

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

FRIDAY, 14 NOVEMBER 2008

9:00 A.M.

FLORIDA INTERNATIONAL UNIVERSITY  
UNIVERSITY PARK CAMPUS  
GRAHAM CENTER BALLROOMS  
MIAMI, FLORIDA

**AGENDA**

- |   |                              |
|---|------------------------------|
| <b>I. CALL TO ORDER</b>   | <b>CHAIRMAN DAVID PARKER</b> |
| <b>II. CHAIRMAN'S REMARKS</b>   | <b>DAVID PARKER</b>          |
| <b>III. FOUNDATION REPORT</b>   | <b>JOSEPH L. CARUNCHO</b>    |
| <b>IV. REQUESTS TO ADDRESS THE BOARD</b>  | <b>DAVID PARKER</b>          |
| <b>V. PRESIDENT'S REMARKS</b>   | <b>MODESTO MAIDIQUE</b>      |
| <b>VI. ITEMS FOR BOARD REVIEW</b>   |                              |
| <b>A. ACTION ITEMS</b>  |                              |
| <b>1. CONSENT AGENDA</b>  | <b>DAVID PARKER</b>          |
|   |                              |
| A. MINUTES, 12 SEPTEMBER 2008 ( <i>EXHIBIT "A"</i> )                                  |                              |
| B. REVISED CAPITAL IMPROVEMENT PLAN ( <i>EXHIBIT "B"</i> )                            |                              |
| C. FIU DIRECT SUPPORT ORGANIZATIONS FINANCIAL AUDITS<br>( <i>EXHIBITS "C" – "E"</i> ) |                              |
| a. FIU FOUNDATION, INC.*  |                              |
| b. FIU RESEARCH FOUNDATION, INC.  |                              |
| c. FIU ATHLETICS FINANCE CORP.*   |                              |
| <i>*Subject to Respective Foundation Board Approval</i>                               |                              |
| D. HONORARY DEGREE NOMINATION ( <i>EXHIBIT "F"</i> )                                  |                              |
| E. TENURE AS A CONDITION OF EMPLOYMENT ( <i>EXHIBIT "G"</i> )                         |                              |
| F. PRIORITIES FOR THE 2009 LEGISLATIVE SESSION<br>( <i>EXHIBIT "H"</i> )              |                              |
| G. HUMAN RESOURCE POLICY VACATION LEAVE ( <i>EXHIBIT "I"</i> )                        |                              |

- H. FLORID INTERNATIONAL UNIVERSITY COLLEGE OF  
MEDICINE SELF-INSURANCE PROGRAM REGULATION  
(*EXHIBIT "J"*)
- I. DEMONSTRATIONS REGULATION (*EXHIBIT "K"*)
- J. PERFORMANCE RATINGS (*EXHIBIT "L"*)

**2. OTHER ACTION ITEMS**

- A. PRESIDENT'S MANAGEMENT REVIEW 2007-2008 **BETSY ATKINS**
- B. PRESIDENTIAL BONUS **BETSY ATKINS**
- C. UNIVERSITY AND PRESIDENT GOALS 2008-2009  
(*EXHIBIT "M"*) **BETSY ATKINS**

**B. REPORTS**

**3. COMMITTEE REPORTS**

- FINANCE AND AUDIT **KIRK LANDON**
- ACADEMIC POLICY **PATRICIA FROST**

**WORKGROUP REPORTS**

- EXTERNAL RELATIONS **MIRIAM LOPEZ  
CLAUDIA PUIG**

**DAVID PARKER**

**VIII. OTHER BUSINESS**

**IX. ADJOURNMENT**

**DAVID PARKER**

NEXT FULL BOARD MEETING IS SCHEDULED FOR 31 MARCH 2009

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

14 NOVEMBER 2008

SUBJECT: CONSENT AGENDA

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**PROPOSED BOARD ACTION:**

**ADOPT THE FOLLOWING RESOLUTION:**

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

- A. **MINUTES 9.12.08** (EXHIBIT "A")
- B. **REVISED CAPITAL IMPROVEMENT PLAN** (EXHIBIT "B")
- C. **FIU DIRECT SUPPORT ORGANIZATIONS FINANCIAL AUDITS, 2007-2008**  
(EXHIBITS "C" – "E")
  - a. FIU FOUNDATION, INC.\* (EXHIBIT "C")
  - b. FIU RESEARCH FOUNDATION, INC. (EXHIBIT "D")
  - c. FIU ATHLETICS FINANCE CORP.\* (EXHIBIT "E")
- D. **HONORARY DEGREE NOMINATION** (EXHIBIT "F")
- E. **TENURE AS A CONDITION OF EMPLOYMENT** (EXHIBIT "G")
- F. **PRIORITIES FOR THE 2009 LEGISLATIVE SESSION** (EXHIBIT "H")
- G. **HUMAN RESOURCE POLICY VACATION LEAVE** (EXHIBIT "I")
- H. **FLORIDA INTERNATIONAL UNIVERSITY COLLEGE OF MEDICINE SELF-INSURANCE PROGRAM REGULATION** (EXHIBIT "J")
- I. **DEMONSTRATIONS REGULATION** (EXHIBIT "K")
- J. **PERFORMANCE RATINGS** (EXHIBIT "L")

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

**EXHIBITS/SUPPORTING DOCUMENTS:**

- Exhibit “A” - Board of Trustees Minutes 9.12.08
- Exhibit “B” - Revised Capital Improvement Plan
- Exhibit “C” - FIU Foundation, Inc. Financial Audit, 2007-2008\*
- Exhibit “D” - FIU Research Foundation, Inc. Financial Audit, 2007-2008
- Exhibit “E” - FIU Athletics Finance Corp. Financial Audit, 2007-2008\*
- Exhibit “F” - Honorary Degree Nomination
- Exhibit “G” - Tenure as a Condition of Employment
- Exhibit “H” - Priorities for the 2009 Legislative Session
- Exhibit “I” - Human Resource Policy Vacation Leave
- Exhibit “J” - Florida International University College of Medicine Self-Insurance Program Regulation
- Exhibit “K” - Demonstrations Regulation
- Exhibit “L” – Performance Ratings

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**FACILITATOR/PRESENTER:**

- NONE

*\*Subject to respective Board approval*

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: FULL BOARD MEETING MINUTES, 12 SEPTEMBER 2008**

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**PROPOSED BOARD ACTION:**

Adopt the following Resolution:

RESOLVED that the minutes of the meeting of the Florida International University Board of Trustees' Meeting held on 12 September 2008, attached to this Resolution as Exhibit "A," are hereby approved.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT "A": 12 SEPTEMBER 2008  
FULL BOARD MEETING MINUTES

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**BOARD MEETING  
MINUTES  
12 SEPTEMBER 2008**

**I. Call to Order**

Chairman David Parker convened the meeting of The Florida International University Board of Trustees at 9:08 a.m., on Friday, 12 September 2008, at University Park Campus, Graham Center Ballroom, Miami, Florida.

The following attendance was recorded:

***Present:***

David Parker, Chair	Arthur "AJ" Meyer
Albert Dotson, Vice Chair	Claudia Puig
Cesar Alvarez	Rosa Sugrañes
Jorge Arrizurieta	Modesto Maidique
Thomas Breslin	Joseph Caruncho,
Patricia Frost	Chairman FIU Foundation Board of Directors
Kirk Landon	
Miriam López	

***Excused:***

Betsy Atkins  
Albert Maury

**II. Chairman's Remarks:**

Chairman Parker welcomed all Trustees, University faculty and staff. He also welcomed special guest Board of Governors Chair Sheila McDevitt. Chairman Parker noted that the Board of Trustees looks forward to continued collaboration with the Board of Governors, particularly in development of strategic decisions to overcome the challenges dealt by the state's financial crisis.

