

THE FLORIDA INTERNATIONAL UNIVERSITY



BOARD OF TRUSTEES

FULL BOARD MEETING

MONDAY, 7 JULY 2008

DAVID PARKER, CHAIR

4:00 P.M.

VIA CONFERENCE CALL

7 JULY 2008

THE FLORIDA INTERNATIONAL UNIVERSITY



BOARD OF TRUSTEES

MEMBERS

DAVID PARKER, *CHAIRPERSON*

ALBERT DOTSON, SR., *VICE CHAIR*

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ALBERT MAURY

CLAUDIA PUIG

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BRUCE HAUPTLI, *FACULTY TRUSTEE*

AJ MEYER, *STUDENT TRUSTEE*

JOSEPH L. CARUNCHO,
FIU FOUNDATION BOARD OF DIRECTORS' CHAIRPERSON

MODESTO A. MAIDIQUE,
UNIVERSITY PRESIDENT, CORPORATE SECRETARY

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

MONDAY, 7 JULY 2008
4:00 P.M.
VIA CONFERENCE CALL

AGENDA

- | | |
|--|------------------------------|
| I. CALL TO ORDER | CHAIRMAN DAVID PARKER |
| II. CHAIRMAN'S REMARKS | DAVID PARKER |
| III. ITEM FOR BOARD REVIEW | DAVID PARKER |
| • ACTION ITEM | |
| ▫ EMERGENCY REGULATION TUITION FEES SCHEDULE -
ADOPTION | VIVIAN SANCHEZ |
| IV. OTHER BUSINESS (<i>IF ANY</i>) | DAVID PARKER |
| V. ADJOURNMENT | DAVID PARKER |

Conference Call information:

- Please call (888) 328-2939, promptly at 4:00 pm on Monday, 7 July 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

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

07 JULY 2008

SUBJECT: ADOPTION OF EMERGENCY REGULATION ON TUITION AND FEES

PROPOSED BOARD ACTION:

ADOPT 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; and

WHEREAS, the Legislature has provided the Florida Board of Governors (“the BOG”) or its designee, the BOT, with authority to set 2008-2009 Academic Year tuition and fees for graduate, graduate professional, and nonresident students (at any level of instruction); and

WHEREAS, the BOT approved the 2008-09 academic year tuition and fees as reflected in regulation FIU-1101 Tuition and Fees Schedule on June 12, 2008; and

WHEREAS, subsequent to the Board’s approval on June 12, 2008, the Governor approved the amended section 1009.24 of the Florida Statutes which revision now authorizes FIU to charge an undergraduate tuition differential fee to certain undergraduate students; and

WHEREAS, in order to implement the authority prior to Fall 2008, the Board must use the Emergency Regulation adoption procedure. The Emergency Regulation (FIU ER 2008-01) being adopted has been drafted to reflect the language contained in regulation FIU-1101 Tuition Fees Schedule that was approved by the Board on June 12, 2008 and adding language to establish the undergraduate tuition differential fee. At the same time, the Board is taking the opportunity to make the following necessary revisions:

- revise the law school financial aid fee so that the fee is at 5% of tuition (consistent with all other financial aid fees),
- increase the transcript fee to ten dollars,
- reduce the additional resident fees charged to new graduate students and law school students by one cent (\$.01) in response to Board of Governors concerns, and

revise the qualifications for “continued enrollment” for graduate and law students to be consistent with the qualifications for “continued enrollment” for undergraduate students, effective Spring 2009.

THEREFORE, BE IT RESOLVED THAT, the Board of Trustees adopts the Emergency Regulation- FIU-ER 2008-01 Tuition Fee Schedule attached hereto as Exhibit “A”;

BE IT FURTHER RESOLVED THAT, the BOT delegates authority to the University President to post the same regulation for future approval by this Board pursuant to the regular Regulation Development Procedure and to approve any subsequent amendments to the Emergency Regulation that are based on Board of Governors’ concerns;

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 Emergency Regulation as a result of the Board of Governors’ concerns.

BACKGROUND INFORMATION:

A. LEGAL AUTHORITY:

FLORIDA BOARD OF GOVERNOR RESOLUTION ADOPTED JANUARY 7, 2003 AND Section 1001.74(11), Florida Statutes (2006), Powers and duties of university boards of trustees, provides:

(11) Each board of trustees shall establish fees pursuant to ss. 1009.24 and 1009.26.

In accordance with the **House Bill 745**, Florida Statutes section 1009.24(16) was amended to allow for an undergraduate tuition differential fee to be charged by universities “that have total research and development expenditures for all fields of at least \$100 million per year as reported annually to the National Science Foundation. Once these criteria have been met and the differential established by the Board of Governors, the board of trustees of a qualified university may maintain the differential unless otherwise directed by the Board of Governors.” Under the revised criteria, FIU now qualifies to charge the undergraduate tuition differential.

The maximum undergraduate tuition differential fee per credit hour is established for the 2008-2009 fiscal year as \$6.96.

