

APPROVED

11 September 2007

THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES



BOARD MEETING MINUTES 28 JUNE 2007

I. Call to Order

Chairman David Parker convened the meeting of The Florida International University Board of Trustees at 9:06 a.m., on Thursday, 28 June 2007, at University Park Campus, MARC International Pavilion, Miami, Florida.

The following attendance was recorded:

Present:

David Parker
Jorge Arrizurieta
Albert Dotson
Bruce Hauptli
Marbely Hernandez
Miriam Lopez
Albert Maury

Claudia Puig
Modesto Maidique
Larry Kahn,
*Chairman FIU Foundation
Board of Directors*

Excused:

Betsy Atkins
Patricia Frost
Armando Guerra
Kirk Landon
Rosa Sugrañes

II. Chairman's Remarks:

Chairman Parker welcomed all Trustees, University faculty and staff. He introduced and welcomed newly appointed Trustees Albert Maury, President and COO of Leon Medical Centers Health Plans, and Jorge Arrizurieta, Chair of International Policy Group and Governmental Consultant with Akerman Senterfitt. He also welcomed new Student Trustee Marbely Hernandez, Student Government Association President for University Park Campus, who took office on 1 May 2007. He also recognized Foundation Directors Joan Peven Smith and Noel Guillama-Alvarez.

On behalf of the Board of Trustees, Chairman Parker extended his gratitude to former Student Trustee Alfonso Leon for his commitment and dedication to the Board, to the University and to students.

Chairman Parker noted that, on behalf of the Board, he was honored at the opportunity presented to the University to host the Florida Board of Governors Meetings during June 2007.

President Maidique provided an update on the first meeting of the Joint BOT-BOD Gap Analysis Committee, noting that the Committee will report to the Board in October on the steps needed to achieve the FIU at FIFTY goals previously presented to the Board. Chairman Parker noted that in the 24 June 2007 Miami Herald's, Speak Up Section, the FIU Board of Directors and Board of Trustees sent a joint message to the community requesting feedback for the FIU at FIFTY vision.

Chairman Parker noted that in June 2007 FIU's Biscayne Bay Campus celebrated its 30th anniversary, adding that the campus hosted more than 8,000 students, and offered the community a state of the-art conference center. He congratulated Trustees Miriam Lopez and Rosa Sagrañes for being named to the list of the top 50 women leading businesses in Florida. He noted that the list was a research publication of our University's Center for Leadership in cooperation with the Metropolitan Center.

III. FIU Foundation Report

Foundation Chairman Larry Kahn reported on fundraising efforts and provided an update on Foundation investments as of 30 April 2007. He also reported that Alumni membership surpassed the annual goal.

IV. Requests to Address the Board:

There were no requests to address the Board

V. University Report

President Maidique reported that the Council on Education for Public Health (CEPH), the accrediting agency for public health schools and programs, granted the University's Stempel School of Public Health full accreditation in June 2007.

President Maidique reported on the "Best in Class" campaign, noting more valedictorians from South Florida chose FIU than any other university in the country. He added that the valedictorians were highlighted in June 2007 as the University launched the first two in a series of advertisements featured in the *Miami Herald*.

President Maidique reported that FIU was the first public university in Florida to meet Federal Emergency Management Agency (FEMA) hazard mitigation planning standards. He noted that both FEMA and the Florida Division of Emergency Management commended the University's Disaster Resistant University (DRU) All-Hazards Mitigation Plan.

President Maidique announced the signing of the American College and University Presidents Climate Commitment, noting that the signing of this commitment further solidified the University's focus on the environment and on research in this field.

VI. Items for Board Consideration:

A. Action Items

1. *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, 26 APRIL 2007 (*EXHIBIT "A"*)
- B. TENURE NOMINATIONS (*EXHIBIT "B"*)
- C. TENURE AS A CONDITION OF EMPLOYMENT NOMINATIONS (*EXHIBIT "C"*)
- D. REQUEST FOR A BSN-TO-PHD IN NURSING PROGRAM TRACK (*EXHIBIT "D"*)
- E. REQUEST FOR A MS IN ATHLETIC TRAINING (*EXHIBIT "E"*)
- F. UNIVERSITY EQUITY REPORTS (*EXHIBIT "F"*)

2. **Operating Budget FY 2007-2008 and Tuition Fee Rule**

Finance and Audit Committee Vice Chair Miriam López introduced the University's Operating Budget for FY 2007-2008 for Board consideration and approval. University CFO and Sr. Vice President for Administration Vivian Sanchez presented the University wide 2007-2008 Operating Budget, provided a summary by fund, delineated strategic issues and proposed Resolutions.