Chairman Parker spoke on the difficult financial situation being faced at all levels of government – federal, state, and local – and how it continues to impact the state of affairs for the university. He reminded everyone that the university is only in its first year of the three year budget plan thoroughly reviewed at the Budget Workshop last May and approved by the Board of Trustees in June, and as state projections continue to decline additional cuts may need to be absorbed. Chairman Parker stated that every unit at the University is effectively implementing its first year of reductions, and the Board will continue to dialogue frequently with the President and the administration to understand the evolving scenarios and monitor plans for addressing issues as they arise.

**III. Comments from SUS Board of Governor's Chair:**

Chair McDevitt addressed the Board and all guests present at the meeting. Chair McDevitt stated she is scheduled to meet with all Boards of Trustees in the State University System, in an effort to develop a more efficient and productive relationship between all the Boards and the Board of Governors. Chair McDevitt stated that the Board of Governors remains committed to providing a quality education to all students within the State University System.

**IV. Requests to address the Board:**

There were no requests to address the Board.

**V. President's Remarks:**

President Maidique reported that to date, the College of Medicine has received over 2,300 applicants from 48 different states, and the number is expected to increase significantly as the December 2008 application deadline approaches.

President Maidique presented a television news report from a local television station that featured Florida International University's "Future House" in Beijing, China. President Maidique recognized Dr. Tao, who directed the Future House Project, and thanked him for his dedication and service to the University.

**V. Items for Board Review:**

**A. Action Items**

**2. 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, 29 FEBRUARY 2008 (*EXHIBIT "A"*)
- B. MINUTES, 19 MAY 2008 (*EXHIBIT "B"*)
- C. MINUTES, 12 JUNE 2008 (*EXHIBIT "C"*)
- D. MINUTES, 7 JULY 2008 (*EXHIBIT "D"*)
- E. UNIVERSITY TUITION FEES REGULATION (*EXHIBIT "E"*)
- F. RULES AND REGULATIONS STREAMLINING AND CLEAN-UP (*EXHIBIT "F"*)
- G. TENURE AS A CONDITION OF EMPLOYMENT (*EXHIBIT "G"*)

**B. Reports**

**2. Preliminary Report – University Goals Outcomes for Fiscal Year 2007-2008**

President Maidique presented the University Goals Outcomes for Fiscal Year 2007-2008, which consisted of four overarching objectives in student academic performance, academic and research excellence, local development, and financial stability. The President added that the established goals fall in line with goals set for 2015, the University's 50 year anniversary.



The President noted that an area of disappointment and continued strategic focus is retention rates where FIU fell below target.

## **2. Foundation Report**

Foundation Chair Joe Caruncho presented the Foundation Report, noting that the University is making significant progress in the selection of a Vice President for Advancement. He thanked Vice President Sandra Gonzalez-Levy for her successful role as Interim Vice President for Advancement, and reported that under her leadership the University ended last fiscal year with \$51.8 million against a \$30 million goal.

Foundation Chair Caruncho reported that the FIU Alumni Association is currently at 15, 884 total members, which includes alumni, students and friends of FIU. The total represents an increase of 4% since the end of the last fiscal year. He added that Associate Vice President of Alumni Relations Bill Draughon and his team are in the planning stages for the Alumni Center.

## **3. Committee Reports**

Finance and Audit Committee Chair Kirk Landon reported on items heard by his committee. Committee Chair Landon commented on CFO Sanchez' presentation on the Master Plan Update and Construction Financing, noting all the new construction that is currently underway and in the pipeline at the University. She also noted that some of the University projects will require bond financing and a recommendation will be brought before the Board for approval.

Academic Policy Chair Patricia Frost deferred to Vice President of Academic Affairs Doug Wartzok to provide an in-depth update on the Academic Program Closures approved by the Board during the 12 June 2008 Board meeting. Vice President Wartzok reported that students enrolled in terminated programs are all being taught out as planned, and incoming students are being advised on alternative degrees based on their choice of undergraduate major.

Vice President Wartzok also reported on the Southern Association of Colleges and Schools (SACS) reaffirmation of accreditation process currently underway at the University. He explained that in order to comply with the re-accreditation, by 2010 the University needs to complete a Certification of Compliance consisting of approximately 90 principles, as well as develop a Quality Enhancement Plan (QEP). Vice President Wartzok noted that all departments within the University are presently working to maintain compliance for accreditation reaffirmation of the University.

## **4. Workgroup Reports**

Athletics Workgroup Chair Albert Dotson reported on items heard by his committee. He stated that the Athletics program needs to continue to look for innovative ways to stimulate fund-raising efforts. Workgroup Chair Dotson noted that the Athletics Department exceeded their Fundraising target by 16% for the last fiscal year. He also recognized the University

## Exhibit "A"

The Florida International University  
Board of Trustees  
Minutes  
12 September 2008  
Page 4

DRAFT

Women's Volleyball team, and congratulated player Yarimar Rosa for being named the Sun Belt Conference Player of the Week this past week for the 6th time in her career.

External Relations Chair Miriam Lopez gave a short report, noting that during this election year six representatives and three house members in support of the University may be affected depending on the outcome of the presidential elections. She noted that especially as University funds are at risk, Trustee and administrator presence at FIU Day on March 11, 2009 should be considered a top priority.

### **VII. Other Business**

Trustee Arthur "AJ" Meyer Provided an update on student activities, including his work with the Student Government Association (SGA) and the Florida Student Association.

### **VIII. Adjournment:**

Since there was no other business, the meeting of the Florida International University Board of Trustees was adjourned on Friday, 12 September 2008, at 11:15 a.m.

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David Parker  
*Chairman*  
*FIU Board of Trustees*

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

*Attachments: Exhibits "A," "B," "C," "D," "E," "F," & "G"*

*MG*  
9.30.08

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: REVISED CAPITAL IMPROVEMENT PLAN**

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**PROPOSED BOARD ACTION:**

Recommend Board adopt of the following Resolution:

RESOLVED that the Florida International University Board of Trustees approves a revision to the University's Capital Improvement Plan, for the period 2009-2010 through 2013-2014, in the form attached to this Resolution as Exhibit "B" to reflect needed university renovations that improve services and operational efficiencies.

**BACKGROUND INFORMATION:**

**STATUTORY AUTHORITY:**

**1013.64 F.S.** (4)(a) Community college boards of trustees and university boards of trustees shall receive funds for projects based on a 3-year priority list, to be updated annually, which is submitted to the Legislature in the legislative budget request at least 90 days prior to the legislative session. Should the order of the priority of the projects change from year to year, a justification for such change shall be included with the updated priority list.

**EXPLANATION OF PROPOSED BOARD ACTION:**

On 12 June 2008, the Florida International University Board of Trustees (the "BOT") approved the 2009-2010 Fixed Capital Outlay Legislative Budget Request consisting of, in part, the 5-year Capital Improvement Plan (CIP) that was included as part of the University's 2009-2010 Legislative Budget Request.

A revision of the CIP is being submitted for BOT approval to reflect needed university renovations that improve services and operational efficiencies.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

▪ EXHIBIT "B" – CAPITAL IMPROVEMENT PLAN,  
FOR THE PERIOD 2009-2010 THROUGH 2013-  
2014

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For Exhibit and Supporting Documents  
Please see the Finance and Audit section of this agenda  
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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: FLORIDA INTERNATIONAL UNIVERSITY FOUNDATION, INC. FINANCIAL  
AUDIT, 2007-2008**

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**PROPOSED BOARD ACTION:**

Recommend Board adoption of the following Resolution:

WHEREAS, pursuant to Regulation FIU-1502 2.(f), the Florida International University Foundation, Inc. (FIU Foundation, Inc.) must submit an independently conducted financial audit of its accounts and records, which has been approved by its governing board and recommended by the University President to the Florida International University Board of Trustees (the BOT) for review and approval; and

WHEREAS, the FIU Foundation, Inc. Financial Audit for 2007-2008, attached hereto as Exhibit "C," has been submitted and approved by the Executive Committee of the FIU Foundation, Inc. on November 4, 2008, and the University President is recommending its approval, pending the approval of the FIU Foundation, Inc. Board of Directors;

THEREFORE, BE IT RESOLVED that the BOT hereby approves the attached FIU Foundation, Inc. Financial Audit for 2007-2008 and authorizes the Executive Director of the FIU Foundation, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.