B. EXPLANATION FOR PROPOSED BOARD ACTION:

The Tuition Fees Emergency Regulation FIU ER 2008-01 is being adopted in order to implement the undergraduate tuition differential fee; to revise the law school financial aid fee to 5% of tuition, as is consistent with the financial aid fee charged to all other students; to increase the transcript fee as permitted by law, and to revise the additional resident fee charged to new graduate and law students in response to recently expressed Board of Governors' concerns. In addition, the regulation revises the qualifications for "continuous enrollment" for graduate and law students to be consistent with the qualifications for "continuous enrollment" for undergraduate students, to be effective Spring 2009. Specifically, the Board is authorizing:

- An undergraduate tuition differential fee of \$6.96 per credit hour for specific students per Florida Statutes section 1009.24
- An increase in Financial Aid for Law students to \$14.52 per credit hour
- An increase in the transcript fee to \$10.00
- A decrease of \$.01 in both the graduate student and law school student additional Resident Fee in response to Board of Governor's concerns
- That "continuous enrollment" of graduate or law school student means that the student has not been absent from the University for two (2) or more consecutive terms (excluding summer terms and military withdrawals)

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT "A": FIU ER 2008-01
TUITION FEES SCHEDULE

FACILITATOR/PRESENTER:

- VIVIAN SANCHEZ

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**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS
NOTICE OF ADOPTION OF EMERGENCY REGULATION**

REGULATION TITLE: Tuition Fee Schedule

REGULATION NO.: FIU ER 2008-01

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The Florida Legislature enacted the revised Florida Statutes Section 1009.24(16) which authorizes the FIU Board of Trustees to charge an undergraduate tuition differential fee for the 2008-2009 fiscal year; this bill was recently signed by the Governor and the changes to the law will be effective July 1, 2008. The FIU Board of Trustees must immediately exercise its authority to set the undergraduate tuition differential fee in order to properly perform budgetary planning and administer its budget for the coming fiscal year.

In addition, the regulation is being revised to: provide the corrected financial aid fee for law students to reflect the full 5% amount permitted by law, increase the fee for transcripts to \$10.00, revise the requirements for continuous enrollment for graduate students and law students effective Spring 2009 to be consistent with the definition of continuous enrollment for purposes of the undergraduate tuition differential fee. Also, the amount of the additional resident fee charged to new graduate and law students is being revised in response to Board of Governors' concerns.

It is important to the fiscal welfare of the University and the State of Florida that the University implement its authority as permitted by the statute. The University must proceed with the regulation authorizing the undergraduate tuition differential fee, the financial aid fee, the additional resident fee for new graduate students and law school students, and the transcript fee on an emergency basis.

STATEMENT OF FACTS AND REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Board of Trustees will consider and adopt the proposed Emergency Regulation at a meeting to be scheduled no sooner than July 4, 2008. The emergency regulation is being noticed on the Florida International University Board of Trustees website. Further, the non-emergency regulation, with the same amendments, will be noticed on the same website and will provide for further review and comment under the Regulation Development Procedure for approval by the Board at a subsequent meeting.

SUMMARY OF THE REGULATION: The regulation provides the tuition and fees charged to students attending FIU. The revisions to the regulation include establishing the undergraduate tuition differential fee, revising the law school financial aid fee and transcript fee, providing Spring 2009 qualifications for continued enrollment for graduate and law students, and revising the additional resident fee charged to new graduate and law students. The fees will be charged as stated in the emergency regulation.

Exhibit "A"

AUTHORITY: Resolution of the Florida Board of Governors dated January 7, 2003: Fla.Stat. Section 1009.24, and the 2008 General Appropriations Act.

NAME OF PERSON INITIATING PROPOSED REGULATION: Vivian Sanchez, CFO and Senior Vice President

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED EMERGENCY REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN SEVEN (7) CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS EMERGENCY REGULATION IS:

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: June 25, 2008

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW.

FIU ER 2008-01 Tuition Fees Schedule

(1) Tuition shall be defined as the basic fee charged to a student for instruction provided by the Florida International University. Tuition consists of the following fees:

1. Resident Fee;
2. Student Financial Aid Fee;
3. Capital Improvement Trust Fund Fee;
4. Building Fee;
5. Health Fee;
6. Athletic Fee; ~~and~~
7. Activity and Service Fee; ~~and~~
8. Tuition Differential Fee (charged to undergraduates only).

In addition to the fees set forth in 1.-7. above, a non- Florida student, as defined in the Florida Board of Governors' Resolution, will pay the Out-of-State Fee and the Non-Resident Student Financial Aid Fee.

(2) Registration shall be defined as consisting of two components:

(a) Formal enrollment in one or more credit courses approved and scheduled by the University; and,

(b) Tuition payment, or other appropriate arrangements for tuition payment (installment payment, deferment, or third party billing) for the courses in which the student is enrolled.

(3) A student is liable for tuition associated with all courses for which the student is registered. The fee payment deadline shall be as determined by the University.

(4) The following tuition shall be levied and collected on a per credit hour basis, effective the fall semester indicated for each student regularly enrolled, unless provided otherwise by law, or Board of Governor or University rule or regulation.

