



Board of  
Trustees

FLORIDA INTERNATIONAL UNIVERSITY

## FINANCE AND AUDIT COMMITTEE

THURSDAY, 11 SEPTEMBER 2008

8:30 A.M.

FLORIDA INTERNATIONAL UNIVERSITY

GRAHAM CENTER BALLROOMS

UNIVERSITY PARK CAMPUS

MIAMI, FL

### MEMBERSHIP

KIRK LANDON, *CHAIR*

MIRIAM LÓPEZ, *VICE CHAIR*

BETSY ATKINS

THOMAS BRESLIN

ALBERT MAURY

NOEL GUILLAMA-ALVAREZ, *FOUNDATION BOARD OF DIRECTORS*

## AGENDA

- |   |                             |
|---|-----------------------------|
| I. CALL TO ORDER  | KIRK LANDON                 |
| II. APPROVAL OF MINUTES                                   | KIRK LANDON                 |
| III. CHAIR'S REMARKS                                      | KIRK LANDON                 |
| IV. FOLLOW-UP TO ITEMS FROM PREVIOUS MEETINGS             | KIRK LANDON                 |
| V. ITEMS FOR COMMITTEE REVIEW                             | KIRK LANDON                 |
| A. ACTION ITEMS   |                             |
| 1. RULE AND REGULATIONS STREAMLINING AND CLEAN-UP         | CRISTINA MENDOZA            |
| 2. UNIVERSITY INTERNAL AUDIT PLAN, 2008-2009              | PYONG CHO<br>MANUEL SANCHEZ |
| B. REPORTS ( <i>FOR DISCUSSION – NO ACTION REQUIRED</i> ) |                             |
| 3. OFFICE OF INTERNAL AUDIT REPORT                        | PYONG CHO<br>MANUEL SANCHEZ |
| 4. SPONSORED RESEARCH REPORT                              | GEORGE WALKER               |

**5. FOUNDATION REPORT**

**NOEL GUILLAMA-  
ALVAREZ**

**6. MASTER PLAN UPDATE AND CONSTRUCTION  
FINANCING**

**VIVIAN SANCHEZ  
JOHN MILLER**

**7. CFO & ADMINISTRATION UPDATE**

**VIVIAN SANCHEZ**

- a. YEAR-END FY07-08 BUDGET VARIANCE
- b. INFORMATION TECHNOLOGY
- c. COURTELIS FACILITIES ENHANCEMENT  
CHALLENGE GRANT PROGRAM LIST

**8. ATHLETICS UPDATE**

**PETE GARCIA**

**B. REPORTS** *(FOR INFORMATION ONLY)*

**9. TREASURY REPORT**

**JOHN M. MILLER**

**10. ENVIRONMENTAL – REGULATORY & COMPLIANCE**

**JENNIFER MWAISELA**

**11. UNIVERSITY COMPLIANCE REPORT**

**LEYDA BENITEZ**

**12. FIU COLLEGE OF MEDICINE HEALTH CARE  
NETWORK REPORT**

**JOHN ROCK**

**VI. OTHER BUSINESS**

**KIRK LANDON**

**VII. ADJOURNMENT**

**KIRK LANDON**

NEXT FINANCE AND AUDIT COMMITTEE MEETING  
IS SCHEDULED FOR  
13 NOVEMBER 2008

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FINANCE AND AUDIT COMMITTEE**

**11 SEPTEMBER 2008**

**SUBJECT: FINANCE AND AUDIT COMMITTEE MEETING MINUTES, 12 JUNE 2008**

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**PROPOSED COMMITTEE ACTION:**

Adopt the following Resolution:

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

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT "A": 12 JUNE 2008 FINANCE AND AUDIT COMMITTEE MEETING MINUTES.

**FACILITATOR/PRESENTER:**

- COMMITTEE CHAIR KIRK LANDON

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**



**FINANCE AND AUDIT COMMITTEE  
MINUTES  
12 JUNE 2008**

**I. Call to Order**

The Florida International University Board of Trustees' Finance and Audit Committee meeting was called to order by Committee Chair Kirk Landon at 8:31 a.m. on Thursday, 12 June 2008, in University Park Graham Center Meeting Room 243, Miami, Florida.

The following attendance was recorded:

***Present***

Kirk Landon, Chair  
Miriam López, Vice Chair  
Bruce Hauptli  
Albert Maury  
Noel Guillama-Alvarez, *FIU Foundation*  
*Director*

***Excused***

Betsy Atkins

Trustee AJ Meyer and President Modesto A. Maidique were also in attendance.

**II. Approval of Minutes**

Committee Chair Kirk Landon asked if there were any additions or corrections to the minutes of the 13 March 2008, Finance and Audit Committee meeting. Hearing none, the Committee adopted the following:

RESOLVED that the minutes of the meeting of the Finance and Audit Committee, held on 13 March 2008, and attached to this Resolution as Exhibit "A," are hereby approved.

**III. Chair's Remarks**

Committee Chair Landon welcomed Trustees and staff to the meeting and thanked them for their service and hard work. He welcomed FIU Foundation Director Noel Guillama-Alvarez to the meeting.

Committee Chair Landon welcomed and introduced newly appointed Vice President for Human Resources, Dr. Jaffus Hardrick who joined the University in April, noting that the position was vacant for nearly two years.

Committee Chair Landon recognized fifteen individuals from the University's Department of Environmental Health & Safety and Risk Management services. He added that because of their hard work and dedication, the University was recognized for its safety program. He noted that the award placed the University among the top ranked safety programs in the State.

On behalf of the Committee, Chair Landon thanked faculty Trustee Bruce Hauptli for his hard work on the FIU Board of Trustees during the past 4 years. Committee Chair Landon added that although this would be the last Committee meeting for Dr. Hauptli as a Trustee, he looked forward to his continued work.

Committee Chair Landon also recognized Thomas Breslin, Chairman-elect of the FIU Faculty Senate, who would be the incoming Faculty Trustee beginning in August 2008.

#### **IV. Follow-up to Items from Previous Meetings**

Committee Chair Landon noted that CFO and Sr. Vice President for Administration Vivian Sanchez reported back to the Committee that the budget cuts would expedite implementation, review, and approval processes for conducting University business. He also noted that Provost Berkman would report back to the Committee at the next regularly scheduled meeting on the University's analysis of best practices for Faculty Practice Plans from other like institutions.

#### **V. Items for Committee Review**

##### **A. Action Items**

##### **1a. Proposed 2008-09 University Operating Budget**

CFO and Sr. VP Vivian Sanchez presented the University's 2008-2009 Operating Budget for Committee review. She provided a summary by fund and delineated strategic issues.

After discussion, the Committee recommended the following Resolution for Board approval:

RESOLVED, that the Florida International University Board of Trustees ("the BOT") approves the 2008-2009 University Operating Budget attached hereto in Exhibit "B";

FURTHER RESOLVED, that the BOT approves the 2008-2009 Operating Budget of the FIU Foundation, Inc., as adopted by the FIU Foundation Inc. Board of Directors on May 28, 2008; the 2008-2009 Operating Budget for the FIU Athletics Finance Corp., as adopted by the FIU Athletics Finance Corp. on May 16, 2008; and the 2008-2009 Operating Budget for the FIU Research Foundation, Inc., as adopted by the Research Foundation Board on June 9, 2008, each of which is attached hereto in Exhibit "B"; and

FURTHER RESOLVED, that the BOT delegates to the University President the authority to amend the University Operating Budget to adjust to changing circumstances; and

FURTHER RESOLVED, that the University President shall keep the BOT informed of any changes in excess of 2% made to the total approved 2008-2009 Operating Budget during the operating year.

**1b. University Tuition Fees Regulation FIU-1101 – Amendment**

CFO Sanchez presented the University Tuition Fees Regulation FIU-1101 for Committee review. She noted that the Tuition Fees Regulation FIU-1101 was being amended to reflect the changes in tuition and fees for the 2008-09 academic year as authorized by the Legislature.

Trustee AJ Meyer noted that students felt that in order to preserve and expand existing critical services the increases were well justified.

After discussion, the Committee recommended the following Resolution for Board approval:

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);

THEREFORE, BE IT RESOLVED THAT, the BOT approves the 2008- 2009 Academic Year tuition and fees as reflected in the amendments to the Tuition Fees Schedule Regulation FIU-1101 attached hereto as Exhibit “C” and as specifically revised herein;

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

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

**1c. Amendment of University Traffic and Parking Regulations**

CFO Sanchez presented the Re-adoption of the Revised University Traffic and Parking Regulations for Committee review, noting that the increase in fees was a response to the need to provide additional on-campus parking and increased traffic-related services.

After discussion, the Committee recommended the following Resolution for Board approval:

## Exhibit "A"

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

WHEREAS, the University Traffic and Parking Regulation FIU-1105 is revised primarily to provide clarification, additional options, and reflect changes in the decal registration fees and is being presented for adoption;

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

- FIU-1105 – University Traffic and Parking Regulation; and

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

### **1d. Athletic Fee Increase**

CFO Sanchez presented the Athletic Fee increase for Committee review, noting that the increase represented a \$1.46 per student credit hour and will be used to help fund high priority needs in the Department of Intercollegiate Athletics.

After discussion, the Committee recommended the following Resolution for Board approval:

WHEREAS, the Florida International University Board of Trustees ("the BOT") has the power to establish an Athletic Fee for the University pursuant to Board of Governor's Resolution adopted January 7, 2003, which references Florida Statutes Section 1009.24, subsections (9) and (12); and

WHEREAS, the Athletic Fee Committee has approved, in the form attached as Exhibit "E" hereto, an increase in the Athletic Fee in the amount of \$1.46 per credit hour effective Fall 2008; and

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

THEREFORE BE IT RESOLVED, that the BOT approve the Athletic Fee increase referenced herein;

BE IT FURTHER RESOLVED, that, as the FIU-1101 Tuition Fees Schedule Regulation includes information on fees, the University Administration will submit the Regulation to the Florida Board of Governors for approval.



**2a. Fixed Capital Outlay (FCO) Legislative Budget Request, 2009-2010**

CFO Sanchez presented the Fixed Capital Outlay Legislative Budget Request, 2009-2010, for Committee review.

After discussion, the Committee recommended the following Resolution for Board approval:

WHEREAS, the University must submit to the Board of Governors its Fixed Capital Outlay Legislative Budget Request for 2009-2010;

THEREFORE, BE IT RESOLVED that the Florida International University Board of Trustees ("the BOT") approves the Florida International University 2009-2010 Fixed Capital Outlay (FCO) Legislative Budget Request consisting of the 5-year capital improvement plan (CIP) for Public Education Capital Outlay (PECO) projects, the Courtelis Facilities Enhancement Challenge Grant program list, and the Appropriations Bill proposed project list prepared pursuant to Sections 1013.64, 1013.79, 1001.74, 1011.40 and 1013.60, Florida Statutes and attached to this Resolution as Exhibits "F";

BE IT FURTHER RESOLVED that the BOT authorizes the University President to supplement the Courtelis Facilities Enhancement Challenge Grant program list as donor contributions are completed, and that the final submitted program list be reported to the Board of Trustees at the next Board Meeting; and

BE IT FURTHER RESOLVED that the BOT authorizes the University President to amend the 2009-2010 Fixed Capital Outlay (FCO) Legislative Budget Request to adjust to changing circumstances not-to-exceed 15% for each year and that any changes made will be further reported to the Board of Trustees at the next board meeting; and

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

**2b. 2000-2010 Campus Master Plan Amendment No. 2**

CFO Sanchez presented the 2000-2010 Campus Master Plan Amendment No.2 for Committee review, noting that the master plan served to identify general land uses and addressed the need and plans for provision of roads, parking, public transportation, solid waste, drainage, sewer, potable water, and recreation and open space. She also noted that the proposed amendment made two adjustments to the Campus Master Plan, which consisted of extending the "mixed" land use category to the area on the south portion of the campus between the Wertheim Performing Arts Center and the FIU Football Stadium and the adjustment of the area to the north of the National Hurricane Center to the "academic" land use category.

After discussion, the Committee recommended the following Resolution for Board approval:

WHEREAS, Florida Statute 1013.30 requires that the University Board of Trustees prepares and adopts the Campus Master plan; and

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

THEREFORE BE IT RESOLVED, that the Florida International University Board of Trustees ("the BOT") adopts Amendment No.2 to the Florida International University 2000-2010 Campus Master Plan Update, State Project No. BR-813 as a minor change amendment to the Master Plan approved by the Board at its July 26, 2004 meeting prepared in accordance with the requirements of 1013.30, Florida Statutes, attached to this Resolution as Exhibit "G" "Land Use Map – Amendment 2, Revised 6/12/08"; and

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

## **Reports**

### **3. Office of Internal Audit Report**

University Internal Audit Manager Manuel Sanchez presented the Office of Internal Audit Report, providing updates on ongoing audits.

### **4. Environmental – Regulatory & Compliance**

Associate VP for Risk Management & Environmental Health & Safety Jennifer Mwaiesela presented the Environmental – Regulatory & Compliance Report, providing an update on the status of the fire safety concerns noted in the 2007 Operational Audit.

### **7. Foundation Report**

FIU Foundation Board of Directors Treasurer Noel Guillama-Alvarez reported on items heard by the FIU Foundation BOD Finance and Audit Committee. He also provided an update on the Foundation investments as of 30 April 2008.

### **5, 6, 8, and 9. Reports**

Committee Chair Landon requested that the CFO and Administration Update, the Athletics Update and Workgroup Report, the Treasury Report and the University Compliance Report provided in the agendas be accepted as written. There were no objections.

## **VI. Other Business**

President Maidique and Sr. VP of Medical Affairs and Dean of the College of Medicine John Rock presented Committee Chair Landon with a plaque of appreciation for his commitment and support of the University's College of Medicine, noting that Trustee Landon is a Charter Member of the College of Medicine Founders.

## **VII. Adjournment**

With no other business, Committee Chair Landon adjourned the meeting at 9:44 am.

## Exhibit "A"

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<b><i>Trustee Requests</i></b>	<b><i>Follow-up</i></b>	<b><i>Completion Date</i></b>
1. <i>Committee Chair Landon requested that the University's administration design a hiring process for all University consultants.</i>	<i>CFO &amp; Sr. VP for Administration Vivian Sanchez</i>	<i>September 2008</i>
2. <i>Committee Chair Landon requested that the University research and analyze best practices for Faculty Practice Plans from other like Institutions.</i>	<i>Exec. VP &amp; Provost Ronald Berkman</i>	<i>September 2008</i>

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

*MB  
6.16.08*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FINANCE AND AUDIT COMMITTEE**

**11 SEPTEMBER 2008**

**SUBJECT: RULES AND REGULATIONS STREAMLINING AND CLEAN-UP**

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**PROPOSED COMMITTEE ACTION:**

Recommend Board Adoption of 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, in an effort to update the rules/regulations of the University pursuant to current law, policies and procedures and to consolidate the directives in one area as required by the Board of Governors; and

WHEREAS, the Office of the General Counsel has reviewed all existing FIU rules in order to determine whether they should be transferred to University regulations as is; revised pursuant to the BOG’s Regulation Development Process and made into regulations; or repealed; and

WHEREAS, those rules that did not need updating have been assigned a regulation number and are being transferred to regulations, as permitted under the Regulation Development Process as is; and

WHEREAS, those rules that needed to be revised have been revised and are being presented to the Board in redlined version for approval as regulations; and

WHEREAS, those regulations being proposed for repeal are being repealed because they have been superseded by collective bargaining agreements and/or policies adopted by this Board; and

WHEREAS, as a result of this review, a new regulation was needed which provides that the University’s regulations replace any and all University rules existing in the Florida Administrative Code, thereby essentially repealing the existing University rules in total.

THEREFORE, BE IT RESOLVED THAT, the BOT adopts the following University regulations, which are attached hereto as Exhibit “B”:

- FIU-102 Regulations
- FIU-103 Non-Discrimination Policy and Discrimination Complaint Procedures
- FIU-104 Sexual Harassment
- FIU-108 Access to Student Education Records
- FIU-110 Demonstrations
- FIU-114 Commercial Solicitation and Advertising
- FIU-402 Admission to the University
- FIU-406 Foreign Student Admissions
- FIU-408 Foreign Exchange Visitor Insurance Requirements
- FIU-410 Application Fee and Admissions Deposit
- FIU-1305 Students in Military Service
- FIU-1502 Direct Support Organizations
- FIU-2201 Purchasing
- FIU-2202 Prompt Payment
- FIU-2503 Registration of Non-Student Organizations
- FIU-2520 Disruptive Student Conduct

AND BE IT FURTHER RESOLVED THAT, the BOT repeals the following University regulations, which are attached hereto as Exhibit “B”:

- FIU-1700 Bargaining Unit Faculty and Bargaining Unit Employees Vacancies, Selection, Appointments, Promotions, Internal Promotions, Reassignments, Transfers, and Demotions.
- FIU-1701 Bargaining Unit Employee Disciplinary Actions
- FIU-1702 Non-reappointment and Resignation of Non-Tenured, Bargaining Unit Faculty
- FIU-1703 Termination for Cause and Other Disciplinary Actions for Bargaining Unit Faculty, and Bargaining Unit Employees
- FIU-1710 Disciplinary Actions for Non-Bargaining Unit Employees and Certified Law Enforcement Personnel
- FIU-1711 Separation from Employment for Non-Bargaining Unit Employees

AND BE IT FURTHER RESOLVED THAT, as the following regulations are “select regulations” under the Regulation Development Procedure (as they include information on student tuition, fees, admissions and/or articulation) the BOT delegates authority to the University President to forward the following regulations to the Board of Governors for approval and to approve any subsequent amendments that are based on comments to the select regulations received from the Board of Governors and as a result of the regulation development process.

- FIU-402 Admission to the University
- FIU-406 Foreign Student Admissions

- FIU-408 Foreign Exchange Visitor Insurance Requirements
- FIU-410 Application Fee and Admissions Deposit

AND BE IT FURTHER RESOLVED THAT, the President report to the BOT at its next regularly scheduled meeting on any substantive changes requested or made to the regulations as a result of comments made by the Board of Governors.

#### **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”), the Board of Governors’ regulations, Board of Governors directives, and Florida Statutes related to the legal authority for each of the proposed new or amended regulations is provided below:

##### **FIU-102 Regulations-**

The Florida Board of Governors Regulation Development Procedure for State University Boards of Trustees approved July 21, 2005 (“Regulation Development Procedure”) provides, “Because there is a system-wide benefit to having uniform procedures that are clearly laid out for university regulations, the Board of Governors establishes this procedure for the adoption of regulations by the state university boards of trustees....All university rules previously adopted under the Administrative Procedures Act at the time this procedure is approved by the Board of Governors... may be amended or repealed by using the processes set out in this procedure”.

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##### **FIU-103 Non-Discrimination Policy and Discrimination Complaint Procedures**

##### **FIU-104 Sexual Harassment**

The Powers and Duties Regulation provides, “34. Each board of trustees has responsibility for compliance with state and federal laws, rules regulations, and requirements.”

##### **FIU-108 Access to Student Education Records**

BOG Regulation 6.015(3) provides, “Each university shall adopt rules for student records and reports which shall include the right of waiver of access, right to challenge and hearing, right of privacy, directory information, transfer of records and security of records. The rules shall also provide for annual notification of parents and students regarding rights relating to student records and reports and regarding the location and availability of university's rules on student records and reports ...”

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##### **FIU-110 Demonstrations**

##### **FIU-114 Commercial Solicitation and Advertising**

##### **FIU-2503 Registration of Non-Student Organizations**

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.”

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**FIU-402 Admission to the University**

**FIU-406 Foreign Student Admissions**

**FIU-408 Foreign Exchange Visitor Insurance Requirements**

The Powers and Duties Resolution provides, “10. (a) Each board of trustees shall govern admission of students pursuant to ... rules of the Board of Governors. Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the university.”

BOG Regulation 6.001(1) provides, “Based on minimum standards adopted by the Board of Governors, university boards of trustees must establish the criteria, policies, and procedures by regulation for the admission of students.”

BOG Regulation 6.003(1) provides, “Each university board of trustees shall adopt regulations for the admission of graduate and post-baccalaureate professional students. Such regulations shall be consistent with the university mission and Board of Governors regulations.”

BOG Regulation 6.009(1) provides, “Within enrollment, space, and fiscal limitations, eligible international students may be accepted for admission at the appropriate level to an institution in the State University System (SUS). The board of trustees at each SUS institution shall develop admission policies for international students that are consistent with the policies of the Board of Governors...

(2) No international student in F or J non-immigrant status shall be permitted to register, or to continue enrollment, at a university without demonstrating that the student has adequate medical insurance coverage for illness or accidental injury...”

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**FIU-410 Application Fee and Admissions Deposit**

The Powers and Duties Resolution provides: “11. Each board of trustees shall establish fees pursuant to ss.1009.24 and 1009.26.”



Florida Statutes Section 1009.24 provides:

“(13) Each university board of trustees is authorized to establish the following fees:

(a) A nonrefundable application fee in an amount not to exceed \$30...

(14) Each university board of trustees is authorized to establish a nonrefundable admissions deposit for undergraduate, graduate, and professional degree programs in an amount not to exceed \$200. The admissions deposit shall be imposed at the time of an applicant's acceptance to the university and shall be applied toward tuition upon enrollment. In the event the applicant does not enroll in the university, the admissions deposit shall be deposited in an auxiliary account of the university and used to expand financial assistance, scholarships, and student academic and career counseling services at the university. A university board of trustees that establishes an admissions deposit pursuant to this subsection must also adopt policies that provide for the waiver of such deposit on the basis of financial hardship.”

#### **FIU-1305 Students in Military Service**

Florida Statutes Section 1004.07 provides:

“(1) Each ... state university board of trustees shall establish policies regarding currently enrolled students who are called to, or enlist in, active military service.

(2) Such policies shall provide that any student enrolled in ... a state university shall not incur academic or financial penalties by virtue of performing military service on behalf of our country. Such student shall be permitted the option of either completing the course or courses at a later date without penalty or withdrawing from the course or courses with a full refund of fees paid. If the student chooses to withdraw, the student's record shall reflect that the withdrawal is due to active military service...

(4) Policies of state university boards of trustees shall be established by rule and pursuant to guidelines of the Board of Governors.”

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#### **FIU-1502 Direct Support Organizations**

BOG Powers and Duties Regulation provides, “37. Each board of trustees shall prescribe conditions for direct-support organizations... to be certified and to use university property and services. Conditions relating to certification must provide for audit review and oversight by the board of trustees.”

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#### **FIU-2201 Purchasing**

##### **FIU-2202 Prompt Payment**

BOG Regulation 18.001(1) provides:

“Each university Board of Trustees shall adopt regulations establishing basic criteria related to procurement, including procedures and practices to be used in acquiring commodities and contractual services, as follows:

(a) Removing any contractor from the University's competitive vendor list ...

(b) Planning and coordinating purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which the University may make purchases.

- (c) Evaluating and approving contracts let by any State of Florida agency or department, the Federal Government, other states, political subdivisions, not-for-profit cooperatives or consortiums, or any independent college or university for the procurement of commodities and contractual services...
- (d) Awarding contracts for commodities and contractual services to multiple suppliers...
- (e) Rejecting or canceling any or all competitive solicitations when determined to be in the best interest of the University.
- (f) Barring any vendor from doing business with the University for demonstrated cause, including previous unsatisfactory performance.”

BOG Regulation 18.001(2) provides, “Each university Board of Trustees shall establish a competitive solicitation threshold not greater than \$75,000 for the purchase of commodities or contractual services.”

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**FIU-2520 Disruptive Student Conduct**

BOG Regulation 6.0105(1) provides, “In furtherance of the educational mission of the universities, each university president shall establish university regulations that ensure fairness and due process in student disciplinary proceedings and that guarantee the academic integrity of the university...”

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**FIU-1700 Bargaining Unit Faculty and Bargaining Unit Employees  
Vacancies, Selection, Appointments, Promotions, Internal  
Promotions, Reassignments, Transfers, and Demotions.**

**FIU-1701 Bargaining Unit Employee Disciplinary Actions**

**FIU-1702 Non-reappointment and Resignation of Non-Tenured,  
Bargaining Unit Faculty**

**FIU-1703 Termination for Cause and Other Disciplinary Actions for  
Bargaining Unit Faculty, and Bargaining Unit Employees**

**FIU-1710 Disciplinary Actions for Non-Bargaining Unit Employees and  
Certified Law Enforcement Personnel**

**FIU-1711 Separation from Employment for Non-Bargaining Unit  
Employees**

The Powers and Duties Resolution provides, “19. Each board of trustees shall establish the personnel program for all employees of the university... including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment...”

Pursuant to the Regulation Development Procedure, “Regulations do not include the following:... Negotiated contractual provisions, including those reached as a result of collective bargaining.”

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

All of the proposed regulations were reviewed and revised to change the terms “rule” to “regulation” and “Florida International University” to “University” where appropriate; to delete references to Florida Statutes and to the Florida Administrative Code rules that are no longer applicable or in existence; and to clarify and update existing terms and language. In addition, there were some substantive changes that were made to the proposed regulations, and they are provided below:

### **FIU-102 Regulations**

Provide that all University rules are replaced by the regulations.  
Provides definitions of terms used throughout the regulations.

### **FIU-103 Non-Discrimination Policy and Discrimination Complaint Procedures**

Revises the deadline for the student’s filing of a complaint against a faculty member to fourteen calendar days from the first day of classes for the semester following the semester in which the alleged act of discrimination occurred.  
Provides the University with the option of investigating an alleged offense as an administrative complaint when the potential complainant is unable or unwilling to pursue a complaint  
Allows for University sanctions in the event a claim of discrimination is found to be frivolous or malicious.  
Prohibits retaliation against not only the complainant, but to any person involved in the process.

### **FIU-104 Sexual Harassment**

Deletes the deadline for filing an administrative complaint, as University may not even be aware of the conduct until much later.  
Deletes language requiring periodic review of regulation, with the option to interview individuals using the process, as all regulations will be reviewed periodically and the University otherwise has the authority to interview the individuals; therefore, the language is unnecessary.

### **FIU-108 Access to Student Education Records**

Updates the information related to the record custodians, and where specified records are maintained and located.  
Deletes campus email address and sex from the definition of “Directory Information” as relates to students.

Updates the regulation to reflect that ten dollars is charged for copies of official transcripts (as was previously approved by this Board in the Tuition Fees Schedule regulation.)

**FIU-110 Demonstrations**

Provides that notice of intent to demonstrate must be given to the University only when the demonstration will consist of more than ten participants or where sound amplification equipment will be used.

Prohibits demonstrators from posing an environmental hazard or health or safety threat to the University Community or general public.

**FIU-114 Commercial Solicitation and Advertising**

Provides that the University may assess fees and charges for commercial solicitation, or promotional efforts conducted on University premises.

Provides that University may charge unauthorized solicitors for costs related to removal of solicitation materials, and clean up, replacement or repair of premises or property.

**FIU-402 Admission to the University**

This is a new regulation that is a substantial rewrite of the University rules on Undergraduate Admissions and Graduate Admissions and reflects the current admission practices.

**FIU-406 Foreign Student Admissions**

Deletes language that was used to create new regulation FIU-408.

**FIU-408 Foreign Exchange Visitor Insurance Requirements**

No substantive changes.

**FIU-410 Application Fee and Admissions Deposit**

Deletes discounted application fee for on-line applications.

Increases the application fee for the College of Law from \$20 to \$30.

Provides that the application fee for the College of Medicine is \$30.

Provides the Recognized Third Parties for purposes of having the application fee or admissions deposit waived based on economic hardship.

**FIU-1305 Students in Military Service**

No substantive changes.

**FIU-1502 Direct Support Organizations**

Makes regulation consistent with Board of Governors regulations.

Reflects that certain DSO records are not subject to Florida public records laws.

**FIU-2201 Purchasing**

Raises the competitive solicitation threshold from \$50,000 to \$75,000.

**FIU-2202 Prompt Payment**

Deletes requirement to put statement of vendor's rights in every purchasing agreement, as that is a requirement that is an internal policy that is appropriately addressed in University policies and procedures rather than regulation.

**FIU-2503 Registration of Non-Student Organizations**

Provides that the Vice President for Academic Affairs, instead of the Vice President for Administrative Affairs, is the University official for purposes of reviewing and approving non-student organization registrations.

**FIU-2520 Disruptive Student Conduct**

Adds possession, use, and consumption of alcohol by underaged students; the dispensing, selling or supplying of alcohol to underage individuals; and behaviors that disturb the peace to the list of behaviors that constitute disruptive student conduct and can result in discipline by the University.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT "B": NOTICES OF PROPOSED REGULATION; NOTICES OF PROPOSED REPEAL OF REGULATION

**FACILITATOR/PRESENTER:**

- CRISTINA MENDOZA

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-102

**REGULATION TITLE:** Regulations.

**SUMMARY:** This regulation states that the Florida International University regulations replace any and all previously adopted Florida International University rules and provides definitions of specific terms that are used throughout the University regulations.

**TEXT OF REGULATION:** The full text of the Proposed 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 Regulation, please contact Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, (305) 348-2103.

**AUTHORITY:** Florida Board of Governors Resolution dated January 7, 2003, and Florida Board of Governors' Regulation Development Procedure adopted March 23, 2006.

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

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

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008.

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

- FIU-102 Regulations.
- The Florida International University regulations replace any and all Florida International University rules previously promulgated by Florida International University which were indexed under Chapter 6C8 of the Florida Administrative Code, and the previously promulgated rules have no force and effect. FIU regulations have been, and will continue to be, adopted pursuant to the Florida Board of Governors' Regulation Development Procedure.
- The following definitions apply to terms used in the University's regulations:
  - "University" or "FIU" means Florida International University.
  - "University Community" means the trustees, faculty, staff, students, agents, and volunteers of the University.
  - The term "day(s)" means calendar day(s) unless otherwise specified in the applicable University or Board of Governors' regulation. Where the last day of an event falls on a Saturday, Sunday, or University holiday, the last day is deemed to be the next University business day.
- *Authority: Florida Board of Governors Resolution dated January 7, 2003 and History–New \_\_\_\_.*



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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-103

**REGULATION TITLE:** Non-Discrimination Policy and Discrimination  
Complaint Procedures.

**SUMMARY:** The proposed regulation reflects the current non-discrimination policy of the University and the non-discrimination complaint procedures.

**TEXT OF REGULATION:** The full text of the Proposed 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 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 REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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](mailto:devillee@fiu.edu) Fax: (305) 348-3272. Phone: 305-348-2103.

**DATE OF PUBLICATION:** August 12, 2008

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

**~~6C8-1.009~~FIU-103 Non-Discrimination Policy and Discrimination Complaint Procedures.**

(1) General Statement.

(a) Florida International University affirms its commitment to ensure that each member of the University community shall be permitted to work or study in an environment free from any form of illegal discrimination, including race, color, religion, age, disability, sex, sexual orientation, national origin, marital status, and veteran status. The University recognizes its obligation to work towards a community in which diversity is valued and opportunity is equalized. This ~~rule~~regulation establishes procedures for an applicant or a member of the University community to file a complaint of alleged discrimination or harassment.

(b) It shall be a violation of this ~~rule~~regulation for any member of the University community, ~~officer, employee or agent~~ to discriminate against or harass, as hereinafter defined, any ~~other officer, employee, student, agent, member of the University community~~ or applicant. Discrimination and harassment are forms of conduct which shall result in disciplinary or other action as provided by the regulations/policies ~~rules~~ of the University. ~~(see Rules 6C8-4.006 and 6C8-4.019, F.A.C.).~~

(2) Definitions.

(a) For the purpose of this ~~rule~~regulation, discrimination or harassment is defined as treating any member of the University community differently than others are treated based upon race, color, religion, age, disability, sex, sexual orientation, national origin, marital status and/or veteran status.

(b) Conduct which falls into the definition of discrimination includes, but is not limited to:

1. Disparity of treatment in recruiting, hiring, training, promotion, transfer, reassignment, termination, salary and other economic benefits, and all other terms and conditions of

employment on the basis of membership in one of the listed groups.

2. Disparity of treatment in educational programs and related support services on the basis of membership in one of the listed groups.

3. Limitation in access to housing, or ~~to~~ participation in athletic, social, cultural or other activities of the University because of race, color, religion, age, sexual orientation, disability, national origin, marital status and/or veteran status.

4. Discrimination of the foregoing types on the basis of sex, unless based on bona fide requirements or distinctions, in housing, restrooms, athletics and other such areas.