**BACKGROUND INFORMATION:**

**LEGAL AUTHORITY:**

**Regulation FIU-1502 4.(f), states in relevant part:**

4.(f) Have a financial audit of its accounts and records to be conducted by an independent certified public accountant after the close of each fiscal year. The audit report shall be submitted by the President of the University to the Board of Trustees and the Board of Governors no later than the end of the fourth month following the close of the organization's fiscal year.

**ARTICLE 3 Section 2 of the Florida International University Foundation  
Bylaws, states in relevant part:**

(iii) It shall cause an audit to be made by an independent certified public accountant of the books of the Foundation as soon as possible after the close of the fiscal year

of the Foundation, and to have the results reported to the Executive Director of the Foundation immediately, and to the full Board at their next meeting thereafter. The annual audit report shall be submitted by the University President to the Board of Trustees for review no later than the end of the fourth month following the close of the organization's fiscal year.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT "C": FLORIDA  
INTERNATIONAL UNIVERSITY  
FOUNDATION, INC. FINANCIAL AUDIT  
2007-2008



For Exhibit and Supporting Documents  
Please see the Finance and Audit section of this agenda  
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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: FLORIDA INTERNATIONAL UNIVERSITY RESEARCH FOUNDATION, INC.  
FINANCIAL AUDIT, 2007-2008**

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**PROPOSED COMMITTEE ACTION:**

Recommend Board adoption of the following Resolution:

WHEREAS, pursuant to Regulation FIU-1502 2.(f), the Florida International University Research Foundation, Inc. (FIU Research Foundation, Inc.) must submit an independently conducted financial audit of its accounts and records, which has been approved by its governing board and recommended by the University President to the Florida International University Board of Trustees (the BOT) for review and approval; and

WHEREAS, the FIU Research Foundation, Inc. Financial Audit for 2007-2008, attached hereto as Exhibit "D", was approved by the FIU Research Foundation, Inc. Board of Directors on November 4, 2008 and the University President is recommending its approval;

THEREFORE, BE IT RESOLVED that the BOT hereby approves the attached FIU Research Foundation, Inc. Financial Audit for 2007-2008 and authorizes the Executive Director of the FIU Research Foundation, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.

**BACKGROUND INFORMATION:**

**LEGAL AUTHORITY:**

**Regulation FIU-1502 2.(f), states in relevant part:**

2.(f) Have a financial audit of its accounts and records to be conducted by an independent certified public accountant after the close of each fiscal year. The audit report shall be submitted by the President of the University to the Board of Trustees and the Board of Governors no later than the end of the fourth month following the close of the organization's fiscal year.

**ARTICLE 3 Section 3 of the Florida International University Research Foundation, Inc. Bylaws, states in relevant part:**

(d) To cause an annual independent audit of the corporation's books and records to be made for transmittal directly to the Board of Directors.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT “D”: FLORIDA  
INTERNATIONAL UNIVERSITY  
RESEARCH FOUNDATION, INC.  
FINANCIAL AUDIT 2007-2008

For Exhibit and Supporting Documents  
Please see the Finance and Audit section of this agenda  
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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: FLORIDA INTERNATIONAL UNIVERSITY ATHLETICS FINANCE  
CORPORATION, FINANCIAL AUDIT, 2007-2008**

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**PROPOSED BOARD ACTION:**

Recommend Board adoption of the following Resolution:

WHEREAS, pursuant to Regulation FIU-1502 2.(f), the Florida International University Athletics Finance Corporation (FIU Athletics Finance Corp.) must submit an independently conducted financial audit of its accounts and records, which has been approved by its governing board and recommended by the University President to the Florida International University Board of Trustees (the BOT) for review and approval; and

WHEREAS, the FIU Athletics Finance Corp. Financial Audit for 2007-2008 is attached hereto as Exhibit "E", and the University President is recommending its approval, pending the approval of the FIU Athletics Finance Corp. Board of Directors;

THEREFORE, BE IT RESOLVED that the BOT hereby approves the attached FIU Athletics Finance Corp. Financial Audit for 2007-2008 and authorizes the Executive Director of the FIU Athletics Finance Corp. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.

**BACKGROUND INFORMATION:**

**LEGAL AUTHORITY:**

**Regulation FIU-1502 2.(f), states in relevant part:**

2.(f) Have a financial audit of its accounts and records to be conducted by an independent certified public accountant after the close of each fiscal year. The audit report shall be submitted by the President of the University to the Board of Trustees and the Board of Governors no later than the end of the fourth month following the close of the organization's fiscal year.

**ARTICLE 5 Section 4 of the Florida International University Athletics Finance Corp, Inc. Bylaws, states in relevant part:**

(d) To cause an annual audit to be made by an independent certified public accountant of the Corporation's books and records as soon as possible after the close of the fiscal year of the Corporation and to have the results reported to the Chairperson of the Corporation immediately and to the full Board at its next meeting thereafter. The annual audit report shall be submitted by the President of FIU to the Board of Trustees for review no later than the end of the fourth month following the close of the Corporation's fiscal year. The annual audit report also shall be submitted to the Auditor General and to the State Board of Education no later than nine (9) months after the close of the Corporation's fiscal year. The audit shall be conducted in accordance with rules promulgated by the Board of Trustees of FIU and with policies adopted by the Auditor General.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT "E": FLORIDA  
INTERNATIONAL UNIVERSITY  
ATHLETICS FINANCE CORPORATION,  
FINANCIAL AUDIT 2007-2008



For Exhibit and Supporting Documents  
Please see the Finance and Audit section of this agenda  
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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: HONORARY DEGREE NOMINATION – MARVIN O’QUINN**

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**PROPOSED COMMITTEE ACTION:**

Recommend Board adoption of the following Resolution:

RESOLVED that the Florida International University Board of Trustees endorses Marvin O’Quinn as recipient of a doctoral degree *honoris causa* from Florida International University and whose professional profile is attached to the Resolution as Exhibit “F”.

**BACKGROUND INFORMATION:**

The honorary degree recipient was recommended by the Faculty Senate and approved by the President and Provost to receive an honorary degree at Commencement.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT “F”: PROFESSIONAL PROFILE FOR MARVIN O’QUINN

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For Exhibit and Supporting Documents  
Please see the Academic Policy section of this agenda  
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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: TENURE AS CONDITION OF EMPLOYMENT NOMINATION**

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**PROPOSED COMMITTEE ACTION:**

Recommend Board adoption of the following Resolution:

WHEREAS, each board of trustees is authorized to establish the personnel program for all employees of the university including tenure; and

WHEREAS, the University President is recommending the granting of Tenure as a Condition of Employment for the nominees listed in Exhibit “G”;

THEREFORE BE IT RESOLVED, that the Florida International University Board of Trustees (“the BOT”) approves the granting of Tenure as a Condition of Employment to the individuals listed in Exhibit “G” based on the recommendations of the University President.

**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,**  
states in part,  
**(19)(a).**

**BACKGROUND INFORMATION:**

Each Tenure as a Condition of Employment nominee has been evaluated by his or her FIU departmental faculty, Dean, and the Provost, and recommended by the President.

