORGE EBBS	236,365	2000-2001 salary ***	Chronicle of Higher Ed.	
FLA INST of TECH	TONY CATANESE	450,000	Former FAU President	Staff	
JACKSONVILLE UNIV.	DAVID HARLOW	140,309	2000-2001 salary ***	Chronicle of Higher Ed.	Previous salary 247,544
LYNN UNIVERSITY	DONALD ROSS	441,069	2000-2001 salary ***	Chronicle of Higher Ed.	
PALM BEACH ATLANTIC	PAUL CORTS	131,000	2000-2001 salary ***	Chronicle of Higher Ed.	No change in salary
ROLLINS COLLEGE	RITA BORNSTEIN	235,000	2000-2001 salary ***	Chronicle of Higher Ed.	
SAINT LEO UNIVERSITY	ARTHUR KIRK	216,346	2000-2001 salary ***	Chronicle of Higher Ed.	
SAINT THOMAS UNIV.	FRANKLYN CASALE	89,600	2000-2001 salary ***	Chronicle of Higher Ed.	
STETSON UNIVERSITY	DOUGLAS LEE	230,475	2000-2001 salary ***	Chronicle of Higher Ed.	Previous salary 240,847
UNIV of MIAMI	EDWARD FOOTE	431,751	2000-2001 salary ***	Chronicle of Higher Ed.	
UNIV OF TAMPA	RONALD VAUGHN	240,000	Approx Current Salary	Phone Call	
*** Latest Data Available is Two Years Old					



# Executive Summary

## *Employment Agreement*

As a result of the new K-20 Education Code, the University Board of Trustees employs the University President and determines his terms and conditions of employment. This employment agreement is a contract between Dr. William C. Merwin and the FGCU Board of Trustees for employment as President of Florida Gulf Coast University. The agreement defines the duties and responsibilities of President Merwin in accordance with Board Policies and Procedures, University Rules and Regulations, and the Laws of the State of Florida. The Agreement may be amended, renewed or extended upon mutual agreement by the Board and the President.

The term of the agreement is three years from July 1, 2002 through June 30, 2005. The Agreement provides that the Board will conduct annual performance reviews. The annual base salary is \$240,000. In addition to base salary, Dr. Merwin will continue to receive a 12% of base salary as a deferred compensation package. He will be eligible for performance awards at the sole discretion of the Board. Dr. Merwin will receive the same employment benefits, such as insurance, vacation and sick leave as other employees of like class. He will continue to receive other FGCU Foundation benefits (residence, auto). At the end of his tenure as president, Dr. Merwin will be eligible to return to the classroom as a professor. The Board can terminate Dr. Merwin's contract with or without cause. Should he be terminated without cause, he will receive one additional year of salary and benefits. The Board may at its discretion obtain a performance and fidelity bond or key person insurance on Dr. Merwin. All disputes arising from the agreement will be arbitrated in accordance with the policy and procedures of the American Arbitration Association with venue in Lee County.

## EMPLOYMENT AGREEMENT

This EMPLOYMENT AGREEMENT is entered into this 2nd day of December 2002, by and between the Board of Trustees (the "Board") of Florida Gulf Coast University (the "University") and Dr. William C. Merwin ("Dr. Merwin").

### BACKGROUND

WHEREAS, the University is a fully accredited, state assisted degree-granting institution of higher education located in Fort Myers, Florida;

WHEREAS, the University desires to retain the services of Dr. Merwin and he desires to work for the University under the specific terms and conditions of employment stated in the Agreement;

WHEREAS, Dr. Merwin and the University have freely negotiated their respective terms and conditions of employment and have reached agreement on such matters; and

NOW, THEREFORE, in consideration of promises, covenants and agreements of the parties contained herein, the parties, intending to be legally bound, agree as follows:

### TERMS

#### **1. Position and Duties**

- a. Position.** During the Employment Term (as defined below in 1. c), the University will employ Dr. Merwin as the President and Chief Executive Officer of the University. Dr. Merwin will hold the faculty rank of Professor of History. He does not hold tenure either in his administrative role as President or as a faculty member.
  
