

## **FULL BOARD MEETING**

FRIDAY, 12 SEPTEMBER 2008

9:00 A.M.

FLORIDA INTERNATIONAL UNIVERSITY

UNIVERSITY PARK CAMPUS

GRAHAM CENTER BALLROOMS

MIAMI, FLORIDA

### **AGENDA**

- |   |                              |
|---|------------------------------|
| <b>I. CALL TO ORDER</b>   | <b>CHAIRMAN DAVID PARKER</b> |
| <b>II. CHAIRMAN'S REMARKS</b>   | <b>DAVID PARKER</b>          |
| <b>III. COMMENTS FROM SUS BOARD OF GOVERNORS CHAIR</b>                                  | <b>SHEILA MCDEVITT</b>       |
| <b>IV. FOUNDATION REPORT</b>  | <b>JOSEPH L. CARUNCHO</b>    |
| <b>V. REQUESTS TO ADDRESS THE BOARD</b>   | <b>DAVID PARKER</b>          |
| <b>VI. PRESIDENT'S REMARKS</b>  | <b>MODESTO MAIDIQUE</b>      |
| <b>VII. ITEMS FOR BOARD REVIEW</b>  |                              |
| <b>A. ACTION ITEMS</b>  |                              |
| <b>1. CONSENT AGENDA</b>  | <b>DAVID PARKER</b>          |
| A. MINUTES, 29 FEBRUARY 2008 ( <i>EXHIBIT "A"</i> )                                     |                              |
| B. MINUTES, 19 MAY 2008 ( <i>EXHIBIT "B"</i> )  |                              |
| C. MINUTES, 12 JUNE 2008 ( <i>EXHIBIT "C"</i> )   |                              |
| D. MINUTES, 7 JULY 2008 ( <i>EXHIBIT "D"</i> )  |                              |
| E. UNIVERSITY TUITION FEES REGULATION – AMENDMENT FALL 2008-2009 ( <i>EXHIBIT "E"</i> ) |                              |
| F. RULES AND REGULATIONS STREAMLINING AND CLEAN-UP ( <i>EXHIBIT "F"</i> )               |                              |
| G. TENURE AS A CONDITION OF EMPLOYMENT NOMINATION ( <i>EXHIBIT "G"</i> )                |                              |

**B. REPORTS**

**2. PRELIMINARY REPORT - UNIVERSITY GOALS  
OUTCOMES FOR FISCAL YEAR 2007-2008**

**MODESTO MAIDIQUE**

**3. COMMITTEE REPORTS**

○ **FINANCE AND AUDIT**

**KIRK LANDON**

○ **ACADEMIC POLICY**

**PATRICIA FROST**

**WORKGROUP REPORTS**

○ **EXTERNAL RELATIONS**

**MIRIAM LOPEZ  
CLAUDIA PUIG**

○ **ATHLETICS**

**ALBERT DOTSON**

**VIII. OTHER BUSINESS**

**DAVID PARKER**

**IX. ADJOURNMENT**

**DAVID PARKER**

NEXT FULL BOARD MEETING IS SCHEDULED FOR 14 NOVEMBER 2008

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**12 SEPTEMBER 2008**

**SUBJECT: FULL BOARD MEETING MINUTES, 29 FEBRUARY 2008**

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**PROPOSED BOARD ACTION:**

Adopt the following Resolution:

RESOLVED that the minutes of the meeting of the Florida International University Board of Trustees' Meeting held on 29 February 2008, attached to this Resolution as Exhibit "A," are hereby approved.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT "A": 29 FEBRUARY 2008  
FULL BOARD MEETING MINUTES.

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THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES



**BOARD MEETING**  
**MINUTES**  
**29 FEBRUARY 2008**  
**Via Conference Call**

**I. CALL TO ORDER**

Chairman David Parker convened the meeting of The Florida International University Board of Trustees at 8:01 am, on Friday, 29 February 2008, via Conference Call.

The following attendance was recorded:

***Present:***

David Parker, Chair  
Betsy Atkins  
Patricia Frost  
Armando Guerra  
Bruce Hauptli  
Kirk Landon  
Miriam López

Albert Maury  
Claudia Puig  
Rosa Sugrañes  
Modesto Maidique  
Larry Kahn, Chairman  
FIU Foundation Board  
of Directors

***EXCUSED:***

Jorge Arrizurieta  
Albert Dotson, Vice Chair  
Marbely Hernandez

**II. CHAIRMAN'S REMARKS:**

Chairman Parker welcomed all Trustees, University faculty and staff. Chairman Parker thanked all Trustees for making themselves available for the meeting.

**III. Items for Board Review:**

• **Action Items**

**1. FIU BOARD OF TRUSTEES DESIGNEE TO THE FLORIDA INTERNATIONAL UNIVERSITY  
COLLEGE OF MEDICINE HEALTH CARE NETWORK FACULTY GROUP PRACTICE, INC.  
BOARD OF DIRECTORS**

Chairman Parker introduced the FIU Board of Trustees Designee to the FIU College of Medicine Health Care Network Faculty Group Practice, Inc. Board of Directors, noting that the Board was being asked to approve the appointment of Armando Guerra as the BOT

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Board of Trustees  
Minutes  
29 February 2008  
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designee to the Corporation's Board of Directors for a term of three (3) years as specified in the Corporation's Bylaws

After discussion, the Board adopted the following Resolution:

WHEREAS, in order to undertake faculty practice activities, the University has been authorized to establish The Florida International University College of Medicine Health Care Network Faculty Group Practice, Inc. pursuant to Chapter 617, Florida Statutes; and

WHEREAS, The Florida International University Board of Trustees (the BOT) has approved the formation of The Florida International University College of Medicine Health Care Network Faculty Group Practice, Inc. (the Corporation) and approved the Bylaws of the Corporation on 16 November 2007; and

WHEREAS, as delineated in Article IV, Section 2 of the Corporation's Bylaws, a designee of the Florida International University Board of Trustees shall be appointed to the nine member Board of Directors;

THEREFORE BE IT RESOLVED that the BOT hereby approves the appointment of Trustee Armando Guerra as the BOT designee to the Corporation's Board of Directors for a term of three (3) years as specified in the Corporation's Bylaws.

## **2. AMENDMENT TO THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES OPERATING PROCEDURES**

Chairman Parker introduced the proposed amendments to the Operating Procedures. He noted the substantive changes to the document. He noted there was an amendment to the Amendment to the Operating Procedures of the Florida International University Board of Trustees, noting that the amendment was distributed to all Trustees for review prior to the meeting. The Board adopted the amendment to Exhibit "A" as presented.

After discussion, the Board adopted the following Resolution:

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

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

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

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**3. PROPOSED FIRST AMENDMENT TO EMPLOYMENT AGREEMENT FOR PRESIDENT MODESTO A. MAIDIQUE**

Chairman Parker introduced the First Amendment to the Employment Agreement for President Modesto A. Maidique. He noted that the Board was being asked to consider and approve two (2) changes to the President's Employment Agreement. He noted the substantive changes to the Agreement.

After discussion, the Board adopted the following Resolution:

WHEREAS, the Florida International University Board of Trustees (the BOT) is the public employer of all employees of the University; and

WHEREAS, the BOT is charged with entering into all agreements on behalf of the University; and

WHEREAS, the BOT entered into an employment agreement with the President on June 13, 2006; and

WHEREAS, the Agreement now needs to be amended;

BE IT RESOLVED THAT the BOT approves the First Amendment to the Employment Agreement between the BOT and President Modesto A. Maidique, attached hereto as Exhibit "B" and incorporated by reference herein and authorizes the Chairman of the Board to execute the Agreement on behalf of the Board.

**IV. OTHER BUSINESS:**

Chairman Parker reminded everyone of the upcoming reception celebrating the FIU College of Medicine's Preliminary Accreditation and honoring the College of Medicine Founders.

**V. ADJOURNMENT:**

Since there was no other business to come before the Board, the meeting of the Florida International University Board of Trustees was adjourned on Friday, 29 February 2008, at 8:16 am.

MB  
3.11.08

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David Parker  
*Chairman*  
*FIU Board of Trustees*

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

*Attachments: Exhibits "A" & "B"*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**12 SEPTEMBER 2008**

**SUBJECT: BOARD OF TRUSTEES BUDGET WORKSHOP MEETING MINUTES, 19 MAY 2008**

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**PROPOSED BOARD ACTION:**

Adopt the following Resolution:

RESOLVED that the minutes of the meeting of the Florida International University Board of Trustees' Budget Workshop Meeting held on 19 May 2008, attached to this Resolution as Exhibit "B," are hereby approved.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT "B": 19 MAY 2008 BUDGET WORKSHOP MEETING MINUTES.

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**



**BUDGET WORKSHOP  
MINUTES  
19 MAY 2008**

**I. Call to Order**

Chairman David Parker convened the Budget Workshop of The Florida International University Board of Trustees at 9:07 a.m., on Monday, 19 May 2008, at University Park Campus, Graham Center Meeting Room 243, Miami, Florida.

The following attendance was recorded:

***Present:***

David Parker, Chair	Albert Maury
Albert Dotson, Vice Chair	Modesto Maidique
Cesar Alvarez	
Jorge Arrizurieta	
Bruce Hauptli	
AJ Meyer	

***Excused:***

Betsy Atkins  
Patricia Frost  
Kirk Landon  
Miriam López  
Claudia Puig  
Rosa Sugrañes

**II. Chairman's Remarks:**

Chairman David Parker welcomed all present and thanked Trustees for their attendance. He also welcomed new Student Trustee Arthur "AJ" Meyer, Student Government Association President for University Park Campus, who took office on 1 May 2008. Chairman Parker congratulated Trustee Meyer on his appointment as the student representative to the Florida Board of Governors.

Chairman Parker noted that the University's Administration, with feedback from the faculty and student body, had been working on a multi-faceted approach that would consider short-term and long-term budget reductions while safeguarding the University's mission and core values. He added that the meeting's main discussion item would be a review of the 2008-2009 proposed budget, which included a summary of the Administration's strategic recommendations regarding the general revenue (E&G) budget reduction plan.

### **III. President's Legislative Update**

President Maidique reported that Legislative Session ended, noting that the budget was currently pending the Governor's signature or veto. He added that the University sustained a general revenue cut (E&G funds) of \$12 million, which was in addition to the \$10.4 million the University lost in funding for FY 2007-08. He added that the University's budget also stood to be negatively impacted by other measures such as new limits to on-line learning fees, noting that estimates are that this new measure would reduce revenues by up to \$4 million.

President Maidique noted that the Legislature proposed a 6 percent tuition increase, stating that 30 percent of the increase would be set aside for need-based financial aid. He reported that the Legislature passed a bill that would potentially allow the University to begin charging differential tuition, adding that differential tuition would only apply to new students and as a result, the financial impact to the University will be minimal in the near term.

### **IV. Discussion**

Executive Vice President and Provost Ronald Berkman and University Chief Financial Officer and Sr. VP for Administration Vivian Sanchez led the Workshop members through the proposed E&G budget reduction plans and methodology.

Provost Berkman presented the proposed academic restructuring plan, noting that it incorporated the recommendations received from University deans and vice presidents and would be phased in over three years. He added that all reductions were in alignment with the University's mission, priorities and strategic themes.

Trustee Bruce Hauptli noted that the Faculty Senate had a review process and policies which addressed closures of academic programs and centers and institutes.

A discussion on tuition and financial aid issues followed. VP for Enrollment Management Corinne Webb noted that the University's administration has undertaken a diligent program to help address the financially-needy student population by encouraging all students to apply for financial aid even those already receiving scholarships such as Bright Futures. Chairman Parker requested that the University's Foundation consider reviewing and analyzing its efforts in offering financial aid assistance.

