

THE FLORIDA INTERNATIONAL UNIVERSITY



BOARD OF TRUSTEES

FULL BOARD MEETING

8 FEBRUARY 2008

DAVID PARKER, CHAIR

8:30 A.M.

VIA CONFERENCE CALL

8 FEBRUARY 2008

THE FLORIDA INTERNATIONAL UNIVERSITY



BOARD OF TRUSTEES

MEMBERS

DAVID PARKER, *CHAIRPERSON*

ALBERT DOTSON, SR., *VICE CHAIR*

KIRK LANDON, *TREASURER*

JORGE ARRIZURIETA

BETSY ATKINS

PATRICIA FROST

ARMANDO GUERRA

MIRIAM LÓPEZ

ALBERT MAURY

CLAUDIA PUIG

ROSA SUGRAÑES

BRUCE HAUPTLI, *FACULTY TRUSTEE*

MARBELY HERNANDEZ, *STUDENT TRUSTEE*

LARRY KAHN,
FIU FOUNDATION BOARD OF DIRECTORS' CHAIRPERSON

MODESTO A. MAIDIQUE,
UNIVERSITY PRESIDENT, CORPORATE SECRETARY

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

FRIDAY, 8 FEBRUARY 2008
8:30 A.M.
VIA CONFERENCE CALL

AGENDA

- | | |
|---|------------------------------|
| I. CALL TO ORDER | CHAIRMAN DAVID PARKER |
| II. CHAIRMAN'S REMARKS | DAVID PARKER |
| III. ITEMS FOR BOARD REVIEW | DAVID PARKER |
| • ACTION ITEMS | |
| 1. CONSENT AGENDA | DAVID PARKER |
| ○ HR POLICIES | |
| ▪ UNIVERSITY MOVING AND RELOCATION
POLICY | |
| ▪ OPERATING HOURS, REST, AND MEAL PERIODS
POLICY | |
| 2. REQUEST TO DELEGATE AUTHORITY FOR SUBMISSION
OF RESEARCH COMMERCIALIZATION ASSISTANCE
GRANT PROGRAM PROPOSALS | RONALD BERKMAN |
| 3. PRESIDENTIAL BONUS | BETSY ATKINS |
| IV. OTHER BUSINESS (IF ANY) | DAVID PARKER |
| V. ADJOURNMENT | DAVID PARKER |

Conference Call information:

- Please call (888) 328-2936, promptly at 8:30 am on Friday, 8 February 2008.
- If you are disconnected, please redial the conference call number.
- If you have any problems with the above, contact the BOT office at 305.348.6495

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

8 FEBRUARY 2008

SUBJECT: CONSENT AGENDA

PROPOSED BOARD ACTION:

ADOPT THE FOLLOWING RESOLUTION:

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

- **HR POLICIES**
 - UNIVERSITY MOVING AND RELOCATION POLICY (*EXHIBIT "A"*)
 - OPERATING HOURS, REST, AND MEAL PERIODS POLICY (*EXHIBIT "B"*)

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

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT "A" – DIVISION OF HUMAN RESOURCES – UNIVERSITY MOVING AND RELOCATION POLICY
- EXHIBIT "B" - DIVISION OF HUMAN RESOURCES – AMENDED OPERATING HOURS, REST, AND MEAL PERIODS POLICY

FACILITATOR/PRESENTER:

- NONE

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

8 FEBRUARY 2008

SUBJECT: PERSONNEL POLICIES

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, the Board of Trustees (the BOT) is the public employer of all employees of the University and has the power and duty to adopt personnel policies for all University employees;

WHEREAS, the BOT adopted personnel policies for all University employees, including a University Moving Expense Policy and an Operating Hours, Rest, and Meal Periods Policy;

WHEREAS, the Moving Expenses Policy for University non-bargaining employees should be amended with an expanded University Moving and Relocation Policy in order to fulfill Florida International University's dedication to attract valuable people to effectuate its academic and research mission by offering financial assistance to defray the high cost of relocation expenses;

