



## **February 22, 2024 UCF Board of Trustees Meeting**

Board of Trustees

Rosen College of Hospitality Management - Disney Dining Room, Room 124

Feb 22, 2024 2:30 PM - 5:00 PM EST

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## February 22, 2024 UCF Board of Trustees Meeting

Board of Trustees

Feb 22, 2024 at 2:30 PM EST to Feb 22, 2024 at 5:00 PM EST

Rosen College of Hospitality Management - Disney Dining Room, Room 124

Virtual Link: <https://youtube.com/live/Zzquwtig2IE?feature=share>

### Agenda

- |   |                |
|---|----------------|
| <b>I. Opening Actions</b>   | <b>2:30 PM</b> |
| <b>A. Call to Order and Welcome</b><br>Presenter: Alex Martins, Chair, UCF Board of Trustees        |                |
| <b>B. Roll Call</b><br>Presenter: Lauren Ferguson, Assistant Vice President, Board Relations        |                |
| <b>C. Public Comment</b>  |                |
| <b>II. Remarks</b>  | <b>2:40 PM</b> |
| <b>A. Chair's Report</b><br>Presenter: Alex Martins   |                |
| <b>B. University Update</b><br>Presenter: Alexander Cartwright<br>Guest: Interim Dean Cynthia Mejia |                |
| <b>III. Action</b>  |                |
| <b>A. External Naming Opportunity</b>   | <b>4:15 PM</b> |
| Presenter: Trustee Miklos   |                |
| <b>IV. Committee Reports</b>  | <b>4:30 PM</b> |
| Presenter: Chair Martins  |                |
| <b>A. Academic Excellence and Student Success</b><br>Presenter: Trustee Altizer                     |                |
| <b>B. Audit and Compliance</b><br>Presenter: Trustee Christy  |                |
| <b>C. Budget and Finance</b><br>Presenter: Vice Chair Mills   |                |
| <b>D. Governance</b><br>Presenter: Trustee McAlpin  |                |
| <b>E. Strategic Partnerships and Advancement</b><br>Presenter: Trustee Miklos                       |                |
| <b>V. Consent Agenda</b>  | <b>4:35 PM</b> |
| Presenter: Chair Martins  |                |
| <b>A. BOT-1: Board of Trustees Meeting Minutes</b>  |                |
| <b>B. AESC-1: Tenure with Hire</b><br>Presenter: Trustee Altizer                                    |                |

**C. AESC-2: Conferral of Degrees**

Presenter: Trustee Altizer

**D. AUDC-1: BOG Performance-Based Funding Data Integrity Certification Audit Report**

Presenter: Robert Taft

**E. AUDC-2: BOG Performance-Based Funding Data Integrity Certification Form**

Presenter: Robert Taft

**F. BUDC-1: Operating Budgets for Auxiliary Facilities with Bonded Debt**

Presenter: Gerald Hector

**G. GOVC-1: Memorandum of Understanding to Supplement the 2022-2024 BOT-UFF Collective Bargaining Agreement**

Presenter: Youndy Cook

**H. GOVC-2: Review and Endorse Board of Governors Statement of Free Expression**

Presenter: Youndy Cook

**I. GOVC-3: Board of Trustees Policy Conflict of Interest Statement and Disclosure Form**

Presenter: Youndy Cook

**J. GOVC-4: Repeal of University Regulation UCF-2.006 Acceleration Mechanisms**

Presenter: Youndy Cook

**K. GOVC-5: Amendments to University Regulation UCF-2.010 Awarding of Degrees**

Presenter: Youndy Cook

**L. GOVC-6: Amendments to University Regulation UCF-2.029 Patents, Trademarks, and Trade Secrets**

Presenter: Youndy Cook

**M. GOVC-7: Amendments to University Regulation UCF-3.015 Promotion and Tenure of Tenured and Tenure-earning Faculty**

Presenter: Youndy Cook

**VI. New Business**

Presenter: Chair Martins

4:45 PM

**VII. Announcements**

Presenter: Chair Martins

4:50 PM

**VIII. Adjournment**

Presenter: Chair Martins



# Board of Trustees

*February 22, 2024*

## **Agenda Item**

SPAC-1: External Naming – Taylor A. Gerring Family Football Center

## **Proposed Action**

Approval to name the new Football Administration Coaches Building the Taylor A. Gerring Football Center.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 9.005

### **Supporting Documentation Included**

Attachment A: Taylor A. Gerring Family Football Center Renderings

### **Facilitators/Presenters**

Rod Grabowski, Senior Vice President, UCF Advancement & Partnerships, CEO, UCF Foundation, Inc.



# SPAC-1: External Naming

## EXECUTIVE SUMMARY

### Objective

Formal consideration of the Taylor A. Gerring Football Center naming gift for the new Football Administration Coaches Building. This naming gift aligns with the Mission XII initiative as part of the commitment to help transform the UCF football campus with the move to the Big 12 Conference. UCF Board of Trustees approval is required per Board of Governors Regulation 9.005.

### Summary of Key Observations/Recommendations

- UCF Athletics has invested \$47 million in facility upgrades and improvements since 2016 that have changed the way UCF recruits future Knights, develops student-athletes, and generates revenue.
- A football operations building was included in the Phase I Mission XII growth plan, which will house coaches' offices, meeting rooms, and a student-athlete lounge.
- The Board of Trustees previously approved the naming of the entrance to the football campus as the "Sharon and Marc Hagle Gateway" on Jul 12, 2022.

### Additional Background

Board of Governors Regulation 9.005 requires the naming of any University Facility to be approved by the board of trustees as a noticed, non-consent agenda item. Gift-related naming of a University Facility requires a donation which makes a significant contribution to the cost of the University Facility.

### Rationale

As UCF strives to become the world's leading metropolitan research university, achievements in the classrooms, laboratories, and the community are enhanced by our national recognition in athletic competition.

### Implementation Plan

If the naming opportunity is approved by the Board, UCF Athletics will proceed with the approved renderings and naming ahead of the groundbreaking. Groundbreaking for the Sharon and Marc Hagle Gateway will begin in 2024, with various phases and buildings, including this facility, through 2026.

## **Resource Considerations**

The funds secured for this naming opportunity are provided through Taylor A. Gerring's individual philanthropic support. These funds will support Mission XII objectives, including increasing the UCF Athletics operating budget and the delivery of unique athletics facilities for all student-athletes and fans, starting with the UCF Football Campus.

Attracting and attaining top talent while enhancing the operating budget and facilities are a key focus as UCF Athletics transitions to a Power 5 conference. The current operating budget must grow with the transition into Big 12 competition.

UCF has the largest living alumni base in the Big 12 Conference. Charitable investment in UCF from our alumni, family and friends sets the state for UCF to compete for Big 12 and National Championships. Every philanthropic gift will shape the future of college athletics at UCF.

The UCF Foundation is responsible for the applicable donor recognition of gifts made to benefit the University and maintains the policies and procedures for the acceptance and recognition of gifts. Accordingly, the UCF Foundation researched the Donor and the principals of the Donor regarding personal background, reputation and brand due diligence prior to finalizing negotiations and bringing this matter to the Board of Trustees.

## **Conclusion**

Staff recommends approval of the proposed naming opportunity.

# TAYLOR A. GERRING FOOTBALL CENTER RENDERINGS (1 OF 2)

Attachment A



# TAYLOR A. GERRING FOOTBALL CENTER RENDERINGS (2 OF 2)





# Academic Excellence and Student Success Committee

Committee Report

[Academic Excellence and Student Success Committee Meeting Packet](#)

## Committee Purpose

The Academic Excellence and Student Success Committee is charged with providing oversight of activities relating to the core mission of the University: teaching, research, and service.

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<u>Committee Meeting Date</u>	<u>Committee Chair</u>	<u>Committee Vice Chair</u>
February 22, 2024	Trustee Tiffany Altizer	Trustee Rick Cardenas

---

## Executive Summary

Trustee Tiffany Altizer presided over the meeting. In addition to the action items considered by the committee, there were also two robust discussions on UCF's accreditation efforts and the progress of strategic priorities. Leadership provided an update on the progress of strategic metrics, highlighting major accomplishments with two metrics associated with preeminence.

## Items Appearing as New Business

No items appear as new business.

## Items Appearing on the Consent Agenda

- **AESC-1:** Tenure with Hire
- **AESC-2:** Conferral of Degrees



# Audit and Compliance Committee

Committee Report

[Audit and Compliance Committee Meeting Packet](#)

## Committee Purpose

The Audit and Compliance Committee is appointed by the University of Central Florida Board of Trustees and assists the Board in discharging its oversight responsibilities. The committee oversees the following for the University of Central Florida and its direct support organizations:

- internal control structure,
- independence and performance of internal and external audits and corrective action plans,
- integrity of information technology infrastructure, security, and data governance,
- independence and effectiveness of the compliance and ethics program,
- compliance with applicable laws and regulations,
- standards for ethical conduct,
- risk identification and mitigation,
- and internal investigation processes.

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<u>Committee Meeting Date</u>	<u>Committee Chair</u>	<u>Committee Vice Chair</u>
February 22, 2024	Trustee Bill Christy	Trustee Tiffany Altizer

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## Executive Summary

Trustee Bill Christy presided over the meeting. In addition to the action items considered by the Committee, discussion occurred on the topics of the Audit and Compliance Committee Charter, the University Audit Update, the DSO External Audit Reports, the Five Year Quality Assurance Review, and the University Compliance, Ethics, and Risk Update. The 2023-2024 Work Plan Status of Activities was provided as an information item.

## Items Appearing as New Business

N/A

## Items Appearing on the Consent Agenda

- **AUDC-1:** Performance-based Funding Data Integrity Certification Audit Report
- **AUDC-2:** Board of Governors' Performance-based Data Integrity Certification Form



# Budget and Finance Committee

Committee Report

[Budget and Finance Committee Meeting Packet](#)

## Committee Purpose

The Budget and Finance Committee is charged with providing oversight of the University budget and all revenue sources to monitor the overall financial performance of the University and its Related Entities.

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<u>Committee Meeting Date</u>	<u>Committee Chair</u>	<u>Committee Vice Chair</u>
February 22, 2024	Trustee Harold Mills	Trustee Jeff Condello

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## Executive Summary

Chair Harold Mills presided over the meeting. In addition to the action item considered by the committee, discussion occurred on the University's draft audited financial statements report; internal bank structure; and SPIA balances and short-term investments. Information items included in the materials were the second quarter investment report and the fixed capital outlay budget update as of December 31, 2023.

## Items Appearing as New Business

- No items appear as new business.

## Items Appearing on the Consent Agenda

- **BUDC-1:** Operating Budget for Housing Auxiliary with Bonded Debt



# Governance Committee

Committee Report

[Governance Committee Meeting Packet](#)

## Committee Purpose

The Governance Committee is charged with providing oversight of the corporate governance, administrative operations, and delegations of the UCF Board of Trustees and university-related entities.

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<u>Committee Meeting Date</u>	<u>Committee Chair</u>	<u>Committee Vice Chair</u>
February 22, 2024	Trustee Michael Okaty	Trustee Caryl McAlpin

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## Executive Summary

Trustee Caryl McAlpin presided over the meeting. In addition to the action items considered by the committee, discussion occurred regarding the Direct Support Organization Operating Overviews. Assessment of the Leadership Criteria, used as part of the presidential assessment, was included as an information item.

## Items Appearing as New Business

N/A

## Items Appearing on the Consent Agenda

- **GOVC-1:** Memorandum of Understanding to Supplement the 2022-2024 BOT-UFF Collective Bargaining Agreement
- **GOVC-2:** Review and Endorse Board of Governors Statement of Free Expression
- **GOVC-3:** Board of Trustees Policy Conflict of Interest Statement and Disclosure Form
- **GOVC-4:** Repeal of University Regulation UCF-2.006 Acceleration Mechanisms
- **GOVC-5:** Amendments to University Regulation UCF-2.010 Awarding of Degrees
- **GOVC-6:** Amendments to University Regulation UCF-2.029 Patents, Trademarks, and Trade Secrets
- **GOVC-7:** Amendments to University Regulation UCF-3.015 Promotion and Tenure of Tenured and Tenure-earning Faculty



# Strategic Partnerships & Advancement Committee

Committee Report

[Strategic Partnerships and Advancement Committee Meeting Packet](#)

## Committee Purpose

The Strategic Partnerships and Advancement Committee is charged with advising the Board on the University's philanthropic strategies, community engagement activities, strategic communications and marketing activities, and economic and business development activities to advance the mission of the University and bolster the institution's brand and reputation.

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<u>Committee Meeting Date</u>	<u>Committee Chair</u>	<u>Committee Vice Chair</u>
February 22, 2024	Trustee John Miklos	Trustee Danny Gaekwad

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## Executive Summary

Trustee Cardenas presided over the meeting in light of scheduling conflicts for both Trustee Miklos and Trustee Gaekwad. The committee recommended approval of the Taylor A. Gerring Football Center to the full Board of Trustees. Discussion occurred around UCF's Advancement & Partnerships' attainment and divisional progress to goal for fiscal year 2023-2024, as well as upcoming consultant work with Ologie in coordination with marketing and communications. The committee received three informational items, including a Day of Giving save-the-date, an update on the license plate program, and a new strategic communications activity report, recapping the second quarter of the current fiscal year.

## Items Appearing as New Business

SPAC-1: External Naming Opportunity

## Items Appearing on the Consent Agenda

None



# Board of Trustees

*February 22, 2024*

## **Agenda Item**

BOT-1: Board of Trustees Meeting Minutes

## **Proposed Board Action**

Board Members will review and consider approval of the meeting minutes from previous Board of Trustees meetings.

## **Authority for Board of Trustees Action**

Florida Statutes 286.01 (2)

Board of Trustees Tenth Amended and Restated Bylaws, Section 4.6

## **Supporting Documentation Included**

Attachment A: November 16, 2023 Regular Board of Trustees Meeting Minutes

## **Facilitators/Presenters**

Chair Alex Martins



# Board of Trustees Meeting Minutes

## EXECUTIVE SUMMARY

### **Objective**

Board Members will review and consider approval of the meeting minutes from previous Board of Trustees meetings.

### **Summary of Key Observations/Recommendations**

Board Members will consider approval of the meeting minutes from the following Board of Trustees' meetings:

- November 16, 2023, Regular Board of Trustees Meeting

### **Additional Background**

Draft meeting minutes from the Board of Trustees' meetings must be prominently posted on the university's website within two weeks after the meeting and approved by the full Board at a subsequent meeting.

### **Rationale**

N/A

### **Implementation Plan**

N/A

### **Resource Considerations**

N/A

### **Conclusion**

Approve the meeting minutes as presented or suggest edits to the meeting minutes presented.



UNIVERSITY OF CENTRAL FLORIDA

**Minutes  
Board of Trustees  
Regular Meeting  
University of Central Florida  
November 16, 2023**

Chair Alex Martins called the Board of Trustees Meeting to order at 2:54 p.m.

He reminded the Board that the meeting was covered by the Florida Sunshine Law and that the public and press were invited to attend.

Lauren Ferguson, Assistant Vice President for Board Relations, called the roll and determined a quorum was present.

The following board members attended the meeting: Chair Alex Martins, Vice Chair Harold Mills and Trustee Tiffany Altizer, Trustee Rick Cardenas, Trustee Bill Christy, Trustee Jeff Condello, Trustee Brandon Greenaway, Trustee Stephen King, Trustee Caryl McAlpin, Trustee John Miklos, and Trustee Michael Okaty.

Trustee Joseph Conte and Trustee Danny Gaekwad attended virtually.

**PUBLIC COMMENT**

There were no requests for public comments.

**REMARKS**

Martins commented on looking ahead to the next year and recognized President Cartwright, who provided an Achieving Preeminence Update and shared university points of pride.

**NEW BUSINESS**

At Martins' request, Youndy Cook, Vice President and General Counsel, confirmed that there were no disclosures of conflict of interest from the Trustees.

**GOVC-2      FY2023 Presidential Assessment and Compensation Review**

Okaty moved to approve GOVC-2, with Altizer providing the second. Martins, Mills, Cardenas, Conte, Christy, Gaekwad, Greenaway, King, McAlpin, and Miklos voted yea. Condello voted nay. The motion passed by majority approval.

**BOT-1      President's FY2024 Goals**

Mills moved to approve BOT-1, with McAlpin providing the second. The motion passed unanimously.

SPAC-1 External Naming

Miklos moved to approve SPAC-1, with Greenaway providing the second. The motion passed unanimously.

Martins thanked Dr. Phillips Charities for their continued support of the university, and specifically in this naming, supporting the education and development of future nurses.

**COMMITTEE REPORTS**

Martins opened the floor to Committee Chairs for additional comments and, hearing none, said the committee reports included in meeting materials stand as a historical reference of committee business.

**CONSENT AGENDA**

Altizer moved to approve the consent agenda as presented, with Okaty providing the second. The motion passed unanimously.

**ANNOUNCEMENTS**

Martins made several announcements regarding upcoming meetings.

**ADJOURNMENT**

Martins adjourned the board meeting at 3:44 p.m.

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Alex Martins, Chair  
UCF Board of Trustees

Respectfully submitted: \_\_\_\_\_ Date: \_\_\_\_\_  
Michael A. Kilbride,  
Associate Corporate Secretary



# Board of Trustees

*February 22, 2024*

## **Agenda Item**

AESC-1: Tenure with Hire

## **Proposed Board Action**

The Board of Trustees, on its consent agenda, is requested to approve the proposed individuals for tenure with hire.