**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT “G”: TENURE AS A CONDITION OF EMPLOYMENT NOMINEES



For Exhibit and Supporting Documents  
Please see the Academic Policy section of this agenda  
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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: PRIORITIES FOR THE 2009 LEGISLATIVE SESSION**

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**PROPOSED WORKGROUP ACTION:**

Recommend Board Adoption of the following Resolution:

RESOLVED that the Florida International University Board of Trustees adopt the Priorities for the 2009 Legislative Session, attached to this Resolution as Exhibit “H”.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT H: PRIORITIES FOR THE  
2009 LEGISLATIVE SESSION

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## Priorities for the 2009 Legislative Session March 3 – May 1, 2009

### **I. MITIGATE OPERATING BUDGET CUTS**

Since the General Revenue Estimating Conference held in mid-March, there has been continued tightening of credit market conditions, escalating energy prices, falling employment and further deterioration in the housing market as the nation faces an economic contraction. In response, the Revenue Estimating Conference has reduced its estimate of General Revenue collections for Fiscal Year 2008-09 by \$1.8 billion or 7.0% below the estimate from March. For Fiscal Year 2009-10, expected revenues were reduced by \$2.2 billion or about 8.0% from the earlier forecast.

With the downward revision in general revenue and lottery revenue estimates and the continued shortage of general revenue collections, the state will not release the full 25 percent of appropriated funds normally provided each quarter beginning July 1, 2008. According to the Executive Office of the Governor (EOG), only 24 percent will be released each quarter as they continue to monitor the economy and revenue collections. If this continued for the full fiscal year, the State University System would receive a four percent or \$96 million reduction in the operating budget (\$8M less for FIU). This would be in addition to \$165 million in cuts taken over the last nine months.

The Board of Governors is recommending a consolidated system enhancement request that reflects BOG’s current strategic initiatives.

#### **TUITION FLEXIBILITY**

To offset anticipated budget cuts the universities will be seeking maximum flexibility to increase tuition revenue.

### **II. FIU MEDICAL SCHOOL**

On March 23, 2006, the Board of Governors approved the implementation of a new medical school at FIU. The Legislature followed suit during the 2006 Session by authorizing the Board approved College of Medicine at FIU with the passage of HB 1237.

Within the BOG’s SUS Medical Education Initiative for 2009-2010, \$10.9 million is requested specifically for Year 3 to implement the FIU Medical School. Fiscal year 2009-2010 will be the inaugural year for 40 students. FIU urges the Legislature to fully support the funding request as approved by the BOG in accordance with the LCME accreditation plan.

### **III. FIXED CAPITAL OUTLAY PRIORITIES**

The Board of Governors has requested \$308 million from the Public Education Capital Outlay (PECO) Trust Fund for university projects. Of that, \$28.5 million is allocated to FIU for the following projects: \$7 million for Utilities/Infrastructure/Capital Renewal/Roofs, and \$21.5 million for the Student Academic Support Center.

FIU is seeking legislative approval for these projects, and will seek funding for additional capital priorities should funds become available.

### **IV. MAJOR GIFTS MATCHING PROGRAM**

FIU asks the Legislature to support the Board of Governors request of \$102 million to fund the matching gifts program. The Matching Gifts program is a powerful incentive that FIU has been able to use to encourage large donations which enhance the universities’ ability to attract recognized scholars, provide scholarships, and enable the improvement of our libraries. The Challenge and Courtelis Grant programs will help leverage potential donors to raise funds for existing university programs and is particularly important for the success of our medical school.

### **V. FACULTY AND STAFF SALARIES**

Recognizing the limited availability of state funds, FIU supports policies and funding that will ensure FIU’s faculty and staff are compensated appropriately.

FIU competes nationally to attract quality faculty to our campus. The University must face regional competition to retain qualified staff. Faculty and staff salaries continue to be one of the highest priorities for the BOG. The BOG and the state’s universities have pledged to work together with the Florida Legislature to provide the funds that will allow FIU and the other state universities to compensate their faculty and staff on a competitive basis. The 2007 Legislature included university faculty and staff in the state pay package, but provided only a one-time \$1,000 bonus. FIU urges the Legislature to fund a faculty/staff pay package using State Administered Funds as soon as economically feasible.

### **VI. FUNDS TO SUPPORT STATE UNIVERSITY PRIORITIES**

Rather than identifying individual university priorities by line-item, the BOG budget request was consolidated to reflect system goals. Such goals include:

1. Retaining faculty and staff - \$8.6 million
2. Student Safety and Emergency Preparedness - \$14.5 million
3. Florida Initiative for Global Education \$1.2 million
4. Facilities/Utilities and Operating Base Adjustment - \$37.8 million
5. FL Center for Library Automation - \$5.9 million

FIU supports these system priorities while recognizing projected revenue shortfalls may preclude their funding.

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: HUMAN RESOURCE POLICY - VACATION LEAVE**

---

**PROPOSED WORKGROUP ACTION:**

**RECOMMEND BOARD ADOPTION OF THE FOLLOWING RESOLUTION:**

WHEREAS, the Board of Trustees (“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 Vacation Leave Policy;

WHEREAS, the Vacation Leave Policy for University non-bargaining employees should be amended to clarify eligibility for accrual of vacation leave, namely to specify that nine-month non-bargaining faculty members do not accrue vacation leave;

NOW, THEREFORE, BE IT RESOLVED, that the BOT approves the University Vacation Leave Policy attached hereto as Exhibit “T”;

BE IT FURTHER RESOLVED that the University Vacation Leave 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:**

**AUTHORITY:**

PURSUANT TO THE FLORIDA BOARD OF GOVERNORS, UNIVERSITY BOARDS OF TRUSTEES POWERS AND DUTIES:

THE BOARD IS THE EMPLOYER OF ALL UNIVERSITY EMPLOYEES.

**EXPLANATION FOR PROPOSED WORKGROUP ACTION:**

The Human Resources division is proposing Board adoption of an amendment to the Vacation Leave Policy in order to clarify eligibility of non-bargaining employees, namely to specify that nine-month non-bargaining faculty members do not accrue vacation leave.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT “T”: DIVISION OF HUMAN  
RESOURCES – UNIVERSITY VACATION  
LEAVE POLICY





# FLORIDA INTERNATIONAL UNIVERSITY

## OFFICIAL UNIVERSITY POLICY

### *University Staff (non-bargaining unit faculty and employees)*

SUBJECT (R*)	EFFECTIVE DATE (R)	POLICY NUMBER
VACATION LEAVE	TBD	TBD
RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R)	RESPONSIBLE UNIVERSITY OFFICER (R)	
Division of Human Resources Florida International University	Jaffus Hardrick Vice President for Human Resources	

### POLICY STATEMENT (R)

Employees shall accrue vacation leave in accordance with the table included in this policy.

Vacation leave earned during any pay period shall be credited to the employee on the last day of that pay period. During leaves of absence with pay, an employee shall continue to earn vacation leave credits.

An employee may carry over vacation leave from year to year up to the maximum amount reflected in the table. An employee cannot be paid for or accrue vacation leave in excess of the maximum vacation accrual rate.

Vacation leave must be approved by the supervisor prior to the employee taking the time off from work. The University's operational needs shall be the basis for approving leave.

Vacation leave should be used to schedule sufficient time off for relaxation to promote good physical and mental health; however, earned vacation leave may be used for any other purpose.

Regular part-time employees shall earn vacation leave in proportion to the hours paid during the pay period.

Once vacation leave has started, illness or injury that occurs during this time may not be transferred to sick leave unless the employee is hospitalized. Medical certification must be provided to support the leave transfer.

After one (1) year of continuous employment, an employee who separates from the University shall be paid for all unused vacation leave not to exceed the maximum accrual amount.

For Law Enforcement Personnel:

Vacations and regular days off shall be scheduled based on business necessity, seniority and employee preference, in this priority order. In implementing this provision, nothing shall preclude the University from making reasonable accommodations for extraordinary leave requests or ensuring the fair distribution of leave during holidays.