5. Retaliation for filing complaints or protesting practices which are prohibited under this ~~rule~~regulation.

(c) Conduct which falls into the definition of harassment includes, but is not limited to, harassment based on race, color, religion, age, disability, gender, sexual orientation, national origin, marital status or veteran status. (For harassment on the basis of sex, see FIU Sexual Harassment Regulation Rule 6C8-1.010, F.A.C.). ~~Within the context of this rule~~Within the context of this regulation, harassment is defined as conduct which unreasonably interferes with an employee's, student's or applicant's status or performance by creating an intimidating, hostile, or offensive working or educational environment. It includes offensive or demeaning language or treatment of an individual, where such language or treatment is based typically on prejudicial stereotypes of a group to which an individual may belong. It includes, but is not limited to, objectionable epithets, threatened or actual physical harm or abuse, or other intimidating or insulting conduct directed against the individual.

(d) Scope of prohibitions: Activities covered under this ~~rule~~regulation include, but are not limited to, all educational, athletic, cultural and social activities occurring on a campus of or

sponsored by ~~Florida International~~ the University, housing supplied by the University, and employment practices between the University and its employees, ~~including Other Personnel Services (“OPS”) employees.~~

(e) When referred to in this ~~rule~~regulation, “days” means calendar days unless otherwise noted.

(3) Procedures for Reporting Violations and Conducting Investigations and Complaints.

(a) Administration and Consultation. The Office of Equal Opportunity Programs shall administer the policies and procedures outlined in this ~~rule~~regulation. The Office of Equal Opportunity Programs shall answer inquiries regarding the procedures contained in this ~~rule~~regulation and may provide informal advice regarding issues of discrimination. In cases where the potential complainant chooses not to file a formal complaint, action will be taken to inform the alleged offender of the concerns, suggesting that the individual monitor and modify (if necessary) his/her behavior.

(b) Complaints.

1. A complaint must be made in writing to the Office of Equal Opportunity Programs. The complaint shall contain the name of the complainant and state the nature of the act(s) complained of, including such details as the name of the alleged offender and the date(s) or approximate date(s) on which the offending act(s) occurred, the name(s) of any witnesses, and the desired resolution(s).

2. A complaint must be filed within one hundred (100) days of the alleged act(s) of discrimination, or in the case of a student complaint against a faculty member, within fourteen (14) ~~ten (10)~~ University business days from ~~of the first day beginning of classes for~~ of the following semester.

3. The Office of Equal Opportunity Programs shall investigate the formal complaint. This investigation may include, but shall not be limited to, interviewing the person complained about regarding the allegations, interview of other persons who may have information relevant to the allegations, preparation of witness statements for all persons interviewed, and review of any relevant documents. Upon completion of the investigation, a report shall be prepared which includes a summary of the complaint, a description of the investigation, the findings, and recommendations.

4. There may be instances in which a potential complainant is unable or unwilling to pursue a complaint of discrimination, but where the University administration is aware of the behavior. In such instances, the Office of Equal Opportunity Programs may choose to pursue an investigation of the alleged offense. The decision of whether or not to pursue an administrative complaint will be based on the egregiousness of the alleged offense, the basis for the aggrieved party's decision not to pursue a complaint, and the apparent evidence supporting the allegations. The decision to pursue an administrative complaint shall be made by the director of the Office of Equal Opportunity Programs in consultation with the Vice President in charge of the aggrieved party's unit and the Vice President in charge of the alleged offender's unit, in the event that the two parties are in different units. An administrative complaint will follow the same procedures as formal complaints except that no complainant will be named.

5. In the event that a claim of discrimination is found to be frivolous or malicious, appropriate University sanctions shall be taken against the complainant, including disciplinary action where appropriate. Disciplinary action against students shall be taken in accordance with the University's Code of Conduct for students.

(c) Conciliation. The Office of Equal Opportunity Programs may attempt conciliation during the course of an investigation of a complaint. If conciliation is not achieved, then the Office of Equal Opportunity Programs shall continue to investigate the complaint, and shall issue a written finding concerning probable cause within a maximum of one hundred (100) days. If conciliation of the complaint was achieved between the parties in cooperation with the Office of Equal Opportunity Programs, and the alleged offender fails to abide by the agreement or retaliates against the complainant, the complainant or supervisor should notify the Office of Equal Opportunity Programs. The Vice President for ~~Student Affairs and~~ Human Resources or a designee may then require the complaint to proceed as if conciliation had not been reached.

(d) Findings. The report of the Office of Equal Opportunity Programs shall be made known to the Vice President for ~~Student Affairs and~~ Human Resources or designee, the complainant, the alleged offender, the immediate supervisor of the alleged offender, and the appropriate vice president.

(e) Review.

1. Either party may seek review of the finding of the Office of Equal Opportunity Programs to the Vice President for ~~Student Affairs and~~ Human Resources or a designee by filing a request for a review ("appeal") within twenty (20) days of receipt of the Office of Equal Opportunity Programs finding. It shall specify the basis of the appeal. The appeal shall be based on one or more of the following: relevant evidence was not reviewed and/or new evidence is available<sub>;</sub> or, the factual evidence was insufficient to support the findings.

2. The appeal request shall be in writing, and shall set forth the issues to be considered in the appeal. Copies of the appeal shall be provided to the opposing party and to the Director, Equal Opportunity Programs.

3. The opposing party and the Director, Equal Opportunity Programs, may file a response to the appeal to the Vice President for ~~Student Affairs and~~ Human Resources or designee within twenty (20) days of receipt of the appeal.

4. The Vice President for ~~Student Affairs and~~ Human Resources or designee shall issue a written finding no more than twenty (20) days after receipt of the appeal, or of a response to the appeal, whichever is later.

(f) Resolution. Upon final acceptance by the Vice President for ~~Student Affairs and~~ Human Resources or designee of a written finding on the complaint, the immediate supervisor of the alleged offender may provide a reasonable resolution to the complaint (e.g., that a student be allowed to change sections, that the employee report to a different supervisor) and may also recommend or take disciplinary action against the alleged offender; ~~;-~~ The proposed resolution shall be approved by the Office of Equal Opportunity Programs. Disciplinary action shall be taken in accordance with the ~~rules and regulations~~ and policies affecting the class of employee and the terms of any applicable collective bargaining agreement.

g) Prohibition of Retaliation. No University employee shall retaliate against a complainant or any person involved in the process. Any attempt to penalize a complainant or anyone involved in the process ~~student, employee or agent for initiating a complaint~~ through any form of retaliation shall be treated as a separate allegation of discrimination.

*Specific Authority* ~~1001.74(4) FS. Board of Governors' Resolution dated January 7, 2003. Law Implemented 1001.74(10), (19) FS. History—New 7-6-97, Amended 11-3-02, 11-15-04, Formerly 6C8-1.009, Amended \_\_\_\_\_-08.~~

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-104

**REGULATION TITLE:** Sexual Harassment.

**SUMMARY:** The proposed regulation reflects the current sexual harassment policy of the University.

**TEXT OF REGULATION:** The full text of the Proposed 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 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 REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008.

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



**~~6C8-1.010~~FIU-104 Sexual Harassment.**

(1) General Statement.

(a) Sexual harassment undermines the integrity of the academic and work environment, and prevents its victims and their peers from achieving their full potential. All members of the University community are entitled to work and study in an atmosphere free from sexual overtures or innuendos that are unsolicited and unwelcome. It is the particular responsibility of those members of the University community who hold positions of authority over others to avoid actions that are, or can be considered, sexually abusive or unprofessional.

(b) It shall be a violation of this ~~rule~~regulation on sexual harassment for any member of the University Community ~~officer, employee, student or agent~~ to sexually harass, as sexual harassment is hereinafter defined, any other member of the University Community ~~officer, employee, student, visitor or agent~~. Sexual harassment is a type of misconduct which shall result in disciplinary or other action as provided by the policies and regulations ~~rules of the University. (see Rules 6C8-4.006 and 6C8-4.019, F.A.C.)~~.

(c) ~~When an individual evaluates or supervises another individual with whom he or she has an amorous or sexual relationship, a conflict is created.~~ The University discourages amorous or sexual relations between employees and students. Such relationships, even when consensual, may be exploitive, and imperil the integrity of the educational process or work environment. They may also lead to charges of sexual harassment. When an individual evaluates (including academic evaluations) or supervises another individual with whom he or she has an amorous or sexual relationship, a conflict is created. The University requires the resolution of any conflict of interest created by

these relationships.

(d) Whenever a conflict of interest situation arises or is reasonably foreseen, the employee in a position of authority must resolve any potential conflict of interest by taking necessary steps, including, but not limited to, removing himself or herself from evaluative or academic decisions concerning the other individual. If he or she is unable to resolve personally the conflict of interest, he or she is required to inform the immediate supervisor promptly and seek advice and counsel in dealing with the conflict. The employee, along with the supervisor, is responsible for taking steps to ensure unbiased supervision or evaluation of the employee or student. Failure to resolve potential or actual conflict of interest situations as described in this ~~rule~~regulation may result in disciplinary action, in accordance with University policies. ~~Rules 6C8-4.006 and 6C8-4.019, F.A.C.~~

(2) Definitions.

(a) For the purpose of this ~~rule~~regulation, sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature which:

1. Makes submission to or rejection of such conduct either an explicit or implicit basis for employment and/or academic decisions affecting the individual; or

2. Unreasonably interferes with the individual's employment or academic performance by creating an intimidating, hostile or offensive environment.

(b) Conduct which falls into the definition of sexual harassment includes, but is not limited to:

1. Unwelcome physical contact of a sexual nature such as patting, pinching or unnecessary touching.

2. Overt or implied threats against an individual to induce him or her to provide sexual favors or to engage in an unwelcome sexual relationship.

3. Verbal harassment or abuse of a sexual nature, including intimating by way of suggestion a desire for sexual relations, or making jokes or remarks of a sexual nature in the work environment or which are not germane to academic course content.

4. Use of sexually suggestive terms or gestures to describe a person's body, clothing, or sexual activities.

5. Displaying or posting through any medium, including, but not limited to, electronic communication, offensive sexually suggestive pictures or materials in the workplace.

(3) Procedures for Reporting Violations and Conducting Investigations and Complaints. The procedures described in the University regulation concerning non-discrimination Rule 6C8-1.009, F.A.C., shall be followed.

(4) Prohibition of Retaliation. No University employee or officer shall retaliate against a complainant. Any attempt to penalize a student, employee or agent of the University for initiating a complaint through any form of retaliation shall be treated as a separate allegation of discrimination.

(5) Frivolous or Malicious Complaints. In the event that a claim of sexual harassment is found to be frivolous or malicious, appropriate University sanctions shall be taken against the complainant, including disciplinary action where appropriate. Disciplinary action against students shall be taken in accordance with the University's eCode of eConduct for students.

(6) General University Responsibility.

(a) It is expected that vice presidents, deans, chairs, department heads, directors and

other supervisors shall continue to monitor and take corrective action whenever instances of sexual harassment are either observed or reported to them. While the decision regarding resolution remains within the unit, all allegations of sexual harassment are to be immediately reported to the Office of Equal Opportunity Programs, which will provide advice and monitor the administrator's actions and/or take appropriate action.

(b) There may be instances in which a potential complainant is unable or unwilling to pursue a complaint of sexual harassment, but where the University administration is aware of the behavior ~~and may incur liability if action is not taken~~. In such instances, the Office of Equal Opportunity Programs may choose to pursue an investigation of the alleged offense. The decision of whether or not to pursue an administrative complaint will be based on the egregiousness of the alleged offense, the basis for the aggrieved party's decision not to pursue a complaint, and the apparent evidence supporting the allegations. The decision to pursue an administrative complaint shall be made by the director of the Office of Equal Opportunity Programs in consultation with the Vice President in charge of the aggrieved party's unit and the Vice President in charge of the alleged offender's unit, in the event that the two parties are in different units. An administrative complaint ~~must be filed within 60 days of the alleged act(s) of discrimination and shall~~ will follow the same procedures ~~and timelines~~ as formal complaints except that no complainant will be named.

(7) Education and Notification.

(a) Copies of this ~~rule~~ regulation shall be widely disseminated in order that the Univeristy Community ~~faculty, staff and students~~ clearly understand which acts constitute sexual harassment and recognize that the University regards sexual harassment

as a serious offense.

(b) ~~The rule shall also be made available to vice presidents, deans, chairs, department heads and directors and other supervisors. Requests for additional copies of this rule should be directed to the Office of Equal Opportunity Programs. Abbreviated versions shall be made available to students, faculty and staff. Additionally, t~~This regulation rule ~~shall be included in the University catalog and; the student handbook, and other available University media. Periodic workshops and other educational programs are shall be offered to University personnel regarding the topic of sexual harassment.~~

~~(8) The rule will be reviewed on a periodic basis to ensure responsiveness to campus needs. This review may include follow up interviews with complainants, persons complained against, and administrators who have used the process.~~

*Specific Authority* ~~1001.74(4) FS. Resolution of the Board of Governors dated January 7, 2003. Law Implemented 1000.05, 1001.74(10), (19), 1006.60, 1012.92 FS. History—New 7-6-97, Formerly 6C8-1.010, Amended~~ 08.

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-108

**REGULATION TITLE:** Access to Student Education Records.

**SUMMARY:** This regulation describes the records the University maintains on students; identifies the records custodians and their locations; lists the records considered "directory information"; and provides procedures for access to and amendment of student educational records.

**TEXT OF REGULATION:** The full text of the Proposed 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 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 REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008.

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

**~~6C8-11.003~~ FIU-108 Access to Student Education Records.**

(1) General. The University will not release or permit access to education records and personally identifiable information kept on a student except as otherwise permitted by law and this ~~rule~~regulation. Responsibility for custody of all student educational records belongs to the vice-president or other University officials in charge of the area in which the records are maintained. Each vice-president or designated custodian shall ensure that the procedures required by federal and 20 U. S. C. 1232g, Section 228.093, Florida law~~Statutes~~, and this ~~rule~~regulation are in place to control access to and disclosure of student education records and personally identifiable information contained therein.

(2) Categories and Custodians of Education Records. The following categories of student education records are maintained by the University and are kept under the supervision and control of the designated custodian(s):

(a) Cumulative Academic Records are maintained by the ~~Director of~~ University Registrar-tion and Records whose office is located ~~in the Primera Casa building~~ on the University Park campus. At times the dean, chairperson or faculty of the department in which the student completed coursework may have unofficial copies of academic records relating to specific coursework.

(b) Law Enforcement Records are maintained by the Director, University Public Safety Department, whose office is located at the Tower building, University Park campus.

(c) Placement Records are maintained by the Director, Career Planning and Placement, whose office is located in the Graham Center ~~University House building~~ ~~located~~ on the University Park campus.

(d) Continuing Education Records are maintained by the Executive Director ~~Dean of the College of Continuing and Professional Studies~~ whose office is located ~~in the Green Library building~~ on the Biscayne Bay University Park campus.

(e) Housing Records are maintained by the Director of University Housing whose office is located in the Administrative offices of the Housing complex located on the University Park campus.

(f) Disciplinary Records are maintained in the Student Conduct and Conflict Resolution Office ~~of Judicial Affairs~~ ~~which office is located in the Graham Center building~~ on the University Park campus.

(g) Personal Non-Academic Counseling records are maintained by the Director, Counseling Center, whose office is located ~~in the Graham Center building~~ on the University Park campus.

(h) Student Financial Aid records are maintained by the Director ~~of Student Financial Aid~~, whose office is located ~~in the Primera Casa building~~ on the University Park campus.

(i) International Student Records are maintained by the Director, International Student and Scholar Services, whose office is located ~~in the Graham Center building~~ on the University Park campus and the Associate Director of International Student and Scholar Services whose office is located ~~in the Wolfe University Center~~ at on the Biscayne Bay campus.

(j) Academic Counseling records are maintained by the Vice President of Student Affairs and Dean, Undergraduate Education, Studies ~~whose office is located in the Primera Casa building~~ on the University Park campus. Additionally, academic counseling records may be maintained by departments for students who are majoring in fields of



study taught by the department.

(3) Policies and Procedures for Access and Release. Personally identifiable information contained in student education records shall be released, or open for inspection, only to the student, or parents of dependent students as defined in Section 152 of the Internal Revenue Code of 1986. "Personally identifiable" means that the data or information includes the name of a student, the student's parent, or other family member, the address of the student, a personal identifier, such as the student's social security number or a student number, a list of personal characteristics which would make the student's identity easily traceable or other information which would make the student's identity easily traceable. The custodian of the records shall require the student, or parents of the student when applicable, requesting access to or release of the records to present proper identification such as a valid driver's license or passport. The request must be in writing and signed by the person seeking access or release. A copy of the request for access or release shall be retained in the student's file. The custodian shall have thirty (30) days in which to comply with the request. When the record includes information on more than one student, the custodian shall release, or permit access to only that part of the record which relates to the student who is the subject of the request. Students requesting the release to others of personally identifiable information contained in the student's education records must provide the custodian of such records with a signed, written request specifying the information to be released, the purpose(s) for such release, and the person or organization to whom such information shall be released. A copy of all requests for access and release shall be retained by the custodian of the records and shall be available for inspection and review by ~~of~~ the student or a parent. The University reserves

the right to deny a request for copies of education records made by a student or a parent when there is an financial obligation to the University which has not been satisfied or ~~and~~ when there is an unresolved disciplinary action pending against the student.

(4) Access to and Release of Records Without Consent. The following persons and organizations are considered "university officials" and may have access to personally identifiable information without the student's prior consent:

(a) Faculty, administrators, staff and consultants employed by the University, the Florida International University Board of Trustees, or the Florida Board of ~~Education~~ Governors whose work involves:

1. Performance of administrative tasks which relate to students;
2. Performance of supervisory or instructional tasks which relate to students; or
3. Performance of services which benefit students.

(b) Other persons who are authorized by federal and state law and regulations to have access to or receive copies of such information.

(5) Directory Information.

(a) It is the University's policy to release and publish directory information regarding its students. "Directory Information" includes:

1. Student's name, local and permanent address, ~~campus e-mail address,~~ and telephone number(s);
2. Date and place of birth, ~~and sex;~~
3. Student classification and major and minor fields of study;
4. Participation in officially recognized activities and sports;
5. Weight and height of members of athletic teams;

6. Dates of attendance, degrees and awards received;

7. The most recent previous educational agency or institution attended by the student;

and

8. Photographic image   .

(b) In order to prevent access to or release of directory information, a student, or the parents of a dependent student, must so notify the designated custodian of record in writing within the time provided in the annual Notice of Rights. Access to, or release of directory information will be withheld until further written instruction is received from the student, or the parents of a dependent student.

(6) Requests to Amend Education Records.

(a) Students who challenge the correctness of student education records shall file a written request for amendment with the custodian of the records. The student shall also present to the custodian of the records copies of all available evidence relating to the data or material being challenged. The custodian of the records shall consider the request and shall notify the student in writing within fifteen (15) school days whether the request will be granted or denied. During that time, any challenge may be settled informally between the students, or the parents of a dependent student and the custodian of the records, in consultation with other appropriate University officials. If an agreement is reached, it shall be in writing and signed by all parties involved. A copy of such agreement shall be maintained in the student's records. If an agreement is not reached informally, or, if the request for amendment is denied, then the student or the parents of a dependent student shall be informed in writing of the denial and the right to a hearing on the matter. A student or the parents of a dependent student shall not have the right to challenge through

this process the evaluation reflected by a grade which an instructor has assigned to student coursework.

(b) Hearing Rights and Procedures.

1. Rights of Appeal. A student whose request for amendment to education records has not been settled or has been denied may file a request for a hearing within thirty (30) days of the receipt of the letter of denial. The request shall be in writing and shall be filed with the Vice-President for Academic Affairs ~~Student Affairs~~. The request shall set forth the legal and factual basis for seeking correction of the student's education records. Upon receipt, the Vice-President shall appoint a disinterested University official to serve as a hearing officer. The hearing officer shall schedule a hearing within twenty-five (25) days of the date of receipt of the request for a hearing. The student shall be given written notice of the time, date and place of the hearing allowing sufficient time for the student to prepare his or her appeal.

2. Hearing Procedures. The hearing shall be informal in nature but shall afford the student a full and fair opportunity to present evidence relative to the issues raised in the appeal. The student shall be entitled to be assisted or represented by an individual of his or her choice and expense, including an attorney. The custodian of records shall have the same rights as the student.

3. Hearing Officer's Recommended Order. The hearing officer shall issue a recommended order within twenty-five (25) days of the close of the hearing. In rendering a recommended order, the hearing officer shall consider only such evidence as was offered at the hearing. The hearing officer shall include in the recommended order a summary of the evidence presented and the reasons for his or her recommendations. The

original report shall be filed with the Vice-President and a copy of the recommended order shall be sent to the student or the parents of a dependent student and to the custodian of records. Upon receipt, the Vice-President shall have ten (10) days in which to issue a final determination on the issues raised in the appeal. If a determination is made that the information in the education record does not require correction, then the student or a parent of a dependent student shall have the right to place a statement in the record commenting that the information has been challenged and the reason for the challenge.

(7) The University will charge the following fees for furnishing copies of student records and reports, or any material included therein:

(a) Copies of official transcripts – Ten dollars (\$10.00) . ~~No fee for copying, but the University may charge actual administrative costs incurred for search, retrieval and mailing.~~

(b) Copies of all other educational records – Fifteen cents (\$.15) per page for copying, plus any administrative costs incurred for search, retrieval and mailing.

(8) The University shall provide notification annually to students of their rights relating to education records, including the right to file complaints, the procedures to be followed in order to exercise such rights, the types of information entered in the education records maintained by the University, and the University's policy to support the law. Notifications are published in the University catalog, the Student Handbook and the Fall semester class schedule.

(9) Waiver of Right of Access.

(a) Students and parents of ~~minor~~dependent students have the right to waive their right of access to confidential letters of recommendation and other documents which

evaluate student academic performance. Such waivers shall be in writing and made a part of the official academic record. A waiver of right to access shall be effective only when the student or the parents of a ~~minor~~independent student are notified, upon request, of the names of all persons who are submitting confidential recommendations or evaluations and when the confidential letters of recommendation and other evaluative documents are used solely for the purpose intended.

(b) The University may not condition admission to the University, grants of financial aid, or receipt of any other service or benefit offered by the University, by another public educational institution in the State of Florida or by any other public agency upon being provided a waiver of the right to access by the student or the parents of a ~~minor~~independent student.

(10) Requests for Information in Connection with Research.

(a) All requests for academic research dealing with data from student education records shall be referred to the University Registrar and to the Provost. Such requests must be in writing and must set forth specifically the type(s) of information to which access is requested and the intended scope of the research project.

(b) The applicable custodian of records and the Provost shall determine whether to grant the request, in whole or in part, and may condition access upon a guarantee that the researcher will appropriately safeguard the data; that no personally identifiable information about any individual will be published or made available to others; or, upon other reasonable conditions.

*Specific Authority Resolution of the Florida Board of Governors dated January 7, 2003.  
1001.74(4) FS. Law Implemented 119.07(1)(a), 1002.22, 1006.52 FS. History—Formerly  
6C8-1.06(3), Amended 4-3-84, 11-2-89, 1-3-93, 11-3-02, Formerly 6C8-11.003,  
Amended \_\_\_\_\_-08.*

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-110

**REGULATION TITLE:** Demonstrations.

**SUMMARY:** This regulation sets forth the process for conducting demonstrations, and other similar free speech activities, on University premises.

**TEXT OF REGULATION:** The full text of the Proposed 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 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 REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008

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

**~~6C8-5.008~~ FIU-110 Demonstrations.**

(1) Demonstrations include, but are not limited to rallies, outdoor assemblies, and/or meetings of persons to display group ~~feelings~~opinions, ~~appearances of speakers in outdoor public areas of the campus or immediately adjacent to it~~, mass protests, parades, ~~and picketing~~, and other similar exercises of free speech and assembly.

(2) Demonstrations will be terminated if they.

(a) Materially disrupt classes, laboratories, traffic and other ordinary functions of the University.

(b) Involve substantial disorder.

(c) Invade the rights of others.

(3) Those who wish to hold or organize a demonstration must file a notice of Intent to Demonstrate with the Vice President for Student Affairs forty-eight (48) hours prior to the date of the proposed demonstration if:

(a) the demonstration will consist of a group of more than 10 participants;-or

(b) if sound amplification equipment will be used.

(4) The written notice of Intent to Demonstrate shall include the following:

(a) ~~Name, address and telephone number of the person(s) filing the notice.~~ Contact information.

~~(b) Name, address and telephone number of the person(s) to be contacted.~~

~~(c) Date, time and place of demonstration.~~

~~(d) Nature and purpose of demonstration.~~

~~(e) Type of audio-amplification to be used, if any;.~~

~~(f) Estimated number of participants in demonstration.~~



## Exhibit "B"

(5) The Vice President for Student Affairs may deny within 24 hours of filing the Notice of Intent to Demonstrate the right to demonstrate under the following conditions:

- (a) If another demonstration has been scheduled for the same time in the same location.
- (b) If the demonstration will obstruct entrances or exits, or if it will interfere with traffic.
- (c) If demonstration is scheduled after normal University functions have closed for the day.
- (d) If the Notice of Intent to Demonstrate violates provisions of subsection (8) or (9) below.
- (e) If the person(s) filing the notice fails to comply with subsections (3) and (4) above.

(6) Organizations or persons denied permission to demonstrate may appeal to the President. Appeal must be made within one (1) working day of the denial. The decision of the President shall be final.

(7) Security needs will be assessed by the Director of the University Department of Public Safety upon request from the Office of the Vice President for Student Affairs.

(8) Demonstrators shall not:

- (a) Obstruct vehicular, bicycle, pedestrian or other traffic.
- (b) Obstruct entrances or exits to buildings or driveways or impede entry to or exit from any building or parking lot or vehicular path-
- (c) Interfere with educational or administrative activities inside or outside any building.
- (d) Harass passersby or otherwise disrupt normal University activities, ceremonies or events.
- (e) Interfere with or preclude the intended speaker(s) and/or activities from taking place.
- (f) Demonstrate within 1,000 feet of an existing demonstration.
- (g) Damage property, including but not limited to, buildings, personal property, sculptures, benches, grass shrubs, and trees.
- (h) Violate any provision set forth in this ~~rule~~ regulation.

## Exhibit "B"

(i) Pose an environmental hazard or a health or safety threat to the University Community or the general public.

(j) Interfere with or obstruct University operations.

(j) Utilize sound amplification, including bullhorns, except as approved in advance in writing as set forth in this regulation and within sound limits that will not disrupt University operations.

(9) Demonstrations shall be subject to, and shall not violate the law, Board of Regents Governors regulations-policy or University Rules, and Regulations, policies and/or procedures of the University, nor shall demonstrations place an undue burden on campus facilities, materially interfere with the use of the facilities or equipment by other persons, materially disrupt the University's normal operations or functions, or materially infringe on the rights of members of the University eCommunity.

(10) If subsection (8) or (9) above is violated, University Public Safety Officers, or other University representatives, or law enforcement representatives, may require demonstrators to identify themselves by presenting proper identification such as student I.D. card, driver's license, etc. Demonstrators may be directed to leave campus immediately. Demonstrators may also be subject to arrest for a violation of the law. Demonstrators officially related to the University may additionally be subject to the University discipline.

(11) If subsection (8) or (9) above is violated, University Public Safety Officers or other University representatives may:

(a) Identify himself/herself to the demonstrators, giving name and official position.

(b) Inform demonstrators that they are in violation of the law, University regulations, policies, or procedures, and/or ~~State rule~~ Board of Governors regulations.

Exhibit "B"

(c) Indicate the nature of the violation.

(d) Request that the violation cease.

(e) Request that the demonstration terminate.

(f) Secure the assistance of the Public Safety Department and/or law enforcement representatives, if necessary, to restore order and enforce compliance with the law and University ~~rule~~regulations.

(12) When requested, as set forth in paragraph (11)(f) above, the Director of Public Safety has a responsibility to:

(a) Declare a demonstration to be in violation of the law, University regulations, policies, or procedures ~~Rules~~ and/or Board of ~~Regents~~ Governors ~~Rules~~ regulations and request all demonstrators to clear the area or be subject to arrest and/or University disciplinary action.

(b) Arrest demonstrators violating the law or provisions of this ~~rule~~regulation.

(c) Secure assistance of outside law enforcement agencies, if needed.

(d) Protect persons from injury and University property from damage.

*Specific Authority Board of Governors Resolution dated 1-07-03 ~~1001.74(4), 1006.60(5), 1012.92(3), 1013.10 FS. Law Implemented 1001.74(6), 1006.60(5), 1012.92(3), 1013.10 FS. Histor: New 12-23-76, Amended 8-7-83, Formerly 6C8-5.08, Amended \_\_\_\_\_.~~*

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-114

**REGULATION TITLE:** Commercial Solicitation and Advertising.

**SUMMARY:** This regulation provides the requirements for the conduct of commercial solicitation, advertising and other promotional marketing activities on University premises.

**TEXT OF REGULATION:** The full text of the Proposed 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 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 REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008

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

**~~6C8-6.004~~ FIU-114 Commercial Solicitation and Advertising on Campus.**

(1) ~~Regulations adopted concerning commercial solicitation and advertising on the Florida International University Campus shall be followed as set forth in Rule 6C-9.006, F.A.C.~~

(2) ~~Persons wishing to solicit transact business on University premises, including advertising other than in the University newspaper, and other promotional marketing efforts on the grounds or buildings of the University, must first obtain written approval from the Office of the Vice President for Student Administrative Affairs or the appropriate official designated in applicable University policies and procedures. The University may assess fees and charges for commercial solicitation, advertising or other promotional efforts conducted on University premises.~~

(2) All commercial solicitation efforts or advertising on University premises shall be conducted in accordance with applicable University policies and procedures.

(3) The University shall be entitled to remove unauthorized commercial solicitation materials from its premises, and to assess any unauthorized solicitor with charges for removal of such materials, clean up of the premises, and/or the costs to replace or restore damage to property.

*Specific Authority ~~4, Florida Board of Governors Resolution Adopted January 7, 2003. 6C 4.001, 6C 9.006, F.A.C. Law Implemented 1001.74(6) FS., 6C 9.006, F.A.C. History—Formerly 6P-6.04, 10-1-75, Repromulgated 12-23-76, Formerly 6C8-6.04, Formerly 6C8-6.004, Amended \_\_\_\_\_.~~*

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-402

**REGULATION TITLE:** Admission to the University.

**SUMMARY:** This regulation addresses the standards and procedures for admission of students to the University.

**TEXT OF REGULATION:** The full text of the Proposed 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 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. Board of Governors regulations 6.001, 6.003, 6.004.

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

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

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008.

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

**FIU-402 Admission to the University**

(1) Admission of students to Florida International University is within the jurisdiction of the University, but subject to the regulations of the Florida Board of Governors.

(2) The University policies and procedures concerning admissions, including the decision notification process and the appeal process on the University's website, as well as in the catalogs.

(3) In making admissions decisions, the University must take into consideration the applicant's academic ability, but may also consider other factors such as the applicant's creativity, talent, and character.

(4) The University may deny admission or enrollment to an applicant because of the applicant's past misconduct on or off campus. Such decision can be made provided such denial is consistent with state and federal law.

(5) An application or residency affidavit submitted by or on behalf of an applicant which contains false, fraudulent or incomplete statements may result in denial of admission, revocation of admission, or denial of registration and/or invalidation of University course credit.

(6) Prior to registration, each applicant accepted for admissions must submit appropriate medical documentation to include, but not be limited to, documentation of appropriate immunization required by the University. Exceptions may be granted pursuant to University policies. The University reserves the right to refuse registration to

any applicant whose health record or report of medical examination indicates the  
existence of a condition which may be harmful to members of the University community.

*Specific Authority Resolution of the Florida Board of Governors dated January 7, 2003.  
Board of Governor Regulations 6.001, 6.003, 6.004. History—Formerly 6P-3.02(2), 10-1-  
75, Repromulgated 12-23-76, Formerly 6C8-3.003 and 6C8-3.004, Amended  
\_\_\_\_\_ -08.*



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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-406

**REGULATION TITLE:** Foreign Student Admissions.

**SUMMARY:** This proposed regulation sets forth the current admission requirements applicable to foreign students, including the required language proficiency, the financial requirement and the insurance requirements.

**TEXT OF REGULATION:** The full text of the Proposed 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 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 REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008.

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

**~~6C8-3.006~~ FIU-406 Foreign Student Admissions; ~~Exchange Visitor Insurance Requirements.~~**

(1) A foreign student must meet the regular admission requirements as set forth in Rule University regulations. ~~6C8-3.002, 6C8-3.003 and 6C8-3.004, F.A.C.~~ In addition, the student must show evidence of English proficiency by presenting:

(a) A minimum score of 500 on the Test of English as a Foreign Language (TOEFL);

or

(b) An English Language Institute ~~ELS~~ Language Center Certification of satisfactory completion at the 109 level of proficiency; or

(c) Successful completion of 30 semester hours (45 quarter hours) ~~-(30 semester hours)~~ of course work in an American college or university, including 6 semester hours (9 quarter hours) ~~-(6 semester hours)~~ of English composition.