## **Authority for Board of Trustees Action**

UCF 3.015(4)(a)4 – Promotion and Tenure of Tenured and Tenure-earning Faculty

### **Supporting Documentation Included**

Attachment A: Tenure with Hire Justification

### **Facilitators/Presenters**

Michael Johnson, Provost and Executive Vice President for Academic Affairs

Jana Jasinski, Vice Provost for Faculty Excellence and Pegasus Professor of Sociology



# Tenure with Hire

## EXECUTIVE SUMMARY

### Objective

In accordance with university regulation [UCF-3.015](#), this item will consider the proposal to grant tenure with hire to the faculty candidates outlined in Attachment A.

### Summary of Key Observations/Recommendations

- Faculty members have normally earned tenure at their previous institution. For others, tenure is part of the hiring package when senior faculty members are hired for administrative positions.
- Department faculty members and the university's administrative officers have approved granting tenure to four individuals:
  - Laura J. Brattain, Associate Professor of Medicine, Department of Internal Medicine, College of Medicine
  - Michael W. Lee, Associate Professor of Medicine, Department of Medical Education, College of Medicine.
  - Lisa S. Nored, Professor, Department of Legal Studies, College of Community Innovation and Education.
  - Jay C. Thibodeau, Professor, Kenneth G. Dixon School of Accounting, College of Business Administration.

### Additional Background

In accordance with university regulation UCF-3.015, the recommendation of a faculty member for tenure shall signify that the president and the Board of Trustees believe that the employee will continue to make significant and sustained professional contributions to the university and the academic community.

The market for these faculty is highly competitive, and one of the fundamental requirements for UCF to compete and attract top faculty is a tenure system.

The primary purpose of tenure is to protect academic freedom. The award of tenure shall provide annual reappointment until voluntary resignation, retirement, removal for just cause, or layoff.

### Rationale

The UCF Strategic Plan outlines the university's goal to recruit and retain 2,100 FTE faculty by 2027. Tenure with hire aligns with this goal by facilitating the recruitment and retention of high-caliber faculty and supporting heightened academic outcomes and research activity enhancement.

## **Implementation Plan**

If approved, tenure is granted upon the successful hiring of the four faculty members and approval from the Board of Trustees.

## **Resource Considerations**

Faculty are considered employees of the university, and like other employees, compensation is negotiated during the hiring process. Recommendations for tenure are considered independently from compensation. Faculty who are awarded tenure will have annual reappointment until voluntary resignation, retirement, removal for just cause, or layoff.

## **Conclusion**

The Academic Excellence and Student Success Committee recommends the approval of the proposed individuals for tenure with hire.

**Tenure with Hire Justification  
Board of Trustees Meeting  
February 22, 2024**

**Laura J. Brattain, Associate Professor of Medicine  
College of Medicine, Department of Internal Medicine**

**CV:** [https://bot.ucf.edu/wp-content/uploads/sites/5/2024/01/Brattain-Laura\\_CV\\_Redacted.pdf](https://bot.ucf.edu/wp-content/uploads/sites/5/2024/01/Brattain-Laura_CV_Redacted.pdf)

Dr. Laura J. Brattain received her Ph.D. in engineering sciences from Harvard University. She came to UCF from MIT Lincoln Laboratory, where she was a principal investigator leading multiple interdisciplinary teams. Dr. Brattain works at the intersection of bioengineering, artificial intelligence, computer science, robotics, high performance computing, and healthcare innovation. She has extensive experience in both research and product development. Dr. Brattain collaborates closely with clinicians to bridge gaps between engineering and biomedicine. She has received research funding through NIH (National Institutes of Health), DARPA (Defense Advanced Research Projects Agency), and DoD (Department of Defense). She was the recipient of the R&D 100 Award and Best Intervention Award. Dr. Brattain has published numerous journal articles and has given many invited talks and lectures. She serves as associate editor *Journal of Frontiers in Robotics and AI* and *IEEE (Institute of Electrical and Electronics Engineers) Engineering in Medicine and Biology Society*, among other service activities in the profession. The Department of Internal Medicine and the College of Medicine support the recommendation for tenure with hire.

**Michael W. Lee, Associate Professor of Medicine  
College of Medicine, Department of Medical Education**

**CV:** [https://bot.ucf.edu/wp-content/uploads/sites/5/2024/02/Lee-Michael\\_CV\\_Redacted.pdf](https://bot.ucf.edu/wp-content/uploads/sites/5/2024/02/Lee-Michael_CV_Redacted.pdf)

Dr. Michael W. Lee received his Ph.D. in medical sciences with concentration in pharmacology from the University of South Florida. He came to UCF from Dartmouth College, where he was an associate professor. Before that, he was a founding faculty member at the University of Texas Dell Medical School and the UCF College of Medicine. Dr. Lee is a highly accomplished medical educator and scholar whose work focuses on leveraging technology to promote learning and student success. He is skilled at implementing new curricula and applying evidence-based pedagogical approaches and has had several leadership positions ranging from curriculum leader to course director. Dr. Lee has mentored many M.D. students, pharmacy students, and postdoctoral scholars. He has published numerous journal articles, book chapters, and presented at national and international conferences. Dr. Lee is chair-elect for the Executive Committee of the Division of Pharmacology Education (DPE) in the American Society of Experimental Therapeutics (ASPET) and the chair of the American Physiological Society (APS) Arthur C. Guyton Physiology Education of the Year

Selection Committee, among many other service activities in the profession, college, and university. The Department of Medical Education and the College of Medicine support the recommendation for tenure with hire.

**Lisa S. Nored, Professor**

**College of Community Innovation and Education, Department of Legal Studies**

**CV:** [https://bot.ucf.edu/wp-content/uploads/sites/5/2024/02/Nored-Lisa-S\\_CV\\_Redacted.pdf](https://bot.ucf.edu/wp-content/uploads/sites/5/2024/02/Nored-Lisa-S_CV_Redacted.pdf)

Dr. Lisa S. Nored received her Ph.D. in public administration from Mississippi State University and J.D. from Mississippi College School of Law. She came to UCF from the University of Southern Mississippi, where she a tenured professor of criminal justice. At UCF, Dr. Nored will serve as chair in the Department of Legal Studies. While at the University of Southern Mississippi, she served as the Pre-Law Pathways Coordinator, director of the School of Criminal Justice and chair of the Department of Administration of Justice. Dr. Nored has significant research achievements in the fields of criminal justice and legal studies. She has received research funding through Mississippi Office of Public Safety and the Bureau of Justice Statistics of the United States Department of Justice. Dr. Nored has published numerous books, including legal treatises and textbooks, law reviews, and journal articles in top-tiered national refereed journals, and has presented at regional, national, and international conferences. She was the recipient of the Lawyer of the Year from Mississippi College School of Law. Dr. Nored has served on the editorial board for *The Journal of Police and Criminal Psychology* and *Journal for Juvenile Justice and Detention Services*, among other service activities in the profession, college, and university. The Department of Legal Studies and the College of Community Innovation and Education support the recommendation for tenure with hire.

**Jay C. Thibodeau, Professor**

**College of Business Administration, Kenneth G. Dixon School of Accounting**

**CV:** [https://bot.ucf.edu/wp-content/uploads/sites/5/2024/02/Thibodeau-Jay\\_CV\\_Redacted.pdf](https://bot.ucf.edu/wp-content/uploads/sites/5/2024/02/Thibodeau-Jay_CV_Redacted.pdf)

Dr. Jay C. Thibodeau received his Ph.D. in accounting at the University of Connecticut. He came to UCF from Bentley University, where he was a tenured professor of accounting. At UCF, Dr. Thibodeau will serve as director in the Kenneth G. Dixon School of Accounting. While at Bentley University, he served as interim department chair, director of Ph.D. programs, and held the Rae D. Anderson professorship. Dr. Thibodeau has published numerous peer-reviewed journal articles and has presented at regional and national conferences. His research and educational contributions have won several prestigious national awards and he has received research grants from professional sources, including AICPA (American Institute of Certified Public Accountants) Assurance Research Advisory Group and PricewaterhouseCoopers INQUIRES program. Dr. Thibodeau has extensive teaching experience at the graduate and undergraduate levels, supervised many doctoral students, and was the recipient of the Faculty Member of the Year award. He has also been recognized as a master

instructor by KPMG. Dr. Thibodeau serves on the editorial board for ***Accounting Horizons***, among other service activities in the profession, college, and university. The Kenneth G. Dixon School of Accounting and the College of Business Administration support the recommendation for tenure with hire.



# Board of Trustees

*February 22, 2024*

## **Agenda Item**

AESC-2: Conferral of Degrees

## **Proposed Board Action**

The Board of Trustees, on its consent agenda, is requested to approve the conferral of degrees during the Spring 2024 commencement ceremonies.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001(4)(a); UCF BOT Academic Excellence and Student Success Committee Charter

### **Supporting Documentation Included**

Attachment A: Graduation Count - Spring

### **Facilitators/Presenters**

Michael Johnson, Provost and Executive Vice President for Academic Affairs



# Conferral of Degrees

## EXECUTIVE SUMMARY

### Objective

In accordance with Board of Governors Regulation [1.001\(4\)\(a\)](#) and the UCF Board of Trustees Academic Excellence and Student Success Committee [charter](#), the conferral of degrees goes before the Board of Trustees for approval.

### Summary of Key Observations/Recommendations

UCF expects to award the following degrees during the spring commencement ceremonies on May 3 - 4, 2024.

Baccalaureate Degrees:	7,665
Master's Degrees:	1,047
<u>Doctoral and Specialist:</u>	<u>156</u>
Total:	8,868

### Additional Background

N/A

### Rationale

The conferral of degrees must be approved by the Board of Trustees for each term.

### Implementation Plan

The UCF commencement ceremonies for the Spring 2024 term will take place on May 3 -4, 2024.

### Resource Considerations

N/A

### Conclusion

The conferral of degrees for the Spring 2024 term must be approved in advance of the planned commencement ceremonies on May 3 - 4, 2024. The Academic Excellence and Student Success Committee recommends the approval of the conferral of degrees for the Spring 2024 term.

## UCF Spring 2024 Commencement

<b>College</b>	<b>Bachelor</b>	<b>Master</b>	<b>Doctorate</b>	<b>CollegeTotals</b>
College of Arts and Humanities	657	69	1	727
College of Business Administration	831	175	1	1,007
College of Community Innovation and Education	774	285	33	1,092
College of Engineering and Computer Science	1,067	292	37	1,396
College of Graduate Studies	0	11	0	11
College of Health Professions and Sciences	831	83	26	940
College of Medicine	259	9	6	274
College of Nursing	316	29	18	363
College of Optics and Photonics	23	7	5	35
College of Sciences	2,169	43	27	2,239
College of Undergraduate Studies	412	0	0	412
Rosen College of Hospitality Management	326	44	2	372
<b>Degree level totals:</b>	<b>7,665</b>	<b>1,047</b>	<b>156</b>	<b>8,868</b>



# Board of Trustees

February 22, 2024

## Agenda Item

AUDC-1: Performance-based Funding Data Integrity Certification Audit Report

## Proposed Board Action

Approval of the Performance-based Funding Data Integrity Certification Audit Report.

## Authority for Board of Trustees Action

The Florida Board of Governors Data Integrity Certification process, which was established in June 2014.

### Supporting Documentation Included

Attachment A: Performance-based Funding Data Integrity Certification Audit Report

### Facilitators/Presenters

Robert Taft, Chief Audit Executive



# Performance-based Funding Data Integrity Certification Audit Report

## EXECUTIVE SUMMARY

### **Objective**

To determine if the report achieves the objective of complying with the Board of Governors reporting requirements and any correction plans identified within the report are clearly documented and adequately address the correction plans.

### **Summary of Key Observations/Recommendations**

No reportable issues were identified during our work.

### **Additional Background**

As an annual requirement, University Audit has performed an audit of UCF's processes to ensure the completeness, accuracy, and timeliness of data submissions relating to Board of Governors performance funding metrics.

### **Rationale**

Performance-based funding is a critical funding source to assist with achieving the objectives of the UCF Strategic Plan. The ability to accurately measure current results along with identifying ways to improve future results will be a major benefit to the university.

### **Implementation Plan**

The results of this audit are required to be accepted by the Board of Trustees including any identified corrective action plans. After acceptance and subsequent review and approval by the full UCF Board of Trustees, the report shall be submitted to the Board of Governors Office of Inspector General and Director of Compliance no later than March 1, 2024.

### **Resource Considerations**

The cost to UCF is internal representing the hours spent by University Audit and other departments in completing the audit and reviewing the results.

### **Conclusion**

Recommend approval by the Board of Trustees of University Audit's report on the Performance-based Funding Data Integrity Certification Process.

# Performance-based Funding Data Integrity

Audit of Internal Controls and Compliance as of September 30, 2023



UNIVERSITY OF CENTRAL FLORIDA

**University Audit**  
**Audit #372**  
**January 12, 2024**

This work product was prepared in accordance with the International Standards for the Professional Practice of Internal Auditing, as published by the Institute of Internal Auditors, Inc.



UNIVERSITY OF CENTRAL FLORIDA

**University Audit**

Phone: 407-823-2889  
P.O. Box 160080  
Orlando, FL 32816-0080

**MEMORANDUM**

---

TO: Alexander Cartwright  
President

FROM: Robert J. Taft  
Chief Audit Executive

DATE: January 12, 2024

SUBJECT: Audit of Performance-based Funding Data Integrity

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The enclosed report represents the results of our audit of Performance-based Funding Data Integrity audit.

We appreciate the cooperation and assistance provided to our office by personnel at the Institutional Knowledge Management, Student Financial Aid, the Office of Research, and Registrar's Office during the audit.

cc: Rhonda Bishop  
M. Paige Borden  
Jana Jasinski  
Michael Johnson  
Mike Kilbride  
Winston Schoenfeld  
Linda Sullivan  
Board of Trustees  
State University System of Florida Inspector General

## **Executive Summary**

Based on our audit, we have concluded that UCF's controls and processes are adequate to ensure the completeness, accuracy, and timeliness of data submitted to the Florida Board of Governors (BOG) in support of performance-based funding metrics, as well as emerging preeminence metrics.

It should be noted that the Spring 2022 Degrees awarded (SIFD) file was due on June 24, 2022; however, it was submitted on June 27, 2022, due to technical issues with the BOG reporting system. In addition, the Student Instruction File Preliminary (SIFP) Enrollment file submittal for Fall 2022 was delayed due to logic needing to be updated for Workday integrations. The due date was October 28, 2022, and file was submitted on November 4, 2022. The BOG was informed of these delays, which had no impact on the overall results or the performance funding calculations.

We believe that our audit can be relied upon by the university president and the UCF Board of Trustees as a basis for certifying the representations made to the BOG related to the integrity of data required for the BOG performance-based funding (PBF) model and emerging-preeminence status.

## **Background and Performance Objectives**

Beginning in 2013-14, the BOG implemented a PBF model which utilizes a set of performance metrics to evaluate universities on a range of issues, including graduation rates, job placement, cost per degree, and retention rates.

The model has four guiding principles:

1. use metrics that align with SUS Strategic Plan goals,
2. reward Excellence or Improvement,
3. have a few clear, simple metrics, and
4. acknowledge the unique mission of the different institutions.

For the 2023-24 funding year, each university was evaluated on nine common metrics, with the two exceptions being New College of Florida (New College) and Florida Polytechnic University (Florida Poly).

Florida Senate Bill 72 (<https://www.flsenate.gov/Committees/BillSummaries/2020/html/2188>) added two new metrics, which replaced the ninth metric chosen by the BOG that focused on specific areas of improvement and the distinct mission of each university. Each university BOT selects one metric of its own.

In November 2022, the BOG approved two metric changes to this year's Performance-Based Funding Model. For Metric 1, Percent of bachelor's Graduates Employed or Enrolled 1 Year after Graduation, changed the wage threshold from \$30,000 to \$40,000. Also, Metric 9a, Two-Year Graduation Rate for Florida College System (FCS) Associate in Arts (AA) Transfers, changed to Three-Year Graduation Rate for FCS AA Transfers.

The common PBF metrics are:

1. percent of bachelor's graduates employed (earning \$40,000+) and/or continuing their education (one year after graduation)
2. median wages of bachelor's graduates employed full-time one year after graduation
3. cost to the student (net tuition & fees per 120 credit hours) for a bachelor's degree
4. four-year graduation rate (includes full-time, first time in college students)
5. academic progress rate (second year retention with a GPA greater than 2.0)
6. bachelor's degrees awarded within programs of strategic emphasis
7. university access rate (percent of fall undergraduates with a Pell Grant)
8. graduate degrees awarded within programs of strategic emphasis (not applicable to New College)
- 9A. three-year graduation rate for Florida College System (FCS) associate in arts transfer students
- 9B. six-year graduation rate for student who are awarded a Pell Grant in their first year (not applicable to Florida Poly)

Metric selected by UCF Board of Trustees:

10. percent of bachelor's degrees awarded to African American and Hispanic Students

The BOG's Performance-based Funding Data Integrity Certification form provides assurances that the data submitted by universities is reliable, accurate, and complete. This certification form is to be signed by the university president, affirmatively certifying each of the nine stated representations or providing an explanation as to why the representation cannot be made as written. The certification form is also to be approved by the university Board of Trustees (BOT) and signed by the BOT chair.

To make such certifications meaningful, during the 2019 Legislative Session, lawmakers approved Senate Bill 190 that contains language amending section 1001.706, Florida Statutes. It states:

“Each university shall conduct an annual audit to verify that the data submitted pursuant to ss. 1001.7065<sup>[1]</sup> and 1001.92<sup>[2]</sup> complies with the data definitions established by the board and submit the audits to the Board of Governors Office of Inspector General as part of the annual certification process required by the Board of Governors.”

