

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

TUESDAY, 21 MARCH 2006
10:30 A.M.
FLORIDA INTERNATIONAL UNIVERSITY
GRAHAM CENTER BALLROOMS
MIAMI, FLORIDA

AGENDA

- | | |
|---|------------------------------|
| I. CALL TO ORDER | CHAIRMAN DAVID PARKER |
| II. CHAIRMAN'S REMARKS | DAVID PARKER |
| III. FOUNDATION REPORT | CARLOS MIGOYA |
| IV. REQUESTS TO ADDRESS THE BOARD | DAVID PARKER |
| V. UNIVERSITY REPORT | MODESTO MAIDIQUE |
| VI. ITEMS FOR BOARD REVIEW | |
| A. ACTION ITEMS | |
| 1. CONSENT AGENDA | DAVID PARKER |
| A. MINUTES, 22 NOVEMBER 2005 | |
| B. MINUTES, 27 FEBRUARY 2006 | |
| C. FEDERAL PRIORITIES, 2006-2007 | |
| D. UNIVERSITY PRESIDENT ANNUAL REVIEW PROCESS | |
| E. EDUCATIONAL PLANT SURVEY UPDATE | |
| F. M.S. HUMAN RESOURCES MANAGEMENT | |
| G. B.S. ENVIRONMENTAL ENGINEERING | |
| H. PH.D. TRACK MATERIALS SCIENCE ENGINEERING | |
| I. NOMENCLATURE CHANGE INTERIOR DESIGN | |
| J. STUDENT CODE OF CONDUCT | |

A. ACTION ITEMS (CONT.)

**2. RE-ADOPTION OF UNIVERSITY TRAFFIC AND PARKING
REGULATIONS**

KIRK LANDON

3. HEALTH FEE

KIRK LANDON

B. REPORTS

4. COMMITTEE REPORTS

▪ **ACADEMIC POLICY AND STUDENT AFFAIRS**

HERBERT WERTHEIM

▪ **FINANCE AND AUDIT**

KIRK LANDON

▪ **ADMINISTRATION AND ATHLETICS**

ALBERT DOTSON

▪ **GOVERNMENTAL RELATIONS**

MIRIAM LOPEZ

VII. OTHER BUSINESS

DAVID PARKER

VIII. ADJOURNMENT

DAVID PARKER

NEXT FULL BOARD MEETING
27 JUNE 2006
10:30 A.M.

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

21 MARCH 2006

SUBJECT: CONSENT AGENDA

PROPOSED BOARD ACTION:

ADOPT THE FOLLOWING RESOLUTION:

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

- A. MINUTES, 22 NOVEMBER 2005 (EXHIBIT "A")
- B. MINUTES, 27 FEBRUARY 2006 (EXHIBIT "B")
- C. FEDERAL PRIORITIES, 2006-2007 (EXHIBIT "C")
- D. UNIVERSITY PRESIDENT ANNUAL REVIEW PROCESS (EXHIBIT "D")
- E. EDUCATIONAL PLANT SURVEY UPDATE (EXHIBIT "E")
- F. M.S. HUMAN RESOURCES MANAGEMENT (EXHIBIT "F")
- G. B.S. ENVIRONMENTAL ENGINEERING (EXHIBIT "G")
- H. PH.D. TRACK MATERIALS SCIENCE ENGINEERING (EXHIBIT "H")
- I. NOMENCLATURE CHANGE INTERIOR DESIGN (EXHIBIT "I")
- J. STUDENT CODE OF CONDUCT (EXHIBIT "J")

FURTHER RESOLVED that Exhibits "A" – "J" are attached to this Resolution and made part of the minutes for this meeting.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT “A” – Board of Trustees Minutes 22 November 2005
- Exhibit “B” – Board of Trustees Minutes, 27 February 2006
- Exhibit “C” – Federal Priorities, 2006-2007
- Exhibit “D” – University President Annual Review Process
- Exhibit “E” – Educational Plant Survey Update
- Exhibit “F” – Authorization for M.S. Human Resources Management
- Exhibit “G” – Authorization for B.S. Environmental Engineering
- Exhibit “H” – Authorization for Ph.D. Track Materials Science Engineering
- Exhibit “I” – Nomenclature Change Interior Design
- Exhibit “J” – Student Code of Conduct

FACILITATOR/PRESENTER:

- NONE

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

21 MARCH 2006

SUBJECT: MINUTES, 22 NOVEMBER 2005

PROPOSED BOARD ACTION:

ADOPT THE FOLLOWING RESOLUTION:

RESOLVED that the minutes of the meeting of the Florida International University Board of Trustees held on 22 November 2005, attached to this Resolution as Exhibit “A,” are hereby approved.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT “A” – MINUTES, 22 NOVEMBER 2005

FACILITATOR/PRESENTER:

- NONE

DRAFT

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES



**BOARD MEETING
MINUTES
22 NOVEMBER 2005**

I. CALL TO ORDER

Chairman David Parker convened the meeting of The Florida International University Board of Trustees at 10:00 a.m., on Tuesday, 22 November 2005, at University Park, Graham Center Ballrooms, Miami, Florida.

The following attendance was recorded:

PRESENT:

David Parker
Albert Dotson, Sr.
Patricia Frost
Armando Guerra
Bruce Hauptli
Kirk Landon

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

EXCUSED:

Betsy Atkins
Miriam López

II. CHAIRMAN'S REMARKS:

Chairman Parker welcomed all Trustees, University faculty and staff. He welcomed members of the Foundation Board of Directors, Gene Prescott and Joan Peven Smith.

Chairman Parker addressed labor negotiations with the United Faculty of Florida (UFF-FIU) noting that two hurricanes during the previous months had affected the pace of negotiations. He requested that the Board consider extending the 31 October 2005 deadline for negotiations. After discussion, the Board adopted the following Resolution:

RESOLVED that the Florida International Board of Trustees hereby extends the period for completion of contract negotiations with the United Faculty of Florida, FIU Chapter, to 1 January 2006.

On behalf of the Board, Chairman Parker expressed gratitude to fellow Trustee and FIU benefactor, Dr. Herbert Wertheim who, as chairman of the Dr. Herbert A. and Nicole Wertheim Family Foundation, last week announced a commitment of \$20 million to the FIU School of Medicine. His donation, the largest in FIU history, is eligible to be matched by the State of Florida, making the impact of the gift \$40 million, one of the largest to a public university in Florida.

PRESIDENT'S REMARKS

President Maidique reported on the football team's Homecoming game victory against Western Kentucky with a final score of 38-35 on a last second field goal. President Maidique also invited Trustees to attend the Saturday, 26 November, 2005 game where the University would host FAU in the "Don Shula Bowl."

President Maidique also thanked Vice President Marcos Perez, Jennifer Mwaisela and the Emergency Management group for their leadership during preparations and in the aftermath of Hurricanes Katrina and Wilma.

He added that Hurricane Wilma had forced the cancellation of the Alumni Torch Awards Gala, but that he invited Trustees to the rescheduled event on 11 February 2006.

PRESIDENT'S BOARD OF GOVERNORS REPORT

President Maidique reported on the University's School of Medicine proposal to the Board of Governors on 17 November 2005. He thanked University staff for their collaboration and contribution to this effort. He also thanked Dr. Wertheim for his efforts at the BOG meeting and congratulated him on his remarks to the Governors. The President also reported on the significant support by hospital CEOs who accompanied the Florida International University group to the meeting. He asked Chancellor-elect Mark Rosenberg to add his comments on the BOG meeting.

Chancellor-elect Mark Rosenberg thanked Trustees Dotson and Pino for their support at the Board of Governors' meeting. Provost Rosenberg reported that an independent consultant was retained to review the proposals for schools of medicine in Florida by the Board of Governors. He added that the student delegation was very effective in lobbying for Florida International University at the meetings.

The Board adopted the following Resolution proposed by Trustee Hauptli to the Board, as submitted to the Academic Policy and Student Affairs Committee:

RESOLVED, that the FIU Board of Trustees expresses its sincere thanks and appreciation to President Modesto A. Maidique and John Hitt for their superb presentations of the Medical School proposals at the 17 November 2005 Board of Governors' meeting;

BE IT FURTHER RESOLVED that the Board also commends the Presidents for their outstanding leadership as we pursue this important initiative on behalf of our universities, our communities, and our State.

SHELTER OPERATIONS IMPACT REPORT

Vice President Marcos Perez reported on the University's shelter operations, which support Monroe County. He noted that the recent hurricane activity and resultant shelter operations caused the relocation of approximately 650 classes and labs. He noted that the University was still in the repair and recovery process.

III. REQUESTS TO ADDRESS THE BOARD:

There were no requests to address the Board.

IV. FIU FOUNDATION REPORT

Foundation Chairman Carlos Migoya reported on the Wertheim Family Foundation's \$20 million commitment to the University's School of Medicine initiative and on new membership efforts by the Foundation.

V. ITEMS FOR BOARD CONSIDERATION:

A. ACTION ITEMS

Consent Agenda:

Chairman Parker 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 9.19.05 (Exhibit "A")
- b. CEFPP for PeopleSoft Storage System (Exhibit "B")
- c. 2006 State Legislative Priorities (Exhibit "C")

FURTHER RESOLVED that "Exhibits "A," "B," "C," are attached to this Resolution and made part of the minutes for this meeting.

B. Committee Status Reports

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

Academic Policy and Student Affairs Committee Chair Herbert Wertheim, Finance and Audit Committee Chair Kirk Landon, Administration and Athletics Committee Chair Albert Dotson and Governmental Relations Committee Vice Chair Sergio Pino reported on items heard by their respective Committees.

Chairman Parker thanked the Committees for their work noting that their careful review of

university issues was of invaluable service to the entire Board.

VI. OTHER BUSINESS:

Chairman Parker noted that this was the last Board meeting for Mark Rosenberg as University Provost. He noted that Provost Rosenberg had served FIU for almost 30 years as Professor, Founder and Director of the Latin American and Caribbean Center, Dean of the College of Health and Urban Affairs, Vice Provost, Provost, and even as Acting President for a short while. He added that at every step he has been an exceptional leader for our institution. On behalf of the Chairman, the Board of Trustees, extended his gratitude for his service to FIU and congratulated him on his appointment as Chancellor of our State System. Chairman Parker extended a welcome to the University's Acting Provost, Dr. Ronald Berkman.

Trustee Sugrañes reported that she would be representing the Board at the Wolfsonian's re-accreditation in December 2005.

VII. 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 Tuesday, 22 November 2005, at 11:10 a.m.

MEB/*mb*
12.7.05

David Parker
Chairman
FIU Board of Trustees

Modesto A. Maidique
Corporate Secretary
FIU Board of Trustees

Attachments: Exhibits "A," "B," & "C,"

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

21 MARCH 2006

SUBJECT: MINUTES, 27 FEBRUARY 2006

PROPOSED BOARD ACTION:

ADOPT THE FOLLOWING RESOLUTION:

RESOLVED that the minutes of the meeting of the Florida International University Board of Trustees held on 27 February 2006, attached to this Resolution as Exhibit “B,” are hereby approved.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT “B” – MINUTES, 27 FEBRUARY 2006

FACILITATOR/PRESENTER:

- NONE

DRAFT

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES



**BOARD MEETING
MINUTES
27 FEBRUARY 2006
Via Conference Call**

I. CALL TO ORDER

Chairman David Parker convened the meeting of The Florida International University Board of Trustees at 3:05 pm, on Monday, 27 February 2006, via Conference Call.

The following attendance was recorded:

PRESENT:

David Parker
Albert Dotson
Patricia Frost
Armando Guerra
Bruce Hauptli
Miriam Lopez
Sergio Pino
Alex Prado
Rosa Sugrañes

EXCUSED:

Betsy Atkins
Kirk Landon
Claudia Puig
Herbert Wertheim

II. CHAIRMAN’S REMARKS:

Chairman Parker thanked all Trustees for making themselves available for the meeting. He requested President Maidique give a report on the recent BOG Medical Education Workgroup Meeting.

President Maidique reported on the 23 February 2006 Florida Board of Governors meeting and on the positive report from the BOG-hired consultant, Dr. Michael Whitcomb. Dr. Whitcomb reported that a new State medical school was well justified, that the State is experiencing a shortage of doctors and should not depend on foreign-trained doctors.

Trustee Bruce Hauptli, Chair of the FIU Faculty Senate, reported on the Faculty Senate vote regarding the University's Medical School Proposal, noting that the Faculty Senate unanimously voted in support of the University's Medical School Proposal. He added that he had sent a letter to Herald in support of the Medical School Initiative, which was not published. Chairman Parker requested that Trustee Hauptli forward the letter to all Trustees via Mayra Beers.

Trustee Sugrañes asked what Trustees could do to assist the University in its Medical School Initiative. The President encouraged all Trustees to do all they could to keep up the momentum during the weeks leading up to the 23 March BOG meeting..

III. ITEMS FOR BOARD CONSIDERATION:

Chairman Parker noted there were two items before the Board regarding the ratification of a collective bargaining agreement between the United Faculty of Florida and the Board of Trustees. He added that he was very pleased that after two and one half years there was approval by the UFF of the contract and a recommendation from the administration for Board approval of the contract. He congratulated the President, the negotiating teams, the Provost, the administration and the faculty for their diligence in completing negotiations.

Chairman Parker added that there was give-and-take from both sides and that the faculty had approved the contract with a vote of more than 99% in favor.

Trustee Dotson moved that the Board ratify the Collective Bargaining Agreement between the Florida International University Board of Trustees and the United Faculty of Florida – FIU Chapter, 2005-2008. Trustee Hauptli seconded the motion. With no further discussion, the Board unanimously adopted the following Resolution:

WHEREAS, the Board of Trustees (“BOT”) is the public employer of all employees of the University and is obligated to engage in collective bargaining with employees who are represented by a union;

WHEREAS, certain employees of the University are part of a bargaining unit represented by the United Faculty of Florida – FIU Chapter (“UFF”);

WHEREAS, representatives of the BOT and the UFF have engaged in collective bargaining and have reached agreement on the terms of the 2005-08 BOT-UFF Collective Bargaining Agreement (“Agreement”) (Attached as Exhibit “A”);

WHEREAS, the overwhelming majority of the bargaining unit employees represented by UFF voted in favor of ratification of the Agreement on 14-15 February 2006;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees hereby ratifies the Collective Bargaining Agreement attached hereto as Exhibit “A”;

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

Chairman Parker presented the Resolution for Personnel Policies for UFF Bargaining Unit Employees to the Board. With no further discussion the Board unanimously adopted the following Resolution:

WHEREAS, the Board of Trustees (“BOT”) is the public employer of all employees of the University and is charged with establishing the personnel program for all University employees;

WHEREAS, the University and the United Faculty of Florida – FIU Chapter (“UFF”), through the collective bargaining process have bargained personnel policies governing those employees who are within the bargaining unit represented by the UFF;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees adopts the personnel policies attached hereto as Exhibit “B”

BE IT FURTHER RESOLVED, that the policies attached hereto as Exhibit “B” shall be effective immediately and shall remain in effect for a period co-extensive with the duration of the 2005-2008 BOT-UFF Collective Bargaining Agreement;

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

IV. OTHER BUSINESS:

Trustee Dotson congratulated the Bargaining Committee, the Administration and the Faculty for their work.

Provost Berkman reported that he and President Maidique had been working with the Faculty Senate’s Collaboration Committee to develop initiatives to promote a broader forum for Faculty and administration collaboration.

Chairman Parker congratulated the President on this initiative and once again thanked all parties involved in the ratification of the Collective Bargaining Agreement.

Chairman Parker concluded by stating that he looked forward to seeing everyone at the upcoming Board of Trustees meetings.

V. 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 Monday, 27 February 2006, at 3:25pm.

MEB/*mb*
2.28.06

David Parker
Chairman
FIU Board of Trustees

Modesto A. Maidique
Corporate Secretary
FIU Board of Trustees

Attachments: Exhibits "A" & "B"

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

21 MARCH 2006

**SUBJECT: FEDERAL RELATIONS REPORT, FY 2006 AND PROPOSED FEDERAL
PRIORITIES, FY 2007.**

PROPOSED BOARD ACTION:

Adopt the following Resolution:

RESOLVED that the Florida International University Board of Trustees adopt the Federal Priorities for 2006-2007, attached to this Resolution as Exhibit “C.”

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT “C” – FY 2007 FEDERAL PRIORITIES



Federal Priority Issues for FY '07

The following proposals are FIU's federal priorities for the 2007 Fiscal Year Congressional Appropriations. These requests have already been presented to members of both the House and Senate. Some of the projects have previously been funded and are ongoing. Others are new initiatives the university is pursuing.

1. The Florida Hurricane Alliance (*Continuation*)

FIU is leading a consortium of nine Florida public research universities and is seeking a \$7 million Congressional appropriation to support a fourth year of hurricane mitigation research implementation through the Florida Hurricane Alliance. The Alliance, which includes FAMU, FAU, FSU, UCF, UF, UNF, USF and UWF, is the only state-wide comprehensive hurricane mitigation project in Florida and the nation and will continue tackling issues of high priority that will allow the reduction of hurricane damage to people and property. In the coming year, the focus of the Alliance will be finding ways of reducing the cost of hurricanes for federal, state and local governments and to businesses and households. The requested funding will enable researchers to build upon innovations to develop cost-effective techniques for reduction of hurricane hazards to life and property and to transfer this knowledge to policy-makers, planners, forecasters, engineers, architects, emergency managers and the community at large.

Hurricane research will include simulation of hurricanes, testing of construction materials and methods, storm surge modeling of Florida's coastal communities, economic loss modeling and advances in forecasting technology. Other areas of work will include further development and refinement of storm surge modeling, comprehensive research for better communication of hurricane warnings, 3D, real-time visualization and animation of hurricane impacts and collection of ground-level wind fields for land falling hurricanes.

2. Bio/Nano Electronic Devices and Sensors (*Continuation*)

Work undertaken by FIU in the areas of bio/nano electronic devices and sensors has the ability to significantly improve the nation's warfare technological base and help the Office of Scientific Research build and sustain the Air Force's effectiveness. FIU is seeking \$4 million to continue the development and implementation of its new, state-of-the art nano fabrication facility. Its researchers are working on high-power microwave emitters for ground based microwave communication purposes and for high-power electromagnetic pulse weapons systems. Such systems can irreversibly damage electronic equipment such as enemy communication systems

Exhibit "C"

and even incoming missiles. In addition, the university is developing carbon nanotube sensors, such as environmental and biological sensors, that would enable the Air Force to detect chemicals and monitor biological functions under war-time conditions at much smaller molecular levels, faster, and with greater efficiency. This can result in more rapid response times and lives saved. A soldier, for example, could carry a portable sensor and transmit biological and chemical threat information to the command center and be guided as to the appropriate course of action.

FIU is also working on the development of:

- highly flexible and miniature fuel cells that the Air Force can use as free-standing devices in the field
- 3-D magnetic recording devices that would improve the way the Air Force manages, stores and retrieves information
- nano-structured materials for next generation sensors and devices

FIU believes its research also will lead to significant ancillary breakthroughs in the electronic, biomedical devices, healthcare and environmental pollution sectors.

3. The Western Hemisphere Information Exchange Program (WHIX) (*Continuation*)

FIU is seeking \$3 million to assist U.S. military organizations in achieving their goals and objectives related to enhancing security and interoperability with allied militaries in the Western Hemisphere, primarily in Latin America. This project is already identifying opportunities for information exchange between the U.S. Army and Western Hemisphere militaries and is assessing and reviewing the possibility of testing and deploying new technologies. Based on available funding, technology demonstration and validation initiatives are being undertaken and are focusing principally on emerging innovative technologies with near-term application for information exchanges in an array of categories. The projects are coordinated among U.S. Army headquarters staff, the applicable joint combatant command and representatives of the military of the host Western Hemisphere country.

WHIX now supports the U.S. Army's International Activities Plan and NORTHCOM's and SOUTHCOM's security cooperation goals. These goals include strengthening partnership and alliances, advancing regional security and stability, and enhancing environmental sustainability and stewardship. WHIX is helping the Army achieve its goals by encouraging improved capability and willingness on the part of Western Hemisphere allies to operate in coalitions with the U.S. military through the development of pilot "in-country" projects. Nations include Brazil, Columbia, El Salvador, Mexico and Panama, and the projects are demonstrating and validating innovative technologies for wastewater treatment using bio-remediation and distributed biomass energy production for military facilities. These technologies are providing solutions to common issues shared by both the U.S. military and partnered military organizations within the Western Hemisphere.

Exhibit "C"

4. National Center for Transportation Needs of Special Populations (TRANSPO) *(Continuation)*

FIU's National Center for Transportation Needs of Special Populations (TRANSPO) is seeking \$1.5 million to continue ongoing work with the Federal Transit Administration (FTA). The additional funds will enable FIU to improve coordination of specialized transportation services and conduct additional research identified by the FTA, including the evacuation of special populations during hurricanes and terrorist threats or attacks.

Recognizing the need for a national research center that focuses on the transportation safety and mobility needs of transportation-disadvantaged populations, in FY '04 Congress appropriated funding to establish TRANSPO, whose focus includes seniors, the physically impaired, school-age children, young drivers, immigrants, foreign visitors and the economically disadvantaged.

The requested funds would enable FIU to continue solving additional FTA-identified safety and mobility problems including emergency preparedness, transit accessibility, highway safety, highway design, economic development, emerging technologies, environmental justice and urban planning. The funding will also allow the university team to acquire the expertise needed to compete to become a permanent university transportation center, and it will allow FIU to continue working towards its goal of improving transportation across the entire nation.

5. The Research Center for SOUTHCOM (New)

FIU is seeking \$1 million to establish the FIU-Southern Command (SOUTHCOM) Western Hemisphere Security Analysis Center (WHSAC) in Miami, Florida. Jointly operated and directed by SOUTHCOM and FIU, the Center will provide a unique approach to regional threat analysis through the fusion of ground-level, open-source, political, economic, and social expertise with traditional intra-governmental intelligence analysis. The Center will provide military and civilian leaders with an innovative, unique, real-time analysis group of regional experts from government, academic, and private sectors focused exclusively on advancing the understanding of critical issues within the Western Hemisphere. WHSAC will focus on analysis of political, social and economic forces that affect regional security, stability and multi-lateral relationships in Latin America. It will also provide the focal point where national officials, decision makers and policy makers can gather to exchange ideas, explore pressing issues and achieve a greater understanding of the challenges that shape the security environment within the Western Hemisphere. In addition to its analytical mission, the Center will also identify and analyze non-traditional opportunities for information and technology exchanges between the U.S. government and Western Hemisphere nations that will directly enhance regional security.

FIU has a successful track record of partnering with SOUTHCOM with previous funding from other sources. This partnership has already resulted in concrete applied technology demonstration and validation projects, which are currently ongoing within the SOUTHCOM AOR. The most significant result of these programs to date has been their contribution to the enhancement of regional military to military relationships. Furthermore, FIU and SOUTHCOM have recently signed a Memorandum of Understanding confirming their respective commitment to working together on issues of regional import. FIU is seeking to establish the Center through a

Exhibit "C"

one year pilot program, and contingent on performance, through a future funding relationship as a part of the SOUTHCOM operating budget.

6. Inter-American Security: Forensic Science Research and Education for the Americas (New)

FIU is seeking \$4 million to develop state-of-the-art forensic laboratory expertise and best practices to benefit the justice system in the U.S. and in developing countries, including those of Latin America and the Caribbean. The project will transfer knowledge and technology to laboratories in developing countries with the intent of significantly improving their capacity to investigate criminal and terrorist activities and bring to justice perpetrators of the activities, thereby supporting democratization efforts. Currently, approximately 10,000 forensic scientists work in the U.S. and there is a need for training an additional 10,000 over the next decade. That need is even greater in Latin America and the Caribbean.