University Chief Financial Officer and Sr. VP for Administration Vivian Sanchez presented the proposed finance and operations restructuring plan, noting that it incorporated the recommendations received from vice presidents and directors and would be phased in over three years. She noted the proposed reductions would incorporate the lowering of operational costs, the creation of new business models and the consolidation and restructuring of existing operations. She delineated strategic issues of Non-E&G funds, leading the discussion on fee increase recommendations for Athletics and Parking.

At the conclusion of the budget presentation, Chairman Parker commended Provost Berkman and CFO Sanchez and their respective areas on their work in preparing the budget presentation and on the proposed budget reduction process and plans. He added that such clarity enhanced the Trustees' ability to help move the University forward.

## Exhibit "B"

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Board of Trustees  
Budget Workshop  
Minutes  
19 May 2008  
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### VII. Other Business

There was no other business brought forward.

### VIII. Adjournment:

Since there was no other business, the meeting of the Florida International University Board of Trustees Budget Workshop was adjourned on Monday, 19 May 2008, at 12:10 p.m.

<i><b>Trustee Requests</b></i>	<i><b>Follow-up</b></i>	<i><b>Completion Date</b></i>
1. <i>Chairman Parker requested that the University's administration summarize arguments in support of and against the proposed recommendations and make it available to the Board before the next regularly scheduled meeting.</i>	<i>Executive VP &amp; Provost Ronald Berkman and CFO &amp; Sr. VP Vivian Sanchez</i>	<i>June 2008</i>
2. <i>Chairman Parker requested that due to the complexity of the issue at hand, that the discussion addressing the new limits to online learning fees be discussed at a subsequent Board meeting.</i>	<i>BOT Associate Corporate Secretary Mayra Beers</i>	<i>September 2008</i>

5.21.08

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David Parker  
*Chairman*  
*FIU Board of Trustees*

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**12 SEPTEMBER 2008**

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

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**PROPOSED BOARD ACTION:**

Adopt the following Resolution:

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

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT "C": 12 JUNE 2008 FULL BOARD MEETING MINUTES.

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**



**BOARD MEETING  
MINUTES  
12 JUNE 2008**

**I. Call to Order**

Chairman David Parker convened the meeting of The Florida International University Board of Trustees at 2:09 p.m., on Thursday, 12 June 2008, at University Park Campus, Graham Center Ballrooms, Miami, Florida.

The following attendance was recorded:

***Present:***

David Parker, Chair  
Albert Dotson, Vice Chair  
Jorge Arrizurieta  
Patricia Frost  
Bruce Hauptli  
Kirk Landon  
Miriam López

AJ Meyer  
Albert Maury  
Claudia Puig  
Rosa Sugrañes  
Modesto Maidique  
Joseph Caruncho,  
*Chairman FIU Foundation Board of Directors*

***Excused:***

Cesar Alvarez  
Betsy Atkins

**II. Chairman's Remarks:**

Chairman Parker welcomed all Trustees, University faculty and staff. Chairman Parker noted that although Mr. Larry Kahn was not present, he wished to thank him for his valuable contributions to the Board of Trustees during his tenure as Chairman of the FIU Foundation Board of Directors.

Chairman Parker welcomed Foundation Director Gerald Grant. He also welcomed Mrs. Joan Peven Smith, noting that she retired as a Director on the Foundation's Board last month. On behalf of the Board, Chairman Parker thanked Mrs. Smith for her leadership, commitment and service to the Board of Directors, to the University and to the community.

Chairman Parker 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. He reported on the recent appointments of deans Dr. Fernando Treviño, Dean of the Stempel School of Public Health and Dr. Kingsley Banya, Interim Dean of the College of Education.

On behalf of the Board, Chairman Parker thanked Faculty Trustee Bruce Hauptli for his dedication and hard work as a member of the FIU Board of Trustees during the past 4 years. The Chair added that although this would be the last Board meeting for Dr. Hauptli as a Trustee, he looked forward to his continued work as a distinguished and accomplished professor in the University's department of Philosophy.

Chairman Parker noted that last month Benjamín León Jr., founder of Leon Medical Centers presented a \$10 million gift to the University's College of Medicine to establish the Benjamín León, Jr. Family Center for Geriatric Research and Education. He added that the gift also established the Leon Medical Centers Eminent Scholars Chair in Geriatrics. Chairman Parker and President Maidique presented Trustee Albert Maury with framed news clippings of the gift announcement.

Chairman Parker thanked all of the Trustees for their participation in the 19 May 2008 Board of Trustees Budget Workshop. He noted the importance of the meeting as it provided an interactive forum for Trustees to review and discuss the University's budget.

### **III. FIU Foundation Report**

Foundation Chair Joseph L. Caruncho reported on key items reviewed at the annual meeting of the Foundation Board held in May. On behalf of the Foundation Board of Directors, Chair Caruncho, thanked Mrs. Joan Peven Smith for her hard work and invaluable contribution during 14 years of service on the Foundation Board.

### **IV. President's Report**

President Maidique provided a summary on the current State budget situation, which had and would continue to significantly impact the University. He added that the University's Administration, with feedback from the faculty and student body, worked on a multi-faceted approach that considered short-term and long-term reductions while safeguarding the University's strategic imperatives.

### **V. Requests to Address the Board:**

- Shih-Ming Lee, Chairperson and Associate Professor, Industrial Systems Engineering  
Associate Professor Lee addressed the Board, voicing his concerns regarding the proposed closure of the Industrial Systems Engineering programs.
- Marc Resnick, Associate Professor, Industrial Systems Engineering  
Associate Professor Resnick addressed the Board, voicing his concerns regarding the proposed closure of the Industrial Systems Engineering programs.
- Sergio Hernandez, PhD student, Industrial Systems Engineering  
Mr. Hernandez addressed the Board, voicing his concerns regarding the proposed closure of the Industrial Systems Engineering programs.
- Aleyda Mejia, current Master's student, Industrial Systems Engineering  
Ms. Mejia addressed the Board, voicing her concerns regarding the proposed closure of the Industrial Systems Engineering programs.

▪ Angela Flores, Alumnus, Industrial Systems Engineering  
Ms. Flores addressed the Board, voicing her concerns regarding the proposed closure of the Industrial Systems Engineering programs.

▪ Alfredo Tejera, President, Industrial Advisory Board; Vice President, International Operations, Assurant Solutions  
Mr. Tejera addressed the Board, voicing his concerns regarding the proposed closure of the Industrial Systems Engineering programs.

▪ Bruce Harvey, Director of Humanities and Associate Professor  
Dr. Harvey addressed the Board, voicing his concerns regarding the proposed closure of the Bachelor of Arts in Humanities.

▪ Eric Giunta, Alumnus, Humanities  
Mr. Giunta addressed the Board, voicing his concerns regarding the proposed closure of the Bachelor of Arts in Humanities.

▪ Andrea M. Seidel, Associate Professor of Dance and Director, Intercultural Dance and Music Institute/ Latin American and Caribbean Center  
Dr. Seidel addressed the Board, voicing her concerns regarding the proposed closure of the Bachelor of Arts in Dance.

Chairman Parker thanked all for their comments and reiterated the Board's commitment to the University's mission and core values.

## **VI. Items for Board Consideration:**

### **A. Action Items**

#### **1. *Consent Agenda:***

Chairman Parker asked for comments on any items included in the Consent Agenda. Hearing none, the Board adopted the following Resolution:

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

- A. MINUTES, 14 MARCH 2008 (*EXHIBIT "A"*)
- B. ALCOHOLIC BEVERAGES REGULATION (*EXHIBIT "B"*)
- C. UNIVERSITY EQUITY REPORTS (*EXHIBIT "C"*)
- D. TENURE NOMINATIONS (*EXHIBIT "D"*)
- E. TENURE AS A CONDITION OF EMPLOYMENT NOMINATIONS (*EXHIBIT "E"*)

#### **2. Request to Terminate Centers and Institutes**

Academic Policy Committee Chair Patricia Frost introduced the Request to Terminate Centers and Institutes for Board consideration and approval. Provost Berkman presented the Request to Terminate Centers and Institutes, noting that the FIU Board of Trustees Policy on Centers and Institutes had clearly defined guidelines consistent with State University System policies for

establishing, operating, evaluating/reviewing, and disbanding university institutes and centers.

Trustee Hauptli noted that the process for the request to terminate the proposed Centers and Institutes was thorough, comprehensive and provided the opportunity for appeals.

Committee Chair Frost noted that the Academic Policy Committee unanimously recommended the request to terminate the proposed Centers and Institutes.

After discussion, the Board adopted the following Resolution:

WHEREAS, the Florida International University Board of Trustees ("the BOT") Policy on Centers and Institutes has clearly defined guidelines consistent with State University System policies for establishing, operating, evaluating/reviewing, and disbanding university institutes and centers and is attached hereto as Exhibit "F";

RESOLVED, that the BOT hereby approves the request for the termination of the following Centers & Institutes:

Center for Economic Research and Education  
Center for Health Research and Policy  
Future Aerospace Science and Technology Center for Space Cryoelectronics  
Center for Ethnobiology and Natural Products  
Institute for Children and Families at Risk  
Intercultural Institute for Educational Initiatives

FURTHER RESOLVED, that the BOT authorizes the University President to file this action with the Florida Board of Governors and take all actions necessary to implement this action.

### **3. Request to Terminate Academic Programs**

Academic Policy Committee Chair Frost introduced the Request to Terminate Academic Programs for Board consideration and approval. She noted that the proposed program closures had been endorsed by the Academic Policy Committee. Provost Berkman presented the Request to Terminate Academic Programs, noting that he reviewed the recommendations with the advice from the Deans and Faculty Senate. Chair Frost added that while closing academic degree programs did not affect the students currently in the programs, as these students would be given an opportunity to complete their degrees, it did stand to affect the faculty teaching the programs, the staff supporting program activities, and future students who may have wanted career opportunities in these fields.

Trustee Bruce Hauptli noted that the Faculty Senate followed policies and procedures in place for the review and evaluation of the proposals for academic program terminations. He stated that the Faculty Senate did not support three of the recommendations for closure – Bachelor of Arts in Dance, Bachelor of Science and PhD in Industrial Systems Engineering.

Committee Chair Frost noted that the Academic Policy Committee reviewed as a block and unanimously recommended the request to terminate twenty-two (22) of the proposed Academic Programs. She added that after further review and discussion, the Committee also recommended the proposed closures to the Bachelor of Arts in Dance, the Bachelor of Science and PhD in Industrial Systems Engineering.

Committee Chair Frost proposed an amendment to the Resolution to vote on 22 programs as a block and then to consider the Bachelor of Arts in Dance, the Bachelor of Science and the PhD in Industrial Systems Engineering separately. The Board amended the Resolution. The amendment was unanimously approved.

After discussion, the Board adopted the following Resolution:

WHEREAS, the Florida International University Board of Trustees ("the BOT") has a Program Termination Policy, which specifies the standards required for University program termination and is attached hereto as Exhibit "G";

RESOLVED, that the BOT hereby approves the request for the termination of the following academic degree programs.

- English Teacher Education – Bachelor of Science
- English Teacher Education – Master of Science
- Environmental and Urban Systems – Master of Science
- Exercise Science – Bachelor of Science
- Exercise Science – Master of Science
- German – Bachelor of Arts
- Health Sciences – Bachelor of Science
- Health Information Management – Bachelor of Science
- Humanities – Bachelor of Arts
- Insurance and Risk Management – Bachelor of Business Administration
- Industrial Systems Engineering – Master of Science
- Logistics and Materials Management – Bachelor of Business Administration
- Mathematics Teacher Education – Bachelor of Science
- Mathematics Teacher Education – Master of Science
- Music Teacher Education – Bachelor of Science
- Science Teacher Education – Bachelor of Science
- Science Teacher Education – Master of Science
- Social Science Teacher Education – Bachelor of Science
- Social Science Teacher Education – Master of Science
- Technology Management – Master of Science
- Tourism Studies – Master of Science
- Travel and Tourism Management – Bachelor of Science

FURTHER RESOLVED, that the BOT authorizes the University President to take all actions necessary to implement this Resolution in accordance with the Florida Board of Governors regulations.