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<sup>1</sup> S. 1001.7065, Florida Statute, Preeminent State Research University Program

<sup>2</sup> S. 1001.92, Florida Statute, State University System Performance-based Incentive

## **Audit Objectives and Scope**

The primary objective of this audit is to determine the adequacy of university controls in place to promote the completeness, accuracy, and timeliness of data submissions to the BOG, particularly as they relate to PBF metrics and preeminence metrics. This audit also provides an objective basis of support for the president and BOT chair to certify the required representations on the data integrity certification form.

### **Performance-based Funding Metrics**

Our approach is to audit supporting data files related to a minimum of four of the PBF measures each year so that all PBF measures are tested at least twice within a five-year cycle.

This year's testing included data files submitted as of September 30, 2023, related to the following four metrics:

- Metric 3: cost to the student (net tuition & fees per 120 credit hours) for a bachelor's degree
- Metric 5: academic progress rate (second year retention with a GPA greater than 2.0)
- Metric 6: bachelor's degrees awarded within programs of strategic emphasis
- Metric 7: university access rate (percent of fall undergraduates with a Pell Grant)

The 2015-16 audit included a comprehensive review of the controls and processes established by the university to ensure the completeness, accuracy, and timeliness of data submissions to the BOG which supported the PBF metrics. As part of our annual audit process, we review any changes to these controls and processes on an annual basis with Institutional Knowledge Management (IKM) and determine if these changes will have any impact on our audit approach.

In addition, we verified the completeness and accuracy of the Hours to Degree (HTD), Courses to Degree (CTD), Student Instruction File (SIF), Student Instruction File Preliminary (SIFP), Degrees Awarded (SIFD), and Student Financial Aid (SFA) files submitted to the BOG in support of the measures listed above. By developing queries in PeopleSoft Campus Solutions independently and then comparing those results to the files submitted to BOG, we were able to test 100 percent of the students submitted for these files with the exception of HTD file. Because of methodology and source system complexities, a query could not be developed; therefore, we tested a judgmental sample of students to ensure accuracy of the HTD file.

Preeminence Metrics

As an Emerging Preeminence university, we began auditing the Preeminent Metrics in 2019. The Preeminent Metrics selected for this year’s audit include:

Metric	Title and period reviewed	Excellence Standards <sup>[3]</sup>	UCF’s Result
A	Average high school GPA for incoming freshmen in Fall semester (Fall 2022)	4	4.2 (achieved)
A	Average SAT score for incoming freshmen in Fall semester (Fall 2022)	1200	1319 (achieved)
B	Public university national ranking (2022)	2+	4 (achieved)
C	Freshman retention rate (2021-22)	90%	93% (achieved)
K	Number of post-doctoral appointees (Fall 2021)	200	162 (not achieved)

Audit Timeline

Beginning of audit: August 9, 2023  
 End of fieldwork: December 18, 2023

Audit Team Members

Vicky Sharp, Auditor III, Auditor In-Charge  
 Vallery Morton, Audit Manager, Level I Reviewer  
 Robert Taft, Chief Audit Executive, Level II Reviewer

<sup>3</sup> S. 1001.7065, Florida Statute, Preeminent State Research University Program



# Board of Trustees

February 22, 2024

## Agenda Item

AUDC-2: Board of Governors' Performance-based Data Integrity Certification Form

## Proposed Board Action

Approval of the Board of Governors Performance-based Data Integrity Certification Form.

## Authority for Board of Trustees Action

The Florida Board of Governors Data Integrity Certification process, which was established in June 2014.

### Supporting Documentation Included

Attachment A: Board of Governors Performance-based Data Integrity Certification Form

### Facilitators/Presenters

Robert Taft, Chief Audit Executive



# Board of Governors Performance-based Data Integrity Certification Form

## EXECUTIVE SUMMARY

### Objective

To determine if the form achieves the objective of complying with the Board of Governors reporting requirements and accurately expresses the results of the audit and the attestations being made by the university including documentation of any significant exceptions or concerns.

### Summary of Key Observations/Recommendations

No issues were identified that would deter the signing and submission of this form by the required deadline.

### Additional Background

N/A

### Rationale

Performance-based funding is a critical funding source to assist with achieving the objectives of the UCF Strategic Plan. The ability to accurately measure current results along with identifying ways to improve future results will be a major benefit to the university.

### Implementation Plan

After approval of the form by the full UCF Board of Trustees, this document is to be signed by the university president and the UCF Board of Trustees Chair and is to be submitted to the Board of Governors Office of Inspector General and Director of Compliance no later than March 1, 2024.

### Resource Considerations

The cost to UCF is internal representing the hours spent by University Audit and other departments in completing the audit and reviewing the results.

### Conclusion

Recommend the Board of Trustees approve submission of the Board of Governors Performance-based Funding Data Integrity Certification Form to the Board of Governors.



# Data Integrity Certification

## March 2024

In accordance with Board of Governors Regulation 5.001(8), university presidents and boards of trustees are to review, accept, and use the annual data integrity audit to verify the data submitted for implementing the Performance-based Funding model complies with the data definitions established by the Board of Governors.

Given the importance of submitting accurate and reliable data, boards of trustees for those universities designated as preeminent or emerging preeminent are also asked to review, accept, and use the annual data integrity audit of those metrics to verify the data submitted complies with the data definitions established by the Board of Governors.

**Applicable Board of Governors Regulations and Florida Statutes:** Regulations 1.001(3)(f), 3.007, and 5.001; Sections 1.001.706, 1001.7065, and 1001.92, Florida Statutes.

**Instructions:** To complete this certification, university presidents and boards of trustees are to review each representation in the section below and confirm compliance by signing in the appropriate spaces provided at the bottom of the form. Should there be an exception to any of the representations, please describe the exception in the space provided.

Once completed and signed, convert the document to a PDF and ensure it is ADA compliant. Then submit it via the Chief Audit Executives Reports System (CAERS) by the **close of business on March 1, 2024**.

**University Name:** University of Central Florida

### Data Integrity Certification Representations:

1. I am responsible for establishing and maintaining, and have established and maintained, effective internal controls and monitoring over my university's collection and reporting of data submitted to the Board of Governors Office which will be used by the Board of Governors in Performance-based Funding decision-making and Preeminence or Emerging-preeminence Status.
2. In accordance with Board of Governors Regulation 1.001(3)(f), my Board of Trustees has required that I maintain an effective information system to provide accurate, timely, and cost-effective information about the university, and shall require that all data and reporting requirements of the Board of Governors are met.
3. In accordance with Board of Governors Regulation 3.007, my university provided accurate data to the Board of Governors Office.

## Data Integrity Certification, March 2024

4. In accordance with Board of Governors Regulation 3.007, I have tasked my Data Administrator to ensure the data file (prior to submission) is consistent with the criteria established by the Board of Governors. The due diligence includes performing tests on the file using applications, processes, and data definitions provided by the Board Office. A written explanation of any identified critical errors was included with the file submission.
5. In accordance with Board of Governors Regulation 3.007, my Data Administrator has submitted data files to the Board of Governors Office in accordance with the specified schedule.
6. I am responsible for taking timely and appropriate preventive/ corrective actions for deficiencies noted through reviews, audits, and investigations.
7. I recognize that Board of Governors' and statutory requirements for the use of data related to the Performance-based Funding initiative and Preeminence or Emerging-preeminence status consideration will drive university policy on a wide range of university operations – from admissions through graduation. I certify that university policy changes and decisions impacting data used for these purposes have been made to bring the university's operations and practices in line with State University System Strategic Plan goals and have not been made for the purposes of artificially inflating the related metrics.
8. I certify that I agreed to the scope of work for the Performance-based Funding Data Integrity Audit and the Preeminence or Emerging-preeminence Data Integrity Audit (if applicable) conducted by my chief audit executive.
9. In accordance with section 1001.706, Florida Statutes, I certify that the audit conducted verified that the data submitted pursuant to sections 1001.7065 and 1001.92, Florida Statutes [regarding Preeminence and Performance-based Funding, respectively], complies with the data definitions established by the Board of Governors.

**Exceptions to Note:** The Spring 2022 Degrees awarded (SIFD) file was due on June 24, 2022; however, it was submitted on June 27, 2022, due to technical issues with the BOG reporting system. In addition, the Student Instruction File Preliminary (SIFP) Enrollment file submittal for Fall 2022 was delayed due to logic needing to be updated for Workday integrations. The due date was October 28, 2022, and file was submitted on November 4, 2022. The BOG was informed of these delays, which had no impact on performance funding calculations.

## Data Integrity Certification, March 2024

### Data Integrity Certification Representations, Signatures:

*I certify that all information provided as part of the Board of Governors Data Integrity Certification for Performance-based Funding and Preeminence or Emerging-preeminence status (if applicable) is true and correct to the best of my knowledge; and I understand that any unsubstantiated, false, misleading, or withheld information relating to these statements render this certification void. My signature below acknowledges that I have read and understand these statements. I certify that this information will be reported to the board of trustees and the Board of Governors.*

Certification: \_\_\_\_\_  
University President

Date: \_\_\_\_\_

*I certify that this Board of Governors Data Integrity Certification for Performance-based Funding and Preeminence or Emerging-preeminence status (if applicable) has been approved by the university board of trustees and is true and correct to the best of my knowledge.*

Certification: \_\_\_\_\_  
University Board of Trustees Chair

Date: \_\_\_\_\_



# Board of Trustees

*February 22, 2024*

## **Agenda Item**

BUDC-1: Operating Budget for Housing Auxiliary with Bonded Debt

## **Proposed Board Action**

The Board of Trustees is asked to approve, on its consent agenda, the 2024-2025 Housing Auxiliary Budget.

## **Authority for Board of Trustees Action**

Per the Board of Governors' Regulation 9.008 University Auxiliary Facilities with Outstanding Revenue Bonds, the operating budget for these facilities is required to be approved by the university's Board of Trustees prior to its submission to the Board of Governors in February

### **Supporting Documentation Included**

Attachment A: 2024-2025 Proposed Auxiliary Facilities Operating Budgets – Housing Operations

### **Facilitators/Presenters**

Gerald Hector, Senior Vice President for Administration and Finance

Bert Francis, Assistant Vice President for Debt Management and University Treasurer



# Operating Budget for Housing Auxiliary Facility with Bonded Debt

## EXECUTIVE SUMMARY

### Objective

The Budget and Finance Committee is being asked to review and recommend approval of the proposed 2024-2025 Operating Budget for the Housing Auxiliary Facility with Bonded Debt. Board of Governors' Regulation 9.008 University Auxiliary Facilities with Outstanding Revenue Bonds provides guidance to universities for auxiliary facilities with outstanding revenue bonds. Certain outstanding state university system bond issues for auxiliary facilities have covenants that state: "The Board of Governors shall annually, at least ninety (90) days preceding the beginning of each fiscal year, prepare a detailed budget providing reasonable estimates of the current revenues and expenses of the university during the succeeding fiscal year and setting forth the amount to be deposited in the Maintenance and Equipment Reserve Fund (reserves). The budget shall be adopted by the Board of Governors and shall not be changed during the fiscal year except by the same procedure by which it was adopted." The university currently has outstanding revenue bonds for its Housing auxiliary.

For the FY2024-2025 budget, the university decided to create one document that displays variables and line items that are requested by the Board of Governors (BOG). In prior years, the university presented one format for its Board of Trustees, and a different version for the BOG. This change in reporting format is in line with the changes we made to the Spending Authority that the Board of Trustees approves in its fourth and first quarter meetings (preliminary and final). This approach ensures that what the Board of Trustees approves is exactly what the BOG will receive. This format is akin to a cash balance roll forward from year to year. It has the elements of revenues and expenses that form the annual operating budget for our housing units that provides the details of financial operations for the upcoming fiscal year.

### Summary of Key Discussion Topics and Questions

Below are some key tenets and variables that support the Housing Auxiliary budget for fiscal year 2024-2025.

#### **Parking:**

The University paid off all parking bonds at the beginning of fiscal year 2023-2024 and has satisfied all bond requirements. Parking is no longer subject to bonded facility requirements by the State.

#### **Housing:**

Fiscal year 2023-2024 estimated revenues are expected to increase **\$1.59 million**, or **5.45%**, primarily due to the previously approved increase in rental rates and due to increases in other revenues.

Fiscal year 2023-24 estimated expenses are trending to be either in-line, or less than, the approved budget for fiscal year 2023-24. Total expenditures for fiscal year 2023-24 are projected to increase by **\$8.22 million**, or **30.59%**, compared to prior year actuals, primarily due to the following notable changes:

1. An increase of **\$5.94 million** in construction transfers to address a variety of deferred maintenance needs and capital improvements on the existing housing facilities.
2. An increase of **\$758,000** for salary and matching expenditures primarily due to the conversion of various other personnel service (OPS) positions to full-time staff positions, new staff positions that were created for facilities maintenance, and the filling of several vacant staff positions.
3. An increase of **\$1.57 million** in general operating expenditures which are attributed to the following changes:
  - a. Auxiliary overhead – An increase of approximately **\$610,000** (Note: The FY 2022-2023 auxiliary overhead charge was based on fiscal year 2020-2021 actual revenues which were abnormally low due to the pandemic recovery. The estimated auxiliary overhead for FY 2023-2024 is in line with the amounts from prior years at full occupancy.
  - b. Utilities – Estimated increase of **\$400,000**.
  - c. Inflation – Estimated increase of **\$564,000** in the cost of goods and services primarily due to inflationary increases.

Fiscal year 2024-2025 revenues are budgeted to increase by an additional **\$983,000** due to the previously approved increase in rental rates.

Fiscal year 2024-2025 proposed total budgeted expenditures are expected to decrease **\$285,600**, or **.81%**, primarily due to the following notable changes:

1. Salaries and Matching - An increase of approximately **\$534,000** to fill existing vacant positions.
2. Other Personnel Services – An increase of approximately **\$127,000** to account for an **8.33%** increase in minimum wage for hourly employees and an increase in general hours worked.
3. Operating Expenses – An increase of a **\$1 million** contingency budget. Due to restrictions in the ability to increase bonded auxiliary facility budgets without requesting subsequent BOG approval, this amount will be utilized to cover any unexpected maintenance needs on the existing housing facilities.
4. Other Outflows and Transfers Out – A decrease of approximately **\$2.03 million** versus fiscal year 2023-2024 estimated actuals based on the projected repair and replacement needs provided by UCF Facilities and Safety. The fiscal year 2024-2025 transfer out expenditures

of **\$5.04** million includes capital expenditures for fire alarm replacements, HVAC replacements, window replacements, and metal stair replacements.

The proposed budget satisfies bond covenant requirements for debt coverage ratio.

### **Additional Background**

The University defeased the parking bonds at the beginning of FY24 and has satisfied all bond requirements. Parking is no longer subject to bonded facility requirements by the State as of June 30, 2023.

Board of Governors' Regulation 9.007 State University Operating Budgets and Requests Auxiliary Enterprises provides guidance on budgeting for all auxiliaries. Auxiliary enterprises include those activities that are not instructional in nature but support the operation of the university. The auxiliaries must generate adequate revenue to cover expenses and allow for future renovations and building or equipment replacement, if applicable. The use of certain auxiliary revenues is restricted by either state statute, Board of Governors' regulations, and/or bond covenants. For Housing debt, the reserve requirements for repair and replacement indicate that a balance totaling 30% of pledged revenues must be maintained. Housing restrictions will become unrestricted upon payoff of all bonded debt.

The attached budget proposals were developed using requests from the individual departments and an analysis of expected revenue and expenditures with a comparison to projected and actual amounts from the prior year. Fiscal year 2023-2024 estimates were prepared using updated assumptions and estimates based on information available through December 31, 2023.

### **Rationale**

The Department of Housing and Residence Life provides residents with safe and secure housing communities that foster student success and well-being. The 2024-2025 proposed budget will support those efforts in providing a premier experience for residents to live, learn, and become tomorrow's global citizens. It will also provide for the proper maintenance and care of our residential facilities, including more than \$5 million in capital projects.

### **Implementation Plan**

Under the direction of the Division of Student Success and Well-Being (SSWB), the Department of Housing and Residence Life will carry out its mission and adhere to the requested budget. Revenue sources will be used for operational expenditures, debt service, and non-operational expenditures, (i.e. transfers to capital projects, reserves, SSWB and UCF IT).

### **Resource Considerations**

These auxiliary enterprises generate sufficient revenues to cover their own expenses and maintain adequate cash reserves to satisfy bond covenants.

## **Conclusion**

The Budget and Finance Committee recommends approval of the 2024-2025 Operating Budget for the Housing Auxiliary with Bonded Debt. Without the BOT's approval, reductions in staff, maintenance, capital projects, and student services will need be made due to inflationary impacts.