FIU's International Forensic Research Institute (IFRI) was established to serve local, state, national and international law enforcement efforts in the application of scientific principles to the administration of justice. The funding will be used for advanced forensic science research and modular curriculum development in Spanish and English, infrastructure to support web-based learning and a first-ever state-of-the-art model forensic laboratory or "soundstage" from which to lecture via the web. This lab will allow for teaching forensic science courses, holding seminars and consultations and promoting the state-of-the-art forensic science practice in Latin America and the Caribbean. The project would serve as a model for establishing new labs that would lead to better trained on-campus forensic scientists. The IFRI has offered "Diplomas" in Forensic Science to practicing forensic scientists in Ecuador, Costa Rica, the Dominican Republic, Honduras, San Salvador and Colombia. A pilot distance course has also been offered in Ecuador. The proposed funding would greatly expand on the existing offerings to meet the dire need.

7. Bio-Safety Level Three Medical Laboratory (New)

FIU is seeking a \$1 million Health Resources and Services Administration (HRSA) grant within the Department of Health and Human Services to make possible the construction of a Bio-Safety Level 3 (BSL-3) Medical Laboratory in the newly designed Molecular Biology Building. The proposed lab will be utilized for such research and study in areas including immunology, molecular genetics, stable isotope technology, molecular biology of fungi, virology, plant molecular biology, DNA finger, printing technology and molecular evolution, all areas of concentration that can greatly benefit and make contributions to the fields of health and science. A BSL-3, which will provide containment in a laboratory setting, will make possible research and experimentation with infectious materials and such specimens. The BSL-3 will provide a safe and secure environment, eliminating exposure of potentially hazardous materials to lab workers and other people involved. In order to move forth with top tier research in these areas it is important that FIU personnel and biologists have access to a laboratory that facilitates the proper work environment.

Exhibit "C"

Aside from containment within the laboratory, the BSL-3 is also needed to provide barriers to protect the building, campus and environment from exposure to potentially infectious aerosols. The BSL-3 would be adaptable and would cater to many needs at once, while maintaining a premier environment for work to be conducted. Besides the already mentioned categories, the BSL-3, because of its capabilities, would allow for flexibility and diversity in the types of research it would bring forth.

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

21 MARCH 2006

SUBJECT: UNIVERSITY PRESIDENT’S ANNUAL REVIEW PROCESS

PROPOSED BOARD ACTION:

Adopt the following Resolution:

RESOLVED that the Florida International University Board of Trustees hereby adopts the University President’s Performance Evaluation Process for the 2005 - 2006 fiscal year, attached to this Resolution as “Exhibit D.”

BACKGROUND INFORMATION:

STATUTORY AUTHORITY:

Section 1001.74 (22) Florida Statutes (2003), provides in part that each university board of trustees shall conduct an annual evaluation of the University President in accordance with rules of the Board of Governors and submit such evaluations to the Board of Governors for review. .

Explanation of Committee Action:

The Committee is asked to recommend a process for conducting the University president’s annual performance evaluation for the 2005-2006 fiscal year.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT “D” –2006 UNIVERSITY PRESIDENT’S ANNUAL REVIEW PROCESS TIMETABLE and ILLUSTRATIVE (SURVEY) QUESTIONS:

Exhibit "D" PROPOSED TIMETABLE & ILLUSTRATIVE (SURVEY) QUESTIONS
Exhibit B

Administration and Athletics Committee 2006 Process Timetable for President's Annual Management Review and Compensation	
Date	Action
February	
<i>March 21</i>	Committee Meets – Discussion/review 2005 evaluation process. Recommend 2006 Evaluation Process to Board.
March	
<i>March 21</i>	Full Board Meeting – Request Board adopt 2006 Evaluation Process.
June	
<i>June 27</i>	Committee Meets – Review and discuss consulting firm to conduct President's annual performance evaluation .
June	
<i>June 27</i>	Full Board Meeting – Request Board adoption of contract for consulting firm.
<i>Upon Adoption by Board</i>	Committee chair will contract consultant
August	
<i>August 1</i>	President submits written management self-review to committee chair for Committee review; includes goals and priorities for new fiscal year; subsequent distribution of documents to Trustees.
	Consultant conducts survey of Trustees using the Illustrative Survey Questions (Attached)
September	
<i>September 5</i>	Consultant completes report and submits to Committee chair. Week following: Chair meets with President to discuss results.
<i>September 29</i>	Committee Meets – Review and discuss President's management review report for submission to full Board; President presents the annual 2005-2006 report and goals for 2006-2007.
<i>September 29</i>	Full Board Meeting – <ul style="list-style-type: none"> • Committee Chair presents report on President's management review recommendations as prepared by the Committee for Board approval • Board reviews and discusses Committee management review /compensation rating recommendations • Board considers and adopts review rating. • Board adopts recommended goals for current fiscal year
October	
<i>Week of October 2</i>	Committee Chair provides the President with Committee feedback if any.
<i>Week of October 23</i>	File President's management review with Board of Governors.
December	
<i>December 5</i>	Committee Meets – Recommends adjustments to President's contract and salary (if any).
<i>December 5</i>	Full Board Meeting – Considers adjustments to President's contract and salary (if any).

Exhibit "D"

Illustrative (Survey) Questions: The Presidency and Management

1. Institutional Agenda

Reflecting on the president's period of service, how has the institution progressed during this time? What can you point to that indicates the institution's health and standing have been strengthened by virtue of specific institutional goals and priorities having been met? Are any major institutional priorities being neglected?

1 lowest 2 3 4 5 highest

2. Academic Leadership

How has the institution's general academic standing advanced since the incumbent began the presidency? What specific improvements in the quality of the institution's academic programs can be largely attributed to the president's leadership? What other achievements are particularly noteworthy with regard to the president's leadership with the faculty in academic planning and innovation? In enrollment management and admissions?

1 lowest 2 3 4 5 highest

3. General Management and Planning

What can you point to as laudable achievements in the institution's infrastructure, staffing, and information systems? Has the president formed a competent, motivated, and respected management team? Are you aware of improvements in personnel and physical-plant management? How would you describe the way institutional planning is conducted?

1 lowest 2 3 4 5 highest

4. Fiscal Management and Budgeting

How well does the president understand the institution's financial condition? Has he or she helped the larger community understand it? Has there been success in meeting budgets and containing costs? Reallocating resources? Adhering to good financial (operating and capital) management practices?

1 lowest 2 3 4 5 highest

5. Fund-Raising

What successes illustrate the president's ability to raise private dollars from individuals, corporations, and foundations? Is it apparent that the governing board is supportive in its personal philanthropy and related activity? Are donations from alumni steady, increasing, or decreasing? For public institutions: How has the president contributed to the development and success of the institution's foundation? How effective is the president with the legislature, its key committees, and the governor?

1 lowest 2 3 4 5 highest

6. Internal Relationships

With which of the following internal groups has the president been particularly effective and ineffective, and why: the governing board, academic and executive officers, staff, faculty, and students? What advice would you give the president concerning ineffective relationships, if any exist?

1 lowest 2 3 4 5 highest

7. External Relationships

With which of the following external groups has the president been particularly effective and ineffective, and why: alumni, local business leaders, elected political leaders, and the media? What advice would you give the president concerning ineffective relationships, if any exist?

1 lowest 2 3 4 5 highest

8. Decision Making and Problem Solving

Please describe the president's leadership style. To what extent does he or she delegate decisions when appropriate? How would you gauge the president's ability to cope in crisis situations? Can the president make difficult decisions in timely ways? Does the board encourage the president to demonstrate courageous leadership and to publicly support difficult decisions after they are made? Can you give some explicit examples?

1 lowest 2 3 4 5 highest

9. Other Perspectives

Reflecting on the president's years of service, what major achievements or shortcomings come to mind? Is there evidence that the governing board and president are fully supportive of one another? What is the most important thing the president can do to strengthen his or her effectiveness? What is the most important thing the governing board can do to strengthen its effectiveness or the president's effectiveness? Any closing words?

1 lowest 2 3 4 5 highest

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

21 MARCH 2006

SUBJECT: 2005-2006 EDUCATIONAL PLANT SURVEY

PROPOSED BOARD ACTION:

Adopt the following Resolution:

RESOLVED that the Florida International University Board of Trustees adopts The Florida International University 2005-2006 Educational Plant Survey, as mandated by Florida Statutes (Section 1013.31, F.S., 2005) which is attached to this Resolution as Exhibit "E," and

FURTHER RESOLVED that upon approval of the Update, the University Administrator shall file the survey with the Commissioner of Education and the State Department of Education Office of Educational Facilities.

BACKGROUND INFORMATION:

STATUTORY AUTHORITY:

Florida Statutes 1013.31(1), "Educational plant survey; localized need assessment; PECO project funding,--" states in part,

- (1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Office of Workforce and Economic Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be include in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used y the Office of Workforce and Economic Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

- (a) *Survey preparation and required data.* – Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the Office of Educational Facilities and SMART schools Clearinghouse within the Office of the Commissioner of Education.

EXHIBITS/SUPPORTING DOCUMENTS:

EXHIBIT “E” – LETTER TO CHANCELLOR
ROSENBERG REGARDING FIU
EDUCATIONAL PLANT SURVEY
RECOMMENDATIONS; NEEDS ASSESMENT
PORTION OF PLANT SURVEY FOR
UNIVERSITY PARK AND BISCAYNE BAY
CAMPUS



Florida International University

Office of the President

February 17, 2006

Mark B. Rosenberg, Ph.D.
Chancellor
State University System of Florida
Board of Governors
325 West Gaines Street, Suite 1614
Tallahassee, Florida 32399

Re: FIU Educational Plant Survey

Dear Mark:

The Needs Assessment portion of the Florida International University Educational Plant Survey was conducted on February 16-17, 2006. This letter reports the University understanding of the recommendations of the Survey Team.

Site Improvements Recommendations:

1.1 Landscaping/site improvements are continued for each campus consistent with its adopted Campus Master Plan.

1.2 Satellite Utilities Chiller Plant is recommended.

Remodeling/Renovation/Addition Recommendations:

2.1 All projects requiring renovations to space vacated in conjunction with construction of new facilities that require no significant changes in space categories are recommended.

New Construction/Expansion Recommendations:

3.1 International Hurricane Center is recommended

3.2 Public Safety is recommended.

3.3 Classroom/Office at BBC is recommended.

Exhibit "E"

- 3.4 Theatre at BBC is recommended.
- 3.5 Honors College is recommended.
- 3.6 Graduate Classroom is recommended.
- 3.7 Science/Classroom Complex Phase I and II are recommended.
- 3.8 Graduate School of Business Phase II is recommended.
- 3.9 Humanities Center/Offices is recommended.
- 3.10 Construction Management Building at EC is recommended.
- 3.11 Training Complex is recommended.
- 3.12 Health-Sciences Laboratory Clinic is recommended.

Standard University-Wide Recommendations:

SR1. All recommendations for new facilities include spaces necessary for custodial services and sanitation facilities.

SR2. All projects for safety corrections are recommended.

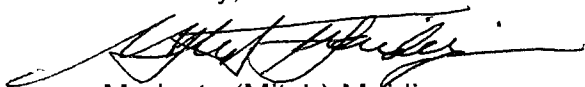
SR3. All projects for corrections or modifications necessary to comply with the Americans with Disabilities Act are recommended.

SR4. Any project required to repair or replace a building's components is recommended provided that the total cost of the project does not exceed 25% of the replacement cost of the building.

SR5. Expansion, replacement and upgrading of existing utilities/infrastructure systems are recommended to support the educational plant, as expanded or modified by the recommended projects.

Upon completion of backup documentation and FIU Board of Trustees' approval, our staff will forward a final copy for your records.

Sincerely,



Modesto (Mitch) Maidique
President

c: Stanley Goldstein

ANALYSIS OF SPACE NEEDS BY CATEGORY - FORM B

FLORIDA INTERNATIONAL UNIVERSITY
Main Campus
Net Assignable Square Feet Eligible for Fixed Capital Outlay Budgeting

	Class- room	Teaching Lab	Study	Research Lab	Office	Aud/ Exhibition	Instruct. Media	Student Academic Support	Gym	Car Sup Ser
Space Needs by Space Type 2010-11*	314,454	358,447	456,584	257,186	960,023	78,093	29,415	15,619	150,199	13

Less:

1) Current Inventory as of October 2005

A) Satisfactory Space										
B) Unsatisfactory Space to be Remodeled										
C) Unsatisfactory Space to be Demolished/Terminated										
D) Total Under Construction	6,035	22,173	40,325	0	29,700	10,600	150	4,204	0	0
Art Museum (FEOG)	700	0	0	0	7,165	10,600	0	1,300	0	0
Central Utilities Plant Sub Station	0	0	0	0	400	0	0	0	0	0
College of Law	5,335	22,173	40,325	0	22,135	0	150	2,904	0	0
Total Current Inventory	145,452	252,377	222,448	204,128	560,105	106,923	15,862	8,312	62,896	£

2) Projects Funded for Construction thru 2005

Office/Classroom (Graduate School of Business)	24,775	0	4,680	0	22,760	0	0	0	0	0
Social Sciences	17,500	0	0	0	15,570	0	500	0	0	0
Molecular Biology	0	0	0	23,700	2,650	0	0	0	0	0
Total Funded Construction	42,275	0	4,680	23,700	40,980	0	500	0	0	0

Plus: Planned Demolition

	0	0	0	0	0	0	0	0	0	0
--	---	---	---	---	---	---	---	---	---	---

Net Space Needs

	126,727	106,070	229,456	29,358	358,938	(28,830)	13,053	7,307	87,303	£
--	---------	---------	---------	--------	---------	----------	--------	-------	--------	---

Percent of:

Current Inventory and Funded Projects	60%	70%	50%	89%	63%	137%	56%	53%	42%	
Minus Demolition Space Needs										

NOTES: Funded projects consisting of space that is not eligible for fixed capital outlay budgeting are not shown.
* 2010-11 Space Needs based on 2000-01 NASF/FTE factors and projected FTE of 26,031

Exhibit "E"

FLORIDA INTERNATIONAL UNIVERSITY 2006-07 CIP

	Class- room	Teaching Lab	Study	Research Lab	Office	Aud/ Exhibition	Instruct. Media	Student Academic Support	Gym	Car Suf Ser
Space Needs by Space Type 2010-11	314,454	358,447	456,584	257,186	960,023	78,093	29,415	15,619	150,199	15
Net Space Needs from Form B	126,727	106,070	229,456	29,358	358,938	(28,830)	13,053	7,307	87,303	4
Percent of Space Needs	60%	70%	50%	89%	63%	137%	56%	53%	42%	
3) Projects Funded for Planning thru 2005-2006	0	0	0	0	0	0	0	0	0	0
Sub Total Net Space Needs	126,727	106,070	229,456	29,358	358,938	(28,830)	13,053	7,307	87,303	4
Sub Total Percent	60%	70%	50%	89%	63%	137%	56%	53%	42%	
4) 2006-07 CIP Projects										
Proj 1) Facilities Infrastructure/Capital Renewal	0	0	0	0	0	0	0	0	0	0
Sub Total Net Space Needs	126,727	106,070	229,456	29,358	358,938	(28,830)	13,053	7,307	87,303	4
Sub Total Percent	60%	70%	50%	89%	63%	137%	56%	53%	42%	
Proj 2) Public Safety	0	0	0	0	12,000	0	0	0	0	0
Sub Total Net Space Needs	126,727	106,070	229,456	29,358	346,938	(28,830)	13,053	7,307	87,303	4
Sub Total Percent	60%	70%	50%	89%	64%	137%	56%	53%	42%	
Proj 3) Science/Classroom Complex-UP (P,C)(C,E)	25,000	30,000	12,750	0	12,000	0	1,000	1,000	0	0
Sub Total Net Space Needs	101,727	76,070	216,706	29,358	346,938	(28,830)	12,053	6,307	87,303	4
Sub Total Percent	68%	79%	53%	89%	64%	137%	59%	60%	42%	
Proj 4) Graduate Classroom Building -UP (P,C)(E)	7,500	0	5,000	10,500	10,000	0	750	1,200	0	0
Sub Total Net Space Needs	94,227	76,070	211,706	18,858	336,938	(28,830)	11,303	5,107	87,303	4
Sub Total Percent	70%	79%	54%	93%	65%	137%	62%	67%	42%	
Proj 5) Satellite Chiller Plant, UP	0	0	0	0	500	0	0	0	0	0
Sub Total Net Space Needs	94,227	76,070	211,706	18,858	336,438	(28,830)	11,303	5,107	87,303	4
Sub Total Percent	70%	79%	54%	93%	65%	137%	62%	67%	42%	
Proj 6) Health-Science Lab Clinic UP(P)(P,C,E)(E)	0	0	1,500	10,000	8,000	0	0	0	0	0
Sub Total Net Space Needs	94,227	76,070	210,206	8,858	328,438	(28,830)	11,303	5,107	87,303	4
Sub Total Percent	70%	79%	54%	97%	66%	137%	62%	67%	42%	
Proj 7) Humanities Center/Offices-UP(P,C)(C)(C,E)	4000	30,000	4,000	0	5,500	0	0	0	0	0
Sub Total Net Space Needs	90,227	46,070	206,206	8,858	322,938	(28,830)	11,303	5,107	87,303	4
Sub Total Percent	71%	87%	55%	97%	66%	137%	62%	67%	42%	
Proj 9) International Hurricane Center, UP (P)(P,C,E)	0	1,000	0	3,000	12,000	0	1,000	0	0	0
Sub Total Net Space Needs	90,227	45,070	206,206	5,858	310,938	(28,830)	10,303	5,107	87,303	4
Sub Total Percent	71%	87%	55%	98%	68%	137%	65%	67%	42%	
Proj 10) Training Complex, UP (P)(P,C,E)	0	0	0	0	14,420	0	0	0	0	1
Sub Total Net Space Needs	90,227	45,070	206,206	5,858	296,518	(28,830)	10,303	5,107	87,303	4
Sub Total Percent	71%	87%	55%	98%	69%	137%	65%	67%	42%	
Proj 11) Honors College, UP (P,C)(C,E)	10,500	3,000	3,000	3,000	6,500	0	0	0	0	0
Sub Total Net Space Needs	79,727	43,070	203,206	5,858	316,438	(28,830)	11,303	5,107	87,303	4
Sub Total Percent	75%	88%	55%	99%	70%	137%	65%	67%	42%	
Proj 12) Construction Management Bldg, EC(P,C)(C,E)	6,500	9,000	2,000	3,000	5,000	0	0	2,000	0	0
Sub Total Net Space Needs	73,227	34,070	201,206	2,858	311,438	(28,830)	11,303	3,107	87,303	4
Sub Total Percent	77%	91%	56%	100%	70%	137%	65%	80%	42%	
Proj 14) Graduate School Business Phase II	26,600	3,410	6,000	0	40,740	0	0	0	0	0
Sub Total Net Space Needs	46,627	30,660	195,206	2,858	270,698	(28,830)	11,303	3,107	87,303	4
Sub Total Percent	85%	92%	57%	100%	75%	137%	65%	80%	42%	
Proj 15) Science/Classroom Complex-UP Phase II (P,C)(C)(C,E)	40,000	15,000	30,000	0	20,000	0	2,000	1,000	0	0
Sub Total Net Space Needs	6,627	15,660	165,206	2,858	250,698	(28,830)	9,303	2,107	87,303	4
Sub Total Percent	98%	96%	64%	100%	77%	137%	72%	87%	42%	
Proj 16) Renovation of Existing Space	0	0	0	0	0	0	0	0	0	0
Sub Total Net Space Needs	6,627	15,660	165,206	2,858	250,698	(28,830)	9,303	2,107	87,303	4
Sub Total Percent	98%	96%	64%	100%	77%	137%	72%	87%	42%	

FLORIDA INTERNATIONAL UNIVERSITY

Biscayne Bay Campus
 Net Assignable Square Feet Eligible for Fixed Capital Outlay Budgeting

Based on FTE 4681	Class- room	Teaching Lab	Study	Research Lab	Office	Aud/ Exhibition	Instruct. Media	Student Academic Support	Gym	Campus Support Services	Total NASF
Space Needs by Space Type 2010-11	55,423	45,546	77,283	61,227	136,123	14,043	2,341	2,809	0	19,740	414,535
Less:											
1) Current Inventory as October 2005											
A) Satisfactory Space	46,689	67,553	31,174	14,240	92,798	6,449	1,529	0	0	21,872	282,304
B) Unsatisfactory Space to be Remodeled	0	0	0	0	0	0	0	0	0	0	0
C) Unsatisfactory Space to be Demolished/Terminate	0	0	0	0	0	0	0	0	0	0	0
D) Total Under Construction	0	0	0	0	952	0	0	0	0	0	952
Wolfe University Center Addition	0	0	0	0	952	0	0	0	0	0	952
											0
											0
											0
											0
Total Current Inventory	46,689	67,553	31,174	14,240	93,750	6,449	1,529	0	0	21,872	283,256
2) Projects Funded for Construction thru 2005											
											0
											0
Total Funded Construction	0	0	0	0	0	0	0	0	0	0	0
Plus: Planned Demolition	0	0	0	0	0	0	0	0	0	0	0
Net Space Needs	8,734	(22,007)	46,109	46,987	42,373	7,594	812	2,809	0	(2,132)	131,279

Percent of:

Current Inventory and Funded Projects
 Minus Demolition
 Space Needs

84% 148% 40% 23% 69% 46% 65% 0% 0% 11% 68%

NOTES: Funded projects consisting of space that is ineligible for fixed capital outlay budgeting are not shown. Space needs factors have been adjusted.

FLORIDA INTERNATIONAL UNIVERSITY - BISCAYNE BAY CAMPUS

	Classroom	Teaching Lab	Study	Research Lab	Office	Auditorium Exhibition	Instructional Media	Student Academic Support	Gymnasium	Campus Support services	Total NASF
Space Needs by Space Type 2010-11	55,423	45,546	77,283	61,227	136,123	14,043	2,341	2,809	0	19,740	414,535
Net Space Needs from Form B	8,734	(22,007)	46,109	46,987	42,373	7,594	812	2,809	0	(2,132)	131,279
Percent of Space Needs	84%	148%	40%	23%	69%	46%	65%	0%	0%	111%	68%
3) Projects Funded for Planning thru 2005-2006											
Sub Total Net Space Needs	0	0	0	0	0	0	0	0	0	0	0
Sub Total Percent	84%	(22,007)	46,109	46,987	42,373	7,594	812	2,809	0	(2,132)	131,279
		148%	40%	23%	69%	46%	65%	0%	0%	111%	68%
4) 2010-11 CIP Projects											
Proj 8) Classroom/Office, BBC (P,C,E)	8,000	0	6,000	8,000	16,800	0	800	0	0	0	39,600
Sub Total Net Space Needs	734	(22,007)	40,109	38,987	25,573	7,594	12	2,809	0	(2,132)	91,679
Sub Total Percent	99%	148%	48%	36%	81%	46%	99%	0%	0%	111%	78%
Proj 13) Theater, BBC (P,C,E)	0	0	2,000	0	1,200	2,500	0	1,000	0	0	6,700
Sub Total Net Space Needs	734	(22,007)	38,109	38,987	24,373	5,094	12	1,809	0	(2,132)	84,979
Sub Total Percent	99%	148%	51%	36%	82%	64%	99%	36%	0%	111%	80%
Total Net Space Needs	734	(22,007)	38,109	38,987	24,373	5,094	12	1,809	0	(2,132)	84,979
Total Percent of Net Space Needs	99%	148%	51%	36%	82%	64%	99%	36%	0%	111%	80%

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

21 MARCH 2006

SUBJECT: MASTER OF SCIENCE IN HUMAN RESOURCES MANAGEMENT

PROPOSED BOARD ACTION:

Adopt the following Resolution:

RESOLVED that the Florida International University Board of Trustees (the BOT) hereby approves the Master of Science in Human Resources Management, attached to this Resolution as Exhibit “F,” and

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

BACKGROUND INFORMATION:

STATUTORY AUTHORITY:

Resolution of the Florida Board of Governors, dated January 7, 2003. Resolution delegating and delineating powers of local boards of trustees, provides in pertinent part:

- (7) Each board of trustees has responsibility for the establishment and discontinuance of degree programs up to and including the master's degree level; the establishment and discontinuance of course offerings; provision of credit and noncredit educational offerings; location of classes; services provided; and dissemination of information concerning such programs and services. Approval of new programs must be pursuant to criteria established by the State Board of Education.