The Board discussed the key points of the proposal for closure of the Bachelor of Arts in Dance. A motion was made to approve the request to terminate the Bachelor of Arts in Dance. The Motion was seconded and carried.

After discussion, the Board adopted the following Resolution:

WHEREAS, the Florida International University Board of Trustees ("the BOT") has a Program Termination Policy, which specifies the standards required for University program termination and is attached hereto as Exhibit "G";

RESOLVED, that the BOT hereby approves the request for the termination of the following academic degree program.

Dance – Bachelor of Arts

FURTHER RESOLVED, that the BOT authorizes the University President to take all actions necessary to implement this Resolution in accordance with the Florida Board of Governors regulations.

The Board discussed the key points of the proposals for closure of the Bachelor of Science and the PhD in Industrial Systems Engineering. A motion was made to approve the request to terminate the Bachelor of Science and the PhD in Industrial Systems Engineering. The Motion was seconded and carried.

After discussion, the Board adopted the following Resolution:

WHEREAS, the Florida International University Board of Trustees ("the BOT") has a Program Termination Policy, which specifies the standards required for University program termination and is attached hereto as Exhibit "G";

RESOLVED, that the BOT hereby approves the request for the termination of the following academic degree program.

Industrial Systems Engineering – Bachelor of Science

FURTHER RESOLVED, that the BOT hereby recommends the request for the termination of the following academic degree program and forwards the recommendation to the Florida Board of Governors for final approval.

Industrial Systems Engineering – Doctor of Philosophy

FURTHER RESOLVED, that the BOT authorizes the University President to take all actions necessary to implement this Resolution in accordance with the Florida Board of Governors regulations.

**4a. Proposed 2008-09 University Operating Budget**

Finance and Audit Committee Chair Kirk Landon introduced the Proposed 2008-09 University Operating Budget for Board consideration and approval. CFO and Sr. VP Vivian Sanchez presented the University's 2008-2009 Operating Budget, providing a summary by fund and delineated strategic issues.

After discussion, the Board adopted the following Resolution:

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

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 "H"; 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.

**4b. University Tuition Fees Regulation FIU-1101 – Amendment**

CFO Sanchez presented the University Tuition Fees Regulation FIU-1101, noting that the Tuition Fees Regulation FIU-1101 was being amended to reflect the changes in tuition and fees for the 2008-09 Academic Year of the University that have been authorized by the Legislature.

After discussion, the Board adopted the following Resolution:

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

#### **4c. Amendment of University Traffic and Parking Regulations**

CFO Sanchez presented the Amendment of the University Traffic and Parking Regulations, 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 Board adopted the following Resolution:

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 "J":

- FIU-1105 – University Traffic and Parking Regulation

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.

#### **4d. Athletic Fee Increase**

CFO Sanchez presented the Athletic Fee increase, noting that the increase represented an additional \$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 Board adopted the following Resolution:

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 "K" 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.

**5a. Fixed Capital Outlay (FCO) Legislative Budget Request, 2009-2010**

CFO Sanchez presented the Resolution pertaining to the Fixed Capital Outlay (FCO) Legislative Budget Request, 2009-2010 for Board consideration and approval.

After discussion, the Board adopted the following Resolution:

WHEREAS, the University must submit to the Board of Governors its Fixed Capital Outlay Legislative Budget Request for 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 "L"; and

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;

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

**5b. 2000-2010 Campus Master Plan Amendment No. 2**

CFO Sanchez presented the Resolution pertaining to the 2000-10 Campus Master Plan Amendment No. 2 for Board consideration and approval.

After discussion, the Board adopted the following Resolution:

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 "M" "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.

**5. Committee Status Reports**

External Relations Workgroup Co-Chair Miriam Lopez provided an External Relations update, reporting on the University's marketing and branding initiative. She asked that the Governmental Relations reports provided in the Board books be accepted as written. There were no objections.

Chairman Parker thanked the Committees and the Workgroups for their work noting that their careful review of University issues was of invaluable service to the entire Board.

**VII. Other Business**

There was no other business brought forward.

**VIII. Adjournment:**

Since there was no other business, the meeting of the Florida International University Board of Trustees was adjourned on Thursday, 12 June 2008, at 4:57 p.m.

## Exhibit "C"

The Florida International University  
Board of Trustees  
Minutes  
12 June 2008  
Page 11

DRAFT

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David Parker  
*Chairman*  
*FIU Board of Trustees*

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

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

*MB*  
*6.19.08*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**12 SEPTEMBER 2008**

**SUBJECT: FULL BOARD MEETING MINUTES, 7 JULY 2008**

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**PROPOSED BOARD ACTION:**

Adopt the following Resolution:

RESOLVED that the minutes of the meeting of the Florida International University Board of Trustees' Meeting held on 7 July 2008, attached to this Resolution as Exhibit "D," are hereby approved.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT "D": 7 JULY 2008 FULL BOARD MEETING MINUTES.

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THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES



**BOARD MEETING**  
**MINUTES**  
**7 JULY 2008**  
**Via Conference Call**

**I. CALL TO ORDER**

Chairman David Parker convened the meeting of The Florida International University Board of Trustees at 4:04 pm, on Monday, 7 July 2008, via Conference Call.

The following attendance was recorded:

***Present:***

David Parker, Chair  
Cesar Alvarez  
Jorge Arrizurieta  
Betsy Atkins  
Albert Dotson  
Bruce Hauptli  
Kirk Landon

Miriam López  
AJ Meyer  
Claudia Puig  
Modesto Maidique

***EXCUSED:***

Patricia Frost  
Albert Maury  
Rosa Sugrañes

**II. CHAIRMAN'S REMARKS:**

Chairman Parker welcomed all Trustees, University faculty and staff. Chairman Parker thanked all Trustees for making themselves available for the meeting.

**III. Item for Board Review:**

- **Action Item**

**EMERGENCY REGULATION TUITION FEES SCHEDULE – ADOPTION**

President Modesto Maidique introduced the Emergency Regulation Tuition Fees Schedule – Adoption for Board consideration and approval. CFO and Sr. Vice President for Administration Vivian Sanchez presented the Emergency Regulation Tuition Fees Schedule – Adoption, noting that subsequent to the Board's approval on June 12, 2008, the Governor of Florida approved the amended section 1009.24 of the Florida Statutes which revision now

authorizes the University to charge an undergraduate tuition differential fee to certain undergraduate students. She added that the proposed Emergency Regulation reflected language contained in Regulation FIU-1101 Tuition Fees Schedule that was approved by the Board on June 12, 2008 and added language to establish the undergraduate tuition differential fee. She stated that also included in the Emergency Regulation, the Board was asked to approve necessary revisions, which included a revision to the law school financial aid fee so that the fee is at 5% of tuition (consistent with all other financial aid fees), an increase to the transcript fee to ten dollars as permitted by law, a reduction in the additional resident fees charged to new graduate students and law school students by one cent (\$.01) in response to Board of Governors concerns, and a revision to the qualifications for "continued enrollment" for graduate and law students to be consistent with the qualifications for "continued enrollment" for undergraduate students, effective Spring 2009.

After discussion, the Board adopted the following Resolution:

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

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

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

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

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

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



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

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

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

AND BE IT FURTHER RESOLVED, that the President report to the BOT at its next regularly scheduled meeting on any substantive change requested or made to the Emergency Regulation as a result of the Board of Governors’ concerns.

**IV. OTHER BUSINESS:**

There was no other business brought forward.

**V. ADJOURNMENT:**

Since there was no other business to come before the Board, the meeting of the Florida International University Board of Trustees was adjourned on Monday, 7 July 2008, at 4:17 pm.

MB  
7.9.08

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David Parker  
*Chairman*  
*FIU Board of Trustees*

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

*Attachments: Exhibit “A”*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**12 SEPTEMBER 2008**

**SUBJECT: UNIVERSITY TUITION FEES REGULATION – AMENDMENT FALL 2008-2009**

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**PROPOSED BOARD ACTION:**

Adopt the following Resolution:

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

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

WHEREAS, in order to implement the authority prior to Fall 2008, the Board adopted Emergency Regulation FIU ER 2008-01 on July 7, 2008; however, such emergency regulation is effective for only 90 days. Therefore, this regulation is being adopted through the regular regulation development procedure in order to replace the emergency regulation.

THEREFORE, BE IT RESOLVED THAT, the Board of Trustees adopts the proposed amended Regulation FIU-1101 Tuition Fees Schedule attached hereto as Exhibit “E”.

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 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 expressed by the Board of Governors.

## **BACKGROUND INFORMATION:**

### **A. LEGAL AUTHORITY:**

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

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

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

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

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

The Tuition Fees Regulation FIU-1101 is being adopted in order to implement the undergraduate tuition differential fee; to revise the law school financial aid fee to 5% of tuition, as is consistent with the financial aid fee charged to all other students; to increase the transcript fee as permitted by law, and to revise the additional resident fee charged to new graduate and law students in response to recently expressed Board of Governors’ concerns. In addition, the regulation revises the qualifications for “continuous enrollment” for graduate and law students to be consistent with the qualifications for “continuous enrollment” for undergraduate students, to be effective Spring 2009. Specifically, the Board is authorizing:

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

**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT “E”: TUITION FEES  
SCHEDULE FIU-1101

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**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES  
FLORIDA BOARD OF GOVERNORS  
NOTICE OF AMENDMENT OF REGULATION**

**REGULATION TITLE:** Tuition Fees Schedule

**REGULATION NO.:** FIU-1101

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

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

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

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

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

**THE CONTACT PERSON REGARDING THIS REGULATION IS:** 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 7, 2008

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

**FIU ER 2008-01 Tuition Fees Schedule**

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

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

In addition to the fees set forth in 1.-~~7~~8. above, a non- Florida student, as defined in the Florida Board of Governors' Resolution, will pay the Out-of-State Fee and the Non-Resident Student Financial Aid Fee.

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

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

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

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

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



# Exhibit "E"

FALL 2008

<i>Fee</i>	<i>Undergraduate</i>		<i>Graduate</i>		<i>Law</i>	
	<i>Resident</i>	<i>Non-Resident</i>	<i>Resident</i>	<i>Non-Resident</i>	<i>Resident</i>	<i>Non-Resident</i>
Resident	\$82.03	\$82.03	\$244.43	\$244.43	\$290.42	\$290.42
<u>*Tuition Differential</u>	<u>\$6.96</u>	<u>\$6.96</u>				
Out-of-State		\$393.62		\$480.07		\$437.60
Athletic Activity and Service Student Financial Aid	\$14.51	\$14.51	\$14.51	\$14.51	\$14.51	\$14.51
Non-Resident Financial Aid	\$10.52	\$10.52	\$10.52	\$10.52	\$10.52	\$10.52
Capital Improvement Trust Fund	\$4.10	\$4.10	\$12.22	\$12.22	<del>\$13.89</del> 14.52	<del>\$13.89</del> 14.52
Building		\$19.68		\$24.00		\$21.88
	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44
	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32

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

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

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

(b) For those new students enrolled in the law school in the Fall 2006, or thereafter, in addition to the tuition and fees set forth in paragraph (4) above, the University shall levy and collect an additional Resident Fee of ~~\$13.83~~ 13.82 per credit hour and an additional Student Financial Aid Fee of \$0.69 per credit hour. The additional fees authorized by this paragraph (5)(b) shall not apply to a law school student who was enrolled in law school prior to Fall 2006, and such student’s enrollment has not lapsed for four terms before re-enrolling in the same program. Effective Spring term 2009, the additional fees authorized by this paragraph (5)(b) shall not apply to a law school student who was enrolled in law school prior to Fall 2006, provided such student maintains continuous enrollment. For purposes of this paragraph (5)(b), “continuous enrollment” means the student has not been absent from the University for two (2) or more consecutive terms (excluding summer terms and military withdrawals.)