## Attachment A

INCOME AND EXPENDITURE STATEMENT			
UNIVERSITY: University of Central Florida			
BOND TITLE: Housing Revenue Certificates Series, Series 2018A and Series 2021A			
AUXILIARY FACILITY (IES): Housing Facilities			
	2022-23 Actual	2023-24 Estimated	2024-25 Projected
1. REVENUE CARRIED FORWARD			
A. Operating Cash Carried Forward:			
Liquid	\$ 14,415,812	\$ 16,778,113	\$ 11,861,705
Investments	-	-	-
Subtotal:	14,415,812	16,778,113	11,861,705
B. Replacement Reserve Forward:			
Debt Service Reserve	-	-	-
Maintenance & Equipment Reserve	8,588,177	8,588,177	9,243,038
General Reserve	-	-	-
Subtotal:	8,588,177	8,588,177	9,243,038
TOTAL CARRIED FORWARD (A +B):	23,003,989	25,366,290	21,104,743
2. CURRENT YEAR REVENUE / INFLOWS			
* Revenue	28,556,984	29,175,128	30,158,524
Interest Income	-	-	-
Other Income / Inflows	660,781	1,635,000	1,635,000
TOTAL CURRENT YEAR REVENUE:	29,217,765	30,810,128	31,793,524
3. SUMMARY OF AVAILABLE REVENUES (1 +2):	52,221,754	56,176,418	52,898,267
4. CURRENT YEAR EXPENDITURES / OUTFLOWS			
Salaries and Matching	7,658,843	8,416,384	8,950,000
Other Personal Services	1,384,145	1,376,013	1,503,162
Operating Expense	8,044,577	9,618,648	10,618,648
Repairs and Maintenance	2,212,799	2,092,717	2,174,749
Debt Service	6,404,913	6,400,913	6,401,538
Repair and Replacement Expense	-	-	-
Operating Capital Outlay	24,120	100,000	100,000
Other Outflows & Transfers Out	1,126,067	7,067,000	5,038,021
TOTAL EXPENDITURES:	26,855,464	35,071,675	34,786,118
5. TRANSFERS TO REPLACEMENT RESERVES			
Debt Service Reserve	-	-	-
Maintenance & Equipment Reserve	-	654,861	295,019
General Reserve	-	-	-
Subtotal:	-	654,861	295,019
6. TRANSFERS FROM REPLACEMENT RESERVES			
Debt Service Reserve	-	-	-
Maintenance & Equipment Reserve	-	-	-
General Reserve	-	-	-
Subtotal:	-	-	-
7. ENDING REPLACEMENT RESERVES (1B +5 -6)			
Debt Service Reserve	-	-	-
Maintenance & Equipment Reserve	8,588,177	9,243,038	9,538,057
General Reserve	-	-	-
Interest Earned on Reserve Balances	-	-	-
Subtotal:	8,588,177	9,243,038	9,538,057
8. ENDING OPERATING CASH (1A +2 -4 -5)	16,778,113	11,861,705	8,574,093
9. SUMMARY OF ENDING REVENUES (7 +8)	\$ 25,366,290	\$ 21,104,743	\$ 18,112,150

**\* REQUIRED INFORMATION \***

Date budget approved by University Board of Trustees:

Prepared By: Bert Francis

Telephone: 407-882-1075

\* Revenue as outlined in the Bond Covenants to support the debt servicing of the bonds.

Page 2

UNIVERSITY AXILIARY FACILITIES  
NARRATIVE SUPPLEMENT TO INCOME AND EXPENDITURE STATEMENT  
**TO BE PROVIDED TO BOARD OF GOVERNORS MEMBERS**

**1. Do the pledged revenues reported contain any overhead assessments ? If yes, please explain.**

An overhead rate of 9% is charged to the Housing auxiliary based on revenues collected two years in arrears. The total is included in operating expenses .

**2. Do pledged revenues or expenditures change year over year 10% or more ? If yes, please explain.**

Yes - Fiscal year 2022-23 actuals vs fiscal year 2023-24 estimated expenditures are expected to increase roughly 30%. The majority of the increase is attributed to the three subcategories identified below with the following explanations:

- Salaries and Matching - Various other personal services lines were converted to full-time staff lines, new positions were created for facilities maintenance, and additional vacant lines were filled.

- Operating Expense - An increase of \$1.57 million in general operating expenditures which are attributed to the following changes: 1. Auxiliary overhead - An increase of approximately \$610,000 (Note: The FY 2022-23 auxiliary overhead charge was based on fiscal year 2020-21 actual revenues which were abnormally low due to the pandemic recovery. The estimated auxiliary overhead for FY 2023-24 is in line with the amounts from prior years at full occupancy.) 2. Utilities - Estimated increase of \$400,000. 3. Inflation - Estimated increase of \$564,000 in the cost of goods and services primarily due to inflationary increases.

- Other Outflows & Transfers Out - An increase of \$5.94 million to fund construction transfers to address a variety of deferred maintenance needs and capital improvements on the existing housing facilities.

**3. Please explain amounts categorized as "other".**

Other Income / Inflows account for revenues not associated with rent revenue, including, but not limited to conference, vending, and miscellaneous revenue

Other Outflows & Transfers Out includes transfers to the construction fund to address a variety of deferred maintenance needs and capital improvements on the existing housing facilities.



# Board of Trustees

*February 22, 2024*

## **Agenda Item**

GOVC-1: Memorandum of Understanding to Supplement the 2022-2024 BOT-UFF Collective Bargaining Agreement

## **Proposed Committee Action**

The Board of Trustees is asked to approve, on its consent agenda, the proposed Memorandum of Understanding to Supplement the 2022-2024 BOT-UFF Collective Bargaining Agreement.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001; Resolution on Presidential Authority, Section 3(e)

### **Supporting Documentation Included**

Attachment A: Memorandum of Understanding to between the University of Central Florida Board of Trustees and the UCF Chapter of the United Faculty of Florida (UFF)

### **Facilitators/Presenters**

Charles H. Reilly, Associate Provost for Contract Compliance and Administrator Support



# GOVC-1: Memorandum of Understanding to Supplement the 2022-2024 BOT-UFF Collective Bargaining Agreement

## EXECUTIVE SUMMARY

### Objective

Consider approving the Memorandum of Understanding to Supplement the 2022-2024 BOT-UFF Collective Bargaining Agreement.

### Summary of Key Observations/Recommendations

Beginning with the university's next contract renewal with Microsoft, the university would be charged for storage based on its the number of licenses for the knights.ucf.edu domain. As of September 2023, there were nearly 300,000 accounts on the knights.ucf.edu domain that would each require a license. At the same time, it was determined that over 82% of those accounts had had not been accessed for at least one year. The MOU was necessary as UCF intends to decommission all university sponsored email addresses on the knights.ucf.edu domain by June 30, 2024. However, one of the current CBA benefits for retirees is a University sponsored email address on the knights.ucf.edu domain. Full book negotiations for the 2024-2027 BOT-UFF Collective Bargaining Agreement (CBA) are underway but may not conclude before the next contract renewal with Microsoft. This MOU sets forth the agreement between the university and union regarding these sponsored email accounts for retired faculty.

### Additional Background

On March 17, 2022, the UCF Board of Trustees entered into a three-year collective bargaining agreement with UFF, 2021-2024 BOT-UFF CBA, that expires on August 31, 2024. On February 24, 2023, the UCF Board of Trustees ratified two reopened articles for the 2022-2024 BOT-UFF Collective Bargaining Agreement (CBA). On November 29, 2023, a Memorandum of Understanding (MOU) was signed between both parties to supplement Article 24 of the 2022-2024 BOT-UFF CBA.

Florida Board of Governors Regulation 1.001(5)(b) provides that each board of trustees shall act as the sole public employer with regard to all public employees of its university for the purposes of collective bargaining and shall serve as the legislative body for the resolution of impasses with regard to collective bargaining matters.

Under the Board of Trustees' Resolution on Presidential Authority, the Board delegates the administration of collective bargaining agreements and matters to the President, who assigns a collective bargaining team to negotiate agreements. The Associate Provost for Contract Compliance and Administrator Support serves as the chief negotiator on behalf of the university. The collective bargaining team for this union also includes the director in Contract Compliance and Administrator Support, an associate general counsel, and an associate dean.

## **Rationale**

The MOU provides retired faculty a university sponsored email address in accordance with the CBA for as long as the retiree accesses that email account at least once per year.

## **Implementation Plan**

In anticipation of approval of this MOU, the university has a tentative communication plan and migration schedule that would be executed March through May. The knights.ucf.edu domain would then be decommissioned by the end of June 2024. Faculty who are soon to retire may request to use their current employee email address as their university sponsored email upon retirement.

## **Resource Considerations**

The decommissioning of the knights.ucf.edu domain will save future costs of approximately \$30 million per year when Microsoft begins charging for storage by license.

## **Conclusion**

The collective bargaining team appointed by the president to represent the University of Central Florida Board of Trustees recommends approval of the Memorandum of Understanding to Supplement the 2022-2024 BOT-UFF Collective Bargaining Agreement.

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into by and between the University of Central Florida Board of Trustees ("UCF") and the UCF Chapter of the United Faculty of Florida ("UFF") for the purpose of supplementing Article 24 of the 2022-2024 BOT-UFF Collective Bargaining Agreement ("CBA") until a new CBA for 2024-2027 is ratified.

WHEREAS UFF is the certified bargaining agent for a unit of employees of the University of Central Florida;

WHEREAS the parties will open full-book negotiations for the 2024-2027 CBA by November 2023 and will conclude those negotiations at an unknown time;

WHEREAS UCF intends to decommission all university sponsored email addresses on the knights.ucf.edu domain by the end of UCF's 2023-2024 fiscal year (i.e., by June 30, 2024);

WHEREAS Article/Section 24.4 (a) of the current CBA lists benefits for retirees (i.e., for in-UFF employees who are about to transition to retired status or former in-UFF employees who are retired from UCF) that includes a University sponsored email address ([name@knights.ucf.edu](mailto:name@knights.ucf.edu));

WHEREAS UCF and UFF hereby agree to supplement Article 24 of the current CBA with the following terms until negotiations on a new full-book 2024-2027 CBA are completed and a new CBA is ratified.

The parties hereby agree that from the date this MOU is fully executed until a new full-book CBA is ratified that:

- Upon request by a retiring employee, the university shall provide a University sponsored email address.
- As of the date of this MOU's signing, the University sponsored email address requested by a retiring employee shall be their most recent employee email address (i.e., [name@ucf.edu](mailto:name@ucf.edu)).
- Post employment, the University may decommission a University sponsored email address automatically if that address has not been accessed for one year or longer.
- Post employment, a retiree in good standing whose University sponsored email address was decommissioned may request that such an email address be commissioned.
- Any retiree (from a position represented by UFF) who is in good standing, no longer has a University employee email address (i.e., [name@ucf.edu](mailto:name@ucf.edu)), and was provided a Knights email address as a replacement upon retirement, may request to be provided an employee email address (i.e., [name@ucf.edu](mailto:name@ucf.edu)).
- Any person using a University sponsored email address shall abide by all laws and University policies and regulations regarding email and use of University information technology resources or their University sponsored email address may be decommissioned.

Signed this 29<sup>th</sup> day of November, 2023.

**creilly**

Digitally signed by creilly  
Date: 2023.11.29  
16:00:31 -05'00'

UCF Representative

**Talat  
Rahman**

Digitally signed by Talat  
Rahman  
Date: 2023.12.01  
17:41:25 -05'00'

UFF Representative



# Board of Trustees

*February 22, 2024*

## **Agenda Item**

GOVC-2: Review and Endorse Board of Governors Statement of Free Expression

## **Proposed Committee Action**

The Board of Trustees, on its consent agenda, is asked to endorse the Florida Board of Governors' Statement of Free Expression and commit to the principles of civil discourse.

## **Authority for Board of Trustees Action**

- Board of Governors Regulation 1.001
- Board of Governors Civil Discourse Final Report

### **Supporting Documentation Included**

Attachment A: Board of Governors Statement of Free Expression

### **Facilitators/Presenters**

Youndy Cook, Vice President and General Counsel



# GOVC-2 Review and Endorse Board of Governors Statement of Free Expression

## EXECUTIVE SUMMARY

### Objective

Review and Endorse the Board of Governors Statement of Free Expression.

### Summary of Key Observations/Recommendations

The Board of Governors recommends that each university board of trustees annually review and endorse the Board of Governors Statement of Free Expression and commit to the principles of civil discourse.

### Additional Background

To promote civil discourse in the State University System, the Board of Governors and the presidents of Florida's twelve public universities adopted a "Statement of Free Expression" in 2019. The Board's statement aligns with the well-established "Chicago Principles" that originated at the University of Chicago in 2014, articulating an overarching commitment to free, robust, and uninhibited debate. The Board's Statement of Free Expression was endorsed by the twelve state universities as a vehicle to establish, maintain, and support a full and open discourse and the robust exchange of ideas and perspectives on all university campuses. The statement reinforces that a critical purpose of a higher education institution is "to provide a learning environment where divergent ideas, opinions, and philosophies, new and old, can be rigorously debated and critically evaluated."

The Board of Governors subsequently established a Civil Discourse Initiative, which was led by Governor Tim Cerio. Governor Cerio reported to the Board of Governors at the January 2022 meeting, at which time the Board of Governors approved the Civil Discourse Initiative Final Report and Recommendations. Recommendation 3 states: "The Board of Governors recommends that the leadership of each university board of trustees, faculty senate, and student government annually review and endorse the Board of Governors 's Statement of Free Expression and commit to the principles of civil discourse."

For this year's implementation of Recommendation 3, the Board is requested to review and endorse the Board of Governors' Statement of Free Expression, reaffirming the UCF Board's dedication to civil discourse principles.

### Rationale

The endorsement of the Board of Governors' Statement of Free Expression and an affirmation of the UCF Board of Trustees' commitment to the principles of civil discourse will demonstrate UCF's ongoing efforts to cultivate civil discourse and support free expression throughout the

university.

### **Implementation Plan**

N/A

### **Resource Considerations**

N/A

### **Conclusion**

The Governance Committee recommends endorsement of the Board of Governors Statement of Free Expression to the UCF Board of Trustees.

## **Appendix A**

# **State University System of Florida**

## **Statement of Free Expression**

**April 15, 2019**

The State University System of Florida and its twelve public postsecondary institutions adopt this Statement on Free Expression to support and encourage a full and open discourse and the robust exchange of ideas and perspectives on our respective campuses. The principles of freedom of speech and freedom of expression in the United States and Florida Constitutions, in addition to being legal rights, are an integral part of our three-part university mission to deliver a high-quality academic experience for our students, engage in meaningful and productive research, and provide valuable public service for the benefit of our local communities and the state. The purpose of this statement is to affirm our dedication to these principles and to seek our campus communities' commitment to maintaining our campuses as places where the open exchange of knowledge and ideas furthers our mission.

A fundamental purpose of an institution of higher education is to provide a learning environment where divergent ideas, opinions, and philosophies, new and old, can be rigorously debated and critically evaluated. Through this process, often referred to as the marketplace of ideas, individuals are free to express any ideas and opinions they wish, even if others may disagree with them or find those ideas and opinions to be offensive or otherwise antithetical to their own worldview. The very process of debating divergent ideas and challenging others' opinions develops the intellectual skills necessary to respectfully argue through civil discourse. Development of such skills leads to personal and scholarly growth and is an essential component of each of our institutions' academic and research missions.

It is equally important not to stifle the dissemination of any ideas, even if other members of our community may find those ideas abhorrent. Individuals wishing to express ideas with which others may disagree must be free to do so without fear of being bullied, threatened, or silenced. This does not mean that such ideas should go unchallenged, as that is part of the learning process. And though we believe all members of our campus communities have a role to play in promoting civility and mutual respect in that type of discourse, we must not let concerns over civility or respect be used as a reason to silence expression. We should empower and enable one another to speak and listen, rather than interfere with or silence the open expression of ideas.

Each member of our campus communities must also recognize that institutions may restrict unlawful expression, such as true threats or defamation. Because universities and colleges are first and foremost places where people go to engage in scholarly endeavors, it is necessary to the efficient and effective operations of each institution for there to be reasonable limitations on the time, place, and manner in which these rights are exercised. Each institution has adopted regulations that align with Florida's Campus

Free Expression Act, section 1004.097, Florida Statutes, and the United States and Florida Constitutions and the legal opinions interpreting those provisions. These limitations are narrowly drawn and content-neutral and serve to ensure that all members of our campus communities have an equal ability to express their ideas and opinions while preserving campus order and security.



# Board of Trustees

*February 22, 2024*

## **Agenda Item**

GOVC-3: Board of Trustees Policy Conflict of Interest Statement and Disclosure Form

## **Proposed Committee Action**

The Board of Trustees is asked to approve, on its consent agenda, the proposed amendments to the Board of Trustees Policy Conflict of Interest Statement and Disclosure Form.

## **Authority for Board of Trustees Action**

University of Central Florida Board of Trustees Tenth Amended and Restated Bylaws, Section 8.1, Conflict of Interest Policy

Code of Ethics for Public Officers and Employees, Sections 112-311 - 112-326, Florida Statutes

## **Supporting Documentation Included**

Attachment A: Board of Trustees Policy Conflict of Interest Statement and Disclosure Form (redline)

## **Facilitators/Presenters**

Youndy Cook, Vice President and General Counsel



# GOVC-3: Board of Trustees Policy Conflict of Interest Statement and Disclosure Form

## EXECUTIVE SUMMARY

### **Objective**

This agenda item is provided to the Governance Committee for review and consideration to approve proposed amendments to the Board of Trustees Policy Conflict of Interest Statement and Disclosure Form.

### **Summary of Key Observations/Recommendations**

The suggested changes to the Conflict-of-Interest Statement and Disclosure Form policy of the Board of Trustees aim to expand its coverage to include related entities. These related entities consist of the university's direct support organizations and the clinical practice plan corporation.

### **Additional Background**

One of the functions of the Governance Committee is responsibility for conflict-of-interest oversight. The Board's Conflict of Interest Statement and Disclosure Form has been reviewed by the General Counsel and the Assistant Vice President for Compliance and Ethics.

### **Rationale**

This document must be completed annually by the Board of Trustees. The suggested changes will allow Trustees who serve on a university direct support organization (DSO) to complete a single Conflict of Interest (COI) disclosure form. This form will then apply to their service on the Board of Trustees and any DSO boards for which they are appointed.

### **Implementation Plan**

The amended policy would take effect upon approval by the UCF Board of Trustees.

### **Resource Considerations**

N/A

### **Conclusion**

Staff suggests approval of the amendments to the Board of Trustees Policy Conflict of Interest Statement and Disclosure Form.