- b. Duties.** During the Employment Term, Dr. Merwin will diligently devote his full professional time, ability, and attention to the day-to-day operations of the University, including without limitation, all administrative, executive and academic functions. Dr. Merwin's powers and duties are as stated in the Board of Trustees Policies and Procedures, University rules and in the laws of the State of Florida as they presently exist or may hereafter be amended, and will include such other duties as may be assigned to him by the Board. He is the chief executive officer of the University and responsible for all aspects of the University's activities and performances in conformance with the provisions of the University's governing documents, Policies and Procedures, University rules and State of Florida laws, as they presently exist or may hereafter be amended from time to time. The Board recognizes the benefits to the University of Dr. Merwin participating in civic, charitable, corporate, educational, and cultural activities that are consistent with his position and of benefit to the University. Service on

corporate boards or consulting activities should receive prior approval of the board chair.

- c. **Term of Employment.** Dr. Merwin's term of employment by the Board under this agreement will begin on 1 July 2002 and will end on 30 June 2005. The parties may agree to renew this agreement for an additional three-year term. This agreement supercedes and takes precedence over Dr. Merwin's interim employment agreement that began on 1 July 2002 and is scheduled to end on 31 December 2002.
- d. **Periodic Reviews.** There will be two levels of review of the President's performance: a commissioned review and a non-commissioned review. The Board, through the appointment of an outside consultant, will commission a review of the President's performance of his duties and responsibilities every three years from the date of this Agreement. A review, based on goals prepared by the President and approved by the Board, will occur in each year in which there is no commissioned review. Each year, prior to the Board's June meeting, the President will submit to the Board an assessment of the state of the University, his personal objectives, and specific goals and priorities for the University and himself for the ensuing twelve months. The Board may discuss and amend these goals and priorities at its discretion. At the end of each year, Dr. Merwin will report to the Board on the extent to which the goals and priorities adopted by the Board have been accomplished and supply appropriate commentary. The Board will evaluate Dr. Merwin on the basis of their assessment of his success in accomplishing these goals and priorities.

## 2. **Compensation**

- a. **Base Salary.** As compensation for the services described in this Agreement, the University will pay Dr. Merwin a base salary of \$240,000 for the time period 1 July 2002 through 30 June 2003. This base salary will be subject to annual reviews and adjustments by the Board.
- b. **Base Salary Payment and Increases.** Dr. Merwin's base salary will be paid in accordance with the customary payroll practices of the University. The University will deduct from each such installment all amounts required to be deducted and withheld in accordance with applicable federal and state income tax laws, FICA and other withholding tax requirements.
- c. **Deferred Compensation.** During the period of 1 July 2002 through 30 June 2005 Dr. Merwin will accrue deferred compensation of twelve (12) percent of his base salary in the Florida Gulf Coast University President's 29CFR 2510.3-2(b) severance pay plan.

Participation and benefits associated with such funds are controlled by the plan agreement. This deferred compensation will be contributed by the Florida Gulf Coast University Foundation.