WHEREAS, the Operating Hours, Rest, and Meal Periods Policy should be amended to allow flexibility in the manner in which non-bargaining employees' utilize their rest breaks and meal periods;

NOW, THEREFORE, BE IT RESOLVED, that the BOT approves the University Moving and Relocation Policy attached hereto as Exhibit "A"; and the amendment to the Operating Hours, Rest, and Meal Periods Policy attached hereto as Exhibit "B";

BE IT FURTHER RESOLVED that the University Moving and Relocation Policy attached hereto as Exhibit "A" and the Operating Hours, Rest, and Meal Periods Policy attached hereto as Exhibit "B" shall be effective immediately; and

BE IT FURTHER RESOLVED, that the University Administration takes 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:

19. Each board of trustees shall establish the personnel program for all employees of the university, including the president, pursuant to the provisions of chapter 1012 and, in accordance with rules and guidelines of the Board of Governors, including: compensation and other conditions for employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignments, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals, and grievance procedures, and separation and terminations from employment. No rule of the Board of Governors shall be considered to in any way contravene the responsibility of each of the university board of trustees to act as the sole public employer with regard to all public employees of its universities for the purposes of collective bargaining in accordance with chapter 447, Florida Statutes.

EXPLANATION FOR PROPOSED BOARD ACTION:

The Human Resources division is proposing Board adoption (1) of a University Moving and Relocation policy to fulfill the University's dedication to attract valuable people to effectuate its academic and research mission and (2) of an amendment to the Operating Hours, Rest, and Meal Periods Policy in order to provide flexibility in non-bargaining employees' use of rest break and meal periods.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT "A": DIVISION OF HUMAN RESOURCES – UNIVERSITY MOVING AND RELOCATION POLICY
- EXHIBIT "B": DIVISION OF HUMAN RESOURCES - AMENDED OPERATING HOURS, REST, AND MEAL PERIODS POLICY



FLORIDA INTERNATIONAL UNIVERSITY

OFFICIAL UNIVERSITY POLICY

University Staff (faculty and staff)

SUBJECT (R*)	EFFECTIVE DATE (R)	POLICY NUMBER
DRAFT University Moving and Relocation Policy	TBD	TBD
RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R)	RESPONSIBLE UNIVERSITY OFFICER (R)	
Division of Human Resources Florida International University	Vivian A. Sanchez Senior Vice President of Administration and Chief Financial Officer	

POLICY STATEMENT (R)

Florida International University will pay for moving expenses, reimburse incurred expenses, provide a monetary allowance or offer a combination thereof for eligible full time faculty and staff. Reimbursements and allowances may cover many of the costs incurred by relocating an eligible employee; however, they will not necessarily cover all expenses associated with the relocation. Permissible relocation expenses, expenditure limits and allowances are detailed in the University Moving and Relocation Procedure.

All relocation expenses must be incurred within 12 months from the effective date of hire. The University may pay for relocation expenses incurred prior to the employee's effective date of hire so long as the offer letter or any necessary agreement stipulated in the University Moving and Relocation Procedure has been signed.

This policy is subject to federal statutes regarding move distance requirements related to eligibility for tax deduction. The distance, over the shortest most commonly traveled route, from the former residence to the new work location must be greater than 50 miles.

This policy does not constitute a contract of employment. An eligible employee's receipt of reimbursement and/or an allowance for moving and relocation expenses under this policy does not give the employee any right to continued employment or limit the employee's or FIU's ability to terminate the employment relationship, unless otherwise specified in writing by FIU.

REASON FOR POLICY (O*)

Florida International University is dedicated to attracting valuable people to effectuate its academic and research mission. To fulfill this it is necessary to offer competitive compensation packages, including financial assistance to eligible employees to defray the high cost of relocation expenses. The policy's goal is to help eligible employees ease the transition from an existing home environment to South Florida enhancing their ability to become productive in this new work environment.