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

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

# Exhibit "E"

FALL 2008

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

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

(9) Optional fees.	
Orientation fee	\$ 35.00
Tuition Installment Service Charge	\$ 15.00
Identification Card	\$ 10.00
Fee for Transcript	\$ <del>5.00</del> 10.00
Fee for Diploma replacement	\$ 10.00
Late Payment fee	\$100.00
Late Registration fee	\$100.00
Off-Campus Fee	cost
Distance Learning Fee	cost
Fingerprinting	cost
Materials and Supplies fee	cost
Equipment Use Fee	cost
Library Fines and Penalties	varies

Authority: Authority: Resolution of the Florida Board of Governors dated January 7, 2003; Fla. Stat. sections 1001.74(11) and 1009.24, 2007-08 General Appropriations Act, Section 156, History- New 11-3-02, Amended 9-3-03, 8-22-04- 9-1-05, Formerly 6C8-6.010, Amended 6-13-06, 7-20-07, \_\_\_\_, Amended\_\_\_\_.

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**12 SEPTEMBER 2008**

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

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**PROPOSED BOARD ACTION:**

Adopt the following Resolution:

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

WHEREAS, 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 “F”:

- FIU-102 Regulations
- FIU-103 Non-Discrimination Policy and Discrimination Complaint Procedures
- FIU-104 Sexual Harassment (Proposed regulation adopted with the following technical changes: correct the typos in Sections (1)(b); (1)(c); and (7)(a).)
- FIU-108 Access to Student Education Records (Proposed regulation adopted with the following technical changes: in Section (2)(b)- delete the phrase “at the Tower Building,” and replace with the phrase “on the”; in Section (2)(c)- delete the phrase “in the Graham Center”, and in Section (2)(e)- delete the phrase “located in the Administrative offices of the Housing complex”.)
- 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 (Proposed regulation adopted with the following clarification: in Section (1)(b)1.- add the phrase “(which includes postings on the internet)” after the word “expressions”).)

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

- 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...”



#### **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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Rev. 9.11.08

**EXHIBITS/SUPPORTING DOCUMENTS:**

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

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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

## Exhibit "F"

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

## Exhibit "F"

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~~;~~ 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.

## Exhibit "F"

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:**



Revised September 11, 2008 to reflect technical changes for typos. The three corrections are highlighted.

~~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 Univeristy-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 evaluatonsevaluations) 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 ~~base~~<sup>is</sup> 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~~<sup>regulation</sup> shall be widely disseminated in order that ~~the University~~<sup>University</sup> 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:**

Revised September 11, 2008 to reflect technical changes. The revisions are highlighted.

**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, on the~~ 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~~dependent 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~~dependent 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~~*

Exhibit "F"

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 "F"

(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 "F"

(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 "F"

(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 "F"

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.~~

(~~b~~e) 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.

(~~c~~f) 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.~~

(~~d~~4) ~~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.

~~(e3.)~~ 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 "F"

### **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 "F"

~~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~~



## Exhibit "F"

~~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.

## Exhibit "F"

(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.

## Exhibit "F"

~~(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

## Exhibit "F"

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 3III, 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 "F"

~~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

## Exhibit "F"

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 "F"

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:**

Revised September 11, 2008 to reflect a clarification. The change is highlighted 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 (which includes postings on the internet) or Cconduct, 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 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~~ 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, 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.

Exhibit "F"

*Specific Authority Resolution of the Florida Board of Governors dated January 7, 2003.  
Board of Governors Regulation 6.0105~~1001.74(4)~~, 1006.60 FS., Law Implemented Board  
of Governors Regulation 6.0105~~1001.74(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:~~

## Exhibit "F"

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.

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**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 "F"

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 "F"

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.

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**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.

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**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.

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**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 "F"

~~(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.

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**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 "F"

~~———— (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**

**12 SEPTEMBER 2008**

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

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**PROPOSED BOARD ACTION:**

Adopt the following Resolution:

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

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

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

**BACKGROUND INFORMATION:**

STATUTORY AUTHORITY:

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

**Resolution delegating and delineating powers of local boards of trustees,** states in part,

(19) Each board of trustees shall establish the personnel program for all employees of the university, including the president, pursuant to the provision of chapter 1012 and, in accordance with rules and guidelines of the Florida Board of Governors, including: compensation and other conditions of employment, recruitment and selection, non-reappointment, 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.

**BACKGROUND INFORMATION:**

The Tenure as a Condition of Employment nominee had tenure at her previous institution.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- EXHIBIT “G”: TENURE AS A CONDITION OF EMPLOYMENT NOMINEE
- ATTACHMENT 1: TENURE AS A CONDITION OF EMPLOYMENT NOMINEE’S BIO



**Florida International University  
2008 - 2009 Tenure Nominations  
(Tenure as a condition of employment)**

	PROPOSED		TENURE
NAME	RANK	DEPARTMENT	CIP CODE
<b>COLLEGE OF NURSING &amp; HEALTH SCIENCES</b>			
Anahid Kulwicki	Professor	Nursing	511601

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**Anahid Kulwicki**  
**Professor, Nursing**  
**Indiana University, DNS**

*Professor*

Dr. Anahid Kulwicki has been hired as Director of the Graduate Program in Nursing. She earned her Bachelor of Science in Nursing at the American University of Beirut in Lebanon and both her Master of Science in Nursing and Doctor of Nursing Science from Indiana University. Her program of research focuses on the health of immigrant, refugee and minority populations.

A hallmark of her work has been creative collaboration between public and private institutions across multiple disciplines. She established the first health research department for the Middle Eastern community in the United States to promote health research and to serve as a conduit for other researchers. In addition, she established and arranged for funding for the first Middle Eastern community based programs for HIV/AIDS, domestic violence, infant mortality, and cardiovascular diseases. Her programs have been evidence-based and effective in improving the health care of the underserved immigrant and refugee populations. Her recognized expertise led to her appointment to the Michigan Governor's Task Force on Minority Health. Institutions such as NIH, W. Kellogg, Blue Cross Blue Shield, and numerous local and state government agencies have supported her research.

Dr. Kulwicki served as a Fulbright Research Scholar in Jordan. She collaborated with nursing and medical faculty conducting research and publishing on honor crimes, HIV/AIDS and cardio-vascular risk factors. Because of her contributions to pioneering activities in community empowerment, and spearheading leading edge research on immigrant and international health issues, she was inducted as a Fellow in the American Academy of Nursing in 2000. In addition, she was appointed by Michigan's Governor to the Michigan Board of Nursing.

Presented with over 30 scholarships, fellowships, and awards, Dr. Kulwicki serves on numerous review boards and professional committees, and is engaged in many community activities. She has been able to build bridges between the community, area health care agencies, and local and international academic institutions in expanding the role of nurses.

Prior to coming to FIU, Dr. Kulwicki has been a tenured Full Professor at Oakland University in Michigan since 2001 and served as Deputy Director of the Department of Health and Human Services in Wayne County, the eleventh largest county in the nation and the most diverse county in Michigan. Wayne County Department of Health and Human Services (WCHHS). has a budget of over \$650 million and eight divisions. Prior to her promotion to Deputy Director of WCHHS, Dr. Kulwicki was appointed by the Wayne County Executive as the Public Health Officer/Director for Wayne County.

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**12 SEPTEMBER 2008**

**SUBJECT: PRELIMINARY REPORT - UNIVERSITY GOALS OUTCOMES FOR FISCAL YEAR 2007-08**

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**PROPOSED BOARD ACTION:**

None. Discussion Item.

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- PRELIMINARY REPORT – UNIVERSITY GOALS OUTCOMES FOR FISCAL YEAR 2007-2008

**FACILITATOR/PRESENTER:**

- MODESTO A. MAIDIQUE

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## BOARD OF TRUSTEES

### University Goals Fiscal Year 2007-2008

## EXECUTIVE SUMMARY

We are focusing our efforts at achieving four overarching objectives:

1. student academic performance,
2. academic and research excellence,
3. local development and
4. financial stability

One goal specifically within each overarching objective will be the main focus of the President's efforts. During FY07-08, the four are as follows:

### 1. **Student Academic Performance: Number of Doctoral degrees**

**Goal:** Increase the number of doctoral degrees to reach 106 in FY07-08. The target goal is to reach 200 by year 2015, the university's 50<sup>th</sup> anniversary.

**Results: Achieved.** Doctoral degrees awarded during FY07-08 totaled 122, surpassing the goal of 106 by 15%.

### 2. **Academic and Research Excellence: Strengthen National Research Ranking**

**Goal:** Increase the number of applications in strategic areas for funding and grow total research expenditures to \$100 million in the next three years.

**Results: Achieved.** Proposals submitted during FY07-08 in environmental, international and health and life sciences increased 14.7%. Expenditures as reported on the National Science Foundation (NSF) Summary exceeded \$100 million through comprehensive reporting of research expenditures. However, actual expenditures did not increase from last year.

3. **Local Development: Increase access to health care for our community by advancing the College of Medicine Initiative**

**Goal:** Obtain Liaison Committee on Medical Education (LCME) preliminary accreditation for College of Medicine and second year planning funds of \$9.7 million.

**Results: Achieved.** The LCME conferred preliminary accreditation at its February 2008 meeting.

**Results: Partially Achieved.** Year 2 planning funds of \$6.3 million were allocated to the College of Medicine by the Legislature based on the original business plan request. The additional \$3.4 million approved by the Board of Governors in their July 2007 meeting and requested as part of the 07-08 Legislative Budget Request was not appropriated by the Legislature due to the overall state budget crisis. However, FIU plans to offset this shortfall through philanthropic donations and monies received from Jackson Health Systems.

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

**Goal:** Achieve advancement funding goal of \$30 million, an increase of 15% from our historically highest level.

**Results: Achieved.** The University raised \$51.9 million in private funding through new cash gifts, pledges and state matches.



## University Goals Fiscal Year 2007-2008

The following report provides a complete list of all goals falling within each of the objectives for FY07-08.

### 1. STUDENT ACADEMIC PERFORMANCE

#### ➤ Increase Degree Production

- **Increase the number of doctoral degrees to reach 106 in FY07-08. The target goal is to reach 200 by year 2015, the university's 50<sup>th</sup> anniversary.**

**Results: Achieved.** Doctoral degrees awarded during FY07-08 totaled 122, surpassing the goal of 106.

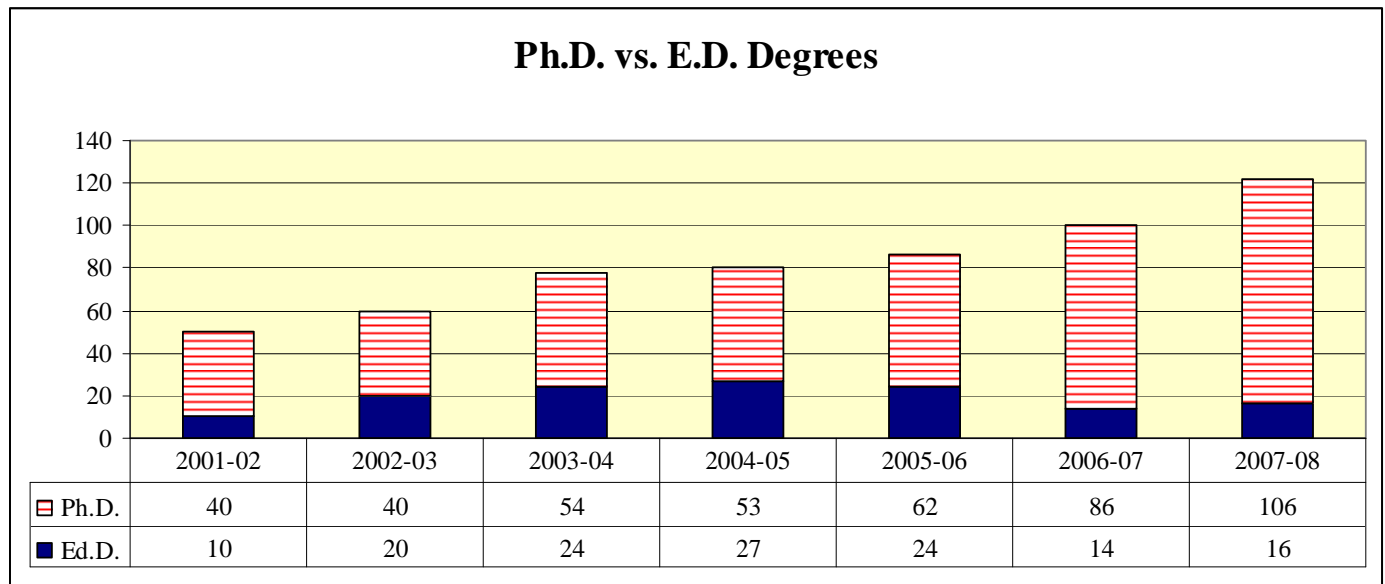
Although FIU surpassed the FY07-08 goal of 106, due to the drastic budget cuts facing the University, the long term target goal of 200 has been adjusted.

