



Following a written request on Friday from the Chancellor of the Florida State University System Board of Governors, FAU Board of Trustees Chair Brad Levine agreed to suspend the university's presidential search until further notice. As such, the candidates' campus visits and open forums scheduled for this coming week were cancelled.

In a written response to Chancellor Rodrigues, sent Saturday, Chair Levine stated that the university stands ready to assist Board of Governors staff immediately, and has already begun to acquire information about the matters raised in the Chancellor's letter.

The university maintains that its search process complies with all legal requirements and has been conducted in a proper manner.

Chair Levine further thanked the Chancellor for his acknowledgment that the three finalists have exceptional qualifications for the position as president and that these finalists were indeed procured from a sound search and selection process. Chair Levine also stressed the university's eagerness to resume the search process as soon as possible.

Copies of both Chancellor Rodrigues's and Chair Levine's letters are attached.

The university has no further comment at this time.

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# STATE UNIVERSITY SYSTEM OF FLORIDA

**Office of the Chancellor**  
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July 7, 2023

Mr. Brad Levine  
Chair, Florida Atlantic University Board of Trustees  
800 Fairway Drive  
Deerfield Beach, FL 33441

Dear Chair Levine:

The Florida Constitution provides that the Board of Governors “shall operate, regulate, control, and be fully responsible for the management of the whole university system.” Art. IX § 7, Florida Constitution. The Board is also statutorily responsible for confirming “the presidential selection and reappointment by a university board of trustees as a means of acknowledging that system cooperation is expected.” § 1001.706(6)(a), Fla. Stat. (2022).

Furthermore, “pursuant to a delegation of authority from the Board of Governors, each board of trustees is responsible for conducting” a search and selection process to identify a candidate to serve as the president of the institution. BOG Reg. 1.002. The Board’s process is crafted to ensure a transparent and robust search and selection of a candidate. Id.

Consistent with the Board’s oversight and supervisory capacity, this office has received concerning information regarding anomalies that have been alleged in the Florida Atlantic University presidential search. For instance, it is undisputed, that during a prior meeting, search committee members were provided a categorized list of nearly 60 candidates and asked to rank their top 6 preferences, via straw poll. Those rankings were submitted confidentially and directly to the search firm.

The committee members’ selections and rankings were not disclosed on the record and there was no meaningful opportunity for the search committee members to discuss candidates prior to the straw poll. While this meeting was held in the shade, Florida Statute 1004.098(2)(b), provides “a complete recording must be made of any portion of a meeting which is closed pursuant to paragraph (a), and any closed portion of such meeting may not be held off the record.” Holding a straw poll, that is tantamount to a written vote that is not disclosed, may run afoul of this provision.

Chair Levine  
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Additionally, at least one candidate reported he was requested to complete a questionnaire and answer if his sexual orientation was “queer” and whether he was a “male or transgender male.” In a separate and required survey, the same candidate was subsequently asked if his gender was “male, female or other” and what his “preferred pronouns were.” These inquiries are wholly irrelevant, inappropriate, and potentially illegal.

The United States Equal Employment Opportunity Commission has stated that “questions about an applicant's sex including sexual orientation, [and] gender identity . . . are generally viewed as not job-related and problematic under Title VII unless a defense or exception applies.” <https://www.eeoc.gov/pre-employment-inquiries-and-gender> (last accessed July 6, 2023).

Members of the search committee were not informed that these questions were being asked of candidates. This raises an additional concern about whether the search firm withheld material information from the search committee.

Considering the serious nature of these concerns, I have briefed the Chairman of the Board of Governors. Chair Lamb concurs with my recommendation that the FAU Presidential Search be suspended at this time to provide an opportunity for the Board of Governors staff to obtain the facts around these concerns and other potential anomalies.

Please convey our deep appreciation to the finalists for their interest in leading FAU and our high degree of respect for their qualifications. We look forward to your full cooperation as FAU and the Board of Governors have a shared interest in securing a presidential candidate procured from a sound search and selection process. If you have any questions, please contact me.

Sincerely,



Ray Rodriguez  
Chancellor  
State University System of Florida

**FAU**  

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**BOARD OF TRUSTEES**  
Florida Atlantic University

July 8, 2023

Chancellor Ray Rodrigues  
Office of the Chancellor  
200 West College Avenue  
Tallahassee, FL 32301

Dear Chancellor Rodrigues,

I am in receipt of your email sent yesterday afternoon at 4:41 p.m. As you requested, the University has paused its presidential search activities so that BOG staff may acquire information about our search process.

We stand ready to assist your staff immediately and have already begun acquiring information about the matters you raised. We have learned, for the first time, that AGB Search sent a questionnaire to the candidates for research purposes. We did not authorize that questionnaire, we never received any information that AGB Search may have acquired from it, and we do not think that such a questionnaire is warranted for a State University search in Florida. We are taking appropriate and aggressive action with AGB Search to address that. But even as we learn more, our opinion has remained the same: our search process has complied with all legal requirements and been conducted in a proper manner. We are anxious to provide you information that may clarify any misconceptions and allow you to reach a similar conclusion.

Thank you for acknowledging the exceptional qualifications of our three outstanding finalists. These finalists were indeed procured from a sound search and selection process. They are eager to move that process forward to a positive conclusion, as is the entire University community. I therefore respectfully request that you instruct your staff to provide their information requests to the appropriate University personnel no later than Monday, July 10, so that we may respond and resume our search as soon as possible.

Sincerely,



Brad Levine  
Chair