

**APPROVED**  
**19 SEPTEMBER 2005**



**THE FLORIDA INTERNATIONAL BOARD OF TRUSTEES**  
**BOARD MEETING**

**MINUTES**

**Wednesday, 29 June 2005**  
**Wolfe Center Ballrooms**  
**FLORIDA INTERNATIONAL UNIVERSITY**  
**MIAMI, FLORIDA**

**I. CALL TO ORDER**

Chairman Adolfo Henriques convened the meeting of The Florida International University Board of Trustees at 9:33 a.m., on 29 June 2005 at Biscayne Bay, Wolfe University Center Ballrooms, Miami, Florida.

The following attendance was recorded:

***PRESENT:***

Adolfo Henriques  
Albert Dotson, Sr.  
Patricia Frost  
Bruce Hauptli  
Miriam López  
David R. Parker

Sergio Pino  
Claudia Puig  
Alex Prado  
Rosa Sugrañes  
Herbert Wertheim  
Modesto Maidique

***EXCUSED:***

Betsy Atkins

Attendance was recorded by Casandra Roache.

**II. CHAIRMAN'S REMARKS:**

Chairman Henriques welcomed all Trustees, Directors, and University faculty and staff. He introduced the new Student Government Officers attending the meeting including Trustee Alex Prado, and Biscayne Bay President, Natkisha Jean-Baptiste. He also congratulated Trustee Rosa Sugrañes on her appointment as Chair of the Greater Miami Chamber of Commerce.

Chairman Henriques thanked the Biscayne Bay Campus staff for their work in accommodating all the details of the meeting. He noted that Biscayne Bay Campus houses unique programs at FIU including Hospitality Management, Journalism and Mass Communication, and Marine Biology.

### **III. REQUESTS TO ADDRESS THE BOARD:**

- Thomas Beasley, President AFCSME (American Association of State, County, and Municipal Employees – AFL-CIO)

Mr. Beasley addressed the Board on behalf of the AFSCME, FIU Chapter. He voiced the union's concerns regarding collective bargaining. Mr. Beasley handed Chairman Henriques a petition signed by 380 FIU employees.

Chairman Henriques assured Mr. Beasley of the Board's unequivocal commitment to employees. He added that the Board would not grant any more wage increases until there was a signed contract. Vice Chairman Parker urged AFCSME to seriously consider the offer presented by the Administration to the Union.

### **IV. FIU FOUNDATION REPORT**

VP Howard Lipman presented the Foundation Report.

### **V. UNIVERSITY REPORT**

President Maidique reported on University issues including commencement for the first College of Law class, recent rankings of FIU as first among the top colleges for Hispanics, in number of Bachelors and Masters degrees awarded, and among doctoral/ research universities-extensive Carnegie institution for number of Hispanics graduated. He announced the opening of a downtown center for the Chapman Graduate School of Business, student involvement in Alternative Spring Break, and recent student achievements in Athletics. He also invited all Trustees to attend the meeting of the Board of Governors to be held at FIU on 21 July 2005.

### **VI. ITEMS FOR BOARD CONSIDERATION:**

#### **A. ELECTION OF OFFICERS**

Chairman Henriques requested the item to be moved to the close of the meeting.

#### **B. ACTION ITEMS**

##### **1. CONSENT AGENDA**

Chairman Henriques noted that item "j" – Personnel Policies, was the result of a two-year review process and that the bulk of these policies were the same as those this Board approved for the PBA. As a result of feedback from employees since the Administration and Compensation Committee met on May 17<sup>th</sup>, 2005, a revised policy on dress code was included in the policies under item "j". Both Committee Chair Dotson and the University Administration believe this change addresses the ability to provide flexibility as expressed by employees and faculty. He also noted that there were amendments to items "k" and "l", Personnel Rules. He added that the Rules attached on blue paper were those recommended for Board approval by the Administration and Compensation Committee. (*Exhibits "H"-"M"*). Chairman Henriques asked for comments on any items included in the Consent Agenda.

Hearing none, the Board adopted the following Resolution:

RESOLVED, that the following matters included in the Consent Agenda are hereby approved:

- a. MINUTES 3.07.05 (*EXHIBIT "A"*)
- b. MINUTES 5.18.05 (*EXHIBIT "B"*)
- c. STATE UNIVERSITIES ANNUAL EQUITY UPDATE, 2004-2005 (*EXHIBIT "C"*)
- d. APPROVAL OF CONSULTING CONTRACT WITH A.T. KEARNEY
- e. EXTENSION OF UNIVERSITY PRESIDENT'S CONTRACT
- f. TENURE NOMINATIONS (*EXHIBIT "D"*)
- g. TENURE AS A CONDITION OF EMPLOYMENT NOMINATIONS (*EXHIBIT "E"*)
- h. PERFORMANCE MEASURES (*EXHIBIT "F"*)
- i. UNIVERSITY PERSONNEL RULE 6C8-4.018 – RULE REPEAL
- j. PERSONNEL POLICIES FOR NON-BARGAINING EMPLOYEES (*EXHIBIT "G"*)
- k. PROPOSED PERSONNEL RULES 6C8-4.025 AND 6C8-4.030 (*EXHIBITS "H" and "I"*)
- l. UNIVERSITY PERSONNEL RULES – RULE AMENDMENTS (*EXHIBITS "J," "K," "L," AND "M"*)

FURTHER RESOLVED that Exhibits "A," "B," "C," "D," "E," "F," "G," "H," "I," "J," "K," "L," and "M" are attached to this Resolution and made part of the minutes for this meeting.

Chairman Henriques recognized Trustee Landon who congratulated the President on the great job he is doing. He also noted that the Board should look at succession planning issues when addressing the President's new contract.

Chairman Henriques recognized Trustee Hauptli who noted he had questions about five of the policies just approved and that he felt personnel policies should be revised on an on-going basis. He added that the administration should seek more input from employees. Trustee Albert Dotson replied that the Board had reviewed the personnel policies over a period of about two years, including several feedback sessions with employees.

### **C. OTHER ACTION ITEMS**

Vice-chair Parker requested that the four degree programs presented be passed together. He reported that the Committee had thoroughly reviewed the merits of each program and that he was particularly impressed with the nanotech strategies.

Chairman Henriques asked for comments on any of the four degree programs proposed for Board adoption. After discussion, the Board adopted the following four Resolutions:

**2. BACHELOR OF LANDSCAPE ARCHITECTURE ( EXHIBIT “O” ),**

RESOLVED that the Florida International University Board of Trustees hereby approves the Bachelor in Landscape Architecture and attached to this Resolution as Exhibit “O”, and

FURTHER RESOLVED, that the Board authorizes the University President to file the proposal with the Division of Colleges and Universities and take all actions necessary to implement the program.

**3. MASTER OF INTERIOR DESIGN ( EXHIBIT “P” )**

RESOLVED that the Florida International University Board of Trustees hereby approves the Master of Interior Design and attached to this Resolution as Exhibit “P”, and

FURTHER RESOLVED, that the Board authorizes the University President to file the proposal with the Division of Colleges and Universities and take all actions necessary to implement the program.

**4. M.S. IN INTERNATIONAL REAL ESTATE ( EXHIBIT “Q” )**

RESOLVED that the Florida International University Board of Trustees hereby approves the Master of Science in International Real Estate and attached to this Resolution as Exhibit “Q”, and

FURTHER RESOLVED, that the Board authorizes the University President to file the proposal with the Division of Colleges and Universities and take all actions necessary to implement the program.

**5. PH.D. IN MATERIALS SCIENCE AND ENGINEERING ( EXHIBIT “R” )**

RESOLVED that the Florida International Board of Trustees approve the Doctor of Philosophy in Materials Science and Engineering proposal as a new academic program under the College of Engineering and attached to this Resolution as Exhibit “R”, and

FURTHER RESOLVED, that the University file the proposal with the Division of Colleges and Universities and submit the proposal to the Florida Board of Governors for approval.

**6. INVESTMENT POLICY STATEMENT ( EXHIBIT “S” )**

University Treasurer, Alex Zyne, reported on the Investment strategies of the University and requested approval for the Policy Statement for investment of university funds. He noted that the University established an Investment Committee whose members include Trustee Kirk Landon, Vivian Sanchez, William Welch, Alex Zyne, and Marc Friedberg.

After discussion, the Board adopted the following Resolution.

WHEREAS, with the enactment of the Florida K-20 Education Code (Chapters 1000 through 1013, Florida Statutes), the Florida Legislature empowered The Florida International University Board of Trustees ("BOT") with the powers previously held by the Florida State Board of Education;

WHEREAS, Section 1011.42, Florida Statutes, consistent with the devolution of powers to individual local university boards, empowered the BOT with responsibility for management of the financial affairs of the University, including the acceptance, withdrawal and investment of University funds;

WHEREAS, the BOT is an "institution" as defined in Section 1010.10, Florida Statutes (the "Act");

WHEREAS, the Act allows the University to invest its funds pursuant to a prudent investor standard and in accordance with all applicable laws, rules and regulations;

WHEREAS, the BOT believes it to be in the best interest of the University to adopt the Investment Policy Statement attached as Exhibit "S" hereto and to invest University funds pursuant to a prudent investor standard and in accordance with all applicable laws, rules and regulations;

THEREFORE, BE IT RESOLVED that the BOT hereby approves the University's investment of funds pursuant to the Investment Policy Statement approved herein and attached to this Resolution as Exhibit "S".