- d. **Performance Awards.** The Board may at its sole discretion award Dr. Merwin performance payments for service rendered under the Agreement. The amount of lump sum performance payments will relate to the Board's assessment of the goals and priorities, which Dr. Merwin provides at the beginning of each year (see 1d). The performance payments will be distributed prior to the beginning of each contract year and will be considered a part of his base compensation in calculating the amount of deferred compensation (see 2c).
- e. **Automobile Provision and Expenses.** During the Employment Term, the University or the Florida Gulf Coast University Foundation will provide a full-sized automobile for his business related use. The Foundation will directly pay or reimburse Dr. Merwin for the costs of licensing, permits, gasoline, maintenance, repairs and insurance on this automobile.
- f. **Insurance, Vacation and Sick Leave.** Dr. Merwin will receive leave and benefits at least equal to those provided to FGCU Administrative and Professional Executive Service employees.
- g. **Benefits.** During the Employment Term (and thereafter as required by law or permitted by the terms of the applicable plans), the University shall provide medical insurance benefits, retirement benefits, and life insurance benefits, disability benefits, and liability insurance under plans available generally to the officers of the University as such plans may be amended. If at any time during the Employment Term Dr. Merwin becomes disabled, or is unable for any reason to substantially perform his duties as described in this Agreement, other than death, and he has not breached any of the provisions of this Agreement, then Dr. Merwin will first use any sick or annual leave accruals and exhaust any applicable Group Disability Income Insurance (see 2f) prior to seeking payment under this section. Any additional payments made under this section beyond this point will be at the discretion of the Board and will be paid by the FGCU Foundation.
- h. **Expenses.** During the Employment Term, the Foundation will provide Dr. Merwin a discretionary fund of \$25,000.00 for reasonable and customary expenses incurred by him in furtherance of his duties hereunder. It is understood that reasonable expenses for traveling, meals, hotel accommodations, and business related meetings and entertainment would be charged directly to the FGCU Foundation. Such charges will be in compliance with the policies and procedures adopted by the University for this purpose. Dr. Merwin will also be provided, by the FGCU Foundation, a discretionary allowance of \$4,000.00 for spousal travel.

- i. **President's House.** The University deems it to be in its best interest that the President occupies the President's Home, which is designated by the Board. The current President's Home is designated to be 20226 Country Club Lane, Estero, Florida 33928 and is located within five miles of the FGCU campus. As a condition of employment, Dr. Merwin is required to occupy the President's Home and is encouraged to use the President's Home in the performance of his duties hereunder including but not limited to receptions and meetings benefiting the University. The University Foundation, will provide maintenance and repairs, utilities, house keeping, grounds keeping and landscaping for the President's Home and pay any homeowners' assessments and taxes. The Foundation will furnish all public areas in the President's Home.
  
- j. **Moving Expenses.** After three (3) years of satisfactory service Dr. Merwin will be entitled to reasonable moving expenses should his services to the University, as President be discontinued for any reason. These expenses will be reimbursed by the FGCU Foundation.
  
- k. **Professorial Appointment.** Should Dr. Merwin join the teaching faculty upon conclusion of his presidency, he will be eligible for sabbatical leave of one calendar year after completing at least three years of service as President from the date of 1 July 2002. Prior to beginning any sabbatical leave, he will have committed to fill the position of "University Professor of History" or other mutually agreeable position. Upon conclusion of the sabbatical, Dr. Merwin's teaching, research, and service responsibilities will be as directed by the Dean of the College to which he is assigned. He will be responsible for teaching three courses during each twelve-month period (1 July through 30 June). His initial salary whether on sabbatical leave or as professor during his first year will be 90% of his final annual base president salary, not to include any deferred compensation or bonus payments. During his second year of assignment his salary will be 90% of his initial year salary as Professor. Thereafter, he will be eligible for any salary increments provided regular, full-time faculty members. Usual faculty and administrative processes will determine such salary increments. During his service as a full-time faculty member, the University shall establish a fund of \$5,000 per year that Dr. Merwin may draw upon to support his legitimate professional scholarly activities, including professional travel, journal and book purchases, computer software, and the like. Upon assuming his full-time faculty position, Dr. Merwin will be provided with a private furnished office that includes a microcomputer, printer, fax, scanner, Internet access, and secretarial support.