EXPLANATION OF PROPOSED BOARD ACTION:

The College of Business Administration proposes to turn an existing track of the M.S. in Management (i.e., the Human Resources Management Track or MSM-HR) into a stand-alone program, which will be renamed the Master of Science in Human Resources Management. As such, the College is not truly proposing the creation of a brand new program, but simply turning what is now a very successful and in-demand program track into a stand-alone program.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT “F” – REQUEST FOR AUTHORIZATION
TO IMPLEMENT THE MASTER OF SCIENCE IN
HUMAN RESOURCES MANAGEMENT

Executive Summary
M.S. in Human Resources Management

The College of Business Administration proposes to convert an existing track of the M.S. in Management, i.e., the Human Resources Management track, into a stand-alone program to be named the M.S. in Human Resources Management. The proposed program will capitalize on FIU's current expertise and available resources in international human resources management and the use of information technology in human resources management. The orientation of the proposed program fits the international, information technology, and urban themes of FIU's strategic definition. The orientation toward both international human resources management and information technology in human resources management is also aligned with the College of Business Administration and the Department of Management and International Business's strategic goals and mission. The success of the Human Resources Management track within the M.S. in Management provided the impetus for the proposed degree. At the local level, a preliminary analysis of the local higher education market suggests a need for quality, professional human resources management training in south Florida. At the state level, only one other state university, i.e., the University of North Florida, offers a dedicated master's degree in human resources management. At the national level, there is a gap of human resources management training with an international focus. An examination of other FIU programs that may overlap with the proposed program revealed no conflict. No shift of resources will be necessary because an existing track, with all of its resources, will be converted into a stand-alone program. Sufficient library holdings and technology resources are available to mount the program.

REQUEST TO OFFER A NEW GRADUATE DEGREE PROGRAM

Florida International University

Spring 06

University Submitting Proposal**Proposed Implementation Date**

College of Business Administration

Management & Int'l Business

Name of College or School**Name of Department(s)**

Human Resources Management

MS Human Resources Management (CIP 52.1001)

Academic Specialty or Field**Complete Name of Degree
(Include Proposed CIP Code)**

The submission of this proposal constitutes a commitment by the university that, if the proposal is approved, the necessary financial commitment and the criteria for establishing new programs have been met prior to the initiation of the program.

José de la Torre

College or School Dean**Date****Graduate Dean****Date****Provost and Executive Vice President
Academic Affairs****Date****President****Date****Chair, FIU Board of Trustees****Date**

Indicate the dollar amounts appearing as totals for the first and the fifth years of implementation as shown in the appropriate summary columns in Table Three. Provide headcount and FTE estimates of majors for years one through five. Headcount and FTE estimates should be identical to those in Table Three.

	Total Estimated Costs	Projected Students			FTE
		Full-Time Headcount	Part-Time Headcount	Total Headcount	
First Year of Implementation	\$307,762.00	30	0	30	33.75
Second Year of Implementation		33	0	33	37.13
Third Year of Implementation		36	0	36	40.50
Fourth Year of Implementation		39	0	39	43.88
Fifth Year of Implementation	\$440,255.00	42	0	42	47.25

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

21 MARCH 2006

SUBJECT: BACHELOR OF SCIENCE IN ENVIRONMENTAL ENGINEERING

PROPOSED BOARD ACTION:

Adopt the following Resolution:

RESOLVED that the Florida International University Board of Trustees (the BOT) hereby approves the Bachelor of Science in Environmental Engineering, attached to this Resolution as Exhibit “G,” and

FURTHER RESOLVED, that upon approval, the BOT authorizes the University Administrator to file the proposal with the Division of Colleges and Universities and take all actions necessary to implement the program.

BACKGROUND INFORMATION:

STATUTORY AUTHORITY:

Resolution of the Florida Board of Governors, dated January 7, 2003. Resolution delegating and delineating powers of local boards of trustees, provides in pertinent part:

- (7) Each board of trustees has responsibility for the establishment and discontinuance of degree programs up to and including the master's degree level; the establishment and discontinuance of course offerings; provision of credit and noncredit educational offerings; location of classes; services provided; and dissemination of information concerning such programs and services. Approval of new programs must be pursuant to criteria established by the State Board of Education.

EXPLANATION OF PROPOSED BOARD ACTION:

The Civil and Environmental Engineering Department at Florida International University is proposing a program of study leading to the Bachelor of Science in Environmental Engineering. The proposed program is a 126-hour curriculum and it will replace the recently reactivated technology degree program in Urban and Environmental Systems in the Civil and Environmental Engineering Department. The technology degree will be renamed as Bachelor of Science in Environmental Engineering with a new CIP code corresponding to the environmental engineering degree. The technology degree has been inactive since 1980 and was reactivated in August 2005 with the intent to revise the program to meet the engineering degree requirements.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT “G” – REQUEST FOR
AUTHORIZATION TO IMPLEMENT THE
BACHELOR OF SCIENCE IN ENVIRONMENTAL
ENGINEERING

Executive Summary
B.S. in Environmental Engineering

The Department of Civil and Environmental Engineering is proposing a 126-hour B.S. in Environmental Engineering to replace the recently reactivated technology degree program in Urban and Environmental Studies. The proposed program will prepare students for the environmental challenges of the 21st Century at the national, regional, and local levels by capitalizing on the available science and engineering courses, the existing infrastructure, and the educational credentials of tenured and tenure-track environmental engineering faculty. The proposed program fits with FIU's vision and strategic themes, especially the environmental theme. There is occupational demand for the program. The U.S. Department of Labor's Occupational Outlook Handbook (2005) reported that employment of environmental engineers is expected to increase much faster than the average for all occupations through 2012. In south Florida, the unique link between environmental quality and economic vitality has created a market for qualified environmental professionals. The program will cause no impact on the prerequisites of related programs. Relatively minor shifts in current budgets are needed because faculty salaries and expenses are already assured through the financial commitments of the Department of Civil and Environmental Engineering.

Florida International University
University Submitting Proposal

Fall 2006
Proposed Implementation Date

College of Engineering and Computing
Name of College or School

Civil and Environmental Engineering Department
Name of Department(s)

Environmental Health Engineering
Academic Specialty or Field

B.S. in Environmental Engineering CIP: 14.1401
Complete Name of Degree
(Include Proposed CIP Code)

The submission of this proposal constitutes a commitment by the university that, if the proposal is approved, the necessary financial commitment and the criteria for establishing new programs have been met prior to the initiation of the program.

College or School Dean	Date
-------------------------------	-------------

Vice President for Undergraduate Education	Date
---	-------------

Provost and Executive Vice President Academic Affairs	Date
--	-------------

President	Date
------------------	-------------

Chair, FIU Board of Trustees	Date
-------------------------------------	-------------

Indicate the dollar amounts appearing as totals for the first and the fifth years of implementation as shown in the appropriate summary columns in Table Three. Provide headcount and FTE estimates of majors for years one through five. Headcount and FTE estimates should be identical to those in Table Three.

	Total Estimated Costs	Projected Students			FTE
		Full-Time Headcount	Part-Time Headcount	Total Headcount	
First Year of Implementation	\$ 143,763	10	2	12	8.25
Second Year of Implementation		22	6	28	18.75
Third Year of Implementation		38	10	48	32.25
Fourth Year of Implementation		58	14	72	48.75
Fifth Year of Implementation	\$ 538,486	80	20	100	67.50

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

21 MARCH 2006

SUBJECT: PH.D. TRACK IN MATERIALS SCIENCE ENGINEERING

PROPOSED BOARD ACTION:

Adopt the following Resolution:

RESOLVED that the Florida International University “BOT” hereby approves the Ph.D. Track in Materials Science Engineering, attached to this Resolution as Exhibit “H,” and

FURTHER RESOLVED, that the “BOT” authorizes the University Administrator to file the proposal with the Division of Colleges and Universities and take all actions necessary to implement the program.

BACKGROUND INFORMATION:

STATUTORY AUTHORITY:

Resolution of the Florida Board of Governors, dated January 7, 2003. Resolution delegating and delineating powers of local boards of trustees, provides in pertinent part:

- (7) Each board of trustees has responsibility for the establishment and discontinuance of degree programs up to and including the master's degree level; the establishment and discontinuance of course offerings; provision of credit and noncredit educational offerings; location of classes; services provided; and dissemination of information concerning such programs and services. Approval of new programs must be pursuant to criteria established by the State Board of Education.

EXPLANATION OF PROPOSED BOARD ACTION:

This new program will prepare graduates for industrial and/or academic research as well as for higher level jobs in materials related industry in one (or more) of five areas of specialization: 1) electronic materials, 2) nanotechnology, 3) metals and alloys, 4) ceramics, and 5) polymer science and biomaterials. Because a number of courses for this program already exist and are being taught by existing faculty, it is anticipated that the implementation of the program will occur immediately upon approval. A very active research program in materials science and engineering is in place at FIU, supported by four research centers within the University: the Advanced Materials Engineering Research Institute (AMERI), the Center for the Study of Matter at Extreme Conditions (CeSMEC), the Future Aerospace Science and Technology (FAST) Center and the Florida Center for Analytical Electron Microscopy (FCAEM).

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT "H" – REQUEST FOR
AUTHORIZATION TO IMPLEMENT THE PH.D.
TRACK IN MATERIALS SCIENCE ENGINEERING

**Florida International University
Board of Trustees
New Track in Materials Science and Engineering in the
Ph.D. in Mechanical Engineering**

This new program will prepare graduates for industrial and/or academic research as well as for higher level jobs in materials related industry in one (or more) of five areas of specialization: 1) electronic materials, 2) nanotechnology, 3) metals and alloys, 4) ceramics, and 5) polymer science and biomaterials. Because a number of courses for this program already exist and are being taught by existing faculty, it is anticipated that the implementation of the program will occur immediately upon approval. A very active research program in materials science and engineering is in place at FIU, supported by four research centers within the University: the Advanced Materials Engineering Research Institute (AMERI), the Center for the Study of Matter at Extreme Conditions (CeSMEC), the Future Aerospace Science and Technology (FAST) Center and the Florida Center for Analytical Electron Microscopy (FCAEM).

In Florida, the fourth largest state, surprisingly only *three* universities offer *degree programs in materials science*; (1) a complete B.S - Ph.D. program at the University of Florida in Gainesville (2) a Master's and Ph.D. program at the University of Central Florida in Orlando, and (3) the Master's program at FIU. In comparison with other major states, Florida offers a much smaller number of M.S. and Ph.D. programs (see Table 1).

Clientele for this program will come from the graduates of FIU, other State University System (SUS) universities, non-SUS institutions, international students, as well as practicing engineers in South Florida. The nearest Ph.D. program in Materials Science and Engineering is at University of Central Florida in Orlando, too great a distance to serve the South Florida population.

Only one additional faculty will be required during the first five years of the program, although others might join programs in other disciplines and participate in the Ph.D. program in Materials Science and Engineering.

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

21 MARCH 2006

SUBJECT: NOMENCLATURE CHANGE – INTERIOR DESIGN

PROPOSED BOARD ACTION:

Adopt the following Resolution:

RESOLVED that the Florida International University Board of Trustees (the BOT) hereby approves the Degree Nomenclature change of the Post-Professional Degree Track in Interior Design to the Master of Arts in Interior Design, attached to this Resolution as Exhibit “I,” and

FURTHER RESOLVED, that the BOT authorizes the University Administrator to file the proposal with the Division of Colleges and Universities and take all actions necessary to implement the nomenclature change.

BACKGROUND INFORMATION:

EXPLANATION OF PROPOSED BOARD ACTION:

Architecture accreditation boards only accredit first professional degrees and require differentiation between professional and pre- or post-professional degrees. The faculty of the School of Architecture and Dean Juan A. Bueno, request the following change in degree names.

Florida International University is authorized to offer the Master of Interior Design (CIP 50.0408). Currently the Master of Interior Design has two tracks: the 2-year professional track and the 1-year post-professional track. The following change is requested:

- That the Post-Professional Degree Track in Interior Design (1-year and not eligible for accreditation) be changed to the Master of Arts in Interior Design to more clearly differentiate it from the Master of Interior Design degree, which is the accredited first professional degree program. FIU will continue to offer both—the Master of Arts in Interior Design and the Master of Interior Design. No CIP code change is required.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT “I” – DEGREE NOMENCLATURE
CHANGE MASTER OF ARTS IN INTERIOR
DESIGN

**Florida International University
Board of Trustees
Nomenclature Change
School of Architecture
March 2006**

Architecture accreditation boards only accredit first professional degrees and require differentiation between professional and pre- or post-professional degrees. The faculty of the School of Architecture and Dean Juan A. Bueno, request the following change in degree names.

Florida International University is authorized to offer the Master of Interior Design (CIP 50.0408). Currently the Master of Interior Design has two tracks: the 2-year professional track and the 1-year post-professional track. The following change is requested:

- That the Post-Professional Degree Track in Interior Design (1-year and not eligible for accreditation) be changed to the Master of Arts in Interior Design to more clearly differentiate it from the Master of Interior Design degree, which is the accredited first professional degree program. FIU will continue to offer both—the Master of Arts in Interior Design and the Master of Interior Design. No CIP code change is required.

SCHOOL OF ARCHITECTURE
PROPOSED DEGREE-NOMENCLATURE CHANGE

EXISTING

	Architecture	Interior Design	Landscape Architecture
Graduate	Master of Architecture 2-year accredited professional program 3-year accredited professional program	Master of Interior Design* 2-year accredited professional program	Master of Landscape Architecture 2-year accredited professional program 3-year accredited professional program
Graduate	Master of Arts in Architecture 1-year not accredited post-professional program		Master of Arts in Landscape Architecture 1-year not accredited post-professional program

PROPOSED

	Architecture	Interior Design	Landscape Architecture
Graduate	Master of Architecture 2-year accredited professional program 3-year accredited professional program	Master of Interior Design* 2-year accredited professional program	Master of Landscape Architecture 2-year accredited professional program 3-year accredited professional program
Graduate	Master of Arts in Architecture 1-year not accredited post-professional program	Master of Arts in Interior Design 1-year not accredited post professional program	Master of Arts in Landscape Architecture 1-year not accredited post-professional program

Existing

Proposed

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

21 MARCH 2006

SUBJECT: REVISIONS TO STUDENT CODE OF CONDUCT

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, the Florida International University Board of Trustees (the BOT) is authorized to establish a code of conduct to govern University students;

WHEREAS, the Vice President for Student Affairs and staff responsible for administering the student disciplinary process, after conducting their annual review of the FIU Student Code of Conduct (Student Code), are recommending revisions to the Student Code;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees adopts the proposed revisions to the Student Code of Conduct attached hereto as Exhibit “J”

BE IT FURTHER RESOLVED, that the Student Code attached hereto as Exhibit “J”, as revised, shall be effective upon the commencement of the Summer A term;

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

BACKGROUND INFORMATION:

LEGAL AUTHORITY:

Resolution of the Florida Board of Governors, dated January 7, 2003. Resolution delegating and delineating powers of local boards of trustees, provides in pertinent part:

10 (c) Each board of trustees may establish a uniform code of conduct and appropriate penalties for violations of its rules by student and student organizations, including rules governing student academic dishonesty.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT “J” - 2006 STUDENT CODE
OF CONDUCT REVISIONS

2006 Student Code of Conduct Revisions

Policies and Regulations

Student Code of Standards

A University is a learning community following a tradition more than 1,000 years old. Florida International University is such a community dedicated to generating and imparting knowledge through excellent teaching and research, the rigorous and respectful exchange of ideas, and community service. As a member of this community:

I will respect the tradition of academic inquiry, the University's rules of conduct, and its mission.

I will respect the opinions and differences of all members of the FIU community.

I will practice civility and demonstrate conduct that reflects the values of the institution.

I will respect the rights and property of the University and its members.

I will be diligent and honest in my personal and academic endeavors.

(1) STANDARDS OF STUDENT CONDUCT

The State University System of Florida has been charged with the responsibility of providing students an educational experience, which prepares them to participate in a rapidly changing world, and to do so with a commitment to the highest moral and ethical standards. To achieve this end, Florida International University has outlined a set of desired values and attitudes considered to be the foundation of intellectual and moral integrity in our future societal leaders. Florida International University has prepared this statement to outline behaviors expected of students in the campus environment. It is anticipated that this conduct will be carried forth in their lives beyond the University.

The University Standards of Student Conduct address three major areas of moral integrity. They include academic honesty, respect for the law, and respect for people. The first two are more readily established because they relate to written rules, regulations, and laws, which are stated in the Student Code of Conduct. Failure to comply results in appropriate sanctions. The last, respect for people, is more intangible in nature, and yet of the most importance because it governs one's response to the first two.

Academic Honesty

In meeting one of the major objectives of higher education, which is to develop self-reliance, it is expected that students will be responsible for the completion of their own academic work. The use of literature, notes, aids, or assistance from other sources should be clearly identified with respect to all course assignments and examinations. In addition, students are expected to use all resources, including books, journals, and computers only in legal and authorized ways. They should also refrain from falsification of records, attend class as required, and participate in the educational process without disrupting the orderly processes and functions of the University.

Exhibit "J"

Respect for the Law

Students are expected to respect and obey all regulations of the University and all state and federal laws. If regulations or laws are considered to be unfair or improper, it is expected that students will use appropriate, established, and lawful procedures to effect change. Of particular importance is adherence to laws regarding theft, destruction of property, physical assault, sexual abuse, and alcohol and drug abuse.

Respect for Self and Others

Students are expected to conduct themselves in a manner which exemplifies respect for people of all races, religions, and ethnic groups, and to adhere to one's personal values without unduly imposing them on others. Respect for one's own mind and body, including refraining from substance abuse, is essential. In interpersonal relationships, students are expected to respect the rights of others, particularly their right to refuse to participate in any activity. At no time should students harass, assault, or violate the privacy of other persons. Students should also conduct themselves in ways to protect themselves and others from contagious diseases. Students should take responsibility to serve as leaders in promoting compassion for others and challenging prejudice against all individuals and groups whether due to race, gender, age, marital status, religion, nationality, political persuasion, sexual orientation, disability, or infection with disease.

These Standards of Conduct have, as their purpose, the encouragement of honesty and integrity in academic achievement and personal growth and development. The University is committed to an academic environment consistent with these standards and the set of desired values and attitudes, and are presented as follows:

1. Personal integrity that is rooted in respect for truth and love of learning.
2. A sense of duty to self, family, and the larger community.
3. Self-esteem rooted in the quest for the achievement of one's potential.
4. Respect for the rights of all persons regardless of their race, religion, nationality, sex, age, sexual orientation, physical condition or mental state.
5. The courage to express one's convictions and recognition of the rights of others to hold and express differing views.
6. The capacity to make discriminating judgments among competing opinions.
7. A sense of, and commitment to, justice, rectitude, and fair play.
8. Understanding, sympathy, concern, and compassion for others.
9. A sense of discipline and pride in one's work; respect for the achievements of others.
10. Respect for one's property and the property of others, including public property.
11. An understanding of, and appreciation for, other cultures and traditions.
12. A willingness to perform the obligations of citizenship, including the right to vote and the obligation to cast an informed ballot, jury service, participation in government, and the rule of law.
13. Civility, including congenial relations between men and women.
14. A commitment to academic freedom as a safeguard essential to the purpose of the University and to the welfare of those who work within it.
15. The courage to oppose the use of substances, which impair one's judgment or one's health.

(2) STUDENT CODE OF CONDUCT

Exhibit "J"

Statement of Philosophy

As an academic community, Florida International University fosters the intellectual exchange of ideas, knowledge, and experience. It is the responsibility of the University to provide a stimulating environment in which scholarship and personal growth may occur. The desired effect is that students will take advantage of this environment to develop intellectually as well as participate as responsible, contributing citizens.

The uniqueness of the academic community requires particular sensitivity to the individual rights of students and to the maintenance of a safe environment for study, recreation, and personal growth. To this end, rules and regulations are imperative as a basis for the orderly conduct of University activities. Responsibilities and expectations must be clearly articulated to students. Inappropriate behavior must be challenged and addressed in a manner, which leads to the positive growth and development of those involved in the process. The rights of the community, as well as those of individuals, must be protected. When there is infringement, ensuing problems must be resolved in a manner, which protects both the accused student and the University community. The ~~judicial~~Student Conduct process holds student accountable in a fair, yet developmental manner. The ~~judicial~~Student Conduct process utilizes educational, developmental and punitive sanctions when responding to infringements upon our standards.

To achieve this end, the University has developed policies and procedures regarding the rights and responsibilities of students and established a Student Code of Conduct ("Student Code") assuring these rights may be freely exercised without interference by others.

Statement of Rights and Freedom

Florida International University recognizes the basic rights and freedoms of students. They are inherent to the educational process and to the intellectual growth of students. The following rights and freedoms are recognized as basic to the educational process:

Freedom of Expression and Assembly

Students are guaranteed freedom of expression. Students and student groups may discuss, pass resolutions, write or distribute literature and leaflets, circulate petitions, sponsor speakers and public forums, and take other orderly actions which do not disrupt the essential function of the University. Please refer to Florida Administrative Code F.A.C. 6C8-5.008 for more information.

Freedom of Association

Students are free to form and join University organizations. Student organizations must be officially recognized by the University in order to utilize campus facilities and services.

Freedom in the Classroom

Students are responsible for learning the content of courses of study, but have the right to take reasoned exception to the data or views offered in the classroom. Students have the right to expect that course descriptions will reflect actual course content, to receive a

Exhibit "J"

written syllabus for each course, to be informed of the standards on which evaluation in each course will be based, and to be fairly and justly evaluated based only on performance in the course. Students also have the right to consult with faculty during announced office hours.

Freedom from Improper Disclosure

In accordance with the Family Educational Rights and Privacy Act, students shall have access to records maintained on them and be protected from improper disclosures to third parties without their consent. Academic and disciplinary records will be maintained separately and the procedures for access explicitly stated.

Freedom from Discrimination

Students shall not be discriminated against on the basis of race, color, creed, age, sex, sexual orientation, marital status, disability, religion, or national origin. Freedom from discrimination governs eligibility to student organizations, University activities, academic programs, employment, use of facilities, and housing.

Freedom from Sexual Harassment

Students are entitled to work and study in an atmosphere free from unsolicited and unwelcome sexual overtures or innuendoes.

Right to Due Process

Students have the right to due process ~~in all~~ appropriate for student disciplinary situations. This includes written notice of hearing, information concerning the ~~charges~~evidence ~~and allegations~~ against them, the opportunity to present ~~evidence~~ information on their own behalf, and written notice of the decision.

Statement of Responsibilities

All students enrolled in the University and all student residents, regardless of institutional or program affiliation, are expected to know and adhere to the rules and regulations of the University, as well as civil laws. Those charged with and found responsible for the violations will be subject to disciplinary action as provided for in this policy. ~~document~~. For the purposes of this document, ~~S~~students are required to appear as witnesses in disciplinary proceedings when requested to do so by a ~~Judicial~~ Student Conduct Official.

(3) DEFINITIONS

(a) Advisor—The term “advisor” refers to a person chosen by the charged student or the alleged victim to assist him/her throughout the Student Conduct process. See Section 7(e), Student Rights.

(b) Charged Student—The term “charged student” refers to any student who has been formally charged with an alleged violation of the Student Code.

(c) Director – The term “Director” means the Director of the Office of Student Conduct and Conflict Resolution.

(d) Hearing Body—The term “hearing body” refers to any person or persons authorized by the Vice President for Student Affairs (or Director for Student Conduct and Conflict Resolution or Director of University Housing or Director of Campus Life) to conduct

Exhibit "J"

hearings to determine whether a student has violated the Student Conduct Code and to impose sanctions. See Section (4)(f), Authority.

(e) Hearing Officer – The term “hearing officer” refers to the Director for Student Conduct and Conflict Resolution, Director of University Housing, or Director of Campus Life or each of their designee(s). The hearing officer acts as the hearing body in Summary Resolution hearings and Administrative Hearings. In University Student Conduct Committee hearings, the hearing officer is a non-voting member of the Committee who administers the Student Conduct proceedings, and must approve any sanction recommended by the Committee.