#### **HEALTH AND MEDICAL EDUCATION INITIATIVE**

Due to time constraints, Chairman Henriques recognized Trustee Herbert Wertheim, Chair of the Board's ad hoc Health and Medical Education Initiative Committee to address the Board on developments in the medical school initiative out of sequence.

Trustee Wertheim commended the Provost on coordinating the HMEI meetings and providing excellent content and guests. He thanked the Chamber (GMCC) for its endorsement of a School of Medicine at FIU. Trustee Wertheim requested that Howard Lipman and Trustee Sugrañes join together in fundraising for the School. He added that the HMEI group would be establishing a speakers' bureau to help promote relevant issues.

Chairman Henriques thanked Trustee Wertheim for his commitment to the School of Medicine and for his leadership and hard work in promoting it.

Chairman Henriques then returned to the items for Board discussion and action.

**7. PROPOSED OPERATING BUDGET ( EXHIBIT “T”)**

VP/ CFO Vivian Sanchez presented the proposed 2005-2006 university budget.

After discussion the Board approved the following Resolution:

RESOLVED that the Florida International University Board of Trustees (“the Board”) approves the 2005-2006 University Operating Budget, including the 2005-2006 Operating Budget of the FIU Foundation, Inc., as attached to this Resolution as Exhibit “T”, and

FURTHER RESOLVED that the Board delegate to the University President the authority to amend the budget to adjust to changing circumstances, including the authority to reasonably increase expenditures based on the receipt of additional funding during the operating year, and

FURTHER RESOLVED that the University President shall keep the Board informed of any changes in excess of 2% made to the total approved 2005-2006 Operating Budget during the operating year.

**7A. UNIVERSITY TUITION FEE INCREASE ( EXHIBIT “N”)**

University CFO Vivian Sanchez presented the Tuition Fee Increase item. Trustee Alex Prado voiced his concerns over the rapidly-rising tuition rates in Florida. He noted that continuing to increase tuition might limit access for some, especially in South Florida.

After discussion, the Board adopted the following Resolution:

WHEREAS, the Florida International University Board of Trustees (“the Board”) is authorized to set tuition and fees for the University within the limits provided by law;

WHEREAS, the Legislature has provided the Board with authority to set 2005-06 Academic Year tuition and fees for graduate, graduate professional, and nonresident students (at any level of instruction);

WHEREAS, subject to approval by the Governor of the legislation providing the Board with tuition and fee authority, the Board desires to exercise its authority as reflected in the amendments to the Tuition Fees Schedule Rule (Rule 6C8-6.010) attached hereto as Exhibit “N”;

THEREFORE, BE IT RESOLVED THAT, the Board approves the 2005-06 Academic Year tuition and fees increases reflected in the amendments to the Tuition Fees Schedule Rule attached hereto as Exhibit “N”;

BE IT FURTHER RESOLVED THAT, the University Administration is provided with authority to decrease non-resident student fees for existing and new students and at any level of instruction;

BE IT FURTHER RESOLVED THAT, the Board delegate authority to the University President to approve any subsequent amendments that are based on comments to the Rule received by the University in writing or at a public hearing on the Rule to be held after the Board's action, and to file the rule for adoption;

AND BE IT FURTHER RESOLVED, that the President report to the Board at its next regularly scheduled meeting on any substantive change requested or made to the Rule as a result of comments received in writing or at the public hearing on the Rule.

**7B. ACTIVITY AND SERVICE FEE INCREASE**

University CFO Vivian Sanchez presented the Activity and Service Fee Increase item. She noted that the proposed increase had been approved by all necessary University committees.

After discussion, the Board adopted the following Resolution:

WHEREAS the Board of Trustees has the power to establish a student Activity and Service (A&S) Fee for the university pursuant to **Section 1009.24**, Florida Statute;;

WHEREAS, the activity and service fee committee has approved an increase in the A&S fee in the amount of \$1.38 effective Fall 2005;

WHEREAS, the President has approved the fee increase after consultation with the student government president;

THEREFORE BE IT RESOLVED that the Board approve an Activity and Service (A&S) fee increase from the current \$9.14 per credit hour to \$10.52 per credit hour effective Fall 2005; and

BE IT FURTHER RESOLVED that the Board authorizes the University Administration to take all further actions necessary to implement this Resolution.

**7C. FEE WAIVER POLICY (EXHIBITS "U" AND "V")**

University CFO Vivian Sanchez noted that the fee waiver policy establishes guidelines for distribution of future fee waivers.