**UNIVERSITY OF CENTRAL FLORIDA  
BOARD OF TRUSTEES  
POLICY**

**Conflict of Interest Statement & Disclosure Form**

**Introduction**

Section 8 of Article II of the Constitution of the State of Florida states: "A public office is a public trust." As the governing board for the University of Central Florida, members of the UCF Board of Trustees serve the public trust. UCF Trustees are ~~therefore~~ expected to make decisions that are grounded in advancing the best interests of the public institution and the public good.

University trustees are generally involved in the affairs of other institutions and organizations. However, it is prescribed by law in the State of Florida that no public officer have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of ~~his or her~~their duties in the public interest.

This Conflict of Interest Statement incorporates relevant provisions of the Florida Constitution and the Florida Statutes addressing standards of ethical conduct for public officers and is applicable to each member of the UCF Board of Trustees.

**Definitions**

For the purpose of this Conflict of Interest Statement and Disclosure Form, the following definitions apply:

- A "conflict of interest" arises in situations in which regard for private interest tends to lead to the disregard of a public duty or interest, such as biased decision making or personal gain.
- A "business entity" is any corporation, partnership, limited partnership, company, limited liability company, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.
- A "business relationship" is a relationship in which a Trustee or a Trustee's spouse or child serves as an officer, director, or proprietor of, or has a material interest in, an organization that does business with the University of Central Florida (university/UCF) or any UCF related entity.
- A "material interest" is a direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity.
- "Related entity" means a direct support organization or practice plan corporation of the University.

**Code of Ethics for Public Officers and Employees**

As public officers, Trustees have the responsibility to comply with the applicable provisions of the Code of Ethics for Public Officers and Employees contained in Chapter 112, Part III, Florida Statutes, relevant parts of which are included below.

**SOLICITATION OR ACCEPTANCE OF GIFTS.** Trustees may not solicit or accept anything of value, such as a gift, loan, reward, promise of future employment, favor, or service that is based upon any understanding that their vote, official action, or judgment will be influenced by such gift. Additionally, a Trustee is prohibited from soliciting a gift from a vendor doing business with the university or related entity, a political committee, or a lobbyist who has lobbied the Trustee or the university within the past 12 months, or partner, firm, employer, or principal of the lobbyist.

DOING BUSINESS WITH ONE'S AGENCY. Trustees acting in their official capacity are prohibited from directly or indirectly purchasing, renting, or leasing any realty, goods, or services for the university or related entity from a business entity in which the Trustees or their spouses or children serve as an officer, partner, director, proprietor, or have a material interest. Trustees, acting in their private capacity, are also prohibited from renting, leasing, or selling any realty, goods, or services to the university or related entity.

UNAUTHORIZED COMPENSATION. Trustees, their spouses, and minor children may not accept any compensation, payment, or thing of value when they know, or should know, that it was given to influence a vote or other official action.

MISUSE OF PUBLIC POSITION. Trustees may not corruptly use or attempt to use their official position or any property or resource that is within their trust, or perform their official duties, to secure a special privilege, benefit, or exemption for themselves or others.

CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP. Trustees may not work for or contract with a business entity or agency regulated by or doing business with the university or related entity, subject to limited exceptions set forth in Florida Statutes. Trustees also may not work for or have a contractual relationship which will impede the full and faithful discharge of their public duties. Trustees may not create a continuing or frequently recurring conflict between their private interests and the performance of their public duties.

DISCLOSURE OR USE OF CERTAIN INFORMATION. Trustees (including former Trustees) may not disclose or use information not available to the general public and obtained by reason of their position for their personal benefit or for the personal benefit of any other person or business entity.

SOLICITATION OR ACCEPTANCE OF HONORARIA. Trustees are prohibited from soliciting honoraria related to their public office or duties as a Trustee for the university or board service on a related entity or duties as a Trustee for the university. Trustees are prohibited from accepting an honorarium from a political committee, a vendor doing business with the university or related entity, a lobbyist who has lobbied the university or related entity, within the past 12 months, or the employer, principal, partner, or firm of such a lobbyist.

BOARDS OF TRUSTEES. No citizen member of a ~~B~~board of Trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.

~~Accordingly,~~ UCF Trustees have a continuing obligation to be familiar with Florida law regarding ethics and conflicts of interest, and to disclose to the Board Chair any personal, familial, or business relationships that might reasonably give rise to a conflict involving the university or related entity.

#### Conflict of Interest Disclosure

Trustees must annually acknowledge by execution of the attached Conflict of Interest Disclosure Form that they are in compliance with the letter and spirit of the University of Central Florida Board of Trustees' Conflict of Interest Statement and applicable laws.

#### Disclosure Requirements

On the Conflict of Interest Disclosure Form, Trustees annually report those existing relationships which they or members of their family maintain with organizations that do business with the University of Central Florida or a university related entity, and/or relationships ~~er~~ which could be construed to affect their independent, unbiased ~~judgement~~ judgment in light of their decision-making authority and responsibility.

Prior to engaging in any new business relationship with the university or related entity, if a Trustees should consult with ~~is uncertain of whether a particular relationship should be listed,~~ the Board Chair and the University General Counsel or Vice President for Compliance, Ethics, and Risk should be consulted.

### **Voting**

While Trustees are required to disclose all potential conflicts of interest as described above, Trustees are required to vote on all matters before the Board unless there is or appears to be a voting conflict of interest *as prescribed by law*. In the event of such voting conflict of interest, Trustees are not permitted to vote. In all other matters in which a conflict of interest is or may be present, Trustees will vote and the conflict will be disclosed at the meeting during which the matter involving the conflict of interest is being considered.

Such disclosure, indicating the nature of the conflict, must be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and must be incorporated into the minutes. Any such memorandum will become a public record upon filing, and will be immediately provided to the other members of the Board, and will be read publicly at the next meeting held subsequent to the filing of the memorandum.

**UNIVERSITY OF CENTRAL FLORIDA  
BOARD OF TRUSTEES  
CONFLICT OF INTEREST DISCLOSURE FORM**

This Conflict of Interest Disclosure Form is intended to protect you, the Board and the University of Central Florida by affording ample opportunity to anticipate any potential conflicts and assure that all Board decisions are above reproach.

**Personal, Familial or Business Relationships**

- Do you have an existing or potential financial or other interest that impairs or might reasonably appear to impair your independent, unbiased judgment in the discharge of your duties as a member of the Board of Trustees of the University of Central Florida?  
NO \_\_\_\_\_ YES \_\_\_\_\_ If yes, please describe:

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- Please list any business entity that does business with or that may do business with the university or related entity AND either (a) employs you or (b) with which you have a contractual relationship:

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- Does any member of your family have an existing or potential financial or other interest that impairs or might reasonably appear to impair your independent, unbiased judgment in the discharge of your duties as a member of the Board of Trustees of the University of Central Florida? For purposes of this question, a family member is defined as a spouse, a parent, a child, a sibling, and any other individual residing in your household.  
NO \_\_\_\_\_ YES \_\_\_\_\_ If yes, please describe:

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- Please list any business entity that sells, rents or leases any realty, goods or services to the university **or related entity** AND in which either (a) you (or your spouse or child) serves as an officer, partner, director or proprietor or (b) you or your spouse or child, or any combination of them, has a material interest. For purposes of this item, a “material interest” is a direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity:

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**Outside Employment or Service**

- Does any organization (in which you are or any member of your family is an officer, director, employee, member, partner, trustee, or controlling stockholder) have an existing or potential financial or other interest that impairs or might reasonably appear to impair your independent, unbiased judgment in the discharge of your duties as a member of the Board of Trustees of the University of Central Florida? For purposes of this question, a family member is defined as a spouse, a parent, a child, a sibling, and any other individual residing in your household.  
 NO \_\_\_\_\_ YES \_\_\_\_\_ If yes, please describe in an attachment.

**Any Other Potential Issues or Conflicts**

- To allow the Board and the university to monitor and promptly address any potential conflicts, please identify below any relationships, financial or personal, that may constitute conflicts or potential conflicts of interest:

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OR

\_\_\_\_\_ As of today’s date, I have no financial, professional, or personal relationships that reasonably hold the potential for a conflict of interest involving my service as a University of Central Florida Trustee.

I am familiar with the UCF Board of Trustees Code of Ethics Policy as set forth in Article VIII of the Bylaws of the UCF Board of Trustees and pursuant to which this Disclosure Form is completed and signed. I have disclosed all potential conflicts of interest of which I am aware, and I agree to promptly file a further Conflict of Interest Disclosure Form if any new or additional matters subject to disclosure arise before my next annual Disclosure Form is due.

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Signature

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Date

*Please email, FAX, or mail this completed and signed form to the Office of Board Relations, boardoffice@ucf.edu; University of Central Florida, P.O. Box 160002, Orlando, Florida 32816; FAX: (407) 823-2264.*

**History:** New 6-18-20, 02-22-24

**Authority:** Florida Code of Ethics for Public Officers and Employees - Florida Statutes Ch. 112 Part III



# Board of Trustees

*February 22, 2024*

## **Agenda Item**

GOVC-4: Repeal of University Regulation UCF-2.006 Acceleration Mechanisms

## **Proposed Committee Action**

The Board of Trustees is asked to approve, on its consent agenda, the proposed repeal of University Regulation UCF-2.006 Acceleration Mechanisms.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001

### **Supporting Documentation Included**

Attachment A: University Regulation UCF-2.006 Acceleration Mechanisms

### **Facilitators/Presenters**

Youndy Cook, Vice President and General Counsel



# GOVC-4: Repeal of University Regulation UCF-2.006 Acceleration Mechanisms

## EXECUTIVE SUMMARY

### Objective

Consider the repeal of University Regulation UCF-2.006 Acceleration Mechanisms.

### Summary of Key Observations/Recommendations

This regulation is proposed for repeal. There is no requirement in statute or in the corresponding Board of Governors Regulation 6.006 Acceleration Mechanisms that the university must address the topic of acceleration mechanisms through regulation; rather, the BOG regulation instructs the university to describe acceleration options and criteria in the university catalog, university website, and other appropriate publications or advisement materials. UCF has long provided more detailed information regarding acceleration mechanisms in the university's catalog and other relevant locations. These information methods are more dynamic, allowing the university to update and clarify without the process required for changes to regulations.

### Additional Background

This regulation was originally approved at the March 12, 2009, Board of Trustees meeting, based on a prior administrative rule of the university.

### Rationale

Repeal of this regulation would allow the university to focus on meeting the requirements from BOG 6.006 by publishing acceleration information in the university's catalog and other relevant locations instead of through formal regulation.

### Implementation Plan

The repeal of the regulation would take effect upon approval by the UCF Board of Trustees.

### Resource Considerations

The proposed regulation repeal is not anticipated to incur additional costs to the University.

### Conclusion

The Governance Committee recommends approval of the proposed repeal of University Regulation UCF-2.006.

**UCF-2.006 Acceleration Mechanisms.**

(1) The use of acceleration mechanisms shall be governed by the Articulation Agreement between the state universities and the public community colleges of Florida, Florida Board of Governors Regulations and Sections 1007.23 and 1007.27, F.S.

(2) A maximum of 45 semester hours in any combination of extension, College Board Advanced Placement Program (AP), International Baccalaureate Program (IB), correspondence, College Level Examination Program (CLEP), Armed Forces Services School Credits, and University Credit by Examination credit will be accepted by the University and may be applied toward an undergraduate degree. Credit earned by acceleration mechanisms also applies towards satisfaction of the Summer Attendance Requirement. The acceptance of credit for degree purposes shall be subject to state statutes and review by the appropriate college academic standards committee.

(3) The University of Central Florida shall award credit for specific courses identified by the Department of Education for which competency has been demonstrated by successful passage of examinations of the CLEP, AP, IB, Cambridge AICE exams, DANTES, and Excelsior College Examinations. Credit is awarded only if exam scores are sufficiently high at the time the score is received at UCF. Credit will not be awarded if it duplicates credit already awarded.

(4) Regularly enrolled degree-seeking undergraduate students at the University of Central Florida may participate in the University course credit by examination program. Prior approval to participate in the program must be obtained from the chair of the department in which the course is offered. Credit by examination shall not be given for any course lower in content than courses in the same discipline in which a student is currently enrolled or has completed.

(5) Credit by examination cannot be used to raise a grade in a course previously completed or to meet the twenty-five percent residency hours requirement.

*Authority: BOG Regulations 1.001 and 6.005. History—New 10-8-75, Amended 7-14-80, Formerly 6C7-2.06, Amended 3-16-03, Formerly 6C7-2.006, Amended 3-12-09.*



# Board of Trustees

*February 22, 2024*

## **Agenda Item**

GOVC-5: Amendments to University Regulation UCF-2.010 Awarding of Degrees

## **Proposed Committee Action**

The Board of Trustees is asked to approve, on its consent agenda, the proposed amendments to University Regulation UCF-2.010 Awarding of Degrees.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001

### **Supporting Documentation Included**

Attachment A: University Regulation UCF-2.010 Awarding of Degrees (redline)

### **Facilitators/Presenters**

Youndy Cook, Vice President and General Counsel



# GOVC-5: Amendments to University Regulation UCF-2.010 Awarding of Degrees

## EXECUTIVE SUMMARY

### **Objective**

Consider the proposed amendments to University Regulation UCF-2.010 Awarding of Degrees.

### **Summary of Key Observations/Recommendations**

This regulation is amended to align the regulation with current practice and with operational need. A student's catalog year often conforms to the year they enter university as a degree-seeking student. However, it is sometimes necessary to require a student to move to a new catalog to meet new licensure, certification, or accreditation standards; further, students may sometimes request to move to a different catalog year. This language change will assure the university has the flexibility to meet these needs.

### **Additional Background**

This regulation was originally approved at the March 12, 2009, Board of Trustees meeting, based on a prior administrative rule of the university.

### **Rationale**

The proposed regulation amendments will allow the university flexibility for allowing students to request a catalog change or to change a student's catalog year when required to meet new licensure, certification, or accreditation standards.

### **Implementation Plan**

The amended regulation would take effect upon approval by the UCF Board of Trustees.

### **Resource Considerations**

The proposed regulation amendments are not anticipated to incur additional costs to the University.

### **Conclusion**

The Governance Committee recommends approval of the proposed amendments to University Regulation UCF-2.010.

**UCF-2.010 Awarding of Degrees.**

(1) Earned degrees shall be awarded upon the recommendation of the appropriate Dean and the Provost. These degrees shall be limited to those awarded pursuant to degree programs approved by the University of Central Florida Board of Trustees, for bachelor's and master's programs, and the Florida Board of Governors, for doctoral programs. Additionally, the university may award the Associate in Arts (A.A.) to eligible students upon completion of the appropriate requirements and application.

(2) The curricular requirements for each University program shall be those delineated in the appropriate Undergraduate or Graduate Catalog, ~~as appropriate, in force at the beginning of the student's most recent period of continuous enrollment.~~

(3) Honorary degrees may be awarded by the Board of Trustees upon the recommendation of the President.

(4) The University may award posthumous and emeritus degrees in accordance with university policies and procedures.

*Authority: BOG Regulations 1.001, 3.004, and 6.017. History—New 10-8-75, Amended 7-14-80, Formerly 6C7-2.10, Amended 3-16-03; Formerly 6C7-2.010, Amended 6-12-09, \_\_\_\_\_-24.*



# Board of Trustees

*February 22, 2024*

## **Agenda Item**

GOVC-6: Amendments to University Regulation UCF-2.029 Patents, Trademarks, and Trade Secrets

## **Proposed Committee Action**

The Board of Trustees is asked to approve, on its consent agenda, the proposed amendments to University Regulation UCF-2.029 Patents, Trademarks, and Trade Secrets.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001

### **Supporting Documentation Included**

Attachment A: University Regulation UCF-2.029 Patents, Trademarks, and Trade Secrets (redline)

### **Facilitators/Presenters**

Sandra Sovinski, Deputy General Counsel for Research



# GOVC-6: Amendments to University Regulation UCF-2.029 Patents, Trademarks, and Trade Secrets

## EXECUTIVE SUMMARY

### **Objective**

Consider the proposed amendments to University Regulation UCF-2.029 Patents, Trademarks, and Trade Secrets.

### **Summary of Key Observations/Recommendations**

This regulation addresses the respective rights in inventions, trademarks, and trade secrets; disclosure and review obligations; and university withdrawal and potential transfer of invention rights. Proposed amendments are to update definitions; clarify language relating to outside activity, disclosure and university review; update language regarding the university withdrawal and transfer of rights to inventor; eliminate the obligation for thesis/dissertation inventor sharing of proceeds with the faculty advisor; and eliminate the obligation for sharing of proceeds with the university following transfer of rights to the inventor.

### **Additional Background**

This regulation was last amended on January 24, 2012.

### **Rationale**

The proposed regulation changes will clarify and align the definitions and language relating to outside activity, disclosure/university review, and withdrawal and transfer of rights with University Regulation UCF-2.033 Copyrights and Works and the current Collective Bargaining Agreement.

### **Implementation Plan**

The amended regulation would take effect upon approval by the UCF Board of Trustees.

### **Resource Considerations**

The proposed regulation amendments are not anticipated to incur additional costs to the University.

### **Conclusion**

The Governance Committee recommends approval of the proposed amendments to University Regulation UCF-2.029.