# Exhibit "I"

## Non-Exempt Personnel

Length of Service with University	Hours Accrued Per Pay Period	Maximum Accrual and Payout Hours
Less than 5 years	5 hours	
More than 5 years but less than 10 years	6 hours	
More than 10 years	7 hours	
		250

## Exempt Personnel

Length of Service with University	Hours Accrued Per Pay Period	Maximum Accrual and Payout Hours
N/A	7	352

## Nine-month Faculty Members

Length of Service with University	Hours Accrued Per Pay Period	Maximum Accrual and Payout Hours
N/A	0 (none)	N/A

## REASON FOR POLICY (O\*)

To administer a uniform procedure of accruing and utilizing vacation leave.

## 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

## DEFINITION (R)

"Seniority" is continuous service in a job classification. This definition applies to Law Enforcement Personnel, is only for the purpose of this policy, and does not apply to layoffs.

\*R = Required

\*O = Optional

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: FLORIDA INTERNATIONAL UNIVERSITY COLLEGE OF MEDICINE SELF-  
INSURANCE PROGRAM**

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**PROPOSED BOARD ACTION:**

Recommend Board Adoption of the following Resolution:

BE IT RESOLVED that the Florida International University Board of Trustees (the BOT) approves the proposed amendment to Board of Governors Regulation Section 10.001, attached hereto as Exhibit “J”, granting FIU the authority to establish a Self-Insurance Program to provide coverage for the clinical faculty practices; and

BE IT FURTHER RESOLVED THAT, the BOT delegates to the University President the authority to forward the proposed revisions to the BOG Regulation to the Board of Governors and to request that the BOG take the necessary action to revise the BOG Regulation 10.001. The University President may also approve any subsequent amendments to the proposed revisions in response to comments received from the Board of Governors;

AND BE IT FURTHER RESOLVED, that the President report to the BOT at its next regularly scheduled meeting on any substantive changes made to the proposed revisions to BOG Regulation 10.001 as a result of comments received by the Board of Governors.

**BACKGROUND INFORMATION:**

**LEGAL AUTHORITY:**

**Section 7(d), Art. IX** establishing the Board of Governors as a Constitutional body and empowering the Board of Governors to “operate, regulate, control, and be fully responsible for the management of the whole university system.”

**Section 1004.24**, Florida Statutes authorizes the Board of Governors to establish self insurance programs (“SIP”) to provide comprehensive general liability coverage, including professional liability coverage for health care coverage for:

- a) The Board of Governors and its officers and members.
- b) A university board of trustees and its officers and members.
- c) The faculty and other employees and agents of a university board of trustees.
- d) The students of a state university.
- e) A state university or any college, school, institute, center, or program thereof.
- f) Any not-for-profit corporation organized pursuant to chapter 617, and the directors, officers, employees, and agents thereof, which is affiliated with a state university, if the corporation is operated for the benefit of the state university in a manner consistent with the best interests of the state, and if such participation is approved by a self-insurance program council, the university president, and the board of trustees.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT “J” – BOG REGULATION 10.001  
SELF-INSURANCE PROGRAMS

For Exhibit and Supporting Documents  
Please see the Finance and Audit section of this agenda  
pages 93 – 97

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: DEMONSTRATIONS REGULATION 110**

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**PROPOSED BOARD ACTION:**

Adopt the following Resolution:

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

WHEREAS, the University’s Demonstrations regulation was updated to address applicable case law and comments of the Board of Trustees; and

THEREFORE, BE IT RESOLVED THAT, the Board of Trustees adopts the following University Demonstrations regulation, which is attached hereto as Exhibit “K”: FIU-110, Demonstrations.

**BACKGROUND INFORMATION:**

**A. LEGAL AUTHORITY**

The applicable language from the Florida Board of Governors Powers and Duties Resolution adopted January 7, 2003 (“Powers and Duties Regulation”), related to the legal authority for the proposed amended regulation is provided below:

**FIU-110 Demonstrations**

The Powers and Duties Resolution provides, “6. Each board of trustees shall have responsibility for the use, maintenance, protection, and control of university-owned or university-controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals and sound. The authority vested in the board of trustees in this subsection includes the prioritization of the use of space, property, equipment, and resources and the imposition of charges for those items.”

## **B. EXPLANATION FOR PROPOSED BOARD ACTION**

The FIU-110 Demonstrations regulation is being amended to conform to applicable case law and to address comments received at the last Board of Trustees meeting. The Demonstrations regulation presented at the last Board of Trustees meeting has been substantially revised. The material revisions that were made to the proposed Demonstrations regulation are as follows:

1. Registration: Under the proposed regulation, individuals or organizations are only required to file a notification of intent to demonstrate if: (a) sound amplification shall be used, or (b) the demonstration shall involve groups of more than 30 participants.
2. Places to Demonstrate: The proposed regulation expands the number of locations where demonstrations may take place. The proposed regulation distinguishes between University Community/Organizations and Non-University persons/Organizations. The University Community and University Organization(s) may conduct demonstrations on University grounds, except for the specified areas outlined in Sections (3) and (4). Non-University persons and non-University Organizations may conduct demonstrations in the five “Free Assembly Areas” outlined in Section (5) of the regulation.
3. Interference with University Operations or the Rights of Others: The proposed regulation provides a description of the types of activities that would constitute interference with University operations or the rights of others in Section (6) of the regulation.
4. Appeal Process: The time frame for filing an appeal for denial of a demonstration was expanded from one (1) business day to two (2) business days. Also, the regulation was revised to provide that the final appeal shall be submitted to the Provost or his or her designee.

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### **EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT “K”: NOTICE OF AMENDED REGULATION, FIU-110, DEMONSTRATIONS



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

**NOTICE OF AMENDED REGULATION**

**REGULATION NO.:** FIU-110

**REGULATION TITLE:** Demonstrations.

**SUMMARY:** This regulation is a substantial rewrite of the previous regulation on demonstrations. This regulation sets forth the process for conducting demonstrations, expands the locations where demonstrations may take place, and provides an updated appeal process.

**TEXT OF REGULATION:** The full text of the Proposed Amended Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://bot.fiu.edu/regulations/>. If you would like a copy of the Proposed Amended Regulation, please contact Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, (305) 348-2103.

**AUTHORITY:** Resolution of the Florida Board of Governors dated January 7, 2003:

**NAME OF PERSON INITIATING PROPOSED REGULATION:** Cristina Mendoza, Vice President and General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED AMENDED 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 AMENDED REGULATION:** Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, Florida International University, 11200 SW 8<sup>th</sup> Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu Fax: (305) 348-3272. Phone: 305-348-2103.

**DATE OF PUBLICATION:** October 14, 2008

**THE FULL TEXT OF THE PROPOSED AMENDED REGULATION IS PROVIDED BELOW:**

**FIU-110 Demonstrations.**

(1) Definitions: For purposes of this regulation, the following definitions shall apply:

- (a) Demonstrations: Demonstrations are activities such as assemblies, exercises of free speech, protests, parades, marches, and picketing.
- (b) University Community: The University Community consists of Florida International University faculty, staff and students.
- (c) University Organization(s): University Organization(s) are recognized University faculty and staff organizations and registered University student organizations. This definition excludes individuals, groups, and/or organizations sponsored by or affiliated with University Organization(s).

(2) Subject to the terms of this regulation and related University regulations:

- (a) the University Community and University Organizations may use University grounds to conduct demonstrations, except as specified below.
- (b) non-University persons and non-University Organizations may conduct demonstrations in those areas of the University designated as "Free Assembly Areas," as specified below.

(3) In no event shall campus buildings, indoor facilities, parking facilities/areas, athletic or recreational facilities, fields and/or stadiums be used for demonstrations unless specifically permitted in writing by the Vice President of Student Affairs or his or her designee.