After discussion, the Board adopted the following Resolution:

RESOLVED that the Florida International University Board of Trustees (the BOT) approves the 2007-2008 University Operating Budget [including tentative approval of the 2007-2008 Operating Budget of the FIU Foundation, Inc., attached to this Resolution as Exhibit "G"] subject to approval by the FIU Foundation Inc. Board of Directors; and

FURTHER RESOLVED that the BOT delegates to the University President the authority to amend the budget to adjust to changing circumstances, including the authority to reasonably increase expenditures based on the receipt of additional funding during the operating year and authority to make any changes resulting from the final approval of the 2007-08 Operating Budget of the FIU Foundation, Inc. by its Board of Directors; and

FURTHER RESOLVED that the University President shall keep the BOT informed of any changes in excess of 2% made to the total approved 2007-2008 Operating Budget during the operating year.

Trustee Miriam López announced that there was an amendment to the University Tuition Fee Rule, noting that the amended Resolution was distributed to all Trustees and has been reviewed by the Finance and Audit Committee. Trustee Miriam Lopez introduced the amended University Tuition Fee Rule for Board consideration and approval. The Board approved the Resolution as amended.

After discussion, the Board adopted the following Resolution:

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

WHEREAS, the Legislature has provided the Florida Board of Governors (the BOG) or its designee, the BOT, with authority to set 2007-2008 Academic Year tuition and fees for graduate, graduate professional, and nonresident students (at any level of instruction);

THEREFORE, BE IT RESOLVED THAT, the BOT approves the 2007- 2008 Academic Year tuition and fees increases reflected in the revised Tuition Fees Schedule Regulation FIU-1101 attached hereto as Exhibit "H" with the following changes (necessitated by the Governor's veto of the portion of the proviso language in Specific Appropriation 156 that established the maximum for undergraduate tuition for the 2007-2008 Fall/Spring Term at \$77.39.):

- a. The Undergraduate Resident Fee (charged to Resident and Non-Resident students) shall be \$73.71, the same amount that was charged in academic year 2006-2007.
- b. The Undergraduate Student Financial Aid Fee (charged to Resident and Non-Resident students) shall be \$3.68, the same amount that was charged in academic year 2006-2007.

However, in the event the Board of Governors authorizes the universities to charge an Undergraduate Resident Fee greater than \$73.71, President Maidique is delegated the authority to revise the Tuition Fees Schedule Regulation FIU-1101 to reflect the greater amount.

BE IT FURTHER RESOLVED THAT, the BOT delegates authority to the University President to forward the Regulation to the Board of Governors for approval and to approve any subsequent amendments that are based on comments to the Regulation received from the Board of Governors and as a result of the regulation-making process;

AND BE IT FURTHER RESOLVED, that the President report to the BOT at its next regularly scheduled meeting on any substantive change requested or made to the Regulation as a result of comments received by the Board of Governors and the regulation-making process.

3. Legislative Budget Request 2008-2009 Operating, Fixed Capital Outlay, Supplemental Educational Plant Survey and Master Plan Update

Trustee Miriam López introduced the Legislative Budget Request 2008-2009 for Board consideration and approval. CFO Vivian Sanchez and AVP of Real Estate Development and Planning Charles Scurr presented the Legislative Budget Request 2008-2009, providing a summary of the priorities and proposed resolutions.

After discussion, the Board adopted the following Resolution:

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

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

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

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

THEREFORE, BE IT RESOLVED that The Florida International University Board of Trustees (the BOT) hereby approves the Florida International University 2008-2009 Legislative Budget Request, attached to this resolution as Exhibit "I"; and

BE IT FURTHER RESOLVED that the BOT authorizes the University Administration to amend the Legislative Budget Request to adjust to changing circumstances and to report to the BOT at its next regularly scheduled meeting of any substantive or material change made; and

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

AVP Scurr presented the Fixed Capital Outlay Legislative Budget Request, 2008-2009, for Board consideration and approval. He also noted that the Capital Improvement plan presented additional academic and academic support facilities needed for a five-year period.

After discussion, the Board adopted the following Resolution:

WHEREAS the University must submit to the Board of Governors its Fixed Capital Outlay Legislative Budget Request for 2008-2009.