## UCF-2.029 Patents, Trademarks and Trade Secrets

### (1) General.

- (a) This regulation is applicable to all University Personnel (as defined in section (2)(a)). Nothing herein shall be deemed to limit or restrict the University's full exercise of its legal rights and authority.
- (b) The University possesses all rights to and has the authority, at its option, to take any action necessary and proper to secure Intellectual Property owned by the University, and the University may take all steps necessary and proper to protect and enforce its rights. University profits derived from Intellectual Property subject to this ~~R~~regulation shall be shared with the Inventor and/or Creator in accordance with this ~~R~~regulation, University Regulation UCF-2.033 Copyrights and Works, any applicable collective bargaining agreements, and policies or procedures established by the University, including the Office of Research, and the University's designated Intellectual Property owner, the University of Central Florida Research Foundation, Inc and Commercialization. In the event of a conflict between this regulation and any departmental or university or direct support organization policy, this ~~R~~regulation shall control.
- (c) ~~It is a purpose of this Regulation to state University wide policies governing the ownership, use, and commercialization of Inventions, Trademarks, and Trade Secrets. The University encourages University Personnel to engage in research and scholarly endeavors that may result in Inventions, Trademarks, and Trade Secrets. To that end, the University has developed a robust operation to support University personnel in research endeavors and to commercialize the Intellectual Property that may result from those endeavors. Where the University asserts ownership rights, the University will share proceeds of any commercialization efforts with the appropriate University Personnel.~~
- (d) ~~Research is a basic objective of the University, undertaken to educate students, stimulate a spirit of inquiry, solve problems, and create new knowledge. Although the research and teaching missions of the University always take precedence over intellectual property considerations, adequate recognition of and incentive to potential Inventors through the sharing of the financial benefits resulting from the transfer and development of patentable Inventions and other marketable forms of Intellectual Property encourages the creation of such Intellectual Property and serves the public interest. In sharing the proceeds with Inventors, the University recognizes inventorship, encourages and supports research within the University, and recognizes the interests held by outside sponsors of University research.~~
- (e) ~~This ~~R~~regulation addresses only Patents, Trademarks, and Trade Secrets. Copyrights and Works are addressed in University Regulation UCF-2.033 and in applicable collective bargaining agreements.~~

### (2) Definitions. For purposes of interpreting and applying the substantive provisions of this ~~R~~regulation, the following definitions shall apply:

- (a) "University Personnel" shall mean all full-time and part-time employees of the University, whether or not they are members of a collective bargaining unit, including all faculty, staff, and post-doctoral fellows; appointees of the University who receive University Support (as defined below), including volunteers,

adjuncts, and courtesy faculty; persons paid by or through the University, including contractors and consultants; and anybody working under University auspices and anybody receiving University Support ~~(as defined below)~~. Students, including undergraduate, graduate, and professional students, who are encompassed within any of these categories, shall be considered University Personnel for purposes of this Regulation.

- (b) “Work” means, in accordance with Title 17 of the U.S. Code, any original work of authorship that is or may be subject to Copyright (defined in UCF-2.033). “Work” includes but is not limited to printed material (such as books, articles, memoranda, and texts), computer software or databases, audio and visual material, circuit diagrams, architectural and engineering drawings, lecture, compositions (e.g. written, musical and/or dramatic) ~~compositions, musical works, dramatic works~~, motion pictures, multimedia works, web pages, sound recordings, choreographic works, ~~and~~ pictorial or graphic illustrations or displays, and any creative expression of a Trademark used in connection with these items. “Work” does not include any patentable material, which is encompassed within the definition of an Invention; ~~but~~ an Invention may include a related Work. Rights to Works are addressed in University Regulation UCF-2.033, Copyrights and Works.
- (c) “Invention” ~~shall include~~ means (i) any discovery, ~~invention~~, process, composition of matter, article of manufacture, know how, design, model, technological development, biological material, strain, variety, or culture of any organism, or portion, modification, translation or extension of these items which is or may be patentable or otherwise protected under Title 35 of the United States Code, or that is or may be protected as a Trade Secret, under the Florida Trade Secrets Act, Ch. 688, Fla. Stat. or any similar act of another State, as may be relevant, (ii) any novel variety of plant that is or may be patentable or otherwise protected under the Plant Variety Protection Act (7 U.S.C. §2321 *et seq.*), (iii) any Trademark, and/or (iv) any directly related know-how used in connection with these items. ~~Instructional Technology Material which is or may be patentable is included in this definition.~~
- (d) “Creator” shall mean any University Personnel who create(s) a Work.
- (e) “Inventor” shall mean any University Personnel who make(s) or discover(s) an Invention.
- (f) “Makes” or “made” when used in conjunction with any Invention shall mean the conception or constructive or first actual reduction to practice of such Invention.
- (g) “University Support” shall mean (i) the appreciable non-incidental use of University resources, such as funds, personnel, facilities, equipment, materials, technical information, or students, (ii) course release, and/or (iii) in the creation or making of a Work or Invention; and does not include the inconsequential use of resources made available to the University community for common use. ~~“University Support” includes~~ support provided by other public or private organizations when it is arranged, administered, or controlled by the University or a University direct support organization, including but not limited to research and investigations that are sponsored by the University and/or that are carried out by public funds. For a use of University resources to be appreciable, it must go beyond the resources commonly or routinely provided or made available to similarly situated employees for the performance of their assignment. For

example, the routine use of resources such as the libraries; one's office, office computer, and other University computer facilities; and office supplies, is not considered appreciable University Support.

- (h) "Patent" means a property right granted by the Government of the United States of America to an Inventor to exclude others from making, using, offering for sale, or selling an Invention throughout the United States or importing the Invention into the United States for a limited time in exchange for public disclosure of the Invention. The term also includes patent rights that may be granted by foreign governments.
- (i) "Trade Secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process that: (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.
- (j) "Intellectual Property" refers to Works, Inventions, Trademarks and Trade Secrets.
- (k) "UCFRF" means the University of Central Florida Research Foundation, Inc., a direct support organization of the University which supports the research and sponsored program activities of the University.
- (l) "Trademark" means a name, symbol, figure, letter, word or mark adopted and used to designate the source of goods and/or services arising from an Invention or a Work.
- (m) "Outside Activity" means private practice, private consulting, additional teaching or research, financial interest, or other personal commitment, e.g., service on a Board of Directors, participation in a civic or charitable organization, political activity, etc., whether compensated or uncompensated, that: -(i) is not part of University Personnel's assigned duties; (ii) is not compensated by the University; and (iii) does not involve University Support. Outside Activity is subject to the requirements of Chapter 112, Part III, Florida Statutes, "Code of Ethics for Public Officers and Employees," this Regulation and other University Policies and Regulations, including but not limited to University Regulation UCF-3.018.

### (3) Rights in Inventions, Trademarks, and Trade Secrets.

- (a) Inventions made as a result of personal endeavors are owned by University Personnel.
  - (i) Inventions made outside the field or discipline in which the Inventor is employed by the University (i.e. the field or discipline in which the Inventor conducts research, teaches, and/or provides service activities for the University), for which the idea came from the Inventor, and for which there has been no University Support (as defined in 2(g)), are the property of the Inventor.
  - (ii) Inventions resulting from Outside Activity. University Personnel, after reporting the details in accordance with applicable University procedures and receiving authorization, may engage in Outside Activity. University Personnel seeking to engage in Outside Activity are advised to review the terms of University Regulation UCF-3.018 and any applicable collective bargaining agreement. University Personnel engaged in Outside Activity

should use great care to determine that Intellectual Property clauses in their Outside Activity agreement(s) do not involve conflicts of interest and are not in conflict with sponsored grants or contacts, or with University policy. ~~If the individual University Personnel seeking to engage in an Outside Activity shall furnish is asked to sign an agreement relating to the Outside Activity that purports to waive any University right(s) in any Intellectual Property,~~ a copy of this ~~R~~regulation shall be provided to the ~~outside employer/party prior to the time an agreement is signed, or if there is no written agreement, person asking for a waiver~~ before the Outside Activity/~~employment~~ begins. University Personnel are not authorized ~~and do not possess necessary ownership~~ to waive University rights, and any such waiver is deemed ~~void rejected by the University~~ unless specifically accepted by the Vice President of Research ~~& Commercialization~~ or designee.

- (A) All Inventions arising from authorized Outside Activity and outside the field or discipline of the Inventor are the property of the Inventor.
  - (B) Undisclosed Outside Activity is considered unauthorized. Any Invention arising from undisclosed Outside Activity must be disclosed to the Vice President of Research ~~& Commercialization~~ (see ~~3(e)~~section 4). If the Inventor claims the Invention resulted from Independent Effort(s), then as part of the disclosure, the Inventor shall provide sufficient documentation to substantiate the claim. As used in this section, the term "Independent Effort(s)" means that the Invention is outside the field or discipline of the Inventor and was made without University Support.
  - (C) Upon receipt of written notice from the Vice President of Research ~~& Commercialization~~ confirming the University's decision not to assert a University interest in -an Invention resulting from unauthorized Outside Activity, the Inventor shall have the right to determine the disposition of such Invention, subject to third party rights, if any. However, the Inventor and the Vice President of Research ~~& Commercialization~~ may agree that a patent for such Invention will be pursued by the University; in that event, the Inventor and University shall share in the proceeds of any Invention as provided by this ~~R~~regulation and any applicable policies or procedures ~~established by the Vice President of Research & Commercialization~~ including applicable UCFRF Guidelines and Procedures for Distribution of Funds or in such other manner as the Inventor and the Vice President of Research parties may agree.
- (b) Inventions Owned by the University. Inventions (i) made in the field in which the Inventor is employed by the University (i.e. the field or discipline in which the Inventor conducts research, teaches, and/or provides service activities for the University), or (ii) for which there has been University Support (as defined in 2(g)), are the property of the University, and the Inventor(s) shall share in the proceeds therefrom. Such Inventions and related rights shall be the property of the University and are hereby assigned to the University by the Inventor(s).

Where the Inventor is employed by UCF solely to teach in an adjunct capacity, subsection 3(b)(i) does not apply.

(4) Disclosure/University Review.

University Personnel are required to disclose all Inventions owned by the University and all Inventions resulting from any Outside Activity within the field or discipline of the inventing University Personnel. It is the policy of the University that, in general, research results should be publishable; publication of such results in appropriate venues is encouraged. However, if the publication of research results may reveal an Invention in which the University has an interest, University Personnel should seek advice on how and when to publish the results in order that potential patent rights for the Invention are not compromised. That is, upon the making of an Invention and prior to any publication or public disclosure, University Personnel shall promptly and fully disclose to the Vice President of Research ~~& Commercialization~~ any Invention described in [section 3\(b\)](#).

- (a) The disclosure shall be made on the forms and according to procedures prescribed by the Vice President of Research ~~& Commercialization~~. At a minimum the disclosure shall: (1) identify each Inventor, (2) provide a brief description of the Invention, and (3) identify and summarize the research project including the participants and applicable funding sources.
- (b) The Vice President of Research ~~& Commercialization~~ shall inform the Inventor within [a reasonable time, not to exceed ninetyone hundred twenty \(1290\) days](#) from the date of disclosure whether the University will assert its interest in the Invention and pursue patent, trademark, and/or copyright protection for the Invention and/or define certain elements of the Invention for protection as trade secret.
- (c) In the event the University elects to obtain a Patent, register a Trademark or a Copyright, or to formally define a Trade Secret to protect the University's rights in the Invention, University Personnel will execute any and all necessary documents to affirm, publicly formalize, and record the transfer of all rights to the University or to UCFRF. UCFRF is required to comply with the same policies and procedures regarding allocation of proceeds/royalties as the University.
- (d) In the event the University asserts its rights in the Invention, all costs and expense of patenting, developing, and marketing the Invention and related activities, including those which may lead to active licensing of the Invention, shall be paid by the University.
- (e) Allocation of proceeds/royalties shall be made in accordance with this ~~Regulation~~ and any applicable policies or procedures ~~established by the Vice President of Research & Commercialization~~ including the applicable UCFRF Guidelines and Procedures for Distribution of Funds. The University's costs and expenses shall be recovered before any division of revenue is made. ~~For any Invention that results from research done in a thesis or dissertation or in connection with a thesis or dissertation related project, the amount allocated to the Inventor(s) shall be divided between the faculty member who directed the research and the graduate student(s) who invented the Invention in a manner that reflects their relative contributions to the Invention as determined by the Vice President of Research & Commercialization.~~
- (f) The Inventor shall not commit any act that would tend to defeat the University's or Inventor's interest in the Invention, such as making a public disclosure of the

Invention prior to the University obtaining applicable intellectual property protection, and shall take any necessary steps to protect such interests.

- (g) In the event a sponsored research contractor has been offered the option to apply for the patent to an Invention or other rights in an Invention, the University will obtain the contractor's decision regarding exercise of such rights within ninety days, or within the time provided in the sponsored research agreement.

~~(5) Release of University Rights. If the University elects not to assert its interest in an Invention owned by the University, all rights to the Invention shall be released to the Inventor upon the Inventor's request and subject to any existing third party right.~~

~~(a) If the University's ownership interest in an Invention is waived, the Inventor must disclose any potential conflict of interest created by the Inventor's ownership of the Invention when proposing research to be conducted using University resources that could reasonably appear to influence the financial value of the Invention.~~

~~(b) The University's release of the Invention to the Inventor(s) shall be contingent upon the execution of a written agreement with the Inventor(s) that grants to the University: (1) a right to a ten percent (10%) share of proceeds arising from or attributed to the Intellectual Property valuation of the Invention and received by the Inventor from a third party for commercialization of the Invention or transfer of ownership of the Invention, and (2) a royalty free right to the Invention for educational and research purposes of the University and for the governmental purposes of the State of Florida.~~

~~(6) University Withdrawal and Transfer of Rights to Inventor.~~

(a) If the University elects not to assert its interest in an Invention owned by the University, all rights to the Invention shall be released to the Inventor upon the Inventor's request and subject to any existing third party right. Additionally, prior to making a patent application, at any stage of the patent process, in the formalizing of Intellectual Property registration (such as making a patent application or maintaining the patent) or in the commercial application of an Invention, if the University has not otherwise assigned to a third party the right to pursue its interests, the University's representative at its sole discretion may elect to waive the University's rights to the patent or withdraw from further involvement in the protection or commercial application of the Invention. At the request of employee in such case, If the University elects to withdraw upon the Inventor's request, the University shall may transfer the Invention rights to the employee, not subject to third-party rights to the Inventor. After ownership transfer to an employee Under these circumstances, the Invention shall become the employee's property of the Inventor and none of the any costs already incurred by the University or on its behalf shall not be assessed against the employee Inventor; however, the provisions of paragraph (b5) and this paragraph will apply.

(b) Where the University assigns or releases its rights to the Inventor,

(i) the Invention shall be available royalty-free for governmental purposes of the State of Florida and research or instructional and other educational purposes of the University unless otherwise agreed to in writing.

(a ii) If the University's ownership interest in an Invention is waived, the Inventor must disclose any potential conflict of interest created by the Inventor's ownership of the Invention when proposing research to be

conducted using University resources that could reasonably appear to influence the financial value of the Invention.

~~(b) The University's release of the Invention to the Inventor(s) shall be contingent upon the execution of a written agreement with the Inventor(s) that grants to the University: (1) a right to a ten percent (10%) share of proceeds arising from or attributed to the Intellectual Property valuation of the Invention and received by the Inventor from a third party for commercialization of the Invention or transfer of ownership of the Invention, and (2) a royalty free right to the Invention for educational and research purposes of the University and for the governmental purposes of the State of Florida.~~

*Authority: BOG Regulation 1.001, Florida Statutes s. 1004.23. History—New 10-8-75, Amended 7-14-80, Formerly 6C7-2.29, Amended 3-16-03, Formerly 6C7-2.029, Amended 1-24-12, \_\_\_\_\_ - 24.*



# Board of Trustees

*February 22, 2024*

## **Agenda Item**

GOVC-7: Amendments to University Regulation UCF-3.015 Promotion and Tenure of Tenured and Tenure-earning Faculty.

## **Proposed Committee Action**

The Board of Trustees is asked to approve, on its consent agenda, the proposed amendments to University Regulation UCF-3.015 Promotion and Tenure of Tenured and Tenure-earning Faculty.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001

### **Supporting Documentation Included**

Attachment A: University Regulation UCF-3.015 Promotion and Tenure of Tenured and Tenure-earning Faculty (redline)

### **Facilitators/Presenters**

Youndy Cook, Vice President and General Counsel



# GOVC-7: Amendments to University Regulation UCF-3.015 Promotion and Tenure of Tenured and Tenure-earning Faculty

## EXECUTIVE SUMMARY

### Objective

Consider the proposed amendments to University Regulation UCF-3.015 Promotion and Tenure of Tenured and Tenure-earning Faculty.

### Summary of Key Observations/Recommendations

This regulation addresses the policies, procedures, and criteria for tenured and tenure-earning faculty and all committees related to promotion and tenure. This regulation is amended in several significant respects, including reorganization of existing provisions to better track the flow of the promotion and tenure review processes. Substantive proposed amendments include: add language to describe the process of developing and revising department and college promotion and tenure criteria, such as how committee membership is determined and the different approval steps when promotion and tenure criteria are developed and/or revised; add language to allow faculty to elect to waive their right to see external reviewer letters and external reviewers will be notified if faculty have elected to request confidential letters; clarify the steps to identify external reviewers including guidance for avoiding potential conflicts of interest; how to proceed if all initially requested external reviewers decline; guide committees in their review of candidates for promotion and tenure and regarding the confidential nature of the promotion process and materials; specify that committee members participate at only one level of review per candidate; update language regarding remote meeting attendance to reflect new modes available for meetings and prohibition on use of recording devices; and add new language regarding the grievance process for non-unit faculty. Finally, sections that contained identical language for faculty not in the College of Medicine and faculty in the College of Medicine were consolidated to eliminate redundancy.

### Additional Background

This regulation was last amended May 16, 2019.