(4) The University Community and University Organizations may organize, conduct, or participate in demonstrations on University grounds, except for grounds within fifty (50) feet of the following (unless a greater distance is required by applicable laws):

- (a) University residential facilities;
- (b) Buildings, facilities, or areas where such use could impair entrance to or exit from the building, facility or area, or interfere with activities therein;
- (c) The Children's Creative Learning Center;
- (d) Buildings wherein child care services, elderly care services and health care services including, without limitation, mental health and substance abuse services, take place; and
- (e) The FIU Libraries.

(5) Subject to University regulations, policies and procedures, non-University persons and non-University Organizations are limited to the "Free Assembly Areas" listed below for purposes of organizing and conducting demonstrations on University grounds:

- (a) The Fountain Area located immediately north of the Charles Perry Building on the University Park Campus;
- (b) The portion of the open grassy area directly behind the Graham Center Ballrooms entrance, east of the sidewalk leading from the Graham Center to Owa Ehan and west of the sidewalk leading from the Graham Center to Chemistry and Physics.
- (c) The portion of the grassy open area directly north of the Graham Center parking lot, east of the sidewalk leading from the Graham Center to Chemistry and Physics and south of the Health & Life Sciences I Building.
- (d) The paved area immediately north of Academic Building I at the Biscayne Bay Campus; and,
- (e) The open grassy area west of the Marine Biology Building between Academic Building I and Academic Building II.

The Free Assembly Areas may also be used for demonstrations by the University Community and University Organizations. The use of these Free Assembly Areas is subject to availability.

(6) All persons and organizations conducting demonstrations on University grounds must abide by the general requirement that no such activities may interfere with, disrupt, or impede the normal operations of the University or otherwise interfere with or infringe on the rights of others. Interference with, disruption of, or impeding the normal operations of the University and/or interference with the rights of others includes, without limitation:

- (a) obstruction of vehicular, bicycle, pedestrian, or other traffic;
- (b) obstruction of entrances or exits to buildings or driveways or impeding entry to or exit from any building or parking lot or vehicular path;
- (c) obstruction or disruption of any educational, research, or administrative activities inside or outside any building;
- (d) violation of a law, rule, regulation, or ordinance; violation of Board of Governors regulations, or violation of a University regulation, policy and/or procedure;

- (e) posing an environmental hazard or a health or safety threat to the University, the University Community, University Organizations, or the general public;
  - (f) interference with or precluding a scheduled speaker from being heard;
  - (g) threatening persons or using fighting words which are those words that by their mere utterance inflict violence or would tend to incite a reasonable person to violence or other breach of peace;
  - (h) damaging property of the University or on University grounds; or
  - (i) utilizing sound amplification, including bullhorns, except as approved in advance in writing as set forth below and within sound limits that will not disrupt normal University operations.
- (7) All persons and organizations conducting demonstrations on University grounds, must:
- (a) comply with all applicable federal, state and local laws, all Board of Governors regulations, and all other applicable University regulations, policies and/or procedures; and
  - (b) procure and comply with federal, state, local or University licensure/permit/insurance requirements, to the extent applicable.
- (8) If a demonstration is disrupting normal University operations or infringing on the rights of others contrary to the requirements of this regulation, the President or his or her designated representative has authority to:
- (a) identify himself or herself to the demonstrators, providing the person's name and official position;
  - (b) inform the demonstrators that they are in violation of the University regulation(s), policies and/or procedures, Board of Governors regulations or applicable law and specify the nature of the violation;
  - (c) request that the violation cease (which could include relocation of the activity to avoid the disruption); and/or,
  - (d) in the event of non-compliance with this request, enlist the assistance of the University Department of Public Safety and/or law enforcement personnel in restoring order and enforcing the law.
- (9) In the event of a disruption, the University Department of Public Safety or other law enforcement personnel has authority to:

- (a) require that any individual identify himself or herself by presenting appropriate documentation such as identification cards;
- (b) declare a demonstration to be disruptive, disorderly, or in violation of the University regulation or law and request all participants to cease and desist and to disperse and clear the area, including leaving the University grounds immediately, or be subject to arrest and;
- (c) arrest any participants observed to be in violation of applicable federal, state or local laws, and/or,
- (d) enlist the assistance of outside law enforcement agencies, as may be necessary.

Nothing contained in this regulation is intended to limit or restrict the authority of the University Department of Public Safety or other law enforcement personnel under applicable laws or University regulations, policies and procedures.

(10) University Community members or University Organizations who intentionally act to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University or interfere with, or infringe upon, the rights of others, are subject to appropriate disciplinary action by the University authorities.

(11) In order to coordinate University events and other activities taking place on University grounds, with due consideration for the health and safety of all individuals, any person or organization who intends to demonstrate on University grounds must notify the University at least two (2) business days in advance if: (a) the demonstration event shall involve a group consisting of more than 30 participants; or (b) if sound amplification equipment shall be used.

Notification must be provided on the designated notification form which is available in any one of the following Offices. The notification must be submitted in writing to the designated University representative noted below at the applicable University Campus:

University Park Campus: Attention: Vice President of Student Affairs or  
his or her designee  
11200 S.W. 8<sup>th</sup> Street  
Graham Center Room 1215  
Miami, Florida 33199

Biscayne Bay Campus: Attention: Vice Provost of the Biscayne Bay Campus  
or his or her designee  
3000 N.E. 151<sup>st</sup> Street  
Library Room 315  
North Miami, Florida 33181

The designated University representative at each applicable University Campus may deny the request to demonstrate on the University grounds within two (2) business days after receipt of the notice for the following reasons:

- (a) The use or activity would interfere with the normal operations of the University and/or interfere with the rights of others due to one of the reasons enumerated in Subsection 6 above;
- (b) The use or activity would conflict with previously planned programs, activities and/or events organized and conducted by the University and/or University Organizations and previously scheduled for the same time and place; and
- (c) A fully executed prior notification for the same time and place has been received and processed granting the prior requestor the authorization to use the area.

(12) Any person or organization that is denied permission to demonstrate may appeal such denial in writing to the Provost or his or her designee. The appeal must be made within two (2) business days after receipt of a written denial from the University's designated representative. The Provost's or his or her designee's decision on this matter shall be final.

*Specific Authority Board of Governors Resolution dated 1-07-03 History: New 12-23-76, Amended 8-7-83, Formerly 6C8-5.008, Amended 9-12-08, \_\_\_\_\_.*

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: PERFORMANCE RATINGS**

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**PROPOSED BOARD ACTION:**

**RECOMMEND BOARD ADOPTION OF THE FOLLOWING RESOLUTION:**

WHEREAS, the Florida International University Board of Trustees (the BOT) has been charged with annually evaluating the University President; and

WHEREAS, as part of the annual evaluation process, the BOT Compensation Workgroup shall approve and adopt a system of performance ratings to categorize and define the University President's management performance; and

WHEREAS, the BOT requested that the University research and analyze best practices for defining the Executive Performance Ratings; and

WHEREAS, based on the University's research and analysis, the BOT Compensation Workgroup recommends board adoption of the Executive Performance Ratings attached hereto as Exhibit "L";

THEREFORE, BE IT RESOLVED, that the BOT Compensation Workgroup adopts the Executive Performance Ratings attached hereto as Exhibit "L," for the following 5 years, unless the Chair of the Compensation Workgroup would like to approve new ratings before then.

**BACKGROUND INFORMATION:**

**AUTHORITY:**

**The Board of Governors' regulation 4.002 provides, in pertinent part:** (3) An evaluation of each president shall be done annually by the Board and the Chancellor. This evaluation shall be based on program goals that have been set jointly by the Board, the Chancellor and the president.