### 3. **Renewal, Termination or Resignation**

- a. **Renewal.** This Agreement may be amended, renewed or extended in writing on terms mutually satisfactory to the Board and the President.

b. **Termination**. The parties agree that the University may terminate this Agreement and the President's employment as President at any time either "with cause" or "without cause." Should the Board dismiss Dr. Merwin "without cause," the board will determine the amount of termination compensation, but in no case will the amount be less than the equivalent of Dr. Merwin's annual total compensation in effect at the time of termination. If the University terminates the President's employment "with cause," the Board shall determine the amount of termination compensation if any. The FGCU Foundation will pay termination compensation paid under this section. Reasons for termination of Dr. Merwin "with cause" shall include the following:

1. A deliberate and certain violation of the duties set forth in this Agreement, or his refusal or unwillingness to perform such duties in good faith and to the best of his abilities.
2. Any conduct constituting moral turpitude that would bring public disrespect, contempt, or ridicule upon the University.
3. A serious and deliberate violation of a State or Federal law, rule, regulation, or Constitutional provision or of a University rule or policy, which violation may, in the judgment of the Board, adversely reflect upon and/or adversely affect the University.
4. Prolonged chronic and/or excessive absences from duty without the Board's consent.

Should a termination occur, it will be the Board's option, regardless of the reason for the termination and the amount of compensation due, to immediately relieve Dr. Merwin of his duties.

c. **Resignation** Should Dr. Merwin resign from the Presidency; he shall receive compensation to which he is entitled under Section 2 of this Agreement until such time as the effective date of this resignation.

#### 4. **Miscellaneous**

- a. **No Waiver**. Neither any reasonable delay nor failure on the part of any party to exercise any rights under this Agreement, nor a partial or single exercise by any party to exercise any rights under this Agreement, shall constitute a waiver of such rights or of any others rights under this Agreement.
- b. **Entire Agreement**. This Agreement represents the entire Agreement of the parties and supersedes any and all other oral or written agreements or understandings between them. No change, amendment, alteration, waiver

or modification of any provision hereof may be made except in a writing signed by the parties hereto.

- c. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
- d. **Taxes.** Dr. Merwin shall be responsible for his federal, state, local or other taxes resulting from any compensation or benefits provided to him by the University. The University may withhold all federal, state, local or other taxes as may be required pursuant to law or governmental regulation or ruling from any compensation or benefits provided under this Agreement.
- e. **Severability.** If any provision of this Agreement shall, for any reason, be held to be illegal, invalid or unenforceable, such illegal, invalid, or unenforceable provision will not affect any other provision of this Agreement. In such a case, this Agreement will be construed as if such an illegal, invalid or unenforceable provision had never been contained herein.
- f. **Counterparts.** This Agreement may be executed in counterparts, and by the different parties on separate counterparts, each of which, when so executed, shall constitute but one and the same instrument.
- g. **Bond.** The University may, at its option and expense, obtain a faithful performance and fidelity bond on the President.
- h. **Key Person Insurance.** The University may, at its option and expense, secure and maintain “key person” insurance on the life of the President in such amount, as the University deems necessary or appropriate. The President shall cooperate fully with the University in connection with securing and maintaining the insurance.
- i. **Arbitration of Disputes.** The parties agree that final and binding arbitration in accordance with the policies and procedures of the American Arbitration Association will be the sole and exclusive forum for resolving any disputes or claims between the President and the University concerning the terms of this agreement. Any hearings related to this agreement will be held in Lee County, Florida.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement or caused this Agreement to be executed as of this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

**FLORIDA GULF COAST  
UNIVERSITY BOARD OF TRUSTEES**

**WILLIAM C. MERWIN**

By: \_\_\_\_\_  
Mr. Scott Lutgert  
Chairman, Board of Trustees

\_\_\_\_\_  
William C. Merwin  
President

Approved as to form and execution

By: \_\_\_\_\_  
Wendy S. Morris  
General Counsel



PRESIDENTIAL BENEFITS	BEFORE NEW CONTRACT	AFTER NEW CONTRACT
Term	Continuing	3 years
Deferred Comp	12%	12%
Automobile	Yes	Yes
Disability	Yes	Yes except board may provide additional compensation beyond disability insurance.
Expense account	\$25,000	\$25,000
Spouse travel	\$4,000	\$4,000
House	Yes	Yes
Prof. salary at 90%	Yes	Yes
Prof. expense	Yes	\$5,000
Termination Comp. Board	No	Yes if granted by