(2) A Declaration and Certification of Finances must be submitted before the Certificate of Eligibility will be issued by the University. The total funds available to the student for the first and/or second academic years must at least equal the total estimates of institutional costs and living expenses. For foreign applicants living outside the U.S., the Declaration and Certification of Finances must be received by the University at least two months prior to the beginning of the term ~~quarter~~ for which student expects to register. If the student is living in the U.S. this document is due at least one month before the first day of classes.

(3) ~~Regulations governing~~ The admission of foreign students will also ~~otherwise~~ comply with Rule the Florida Board of Governors regulations ~~6C-6.009, F.A.C., including the insurance requirements applicable to students in F non-immigration status.~~

~~(4) In compliance with its responsibilities under 22 C.F.R., § 514.14, the University~~

~~requires that exchange visitors with J-1 immigration status who are sponsored by the University shall maintain a policy or policies of medical insurance, including repatriation and medical evacuation coverage, for themselves and their accompanying J-2 dependents for the full duration of their sponsored enrollment or program. For purposes of this rule~~regulation ~~the term "exchange visitor" means a citizen of a foreign country who is sponsored by the University as either a student, teacher, professor, researcher, short-term scholar, specialist, visitor or other category of exchange visitor status as defined by the United States Information Agency.~~

~~(a) Only the following insurance policies will be considered adequate to meet this requirement:~~

- ~~1. The University approved policy offered for purchase by exchange visitors; or,~~
- ~~2. The insurance offered as part of the standard benefits package to exchange visitors who are University employees if such insurance covers their dependents and is supplemented by a separate policy providing medical evacuation and repatriation.~~

~~(b) Proof of this type of insurance coverage for exchange visitors and all accompanying J-2 dependents shall be demonstrated as follows:~~

- ~~1. For exchange visitors other than students, proof of insurance coverage shall be provided to the Office of International Student and Scholar Services prior to the issuance of a United States Information Agency Form IAP-66~~DS-2019 ~~by the Office of International Student and Scholar Services.~~

- ~~2. For exchange visitor students who are not degree-seeking students, proof of insurance coverage shall be provided to the Office of International Student and Scholar Services before a United States Information Agency Form IAP-66~~DS-2019 ~~is issued by~~

~~the Office of International Student and Scholar Services.~~

~~3. For exchange visitor students who are admitted as degree-seeking students, proof of insurance coverage shall be provided to the Office of International Student and Scholar Services when the exchange visitor student arrives in the United States and prior to registering for classes for the semester in which the exchange visitor student has been admitted.~~

~~(c) The Form IAP 66DS 2019 will be issued only for the stated period of insurance coverage. Proof of the extension of major medical, repatriation and medical evacuation insurance must be provided prior to the issuance of the extended IAP 66DS 2019. Exchange visitors who are eligible for the insurance available to University employees must obtain coverage under subparagraph (4)(a)1., above, and demonstrate proof thereof to the Office of International Student and Scholar Services for themselves and any accompanying dependents until such time as their employee and dependent coverage becomes effective before the Office of International Student and Scholar Services will issue the Form IAP 66DS 2019.~~

~~(d) This ruleregulation should not be interpreted to mean that the University recommends or encourages any prospective exchange visitor to cancel existing insurance coverages. The insurance coverage required by this ruleregulation satisfies the requirements of the United States Information Agency, the State of Florida Board of RegentsGovernors and the University and may not cover all medical conditions which the exchange visitor and accompanying dependents may develop or the treatments which they require.~~

~~(e) Willful failure to maintain the required insurance coverage shall result in~~

~~termination of participation in the exchange visitor program and/or employment.~~

*Specific Authority* Board of Governors' Resolution dated January 7, 2003.~~1007.261 FS.~~  
*Law Implemented* Board of Governors' Resolution dated January 7, 2003, Board of  
Governors' Regulation 6.009.~~1007.261 FS.~~ *History*—*Formerly* 6P-3.02(5), 10-1-75,  
*Repromulgated* 12-23-76, *Formerly* 6C8-3.006, *Amended* 1-10-95, *Formerly* 6C8-006,  
*Amended* 08

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** **FIU-408**

**REGULATION TITLE:** Foreign Exchange Visitor Insurance Requirements

**SUMMARY:** The proposed regulation sets forth the insurance requirements applicable to exchange visitors.

**TEXT OF REGULATION:** The full text of the Proposed 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 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 REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008.

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

**FIU-408 Foreign Exchange Visitor Insurance Requirements.**

(1) In compliance with its responsibilities under federal law, the University requires that exchange visitors with J-1 non-immigrant status who are sponsored by the University shall maintain a policy or policies of medical insurance, including repatriation and medical evacuation coverage, for themselves and their accompanying J-2 dependents for the full duration of their sponsored enrollment or program. For purposes of this regulation the term “exchange visitor” means a citizen of a foreign country who is sponsored by the University as either a student, teacher, professor, researcher, short-term scholar, specialist, visitor or other category of exchange visitor status as defined by the U.S. Department of State.

(a) Only the following insurance policies will be considered adequate to meet this requirement:

1. The University approved policy offered for purchase by exchange visitors; or,
2. The insurance offered as part of the standard benefits package to exchange visitors who are University employees if such insurance covers their dependents and is supplemented by a separate policy providing medical evacuation and repatriation.

(b) Proof of this type of insurance coverage for exchange visitors and all accompanying J-2 dependents shall be demonstrated as follows:

1. For exchange visitors other than students, proof of insurance coverage shall be provided to the Office of International Student and Scholar Services prior to the issuance of the U.S. Department of State Form (the “Form”) by the Office of International Student and Scholar Services.

2. For exchange visitor students who are not degree-seeking students, proof of

insurance coverage shall be provided to the Office of International Student and Scholar Services before the Form is issued by the Office of International Student and Scholar Services.

3. For exchange visitor students who are admitted as degree-seeking students, proof of insurance coverage shall be provided to the Office of International Student and Scholar Services when the exchange visitor student arrives in the United States and prior to registering for classes for the semester in which the exchange visitor student has been admitted.

(c) The Form will be issued only for the stated period of insurance coverage. Proof of the extension of major medical, repatriation and medical evacuation insurance must be provided prior to the issuance of the extended for DS-2019. Exchange visitors who are eligible for the insurance available to University employees must obtain coverage under subparagraph (1)(a)1., above, and demonstrate proof thereof to the Office of International Student and Scholar Services for themselves and any accompanying dependents until such time as their employee and dependent coverage becomes effective before the Office of International Student and Scholar Services will issue the Form.

(d) This regulation should not be interpreted to mean that the University recommends or encourages any prospective exchange visitor to cancel existing insurance coverages. The insurance coverage required by this regulation satisfies the requirements of the U.S. Department of State, the Florida Board of Governors and the University and may not cover all medical conditions which the exchange visitor and accompanying dependents may develop or the treatments which they require.

(e) Willful failure to maintain the required insurance coverage shall result in



termination of participation in the exchange visitor program and/or employment.

*Specific Authority* BOG Resolution dated January 7, 2003. *Law Implemented* BOG Resolution dated January 7, 2003. *History*—Formerly 6P-3.02(5), 10-1-75, Repromulgated 12-23-76, Formerly 6C8-3.006, Amended 1-10-95, \_\_\_\_\_ 08.

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-410

**REGULATION TITLE:** Application Fee and Admissions Deposit

**SUMMARY:** This regulation sets forth the application fee and admissions deposit and the requirements for having the fee or deposit waived.

**TEXT OF REGULATION:** The full text of the Proposed 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 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, Board of Governors Regulation 7.003.

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

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

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008

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

**~~6C8-6.014~~FIU- 410 Application Fee and Admissions Deposit.**

(1) The University has established the fees set forth in this ~~rule~~regulation. The fees listed are in addition to fees set forth in other University ~~rules~~regulations and other charges that are authorized by law.

(2) Application Fee.

(a) Unless otherwise provided herein, ~~An~~ individual who applies for admission to an undergraduate or graduate program of the University shall pay a non-refundable application fee in the amount of \$30, ~~except that the application fee shall be \$25 for undergraduate or graduate online applications.~~

(b) An individual who applies for admission to the College of Law shall pay a non-refundable application fee in the amount of ~~\$20~~\$30.

(c) An individual who applies for admission to the College of Medicine shall pay a non-refundable application fee in the amount of \$30.

(d) Upon request by the applicant, the application fee shall be waived for any applicant who provides documentation that they have received a fee waiver because of economic need based upon economic hardship as determined by a recognized third party entity or program such as the College Board, the American College Testing Program, the National Association for College Admissions Counseling (NACAC), the Graduate Record Examinations (GRE) Fee Reduction Program, or the Law School Data Assembly Service (LSDAS), or the Association of American Medical Colleges (AAMC) Fee Assistance Program ("Recognized Third Party").

(3) Admissions Deposit.

(a) An individual admitted to an undergraduate, graduate, or professional degree program of

## Exhibit "B"

the University shall pay a non-refundable admissions deposit in the amount of \$200 upon acceptance to the University. Upon request by the student, the admissions deposit shall be waived for any student who provides documentation that they ~~are eligible for the federal Pell Grant program according to the~~ are eligible for the federal Pell Grant program according to the Free Application for Student Financial Aid (FASFA) have received a fee waiver based upon economic hardship as determined by a Recognized Third Party.

(b) The University shall apply the admissions deposit toward the individual's tuition upon enrollment. If the individual does not enroll at the University, the University shall administer the admissions deposit in accordance with ~~Section 1009.24(13), F.S.~~ the applicable Board of Governors' regulations or law.

*Specific Authority Florida Board of Governors Resolution dated 1-07-18, BOG Regulation 7.003 FS. History—New 11-20-03, formerly 6C8-6.014, Amended .-.*

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-1305

**REGULATION TITLE:** Students in Military Service.

**SUMMARY:** This regulation describes the practices of the University concerning enrollment when enrolled students are called into active military service.

**TEXT OF REGULATION:** The full text of the Proposed 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 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 REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008.

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

**~~6C8-3.0081~~ FIU-1305 Students in Military Service.**

(1) General. A student who, while enrolled at the University, is called to or enlists in, active military service shall not incur academic or financial penalties as a result of performing military service.

(2) A student described in subsection (1) shall have the option of completing the course(s) in which the student was enrolled in at the time of being called into active service at a later date without penalty, or withdrawing from the course(s) with a full refund of fees paid. If the student chooses to withdraw, the student's academic record shall reflect that the withdrawal was due to active military service.

(3) For purposes of this rule, "active military service" means active duty with any branch of the United States Army, Air Force, Navy, Marine Corps, Coast Guard, National Guard of the State of Florida, or other service as provided in Florida Statutes, Section 115.08, F.S., as verified by official orders or appropriate military certification.

*Specific Authority Board of Governors' Resoluion dated January 7, 2003. ~~1001.7\_4(4), 1004.07 FS. Law Implemented 1004.07 FS. History-New 5-8-03, Formerly 6C8-3.0081, Amended 08.~~*

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-1502

**REGULATION TITLE:** Direct Support Organizations.

**SUMMARY:** This regulation provides the process of certifying and decertifying a direct support organization ("DSO") of the University; the requirements of such DSO's articles of incorporation and bylaws; the ability of the University to make appointments to the DSO's governing body and executive committee; the University President's powers related to the DSO's; and the confidentiality of DSO records.

**TEXT OF REGULATION:** The full text of the Proposed 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 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 REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008.

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

**~~6C8-6.100~~ FIU-1502 Direct Support Organizations.**

(1) The President of the University may recommend to the Board of Trustees that an organization meeting the requirements of Florida law pertaining to Direct Support Organizations ("DSO") ~~Section 1004.28(1)(a), F.S.~~, be designated a Florida International University ~~Direct Support Organization ("DSO")~~. Upon approval by the Board of Trustees and the Board of Governors, a DSO shall be considered to be certified and authorized to use the property, facilities and personal services of the University.

(2) In order to be considered for certification as a DSO, an organization must fulfill the requirements of Florida law pertaining to DSOs ~~Section 1004.28(1)(a), F.S.~~, the Board of Governors' Regulations and must have Articles of Incorporation and Bylaws that together:

~~(a) Provide that any person employed by the organization shall not be considered to be an employee of the Florida International University Board of Trustees by virtue of employment by the DSO.~~

~~(b) Provide that the chief executive officer or director of the DSO shall be selected and appointed by the governing board of the DSO, with prior approval of the President of the University, and that the chief executive officer or director shall report to the President or a designee reporting directly to the President.~~

~~(ae)~~ Provide that any amendments to the Articles of Incorporation or Bylaws must be submitted by the President of the University and to the Board of Trustees for approval prior to becoming effective.

~~(d) Provide that the President of the University shall have the following powers and duties:~~



~~1. Monitor and control the use of University resources by the organization.~~

~~2. Control the use of the University name by the DSO.~~

~~3. Monitor compliance of the organization with federal and state laws.~~

~~4. Recommend to the governing board of the DSO an annual budget.~~

~~5. Review and approve quarterly expenditure plans.~~

~~6. Approve contributions of funds or supplements to support intercollegiate athletics.~~

(be) Provide that the organization shall provide equal employment opportunities to all persons regardless of race, color, religion, gender, age, disability, marital status, sexual orientation, veteran's status or national origin.

(cf) Prohibit the giving, directly or indirectly, of any gift to a political committee or committee of continuous existence as defined in ~~Section 106.011~~the Florida Statutes, F.S., for any purpose other than those certified by a majority roll call vote of the organization's governing board at a regularly scheduled meeting as being directly related to the educational mission of the University.

~~(3) The Chair of the Florida International University Board of Trustees may appoint a representative to the governing body and the executive committee of each DSO. In addition, the President of the University or a designee shall also serve on the governing body and executive committee of each DSO.~~

(d4) ~~Each DSO shall submit~~Provide that an annual budget, which has been approved by its governing board and recommended by the President of the University, is submitted to the Board of Trustees for review. Such proposed budget shall be approved~~submitted by~~ the Board of Trustees no later than sixty (60) days after the first day of the fiscal year to which the proposed budget pertains. Each proposed budget shall include therein:

~~(a1.)~~ Expenditures for the construction of physical facilities, and

~~(2.b)~~ Salary supplements, compensation and benefits provided to the President, University faculty, and staff, and to DSO employees to be paid with assets of the DSO, which shall be specifically identified.

~~(5e)~~ ~~Each DSO shall~~ Prepare and submit to the President, no later than the first day of each quarter of the organization's fiscal year, a quarterly expenditure plan that separately delineates planned actions which would cause a commitment of University resources or which represent a significant commitment of the resources of the DSO, including:

~~(a1.)~~ Major fund raising events and campaigns and their purpose.

~~(b2.)~~ Compensation and benefits to University employees and employees of the organization.

~~(c3.)~~ Capital projects, including land acquisition, construction, renovation or repair.

~~(d4.)~~ Other major commitments of the resources of the organization.

~~(f6)~~ ~~Each DSO shall cause~~ 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.

~~(a1.)~~ Audits shall be conducted pursuant to ~~Section 1004.28(5), F.S., the requirements of the Florida Statutes~~ and in accordance with rules adopted by the Auditor General, pursuant to ~~Section 11.45(8), F.S., and Florida International University rules.~~

~~(2.b)~~ The President of the University shall submit the annual audit report to the

Auditor General and the Board of Governors no later than nine (9) months after the close of the organization's fiscal year. A DSO must also submit to the Board of Governors its Federal Internal Revenue Service Application for Recognition of Exemption form and its federal Internal Revenue Service Return of Organization Exempt from Income Tax form.

(3) The Chair of the Florida International University Board of Trustees may appoint a representative to the governing body and the executive committee of each DSO. In addition, the President of the University or a designee shall also serve on the governing body and executive committee of each DSO.

(4) The President of the University shall have the power to:

(a) Monitor and control the use of University resources by the organization.

(b) Control the use of the University name by the DSO.

(c) Monitor compliance of the organization with federal and state laws.

(5) The Director or Chief Operating Officer of a DSO shall report to the University President or designee, who shall be a Vice President of the University or other Senior Officer reporting directly to the University President.

(67) The President of the University may recommend to the Board of Trustees that an organization be decertified as a DSO if the President determines that the organization is no longer serving the best interest of the University. The recommendation for decertification shall include a plan for disposition of the organization's assets and liabilities.

(7) All records of the organization other than the auditor's report, management letter, and any supplemental data requested by the Board of Governors, the University Board of Trustees, the Auditor General or the Office of Program Policy Analysis and Government

Accountability shall be confidential and exempt from the provisions of Florida's Public Records Laws.

*Specific Authority—1001.74(4), 1004.28(2) FS Board of Governors Resolution dated January 7, 2003. Law Implemented 1001.74(37) FS. History—New 5-8-03, Formerly 6C8-6.100, Amended \_\_\_\_\_.*

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-2201

**REGULATION TITLE:** Purchasing

**SUMMARY:** This regulation is supplemental to the Florida Board of Governors' Purchasing regulations and provides the basic criteria related to procurement, including definitions; the Purchasing Department's duties; and information regarding the competitive solicitation process, ethical obligations, contracts, and the purchase of motor vehicles.

**TEXT OF REGULATION:** The full text of the Proposed 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 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, and Board of Governors' Regulation 18.001.

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

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

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008.

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

## Exhibit "B"

### **6C8-7.030-FIU-2201 Purchasing.**

(1) Statement of Intent. These Purchasing regulations are supplemental to Chapter 18 of the Florida Board of Governors' Purchasing regulations. It is the intent of the University to acquire quality ~~goods~~ commodities and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process. Responsible purchasing officials shall be protected from improper pressures of external political or business interests. ~~The purpose of the process shall is~~ to reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services, in order to preserve the integrity of public purchasing and contracting. The opportunity to bid on University contracts is a privilege, not a right.

#### (2) Definitions.

(a) Artistic Services – Services provided by ~~a an individual or group of individuals~~ contractor who professes and practices a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.

(b) Commodity – Any of the various supplies, materials, goods, merchandise, food, equipment or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. “Commodity” also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. ~~The Printing of publications and licensing of software to be used pursuant to license agreements shall be considered a “commodity.”~~ are commodities.

(c) ~~Competitive Bid/Proposal Response~~ Response – The response submitted to an Invitation to Bid, Invitation to Negotiate, or a Request for Proposal by a responsive and qualified bidders or offerors.

~~(d) Competitive Negotiation – The establishment of a contract through deliberation, discussion or conference on the specifications, terms and conditions of a proposed agreement.~~

(e) Competitive Solicitation – An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor.

(f) Contractor/Vendor- A person, vendor, corporation, business or firm ~~who contracts to that~~ sells commodities or ~~contractual~~ services to the University.

(g) Contractual Service ~~– The rendering by a contractor of its time and effort rather than the furnishing of specific~~

## Exhibit "B"

~~commodities. The term applies only to those services rendered by individuals and firms who are independent contractors.~~

~~“Contractual service” does not include labor or materials or selection of professional services for the construction, renovation, repair or demolition of facilities.~~

~~(h) Extension — An increase in the time allowed for the contract period.~~

~~(i) Independent Contractor – A person or firm who provides a service to the University, but does not have any employment or other relationship or connection with that the University, except as provided permitted by Florida law. in Section 112.313, F.S.~~

~~(j) Invitation to Bid – A written solicitation for competitive bids/responses with the title, date, and hour of the public bid opening designated and for the commodity, group of commodities and/or services defined, for which bids are sought.~~

~~(k) Invitation to Negotiate – An written solicitation for invitation extended to prospective contractors by the University, whether by advertisement, written solicitation, electronic media or any other form of communication, to negotiate with the University to define the specifications, terms and conditions of a contract for commodities and/or contractual services. Cost may or may not be a consideration in the initial stages of evaluation or negotiating negotiation.~~

~~(l) Minority Business Enterprise — A business concern as defined in Section 288.703(2), F.S.~~

~~(m) President — The chief executive officer of the University, responsible for its operation and administration.~~

~~(n) Public Entity Crime — A violation of any state or federal law by a person in the transaction of business with any public entity of any state or with the United States government involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation.~~

~~(o) Purchase – An acquisition of commodities and/or services obtained by credit card purchase, purchase order or contract whether by rent, lease, installment- or lease-purchase, outright purchase, or license.~~

~~(p) Purchases for Resale – The purchase of commodities and/or contractual services acquired by the University for the purpose of selling them for the benefit of the University.~~

~~(q) Renewal – Contracting with the same contractor for an additional period of time after the initial contract term, provided the original terms of the agreement contract specify an option to renew.~~

~~(r) Request for Proposal – A written solicitation for competitive proposals/responses for commodities and/or contractual services with the title, date, and hour of the public opening designated. The request for proposal may be used when the scope of work is not clearly defined by the University.~~

~~(s) Responsive and Qualified Bidder or Offeror – A contractor/vendor who has submitted a bid or proposal competitive response that conforms in all material respects to a competitive solicitation.~~

~~(t) Term Contract — An indefinite quantity contract for the purchase of commodities or contractual services during a prescribed~~

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~~period of time.~~

(n) Service – The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by contractors who are independent contractors. “ Service” does not include labor or materials or selection of professional services for the construction, renovation, repair or demolition of facilities.

(3) Purchasing Department’s Duties. The University Board of Trustees has authority to establish a system of coordinated procurement policies, procedures, and practices to be used in acquiring commodities and ~~contractual~~ services required by the University. The Purchasing Department has the duty to:

(a) Canvass sources of supply and contracting for the purchase or lease of all commodities and ~~contractual~~ services for the University, in any manner, including purchase by installment- or lease-purchase contracts. Installment- or lease-purchase contracts may provide for the payment of interest on unpaid portions of the purchase price.

(b) Remove any contractor from the University’s competitive vendor list that fails to respond to three (3) or more ~~invitations~~ competitive solicitations or fails to fulfill any of its duties specified in a contract with the University and to reinstate any such contractor when satisfied that further instances of default will not occur. If a contractor replies to a competitive solicitation by submitting a “No Bid Response,” such will be treated as a response for purposes of this provision.

(c) Plan and coordinate ~~ing~~ purchases in volume and ~~negotiating negotiate and executing execute agreements and~~ contracts for commodities and ~~contractual~~ services under which the University may make purchases.

(d) Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities ~~and~~ and services that are frequently purchased and are available from a ~~single~~ sole source.

(e) Evaluate and approve contracts ~~let~~ awarded by any State of Florida agency or department, the Federal Government, other states, political subdivisions, not-for-profit cooperatives or consortiums, or any independent college or university ~~or educational cooperative or educational consortium of~~ for the procurement of commodities and ~~contractual~~ services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts ~~let~~ awarded by such other entities.

(f) ~~Elect as an alternative to any provision in Section 120.57(3)(c), F.S., to proceed with a bid solicitation or contract award process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the University. After the award of contract resulting from a competitive solicitation in which a timely protest was received and in which the University did not prevail, the contract will be canceled and re-awarded to the prevailing party unless the final order or settlement between the parties provides otherwise.~~ Issue competitive solicitations and requests for information on behalf of the University and oversee and facilitate the process of selection of contractors and award of contracts pursuant to the competitive solicitation process.



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(g) Award contracts for commodities and ~~contractual~~ services to multiple suppliers, if it is determined to be in the best interest of the University. Such awards may be on a ~~university~~University-wide, regional or multiple ~~State U~~niversity System-wide basis and the contracts may be for multiple years.

(h) Reject any or all competitive responses or cancel any competitive solicitations when it is determined to be in the best interest of the University.

### (4) Competitive Solicitations ~~Required~~.

(a) All contracts for the purchase of commodities and/or ~~contractual~~ services exceeding \$~~50~~75,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized herein.

(b) When only one response ~~if is~~ received to a competitive solicitations for commodities or contractual services exceeding \$~~50,000~~\$75,000, the University ~~will~~may review the solicitation response ~~and circumstances surrounding the solicitation to~~ determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined that a second call would not serve a useful purpose, the University ~~will~~may proceed with the acquisition.

(c) When multiple responses that are equal in all respects are received to a competitive solicitation or quote process, the University will give preference to responses that include commodities manufactured in the state, Florida businesses, businesses with a drug-free workplace program, and/or ~~foreign out-of-state~~ manufacturers located in the state to determine the contract award, or, if these conditions do not exist or are the equivalent between two or more responses, ~~will use~~ the contract award will be determined by the toss of the a coin.

(d) The purchase of commodities and services shall not be divided to avoid the requirement of competitive solicitation.

~~(e) The intended award shall be publicly posted by the Purchasing Office which issues the Invitation to Bid, Request for Proposal or Invitation to Negotiate for 72 hours which is interpreted as three working days excepting Saturdays, Sundays, or State holidays.~~

~~(f) Advertisement. Invitations to bid, requests for proposals, and invitations to negotiate~~ Competitive solicitations for commodities and or ~~for contractual~~ services shall be advertised in the Florida Administrative Weekly, the Florida Communities Network (MyFlorida.com), or the University Purchasing Department's website. ~~The Director of Purchasing shall have has the authority to waive the advertisement requirement when the number of potential bidders or offerors is limited and can otherwise be solicited, when the availability of funding so requires, or where delivery is urgent.~~

~~(g) Bids and proposals shall remain sealed until notice of final contract award is given or within ten (10) days after the bid or proposal opening, whichever is earlier. Competitive responses and negotiations will be confidential only to the extent permitted by Florida law.~~

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~~(hg)~~ In the case of extension errors, in a competitive response, the unit price will prevail.

~~(ih)~~ Withdrawal of competitive response. A ~~vendor-contractor~~ may withdraw ~~his or her~~ its bid or proposal-competitive response in writing if done within seventy-two (72) hours of the ~~bid or proposal-competitive solicitation~~ opening, ~~or if where the bid or proposal-competitive response~~ is clearly erroneous, ~~if done and it is withdrawn~~ prior to final award or the purchase order being issued.

~~(5) Purchase of Commodities or Contractual Services.~~

~~(a) Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the University.~~

~~(b) Purchase of Insurance. The University has the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University. Examples of insurance coverage that may be acquired by the University include:~~

- ~~1. Physical damage on vehicles and boats;~~
- ~~2. Inland marine on property owned, leased, or loaned to or by the University;~~
- ~~3. Building and property damage;~~
- ~~4. Equipment losses due to theft;~~
- ~~5. Equipment subject to transportation;~~
- ~~6. Loss of rental income;~~
- ~~7. Commercial general liability insurance for scientific equipment;~~
- ~~8. Excess general liability coverage; and~~
- ~~9. Camps insurance.~~

~~(c) Purchases from Minority Business Enterprises. The University is an equal opportunity institution and encourages procurement contracting with Minority Business Enterprises.~~

~~(d) Purchases from Contractors Convicted of Public Entity Crimes. The University shall not accept a competitive solicitation from, or purchase commodities or contractual services from, a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida's convicted vendor list for a period of 36 months from the date of being added to the convicted vendor list.~~ ~~(e5)~~ Purchasing actions that are not subject to the competitive solicitation process are as follows and include:  
all of the competitive solicitation exceptions provided in the Board of Governors' Purchasing regulations.

~~1-(a)~~ Emergency Purchases. When the President or his or her designee determines, in writing, that the delay due to the competitive solicitation process is an immediate danger to the public health or safety or the welfare of the University, including

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University tangible and/or intangible assets; or would otherwise cause significant injury or harm not in the best interest of the University, the University may proceed with the procurement of commodities or services without a competitive solicitation. a condition exists that threatens the health or safety of person(s) or animal(s) or the preservation or protection of property or the continuance of a vital University function, the University will proceed with an emergency purchase without a competitive solicitation. The emergency purchase shall be limited to the purchase of only the type of items and quantities or for a time period sufficient to meet the immediate threat and shall not be used to meet long-term requirements.

~~2.(b)~~ Sole Source Purchases. Commodities or ~~contractual~~ services available from a single source ~~shall~~ may be exempted from the competitive solicitation process. ~~The sole source document shall be publicly posted by the Purchasing Office for three working days.~~

~~3. Purchases from competitively bid Contracts and Negotiated Annual Price Agreements established by the State, other governmental entities, other public or private educational institutions, and educational cooperatives and educational consortiums are not subject to further competitive solicitation.~~ ~~4.(c)~~ Construction Direct Purchase Program. Commodities to be incorporated into any public work (as that term is defined in Rule 12A-1.094, F.A.C. ) which are procured by the University in accordance with the requirements of the University's direct purchase program are not subject to any further competitive solicitation.

~~(f) Commodities and contractual services that are not subject to the competitive solicitation process include:~~

~~1. Artistic services;~~

~~2. Academic reviews;~~

~~3. Lectures;~~

~~4. Auditing services;~~

~~5. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;~~

~~6. Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;~~

~~7. Services provided to persons with mental or physical disabilities by not for profit corporations organized under the provisions of s. 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;~~

~~8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a~~

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period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed;

- ~~9. Family placement services;~~
- ~~10. Training and education services;~~
- ~~11. Advertising;~~
- ~~12. Services or commodities provided by governmental agencies, another university in the state of Florida or other independent colleges and universities;~~
- ~~13. Programs or continuing education events that are offered to the general public for which fees have been collected to pay all expenses associated with the program or event;~~
- ~~14. Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;~~
- ~~15. Regulated utilities and government franchised services;~~
- ~~16. Regulated public communications, except long distance telecommunication services or facilities;~~
- ~~17. Extension of an existing contract;~~
- ~~18. Renewal of an existing contract if the terms of the contract specify renewal option(s);~~
- ~~19. Purchases from the Annual Certification List developed by the University;~~
- ~~20. Purchases for resale;~~
- ~~21. Accountant Services;~~
- ~~22. Contracts or services provided by not for profit support and affiliate organizations of the University, direct support organizations, health support organizations and faculty practice plans;~~
- ~~23. Implementation/programming/training services available from owner of copyrighted software or its contracted vendor; and~~
- ~~24. Purchases of materials, supplies, equipment, or services for research purposes when a director of sponsored research or designee certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project.~~

### ~~(g) Participants in Contract Awards Not Subject to Competitive Solicitations.~~

~~1. No person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be eligible to contract with the University dealing with the specific subject matter.~~

~~2.-(6) Code of Ethics.~~ All persons taking part in the development of specifications or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall follow all relevant portions of the State of Florida Code of Ethics for Public Officers and Employees, ~~Chapter 112, Part III, F.S.~~, and the University's policy on outside activities.

~~(6) Bonds. (a) Payment and Performance Bonds.~~ The University is authorized to require any contractor contracting with the

## Exhibit "B"

~~University to provide commodities or commodities which include installation to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract when the total contract amount is greater than \$200,000 and the University is uncertain about the contractor's ability to perform.~~

~~(b) Solicitation Protest Bond. Any contractor that files an action pursuant to Section 120.57(3)(b), F.S., protesting a decision or intended decision pertaining to a solicitation shall at the time of filing of the formal protest, post with the University, a bond payable to the University in an amount equal to: 10% of the estimated value of the protestor's bid or proposal; 10% of the estimated expenditure during the contract term; \$10,000; or whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the contractor filing the protest action. In lieu of a bond, the University will accept a cashier's check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier's check or money order at the time of filing the formal protest shall result in the denial of the protest.~~

### (7) Contracts.

(a) Contracts for commodities ~~and/or contractual services or licenses~~ shall consist of a purchase order or shall consist of a bilateral agreement signed by the President of the University or designee prior to ~~or within thirty (30) days of the~~ goods/commodities or services being rendered by the contractor. This provision does not apply to appropriate ProCard (University issued procurement card) purchases that are made in accordance with applicable policies and procedures.

(b) Any contract for the purchase of commodities and/or services ~~or tangible personal property~~ for a period in excess of one fiscal year shall include the following statement: "The ~~State of Florida's and~~ University's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

(c) Extension of a contract shall be for a period not to exceed 12 months, shall be in writing, shall be signed by both parties, and shall be subject to the same terms and conditions set forth in the ~~initial contract~~ being extended. There shall be only one extension of a contract.

(d) A contract may contain provisions for renewal. If the commodity or ~~contractual~~ service is purchased as a result of an Invitation to Bid or a Request for Proposal ~~competitive solicitation~~, the cost of any contemplated renewal must be included in the competitive solicitation response. All contract renewals are subject to sufficient annual appropriations.

(e) The President ~~shall have~~ has the authority to enter into deferred payment agreements utilizing the State of Florida ~~Controller's~~ Chief Financial Office's Consolidated Equipment Financing Program. When a commodity contract requires deferred payments and the payment of interest under that program, the contract will be submitted to the State of Florida ~~Controller~~ Chief Financial Office for the purpose of pre-audit review and approval prior to acceptance by the University. No agreement shall establish a debt of the State or shall be applied to the faith and credit of the State; nor shall any agreement be a liability or

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obligation of the State except from appropriated funds.