(f) member of the University community – ~~The~~ The term “member of the University community” means any person who is a student, faculty member, official, or any other person employed by the University.

(g) On-Campus or University Premises – The term “on-campus” or “University premises” refers to all land, buildings facilities, or other property owned, used, or controlled by the University, including adjacent streets, sidewalks, parking lots, and property shared with other entities outside of the University.

(h) Policy – The term “policy” refers to the written regulations of the University as found in, but not limited to, the Student Code, the Undergraduate/ Graduate Catalogs, the Student Handbook, and the University Housing Resident Handbook.

(i) Student – The term “student” refers to any person who participates in any course or program of Florida International University, either full-time or part-time, whether degree-seeking or non-degree seeking. Persons who withdraw after allegedly violating the Student Code of Conduct, persons who are not officially enrolled at the University for a particular term but who have a continuing relationship with the University, and persons who have been notified of their acceptance for admission are considered “students” as well as persons who are living in the residence halls but are not enrolled at the University. The Student Code does apply to all locations of the University as well as to all locations where a University course or program is being conducted, including foreign locations such as in study abroad programs. The term “Student” will also refer to student clubs, groups and organizations.

(j) University – The term “University” refers to Florida International University, including all of its branch campuses and sites. The Student Conduct Code applies to all branch campuses of the University.

(k) University Official – The term “university official” refers to any person employed by the University to perform assigned teaching, research, administrative, professional or other responsibilities.

(l) Vice President – The term “Vice President” refers to the Vice President for Student Affairs.

(34) JURISDICTION

(a) Jurisdiction under the Student Code applies to the conduct of any student or student organization that occurs on University premises, ~~at or with any University-related activit~~

Exhibit "J"

activities, and off-campus conduct that adversely affects the University community and/or the pursuit of its objectives.

(b) Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though the conduct may occur before classes begin or after classes end. Each student is responsible for his/her conduct during the academic year and during periods between terms of actual enrollment. The Student Code shall apply to a student's conduct even if the student withdraws from the school while a disciplinary matter is pending and even if the conduct is not discovered until after a degree is awarded.

(c) However With regard to off campus conduct, the University reserves the right to impose discipline based on off-campus conduct. Specifically if, for example:

(ai) The off-campus conduct that is specifically provided by law or the Student University's eCode of conduct as subject to University discipline;

(bii) The off-campus conduct that demonstrates that the continued presence of the student on campus presents a danger to the health, safety, or welfare of the University community, is disruptive to the orderly conduct, processes and functions of the University, or is intimidating or threatening to the University community or memberan individual within of the University community; or

(eiii) The off-campus conduct is of such serious nature that it adversely affects the student's suitability to remain a part of the University community.

(45) AUTHORITY

(a) The State Board of Trustees of Florida International University System of Florida has been charged with the responsibility of providing a student disciplinary system. Authority for student discipline rests with the University President, who delegates this authority to the Vice President for Student Affairs or designee(s).

(b) Hearing bodies are authorized by the Vice President for Student Affairs or designee(s) to conduct Student Conduct hearings.

(bc) All hearing bodies have the authority to consult with other appropriate University officials in order to effectively resolve a Student Conduct Code easematter.

(ed) Hearing Body Compliance. Any specific procedures used by hearing bodies will comply with the requirements of this Student Conduct Code.

(de) Decisions of all hearing bodies constitute first-level disciplinary final agency action, unless appealed, and.

(f) The hearing bodies authorized to conduct Student Conduct hearings are as follows:

1. The Director for Student Conduct and Conflict Resolution or designee(s) may conduct both informal and formal hearings on individual or group cases. For further description of informal and formal hearings, see Section (9), Types of Hearings.

2. The University Student Conduct Committee(s) may conduct formal hearings on individual or group cases.

3. The Interfraternity Council (IFC) Judicial Board may conduct formal hearings regarding cases of an Interfraternity Council organization's alleged violation of the Student Conduct Code or Interfraternity Council Constitution. The Board may also

Exhibit "J"

2. Possession or sale of property or services of another person or of the University without prior written consent or authorization.

(r) Vandalism/Damage

1. Damage, destruction or defacing of property of another person, group or the University.

(s) Weapons, Firearms, Explosives

1. Possession, storage or use of firearms, explosives, ammunition or other weapons or dangerous articles or substances, including, but not limited to tazers, switchblade knives and non-lethal weapons such as air guns and Chinese stars. The use of any item as a weapon.
2. The carrying of weapons by law enforcement officers must follow guidelines and policies as outlined by state law, local ordinance and departmental policies and regulations.

(t) On-Campus Housing (University Housing and Greek Houses) – Additional Offenses

1. Antennas

- a. The use of any type of free standing external antenna in on-campus housing.

2. Cleanliness

- a. Failure to maintain one's assigned on-campus housing unit in a clean and sanitary manner.
- b. Disposal of trash in a place other than designated bins or dumpsters.

3. Cooking Appliances

- a. Possession of alcohol stoves, hibachis, hot plates, and gas grills in student living units, on balconies, in stairwells, or on walkways or entryways to any on-campus housing facility.
- b. Residents are permitted to use barbecue grills, hibachis at a safe distance (25 feet or more) from all buildings. The use of grills is not permitted under any covered walkways, landings, or balconies. Storage of grills is not permitted in student living units or surrounding areas.

4. Elevators

- a. Tampering with the normal functioning of elevators.
- b. Use of elevators during a general building evacuation when elevators are intended to be off-line.

5. Furnishings

- a. Removal of furnishings from assigned on-campus housing unit.
- b. Possession of waterbeds, lofts or homemade bunk beds in on-campus housing unit.
- c. Removal or relocation of furnishings from community/ lounge areas.

6. Guests

- a. Assigning, subleasing, or allowing the use of an assigned on-campus housing space to another person.
- b. Hosting a guest in on-campus housing for more than three consecutive nights or ten nights in one semester.

Exhibit "J"

provide information regarding individual cases related to a group case that is being heard in the Office of Student Conduct and Conflict Resolution.

4. The National Pan-Hellenic Council (NPHC) Judicial Board may conduct formal hearings regarding cases of a National Pan-Hellenic Council organization's alleged violation of the Student Conduct Code or National Pan-Hellenic Council Constitution. The Board may also provide information regarding individual cases related to a group case that is being heard in the Office of Student Conduct and Conflict Resolution.

5. The Panhellenic Council (PC) Judicial Board may conduct formal hearings regarding cases of a Panhellenic organization's alleged violation of the Student Conduct Code or the Panhellenic Constitution. The Board may also provide information regarding individual cases related to a group case that is being heard in the Office of Student Conduct and Conflict Resolution.

6. University Housing hearing officers (Director and designees) may conduct both informal and formal hearings regarding cases arising in University Housing in which the charged student is a resident of University Housing. If the alleged offense may result in a sanction of deferred suspension or higher, the charged student will be referred to the Office of Student Conduct and Conflict Resolution for review.

(ge) ~~Choice of hearing type and hearing body~~ Determination of Hearing Forum.

~~1. Students may choose request a hearing forum both the hearing type and the hearing body to hear to resolve their Student Conduct easematter subject to the restrictions stated in Section 4(d) and this section:~~

~~2. However, Tthe Director for Student Conduct and Conflict Resolution, in his or her discretion reserves the right to choose -shall determine the appropriate hearing forum for each Student Conduct matter, type and body involving incidents of a serious nature or if the alleged offense may result in a sanction of deferred suspension or higher. This includes, but is not limited to, sexual misconduct, physical assault, stalking, fire related incidents, and weapons violations.~~

~~3. When two or more individuals students are involved-charged in the same incident, their cases will be heard individually by the same hearing body and forum. Tthe Director for Student Conduct and Conflict Resolution (or Director of Housing or Director of Campus Life) or designees, in his or her discretion, may permit the hearing concerning each student to be conducted either separately or jointly-will after consulting with the charged students prior to hearing forum determination.~~

~~4. When two or more individuals are involved in the same incident, but reside under different jurisdictions (e.g. a student living in the residence hall and a non-resident student), their case will be individually heard by the same hearing body and forum. The Director for Student Conduct and Conflict Resolution or Director of Housing or Director of Campus Life or designees will consult with the charged students prior to hearing forum determination.~~

~~(f) As outlined in Section (20), Mediation, Hearing Officials can handle certain cases through mediation as opposed to formal or informal judicial processes.~~

(5) DEFINITIONS [THIS SECTION WAS MOVED TO SECTION (3) ABOVE]

Exhibit "J"

(a) Advisor—The term “advisor” refers to any person chosen by the charged student or the alleged victim to assist him/her throughout the disciplinary Student Conduct process. See Section 7(e), Student Rights. ~~Students are required to address the hearing body in person, on their own behalf. Although they may consult with their advisor during the hearing, this consultation must take place in a manner that does not disrupt the proceedings. Advisors may not address the hearing officer or hearing body and may not act as witnesses.~~

(b) Charged Student—The term “charged student” refers to any student who has been formally charged with an alleged violation of the Student Conduct Code.

(c) Director — The term “Director” means the Director of the Office of Student Conduct and Conflict Resolution.

(ed) Hearing Body—The term “hearing body” refers to any person or persons authorized by the Vice President for Student Affairs (or Director for Student Conduct and Conflict Resolution or Director of University Housing or Director of Campus Life) to conduct hearings to determine whether a student has violated the Student Conduct Code and to impose sanctions. See Section (4)(f), Authority. ~~This includes appellate review bodies.~~

(e) Hearing Officer — The term “hearing officer” refers to the Director for Student Conduct and Conflict Resolution, Director of University Housing, or Director of Campus Life or each of their designee(s). The hearing officer acts as the hearing body in Summary Resolution hearings and Administrative Hearings. In University Student Conduct Committee hearings, the hearing officer is a non-voting member of the Committee who facilitates and administers the Student Conduct proceedings, and must approve any sanction recommended by the Committee.

(de) On-Campus or University Premises —The term “on-campus” or “University premises” refers to all land, buildings and facilities, or other property owned, used, or controlled by the University, including adjacent streets, sidewalks, parking lots, and property shared with other entities outside of the University.

(ef) Policy—The term “policy” refers to the written regulations of the University as found in, but not limited to, the Student Code of Conduct, the Undergraduate/ Graduate Catalogs, ~~t~~The Student Handbook, and the University Housing Resident Handbook.

(f) Preponderance of Evidence—The term “preponderance of evidence” means that evidence, considered as a whole, indicates the fact sought to be proved is more probable than not. ~~The standard used in hearing all disciplinary cases within this Student Conduct Code is “preponderance of evidence”.~~

(gh) Student—The term “student” refers to any person who participates in any course or program in any school, division or unit of of Florida International University, either full-time or part-time, whether degree-seeking or non-degree seeking. ~~any person admitted to the University and present on campus for the purpose of participating in any University course or program, or any person who has participated in any course or program at the University and continues to be associated with the University because he/she has not completed the course or program in which he/she was enrolled. Persons who withdraw after allegedly violating the Student Code of Conduct, persons who are not officially enrolled at the University for a particular term but who have a continuing relationship with the University, and persons who have been notified of their acceptance for admission are considered “students” as well as persons who are living in the residence~~

Exhibit "J"

halls but are not enrolled at the University. -The term “Student” will also refer to student clubs, groups and organizations.

(hi) University—The term “University” refers to Florida International University, including all of its branch campuses and sites. The Student Conduct Code applies to all branch campuses of the University.

(ij) University Official—The term “university official” refers to any person employed by the University to perform assigned teaching, research, administrative, professional or other responsibilities.

(jk) Vice President—The term “Vice President” refers to the Vice President for Student Affairs.

(6) OFFENSES

Listed In Alphabetical Order

The following offenses will be used in charging all students, organizations or clubs whether the offenses are committed on campus or off-campus as described in Section 3 of this code:

(a) Alcohol

1. Possession, use or consumption of alcohol when under the legal drinking age as outlined by Florida Law.
2. Dispensing, selling or supplying alcoholic beverages to an individual who is under the legal drinking age as outlined by Florida Law.
3. Any violations of Florida International University Rule 6C8-11.005, F.A.C., are hereby incorporated by reference.
4. Use or possession of beer kegs and party balls or other common sources of alcohol in on-campus housing.
5. Possession of open containers of alcohol or consumption of alcoholic beverages in public areas, such as balconies, courtyards or hallways.
6. Public intoxication, Excessive drinking and intoxication will not be tolerated.
7. Violating any other University policy while under the influence of alcohol. Members of the FIU community who choose to drink will be held fully responsible for their behavior while under the influence of alcohol. Loss of control due to intoxication does not excuse or justify violation of the state law, University regulations, or the rights of others.
8. Misrepresenting, or misstating ones’ age or using altered identification in order to obtain alcohol.
9. Devices designed for the rapid consumption of alcohol, including but not limited to: funnels, and beer bongs.
10. Hosting a gathering where underage individuals are drinking alcohol.
11. Consumption, possession or use of alcohol in a housing unit where all assigned residents of that on-campus housing unit are under legal drinking age.
12. Possession of alcohol beverage containers in on-campus housing rooms (including decorative collections) where residents are under 21 years of drinking age.

(b) Computer Misuse

1. Unauthorized access, entry or use of a computer, computer system, network, software, password, account or data.

Exhibit "J"

2. Unauthorized alteration or degradation of computer equipment, software, network, data or system performance.
3. Unauthorized copying or distribution of computer software or data.
4. Unauthorized use of University computer resources for commercial purposes or personal financial or other gain. This includes, but is not limited to, advertising a product or service on personal Web pages, fund-raising or advertising on behalf of unsanctioned non-University organizations, publicizing of unsanctioned non-University activities, the reselling of University resources to any non-University individuals or organizations, and the unauthorized use of the University's name or logos. Use of the University's network for any of these purposes, even if the user is using his or her own personal computer, constitutes an offense.
5. Any other violation of the University computer use and web page policies. The complete policies are available at <http://www.fiu.edu/provost/polman/sec11web.htm>

(c) Disruptive Conduct

1. Behavior that disrupts, disturbs, impairs or interferes with or obstructs the orderly conduct, processes, and functions of the University or the rights of other members of the University community.
2. Behavior that disrupts, disturbs, impairs, interferes with or obstructs the orderly conduct, processes, and functions within the classroom or laboratory. This includes interfering with the academic mission of the University or individual classroom or interfering with a faculty member or instructor's role to carry out the normal academic or educational functions of his/her classroom laboratory.
3. Behavior that disrupts or interferes with the University disciplinary process, including, but not limited to, harassment and/or intimidation of any member of the ~~judicial~~Student Conduct board, witness or University personnel before, during or after a proceeding, or attempting to coerce or influence any person(s) in order to discourage their participation in any disciplinary proceeding.
4. Any similar behavior that disturbs the peace.

(d) Drugs

1. Possession or use of illegal drugs or prescription drugs without a prescription.
2. Distribution, delivery, or sale of illegal drugs.
3. Possession or use of drug paraphernalia (including but not limited to: bonges, pipes, "hukas", spoofs, rolling papers, blunts, small plastic baggies, etc.).

(e) Endangerment

1. Physical violence toward another person or group.
2. Action(s) that endanger the health, safety, or welfare of self or others.
3. Interference with the freedom of another person or group to move about in a lawful manner.

(f) Failure to Comply

1. Failure to comply with a request or directive of a University official (i.e., faculty, staff, administrators, residence hall staff, FIU Police, etc.) or non-University law enforcement official in the performance of his/her duty.

Exhibit "J"

2. Failure to comply with the final decision/sanctions rendered by a ~~judicial~~Student Conduct hearing or review body.
3. Failure to comply with the request of a University ~~judicial~~Student Conduct hearing or review body to be a witness at a University ~~judicial~~Student Conduct proceeding.
4. Failure to identify oneself and/or produce identification upon request by a University official (i.e., faculty, staff, administrators, residence hall staff, FIU Police, etc.). All FIU students must carry their FIU ID with them at all times.

(g) Falsification/Fraud/False Testimony

1. Providing false information to a University official or ~~judicial~~Student Conduct hearing or review body.
2. Withholding information or providing misleading information to a University official or ~~judicial~~Student Conduct hearing or review body.
3. Misuse, reproduction, alteration or forgery of any University related identification, documents, keys or property.
4. Permitting another person to use one's University related identification.
5. Inappropriate use of another person's University related identification.
6. Impersonation or misrepresentation. Acting on behalf of another person, group or the University without authorization or prior consent.
7. Providing a worthless check or money order in payment to the University or to a member of the University community.
8. Any other acts of Falsification/ Fraud/Testimony.

(h) Fire and Safety

1. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.
2. Removing, damaging, interfering or tampering with fire safety or other emergency warning equipment, including smoke detectors, sprinklers, and fire alarms. Items may not be hung from, or block sprinklers or smoke detectors.
3. Failure to evacuate a University building, facility or on-campus housing facility/unit when a fire alarm is sounded.
4. Action(s) which cause or attempts to cause a fire or explosion.

(i) Harassment

- ~~1. Conduct, not of a sexual nature, (including, but not limited to, physical contact, verbal, graphic, written or electronic communication) that creates an intimidating, hostile, or offensive environment for another person or group.~~
- ~~2. Conduct, not of a sexual nature, (including, but not limited to, physical contact, verbal, graphic, written or electronic communication) that threatens, harms or intimidates another person or group.~~

(ij) Hazing

Any group or individual action or activity that inflicts or intends to inflict physical or mental harm or discomfort or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is related to a

Exhibit "J"

person's initiation or admission into, or affiliation with, a student group or organization, it is not necessary to have direct proof that a person's initiation or continued membership is contingent upon participation in the activity for a charge of hazing to be upheld. The actions of either active or associate members (pledges) of an organization may be considered hazing. Hazing includes, but is not limited to:

1. Interference with a student's academic performance.
2. Forced consumption of any food, alcohol, controlled substances, drugs, or any other substance.
3. Forced physical activity.
4. Deprivation of food or sleep.
5. Kidnapping, including restricting a person to move about in free and lawful manner.
6. Physical abuse of any nature.
7. Performing personal chores or errands.
8. Verbal abuse or degradation, including yelling or demands.
9. Assigning or endorsing pranks (i.e. stealing, harassing other organizations, defacing property, etc.).
10. Any action or threatened action that would subject the individual to embarrassment, humiliation or mental distress, including the use of demeaning names.
11. Any other acts or intended acts, which constitute hazing pursuant to 240.1325 Florida Statutes.

(jk) Littering

1. Dispersing litter in any form on University grounds or facilities, this includes, but is not limited to cigarette butts, flyers, cans, bottles, etc.

(k) Personal Abuse

1. Verbal or written abuse of any person including, indecent or obscene expressions or conduct.
2. Conduct directed at a member of the University community which is intended to cause fear, distress, or intimidation and would cause fear, distress, or intimidation to a reasonable person or would place a reasonable person in fear of injury or death.

(l) Rollerblades/Skates/Bicycles/Pocket Bikes

1. The use or operation of rollerblades, skates, skateboards, bicycles, mopeds, etc. inside of University facilities (i.e., libraries, classrooms, hallways, student unions, etc.). This also includes the hallways, balconies, courtyards, lounges, and lobbies of on-campus housing facilities.
2. Pocket bikes are not permitted on sidewalks or roadways.

(m) Promotions/Posting

1. Solicitation (i.e., passing or handing out flyers/promotional material, etc.) on campus, including on-campus housing facilities, without prior approval from the appropriate University officials. This includes, but is not limited to, the disbursement of any forms of promotional/informational material on University property or objects (i.e., motor vehicles) on University property.

Exhibit "J"

2. Posting of flyers, posters, banners, cards or any promotional/informational material on University property, including, but not limited to, the exterior and interior of on-campus housing facilities, buildings, trees, walls, sidewalks, vehicles, windows, stairwells, stairs, display cases, vending machines, doors, classrooms, departmental and unauthorized bulletin boards, railings, elevators, bathrooms, art/sculptures.
3. Use of chalk or powder like substance on the sidewalks, grass, exterior or interior of any University facility, or any public area.
4. Use of "A" signs or free standing signs in public areas, sidewalks, grass, exterior of any University facility without prior approval from the appropriate University officials.

(n) Sexual Misconduct

1. Any sexual act that occurs, regardless of personal relationship, without the consent of the other person, or that occurs when the other person is unable to give consent.
2. Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others.
3. Conduct of a sexual nature that creates an intimidating, hostile, or offensive campus, educational, or working environment for another person. This includes unwanted, unwelcome, inappropriate, or irrelevant sexual or gender-based activities, comments or gestures.

(o) Smoking

1. Pursuant to Section 386.201-211 Florida Statutes, smoking is prohibited in all University buildings and/or sections thereof, owned, leased or operated by the University. This includes, but is not limited to, classrooms, stairwells, bathrooms, offices, hallways, labs, libraries and on-campus housing facilities/units.

(p) Stalking

1. Stalking is defined as activities occurring on more than one occasion that collectively instill fear in the victim and/or threaten his or her safety, mental health, or physical health. Such behaviors and activities may include, but are not limited to, the following:
 - Nonconsensual communication, including face-to-face, telephone calls, voice messages, electronic mail, written letters/notes, unwanted gifts, etc.
 - Threatening or obscene gestures
 - Pursuing or following
 - Surveillance or other types of observation
 - Trespassing
 - Vandalism
 - Nonconsensual touching
 - Contacting a person after a sanction prohibiting contact with that person. This includes verbal, written or third party communication, or physical contact.
2. Other violations of stalking laws as outlined in Section 784.048 Florida Statutes.

(q) Theft

1. Removal or use of the property or services of another person or of the University without prior written consent or authorization.

Exhibit "J"

- c. Hosts assume full responsibility for their guests' conduct and familiarity with rules and regulations.
- d. Failure to accompany guests within the on-campus housing facility.
- e. Failure to submit a guest registration form prior to the arrival of an overnight guest.
- f. Knowingly hosting person(s) who have been trespassed from on-campus housing facilities.
- g. Failure to adhere to an individual on-campus housing guest sign-in policy.

7. Halogen Lamps

The use or possession of a halogen lamp in on-campus housing facilities.

8. Keys

- a. Duplicating an on-campus housing key.
- b. Loaning an on-campus housing key to another person.

9. Locks/Doors

- a. Tampering with a lock such that it interferes with or prevents the locking/unlocking of a door.
- b. Adding, changing or replacing a lock in an on-campus housing unit without authorization by University staff.
- c. Propping open a fire door or on-campus housing exterior door.
- d. Entering through a propped fire door or on-campus housing exterior door.
- e. Entering or exiting through a fire door or on-campus housing exterior door when no emergency exists.
- f. Allowing individuals access into an on-campus housing facility through a locked door entrance

10. Mail

- a. Tampering with mailbox locks.
- b. Removal of mail addressed to another person.

11. Motorcycles, Bicycles, Rollerblades or Skateboards

- a. Riding motorcycles, bicycles, roller-blades or skateboards in hallways, balconies, courtyards, lounges, or lobbies.
- b. Storing motorcycles, motorbikes or bicycles in any on-campus housing hallway, entry area, stairwell, balcony or on-campus housing unit (except bicycles).

12. Open Flames/Heating Elements/Flammables

- a. Possession of candles, incense, hot plates or other heating units with an open flame or heating element.
- b. Flammable liquids and solvents (gasoline, kerosene, lighter fluid, propane, etc.) may not be stored in resident rooms or apartments, including areas immediately outside of their front door. Residents are permitted to store charcoal (non-pres soaked) in rooms or living areas.

13. Pets/Animals

- a. Possession of pets, other than fish in a maximum tank size of ten gallons.
- b. Feeding of stray or wild animals in the housing area and its surroundings.

14. Posting

- a. Unauthorized posting of notices, flyers, ads or other information in on-campus housing facilities.
- b. Postings of flyers advertising events with alcohol.

15. Projectiles

Exhibit "J"

- a. Throwing of any object from a window, ledge, roof, balcony or within a courtyard area.
- b. The use of a slingshot or related item.