### Rationale

The proposed regulation changes will clarify and align the procedures surrounding the tenure and promotion of faculty. The proposed regulation amendments include a reorganization of existing provisions to better track the flow of the promotion and tenure review processes. The proposed regulation amendments will provide language to clarify aspects of the promotion and tenure process in which questions are often received such as conflict of interest, development and revision of promotion and tenure criteria, and the ability to have confidential external review letters.

### Implementation Plan

The amended regulation would take effect upon approval by the UCF Board of Trustees.

### **Resource Considerations**

The proposed regulation amendments are not anticipated to incur additional costs to the University.

### **Conclusion**

The Governance Committee recommends approval of the proposed amendments to University Regulation UCF-3.015.

### UCF 3.015 - Promotion and Tenure of Tenured and Tenure-earning Faculty

#### (1) Policy.

- (a) University of Central Florida (UCF) adheres to the provisions of any applicable collective bargaining agreement regarding promotion and tenure procedures.
- (b) There shall be sufficient discipline flexibility in interpretation of the standards for promotion so that faculty members may have a reasonable expectation of fulfilling the requirements.
- (c) A typical faculty member ~~applies shall normally be recommended~~ for promotion to associate professor and tenure prior to or at the same time ~~that tenure is recommended~~. ~~To save time for both faculty member and committees, t~~The required necessary materials for both promotion and tenure will go forward simultaneously. Votes on tenure and promotion shall be separate and occur concurrently; they shall occur successively at department/school or unit, college, and if applicable university levels, ~~if applicable~~.
- (d) The award of tenure shall provide annual reappointment until voluntary resignation, retirement, removal for just cause, or layoff.
- (e) ~~Effect of tenure criteria modification.~~
  - 1. If a tenure-earning faculty member ~~not in the College of Medicine~~ has at least four (4) years of tenure-earning credit (at least six years for faculty in the College of Medicine) as of the effective date of a modification to the applicable tenure criteria, the employee shall be evaluated for tenure under the criteria as it existed prior to modification unless the faculty member notifies the university at least thirty (30) days prior to the commencement of the tenure consideration that they choose to be evaluated under the newly adopted criteria.
    - 2. ~~If a tenure-earning faculty member in the College of Medicine has at least six (6) years of tenure-earning credit as of the effective date of a modification to the applicable tenure criteria, the faculty member will be evaluated for tenure under the criteria as they existed prior to modification unless the faculty member notifies the university at least thirty (30) days prior to commencement of the tenure that they choose to be evaluated under the newly adopted criteria.~~
- (f) Tenure may be transferred from one department/school unit to another with the approval of the faculty member, the dean, and the provost, as well as the chair/director and faculty of the new department/school program.
- (g) Faculty serving on promotion and tenure committees charged with reviewing and making promotion recommendations shall hold rank at or above the rank to which the candidate is applying. Additionally, Ffaculty making tenure recommendations shall hold tenure.
- (h) If at any stage in the process, a correction to the dossier is needed, or an issue arises, the provost's representative may make corrections to the dossier, or place the review of the candidate's dossier on hold until all issues related to the dossier are resolved. If the dossier is placed on hold, the candidate shall be notified within five (5) calendar days of this action.
- (i) When a candidate is serving in an administrative position at the level of chair or director or higher, or when a conflict of interest exists, the dean's office shall consult with Faculty Excellence to identify ~~appoint~~ an appropriate person to guide the candidate's promotion process.

#### (2) Promotion and Tenure Timing Eligibility.

~~(a) Tenure.~~

- ~~1. A tenure-earning faculty member not in the College of Medicine will typically normally begin the tenure application process in the spring preceding the sixth (6<sup>th</sup>) year of continuous service (the 8<sup>th</sup> year of continuous service for faculty in the College of Medicine). Faculty typically will submit their dossier in the fall of the 6<sup>th</sup> year of continuous service (the 8<sup>th</sup> year of continuous service for faculty in the College of Medicine). However, a faculty member whose employment began in the spring semester may count tenure-earning time beginning with the following academic year. Faculty members with strong records may also choose to apply for tenure prior to their scheduled year. Faculty may also be hired with years of credit toward tenure. The number of years of tenure credit that will count toward the faculty member's eligibility shall be agreed upon at the time of hire and approved by the chair/director, dean and provost representative. arly, that is prior to the sixth year, or to use credit toward tenure given upon hire, unless they have Faculty members may choose to voluntarily rescinded such credit prior to the application year. In certain situations, the tenure clock may be extended with appropriate permission from the provost or provost's representative.~~
- ~~2. A tenure-earning faculty member in the College of Medicine will normally begin the tenure application process in the spring preceding the eighth (8<sup>th</sup>) year of continuous service. However, a faculty member whose employment began in the spring semester may count tenure-earning time beginning with the following academic year. Faculty members may also choose to apply for tenure early, that is prior to the eighth year, or to use credit toward tenure given upon hire, unless they have voluntarily rescinded such credit. In certain situations, the tenure clock may be extended with appropriate permission from the provost or provost's representative.~~

**(3b) Criteria**

- ~~(a) Promotion. Promotion is awarded for meeting the criteria for appointment to the rank to which the candidate applies, as defined by the candidate's department or school, by the candidate's college, and by this regulation.~~
- ~~(b) Promotion to associate professor. Promotion from assistant to associate professor calls for excellence in instructionteaching and substantial contributions in research and/or creative activities, as well as, appropriate service contributions or other university duties, since appointment to UCF faculty. It is expected the candidate's research and/or creative activity scholarly activity have a significant impact, as typically normally indicated by national recognition. Productivity and quality both matter in assessing a candidate's contributions to instruction, research and creative activities and service.~~
- ~~(c) Promotion to professor. Promotion to professor is awarded on the basis of superior achievementdistinction at the national and/or international level with the promise of continued contribution and not on the basis of longevity. The rank of professor reflects not only an individual's contributions within the institution, but also denotes a reputation as a leading scholar and researcher among one's academic peers on a national and/or international level. Substantial contributions of a continuing nature in each of the areas evaluated, beyond that expected of an associate professor, are necessary components for the achievement of the rank of professor.~~

**(3) Criteria**

- ~~(da) Tenure. Tenure is awarded upon the demonstration of highly competentdistinctive and sustained performance. The conferral of recommendation of a faculty member for tenure shall signify that the president and the Board of Trustees believe that the~~

employee will continue to make significant and sustained professional contributions to the university and the academic community throughout their career.

(eb) ~~Promotion. Promotion is awarded for meeting the criteria for appointment to the rank to which the candidate applies, as defined by the candidate's department or unit, by the candidate's college, and by this regulation. Promotion and tenure decisions represent an evaluation of the faculty member's potential for the future, and their ability to effectively fulfill their responsibilities as a member of the university community including an appreciation of the commensurate emphasis on academic freedom and academic responsibility.~~

(fe) Standards for Promotion and Tenure.

1. Standards for promotion and tenure criteria shall take into account the mission and needs of the university and specifically address three areas: research, scholarly, and creative activities; instructionteaching; and, service to the public, the discipline, and the university including those professional responsibilities consistent with faculty status. Both productivity and quality of performance are assessed in evaluating a candidate's record.
2. Specific criteria for promotion and tenure are ~~available on file~~ in each department or ~~schoolunit~~ and college in the university. These criteria include ~~items such as increased skill in teaching,~~ demonstrated effectiveness in facilitating student learning, demonstrated quality and impact of knowledge in research and creative activities, in candidate's discipline, increased recognition as an authority in the field, and potential for continued professional growth. Department/school promotion and tenure criteria shall be developed and/or revised by a committee of tenure earning and tenured faculty elected by all tenure earning and tenured faculty in the department/school. Department or ~~schoolunit~~ specific criteria shall be approved by a majority of the full-time tenured and tenure-earning faculty in the department or ~~schoolunit~~, the department chair or ~~school directorunit head~~, the dean, and the provost or designee.
3. ~~if a college chooses to have criteria in addition to department or unit criteria, these criteria~~ shall be developed and/or revised by a committee of tenure earning and tenured faculty. Tenure earning and tenured faculty from each department/school shall elect a tenure earning or tenured faculty to serve on this college level committee. College criteria shall be approved by a majority of the full-time tenured and tenure-earning faculty in the college, the dean, and the provost or designee. Approved college criteria will ~~also be available in the department or unit and~~ in each college.
4. As a Ph.D.-granting research university, UCF places heavy emphasis on sustained and significant performance with regard to the impact of research, scholarly, and creative activities of faculty members seeking tenure and/or promotion. Consideration shall be given to all evidence related to research, scholarly, and creative activities contained or explained in the candidate's dossier including, but not limited to, publications, grants, research presentations, evidence of societal impact and awards.
5. The university defines and evaluates instruction broadly. All types of teaching and teaching-related activities shall be considered as instruction, including overseeing theses and dissertations. Demonstrated effectiveness in facilitating student learning is expected. Assessment of instructional excellence and

~~effectiveness~~~~competency~~ shall include evaluation of all materials provided in the candidate's dossier.

6. ~~Professional S~~service to the candidate's department or unit, college, the university, profession, ~~the greater Orlando area~~, and the public shall be included as service.

#### (4) General Procedures.

##### (a) Overview.

1. The promotion and tenure process shall be initiated by the faculty member in consultation with the department chair or ~~school director~~~~unit head~~, and evaluated successively by the department or ~~school~~~~unit~~ promotion and tenure committee, the department chair or ~~school director~~~~unit head~~, the college promotion and tenure committee, the dean of the college, and if applicable, the university promotion and tenure committee. The final decision of promotion and recommendation regarding tenure will be made by the provost and president. Tenure becomes official with final approval of the University of Central Florida's Board of Trustees.
2. It is the responsibility of the candidate to ensure that the promotion dossier is accurate, complete, and meets established deadlines for submission.
3. Each spring a schedule of important dates in the promotion and tenure cycle will be posted on the Faculty Excellence website.
4. Recommendations by department chairs or ~~school directors~~~~unit heads~~, deans, and all committees must be complete and concise, citing reasons for the recommendation that are based on evidence contained or explained in the candidate's dossier.
53. In cases where a faculty member is in an academic unit but strongly affiliated with another unit (e.g. a center, institute, cluster, or other entity), the ~~normal~~ tenure and promotion process will be undertaken through the academic unit to which the faculty member belongs. ~~with w~~Upon review of the candidate's materials, written recommendations by ~~all~~both supervisors shall be provided to the chair/director to include with their review and recommendation.~~upon review of the candidate's materials.~~ In cases where a faculty member has a joint appointment with two different academic units, the ~~normal~~ tenure and promotion process will be undertaken through the primary academic unit, but with written recommendations included in the file by both supervisors upon a review of the candidate's materials.
64. Faculty may be hired with tenure when the person has held tenure at another institution of higher education and/or when ~~their~~ record ~~meets~~ departmental/school, college and university expectations for tenure.~~would entitle them to receive tenure at UCF.~~ Candidates for tenure upon hire must submit ~~an~~ application ~~materials~~~~dossier~~ to the department or ~~school~~~~unit~~ to which they are applying. Tenured faculty in the department or unit will interview or evaluate the candidate and vote to recommend for or against tenure in that department or ~~school and the votes shall be documented~~~~unit~~. The department chair or ~~school director~~~~unit head~~ shall submit their recommendation, the candidate's ~~materials~~~~dossier~~, and the faculty ~~vote~~~~recommendation~~ to the dean. The dean shall forward ~~their~~~~his or her~~ recommendation, the department or ~~school~~~~unit~~ faculty's ~~re~~commendation, the candidate's ~~materials~~~~dossier~~, and a completed "Tenure upon Hire" form to Faculty Excellence for provost's review. Tenure

shall be awarded upon recommendation by the president and approval by the Board of Trustees.

(b) External/Outside review.

1. In consultation with the department chair or school director/unit head, each faculty member being considered for promotion and/or tenure shall prepare ~~the~~ materials to be forwarded to external reviewers by the department chair or school director/unit head. These materials will include department or school/unit criteria ~~or guidelines~~, college criteria ~~if they exist~~, this university regulation, a current curriculum vitae, and other research documentation as deemed appropriate by the department or school.
2. External/Outside reviewers primarily provide comments about the quality and impact of the candidate's scholarly research and creative activity within their common discipline or area of study. ~~Typically~~ Normally, external/outside reviewers will hold the rank of professor. The preponderance of the external letters should ~~typically~~ come from individuals holding tenured positions at very high research activity universities, as designated by the Carnegie Foundation.
3. The department chair or school director/unit head and the department or school/unit promotion and tenure committee shall jointly nominate four ~~(4)~~ external/outside reviewers ~~in ranked order~~; and the faculty member being considered for promotion shall nominate their own four ~~(4)~~ external/outside reviewers ~~in ranked order~~. The candidate will select two ~~(2)~~ reviewers from the department's or school/unit's list and rank the remaining reviewers from the list. The department chair or school director/unit head, in consultation with the department or school/unit promotion and tenure committee, shall select two ~~(2)~~ reviewers from the candidate's list and rank the remaining reviewers on the candidate's list. The list of reviewers should include individuals who are able to provide an independent evaluation of the candidate. Therefore, reviewers should not be selected, and should not provide a letter where a potential conflict of interest exists (see (5)(d) below). To expedite the external reviewer process, it may be beneficial for the candidate and department to create secondary lists of potential reviewers should all individuals from the original lists decline. All letters that are received must be included in the dossier and if more than four letters are received, the chair/director should explain the circumstances that led to this result.
4. Only the department chair or school director/unit head shall ~~make~~ contact with each of the four ~~(4)~~ selected reviewers to ascertain their willingness to review the candidate's materials for promotion. Should a potential reviewer agree to undertake the review, a standard letter provided by Faculty Excellence shall be used by the department chair or school director/unit head for the purpose of providing review materials ~~submitting or emailing a dossier~~ to the external/outside reviewer. Should any decline, the department chair or school director/unit head shall contact the next ranked reviewer/candidate. If the declining reviewer is from the candidate's list, then the next reviewer on that list would be contacted; if the declining reviewer is from the department's or school/unit's list, then the next reviewer on that list would be contacted. If at any time too many potential reviewers on either list have declined so that there will not be enough external letters for the candidate's application, the process outlined above starts over to identify new reviewers to add to the corresponding list. External letters of evaluation must be available to the candidate for review

unless they waive their right to view them. Candidates must complete and provide their chair/director documentation of their waiver before external letters are solicited. External reviewers must be notified in the solicitation letter whether the candidate chose to waive their right to review the letter. If all decline, the process outlined above starts over to identify new reviewers, as necessary.

~~5. Reviewers shall not participate in the following cases:~~

~~(i) Where a potential conflict of interest exists;~~

~~(ii) If, in the reviewer's judgment, personal factors might impair their objectivity regarding an individual candidate.~~

~~5.6.~~ Once the promotion and tenure review process has started, the candidate is not to have any unnecessary contact with the externaloutside reviewers until the requested review letter is received by the university.

~~6. (e)~~ Candidate Dossier. A promotion and tenure dossier shall be accompanied by the supporting materials listed and described on the Faculty Excellence website, below:

~~1. Copies of department or unit promotion and tenure criteria and college criteria where applicable;~~

~~2. The curriculum vitae sent to the outside reviewers in the spring;~~

~~3. Current curriculum vitae, if different from above;~~

~~4. The employee's annual performance evaluations and annual assignments for the last five years;~~

~~5. Cumulative progress evaluations (inclusion of cumulative progress evaluations are optional for candidates applying for promotion to professor);~~

~~6. An overall impact statement and individual summary statements written by the candidate describing their teaching; research, scholarly, and creative activities; and service;~~

~~7. Materials supporting candidate's summary statements of teaching; research, scholarly, and creative activities compiled by the candidate. In terms of documentation of external research funding, only contracts and grants processed through the university's Office of Research, or other appropriate university entity shall be considered.~~

~~8. External reviewer's letters and a short summary of the qualifications of each reviewer.~~

~~7.9.~~ Dossier additions may be made by the candidate at any time prior to the provost's recommendation and may include items such as: publication acceptances, newly funded grants, or scholarly awards received. Depending upon the timing of an addition, newly added material may not be considered by all committees.

~~8.10.~~ Candidates may withdraw the dossier any time before the provost's final recommendation.

## **(5) Committee Procedures Applicable to All Promotion and Tenure Committees.**

- (a) Because of the importance of the promotion and tenure process, when the committee meets to consider a candidate's application, all eligible it is expected that all promotion and tenure committee members should be present and each member should have thoroughly reviewed each candidate's dossier. Eligible members are those at or above the rank a candidate is applying to. Those voting on tenure must hold tenure at UCF. will participate fully in the process. Committees will be professional and discriminating in their decision-making process and make recommendations solely based on

department or ~~school unit~~ and college criteria, this regulation and the materials contained or referenced in the candidate's dossier. The committee's recommendations should focus on evaluating the candidate and explaining the reasons for their recommendation rather than copying information from the candidate's dossier. In cases where the votes are split, the summary of discussion must elaborate on the reason(s) for positive and negative votes. Rationale for all votes, including split votes, shall be explained within the promotion and tenure committees' recommendation. Because evaluative personnel records are being discussed, only committee members may be present for a given meeting. Committee discussions and the materials reviewed must remain confidential and therefore not discussed or shared by committee members outside of the committee meeting(s). The use of recording devices is prohibited during committee meetings and deliberations. Administrative support may be provided to the committee for the purpose of conducting a secret ballot vote.

