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Sent via E-mail

Marcos R. Marchena
*Chairman, University of Central
Florida Board of Trustees*

- and -

David Walsh
*Chairman, University of Central
Florida Presidential Search
Committee*

- care of -

W. Scott Cole
*Vice President and General
Counsel, University of Central
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RE: Transparency Concerns About UCF Presidential Search Committee

Chairman Marchena, Chairman Walsh, members of the UCF Board of Trustees, and members of the UCF Presidential Search Committee:

I have the pleasure of representing Knight News, Inc., the independent, non-profit, award-winning, student-run online news service covering the UCF community. You can see my client's excellence in journalism at <http://www.KnightNews.com>. I am writing on Knight News's behalf to raise transparency concerns in light of UCF's search for a new university president and finding a new role for Dr. John C. Hitt.

Though UCF has not conducted a presidential search in more than a quarter century, universities across the state routinely run into trouble when it comes to conducting those searches in a transparent, and legal, manner.

For instance, the University of Florida in 2014 faced criticism when its Board of Trustees hired W. Kent Fuchs "without discussion five days after he applied and two days after he became a finalist" according to the Gainesville Sun. "There was no opportunity for public comment . . . and the lack of discussion about his hasty selection leaves a bad taste about the integrity of UF's process."

Florida State University's search that year was similarly criticized. After public records revealed that a headhunter recommended only one candidate for consideration and that candidate hadn't even applied for the position, the Board of Trustees had to relaunch its search.

Here, some of UCF's actions in its nascent effort to replace Dr. Hitt raise similar transparency concerns.

First, on October 24 and again on November 2, Knight News requested public records from UCF "pertaining to [Dr.] Hitt's replacement, including, but not limited to, records concerning work or payments Hitt would receive as a result of his retiring." Several days after the initial request, and only after Hitt's \$300,000 contract was agreed to by the Board of Trustees, UCF disclosed the final contract. UCF never

produced any drafts of the contract, correspondence or any other document one would typically associate with such an endeavor.

It also appears that members of UCF's Board of Trustees engaged in conversations and decision-making outside of the Sunshine when creating the search committee. Trustee Self, for example, submitted to the Chairman four names for consideration and pointed out he would be available at a forthcoming football game to discuss his preferences. Two of Self's four recommendations were selected the very next day. Trustee Larkins, who is president of UCF's Student Government Association, wrote to the Chairman expressing disappointment in not being selected for the search committee despite representations supposedly made in a previous outside-of-the-Sunshine discussion.

Ultimately, the Chairman sent to the Board notice of a meeting via teleconference to "confirm" appointments made to the search committee. Obviously, then, the Board of Trustees makes the public decision as to who will sit on the committee selected to find the university's next president, but, instead, the decisions appear to be recommended and finalized in the absence of public oversight. In this light, the composition of the search committee also raises questions: e.g., Why is the student body's elected representative not on the committee? Why are there so few UCF alumni? Why are so few students on the committee? Should Eastern Florida State College be represented?

The Board of Trustees's conduct of meetings about the presidential search via teleconference also is problematic. At minimum, conducting the meetings in that manner frustrates the public's ability to comment on the search. In addition, Knight News requested information from UCF concerning how to attend or participate in these meetings, and to date it appears that request has been ignored.

The spirit and text of Florida's open government laws ensure transparency and accountability throughout the entire decision-making process. Those laws do not support use of a public body as a rubber stamp on recommendations and decisions made by individuals or small cliques behind the scenes. Even mere consultations concerning decisions that may come before the Board can violate the Sunshine Law; and any committee created by the Board is subject to the same rules. The Sunshine Law cannot be delegated away.

Knight News will continue monitoring the progress of UCF's search for a new president. My client suggests that, meanwhile, UCF redouble its efforts to ensure its search is transparent. If it becomes necessary to bring to a court's consideration such transparency concerns, it may become necessary to seek discovery from the Board's and search committee's members.

Thank you for your prompt actions to address the public's concerns about the transparency of UCF's search for a new president, and good luck in that search. Please feel free to contact me with any questions or ideas about how UCF can ensure greater transparency.

Sincerely,


/s/Justin S. Hemlepp

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