16. Quiet/Courtesy Hours

- a. Loud talking, music, or other disruptive noise in rooms, courtyards, balconies, stairwells, or lobby areas during designated quiet hours (Sunday-Thursday 10:00 pm-8:00 am; Friday & Saturday Midnight-10:00 am; 24 hours during finals week).
- b. Loud talking, music, or other disruptive noise in rooms, courtyards, balconies, stairwells, or lobby areas during 24-hour courtesy hours.
- c. Failure to reduce noise when asked to do so by a neighbor, staff member or roommate.

17. Railings, Balconies and Roofs

- a. Sitting, standing on, climbing on, or hanging from a balcony, railing, or roof.
- b. Hanging or securing unauthorized items from roofs, balconies or windows, including bikes, banners, signs, clothing, plants or other items.

18. Room Personalization

- a. Use of nails, tacks or adhesive products that do damage to surfaces.
- b. Placement of signs, pictures, banners, empty bottles, or other objects in windows such that they block or impede access, exit or view to the unit in time of emergency.
- c. Attaching shelves, carpet or other items to interior surfaces of an on-campus housing unit.
- d. Stacking cinder blocks more than one block high to secure a bed frame.

19. Sales, Solicitation and Canvassing

- a. Door-to-door solicitation, sales and canvassing in an on-campus housing facility.
- b. Door-to-door distribution of flyers or leaflets or the placement of these items on cars.
- c. Unauthorized placement of flyers in student mailboxes.
- d. Engaging in sales or business activities within one's unit or community area within on-campus housing.

20. Social Gatherings

Hosting a gathering in one's on-campus housing unit that exceeds the maximum occupancy for that unit type.

21. Sports in Residence

Participating in sporting events in units, hallways, balconies, courtyards, lounges, and lobbies.

22. Windows

- a. Exiting or entering an on-campus housing unit through a window.
- b. Placement of signs, pictures, banners, empty bottles or other objects in windows such that they block or impede access, exit or view to unit in time of emergency.
- c. Removal of a window screen.

23. Exterior Building Water Spigots

Unauthorized use of exterior building water spigots is prohibited.

(u) Student and Greek Organizations/Clubs Additional Offenses

1. Alcohol

Exhibit "J"

- a. Unmonitored common sources of alcohol such as kegs, alcoholic punch, or unmonitored bulk containers of alcohol.
- b. Allowance of individuals under the legal drinking age to bring alcohol to a function, consume alcohol at a function, or be allowed to remain at a function if found in possession of alcohol.
- c. Social events, which encourage drinking, drinking games, drinking contests, and/or drunkenness. Non-alcoholic beverages and food (i.e., breads, cheeses, vegetables, pizzas, etc.) must be available for the duration of the function/event.
- d. The purchase of alcohol with chapter funds, whether directly or indirectly (no slush funds, no passing the hat, etc.).
- e. Events where alcohol is present must conform to one of the following guidelines:
 - 1) BYOB Guidelines
 - a) Each person is responsible for bringing in his/her own personal consumption beverages.
 - b) Each person is limited to six (6), twelve (12) ounce cans of beer or four (4), ten (10) ounce wine coolers. Hard alcohol is prohibited.
 - c) The Chapter Monitor(s) collect(s) and control(s) the dispersion of each individual's alcohol through a check-in (i.e., ticket, punch card, stamp, wristband) system. Only one beer or wine cooler may be acquired at a time.
 - d) The Chapter Monitor(s) checking-in guests/participants or dispersing alcohol must be over the legal drinking age and must not consume or be under the influence of alcohol during the event.
 - e) The host organization(s) is/are responsible for identifying those participants who are of legal drinking age (stamping, banding, I.D. checks, etc.) and ensuring that there are no individuals under the legal drinking age consuming alcohol.
 - f) The event/function must end no later than 3:00 am. The serving of alcohol will stop at least one hour prior to the end of event.
 - g) Individuals choosing to leave the function and wishing to claim their remaining alcohol may do so only upon exiting the premises and by turning in all remaining tickets. All remaining alcohol must be poured out in the presence of a Public Safety Officer.

2) Third Party Vendor Guidelines

- a) A licensed/insured company caters and serves the function and controls the identification of legal drinks and the dispersion of alcohol. The company must be licensed and insured as required by state and local ordinances.
- b) Chapters are prohibited from entering into arrangements with the catering company to provide them a set amount of alcohol. This is the same as purchasing alcohol with chapter funds. The catering company must be paid for services only, not the purchase of alcohol in any manner.

2. Education

- a. Beginning August 15 (or January 15, if elections occur in December/ January) of each year, chapters are prohibited from having a social function until the President, Social Chairman, and Risk Management Designee have attended the designated risk management seminar provided by the Office of Greek Affairs and Office of Student Conduct and Conflict Resolution.
- b. Chapters are required to host, sponsor or attend a risk management seminar for their members on an annual basis. Documentation of the event must be provided to the Office

Exhibit "J"

of Greek Affairs prior to and after the seminar/workshop. A minimum of 75% of the new members and 50% of active members must attend this session.

3. Promotional Material/Advertisements

- a. The posting or promotion of material or propaganda, including, but not limited to, posters, flyers, banners, brochures, web sites, and clothing, which can be considered offensive or graphic in nature, or depicts demeaning sexual or discriminatory portrayal of individuals.
- b. Unrestricted invitational advertisement of events where alcohol will be present. The presence or reference to alcohol in any advertisement of functions is prohibited.
- c. The use of the name Florida International University, or FIU, or the use of any FIU logo or seal, must have prior approval from the Director of Campus Life and the Director of Alumni Affairs.
- d. All pamphlets, brochures, propaganda, informational or promotional material must be reviewed and approved by the Director of Campus Life or designee prior to printing, publication and distribution.

4. Recruitment/Membership Intake

- a. Violations of recruitment policies established by IFC, PC and NPHC.
- b. Alcoholic beverages at any recruitment function. A recruitment function is an activity sponsored by a Greek organization in which potential members are invited with the intent of joining. All Greek organizations are subject to these policies regardless of place or residence or location of sponsored activity.

5. Risk Management

- a. Failure to follow the minimum guidelines/standards as outlined by the Office of Greek Affairs or IFC, PC or NPHC Risk Management Policies.
- b. Failure to follow the guidelines/ standards as outlined in Inter/ National and/or Chapter Risk Management Policies.
- c. Failure of a Greek organization to provide the Office of Greek Affairs with a copy of the chapter's Inter/National or Chapter Risk Management Policy.
- d. Any event where alcohol is present must be a closed event.

(v) Gambling

1. Soliciting, placing or accepting a bet on any high school, intercollegiate or professional athletic contest on University premises or at a University or student organization sponsored activity or event. Soliciting, facilitating or participating in any illegal gambling, bookmaking or illegal betting whether through a bookmaker, a parlay card, a pool or any other method of organized gambling on University premises or at a University or student organization sponsored activity or event.

Other Violations

1. Attempt or intent to commit any violation as outlined in the Student Code of Conduct.
2. Involvement in any violation as outlined in the Student Code of Conduct. This includes encouraging others to commit acts prohibited by this Code and/or the failure to remove oneself from the area/incident where the offense is being committed or attempted.
3. Aids or abets another in any violation of federal law, state law, local ordinance, or University policy.
4. Violation of federal or state law or local ordinance.

Exhibit "J"

5. Violation of Florida International University Rule(s).

(w) Trespassing/Unauthorized Use

1. Unauthorized presence in, or unauthorized use of University property, facilities, or restricted areas.

(x) Other Violations

1. Attempt or intent to commit any violation as outlined in the Student Code of Conduct.
2. Involvement in any violation as outlined in the Student Code of Conduct. This includes encouraging others to commit acts prohibited by this Code and/or the failure to remove oneself from the area/incident where the offense is being committed or attempted.
3. Aids or abets another in any violation of federal law, state law, local ordinance, or University policy.
4. Violation of federal or state law or local ordinance.
5. Violation of Florida International University Rule(s).

(7) STUDENTS' RIGHTS

The charged student has the right to:

(a) ~~Clear and complete~~ Reasonable, written notice of the Student Conduct Code charge and the allegations upon which the charge is based. See Section (8)(c). "Notice (Charge Letter)."

(b) An opportunity to review all information in her/his ~~judicial~~ Student Conduct file prior to a hearing, including the names of witnesses to be called and information to be used in his/her Student Conduct matter.

(c) An opportunity to provide ~~present relevant evidence and pertinent~~ information on her/his behalf, including presenting witnesses and/or signed, written statements. Witnesses must be able to speak to the incident in question only; character witnesses or witnesses to other incidents outside the specific incident in question will not be allowed to testify at a hearing but may provide a written statement. The names of all witnesses must be provided in writing to the appropriate hearing ~~body~~ officer at least three (3) regular business days prior to the hearing. The University also has the right to review any information the student intends to use at least three (3) regular business days before the student disciplinary proceeding.

(d) Question witnesses as circumstances permit. Appropriate witnesses may be called by the University to all formal hearings. Those witnesses who appear may be questioned by the charged student as described in Section 11, Hearing Procedures/Format. If called witnesses do not appear, their written or taped statements will be considered by the hearing body. ~~Student witnesses, called by a hearing body, who fail to appear at the hearing, will be charged with a violation of the Student Conduct Code.~~

(e) Accompaniment by an advisor of the student's choice and at the student's expense. The advisor must be a member of the University community. The charged student (and when applicable, the alleged victim) is responsible for presenting in person his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any Student Conduct process. Although students may consult with their advisor during the hearing, this consultation must take place in a manner that does not disrupt the proceedings. The advisor chosen by the student cannot be a witness in the

Exhibit "J"

matter. The advisor cannot be an attorney, except that an attorney may serve as an advisor when the charged student is also the subject of a pending subsequent criminal matter arising from the same incident, provided that the attorney must comply with the same restrictions as any other advisor. Postponement of meeting or hearings will usually not be allowed due to the unavailability of an advisor.

~~The advisor may not serve as a witness or represent the student before the hearing body; the student must speak for himself/herself (For exemptions, see Section (18), Auxiliary Aids and Services).~~

(f) Not provide self-incriminating testimony. Choosing not to do so does not constitute an admission of responsibility. ~~However, absent such testimony, the hearing body may lend more weight to written documents and testimony of witnesses. This protection from self-incrimination does not extend to student or Greek organizations.~~

(g) Notification of the decision of the hearing in writing. All hearing decisions will be communicated in writing ~~(also verbally at the discretion of the hearing body)~~ to the charged student and will include the hearing decision, sanctions imposed (if applicable), and the right to appeal.

(h) Appeal the decision, in writing, within seven (7) calendar business days of the receipt of the hearing decision. See Section (15), Appeals.

~~(i) If the charged student fails to appear at the scheduled hearing, the hearing will be held in the student's absence.~~

(8) PRE-HEARING PROCEDURES

(a) Initiating Charges: Any person or entity (including University departments, offices, officials, community members, etc.) may request charges be filed against a student for alleged violation of federal, state or ~~u~~University rules or regulations. A review for possible charges may be initiated in the following ways:

1. Filing a police report with the University Police Department or requesting that a report from another law enforcement agency be sent to the University Police Department.
2. Providing a written and signed statement to ~~University~~ Student Conduct and Conflict Resolution, Greek Affairs, Campus Life or University Housing. Written statements should be sent to the appropriate office responsible for handling the incident based on the person(s) involved or location of incident (see Section (4)(d), Authority). If necessary, ~~the Vice President or designee will appropriate University officials will meet to determine, in his or her discretion, the appropriate venue hearing body to handle the~~ ease ~~matter~~, and whether charges will be filed.

(b) Filing Time: Reports must be made to either law enforcement or the appropriate administrator within ninety (90) calendar days of the incident, or knowledge about the incident. However, ~~the University Director, reserves the right to exercise professional in~~ his or her discretion, to may extend this filing time in certain cases such as ~~of~~ stalking, sexual misconduct, domestic violence, endangerment, etc. where the delay may be related to issues of victimization.

(c) Notice (Charge Letter): The written notice given to ~~any~~ charged students will include the following:

1. Notice of charge, including specific code ~~charge(s)~~ section and a brief description of alleged offense(s).

Exhibit "J"

2. The charged student will be provided an opportunity to attend an information session, except in cases involving Interim Suspension as outlined in Section (17), during which the student may review all materials to be used in his/her ~~ease~~ hearing, receive information regarding his/her ~~due process~~ rights and the procedures used in a ~~judicial~~ Student Conduct hearing, and have an opportunity to ~~select~~ request the forum in which the ~~ease~~ matter will be heard. In addition, the student will receive information regarding the resources available to the student in preparation for the hearing. ~~for his or her defense and the availability of impartial advisers for the student~~. If a student fails to respond to a request to schedule an information session and/or attend a scheduled information session, and five (5) business days have expired since the date of the charge letter, the student waives his/her right to an information session, and will be deemed to have ~~selected~~ requested a formal University Student Conduct Committee Hearing as the hearing forum, and a hearing will be scheduled in the student's absence. If the charged student is a University Housing resident and a University Student Conduct Committee Hearing is not a hearing forum option for the alleged offense as provided under Section 10(c), then the student will be deemed to have chosen an Administrative Hearing as the hearing forum.

(d) Hearing Notification

1. Notice of a formal hearing including date, time, and location will be sent at least five (5) business days prior to the hearing.

2. The notice will include the names of witnesses to be called and information to be used in his/her matter.

3. Requests to postpone hearing. Any request to postpone a hearing must be submitted in writing to the Director (or designee) at least 24 hours prior to the hearing, and must state the reason(s) for the request. The granting of such requests shall be at the discretion of the Director or designee.

4. Failure to Appear. If the charged student fails to appear at the scheduled hearing and fails to provide written notice 24 hours prior to the scheduled hearing, the hearing will be held and a decision will be rendered in the student's absence. ~~These procedures will be followed except in cases involving Interim Suspension as outlined in Section (17).~~

25. The charged student will be provided with the name(s) of the hearing body member(s) at least five (5) business days prior to the scheduled hearing, except in cases involving Interim Suspension as outlined in Section (17). ~~and in Section (8) (d) 3., Emergency Hearing Body Appointments.~~ The charged student has the right to challenge the inclusion of any member, at least three (3) calendar days prior to the scheduled hearing. The challenge must be in writing, ~~and be based on cause, which clearly provides~~ and the student must show actual bias evidence of (such as a conflict of interest, animosity, bias, pressure, or influence) that would preclude a fair and impartial hearing. The Vice President for Student Affairs or designee will ~~rule on all~~ determine whether to grant such challenges in his or her discretion, and ~~his/her~~ the decision is final.

Exhibit "J"

36. Emergency Hearing Body Appointments. In the case where a hearing body member is unable to serve due to an emergency or unforeseeable occurrence, the Vice President or designee may appoint a new hearing body member prior to the scheduled hearing. The student can challenge the inclusion of this member at the time of hearing. The challenge must be on the basis outlined in Section 8(ed) 4 at the time of the hearing.

7. Hearings may be scheduled during class periods. Efforts will be made to avoid a class conflict, however, due to availability of persons involved in the hearing and room availability, it may not be possible.

6. Notices of charges (i.e., charge letter) and hearing notifications will be sent to the student's address on record with the University Registrar and to the student's official University email address. Receipt of these notices at either address (physical or email) constitutes full and adequate notice under the Student Code.

(9) TYPES OF HEARINGS

Two types of hearings are provided by the Studentthis Code, formal and informal. ~~Note: hearings may be scheduled during class periods. Every effort will be made to avoid a class conflict, however, due to availability of persons involved in the hearing and room availability; it may not be possible.~~

(a) Formal Hearings

1. Require the hearing body to call appropriate witnesses to provide information in support of the charges.
2. Will be held at least five (5) business days after notice is received by the charged student.
3. Allow the presence of an advisor.
4. Will be tape recorded. The recording will serve as the only official record of the proceedings. No other recordings are permitted.
5. A formal decision letter will be sent to the student within fourteen (14) business days from the conclusion of the hearing body's deliberation.

(b) Informal Hearings: Informal Hearings are for students choosing to accept responsibility for the alleged charge as presented.

1. Will not be tape-recorded.
2. Written decisions ~~(including findings of fact)~~ will serve as the official records of informal hearings and will be sent to the student within fourteen (14) business days from the conclusion of the hearing body's deliberation.

(c) All hearings are conducted in private.

(10) HEARING FORUMS

(a) Students and student organizations (including Greek organizations) charged through the Office of Student Conduct and Conflict Resolution may ~~choose~~ request one of ~~from~~ the following hearing forums:

1. Summary Resolution - This hearing is informal and conducted by the Director ~~for Student Conduct and Conflict Resolution~~ or designee. This hearing is for the student who chooses to accept responsibility for his/her actions and accepts the charge(s) as presented.

2. Administrative Hearing - This hearing is formal, and conducted by the Director ~~for Student Conduct and Conflict Resolution~~ or designee.

Exhibit "J"

3. University Student Conduct Committee Hearing - This hearing is formal. The Committee is composed of two students and one faculty or staff member, and the Director for Student Conduct and Conflict Resolution (or designee) in a non-voting capacity.

(b) Greek organizations charged through Interfraternity Council (IFC), Panhellenic Council (PC), or National Pan-Hellenic Council (NPHC) organizations may choose from the following hearing forums:

1. Summary Resolution. This hearing is informal and conducted by the IFC, PC, NPHC Judicial Student conduct Board Chair and Greek Advisor, in consultation with the Director for Student Conduct and Conflict Resolution. This hearing is for the student who chooses to accept responsibility for his/her actions and accepts the charge(s) as presented.
2. IFC, PC or NPHC Judicial Boards. Greek organization hearings will reside under the appropriate hearing body as outlined in Section (4) (d) 3: ~~5~~ Authority.

(c) University Housing residents charged through Housing may choose from the following hearing forums:

1. Summary Resolution. This hearing is informal and will be conducted by the Director of Housing or designee. This hearing is for the student who chooses to accept responsibility for his/her actions and accepts the charge(s) as presented.
2. Administrative Hearing. This hearing is formal and will be conducted by the Director of Housing or designee.
3. University Student Conduct Committee Hearing. This hearing forum option is available solely to students who have been charged with an alleged offense that may result in a sanction of deferred suspension or higher. This hearing is formal. The Committee is composed of two students and one faculty or staff member, and the Director for Student Conduct and Conflict Resolution (or designee) in a non-voting capacity.

(11) HEARING PROCEDURES/FORMAT

~~The following are the procedures for resolution of disciplinary matters:~~

(a) The following order of presentation will be followed in formal hearings. Exceptions may be made due to extenuating circumstances by the hearing body or chair of the hearing body and with the agreement of the charged student. ~~The order of presentation in informal hearings may be considerably modified with the agreement of the charged student. The hearing body or hearing officer shall have the final decision on what evidence may be presented; the tone of the questioning and may place limits on length of testimony at any time.~~

1. Opening Introductory statement by hearing officer or chair of the hearing body. This must include a presentation reading of the allegations and formal charge(s) and introduction of information that is the basis for the charges.
2. Opening Statement by the charged student and submission of any pertinent written information.
3. Questions directed to the charged student by the hearing body.

Exhibit "J"

~~4. Presentation of evidence and witnesses by hearing officer or chair of hearing body, followed by a~~ Questioning of witnesses by the hearing body and the charged student. Questions suggested by the charged student are directed to the hearing body rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid the creation of an adversarial environment. Upon completion of questioning, witnesses are then dismissed.

~~5. Presentation of evidence and witnesses by the charged student, followed by questioning of witnesses by the charged student and the hearing body. Witnesses are then dismissed.~~

5. Submission of written statements (if any) of witnesses who are not present.

6. Follow-up questions (if any) directed to the charged student by the hearing body.

7. Closing -Final statement by charged student.

~~8. Hearing officer or chair of the hearing body brings hearing to closure.~~

(b) Pertinent records, exhibits, and written statements may be accepted by the hearing body at the discretion of the hearing body. The Director or designee may place limits on the amount of information accepted and the length of testimony, and also may advise a charged student to change the tone of questioning.

(c) All procedural questions are subject to the final decision of the Director or designee.

~~(b)~~ d) Deliberation (decision and determination of sanction(s), if applicable). Deliberation is not part of the hearing. The hearing body's final decision and sanction(s), if applicable, will be recorded on tape.

~~(e)~~ e) Prior records of disciplinary action and victim impact statements (see Section (13), Victims' Rights) are considered by the hearing body only in determining the appropriate sanction(s) ing phase of deliberations in the matter.

~~(d)~~ f) The burden of proof in a formal hearing rests with the University. The hearing body's determination of "responsible" or "not responsible" will be based solely on the information and/or testimony presented. The determination of responsible or not responsible shall be made on the basis of -whether it is more likely than not that the charged student violated the Code. at the hearing using the standard of "preponderance of evidence."

(g) Formal rules of process, procedure, and/or technical rules of evidence, such as are applicable in the criminal or civil court, are not used in Student Conduct proceedings.

(12) BURDEN OF PROOF

~~(a) The burden of proof at a first-level hearing always rests with the University, and the standard of proof will be the preponderance of the evidence.~~

~~(b) The burden of proof at the appellate level rests with the charged student to clearly show that an error has occurred during the first-level hearing process.~~

(13) VICTIMS' RIGHTS

(a) Victims' rights apply to the following types of cases:

1. Sexual Misconduct

2. Endangerment

3. Harassment

4. Stalking

Exhibit "J"

5. Hazing

(b) Rights

1. To have an advisor of the alleged victim's choice accompany her/him when presenting information to the hearing body and to any other relevant meetings held throughout the ~~disciplinary~~ Student Conduct process.
2. To submit a victim impact statement to the hearing body. This information will be used only in the sanctioning phase of deliberations, if the charged student is found responsible for the charge(s).
3. To have unrelated past behavior excluded from the hearing. The ~~chair of the~~ hearing body will decide if such information is unrelated.
4. To submit questions to the hearing body. The hearing body will then consider posing those questions to the charged student.
5. To testify in limited privacy, to the extent as long as the process it does not compromise the charged student's right to confront and question witnesses. ~~This Ddetermination will be made in the discretion of by the Director or designee for Student Conduct and Conflict Resolution in consultation with the University Victim Advocate.~~
6. To be present throughout the entire hearing, or portions thereof. ~~This Ddetermination will be made by in the discretion of the Director or designee for Student Conduct and Conflict Resolution.~~
7. To be notified of the ~~judicial~~ Student Conduct hearing outcome and appeals outcome.
8. To appeal the hearing decision on the basis outlined in Section 13(c), Victim's Appellate Process.

(c) Victim's Appellate Process

A victim may appeal only in cases where new ~~evidence~~ information becomes available that would have substantially ~~have~~ affected the outcome of the hearing.

1. A written request must be submitted to the appropriate appellate body within (7) seven calendar days of receipt of the hearing decision to file an appeal. The nature of the new ~~evidence~~ information must be described in full detail.
2. The appellate review will follow procedures as outlined in 15(d) 1.
3. If an appeal is granted, the appellate body will remand the decision to the original hearing body for review of only the new ~~evidence~~ information as outlined in the victim's appeal letter.
4. The decision of the appellate body is final agency action.

(14) SANCTIONS

(a) In light of the facts and circumstances of each case, the following sanctions or combination of sanctions (with or without appropriate modifications) will be imposed upon any individual student, or student or Greek organizations, found to have violated the ~~Student Conduct Code~~:

1. ~~Written Reprimand~~ ~~(written)~~ ~~The University takes official notice that such actions are inappropriate and not in accordance with our community standards.~~
2. ~~Work Hours~~—assignment to complete tasks or services under the supervision of a University department or outside agency.
3. ~~Educational Activities~~—attendance at educational programs, interviews with appropriate officials, written/research assignments, planning and implementing educational programs, or other educational activities.

Exhibit "J"

4. Counseling Consultation—referral for consultation with the University Counseling and Psychological and Counseling Services for alcohol/drug dependence, general mental health or other counseling issues. Student must follow through with recommendations. Student must permit the professional to provide official documentation on letterhead verifying attendance.

5. Psychological Evaluation—referral for an evaluation and recommendations by a licensed psychologist or psychiatrist. Student must follow through with any recommendations. Student must permit the professional to provide official documentation on letterhead verifying attendance and share recommendations with Student Conduct and Conflict Resolution.

6. Restitution—requirement to reimburse the University or person for damage to or misappropriation of property owned or in possession of the University or other persons. Any such payment on restitution will be limited to actual cost of repair or replacement.