(f) In order to promote cost-effective procurement of commodities and ~~contractual~~ services, the University may enter into contracts that limit the liability of a ~~vendor-contractor~~ consistent with Florida law Section 672.719, F.S.

(g) The total value of the contract shall be the purchase price for the initial term plus all renewal costs.

(8) Standard of Conduct. It shall be a breach of ethical standards for any employee of the University to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. It shall also be a breach of ethical standards for any potential contractor to offer an employee of the University a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services.

(9) Purchase of Motor Vehicles.

(a) The term "motor vehicle" includes any automobile, truck, watercraft or other vehicle designed primarily for transporting persons, ~~and~~ construction vehicles, or farm equipment.

(b) The University has authority to:

1. Establish standard classes of motor vehicles to be leased, purchased, or used by University personnel for University business purposes;

2. Obtain the most effective and efficient use of motor vehicles for ~~state~~ University business purposes;

3. Establish and operate facilities for the acquisition, disposal, operation, maintenance, repair, storage, control, and regulation of University-owned motor vehicles. Acquisition may be by purchase, lease, installment-purchase, ~~loan~~ or by any other legal means and may include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport University personnel and adequately meet the requirements of the University;

4. Contract for specialized maintenance services.

(c) Motor vehicles owned, leased, or operated by the University shall be available for official University business only.

*Specific Authority ~~1010.04(2)~~ Florida Board of Governors resolution dated 1-7-03, BOG Regulation 18.00 ~~FS. Law Implemented Chapter 18 of the Board of Governors regulations 112.313, 119.07(3)(m), 120.57(3), 287.059, 627.719, 1004.22(7), 1010.04(2)~~ History– New 12-2-02, Amended 8-22-04. Formerly 6C8-7.030, Amended \_\_\_\_\_.*

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-2202

**REGULATION TITLE:** Prompt Payment

**SUMMARY:** This Regulation provides the rights and responsibilities of the University and specified contractors doing business with the University regarding the inspection of commodities or services, submission of invoices, processing of invoices, processing of payment, and paying interest on late payments.

**TEXT OF REGULATION:** The full text of the Proposed 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 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, and Board of Governors' Regulation 18.001.

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

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

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008.

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

**~~6C8-7.032~~FIU-2202 Prompt Payment.**

(1) It is the policy of the University that documentation authorizing payment of an invoice shall be approved for payment not later than forty (40) days after receipt of a proper invoice and receipt, inspection, and approval of the ~~goods~~ commodities or services, except that in the case of a bona fide dispute, the payment voucher shall contain a statement of the dispute and authorize payment only in the amount not in dispute.

(a) Inspection and approval of ~~goods~~ commodities or services shall take no longer than five (5) business days after receipt of ~~goods~~ commodities or completion of services, unless the ~~bid specifications~~ competitive solicitation, purchase order or contract specifies otherwise.

(b) For purposes of determining the date an invoice was received, the University will be deemed to have received an invoice on the date on which a proper invoice is first received at the location designated by the University.

(c) The University may make partial payments to a contractor upon partial delivery of ~~goods~~ commodities or services ~~or upon partial completion of construction~~ when a contractor requests ~~for such partial payment , and such request is appropriate under the circumstances and is made by the contractor and approved by the Controller~~ appropriate University representative.

(d) In cases of disputes regarding invoice amounts, the ~~vendor~~ contractor will be contacted and references will be made on the invoice as to the date(s) and person(s) contacted. For calculation of the invoice receipt date, the final resolution date on the disputed amount(s) will be used. In cases where the ~~vendor~~ contractor's invoice is incorrect and the ~~vendor~~ contractor is required to furnish a revised invoice, the revised invoice receipt date will be used.

(e) If the terms of the invoice provide a discount for payment in less than forty (40) days, the University shall preferentially process it and use all diligence to obtain the savings by complying



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with the invoice terms.

(2) The University is authorized to advance payments for ~~goods~~commodities and services, including, but not limited to, maintenance agreements and subscriptions, only to the extent such payments are necessary and reasonable, and only when it is in the best interest of the University to make payments in advance and it has been determined by the appropriate University representative that there is adequate protection to ensure that such ~~goods~~commodities or services will be provided.

(3) If ~~a check in~~ payment of an invoice is not issued within forty (40) days after receipt of a proper invoice and receipt, inspection, and approval of the ~~goods~~commodities and services, the University will pay to the ~~vendor~~contractor, in addition to the amount of the invoice, an interest penalty at the rate established pursuant to Section 55.03(1), F.S., provided, however, that the interest penalty is in excess of one dollar (\$1.00). Such interest will be calculated on the unpaid balance from the expiration of such forty-day period until such time as the payment is issued to the ~~vendor~~contractor. The interest penalty will be processed within 15 days after issuing the payment. The provisions of this paragraph apply only to undisputed amounts for which payment ~~had~~has been authorized.

~~(4) All purchasing agreements between the University and a vendor shall include a statement of the vendor's rights and the University's responsibilities under this Rule. The vendor's rights shall include being provided with the telephone number of the vendor ombudsman within the Office of Business and Finance at the University.~~

~~(5)~~ Invoices received from ~~vendors~~contractors which have failed to supply the University with a complete and accurate Internal Revenue Service Form W-9 or other form that provides all necessary data to determine 1099 status will be deemed insufficient for payment until such

## Exhibit "B"

information is received. Invoices will not be deemed received until ~~vendor~~contractor has supplied all data necessary to determine 1099 status.

(65) This ~~Rule~~regulation does not apply to payments made to state agencies or other governmental entities within the State of Florida.

*Specific Authority ~~1010.04(2) FS~~BOG Resolution dated 1-7-2003, BOG Regulation 18.001 ~~Law Implemented 1010.04(2) FS~~.  
History–New 6-17-04, Formerly 6C8-7.032, Amended.*

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-2503

**REGULATION TITLE:** Registration of Non-Student Organizations

**SUMMARY:** The proposed regulation describes the practices of the University concerning the registration of non- student organizations.

**TEXT OF REGULATION:** The full text of the Proposed 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 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 REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008.

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

**~~6C8-6.005~~ FIU-2503 Registration of Non-Student Organizations**

(1) Any non-student organization may apply for registration~~er~~ with the University through the Office of the Vice President for ~~Academic~~Administrative Affairs. Such organizations must submit in writing:

(a) A statement that it agrees to abide by the laws~~, rules~~ and regulations of the University, Florida Board of Governors ~~Regents~~, and the Florida State Constitution;

(b) A statement of the organization's ~~its~~ purposes and goals;

(c) The classification of ~~its~~ the organization's membership, e.g., faculty, exempt, non-exempt employees~~career service~~, etc.; and

(d) A list of the organization's ~~its~~ officers.

(2) The organization must register on an annual basis.

(3) The Vice President for ~~Academic~~Administrative Affairs will determine whether to allow regulations, and if so, the classification of the organization for purposes of the organization's use of University facilities.

*Specific Authority* Resolution of the Florida Board of Governors dated January 7, 2003.  
~~1001.74(4) FS., 6C-4.001, 6C-6.016, F.A.C. Law Implemented~~ Resolution of the Florida  
Board of Governors dated January 7, 2003. ~~1001.74(6) FS., 6C-4.001, 6C-5.016, F.A.C.~~  
~~History—Formerly 6P-6.05, 10-1-75, Repromulgated 12-23-76, Formerly 6C8-6.005,~~  
~~Amended~~ 08.

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-2520

**REGULATION TITLE:** Disruptive Student Conduct.

**SUMMARY:** This regulation lists behaviors that constitute disruptive conduct that is subject to disciplinary action by the University.

**TEXT OF REGULATION:** The full text of the Proposed 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 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, Board of Governors' regulation 6.0105.

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

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

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** 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:** August 12, 2008.

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

**~~6C8-11.007~~ FIU-2520 Disruptive Student Conduct.**

(1) The University is authorized to discipline for misconduct any student who intentionally acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University. Disruptive conduct shall include, but not be limited to, the following:

(a) Endangerment.

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

(b) Personal Abuse ~~Harassment~~.

1. Verbal or written abuse of any person, including, but not limited to, indecent or obscene expressions or ~~conduct, not of a sexual nature, that creates an intimidating, hostile, or offensive environment for another person or group.~~

2. Conduct directed at a group or member of the University community which is intended to cause fear, distress, or intimidation and would cause fear, distress, or intimidation to a reasonable person or would place a reasonable person in fear of injury or death. ~~, not of a sexual nature, that threatens, harms or intimidates another person or group.~~

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

(d) Stalking. Activities occurring on more than one occasion that collectively instill

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fear in the victim and/or threaten his or her safety, mental health, or physical health.

### (e) Sexual Misconduct.

1. Any sexual act that occurs, regardless of personal relationship, without the consent of the other person, or that occurs when the other person is unable to give consent.

2. Conduct of a sexual nature that creates an intimidating, hostile, or offensive campus, educational, or working environment for another person.

3. Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others.

(f) Weapons, Firearms, Explosives. Possession, storage or use of firearms, explosives, ammunition or other weapons or dangerous articles or substances, including non-lethal weapons such as pellet guns.

### (g) Drugs.

1. Possession or use of illegal drugs or prescription drugs without a prescription.

2. Distribution, delivery, or sale of illegal drugs, or prescription drugs without a prescription.

3. Possession or use of drug paraphernalia.

### (h) Theft.

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

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

(i) Interference with, or disruption of, the University's disciplinary process, including,

but not limited to, harassment and/or intimidation of any member of the judicial board, witness, or University personnel before, during or after a proceeding, or attempting to coerce or influence any person(s) in order to discourage ~~their~~ his or her participation in any disciplinary proceeding.

(j) Interference with, or disturbance, impairment or disruption of the orderly conduct, processes, and functions within the classroom or laboratory, including interference with the academic mission of the University or individual classroom, or interference ing ~~ing~~ with a faculty member or instructor's role in ~~to~~ carrying out the normal academic or educational functions of his/her classroom or laboratory.

(k) Interference with, or, disruption, disturbance, or impairment of the rights of other members of the University community.

~~(l) Any similar behavior that disturbs the peace~~

~~;(l)Alcohol~~

1. Possession, use, or consumption of alcohol when under the legal drinking age as provided by Florida law.

2. Dispensing, selling or supplying alcoholic beverages to an individual who is under the legal drinking age as provided by Florida law.

(m) Any similar behavior that disturbs the peace.

(2) This regulation ~~rule~~ shall apply to acts conducted on or off campus when relevant to the orderly conduct, processes and functions of the University.

*Specific Authority Resolution of the Florida Board of Governors dated January 7, 2003.  
Board of Governors Regulation 6.01051001.74(4), 1006.60 FS.; Law Implemented Board  
of Governors Regulation 6.01051001.74(10), 1006.60 FS., History-New 10-22-03,  
Formerly 6C8-11.007, Amended \_\_\_\_\_ 08 .*



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

**NOTICE OF PROPOSED REPEAL OF REGULATION**

**REGULATION NO.:** FIU-1700

**REGULATION TITLE:** Bargaining Unit Faculty and Bargaining Unit Employees Vacancies, Selection, Appointments, Promotions, Internal Promotions, Reassignments, Transfers, and Demotions.

**SUMMARY:** This regulation pertains to the selection, appointment, promotion, reassignment, transfer and demotion of bargaining unit faculty and bargaining unit employees, not including employees who are in the law enforcement personnel bargaining unit. The regulation is being repealed as it was superseded by the applicable collective bargaining agreements and the policies contained therein.

**TEXT OF REGULATION:** The full text of the Proposed Regulation Repeal 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 Regulation Repeal, 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 REPEAL:** Cristina Mendoza, Vice President and General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REPEAL OF THE 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 REPEAL OF THE 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:** August 12, 2008.

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

**~~FIU-1700—Bargaining Unit Faculty and Bargaining Unit Employees Vacancies, Selection, Appointments, Promotions, Internal Promotions, Reassignments, Transfers, and Demotions.~~**

- ~~(1) Definition: For purposes of this Regulation, “Bargaining Unit Employee” means all bargaining unit employees who are not certified law enforcement personnel, or bargaining unit faculty.~~
- ~~(2) Applicability. This Regulation is supplemented by Article 8 of the Board of Regents/United Faculty of Florida (BOR/UFF) Collective Bargaining Agreement for bargaining unit faculty, BOR/AFSCME Collective Bargaining Agreement for Bargaining Unit employees and by applicable University Regulations, policies, procedures, and provisions of the University's affirmative action plans including the University search and screen procedures. This Regulation does not apply to non-bargaining unit employees and bargaining unit employees who are certified law enforcement personnel.~~
- ~~(3) Vacancies. The University seeks to maintain the highest possible standard of fairness and equity in its employment practices. All bargaining unit position vacancies must be announced in the FIU position vacancy listings, unless otherwise exempted by University policy. The University shall give equitable consideration to all applicants in accordance with applicable University policies and procedures for determining eligibility for appointments to bargaining unit positions in faculty and employee categories. Employee career advancement is encouraged by assuring consideration of qualified permanent bargaining unit employees within the University, in accordance with the University's internal promotion policy and appropriate bargaining unit agreement.~~
- ~~(4) Bargaining Unit Faculty Screening and Selection.~~
  - ~~(a) The department should first define the nature of the vacant position(s) and what it expects from a prospective colleague selected to fill the vacancy. The department will advertise the position and its general requirements.~~
  - ~~(b) The department will use the University's search and screen procedures or personnel policies and procedures as appropriate to the pay plan and level of the position.~~
  - ~~(c) The department will assess the eligibility of candidates and reach decisions on their relative merits. The department should also communicate to final candidates information regarding the position, the State University System, and the institution.~~
  - ~~(d) If practicable, the candidates reaching the final stages of screening should be invited to the campus for personal interviews with the department and appropriate officials.~~
- ~~(5) Bargaining Unit Faculty Appointments.~~
  - ~~(a) If, after receipt of the recommendation of the search and screen committee, if applicable, the chairperson or other appropriate administrator decides to recommend that a candidate be offered a position, the recommendation will be transmitted to the appropriate administrative officer.~~
  - ~~(b) The President, or designated representative, may then offer the candidate employment by means of a contract or letter of offer. The letter of offer or contract shall be conditioned on the return of a duly executed copy by a specific date.~~
  - ~~(c) The contract or letter of offer shall indicate whether the appointment is for one year or multiple years.~~
  - ~~(d) The contract or letter of offer shall be issued in accordance with the requirements of the BOR/UFF Bargaining Agreement, if applicable, and shall include, but not be limited to, the following elements:~~

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1. \_\_\_\_\_ Date;
  2. \_\_\_\_\_ Rank and professional classification system title and class code;
  3. \_\_\_\_\_ Department, program, college, or employment unit;
  4. \_\_\_\_\_ Salary and administrative salary supplement when appropriate;
  5. \_\_\_\_\_ Employment period;
  6. \_\_\_\_\_ Special conditions of employment;
  7. \_\_\_\_\_ The duties and responsibilities of the employee;
  8. \_\_\_\_\_ The percent of full-time equivalency;
  9. \_\_\_\_\_ A statement that in the performance of the contract or letter of offer both parties are subject to the Constitution and laws of the State of Florida and the applicable regulations of the University and the Board of Governors;
  10. \_\_\_\_\_ Position number;
  11. \_\_\_\_\_ A statement indicating the tenure earning status during the appointment, including any \_\_\_\_\_ tenure credit, if applicable;
  12. \_\_\_\_\_ The formula by which an annual contract shall be converted to an academic year contract, \_\_\_\_\_ if applicable.
- (6) \_\_\_\_\_ ~~Selection and Appointment of Bargaining Unit Employees . Selection and appointment of bargaining unit employees will be in accordance with BOR/AFSCME Bargaining Agreement, and University regulations, policies, and procedures.~~
- (7) \_\_\_\_\_ ~~Bargaining Unit Employees Promotions, Reassignments, Transfers, and Demotions.~~
- (a) \_\_\_\_\_ ~~Promotions. Promotion of bargaining unit employees will be in accordance with applicable bargaining unit agreements and University policies and procedures.~~
- (b) \_\_\_\_\_ ~~Internal Promotions. When a department wishes to consider only applicants from within the University for a vacancy, the internal recruitment and promotion policy and procedure may be used. All bargaining unit employee vacancies, may be approved for internal recruitment by the Division of Human Resources upon request from the hiring official and recommendation by the Office of Equal Opportunity Programs. Positions in job groups with identified underutilization (University or department) of minority group members and women may not be recommended for internal posting.~~
- (c) \_\_\_\_\_ ~~Reassignments and Transfers.~~
1. \_\_\_\_\_ ~~Voluntary. Bargaining unit employees may request a voluntary reassignment or transfer to positions within the University by completing and submitting the appropriate form to the Division of Human Resources . The request will be considered for vacancies for which the employee qualifies.~~
  2. \_\_\_\_\_ ~~Involuntary. The University may reassign or transfer bargaining unit employees in accordance with University policies and procedures and applicable collective bargaining agreements.~~
- (d) \_\_\_\_\_ ~~Demotions. Any bargaining unit employee who has permanent status may be subject to demotion in accordance with University policy and procedures and appropriate collective bargaining agreements, where applicable.~~

Authority: Resolution of the Florida Board of Governors dated January 7, 2003; 1001.74(19), FS

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

**NOTICE OF PROPOSED REPEAL OF REGULATION**

**REGULATION NO.:** FIU-1701

**REGULATION TITLE:** Bargaining Unit Employee Disciplinary Actions

**SUMMARY:** This regulation pertains to disciplinary actions concerning University bargaining unit employees other than faculty and certified law enforcement personnel, listing offenses and disciplinary actions. The regulation is being repealed as it was superseded by the applicable collective bargaining agreement and the policies contained therein.

**TEXT OF REGULATION:** The full text of the Proposed Regulation Repeal 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 Regulation Repeal, 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 REPEAL:** Cristina Mendoza, Vice President and General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REPEAL OF THE 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 REPEAL OF THE 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](mailto:devillee@fiu.edu). Fax: (305) 348-3272. Phone: 305-348-2103.

**DATE OF PUBLICATION:** August 12, 2008.

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

**~~FIU-1701 — Bargaining Unit Employee Disciplinary Actions.~~**

~~(1) — Definition: For purposes of this Regulation “employee” means all bargaining unit employees who are not faculty and who are not certified law enforcement personnel.~~

~~(2) — The University shall administer a uniform procedure covering disciplinary actions for bargaining unit employees. The following general guidelines, are intended to provide supervisors with procedures to deal with various types of offenses that will ensure a bargaining unit employee’s fair, impartial, and uniform treatment in administering disciplinary actions.~~

~~(3) — On the job offenses or deficiencies, and disciplinary actions for offenses or deficiencies, include but are not limited to, the following:~~

**~~GAMBLING:~~**

~~First occurrence: — Written reprimand to suspension~~

~~Second occurrence: — Suspension to dismissal~~

**~~ABSENCE WITHOUT AUTHORIZED LEAVE:~~**

~~First occurrence: — Written reprimand~~

~~Second occurrence: — Suspension~~

~~Third occurrence: — Dismissal~~

**~~HORSEPLAY:~~**

~~First occurrence: — Written reprimand~~

~~Second occurrence: — Suspension~~

~~Third occurrence: — Dismissal~~

**~~SLEEPING ON DUTY:~~**

~~First occurrence: — Suspension to dismissal~~

**~~EXCESSIVE ABSENTEEISM:~~**

~~First occurrence: — Oral reprimand~~

~~Second occurrence: — Written reprimand~~

~~Third occurrence: — Suspension~~

~~Fourth occurrence: — Dismissal~~

**~~LOAFING:~~**

~~First occurrence: — Oral to written reprimand~~

## Exhibit "B"

Second occurrence: ~~Written reprimand to suspension~~  
Third occurrence: ~~Suspension to dismissal~~  
Fourth occurrence: ~~Dismissal~~

### **~~FAILURE TO REQUEST SUPERVISOR'S PERMISSION TO LEAVE THE JOB:~~**

First occurrence: ~~Oral reprimand~~  
Second occurrence: ~~Written reprimand to suspension~~  
Third occurrence: ~~Suspension to dismissal~~  
Fourth occurrence: ~~Dismissal~~

### **~~UNAUTHORIZED SALES, DISTRIBUTION OF WRITTEN OR PRINTED MATERIAL OF ANY KIND, OR SOLICITATION ON UNIVERSITY PROPERTY:~~**

First occurrence: ~~Oral to written reprimand~~  
Second occurrence: ~~Written reprimand to dismissal~~  
Third occurrence: ~~Dismissal~~

### **~~MISUSE OR CARELESS OPERATION OF STATE PROPERTY OR EQUIPMENT:~~**

First occurrence: ~~Written reprimand to suspension~~  
Second occurrence: ~~Suspension to dismissal~~  
Third occurrence: ~~Dismissal~~

### **~~EXCESSIVE DEVIATION FROM ESTABLISHED WORK SCHEDULE:~~**

First occurrence: ~~Oral reprimand~~  
Second occurrence: ~~Written reprimand~~  
Third occurrence: ~~Suspension~~  
Fourth occurrence: ~~Dismissal~~

### **~~FIGHTING AND/OR AGGRESSIVE BEHAVIOR:~~**

First occurrence: ~~Suspension to dismissal~~  
Second occurrence: ~~Dismissal~~

### **~~INSUBORDINATION:~~**

Exhibit "B"

First occurrence: — Written reprimand to suspension

**Second occurrence: — Suspension to dismissal**

Third occurrence: — Dismissal

**NEGLIGENCE:**

First occurrence: — Written reprimand to suspension

Second occurrence: — Suspension to dismissal

Third occurrence: — Dismissal

**VIOLATION OF SAFETY PRACTICES:**

First occurrence: — Oral reprimand

Second occurrence: — Written reprimand

Third occurrence: — Suspension to dismissal

Fourth occurrence: — Dismissal

**THREATENING, ABUSIVE OR OFFENSIVE LANGUAGE:**

First occurrence: — Written reprimand to dismissal

**Second occurrence: — Suspension to dismissal**

**Third occurrence: — Dismissal —**

***THEFT OR STEALING:***

*First occurrence: — Suspension to dismissal*

Second occurrence: — Dismissal

**USE AND/OR POSSESSION OF INTOXICANTS OR NON-PRESCRIBED DRUGS:**

First occurrence: — Suspension to dismissal

Second occurrence: — Dismissal

**POSSESSION OF UNAUTHORIZED WEAPONS AND/OR FIREARMS  
ON UNIVERSITY PROPERTY:**

First occurrence: — Dismissal

**CONDUCT UNBECOMING A PUBLIC EMPLOYEE:**

First occurrence: — Written reprimand to suspension

Second occurrence: — Suspension to dismissal

Third occurrence: — Dismissal

**CONVICTION OF A MISDEMEANOR OR FELONY:**

First occurrence: — Suspension to dismissal

Second occurrence: — Dismissal

**~~FALSIFICATION OF RECORDS:~~**

~~First occurrence: — Written reprimand to dismissal~~

~~Second occurrence: — Dismissal~~

**~~WILLFUL VIOLATION OF A WRITTEN REGULATION AND/OR POLICY:~~**

~~First occurrence: — Written reprimand to dismissal~~

~~Second occurrence: — Suspension to dismissal~~

~~Third occurrence: — Dismissal~~

**~~UNFAIR LABOR PRACTICES:~~**

~~First occurrence: — Written reprimand to suspension~~

~~Second occurrence: — Suspension to dismissal~~

~~Third occurrence: — Dismissal~~

**~~DISCRIMINATION:~~**

~~First occurrence: — Written reprimand to dismissal~~

~~Second occurrence: — Dismissal~~

**~~SEXUAL HARASSMENT~~**

~~First occurrence: — Suspension to dismissal~~

~~Second occurrence: — Dismissal~~

~~(4) — Applicability. This Regulation does not apply to any faculty, non-bargaining unit employees, and bargaining unit employees who are certified law enforcement personnel.~~

~~Authority: Resolution of the Florida Board of Governors dated January 7, 2003; 1001.74(19), FS.~~



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

**NOTICE OF PROPOSED REPEAL OF REGULATION**

**REGULATION NO.:** FIU-1702

**REGULATION TITLE:** Non-reappointment and Resignation of Non-Tenured, Bargaining Unit Faculty

**SUMMARY:** This regulation pertains to the non-reappointment and resignation of the bargaining unit faculty. The regulation is being repealed as it was superseded by the applicable collective bargaining agreement and the policies contained therein.

**TEXT OF REGULATION:** The full text of the Proposed Regulation Repeal 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 Regulation Repeal, 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 REPEAL:** Cristina Mendoza, Vice President and General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REPEAL OF THE 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 REPEAL OF THE 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:** August 12, 2008.

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

**FIU-1702 — Nonreappointment and Resignation of Non-Tenured, Bargaining Unit Faculty**

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(1) — ~~Nonreappointment.~~ The nonreappointment of non-tenured bargaining unit faculty is subject to the provisions of the Board of Regents/United Faculty of Florida (BOR/UFF) Collective Bargaining Agreement. The President or designated representative may choose not to renew the appointment of a non-tenured faculty member. The decision not to renew a non-tenured faculty member's appointment may not be based on constitutionally impermissible grounds. Notice of nonreappointment or intention not to renew the appointment shall be given in writing in accordance with the provisions of Article 12 of the BOR/UFF Collective Bargaining Agreement. The notice requirements are not applicable to employees holding temporary appointments.

(2) — ~~Resignation by Bargaining Unit Faculty.~~ A bargaining unit faculty member who wishes to resign has the professional obligation, when possible, to provide the University with at least one semester's notice. Upon resignation, all consideration for tenure and reappointment shall cease. A resignation may not be rescinded by the non-tenured bargaining unit faculty without concurrence of the University.

Authority: Resolution of the Florida Board of Governors dated January 7, 2003; 1001.74(19), FS.

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

**NOTICE OF PROPOSED REPEAL OF REGULATION**

**REGULATION NO.:** FIU-1703

**REGULATION TITLE:** Termination for Cause and Other Disciplinary  
Actions for Bargaining Unit Faculty, and Bargaining  
Unit Employees.

**SUMMARY:** This regulation pertains to termination for cause and other disciplinary actions applicable to bargaining unit faculty and bargaining unit employees, not including employees who are in the law enforcement personnel bargaining unit. The regulation is being repealed as it was superseded by the applicable collective bargaining agreement and the policies contained therein.

**TEXT OF REGULATION:** The full text of the Proposed Regulation Repeal 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 Regulation Repeal, 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 REPEAL:** Cristina Mendoza, Vice President and General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REPEAL OF THE 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 REPEAL OF THE 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:** August 12, 2008.

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

**~~FIU-1703 — Termination for Cause and Other Disciplinary Actions for  
Bargaining Unit Faculty, and Bargaining Unit Employees.~~**

~~(1) — Definition: For purposes of this Regulation, “Bargaining Unit Employee” means all bargaining unit employees who are not certified law enforcement personnel.~~

~~(2) — Just cause shall be defined as:  
(a) Incompetence; or  
(b) Misconduct.~~

~~(3) — Termination or Suspension. Bargaining unit faculty, , and Bargaining unit employees may be terminated from employment or suspended with or without pay for just cause. An employee shall be given written notice of termination or suspension specifying the reason(s) and such action shall be in accordance with University policies and procedures, and applicable collective bargaining agreements. Following the issuance of termination or suspension notice, the employee may be reassigned.~~

~~(4) — Disciplinary action other than termination or suspension, with or without pay, may be imposed for just cause. Written notice of such disciplinary action, specifying the reason(s) therefor, shall be given to the bargaining unit faculty or bargaining unit employee by the President or representative. Any disciplinary action taken pursuant to this section shall thereafter be subject to applicable collective bargaining agreements, and University policies and procedures.~~

~~Counseling shall not be considered disciplinary action.~~

~~(5) — Termination or Suspension Pending Hearing. Notwithstanding the provisions of subsection (2) above, when the President or representative has reason to believe that a bargaining unit faculty's or bargaining unit employee's presence on the job would adversely affect the functioning of the University or jeopardize the safety or welfare of any University employee or student, the President or representative may immediately suspend the bargaining unit faculty or bargaining unit employee from the performance of duties, with or without pay, pending an investigation or any requested grievance, arbitration or administrative hearing under University procedures or applicable collective bargaining agreements, and final administrative action pertaining hereto. If an employee suspended without pay under this section ultimately prevails in any grievance arising therefrom, the employee shall be reinstated with back pay.~~

~~(6) — Applicability. This Regulation does not apply to non-bargaining unit faculty, nonbargaining unit employees and employees who are certified law enforcement personnel.~~

Authority: Resolution of the Florida Board of Governors dated January 7, 2003; 1001.74(19), FS.

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

**NOTICE OF PROPOSED REPEAL OF REGULATION**

**REGULATION NO.:** FIU-1710

**REGULATION TITLE:** Disciplinary Actions for Non-Bargaining Unit  
Employees and Certified Law Enforcement Personnel

**SUMMARY:** This regulation pertains to the disciplinary actions of non-bargaining unit employees and law enforcement personnel. The regulation is being repealed as it was superseded by the applicable collective bargaining agreement and the policies contained therein and University policies adopted by the Board of Trustees.

**TEXT OF REGULATION:** The full text of the Proposed Regulation Repeal 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 Regulation Repeal, 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 REPEAL:** Cristina Mendoza, Vice President and General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REPEAL OF THE 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 REPEAL OF THE 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:** August 12, 2008.

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

**FIU-1710 ————— Disciplinary Actions for Non-Bargaining Unit Employees and  
Certified Law Enforcement Personnel**

(1) ——— Definition: For purposes of this Regulation “employee” means all non-bargaining unit faculty, all non-bargaining personnel, and all certified law enforcement personnel in a bargaining unit.

(2) ——— Policy.

————— (a) A Pre-Disciplinary Review (PDR) must be conducted in conjunction with Human Resources before severe disciplinary action is imposed. The PDR shall provide the review for severe disciplinary actions recommended by supervisors.

————— (b) Human Resources will ensure that all pertinent information is obtained so that employee behavior which necessitates severe disciplinary action shall be determined by the employee’s supervisor in consultation and with the approval of the Vice President for Human Resources or his/her designee, or the Provost or his/her designee in the case of a faculty member.

————— (c) The University reserves the right to impose discipline at any level, including immediate termination, consistent with University policies and Regulations.

————— (d) The rights and protections provided by this Regulation are in addition to any rights and protections provided by applicable law, University regulations and policies to non-bargaining unit tenured faculty, and to non-bargaining unit tenure-earning faculty when terminated or suspended for just cause.

————— (e) The rights and protections provided by this Regulation are in addition to any rights and protections provided by applicable law, University regulations and policies to certified law enforcement personnel with permanent status. This Regulation must be construed consistently with the University Policy on Permanent Status for Certified Law Enforcement Personnel (Policy No. 66).

(3) ——— Definitions.

————— (a) Severe Disciplinary Actions ——— defined as suspensions, involuntary demotions and involuntary terminations.

————— (b) Suspension ——— occurs when an employee is taken off duty for a day or more without pay.

————— (c) Involuntary Demotion ——— occurs when an employee is involuntarily subjected to a reduction in pay and higher functioning duties are permanently removed resulting in a lower level position. Involuntary demotion for tenured non-bargaining unit faculty shall apply only to the administrative duties that may have been assigned to such faculty.

————— (d) Involuntary Termination ——— occurs when an employee is permanently separated from University employment.

## Exhibit "B"

~~(4) Applicability. This Regulation does not apply to bargaining unit faculty and bargaining unit employees except that it does apply to certified law enforcement personnel in a bargaining unit.~~

~~Authority: Resolution of the Florida Board of Governors dated January 7, 2003; 1001.74(19), FS.~~

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

**NOTICE OF PROPOSED REPEAL OF REGULATION**

**REGULATION NO.:** FIU-1711

**REGULATION TITLE:** Separation from Employment for Non-Bargaining  
Unit Employees

**SUMMARY:** This regulation pertains to separation from employment for non-bargaining unit employees of the University. The regulation is being repealed as it was superseded by University policies adopted by the Board of Trustees.

**TEXT OF REGULATION:** The full text of the Proposed Regulation Repeal 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 Regulation Repeal, 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 REPEAL:** Cristina Mendoza, Vice President and General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REPEAL OF THE 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 REPEAL OF THE 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:** August 12, 2008.

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



**FIU-1711 — Separation from Employment for Non-Bargaining Unit Employees**

**(1) Policy.**

University employees are considered "at will." Employment at will is presumed to be voluntary and indefinite for both the employee and the University. The employee-employer relationship may be terminated at any time with or without cause. Terminations based on discriminatory reasons are prohibited. Any separation of employment shall be in consultation and with the approval of the Vice President for Human Resources or his/her designee, or the Provost or his/her designee in the case of the non-bargaining unit faculty member.