RELATED INFORMATION (O)

University Moving and Relocation Procedure

CONTACTS (R)

Administrative Office's Address

Joann Cuesta-Gomez
Director, Employee and Labor Relations
Division of Human Resources
Florida International University
11200 S.W. Eighth Street, PC 236
Miami, Florida 33199

Telephone Number

(305) 348-2079

Fax Number

(305) 348-2872

HISTORY (R)

Moving Expenses Policy

***R = Required**

***O = Optional**



FLORIDA INTERNATIONAL UNIVERSITY

OFFICIAL UNIVERSITY POLICY

University Staff (non-bargaining unit employees)

Deleted: faculty and

SUBJECT (R*)	EFFECTIVE DATE (R)	POLICY NUMBER
DRAFT OPERATING HOURS, REST, AND MEAL PERIODS	TBD	TBD
RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R)	RESPONSIBLE UNIVERSITY OFFICER (R)	
Division of Human Resources Florida International University	Vivian A. Sanchez Senior Vice President of Administration and Chief Financial Officer	

POLICY STATEMENT (R)

Rest Period Breaks:

- The University supports rest periods even though it is not required by the Fair Labor Standards Act (FLSA).
- A rest period of 15 minutes is considered compensable time. Rest periods may not be used to offset late arrival or early departure from work, or to accumulate paid time off from one day to the next.
- Rest period breaks that are longer than 30 minutes are not compensable.
- Smoke breaks are in lieu of, and not in addition to, an employee's normal rest period break.

Deleted: in the middle of each four hour work period

Deleted: (1)

Deleted: (2) to extend the meal period,

Deleted: (3)

Meal Periods:

- A meal period lasting 30 minutes or longer is not considered compensable time. A meal period of less than 30 minutes and approved by the respective supervisor is considered time worked, and therefore, compensable.
- An employee must be released of all their duties and responsibilities during the meal period. If work is being performed and the employee is not relieved of his/her duties during a meal period, then the time would be considered compensable
- Employees are not to work during their meal periods (if 30 minutes or more) without the prior authorization of their supervisor. If an employee does not take a meal period of at least 30 minutes or works during the meal break, the employee must notify his/her supervisor that same day. Each employee must also clock out (or otherwise reflect on their time record) when beginning a meal period (if 30 minutes or more) and clock back in at the conclusion of the meal period.

Deleted: , according to the FLSA

REASON FOR POLICY (O*)

To define rest and meal periods within the University's standard working hours of 8:00 am to 5:00 pm.

CONTACTS (R)

Administrative Office's Address	Telephone Number	Fax Number
Joann Cuesta-Gomez Director, Employee and Labor Relations Division of Human Resources Florida International University 11200 S.W. Eighth Street, PC 236 Miami, Florida 33199	(305) 348-2079	(305) 348-2872

*R = Required

*O = Optional

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

8 FEBRUARY 2008

**SUBJECT: REQUEST TO DELEGATE AUTHORITY FOR SUBMISSION OF RESEARCH
COMMERCIALIZATION ASSISTANCE GRANT PROGRAM PROPOSALS**

PROPOSED BOARD ACTION:

Adopt the following Resolution:

RESOLVED that the Florida International University Board of Trustees (the BOT) hereby delegates to the Vice President for Research the authority to submit Research Commercialization Assistance Grant Program proposals to the Florida Technology, Research, and Scholarship Board on behalf of the Florida International University, and

FURTHER RESOLVED, that the BOT authorizes the University President to file this action with the Florida Technology, Research, and Scholarship Board.

BACKGROUND INFORMATION:

The State University Research Commercialization Assistance Grant Program was established by the 2007 Florida Legislature within the 21st Century Technology, Research, and Scholarship Enhancement Act (F.S. 1004.226). The Program is designed to promote the commercialization of university research products for the purpose of enhancing the state's economy and creating a more vital link between venture capitalists, industry, and Florida's state universities. Under the Program, a state university, or a cooperative of state universities, may apply for early stage capital funding for the purpose of developing products and services resulting from university research.