7. Fees—student will be responsible for the payment of all fees associated with any sanction delivered (i.e., counseling consultation, psychological evaluation, educational seminars/ programs, etc.).

8. Residence Hall Reassignment—change in University residence hall assignment. The student will be responsible for any additional charges for the new Housing assignment.

9. On-Campus Housing Exclusion—temporary or permanent exclusion from University residence halls or Greek houses. A student that is excluded from the residence halls is not eligible for fee reimbursement of pre-paid fees.

10. Restrictions/Loss of Privileges—restrictions or loss of privileges which may be imposed upon a student for a specified amount of time, include but are not limited to: participation in or exclusion from student activities, University or student events, representation of the University on athletic teams, or in other leadership positions, entrance into University residence halls or other areas of campus, or contact with specified person(s).

11. Conduct Probation—A period of time where there is a temporary or permanent interruption of the students' status with the University. A period of time which the University gives a student to reflect upon their behavior and demonstrate that ~~they~~ he or she can be a responsible member of the community. Restrictions which may be placed on the student during the probationary period include, but are not limited to: participation in or exclusion from student activities, University or student events, representation of the University on athletic teams, or in other leadership positions, entrance into University residence halls or other areas of campus, or contact with specified person(s).

12. Conduct Probation (Student/Greek Organization Only)—A period of time during which further violations of IFC, PC or NPHC Policies, Student Conduct Code or other University policies may result in more serious sanctions, and/or temporary or permanent interruption of the organization's status with IFC, PC or NPHC or the University. Restrictions which may be placed on the organization during the probationary period include, but are not limited to: participation in or exclusion from student activities, social events, intramural activities, alcohol functions, or facilities. This does not affect an individuals' status with the University or attendance at classes.

13. Deferred Suspension—A period of time in which suspension is temporarily withheld. Further policy violations or failure to complete all sanctions and provide proof of

Exhibit "J"

completion by the specified date(s) will result in an automatic enactment of the suspension without charges or hearing.

14. Deferred Suspension (Student/Greek Organization Only)—A period of time in which the organization's suspension is temporarily withheld for a period of time or pending completion of other sanctions by a specified deadline date. Failure to complete all sanctions and provide proof of completion by the specified date(s) will result in an automatic enactment of the suspension without charges or hearing.

15. Suspension—Separation from the University for a specified period of time. The student may not attend classes and is banned from all University grounds and facilities. This sanction is recorded on the student's academic transcript during the period of suspension. A student that is suspended from the University is not eligible for tuition and or registration fee reimbursement except as provided by University rules or policies. Student will be administratively withdrawn from courses and lose respective credit hours.

16. Suspension (Student/Greek Organization only)—Separation from the University for a specified period of time. This includes loss of registration status with governing bodies. This does not affect an individual student's status with the University, academic area or attendance at classes.

17. Expulsion—Permanent separation from the University with no possibility of readmission. This sanction is recorded on the student's academic transcript permanently. The student may not attend classes and is banned from all University grounds and facilities. A student that is expelled from the University is not eligible for tuition and or registration fee reimbursement except as provided by University rules or policies. Student will be administratively withdrawn from courses and lose respective credit hours.

18. Expulsion (Student/Greek Organization Only)—Permanent separation from the University with no possibility of re-chartering or re-registering. This does not affect an individual students' status with the University, academic area or attendance at classes.

(b) When the hearing forum is a University Student Conduct Committee hearing, the Committee's determination regarding sanctions is subject to the approval of the Director or designee.

~~(b)~~ Proof of sanction completion should be turned in to the appropriate hearing body by the specified deadline date. It is the responsibility of the charged student to ensure that proof of completion is provided by the specified time. Failure of the charged student to provide proof by the specified date will result in a charge of failure to comply.

~~(e)~~ Proof of sanction completion should be provided to the appropriate hearing body as follows:

1. Student Conduct and Conflict Resolution – Proof of completion of sanctions must be provided to the Director ~~for Student Conduct and Conflict Resolution.~~

2. University Housing – Proof of completion of sanctions must be provided to the Director of Housing or designee.

3. IFC, NPHC, PC Judicial Boards – Proof of completion of sanctions must be provided to the Greek Advisor.

~~(d)~~ Any offense that is motivated by bias may result in stronger sanctions. Violations of the ~~FIU Student Code of Conduct~~ that are motivated by prejudice toward a person or group because of such factors such as race, religion, ethnicity, disability, national origin,

Exhibit "J"

age, marital status, gender, sexual orientation or any group/class protected by state or federal law, may be assessed an enhanced sanction.

(ef) Students found responsible for violation of the Student Code of Conduct will be held financially responsible for direct and/or indirect charges or fees associated with sanctions.

(15) APPEALS

(a) Appellate Bodies: The appellate body for all appeals is the Vice President for Student Affairs or designee. The following decisions may be appealed:

1. Decisions of University Student Conduct Committee may be appealed to the Vice President of Student Affairs or other President's designee.
2. Decisions of the Director for Student Conduct and Conflict Resolution or Director of Residential Life or Director of Campus Life (or designees) may be appealed to Vice President of Student Affairs or other President's designee.
3. Decisions of Residential Life hearing officers may be appealed to the Vice President for Student Affairs or other President's designee.
4. Decisions of the Interfraternity Council, National Pan-Hellenic Council, and Panhellenic Council Judicial Boards cases may be appealed to the Vice President for Student Affairs or other President's designee.

(b) Appeal Requests:

All appeals must be submitted using the appeal form available from the following offices: Vice President for Student Affairs, Student Conduct and Conflict Resolution, Residential Life. The appeal form must be submitted by the student to the appropriate appellate body (see Section (15) (a), Appellate Bodies) within seven (7) calendar business days of the receipt of the hearing decision. If a first-level disciplinary action hearing decision is not appealed, that decision becomes final agency action.

(c) The appeal form must state the reason(s) for appeal, the supporting facts, and the recommended solution. The burden of proof rests with the student to clearly exhibit demonstrate that an error occurred during the judicial Student Conduct hearing process. Appeals are this is not a re-hearing of the judicial Student Conduct case matter. Failure to describe the nature of the evidence in full detail in the appeal letter will result in the denial of an appeal. Appeal considerations are limited to: The reason for the appeal must be at least one of the following:

1. Due process errors involving violations of a charged student's rights (see Section (7), Students' Rights) or other failure to follow Student Conduct procedures that substantially affected the outcome of the initial hearing. Appeals based on this consideration reason will be "limited solely" to a review of the record of the first-level hearing.
2. New evidence information, which was not available at the time of the original hearing and could not have been presented. In addition, the student must show that the new evidence information could have substantially affected the outcome. The nature of the evidence information must be described in full detail in the appeal letter.
3. The severity of the sanction is disproportionate to the nature of the offense.

(d) Appellate Review:

1. The appellate officer will review the appeal form, tape recording (if applicable) and documentation from the original hearing, and determine if there is a basis for appeal.

Exhibit "J"

2. If the appellate officer determines there is no basis for appeal, a written decision upholding the hearing body decision will be sent to the student stating the appeal is denied and basis the reason for the denial.
2. If the appellate officer determines that there is a basis for appeal, ~~an appellate review will be conducted.~~
3. ~~The appellate officer, in his or her discretion~~ review may include request a meeting with the charged student and or any witnesses called by the student or the appellate hearing body.
4. ~~The charged student may bring an advisor to this meeting who will be subject to the same restrictions that exist under the hearing procedures.~~
- (e) Appellate Decisions.** –~~After R~~review is C~~oncluded,~~ the appellate officer may:
 1. ~~The appellate body may uphold the first-level decision;~~
 2. ~~The appellate body may~~ remand the decision to the original hearing body for review of the specific information in question;
 3. ~~The appellate body may~~ order a new hearing be held by a different hearing body; or.
 4. ~~The appellate body may~~ modify any sanction(s).
 - 5.
- (f) Written decision on appeal. The appellate decision is issued in writing to the student, within twenty-one (21) ~~calendar~~ business days of receipt of the written request for appeal, unless notification is given that additional time is necessary for consideration of the record on appeal.
- 6 (g). Decisions of the appellate body reflect final agency action.
- (h) ~~7.~~ Except in the case of an interim suspension, the student's status will remain unchanged during the appellate process.
- (i) ~~8.~~ Except in the case of an interim suspension, all sanctions are placed on hold during the appellate process.

(16) RECORDS

- (a) Decision letters (hearing outcome, sanctions and appeals) of all disciplinary ~~easematters~~, including University Housing and Greek Affairs, will be maintained in the Office of Student Conduct and Conflict Resolution.
- (b) Complete disciplinary records of University Housing ~~judicial~~ Student Conduct ~~easematters~~ will be maintained in University Housing.
- (c) Complete disciplinary records of Greek Affairs ~~judicial easematters~~ will be maintained in the Office of Greek Affairs.
- (d) Complete disciplinary records of student organizations or clubs will be maintained in the Office of Student Conduct and Conflict Resolution.
- (e) The release of student disciplinary records will be governed by applicable federal and state laws regarding the privacy of educational records.
- (f) In accordance with the FIU Alcohol and Substance Abuse Parent/ Guardian Notification Policy, the University may notify the parents or guardians of students, under age 21, who violate the FIU Student Code of Conduct Alcohol and Drug Policies.
- (g) The Office of Student Conduct and Conflict Resolution will place a ~~judicial~~ Student Conduct hold on the records and registration of any student who fails to respond to a ~~judicial~~ Student Conduct notice. Any pending ~~judicial~~ Student Conduct matters must be

Exhibit "J"

resolved prior to a student's graduation. No student will be allowed to graduate, receive grades or have transcripts released until pending ~~judicial~~Student Conduct matter(s) are resolved.

(h) The address on file with the University Registrar's Office will be used for all disciplinary notices sent to the student.

(i) ~~Judicial~~Student conduct files are kept for seven (7) ~~five (5)~~ years from the ending date of the last term in which the student was enrolled. However, in the case of expulsion or suspension the files shall be permanently retained.

(j) Expulsion will be noted permanently on a student's academic transcript. Suspension will be noted on the student's transcript during the period of suspension.

(k) Students may have access to the information in their ~~judicial~~Student Conduct file by submitting a written request to the Director of Student Conduct and Conflict Resolution or designee. The access will be provided in accordance with federal and state laws regarding the privacy of educational records and University policy. In the event that the University determines that duplication or transcription is feasible the Student will be responsible for any costs.

(17) INTERIM SUSPENSION

In situations where the Vice President (or designee) determines that an emergency exists, which affects the health, safety, or welfare of the student or University community, an interim (temporary) suspension will be imposed. This includes but not limited to, sexual assault, physical assault, hazing, possession of a firearm or explosives, felony drug possession, and other acts of a similar nature.

(a) Once an interim suspension is imposed, a formal ~~Judicial~~Student Conduct Committee Hearing must be held within a reasonable amount of time, unless the student waives his/her rights to a hearing in writing and requests a Summary Resolution by the Director of ~~Student Conduct and Conflict Resolution~~.

(b) A student under interim suspension shall not be allowed on campus except with the permission of the Director of Public Safety or designee.

(c) The charged student will be provided the names of witnesses to be called; information to be used in his/her ~~case~~matter; information regarding his/her ~~due process~~ rights and procedures used in a ~~judicial~~Student Conduct hearing

(d) Notice of a formal hearing including date, time, and location will be sent at least two (2) calendar days prior to the hearing.

(e) Requests to postpone hearing. Any request to postpone a hearing must be submitted in writing to the Director (or designee) at least 24 hours prior to the hearing, and must state the reason(s) for the request. The granting of such requests shall be at the discretion of the Director or designee.

(f) Failure to Appear. If the charged student fails to appear at the scheduled hearing and fails to provide written notice 24 hours prior to the scheduled hearing, the hearing will be held and a decision will be rendered in the student's absence.

(g) The charged student will be provided with the name(s) of the hearing body member(s) at least two (2) calendar days prior to the scheduled hearing, ~~except in cases involving Section (8) (d) 3., Emergency Hearing Body Appointments.~~ The charged student has the right to challenge the inclusion of any member, at least 24 hours prior to the scheduled hearing. The challenge must be in writing, and the charged student must

Exhibit "J"

~~clearly show actual bias (such as be based on cause, which clearly provides evidence of a conflict of interest, bias animosity, pressure, or influence that would preclude a fair and impartial hearing. The Vice President for Student Affairs or designee will determine rule on all such whether to grant such challenges, in his or her discretion -and his/her- the decision is final.~~

(h) Emergency Hearing Body Appointments. In the case where a hearing body member is unable to serve due to an emergency or unforeseeable occurrence, the Vice President or designee may appoint a new hearing body member prior to the scheduled hearing. The student can challenge the inclusion of this member at the time of hearing. The challenge must be on the basis outlined in Section 17(g).

(f) Notification of the decision of the hearing will be made in writing within 7 calendar days from the conclusion of the hearing.

(g) The appellate process is the same as outlined in Section (15) Appeals.

(h) Student and Greek organizations will be suspended by the Vice President (or designee) in circumstances involving actions related to that group that may affect the health, safety, or general welfare of its members or the University community. This includes sexual assault, physical assault, hazing, possession of a firearm or explosives, felony drug possessions, and other acts of a similar nature. The affected group has the right to a review with the appropriate hearing body as described in “(a)” through “(g)” above.

(18) AUXILIARY AIDS AND SERVICES

Students with disabilities as defined by the Americans with Disabilities Act requiring special accommodations should notify the Office of Student Conduct and Conflict Resolution and the Office of Disability Services for Students in writing at least five (5) calendar days prior to the hearing.

(19) MEDIATION

(a) ~~All easematters~~ processed through Student Conduct and Conflict Resolution are not required to go through formal or informal adjudication or hearings. An overall goal of the Office is to provide a learning process which entails understanding and respecting the rights of others. An avenue utilized by the office to foster mutual respect and understanding when differences arise is mediation. Mediation through Student Conduct and Conflict Resolution is an informal and confidential process ~~to resolve minor conflicts, disputes or disagreements without going through formal charges or judicial proceedings.~~

(b) Mediation is utilized where the incident in question is minor in nature, and the parties involved chose not to proceed with formal charges through the University ~~Judicial~~ Student Conduct System. The Office of Student Conduct and Conflict Resolution reserves the right to determine if formal charges will be filed or whether mediation is the appropriate venue in each ~~easematter~~.

(c) Mediation cases handled through Student Conduct and Conflict Resolution will not be identified or filed as a ~~judicial~~ Student Conduct easematter. Mediation records will be maintained in a file and database separate from ~~judicial~~ Student Conduct files, and will not be recorded or reported as part of a student's record. All mediation files are confidential, and will not be released without written consent, except in cases where the conduct or behavior is a repeat offense. In repeat cases, this information is only released

Exhibit "J"

to the hearing officer or committee conducting a formal hearing, and only used if found responsible for a violation of the Student ~~Conduct~~ Code.

(d) Mediation files are expunged after a student graduates or after four (4) years following the date of the incident, or which ever comes first. Requests to have a mediation file expunged prior to this time must be sent in writing. The other person(s) involved in the ~~easematter~~ must agree, through signed consent, to the expungement of the file. Student Conduct and Conflict Resolution reserves the right to deny any request for the expungement of a file prior to graduation or the 4-year time frame.

(e) ~~Any case or incident considered serious in nature or allegedly violating the Student Conduct Code and consequently not suitable for mediation, including, but are not~~ limited to: sexual assault or misconduct, stalking, endangerment, physical assault, hazing, harassment, illegal drugs, alcohol, weapons, or other violations of federal, state and local ordinances, ~~will be referred to Judicial and Mediation for formal charges.~~

(20) Interpretation and Revision

(a) Any question of interpretation or application of the Student Code shall be referred to the Vice President for Student Affairs or designee for final determination.

(b) The Student Code shall be reviewed annually under the direction of the Director.

Contact: Karen A. Dlhosh

Location: GC 455311, UP

Phone: 305-348-3939

Fax: 305-348-6477

Web Page: www.fiu.edu/~jmsccr

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

21 MARCH 2006

SUBJECT: RE-ADOPTION OF UNIVERSITY TRAFFIC AND PARKING REGULATIONS

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, the Florida International University Board of Trustees (the BOT) is authorized to establish Traffic and Parking fees and regulations within the limits provided by law; and

WHEREAS, the proposed University Traffic and Parking Regulation FIU-1105 consists of language present in the University's Traffic and Parking rule 6C8-5.006 which is revised primarily to reflect the name of the department responsible for specified duties throughout the regulation and to reflect changes in the decal registration fees and is being presented for adoption;

THEREFORE, BE IT RESOLVED THAT, the BOT adopts the following University Regulation, which is attached hereto as Exhibit "K":

- FIU-1105 – University Traffic and Parking Regulations

BE IT FURTHER RESOLVED, that, as the Regulation includes information on fees, the University Administration will submit the University Traffic and Parking Regulations FIU-1105 to the Florida Board of Governors for approval.

BACKGROUND INFORMATION

A. Legal Authority

Board of Governors' Resolution delegating and delineating powers of local boards of trustees adopted January 7, 2003, more specifically:

- Page 7 paragraph 11. citing to Florida Statutes 1009.24; wherein subsection (19)(p) authorizes the Board to establish traffic and parking fines, charges for parking decals and transportation access fees.
- Page 10 paragraph 35. citing to Florida Statutes section 1006.66 regarding the regulation of traffic at universities.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT “K” – NOTICES OF REGULATION MAKING; PROPOSED REGULATION

FACILITATOR/PRESENTER:

- KIRK LANDON

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

**NOTICE OF REGULATION MAKING
PROPOSED REGULATION**

REGULATION TITLE: University Traffic and Parking

REGULATION NO.: FIU-1105

SUMMARY: This Regulation is a revised version of Rule 6C8-5.006, F.A.C. The proposed Regulation reflects the current policies regarding University traffic and parking regulations and revises the decal registration fees.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed on the website of The Florida International University Board of Trustees, www.fiu.edu/trustees/, or by following this link, <http://www.fiu.edu/trustees/regulations.htm>. If you would like a copy of the Proposed Regulation, please contact Lourdes Palomares, Administrative Assistant, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Resolution of the Florida Board of Governors dated January 7, 2003: 1001.74(35), 1006.66 FS.

NAME OF PERSON INITIATING PROPOSED REGULATION: Marcos Perez, Vice President Administration

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

CONTACT PERSON REGARDING THE PROPOSED REGULATION: Lourdes Palomares, Administrative Assistant, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: palomare@fiu.edu. Fax: (305) 348-3272. Phone: 305-348-2103.

DATE OF PUBLICATION: February 15, 2006.

Exhibit "K"

THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES FLORIDA BOARD OF GOVERNORS

FIU – 1105 University Traffic and Parking Rules.

(1) General. This rule is applicable to all persons who operate or park a motor vehicle on the campuses of Florida International University. All Miami-Dade County traffic and parking ordinances which are not in conflict or inconsistent with University regulations and all provisions of Chapter 316, Florida Statutes, shall extend and be applicable to the University's campuses. The Department of Parking and ~~Traffic~~ Transportation is authorized and empowered to enforce all University parking and traffic regulations. The University Public Safety Department is authorized and empowered to enforce University regulations, all county ordinances and state laws. Copies of the University parking and traffic regulations are available from the Department of Parking and ~~Traffic~~ Transportation, the Department of Public Safety, the Visitor Information Center and through the Florida International University web site URL <http://parking.fiu.edu>. The University assumes no liability for vehicles parked or operated on University property. The issuance of a decal or permit does not guarantee a place to park.

(2) Registration of Motor Vehicles. Vehicles used by members of the faculty, staff, students, (full or part-time), concessionaire employees and others who regularly operate a vehicle on campus must be registered with the Department of Parking and ~~Traffic~~ Transportation during the first day the vehicle is on campus. Vehicle registrations expire on the expiration date indicated on decal or permit. All visitors must use parking meters unless a parking permit has been provided by a University representative. Any motor vehicle parked on University property must display a valid University parking decal or parking permit. Use of a motor vehicle on University property is a privilege, not a right and is made available only under this rule.

(a) Decals.

1. Faculty/Staff: A Faculty/Staff parking decal must be obtained for each vehicle which is, or may be, parked on the University's campuses. Decals are issued according to the classifications contained in these regulations. A decal will be issued by the Department of Parking and ~~Traffic~~ Transportation, upon the following conditions:

- a. The owner or driver registers the vehicle with the Department of Parking and ~~Traffic~~ Transportation.
- b. The owner or driver, unless otherwise exempt, pays the appropriate fee and provides proof of the decal classification to which he or she is entitled.
- c. The owner or driver settles all outstanding parking and traffic fines and fees before a current decal or permit will be issued.
- d. When two or more persons who are employed by the University reside in the same household and register more than one vehicle, each is required to purchase a separate original decal; duplicate decals will not be issued for either person except upon proof of replacement of the originally registered vehicle. If two or more persons travel together in one vehicle, only one decal is required but a duplicate decal cannot be purchased except upon proof of replacement of the originally registered vehicle.

Exhibit "K"

2. Students: Students will pay a Transportation Access Fee per semester. A student decal will be issued by the Department of Parking and Traffic Transportation to each student under the following conditions, and it is the students' responsibility to properly display the current decal in accordance with this rule.

- a. The student must be currently enrolled at the University.
- b. The student must provide a valid vehicle registration for the vehicle on which the decal will be placed.
- c. The student must settle all outstanding parking and traffic fines and fees.

3. Decal Classifications: The issuance of decals is restricted to the classifications specified in these rules. The following decal classifications are in effect:

a. Faculty/Staff -- An "F/S" decal is available only to persons currently employed as regular or adjunct faculty; Administrative and Professional staff; University Support Personnel System employees and as Other Personal Services employees. Individuals who are currently employed by vendors or contractors with the University, or who are otherwise required by contract to obtain a decal, are also entitled to obtain a decal in this classification. A semester decal is available to faculty/staff persons who wish to purchase a decal on a semester only basis.

b. Student -- An "S" decal will be issued to those persons who are currently enrolled as students. For purposes of this rule, a person shall be considered a student regardless of the number of hours or courses for which he or she is enrolled at the University. Students residing in the University's housing complexes are required to display a current semester housing sticker in addition to the current student decal. Students employed at the University at least thirty-five (35) hours a week may elect to purchase a faculty/staff decal.

c. Alumni -- An "ALUM" decal is available to FIU graduates who are not currently enrolled at the University and entitles the holder to park in spaces designated for student parking.

d. Administrative -- An "A" decal is available only to those employees who desire a higher level of parking service or have special parking needs based upon work requirements.

e. Executive -- An "E" decal is available only to those employees who are given written authorization by the President.

f. Duplicate/Replacement Decal -- A Duplicate/Replacement decal is available to faculty/staff persons who have purchased an original decal for that semester or the current year. This category is for additionally owned vehicles used alternately and for situations where the original decal must be replaced due to an accident, the re-painting of the vehicle, etc. The address on the vehicle registration for the second vehicle must be the same as that on the registration of the vehicle listed on the original decal application. A vehicle with a duplicate decal is not permitted on campus at the same time as the vehicle with the original decal.

g. Duplicate Hang-tag -- A Duplicate hang-tag is available to students who have been issued an original decal for the current year. This hang-tag must be displayed on the vehicle that the hang-tag is registered for. This category is for additionally owned vehicles used alternately and for situations where the original decal must be replaced due to an accident, the re-painting of the vehicle, etc. The address on the vehicle registration for the second vehicle

Exhibit "K"

must be the same as that on the registration of the vehicle listed on the original decal application. A vehicle with a duplicate hang-tag is not permitted on campus at the same time as the vehicle with the original decal.

h. Validity of Duplicate Hang-Tags -- Duplicate hang-tags are valid for one academic school year, unless the student purchases a two-year duplicate hang-tag. The fee for the two-year duplicate hang-tag is \$25.00 **exclusive of sales tax**.