THEREFORE BE IT RESOLVED that the Florida International University Board of Trustees (the BOT) approve the Florida International University 2008-2009 Fixed Capital Outlay (FCO) Legislative Budget Request consisting of the 5-year capital improvement plan (CIP) for Public Education Capital Outlay (PECO) projects, the Courtelis Facilities Enhancement Challenge Grant program list, and the Appropriations Bill proposed project list prepared pursuant to Sections 1013.64, 1001.74, 1011.40 and 1013.60, Florida Statutes and attached to this Resolution as Exhibit "J"; and

BE IT FURTHER RESOLVED that the BOT authorizes the University President to amend the 2008-2009 Fixed Capital Outlay (FCO) Legislative Budget Request to adjust to changing circumstances not-to-exceed 15% for each year and that any changes made will be further reported to the Board of Trustees at the next board meeting.

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

Trustee Miriam López announced that there was an amendment to the Supplemental Educational Plant Survey, noting that the amended Resolution was distributed to all Trustees and has been reviewed by the Finance and Audit Committee. The Board approved the Resolution as amended.

After discussion, the Board adopted the following Resolution:

WHEREAS Florida Statute 1013.31(1)(a) requires that the Board of Trustees arrange for an Educational Plant Survey to determine the University's needs; and

WHEREAS a survey was conducted pursuant to the requirements of the Statute:

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

BE IT FURTHER RESOLVED that the BOT authorizes the University President to amend the 2005-2006 Supplemental Educational Plant Survey Amendment to align to the changes made in the Fixed Capital Outlay LBR, 2008-2009 for each year or to incorporate technical revisions and review comments by the Board of Governors and that any changes made will be further reported to the BOT at its next board meeting;

and

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

AVP Scurr presented the 2000-2010 Campus Master Plan Amendment No. 1 for Board consideration and approval, noting that the master plan served to identify general land uses and address the need and plans for provision of roads, parking, public transportation, solid waste, drainage, sewer, potable water, and recreation and open space during the coming 10 to 20 years.

After discussion, the Board adopted the following Resolution:

WHEREAS Florida Statute 1013.30 requires that each university board of trustees prepares and adopts the Campus Master plan; and

WHEREAS Florida Statute 1013.30(9) requires the Board of Trustees to approve any minor changes to the plan:

THEREFORE BE IT RESOLVED that the Florida International University Board of Trustees (the BOT) adopts Amendment No.1 to the Florida International University 2000-2010 Campus Master Plan Update, State Project No. BR-813 as a minor change amendment to the Master Plan approved by the Board at its July 26, 2004 meeting prepared in accordance with requirements of 1013.30, Florida Statutes, attached to this Resolution as Exhibit "L, Land Use Map – Amendment 1, Revised 6/28/07"; and

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

4. Amendment to the Operating Procedures of the Florida International University Board of Trustees

Chairman David Parker introduced the proposed amendments to the Operating Procedures. He noted the substantive changes to the document. Chairman Parker announced that there was an amendment to the Amendment to the Operating Procedures of the Florida International University Board of Trustees, noting that the amendment was distributed to all Trustees. The Board approved the amendment to Exhibit "M" as presented.

After discussion, the Board adopted the following Resolution:

WHEREAS the Operating Procedures of the Florida International University Board of Trustees (the BOT), Article IV, "Amendment of Operating Procedures," provides that the Operating Procedures may be altered, amended or repealed by a two thirds vote of all members of the BOT; and

WHEREAS changes in the BOT operations have necessitated changes to the Operating Procedures;

THEREFORE BE IT RESOLVED that the BOT hereby adopts the amendments to the Operating Procedures of the Florida International University Board of Trustees attached to this Resolution as Exhibit "M."

5. Florida International University Foundation, Inc. Bylaws as Amended and Restated on the 30th day of May 2007.

FIU Foundation Inc. Board of Directors Chairman Larry Kahn III presented "The Florida International University Foundation Inc. Bylaws as Amended and Restated on the 30th day of May 2007" for Board approval. He noted that the Florida Administrative Code required that any amendments to the Articles of Incorporation or Bylaws of the Foundation be submitted to the Board of Trustees for approval.

After discussion, the Board adopted the following Resolution:

WHEREAS, pursuant to F.A.C. 6C8-6.100 (2) (c), the Florida International University Board of Trustees (the BOT) must approve any amendments to the FIU Foundation, Inc. Bylaws before their becoming effective; and

WHEREAS, the Florida International University Foundation, Inc.'s Board of Directors has approved the amendments, which are attached hereto as Exhibit "N";

THEREFORE BE IT RESOLVED, that the BOT hereby approves the attached Amended Foundation Bylaws and authorizes the Executive Director of the Foundation to take all actions necessary pertaining to these Amended Bylaws.