**(2) Definitions.**

(a) **Employee** — For purposes of this Regulation, "employee" means all University employees except certified law enforcement personnel (not including the Director of Public Safety) employed by the University Police Department who have passed their probationary period, registered nurses and nurse practitioners employed by University Health Services (not including any Director for University Health Services) who have passed their probationary period, and tenured faculty.

(b) **Separations of Employment** — Includes termination, resignation, job abandonment, and layoff.

(c) **Termination** — Occurs when an employee is permanently separated from University employment with or without cause. Termination may be preceded by corrective action. Unsatisfactory performance or misconduct may warrant immediate dismissal.

(d) **Nonreappointment** — termination of a non-bargaining non-tenured unit faculty member without cause.

(e) **Resignation** — Occurs when an employee initiates a termination by notifying the immediate supervisor of his/her intention to resign.

(f) **Job Abandonment** — Occurs when an employee is absent without approved leave for three (3) or more consecutive scheduled workdays. Such action represents an abandonment of position, and the employee will be automatically terminated. If the employee's absence is for reasons beyond the control of the employee and the employee notifies the University as soon as practicable, the University will review the circumstances surrounding the absence on an individual basis to determine if it is to be considered abandonment of position.

(g) **Layoff** — Terminations of employment due to layoff of a non-bargaining unit employee are governed by University policy.

**(3) Notice to Employees; Resignation.**

(a) Employees will be given a notice period of fourteen (14) days if the separation from employment is due to layoff. If the separation from employment is due to termination without cause, employee shall be given a notice period of four (4) weeks after one year of employment, plus two weeks for every year of employment thereafter up to a maximum of twelve (12) weeks.

~~————— (b) Exception. The notice period for termination of employment without cause for employees who were in the Administrative and Professional (A&P) pay classification prior to July 1, 2005 and had a minimum of ten (10) consecutive years of full time employment with the University as of June 30, 2005, shall be six (6) months notification, prior to terminating their employment relationship. ———~~

~~————— (c) ——— Employees will give two weeks written notice of resignation. A resignation may not be rescinded by the employee without concurrence of the University. ———~~

~~(4) Notice for Non-Tenured, Non-Bargaining Unit Faculty.~~

~~————— (a) Faculty members, except those described in sub-paragraph (b) below are entitled to the following written notice of nonreappointment. ———~~

~~————— 1. ——— If the faculty member has less than three (3) years of continuous University service, a notice period of one semester; ———~~

~~————— 2. ——— If the faculty member has three (3) or more years of continuous University service, a notice period of two semesters. ———~~

~~————— (b) Exception. The notice provisions of this paragraph do not provide rights to: ———~~

~~————— 1. ——— Summer appointments; ———~~

~~————— 2. ——— Faculty members who are funded from contracts, grants and/or sponsored research funds as they are governed by the terms and conditions of employment of their contract or grant; or ———~~

~~————— 3. ——— Faculty members who are appointed as visitors or who are appointed to multi-year appointments. ———~~

~~(5) Upon notice of termination without cause pursuant to paragraph (3) above or notice of nonreappointment pursuant to paragraph (4) above, the University shall decide at its sole option, whether to: ———~~

~~————— (a) Allow the employee to continue to work at the University during the notification period in the same position or in a different position, ———~~

~~————— (b) Place the employee on leave with pay during the notification period, ———~~

~~————— (c) Pay the amount due to the employee in salary during the notification period as a lump sum payment and cease employment of the employee immediately, or ———~~

~~————— (d) Take a course of action that is a combination of any of the above. ———~~

~~(6) Special Provisions Regarding Separation from Employment for Tenured, Non-Bargaining Unit Faculty~~

## Exhibit "B"

~~———— (a) Notwithstanding anything to the contrary in this Regulation, separation from employment for tenured faculty include resignation, job abandonment, and layoff as defined in paragraph (2) above, and termination as defined in sub paragraph (b) below.~~

~~———— (b) For purposes of this paragraph, termination is defined as permanent separation from University employment for just cause.~~

~~———— (c) For purposes of this paragraph, just cause is defined as incompetence or misconduct.~~

~~———— (d) Notice of Termination for Tenured Faculty.~~

~~———— 1. Tenured faculty shall be given written notice at least six (6) months in advance of the effective date of such termination.~~

~~———— 2. Exception. In cases where the Provost or his/her representative determines that a faculty employee's actions adversely affect the functioning of the University or jeopardize the safety or welfare of any employee, or students, the Provost or his/her representative may give less than six (6) months notice.~~

~~———— (7) A non bargaining unit faculty member who wishes to resign has the professional obligation, when possible, to provide the University with at least one semester's notice upon resignation. All consideration for tenure and reappointment shall cease. A resignation may not be rescinded by the non tenured bargaining unit faculty without concurrence of the University.~~

~~———— (8) Applicability. This Regulation does not apply to bargaining unit faculty and bargaining unit employees.~~

Authority: ~~Resolution of the Florida Board of Governors~~

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FINANCE AND AUDIT COMMITTEE**

**11 SEPTEMBER 2008**

**SUBJECT: UNIVERSITY INTERNAL AUDIT PLAN, 2008-2009**

---

**PROPOSED COMMITTEE ACTION:**

Adopt the following Resolution:

WHEREAS, the Operating Procedures of the Florida International University Board of Trustees' ("the BOT") Finance and Audit Committee Charter ("the Charter") provides that the Committee shall review and approve the Office of Internal Audit's annual audit plan, as attached to this Resolution as Exhibit "C";

THEREFORE BE IT RESOLVED that the BOT Finance and Audit Committee adopts the 2008-2009 University Internal Audit Plan for the fiscal year ending June 30, 2009.

**BACKGROUND INFORMATION:**

**LEGAL AUTHORITY:**

The BOT Operating Procedures, Finance and Audit Committee Charter, Specific Responsibilities: The Office of Internal Audit, states in relevant part:

The Finance Committee shall... Review and approve the Office of Internal Audit's annual audit plan (and any subsequent changes thereto), considering the University-wide risk assessment and the degree of coordination with the Auditor General's Office for an effective, efficient, non-redundant use of audit resources.

**EXPLANATION OF COMMITTEE ACTION:**

The Finance and Audit Committee Charter mandates approval of the audit plan for the upcoming fiscal year.

---

**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT "C": UNIVERSITY INTERNAL AUDIT PLAN, 2008-2009

**FACILITATOR/PRESENTER:**

- PYONG CHO
- MANUEL SANCHEZ

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**University Internal Audit Plan**

**For**

**The Fiscal Year 2008-2009**

BOARD OF TRUSTEES

September 11, 2008



## **OFFICE OF INTERNAL AUDIT**

September 11, 2008

**TO:** R. Kirk Landon, Chair, Board of Trustees Finance and Audit Committee

**FROM:** Pyong Cho, Interim Audit Director

**SUBJECT: 2008-2009 University Internal Audit Plan**

Attached is the 2008-2009 University audit plan, which includes audits/reviews, investigations, and follow-up activities. Based on the financial risk assessment performed last year, recent discussions with University management, and the number of auditors, we have developed this audit plan.

The areas that were identified to be included in the audit plan for fiscal year 2008-2009 are noted in Attachment A. Attachment B includes investigations, audit follow-up, audit related services, and other activities. Attachment C details the tentative timeline of when the projects will be performed.

The audit plan is based on 5.75 auditor positions being filled throughout the year since we anticipate hiring the Audit Director in the near future. The plan's successful completion will depend on the realization of certain assumptions we made with regards to staffing resources and adequacy of project budgets. Also, if the audit plan has to be revised to address emerging audit needs during the year, we will present a revised audit plan to the Finance and Audit Committee for its approval.

Please let me know if you have any questions or comments regarding the audit plan.

C: Board of Trustees Finance and Audit Committee Members  
Ronald Berkman, Provost, Executive Vice President and Chief Operating Officer  
Modesto Maidique, University President  
Cristina Mendoza, Vice President and General Counsel  
Vivian Sanchez, CFO and Senior Vice President of Administration



**FLORIDA INTERNATIONAL UNIVERSITY  
OFFICE OF INTERNAL AUDIT  
2008-2009 AUDIT PLAN**

**Attachment A**

**AUDITS & REVIEWS**

1. Controls Over the ADP Payroll Process
2. IT Security Over Applied Research Center
3. College of Arts and Sciences - Environmental Studies
4. College of Education
5. Purchasing Card Controls
6. IT Security Over Remote Credit/Debit Card Collections
7. College of Law
8. Contracts and Grants - Center for the Administration of Justice
9. Security Over Personal & Confidential Information from Retired (Surplus) Computers
10. Accounts Receivables
11. Property Control
12. Security Over University Payroll (ADP) Server
13. Student Government Association (SGA)
14. Athletics Department
15. IT Security Over College of Business Administration
16. Foundation Expenses
17. PeopleSoft Systems Upgrade/Implementation:
  - PantherSoft Contracts & Grants Module Implementation
  - PantherSoft Student Administration System Upgrade
  - PantherSoft Financials System Upgrade
18. IT Security Over Athletics

**PRIOR YEAR AUDITS FOR COMPLETION**

19. Controls Over University Vehicle Usage
20. Controls Over Decentralized Collections
21. IT Security Over AIDS Program's Information System

**FLORIDA INTERNATIONAL UNIVERSITY  
OFFICE OF INTERNAL AUDIT  
2008-2009 AUDIT PLAN**

**Attachment B**

**INVESTIGATIONS**

We will evaluate and perform investigations on all financial related complaints received from the "Get Lean" hot-line, whistle blowers and from other sources.

**AUDIT FOLLOW-UP**

We will follow up on the current status of the implementation of recommendations prior to each Finance and Audit Committee meeting.

**AUDIT RELATED SERVICES**

- Risk Assessment and Audit Plan
- Audit Committee Reports for each Finance and Audit Committee meeting
- Annual Report
- Post Audit Assistance
- Surprise Cash Counts

**OTHER ACTIVITIES**

- Coordination with State Auditor General
- Revision of Audit/Investigation Operations Manual
- The Office's Web Site Update
- Training

**FLORIDA INTERNATIONAL UNIVERSITY  
OFFICE OF INTERNAL AUDIT  
2008-2009 AUDIT PLAN**

Attachment C

<b>Timeline for Projects</b>	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>
1. Controls Over the ADP Payroll Process	X			
2. IT Security Over Applied Research Center	X			
3. College of Arts and Sciences – Environmental Studies	X			
4. College of Education		X		
5. Purchasing Card Controls		X		
6. IT Security Over Remote Credit/Debit Card Collections		X		
7. College of Law		X		
8. Contracts and Grants - Center for the Administration of Justice		X		
9. Security Over Personal & Confidential Information From Retired (Surplus) Computers			X	
10. Accounts Receivables			X	
11. Property Control			X	
12. Security Over University Payroll (ADP) Server			X	
13. Student Government Association (SGA)			X	
14. Athletics Department				X
15. IT Security Over College of Business Administration				X
16. Foundation Expenses				X
17. PeopleSoft Systems Upgrade/Implementation				X
18. IT Security Over Athletics				X
19. Improper Selling of FIU Equipment	X			
<b><u>Prior Year Audits for Completion</u></b>				
20. Controls Over University Vehicle Usage	X			
21. Controls Over Decentralized Collections	X			
22. IT Security Over AIDS Program's Information System	X			
<b><u>Prior Year Investigations for Completion</u></b>				
23. FIU Online Learning Program Complaint	X			
24. SERC Complaint	X			

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FINANCE AND AUDIT COMMITTEE**

**11 SEPTEMBER 2008**

**SUBJECT: OFFICE OF INTERNAL AUDIT REPORT**

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**PROPOSED COMMITTEE ACTION:**

None. Discussion item.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- INTERNAL AUDIT REPORT

**FACILITATOR/PRESENTER:**

- PYONG CHO
- MANUEL SANCHEZ

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# **Office of Internal Audit Status Report**

BOARD OF TRUSTEES

September 11, 2008

# Office of Internal Audit Status Report

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**Training and Seminars Update .....**





## **Executive Summary – Office of Internal Audit Status Report**

**Board of Trustees**

**Finance and Audit Committee**

**August 15, 2008**

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The report details the current status of the Office of Internal Audit, which includes audits, investigations, and follow-up activities during this reporting period. As of August 15, 2008, we have issued the following audit/review reports: **Audit of Controls over University Vehicle Usage** (Report No. 07/08-09); **Audit of Controls over Decentralized Collections** (Report No. 07/08-10); and **Audit of the AIDS Prevention Program's IT Systems** (Report No. 07/08-11). In addition, the following audits were in progress: **Controls over the ADP Payroll Process, IT Security over Applied Research Center, and College of Arts & Sciences - Environmental Studies**.

As for investigations, one investigation pertaining to Southeast Environmental Research Center (SERC) was completed, in addition to another complaint received and being currently investigated. Additionally, the report includes a summary of the current status of management's implementation of 45 prior recommendations from internal and external audits. Our current implementation rate is 73 percent as compared with 68 percent reported at the last Finance and Audit Committee Meeting.

Finally, the report includes a recap of completed training hours for the prior and current fiscal years through August 15, 2008 by each auditor.

Please let me know if you have any questions or comments regarding our status report.

Pyong Cho

Interim Audit Director

**FLORIDA INTERNATIONAL UNIVERSITY  
OFFICE OF INTERNAL AUDIT**

**AUDITS AND REVIEWS**

As of August 15, 2008, the status of our audit and review activities is as follows:

<b><u>Audits and Reviews</u></b>	<b><u>Status</u></b>
1. Review of IT Resources in Student Affairs Health Departments	Completed/report issued
2. Review of University Computer Procurements and Related Purchases	Completed/report issued
3. Review of Management Actions to Prior Audit Recommendations	Completed/report issued
4. Review of Online Program Revenues and Controls	Completed/report issued
5. Audit of the Security Over University Wireless Access Points	Completed/report issued
6. Audit of University Minor Construction Projects	Completed/report issued
7. Audit of University Consultant Expenses	Completed/report issued
8. Cash Counts at University Park and Biscayne Bay	Completed/report issued
<b>9. Audit of Controls Over University Vehicle Usage</b>	<b>Completed/report issued</b>
<b>10. Audit of Controls Over Decentralized Collections</b>	<b>Completed/report issued</b>
<b>11. Audit of the AIDS Prevention Program's IT Systems</b>	<b>Completed/report issued</b>
<b>12. Audit of Controls Over the ADP Payroll Process</b>	<b>Field work in progress</b>
<b>13. Audit of IT Security Over Applied Research Center</b>	<b>Field work in progress</b>
<b>14. Audit of College of Arts &amp; Sciences – Environmental Studies</b>	<b>Field work in progress</b>

(Note: Items bolded are audit/review activities during this reporting period.)

**FLORIDA INTERNATIONAL UNIVERSITY  
OFFICE OF INTERNAL AUDIT**

**INVESTIGATIONS**

During this reporting period, we have received new allegations pertaining to improper selling of the University equipment by a faculty member. As of August 15, 2008, the status of our investigative activities is as follows:

<b><u>Investigation/Responsible Executive</u></b>	<b><u>Status</u></b>
1. Facilities Complaint - CFO & Senior VP Sanchez	Completed/Closed
2. Grade Change Complaint - VP Webb	Completed/Closed
3. Additional Metropolitan Center Complaint - Provost & Executive VP Berkman	Completed/Closed
4. College of Engineering Complaint - Interim Dean Mirmiran	Completed/Closed
5. College of Business Administration Complaint - Executive Dean Elam	Completed/report pending
<b>6. SERC Complaint - VP Walker</b>	<b>Completed/Closed</b>
<b>7. Improper Selling of the University Equipment - Dean Grossman</b>	<b>Field work in progress</b>

(Note: Items bolded are investigative activities during this reporting period.)

**FLORIDA INTERNATIONAL UNIVERSITY  
OFFICE OF INTERNAL AUDIT  
FOLLOW-UP STATUS REPORT**

**Summary of Follow-up Status Reports**

Total number of audit issues due for implementation as of July 2008: **45**

Total number of audit issues completed as of July 2008: **33**

Implementation rate: **73%**

**Explanatory Notes to Follow-up Status Reports**

- Explanation of status column – **Yes** = implemented; **No** = not fully implemented; N/A = not due for implementation this period.
- For those recommendations noted in bold as **No** (not fully implemented) in the status column of this schedule, the “Management Responses to Outstanding Audits Issues” section details management’s current action plan.
- \* in the report column – means that management’s responses on outstanding audit issues due by July 2008 were reported separately to the Finance and Audit Committee, since they were confidential and exempt from public records by Florida Statutes.
- N/A in the revised due date column – revised due date is not applicable because the recommendation was either implemented or was not due during this reporting period.

**FLORIDA INTERNATIONAL UNIVERSITY  
OFFICE OF INTERNAL AUDIT**

**FOLLOW-UP STATUS REPORT - INTERNAL AUDITS**

The following summarizes the current status of audit issues from prior internal audit reports as of July 2008.

*Note: Items bolded in the status column (Yes or No) were due for implementation this period.*

<b>Report</b>	<b>Audit Issue(s)</b>	<b>Responsible Executive/Director</b>	<b>Status</b>	<b>Revised Due Date</b>	<b>Original Due Date</b>
<b>Access Controls Over PS Student Records Module</b> Report Issued: Feb. 23, 2006	1. Logging User Access (Rec. #2.1)	Sanchez/Yao/Grillo	N/A	12/08	12/06
<b>Access Controls Over PS Financial Aid Module</b> Report Issued: May 5, 2006	1. Intrusion Prevention (Rec. #2.1)	Sanchez/Yao/Grillo	<b>Yes</b>	N/A	07/06
<b>Allegations Against the Director of Enterprise Technology Support Services</b> Report Issued: July 7, 2006	1. Purchasing Rule - Gift (Rec. #3.3)	Sanchez/Millspaugh	N/A	11/08	09/06
<b>Student Administration Oracle Databases*</b> Report Issued: Dec. 19, 2006	1. Client Network Security (Rec. # 2.1) 2. Data Access (Rec. #5.1)	Sanchez/Yao/Grillo	<b>No</b> <b>No</b>	12/08 02/09	04/07 04/07
<b>Audit of the Contracts &amp; Grants Expenditures (Other Than Payroll)</b> Report Issued: March 21, 2007	1. Indirect/Direct Costs (Rec. #3.2)	Walker/Barabino	N/A	07/09	06/07
<b>Allegations Against the Associate Director of Purchasing Services</b> Report Issued: May 25, 2007	1. Credit Checks (Rec. #2.3)	Sanchez/Hardrick/ Cuesta-Gomez	<b>No</b>	11/08	12/07
<b>Audit of Counseling &amp; Psychological Services Center - Patient Information Systems*</b> Report Issued: July 5, 2007	1. File Encryption (Rec. #2) 2. Host Based Intrusion Detection Systems (Rec. #12) 3. Disaster Recovery (Rec. #18)	Jones/Nowell	N/A <b>No</b> N/A	08/08 08/08 09/08	09/07 01/08 01/08
<b>Audit of the University's Change Orders for Major Construction Projects</b> Report Issued: July 9, 2007	1. A/E Errors and Omissions (Rec. #1.2)	Sanchez/Cal/ Berenguer	N/A	08/08	09/07
<b>Allegations Against Business Services-Aramark Meal Cards</b> Report Issued: October 1, 2007	1. Consultant Agreements (Rec. #1.4) 2. Competitive Solicitations (Rec. #3.1) 3. Competitive Solicitations (Rec. #3.2)	Sanchez/Millspaugh	<b>Yes</b> <b>Yes</b> <b>Yes</b>	N/A N/A N/A	04/08 07/08 07/08
<b>Review of IT Resources in Student Affairs Health Departments</b> Report Issued: Nov. 13, 2007	1. Evaluation of IT needs and consolidation of IT resources and security.	Berkman/Jones	N/A	10/08	04/08
<b>Review of University Computer Procurements and Related Purchases</b> Report Issued: Nov. 28, 2007	1. Evaluation of Current Computer Acquisition and Related Purchases.	Executive Management	<b>No</b>	In Progress	Pending

Report	Audit Issue(s)	Responsible Executive/Director	Status	Revised Due Date	Original Due Date
<b>Review of Management's Actions to Prior Audit Recommendations</b> Report Issued: Feb. 6, 2008	1. User Access Management (Rec. #1.3)	Sanchez/Hardrick/ Cuesta-Gomez Walker/Barabino	N/A	N/A	11/08
	2. Close-out Checklist & Report of Expenditure Form (Rec. #1.1)		No	12/08	06/08
	3. Close-out Checklist & Report of Expenditure Form (Rec. #1.3)		Yes	N/A	06/08
	4. Excess of Expenses Over Revenues (Rec. #2)		No	12/08	06/08
	5. Excess of Revenues Over Expenses (Rec. #3)		No	12/08	06/08
	6. Project Accounting (Rec. #1)		NA	N/A	07/09
<b>Review of Online Program Revenues and Controls</b> Report Issued: March 19, 2008	1. Interdepartmental Agreements (Rec. #2)	Berkman/Elam/Pico	Yes	N/A	07/08
<b>Audit of Security Over University Wireless Access Points</b> Report Issued: April 10, 2008	1. Unsecured Wireless Access Points (Rec. #1.1)	Sanchez/Yao/Drake	Yes	N/A	07/08
	2. Unsecured Wireless Access Points (Rec. #1.2)		Yes	N/A	07/08
	3. Wireless Encryption (Rec. #2)		Yes	N/A	07/08
	4. Registration of Wireless Access Points (Rec. #3)		Yes	N/A	06/08
	5. Wireless Access Point Authorization Procedures (Rec. #6)		N/A	N/A	08/08
<b>Audit of University Minor Construction Projects</b> Report Issued: May 16, 2008	1. Contractor Selection Process (Rec. #1.1 & #1.2)	Sanchez/Cal/ Berenguer	N/A	N/A	12/08
	2. Competitive Procurement (Rec. #2.1)		Yes	N/A	05/08
	3. Competitive Procurement (Rec. #2.2)		Yes	N/A	05/08
	4. Trade Contractor Selection Process (Rec. #3)		Yes	N/A	06/08
	5. Oversight of Minor Construction Projects (Rec. #4)		N/A	N/A	08/08
	6. Project Commencement (Rec. #5)		Yes	N/A	05/08
	7. Decentralized Project Filing System (Rec. #6)		N/A	N/A	10/08
<b>Audit of University Consultant Expenses</b> Report Issued: May 16, 2008	1. Approval of Contracts (Rec. #1.1)	Mendoza/ Deilulio	Yes	N/A	05/08
	2. Approval of Contracts (Rec. #1.2)		Yes	N/A	05/08
	3. Competitive Solicitation (Rec. #2.1)	Sanchez/Millspaugh Berkman/Wartzok/ Moore	N/A	N/A	09/08
	4. Competitive Solicitation (Rec. #2.2)		Yes	N/A	06/08
	5. Competitive Solicitation (Rec. #2.3)	Sanchez/Millspaugh	N/A	N/A	11/08
	6. Unencumbered Payments (Rec. #3.1)		N/A	N/A	09/08
	7. Unencumbered Payments (Rec. #3.2)	Sanchez/Bond	Yes	N/A	07/08
	8. Classification of Expenses (Rec. #4.1)		Yes	N/A	07/08
	9. Classification of Expenses (Rec. #4.2)		N/A	N/A	09/08
	10. Contract Payments (Rec. #5)	Berkman/Laplante Sanchez/Millspaugh	Yes	N/A	05/08
	11. Receiving of Services (Rec. #6.1)		Yes	N/A	05/08
	12. Receiving of Services (Rec. #6.2)		Yes	N/A	05/08
	13. Sole Source Approval (Rec. #7)	Berkman/Wartzok/ Moore	Yes	N/A	05/08
	14. Contract Review Documentation (Rec. #8)		Yes	N/A	05/08
	15. Award Documentation (Rec. #9)		N/A	N/A	09/08
<b>Cash Counts at University Park &amp; Biscayne Bay</b> Report Issued: June 5, 2008	1. Cash Shortage	Sanchez/Bond	Yes	N/A	06/08
	2. Visitors Identity		Yes	N/A	06/08

<b>Report</b>	<b>Audit Issue(s)</b>	<b>Responsible Executive/Director</b>	<b>Status</b>	<b>Revised Due Date</b>	<b>Original Due Date</b>
<b>Audit of Controls Over University Vehicle Usage</b> Report Issued: July 8, 2008	1. Vehicle Policy and/or Procedure (Rec. #1)	Sanchez/Cal/Foster	N/A	N/A	09/08
	2. Vehicle Trip Log (Rec. #2)		N/A	N/A	09/08
	3. Commuting/Transportation Benefits (Rec. #3)	Sanchez/Hardrick	Yes	N/A	07/08
	4. Vehicle Retirement (Rec. #4.1)	Sanchez/Bond	N/A	N/A	08/08
	5. Vehicle Retirement ( Rec. #4.2)		Yes	N/A	07/08
	6. Vehicle Lease (Rec. #5.1)		Yes	N/A	07/08
	7. Vehicle Lease (Rec. #5.2)		N/A	N/A	08/08
	8. Employees Driving Record (Rec. # 6)	Mendoza/Mwaisela	N/A	N/A	09/08
	9. Billing of Fuel (Rec.#7.1, #7.2 & #7.3)	Sanchez/Cal/Foster	N/A	N/A	09/08
	10. Calibration of Fuel Pumps (Rec. #8)		N/A	N/A	09/08

**FLORIDA INTERNATIONAL UNIVERSITY  
OFFICE OF INTERNAL AUDIT**

**FOLLOW-UP STATUS REPORT - OPERATIONAL AUDIT**

The following summarizes the current status of audit issues from the State Auditor's Operational Audit (Report No. 2008-120, dated 03/11/08) as of July 2008.

*Note: Items bolded in the status column (Yes or No) were due for implementation this period.*

<b>Finding Number &amp; Area</b>	<b>Audit Issue(s)/Finding</b>	<b>Responsible Executive/Director</b>	<b>Status</b>	<b>Revised Due Date</b>	<b>Original Due Date</b>
<b>Finding No. 1</b> Parking Citation Receivables	The University's controls over parking citation receivables needed improvement.	Sanchez/Foster	<b>Yes</b>	N/A	04/08
<b>Finding No. 5</b> Competitive Procurement	The University needed to enhance its procedures for documenting the process of competitively selecting vendors. Also, the University's competitive procurement threshold exceeded the limit established by the Board of Governors.	Sanchez/Millsbaugh	<b>Yes</b>	N/A	06/08
<b>Finding No. 7</b> Purchasing Card Program	Purchasing card accounts for former employees were not always timely cancelled upon termination.	Sanchez/Millsbaugh	<b>No</b>	09/08	03/08
<b>Finding No. 8</b> Cellular Telephones	The University did not, of record, adequately monitor cellular telephone (cell phone) usage to determine personal calls made and any needed reimbursements. As such, the University was required to, but did not, report to the Internal Revenue Service the value of cell phone services as income for employees.	Sanchez/Yao/Drake	N/A	N/A	08/08
<b>Finding No. 9</b> Vehicle Records	Vehicle usage logs were not always complete, and did not include evidence of supervisory review.	Sanchez/Cal/Diciacco	<b>Yes</b>	N/A	03/08
<b>Finding No. 11</b> Fire Safety Inspections	The University did not always timely correct deficiencies noted in fire safety inspection reports.	Mendoza/Mwaisela	N/A	N/A	09/08
<b>Finding No. 12</b> Information Technology-University Governance	There was a need for improved University-level governance of the PeopleSoft financials system and the enterprise data contained therein.	Sanchez/Yao/Grillo	<b>No</b>	12/08	06/08
<b>Finding No. 13</b> Information Technology-Application Environment and Support Function	Improvements were needed in certain security controls within the overall operations of the application and the supporting network environment at the University.	Sanchez/Yao/Granto	<b>No</b>	09/08	06/08
<b>Finding No. 14</b> Information Technology-Access Controls	The University needed to enhance its procedures to ensure that terminated employees' access to data files and information technology resources is timely removed.	Sanchez/Yao/Granto	<b>Yes</b>	N/A	03/08
<b>Finding No. 15</b> Information Technology-Environmental Controls	Environmental control improvements were needed at the University's Data Center.	Sanchez/Yao/Grillo	<b>No</b>	Pending	07/08



**FLORIDA INTERNATIONAL UNIVERSITY  
OFFICE OF INTERNAL AUDIT**

**MANAGEMENT RESPONSES TO OUTSTANDING AUDIT ISSUES  
July 2008**

<b>Allegations Against the Associate Director of Purchasing Services</b>
--

1. Audit Issue: **Credit Checks** (Recommendation #2.3)

Status: Not Implemented

Recommendation:

After consultation with the Office of the General Counsel, consideration should be given to perform credit checks on candidates requiring background checks. This will provide some comfort regarding the financial stability of an individual assigned to a sensitive position.

Action Plan to Complete:

Due to staff turnover and the transition of the new HR VP, this project could not be completed. We are therefore requesting an extension to November 15, 2008.

New Target Date: November 15, 2008

<b>Review of University Computer Procurements and Related Purchases</b>
---

1. Audit Issue: **Evaluation of Current Computer Acquisition and Related Purchases**

Status: Not Implemented

Recommendation:

We recommend that the CIO evaluate the opportunities for cost savings or increased revenues in the following areas:

- Coordinating University computer purchases;
- Standardizing computers assigned to employees;
- Purchasing computers without warranty extensions;
- Acquiring Home Edition of the Windows operating system on new computers, and upgrading them with the existing campus-wide agreement;
- Increasing the number of warranty repairs performed by UTS; and
- Improving the reliability of computers purchased by the University.

The result of the evaluation should be communicated to senior management to determine whether to establish a plan to change how University computer and related purchases are managed.

Action Plan to Complete:

The audit report recommended that we evaluate the opportunities for cost savings in six areas. In order to achieve the savings in the six areas, we as a University will need to change the way in which we budget and purchase computers. FIU has a decentralized process for computer acquisition and replacement. It does not have a University-wide strategy to replace computers systematically in either a 3-year or a 4-year cycle. To achieve the savings projected in the audit report, it will require that the University centralize its funds for computer purchase and replacement. The work is in progress.

New Target Date: Pending

**FLORIDA INTERNATIONAL UNIVERSITY  
OFFICE OF INTERNAL AUDIT**

**MANAGEMENT RESPONSES TO OUTSTANDING AUDIT ISSUES  
July 2008**

<b>Review of Management's Actions to Prior Audit Recommendations</b>
--

1. Audit Issue: **Close-out Checklist & Report of Expenditure Form** (Recommendation #1.1)  
Status: Not Implemented

Recommendation

We recommend that OSRA examine the cause for its inability to close-out contracts and grants on a timely basis. In the future, OSRA should take action to ensure that all contracts and grants that have ended are closed-out within a reasonable period of time, including completion of the close-out checklists and ROE forms, which provide for the proper and timely transfer of funds.

Action Plan to Complete:

The staffing levels were not maintained in post award as three individuals resigned during the past six months; therefore the goal of closing all projects with end dates prior to June 30, 2007 was not obtained. The new target date for closing projects with end dates prior to June 30, 2007 is December 31, 2008. Numerous projects were closed during the past six months but we continue to manage several problematic issues related account closing such as outstanding receivables, outstanding deliverables, open encumbrances, property reassignment, open purchase orders, prepaid expenses, etc.  
New Target Date: December 31, 2008

2. Audit Issue: **Excess of Expenses Over Revenues** (Recommendation #2)  
Status: Not Implemented

Recommendation:

OSRA should ensure that all existing contracts and grants that have ended reflecting an excess of expenses over revenues are collected.

Action Plan to Complete:

The staffing levels were not maintained in post award as three individuals resigned during the past six months; therefore the goal of closing all projects with end dates prior to June 30, 2007 was not obtained. The new target date for closing projects with end dates prior to June 30, 2007 is December 31, 2008. Numerous projects were closed during the past six months but we continue to manage several problematic issues related account closing such as outstanding receivables, outstanding deliverables, open encumbrances, property reassignment, open purchase orders, prepaid expenses, etc.  
New Target Date: December 31, 2008

3. Audit Issue: **Excess of Revenues Over Expenses** (Recommendation #3)  
Status: Not Implemented

Recommendation:

OSRA should ensure that contracts and grants reflecting an excess of revenues over expenses be verified and properly closed out with funds transferred out for other uses or reimbursed to the granting agency, as appropriate.

**FLORIDA INTERNATIONAL UNIVERSITY  
OFFICE OF INTERNAL AUDIT**

**MANAGEMENT RESPONSES TO OUTSTANDING AUDIT ISSUES  
July 2008**

Action Plan to Complete:

The staffing levels were not maintained in post award as three individuals resigned during the past six months; therefore the goal of closing all projects with end dates prior to June 30, 2007 was not obtained. The new target date for closing projects with end dates prior to June 30, 2007 is December 31, 2008. Numerous projects were closed during the past six months but we continue to manage several problematic issues related account closing such as outstanding receivables, outstanding deliverables, open encumbrances, property reassignment, open purchase orders, prepaid expenses, etc.  
New Target Date: December 31, 2008

<b>State Auditor's Operational Audit</b>
--

1. Audit Issue: **Purchasing Card Program** (Finding No. 7)  
Status: Partially Implemented

Recommendation:

The University should ensure that purchasing card accounts of terminated employees are closed in a timely manner.