After discussion, the Board adopted the following Resolution:

WHEREAS, the Florida International University Board of Trustees ("the Board") is

authorized to waive tuition and out-of-state fees for purposes which support and enhance the mission of the University;

WHEREAS, waivers of tuition and out-of-state fees must be based on policies approved by the Board,

WHEREAS, the tuition fee waiver policies for undergraduate and graduate students are attached hereto as EXHIBITS "U" and "V";

NOW THEREFORE, BE IT RESOLVED THAT the Board approves the attached policies (EXHIBITS "U" and "V"), and

BE IT FURTHER RESOLVED, that the University Administration take all actions necessary to give effect to this Resolution.

**7D. 2006-2007 LEGISLATIVE BUDGET REQUEST ( EXHIBIT "W")**

University CFO Vivian Sanchez presented the 2006-2007 legislative budget request.

After discussion, the Board adopted the following Resolution:

WHEREAS, the Florida Board of Governors ("the BOG") has the power to operate, regulate, control, and be fully responsible for the management of the whole university system (Section 7, Article 9, Florida Constitution); and

WHEREAS, included within this responsibility is the development of an annual, system-wide Legislative Budget Request; and

WHEREAS Section 1001.74(12), Florida Statutes, requires the universities' Boards of Trustees ("the Board") to submit an institutional budget request based on the guidelines established by the BOG; and

WHEREAS Section 216.023(1), Florida Statutes, requires the submission of a legislative budget request to the legislature and governor based on an independent judgment of needs;

THEREFORE, BE IT RESOLVED that the Board hereby approves the Florida International University 2006-2007 Legislative Budget Request, attached to this Resolution as Exhibit "W," and

BE IT FURTHER RESOLVED that the Board authorizes the University Administration to take all actions necessary to implement this Resolution.



## **VII. Committee Status Reports**

Chairman Henriques requested that each Committee Chair present a status report on the ongoing work of the Committee.

Academic Policy and Student Affairs Committee Chair David Parker, Administration and Compensation Committee Chair Albert Dotson, Governmental Relations Committee Chair Miriam López, Finance and Audit Committee Chair Rosa Sugañes, reported on items heard and discussed by their respective Committees.

Trustee Sugañes reported that the Finance and Audit Committee met with the University's Director of Internal Audit without the presence of university administration and was assured by the auditor that he was performing his duties unhindered.

## **VIII. OTHER BUSINESS**

Trustee Lopez noted the excellent work of the University's Legislative Affairs team—including Steve Sauls, Susan Moya, Debbi Gallay, and Michelle Palacio--and their effective leadership role at the state and national levels. She thanked them on behalf of the University and the Board.

Trustee Claudia Puig announced that Univision would be hosting a radio-thon to benefit scholarships for FIU's School of Education. She invited Trustees to speak on the radio to promote the scholarship drive on July 14<sup>th</sup>.

## **ELECTION OF OFFICERS**

At the close of the meeting, Chairman Henriques announced his resignation from the Board. The Chairman thanked Board members for their confidence and support during his tenure as Chairman. He noted that it had been a fruitful and rewarding experience. He thanked the faculty, staff and administration for their commitment to the University. Specifically, he thanked Mayra Beers, Provost Mark Rosenberg, and President Modesto Maidique for their work. He added that he was grateful for the opportunity of having served with such distinguished members of the community on FIU's Board. On behalf of the Board, Trustee Albert Dotson thanked Chairman Henriques for his many years of dedicated, focused, and giving service to FIU as a member of the Board of Directors, Board of Regents, Board of Trustees, and proud alumnus.

Chairman Henriques opened the floor for nomination of officers. Trustee Sugañes nominated Trustee Parker for the office of Chairman. He was unanimously elected. Trustee Pino was nominated as Vice Chair, and was unanimously elected.

Newly-elected Chairman Parker thanked Trustees for their support and noted he looked forward to continuing to work with such a distinguished Board. He commented on his commitment to collegial governance. Chairman Parker thanked all Trustees for their continued leadership and hard work especially at the Committee level. He also expressed his high expectations of continuing to serve the South Florida community with a commitment to public access to higher education and ensuring accountable outcomes. He noted he remained

steadfast in the quest to make FIU a distinctive research university and to the establishment of a College of Medicine.

**IX. ADJOURNMENT**

Since there was no other business to come before the Board, the meeting of the Florida International University Board of Trustees was adjourned on Wednesday, 29 June 2005 at 11:55 a.m.

*MEB/clr*  
7.25.05

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David Parker  
*Chairman*  
*FIU Board of Trustees*

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Modesto A. Maidique  
*Corporate Secretary*  
*FIU Board of Trustees*

*Attachments: Exhibits "A" through "W" inclusive.*