6. Committee Status Reports

Committee Chair Albert Dotson reported on items heard by the Administration and Athletics Committee. Vice President for Governmental Relations Steve Sauls provided a Governmental Relations update. Chairman Parker thanked the Committees for their work noting that their careful review of university issues was of invaluable service to the entire Board.

VII. Other Business:

Trustee Miriam López introduced the Enrollment Growth and Tuition Resolution for Board consideration and approval, noting that the Resolution was drafted under the auspices of the Finance and Audit Committee.

After discussion, the Board adopted the following Resolution:

WHEREAS The Florida International University (FIU) enrolls more than 38,500 students whose access to a university education is critical to upward mobility, economic opportunity, and community well being; and

WHEREAS FIU as the nation's largest university with a majority of students from traditionally underserved populations fulfills a unique national role, state obligation and local mission in the educational attainment of minority students; and

WHEREAS FIU's dramatic enrollment growth has been consistently funded at a level less than the cost of maintaining current service levels required by new students; and

WHEREAS Florida's State University System total funding (tuition, general revenue and lottery) per student lagged behind the U.S. average for public universities in 2004-05 by 12%; and

WHEREAS Florida's State University System ranked 12th out of 16 among states in the South (SREB) in total funding per student in 2005-06 down from 7th in 2000-01; and

WHEREAS The Florida International University Board of Trustees (the BOT) recognizes that tuition levels below 90% of the nation's public universities is constraining the university's ability to maintain access, improve quality and meet the needs of FIU students; and

WHEREAS FIU and its sister institutions have borne a costly unfunded state mandate to create Enterprise Information Systems for efficiency and improved safeguards for student safety and security; and

WHEREAS FIU and its sister institutions have consistently not been funded for cost of living increases for faculty and staff or for competitive salaries to attract and retain outstanding personnel; and

WHEREAS FIU and its sister institutions have persistently received under funding of enrollment and as a result the State University System is in the bottom quartile nationally in student/faculty ratios; and

WHEREAS FIU must attract 80 additional faculty to achieve the 75th percentile (bottom quartile) student/faculty ratio or 360 additional faculty to achieve the national average student/faculty ratio; and

WHEREAS the BOT shares constitutional authority with the Florida Board of Governors (the BOG) to provide for the needs of FIU, and relies on the strong support of the Governor and the Legislature to maintain and enhance Florida's public university system;

THEREBY the BOT calls upon the Governor to work with the BOG and university Boards of Trustees and the Legislature as partners to develop the financial and governance compact needed to maintain and enhance the quality of Florida's public universities, maintain access to provide opportunities to Florida's college-ready students, recognize the unique missions and needs of Florida's metropolitan-serving universities such as FIU, and insure that as the nation's fourth largest state, and gateway to Latin America, the state is providing nationally recognized and globally competitive university undergraduate and graduate educational opportunities to its citizens; and

FURTHERMORE the BOT encourages the Board of Governors to seek clarification to its constitutional authority to meet the universities' needs through the setting of enrollment policies, market-based tuition policies, need based aid policies, and a new technology service fee in conjunction with university boards of trustees; and

FURTHERMORE the BOT encourages the Legislature to support a broad plan developed by the BOG to provide for the state's universities; provide adequate state revenue to fund the backlog of enrolled students for whom the universities are not receiving enrollment funding; fully fund new FTIC enrollment and Community College transfers, provide additional enrollment workload associated with ongoing efforts to increase retention and graduation rates, and recognize the unique challenges and demands placed upon urban-serving universities such as FIU; and

FURTHERMORE, in recognition of the fiscal constraints and uncertainty facing the State of Florida, the BOT commits to seeking management efficiencies and enrollment strategies to maintain service to currently enrolled students, and minimize and forestall enrollment freezes should they be unavoidable; and

FURTHERMORE, the BOT looks forward to a reenergized partnership with the BOG, the Governor of the State of Florida and the Florida Legislature to meet the educational needs and aspirations of Florida's citizens whom we are all privileged to serve.

VIII. Adjournment:

Since there was no other business, the meeting of the Florida International University Board of Trustees was adjourned on Thursday, 28 June 2007, at 11:10 a.m.

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7.5.07

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David Parker
Chairman
FIU Board of Trustees

Modesto A. Maidique
Corporate Secretary
FIU Board of Trustees

Attachments: Exhibits "A," "B," "C," "D," "E," "F," "G," "H," "I," "J," "K," "L," "M," & "N"