Action Plan to Complete:

A report providing a list of all employees leaving the University within a payroll cycle was developed for manual distribution beginning February 21, 2008 to be sent each pay period until an ADP interface change could be completed to provide for an automated process. The interface change was completed and moved to production. University Technology Services is completing development and the transition from a manual process to an automated process is expected by September 10, 2008.  
New Target Date: September 10, 2008

2. Audit Issue: **Information Technology-University Governance** (Finding No. 12)  
Status: Partially Implemented

Recommendation:

The University should continue its efforts to develop and implement written policies and procedures addressing the areas of IT security.

Action Plan to Complete:

The University has made significant improvement in the area of security policies and procedures. Certain procedures have been approved or are awaiting final approval. There are still policies pending, Data-retention and Back-up, and Media Sanitation. In addition, the PeopleSoft Web pages will be ADA Complaint when the PantherSoft upgrade is completed in November 2008.  
New Target Date: December 31, 2008

**FLORIDA INTERNATIONAL UNIVERSITY  
OFFICE OF INTERNAL AUDIT**

**MANAGEMENT RESPONSES TO OUTSTANDING AUDIT ISSUES  
July 2008**

3. Audit Issue: **Information Technology - Application Environment and Support Function**  
(Finding No. 13)  
Status: Partially Implemented

Recommendation:

University management should strengthen controls surrounding its enterprise information resources and systems in some areas.

Action Plan to Complete:

These policies are in the final approval stages.  
New Target Date: September 30, 2008

4. Audit Issue: **Information Technology - Environmental Controls** (Finding No. 15)  
Status: Partially Implemented

Recommendation:

The University should continue its efforts to implement and maintain environmental controls to ensure the safety of data center resources from environmental hazards.

Action Plan to Complete:

The remaining item here is the generator project. The generator that was installed malfunctioned. Currently a temporary equivalent has been installed and the date is pending on the repairs for the generator.  
New Target Date: Pending

**FLORIDA INTERNATIONAL UNIVERSITY  
OFFICE OF INTERNAL AUDIT**

**TRAINING AND SEMINARS UPDATE**

The following is an update on continuing professional education (CPE) obtained by each auditor through August 2008. All CPE topics are directly related to critical functions of our Office. Below is a recap of completed CPE hours for the prior and current fiscal years by each auditor.

	<b><u>2007-2008</u></b>	<b><u>2008-2009</u></b>
Pyong Cho	45 hours	3 hours
Manny Sanchez	74 hours	1 hour
Albert Mayungbe	44 hours	1 hour
Tenaye Arneson	3 hours	3 hours

<b>DATE</b>	<b>ATTENDED SEMINARS</b>	<b>HOURS</b>	<b>AUDITOR</b>
07/08-11/07	IIA International Conference	17	Manny Sanchez
07/16/07	NACUBO Webcast	2	Manny Sanchez
07/15-20/07	18 <sup>th</sup> Annual ACFE Fraud Conference	40	Albert Mayungbe
07/15-20/07	18 <sup>th</sup> Annual ACFE Fraud Conference	40	Pyong Cho
10/09/07	Annual RSM McGladrey – Seminar	8	Manny Sanchez
10/20/07	FIU Center for Accounting	8	Manny Sanchez
12/06/07, 5/14/08	ACUA Webinar	2	Pyong Cho
12/06/07, 5/14/08	ACUA Webinar	2	Tenaye Arneson
05/09/08	FICPA	4	Albert Mayungbe
06/05/08	Ethics Point Webinar	1	Manuel Sanchez
06/05/08	Ethics Point Webinar	1	Pyong Cho
06/05/08	Ethics Point Webinar	1	Tenaye Arneson
06/06/08	Alpha Kappa Psi- Center for Accounting	8	Manuel Sanchez
06/06-14/08	FIU Center for Accounting	24	Manuel Sanchez
06/19/08	KPMG Seminar	6	Manuel Sanchez
06/19/08	KPMG Seminar	2	Pyong Cho
07/10/08	Ethics Point Webinar	1	Manuel Sanchez
07/10 & 31, 8/13	Ethics Point Webinar	3	Pyong Cho
07/10 & 31, 8/13	Ethics Point Webinar	3	Tenaye Arneson
08/13/08	Ethics Point Webinar	1	Albert Mayungbe

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FINANCE AND AUDIT COMMITTEE**

**11 SEPTEMBER 2008**

**SUBJECT: OFFICE OF SPONSORED RESEARCH REPORT**

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**PROPOSED COMMITTEE ACTION:**

None. Discussion Item.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- SPONSORED RESEARCH REPORT

**FACILITATOR/PRESENTER:**

- GEORGE WALKER

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

## **FINANCE AND AUDIT COMMITTEE**

### **RESEARCH AND UNIVERSITY GRADUATE SCHOOL REPORT**

#### **OFFICE SPONSORED RESEARCH ADMINISTRATION—FISCAL YEAR 2007-2008**

#### **SEPTEMBER 11-12, 2008**

#### **Executive Summary**

1. Including appropriate University contributions to research expenditures in the annual NSF Research Expenditure report allowed FIU to reach the important \$100 million mark this last year. This level of reported expenditures was crucial for the University because it placed FIU in the top tier of Florida public universities. It also allowed the University to qualify for new tuition levels that will bring badly needed additional revenue to the University.
2. The State funded a \$10 million Center of Excellence proposal submitted by the International Hurricane Center (Stephen Leatherman, Principal Investigator).
3. Grant awards during fiscal year 2007-2008 were down compared to last fiscal year. While there are several mitigating factors—timing, no cost extensions, and changes in Federal programs, among others—the fact is that this is an important issue for the future, and the University is responding to meet this challenge.
4. The effective facilities and administrative (F&A) indirect costs rate was successfully renegotiated. In July 2008, it increased from 40% to 42%; it will increase to 44% (July 2009), and to 45% in July 2010. In December 2010, we will negotiate the F&A rate with a goal of reaching 50%.
5. Continuing progress has been made on more efficient utilization of research space, the quality of service provided to researchers, and the regular assessment of centers and institutes.
6. Several important proposals were submitted, including a T32 institutional training grant, and initiatives begun to enhance support for graduate students. In addition, several crucial new partnerships, including the Industry/University Cooperative Research Center, have been undertaken that will enhance the University's accomplishments and resources in the area of research and creative activity.

#### **I. Awards and Expenditures**

Grant Applications: The amount of funding requested through applications during FY 2008 (July 2007 to June 30, 2008) was \$263.8M—[Table 1](#). This constituted an increase of 10% from FY 2007 (\$240.4M). However, since FY 2006 there has been a decline in the number of applications, as well as the amount of funding requested. Specifically, during FY 2006 the total funding requested through applications was \$338.7M. Thus, there has been a 22% decline in requested compared to FY 2006. It is likely that such declines in applications submitted will eventually be reflected in decreases in awards two to three years later, particularly at a time of decreased budgets by funding agencies at both the Federal and State levels.

Between FY 2006 and FY 2008, units with reductions in requested funding have included Applied Research Center (ARC), the College of Arts & Sciences, the Southeast Environmental Research Center (SERC), and the College of Nursing and Health Sciences. In contrast, the

College of Engineering and Computing reported an increase in requested funding over the same period. In terms of the quantity of applications submitted, between FY 2006 and FY 2008, declines were reported for Arts & Sciences and SERC, with increases reported for ARC and the College of Engineering and Computing.

Florida Centers of Excellence (COE) Competition: During FY 2008, six (6) teams of FIU researchers prepared proposals for the Florida Centers of Excellence program. Following an internal competition process, OSRA selected three proposals for submission to the program. There were also several proposals submitted by other universities in which FIU was a collaborating institution. The three proposals led by FIU were:

- a) The FIU COE for Hurricane Damage Mitigation and Product Development submitted by the International Hurricane Center (PI: Stephen Leatherman). This proposal requested \$10 M over three years, and was funded starting July 1, 2008. This award is not counted in the awards discussed above.
- b) The Florida Center for Advanced Diagnostic Devices (FCADD), submitted by FIU's College of Medicine and College of Engineering (PI: Joe Leigh Simpson).
- c) The Florida COE of Information Technologies for Disaster Resilient Business Communities, submitted by FIU's School of Computer Science (PI: Yi Deng).

The proposal from FIU's International Hurricane Center received the highest ranking in the State-sponsored competition, receiving scores of 8.3 of 10.0 for the scientific rating and 8.7 of 10.0 for the economic rating. FIU's second proposal, from the College of Medicine (i.e., FCADD), was also highly regarded, and it was ranked 5<sup>th</sup> for scientific merit, and 17<sup>th</sup> for economic impact. In addition, FIU was a collaborating institution on a proposal from the H. Lee Moffitt Cancer Center, which received the second highest scientific rating in the overall competition. Only the Hurricane Center was funded, however because of the high ranking of the other submissions, the University expects to be very competitive if there is a 2008-2009 Center of Excellence competition.

Grant Awards: There has been an overall trend of declines in grant awards dating back to at least FY 2006. For FY 2006, FIU received \$91.78M in awards, followed in FY 2007 by \$90.77M, and \$73.16M during FY 2008. The decreases in awards between FY 2007 and 2008 was 19%—[Table 2](#). Some of the key units reporting decreases in funding were ARC, the College of Nursing and Health Sciences, the Stempel School of Public Health, and the College of Arts & Sciences. The trend of decreased grant awards reflects short-term decreases in grant applications since FY 2006. For example, declines in grant awards from FY 2006 to FY 2008 were -18% for ARC, -19% for the College of Arts & Sciences, -11% for the College of Engineering and Computing and -59% for the College of Nursing and Health Sciences. Fluctuations in levels of research awards can be cyclical, and the magnitude of the decrease from FY 2007 to FY 2008 is not unique. For example, between FY 2003 and FY 2004, there was a comparable decline of 18%.

There are several key points to consider regarding the interpretation of these recent decreases in grant funding.

- a) One contributor to the decrease in grant awards from FY 2007 to FY 2008 was the large number of grants that received no-cost extensions from FY 2007 to FY 2008. No-cost extensions consist of funding from one year of a grant being extended for additional years

beyond the original timeframe of the grant. This is possible when the project spends less money than is budgeted for a specific period, followed by a request that the funding agency extend the duration of the project without any additional funds. From FY 2007 to FY 2008, no-cost extensions on FIU research projects totaled \$10.1M, originating from the College of Arts & Sciences, the College of Engineering and Computing, and SERC ([Table 3](#)). Normally, scholars would submit new proposals for funding if they were not being funded by no-cost extensions.

- b) There were several multiyear grants awards in FY 2007 that received the total multiyear funding at once during FY 2006. These awards totaled \$4.88M. This artificially increased funding for FY 2007.
- c) The Minority Biomedical Research Support (MBRS) program was at its funding peak in FY 2006, with total funding of approximately \$4M. However, funding decreased to approximately \$1M in FY 2007, and \$0 in FY 2008. These declines were due to changes that the Federal government made to this program. Changes in the funding mechanism transitioned from an “umbrella” that funded projects as a group, to a single grant funding format that requires grant applications to be submitted separately (with a limit of 25 applications funded or under review). The transition to the new format terminated all MBRS funding in FY 2007. Already during the new fiscal year, five (5) new MBRS grants have been funded for a total of \$1.3M, and an additional four (4) should be funded within the next 90 days, representing approximately another \$700,000 of new funding.
- d) We examined whether the decrease in awards during the past year was due to faculty with existing research funding leaving FIU and transferring their funded grants to other institutions. We found this factor to be only a minor influence. Since June 2006, twelve (12) faculty members with a history of funding left FIU. At the time of their departure, they transferred out a total of \$405,511.

Effective F&A Rate: The effective/average indirect costs rate for FIU in FY 2006 was 16.7%, and this increased to 19% during FY 2007. This year, we began to assess the effective F&A rate separately for off-campus and on-campus research projects. During FY 2008, our full on-campus rate was 40%, and the full off-campus rate was 25.5%. The effective rate for off-campus research grants in FY 2008 was 15%. The rate for on-campus grants was 20%, with an overall effective indirect rate of 18%. Experience suggests that a general rule-of-thumb for the appropriate average level of overhead return should be about one-half of the negotiated rate. Thus, if our negotiated rate were 40%, then an appropriate level would be greater than or equal to 20%. We note that the large number of projects with no-cost extensions had a “suppressing” effect on this year’s effective F&A rate because such projects were not included in the F&A calculations for this year, and no-cost extensions are disproportionately full F&A, since they are more commonly approved by NIH; which carries full F&A.

NSF Report: The National Science Foundation Academic Research and Development Expenditures Survey compiles annual data on the research and development expenditures at the nation’s universities. This report is used by the State of Florida, as well as by the Carnegie Foundation, as the criterion to measure research expenditures by universities. The NSF Report indicated that for FY 2007, research expenditures at FIU were \$108M. Despite the decrease in grant awards in FY 2008, FIU will again surpass the \$100M threshold. We also expect to surpass the \$100M threshold in FY 2009 with the funding of the Florida Center of Excellence award, as well as the expectation that several projects that were slated to be funded during FY 2008, will now be funded during FY 2009.

## **II. Accomplishments**

Negotiated F&A Rate: We have completed successfully negotiations with the Federal government for a new Facilities and Administration or F&A rate. The process included evaluating all of the expenditures of the University for 2006, identifying costs that were related directly to the primary functions of the University such as Research, Instruction, Public Service, and Other Institutional Activities, as well as the costs that support the infrastructure of the University. Infrastructure (indirect) expenses such as facilities, controllers, purchasing, and other similar operational costs are apportioned in an equitable manner to the primary functions of the University. The rate approved by the Federal Division of Cost Allocation represents the administrative and facility costs of the University, which support the research endeavors of FIU. These expenses are recovered from both Federal and non-Federal sponsors via an overhead rate that is applied to the direct cost of sponsored research projects. The prior rate agreement was approved in May 2004 for base year 1999. The extended period between the last rate agreement and the current agreement presented a challenge to data collection, and more importantly, for attaining our goal of a 45% F&A rate since the Federal government tends to avoid large rate increases. We were successful in obtaining a rate that increases in a stepped fashion over the next three years (42% in July 2008, 44% in July 2009, and 45% in July 2010). In addition, we were able to establish December 2010 as the next date for generation of a cost proposal, which will be based on fiscal year 2010 activity.

Negotiated Fringe Benefit Rate: As part of the negotiations for the new F&A rate, we submitted a fringe benefit rate of 2%, which was approved. This is in addition to the actual cost, and it allows the University to recover from the external sponsors the fringe benefit costs for sabbatical leaves, workers compensation, unemployment, and terminal leaves that were borne by E&G and other funds in the past.

Assessment of Research Space: During the past two years, we have engaged in a complete assessment of research lab utilization throughout the University as well as in the development and implementation of a Research Space Allocation Matrix (RSAM). Assessment of research space began as part of the preparation of the report for negotiations on a new F&A rate. Development of the RSAM began with analyses of general practice in other universities, and included work with the Faculty Senate. A final version of the RSAM was adopted in January 2008, and we are in the final stages of implementation as we work to secure necessary research lab space for new hires in the College of Medicine and throughout the University. Beginning in August 2008, each College will receive the plan for research space re-allocation based on the application of the RSAM. This will be critical, as there is a need for research lab space for new hires coming to FIU this fall semester, and to prepare for new hires in the coming years. If colleges wish to occupy space beyond that allowed by the RSAM, they may, in special circumstances, do so by paying rent to the University. This rent will be reinvested by the University in the support of research.

Service Improvements: The Office of Research has engaged in efforts to improve services to the FIU research community. During the past two years, we have focused in streamlining the process of preparing both budgets and accounts for new grants and awards once there is funding notification. From November 2006 through May 2007, we “tracked” the average number of days it took to set up a new account once a grant or contract had been awarded. During November 2006, it took an average of 27 days to set up a new grant or contract account. This time was reduced to 10 working days by May 2007. After May 2007, we began tracking grants and

contracts separately. Currently, the average number of working days taken to set up a new accounts is 3.5 for grants and 6 for contracts. In addition, since August 2007, we have been initiating 90%-100% of grant accounts within 10 working days, and since November 2007, we have been initiating over 70% of contract accounts within 10 working days.

RUGS is still working on improvements in several key service areas. These include tracking improvements in the timing of closing out completed grants and contracts; developing a user-friendly budget page for researchers; implementing a fully electronic grant submission process throughout the University, and embedding Office of Research staff in Colleges in order to provide more direct support and guidance to researchers. Within the next year, upgrades in PantherSoft should allow significant enhancements in our ability to process research related transactions in the University.

Assessment of Centers and Institutes: During academic year 2007-2008, a baseline assessment was conducted of all FIU Centers and Institutes (C&I). The rationale for this broad-based assessment process was to determine the degree of fit between existing FIU C&I, and the newly revised FIU Policy on C&I. Critical factors considered in the review process, and subsequent continuation decisions included graduate student support and productivity; average per capita faculty scholarly productivity rates; revenue production; positive return on investment; demonstrated interdisciplinary activities; and congruence of the mission of the center or institute with FIU's strategic themes. Outcomes associated with the baseline evaluation process of FIU C&I were reduced to four categories. Specifically:

- Closure due to low critical mass of investigators
- Consolidation, collaboration, or relocation
- Phased withdrawal of state support over a two to three-year period
- Immediate E&G Budget Reductions of 21% to 25%

### **III. Ongoing Efforts**

Efforts to Increase Sponsored Support for Graduate and Undergraduate Education: A critical element of research-intensive universities is the existence of high quality graduate and undergraduate students. Students contribute to the research ethos of the University through their own research and creative endeavors, and help to attract high quality faculty who are interested in working with outstanding students. In this area, we have been working on the establishment of a University Center for Excellence in Writing, which will focus on student training. Additionally, we have continued efforts to develop and submit competitive grant applications to support undergraduate and graduate students. Specifically, this year:

- a) In May 2008, a T32 application (Institutional Training Grant) was submitted to NIH. If awarded, this grant would support Ph.D. students (tuition and salary) during the final two years of their doctoral training to focus on health disparities in alcohol abuse research.
- b) A new application for the Research Initiative for Scientific Enhancement (RISE) was submitted to the National Institute of General Medical Sciences. The goal of this program is to stimulate interest among underrepresented minority students and faculty in continuing to a career in biomedical research and thereby increase the number of underrepresented minority scientists engaged in biomedical research. The RISE program received funding on July 28,



2008. Funding is for a total of 40 students, 17 graduate and 23 undergraduate, and it is for \$1M each year for a total of five years.

- c) During FY 2008, FIU also received funding (\$198,066) for the Minority Access to Research Careers (MARC), which provides research-training opportunities for students and faculty from minority groups who are underrepresented in biomedical research.

Partnerships: We embarked on developing partnerships designed to increase sponsored research. Initially, we have focused on partnering in the areas of health and engineering. Below is a brief description of two initial partnerships:

- 1) Spectrum/Miami Behavioral and Borinquen Health Center: We have begun collaboration with Spectrum and Borinquen Clinic in order to facilitate the work of our research teams in areas pertaining to health, and specifically substance abuse and HIV/AIDS. Currently, we have a large Center grant from the National Center on Health and Health Disparities (NCMHD) (De La Rosa, PI) which includes collaboration with Spectrum/Miami Behavioral. There also two NIH grant proposals currently under review, which include collaborations with Spectrum/Miami Behavioral. We are entering into an agreement with Borinquen Health Center to “house” a clinic for several of our HIV researchers. We will be working in the next few months to increase our links with both of these health agencies.
- 2) Industry/University Cooperative Research Center (I/UCRC): The School of Computing and Information Sciences recently received a NSF grant for an Industry/University Cooperative Research Center (I/UCRC). The Industry/University Cooperative Research Centers (I/UCRC) program develops long-term partnerships among industry, academe, and government. The centers are catalyzed by a small investment from the National Science Foundation (NSF), and are primarily supported by industry center members, with NSF taking a supporting role in their development and evolution. Each center is established to conduct research that is of interest to both the industry and the center. An I/UCRC not only contributes to the Nation's research infrastructure base and enhances the intellectual capacity of the engineering and science workforce through the integration of research and education, but also encourages and fosters international cooperation and collaborative projects. We plan to focus efforts and resources in this Center in order to develop long-term partnerships among participating industrial partners. For instance, we have received commitments from the Florida Institute for Human and Machine Cognition, Condo.com, Data Transfer Solutions, Healthcare.com, and The Miami Herald, among others.

In addition, Benjamín León's generous donation has also led to collaboration with the León Medical Centers and the establishment of The Benjamín León, Jr. Family Center for Geriatric Research and Education. The Family Center will focus on health issues that affect the culturally diverse elderly population in South Florida. As the United States population continues to grow older as a whole, the research conducted in this center will gain increased relevance beyond South Florida. This relationship will allow for growth in geriatric research beyond the College of Medicine to disciplines such as Public Health, Social Work, Psychology, and Biomedical Engineering.

We have also been working with the College of Medicine to establish a Clinical Trials Unit in partnership with the H. Lee Moffitt Cancer Center and Research Institute. This partnership will be mutually beneficial, with South Florida providing a recruitment site necessary for Moffitt to maintain its comprehensive cancer research designation, and facilitating our College of Medicine with the development of a clinical trials unit.

Table 1

Applications Comparison FY 2007 vs. FY 2008							
College/School/Center/Division	July 2006 – June 2007			July 2007 – June 2008			% change
	Direct Costs	Indirect	Total	Direct Costs	Indirect	Total	
Academic Affairs	\$6,227,114	\$878,845	\$7,105,959	\$11,972,197	\$1,967,314	\$13,939,511	96%
Applied Research Center	\$7,322,774	\$2,097,513	\$9,420,287	\$3,283,819	\$1,202,611	\$4,486,430	-52%
CIARA-UTS	\$948,699	\$93,455	\$1,042,154	\$220,736	\$25,494	\$246,230	-76%
College of Architecture & the Arts	\$911,979	\$0	\$911,979	\$935,952	\$87,895	\$1,023,847	12%
College of Arts & Sciences	\$36,873,679	\$10,872,702	\$47,746,381	\$33,460,161	\$9,222,575	\$42,682,736	-11%
College of Business Administration	\$1,421,922	\$272,654	\$1,694,576	\$571,450	\$177,241	\$748,691	-56%
College of Education	\$13,035,438	\$1,216,648	\$14,252,086	\$13,436,991	\$1,744,343	\$15,181,334	7%
College of Engineering & Computing	\$65,085,286	\$15,315,964	\$80,401,250	\$85,748,247	\$16,746,124	\$102,494,371	27%
College of Law	\$218,516	\$0	\$218,516	\$167,000	\$0	\$167,000	-24%
College of Medicine	\$2,929,816	\$994,691	\$3,924,507	\$16,810,712	\$2,231,724	\$19,042,436	385%
College of Nursing & Health Sciences	\$8,333,009	\$1,827,819	\$10,160,828	\$4,368,180	\$766,982	\$5,135,162	-49%
College of Social Work, Justice, & Public Affairs	\$10,309,264	\$2,920,519	\$13,229,783	\$3,818,294	\$1,094,869	\$4,869,045	-63%
Division of Finance & Administration	\$0	\$0	\$0	\$0	\$0	\$0	N/A
Division of Student Affairs	\$3,767,451	\$296,003	\$4,063,454	\$1,455,746	\$92,410	\$1,548,156	-62%
Division of University Advancement	\$199,937	\$0	\$199,937	\$265,000	\$0	\$265,000	33%
Honors College	\$25,000	\$0	\$25,000	\$0	\$0	\$0	-100%
International Hurricane Research Center	\$1,408,003	\$335,924	\$1,743,927	\$13,603,192	\$1,084,818	\$14,688,010	742%
MBRS	\$3,329,447	\$1,045,178	\$4,374,625	\$5,456,066	\$924,377	\$6,380,443	46%
School of Hospitality & Tourism Management	\$38,665	\$1,162	\$39,827	\$20,950	\$0	\$20,950	-47%
School of Journalism & Mass Communication	\$1,150,087	\$250,384	\$1,400,471	\$263,398	\$53,474	\$316,872	-77%
Southeast Environmental Research Center	\$7,428,408	\$1,634,949	\$9,063,357	\$7,317,834	\$1,556,050	\$8,873,884	-2%
Stempel School of Public Health	\$21,621,442	\$7,727,573	\$29,349,015	\$16,473,594	\$5,277,101	\$21,750,695	-26%
<b>TOTAL</b>	<b>\$192,585,936</b>	<b>\$47,781,983</b>	<b>\$240,367,919</b>	<b>\$219,649,519</b>	<b>\$44,255,402</b>	<b>\$263,860,803</b>	<b>10%</b>
<b>Effective/average indirect cost rate</b>	<b>25%</b>			<b>20%</b>			

Table 2

Awards Comparison FY 2007 vs. FY 2008							
College/School/Center/Division	July 2006 – June 2007			July 2007 – June 2008			% change
	Direct Costs	Indirect	Total	Direct Costs	Indirect	Total	
Academic Affairs	\$3,094,613	\$226,992	\$3,321,605	\$3,977,706	\$260,397	\$4,238,103	28%
Applied Research Center (ARC)	\$7,812,750	\$2,635,509	\$10,448,259	\$4,153,833	\$1,533,263	\$5,687,096	-46%
CIARA-UTS	\$3,848,786	\$338,359	\$4,187,145	\$1,625,652	\$149,065	\$1,774,717	-58%
College of Architecture & the Arts	\$357,064	\$909	\$357,973	\$520,435	\$11,460	\$531,895	49%
College of Arts & Sciences	\$12,209,785	\$3,136,020	\$15,345,805	\$9,067,314	\$1,948,638	\$11,015,952	-28%
College of Business Administration	\$574,816	\$69,253	\$644,069	\$323,815	\$25,185	\$349,000	-46%
College of Education	\$3,897,280	\$231,986	\$4,129,266	\$3,671,553	\$314,420	\$3,985,973	-3%
College of Engineering & Computing	\$12,810,984	\$2,409,950	\$15,220,934	\$12,387,535	\$2,078,551	\$14,466,086	-5%
College of Law	\$266,669	\$0	\$266,669	\$279,149	\$0	\$279,149	5%
College of Medicine	\$1,954,398	\$698,096	\$2,652,494	\$501,948	\$171,416	\$673,364	-75%
College of Nursing & Health Sciences	\$3,686,815	\$550,433	\$4,237,248	\$2,590,835	\$201,040	\$2,791,875	-34%
College of Social Work, Justice, & Public Affairs	\$7,974,410	\$1,089,813	\$9,064,223	\$9,007,981	\$2,116,743	\$11,124,724	19%
Division of Finance & Administration	\$144,146	\$0	\$144,146	\$151,353	\$0	\$151,353	5%
Division of Student Affairs	\$1,764,673	\$77,269	\$1,841,942	\$2,002,253	\$121,078	\$2,123,331	15%
Division of University Advancement	\$179,437	\$0	\$179,437	\$199,536	\$0	\$199,536	11%
Honors College	\$25,000	\$0	\$25,000	\$0	\$0	\$0	N/A
International Hurricane Research Center (IHRC)	\$3,239,485	\$302,807	\$3,542,292	\$2,512,180	\$193,327	\$2,705,507	-24%
MBRS	\$906,523	\$80,363	\$986,886	\$0	\$0	\$0	N/A
School of Hospitality & Tourism Management	\$25,000	\$0	\$25,000	\$0	\$0	\$0	N/A
School of Journalism & Mass Communication	\$93,000	\$0	\$93,000	\$266,588	\$27,396	\$293,984	216%
Southeast Environmental Research Center	\$5,423,812	\$1,173,893	\$6,597,705	\$5,538,875	\$1,124,429	\$6,663,304	1%
Stempel School of Public Health	\$5,455,130	\$1,549,730	\$7,004,860	\$3,094,837	\$1,006,013	\$4,100,850	-41%
<b>TOTAL</b>	<b>\$75,744,576</b>	<b>\$14,571,382</b>	<b>\$90,315,958</b>	<b>\$61,873,378</b>	<b>\$11,282,421</b>	<b>\$73,155,799</b>	<b>-19%</b>
<b>Effective/average indirect cost rate</b>	<b>19%</b>			<b>18%</b>			



**Table 3**

<b>Summary of FY '07-'08 Decreases in Research Funding for Selected Units</b>		
<b>College/School/ Center/Division</b>	<b>Description of Funding Decreases</b>	<b>Funding Decreases</b>
<b>ARC</b>	<ul style="list-style-type: none"> <li>• In FY 07 received \$5.7M from DoE for Core grant, while in FY 08 received \$3.7M for same grant.</li> <li>• Expectation of receiving another \$2M from DoE, but most likely come during the next FY.</li> <li>• Two awards for FY 07 were no-cost extensions (NCEs); one for \$452k and the other for \$1.1M.</li> <li>• One project running from 07 to 8/15/09 was awarded in full during FY 07 (\$890k).</li> <li>• Number of applications increased 48.5% from FY 06; however, total funding requested decreased 42.3% (from \$15.6M to \$9.0M)</li> </ul>	\$4.442M
<b>Arts &amp; Sciences</b>	<ul style="list-style-type: none"> <li>• 18 one-time “upfront” award actions processed in FY 07 that span multiple FYs (\$2.2M).</li> <li>• 30 awards in FY 07 in NCEs for FY 08 (\$4.4M).</li> <li>• \$600k in FY 07 associated with awards that ended and have not been renewed and/or the faculty member retired or did not get tenure.</li> <li>• Applications for FY 07 were down by 40% compared to FY 06.</li> </ul>	\$7.2M
<b>SERC</b>	<ul style="list-style-type: none"> <li>• 2 one-time “upfront” award actions processed in FY 07 that span multiple FYs totaling \$242k.</li> <li>• 10 awards in FY 07 in NCEs for FY 08 (\$1.0M)</li> <li>• \$312k in FY 07 associated with awards that ended and were not been renewed.</li> <li>• Applications for FY 07 were down by 40% compared to FY 06.</li> </ul>	\$1.554M
<b>Engineering</b>	<ul style="list-style-type: none"> <li>• 22 one-time “upfront” award actions processed in FY 07 that total \$1.4M.</li> <li>• 16 awards in FY 07 in NCEs for FY 08 (\$1.6M).</li> <li>• \$212k in FY 07 associated with awards that ended and were not been renewed.</li> </ul>	\$3.312M
<b>Nursing</b>	<ul style="list-style-type: none"> <li>• 4 one-time “upfront” award actions processed in FY 07 which total \$146,148.</li> <li>• 6 awards in FY 07 in NCEs for FY 08 (\$1.5M).</li> <li>• \$456k in FY 07 was for awards that ended and were not been renewed or the PI has left the university.</li> <li>• Applications for Nursing increased by 23% in FY 07 compared to FY 06 but decreased by 51% from FY 07 to FY 08.</li> </ul>	\$2.1M
<b>No-Cost Extensions</b>		\$10.05M
<b>TOTAL</b>		<b>\$18.61M</b>

**Table 4**

<b>Contracts and Grants Awarded by Major Funding Sources for Research, Service, and Training</b>				
<b>Source</b>	<b>Award Increment Direct Costs</b>	<b>Award Increment F&amp;A</b>	<b>Amount</b>	<b>Percent</b>
<b>July 2006 — June 2007</b>				
Federal Government	\$54,545,829	\$12,742,993	\$67,288,822	74.50%
State & Local Government	\$13,225,110	\$1,146,059	\$14,371,169	15.92%
Private/Other Sources	\$7,973,637	\$682,330	\$8,655,967	9.58%
<b>Total</b>	<b>\$75,744,576</b>	<b>\$14,571,382</b>	<b>\$90,315,958</b>	<b>100.00%</b>
<b>July 2007 — June 2008</b>				
Federal Government	\$44,943,408	\$ 9,799,992	\$54,743,400	74.83%
State & Local Government	\$9,446,690	\$856,177	\$10,302,867	14.08%
Private/Other Sources	\$7,483,280	\$626,252	\$8,109,532	11.09%
<b>Total</b>	<b>\$61,873,378</b>	<b>\$11,282,421</b>	<b>\$73,155,799</b>	<b>100.00%</b>

**Table 5**

<b>Direct &amp; Indirect Expenditures FY 2007 vs. FY 2008</b>							
<b>College/School/Center/Division</b>	<b>July 2006 To June 2007</b>			<b>July 2007 To June 2008</b>			<b>% change</b>
	<b>Direct Costs</b>	<b>Indirect</b>	<b>Total</b>	<b>Direct Costs</b>	<b>Indirect</b>	<b>Total</b>	
ABR/MBRS	\$3,424,730	\$1,058,997	\$4,483,728	\$2,606,047	\$787,653	\$3,393,700	-24%
Academic Affairs	\$4,551,130	\$449,889	\$5,001,019	\$4,928,048	\$361,111	\$5,289,159	6%
Applied Research Center (ARC)	\$6,157,450	\$2,008,947	\$8,166,397	\$5,422,810	\$1,920,131	\$7,342,941	-10%
CIARA/UTS	\$3,338,854	\$196,745	\$3,535,599	\$2,083,131	\$236,341	\$2,319,472	-34%
College of Architecture & the Arts	\$415,735	\$2,444	\$418,179	\$315,798	\$1,097	\$316,895	-24%
College of Arts & Sciences	\$8,131,314	\$2,131,882	\$10,263,197	\$8,218,115	\$1,987,619	\$10,205,735	-1%
College of Business Administration	\$714,748	\$96,997	\$811,746	\$573,475	\$84,776	\$658,251	-19%
College of Education	\$4,645,307	\$273,663	\$4,918,970	\$4,466,170	\$299,180	\$4,765,350	-3%
College of Engineering & Computing	\$9,657,791	\$2,340,851	\$11,998,642	\$10,482,089	\$2,064,316	\$12,546,405	5%
College of Law	\$554,448	\$0	\$554,448	\$253,622	\$0	\$253,622	-54%
College of Medicine	\$330,020	\$106,787	\$436,807	\$576,297	\$221,832	\$798,128	83%
College of Nursing & Health Sciences	\$3,204,068	\$194,011	\$3,398,079	\$2,402,024	\$233,122	\$2,635,146	-22%
College of Social Work, Justice, & Public Affairs	\$5,342,843	\$1,364,275	\$6,707,119	\$7,213,502	\$1,234,791	\$8,448,292	26%
Division of Finance & Administration	\$147,583	\$0	\$147,583	\$135,775	\$0	\$135,775	-8%
Division of Student Affairs	\$1,675,099	\$86,901	\$1,762,000	\$1,466,223	\$67,838	\$1,534,062	-13%
Division of University Advancement	\$214,306	\$0	\$214,306	\$13,129	\$0	\$13,129	-94%
Honors College	\$12,339	\$0	\$12,339	\$2,617	\$0	\$2,617	-79%
International Hurricane Research Center (IHRC)	\$3,010,536	\$326,007	\$3,336,543	\$3,139,331	\$314,725	\$3,454,056	4%
School of Hospitality & Tourism Management	\$187,441	\$0	\$187,441	\$21,940	\$0	\$21,940	-88%
School of Journalism & Mass Communication	\$213,688	\$37,680	\$251,369	\$210,948	\$23,463	\$234,411	-7%
SERC	\$5,737,945	\$1,427,066	\$7,165,011	\$6,008,381	\$1,265,465	\$7,273,846	2%
Stempel School of Public Health	\$5,735,161	\$1,852,839	\$7,588,001	\$4,451,757	\$1,302,802	\$5,754,559	-24%
<b>TOTAL</b>	<b>\$67,402,536</b>	<b>\$13,955,981</b>	<b>\$81,358,523</b>	<b>\$64,991,229</b>	<b>\$12,406,262</b>	<b>\$77,397,491</b>	<b>-5%</b>

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FINANCE AND AUDIT COMMITTEE**

**11 SEPTEMBER 2008**

**SUBJECT: FIU FOUNDATION REPORT**

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**PROPOSED COMMITTEE ACTION:**

None. Discussion Item.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- FIU FOUNDATION, INC. - FINANCIAL STATEMENTS RECAP & INVESTMENT SUMMARY, JUNE 30, 2008

**FACILITATOR/PRESENTER:**

- NOEL GUILLAMA-ALVAREZ

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**FIU FOUNDATION, INC.**

**FINANCIAL STATEMENTS RECAP  
& INVESTMENT SUMMARY**

**June 30, 2008**

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# FIU FOUNDATION, INC.