---

**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT "L": EXECUTIVE PERFORMANCE RATINGS

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**Executive Performance Ratings**  
***Proposed 11.10.08***

Performance Rating
Superior
Very Good
Satisfactory
Less than Satisfactory
Unsatisfactory

**PERFORMANCE RATINGS**

*Determined relative to approved performance goals*

**Superior** - ***Exceeds*** performance expectations on a consistent and uniform basis in areas of responsibility. In addition, makes a unique or significant contribution well beyond performance expectations through remarkable achievement and pacesetting performance. Achievements and abilities are recognized and supported by leadership, faculty, staff and students.

**Very Good** - ***Achieves*** performance expectations and at times exceeds them.

**Satisfactory** - ***Fulfills*** performance expectations. Level of performance is effectively and consistently maintained. Consistently ensures that the organization is following its mission, vision and strategic plan.

**Less than Satisfactory** - ***Fails to consistently fulfill*** performance expectations possibly because of some mitigating circumstances that may or may not have been within the leader's control. Improvement(s) may be required in order to fully achieve expectations on a continuous basis.

**Unsatisfactory** - ***Fails to fulfill many*** of the performance expectations. Regularly fails to meet or exceed required outcomes. Immediate improvements are required by the next performance evaluation.

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: PRESIDENT'S MANAGEMENT REVIEW, 2007-2008**

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**PROPOSED WORKGROUP ACTION:**

**RECOMMEND BOARD ADOPTION OF THE FOLLOWING RESOLUTION:**

WHEREAS, the Florida International University Board of Trustees ("the BOT") has been charged with annually evaluating the University President; and

WHEREAS, the BOT conducted the performance evaluation of President Modesto A. Maidique for the 2007-2008 fiscal year; and

WHEREAS, the BOT must submit the evaluation to the Florida Board of Governors for review;

THEREFORE, BE IT RESOLVED, that the BOT grants a "\_\_\_\_\_" Performance rating to President Modesto A. Maidique in his leadership of Florida International University during fiscal year 2007-2008;

BE IT FURTHER RESOLVED, that the BOT authorizes the Senior Vice President for Administration to submit the evaluation of the President to the Florida Board of Governors; and

BE IT FURTHER RESOLVED, that the Senior Vice President for Administration is authorized to take all actions necessary to give effect to this Resolution.

**BACKGROUND INFORMATION:**

**AUTHORITY:**

**The Board of Governors' regulation 4.002 provides in pertinent part:** (3) An evaluation of each president shall be done annually by the Board and the Chancellor. This evaluation shall be based on program goals that have been set jointly by the Board, the Chancellor and the president.

**EXPLANATION FOR PROPOSED BOARD ACTION**

The annual evaluation of the President has been completed at this Board meeting. Since the Board must file its evaluation with the Florida Board of Governors, the Board authorizes, Vivian A. Sanchez, CFO and Senior Vice President for Administration, to submit the evaluation to the BOG for review.

---

**EXHIBITS/SUPPORTING DOCUMENTS:**

- BOARD OF TRUSTEES COMPENSATION  
WORKGROUP MEMORANDUM – GOALS  
RESULTS FISCAL YEAR 2007-2008



**TO: Board of Trustees Compensation Workgroup**

**FROM: Dr. Modesto A. Maidique, President**

**DATE: October 10, 2008**

**RE: Goal Results Fiscal Year 2007-2008**

The FY07-08 objectives were aligned with the strategic mission of the institution and are in accordance with the Millennium Plan currently in effect. Corresponding goals were established to measure how successful FIU is in reaching the vision of being a Top Urban Public Research University. Longer term targets with interim milestones were established for many goals to ensure continuity and focus.

During FY07-08, the university made great strides in advancing its strategic vision. An in-depth report, which was distributed and presented at the September Board of Trustees Meeting, delineated FIU's accomplishments. *(This report is attached for your reference.)* Highlights relative to previously approved goals that best demonstrate the university's progress include:

- Graduation of Doctoral Students reached 122 significantly exceeding our goal of 106. This resulted in a five year compounded annual growth of 15% surpassing the State University System's growth rate of 7.5% by two times.
- Increased fiscal self-sufficiency by raising \$51.9 million from donor and corresponding state matching funds surpassing the university's historical high and exceeding the target by 73%.
- Strengthened academic excellence and national program recognition as is evidenced by the Academic Analytics report ranking the six doctoral programs of Social Welfare, Spanish, Economics, Curriculum and Instruction, Biological Sciences and Psychology above the national mean. In addition, the International Business undergraduate program ranked top fifteen in the country while the Executive MBA program was ranked by the Financial Times of London as 81<sup>st</sup> in 2007 in the world and as the highest ranked such program in Florida.
- Advanced the College of Medicine Initiative through conferral of LCME preliminary accreditation, conclusion of affiliation agreements with four

community providers, and allocation of \$10 million from Miami-Dade County for a new ambulatory teaching hospital.

- Qualified for differential tuition with three other top Florida research institutions by leading the legislative effort to adopt a new bill that provides FIU funds that will improve the academic quality of undergraduate education.
- Drove the SUS' largest improvement in classroom utilization from 42% to 66% in three years, far surpassing the state average of 62%.
- Filled critical leadership positions including VP of Human Resources, University Treasurer, Dean of College Art & Sciences, Dean of Public Health, and Vice Provost of FIU On-line.

Although the university made significant improvements towards fulfilling its strategic vision, we did not succeed in increasing the student retention rate. The university realized an 81.3% first year retention rate relative to 86% the prior year. Student retention remains an area of focus where specific initiatives have been funded and are being executed. A goal of increasing retention by 3 percentage points is being recommended to the BOT for FY08-09, demonstrating our intent to make significant immediate strides.

Finally, the Vice President of Advancement position was not filled during FY07-08. However, I am pleased to announce the appointment of Mr. Robert Conrad to this position who will assume his duties beginning November 3, 2008. Despite not having a permanent leader in Advancement, the university worked collaboratively to raise a record \$51.9 million during FY07-08.

I look forward to the Compensation Workgroup meeting where we can discuss in greater detail all of our accomplishments, future goals and critical initiatives that, despite the challenges ahead, demonstrate our commitment to becoming a top urban public research university.

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

14 NOVEMBER 2008

**SUBJECT: PROPOSED BONUS FOR PRESIDENT MODESTO A. MAIDIQUE**

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**PROPOSED WORKGROUP ACTION:**

**RECOMMEND BOARD ADOPTION OF THE FOLLOWING RESOLUTION:**

WHEREAS, fiscal year 2007 - 2008 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 Student Academic Performance, 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 "\_\_\_\_\_" Performance rating based on these accomplishments, some of which included:

- Graduation of Doctoral Students reached 122 significantly exceeding our goal of 106. This resulted in a five year compounded annual growth of 15% surpassing the State University System's growth rate of 7.5% by two times.
- Increased fiscal self-sufficiency by raising \$51.9 million from donor and corresponding state matching funds surpassing the university's historical high and exceeding the target by 73%.
- Strengthened academic excellence and national program recognition as is evidenced by the Academic Analytics report ranking the six doctoral programs of Social Welfare, Spanish, Economics, Curriculum and Instruction, Biological Sciences and Psychology above the national mean. In addition, the International Business undergraduate program ranked top fifteen in the country while the Executive MBA program was ranked by the Financial Times of London as 81<sup>st</sup> in 2007 in the world and as the highest ranked such program in Florida.
- Advanced the College of Medicine Initiative through conferral of LCME preliminary accreditation, conclusion of affiliation agreements with four community providers, and allocation of \$10 million from Miami-Dade County for a new ambulatory teaching hospital.
- Qualified for differential tuition with three other top Florida research institutions by leading the legislative effort to adopt a new bill that provides FIU funds that will improve the academic quality of undergraduate education.
- Drove the SUS' largest improvement in classroom utilization from 42% to 66% in three years, far surpassing the state average of 62%.

