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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.

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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,

A handwritten signature in blue ink that reads "Ray Rodriguez". The signature is written in a cursive style with a large, stylized "R" and "R".

Ray Rodriguez
Chancellor
State University System of Florida