Exhibit "A"

FALL 2008

Fee	<i>Undergraduate</i>		<i>Graduate</i>		<i>Law</i>	
	<i>Resident</i>	<i>Non-Resident</i>	<i>Resident</i>	<i>Non-Resident</i>	<i>Resident</i>	<i>Non-Resident</i>
Resident	\$82.03	\$82.03	\$244.43	\$244.43	\$290.42	\$290.42
<u>*Tuition Differential</u>	<u>\$6.96</u>	<u>\$6.96</u>				
Out-of-State		\$393.62		\$480.07		\$437.60
Athletic Activity and Service Student Financial Aid	\$14.51	\$14.51	\$14.51	\$14.51	\$14.51	\$14.51
Non-Resident Financial Aid	\$10.52	\$10.52	\$10.52	\$10.52	\$10.52	\$10.52
Capital Improvement Trust Fund	\$4.10	\$4.10	\$12.22	\$12.22	\$13.89 <u>14.52</u>	\$13.89 <u>14.52</u>
Building	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44

* Tuition Differential fee shall not be charged to students who are beneficiaries of prepaid tuition contracts and exempt under the requirements as described in Florida Statutes section 1009.24(16)(c) or to any student who was in attendance at FIU before July 1, 2007, and who maintains continuous enrollment. For purposes of this Tuition Differential fee, "continuous enrollment" means the student has not been absent from the University for two (2) or more consecutive terms (excluding summer terms and military withdrawals.)

(5) (a) For those new students enrolled in graduate classes in the Fall 2006, or thereafter, in addition to the tuition and fees set forth in paragraph (4) above, the University shall levy and collect an additional Resident Fee of ~~\$11.63~~11.62 per credit hour and an additional Student Financial Aid Fee of \$0.58 per credit hour. The additional fees authorized by this paragraph (5)(a) shall not apply to a graduate student who was enrolled in a graduate program prior to Fall 2006, and such student's enrollment has not lapsed in four terms before re-enrolling in the same graduate program. Effective Spring term 2009, the additional fees authorized by this paragraph

Exhibit "A"

(5)(a) shall not apply to a graduate student who was enrolled in a graduate program prior to Fall 2006, provided such student maintains continuous enrollment. For purposes of this paragraph (5)(a), "continuous enrollment" means the student has not been absent from the University for two (2) or more consecutive terms (excluding summer terms and military withdrawals.)

(b) For those new students enrolled in the law school in the Fall 2006, or thereafter, in addition to the tuition and fees set forth in paragraph (4) above, the University shall levy and collect an additional Resident Fee of ~~\$13.83~~13.82 per credit hour and an additional Student Financial Aid Fee of \$0.69 per credit hour. The additional fees authorized by this paragraph

(5)(b) shall not apply to a law school student who was enrolled in law school prior to Fall 2006, and such student's enrollment has not lapsed for four terms before re-enrolling in the same program. Effective Spring term 2009, the additional fees authorized by this paragraph (5)(b) shall not apply to a law school student who was enrolled in law school prior to Fall 2006, provided such student maintains continuous enrollment. For purposes of this paragraph (5)(b), "continuous enrollment" means the student has not been absent from the University for two (2) or more consecutive terms (excluding summer terms and military withdrawals.)

(6) Effective the Fall 2005 term, during any semester in which a graduate nonresident student has been appointed as a Graduate Assistant for at least .25 FTE, the Out-of-State Fee for the student shall be \$0.00 per credit hour.

(7) The following fees shall be levied and collected on a per semester basis, effective the fall semester indicated for each student regularly enrolled, unless provided otherwise by law, or Board of Governor or University rule or regulation.

Exhibit "A"

FALL 2008

<i>Fee</i>	<i>Undergraduate</i>		<i>Graduate</i>		<i>Law</i>	
	<i>Resident</i>	<i>Non-Resident</i>	<i>Resident</i>	<i>Non-Resident</i>	<i>Resident</i>	<i>Non-Resident</i>
Health	\$67.20	\$67.20	\$67.20	\$67.20	\$67.20	\$67.20
Inter-collegiate Athletics	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00

(8) Effective the Fall Semester 2007, each student enrolled in the same undergraduate course more than twice shall be assessed an additional \$175.84 for each such course in addition to the fees set forth above.

(9) Optional fees.

Orientation fee	\$ 35.00
Tuition Installment Service Charge	\$ 15.00
Identification Card	\$ 10.00
Fee for Transcript	\$ 5.00 10.00
Fee for Diploma replacement	\$ 10.00
Late Payment fee	\$100.00
Late Registration fee	\$100.00
Off-Campus Fee	cost
Distance Learning Fee	cost
Fingerprinting	cost
Materials and Supplies fee	cost
Equipment Use Fee	cost
Library Fines and Penalties	varies

Authority: Resolution of the Florida Board of Governors dated January 7, 2003; Fla. Stat. sections 1001.74(11) and 1009.24, 2008 General Appropriations Act.

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