4. Decal Registration Fees:

a. Decals must be purchased and affixed each year. Annual executive, administrative, faculty/staff, and corresponding duplicate decals expire October 31st of each year. Faculty/Staff semester decals expire at the end of each semester for which they are issued. Alumni decals and duplicate hang-tags expire August 31st of each year. The following are the annual registration fees, **exclusive of sales tax**, for each decal classification:

	Original	Duplicate /Replacement
Executive	\$703.00 738.00	\$30.00
Administrative	\$318.00 <u>334.00</u>	\$20.00
Faculty/Staff		
(Annual base pay over \$45,000)	\$182.00 <u>191.00</u>	\$15.00
Faculty/Staff		
(Annual base pay over \$35,000)	\$161.00 <u>169.00</u>	\$15.00
Faculty/Staff		
(Annual base pay over \$25,000)	\$108.00 <u>113.00</u>	\$15.00
Faculty/Staff		
(Annual base pay \$25,000 and under)	\$ 95.00 <u>100.00</u>	\$15.00
Alumni	\$167.00 <u>175.00</u>	\$15.00
Student		
Fall -	N/A	\$15.00
Spring -	N/A	\$15.00
Summer A, B, or C -	N/A	\$15.00

(The fee for a student duplicate hang-tag listed above is for a hang-tag that is valid for only one academic school year. The fee for a two-year student hang-tag is \$25.00 **exclusive of sales tax**.)

b. The following are the semester registration fees, **exclusive of sales tax**, for each decal classification:

Executive	N/A	N/A
Administrative	N/A	N/A
Faculty/Staff		
(Annual base pay over \$45,000)	\$96.00 <u>101.00</u>	\$15.00
Faculty/Staff		
(Annual base pay over \$35,000)	\$85.00 <u>89.00</u>	\$15.00
Faculty/Staff		
(Annual base pay over \$25,000)	\$67.00 <u>70.00</u>	\$15.00
Faculty/Staff		
(Annual base pay \$25,000 and under)	\$58.00 <u>61.00</u>	\$15.00
Alumni	N/A	N/A

Exhibit "K"

Student	Fall -	\$ 58.00 <u>61.00</u>	N/A
	Spring -	\$ 58.00 <u>61.00</u>	N/A
	Summer A, B, or C -	\$ 52.80 <u>55.00</u>	N/A

c. Duplicate/Replacement Decals. If a decal or hang-tag has been lost or stolen, the incident shall be reported to the Department of Parking and ~~Traffic~~ Transportation, and a replacement decal or hang tag shall be purchased. A Parking and ~~Traffic~~ Transportation Lost or Stolen Decal Affidavit, Form PT #11, effective 5/97, which is incorporated by reference into this rule, must be filled out.

d. Change in Status. Any individual requesting a change in decal classification due to a change in status shall pay the difference between the fee appropriate to the classification currently in effect and that being requested. The old decal or identifiable parts, including numbers, must be returned to the Department of Parking and ~~Traffic~~ Transportation for auditing purposes.

e. Non-Refundable Fees. All fees paid for decal registration by faculty/staff persons shall be non-refundable except for instances where a person has mistakenly made a double payment and the request for refund is made within the same academic year in which the payment was made. The Transportation Access Fee paid by the students shall be refunded in the same manner as other student fees are refunded.

(b) Permits and Permit Fees.

1. Temporary permits are issued only by the Department of Parking and ~~Traffic~~ Transportation to those persons who require temporary parking authorization and who are not otherwise required by these rules or contract to obtain a decal. Permits must be applied for and are issued for durations that are commensurate with their purposes. Permits may or may not include the payment of parking fees as provided below.

2. The circumstances under which a permit rather than a decal shall be issued include but are not limited to use of a temporary vehicle; parking on the University's campuses for occasional business-related purposes; parking on the University's campuses for attendance at conferences and meetings; and visitors who are not otherwise required to obtain a decal. Any person who has a current decal and needs to use temporary transportation must obtain a temporary parking permit. Temporary parking permits are issued, free of charge, for a maximum of thirty (30) consecutive days.

3. Temporary 30, 60, and 90-day permits are available to persons not otherwise required by these rules or contract to obtain a parking decal. The following are the permit fees, **exclusive of sales tax**:

30-day permit \$20.00
60-day permit \$36.00
90-day permit \$54.00

4. Specific visitor, vendor and contractor, and volunteer permits will be issued by the Department of Parking and ~~Traffic~~ Transportation upon payment of a fee as follows:

a. Visitor fees. ~~Short-time Metered~~ parking is available ~~at meters~~ throughout the University at a cost of 25 cents per 15 minutes except in PC Loading which are 50 cents per 15 minutes. Visitors can also park ~~inside the Parking Garages at University Park Campus~~ at the

Exhibit "K"

multi-space meters for \$1.00 per hour with a maximum of \$ 6.00 per day. University departments hosting an event can purchase garage visitor permits in advance.

b. Vendors and Contractors fees. All vendors and contractors conducting business on campus are required to purchase a contractor permit. The following are the permit fees, **exclusive of sales taxes**:

30-day permit \$20.00
60-day permit \$36.00
90-day permit \$54.00

c. Volunteers' fees. Individuals outside the University who volunteer their time at either campus can purchase a volunteer permit for the following fees **exclusive of sales tax**:

30-day permit \$ 5.00
60-day permit \$10.00
90-day permit \$15.00

(c) Vehicle Registration Exemptions. The following persons shall not be required to register their vehicles with the Department of Parking & ~~Traffic~~ Transportation:

1. Representatives of news media on official business.

2. Members of the Florida International University Board of Trustees who are on campus to attend meetings and functions of the Board of Trustees. Trustees shall be issued identification which shall be prominently displayed in their vehicles.

3. Members of the FIU Foundation Board of Directors who are on campus to attend meetings and functions of the Foundation. Directors shall be issued identification which shall be prominently displayed in their vehicles.

(3) Decal, Traffic and Parking Regulations, Golf Cart and Garage Parking.

(a) Decal Regulations.

1. Display of Decal. Each driver who regularly parks a vehicle on campus shall display a valid decal, hang-tag, or permit. It is the responsibility of the driver to properly display a hang-tag, decal or permit so it is easily visible and readable. Failure to display it correctly may result in a violation for not having a valid decal, hang-tag or permit.

2. Decals shall be permanently affixed to the outside of the vehicle on the left side either on the rear bumper, or the outside of the window. Decals must be permanently affixed and not altered. For unusually constructed vehicles, decals shall also be permanently affixed in the manner directed by the Department of Parking and ~~Traffic~~ Transportation. Housing stickers shall be permanently affixed adjacent to the current student decal or on the bottom square of the hang-tag.

3. The entire decal, hang-tag, or permit must be displayed unaltered.

4. It is a violation of these rules to transfer a decal, hang-tag or permit from one vehicle to another; alter a decal, hang-tag or permit, falsify documents to obtain a decal, hang-tag or permit or otherwise obtain or display a decal, hang-tag or permit in violation of the University

Exhibit "K"

rules and regulations. Any such act shall constitute decal fraud and will cause the decal, hang-tag or permit to be revoked.

(b) Traffic Regulations:

1. **Speed Limit.** The speed limit on University property is 25 miles per hour on main roads unless otherwise posted. The speed limit inside the garage is 5 mph. Speed limit inside surface lots is as posted.

2. **Right-of-Way.** Pedestrians and wildlife have the right-of-way over motor vehicles, including golf-carts. Pedestrians must use crosswalks when crossing a roadway.

3. **Barriers.** Barriers may be placed by the University at any point deemed necessary for specific temporary use. Except as required for the passage of emergency vehicles, removal of any such barrier without permission is prohibited.

4. **Enforcement Directives.** A directive given by a police officer or parking patroller or designee supersedes the regulations posted by sign or signal.

(c) Golf-Carts:

1. Golf-carts are restricted by the Florida Department of Highway Safety and Motor Vehicles and Florida International University for use on facility premises only. Golf-carts are used primarily for the transportation of persons or cargo, are designed and regulated to be operated at speeds of less than 25 miles per hour, and are generally recognizable as a passenger or utility type cart, vehicle, club car or conveyance.

2. Any person who operates a golf-cart on University premises is deemed, by so doing, to have the knowledge, training and skill to safely operate this vehicle and shall be fully accountable for their actions and the consequences thereof.

3. **Golf-cart Enforcement.** Golf-carts shall be operated in accordance with the following specific rules:

a. Golf-carts shall not be parked within 6-8 feet of the entrance or exit of any building, except at loading docks or approved designated golf-cart parking spaces.

b. Operators shall stop golf-carts at all blind intersections and sound their horns before proceeding.

c. Golf-carts shall not be parked or operated in any manner likely to obstruct or interfere with the flow of pedestrian or vehicular traffic in heavily traveled areas.

d. Operators shall not stop for any extended period of time in the middle of roads and walkways. Golf-carts shall not be parked on pedestrian crosswalks.

e. Safety precautions shall be taken while driving golf-carts through parking lots.

f. Golf-carts shall not be driven through buildings except: 1) under circumstances of police or medical emergency, 2) in order to service that specific building wherein equipment and supplies, but not people, are being transported to the work site, or 3) in order to make a delivery of materials which cannot be otherwise transported to a specific location in a building.

Exhibit "K"

g. Where circumstances warrant operation of a golf-cart in or through any University building, as described in "f." above, operators shall take the most unobtrusive route and shall follow all other operating requirements.

(d) Parking Regulations for Surface and Garage Parking.

1. Posted signs, bumper blocks, and other markings designate the various parking areas on campus. Parking areas may be restricted by classification, time or purpose. Parking areas restricted by classification, time or purpose shall be considered no parking zones to those individuals who do not fall within the restriction of the classification. Individuals parking in areas so restricted require a decal, hang tag, or permit. The following parking restrictions are found in areas on the University's campuses:

- | | |
|-------------------------------|-------------------------|
| a. Executive | h. State Vehicles |
| b. Administrative | i. Time Limit Parking |
| c. Faculty/Staff | j. Housing Parking |
| d. Student | k. Loading Zone |
| e. Meters | l. Garage Visitors |
| f. Disabled | m. Head-In Parking Only |
| g. Motorcycle/Motorbike/Moped | n. Golf-Cart |

2. ~~Parking meters are~~ Metered parking is for visitors. ~~Use of parking meters and is enforced daily, from 7:00 a.m. to 10:00 p.m. including weekends and holidays. If a meter is malfunctioning, parking at that meter in that space is prohibited. A current decal, hang-tag or permit does not entitle the driver to park at in a metered parking space without paying the appropriate meter fee.~~

3. Use of parking areas designated as Faculty/Staff shall be enforced between the hours of 6:00 a.m. to 7:00 p.m., Monday through Friday, unless otherwise indicated by signage. Parking in all other areas, including Executive and Administrative, shall be observed and enforced at all times.

4. Changes in designated parking areas shall become effective at such time as signage or other identifying markings are posted.

5. No motor vehicles, other than police, emergency, or golf-carts may be operated or parked at any time on the walkways, grass, service areas, driveways or other prohibited zones, except where specifically permitted by signage. No motor vehicle, motorcycle or other type of vehicle, including a bicycle, shall be parked in such a way as to create a hazard or obstruction to traffic or access. Temporary parking areas may be designated in grass areas by the placement of delineating signs, bumper blocks or other identifying marks. Parking adjacent to any University building shall be prohibited except as identified by authorized signs.

6. No person, other than a current housing resident whose vehicle is left in a housing lot, shall leave a vehicle overnight on University property without notifying the Public Safety Department. Vehicles that are inoperable shall be reported immediately to the Public Safety Department. Vehicles left for more than three (3) consecutive days and nights, without prior

Exhibit "K"

approval, or which are apparently abandoned shall be subject to towing, impoundment, and disposal at the owner's expense. The University does not assume any responsibility for motor vehicles or their contents while they are parked on campus. Vehicles registered to current housing residents may be left in housing lots during session breaks but in no event for more than three weeks, except with permission from University housing.

7. Major repairs to vehicles shall not be performed on either campus.

8. Double-parking is not allowed at any time.

9. The fact that a person may park or observe others parked in violation of the regulations without receiving a citation does not mean that the regulation is no longer in effect. Observing others illegally parked is not a valid excuse.

10. Parking on lawns, landscaped areas, sidewalks, or other areas not specifically designated by signs or curb markings as parking areas is a violation. The absence of a "No Parking" sign does not mean parking is permissible in an area.

11. Residents of housing shall abide by the parking regulations contained in the housing agreement in addition to the requirements of this rule.

12. Parking a vehicle on campus following failure to pay or appeal any citation for a university traffic infraction within the time provided, or parking on campus with a revoked decal shall be considered illegal parking and is subject to towing.

13. Parking areas designated as disabled are enforced at all times and a current state issued disabled placard/hang-tag must be visible and properly displayed.

(e) Garage Parking:

1. A current FIU parking decal is required to park in the garages at no additional cost.

2. Current FIU decal holders cannot park in a visitor space without paying the additional fee.

3. Garage hours: Gold Garage

6:00 a.m. - 2:00 a.m. Mondays–Saturdays

Closed Sundays and holidays except for Special Events

Blue, Red and Panther Garages

6:00 a.m. - 2:00 a.m. Mondays – Fridays

Closed weekends and holidays except for Special Events

4. No overnight parking. Vehicles must be removed prior to posted closing hours. Any vehicle left in the garage will be ticketed and is subject to towing at vehicle owner's expense.

5. Head-in parking only.

6. Garage speed limit is 5 mph. Garage speed is radar-enforced.

Exhibit "K"

(4) Enforcement.

(a) Violations. Failure to abide by any of the provisions of these rules shall be considered a university parking infraction. The University may enforce university parking infractions through use of warnings, citations and fines, vehicle immobilization, towing and any other means authorized by statute.

(b) Citations. The Public Safety Department and the Department of Parking and ~~Traffic~~ Transportation are authorized to issue written citations to persons who violate university parking and ~~traffic~~ transportation regulations. The Public Safety Department is also empowered to issue citations for violation of Chapter 316, Florida Statutes, and county ordinances. Only one citation will be issued for each violation.

1. Schedule of Fines. The schedule below establishes fines for the various categories of violations which are considered to be university parking infractions:

No Decal	\$ 20.00
Parking on the Grass	\$ 20.00
Hazardous Parking	\$ 25.00
Overtime Parking (meter)	\$ 20.00
All Moving Violations	\$ 25.00
Restricted/Improper Parking	\$ 25.00
Overtime Parking (garage)	\$ 25.00
Unlawfully Parked in Disabled Space	\$250.00
Decal Fraud	\$100.00
Head-In Parking Only	\$ 15.00
Radar/Speeding Violation	\$ 25.00
Restricted "E" or "A"	\$ 30.00
Golf-Cart	\$ 25.00
Decal/Permit-Improper Display	\$ 20.00

a. Impoundment and vehicle immobilization charges vary according to type of vehicle, type of tow needed and cost of contract with current towing company.

b. Any vehicle which remains in violation of the same regulation for twenty-four (24) hours is subject to additional citations. Violations of Chapter 316, Florida Statutes, and county ordinances are returnable to the Miami-Dade County Court and may carry higher fines or other penalties.

2. Late Charges. If a university citation is not paid or appealed in the time provided by this rule, a \$5.00 late charge shall be assessed in addition to the fine established for the violation. The assessment of the late charge shall not preclude the University from enforcing these rules through alternative means such as preventing registration, withholding transcripts, receiving your diploma and/or towing, or immobilizing the vehicle.

3. Remedies for Failure to Pay Fines. In addition to the assessment of a late charge fee, and other penalties as provided in this rule, the following remedies are available to the University:

a. Revoke parking and driving privileges on University property. A person whose parking privileges are revoked may not be issued a new parking decal until all prior outstanding citations are satisfied.

b. Prevent the person from registering as a student.

Exhibit "K"

- c. Withhold issuance of transcripts or degrees.
- d. Use vehicle immobilizer.
- e. Tow and impound the person's car.
- f. Take other action as necessary to collect the outstanding fines as delinquent accounts owed to the University.

4. Responsibility for Citations. The person who registers a motor vehicle with the Department of Parking and ~~Traffic~~ Transportation assumes responsibility for all citations issued to that vehicle. If the motor vehicle has not been registered with the Department of Parking and ~~Traffic~~ Transportation then the person(s) in whose name the motor vehicle is registered with the State Department of Highway Safety and Motor Vehicles shall be held responsible for citations issued to the vehicle. The presumption of responsibility may be overcome by furnishing the Department of Parking and ~~Traffic~~ Transportation with a sworn statement identifying the person who had custody of the vehicle at the time the citation was issued. Employees of FIU operating state university vehicles and golf-carts shall be responsible for citations issued to such vehicle(s).

(c) Procedures for Payment of Fines and Appeals. A person to whom a citation has been issued shall have ten (10) business days from the date of issuance to respond to the citation either by paying the fine or by filing an appeal. If payment or request for an appeal is not received within the allotted time, a late fee shall be assessed, and the University may take any authorized action to enforce the penalty.

1. Payment of Fines. Fines may be paid in person at the Department of Parking and ~~Traffic~~ Transportation by check, money order, cash payment, the FIU Panther debit card, or credit card. Alternatively, payments may be mailed to the Department of Parking and ~~Traffic~~ Transportation located on University Park Campus; however, late fees shall be applied in the event payment is not received by the Department of Parking and ~~Traffic~~ Transportation within the time provided by these rules. Fines may also be paid at the Cashier's Office during its regular hours of operation. All payments should include the payee's social security number and citation number. It is the responsibility of a person who pays cash at the Cashier's Office to notify the Department of Parking and ~~Traffic~~ Transportation that the citation has been paid in order to assure that his or her account is properly credited.

2. Appeals Process and Procedures. Appeals of citations for university parking infractions and towing/vehicle immobilization procedures and charges may be instituted by filing a written appeal with the Department of Parking and ~~Traffic~~ Transportation on Form PT #4, 'Parking Citation Appeal,' (effective date 6/96) according to the instructions provided on the form. This form is hereby incorporated by reference into this rule. County citations are not open to appeal through the University appeal process. County citations must be processed through the Miami-Dade County Court system. Appeal form PT #4 may be obtained at the Department of Parking and ~~Traffic~~ Transportation, the web site and at other locations throughout the University, such as the Visitor Information Center, and Public Safety Department at both campuses. Inability to locate parking spaces or the failure of others to observe these rules shall not be considered to be valid defenses. The appeal shall include a current and accurate address where notices can be sent and received. Complete appeal forms will be forwarded by the Department of Parking and ~~Traffic~~ Transportation to an Appeal Hearing Officer for review and decision. Appellants do not have the option to appear in person.

Exhibit "K"

a. Appeal Hearing Officers. There shall be appointed on each campus a University Appeal Hearing Officer or Officers who shall be responsible to resolve appeals of citations for university parking infractions and/or towed or immobilized vehicles. The Appeal Hearing Officer(s) of each campus shall be appointed, by the appropriate vice president, to serve a two-year term, and may be appointed for additional terms. It is intended that Appeal Hearing Officers will be members of the University Community.

b. Appeal Hearing Officer Procedures. Appeal Hearing Officers will receive and evaluate written appeals. They will be guided by the Parking Rules and shall consider any relevant circumstances, as articulated in the written appeal, in making their decision(s). Appeal Hearing Officers may request further information or interview the appellant, witnesses or the citing officer. Appeals will be reviewed and appellants notified by mail.

c. Appeal Hearing Officer Decisions. Following consideration of the grounds for an appeal, the Appeal Hearing Officer shall decide on the appeal. The Appeal Hearing Officer's decision shall contain findings of fact and be reduced to writing and a copy shall be furnished to the appellant by the Department of Parking and Traffic Transportation. The decision of the Appeal Hearing Officer is final without further right of review. Upon denial of an appeal, the fine assessed shall be paid within ten (10) business days of the date of notification to the appellant or a late fee will be assessed.

(d) Immobilization, Towing and Impoundment-Appeals. The University may immobilize, tow and/or impound any vehicle which is found to be parked illegally or in violation of these rules. Parking after failing to pay a parking citation(s) within the allotted time constitutes illegal parking. Cash payment for tows shall be accepted at the Department of Parking and Traffic Transportation. A person whose vehicle has been immobilized, towed and/or impounded may appeal the tow or immobilization by filing a written appeal within ten (10) business days from the date of the impoundment. An Appeal Hearing Officer shall review the appeal within seventy-two (72) hours of receipt of the written appeal. The appellant shall receive notification of the appeal decision through the mail. If the immobilization or tow appeal is granted, the University shall refund the amount charged for the immobilization or tow. In lieu of the appeal, or pending such appeal, or if the appeal is denied, the owner of the vehicle or his/her authorized agent may obtain release of the vehicle by paying the citation(s), the immobilization and/or towing charges and any applicable delinquent fines.

(e) University Departmental Events. All departments hosting an event, which will require additional visitor parking for guests, will require visitor permits for each vehicle per day. Pre-purchased parking spaces are available by ~~filling out a "Request Form For Special Event Parking Permits", PT #5 (effective 7/99)~~ contacting the Department of Parking and Transportation no later than three (3) business days, but preferably five (5) business days before the date of the event. Departments are encouraged to post directional signs for each event.

Specific Authority 1001.74(35), 1006.66 FS. Law Implemented 1001.74(35), 1006.66 FS. History--Formerly 6P-5.06, 10-1-75, Repromulgated 12-23-76, Amended 1-15-80, 8-20-81, 4-24-83, 8-12-85, Formerly 6C8-5.06, Amended 7-6-86, 8-31-89, 7-17-90, 7-21-91, 8-25-93, 10-26-93, 8-17-94, 8-20-95, 8-11-96, 6-12-97, 7-08-99, 5-16-00, 5-24-01, 7-25-02, 12-2-02, 8-11-03, 6-1-04, _____.

Florida International University
Department of Parking & Transportation
CITATION APPEAL FORM

APPEAL DATE: _____ APPEAL # _____
VALID DECAL: YES ☐ or NO ☐
DATE ISSUED: _____

AN APPEAL HEARING OFFICER WILL REVIEW THIS APPEAL.
APPELLANTS DO NOT HAVE THE OPTION TO APPEAR IN PERSON.
THIS APPEAL FORM MUST BE SUBMITTED NO LATER THAN 10 BUSINESS DAYS FROM THE DATE OF CITATION

() STUDENT () FACULTY/STAFF () VISITOR () VENDOR/CONTRACTOR

PLEASE PRINT

PANTHER ID/ SS#: _____

COMPLETE ONLY IF TICKET IS NOT AVAILABLE

CITATION #: _____

NAME: _____

DATE OF CITATION: _____

ADDRESS: _____

VEHICLE PLATE #: _____

CITY: _____ ST: _____ ZIP: _____

VIOLATION CODE: _____

HOME PHONE #: _____

VIOLATION DESC. : _____

ALTERNATE PHONE #: _____

LOT #/UNIT #/TIME: _____

I wish to appeal for the following reason (s): _____

I certify that the statements made above are true and correct to the best of my knowledge and belief. I understand that the decision of the appeal-hearing officer is final without further right of review. Once I receive my appeal results, whether denied or reduced, I agree to pay the amount due within 10 business days after receiving the appeal results. If payment is not received within the allotted time, a late fee will be assessed. If appeal status notification has not been received within 2 weeks from signature date, it is the appellant's responsibility to conduct a follow up by calling any of our Parking & Transportation offices at UP Campus (305) 348-3616 or BBC (305) 919-5558.