The number of doctoral degrees awarded by the University has increased steadily since Academic Year 01-02. [Table 1](#) summarizes the number of doctoral degrees awarded by term from Academic Year 01-02 to Academic Year 07-08. Over the last five year period (AY 02-03 to AY 07-08) the number of doctoral degrees awarded has doubled.

<b>Table 1                      FIU Doctorates Awarded</b>				
<b>Academic Year</b>	<b>Summer</b>	<b>Fall</b>	<b>Spring</b>	<b>Total</b>
2001-02	17	15	18	50
2002-03	18	19	23	60
2003-04	20	26	32	78
2004-05	21	28	31	80
2005-06	27	31	28	86
2006-07	30	32	38	100
2007-08	33	51	38	122

The numbers of doctoral degrees awarded by Academic Year (both Ed.D.'s and Ph.D.'s) are shown in [Figure 1](#). While the number of Ed.D. degrees awarded by the University grew steadily after AY 01-02, peaking in AY 05-06 at 35, the number of Ed.D. degrees awarded in AY 07-08 declined to 16. In contrast, the number of Ph.D. degrees awarded has increased significantly from 40 in AY 01-02 to 106 in AY 07-08.

**Figure 1**



- **Increase retention rate from 86% to 88% for FTIC (First Time in College) students into their second year.**

**Results: Not Achieved.** The university realized an 81.3% first year retention rate of those students who entered the university as full-time students (FTIC) in Fall 2005. This result was below the desired objective of 88%. However, we exceeded the average for comparable SUS research urban universities of 80.5%. It is important to note that FIU has historically exceeded the first year retention rate. From 1999 to 2005, the SUS comparable has averaged 81.1% versus FIU's 86.1%

The result also remained above the national first year retention rates. According to the National Center for Education Statistics, Postsecondary Education Data System (IPEDS) data for Fall 2005, 76.6% of all first year college freshmen who entered a four year institution returned for their second year; 75.4% first year college freshmen who entered a four year institution in the State of Florida returned for their second year.

It is important to note that the university realized a 17.7% increase in FTIC enrollment in Fall 2005 which, in turn, led to 327 more students actually enrolling in year two over those who started in Fall 2004 and returned for their second year (see chart below).

Full-time/FTICs	2004	2005	# Chg	% Chg
First Year	3,381	3,978	597	17.7%
Second Year	2,906	3,233	327	11.3%
Retention Rate	86.0%	81.3%		

- **Review all Ph.D. programs in a five-year period to improve academic quality and financial efficiency.**

**Results: Achieved.** In the late Fall 07, the Research and University Graduate School (RUGS) implemented a schedule of reviewing three Ph.D. programs each semester. RUGS has used graduate school staff and other University resources to assist departments to conduct program reviews to mitigate the burden of specific tasks, given limitations on faculty time, staff, and financial resources. The entire process for each program review should take three to four months.

The University Graduate School has been working with each department to ascertain the financial efficiency of each doctoral program. Input costs in terms of faculty time, graduate student stipends, and related resources such as office and research space will be determined, along with the teaching and external research resources obtained due to the presence of doctoral students.

It is important to note that many significant improvements do not require additional resources, but may be implemented by faculty-initiated changes in current operating procedures. The first cohort of doctoral programs to participate in the self-study process included Chemistry, History, and Public Administration. The second cohort, to be initiated in August 2008, of doctoral programs to participate in program self-studies includes Biology, Nursing, and Psychology.

- **Maintain national ranking in top five for granting baccalaureate degrees to minority students.**

**Results: Achieved.** The university maintained national prominence in granting baccalaureate degrees to minority students. According to the most recent graduation statistics for 2006, *Hispanic Outlook* reported FIU ranked 1<sup>st</sup> in the nation for awarding baccalaureate degrees to Hispanic students and *Diverse: Issues in Higher Education* reported FIU ranked 1<sup>st</sup> in the nation for awarding baccalaureate degrees to minority students.

➤ **Improve Student Retention and Affinity**

- **Enhance residential life by expanding student housing facilities through continuation of a housing demand analysis. Phase II of the housing goal will focus on Biscayne Bay Campus (BBC), which entails completing a Building Program Statement for BBC by the end of Fall 2007.**

**Results: Partially achieved.**

**Building Program Statement (University Park):**

The “Parkview” Building Program Statement (3<sup>rd</sup> draft) was completed in February of 2008 and includes 820 beds, 2000 space parking garage with mixed use space (retail) serving undergraduate, graduate, and interim housing for new faculty. (Main Street Concept)

The Building Program Statement is currently being revised due to new data resulting from a market study. The final programming is in process, design work will begin in September 2008 and first phase construction will be completed by Fall 2011.

**Building Program Statement (Biscayne Bay Campus):**

A Biscayne Bay Housing Committee was charged with the task of producing a five-year outlook for the expansion of student housing at the Biscayne Bay Campus. A third party engineering firm performed a study of the existing Bay Vista housing facility.

The report indicates that the existing facility will require an estimated \$14 million in capital investments in order to address deficiencies and augment amenities. The report recommended the University devise an alternative solution to meet student demand for on-campus housing and make no further investments in the existing building given the age of the building, inadequate design and the overall poor quality of construction.

FIU is solely addressing life safety issues and developing a new housing solution for the Biscayne Bay Campus with a target opening date of Fall 2012.

- **Complete the first phase of the Student Support Complex by opening the FIU Athletics Stadium by first home game.**

**Results: Achieved.** The stadium is on track to host the first home game scheduled for September 20, 2008.

- **Increase alumni participation by 20% through paid membership in the FIU Alumni Association from 9,726 to 11,700 total alumni.**

*Note: This number equals 11% participation, which is the average percent participation of the top four Florida State Universities of dues paying members to total alumni.*

**Results: Achieved.** Alumni participation increased by 34% through paid membership in the FIU Alumni Association from 9,726 to 13,067 total alumni.

The 2007 Council of Alumni Association Executives (CAAE) survey ranked the FIU Alumni Association number one for membership growth over the prior fiscal year. The CAAE survey results are based on data gathered from seventy-six alumni association members representing major universities across the United States. FIU is in good company with associations representing universities such as Michigan, Texas, Ohio State, UCLA and Stanford.

- **Increase athletic department season ticket sales by 40%.**

**Results: Achieved.** Season ticket sales for all sports increased by 77%. The number of season tickets sold in FY07-08 increased to 1476 from 833 sold in FY06-07.

## **2. ACADEMIC & RESEARCH EXCELLENCE**

### **➤ Strengthen National Research Ranking**

- **Increase the number of applications in strategic areas for funding and grow total research expenditures to \$100 million in the next three years.**

**Results: Achieved.** Proposals submitted during FY07-08 in environmental, international, and health and life sciences increased 14.7%. The centers of excellence applications were the main contributors to the increase. Within the strategic areas, environmental drove the results with an almost 200% increase in applications.

Actual research expenditures did not increase from last year. We are continuing to implement the University's plan to provide the new leadership, human resources, and research infrastructure to meet the three-year goal for increasing sponsored research expenditures.

It is important to note that research expenditures as reported on the National Science Foundation (NSF) Summary increased exceeding \$100 million. This increase was due to properly reporting research expenditures. Historically, FIU did not provide a university-wide, comprehensive tally of research expenditures. Surpassing this threshold allowed FIU to qualify with other top Florida research institutions for Differential Tuition.

- **Create two partnerships designed to increase sponsored research applications and grants.**

**Results: Achieved.** We have embarked on developing partnerships designated to increase sponsored research. Initially, we have focused on partnering in the areas of health and engineering. Below is a brief description of the three 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 National Institutes of Health (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 National Science Foundation (NSF) grant for an I/UCRC. The I/UCRC program develops long-term partnerships among industry, academe, and government. The centers are catalyzed by a small investment from the 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 partnership from 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.

Though the university has various other examples, it is critical to highlight the generous donation that led to collaboration with 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.

➤ **Achieve National Ranking Recognition and Improve Academic Infrastructure**

- **Maintain national ranking recognition through 5 programs.**

**Results: Achieved.** The faculty scholarly productivity in five doctoral programs ranked above the national mean in the latest Academic Analytics report. The faculty in the Social Welfare Ph.D. program ranked fourth in the country in measures of scholarly productivity such as papers and books published, external funding obtained, and national awards received. The other programs ranking above the national average were Spanish, Economics, Curriculum and Instruction, Biological Sciences and Psychology. Also the undergraduate program in International Business ranked among the top ten in the country and the Executive MBA program was ranked by the Financial Times of London as 81<sup>st</sup> in 2007 in the world and the highest ranked such program in Florida.

- **Achieve 10 students and faculty members receiving national recognition.**

**Results: Achieved.** FIU continues to make progress in achieving national recognition stemming from the extraordinary work and accomplishments of its faculty and staff. Details of each student and faculty are provided in Addendum A.

- **Complete student occupancy of Graduate School of Business by Spring 2008.**

**Results: Achieved.** User occupancy occurred in November of 2007. Classes were held beginning in January of 2008 followed by the ribbon cutting ceremony on February 9, 2008.

- **Complete occupancy of the Frost Art Museum by Spring 2008.**

**Results: Achieved.** The Temporary Certificate of Occupancy was issued on January 31, 2008 with user occupancy following in February of 2008. The grand opening is scheduled for November of 2008 to coincide with Art Basel.

➤ **Improve Athletics Academic Performance**

- **Achieve overall student-athlete GPA of 2.8, the same level as the general student population.**

**Results: Achieved.** The student-athletes overall GPA for the 2007-2008 academic year was 2.92.

➤ **Improve Faculty Hiring and Retention**

*As an outcome of the Compensation Workgroup Meeting held November 1, 2007, two additional goals were added regarding faculty hiring and retention.*

- **Fill at least 50% of all vacant faculty positions within one year, reaching a fill rate of 80% in 5 years**

**Results: Achieved.** We filled 60% of all vacant faculty positions.

- **Reduce attrition rate for non-tenured, tenure-earning faculty from 19% to 18% this year, reaching 12% in 5 years**

**Results: Achieved.** The initial calculation of the attrition rate done last year looked at just one cohort over five years. That cohort had the reported 19% attrition rate. However, this year we determined it would be better to look at as many years of data as available and to weigh the attrition rates based on the cohort size. When the attrition data for non-tenured, tenure-earning faculty hired in 2001-2006 was recalculated in this more robust approach, the rate dropped from 18.9% to 14.9%. When the attrition data for non-tenured, tenure-earning faculty hired in 2001-2007 were similarly calculated, the attrition rate further decreased to 14.4%. The 12% target in 5 years remains in place and the data presented this year show that we are improving toward that target. The university has been very aggressive in making counter offers to faculty considering joining the talent exodus from Florida resulting from the severe underfunding of higher education in the state.