## Preliminary Financial Statements Recap Through Year Ended June 30, 2008

*(In Thousands of Dollars)*

	2007-08 12-month <u>Actuals</u>	2007-08 12-month <u>Budget</u>	<u>Variance</u>		2006-07 12-month <u>Actuals</u>
<b>RECEIPTS:</b>					
<u>Contributions:</u>					
University-Wide Scholarships/Programs	\$452	\$313	\$139	[1]	\$660
Endowments	\$12,768	\$11,287	\$1,481	[2]	\$4,936
Building Funds	\$2,052	\$6,649	(\$4,597)	[3]	\$2,667
Colleges, Schools & Centers	\$3,991	\$3,185	\$806	[4]	\$3,853
Athletics Operations	\$584	\$502	\$82	[5]	\$439
Alumni Membership	\$266	\$215	\$51	[6]	\$187
Annual Fund	\$374	\$444	(\$70)	[7]	\$648
<b>Total Contributions</b>	<b>\$20,487</b>	<b>\$22,595</b>	<b>(\$2,108)</b>		<b>\$13,390</b>
<u>Other Revenues:</u>					
MARC Building - Rental Income	\$1,241	\$1,575	(\$334)	[8]	\$1,598
Estimated Investment Returns	(\$5,449)	\$10,083	(\$15,532)	[9]	\$18,531
Administrative Fee	\$0	\$0	\$0		\$2,703
<b>TOTAL RECEIPTS</b>	<b>\$16,279</b>	<b>\$34,253</b>	<b>(\$17,974)</b>		<b>\$36,222</b>
<b>EXPENSES:</b>					
<u>Operational:</u>					
Annual Fund	\$433	\$437	\$4		\$285
Administrative Reserve	\$1,679	\$1,814	\$135	[10]	\$1,659
<b>Total Operational Expenses</b>	<b>\$2,112</b>	<b>\$2,251</b>	<b>\$139</b>		<b>\$1,944</b>
<u>University Programs:</u>					
University-Wide Scholarships/Programs	\$719	\$648	(\$71)	[11]	\$918
Building Funds	\$2,021	\$2,649	\$628	[12]	\$4,546
Colleges, Schools & Centers	\$6,501	\$4,927	(\$1,574)	[13]	\$5,824
MARC Building	\$825	\$884	\$59	[14]	\$805
Athletics	\$1,237	\$400	(\$837)	[15]	\$164
Alumni Programs	\$194	\$162	(\$32)	[16]	\$124
General Reserve	\$353	\$30	(\$323)	[17]	\$23
Administrative Fee	\$0	\$0	\$0		\$2,703
<b>Total University Program Expenses</b>	<b>\$11,850</b>	<b>\$9,700</b>	<b>(\$2,150)</b>		<b>\$15,107</b>
<b>TOTAL EXPENSES</b>	<b>\$13,962</b>	<b>\$11,951</b>	<b>(\$2,011)</b>		<b>\$17,051</b>
<b>Excess of Receipts over Expenses</b>	<b>\$2,317</b>	<b>\$22,302</b>	<b>(\$19,985)</b>		<b>\$19,171</b>

\*Please refer to Appendix A for detailed variance notes.

Florida International University Foundation, Inc.  
Preliminary Performance Summary as of  
June 30, 2008

<i>Fund/Manager/Inception Date</i>	Market Value	% Alloc.	Target Alloc.	Current Month 05/31/2008 - 06/30/2008	Trailing 3 Months 03/31/2008 - 06/30/2008	Calendar YTD 2008 12/31/07 - 06/30/2008	Fiscal YTD 6/30/07 - 06/30/2008	Trailing 3 Year 6/30/2005 06/30/2008	Trailing 5 Year 6/30/2003 06/30/2008	Since Investment Inception
<b><i>Domestic Equity Managed Accounts</i></b>										
<b>Atalanta Sosnoff Large Cap Growth (3/1/06)</b>	\$16,417,062	12.4%	12.5%	-6.1%	2.1%	-13.5%	-7.0%	N/A	N/A	3.8%
Russell 1000 Growth Index				-7.2%	1.3%	-9.1%	-6.0%	5.9%	7.3%	3.8%
<b>Wedge Capital Large Cap Value QVM (12/29/06)</b>	\$15,780,596	11.9%	12.5%	-7.7%	-1.0%	-12.9%	-17.1%	N/A	N/A	-6.1%
Russell 1000 Value Index				-9.6%	-5.3%	-13.6%	-18.8%	3.5%	8.9%	-9.3%
<b>Advisory Research Small Cap Value (6/1/01)</b>	\$7,391,710	5.6%	5.0%	-6.4%	0.4%	-5.2%	-13.3%	5.4%	15.1%	12.4%
Russell 2000 Value				-9.6%	-3.6%	-9.8%	-21.6%	1.4%	10.0%	8.5%
<b>IronBridge Small Cap Core Equity (12/2/03)</b>	\$7,403,520	5.6%	5.0%	-7.5%	4.5%	-4.1%	-5.7%	9.4%	N/A	9.5%
Russell 2000 Small Cap Index				-7.7%	0.6%	-9.4%	-16.2%	3.8%	10.3%	6.2%
<b><i>International Equity Managed Accounts</i></b>										
<b>Julius Baer International Equity Fund (12/2/03)</b>	\$10,780,490	8.2%	7.5%	-7.7%	-2.5%	-11.4%	-8.0%	17.8%	N/A	18.0%
MSCI EAFE Index				-8.2%	-1.9%	-10.6%	-10.2%	13.3%	17.2%	14.3%
<b>ING International Value A (6/1/01)</b>	\$6,707,218	5.1%	7.5%	-9.6%	-1.4%	-13.3%	-14.7%	11.5%	16.7%	8.4%
MSCI EAFE Index				-8.2%	-1.9%	-10.6%	-10.2%	13.3%	17.2%	8.1%
<b>TOTAL EQUITY INVESTMENTS</b>	<b>\$64,480,595</b>	<b>48.8%</b>	<b>50.0%</b>							
<b><i>Core Fixed Income Managed Accounts</i></b>										
<b>SCM Advisors Enhanced Core Fixed (6/1/01)</b>	\$9,841,848	7.4%	7.5%	0.3%	-0.8%	0.2%	5.3%	3.6%	3.8%	5.3%
Lehman Brothers Aggregate Index				-0.1%	-1.0%	1.1%	7.1%	4.1%	3.9%	5.4%
<b>Hillswick Asset Management (6/1/01)</b>	\$5,494,342	4.2%	3.0%	1.0%	-1.9%	2.0%	11.0%	4.2%	4.2%	6.3%
Lehman Brothers Aggregate Index				-0.1%	-1.0%	1.1%	7.1%	4.1%	3.9%	5.4%
<b>Brandywine Global Opp Bond (1/1/08)</b>	\$3,570,260	2.7%	2.5%	-1.5%	0.1%	2.0%	N/A	N/A	N/A	2.0%
Citigroup World Gov't Bond Index				0.5%	-4.2%	5.0%	17.0%	6.2%	6.4%	5.0%
<b><i>Common Fund &amp; Gift Annuity Accounts</i></b>										
<b>Common Fund Short Term Bond (6/1/85)*</b>	\$7,074,657	5.3%	5.0%	0.2%	0.4%	1.3%	4.5%	5.2%	3.9%	5.4%
90 Day T-Bills				0.1%	0.4%	1.1%	3.3%	4.1%	3.1%	4.8%
<b>SunTrust Balanced Annuity Account (10/22/03)</b>	\$556,336	0.4%	N/A	-5.1%	-1.2%	-6.3%	-3.8%	3.0%	N/A	4.5%
70% Lehman Aggregate / 30% S&P 500				-2.6%	-1.4%	-2.8%	0.9%	4.3%	N/A	5.2%
<b>TOTAL FIXED INCOME INVESTMENTS</b>	<b>\$26,537,443</b>	<b>20.1%</b>	<b>18.0%</b>							
<b><i>Alternative Investments</i></b>										
<b>Crystal Associates Topaz Fund (3/1/02)</b>	\$10,719,440	8.1%	5.5%	-0.4%	-0.4%	-3.2%	-6.9%	5.1%	6.6%	7.5%
Lehman Brothers Aggregate Index				-0.1%	-1.0%	1.1%	7.1%	4.1%	3.9%	5.0%
<b>Ironwood Partners (03/01/04)</b>	\$8,973,124	6.8%	5.5%	0.0%	2.5%	-1.3%	0.1%	8.5%	N/A	7.7%
Lehman Brothers Aggregate Index				-0.1%	-1.0%	1.1%	7.1%	4.1%	3.9%	0.8%
<b>Ironwood Partners (NDM Gift) (08/01/05)</b>	\$2,405,454	1.8%	N/A	0.0%	2.5%	-1.3%	0.2%	N/A	N/A	8.2%
Lehman Brothers Aggregate Index				-0.1%	-1.0%	1.1%	7.1%	4.1%	3.9%	4.2%
<b>Collins Capital (3/1/07)</b>	\$4,889,100	3.7%	5.5%	0.7%	6.1%	3.6%	11.8%	N/A	N/A	16.2%
<b>Titan Advisors (3/1/07)</b>	\$4,573,099	3.5%	5.5%	-1.4%	4.0%	1.3%	6.5%	N/A	N/A	10.8%
50% S&P 500/ 50% Leh Agg				-4.3%	-1.8%	-5.4%	-3.2%	4.4%	5.9%	0.1%
<b>DTC Private Equity (\$5 Million Commitment)</b>	\$1,700,000	1.3%	5.0%							
<b>Citigroup Global RE Alpha Fund (1/1/08)</b>	\$3,010,432	2.3%	2.5%	-11.6%	-8.0%	-14.0%	N/A	N/A	N/A	-14.0%
FTSE EPRA / NAREIT Global Real Estate Index				-11.8%	-8.6%	-13.7%	-19.7%	8.3%	17.9%	-13.7%
<b>Deutsche Bank Liquid Comm. Fund (1/1/08)</b>	\$4,950,107	3.7%	2.5%	10.4%	25.3%	41.4%	N/A	N/A	N/A	41.4%
<b>TOTAL ALTERNATIVE INVESTMENTS</b>	<b>\$41,220,756</b>	<b>31.2%</b>	<b>32.0%</b>							
<b>TOTAL FUND</b>	<b>\$132,238,794</b>	<b>100.0%</b>	<b>100.0%</b>							

\*These are short-term liquid funds

**Variance Notes:**

[1] Approximately \$60,000 in excess donations of what was expected were received in support of the First Generation Scholarship program. In addition, there were unanticipated donations in support of three university-wide scholarships.

[2] Receipt of new endowed gifts and collection of past due gifts totaling approximately \$1.5 million combined resulted in an excess of endowed revenues over the budgeted amount.

[3] An expected \$5 million gift in support of Tropical Botany was not received. The negative variance was slightly offset by unanticipated donations made in support of the College of Nursing & Health Sciences Building in excess of \$200,000.

[4] There is a favorable variance of \$759,000 for Colleges, Schools & Centers, which is comprised of various collections. Four unbudgeted donations were received by the Division of Student Affairs: \$100,000 in support of the Disabilities Resource Center, \$117,000 for Career Planning & Placement, \$38,000 toward the blood drive and \$25,000 in support of scholarships. In addition, approximately \$280,000 in unbudgeted receipts, mainly in support of the Biomedical program, were received by the College of Engineering & Computing. A new gift in the amount of \$100,000 was also received in support of University Advancement. Finally, donations in excess of \$100,000 of the amount expected in support of the Hospitality Management Dean's Discretionary account were received.

[5] The annual revenue budget for Athletics was exceeded primarily as a result of coaches' involvement in fund-raising.

[6] Revenues collected from the alumni calling campaign exceeded expectations.

[7] The negative variance in Annual Fund revenues was a result of shortfalls in the collection of Annual Giving donations, Board of Directors and President's Council dues, and merchandise royalties. Approximately \$15,000 in Annual Giving revenues were collected after June 30<sup>th</sup> due to delays in the launching of several Annual Giving campaigns. The delays were caused by data clean-up and the re-organization of prospect research & management strategies. In addition, approximately \$16,000 raised by the Annual Giving program was credited to various areas other than the Annual Fund per the donors' designation. Uncollected Board dues from previous years totaling \$21,250 were written off, and an additional \$15,000 related to current year resignations were not collected. Approximately \$8,000 in membership dues for the President's Council that were due in May and June were received in July and August (part of the new fiscal year) as a result of delays in billing. Adjustments have been made to the billing systems so that membership dues are billed 2 months prior to their due date. Finally, merchandise royalties for the 4<sup>th</sup> quarter in the amount of \$16,000 were not received.

[8] The negative variance is a result of the vacancies on the first and second floors of the MARC building created by the College of Business' move to the new Business Building.

[9] Upon the recommendation of Consulting Services Group (CSG) and further reduction by the Board's Investment Committee, investment returns were budgeted at 7.5% for the 2007-08 fiscal year. Current fiscal year-to-date losses total approximately 4.1%, or \$5.3 million.

[10] The positive variance of \$135,000 in Administrative Reserve expenses was a result of implementation cost savings in Foundation Operations related to the treasury work station; savings in lobbying expenses due to delays in the RFP process to hire lobbyists; and a lower default rate on hurricane loans.

[11] An excess of \$90,000 in matching funds for First Generation Scholarships were received and used to award additional scholarships. The negative variance was slightly offset by savings from several university-wide scholarship accounts with university balances from previous years that did not require the budgeted amounts to be transferred to the university.

[12] Building Fund expenses are budgeted based on expected matching funds from the Courtelis program. Included in the Building Funds expense budget was \$300,000 in equipment funds for Hospitality Management, which also qualifies for this type of match, however the expense was made out of a Hospitality Management account, not a Building Fund account. In addition, an excess of \$300,000 budgeted for the IHRC Wall of Wind will remain unspent because expenses associated with this facility were funded by Sponsored Research instead.

[13] There is an unfavorable variance of approximately \$1.5 million for Colleges, Schools & Centers, which is comprised of various unbudgeted program expenses. Numerous departments resorted to using Foundation funds as a direct result of the University's budget crisis. The additional expenses were funded by excess revenues and/or existing balances in the colleges.

[14] There were savings related to repairs and maintenance for the MARC building.

[15] Athletics supplemented its University budget with unrestricted Foundation funds, which were available from previous year balances.

[16] Expenses related to the alumni calling campaign were higher than anticipated. The added expenses are being offset, however, by additional revenues being generated by the campaign.

[17] Of the total General Reserve expenses, \$27,000 is related to banking fees. The remaining \$325,776 is related to the university's \$4.3 million supplemental disbursement. Since the request was approved by the Board in November 2007, related expenses were not included in the budget. The unspent balance has been included in the 2008-09 expense budget for the General Reserve.

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FINANCE AND AUDIT COMMITTEE**

**11 SEPTEMBER 2008**

**SUBJECT: MASTER PLAN UPDATE AND CONSTRUCTION FINANCING**

---

**PROPOSED COMMITTEE ACTION:**

None. Discussion item.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- NONE

**FACILITATOR/PRESENTER:**

- VIVIAN SANCHEZ
- JOHN MILLER

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FINANCE AND AUDIT COMMITTEE**

**11 SEPTEMBER 2008**

**SUBJECT: CFO & ADMINISTRATION UPDATE**

---

**PROPOSED COMMITTEE ACTION:**

None. Discussion item.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- CFO & ADMINISTRATION UPDATE

**FACILITATOR/PRESENTER:**

- VIVIAN SANCHEZ

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# **CFO & Administration Update**

## **FINANCIAL PERFORMANCE**

### **Financial Statements**

Preliminary Un-audited Financial Statements for the period ending June 30, 2008 will be distributed at the meeting.

### **Budget Variance Analysis**

Refer to following page.

(\$ in millions)

	Year To Date June 30, 2008				
	Budget	Adjusted Budget <sup>2</sup>	Current Year Actual	Variance \$	%
<b>Revenues</b>					
Educational and General (net) <sup>2</sup>	351.7	342.2	345.7	3.5	1%
Auxiliary Enterprises	118.4	118.4	116.2	(2.1)	-2%
Sponsored Research	86.4	86.4	85.8	(0.6)	-1%
Student Scholarships	72.7	72.7	73.2	0.5	1%
Concessions	0.5	0.5	0.3	(0.1)	-41%
Intercollegiate Athletics	17.9	17.9	18.0	0.1	1%
Activities and Service	11.1	11.1	11.1	0.0	0%
FIU Foundation Inc	34.3	34.3	16.3	(18.0)	-110%
FIU Research Foundation	0.0	0.0	0.0	0.0	0%
Interfund Adjustments <sup>3</sup>	(11.4)	(11.4)	(11.5)	(0.1)	1%
<b>Total University Revenues</b>	<b>681.5</b>	<b>672.0</b>	<b>655.3</b>	<b>(16.8)</b>	<b>-3%</b>
<b>Expenses</b>					
E&G	351.9	340.9	318.6	(22.4)	-7%
Auxiliary Enterprises	98.8	98.8	94.9	(4.0)	-4%
Sponsored Research	85.7	85.7	83.8	(1.9)	-2%
Student Scholarships	72.4	72.4	70.6	(1.8)	-3%
Concessions	0.4	0.4	0.3	(0.1)	-27%
Intercollegiate Athletics	19.1	19.1	17.6	(1.6)	-9%
Activities and Service	10.7	10.7	10.8	0.2	1%
FIU Foundation Inc	11.9	11.9	14.0	2.1	15%
FIU Research Foundation	0.3	0.3	0.2	(0.1)	-72%
Interfund Adjustments	(11.4)	(11.4)	(11.5)	(0.1)	1%
<b>Total University Expenses</b>	<b>639.9</b>	<b>628.9</b>	<b>599.3</b>	<b>(29.6)</b>	<b>-5%</b>
Principal Payment of debt <sup>4</sup>	<b>7.8</b>	<b>7.8</b>	<b>7.8</b>	<b>(0.1)</b>	<b>-1%</b>
<b>Change in Net Assets</b>	<b>33.8</b>	<b>35.3</b>	<b>48.2</b>	<b>12.9</b>	<b>30%</b>

**Notes:**

<sup>1</sup> The financials presented above reflects the state budgeting methodology which differs from full accrual Financial Statements. The following have the most significant impact:

- **Depreciation of Assets:** For budgeting purposes equipment purchases are fully expensed in their acquisition year, therefore depreciation is not included in the budget.
- **Payables:** The E&G budget expenses include year end commitments (encumbrances) even though they have not yet been invoiced
- **Unrealized gains and losses:** The investment results are recognized as revenues in the budget however GASB accounting principles require that if be recorded as an expense.

<sup>2</sup> E&G revenues are net of waivers and uncollectible amounts. Adjusted budget accounts for state reductions of \$9.5M

<sup>3</sup> Interfund transfers have been included resulting in higher revenue and expenses by fund allowing for an individual fund performance analysis. The interfund adjustments above eliminate this double counting. However, interfund transactions such as tuition funded by scholarships and auxiliary services provided to other units have not been eliminated. Since revenues and expenses are equal, the interfund adjustments are the same for both.

<sup>4</sup> Principal payment of debt reflected above per BOG requirement that debt service payments be shown on a cash basis

## **COLLEGE OF MEDICINE**

The Florida International University College of Medicine continues to make considerable progress towards opening in the fall of 2009. In July, the Liaison Committee on Medical Education (LCME) reviewed and provided feedback on the progress report that was submitted in April. The College was notified that the survey for provisional accreditation will be scheduled when the charter class is in the second year of the curriculum. A second curriculum planning retreat was held in August 2008 to continue development of the second and third year curriculum. As reported in the last update, the first year curriculum has been finalized.

The College of Medicine's Office of Student Affairs has received approximately 1600 applications to date for the inaugural class of 40 students. Additional prospects continue to apply on a daily basis. The College will begin conducting applicant interviews in August. The Admissions Committee, chaired by Dan Castellanos, PhD, Assistant Professor of Cell Biology and Pharmacology, will begin meeting in September to review applicants for decision.

The FIU Health Care Network (HCN) held its first organizational meeting July 7<sup>th</sup>, 2008 whereby a presentation of operational and strategic progress to date was provided to the board members of the HCN. A business plan is in development.

The College continues to build infrastructure in the Library and Information Technology departments in close coordination with University Technology Services and the University Library. The College of Medicine data center, which is operational, will house the SharePoint server program for use by the faculty, staff and incoming students of the College. Two new recruits will join the College of Medicine library as it continues to prepare for the incoming class. The candidates of Head Knowledge Resource Development and Head Learning and Information Services will assume their roles in September.

## **INFORMATION TECHNOLOGY**

### **PantherSoft (PeopleSoft) Upgrade**

Due to the discontinuation of support for PantherSoft (PeopleSoft) Student Administration (SA) 8.0 from the vendor Oracle, an upgrade to PeopleSoft Campus Solutions 9.0 began in July 2007. This upgrade, which is slated for completion in November 2008, includes the addition of two user-friendly applications for our students, a degree audit system and an application management system. These two additional programs will make it easier for students to apply for admission and to monitor their degree completion status. This project at 75% completion is on schedule and under budget.

Oracle has also dropped support for PantherSoft (PeopleSoft) Financials version 8.4; therefore, we have begun the upgrade to PeopleSoft Financials version 9.0. In conjunction with this upgrade, we are implementing PeopleSoft Grants and Contracts 9.0, which will provide essential tools for managing research and grant funds. The Office of Sponsored

Research Administration, along with faculty researchers, will be the primary users of the new PeopleSoft Grants and Contracts 9.0. We plan to complete the upgrade of PeopleSoft Financials 8.4 and implementation of PeopleSoft Grants and Contracts 9.0 in July of 2009.

## **FACILITIES & CONSTRUCTION**

On July 28, the university reverted to its core operating hours after seven weeks on a 10-hour-day schedule. Four-day-workweeks were implemented as an energy-saving initiative. Facilities Management is in the process of reviewing actual savings realized.

The following is an update of major construction projects:

### Projects Substantially Complete

- Frost Art Museum – Architect continues to address lighting issues and implementation is on-going. Building is going through warranty period. Formal grand opening scheduled for November 2008 as part of Art Basel.

### Projects Under Construction

- Football Stadium – \$33.9M Project cost. Project on schedule and within budget. Both the artificial playing surface and the scoreboard have been squeezed into the project beyond the original scope. Critical path is the scoreboard for target completion by first football home game. Construction 90% complete. Delivery date for the field-house shifted to July 2009.
- College of Nursing and Health Sciences – \$46M Project cost. Contract executed. Target completion date is December 2009 with a move in date that same month.
- Wolfe University Center (BBC) – \$909K Construction and design costs. Construction work at Food Court “build out” is 80% complete. Equipment arrival is scheduled to begin week of August 4<sup>th</sup>. Completion target is the Fall 2008 semester.

### Projects Under Design

- International Studies – \$22.3M Project cost. Design Development phase to be completed end of August. Due to the complex architectural design of the building, FIU has decided to change from a design-bid-build (“hard bid”) delivery method to a design-CM delivery method. Delivery date scheduled for October 2010.
- International Hurricane Research Center – \$15M Project cost. FIU’s Office of General Counsel and Facilities Management Department/Construction have developed a final A/E contract, negotiation with Architectural firm is ongoing. Delivery date: December 2010.
- Public Health Partnership - \$47.3M Project cost. This project is a collaborative partnership that will co-locate the FIU Stempel School of Public Health and the Miami-Dade County Department of Health. The FIU portion of the project costing \$23.3M is funded through PECO. The Department of Health (DOH) portion of the

- project costing \$24M will be funded by a long-term lease with DOH that will be used to secure debt to construct the facility. The project is in the programming phase and debt proposal will be brought to the BOT for approval. Target delivery date: December 2011.
- Science Classroom Complex - \$50M Project cost. This project was previously combined with the Graduate Classroom Project but will now be constructed as a stand-alone facility. The program for the facility is being adjusted to reflect the \$50M scope and the project is in the Architect selection phase. Target delivery date: December 2011.
  - Parking Garage 5/Public Safety – \$45M Project cost. Program verification and conceptual schematic phase with revised budget was submitted July 29, 2008. FIU review and comments due to A/E mid August. The debt funding proposal will be presented to the BOT for approval.
  - Housing – Preliminary program/ budget discussion are on-going to develop scope, schedule and delivery. Target delivery date for graduate housing: Fall 2011
  - Parking Garage 6 – Scope and feasibility studies are underway.

## **UNIVERSITY OPERATIONS**

As a result of the Market Match demand analysis conducted by Aramark, renovations of several food venues are being completed. These enhancements will improve efficiencies for Dining Services and ultimately yield higher revenues for the University. The following improvements are all scheduled to be implemented by early Fall 2008:

### Graham Center

- Expansion of Subway creating an additional service line
- Extension of the pick-up area for Burger King to increase speed of service
- Expansion of seating area in Atrium to improve service of dining area

Additional recommendations enhancing Dining Services are pending approval.

### **Pending Construction:**

The Biscayne Bay Dining Facility is in the final development phase. The equipment for the facility is currently being installed and marketing initiatives have begun. The new facility will include four new dining options at a more central location on campus providing easy access for the students, faculty and staff. The expected opening is Fall 2008.

### **Pending Contracts:**

Travel Request for Proposal (RFP) - Responses to the Travel RFP have been received and will be evaluated by a committee with the first committee meeting scheduled for the month of August.

The Copier Evaluation Committee has submitted a recommendation to the University Chief Financial Officer for final approval for a new contract.

**Other Business:**

- Cellular Phone Kiosk RFP – under review by Purchasing
- Hair & Nail RFP – under review by Purchasing
- DVD Rental RFP – in preparation
- Bus shelter advertising units – in preparation

**HUMAN RESOURCES**

The Division of Human Resources has established goals around key priorities that include enhancing customer service, improving processes and practices, and managing performance. The Division is working diligently to redesign recruitment and compensation processes that will expedite employment-related actions. New processes will be communicated to the university community by November 2008. Efforts are underway to create a user-friendly performance management system set to go into effect in June 2009. Revamping our current performance management model is important in developing employees, recognizing top performers, and aligning pay and performance goals.



## Florida International University

Office of the President

August 1, 2008

Dr. Mark Rosenberg  
Chancellor  
Board of Governors  
325 W. Gaines Street  
Tallahassee, FL 32399-1950

Dear Dr. Rosenberg:

We are pleased to transmit the Florida International University 2009-10 Fixed Capital Outlay Legislative Budget Request. The FIU Board of Trustees unanimously approved the Legislative Budget Request at their June 12th, 2008 meeting.

The 2009-10 Legislative Budget Request continues important projects that are underway and initiates several critical and essential new projects. Project priorities identified in the 5-year CIP request are consistent with the approved 3-year PECO priority list, the Campus Master Plan and the Educational Plant Survey. The Projects were developed in accordance with the guidelines established by the State University System.

Facilities Infrastructure/Capital Renewal, per the SUS guidelines, is again a top priority. System upgrades, renovations and expansions continue to be required throughout the University. Additionally, consistent with SUS guidelines, the Remodeling/Renovation of Existing Educational Space is a top Florida International University priority.

The FY 2009-10 Legislative Budget Request, per SUS Guidelines, also includes the continuation/completion of funding for previously approved projects. Three FIU projects are included in this category:

- Student Academic Support Center - The Legislature approved \$2,500,000 for this project in the 2008-09 Session for the design and engineering of this important and critically needed facility. The 2009-10 Budget Request includes funding for construction of the Center.



- Public Safety Building Supplement - The new Public Safety Building, previously approved by the State, is under final design. The design of the facility will include approximately 4,000 GSF of supplemental space not previously funded. This additional space is essential given the expanding role of campus security in light of recent incidents across the nation.
- Social Sciences – Phase I Completion - The Social Sciences Building has also been previously approved by the State and is under final design. The University, in its efforts to improve classroom utilization, has increased emphasis on the large classrooms included in this project. The increased costs associated with these large classrooms and auditorium have been beyond the amounts originally budgeted and there is only sufficient funding to complete shell space on the third and fourth floors of the building. This funding request will be used to complete construction.

The Legislative Budget Request also includes new projects not previously funded that are essential to the University's ability to continue and enhance critical SUS and University priorities:

- Satellite Chiller Plant Expansion – The chilled water system of the University is at capacity. The growth of the Academic Health Science Center area in the northeast quadrant of the University Park Campus will utilize all of the capacity included in the project funded by the State in 2008-09 and an additional chiller is required to meet the needs of the campus. The use of chilled water, which is extremely cost effective and environmentally desirable, is an essential component of the Presidents Climate Control Commitment and environmental sustainability.
- Humanities Center (Arts & Sciences) - This project includes a new Humanities Center for the College of Arts and Sciences. The College of Arts and Sciences is experiencing continued growth and current facilities are not adequate to meet current or projected needs. The College of Arts and Sciences embraces nearly half the student body at FIU and awards close to 40% of all degrees. Arts & Sciences touches almost every student at some point in their education and offers 72 degree programs.