- Filled critical leadership positions including VP of Human Resources, University Treasurer, Dean of College Art & Sciences, Dean of Public Health, and Vice Provost of FIU On-line.

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 accomplishments of President Maidique during the fiscal year 2007 - 2008; therefore

BE IT RESOLVED that the Board approves a bonus of \$\_\_\_\_\_for President Maidique, effective September 30, 2008, in recognition of his leadership.

**BACKGROUND INFORMATION:**

**A: AUTHORITY:**

**PURSUANT TO THE FLORIDA BOARD OF GOVERNORS, UNIVERSITY BOARDS OF TRUSTEES POWERS AND DUTIES:**

THE BOARD IS THE EMPLOYER OF ALL UNIVERSITY EMPLOYEES.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXECUTIVE PERFORMANCE RATINGS



**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: UNIVERSITY AND PRESIDENT GOALS, 2008-2009**

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**PROPOSED WORKGROUP ACTION:**

**RECOMMEND BOARD ADOPTION OF THE FOLLOWING RESOLUTION:**

BE IT RESOLVED, that the Florida International University Board of Trustees (“the BOT”) approves the University and President Goals for the 2008-2009 fiscal year as presented by President Maidique and attached hereto as Exhibit “M”.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT “M”: UNIVERSITY AND  
PRESIDENT GOALS REPORT, 2008-2009

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**BOARD OF TRUSTEES  
University & President Goals  
Fiscal Year 2008-2009**

**EXECUTIVE SUMMARY**

The President is focusing the efforts of the University at achieving four overarching objectives:

1. Academic performance: improve student retention
2. Academic excellence: strengthen academic reputation
3. Advance the College of Medicine
4. Financial stability: strengthen fiscal self-sufficiency

During FY08-09, four measurable goals have been established to gauge progress towards achieving our objectives.

**1. Academic Performance: Improve Student Retention**

Increase the freshman-sophomore retention rate by 3 percentage points and sophomore-junior retention rate by 2 percentage points targeting the national average of graduation rates in five years by 2013.

**2. Academic Excellence: Strengthen Academic Reputation**

Increase the doctoral degree production to reach 130 towards a five year target of 150 by 2013.

**3. Advance the College of Medicine**

Complete the development of the College of Medicine by concluding operating agreements with local health care providers, developing the Faculty Practice Plan, expanding donor funding, establishing a plan for an on-campus ambulatory care facility, and expanding partnerships with complementary colleges.

**4. Financial Stability: Strengthen Fiscal Self-Sufficiency**

Increase endowment funds, non-academic auxiliary revenue and research awards by a minimum of 5% and implement five revenue generating partnerships.

These goals will be supported by a series of university initiatives. Specific initiatives will be critical in ensuring the goal is reached. Though many of the initiatives support more than one goal, we have categorized each within a specific goal.



**BOARD OF TRUSTEES**  
**University & President Goals**  
**Fiscal Year 2008-2009**

The President is focusing the efforts of the University at achieving four overarching objectives:

1. Academic performance: improve student retention
2. Academic excellence: strengthen academic reputation
3. Advance the College of Medicine
4. Financial stability: strengthen fiscal self-sufficiency

During FY08-09, four measurable goals have been established to gauge progress towards achieving our objectives. In addition to detailing the goals, the following report provides a list of critical initiatives relating to each of the objectives. Clearly, a number of additional efforts that directly tie to these goals are underway. Though many of the critical initiatives delineated support more than one goal, for simplicity we have categorized each within a specific goal. The Administration understands that in a world of limited resources, FIU will only reach its goals if efforts are clearly aligned.

**1. ACADEMIC PERFORMANCE: IMPROVE STUDENT RETENTION**

**GOAL: Increase the freshman-sophomore retention rate by 3 percentage points and sophomore-junior retention rate by 2 percentage points targeting the national average of graduation rates in five years by 2013.**

Critical Initiatives

- Improve student services infrastructure through
  - roll-out of a new degree audit system
  - stronger advising support
  - improved on-line payment solutions
  - streamlined financial aid and registration
  - development of Student Support Complex for the delivery of efficient, integrated student services
- Improve faculty retention.
- Increase faculty hiring to meet core curriculum course requirements.

## **2. ACADEMIC EXCELLENCE: STRENGTHEN ACADEMIC REPUTATION**

**GOAL: Increase the doctoral degree production to reach 130 towards a five year target of 150 by 2013.**

### Critical Initiatives

- Develop strategic faculty research clusters and connect them to Ph.D. programs.
- Increase the number of applications in strategic areas to increase funding.
- Review all Ph.D. programs in a five year period (2012-13) to improve academic quality and financial efficiency.
- Reallocate space and improve quality of research infrastructure to gain greater return.

### **3. ADVANCE THE COLLEGE OF MEDICINE**

**GOAL: Complete the development of the College of Medicine by critical initiatives.**

- a)** concluding operating agreements with local health care providers as building on current affiliation agreements,
- b)** developing a financially viable business case and, if appropriate, begin implementation of the Faculty Practice Plan,
- c)** expanding donor funding to augment base funding for operating needs and merit or need-based student scholarships,
- d)** establishing a plan for an on-campus ambulatory care facility, and
- e)** expanding partnerships with complementary colleges.

#### **4. FINANCIAL STABILITY: STRENGTHEN FISCAL SELF-SUFFICIENCY**

**GOAL: Increase endowment funds<sup>a</sup>, non-academic auxiliary revenue and research awards by a minimum of 5% and implement five revenue generating partnerships.**

##### Critical Initiatives

- Expand existing and new retail and business operations.
- Strengthen advancement support infrastructure by appointing Vice President of Advancement.
- Enhance the university’s image by highlighting quality through implementation of creative messaging and promotion.
- Increase alumni participation through paid membership in the FIU Alumni Association.
- Create partnerships designed to increase sponsored research awards.

*a. Increase endowment fundraising resulting in growth of existing corpus amount, net of investment returns and reserves.*

## **ADDITIONAL PRESIDENT-SPECIFIC GOALS**

### **Management**

- **Lead the SACS compliance certification review and further development of the Quality Enhancement Plan (QEP).**
- **Obtain additional recurring funds of \$7 million for first year of operations of the College of Medicine and pursue restoration of \$3.9 million that was not appropriated the prior year.**
- **Develop and execute the first FIU Global perspectives summit focusing on current world geopolitics to provide a diverse and important opportunity for students, faculty, and the community.**
- **Assist members of the university community to increase visibility in national academic organizations through the exposure and/or election to President and other senior administrative leadership in four associations.**
- **Strengthen the institution's compliance infrastructure.**
- **Increase the diversity of the University environment through demonstrated progress of targeted improvements set forth in the Florida Educational Equity Act Report, approved June 2008 by the BOT.**

### **Personal**

- **Teach four Professional Development Seminars on Leadership during the Fall 2008 semester in the College of Business.**
- **Develop and lead a four-day Executive training program, *Leading Decisions*.**
- **Complete a teaching note on a new leadership model which will inform FIU's Executive Training Program.**



**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**14 NOVEMBER 2008**

**SUBJECT: COMMITTEE & WORKGROUP REPORTS**

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**PROPOSED BOARD ACTION:**

None. Discussion Items.

**COMMITTEES**

- FINANCE AND AUDIT COMMITTEE REPORT  
*CHAIR KIRK LANDON*
- ACADEMIC POLICY COMMITTEE REPORT  
*CHAIR PATRICIA FROST*

**WORKGROUP REPORTS**

- EXTERNAL RELATIONS WORKGROUP  
*CO-CHAIR MIRIAM LÓPEZ*

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- NONE

**FACILITATOR/PRESENTER:**

- KIRK LANDON
- PATRICIA FROST
- MIRIAM LÓPEZ

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