### 3. LOCAL DEVELOPMENT

➤ **Increase access to health care for our community by advancing the College of Medicine Initiative**

- **Obtain Liaison Committee on Medical Education (LCME) preliminary accreditation for College of Medicine.**

**Results: Achieved.** The LCME conferred preliminary accreditation at its February 2008 meeting.

- **Obtain additional recurring funds of \$9.7 million for year 2 of Planning Phase.**

**Results: Partially Achieved.** Year 2 planning funds of \$6.3 million were allocated to the College of Medicine by the legislature based on the original business plan request. The additional \$3.4 million approved by the Board of Governors in their July 2007 meeting and requested as part of the 07-08 Legislative Budget Request was not appropriated by the Legislature due to the overall budget crisis. However, FIU will make up for this shortfall through philanthropic donations and monies received from health care provider partnerships.

- **Conclude at least two partnership agreements with local community health care providers (public and private).**

**Results: Achieved.** Affiliation agreements were concluded with the following four community providers:

1. Mt Sinai Medical Center
2. Mercy Hospital
3. Miami Children's Hospital with funded endowed Chair
4. Leon Medical Center with funded endowed Center and Chair

- **Obtain approval of and implement the Faculty Practice Plan.**

**Results: Partially Achieved.** The Bylaws and Articles of Incorporation of the FIU College of Medicine Health Care Network Faculty Group Practice were approved by the Board of Trustees at the November 2007 Board Meeting. The state statute on medical license which was revised to include FIU medical faculty was approved by the Legislature in April 2008 and signed by the Governor on May 2008. An initial board meeting of the FIU College of Medicine Health Care Network took place during FY07-08. A business plan is in development for presentation to the Board of Trustees in FY08-09.

➤ **Expand community presence**

- **Develop and launch a comprehensive, qualitative research study among several constituencies to measure current perceptions, specifically through quarterly surveys and attitude studies.**

**Results: Partially Achieved.** With augmented funding secured from the FIU Foundation in September of 2007, the University launched and completed a comprehensive constituent research study to measure perception. A recognized national leader in brand marketing for colleges and universities was selected to conduct the research project. A full report of research criteria, findings and recommendations will be presented in September 2008.

- **Develop and launch a clarified FIU brand. Leverage existing communications in expanding awareness about FIU, specifically:**
  - a. **Use the results of an internal brand survey to develop a brand message for approval and acceptance.**
  - b. **Develop creative tools necessary to support, educate and reinforce correct and consistent use of the FIU brand. The tools will include a style guide, brand manual, templates and policies regarding usage.**
  - c. **Develop a plan for the supporting creative internal and external rollout of the FIU brand.**

**Results: Partially Achieved.** As described above, the survey results are pending. However, in the meantime, FIU expanded the Best in Class campaign featuring profiles in excellence among our faculty, students, student athletes, alumni and donors. Full page advertisements in the Miami Herald, video interviews on YouTube and integration of these themes into our admissions publications and annual fund campaigns have contributed to an increased awareness of and perception of quality for FIU.

FIU has branded buses traveling between the University Park and Biscayne Bay Campuses with full color wraps featuring images of Health Sciences, faculty, students and athletics.

A major environmental graphics campaign featuring the College of Medicine and the new class of 2009 was created and implemented with location on the corner of SW 8<sup>th</sup> Street and 107<sup>th</sup> Avenue.

A new logo has been developed and launched for both the institution and athletics. A comprehensive style guide containing all artwork and protocol necessary to ensure consistent and correct use of the logos will be activated on-line September 1, 2008.

A complete inventory of primary and secondary logos for Colleges, Schools, Center, Institutes, Museums and administrative units has been developed and is currently in use.

## 4. FINANCIAL STABILITY

### ➤ Increase Fiscal Self-Sufficiency

- **Achieve advancement funding goal of \$30 million, an increase of 15% from our historically highest level.**

**Results: Achieved.** The University raised \$51.9 million in private funding through new cash gifts, pledges and state matches. Amongst the many gifts received, it is important to highlight three critical contributions:

- The Leon family presented a \$20 million gift, including state match, to establish the Benjamin Leon, Jr. and Family Center for Geriatric Research and Education, as well as the Leon Medical Centers Eminent Scholars Chair in Geriatrics in the College of Medicine.
- North Dade Medical Foundation presented a \$10 million gift, including state match, to provide scholarships for the College of Medicine.
- The Board of Carnival Corporation approved a gift of \$1.6 million, including state match, to construct the Carnival Student Center and provide student scholarships and support.

Additionally, we have been able to collect \$23.1 million in cash this fiscal year which is an increase of 38% over the prior fiscal year (FY06-07, \$16.7 million was received).

- **Maintain auxiliary revenue in excess of \$100 million.**

**Results: Achieved.** Auxiliary revenue for FY07-08 was \$111.5 million. Housing, the South Beach Food and Wine Festival and College of Business Programs demonstrated strong revenue increases.

- **With Congressional support, obtain federal funding of at least \$7 million in congressional funding and Office of Government Relations-assisted federal grants, including support for hurricane research.**

**Results: Achieved.** FIU obtained \$9.6 million total. The major sources are:

- \$4.5 million for Federal Relations assisted grant projects.
- \$2.4 million from the Army for the Western Hemisphere Exchange
- \$2.0 million from USAF for Bio/Nano

- **Increase Average Indirect Cost from contracts and grants by 10%, from 20.8% to 22.9% of total awards by FY07-08 and renegotiate the federal rate from the current 40% to 45%.**

**Results: Partially Achieved.** FIU was successful in obtaining a federal indirect cost rate that gradually increases 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. With the increases in research space for externally funded programs, and the gradual increases allowed in negotiations, we expect the rate to continue to grow.

The average indirect cost for all awards during 2006-2007 was 19%, not 20% as previously reported. However, the average indirect cost for all awards during FY07-08 was 18%, thus the goal was not met. It is important to understand that the appropriate average level of overhead return should be at one-half of our negotiated rate. Thus, if our negotiated rate were 40%, then an appropriate level would be greater than or equal to 20%.

➤ **Increase Revenue**

- **Increase the classroom utilization rate to at least the State University System average of 54% for FY07-08.**

**Results: Achieved.** Most universities showed significant increases in their space utilization numbers from Spring 2005, when the average utilization rate was the above noted 54%, to Spring 2007 when the average utilization rate increased to 62%. This was accomplished primarily through the same means FIU used to increase its utilization rate: reviewing the total classroom space inventory and updating it to remove spaces that were no longer general assignable classrooms from that inventory.

FIU met the goal even though the State University System average increased. FIU achieved a 66% utilization rate for Spring 2008. This exceeds the latest data (Spring 2008) for the system average of 62%. The change in the academic schedule (M/W/F and T/Th) also contributed to the enhanced utilization rate.

- **Modify differential tuition statute to allow university to strengthen academic quality, unless statute is rendered moot by court ruling.**

**Results: Achieved.** In June of 2008, Governor Crist signed a bill which allows Universities that exceeded \$100M in research expenditures, as defined by the National Science Foundation, to charge differential tuition. Currently, only five of the eleven State University System institutions are eligible. This bill allows FIU to raise tuition by a maximum of 15 percent a year until such time as the FIU tuition is 30% greater than baseline Legislature/BOG approved undergraduate residential tuition. The tuition differential fee will be implemented for FTIC, transfers and readmits beginning Fall 08.

- **Complete a plan with Budget Stabilization Task Force including Centers and Institutes and Best Practices of operational efficiencies.**

**Results: Achieved.**

**Budget Reduction Plan**

To bridge an estimated \$43.8 million gap by 2011, \$32.1 million this year alone, we developed a multi-year, multifaceted plan that will allow FIU to transition into a stronger, more focused institution.

This Plan was developed by the university administration along with the Budget Stabilization Task Force and with recommendations from all levels of the organization, including faculty, deans, students and employees.

FIU's three year plan takes into consideration budget cut expectations, basic maintenance, mandatory compliance issues, and market and contractual annual increases that are not funded by the state. We also considered the minimum critical investments we need in strategic areas such as graduate education, undergraduate advising, safety and security, and faculty and staff retention. After taking all of these elements into consideration, the total funding gap at the end of the three years was \$43.8 million.

The funding gap is mitigated by tuition increases, new revenue generating initiatives, one-time reserve dollars, and efficiencies employed in academic and non-academic university operations. Within departmental plans, gaining operational efficiencies accounts for over 55% of the savings. The majority of these savings was identified and modeled from existing best practice assessments. We continue to work persistently with other academic institutions and vendors to understand additional areas where savings can be gained.

Further details regarding the Three Year Plan process and savings can be found in Addendum B.

**Centers & Institutes:**

Given the parameters set by FIU's Centers & Institutes policy, all Centers & Institutes were evaluated under the following criteria:

- Alignment to University's mission, priorities, and strategic themes
- Faculty scholarly productivity
- Faculty contract and grant activity
- Support of graduate students
- Return on investment
- Interdisciplinary activities
- Critical mass

Based on this evaluation, the University developed a plan under which different centers and institutes will either be closed, given an

opportunity to develop alternative funding sources, or merged. This Plan is expected to generate approximately \$1.1 million savings in E&G funds over the next three years.

## GENERAL MANAGEMENT

### ➤ Fill Leadership positions

- **Fill Vice President for Advancement, Vice President for Human Resources, University Treasurer, Dean of the College of Arts and Sciences, Dean appointment of the College of Engineering and Computing (Interim), Dean of Hospitality Management, Dean of the Stempel School of Public Health, Vice Provost of FIU Online.**

**Result: Partially Achieved.** FIU did an excellent job of filling critical vacant positions with highly qualified individuals. The most significant disappointment was the delay in permanently filling the Vice President for Advancement.

#### **Vice President for Advancement – In-process.**

Interim Vice President Sandra Gonzalez-Levy hired Phoenix Philanthropy Group as a consultant to provide strategic and operational support to Advancement while a thoughtful and deliberate search for the permanent Vice President was undertaken.

The Search and Screen Committee, supported by an executive search firm, hosted four candidates at FIU for preliminary interviews. Of the four candidates, three were selected for final round interviews. These interviews will be completed in September.

**Vice President for Human Resources – Filled.** Dr. Jaffus Hardrick joined FIU in April 2008 from Baylor University where he spent the last twelve years working across key areas including human resources, academic affairs, student life, enrollment management, and multicultural affairs. He most recently served as Assistant Vice president for Human Resources and Assistant Vice Provost managing the university's human resources functions for more than 3,000 faculty and staff. Dr. Hardrick holds a B.A. in Sociology from the University of Southwestern Louisiana, a M.Ed. in Education in Counseling from Prairie View A&M University and an Ed.D. in Education Administration from Baylor University.

#### **University Treasurer – Filled.**

John Miller replaced Alex Zyne as University Treasurer. His financial experience includes corporate and municipal finance, employee benefits, and insurance as well as investment portfolio management. For over 15 years, Mr. Miller served as Vice President and Treasurer for two prominent non-profit health care organizations, Baylor Health Care System and MedStar Health. Earning his undergraduate degree in business at the University of Virginia, Mr. Miller also has notable

business experience in a variety of positions in banking, pharmaceuticals and insurance fields.