The Humanities Center will be an integral part of the College. The provision of adequate facilities for these core classes is integral to meeting current needs and is an essential element of the University's strategy to retain students and increase graduation rates. The Center will include classrooms, teaching laboratories, study areas and offices and will house a range of programs including English, Modern Languages, History, Linguistics, Asian Studies and Philosophy and will work in concert with other programs in the College.



- Science Laboratory Complex - To support current demands and expanding science programs, Florida International University is in need of considerable science specific classrooms, teaching laboratories, research laboratories and offices. Existing facilities are severely inadequate to meet University needs.

This facility will provide critically needed classrooms, laboratories and offices to address existing shortfalls and to meet the educational and research needs of the University. The Science Laboratory Complex is an essential element in the FIU/State University System Strategic Plan to meet statewide professional and workforce needs in the science area.

- Classroom/Office (Biscayne Bay Campus) - Current facilities at Biscayne Bay Campus are insufficient to meet existing needs. Additionally, enrollment and expanding programs have caused additional pressure on the available classroom, laboratory, and office inventory. This campus is home to various administrative departments, centers, institutes, and schools, including the Schools of Hospitality Management and Journalism & Mass Communication. In addition, other schools and colleges such as Arts & Sciences, Business Administration, Education, and Nursing have departmental offices and/or full academic programs at Biscayne Bay. The severe space shortages are also impacting other administrative support units such as Admissions, Financial Aid, Registration & Records

This request will provide critically needed space for the existing programs at Biscayne Bay Campus and enable that campus to keep up with student program requirements. The provision of courses at BBC is an essential element of the University's strategy to increase retention and graduation rates. Additionally, there is a specific concern and priority at BBC concerning increasing accreditation requirements and resulting educational space needs for signature programs such as Journalism and Mass Communication.

The FY 2009-10 Legislative Budget Request also includes important and essential Facilities Enhancement Challenge Grant (FEGC – Courtelis) projects. As included in the revised guidelines, the donor funds for all of these projects have been received by the University. Additional projects are anticipated to be added to this request at the December 31, 2008 update. The Courtelis Legislative Budget Requests include vital and essential projects including: the School of Law; the International Hurricane Research Center Wall of Wind; the School of Nursing; the Carnival Student Center at the School of Hospitality Management; an Engineering Center Testing Laboratory; the School of Hospitality Management Beverage Research Center; the Graduate School of Business and the Frost Art Museum.

Finally, this transmittal includes Fixed Capital Outlay Projects Requiring Legislative Approval to be Constructed, Acquired or Financed by a University or University Direct Support Organization with Approved Debt Authorized by the Board of Governors and

also Fixed Capital Outlay Projects Requiring Legislative Authorization and General Revenue Funds to Operate and Maintain.

This request has been prepared pursuant to sections 216.0158, 216.043 and 1013.64, Florida Statutes.

We appreciate your support as we build for the future of Florida International University.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Modesto A. Maidique', with a long horizontal flourish extending to the right.

Modesto A. Maidique  
President

Enclosures

CC: C. Kinsley, BOG  
S. Goldstein, BOG

FLORIDA BOARD OF GOVERNORS  
Capital Improvement Plan (CIP-2) and Legislative Budget Request  
Period: 2009-2010 through 2013-2014  
Florida International University Board of Trustees

	Project	2009-10	2010-11	2011-12	2012-13	2013-14
1	FACILITIES INFRASTRUCTURE /CAPITAL RENEWAL - UW (P,C,E)	\$10,500,000	\$10,500,000	\$10,500,000	\$10,500,000	\$10,500,000
2	STUDENT ACADEMIC SUPPORT CENTER - UP(C,E)(C,E)	\$21,524,403	\$6,863,023			
3	REMODEL./RENOV. OF EXIST. EDUC. SPACE - UW (P,C,E)(P,C,E)(P,C,E)	\$3,000,000	\$3,000,000	\$7,013,740		
4	PUBLIC SAFETY BUILDING SUPPLEMENT - UP ( P,C,E )	\$2,066,879				
5	SOCIAL SCIENCES - Phase I Completion - UP ( P,C,E )	\$5,600,000				
6	SATELLITE CHILLER PLANT EXPANSION - UP (P,C,E)	\$7,000,000				
7	HUMANITIES CTR., (ARTS & SCIENCES) - UP (P,C)( P,C,E )(C,E)	\$7,516,786	\$11,638,483	\$14,658,753		
8	SCIENCE LABORATORY COMPLEX - UP (P,C)(P,C )(C,E)	\$4,009,540	\$26,038,158	\$31,120,536		
9	CLASSROOM/OFFICE, (ACADEMIC IV) - BBC (P,C)(C,E)(C,E)	\$4,021,684	\$22,002,134	\$5,294,897		
10	CONSTR. MGT. & ENGINEERING EXPANSION - EC (P,C)(P,C)(C,E)		\$1,051,653	\$11,079,405	\$2,092,137	
11	TRAINING COMPLEX (HUMAN RESOURCES) - UP (P,C)(P,C,E)			\$1,508,400	\$16,489,908	
12	HONORS COLLEGE - UP (P,C)(P,C)(C,E)			\$2,014,449	\$15,974,213	\$2,173,393
13	GRADUATE SCHOOL OF BUSINESS, Phase II - UP (P,C)(C,E)				\$9,465,373	\$30,567,739
14	SOCIAL SCIENCE, Phase II - UP (P,C)(C,E)				\$11,055,972	\$17,590,779
	<b>TOTAL PECO REQUEST</b>	<b>\$65,239,290</b>	<b>\$81,093,450</b>	<b>\$83,190,179</b>	<b>\$65,577,602</b>	<b>\$60,831,911</b>
15	COLLEGE OF LAW BR-832, UP (E)	\$177,378				
16	IHRC- WALL OF WIND TESTING FACILITY- PH. II, UP (E)	\$50,000				
17	COLLEGE OF NURSING & HEALTH SCIENCES (MOLECULAR BIOLOGY)/HEALTH SCIENCES LABORATORY CLINIC, UP (E)	\$29,091				
18	HOSPITALITY MANAGEMENT - CARNIVAL STUDENT CENTER, BBC (P,C,E)	\$500,000				
19	ENGINEERING CENTER- LAB REMODELING AND EXPANSION, UP (E)	\$25,000				
20	HOSPITALITY MANAGEMENT - BEVERAGE MANAGEMENT CENTER, BBC (P,C,E)	\$316,000				
21	GRADUATE SCHOOL OF BUSINESS- PHASE I, UP (E)	\$83,013				
22	PATRICIA AND PHILLIP FROST ART MUSEUM, UP BR-839 (E)	\$5,000				
	<b>TOTAL CHALLENGE GRANT REQUEST</b>	<b>\$1,008,104</b>				

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FINANCE AND AUDIT COMMITTEE**

**11 SEPTEMBER 2008**

**SUBJECT: ATHLETICS UPDATE**

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**PROPOSED COMMITTEE ACTION:**

None. Discussion Item.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- ATHLETICS UPDATE

**FACILITATOR/PRESENTER:**

- PETE GARCIA

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# Athletics Update

## FUNDRAISING UPDATE

Based upon the FIU Foundation, Inc. Preliminary Income Statement Recap – provided by the FIU Foundation, Inc. Controller's Office, Athletics surpassed the Revenue budget by \$63k or 13% for the year. See below table.

### FIU Foundation, Inc. Preliminary Income Statement Recap Through Year Ended June 30, 2008

	2007-08 Actual	2007-08 Budget	Variance	2006-07 YTD Actual
Revenue	\$565k	\$502k	\$63k	\$439k

## STADIUM REVENUE UPDATE

### FIU Athletics Finance Corporation Update as of 08/14/08

	2008/09 Budget	YTD Actual (Deferred Revenue)
Operating Revenue	731,535	155,738
Premium Seating	583,500	435,435
Sponsorship	384,500	-
Naming Rights - Net	857,500	-
Conference Revenue	300,000	300,000
Fundraising - Contracted Commitments	580,600	481,400
Athletic Support	655,000	655,000
<b>Total Revenues</b>	<b>\$ 4,092,635</b>	<b>\$ 2,027,573</b>

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FINANCE AND AUDIT COMMITTEE**

**11 SEPTEMBER 2008**

**SUBJECT: TREASURY REPORT**

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**PROPOSED COMMITTEE ACTION:**

None. Discussion Item.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- TREASURY REPORT

**FACILITATOR/PRESENTER:**

- JOHN M. MILLER

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**Board of Trustees  
Treasury Report  
September 11, 2008**

**Investment Performance June 30, 2008**

The domestic and international equity markets continued to experience difficult times, as represented by losses of 13.1% for the S&P 500, 16.2% for the Russell 2000, and 10.6% for EAFE in the fiscal year ended June 30, 2008. Valuations were impacted by the continuing downturn in housing, liquidity crisis in banking and the added effect of large spikes in oil prices. These negative returns were offset with positive results in most fixed income categories. During the same period, the University Operating Pool had a positive return of 2.3%, below its benchmark return of 3.4%. Negative returns across all equity and hedge fund accounts was offset with positive returns in fixed income and cash accounts, in line with market conditions.

The biggest contributors to the negative relative performance were the domestic equity portion of the portfolio (5.5% allocation) with a loss of 16.1% versus the benchmark loss of 12.5% and the international equity portfolio (3.5% allocation) with a loss of 12.8% versus the benchmark loss of 10.6%. On the positive side, the allocation to Treasury Inflation Protected Securities (TIPS) through Northern Trust returned 15.7% for the ten months reflecting the flight to treasuries and general strength in high grade fixed income.

Strong University cash flow helped increase the Total Pool balance to \$221.7 million at June 30, 2008 reflecting seasonal cash inflows. This is \$49.1 million ahead of balances at June 30, 2007 of \$172.6 million.

During June, certain changes in the portfolio approved by the Investment Committee were completed. Following very strong returns for the year in the TIPS portfolio and resulting growth in the allocation, the Committee reduced the TIPS allocation by \$3 million, reallocating the funds to the High Yield Bond account. Shortly after June 30, Lotsoff Small Cap was replaced with C.S. McKee, due to underperformance, and AllianceBernstein was added as an active international manager, replacing the passive Northern Trust EAFE index.

Continued weakness in the markets and the economy in general are resulting in negative returns in the equity markets, and the potential for inflation is making the bond market nervous. The portfolios heavy allocation to cash and fixed income is providing welcome relief during these times.

**Florida International University  
Performance Summary as of  
June 30, 2008**

<u>Fund/Manager/Inception Date</u>	<u>Market Value</u>	<u>% Allocation</u>	<u>Target Allocation*</u>	<u>Current Month</u>	<u>YTD</u>	<u>Fiscal YTD</u>	<u>Since Inception</u>
<b>Total Combined Pool</b> Benchmark Index	\$ 221,700	100.0%	100.0%	-0.8% -1.2%	0.2% 0.4%	2.3% 3.4%	4.5% 5.2%
<b>Cash Equivalent</b> 91-Day Treasury Bill	\$ 106,251	47.9%	70.0%	-1.9% -1.8%	-1.1% 0.1%	1.2% 3.4%	5.0% 5.8%
<b>Total Combined Pool less Cash Equivalents (3/31/06)</b> Benchmark Index	\$ 115,449	52.1%	30.0%	0.2% 0.2%	1.7% 1.2%	3.9% 3.6%	4.6% 4.5%

*\*Target Allocation based on market value of \$165 million. Excess market value over \$165 million (\$56.7 million at 6-30-08) is allocated to cash equivalents in the Working Capital Pool, causing the variations in allocation.*

Florida International University  
Performance Summary as of  
June 30, 2008

<u>Fund/Manager/Inception Date</u>	<u>Market Value</u>	<u>% Allocation</u>	<u>Target Allocation*</u>	<u>Current Month</u>	<u>YTD</u>	<u>Fiscal YTD</u>	<u>Since Inception</u>
<b>SPIA Account (3/31/06)</b> 91-Day Treasury Bill	\$ 106,229	47.9%	30.0%	0.2% 0.2%	1.5% 1.2%	4.1% 3.6%	4.7% 4.5%
<b>SBA-LGIP Account (9/30/06)</b> 91-Day Treasury Bill	\$ 22	0.0%	0.0%	0.0% 0.2%	0.7% 1.2%	2.6% 3.6%	3.8% 4.3%
<b><u>FIXED INCOME COMPOSITE (3/31/06)</u></b> Benchmark Index	\$ 66,974	30.2%	38.5%	0.3% 0.3%	2.3% 2.3%	7.3% 8.6%	6.1% 6.8%
<b>BlackRock HY Bond (3/31/06)</b> ML High Yield Master II	\$ 8,792	4.0%	3.5%	-1.5% -2.7%	-1.0% -1.3%	-2.3% -2.1%	4.7% 4.2%
<b>Northern Trust TIPS (6/30/06)</b> Lehman U.S. TIPS	\$ 22,539	10.2%	14.0%	1.8% 1.5%	5.3% 4.9%	15.7% 15.1%	9.7% 9.4%
<b>Prudential Core Fixed (11/30/07)</b> Lehman Aggregate	\$ 35,643	16.1%	21.0%	-0.2% -0.1%	1.0% 1.1%	-- --	1.0% 1.1%
<b><u>HEDGE FUNDS</u></b>							
<b>Aetos Alternatives Mgmt. (4/31/06)</b> CPI + 3.25%	\$ 23,530	10.6%	14.0%	-0.2% 1.3%	-0.2% 5.9%	0.7% 8.5%	6.5% 7.3%
<b><u>REIT's</u></b>							
<b>Urdang REIT (6/30/06)</b> NAREIT Equity	\$ 5,052	2.3%	3.5%	-10.7% -10.9%	-2.2% -3.6%	-10.4% -13.7%	0.4% -1.4%
<b><u>DOMESTIC EQUITY COMPOSITE (3/31/06)</u></b> DJ Wilshire 5000	\$ 12,193	5.5%	8.8%	-8.8% -8.2%	-12.5% -10.9%	-16.1% -12.5%	-3.7% 1.5%
<b>Northern Trust S&amp;P 500 (6/30/06)</b> S&P 500	\$ 9,547	4.3%	7.0%	-8.4% -8.4%	-11.9% -11.9%	-13.1% -13.1%	2.4% 2.4%
<b>Lotsoff Small Cap (3/31/06)</b> Russell 2000	\$ 2,646	1.2%	1.8%	-10.3% -7.7%	-14.8% -9.4%	-26.7% 16.2%	-13.3% -3.3%
<b>Northern Trust EAFE (9/30/07)</b> MSCI EAFE Index (N)	\$ 7,700	3.5%	5.3%	-8.2% -8.2%	-11.0% -11.0%	-12.8% -10.6%	5.2% 6.1%

\*Target Allocation based on market value of \$165 million. Excess market value over \$165 million (\$56.7 million at 6-30-08) is allocated to cash equivalents in the Working Capital Pool, causing the variations in allocation.

## **MEMBERSHIP**

Kirk Landon, Chair, BOT Finance & Audit Committee

Vivian A. Sanchez, CFO & SVP, Finance & Administration

John M. Miller, University Treasurer

Dr. William Welch, Department Chair & Professor for Finance,  
College of Business Administration

## **CONSULTANT**

Marc Friedberg, Vice President, Wilshire & Associates

## **OTHER STAFF**

Tony Vu, Treasury Manager

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FINANCE AND AUDIT COMMITTEE**

**11 SEPTEMBER 2008**

**SUBJECT: ENVIRONMENTAL – REGULATORY AND COMPLIANCE**

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**PROPOSED COMMITTEE ACTION:**

None. Discussion Item.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- FIRE SAFETY COMPLIANCE UPDATE
- ENVIRONMENTAL COMPLIANCE STATUS UPDATE
- SAFETY & LOSS CONTROL STATUS UPDATE

**FACILITATOR/PRESENTER:**

- JENNIFER MWAISELA

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## **FIU BOT FINANCE & AUDIT COMMITTEE REPORTS**

Division of University Counsel, Audit & Compliance  
Department of Risk Management & Environmental Health & Safety

Fire Safety Compliance Update

Environmental Compliance Status Update

Safety & Loss Control Status Update

August 2008

## Fire Safety

- Corrective action on outstanding repeat violations at the Wolfsonian Museum is 90% complete. Final inspection and acceptance by the State Fire Marshal is scheduled for August 21, 2008.
- Corrective action for repeat violations at the Wolfe University Center, scheduled for completion in Fall 2008, achieved 75% completion status, based on State Fire Marshal inspection on conducted on August 12, 2008.
- The Fire Prevention Officer and the AVP of Environmental Health & Safety and Risk Management Services met with the Director of University Business Services and the Operations Manager for Aramark; and the Operations Manager for Barnes & Noble Bookstore, to discuss strategies to bring about more timely correction of Fire Marshal violations and to limit/prevent repeat violations at the Graham Center.
- Inspections preformed by the State Fire Marshal on August 11 and August 14, resulted in the identification of approximately 12 repeat violations (report pending) at Housing Residential Facilities at University Park campus. These repeat violations arise from *recurring conditions* such as “wear and tear” on the trash chute assemblies on the various floors.
- **Twenty-nine (29)** Resident Assistants were provided with “Hands-on” Fire Extinguisher use training on August 15, 2008.

## Environmental Compliance

The environmental compliance program oversees compliance for:

- 4 operating permits regulating Petroleum Products Storage Tanks
- 4 permits for private sanitary sewers
- 7 permits regulating the operation of Grease Trap Interceptors
- 10 permits regulating locations that generate Industrial Waste
- 1 Stratospheric Ozone Protection permit
- 1 permit regulating Stormwater
- 1 environmental compliance “condition” mandated by the Energy Policy Act of 1992 (EPAct)

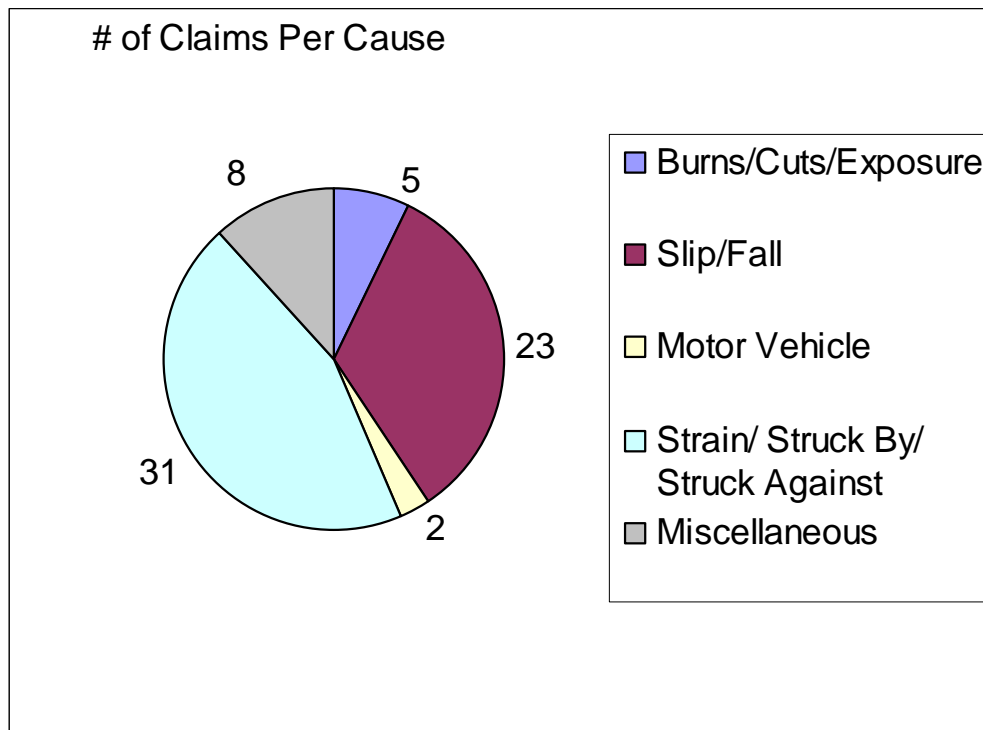
All permits and registrations fees were renewed and paid on time.

- Completed and submitted the Year-4 Annual Report and *The Notice of Intent* required under the National Pollution Discharge Elimination System (NPDES) for stormwater discharges. The *Notice of Intent* includes compliance goals for the upcoming **five (5)** years.
- Sampled **twenty-one (21)** lakes at FIU University Park and Biscayne Bay Campuses to establish benchmark to monitor pollution discharge.
- Performed annual sample analysis of Acid Dilution Tanks to tests for the presence of specific chemicals and heavy metals, which are prohibited in the sewer system. No regulatory thresholds were exceeded.
- Completed maintenance of **seven (7)** acid dilution (neutralization) tanks by removing spent limestone and replacing this with fresh limestone.
- Continued monthly inspections of the **twenty-seven (27)** groundwater monitoring wells association with the underground storage tanks at University Park, Engineering Center, and Biscayne Bay Campus.

- Continued to monitor spill response activities at the Green Library and responded to Miami-Dade County Department of Environmental Resources Management with a status update on corrective actions.
- Responded to **two (2)** emergency spill events at University Park Campus that involved motor vehicle accidents and spilled battery acid, and fuel leaks.
- Collaborated with Facilities Management to minimize disposal costs for batteries, fluorescent lamps, and used oil.
- In May, June and July, picked up, transported, managed and coordinated disposal of approximately 3,000 lbs of hazardous waste from University Park, Engineering Center and Biscayne Bay Campuses.

## General Safety & Loss Control

There were 69 Workers Compensation Claims filed in Fiscal year 2007 -2008 compared to 51 for the previous year. The most frequent cause of loss is the same as last year: Slips, Trips and Falls.



**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FINANCE AND AUDIT COMMITTEE**

**11 SEPTEMBER 2008**

**SUBJECT: UNIVERSITY COMPLIANCE REPORT**

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**PROPOSED COMMITTEE ACTION:**

None. Discussion Item.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- UNIVERSITY COMPLIANCE OFFICE  
PROGRAM REPORT

**FACILITATOR/PRESENTER:**

- LEYDA BENITEZ

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## MEMORANDUM

University Compliance Office

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**To:** The Florida International University  
Board of Trustees Finance and Audit Committee

**From:** Leyda Benitez  
University Compliance Officer

**Subject:** University Compliance Program Report

**Date:** August 20, 2008

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The University Compliance Office respectfully submits this report to the Finance and Audit Committee of the Florida International University Board of Trustees on the status of compliance initiatives since my last report to this Committee dated May 23, 2008. I thank you for the opportunity to update the Board on these important University matters.

### I. Executive Summary:

The University Compliance Office has been involved in a variety of compliance related initiatives which are explained in further detail below and which include,

- Meeting with university representatives to address compliance related concerns by formulating various new university policies, procedures, guidelines and forms in areas such as Federal Lobbying Disclosure Laws, compliance with the Jessica Lunsford Act for non-instructional personnel, and health related consent guidelines.
- Assisting in the review of draft policies, and the update of current policies and procedures, in the areas of sponsored research and information technology security.
- Continuing to roll out education and training to the University Community by providing education and training on export controls and on Florida International University's employees' obligations as public employees under the State of Florida Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.

II. Description and status of most recent institutional compliance initiatives and activities undertaken by or through the University Compliance Office:

1. Governmental Relations Policies, Guidelines and Forms: Worked in collaboration with representatives from the Office of Governmental Relations, the Office of the General Counsel and the Office of Sponsored Research Administration in drafting University policy, guidelines and forms necessary in order to comply with the Federal Lobbying Disclosure Laws. Guidelines and forms were approved by the Provost, the Vice President for Research and the Operations Committee and were distributed to members of the University Community who need to know about these requirements and complete these forms. Policy that will address requirements not only under federal law, but also state law requirements, is under review and consideration. It is anticipated that this initiative will be completed within the next sixty (60) days.
2. Internal Audit Plan: Met with the Interim Director of Internal Audit to discuss areas of high risk to the institution and assist in the refinement of the proposed Audit Plan for the FY 2008-2009. Continued ongoing discussions regarding proposed methodology for the conduct of risk assessments that would cover both high risk audit and legal compliance areas.
3. Project to Transition University Rules to Regulations: Worked in a supportive role with the attorneys from the Office of the General Counsel as the rules of the University are updated and transitioned over to regulations in order to conform to current Florida Board of Governors requirements. These updated regulations are due to be presented for approval to the Florida International University Board of Trustees at its next meeting.
4. Education and Training Opportunities: Since the last report to this Committee, additional education and training sessions provided by the University Compliance Office included: On May 27, 2008, presented on export controls to the administrative heads of the Division of Business and Finance. On June 18, 2008, a presentation on the specifics regarding completion of the financial statements for reporting individuals was offered to personnel from the Office of Sponsored Research Administration. Lastly, on June 19, 2008, in collaboration with Associate Director of Research, Diana Oliva, presented to administrators, researchers and graduate students on the impact of export controls to the University's operations.

III. Current status of other previously reported compliance initiatives:

1. Academic Affairs Policies and Procedures: The University Compliance Officer is working with Vice Provost Kenneth Johnson in order to transition all of the Academic Affairs policies and procedures to the



University Policies and Procedures Library. The anticipated completion date is prior to the end of the 2008 Fall Term.

2. Anonymous Complaint: The University Compliance Office worked in collaboration with the Office of Internal Audit and the Division of Human Resources in addressing an anonymous complaint alleging violations of university policies on conflicts of interest, nepotism, and possible misuse of grant monies. The Office of Internal Audit has concluded this investigation and is in the process of obtaining responses to its findings from the responsible University academic unit in order to issue its final report.
3. Ethics and Compliance Reporting Helpline: The ethics and compliance reporting helpline for the University is ready for implementation. The helpline provides a mechanism for members of the University Community to report on an anonymous basis instances of known or suspected misconduct in the workplace or classroom setting due to mismanagement of funds, fraud, abuse or other violations of law or University policy. A communications campaign has been prepared including a dedicated web page, “Frequently Asked Questions” and a newsletter describing this service. The University Compliance Office presented the specifics of the helpline to the Operations Committee and responded to a number of questions and concerns raised by the Operations Committee. Launch of the helpline is pending final approval from the institution’s senior leadership.
4. Faculty Orientation: The University Compliance Office will present on ethical and compliance considerations for new faculty members during their 2008 Fall Term orientation on August 20, 2008. In addition, the University Compliance Office has developed a number of Compliance Modules for presentation and distribution to the new faculty members. These Compliance Modules consist of:
  - a. Compliance Program and Tools
  - b. Disruptive Students
  - c. Ethics
    - i. Gifts
    - ii. Conflicts of Interest
    - iii. Nepotism
  - d. Export Controls
  - e. Information Technology Security
  - f. Privacy
  - g. Public Records
  - h. Research
  - i. Student Education Records

5. Internal Audit Director Search and Screen Committee: Since the last report to this Committee, the Search and Screen Committee met on June 23, 2008 and July 23, 2008. A third meeting, scheduled for July 22, 2008, was cancelled due to the applicant withdrawing her candidacy for the position. At this time, the Search and Screen Committee has interviewed all applicants initially identified by the Committee as potential candidates. The Search and Screen Committee will meet on one more occasion to determine if any recently received applications should be provided further consideration. The search for this position is active and ongoing.
6. Report on University High Risk Areas and Proposed Methodology for Operational Audits: At the request of senior leadership, in early April 2008, the University Compliance Officer forwarded the report on University High Risk Areas which have their basis in law or regulation to the Provost's Office for distribution to the Operations Committee. The University Compliance Officer will provide additional information to the Operations Committee at such time as it may be requested.
7. Conflict of Interest in Research Policy and Centralized Disclosure Process: The Conflict of Interest in Research Policy has been finalized and is due to be presented to the Operations Committee and the President's Staff for approval. The electronic process for conflict of interest disclosures is currently under development and should be ready during the 2008 Fall Term.
8. Summer Camps/Programs Involving Minors: As part of due diligence in entering into an agreement whereby the university will offer a short academic summer program intended for high school students, a working group has met on several occasions to discuss the minimum legal and risk related requirements for summer programs—academic and non-academic— which will involve the participation of minors on campus or through the use of the University's name. The working group has developed preliminary recommendations and follow up steps in assessing this area of University activity and risk.
9. Health Insurance Portability and Accountability Act and related Privacy and Security regulations ("HIPAA"): Implementation of HIPAA at the institution is ongoing. HIPAA Privacy and Security policies and procedures, Notice of Privacy Practices and forms have been drafted and are undergoing review. The policies, procedures and forms will be circulated to senior leadership for approval and implementation. The anticipated date for implementation of these policies is the 2008 Fall Term.

10. Information Technology Security Policies and Procedures: Several key policies in the area of information technology security and e-commerce are at various stages of formulation and development. These policies include, without limitation:
  - a. E-commerce policy
  - b. Payment Card Industry Data Security Standard (PCI DSS)
  - c. Electronic Records Retention

Projected date for completion and implementation of these policies is December 31, 2008.

11. Sponsored Research Administration Policies and Procedures: The University Compliance Officer worked in close collaboration with the Office of Sponsored Research Administration in the review and update of a number of policies and procedures in the area of sponsored research. These policies and procedures include, without limitation:
  - a. Close Out of Sponsored Projects
  - b. Conflict of Interest in Research
  - c. Cost Sharing Tracking on Sponsored Project Awards
  - d. Payment to Human Subject Participants in Sponsored Projects
  - e. Records Retention Schedule for Sponsored Project Documents
  - f. Sensitive Information in Sponsored Research Awards
  - g. Stipend and Other Payments to Students and Temporary Personnel on Sponsored Projects
  - h. Use of Facilities and Administrative Costs (Pending final approval)
12. Jessica Lunsford Act Compliance: A working group is meeting to improve processes in place to assure compliance with this state law requirement on an institutional basis. At this time, compliance with this requirement is still achieved on a contract specific basis. New questions will be included in the job description and request to hire temporary personnel forms in order to capture whether University personnel will be assigned to work on a contract for the school board which will require a criminal background check. This project is ongoing with an estimated completion date of the end of the 2008 Fall Term.
13. Mandatory Training (OSHA) Requirements for Employees: Representatives from the Division of Human Resources and Risk Management and Environmental Health and Safety continue to work in a collaborative fashion in order to implement a procedure that will streamline the identification of new employees or those employees transferring to a new department who are required to receive specialized training under federal and state laws. The expected completion date for the full implementation of this streamlined process is the 2008 Fall Term.

14. University Health Services Compliance Related Matters: Work continues with representatives from University Health Services on various compliance related matters including the laboratory licensure application for the Biscayne Bay Campus facility and elements of a comprehensive risk management program.

I respectfully submit this report to the Finance and Audit Committee of the Florida International University Board of Trustees in anticipation of the meeting scheduled to take place on September 11, 2008. I welcome your questions, comments and concerns. Thank you.

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FINANCE AND AUDIT COMMITTEE**

**11 SEPTEMBER 2008**

**SUBJECT: FIU COLLEGE OF MEDICINE HEALTH CARE NETWORK REPORT**

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**PROPOSED COMMITTEE ACTION:**

None. Discussion Item.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- FIU COLLEGE OF MEDICINE HEALTH CARE NETWORK REPORT

**FACILITATOR/PRESENTER:**

- JOHN ROCK

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## MEMORANDUM

College of Medicine

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**To:** The Florida International University  
Board of Trustees Finance and Audit Committee

**From:** John A. Rock, M.D.,  
Senior Vice President for Health Affairs and Dean, College of Medicine

**Subject:** Report Regarding the Health Care Network

**Date:** August 20, 2008

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The College of Medicine respectfully submits this report to the Finance and Audit Committee of the Florida International University Board of Trustees updating the Board of the Florida International University College of Medicine Health Care Network Faculty Group Practice, Inc. (the "Health Care Network").

### **Mission**

The Mission of the Health Care Network is the following:

*To support the FIU-COM faculty practice by providing an optimal patient centered environment for the clinical practice of medicine focused on maximizing patient satisfaction, quality, and efficiency*

The College of Medicine has entered into affiliation agreements with Jackson Health System, Leon Medical Centers, Mt. Sinai Medical Center, Miami Children's Hospital, and Mercy Hospital. In addition, a consultant to the Health Care Network has been researching the North Dade health care market since many of our doctors are or will be based at Jackson North.

We have also been investigating options for malpractice insurance in order to make a recommendation to the Board of Trustees. In addition, the University's Nurse Practitioner Program will be included in the Health Care Network. The practice will be managed by the College of Nursing and the network will negotiate overhead expense on a yearly schedule.

On August 22, 2008, an application for tax exemption for the Health Care Network was filed with the Internal Revenue Service. Once granted, the tax exemption will be retroactive to the date of filing.

**The next steps for the Health Care Network are to establish a bank account, elect two community members to the Board and establish a meeting schedule. We will also be presenting our business plan to the Finance and Audit Committee at its next meeting.**



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