Addressing the grant proposal submission process, the legislation (Section 1004.226(7) (b)) states that, "Any state university, *upon approval of its board of trustees*, may submit a request...."

In order to facilitate the submission of grant proposals to the Florida Technology, Research, and Scholarship Board and to avoid potential delays, the Florida Board of Governors staff recommended that the University Board of Trustees delegate approval authority to the appropriate university administrative office for the submission of Research Commercialization Assistance Grant Program proposals.

EXHIBITS/SUPPORTING DOCUMENTS: ■ NONE

FACILITATOR/PRESENTER: ■ RONALD BERKMAN

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

8 FEBRUARY 2008

SUBJECT: PRESIDENTIAL BONUS

PROPOSED BOARD ACTION:

Adopt the Following Resolution:

WHEREAS, fiscal year 2006 - 2007 was one of exceptional accomplishments in diverse and critical areas for FIU as a result of President Maidique's strong leadership, and

WHEREAS, the overarching goals of Growth, Academic Excellence, Local Development and Financial Stability, were significantly improved and, in most cases, targets were surpassed, and

WHEREAS, the Board of Trustees granted President Maidique a "SUPERIOR" Performance rating based on these exceptional accomplishments, some of which included:

- Graduation of Doctoral Students that exceeded the goal and the State University System's growth rate.
- Record level of Legislative funding (+40% over previous maximums) in both operating funds and capital investment, even after the recent budget cuts.
- Strengthened academic excellence and national program recognition as is evidenced by the results achieved by the accreditation of the College of Law, and Stempel School of Public Health, and national recognition for the International Business, Criminal Justice, Social Work, and History Programs.
- Placement of critical building blocks of the College of Medicine through Legislative approval of the crucial first year start up funds, hiring of Dean and senior staff, and submission of LCME accreditation documents.
- Increased financial stability of university research through considerable growth in overhead funding to cover operating costs.

WHEREAS, to accomplish these goals, President Maidique pursued a strong vision, planned its implementation through a capable senior management team, and leveraged strong internal and external relationships, and

WHEREAS, Section 4.2 of the President's contract provides that the President shall be eligible for a bonus of "\$50,000 or such greater amount as the Board or Board Committee may determine in its discretion"; and

WHEREAS, the President's contract further provides that the bonus shall be determined no later than September 30 and shall be paid within 10 days of its determination; and

WHEREAS, the Board wants to recognize the exceptional accomplishments of President Maidique during the fiscal year 2006 - 2007; and

WHEREAS, the Board and President are sensitive to the current budget situation and agree to defer payment of his bonus until the end of his current contract; and

WHEREAS, deferment of the bonus does not diminish the Boards recognition of the President's exceptional accomplishments; therefore

BE IT RESOLVED that the Board approves a bonus of \$ 50,000.00 for President Maidique, effective September 30, 2007, in recognition of his outstanding leadership. Said sum of \$ 50,000.00 shall not become part of President Maidique's base compensation and shall not be paid until the end of the President's current contract along with an interest rate that reflects the opportunity cost calculated beginning on October 10, 2007.

BACKGROUND INFORMATION:

A: AUTHORITY:

PURSUANT TO THE FLORIDA BOARD OF GOVERNORS, IN ITS RESOLUTION ADOPTED JANUARY 7, 2003 AND SECTION 1001.74, FLORIDA STATUTES (2006), K-20 GOVERNANCE, UNIVERSITY BOARDS OF TRUSTEES POWERS AND DUTIES:

THE BOARD IS THE EMPLOYER OF ALL UNIVERSITY EMPLOYEES.

EXHIBITS/SUPPORTING DOCUMENTS:

- NONE

FACILITATOR/PRESENTER:

- COMPENSATION WORKGROUP CHAIR
BETSY ATKINS