**Dean of the College of Arts and Sciences – Filled.** Dr. Kenneth Furton, chemistry professor and forensics expert, was appointed dean of FIU's College of Arts and Sciences after serving as associate dean at the college for the past six years. Dr. Furton, who joined the FIU faculty in 1988, has directed the research of more than 100 undergraduate and graduate students, is the author or co-author of more than 100 peer-reviewed publications, has received more than \$3.5 million in external research support and was founding director of FIU's International Forensic Research Institute. With a B.S. in Forensic Science from the University of Central Florida and a Ph.D. in Analytical Chemistry from Wayne State University, Dr. Furton has also completed post-doctoral studies at the University of Wales, Swansea, U.K. where he was a Lecturer and Senior Research Associate.

**Interim Dean appointment of the College of Engineering and Computing – Filled Temporarily with Interim Dean.** Dr. Amir Mirmiran, Professor and Chair, Department of Civil and Environmental Engineering, received his M.S. and Ph.D. degrees in Civil Engineering from the University of Maryland. Prior to his appointment at FIU, he held academic appointments at the University of Central Florida, the University of Cincinnati, and North Carolina State University. Dr. Mirmiran holds two patents on innovative composite construction systems and his research is currently sponsored by the National Science Foundation, the National Cooperative Highway Research Program of the Transportation Research Board of the National Academies, and the Florida Department of Transportation.

**Dean of Hospitality Management – Deferred.** Dean Joe West was scheduled to resign as dean effective August 1, 2008. However, the Search Committee named to fill his position was unable to successfully identify and recruit a suitable candidate. As a result, Dean West graciously agreed to remain as Dean for FY08-09 while FIU attempts to find a capable replacement.

**Dean of the Stempel School of Public Health – Filled.** Dr. Fernando Trevino, a leader in public health education for more than 30 years, succeeds interim dean Michele Ciccazzo. Most recently serving as Chancellor of Southern Illinois University, Dr. Trevino was Professor and Founding Dean of the School of Public Health at the University of North Texas Health Science Center at Fort Worth from 1999 to 2007. During that time, he also served as Director of the Texas Institute for Hispanic Health in the School of Public Health and as Director of the school's Institute for Public Health Research.

Dr. Trevino holds a Ph.D. in preventive medicine and community health from the University of Texas Medical Branch, a Master's in



Public Health in Health Services Administration from the University of Texas School of Public Health and a Bachelor's degree in Psychology from the University of Houston.

**Vice Provost of FIU Online – Filled.** Executive Dean Joyce Elam of the College of Business was appointed permanently as Vice Provost of FIU Online in 2006.

➤ **Strengthen Compliance**

- **Maintain and strengthen the institutional compliance program to provide education and training regarding the ethical obligations of university employees under the State of Florida Code of Ethics for Public Officers and Employees.**

**Results: Achieved.** The University Compliance Office and the Office of the General Counsel held numerous sessions with key constituents throughout the University regarding the ethical obligations of University employees under the State of Florida Code of Ethics for Public Officers and Employees. In addition, the University Compliance Office and the Office of Sponsored Research Administration held several presentations on the University's obligations under the federal export laws and regulations.

Similarly, compliance education was offered throughout FY07-08 during orientation to new employees and to those employees who are transitioning from temporary to regular full- or part-time employment. Working in close collaboration with Organizational Development and Learning, compliance education was expanded during the 2008 Spring Term to include more specific education under the Code of Ethics for Public Officers and Employees, information security and privacy, and student education records confidentiality. The numbers of sessions offered during orientation totaled 59 for 552 participants.

- **Implement a “compliance helpline” that will allow the university community to report, on an anonymous basis, instances of known or suspected non-compliance with applicable law or university policy.**

**Results: Partially Achieved.** The Ethics and Compliance helpline to be offered through EthicsPoint is ready for launch. 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 launch of this new service is pending final approval.

- **Ensure the university's compliance with all applicable NCAA bylaws, rules and regulations in all intercollegiate athletics programs by:**
  - a. **Hiring three new athletics compliance positions, to strengthen all aspects of the athletics compliance program.**

**Results: Achieved.** The Athletics Compliance office is fully staffed with four individuals. The current delineation of duties for the athletics compliance staff positions the University to continue to make great strides toward ensuring institutional control.

- b. **Developing all policies, procedures, timelines, and assignments of responsibilities for all components of the athletics compliance program, such as recruiting, eligibility, and financial aid.**

**Results: Achieved.** A manual has been drafted which contains all policies and procedures needed for all of the University's athletics compliance systems and processes.

In addition, working with the Registrar's Office, Financial Aid and Student Athlete Academic Center (SACC), two documents were created, which set forth the purpose of the compliance system (i.e., what it is intended to accomplish), the relevant NCAA regulations, the persons with primary responsibility, the persons with back-up responsibility and the timeline for each process.

- c. **Conducting extensive training to all relevant university staff and athletes on all aspects of NCAA regulations.**

**Results: Ongoing.** There have been numerous training sessions for various University units and staff on all athletics compliance systems and the application of NCAA legislation. Units receiving training have been Council of Associate & Assistant Deans, SAAC, Coaches, Registrar, Financial Aid and Athletics Compliance Staff. Training will continue on an ongoing basis.

➤ **Achieve the employment equity program goals and demonstrate progress on the accountability measures**

**Result: Partially Achieved.** The employment equity program goals were presented and approved at the Board of Trustees' meeting in June 2008. For reference, an Executive Summary of the Florida Educational Equity Act Report is provided in Addendum C.

The Board of Governors is required to report annually on specific measures of accountability. The seven accountability measures stem from the strategic goals identified by the Board. The Board of Governors Accountability Report is based on data submitted by each of the eleven Florida state universities. The accountability measures overlap with goals referenced in the Florida Educational Equity Act Report and within this report. The seven accountability measures are:

- 1) Graduation rates;
- 2) Degrees awarded;
- 3) Degree production in targeted areas;
- 4) Degrees awarded to minorities;
- 5) Licensure and certification exam pass rates;
- 6) Academic learning compacts; and
- 7) Building world-class academic research programs

## ADDENDUM A

### **Student and Faculty National Recognition**

#### **Students:**

- **Diana Beltran**, Sole undergraduate student to present at the 12<sup>th</sup> Annual National Graduate Education and Graduate Student Research Conference, Houston.
- **Marlon Bright**, Received one of 19 internships to study the Summer of 2008 at the Barcelona Supercomputing Center through Partnerships for International Research and Education (PIRE).
- **Jerzy Brodzikowski, Adel El-Sayed, Carlos Ojeda**, presented papers at the 5<sup>th</sup> International Conference on Education, Honolulu, Hawaii.
- **Lourdes Cortizo**, Received one of 60 Phi Kappa Phi scholarships awarded nationally. Will be attending University of Maryland School of Law.
- **Alexander Cumana**, History Major, Nominee for Truman Scholar, 2008; Internship in Washington, D.C. with Director of Federal Relations Susan Moya and United States House of Representatives Congresswoman Debbie Wasserman-Schultz.
- **Alex Diaz-Ferguson, Jerry Gomez, Amanda Lachs, Diana Medina, Rocio Perez, Katrina Rodriguez, Crystal Sepulveda**, presented papers at the 2007 National Collegiate Honors Council Conference (NCHC).
- **Adam Johnson**, Jack D. Gordon, National Security Scholarship recipient in Beijing, China Summer, 2008
- **David Rodriguez**, International Relations Major, Rangel Master's Fellowship 2008
- **Rocio Perez**, Receipt of \$54,000 scholarship from Duke Law School. Also selected for but declined Pickering and Rangel Scholarship interviews.

#### **Faculty:**

- **CRUSADA** (Center for Research on U.S. Latinos HIV/AIDS and Drug Abuse) received \$6.5M grant from the National Center on Minority Health and Health Disparities
- **Jacob Gewirtz**, Professor – Psychology, was elected as a Fellow of the Association for Behavioral Analysis International, for outstanding contributions to the field of Behavioral Analysis.
- **Dr. Stephen P. Leatherman**, Chair Professor and Director - International Hurricane Research Center & Laboratory for Coastal Research testified June 26, 2008 before the U.S. House Committee on Science and Technology in support of H.R. 2407, NATIONAL

HURRICANE RESEARCH INITIATIVE ACT, a bill to establish the National Hurricane Research Initiative, to improve hurricane preparedness.

- **David Lee**, Professor – Biology, received the 2007 Best of Biology and Life Sciences Award from the Association of American Publishers for his new book, *Nature's Palette: the Science of Plant Color*, published by the University of Chicago Press.
- **Robert Lickliter**, Professor – Psychology, was elected a Fellow of the American Psychological Association, Division 6 (Behavioral Neuroscience and Comparative Psychology).
- **Bruce McCord**, Associate Professor – Chemistry, received the Paul Kirk Award from the AAFS (American Association of Forensic Science), a top scientific award in the field of forensic Science.
- **Robert Moses**, Eminent Scholar – Center for Urban Education and Innovation. One of six national panelists to testify at the U.S. Senate Judiciary committee hearing, Wednesday, September 5, 2007, convened to examine the 50th anniversary of the Civil Right's Act of 1957 and its continuing importance.
- **Madhaven Nair**, Professor – College of Medicine, received the NIH Merit Award
- **Hugh Willoughby**, Distinguished Research Professor – Earth Sciences became a Fellow of the American Association for the Advancement of Science.
- **Stanislaw Wnuk**, Associate Professor – Chemistry, received an educational award from the President of the Polish Republic.
- **Jiandi Zhang**, Professor – Physics. Revealed an inherent Mott Metal-to-Insulator Transition in the October 2007 issue of SCIENCE.

## **ADDENDUM B**

### **Three Year Budget Reduction Plan**

The Academic Affairs Budget Reduction Plan of \$26.5 million is the result of an exhaustive process that looked at how each academic unit was serving our community, educating students and how it aligned with the university's research mission. To achieve the required savings, the units looked into ways to generate incremental revenue, shift to other funding sources, lower operational costs, make changes to the curriculum, and close degree programs. A program evaluation matrix was developed to support the Deans in their evaluation of their degree programs; this matrix included a contribution margin analysis by degree program. As a result of this evaluation, twenty-five degree programs, as approved by the Board of Trustees at the June 12, 2008 meeting, will be closed over the next three years.

The non-academic area of the university developed a plan to reduce \$9.2 million over the next three years. Four main strategies were employed to reduce this portion of our budget: lower operational costs, create new business models, shift to other funding sources, and consolidate and restructure operations. Our operational team developed initiatives to save energy and other infrastructure costs by, for example, installing motion sensors, implementing a 4-day/10-hour work week for part of this summer, reducing the size of our fleet of vehicles, and moving from liquid propane to natural gas. The University will be changing the way some bills are paid to generate revenue and will be shifting or aligning expenses to the appropriate funding sources, such as implementing a Construction Services Reimbursement to pay for all construction related personnel. In addition, we will reduce or eliminate some less-essential operations and develop business models for self-sufficient service operations, such as vehicle services, photography and media services.

## ADDENDUM C

### Executive Summary of the Florida Educational Equity Act Report

#### **PART I. Executive Summary and/or Description of Plan Development.**

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**PURPOSE:** Ensure equity for women and minorities in student participation, athletics and employment at the University in accordance with Florida Statutes. The Annual Equity Act Report requires progress updates in three areas: Enrollment, Gender Equity in Athletics, and Employment.

#### **PART II. POLICIES AND PROCEDURES**

There were no new EEO related policies implemented.

#### **PART III. ACADEMIC PROGRAM REVIEW**

Florida Statute 1000.05: Prohibits discrimination on the basis of race, ethnicity, national origin, gender, disability, or marital status against a student or an employee in the state system of public K-20.

#### **UNDERGRADUATE PARTICIPATION**

##### **GOAL - Enrollment**

FIU will initially seek to move within the 80% margin of the IPEDS benchmark for Asian/Pacific Islander enrollment by increasing A/PI enrollment by 1.8%.