- (b) Retired faculty may not serve on a promotion and tenure committee at any level. In addition, any faculty member who, because of serious illness or extended absence for work, cannot complete the evaluation process should not serve on a promotion and tenure committee at any level.
- ~~(c)~~ A faculty member may only serve and participate on one ~~promotion and tenure~~ committee and vote once per candidate during the process same cycle ~~—therefore, if a faculty member is serving on a college promotion and tenure committee, then they cannot also serve on a department promotion and tenure committee in that cycle for the same candidate.~~
- ~~(de)~~ Faculty serving on promotion and tenure committees at any level shall not render decisions or participate in review or discussion on any candidate where a conflict of interest exists before the committee where the following apply:
- ~~1. —Where a conflict of interest exists.~~ A conflict of interest is defined as a divergence between an individual's private interests and their employment obligations to the university such that an independent observer may reasonably question whether the individual's actions or decisions are partially or wholly influenced or determined by considerations other than the best interest of the university. Examples include but are not limited to: where the faculty member and the candidate are relatives (see University Policy 3-008.2 for the definition of relative); where the faculty member has an outside financial interest in or with the candidate; where the faculty member has a substantial publication record with the candidate such that the unique contributions of the candidate cannot be determined; where the faculty member supervised the candidate's dissertation, thesis or post-doctoral appointment.
- ~~2. —When any personal factor(s) might impair the faculty member's objectivity regarding an individual candidate;~~
- ~~(ed)~~ When to identify a conflict of interest. A faculty member serving on a promotion and tenure committee at any level should ~~be able to~~ identify a conflict of interest with regard to a particular candidate prior to the review of the candidate's dossier. Where the faculty member knows there is a conflict of interest with the candidate, it is improper for the faculty member to review the candidate's dossier. There may be circumstances in which a faculty member serving on a promotion and tenure committee may not know in advance of a conflict of interest. I—in such instances, as soon as the conflict of interest is identified, the faculty member must identify the conflict to Faculty Excellence and remove themselves from the process and all discussions and votes pertaining as to that candidate and may not further review the candidate's dossier. If

there is a question regarding conflict of interest and committee service, Faculty Excellence can provide assistance.

- (fe) Remote meeting attendance may be utilized at the discretion of the committee chair as long as all members have equitable access to the meetings and a process to ensure the secret ballot polling of members has been established. When remote attendance is used, If a committee member is outside of the greater metropolitan area; Voice and or video calls may be utilized at the discretion of the committee chair when a member cannot be physically present for department promotion and tenure committee meetings. When voice or video calls are utilized, the chair of the committee shall be delegated signature authority to record the vote and sign the record of attendance for the ~~missing committee member(s) attending remotely. The use of recording devices is prohibited during committee meetings and deliberations.~~

## (6) Committee Procedures at Department, College, and University Levels.

- (a) Department or ~~school~~unit promotion and tenure committee.
1. A department or ~~school~~unit promotion and tenure committee shall be established to provide promotion and tenure recommendations to the department chair or school director~~function as an advisory group to the department chair or unit head~~ and shall consist of all tenured department or ~~school~~unit faculty at or above the rank being sought by candidates in the department or ~~school~~unit. In instances when a department or ~~school~~unit has fewer than three (3) full-time tenured faculty at the rank required, additional tenured faculty at the rank required must be added from other related disciplines within the college or university. The department chair or ~~school director~~unit head, in consultation with the dean and department or ~~school~~unit faculty, shall identify (a) potential committee member(s) who is or are willing to serve in this role. The same committee member(s) must serve on the department or ~~school~~unit committee for all candidates seeking promotion and tenure for that cycle, in that department or ~~school~~unit.
  2. Committee members may not serve on or participate in a department or ~~school~~unit promotion and tenure committee if they have been elected to represent the department or ~~school~~unit on the college promotion and tenure committee in the same college, the university promotion and tenure committee, or serve as a department chair or ~~school director~~unit head in the same college.
  3. The department chair or ~~school director~~unit head shall call the initial meeting to organize and charge the committee. The promotion and tenure committee chair shall be a member of the promotion and tenure committee elected by majority vote of its members and shall call the promotion and tenure committee into session to transact such business as required. A quorum shall consist of the attendance of all eligible committee members, when practicable, but not less than a majority of the committee members or fewer than three persons.
  4. Each department promotion and tenure committee member shall be physically present to vote on the candidate being evaluated and may only vote on dossiers they have personally reviewed,~~except in those cases as outlined above or if voice or video calls are part of the approved procedures.~~ The vote shall occur after ~~promotion and tenure~~ committee discussion, and the results shall be documented~~recorded.~~ ~~A promotion and tenure committee member shall vote only on dossiers that they have personally reviewed and participated in committee discussions about.~~ Each evaluation and recommendation must be

accompanied by an assessment of the candidates qualifications for tenure and/or promotion and include an explanation of the promotion and tenure committee's recommendation action. Simply restating the numerical vote in the narrative is not sufficient. In the case of any split vote, there must be a written explanation of the split vote. Abstentions are allowed only in cases of conflict of interest.

5. In addition to the evaluation and assessment, the promotion and tenure committee chair must also provide shall forward to the department chair or unit head the following:

(i) The record of attendance of all promotion and tenure committee meetings;

~~(ii) The promotion and tenure committee's evaluation and recommendation;~~

~~(iii) The candidate's dossier containing all evaluation materials;~~

~~(iv) The results of the secret ballot poll of the tenured faculty (for tenure) and tenured faculty at or above the rank (for promotion) a candidate for tenure and promotion for each candidate; and~~

~~(v) If applicable, a sealed envelope containing the official votes of the promotion and tenure committee regarding promotion and tenure.~~

6. ~~The department chair or unit head shall transmit~~ the promotion and tenure committee's evaluation and recommendation will be transmitted to the faculty candidate for review and optional response potential comment.

7. Evaluated faculty members may review and, if desired, provide a response to the committee's evaluation and recommendation within five (5) calendar days after receipt of notice of the department promotion and tenure committee's recommendation. Any response will become part of the candidate's dossier.

8. After the five (5) days available for the candidate's optional response has passed, the department chair or school director unit head within seven (7) calendar days will review the dossier and recommend in favor of or against promotion and tenure, ~~and forward the recommendations and comments to the candidate for review and potential comment.~~

9. An evaluated candidate may review and, if desired, provide a response to the department chair's or school director unit head's evaluation and recommendation within five (5) calendar days after receipt of notice of the department chair's or school director unit head's recommendation. Any response will become part of the candidate's dossier.

10. ~~Following Once~~ the five (5) calendar day period for optional response by the candidate ~~has passed~~, the candidate ~~shall forward their~~ dossier will advance to the college committee.

(b) College promotion and tenure committee.

1. A college promotion and tenure committee consisting of one (1) tenured faculty member at the rank of professor elected from each department or school shall be established unit shall be established within each college to function as an advisory group to provide promotion and tenure recommendations to the dean; if no tenured professor is available in a department or school unit, then a tenured associate professor may serve in this role be elected but cannot not participate or vote in discussions relating to faculty candidates for the rank of professors.

~~2. An alternate college promotion and tenure committee member must be elected in the event a regular committee member is unable to serve. Each spring, when department or unit and college promotion and tenure committees are being formed, tenured faculty in a given college shall elect an alternate college~~

~~promotion and tenure member. The alternate college promotion and tenure committee member shall not serve on any department or unit committees within that college or on the university promotion and tenure committee. If the alternate is selected to serve on the college promotion and tenure committee, they must review all the candidate dossiers.~~

- ~~23.~~ Department chairs or unit heads~~school directors~~ and ranked deans (e.g. assistant and associate) may not serve on the college promotion and tenure committee.
- ~~34.~~ Each college promotion and tenure committee member shall serve a term of two ~~(2)~~ academic years. Terms shall be staggered to provide for continuity and uniformity of committee action.
- ~~54.~~ College promotion and tenure committee members may not serve two ~~(2)~~ successive terms, except in departments or schools~~units~~ with only one ~~(1)~~ professor eligible to serve.
- ~~65.~~ With ample notice, vacancies on the college committee are filled by eligible faculty during the term in which they occur from the same department or school~~unit~~, but only for the remainder of the departed person's term.
- ~~76.~~ Faculty members serving on a department or school ~~unit~~-promotion and tenure committee within the same college or the university promotion and tenure committee may not serve on, attend, or participate in discussions with the college promotion and tenure committee. ~~They also may not participate in or attend committee discussions related to the candidates or vote on candidates' dossiers as part of the college promotion and tenure committee. Faculty members serving on the college committee may not attend or participate in department promotion and tenure committee meetings.~~
- ~~87.~~ Colleges with fewer than three ~~(3)~~ departments or ~~or~~ units, schools ~~or~~ academic units shall elect tenured ~~full~~-professors to serve on the college promotion and tenure committee to attain a minimum of three ~~(3)~~ promotion and tenure committee members. If fewer than three ~~(3)~~ tenured, ~~full~~-professors are available to serve, supplemental faculty from other colleges will be added to the college promotion and tenure committee. The dean, in consultation with the college faculty, shall identify potential candidates who are willing to serve in this role ~~and will organize the initial committee meeting. These S~~supplemental committee members shall be tenured professors; ~~who are elected by majority vote of tenured and tenure-earning faculty of the affected departments or units;~~ the same supplemental committee member must serve on the college committee for all candidates seeking promotion and tenure for that cycle in that college.
- ~~98.~~ The college dean shall ensure members of the college promotion and tenure committee are elected at individual department or school~~unit~~ meetings in the spring semester and will initiate and charge the college committee.
- ~~109.~~ College promotion and tenure committee members shall not serve ~~and shall be replaced by an alternate~~ if any of the conflict of interest conditions noted in ~~sections (5)(b) or (5)(e) in~~ this regulation are present.:
- ~~110.~~ The college promotion and tenure committee chair shall be ~~a member of the college promotion and tenure committee~~ elected by a majority vote of its members; and shall call the committee into session to transact such business as required.
- ~~121.~~ A quorum shall consist of the attendance of all promotion and tenure committee members, when practicable. However, a quorum shall not be less than a majority

~~seventy (70) percent~~ of the college promotion and tenure committee members or fewer than three persons.

132. The college promotion and tenure committee shall complete an evaluation and recommendation based on department or ~~school unit~~ and college criteria for each candidate for promotion and tenure.

143. Each college promotion and tenure committee member shall vote by secret ballot on each case considered, and the result shall be documented/recorded. ~~A~~ ~~P~~ Promotion and tenure committee members must be physically present to vote and may only vote on dossiers that they have personally reviewed and participated in committee discussions about. Remote meeting attendance may be utilized at the discretion of the committee chair as long as all members have equitable access to the meeting and a process to ensure the secret ballot polling of members has been established. Voice or video calls may be used at the discretion of the college promotion and committee member chair. Voice or video calls may be utilized at the discretion of the committee chair when a member cannot be physically present for promotion and tenure committee meetings. When remote attendance is incorporated, voice or video calls are utilized, the chair of the committee shall be delegated signature authority to record the vote and sign the record of attendance for the ~~remote~~ committee member(s) attending remotely.

154. Each evaluation and recommendation should focus on evaluating the candidate and explaining the reasons for their recommendation, rather than copying information from the candidate's dossier. In cases where the votes are split, the summary of discussion must elaborate on the reason(s) for the positive and negative votes must be accompanied by an explanation of the promotion and tenure committee's action, including an explanation of split votes. Abstentions are only allowed in cases of conflict of interest.

165. In addition to the evaluation and recommendation, ~~T~~the college promotion and tenure committee chair shall transmit the forward to the dean the following:

- (i) The record of attendance of all college promotion and tenure committee meetings;
- (ii) ~~The college promotion and tenure committee's evaluation and recommendation~~ A record of the official committee votes;
- (iii) ~~The candidates' dossiers containing all evaluation materials; and~~
- (iv) ~~If applicable, a sealed envelope containing the official votes.~~

176. ~~The dean shall transmit college promotion and tenure committee recommendation and evaluation to each candidate for review and potential comment.~~ Each evaluated candidate may review and, if desired, provide a written response to the committee's evaluation and recommendation within five ~~(5)~~ calendar days after receipt ~~of notice~~ of the college promotion and tenure committee's recommendation. Any response shall be contained in the candidate's application dossier. The dossier will be transmitted to the dean for review after the optional response period has ended.

(c)18. Dean Review.

1. ~~Once the five (5) calendar day period for optional response by the candidate has passed, within two (2) weeks,~~ ~~†~~ The dean will review the candidate's dossier and recommend in favor of or against the candidate's application for promotion and/or tenure and then transmitsend their recommendations and comments to the candidate for review and optional responsepotential comment.

~~219.~~ Within five (5) calendar days, the candidate may review and respond to the dean's recommendations. Any response will become part of the candidate's application dossier.

~~320.~~ Once the five (5) calendar day period for optional response by the candidate has passed, the dossier will move forward to the next step.~~dean shall forward the candidate's dossier to Faculty Excellence.~~

(de) University promotion and tenure committee.

1. The university promotion and tenure committee shall be established to provide promotion and tenure recommendations to the provost. ~~function as an advisory group to the provost.~~ The university promotion and tenure committee is a reporting committee of the Faculty Senate. It shall consist of one (1) tenured faculty member from each college who hold the rank of professor and is an who are active scholars within their discipline. If a college lacks a tenured professor, the college will not be represented on the university promotion and tenure committee. Department chairs or school directors~~unit heads~~ and ranked deans may not serve on the university promotion and tenure committee.
2. Each college shall provide one university promotion and tenure committee member, who has been elected by the tenured and tenure-earning faculty of that college, to serve for staggered two-year terms. The university promotion and tenure committee chair is elected annually by the university promotion and tenure committee at its first meeting.
3. Vacancies are filled during the term in which they occur from the same college for the remainder of that person's term and the person shall not have served on any other promotion and tenure committees in that cycle.
4. The provost will schedule the initial meeting to charge the university promotion and tenure committee. All members of the committee should be present. If a committee member is not able to attend, they must meet with the provost or designee before participating in committee work.
5. University promotion and tenure committee members shall not serve and shall be replaced by an alternate when any of the conflict of interest conditions noted in ~~sections (5)(b) or (5)(e) of~~ this regulation are present.
6. The university promotion and tenure committee shall review the evaluation materials of tenured or tenure-earning faculty under consideration ~~for a change of status~~; except that those dossiers that have received unanimously positive votes from all prior levels of review shall move directly to the pProvost for review. The pProvost may request review of a dossier by the university promotion and tenure committee prior to the Provost making a final recommendation.
7. A quorum shall consist of the attendance of all university promotion and tenure committee members, when practicable. However, a quorum shall not be less than seventy (70) percent of the university promotion and tenure committee members.
8. ~~Within six (6) weeks, the~~ The university promotion and tenure committee shall complete an evaluation and recommendation for each candidate assigned for review for promotion and tenure. Each university promotion and tenure committee member, unless recused, shall vote on each case considered and the result shall be documented~~recorded~~. A university promotion and tenure committee member ~~in the greater Orlando area~~ must be physically present to vote and may vote only on dossiers that they have personally reviewed. Remote

attendance may be used at the discretion of the committee chair as long as all members have equitable access to the meeting and a process to ensure the secret ballot polling of members has been established.~~Voice or video calls may be used only at the discretion of the university promotion and committee member chair. The use of recording devices is prohibited during committee meetings and deliberations.~~

9. Each evaluation and recommendation must be accompanied by an explanation of the university promotion and tenure committee's action, including an explanation of positive and negativesplit votes. ~~Abstentions are allowed only in cases of conflict of interest.~~
10. The university promotion and tenure committee chair shall transmit forward to Faculty Excellence the recommendations and votes of the university promotion and tenure committee and the following:
  - (i) The record of attendance of all promotion and tenure committee meetings;
  - (ii) The university promotion and tenure committee's evaluations and recommendations;
  - (iii) Each candidate's dossier containing all evaluation materials; andThe results of the secret ballots for promotion and tenure for each candidate.
  - (iv) A sealed envelope containing the official votes.
11. The evaluated candidate will then have ~~Within~~ five (5) calendar days in which to review, and if desired, provide a response to the ~~of receiving the~~ university promotion and tenure committee's recommendations. ~~Faculty Excellence shall forward the university promotion and tenure committee's recommendation to each candidate for review and potential response. The evaluated candidate will then have five (5) calendar days in which to review and, if desired, provide a response to the university promotion and tenure committee's recommendations.~~ Any response will be contained within the dossier and the dossier will then be transmitted to the provost ~~by Faculty Excellence.~~
12. ~~The following shall be forwarded to the provost:~~
  - ~~(i) The record of attendance;~~
  - ~~(ii) The university promotion and tenure committee's evaluation and recommendation;~~
  - ~~(iii) The candidate's dossier containing all evaluation materials; and~~
  - ~~(iv) A sealed envelope containing the official votes of the university committee.~~
  - ~~(g) Provost Review. The provost will review the candidate's dossier and make their recommendations~~ in favor or against the candidates application for promotion and/or tenureand comments based on the materials contained or referenced in the candidate's dossier. ~~Upon review of the candidate's information, the Provost will recommend in favor of or against the candidate's application for promotion and or tenure.~~

(eh) Promotion Decision and Notification.

1. Final promotion decisions are made by the president and provost, while tenure decisions reside with the Board of Trustees. The provost presents recommendations for tenure to the university Board of Trustees. Only with affirmation by the university Board of Trustees is tenure awarded.
2. Promotion and tenure become effective at the beginning of the succeeding academic year.

3. If a faculty member is denied promotion and/or tenure, they have the option of using a grievance process to contest the outcome. If an in-unit faculty member is denied promotion and or tenure, they have the option of using must follow the grievance procedureess that is outlined within in the current collective bargaining agreement and non-unit faculty must follow the grievance procedure in Regulation UCF-3.036.

*Authority: BOG Regulation 1.001. History–New 7-9-14. Amended 1-5-15, 7-5-16, 5-16-19. \_\_\_\_\_-24.*