SIGNATURE: _____ DATE: _____

() DENIED () GRANTED () WARNING: NO FINE ISSUED () REDUCED FINE TO \$ _____

APPEAL HEARING OFFICER COMMENTS: _____

APPEAL HEARING OFFICER: _____ DATE: _____

**Exhibit "K" Parking and Transportation System
Statement of Activities**

3-Mar-06

	Estimated 2005-06	Projected 2006-07
REVENUES:		
1 Parking Decal/Fees	\$5,247,884	\$5,591,234
2 Visitor Parking	\$366,500	\$385,300
3 Fines/Towing	\$554,700	\$608,900
4 Golden Panther Express (GPE) Fees	\$221,000	\$300,000
5 Other (Loan Repayment)	\$0	\$0
6 Interest Earnings	\$128,000	\$123,000
7 Other Revenues	\$0	\$0
Total Revenues	\$6,518,084	\$7,008,434
EXPENDITURES:		
8 Parking Administration	\$1,839,620	\$1,861,000
9 Transportation Systems (GPE)	\$284,440	\$567,000
10 Other Special Expenses (non-recurring)	\$267,000	\$0
11 Debt Service	\$3,010,150	\$3,010,150
Total Expenditures	\$5,401,210	\$5,438,150
Total Gross Income	\$1,116,874	\$1,570,284
12 Capital Outlay/Non-Operating	\$200,000	\$200,000
13 Transfers - In/Out	\$1,140,000	\$150,000
Ending Fund Balance.....	\$6,170,372	\$7,390,656

14	Debt Coverage	1.37	1.52
----	----------------------	-------------	-------------

(SALES TAX EXCLUDED)

	Estimated 2005-06	Projected 2006-07
Parking/Access Fees		
Executive	\$703	\$738
Administrative	\$318	\$334
Faculty & Staff <25k	\$95	\$100
F/S SPECIAL 25K - 35K	\$108	\$113
F/S SPECIAL 35K -45K	\$161	\$169
F/S SPECIAL 45K +	\$182	\$191
Student Semester Fee - Summer	\$53	\$55
Student Sem. Fee - Fall or Spring	\$58	\$61
Student Annual Fee		
EXECUTIVE	0.00%	5.00%
ADMINISTRATIVE	0.00%	5.00%
F/S SPECIAL 25k<	0.00%	5.00%
F/S SPECIAL 25K - 35K	0.00%	5.00%
F/S SPECIAL 35K -45K	0.00%	5.00%
F/S SPECIAL 45K +	0.00%	5.00%
Student Semester Fee - Summer	0.00%	5.00%
Student Sem. Fee - Fall or Spring	0.00%	5.00%

Notes:**Parking/Traffic/Transportation System:**

This activity is responsible for the registration of vehicles for faculty, staff, students and commercial organizations. Additionally, this activity is responsible for the construction of parking accommodations as well as enforcing parking rules and regulations for both campuses. The budget from this activity covers administrative costs, maintenance costs, utility costs, debt payments and new surface parking lot construction.

Note Revenues

- 1 Decal sales to Faculty and staff and mandatory Parking/Transportation access fee for students. F/S are charged to obtain a decal and students are assessed a headcount fee every semester at registration. The 5% increase proposed for FY 06/07 is to cover the permanent transfer of responsibility of costs of the Golden Panther Express (GPE) to the general Parking System budget and in addition to increase the debt coverage ratio for future bonding issues.
- 2 Parking meter revenues are resources obtained by visitor's parking at both UP and BBC campuses.
- 3 Traffic citations charges to faculty, staff and students for parking infractions
- 4 Specific fee charged to students and staff (FY 05/06 \$1.50 and FY 06/07 \$2.00 one-way trip). The bus travels to and from University Park and Biscayne Bay Campus from 7am to 11pm most school days.
- 6 Investment income earned on fund balances.

Expenditures

- 8 Expenses related to the administration and enforcement of the parking rules and regulations of the University, including the sale and distribution of parking decals and visitor passes.
- 9 The expenses related to the Golden Panther Express bus service that serves faculty, staff and students for University Park and Biscayne Bay campuses.
- 10 FY 05/06 non-recurring expenses related to the budgeting of the GPE. This amount funded was to temporarily assist the E&G budget that has responsibility of funding 50% of this activity. FY06/07 the responsibility of the GPE activity falls 100% on the Parking System.
- 11 Debt service payments associated with the financing of four garages built between 1998 and 2004. The bond issues total \$38.6 million.
- 12 Capital expenditures relating to the purchase of equipment or projects that have a value of more than \$1,000 for each item.
- 13 Transfers-out of funds relating to the funding of a Recreation Field in FY 2005/06 \$1.0mil and the budgeting of transfers to the emergency student loan fund for students to obtain a 90 day loan from the University.
- 14 The amount of operating income before debt service payments to cover debt service. Debt Coverage = (Total Gross Income + Debt Service)/ Debt Service

**State University System
Parking Fee Data
2005/2006**

	<u>UF</u>	<u>FSU</u>	<u>FAMU</u>	<u>UCF</u>	<u>USF</u>	<u>FAU</u>	<u>UWF</u>	<u>FIU</u>	<u>UNF</u>	<u>FGCU</u>
Executive/Reserved	\$744.00	\$580.00	\$399.00	\$788.00	\$620.00	\$375.00	\$84.00	\$703.00	\$322.43	\$200.00
Administrative/Gated	\$276.00	\$0.00	\$267.00	\$232.00	\$260.00	N/A	\$84.00	\$318.00	\$229.91	N/A
Faculty/Staff*	\$210.00	\$250.00	\$133.00	\$232.00	\$155.00	\$105.00	\$44.00	\$182.00	\$146.73	\$75.00
Student Fee (Annualized)	\$237.92	\$198.00	\$125.00	\$205.95	\$204.25	\$115.00	\$63.00	\$168.80	\$128.97	\$174.90

* Faculty/Staff for FIU and FAU have tiered fees based on employee salary amounts. The amount represented above is the highest tiered amount. The lowest amount is \$55 for FAU and \$95 for FIU salary of <\$25,000.

Exhibit "State University System Parking Fee Data FY 2005/06"

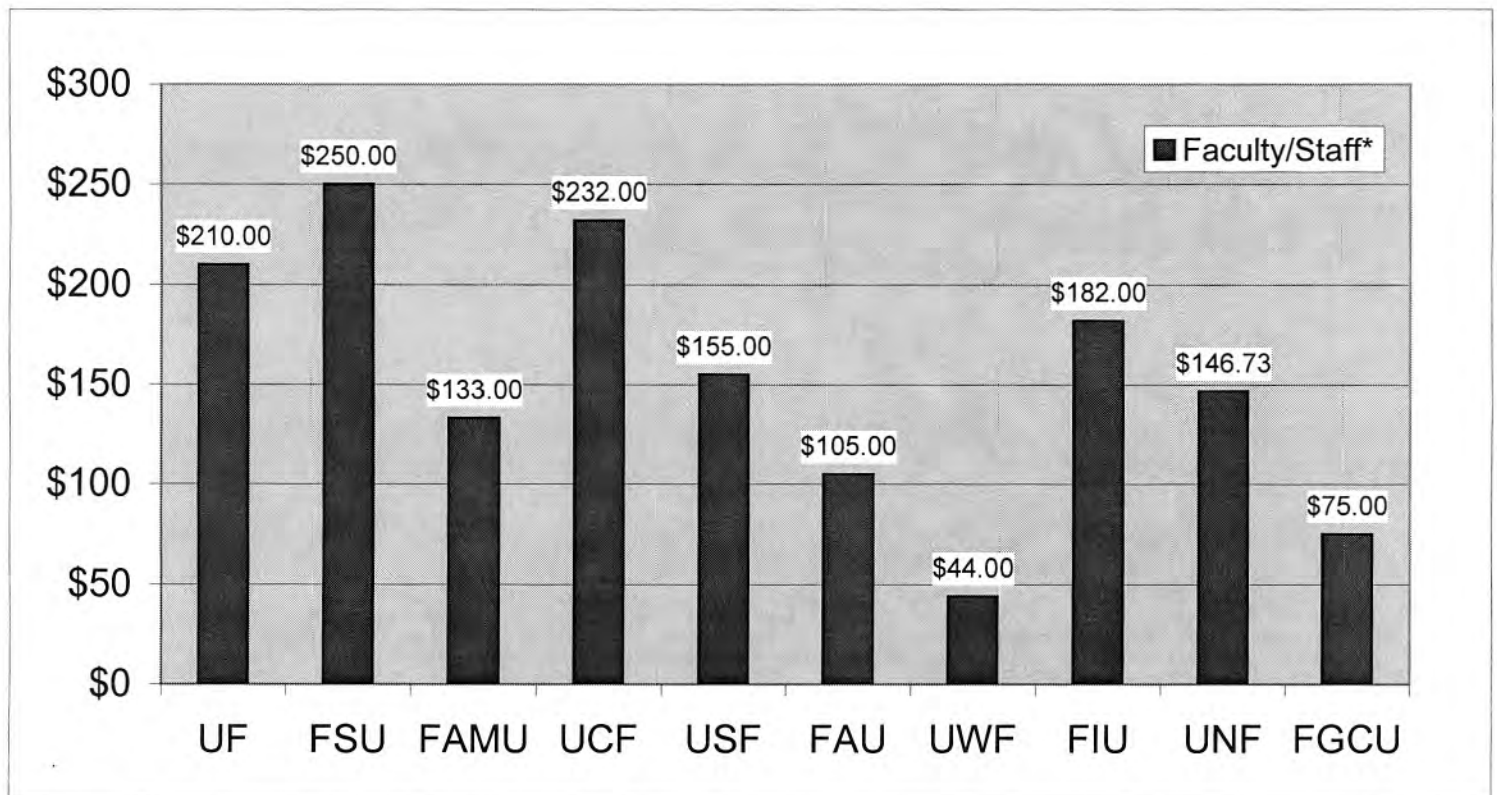
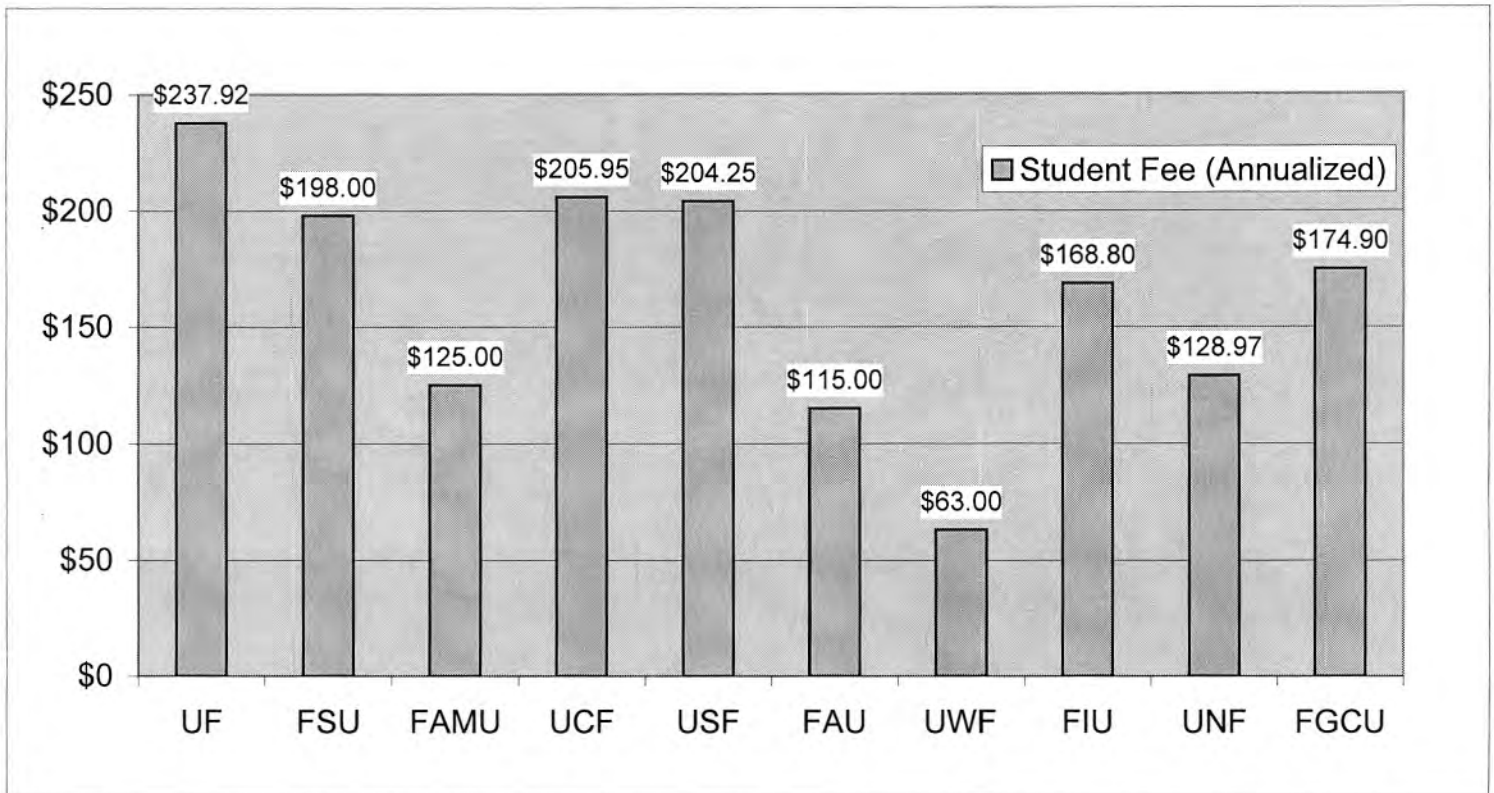
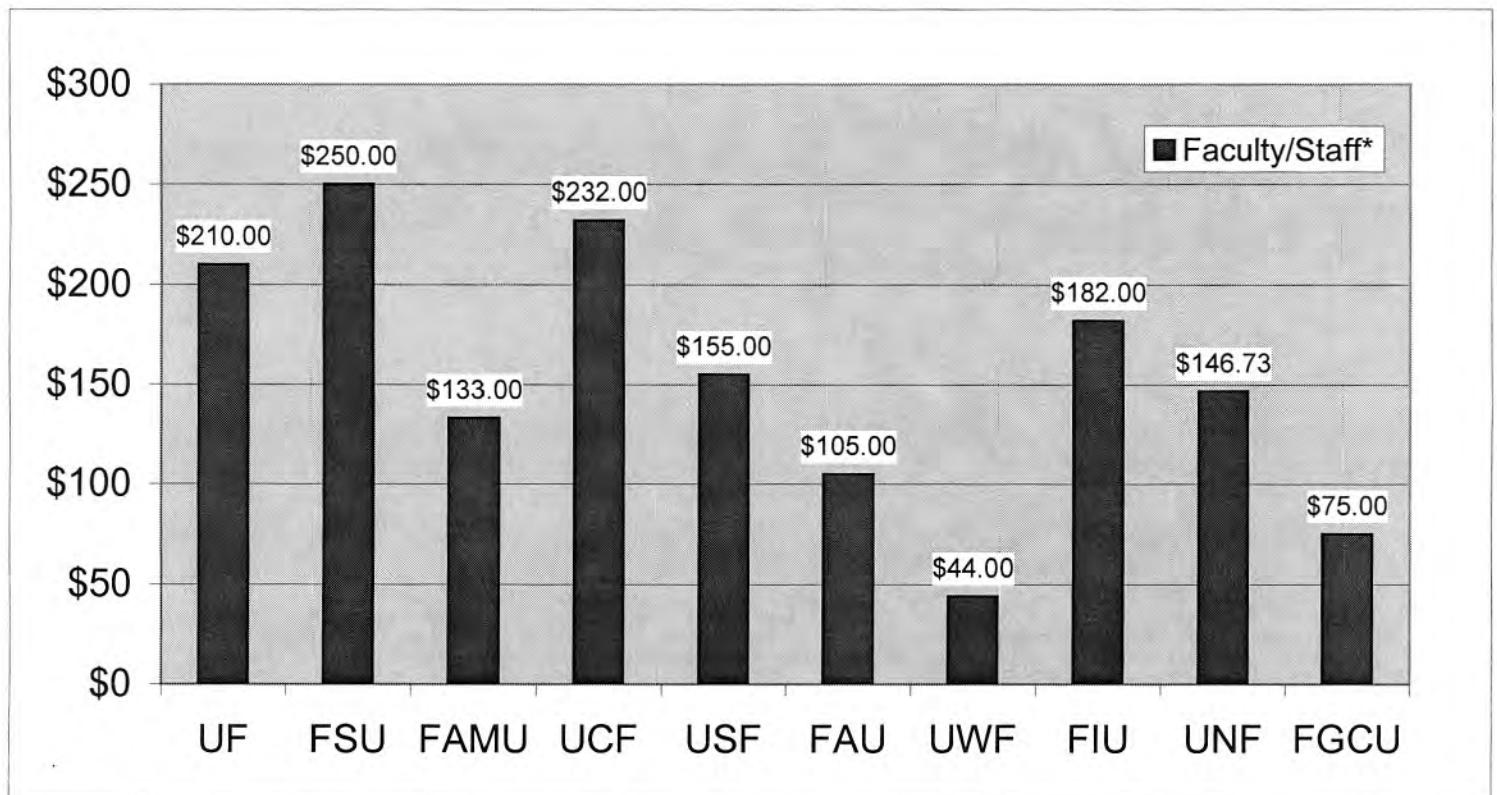
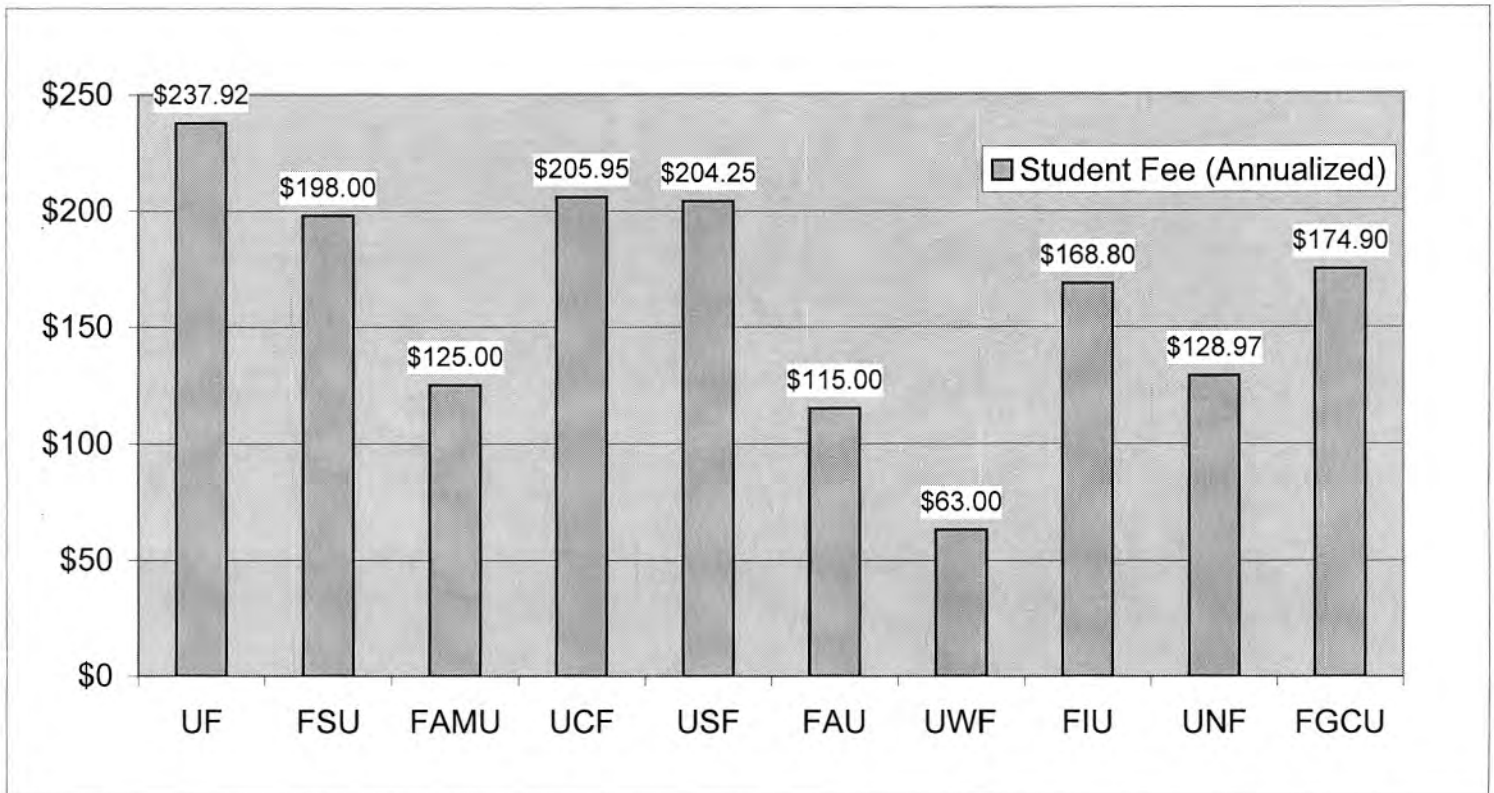


Exhibit "State University System Parking Fee Data FY 2005/06



**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

21 MARCH 2006

SUBJECT: HEALTH FEE INCREASE

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, the Florida International University Board of Trustees (the BOT) has the power to establish a Student Health Fee for the University pursuant to Board of Governor's Resolution adopted January 7, 2003, which references **Section 1009.24(10)**, Florida Statutes;

WHEREAS, the Health Fee Committee has approved an increase in the Health Fee in the amount of \$13.20 per semester effective Fall 2006;

WHEREAS, the President has approved the fee increase after consultation with the Student Government president;

THEREFORE BE IT RESOLVED that the BOT approve a Health Fee increase from the current \$54.00 per semester to \$67.20 per semester effective Fall 2006; and

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

BACKGROUND INFORMATION

A. Statutory Authority:

Section 1009.24 (10), Florida Statutes (2005), State University Student Fees;
states in relevant part

(10) Each university board of trustees shall establish a student health fee on the main campus of the university. The university board of trustees may also establish a student health fee on any branch campus or center. Any subsequent increase in the health fee must be recommended by a health committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body

president, with final approval by the university board of trustees. An increase in the health fee may occur only once each fiscal year and must be implemented beginning with the fall term.

B. EXPLANATION FOR PROPOSED BOARD ACTION:

The request is for board approval of a health fee increase. The proposed increase will raise the health fee from \$54.00 to \$67.20 per semester. The increase will be used primarily to fund existing health services and to provide expanded services and hours at the University Park campus and the Biscayne Bay campus.

As per Florida Statute, Section 1009.24(10), the increase was decided by a committee comprised of 50% (4) students and 50% (4) staff/faculty and a chairperson who would vote only in the case of a tie vote by the committee. The following procedure was used by the committee:

1. A coordinated presentation related to the fee increase was presented to the committee by Dr. Bonanno, Assistant Vice President Student Affairs, and Dr. Dollinger, Executive Director University Health Services.
2. A public hearing was held at each campus to hear comments and address concerns from the University community.
3. Following the hearings, the committee called a special meeting and convened to vote on the proposal. A vote was held with the committee unanimously approving the increase, with language to be appended to the unanimous vote to ensure that the issue of extended hours (evenings, weekends) be addressed for the Health & Wellness Center.
4. The recommendation was forwarded to the University President for his approval.

If approved, the increased fee will go into effect for the Fall Semester 2006.

EXHIBITS/SUPPORTING DOCUMENTS:

- NONE

FACILITATOR/PRESENTER:

- KIRK LANDON

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

21 MARCH 2006

SUBJECT: COMMITTEE REPORTS

PROPOSED COMMITTEE ACTION:

None. Discussion Items.

- ACADEMIC POLICY AND STUDENT AFFAIRS COMMITTEE REPORT
CHAIR HERBERT WERTHEIM
 - FINANCE AND AUDIT COMMITTEE REPORT
CHAIR KIRK LANDON
 - ADMINISTRATION AND ATHLETICS COMMITTEE REPORT
CHAIR ALBERT DOTSON
 - GOVERNMENTAL RELATIONS COMMITTEE REPORT
CHAIR MIRIAM LOPEZ
-

EXHIBITS/SUPPORTING DOCUMENTS:

- None

FACILITATOR/PRESENTER:

- HERBERT WERTHEIM
- KIRK LANDON
- ALBERT DOTSON
- MIRIAM LOPEZ

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

COMMITTEE REPORTS

**ACADEMIC POLICY AND STUDENT AFFAIRS
COMMITTEE CHAIR
HERBERT WERTHEIM**

**FINANCE AND AUDIT
COMMITTEE CHAIR
KIRK LANDON**

**ADMINISTRATION AND ATHLETICS
COMMITTEE CHAIR
ALBERT DOTSON**

**GOVERNMENTAL RELATIONS
COMMITTEE CHAIR
MIRIAM LOPEZ**