##### **RESULTS**

Asian/Pacific Islanders at 4.1% fall below 80% of the SUS 5.6%. Hence, this continues to be a target for intervention.

GROUP	FALL 2006% OF TOTAL FTIC*	FALL 2007% OF TOTAL FTIC* GOAL	FALL 2007% OF TOTAL FTIC* ACTUAL	Point Difference
Asian/Pacific Islander	4.7%	6.5%	4.1%	1.8%

\*FTIC = First-Time-In-College

##### **GOAL – Retention**

No improvement goals are set to target specific ethnic groups; however, FIU's newly-initiated tracking and communication program (GradXpress) is expected to increase retention and graduation rates for all ethnicities over the next five years.

## RESULTS

Even though no targeted interventions are required, an extensive data analysis will be conducted on the 139 Black students who did not re-enroll for fall 2007 in order to determine reasons for this 31% attrition from the institution.

GROUP	FALL 2006* (2005 Entrants)	FALL 2007* (2006 Entrants)	Percent Change
Asian/Pacific Islander	96.6%	84.3%	-12.3%
Black	78.0%	68.8%	-9.2%
Hispanic	88.1%	84.0%	-4.1%
Native American	100.0%	100.0%	NC
White	71.4%	72.4%	1.0%

\*Undergraduate First Year Retention Rates

## GOAL - Graduation

Asian/Pacific Islander rates will increase from 48.4% to 49.8% to bring it to the 80% margin.

## RESULTS

IPEDS' most recently published report on national graduation rates shows a 54.1% six-year graduation rate for public Title IV institutions as compared to FIU's 48.8%, placing FIU within *90% of the benchmark*. FIU fell short of reaching the Asian/Pacific Islander goal of 49.8% by .8%

However, all ethnic groups fall within the 80% margin of IPEDS. The Black student rate is 42.3% compared to a 45.3% benchmark, Hispanic is 49.8% compared to a 56% benchmark, and Asian/Pacific Islander is 49% compared to a national rate of 61.3%.

GROUP	Fulltime FTIC Students* Fall 2000 (Entrants)	Fulltime FTIC Students* Fall 2001 (Entrants) GOAL	Fulltime FTIC Students* Fall 2001 (Entrants) ACTUAL	Percent Change
Asian/Pacific Islander	48.4%	49.8%	49.0%	-.8%

\*Undergraduate Six-Year Graduation Rates

## GRADUATE PARTICIPATION

### GOAL - Enrollment

We expect that the minority components of our graduating masters and doctoral candidates should reflect the available pool of minority holders of baccalaureate degrees.



This seems to be the case for African American students. None-the-less, we would like to increase these numbers by 2% per year to help correct for historical underrepresentation. Hispanic students represent 9.2% fewer students at the master's degree level and 32.8% fewer students at the doctoral level than would be expected. We intend to increase these numbers by more intensive recruiting. Our expectations would be to raise both of these numbers by 3.0% per year for the next several years.

## RESULTS

FIU's total graduate enrollment increased from 5902 in the fall of 2006 to 6407 in the fall of 2007 where we have considered both full and part time students. This represents an increase of 8.5%. However, the percentage of African American students relative to the total number of enrolled graduate students decreased by .2%. The percentage of Hispanic students relative to the total graduate enrollment fell from 42.1% to 41.2%.

African American enrollment increased by 52 students from fall 2006 to fall 2007 this represents an increase over last year's numbers of 6.5%. For the same time interval the number of Hispanic students entering FIU's graduate programs increased by 155 students, an increase of 6.2%.

GROUP	FALL 2006	FALL 2007	Percent Change
<b>Black</b>	13.5%	13.3%	-.2%
<b>Hispanic</b>	42.1%	41.2%	-.9%

## GOAL - Completion

Increase the **completion** rates for underrepresented groups, Black and Hispanic students.

## RESULTS

The goal was achieved. Additionally, the rate for Other Minorities and Females increased as well.

GROUP	% of Total Graduates for 05-06 AY*	% of Total Graduates for 06-07 AY*	Percent Change
<b>Black</b>	10.5%	13.6%	3.1%
<b>Hispanic</b>	41.1%	41.4%	.3%
<b>Other Minority</b>	4.1%	4.5%	.4%
<b>Female</b>	56.2%	60.5%	4.3%

\*AY = Academic Year

## PART IV. GENDER EQUITY IN ATHLETICS

Florida Statute 1006.71: Ensure gender equity in intercollegiate athletics.

## GOAL – Participation Rate vs. Enrollment Rate

Decrease the gap between the female athlete participation rate and female student enrollment rate.

## RESULTS

In order for the program to be compliant, the gap between the percentage of female athletes and enrolled female students should not exceed 5%. The gap widened by 3.6% over last year to -17.6%. Despite enduring efforts to expand participation opportunities for females by establishing new women's sports programs (such as softball in 1998 and swimming/diving in 2003 and fully funding scholarships as examples), the department continues to have lower participation rates of females as compared to males.

Women Athletes	2005-06 AY*	2006-07 AY*	2007-08 AY*
% of Enrollment*	56.78%	56.90%	56.5%
% of Participation	42.25%	42.90%	38.9%
Gap Variance	-14.53%	-14.00%	-17.6%

\*Source: Student Data Course File (OPIE)

Direct causes of the numbers disparity was the timeframe for hiring 4 new women's sport head coaches for the 2007-2008 academic year. The recruitment and hiring processes did not allow sufficient time for recruiting of scholarship and walk-on student-athletes. The coaching staff is cognizant of the participation numbers goals and will assuredly increase the female participants for the 2008-2009 year. In addition the department self imposed scholarship penalties for the 2007-2008 year in response to our internal investigation of NCAA eligibility and financial aid violations which significantly effected the ability for women's soccer and swimming and volleyball and golf to achieve their participation goals. Next year although we will still experience scholarship penalties it will be to a lesser degree. Though challenging, the department will continue to strive to increase our female walk-on numbers for the 2008-2009 year.

## PART V. EMPLOYMENT

Florida Statute 1012.95 (3) (b): Provides the university boards of trustees shall annually evaluate the performance of the university presidents in achieving the annual equity goals and objectives. A summary of the results of such evaluations shall be included as part of the annual equity progress report submitted by the university boards of trustees to the Legislature and the State Board of Education.

## GOAL

Fill Leadership Positions for Vice President for Advancement, Vice President for Human Resources, Treasurer, Dean of the College of Arts & Sciences, Interim Dean of the College of Engineering & Computing, Dean of Hospitality Management, and Dean of the Stempel School of Public Health.

## RESULTS

Filled: Vice President for Human Resources, Treasurer, Dean of the College of Arts & Sciences, Interim Dean of the College of Engineering & Computing, and Vice Provost of FIU Online.

Unfilled: Vice President for Advancement and Dean of the Stempel School of Public Health\*.

Justification for Unfilled Positions: Vice President for Advancement – new search committee has been convened Dean of the Stempel School of Public Health – letter of offer has been sent to candidate

**\*Note:** The Dean of the Stempel School of Public Health was filled subsequent to presentation of the Florida Educational Equity Act Report.

## GOAL

Achieve the employment equity program goals and the accountability goals of hiring 8 female and minority faculty within specific academic disciplines: Computer Science, Modern Languages, Journalism, Mathematics, History, Economics, and International Relations

Table B: 2007-2008 Equity Accountability Plan Goals

Job Group #	Discipline	Rank	Race	Gender	Goal
25	Computer Science	01, 02		Female	1
28	Modern Languages	03, 04		Female	2
28	Journalism	02, 03		Female	1
31	Mathematics	02, 03		Female	1
34	History	02, 03		Female	1
34	Economics	02, 03	Asian		1
34	International Relations	02, 03	Asian	Female	1
Total			2	6	8

Source: 06-07 Equity Accountability Plan

## RESULTS

According to Table C, 5 of the 8 goals were achieved; 4 Females and 2 Asians (1 female, 1 male) were hired or promoted.

There were no hires in Modern Languages and Journalism, the two areas where the goals were not met.

Table C: 2007-2008 Equity Accountability Plan Outcomes

Job Group #	Discipline	Rank	Race	Gender	Results
25	Computer Science	02		Female	1
28	Modern Languages	03, 04		Female	0
28	Journalism	02, 03		Female	0
31	Mathematics	03		Female	1
34	History	03		Female	1
34	Economics	03	Asian	Male	1
34	International Relations	03	Asian	Female	1
Total			2		5

Source: 2007-08 FIU Affirmative Action Plan

Additionally, according to Table D, a total of 88 females and 82 minorities were hired or promoted, into positions covered by the Equity Accountability Plan, far exceeding the projected goal of 8.

Table D: 2007-2008 Overall Hires/Promotions of Females and Minorities in EAP Positions

All Groups	New Hires		Promotions	
	Female	Minorities	Females	Minorities
Total	83	73	5	9

The University continues to be successful in its overall strategy to enhance diversity within the upper-level administrative and faculty ranks of the University. Additional effort and attention will be devoted to making an impact on the targeted under represented groups in identified disciplines. Recruitment Strategies will include:

Advertising with professional associations and organizations, utilizing Executive Search/Recruitment firms, enhancing total compensation packages offered by the University, developing career-pathing programs, and establishing Community-based partnerships and internships.

## **PART VI. AREAS OF IMPROVEMENT/ACHIEVEMENT**

Goals were achieved in five of the ten projected areas. Work will continue in the areas where we were not successful.

## **PART VII. PROTECTED-CLASS REPRESENTATION IN THE TENURE PROCES**

Overall, all protected groups did quite well in the tenure process.

## **PART VIII. PROMOTION AND TENURE COMMITTEE COMPOSITION**

Females and minorities are represented on all promotion and tenure committees.

## **PART IX. OTHER REQUIREMENTS**

The Budgetary Incentive Plan, the President's Evaluation, and the evaluation of top administration demonstrate the University's continuing commitment to equity.

## **DESCRIPTION OF PLAN DEVELOPMENT**

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The process of preparing the report involved a number of offices and the utilization of various data sources. See following table:

<b>PART</b>	<b>REPORTING AREA</b>	<b>RESPONSIBLE AREA</b>
PART I	Executive Summary	Equal Opportunity Programs
PART II	Policies And Procedures In Support of Equity	Equal Opportunity Programs
PART III	Academic Program Reviews	Institutional Planning and Effectiveness, Student Affairs, Enrollment Support, University Graduate School
PART IV	Gender Equity In Athletics	General Counsel (Resolution), Intercollegiate Athletics
PART V	Employment Representation	Institutional Planning and Effectiveness, Provost
PART VI	Areas Of Improvement And Achievement	Provost
PART VII	Protected-Class Representation In The Tenure Process, 2006-2007	Academic Budget Office
PART VIII	Promotion And Tenure Committee Composition, AY 2006-2007	Academic Budget Office
PART IX	Other Requirements	Equal Opportunity Programs

**Data Sources:** Florida BOG files, Student Data Course File, Affirmative Action Plan, Prior Year's Equity Report, Tenure and Promotion Reports, Athletic Reports, Various Integrated Postsecondary Education Data system (IPEDS) reports.

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

**12 SEPTEMBER 2008**

**SUBJECT: COMMITTEE & WORKGROUP REPORTS**

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**PROPOSED BOARD ACTION:**

None. Discussion Items.

**COMMITTEES**

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

**WORKGROUP REPORTS**

- EXTERNAL RELATIONS WORKGROUP  
*CO-CHAIR MIRIAM LÓPEZ*
- ATHLETICS WORKGROUP  
*CHAIR ALBERT DOTSON*

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**EXHIBITS/SUPPORTING DOCUMENTS:**

- NONE

**FACILITATOR/PRESENTER:**

- KIRK LANDON
- PATRICIA FROST
- MIRIAM LÓPEZ
- ALBERT DOTSON

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